

Xerox

109TH CONGRESS <i>1st Session</i>	}	HOUSE OF REPRESENTATIVES	REPORT 109-___
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MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES

NOVEMBER __, 2005.—Ordered to be printed

Mr. _____, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3058]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3058) "making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

GPO: Set all ital through page 186

1 DIVISION A—TRANSPORTATION, TREASURY,
2 THE JUDICIARY, HOUSING AND URBAN DE-
3 VELOPMENT, AND RELATED AGENCIES AP-
4 PROPRIATIONS ACT, 2006

(INDEPENDENT)

5 That the following sums are appropriated, out of any
6 money in the Treasury not otherwise appropriated, for the
7 Departments of Transportation, Treasury, the Judiciary,
8 and Housing and Urban Development, and related agen-
9 cies for the fiscal year ending September 30, 2006, and
10 for other purposes, namely:

(Independent)

11 TITLE I

12 DEPARTMENT OF TRANSPORTATION

13 OFFICE OF THE SECRETARY

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the Secretary,
16 \$84,900,000, of which not to exceed \$2,198,000 shall be
17 available for the immediate Office of the Secretary; not
18 to exceed \$698,000 shall be available for the immediate
19 Office of the Deputy Secretary; not to exceed \$15,183,000
20 shall be available for the Office of the General Counsel;
21 not to exceed \$11,650,000 shall be available for the Office
22 of the Under Secretary of Transportation for Policy; not
23 to exceed \$8,485,000 shall be available for the Office of
24 the Assistant Secretary for Budget and Programs; not to
25 exceed \$2,293,000 shall be available for the Office of the

1 Assistant Secretary for Governmental Affairs; not to ex-
2 ceed \$22,031,000 shall be available for the Office of the
3 Assistant Secretary for Administration; not to exceed
4 \$1,910,000 shall be available for the Office of Public Af-
5 fairs; not to exceed \$1,442,000 shall be available for the
6 Office of the Executive Secretariat; not to exceed
7 \$697,000 shall be available for the Board of Contract Ap-
8 peals; not to exceed \$1,265,000 shall be available for the
9 Office of Small and Disadvantaged Business Utilization;
10 not to exceed \$2,033,000 for the Office of Intelligence and
11 Security; not to exceed \$11,895,000 shall be available for
12 the Office of the Chief Information Officer; and not to
13 exceed \$3,120,000 shall be available for the Office of
14 Emergency Transportation: *Provided*, That the Secretary
15 of Transportation is authorized to transfer funds appro-
16 priated for any office of the Office of the Secretary to any
17 other office of the Office of the Secretary: *Provided fur-*
18 *ther*, That no appropriation for any office shall be in-
19 creased or decreased by more than 5 percent by all such
20 transfers: *Provided further*, That notice of any change in
21 funding greater than 5 percent shall be submitted for ap-
22 proval to the House and Senate Committees on Appropria-
23 tions: *Provided further*, That not to exceed \$60,000 shall
24 be for allocation within the Department for official recep-
25 tion and representation expenses as the Secretary may de-

1 termine: *Provided further*, That notwithstanding any other
2 provision of law, excluding fees authorized in Public Law
3 107-71, there may be credited to this appropriation up
4 to \$2,500,000 in funds received in user fees: *Provided fur-*
5 *ther*, That none of the funds provided in this Act shall
6 be available for the position of Assistant Secretary for
7 Public Affairs.

8 OFFICE OF CIVIL RIGHTS

9 For necessary expenses of the Office of Civil Rights,
10 \$8,550,000.

11 TRANSPORTATION PLANNING, RESEARCH, AND
12 DEVELOPMENT

13 For necessary expenses for conducting transportation
14 planning, research, systems development, development ac-
15 tivities, and making grants, to remain available until ex-
16 pended, \$15,000,000.

17 WORKING CAPITAL FUND

18 Necessary expenses for operating costs and capital
19 outlays of the Working Capital Fund, not to exceed
20 \$118,014,000, shall be paid from appropriations made
21 available to the Department of Transportation: *Provided*,
22 That such services shall be provided on a competitive basis
23 to entities within the Department of Transportation: *Pro-*
24 *vided further*, That the above limitation on operating ex-
25 penses shall not apply to non-DOT entities: *Provided fur-*
26 *ther*, That no funds appropriated in this Act to an agency

1 of the Department shall be transferred to the Working
2 Capital Fund without the approval of the agency modal
3 administrator: *Provided further*, That no assessments may
4 be levied against any program, budget activity, subactivity
5 or project funded by this Act unless notice of such assess-
6 ments and the basis therefor are presented to the House
7 and Senate Committees on Appropriations and are ap-
8 proved by such Committees.

9 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

19 MINORITY BUSINESS OUTREACH

20 For necessary expenses of Minority Business Re-
21 source Center outreach activities, \$3,000,000, to remain
22 available until September 30, 2007: *Provided*, That not-
23 withstanding 49 U.S.C. 332, these funds may be used for
24 business opportunities related to any mode of transpor-
25 tation.

1 PAYMENTS TO AIR CARRIERS
2 (AIRPORT AND AIRWAY TRUST FUND)

3 In addition to funds made available from any other
4 source to carry out the essential air service program under
5 49 U.S.C. 41731 through 41742, \$60,000,000, to be de-
6 rived from the Airport and Airway Trust Fund, to remain
7 available until expended: *Provided*, That, in determining
8 between or among carriers competing to provide service
9 to a community, the Secretary may consider the relative
10 subsidy requirements of the carriers: *Provided further*,
11 That, if the funds under this heading are insufficient to
12 meet the costs of the essential air service program in the
13 current fiscal year, the Secretary shall transfer such sums
14 as may be necessary to carry out the essential air service
15 program from any available amounts appropriated to or
16 directly administered by the Office of the Secretary for
17 such fiscal year.

(SC)
(INCLUDING
TRANSFER
OF FUNDS)

18 NEW HEADQUARTERS BUILDING

19 For necessary expenses of the Department of Trans-
20 portation's new headquarters building and related serv-
21 ices, \$50,000,000, to remain available until expended.

22 FEDERAL AVIATION ADMINISTRATION

23 OPERATIONS

24 For necessary expenses of the Federal Aviation Ad-
25 ministration, not otherwise provided for, including oper-
26 ations and research activities related to commercial space

1 transportation, administrative expenses for research and
2 development, establishment of air navigation facilities, the
3 operation (including leasing) and maintenance of aircraft,
4 subsidizing the cost of aeronautical charts and maps sold
5 to the public, lease or purchase of passenger motor vehi-
6 cles for replacement only, in addition to amounts made
7 available by Public Law 108-176, \$8,036,000,000, of
8 which \$5,541,000,000 shall be derived from the Airport
9 and Airway Trust Fund, of which not to exceed
10 \$6,629,000,000 shall be available for air traffic organiza-
11 tion activities; not to exceed \$958,542,000 shall be avail-
12 able for aviation regulation and certification activities; not
13 to exceed \$11,759,000 shall be available for commercial
14 space transportation activities; not to exceed \$50,983,000
15 shall be available for financial services activities; not to
16 exceed \$69,943,000 shall be available for human resources
17 program activities; not to exceed \$150,744,000 shall be
18 available for region and center operations and regional co-
19 ordination activities; not to exceed \$142,000,000 shall be
20 available for staff offices; and not to exceed \$36,112,000
21 shall be available for information services: *Provided*, That
22 not to exceed 2 percent of any budget activity, except for
23 aviation regulation and certification budget activity, may
24 be transferred to any budget activity under this heading:
25 *Provided further*, That no transfer may increase or de-

1 crease any appropriation by more than 2 percent: *Provided*
2 *further*, That any transfer in excess of 2 percent shall be
3 treated as a reprogramming of funds under section 710
4 of this Act and shall not be available for obligation or ex-
5 penditure except in compliance with the procedures set
6 forth in that section: *Provided further*, That none of the
7 funds in this Act shall be available for the Federal Avia-
8 tion Administration to finalize or implement any regula-
9 tion that would promulgate new aviation user fees not spe-
10 cifically authorized by law after the date of the enactment
11 of this Act: *Provided further*, That there may be credited
12 to this appropriation funds received from States, counties,
13 municipalities, foreign authorities, other public authori-
14 ties, and private sources, for expenses incurred in the pro-
15 vision of agency services, including receipts for the mainte-
16 nance and operation of air navigation facilities, and for
17 issuance, renewal or modification of certificates, including
18 airman, aircraft, and repair station certificates, or for
19 tests related thereto, or for processing major repair or al-
20 teration forms: *Provided further*, That of the funds appro-
21 priated under this heading, not less than \$7,500,000 shall
22 be for the contract tower cost-sharing program: *Provided*
23 *further*, That funds may be used to enter into a grant
24 agreement with a nonprofit standard-setting organization
25 to assist in the development of aviation safety standards:

1 *Provided further*, That none of the funds in this Act shall
2 be available for new applicants for the second career train-
3 ing program: *Provided further*, That none of the funds in
4 this Act shall be available for paying premium pay under
5 5 U.S.C. 5546(a) to any Federal Aviation Administration
6 employee unless such employee actually performed work
7 during the time corresponding to such premium pay: *Pro-*
8 *vided further*, That none of the funds in this Act may be
9 obligated or expended to operate a manned auxiliary flight
10 service station in the contiguous United States: *Provided*
11 *further*, That none of the funds in this Act for aeronautical
12 charting and cartography are available for activities con-
13 ducted by, or coordinated through, the Working Capital
14 Fund: *Provided further*, That none of the funds in this
15 Act may be obligated or expended for an employee of the
16 Federal Aviation Administration to purchase a store gift
17 card or gift certificate through use of a Government-issued
18 credit card. In addition, \$150,000,000 is for costs associ-
19 ated with the flight service station transition.

20 FACILITIES AND EQUIPMENT

21 (AIRPORT AND AIRWAY TRUST FUND)

22 For necessary expenses, not otherwise provided for,
23 for acquisition, establishment, technical support services,
24 improvement by contract or purchase, and hire of air navi-
25 gation and experimental facilities and equipment, as au-
26 thorized under part A of subtitle VII of title 49, United

1 States Code, including initial acquisition of necessary sites
2 by lease or grant; engineering and service testing, includ-
3 ing construction of test facilities and acquisition of nec-
4 essary sites by lease or grant; construction and furnishing
5 of quarters and related accommodations for officers and
6 employees of the Federal Aviation Administration sta-
7 tioned at remote localities where such accommodations are
8 not available; and the purchase, lease, or transfer of air-
9 craft from funds available under this heading; to be de-
10 rived from the Airport and Airway Trust Fund,
11 \$2,540,000,000, of which \$2,110,789,500 shall remain
12 available until September 30, 2008, and of which
13 \$429,210,500 shall remain available until September 30,
14 2006: *Provided*, That there may be credited to this appro-
15 priation funds received from States, counties, municipali-
16 ties, other public authorities, and private sources, for ex-
17 penses incurred in the establishment and modernization
18 of air navigation facilities: *Provided further*, That upon ini-
19 tial submission to the Congress of the fiscal year 2007
20 President's budget, the Secretary of Transportation shall
21 transmit to the Congress a comprehensive capital invest-
22 ment plan for the Federal Aviation Administration which
23 includes funding for each budget line item for fiscal years
24 2007 through 2011, with total funding for each year of
25 the plan constrained to the funding targets for those years

1 as estimated and approved by the Office of Management
2 and Budget.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for research, engineering, and development, as authorized
7 under part A of subtitle VII of title 49, United States
8 Code, including construction of experimental facilities and
9 acquisition of necessary sites by lease or grant,
10 \$138,000,000, to be derived from the Airport and Airway
11 Trust Fund and to remain available until September 30,
12 2008: *Provided*, That there may be credited to this appro-
13 priation funds received from States, counties, municipali-
14 ties, other public authorities, and private sources, for ex-
15 penses incurred for research, engineering, and develop-
16 ment.

17 GRANTS-IN-AID FOR AIRPORTS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (AIRPORT AND AIRWAY TRUST FUND)

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

1 and commissioning of runway incursion prevention devices
2 and systems at airports of such title; for grants authorized
3 under section 41743 of title 49, United States Code; and
4 for inspection activities and administration of airport safe-
5 ty programs, including those related to airport operating
6 certificates under section 44706 of title 49, United States
7 Code, \$3,399,000,000 to be derived from the Airport and
8 Airway Trust Fund and to remain available until ex-
9 pended: *Provided*, That none of the funds under this head-
10 ing shall be available for the planning or execution of pro-
11 grams the obligations for which are in excess of
12 \$3,550,000,000 in fiscal year 2006, notwithstanding sec-
13 tion 47117(g) of title 49, United States Code: *Provided*
14 *further*, That none of the funds under this heading shall
15 be available for the replacement of baggage conveyor sys-
16 tems, reconfiguration of terminal baggage areas, or other
17 airport improvements that are necessary to install bulk ex-
18 plosive detection systems: *Provided further*, That notwith-
19 standing any other provision of law, of funds limited under
20 this heading, not more than \$71,096,000 shall be obli-
21 gated for administration, not less than \$10,000,000 shall
22 be available for the airport cooperative research program,
23 and not less than \$10,000,000 shall be available to carry
24 out the Small Community Air Service Development Pro-
25 gram, to remain available until expended: *Provided fur-*

1 *ther*, That not later than December 31, 2015, the owner
2 or operator of an airport certificated under 49 U.S.C.
3 44706 shall improve the airport's runway safety areas to
4 comply with the Federal Aviation Administration design
5 standards required by 14 CFR part 139: *Provided further*,
6 That the Federal Aviation Administration shall report an-
7 nually to the Congress on the agency's progress toward
8 improving the runway safety areas at 49 U.S.C. 44706
9 airports.

10 GRANTS-IN-AID FOR AIRPORTS

11 (AIRPORT AND AIRWAY TRUST FUND)

12 (RESCISSION OF CONTRACT AUTHORIZATION)

13 Of the amounts authorized for the fiscal year ending
14 September 30, 2006 and prior years under sections 48103
15 and 48112 of title 49, United States Code,
16 ~~\$1,174,000,000~~ are rescinded.

H 1,032,000,000

17 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

18 ADMINISTRATION

19 SEC. 101. Notwithstanding any other provision of
20 law, airports may transfer without consideration to the
21 Federal Aviation Administration (FAA) instrument land-
22 ing systems (along with associated approach lighting
23 equipment and runway visual range equipment) which
24 conform to FAA design and performance specifications,
25 the purchase of which was assisted by a Federal airport-
26 aid program, airport development aid program or airport

1 improvement program grant: *Provided*, That the Federal
2 Aviation Administration shall accept such equipment,
3 which shall thereafter be operated and maintained by FAA
4 in accordance with agency criteria.

5 SEC. 102. None of the funds in this Act may be used
6 to compensate in excess of 375 technical staff-years under
7 the federally funded research and development center con-
8 tract between the Federal Aviation Administration and the
9 Center for Advanced Aviation Systems Development dur-
10 ing fiscal year 2006.

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

24 SEC. 104. The Administrator of the Federal Aviation
25 Administration may reimburse amounts made available to

1 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
2 49 U.S.C. 45303: *Provided*, That during fiscal year 2006,
3 49 U.S.C. 41742(b) shall not apply, and any amount re-
4 maining in such account at the close of that fiscal year
5 may be made available to satisfy section 41742(a)(1) for
6 the subsequent fiscal year.

7 SEC. 105. Amounts collected under section 40113(e)
8 of title 49, United States Code, shall be credited to the
9 appropriation current at the time of collection, to be
10 merged with and available for the same purposes of such
11 appropriation.

12 SEC. 106. None of the funds appropriated or limited
13 by this Act may be used to change weight restrictions or
14 prior permission rules at Teterboro Airport in Teterboro,
15 New Jersey.

16 SEC. 107. None of the funds made available in this
17 Act shall be used for engineering work related to an addi-
18 tional runway at Louis Armstrong New Orleans Inter-
19 national Airport.

20 SEC. 108. (a) Section 44302(f)(1) of title 49, United
21 States Code, is amended by striking "2005," each place
22 it appears and inserting "2006,".

23 (b) Section 44303(b) of such title is amended by
24 striking "2005," and inserting "2006,".

1 SEC. 109. Section 47114(c)(1) of title 49, United
2 States Code, is amended by adding the following new
3 paragraph at the end:

4 “(G) SPECIAL RULE FOR FISCAL YEAR
5 2006.—Notwithstanding subparagraph (A) and
6 the absence of scheduled passenger aircraft
7 service at an airport, the Secretary may appor-
8 tion in fiscal year 2006 to the sponsor of the
9 airport an amount equal to \$500,000, if the
10 Secretary finds that—

11 “(i) the passenger boardings at the
12 airport were below 10,000 in calendar year
13 2004;

14 “(ii) the airport had at least 10,000
15 passenger boardings and scheduled pas-
16 senger aircraft service in either calendar
17 year 2000 or 2001; and

18 “(iii) the reason that passenger
19 boardings described in clause (i) were
20 below 10,000 was the decrease in pas-
21 sengers following the terrorist attacks of
22 September 11, 2001.”.

1 FEDERAL HIGHWAY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 Necessary expenses for administration and operation
4 of the Federal Highway Administration, not to exceed
5 \$364,638,000, shall be paid in accordance with law from
6 appropriations made available by this Act to the Federal
7 Highway Administration together with advances and reim-
8 bursements received by the Federal Highway Administra-
9 tion.

10 FEDERAL-AID HIGHWAYS

11 (LIMITATION ON OBLIGATIONS)

12 (HIGHWAY TRUST FUND)

13 None of the funds in this Act shall be available for
14 the implementation or execution of programs, the obliga-
15 tions for which are in excess of \$36,032,343,903 for Fed-
16 eral-aid highways and highway safety construction pro-
17 grams for fiscal year 2006: *Provided*, That within the
18 \$36,032,343,903 obligation limitation on Federal-aid
19 highways and highway safety construction programs, not
20 more than \$429,800,000 shall be available for the imple-
21 mentation or execution of programs for transportation re-
22 search (chapter 5 of title 23, United States Code; sections
23 111, 5505, and 5506 of title 49, United States Code; and
24 title 5 of Public Law ~~105-59~~) for fiscal year 2006: *Pro-*
25 *vided further*, That this limitation on transportation re-
26 search programs shall not apply to any authority pre-

(107-57)

1 viously made available for obligation: *Provided further,*
2 That the Secretary may, as authorized by section 605(b)
3 of title 23, United States Code, collect and spend fees to
4 cover the costs of services of expert firms, including coun-
5 sel, in the field of municipal and project finance to assist
6 in the underwriting and servicing of Federal credit instru-
7 ments and all or a portion of the costs to the Federal gov-
8 ernment of servicing such credit instruments: *Provided*
9 *further,* That such fees are available until expended to pay
10 for such costs: *Provided further,* That such amounts are
11 in addition to administrative expenses that are also avail-
12 able for such purpose, and are not subject to any obliga-
13 tion limitation or the limitation on administrative expenses
14 under section 608 of title 23, United States Code.

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (HIGHWAY TRUST FUND)

17 Notwithstanding any other provision of law, for car-
18 rying out the provisions of title 23, United States Code,
19 that are attributable to Federal-aid highways, not other-
20 wise provided, including reimbursement for sums ex-
21 pended pursuant to the provisions of 23 U.S.C. 308,
22 \$36,032,343,903 or so much thereof as may be available
23 in and derived from the Highway Trust Fund (other than
24 the Mass Transit Account), to remain available until ex-
25 pended.

1 ~~FEDERAL AID HIGHWAYS~~
2 (HIGHWAY TRUST FUND)
3 (RESCISSION)

4 Of the unobligated balances of funds apportioned to
5 each State under chapter 1 of title 23, United States
6 Code, \$1,999,999,000 are rescinded: *Provided*, That such
7 rescission shall not apply to the funds distributed in ac-
8 cordance with 23 U.S.C. 130(f), 23 U.S.C. 133(d)(1) as
9 in effect prior to the date of enactment of Public Law
10 109-59, the first sentence of 23 U.S.C. 133(d)(3)(A), 23
11 U.S.C. 104(b)(5), or 23 U.S.C. 163 as in effect prior to
12 the enactment of Public Law 109-59.

13 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

14 For necessary expenses for the Appalachian Develop-
15 ment Highway System as authorized under section
16 1069(y) of Public Law 102-240, as amended,
17 \$20,000,000, to remain available until expended.

18 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

19 ADMINISTRATION

20 SEC. 110. (a) For fiscal year 2006, the Secretary of
21 Transportation shall—

22 (1) not distribute from the obligation limitation
23 for Federal-aid highways amounts authorized for ad-
24 ministrative expenses and programs by section
25 104(a) of title 23, United States Code; programs
26 funded from the administrative takedown authorized

1 by section 104(a)(1) of title 23, United States Code
2 (as in effect on the date before the date of enact-
3 ment of the Safe, Accountable, Flexible, Efficient
4 Transportation Equity Act: A Legacy for Users); the
5 highway use tax evasion program; the Bureau of
6 Transportation Statistics; the programs, projects,
7 and activities funded from the takedown authorized
8 by section 112 of this Act; and the unobligated bal-
9 ances of funds made available for programs,
10 projects, and activities funded from the takedown
11 authorized by section 117 of title I of division H of
12 the Consolidated Appropriations Act, 2005 (Public
13 Law 108-447) for which no obligation limitation has
14 previously been made available;

15 (2) not distribute an amount from the obliga-
16 tion limitation for Federal-aid highways that is equal
17 to the unobligated balance of amounts made avail-
18 able from the Highway Trust Fund (other than the
19 Mass Transit Account) for Federal-aid highways and
20 highway safety programs for previous fiscal years
21 the funds for which are allocated by the Secretary;

22 (3) determine the ratio that—

23 (A) the obligation limitation for Federal-
24 aid highways, less the aggregate of amounts not

1 distributed under paragraphs (1) and (2), bears
2 to

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

15 (4)(A) distribute the obligation limitation for
16 Federal-aid highways, less the aggregate amounts
17 not distributed under paragraphs (1) and (2), for
18 sections 1301, 1302, and 1934 of the Safe, Account-
19 able, Flexible, Efficient Transportation Equity Act:
20 A Legacy for Users; sections 117 (but individually
21 for each project numbered 1 through 3676 listed in
22 the table contained in section 1702 of the Safe, Ac-
23 countable, Flexible, Efficient Transportation Equity
24 Act: A Legacy for Users) and 144(g) of title 23,
25 United States Code; and section 14501 of title 40,

1 United States Code, so that the amount of obliga-
2 tion authority available for each of such sections is
3 equal to the amount determined by multiplying the
4 ratio determined under paragraph (3) by the sums
5 authorized to be appropriated for that section for
6 the fiscal year; and

7 (B) distribute \$2,000,000,000 for section 105
8 of title 23, United States Code;

9 (5) distribute the obligation limitation provided
10 for Federal-aid highways, less the aggregate
11 amounts not distributed under paragraphs (1) and
12 (2) and amounts distributed under paragraph (4),
13 for each of the programs that are allocated by the
14 Secretary under the Safe, Accountable, Flexible, Ef-
15 ficient Transportation Equity Act: A Legacy for
16 Users and title 23, United States Code (other than
17 to programs to which paragraphs (1) and (4) apply),
18 by multiplying the ratio determined under paragraph
19 (3) by the amounts authorized to be appropriated
20 for each such program for such fiscal year; and

21 (6) distribute the obligation limitation provided
22 for Federal-aid highways, less the aggregate
23 amounts not distributed under paragraphs (1) and
24 (2) and amounts distributed under paragraphs (4)
25 and (5), for Federal-aid highways and highway safe-

1 ty construction programs (other than the amounts
2 apportioned for the equity bonus program, but only
3 to the extent that the amounts apportioned for the
4 equity bonus program for the fiscal year are greater
5 than \$2,639,000,000, and the Appalachian develop-
6 ment highway system program) that are apportioned
7 by the Secretary under the Safe, Accountable, Flexi-
8 ble, Efficient Transportation Equity Act: A Legacy
9 for Users and title 23, United States Code, in the
10 ratio that—

11 (A) amounts authorized to be appropriated
12 for such programs that are apportioned to each
13 State for such fiscal year, bear to

14 (B) the total of the amounts authorized to
15 be appropriated for such programs that are ap-
16 portioned to all States for such fiscal year.

17 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
18 The obligation limitation for Federal-aid highways shall
19 not apply to obligations: (1) under section 125 of title 23,
20 United States Code; (2) under section 147 of the Surface
21 Transportation Assistance Act of 1978; (3) under section
22 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
23 sections (b) and (j) of section 131 of the Surface Trans-
24 portation Assistance Act of 1982; (5) under subsections
25 (b) and (c) of section 149 of the Surface Transportation

1 and Uniform Relocation Assistance Act of 1987; (6) under
2 sections 1103 through 1108 of the Intermodal Surface
3 Transportation Efficiency Act of 1991; (7) under section
4 157 of title 23, United States Code, as in effect on the
5 day before the date of the enactment of the Transpor-
6 tation Equity Act for the 21st Century; (8) under section
7 105 of title 23, United States Code, as in effect for fiscal
8 years 1998 through 2004, but only in an amount equal
9 to \$639,000,000 for each of those fiscal years; (9) for
10 Federal-aid highway programs for which obligation au-
11 thority was made available under the Transportation Eq-
12 uity Act for the 21st Century or subsequent public laws
13 for multiple years or to remain available until used, but
14 only to the extent that the obligation authority has not
15 lapsed or been used; (10) under section 105 of title 23,
16 United States Code, but only in an amount equal to
17 \$639,000,000 for each of fiscal years 2005 and 2006; and
18 (11) under section 1603 of the Safe, Accountable, Flexi-
19 ble, Efficient Transportation Equity Act: A Legacy for
20 Users, to the extent that funds obligated in accordance
21 with that section were not subject to a limitation on obli-
22 gations at the time at which the funds were initially made
23 available for obligation.

24 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
25 THORITY.—Notwithstanding subsection (a), the Secretary

1 shall, after August 1 of such fiscal year, revise a distribu-
2 tion of the obligation limitation made available under sub-
3 section (a) if the amount distributed cannot be obligated
4 during that fiscal year and redistribute sufficient amounts
5 to those States able to obligate amounts in addition to
6 those previously distributed during that fiscal year, giving
7 priority to those States having large unobligated balances
8 of funds apportioned under sections 104 and 144 of title
9 23, United States Code.

10 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
11 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
12 tion limitation shall apply to transportation research pro-
13 grams carried out under chapter 5 of title 23, United
14 States Code, and title V (research title) of the Safe, Ac-
15 countable, Flexible, Efficient Transportation Equity Act:
16 A Legacy for Users, except that obligation authority made
17 available for such programs under such limitation shall re-
18 main available for a period of 3 fiscal years and shall be
19 in addition to the amount of any limitation imposed on
20 obligations for Federal-aid highway and highway safety
21 construction programs for future fiscal years.

22 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
23 FUNDS.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date of the distribution of obligation limitation

1 under subsection (a), the Secretary shall distribute
2 to the States any funds that—

3 (A) are authorized to be appropriated for
4 such fiscal year for Federal-aid highways pro-
5 grams; and

6 (B) the Secretary determines will not be
7 allocated to the States, and will not be available
8 for obligation, in such fiscal year due to the im-
9 position of any obligation limitation for such
10 fiscal year.

11 (2) **RATIO.**—Funds shall be distributed under
12 paragraph (1) in the same ratio as the distribution
13 of obligation authority under subsection (a)(6).

14 (3) **AVAILABILITY.**—Funds distributed under
15 paragraph (1) shall be available for any purposes de-
16 scribed in section 133(b) of title 23, United States
17 Code.

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

Insert
25A

Insert
25 A-1

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

- (1) remain available until used for obligation of funds for that provision; and
- (2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

(25 A-1)

In Section 110(f), insert after "under subsection":

(a)(1) for programs, projects, and activities funded from the takedown authorized by section 117 of title I of division H of Public Law 108-447 and under subsection

1 SEC. 112. Notwithstanding any other provision of
2 law, whenever an allocation is made of the sums author-
3 ized to be appropriated for expenditure on the Federal
4 lands highway program, and whenever an apportionment
5 is made of the sums authorized to be appropriated for the
6 surface transportation program, the congestion mitigation
7 and air quality improvement program, the National High-
8 way System, the Interstate maintenance program, the
9 bridge program, the Appalachian development highway
10 system, and the equity bonus program, the Secretary of
11 Transportation shall deduct a sum in such amount not
12 to exceed 2.75 percent of all sums so authorized: *Provided*,
13 That of the amount so deducted in accordance with this
14 section, \$600,000,000 shall be made available for surface
15 transportation projects and \$25,000,000 shall be made
16 available for highway priority projects as identified under
17 this section in the statement of the managers accom-
18 panying this Act: *Provided further*, That notwithstanding
19 any other provision of law and the preceding clauses of
20 this provision, the Secretary of Transportation may use
21 amounts made available by this section to make grants
22 for any surface transportation project otherwise eligible
23 for funding under title 23 or title 49, United States Code:
24 *Provided further*, That funds made available under this
25 section, at the request of a State, shall be transferred by

1 the Secretary to another Federal agency: *Provided further,*
2 That the Federal share payable on account of any pro-
3 gram, project, or activity carried out with funds made
4 available under this section shall be 100 percent: *Provided*
5 *further,* That the sum deducted in accordance with this
6 section shall remain available until expended: *Provided*
7 *further,* That all funds made available under this section
8 shall be subject to any limitation on obligations for Fed-
9 eral-aid highways and highway safety construction pro-
10 grams set forth in this Act or any other Act: *Provided*
11 *further,* That the obligation limitation made available for
12 the programs, projects, and activities for which funds are
13 made available under this section shall remain available
14 until used and shall be in addition to the amount of any
15 limitation imposed on obligations for Federal-aid highway
16 and highway safety construction programs for future fiscal
17 years.

18 SEC. 113. Notwithstanding any other provision of
19 law, projects and activities described in the statement of
20 managers accompanying this Act under the headings
21 "Federal-Aid Highways" and "Federal Transit Adminis-
22 tration" shall be eligible for fiscal year 2006 funds made
23 available for the project for which each project or activity
24 is so designated: *Provided,* That the Federal share payable
25 on account of any such projects and activities subject to

1 this section shall be the same as the share required by
2 the Federal program under which each project or activity
3 is designated unless otherwise provided in this Act.

4 SEC. 114. BYPASS BRIDGE AT HOOVER DAM. (a) IN
5 GENERAL.—Subject to subsection (b), the Secretary of
6 Transportation may expend from any funds appropriated
7 for expenditure in accordance with title 23, United States
8 Code, for payment of debt service by the States of Arizona
9 and Nevada on notes issued for the bypass bridge project
10 at Hoover Dam, pending appropriation or replenishment
11 for that project.

12 (b) REIMBURSEMENT.—Funds expended under sub-
13 section (a) shall be reimbursed from the funds made avail-
14 able to the States of Arizona and Nevada for payment of
15 debt service on notes issued for the bypass bridge project
16 at Hoover Dam.

17 SEC. 115. Section 1023(h) of the Intermodal Surface
18 Transportation Efficiency Act of 1991 (23 U.S.C. 127
19 note; 105 Stat. 1951) is amended by striking paragraphs
20 (2) and (3) and inserting the following:

21 “(2) STATE ACTION.—

22 “(A) WEIGHT LIMITATIONS.—For the pe-
23 riod beginning on the date of enactment of this
24 subparagraph and ending on September 30,
25 2009, a covered State, including any political

1 subdivision of such State, may not enforce a
2 single axle weight limitation of less than 24,000
3 pounds, including enforcement tolerances, on
4 any vehicle referred to in paragraph (1) in any
5 case in which the vehicle is using the Interstate
6 System.

7 “(B) COVERED STATE DEFINED.—In this
8 paragraph, the term ‘covered State’ means a
9 State that has enforced, in the period beginning
10 on October 6, 1992, and ending on the date of
11 enactment of this subparagraph, a single axle
12 weight limitation of 20,000 pounds or greater
13 but less than 24,000 pounds, including enforce-
14 ment tolerances, on any vehicle referred to in
15 paragraph (1) in any case in which the vehicle
16 is using the Interstate System.”.

17 SEC. 116. Notwithstanding any other provision of
18 law, access to the I-5 “Transit Only” ramps at NE
19 163rd in Shoreline, Washington, shall be expanded to in-
20 clude King County Solid Waste Division transfer vehicles
21 upon the determination of the Federal Highway Adminis-
22 trator that necessary safety improvements have been
23 completed.

24 SEC. 117. DESIGNATION OF MAX M. FISHER MEMO-
25 RIAL HIGHWAY. (a) DESIGNATION.—The portion of high-

1 way US-24 in the State of Michigan, beginning at Inter-
2 state 96 and extending north to Interstate 75 at exit 93
3 west of Clarkston, shall be known and designated as the
4 “Max M. Fisher Memorial Highway”.

5 (b) REFERENCES.—Any reference in a law, map, reg-
6 ulation, document, paper, or other record of the United
7 States to the highway portion referred to in subsection (a)
8 shall be deemed to be a reference to the “Max M. Fisher
9 Memorial Highway”.

10 SEC. 118. Notwithstanding any other provision of
11 law, funds provided in Public Law 108-7 under the head-
12 ing “Federal-aid Highways” for intelligent transportation
13 system projects and designated for Gettysburg Borough
14 Signal Coordination and Upgrade-Signalization; Adams
15 County, Pennsylvania shall be available for Gettysburg
16 Borough and Surrounding Municipalities Signal Coordina-
17 tion and Upgrade-Signalization; Adams County, Pennsyl-
18 vania.

19 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

20 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (LIMITATION ON OBLIGATIONS)

23 (HIGHWAY TRUST FUND)

24 For payment of obligations incurred for administra-
25 tion of motor carrier safety operations and programs pur-
26 suant to section 31104(i) of title 49, United States Code,

1 and sections 4127 and 4134 of Public Law 109-59,
2 \$213,000,000, to be derived from the Highway Trust
3 Fund (other than the Mass Transit Account), together
4 with advances and reimbursements received by the Fed-
5 eral Motor Carrier Safety Administration, the sum of
6 which shall remain available until expended: *Provided*,
7 That none of the funds derived from the Highway Trust
8 Fund in this Act shall be available for the implementation,
9 execution or administration of programs, the obligations
10 for which are in excess of \$213,000,000, for "Motor Car-
11 rier Safety Operations and Programs", of which
12 \$10,084,000, to remain available for obligation until Sep-
13 tember 30, 2008, is for the research and technology pro-
14 gram and \$1,000,000 shall be available for commercial
15 motor vehicle operator's grants to carry out section 4134
16 of Public Law 109-59: *Provided further*, That notwith-
17 standing any other provision of law, none of the funds
18 under this heading for outreach and education shall be
19 available for transfer.

20 MOTOR CARRIER SAFETY GRANTS
21 (LIQUIDATION OF CONTRACT AUTHORIZATION)
22 (LIMITATION ON OBLIGATIONS)
23 (HIGHWAY TRUST FUND)
24 ~~(INCLUDING TRANSFER OF FUNDS)~~

25 For payment of obligations incurred in carrying out
26 sections 31102, 31104, 31106, 31107, 31109, 31309,

1 31313 of title 49, United States Code, and sections 4126
2 and 4128 of Public Law 109-59, \$282,000,000, to be de-
3 rived from the Highway Trust Fund (other than the Mass
4 Transit Account) and to remain available until expended:
5 *Provided*, That none of the funds in this Act shall be avail-
6 able for the implementation or execution of programs, the
7 obligations for which are in excess of \$282,000,000, for
8 "Motor Carrier Safety Grants"; of which \$188,000,000
9 shall be available for the motor carrier safety assistance
10 program to carry out sections 31102 and 31104 of title
11 49, United States Code; \$25,000,000 shall be available for
12 the commercial driver's license improvements program to
13 carry out section 31313 of title 49, ~~United~~ States Code;
14 \$32,000,000 shall be available for the border enforcement
15 grants program to carry out section 31107 of title 49,
16 United States Code; \$5,000,000 shall be available for the
17 performance and registration information system manage-
18 ment program to carry out sections 31106 and 31109 of
19 title 49, United States Code; \$25,000,000 shall be avail-
20 able for the commercial vehicle information systems and
21 networks deployment program to carry out section 4126
22 of Public Law 109-59; \$2,000,000 shall be available for
23 the safety data improvement program to carry out section
24 4128 of Public Law 109-59; and \$5,000,000 shall be
25 available for the commercial driver's license information

United

1 system modernization program to carry out section 31309
 2 of title 49, United States Code: *Provided further*, That of
 3 the funds made available for the motor carrier safety as-
 4 sistance program, \$29,000,000 shall be available for au-
 5 dits of new entrant motor carriers.

6 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
 7 SAFETY ADMINISTRATION

8 SEC. 120. Funds appropriated or limited in this Act
 9 shall be subject to the terms and conditions stipulated in
 10 section 350 of Public Law 107–87, including that the Sec-
 11 retary submit a report to the House and Senate Appro-
 12 priations Committees annually on the safety and security
 13 of transportation into the United States by Mexico-domi-
 14 ciled motor carriers.

15 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
 16 OPERATIONS AND RESEARCH
 17 (INCLUDING TRANSFER OF FUNDS)

(HIGHWAY TRUST
 FUND)
 (SC)

18 For expenses necessary to discharge the functions of
 19 the Secretary, with respect to traffic and highway safety
 20 under chapter 301 of title 49, United States Code, and
 21 part C of subtitle VI of title 49, United States Code,
 22 \$122,457,000, to be derived from the sum authorized to
 23 be deducted under section 112 of this Act and transferred
 24 to the National Highway Traffic Safety Administration
 25 upon enactment of this Act, of which \$96,301,000 shall
 26 remain available until September 30, 2006 and

1 \$26,156,000 shall remain available until September 30,
2 2008: *Provided*, That such funds shall be transferred to
3 and administered by the National Highway Traffic Safety
4 Administration: *Provided further*, That none of the funds
5 appropriated by this Act may be obligated or expended
6 to plan, finalize, or implement any rulemaking to add to
7 section 575.104 of title 49 of the Code of Federal Regula-
8 tions any requirement pertaining to a grading standard
9 that is different from the three grading standards
10 (treadwear, traction, and temperature resistance) already
11 in effect: *Provided further*, That all funds made available
12 under this heading shall be subject to any limitation on
13 obligations for Federal-aid highways and highway safety
14 construction programs set forth in this Act or any other
15 Act: *Provided further*, That the obligation limitation made
16 available for the programs, projects, and activities for
17 which funds are made available under this heading shall
18 remain available as specified and shall be in addition to
19 the amount of any limitation imposed on obligations for
20 Federal-aid highway and highway safety construction pro-
21 grams for future fiscal years.

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

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 403, to remain available until
7 expended, \$110,000,000, to be derived from the Highway
8 Trust Fund: *Provided*, That none of the funds in this Act
9 shall be available for the planning or execution of pro-
10 grams the total obligations for which, in fiscal year 2006,
11 are in excess of \$110,000,000 for programs authorized
12 under 23 U.S.C. 403.

13 NATIONAL DRIVER REGISTER
14 (LIQUIDATION OF CONTRACT AUTHORIZATION)
15 (LIMITATION ON OBLIGATIONS)
16 (HIGHWAY TRUST FUND)

17 For payment of obligations incurred in carrying out
18 chapter 303 of title 49, United States Code, \$4,000,000,
19 to be derived from the Highway Trust Fund and remain
20 available until September 30, 2007: *Provided*, That none
21 of the funds in this Act shall be available for the imple-
22 mentation or execution of programs the obligations for
23 which are in excess of \$4,000,000 for the National Driver
24 Register authorized under chapter 303 of title 49, United
25 States Code.

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

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
/ 7 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
/ 8 Law 109-59, to remain available until expended,
9 \$578,176,000 to be derived from the Highway Trust Fund
10 (other than the Mass Transit Account): *Provided*, That
11 none of the funds in this Act shall be available for the
12 planning or execution of programs the total obligations for
13 which, in fiscal year 2006, are in excess of \$578,176,000
14 for programs authorized under 23 U.S.C. 402, 405, 406,
15 408, and 410 and sections 2001(a)(11), 2009, 2010, and
16 2011 of Public Law 109-59, of which \$217,000,000 shall
17 be for "Highway Safety Programs" under 23 U.S.C. 402,
18 \$25,000,000 shall be for "Occupant Protection Incentive
19 Grants" under 23 U.S.C. 405, \$124,500,000 shall be for
20 "Safety Belt Performance Grants" under 23 U.S.C. 406,
21 \$34,500,000 shall be for "State Traffic Safety Informa-
22 tion System Improvements" under 23 U.S.C. 408,
23 \$120,000,000 shall be for "Alcohol-Impaired Driving
24 Countermeasures Incentive Grant Program" under 23
25 U.S.C. 410, \$16,176,000 shall be for "Administrative Ex-
26 penses" under section 2001(a)(11) of Public Law 109-

1 59, \$29,000,000 shall be for "High Visibility Enforcement
2 Program" under section 2009 of Public Law 109-59,
3 \$6,000,000 shall be for "Motorcyclist Safety" under sec-
4 tion 2010 of Public Law 109-59, and \$6,000,000 shall
5 be for "Child Safety and Child Booster Seat Safety Incen-
6 tive Grants" under section 2011 of Public Law 109-59:
7 *Provided further*, That none of these funds shall be used
8 for construction, rehabilitation, or remodeling costs, or for
9 office furnishings and fixtures for State, local or private
10 buildings or structures: *Provided further*, That not to ex-
11 ceed \$500,000 of the funds made available for section 410
12 "Alcohol-Impaired Driving Countermeasures Grants"
13 shall be available for technical assistance to the States:
14 *Provided further*, That not to exceed \$750,000 of the
15 funds made available for the "High Visibility Enforcement
16 Program" shall be available for the evaluation required
17 under section 2009(f) of Public Law 109-59.

18 ADMINISTRATIVE PROVISION—NATIONAL HIGHWAY

19 TRAFFIC SAFETY ADMINISTRATION

20 SEC. 125. Notwithstanding any other provision of law
21 or limitation on the use of funds made available under
22 section 403 of title 23, United States Code, an additional
23 \$130,000 shall be made available to the National Highway
24 Traffic Safety Administration, out of the amount limited
25 for section 402 of title 23, United States Code, to pay
26 for travel and related expenses for State management re-

1 views and to pay for core competency development train-
2 ing and related expenses for highway safety staff.

3 FEDERAL RAILROAD ADMINISTRATION

4 SAFETY AND OPERATIONS

5 For necessary expenses of the Federal Railroad Ad-
6 ministration, not otherwise provided for, \$145,949,000, of
7 which \$13,856,000 shall remain available until expended.

8 RAILROAD RESEARCH AND DEVELOPMENT

9 For necessary expenses for railroad research and de-
10 velopment, \$55,075,000, to remain available until ex-
11 pended, of which \$6,500,000 shall be available for positive
12 train control projects and \$7,190,000 shall be available
13 for grants for rail corridor planning, development and im-
14 provement and Federal share payable under such grants
15 shall be 50 percent.

16 RAILROAD REHABILITATION AND IMPROVEMENT

17 PROGRAM

18 The Secretary of Transportation is authorized to
19 issue to the Secretary of the Treasury notes or other obli-
20 gations pursuant to section 512 of the Railroad Revitaliza-
21 tion and Regulatory Reform Act of 1976 (Public Law 94-
22 210), as amended, in such amounts and at such times as
23 may be necessary to pay any amounts required pursuant
24 to the guarantee of the principal amount of obligations
25 under sections 511 through 513 of such Act, such author-
26 ity to exist as long as any such guaranteed obligation is

1 outstanding: *Provided*, That pursuant to section 502 of
2 such Act, as amended, no new direct loans or loan guar-
3 antee commitments shall be made using Federal funds for
4 the credit risk premium during fiscal year 2006.

5 ALASKA RAILROAD REHABILITATION

6 To enable the Secretary of Transportation to make
7 grants to the Alaska Railroad, \$10,000,000, for capital
8 rehabilitation and improvements benefiting its passenger
9 operations, to remain available until expended.

10 OPERATING SUBSIDY GRANTS TO THE NATIONAL

11 RAILROAD PASSENGER CORPORATION

12 To enable the Secretary of Transportation to make
13 quarterly grants to the National Railroad Passenger Cor-
14 poration for operation of intercity passenger rail,
15 \$495,000,000, to remain available until expended: *Pro-*
16 *vided*, That the Secretary of Transportation shall approve
17 funding to cover operating losses for the National Railroad
18 Passenger Corporation only after receiving and reviewing
19 a grant request for each specific train route: *Provided fur-*
20 *ther*, That each such grant request shall be accompanied
21 by a detailed financial analysis, revenue projection, and
22 capital expenditure projection justifying the Federal sup-
23 port to the Secretary's satisfaction: *Provided further*, That
24 the Secretary of Transportation shall reserve \$60,000,000
25 of the funds provided under this heading and is authorized
26 to transfer such sums to the Surface Transportation

1 Board, upon request from said Board, to carry out di-
2 rected service orders issued pursuant to section 11123 of
3 title 49, United States Code, to respond to the cessation
4 of commuter rail operations by the National Railroad Pas-
5 senger Corporation: *Provided further*, That the Secretary
6 of Transportation shall make the reserved funds available
7 to the National Railroad Passenger Corporation through
8 an appropriate grant instrument not earlier than Sep-
9 tember 1, 2006 to the extent that no directed service or-
10 ders have been issued by the Surface Transportation
11 Board as of the date of transfer or there is a balance of
12 reserved funds not needed by the Board to pay for any
13 directed service order issued through September 30, 2006:
14 *Provided further*, That the Corporation is directed to
15 achieve savings through operating efficiencies including,
16 but not limited to, modifications to food and beverage
17 service and first class service: *Provided further*, That the
18 Inspector General of the Department of Transportation
19 shall report to the House and Senate Committees on Ap-
20 propriations beginning on January 3, 2006 and quarterly
21 thereafter with estimates of the savings accrued as a result
22 of all operational reforms instituted by the National Rail-
23 road Passenger Corporation: *Provided further*, That if the
24 Inspector General cannot certify that the Corporation has
25 achieved operational savings by July 1, 2006, none of the

1 funds in this Act may be used after July 1, 2006, to sub-
2 sidize the net losses of food and beverage service and
3 sleeper car service on any Amtrak route: *Provided further,*
4 That of the funds provided under this section, not less
5 than \$5,000,000 shall be expended for the development
6 and implementation of a managerial cost accounting sys-
7 tem, which includes average and marginal unit cost capa-
8 bility: *Provided further,* That within 30 days of develop-
9 ment of the managerial cost accounting system, the De-
10 partment of Transportation Inspector General shall review
11 and comment to the Secretary of Transportation and the
12 House and Senate Committees on Appropriations upon
13 the strengths and weaknesses of the system and how it
14 best can be implemented to improve decision making by
15 the Board of Directors and management of the Corpora-
16 tion: *Provided further,* That not later than 60 days after
17 enactment of this Act, Amtrak shall transmit, in electronic
18 format, to the Secretary of Transportation, the House and
19 Senate Committees on Appropriations, the House Com-
20 mittee on Transportation and Infrastructure and the Sen-
21 ate Committee on Commerce, Science, and Transportation
22 a comprehensive business plan approved by the Board of
23 Directors for fiscal year 2006 under section 24104(a) of
24 title 49, United States Code: *Provided further,* That the
25 business plan shall include, as applicable, targets for rider-

1 ship, revenues, and capital and operating expenses: *Pro-*
2 *vided further*, That the plan shall also include a separate
3 accounting of such targets for the Northeast Corridor;
4 commuter service; long-distance Amtrak service; State-
5 supported service; each intercity train route; including
6 Autotrain; and commercial activities including contract
7 operations: *Provided further*, That the business plan shall
8 include a description of the work to be funded, along with
9 cost estimates and an estimated timetable for completion
10 of the projects covered by this business plan: *Provided fur-*
11 *ther*, That the Corporation shall continue to provide
12 monthly reports in electronic format regarding the pend-
13 ing business plan, which shall describe the work completed
14 to date, any changes to the business plan, and the reasons
15 for such changes, and shall identify all sole source contract
16 awards which shall be accompanied by a justification as
17 to why said contract was awarded on a sole source basis:
18 *Provided further*, That none of the funds in this Act may
19 be used for operating expenses, including advance pur-
20 chase orders, not approved by the Secretary of Transpor-
21 tation or on the National Railroad Passenger Corpora-
22 tion's fiscal year 2006 business plan: *Provided further*,
23 That Amtrak shall display the business plan and all subse-
24 quent supplemental plans on the Corporation's website
25 within a reasonable timeframe following their submission.

1 to the appropriate entities: *Provided further*, That none
2 of the funds under this heading may be obligated or ex-
3 pended until the National Railroad Passenger Corporation
4 agrees to continue abiding by the provisions of paragraphs
5 1, 2, 3, 5, 9, and 11 of the summary of conditions for
6 the direct loan agreement of June 28, 2002, in the same
7 manner as in effect on the date of enactment of this Act:
8 *Provided further*, That none of the funds provided in this
9 Act may be used after March 1, 2006, to support any
10 route on which Amtrak offers a discounted fare of more
11 than 50 percent off the normal, peak fare.

12 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
13 RAILROAD PASSENGER CORPORATION

14 To enable the Secretary of Transportation to make
15 quarterly grants to ~~National Railroad Passenger Corpora-~~ (the
16 tion for the maintenance and repair of capital infrastruc-
17 ture owned by the National Railroad Passenger Corpora-
18 tion, including railroad equipment, rolling stock, legal
19 mandates and other services, \$780,000,000, to remain
20 available until expended, of which not to exceed
21 \$280,000,000 shall be for debt service obligations: *Pro-*
22 *vided*, That the Secretary of Transportation shall approve
23 funding for capital expenditures, including advance pur-
24 chase orders, for the National Railroad Passenger Cor-
25 poration only after receiving and reviewing a grant request
26 for each specific capital grant justifying the Federal sup-

1 port to the Secretary's satisfaction: *Provided further*, That
2 none of the funds under this heading may be used to sub-
3 sidize operating losses of the National Railroad Passenger
4 Corporation: *Provided further*, That none of the funds
5 under this heading may be used for capital projects not
6 approved by the Secretary of Transportation or on the Na-
7 tional Railroad Passenger Corporation's fiscal year 2006
8 business plan: *Provided further*, That the Secretary shall
9 determine the cost to the Corporation for the annual
10 Northeast Corridor capital and maintenance costs attrib-
11 utable to commuter rail operations over said Corridor:
12 *Provided further*, That these costs shall be calculated by
13 the Secretary based on the train mile usage of each com-
14 muter rail authority as a percentage of the total number
15 of annual train miles used by all users of the Northeast
16 Corridor or by whatever measure the Secretary believes
17 to be most appropriate: *Provided further*, That, notwith-
18 standing any other provision of law, the Secretary shall
19 assess fees to each commuter rail authority for any direct
20 capital or maintenance costs associated with that rail
21 authority's usage of the corridor: *Provided further*, That
22 such assessments shall account fully for whatever direct
23 annual contributions are already being made by each com-
24 muter authority for such Northeast Corridor capital and
25 maintenance expenses in that fiscal year: *Provided further*,

1 That the revenues from such fees shall be merged with
2 this appropriation and be available for obligation and ex-
3 penditure consistent with the terms and conditions of this
4 paragraph: *Provided further*, That, the Secretary shall
5 transmit to Congress a monthly accounting of charges lev-
6 ied in accordance with the preceding proviso.

7 EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL
8 RAILROAD PASSENGER CORPORATION

9 For an additional amount to be made available to the
10 Secretary for efficiency incentive grants to the National
11 Railroad Passenger Corporation, \$40,000,000, to remain
12 available until expended: *Provided*, That the Secretary
13 may make grants to the National Railroad Passenger Cor-
14 poration for an additional sum for operating subsidies at
15 any time during the fiscal year for the purpose of main-
16 taining the operation of existing Amtrak routes: *Provided*
17 *further*, That nothing in the previous proviso should be in-
18 terpreted either to encourage or discourage the Corpora-
19 tion with respect to adjusting existing routes or fre-
20 quencies: *Provided further*, That the Secretary may make
21 grants for operating subsidies at any time during the fiscal
22 year in order to avert the Corporation's entry into bank-
23 ruptcy proceedings: *Provided further*, That prior to award-
24 ing additional operating grants for the purpose of the pre-
25 ceding proviso, the Secretary and the Inspector General
26 of the Department of Transportation shall certify to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate that such grants are necessary to
3 prevent the Corporation from entering bankruptcy: *Pro-*
4 *vided further*, That if the Secretary and the Inspector Gen-
5 eral deem that sufficient operating funds are available to
6 continue operations through the end of fiscal year 2006,
7 then, as of September 1, 2006, the Secretary may make
8 grants to the National Railroad Passenger Corporation at
9 such times and in such amounts for capital improvements
10 that have a direct and measurable short-term impact on
11 reducing operating losses of the National Railroad Pas-
12 senger Corporation.

13 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

14 ADMINISTRATION

15 SEC. 130. The Secretary may purchase promotional
16 items of nominal value for use in public outreach activities
17 to accomplish the purposes of 49 U.S.C. 20134: *Provided*,
18 That the Secretary shall prescribe guidelines for the ad-
19 ministration of such purchases and use.

20 SEC. 131. Notwithstanding any other provision of
21 law, from funds made available to the Federal Railroad
22 Administration under the heading “Next Generation
23 High-Speed Rail” in the Consolidated Appropriations Act
24 of 2005 (Public Law 108–447), the Secretary of Trans-
25 portation shall award a grant in the amount of \$500,000.

1 to the Maine Department of Transportation for Safety
2 and Mitigation Rail Relocation in Auburn, Maine.

3 SEC. 132. Notwithstanding any other provision of
4 law, funds made available to the Federal Railroad Admin-
5 istration for the Illinois statewide highway-rail crossing
6 safety program on page 1420 of the Joint Explanatory
7 Statement of the Committee of Conference for Public Law
8 108-447 (House Report 108-792) shall be made available
9 to the Illinois Commerce Commission for the Public Edu-
10 cation and Enforcement Research (PEERS) program to
11 improve rail-grade crossing safety through education and
12 enforcement initiatives.

13 SEC. 133. Notwithstanding any existing Federal leg-
14 islation, from funds available to the Federal Railroad Ad-
15 ministration under the heading of "Next Generation High-
16 Speed Rail" in the Consolidated Appropriations Act of
17 2004, Public Law 108-199; the Secretary of Transpor-
18 tation may award a grant of \$1,000,000 to the New Orle-
19 ans Regional Planning Commission, New Orleans, Lou-
20 isiana for site planning and an update of the Master Plan
21 for the Union Passenger Terminal, located at New Orle-
22 ans, Louisiana.

23 SEC. 134. Notwithstanding any other provision of
24 law, funds made available to the Federal Railroad Admin-
25 istration for the Spokane Region High Speed Rail Cor-

1 ridor Study on page 1420 of the Joint Explanatory State-
2 ment of the Committee of Conference for Public Law 108-
3 447 (House Report 108-792) shall be made available to
4 the Washington State Department of Transportation for
5 grade crossing and related improvements under the Bridg-
6 ing the Valley project between Spokane County, Wash-
7 ington and Kootenai County, Idaho.

8 SEC. 135. Of the \$40,000,000 provided under the
9 heading "Efficiency Incentive Grants to the National Rail-
10 road Passenger Corporation", and notwithstanding limita-
11 tion language contained therein, \$8,300,000 shall be made
12 available immediately upon enactment of this Act only for
13 a revenue service demonstration of not less than 5,500
14 carload shipments of premium temperature-controlled ex-
15 press.

16 FEDERAL TRANSIT ADMINISTRATION

17 ADMINISTRATIVE EXPENSES

18 For necessary administrative expenses of the Federal
19 Transit Administration's programs authorized by chapter
20 53 of title 49, United States Code, \$80,000,000: *Provided,*
21 That of the funds available under this heading, not to ex-
22 ceed \$925,000 shall be available for the Office of the Ad-
23 ministrator; not to exceed \$7,325,000 shall be available
24 for the Office of Administration; not to exceed \$4,058,200
25 shall be available for the Office of the Chief Counsel; not

1 to exceed \$1,359,300 shall be available for the Office of
2 Communication and Congressional Affairs; not to exceed
3 \$7,985,900 shall be available for the Office of Program
4 Management; not to exceed \$8,732,500 shall be available
5 for the Office of Budget and Policy; not to exceed
6 \$4,763,900 shall be available for the Office of Demonstra-
7 tion and Innovation; not to exceed \$3,153,100 shall be
8 available for the Office of Civil Rights; not to exceed
9 \$4,127,300 shall be available for the Office of Planning;
10 not to exceed \$20,754,000 shall be available for regional
11 offices; and not to exceed \$16,815,800 shall be available
12 for the central account: *Provided further*, That the Admin-
13 istrator is authorized to transfer funds appropriated for
14 an office of the Federal Transit Administration: *Provided*
15 *further*, That no appropriation for an office shall be in-
16 creased or decreased by more than a total of 5 percent
17 during the fiscal year by all such transfers: *Provided fur-*
18 *ther*, That any change in funding greater than 5 percent
19 shall be submitted for approval to the House and Senate
20 Committees on Appropriations: *Provided further*, That any
21 funding transferred from the central account shall be sub-
22 mitted for approval to the House and Senate Committees
23 on Appropriations: *Provided further*, That none of the
24 funds provided or limited in this Act may be used to create
25 a permanent office of transit security under this heading:

1 *Provided further*, That of the funds in this Act available
 2 for the execution of contracts under section 5327(c) of
 3 title 49, United States Code, \$2,000,000 shall be reim-
 4 bursed to the Department of Transportation's Office of
 5 Inspector General for costs associated with audits and in-
 6 vestigations of transit-related issues, including reviews of
 7 new fixed guideway systems: *Provided further*, That upon
 8 submission to the Congress of the fiscal year 2007 Presi-
 9 dent's budget, the Secretary of Transportation shall trans-
 10 mit to Congress the annual report on new starts, including
 11 proposed allocations of funds for fiscal year 2007.

12 FORMULA AND BUS GRANTS

13 (LIQUIDATION OF CONTRACT AUTHORITY)

14 (LIMITATION ON OBLIGATIONS)

15 (INCLUDING TRANSFER OF FUNDS)

16 For payment of obligations incurred in carry out the
 17 provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310,
 18 5311, 5317, 5320, 5335, 5339, and 5340 and section
 19 3038 of Public Law 105-178, as amended,
 20 ~~\$1,095,000,000~~, to be derived from the Mass Transit Ac-
 21 count of the Highway Trust Fund and to remain available
 22 until expended: *Provided*, That funds available for the im-
 23 plementation or execution of programs authorized under
 24 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317,
 25 5320, 5335, 5339, and 5340 and section 3038 of Public
 26 Law 105-178, as amended, shall not exceed total obliga-

ing

\$1,500,000,000

1 tions of \$6,979,931,000 in fiscal year 2006: *Provided fur-*
2 *ther*, That of the funds made available to carry out capital
3 projects to modernize fixed guideway systems authorized
4 under 49 U.S.C. 5309(b)(2), ~~\$1,500,000,000~~ shall be
5 transferred to the Capital Investment Grants account and
6 made available to carry out new fixed guideway capital
7 projects identified in this Act and in accordance with the
8 applicable provisions of 49 U.S.C. 5309: *Provided further*,
9 That except as provided in section 3044(b)(1) of Public
10 Law 109-59, funds made available to carry out 49 U.S.C.
11 5308 shall instead be available to carry out 49 U.S.C.
12 5309(b)(3).

13 RESEARCH AND UNIVERSITY RESEARCH CENTERS

14 For necessary expenses to carry out 49 U.S.C. 5306,
15 5312-5315, 5322, and 5506, \$75,200,000, to remain
16 available until expended: *Provided*, That \$9,000,000 is
17 available to carry out the transit cooperative research pro-
18 gram under section 5313 of title 49, United States Code,
19 \$4,300,000 is available for the National Transit Institute
20 under section 5315 of title 49, United States Code,
21 \$7,000,000 is available for university transportation cen-
22 ters program under section 5506 of title 49, United States
23 Code: *Provided further*, That \$54,200,000 is available to
24 carry out national research programs under sections 5312,
25 5313, 5314, and 5322 of title 49, United States Code.

\$47,766,000

1 CAPITAL INVESTMENT GRANTS
2 ~~(INCLUDING TRANSFER OF FUNDS)~~
3 For necessary expenses to carry out section 5309 of
4 title 49, United States Code, ~~\$1,335,800,000~~, to remain
5 available until expended as follows:

\$1,455,234,000

Insert
53A, B, + C

ACE Gap Closure San Joaquin County, California, \$5,000,000;

Alaska and Hawaii ferry projects, \$ [REDACTED] 15,000,000;

Ann Arbor/Detroit Commuter Rail, Michigan, \$5,000,000;

Atlanta Beltline/C-Loop, Georgia, \$1,000,000;

Baltimore Central Light Rail Double Track Project, Maryland, \$12,420,000;

Baltimore Red Line and Green Line, Maryland, \$2,000,000;

Boston/Fitchburg, Massachusetts Rail Corridor, \$2,000,000;

Central Corridor/St. Paul - Minneapolis, Minnesota, \$2,000,000;

Central Florida Commuter Rail, \$11,000,000;

Central Phoenix/East Valley LRT, Arizona, \$90,000,000;

Charlotte South Corridor Light Rail Project, North Carolina, \$55,000,000;

City of Miami Streetcar, Florida, \$2,000,000;

City of Rock Hill Trolley Study, South Carolina, \$400,000;

Commuter Rail, Albuquerque to Santa Fe, New Mexico, \$ [REDACTED] 500,000;

Commuter Rail, Utah, \$9,000,000;

CORRIDORone Regional Rail Project, Pennsylvania, \$1,500,000;

CTA Douglas Blue Line, Illinois, \$45,150,000;

CTA Ravenswood Brown Line, Illinois, \$40,00,000;

CTA Yellow Line, Illinois, \$1,000,000;

Dallas Northwest/Southeast Light Rail MOS, Texas, \$12,000,000;

Detroit Center City Loop, Michigan, \$4,000,000;

Dulles Corridor Rapid Transit Project, Virginia, \$26,000,000;

Denali Commission, Alaska, \$5,000,000;

52 - A

East Corridor Commuter Rail, Nashville, Tennessee, \$6,000,000;
East Side Access Project, New York, \$340,000,000;
Euclid Corridor Transportation Project, Ohio, \$24,770,000;
Ft. Lauderdale Downtown Rail Link, Florida, \$1,000,000;
Gainesville-Haymarket VRE Service Extension, Virginia, \$1,450,000;
Hartford-New Britain Busway, Connecticut, \$6,000,000;
Houston METRO, Texas, \$12,000,000;
Hudson-Bergen Light Rail MOS 2, New Jersey, \$100,000,000;
Kansas City, Missouri, Southtown BRT, \$12,300,000;
Metra, Illinois, \$42,180,000;
Metro Gold Line Eastside Light Rail Extension, California, \$80,00,000;
Miami Dade County Metrorail Extension, Florida, \$10,000,000;
Mid-Coast Light Rail Transit Extension, California, \$7,160,000;
Mid-Jordan Light Rail Transit Line, Utah, \$500,000;
Mission Valley East, California, \$7,700,000;
N. Indiana Commuter Transit District Recapitalization, \$5,000,000;
New Jersey Trans-Hudson Midtown Corridor, New Jersey, \$12,315,000;
North Corridor Interstate MAX Light Rail Project, Oregon, \$18,110,000;
North Shore Connector, Pennsylvania, \$55,000,000;
North Shore Corridor and Blue Line Extension, Massachusetts, \$2,000,000;
Northeast Corridor Commuter Rail Project, Delaware, \$1,425,000;
Northern Branch Bergen County, New Jersey, \$2,500,000;
Northstar Corridor Commuter Rail Project, Minnesota, \$2,000,000;

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Northwest New Jersey – Northeast Pennsylvania Passenger Rail, \$10,000,000;
Oceanside Escondido Rail Project, California, \$12,210,000;
Ogden Avenue Transit Corridor/Circle Line, Illinois, \$1,000,000;
Regional Fixed Guideway Project, Nevada, \$3,000,000;
Rhode Island Integrated Commuter Rail Project, Rhode Island, \$6,000,000;
San Francisco BART Extension to San Francisco International Airport, California, \$81,860,000;
San Francisco Muni Third Street Light Rail Project, California \$25,000,000;
San Juan Tren Urbano, Puerto Rico, \$ ██████████ 8,045,487;
Santa Barbara Coast Rail Track Improvement Project, California, \$1,000,000;
Schuylkill Valley Metro, Pennsylvania, \$2,000,000;
Seattle Sound Transit, Washington, \$80,000,000;
Second Avenue Subway, New York, \$25,000,000;
Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, \$6,500,000;
Silver Line Phase III, Massachusetts, \$4,000,000;
Sounder Commuter Rail, Washington, \$5,000,000;
Southeast Corridor Multi-Modal Project (T-REX), Colorado, \$80,000,000;
Stamford Urban Transitway, Connecticut, \$ ██████████ 10,000,000;
Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina,
\$20,000,000;
Washington County Commuter Rail Project, Oregon, \$15,000,000;
West Corridor Light Rail, Colorado, \$5,000,000.

52-C

1 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

3 SEC. 140. The limitations on obligations for the pro-
4 grams of the Federal Transit Administration shall not
5 apply to any authority under 49 U.S.C. 5338, previously
6 made available for obligation, or to any other authority
7 previously made available for obligation.

8 SEC. 141. Notwithstanding any other provision of
9 law, and except for fixed guideway modernization projects,
10 funds made available by this Act under “Federal Transit
11 Administration, Capital investment grants” for projects
12 specified in this Act or identified in reports accompanying
13 this Act not obligated by September 30, 2008, and other
14 recoveries, shall be made available for other projects under
15 49 U.S.C. 5309.

16 SEC. 142. Notwithstanding any other provision of
17 law, any funds appropriated before October 1, 2005, under
18 any section of chapter 53 of title 49, United States Code,
19 that remain available for expenditure may be transferred
20 to and administered under the most recent appropriation
21 heading for any such section.

22 SEC. 143. Notwithstanding any other provision of
23 law, unobligated funds made available for a new fixed
24 guideway systems projects under the heading “Federal
25 Transit Administration, Capital Investment Grants” in

1 any appropriations Act prior to this Act may be used dur-
2 ing this fiscal year to satisfy expenses incurred for such
3 projects.

4 SEC. 144. Funds made available for Alaska or Hawaii
5 ferry boats or ferry terminal facilities pursuant to 49
6 U.S.C. 5309(m)(2)(B) may be used to construct new ves-
7 sels and facilities, or to improve existing vessels and facili-
8 ties, including both the passenger and vehicle-related ele-
9 ments of such vessels and facilities, and for repair facili-
10 ties: *Provided*, That not more than \$3,000,000 of the
11 funds made available pursuant to 49 U.S.C.
12 5309(m)(2)(B) may be used by the State of Hawaii to
13 initiate and operate a passenger ferryboat services dem-
14 onstration project to test the viability of different intra-
15 island and inter-island ferry boat routes and technology:
16 *Provided further*, That notwithstanding 49 U.S.C.
17 5302(a)(7), funds made available for Alaska or Hawaii
18 ferry boats may be used to acquire passenger ferry boats
19 and to provide passenger ferry transportation services
20 within areas of the State of Hawaii under the control or
21 use of the National Park Service.

22 SEC. 145. Amounts made available from the bus cat-
23 egory of the Capital Investment Grants Account or Discre-
24 tionary Grants Account in this or any other previous Ap-
25 propriations Act that remain unobligated or unexpended

1 in a grant for a multimodal transportation facility in Bur-
2 lington, Vermont, may be used for site-preparation and
3 design purposes of a multimodal transportation facility in
4 a different location within Burlington, Vermont, than
5 originally intended notwithstanding previous expenditures
6 incurred such purposes at the original location.

7 SEC. 146. Notwithstanding any other provision of
8 law, funds designated in the conference report accom-
9 panying Public Law 108-447 and Public Law 108-199
10 for the King County Metro Park and Ride on First Hill,
11 Seattle, Washington, shall be available to the Swedish
12 Hospital parking garage, Seattle, Washington, subject to
13 the same conditions and requirements of section 125 of
14 division H of Public Law 108-447.

15 SEC. 147. Funds in this Act that are apportioned to
16 the Charleston Area Regional Transportation Authority to
17 carry out section 5307 of title 49, United States Code,
18 may be used to acquire land, equipment, or facilities used
19 in public transportation from another governmental au-
20 thority in the same geographic area: *Provided*, That the
21 non-Federal share under section 5307 may include reve-
22 nues from the sale of advertising and concessions.

23 SEC. 148. Notwithstanding any other provision of
24 law, any unobligated funds designated to the Jacksonville
25 Transportation Authority, Community Transportation Co-

1 ordinator Program under the heading "Job Access and
2 Reverse Commute Grants" in the statement of managers *(the*
3 accompanying Public Law 108-199 may be made available
4 to the Jacksonville Transportation Authority for any pur-
5 pose authorized under the Job Access and Reverse Com-
6 mute program.

7 SEC. 149. Notwithstanding any other provision of
8 law, any funds made available to the South Shore Com-
9 muter Rail, Indiana, project under the Federal Transit
10 Administration Capital Investment Grants Account in Di-
11 vision H of Public Law 108-447 that remain available
12 may be used for modernization of the South Shore Com-
13 muter Rail system.

14 SAINT LAWRENCE SEAWAY DEVELOPMENT
15 CORPORATION

16 The Saint Lawrence Seaway Development Corpora-
17 tion is hereby authorized to make such expenditures, with-
18 in the limits of funds and borrowing authority available
19 to the Corporation, and in accord with law, and to make
20 such contracts and commitments without regard to fiscal
21 year limitations as provided by section 104 of the Govern-
22 ment Corporation Control Act, as amended, as may be
23 necessary in carrying out the programs set forth in the
24 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, \$16,284,000, to be derived from
7 the Harbor Maintenance Trust Fund, pursuant to Public
8 Law 99-662.

9 MARITIME ADMINISTRATION
10 MARITIME SECURITY PROGRAM

11 For necessary expenses to maintain and preserve a
12 U.S.-flag merchant fleet to serve the national security
13 needs of the United States, \$156,000,000, to remain avail-
14 able until expended.

15 OPERATIONS AND TRAINING

16 For necessary expenses of operations and training ac-
17 tivities authorized by law, \$122,249,000 of which
18 \$23,750,000 shall remain available until September 30,
19 2006, for salaries and benefits of employees of the United
20 States Merchant Marine Academy; of which \$15,000,000
21 shall remain available until expended for capital improve-
22 ments at the United States Merchant Marine Academy;
23 and of which \$8,211,000 shall remain available until ex-
24 pended for the State Maritime Schools Schoolship Mainte-
25 nance and Repair.

1 SHIP DISPOSAL

2 For necessary expenses related to the disposal of ob-
3 solete vessels in the National Defense Reserve Fleet of the
4 Maritime Administration, \$21,000,000, to remain avail-
5 able until expended.

6 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

7 ACCOUNT

8 (INCLUDING TRANSFER OF FUNDS)

9 For administrative expenses to carry out the guaran-
10 teed loan program, not to exceed \$4,126,000, which shall
11 be transferred to and merged with the appropriation for
12 Operations and Training.

13 SHIP CONSTRUCTION

14 (RESCISSION)

15 Of the unobligated balances available under this
16 heading, \$2,071,280 are rescinded.

17 ADMINISTRATIVE PROVISIONS—MARITIME

18 ADMINISTRATION

19 SEC. 150. Notwithstanding any other provision of
20 this Act, the Maritime Administration is authorized to fur-
21 nish utilities and services and make necessary repairs in
22 connection with any lease, contract, or occupancy involving
23 Government property under control of the Maritime Ad-
24 ministration, and payments received therefore shall be
25 credited to the appropriation charged with the cost there-
26 of: *Provided*, That rental payments under any such lease,

1 contract, or occupancy for items other than such utilities,
2 services, or repairs shall be covered into the Treasury as
3 miscellaneous receipts.

4 SEC. 151. No obligations shall be incurred during the
5 current fiscal year from the construction fund established
6 by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101
7 et seq.), or otherwise, in excess of the appropriations and
8 limitations contained in this Act or in any prior appropria-
9 tions Act.

10 PIPELINE AND HAZARDOUS MATERIALS SAFETY

11 ADMINISTRATION

12 ADMINISTRATIVE EXPENSES

13 For necessary administrative expenses of the Pipeline
14 and Hazardous Materials Safety Administration,
15 \$16,877,000, of which \$645,000 shall be derived from the
16 Pipeline Safety Fund.

17 HAZARDOUS MATERIALS SAFETY

18 For expenses necessary to discharge the hazardous
19 materials safety functions of the Pipeline and Hazardous
20 Materials Safety Administration, \$26,138,000, of which
21 \$1,847,000 shall remain available until September 30,
22 2008: *Provided*, That up to \$1,200,000 in fees collected
23 under 49 U.S.C. 5108(g) shall be deposited in the general
24 fund of the Treasury as offsetting receipts: *Provided fur-*
25 *ther*, That there may be credited to this appropriation, to
26 be available until expended, funds received from States,

1 counties, municipalities, other public authorities, and pri-
2 vate sources for expenses incurred for training, for reports
3 publication and dissemination, and for travel expenses in-
4 curred in performance of hazardous materials exemptions
5 and approvals functions.

6 PIPELINE SAFETY
7 (PIPELINE SAFETY FUND)
8 (OIL SPILL LIABILITY TRUST FUND)

9 For expenses necessary to conduct the functions of
10 the pipeline safety program, for grants-in-aid to carry out
11 a pipeline safety program, as authorized by 49 U.S.C.
12 60107, and to discharge the pipeline program responsibil-
13 ities of the Oil Pollution Act of 1990, \$73,010,000, of
14 which \$15,000,000 shall be derived from the Oil Spill Li-
15 ability Trust Fund and shall remain available until Sep-
16 tember 30, 2008; of which \$58,010,000 shall be derived
17 from the Pipeline Safety Fund, of which \$24,000,000
18 shall remain available until September 30, 2008: *Provided*,
19 That not less than \$1,000,000 of the funds provided under
20 this heading shall be for the one-call State grant program.

21 EMERGENCY PREPAREDNESS GRANTS
22 (EMERGENCY PREPAREDNESS FUND)

23 For necessary expenses to carry out 49 U.S.C.
24 5127(c), \$200,000, to be derived from the Emergency
25 Preparedness Fund, to remain available until September
26 30, 2007: *Provided*, That not more than \$14,300,000 shall

1 be made available for obligation in fiscal year 2006 from
2 amounts made available by 49 U.S.C. 5116(i) and
3 5127(d): *Provided further*, That none of the funds made
4 available by 49 U.S.C. 5116(i), 5127(e), and 5127(d) shall
5 be made available for obligation by individuals other than
6 the Secretary of Transportation, or his designee.

7 RESEARCH AND INNOVATIVE TECHNOLOGY

8 ADMINISTRATION

9 RESEARCH AND DEVELOPMENT

10 For necessary expenses of the Research and Innova-
11 tive Technology Administration, \$5,774,000, of which
12 \$1,121,000 shall remain available until September 30,
13 2008: *Provided*, That there may be credited to this appro-
14 priation, to be available until expended, funds received
15 from States, counties, municipalities, other public authori-
16 ties, and private sources for expenses incurred for train-
17 ing.

18 OFFICE OF INSPECTOR GENERAL

19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of Inspector
21 General to carry out the provisions of the Inspector Gen-
22 eral Act of 1978, as amended, \$62,499,000: *Provided*,
23 That the Inspector General shall have all necessary au-
24 thority, in carrying out the duties specified in the Inspec-
25 tor General Act, as amended (5 U.S.C. App. 3), to inves-

1 tigate allegations of fraud, including false statements to
2 the government (18 U.S.C. 1001), by any person or entity
3 that is subject to regulation by the Department: *Provided*
4 *further*, That the funds made available under this heading
5 shall be used to investigate, pursuant to section 41712 of
6 title 49, United States Code: (1) unfair or deceptive prac-
7 tices and unfair methods of competition by domestic and
8 foreign air carriers and ticket agents; and (2) the compli-
9 ance of domestic and foreign air carriers with respect to
10 item (1) of this proviso.

11 SURFACE TRANSPORTATION BOARD

12 SALARIES AND EXPENSES

13 For necessary expenses of the Surface Transpor-
14 tation Board, including services authorized by 5 U.S.C.
15 3109, \$26,450,000: *Provided*, That notwithstanding any
16 other provision of law, not to exceed \$1,250,000 from fees
17 established by the Chairman of the Surface Transpor-
18 tation Board shall be credited to this appropriation as off-
19 setting collections and used for necessary and authorized
20 expenses under this heading: *Provided further*, That the
21 sum herein appropriated from the general fund shall be
22 reduced on a dollar-for-dollar basis as such offsetting col-
23 lections are received during fiscal year 2006, to result in
24 a final appropriation from the general fund estimated at
25 no more than \$25,200,000.

1 SEC. 164. (a) No recipient of funds made available
2 in this Act shall disseminate personal information (as de-
3 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
4 ment of motor vehicles in connection with a motor vehicle
5 record as defined in 18 U.S.C. 2725(1), except as provided
6 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
7 2721.

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

11 SEC. 165. Funds received by the Federal Highway
12 Administration, Federal Transit Administration, and Fed-
13 eral Railroad Administration from States, counties, mu-
14 nicipalities, other public authorities, and private sources
15 for expenses incurred for training may be credited respec-
16 tively to the Federal Highway Administration's "Federal-
17 Aid Highways" account, the Federal Transit Administra-
18 tion's "Transit Planning and Research" account, and to
19 the Federal Railroad Administration's "Safety and Oper-
20 ations" account, except for State rail safety inspectors
21 participating in training pursuant to 49 U.S.C. 20105.

22 SEC. 166. Notwithstanding any other provisions of
23 law, rule or regulation, the Secretary of Transportation
24 is authorized to allow the issuer of any preferred stock
25 heretofore sold to the Department to redeem or repur-

1 chase such stock upon the payment to the Department of
2 an amount determined by the Secretary.

3 SEC. 167. None of the funds in this Act to the De-
4 partment of Transportation may be used to make a grant
5 unless the Secretary of Transportation notifies the House
6 and Senate Committees on Appropriations not less than
7 3 full business days before any discretionary grant award,
8 letter of intent, or full funding grant agreement totaling
9 \$1,000,000 or more is announced by the department or
10 its modal administrations from: (1) any discretionary
11 grant program of the Federal Highway Administration
12 other than the emergency relief program; (2) the airport
13 improvement program of the Federal Aviation Administra-
14 tion; or (3) any program of the Federal Transit Adminis-
15 tration other than the formula grants and fixed guideway
16 modernization programs: *Provided*, That no notification
17 shall involve funds that are not available for obligation.

18 SEC. 168. 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. 169. Amounts made available in this or any
4 other Act that the Secretary determines represent im-
5 proper payments by the Department of Transportation to
6 a third party contractor under a financial assistance
7 award, which are recovered pursuant to law, shall be avail-
8 able—

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

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

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

21 (B) if no such appropriation remains avail-
22 able, shall be deposited in the Treasury as mis-
23 cellaneous receipts: *Provided*, That prior to the
24 transfer of any such recovery to an appropria-
25 tions account, the Secretary shall notify the

1 House and Senate Committees on Appropria-
2 tions of the amount and reasons for such trans-
3 fer: *Provided further*, That for purposes of this
4 section, the term "improper payments", has the
5 same meaning as that provided in section
6 2(d)(2) of Public Law 107-300.

7 SEC. 170. The Secretary of Transportation is author-
8 ized to transfer the unexpended balances available for the
9 bonding assistance program from "Office of the Secretary,
10 Salaries and expenses" to "Minority Business Outreach".

11 SEC. 171. None of the funds made available in this
12 Act to the Department of Transportation may be obligated
13 for the Office of the Secretary of Transportation to ap-
14 prove assessments or reimbursable agreements pertaining
15 to funds appropriated to the modal administrations in this
16 Act, except for activities underway on the date of enact-
17 ment of this Act, unless such assessments or agreements
18 have completed the normal reprogramming process for
19 Congressional notification.

20 SEC. 172. None of the funds made available under
21 this Act may be obligated or expended to establish or im-
22 plement a pilot program under which not more than 10
23 designated essential air service communities located in
24 proximity to hub airports are required to assume 10 per-
25 cent of their essential air subsidy costs for a 4-year period.

1 commonly referred to as the EAS local participation pro-
2 gram.

Insert
68A

3
4 States Code, is amended—

5 by striking “a State authority may” and in-
6 serting “State authority other than the attorney
7 general of the state may, as parens patriae,”; and

8 (2) by inserting the following after the first sen-
9 tence: “Any civil action for injunctive relief to enjo-
10 in such delivery or transportation or to compel a per-
11 son to pay a fine or penalty assessed under chapter
12 149 shall be brought in the appropriate district court
13 of the United States.”

14 (b) Section 14710(b) of title 49, United States Code
15 is amended to read as follows:

16 “(b) EXERCISE OF ENFORCEMENT AUTHORITY.—
17 The authority of this section shall be exercised subject
18 to the requirements of sections 14711(b)–(f) of this title.

19 (c) Section 14711(b)(2) of title 49, United States
20 Code, is amended to read as follows:

21 “(2) REVIEW AND CONSENT.—
22 (A) REVIEW.—The Secretary or the
23 Board—

Insert 68A

SEC. 173. (a) Section 14710(a) of title 49, United States Code, is amended--

(1) by striking "a State authority may" and inserting "a State authority other than the attorney general of the state may, as parens patriae,"; and

(2) by inserting the following after the first sentence:

"Any civil action for injunctive relief to enjoin such delivery or transportation or to compel a person to pay a fine or penalty assessed under chapter 149 shall be brought in an appropriate district court of the United States."

(b) Section 14710(b) of title 49, United States Code, is amended to read as follows:

"(b) EXERCISE OF ENFORCEMENT AUTHORITY.--The authority of this section shall be exercised subject to the requirements of sections 14711(b)-(f) of this title."

(c) Section 14711(b)(1) of title 49, United States Code, is amended by inserting the following at the end:

"The State may initiate a civil action under subsection (a) if it is reviewable under subsection (b)(2)."

(d) Section 14711(b)(4) of title 49, United States Code, is amended by inserting "that is subject to review under subsection (b)(2)" before "if the Secretary".

(e) The amendments made by this section shall cease to be in effect after September 30, 2006.

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~~“(I) the carrier or broker that is the subject of the action is not registered with the Department of Transportation;~~

~~“(II) the license of the carrier or broker for failure to file proof of required bodily injury or cargo liability insurance is pending, or the license has been revoked for any other reason by the Department;~~

~~“(III) the carrier is not rated or has received a conditional or unsatisfactory safety rating by the Department;~~

~~“(IV) the carrier or broker has been licensed with the Department for less than 5 years; and~~

~~(ii) may review the initiation of civil action under this section by a State if the carrier or broker fails to meet criteria developed by the Secretary that are consistent with this section.~~

1 “(D) CONSENT.—The State may initiate a
 2 civil action under subsection (a) if it is review
 3 able under subsection (b)(2)(A)(i) only with the
 4 consent of the Secretary or the Board, as the
 5 case may be.”.

6 (d) Section 14711(b)(3) of title 49, United States
 7 Code, is amended by striking “paragraph (2)(D)” and in-
 8 serting “paragraph (2)(A)(ii)”.

9 (e) Section 14711(b)(4) of title 49, United States
 10 Code, is amended by inserting “that is subject to review
 11 under subsection (b)(2)(A)(i)” before “the Secretary”.

12 (f) Section 14711(c) of title 49, United States Code,
 13 is amended to read as follows:

14 “(c) AUTHORITY TO INTERVENE.—

15 “(1) IN GENERAL.—Upon receiving notice re-
 16 quired by subsection (b), the Secretary or Board
 17 may intervene in a civil action of a State under this
 18 section and upon intervening—

19 “(A) be heard on all matters arising
 20 such civil action;

21 “(B) file petitions for appeal of a decision
 22 in such civil action; and

23 “(C) be substituted, upon the filing of a
 24 motion with the court, for the State as party
 25 partia in the action.

1 “subparagraph (E)” and inserting “subparagraph
2 (D)”;

3 (5) in subparagraph (F) (as redesignated by
4 paragraph (3)), by striking “State Option” and all
5 that follows through the period and inserting “(F)
6 Subparagraphs (B), (C), (D) and (E) herein shall
7 not apply to the States of West Virginia or Min-
8 nesota.”

9 SEC. 175. Notwithstanding any provision of law, the
10 Secretary of Transportation is authorized and directed to
11 make project grants under chapter 471 of title 49, United
12 States Code, from funds available for fiscal year 2006 and
13 thereafter under 49 U.S.C. 48103, for the cost of acquisi-
14 tion of land, or reimbursement of the cost of land if pur-
15 chased prior to enactment of this provision and prior to
16 a grant agreement, for non-exclusive use aeronautical pur-
17 poses on an airport layout plan that has been approved
18 by the Secretary on January 23, 2004, pursuant to section
19 49 U.S.C. 47107(a)(16), for any small hub airport as de-
20 fined in 49 U.S.C. 47102, and had scheduled or chartered
21 direct international flights totaling at least 200 million
22 pounds gross aircraft landed weight for calendar year
23 2002.

1 SEC. 176. (a) Section 47108 of title 49, United
2 States Code, is amended in subsection (e) by adding the
3 following new paragraph at the end:

4 “(3) CHANGES TO NONHUB PRIMARY STA-
5 TUS.—If the status of a nonhub primary airport
6 changes to a small hub primary airport at a time
7 when the airport has received discretionary funds
8 under this chapter for a terminal development
9 project in accordance with section 47110(d)(2), and
10 the project is not yet completed, the project shall re-
11 main eligible for funding from the discretionary fund
12 and the small airport fund to pay costs allowable
13 under section 47110(d). Such project shall remain
14 eligible for such funds for three fiscal years after the
15 start of construction of the project, or if the Sec-
16 retary determines that a further extension of eligi-
17 bility is justified, until the project is completed.”.

18 (b) CONFORMING AMENDMENT.—Section
19 47110(d)(2)(A) is amended by striking “(A) the” and in-
20 serting “(A) except as provided in section 47108(e)(3),
21 the”.

22 SEC. 177. Section 40128(e) of title 49, United States
23 Code, is amended by adding at the end the following: “For
24 purposes of this subsection, an air tour operator flying
25 over the Hoover Dam in the Lake Mead National Recre-

1 ation Area en route to the Grand Canyon National Park
2 shall be deemed to be flying solely as a transportation
3 route.”. Nothing in this provision shall allow exemption
4 from overflight rules for the Grand Canyon.

5 SEC. 178. Section 145(c) of the Aviation and Trans-
6 portation Security Act (49 U.S.C. 40101 note) is amended
7 by striking “November 19, 2005.” and inserting “Novem-
8 ber 30, 2006.”.

9 SEC. 179. (a)(1) This section shall apply to a former
10 employee of the Federal Aviation Administration, who—

11 (A) was involuntarily separated as a result of
12 the reorganization of the Flight Services Unit fol-
13 lowing the outsourcing of flight service duties to a
14 contractor;

15 (B) was not eligible by October 3, 2005 for an
16 immediate annuity under a Federal retirement sys-
17 tem; and

18 (C) assuming continued Federal employment,
19 would attain eligibility for an immediate annuity
20 under section 8336(d) or 8414(b) of title 5, United
21 States Code, not later than October 4, 2007.

22 (2) Notwithstanding any other provision of law, dur-
23 ing the period beginning on the date of enactment of this
24 Act and ending October 4, 2007, an employee described
25 under paragraph (1) may, with the approval of the Admin-

1 istrator of the Federal Aviation Administration or the des-
2 ignee of the Administrator, accept an assignment to such
3 contractor within 14 days after the date of enactment of
4 this section.

5 (3) Except as provided in subsection (c), an employee
6 appointed under paragraph (1)—

7 (A) shall be a temporary Federal employee for
8 the duration of the assignment;

9 (B) notwithstanding such temporary status,
10 shall retain previous enrollment or participation in
11 Federal employee benefits programs under chapters
12 83, 84, 87, and 89 of title 5, United States Code;
13 and

14 (C) shall be considered to have not had a break
15 in service for purposes of chapters 83, 84, and sec-
16 tions 8706(b) and 8905(b) of title 5, United States
17 Code, except no service credit or benefits shall be ex-
18 tended retroactively.

19 (4) An assignment and temporary appointment under
20 this section shall terminate on the earlier of—

21 (A) October 4, 2007; or

22 (B) the date on which the employee first be-
23 comes eligible for an immediate annuity under sec-
24 tion 8336(d) or 8414(b) of title 5, United States
25 Code.

1 (5) Such funds as may be necessary are authorized
2 for the Federal Aviation Administration to pay the salary
3 and benefits of an employee assigned under this section,
4 but no funds are authorized to reimburse the employing
5 contractor for the salary and benefits of an employee so
6 assigned.

7 (b) An employee who was involuntarily separated as
8 a result of the reorganization of the Flight Services Unit
9 following the outsourcing of flight service duties to a con-
10 tractor, and was eligible to use annual leave under the con-
11 ditions of section 6302(g) of title 5, United States Code,
12 may use such leave to—

13 (1) qualify for an immediate annuity or to meet
14 the age or service requirements for an enhanced an-
15 nuity that the employee could qualify for under sec-
16 tions 8336, 8412, or 8414; or

17 (2) to meet the requirements under section
18 8905(b) of title 5, United States Code, to qualify to
19 continue health benefits coverage after retirement
20 from service.

21 (c)(1) Nothing in this section shall—

22 (A) affect the validity or legality of the reduc-
23 tion-in-force actions of the Federal Aviation Admin-
24 istration effective October 3, 2005; or

1 (B) create any individual rights of actions re-
2 garding such reduction-in-force or any other actions
3 related to or arising under the competitive sourcing
4 of flight services.

5 (2) An employee subject to this section shall not be—

6 (A) covered by chapter 71 of title 5, United
7 States Code, while on the assignment authorized by
8 this section; or

9 (B) subject to section 208 of title 18, United
10 States Code.

11 (3) Temporary employees assigned under this section
12 shall not be Federal employees for purposes of chapter
13 171 of title 28, United States Code (commonly referred
14 to as the Federal Tort Claims Act). Chapter 171 of title
15 28, United States Code (commonly referred to as the Fed-
16 eral Tort Claims Act) and any other Federal tort liability
17 statute shall not apply to an employee who is assigned to
18 a contractor under subsection (a).

19 SEC. 180. (a) In this section:

20 (1) The term “Conservation Area” means the
21 Sloan Canyon National Conservation Area estab-
22 lished by section 604(a) of the Clark County Con-
23 servation of Public Land and Natural Resources Act
24 of 2002 (116 Stat. 2010).

1 (2) The term “County” means Clark County,
2 Nevada.

3 (3)(A) The term “helicopter tour” means a
4 commercial helicopter tour operated for profit.

5 (B) The term “helicopter tour” does not include
6 a helicopter tour that is carried out to assist a Fed-
7 eral, State, or local agency.

8 (4) The term “Secretary” means the Secretary
9 of the Interior.

10 (5) The term “Wilderness” means the North
11 McCullough Mountains Wilderness established by
12 section 202(a)(13) of the Clark County Conservation
13 of Public Land and Natural Resources Act of 2002
14 (116 Stat. 2000).

15 (b) As soon as practicable after the date of enactment
16 of this Act, the Secretary shall convey to the County, sub-
17 ject to valid existing rights, for no consideration, all right,
18 title, and interest of the United States in and to the parcel
19 of land described in subsection (c).

20 (c) The parcel of land to be conveyed under sub-
21 section (b) is the parcel of approximately 229 acres of land
22 depicted as tract A on the map entitled “Clark County
23 Public Heliport Facility” and dated May 3, 2004.

24 (d)(1) The parcel of land conveyed under subsection
25 (b)—

1 (A) shall be used by the County for the oper-
2 ation of a heliport facility under the conditions stat-
3 ed in paragraphs (2), (3), and (4); and

4 (B) shall not be disposed of by the County.

5 (2)(A) Any operator of a helicopter tour originating
6 from or concluding at the parcel of land described in sub-
7 section (c) shall pay to the Clark County Department of
8 Aviation a \$3 conservation fee for each passenger on the
9 helicopter tour if any portion of the helicopter tour occurs
10 over the Conservation Area.

11 (B)(i) Not earlier than 10 years after the date of en-
12 actment of this Act and every 10 years thereafter, the Sec-
13 retary shall conduct a review to determine whether to raise
14 the amount of the conservation fee.

15 (ii) After conducting a review under clause (i) and
16 providing an opportunity for public comment, the Sec-
17 retary may raise the amount of the conservation fee in
18 an amount determined to be appropriate by the Secretary,
19 but by not more than 50 percent of the amount of the
20 conservation fee in effect on the day before the date of
21 the increase.

22 (3)(A) The amounts collected under paragraph (2)
23 shall be deposited in a special account in the Treasury
24 of the United States.

1 (B) Of the amounts deposited under subparagraph

2 (A)—

3 (i) $\frac{2}{3}$ of the amounts shall be available to the
4 Secretary, without further appropriation, for the
5 management of cultural, wildlife, and wilderness re-
6 sources on public land in the State of Nevada; and

7 (ii) $\frac{1}{3}$ of the amounts shall be available to the
8 Director of the Bureau of Land Management, with-
9 out further appropriation, for the conduct of Bureau
10 of Land Management operations for the Conserva-
11 tion Area and the Red Rock Canyon National Con-
12 servation Area.

13 (4)(A) Except for safety reasons, any helicopter tour
14 originating or concluding at the parcel of land described
15 in subsection (c) that flies over the Conservation Area
16 shall not fly—

17 (i) over any area in the Conservation Area ex-
18 cept the area that is between 3 and 5 miles north
19 of the latitude of the southernmost boundary of the
20 Conservation Area;

21 (ii) lower than 1,000 feet over the eastern seg-
22 ments of the boundary of the Conservation Area; or

23 (iii) lower than 500 feet over the western seg-
24 ments of the boundary of the Conservation Area.

1 (B) The Administrator of the Federal Aviation Ad-
2 ministration shall establish a special flight rules area and
3 any operating procedures that the Administrator deter-
4 mines to be necessary to implement subparagraph (A).

5 (5) If the County ceases to use any of the land de-
6 scribed in subsection (c) for the purpose described in para-
7 graph (1)(A) and under the conditions stated in paragraph
8 (2)—

9 (A) title to the parcel shall revert to the
10 United States, at the option of the United
11 States; and

12 (B) the County shall be responsible for any
13 reclamation necessary to revert the parcel to
14 the United States.

15 (e) The Secretary shall require, as a condition of the
16 conveyance under subsection (b), that the County pay the
17 administrative costs of the conveyance, including survey
18 costs and any other costs associated with the transfer of
19 title.

20 SEC. 181. The first sentence of section 29(c) of the
21 International Air Transportation Competition Act of 1979
22 (Public Law 96-192; 94 Stat. 48) is amended by inserting
23 "Missouri," before "and Texas".

24 ~~SEC. 182. Notwithstanding 49 U.S.C. 5336, any~~
25 ~~funds remaining available under Federal Transit Adminis-~~

1 ~~tration grant numbers NY-03-345-00, NY-03-0325-00,~~
2 ~~NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-~~
3 ~~90-X418-00, NY-90-X465-00 together with an amount~~
4 ~~not to exceed \$19,200,000 in urbanized area formula~~
5 ~~funds that were allocated by the New York Metropolitan~~
6 ~~Transportation Council to the New York City Department~~
7 ~~of Transportation as a designated recipient under 49~~
8 ~~U.S.C. 5307 may be made available to the New York Met-~~
9 ~~ropolitan Transportation Authority for eligible capital~~
10 ~~projects authorized under 49 U.S.C. 5307 and 5309.~~

11 SEC. ~~183~~. Notwithstanding any other provision of
12 law, none of the funds provided in or limited by this Act
13 may be obligated or expended to provide a budget jus-
14 tification for fiscal year 2007 concurrently with the Presi-
15 dent's annual budget submission to Congress under sec-
16 tion 1105(a) of title 31, United States Code, to any con-
17 gressional committee other than the House and Senate
18 Committees on Appropriations prior to May 31, 2006.

19 ~~SEC. 184. Notwithstanding any other provision of~~
20 ~~law, if any funds provided in or limited by this Act are~~
21 ~~subject to a reprogramming action that requires notice to~~
22 ~~be provided to the House and Senate Committees on Ap-~~
23 ~~propriations, such notice shall not be provided to any other~~
24 ~~congressional committee until 30 days after such re-~~

SEC. . Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

1 ~~programming action has been approved or denied by the~~
2 ~~House and Senate Committees on Appropriations.~~

3 SEC. ~~185~~. Notwithstanding any other provision of
4 law, the projects numbered 5094 and 5096 in the table
5 contained in section 1702 of the Safe, Accountable, Flexi-
6 ble, Efficient Transportation Equity Act: A Legacy for
7 Users (Public Law 109-59; 119 Stat. 1144) shall be sub-
8 ject to section 120(e) of title 23, United States Code.

9 SEC. ~~186~~. For necessary expenses, including an inde-
10 pendent verification regime, to reimburse fixed-based gen-
11 eral aviation operators and the providers of general avia-
12 tion ground support services at Ronald Reagan Wash-
13 ington National Airport; College Park Airport in College
14 Park, Maryland; Potomac Airpark in Fort Washington,
15 Maryland; Washington Executive/Hyde Field in Clinton,
16 Maryland; and Washington South Capitol Street Heliport
17 in Washington, DC; for direct and incremental financial
18 losses incurred while such airports were closed to general
19 aviation operations, or as of the date of enactment of this
20 provision in the case of airports that have not reopened
21 to such operations, by these operators and service pro-
22 viders solely due to the actions of the Federal government
23 following the terrorist attacks on the United States that
24 occurred on September 11, 2001, not to exceed
25 \$17,000,000, to be available until expended: *Provided,*

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1 That of this amount not to exceed \$5,000,000 shall be
2 available on a pro-rata basis, if necessary, to fixed-based
3 general aviation operators and the providers of general
4 aviation ground support services located at College Park
5 Airport in College Park, Maryland; Potomac Airpark in
6 Fort Washington, Maryland; and Washington Executive/
7 Hyde Field in Clinton, Maryland: *Provided further*, That
8 no funds shall be obligated or distributed to fixed-based
9 general aviation operator and providers of general aviation
10 ground support services until an independent audit is com- (S
11 pleted; *Provided further*, That obligation and expenditure
12 of funds are conditional upon full release of the United
13 States Government for all claims for financial losses re-
14 sulting from such actions.

15 SEC. ✓. Notwithstanding any other provision of
16 law, any amounts made available pursuant to Public Law
17 109-59 for the Gravina Island bridge and the Knik Arm
18 bridge shall be made available to the Alaska Department
19 of Transportation and Public Facilities for any purpose
20 eligible under section 133(b) of title 23, United States
21 Code: *Provided*, That in allocating funds for the equity
22 bonus program under section 105 of such title, the Sec-
23 retary shall make the calculations required under that sec-
24 tion as if this section had not been enacted: *Provided fur-*
25 *ther*, That the descriptions for High Priority Projects

Insert
84A

186

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Provided further, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursement:

1 #406, the Gravina Island bridge, and #2465, the Knik
2 Arm bridge, in section 1702 of Public Law 109-59 are
3 hereby deleted and in their place is inserted "the Alaska
4 Department of Transportation and Public Facilities".

5 SEC. ✓. (a) In addition to amounts available to
6 carry out section 10204 of the Safe, Accountable, Flexible,
7 ~~and~~ Efficient Transportation Equity Act: A Legacy for
8 Users (Public Law 109-59) as of the date of enactment
9 of this Act, of the amounts made available by section 112
10 of this Act, \$1,000,000 shall be used by the Secretary of
11 Transportation and the Secretary of Homeland Security
12 to jointly—

13 (1) complete the review and assessment of cata-
14 strophic hurricane evacuation plans under that sec-
15 tion; and

16 (2) submit to Congress, not later than June 1,
17 2006, the report described in subsection (d) of that
18 section.

19 (b) Section 10204 of the Safe, Accountable, Flexible,
20 ~~and~~ Efficient Transportation Equity Act: A Legacy for
21 Users (Public Law 109-59) is amended—

22 (1) in subsection (a)—

23 (A) by inserting after "evacuation plans"
24 the following: "(including the costs of the
25 plans)"; and

(187)

1 (B) by inserting “and other catastrophic
2 events” before “impacting”;

3 (2) in subsection (b), by striking “and local”
4 and inserting “parish, county, and municipal”; and
5 (3) in subsection (c)—

6 (A) in paragraph (1), by inserting “safe
7 and” before “practical”;

8 (B) in paragraph (2), by inserting after
9 “States” the following: “and adjoining jurisdic-
10 tions”;

11 (C) in paragraph (3), by striking “and”
12 after the semicolon at the end;

13 (D) in paragraph (4), by striking the pe-
14 riod at the end and inserting a semicolon; and

15 (E) by adding at the end the following:

16 “(5) the availability of food, water, restrooms,
17 fueling stations, and shelter opportunities along the
18 evacuation routes;

19 “(6) the time required to evacuate under the
20 plan; and

21 “(7) the physical and mental strains associated
22 with the evacuation.”.

23 This title may be cited as the “Department of Trans-
24 portation Appropriations Act, 2006”.

REVOK

1 TITLE II
 2 DEPARTMENT OF THE TREASURY
 3 DEPARTMENTAL OFFICES
 4 SALARIES AND EXPENSES
 5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Departmental Offices
 7 including operation and maintenance of the Treasury
 8 Building and Annex; hire of passenger motor vehicles;
 9 maintenance, repairs, and improvements of, and purchase
 10 of commercial insurance policies for, real properties leased
 11 or owned overseas, when necessary for the performance
 12 of official business, \$196,592,000, of which not to exceed
 13 \$8,642,000 is for executive direction program activities;
 14 not to exceed \$7,851,946 is for general counsel program
 15 activities; not to exceed \$32,011,000 is for economic poli-
 16 cies and programs activities; not to exceed \$26,221,000
 17 is for financial policies and programs activities; pursuant
 18 to section 3004(b) of the Exchange Rates and Inter-
 19 national Economic Policy Coordination Act of 1988 (22
 20 U.S.C. 5304(b)); not to exceed \$1,000,000, to remain
 21 available until expended, is for the Secretary of the Treas-
 22 ury, in conjunction with the President, to implement said
 23 subsection as it pertains to governments and trade viola-
 24 tions involving currency manipulation and other trade vio-
 25 lations; not to exceed \$39,939,000 is for financial crimes
 26 policies and programs activities; not to exceed

insect 1A

#7,852,000

#26,574,000

~~Insert~~

~~INSERT~~
1A

not to exceed \$3,000,000 for official travel expenses;

1 \$16,843,000 is for Treasury-wide management policies
2 and programs activities; and not to exceed \$63,731,000
3 is for administration programs activities: *Provided*, That
4 of the amount appropriated for financial crimes policies
5 and programs activities, \$22,032,016 is for the Office of
6 Foreign Assets Control and shall support no less than 125
7 full time equivalent positions: *Provided further*, That the
8 Secretary of the Treasury is authorized to transfer funds
9 appropriated for any program activity of the Depart-
10 mental Offices to any other program activity of the De-
11 partmental Offices upon notification to the House and
12 Senate Committees on Appropriations: *Provided further*,
13 That no appropriation for any program activity shall be
14 increased or decreased by more than ~~2.5~~ percent by all ~~of~~ ^{two}
15 such transfers: *Provided further*, That any change in fund-
^{two} ~~ing greater than 2~~ percent shall be submitted for approval
17 to the House and Senate Committees on Appropriations:
18 *Provided further*, That of the amount appropriated under
19 this heading, not to exceed \$3,000,000, to remain avail-
20 able until September 30, 2007, for information technology
21 modernization requirements; not to exceed \$100,000 for
22 official reception and representation expenses; and not to
23 exceed \$258,000 for unforeseen emergencies of a confiden-
24 tial nature, to be allocated and expended under the direc-
25 tion of the Secretary of the Treasury and to be accounted

1 for solely on his certificate: *Provided further*, That of the
2 amount appropriated under this heading, \$5,173,000, to
3 remain available until September 30, 2007, is for the
4 Treasury-wide Financial Statement Audit Program, of
5 which such amounts as may be necessary may be trans-
6 ferred to accounts of the Department's offices and bureaus
7 to conduct audits: *Provided further*, That this transfer au-
8 thority shall be in addition to any other provided in this
9 Act.

10 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

11 INVESTMENTS PROGRAMS

12 (INCLUDING TRANSFER OF FUNDS)

13 For development and acquisition of automatic data
14 processing equipment, software, and services for the De-
15 partment of the Treasury, \$24,412,000, to remain avail-
16 able until September 30, 2008: *Provided*, That these funds
17 shall be transferred to accounts and in amounts as nec-
18 essary to satisfy the requirements of the Department's of-
19 fices, bureaus, and other organizations: *Provided further*,
20 That this transfer authority shall be in addition to any
21 other transfer authority provided in this Act: *Provided fur-*
22 *ther*, That none of the funds appropriated shall be used
23 to support or supplement "Internal Revenue Service, In-
24 formation Systems" or "Internal Revenue Service, Busi-
25 ness Systems Modernization".

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, not to exceed
6 \$2,000,000 for official travel expenses, including hire of
7 passenger motor vehicles; and not to exceed \$100,000 for
8 unforeseen emergencies of a confidential nature, to be allo-
9 cated and expended under the direction of the Inspector
10 General of the Treasury, \$17,000,000, of which not to ex-
11 ceed \$2,500 shall be available for official reception and
12 representation expenses.

13 TREASURY INSPECTOR GENERAL FOR TAX

14 ADMINISTRATION

15 SALARIES AND EXPENSES

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

1 for Tax Administration, \$133,286,000; and of which not
2 to exceed \$1,500 shall be available for official reception
3 and representation expenses.

4 AIR TRANSPORTATION STABILIZATION PROGRAM

5 ACCOUNT

6 For necessary expenses to administer the Air Trans-
7 portation Stabilization Board established by section 102
8 of the Air Transportation Safety and System Stabilization
9 Act (Public Law 107-42), \$2,750,000, to remain available
10 until expended.

11 TREASURY BUILDING AND ANNEX REPAIR AND

12 RESTORATION

13 For the repair, alteration, and improvement of the
14 Treasury Building and Annex, \$10,000,000, to remain
15 available until September 30, 2008.

16 FINANCIAL CRIMES ENFORCEMENT NETWORK

17 SALARIES AND EXPENSES

18 For necessary expenses of the Financial Crimes En-
19 forcement Network, including hire of passenger motor ve-
20 hicles; travel expenses of non-Federal law enforcement
21 personnel to attend meetings concerned with financial in-
22 telligence activities, law enforcement, and financial regula-
23 tion; not to exceed \$14,000 for official reception and rep-
24 resentation expenses; and for assistance to Federal law en-
25 forcement agencies, with or without reimbursement,
26 \$73,630,000 of which not to exceed \$6,944,000 shall re-

1 main available until September 30, 2008; and of which
2 \$8,521,000 shall remain available until September 30,
3 2007: *Provided*, That funds appropriated in this account
4 may be used to procure personal services contracts.

5 FINANCIAL MANAGEMENT SERVICE

6 SALARIES AND EXPENSES

7 For necessary expenses of the Financial Management
8 Service, \$236,243,000, of which not to exceed \$9,220,000
9 shall remain available until September 30, 2008, for infor-
10 mation systems modernization initiatives; and of which not
11 to exceed \$2,500 shall be available for official reception
12 and representation expenses.

13 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

14 SALARIES AND EXPENSES

15 For necessary expenses of carrying out section 1111
16 of the Homeland Security Act of 2002, including hire of
17 passenger motor vehicles, \$91,126,000; of which not to ex-
18 ceed \$6,000 for official reception and representation ex-
19 penses; not to exceed \$50,000 for cooperative research and
20 development programs for laboratory services; and provi-
21 sion of laboratory assistance to State and local agencies
22 with or without reimbursement.

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding through
5 the United States Mint Public Enterprise Fund for costs
6 associated with the production of circulating coins, numis-
7 matic coins, and protective services, including both oper-
8 ating expenses and capital investments. The aggregate
9 amount of new liabilities and obligations incurred during
10 fiscal year 2006 under such section 5136 for circulating
11 coinage and protective service capital investments of the
12 United States Mint shall not exceed \$26,768,000.

13 BUREAU OF THE PUBLIC DEBT

14 ADMINISTERING THE PUBLIC DEBT

15 For necessary expenses connected with any public-
16 debt issues of the United States, \$179,923,000, of which
17 not to exceed \$2,500 shall be available for official recep-
18 tion and representation expenses, and of which not to ex-
19 ceed \$2,000,000 shall remain available until expended for
20 systems modernization: *Provided*, That the sum appro-
21 priated herein from the General Fund for fiscal year 2006
22 shall be reduced by not more than \$3,000,000 as definitive
23 security issue fees and Treasury Direct Investor Account
24 Maintenance fees are collected, so as to result in a final
25 fiscal year 2006 appropriation from the General Fund es-

1 timated at \$176,923,000. In addition, \$70,000 to be de-
2 rived from the Oil Spill Liability Trust Fund to reimburse
3 the Bureau for administrative and personnel expenses for
4 financial management of the Fund, as authorized by sec-
5 tion 1012 of Public Law 101-380.

6 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

7 FUND

8 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

9 FUND PROGRAM ACCOUNT

10 To carry out the Community Development Banking
11 and Financial Institutions Act of 1994 (Public Law 103-
12 325), including services authorized by 5 U.S.C. 3109, but
13 at rates for individuals not to exceed the per diem rate
14 equivalent to the rate for ES-3, \$55,000,000, to remain
15 available until September 30, 2007, of which \$4,000,000
16 shall be for financial assistance, technical assistance,
17 training and outreach programs designed to benefit Native
18 American, Native Hawaiian, and Alaskan Native commu-
19 nities and provided primarily through qualified community
20 development lender organizations with experience and ex-
21 pertise in community development banking and lending in
22 Indian country, Native American organizations, tribes and
23 tribal organizations and other suitable providers, and up
24 to \$13,500,000 may be used for administrative expenses,
25 including administration of the New Markets Tax Credit,

1 up to \$6,000,000 may be used for the cost of direct loans,
2 and up to \$250,000 may be used for administrative ex-
3 penses to carry out the direct loan program: *Provided*,
4 That the cost of direct loans, including the cost of modi-
5 fying such loans, shall be as defined in section 502 of the
6 Congressional Budget Act of 1974, as amended: *Provided*
7 *further*, That these funds are available to subsidize gross
8 obligations for the principal amount of direct loans not
9 to exceed \$11,000,000.

10 INTERNAL REVENUE SERVICE

11 PROCESSING, ASSISTANCE, AND MANAGEMENT

12 (INCLUDING RESCISSION OF FUNDS)

13 For necessary expenses of the Internal Revenue Serv-
14 ice for pre-filing taxpayer assistance and education, filing
15 and account services, shared services support, general
16 management and administration; and services as author-
17 ized by 5 U.S.C. 3109, at such rates as may be determined
18 by the Commissioner, \$4,136,578,000, of which up to
19 \$4,100,000 shall be for the Tax Counseling for the Elderly
20 Program, of which \$8,000,000 shall be available for low-
21 income taxpayer clinic grants, of which \$1,500,000 shall
22 be for the Internal Revenue Service Oversight Board; and
23 of which not to exceed \$25,000 shall be for official recep-
24 tion and representation expenses: *Provided*, That of unob-
25 ligated amounts available under this heading from pre-
26 vious appropriations acts, \$20,000,000 shall be rescinded.

1 TAX LAW ENFORCEMENT

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Internal Revenue Serv-
4 ice for determining and establishing tax liabilities; pro-
5 viding litigation support; conducting criminal investigation
6 and enforcement activities; securing unfiled tax returns;
7 collecting unpaid accounts; conducting a document match-
8 ing program; resolving taxpayer problems through prompt
9 identification, referral and settlement; expanded customer
10 service and public outreach programs, strengthened en-
11 forcement activities, and enhanced research efforts to re-
12 duce erroneous filings associated with the earned income
13 tax credit; compiling statistics of income and conducting
14 compliance research; purchase (for police-type use, not to
15 exceed 850) and hire of passenger motor vehicles (31
16 U.S.C. 1343(b)); and services as authorized by 5 U.S.C.
17 3109, at such rates as may be determined by the Commis-
18 sioner, \$4,725,756,000, of which not to exceed \$1,000,000
19 shall remain available until September 30, 2008, for re-
20 search; and of which \$55,584,000 shall be for the Inter-
21 agency Crime and Drug Enforcement program: *Provided,*
22 That up to \$10,000,000 may be transferred as necessary
23 from this account to the IRS Processing, Assistance, and
24 Management appropriation or the IRS Information Sys-
25 tems appropriation solely for the purposes of management
26 of the Interagency Crime and Drug Enforcement Pro-

1 gram: *Provided further*, That up to \$10,000,000 may be
2 transferred as necessary from this account to the IRS
3 Processing, Assistance, and Management appropriation or
4 the IRS Information Systems appropriation solely for the
5 purposes of management of the Earned Income Tax Cred-
6 it compliance program and to reimburse the Social Secu-
7 rity Administration for the cost of implementing section
8 1090 of the Taxpayer Relief Act of 1997 (Public Law
9 105-33): *Provided further*, That this transfer authority
10 shall be in addition to any other transfer authority pro-
11 vided in this Act.

12 INFORMATION SYSTEMS

13 For necessary expenses of the Internal Revenue Serv-
14 ice for information systems and telecommunications sup-
15 port, including developmental information systems and
16 operational information systems; the hire of passenger
17 motor vehicles (31 U.S.C. 1343(b)); and services as au-
18 thorized by 5 U.S.C. 3109, at such rates as may be deter-
19 mined by the Commissioner, \$1,598,967,000, of which
20 \$75,000,000 shall remain available until September 30,
21 2007.

22 BUSINESS SYSTEMS MODERNIZATION

23 For necessary expenses of the Internal Revenue Serv-
24 ice, \$199,000,000, to remain available until September 30,
25 2008, for the capital asset acquisition of information tech-
26 nology systems, including management and related con-

1 tractual costs of said acquisitions, including contractual
2 costs associated with operations authorized by 5 U.S.C.
3 3109: *Provided*, That none of these funds may be obli-
4 gated until the Internal Revenue Service submits to the
5 Committees on Appropriations, and such Committees ap-
6 prove, a plan for expenditure that: (1) meets the capital
7 planning and investment control review requirements es-
8 tablished by the Office of Management and Budget, in-
9 cluding Circular A-11; (2) complies with the Internal Rev-
10 enue Service's enterprise architecture, including the mod-
11 ernization blueprint; (3) conforms with the Internal Rev-
12 enue Service's enterprise life cycle methodology; (4) is ap-
13 proved by the Internal Revenue Service, the Department
14 of the Treasury, and the Office of Management and Budg-
15 et; (5) has been reviewed by the Government Account-
16 ability Office; and (6) complies with the acquisition rules,
17 requirements, guidelines, and systems acquisition manage-
18 ment practices of the Federal Government.

19 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

20 (INCLUDING RESCISSION OF FUNDS)

21 For expenses necessary to implement the health in-
22 surance tax credit included in the Trade Act of 2002
23 (Public Law 107-210), \$20,210,000: *Provided*, That of
24 unobligated amounts available under this heading from
25 previous appropriations acts, \$9,000,000 shall be re-
26 scinded.

1 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

2 SERVICE

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 201. Not to exceed 5 percent of any appropria-
5 tion made available in this Act to the Internal Revenue
6 Service or not to exceed 3 percent of appropriations under
7 the heading "Tax Law Enforcement" may be transferred
8 to any other Internal Revenue Service appropriation upon
9 the advance approval of the Committees on Appropria-
10 tions.

11 SEC. 202. The Internal Revenue Service shall main-
12 tain a training program to ensure that Internal Revenue
13 Service employees are trained in taxpayers' rights, in deal-
14 ing courteously with taxpayers, and in cross-cultural rela-
15 tions.

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

19 SEC. 204. Funds made available by this or any other
20 Act to the Internal Revenue Service shall be available for
21 improved facilities and increased manpower to provide suf-
22 ficient and effective 1-800 help line service for taxpayers.
23 The Commissioner shall continue to make the improve-
24 ment of the Internal Revenue Service 1-800 help line serv-
25 ice a priority and allocate resources necessary to increase

1 phone lines and staff to improve the Internal Revenue
2 Service 1-800 help line service.

3 SEC. 205. None of the funds appropriated or other-
4 wise made available in this or any other Act or source to
5 the Internal Revenue Service may be used to reduce tax-
6 payer services as proposed in fiscal year 2006 until the
7 Treasury Inspector General for Tax Administration com-
8 pletes a study detailing the impact of such proposed reduc-
9 tions on taxpayer compliance and taxpayer services, and
10 the Internal Revenue Service's plans for providing ade-
11 quate alternative services, and submits such study and
12 plans to the Committees on Appropriations of the House
13 of Representatives and the Senate for approval: *Provided*,
14 That no funds shall be obligated by the Internal Revenue
15 Service for such purposes for 60 days after receipt of such
16 study: *Provided further*, That the Internal Revenue Service
17 shall consult with stakeholder organizations, including but
18 not limited to, the National Taxpayer Advocate, the Inter-
19 nal Revenue Service Oversight Board, the Treasury In-
20 spector General for Tax Administration, and Internal Rev-
21 enue Service employees with respect to any proposed or
22 planned efforts by the Internal Revenue Service to termi-
23 nate or reduce significantly any taxpayer service activity.

24 SEC. 206. Of the funds made available by this Act
25 to the Internal Revenue Service, not less than

1 \$6,447,000,000 shall be available only for tax enforce-
2 ment. In addition, of the funds made available by this Act
3 to the Internal Revenue Service, and subject to the same
4 terms and conditions, \$446,000,000 shall be available for
5 enhanced tax enforcement.

6 SEC. 207. Of the funds made available by this Act
7 to the Internal Revenue Service, not less than
8 \$166,249,000 shall be available for operating expenses of
9 the Taxpayer Advocate Service, of which not less than
10 \$141,311,650 shall be made available from the "Tax Law
11 Enforcement" account.

12 SEC. 208. The Internal Revenue Service shall submit
13 its fiscal year 2007 congressional budget justifications to
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate using the identical structure
16 provided under this Act and only in accordance with the
17 direction specified in the report accompanying this Act.

18 SEC. 209. Section 3 under the heading "Administra-
19 tive Provisions—Internal Revenue Service" of title I of
20 Public Law 103-329 is amended by striking the last pro-
21 viso.

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 210. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 211. Not to exceed 2 percent of any appropria-
17 tions in this Act made available to the Departmental Of-
18 fices—Salaries and Expenses, Office of Inspector General,
19 Financial Management Service, Alcohol and Tobacco Tax
20 and Trade Bureau, Financial Crimes Enforcement Net-
21 work, and Bureau of the Public Debt, may be transferred
22 between such appropriations upon the advance approval
23 of the Committees on Appropriations: *Provided*, That no
24 transfer may increase or decrease any such appropriation
25 by more than 2 percent.

1 SEC. 212. Not to exceed 2 percent of any appropria-
2 tion made available in this Act to the Internal Revenue
3 Service may be transferred to the Treasury Inspector Gen-
4 eral for Tax Administration's appropriation upon the ad-
5 vance approval of the Committees on Appropriations: *Pro-*
6 *vided*, That no transfer may increase or decrease any such
7 appropriation by more than 2 percent.

8 SEC. 213. Of the funds available for the purchase of
9 law enforcement vehicles, no funds may be obligated until
10 the Secretary of the Treasury certifies that the purchase
11 by the respective Treasury bureau is consistent with De-
12 partmental vehicle management principles: *Provided*, That
13 the Secretary may delegate this authority to the Assistant
14 Secretary for Management.

15 SEC. 214. None of the funds appropriated in this Act
16 or otherwise available to the Department of the Treasury
17 or the Bureau of Engraving and Printing may be used
18 to redesign the \$1 Federal Reserve note.

19 SEC. 215. The Secretary of the Treasury may trans-
20 fer funds from Financial Management Services, Salaries
21 and Expenses to Debt Collection Fund as necessary to
22 cover the costs of debt collection: *Provided*, That such
23 amounts shall be reimbursed to such salaries and expenses
24 account from debt collections received in the Debt Collec-
25 tion Fund.

1 SEC. 216. Section 122(g)(1) of Public Law 105-119
2 (5 U.S.C. 3104 note), is further amended by striking “7
3 years” and inserting “8 years”.

4 SEC. 217. None of the funds appropriated or other-
5 wise made available by this or any other Act may be used
6 by the United States Mint to construct or operate any mu-
7 seum without the explicit approval of the House Com-
8 mittee on Financial Services and the Senate Committee
9 on Banking, Housing, and Urban Affairs.

10 SEC. 218. None of the funds appropriated or other-
11 wise made available by this or any other Act or source
12 to the Department of the Treasury, the Bureau of Engrav-
13 ing and Printing, and the United States Mint, individually
14 or collectively, may be used to consolidate any or all func-
15 tions of the Bureau of Engraving and Printing and the
16 United States Mint without the explicit approval of the
17 House Committee on Financial Services; the Senate Com-
18 mittee on Banking, Housing, and Urban Affairs; the
19 House Committee on Appropriations; and the Senate
20 Committee on Appropriations.

21 SEC. 219. None of the funds appropriated or other-
22 wise made available by this or any other Act or source
23 to the Secretary of the Treasury may be expended to de-
24 velop, study, or implement any plan to reallocate the re-
25 sources of, or merge the Financial Crimes Enforcement

1 Network into the Departmental Offices—Salaries and Ex-
 2 penses, or any other office within the Department of the
 3 Treasury.

4 This title may be cited as the “Department of the
 5 Treasury Appropriations Act, 2006”.

6 TITLE III

7 DEPARTMENT OF HOUSING AND URBAN

8 DEVELOPMENT

9 PUBLIC AND INDIAN HOUSING

10 TENANT-BASED RENTAL ASSISTANCE

11 (INCLUDING TRANSFER OF FUNDS)

12 For activities and assistance for the provision of ten-
 13 ant-based rental assistance authorized under the United
 14 States Housing ^A act of 1937, as amended (42 U.S.C. 1437
 15 et seq.) (“the Act” herein), not otherwise provided for,
 16 ^{655,725} ~~\$15,573,656,000~~, to remain available until expended, of
 17 which \$11,373,656,000 shall be available on October 1,
 18 2005, and \$4,200,000,000 shall be available on October
 19 1, 2006: *Provided*, That the amounts made available under
 20 this heading are provided as follows:

21 (1) \$14,089,755,725 for renewals of expiring
 22 section 8 tenant-based annual contributions con-
 23 tracts (including renewals of enhanced vouchers
 24 under any provision of law authorizing such assist-
 25 ance under section 8(t) of the Act): *Provided*, That
 26 notwithstanding any other provision of law, from

1 amounts provided under this paragraph, the Sec-
2 retary for the calendar year 2006 funding cycle shall
3 provide renewal funding for each public housing
4 agency based on each public housing agency's 2005
5 annual budget for renewal funding as calculated by
6 HUD, prior to prorations, and by applying the 2006
7 Annual Adjustment Factor as established by the
8 Secretary, and by making any necessary adjustments
9 for the costs associated with the first-time renewal
10 of tenant protection or HOPE VI vouchers or vouch-
11 ers that were not in use during the 12-month period
12 in order to be available to meet a commitment pur-
13 suant to section 8(o)(13) of the Act: *Provided fur-*
14 *ther*, That the Secretary shall, to the extent nec-
15 essary to stay within the amount provided under this
16 paragraph, pro rate each public housing agency's al-
17 location otherwise established pursuant to this para-
18 graph: *Provided further*, That except as provided in
19 the following proviso, the entire amount provided
20 under this paragraph shall be obligated to the public
21 housing agencies based on the allocation and pro
22 rata method described above: *Provided further*, That
23 public housing agencies participating in the Moving
24 to Work demonstration shall be funded pursuant to
25 their Moving to Work agreements and shall be sub-

1 ject to the same pro rata adjustments under the pre-
2 vious proviso: *Provided further*, That up to
3 \$45,000,000 shall be available only: (1) to adjust the
4 allocations for public housing agencies, after applica-
5 tion for an adjustment by a public housing agency
6 and verification by HUD, whose allocations under
7 this heading for contract renewals for the calendar
8 year 2005 funding cycle were based on verified VMS
9 leasing and cost data averaged for the months of
10 May, June, and July of 2004 and solely because of
11 temporarily low leasing levels during such 3-month
12 period did not accurately reflect leasing levels and
13 costs for the 2004 fiscal year of the agencies; and
14 (2) for adjustments for public housing agencies that
15 experienced a significant increase, as determined by
16 the Secretary, in renewal costs resulting from un-
17 foreseen circumstances or from the portability under
18 section 8(r) of the United States Housing Act of
19 1937 of tenant-based rental assistance: *Provided fur-*
20 *ther*, That none of the funds provided in this para-
21 graph may be used to support a total number of unit
22 months under lease which exceeds a public housing
23 agency's authorized level of units under contract;
24 (2) \$180,000,000 for section 8 rental assistance
25 for relocation and replacement of housing units that

1 are demolished or disposed of pursuant to the Omni-
2 bus Consolidated Rescissions and Appropriations Act
3 of 1996 (Public Law 104-134), conversion of section
4 23 projects to assistance under section 8, the family
5 unification program under section 8(x) of the Act,
6 relocation of witnesses in connection with efforts to
7 combat crime in public and assisted housing pursu-
8 ant to a request from a law enforcement or prosecu-
9 tion agency, enhanced vouchers under any provision
10 of law authorizing such assistance under section 8(t)
11 of the Act, HOPE VI vouchers, mandatory and vol-
12 untary conversions, and tenant protection assistance
13 including replacement and relocation assistance: *Pro-*
14 *vided*, That no more than \$12,000,000 can be used
15 for section 8 assistance to cover the cost of judg-
16 ments and settlement agreements;

17 (3) \$48,000,000 for family self-sufficiency coor-
18 dinators under section 23 of the Act;

19 (4) \$5,900,000 shall be transferred to the
20 Working Capital Fund; and

21 (5) \$1,250,000,000 for administrative and
22 other expenses of public housing agencies in admin-
23 istering the section 8 tenant-based rental assistance
24 program, of which up to \$10,000,000 shall be avail-
25 able to the Secretary to allocate to public housing

1 agencies that need additional funds to administer
 2 their section 8 programs: *Provided*, That
 3 \$1,240,000,000 of the amount provided in this para-
 4 graph shall be allocated for the calendar year 2006
 5 funding cycle on a pro rata basis to public housing
 6 agencies based on the amount public housing agen-
 7 cies were eligible to receive in calendar year 2005:
 8 *Provided further*, That all amounts provided under
 9 this paragraph shall be only for activities related to
 10 the provision of tenant-based rental assistance au-
 11 thorized under section 8, including related develop-
 12 ment activities.

13 HOUSING CERTIFICATE FUND

14 (RESCISSION)

15 Of the unobligated balances, including recaptures and
 16 carryover, remaining from funds appropriated to the De-
 17 partment of Housing and Urban Development under this
 18 heading, the heading "Annual contributions for assisted
 19 housing", the heading "Tenant-based rental assistance",
 20 and the heading "Project-based rental assistance",
 21 ^{1,000} \$2,050,000 is rescinded, to be effected by the Secretary
 22 no later than September 30, 2006: *Provided*, That, if in-
 23 sufficient funds exist under these headings, the remaining
 24 balance may be derived from any other heading under this
 25 title: *Provided further*, That the Secretary shall notify the
 26 Committees on Appropriations 30 days in advance of the

for fiscal year 2005
and prior years,

1 rescission of any funds derived from the headings specified
2 above: *Provided further*, That any such balances governed
3 by reallocation provisions under the statute authorizing
4 the program for which the funds were originally appro-
5 priated shall be available for the rescission: *Provided fur-*
6 *ther*, That any obligated balances of contract authority
7 from fiscal year 1974 and prior that have been terminated
8 shall be cancelled: *Provided further*, That no amounts re-
9 captured from amounts appropriated in prior years under
10 this heading or the heading "Annual contributions for as-
11 sisted housing" and no carryover of such appropriated
12 amounts for project-based assistance shall be available for
13 the calendar year 2006 funding cycle for activities pro-
14 vided for under the heading "Tenant-based rental assist-
15 ance".

16 PROJECT-BASED RENTAL ASSISTANCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For activities and assistance for the provision of
19 project-based subsidy contracts under the United States
20 Housing Act of 1937, as amended (42 U.S.C. 1437 et
21 seq.) ("the Act" herein), not otherwise provided for,
22 \$5,088,300,000, to remain available until expended: *Pro-*
23 *vided*, That the amounts made available under this head-
24 ing are provided as follows:

- 25 (1) \$4,939,700,000 for expiring or terminating
26 section 8 project-based subsidy contracts (including

1 section 8 moderate rehabilitation contracts), for
2 amendments to section 8 project-based subsidy con-
3 tracts (including section 8 moderate rehabilitation
4 contracts), for contracts entered into pursuant to
5 section 441 of the McKinney-Vento Homeless Assist-
6 ance Act, for renewal of section 8 contracts for units
7 in projects that are subject to approved plans of ac-
8 tion under the Emergency Low Income Housing
9 Preservation Act of 1987 or the Low-Income Hous-
10 ing Preservation and Resident Homeownership Act
11 of 1990, and for administrative and other expenses
12 associated with project-based activities and assist-
13 ance funded under this paragraph.

14 (2) \$147,200,000 for performance-based con-
15 tract administrators for section 8 project-based as-
16 sistance: *Provided*, That the Secretary may also use
17 such amounts for performance-based contract ad-
18 ministrators for: interest reduction payments pursu-
19 ant to section 236(a) of the National Housing Act
20 (12 U.S.C. 1715z-1(a)); rent supplement payments
21 pursuant to section 101 of the Housing and Urban
22 Development Act of 1965 (12 U.S.C. 1701s); Sec-
23 tion 236(f)(2) rental assistance payments (12 U.S.C.
24 1715z-1(f)(2)); project rental assistance contracts
25 for the elderly under section 202(c)(2) of the Hous-

1 ing Act of 1959, as amended (12 U.S.C. 1701q,
2 1701q-1); project rental assistance contracts for
3 supportive housing for persons with disabilities
4 under section 811(d)(2) of the Cranston-Gonzalez
5 National Affordable Housing Act; project assistance
6 contracts pursuant to section 202(h) of the Housing
7 Act of 1959 (Public Law 86-372; 73 Stat. 667);
8 and loans under section 202 of the Housing Act of
9 1959 (Public Law 86-372; 73 Stat. 667).

10 (3) \$1,400,000 shall be transferred to the
11 Working Capital Fund: *Provided further*, That
12 amounts recaptured under this heading, the heading,
13 ‘Annual Contributions for Assisted Housing,’ or the
14 heading, ‘Housing Certificate Fund,’ for project-
15 based section 8 activities may be used for renewals
16 of or amendments to section 8 project-based subsidy
17 contracts or for performance-based contract adminis-
18 trators, notwithstanding the purposes for which such
19 amounts were appropriated.

20 (4) amounts recaptured under this heading, the
21 heading “Annual Contributions for Assisted Hous-
22 ing”, or the heading “Housing Certificate Fund”
23 may be used for renewals of or amendments to sec-
24 tion 8 project-based contracts, notwithstanding the
25 purposes for which such amounts were appropriated.

1 PUBLIC HOUSING CAPITAL FUND
2 (INCLUDING TRANSFERS OF FUNDS)

3 For the Public Housing Capital Fund Program to
4 carry out capital and management activities for public
5 housing agencies, as authorized under section 9 of the
6 United States Housing Act of 1937, as amended (42
7 U.S.C. 1437g) (the "Act") \$2,463,600,000, to remain
8 available until September 30, 2009: *Provided*, That not-
9 withstanding any other provision of law or regulation, dur-
10 ing fiscal year 2006, the Secretary may not delegate to
11 any Department official other than the Deputy Secretary
12 and the Assistant Secretary for Public and Indian Hous-
13 ing any authority under paragraph (2) of section 9(j) re-
14 garding the extension of the time periods under such sec-
15 tion: *Provided further*, That for purposes of such section
16 9(j), the term "obligate" means, with respect to amounts,
17 that the amounts are subject to a binding agreement that
18 will result in outlays, immediately or in the future: *Pro-*
19 *vided further*, That of the total amount provided under
20 this heading, up to \$11,000,000 shall be for carrying out
21 activities under section 9(h) of such Act: *Provided further*,
22 That \$11,000,000 shall be transferred to the Working
23 Capital Fund: *Provided further*, That no funds may be
24 used under this heading for the purposes specified in sec-
25 tion 9(k) of the United States Housing Act of 1937, as
26 amended: *Provided further*, That of the total amount pro-

1 vided under this heading, up to \$17,000,000 shall be avail-
2 able for the Secretary of Housing and Urban Development
3 to make grants, notwithstanding section 305 of this Act,
4 to public housing agencies for emergency capital needs re-
5 sulting from unforeseen or unpreventable emergencies and
6 natural disasters occurring in fiscal year 2006: *Provided*
7 *further*, That of the total amount provided under this
8 heading, \$38,000,000 shall be for supportive services,
9 service coordinators and congregate services as authorized
10 by section 34 of the Act and the Native American Housing
11 Assistance and Self-Determination Act of 1996: *Provided*
12 *further*, That of the total amount provided under this
13 heading up to \$8,820,000 is to support the costs of admin-
14 istrative and judicial receiverships: *Provided further*, That
15 of the total amount provided under this heading,
16 \$7,500,000 shall be for Neighborhood Networks grants for
17 activities authorized in section 9(d)(1)(E) of the United
18 States Housing Act of 1937, as amended: *Provided fur-*
19 *ther*, That notwithstanding any other provision of law,
20 amounts made available in the previous proviso shall be
21 awarded to public housing agencies on a competitive basis:
22 *Provided further*, That notwithstanding section 9(d)(1)(E)
23 of the United States Housing Act of 1937, any Neighbor-
24 hood Networks computer center established with funding
25 made available under this heading in this or any other Act,

1 shall be available for use by residents of public housing
2 and residents of other housing assisted with funding made
3 available under this title in this Act or any other Act.

4 PUBLIC HOUSING OPERATING FUND

5 For 2006 payments to public housing agencies for the
6 operation and management of public housing, as author-
7 ized by section 9(e) of the United States Housing Act of
8 1937, as amended (42 U.S.C. 1437g(e)), \$3,600,000,000:
9 *Provided*, That, in fiscal year 2006 and all fiscal years
10 hereafter, no amounts under this heading in any appro-
11 priations Act may be used for payments to public housing
12 agencies for the costs of operation and management of
13 public housing for any year prior to the current year of
14 such Act: *Provided further*, That no funds may be used
15 under this heading for the purposes specified in section
16 9(k) of the United States Housing Act of 1937, as amend-
17 ed.

18 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
19 HOUSING (HOPE VI)

20 For grants to public housing agencies for demolition,
21 site revitalization, replacement housing, and tenant-based
22 assistance grants to projects as authorized by section 24
23 of the United States Housing Act of 1937, as amended,
24 \$100,000,000, to remain available until September 30,
25 2007, of which the Secretary may use up to \$2,000,000
26 for technical assistance and contract expertise, to be pro-

1 vided directly or indirectly by grants, contracts or coopera-
2 tive agreements, including training and cost of necessary
3 travel for participants in such training, by or to officials
4 and employees of the department and of public housing
5 agencies and to residents: *Provided*, That none of such
6 funds shall be used directly or indirectly by granting com-
7 petitive advantage in awards to settle litigation or pay
8 judgments, unless expressly permitted herein.

9 NATIVE AMERICAN HOUSING BLOCK GRANTS

10 (INCLUDING TRANSFER OF FUNDS)

11 For the Native American Housing Block Grants pro-
12 gram, as authorized under title I of the Native American
13 Housing Assistance and Self-Determination Act of 1996
14 (NAHASDA) (25 U.S.C. 4111 et seq.), \$630,000,000, to
15 remain available until expended: *Provided*, That, notwith-
16 standing the Native American Housing Assistance and
17 Self-Determination Act of 1996, to determine the amount
18 of the allocation under title I of such Act for each Indian
19 tribe, the Secretary shall apply the formula under section
20 302 of such Act with the need component based on single-
21 race Census data and with the need component based on
22 multi-race Census data, and the amount of the allocation
23 for each Indian tribe shall be the greater of the two result-
24 ing allocation amounts, ~~of which~~ \$1,000,000 shall be con-
25 tracted through the Secretary as technical assistance and
26 capacity building to be used by the National American In-

*extended further,
That of the
amounts made
available under
this heading,*

1 dian Housing Council in support of the implementation
2 of NAHASDA; ~~of which~~ \$4,500,000 shall be to support
3 the inspection of Indian housing units, contract expertise,
4 training, and technical assistance in the training, over-
5 sight, and management of Indian housing and tenant-
6 based assistance, including up to \$300,000 for related
7 travel; ~~of which~~ up to \$4,000,000 may be used for emer-
8 gencies that constitute imminent threats to health and
9 safety, notwithstanding any other provision of law (includ-
10 ing section 205 of ~~the~~ Act): *Provided* That of the amount
11 provided under this heading, \$2,000,000 shall be made
12 available for the cost of guaranteed notes and other obliga-
13 tions, as authorized by title VI of NAHASDA: *Provided*
14 *further*, That such costs, including the costs of modifying
15 such notes and other obligations, shall be as defined in
16 section 502 of the Congressional Budget Act of 1974, as
17 amended: *Provided further*, That these funds are available
18 to subsidize the total principal amount of any notes and
19 other obligations, any part of which is to be guaranteed,
20 not to exceed \$17,926,000: *Provided further*, That for ad-
21 ministrative expenses to carry out the guaranteed loan
22 program, up to \$150,000 from amounts in the ~~first~~ pro-
23 viso, which shall be transferred to and merged with the
24 appropriation for "Salaries and Expenses".

3
further

third

1 NATIVE HAWAIIAN HOUSING BLOCK GRANT

2 For the Native Hawaiian Housing Block Grant pro-
3 gram, as authorized under title VIII of the Native Amer-
4 ican Housing Assistance and Self-Determination Act of
5 1996 (25 U.S.C. 4111 et seq.), \$8,815,000, to remain
6 available until expended, of which \$352,606 shall be for
7 training and technical assistance activities.

8 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

9 ACCOUNT

10 (INCLUDING TRANSFER OF FUNDS)

11 For the cost of guaranteed loans, as authorized by
12 section 184 of the Housing and Community Development
13 Act of 1992 (12 U.S.C. 1715z-13a), \$4,000,000, to re-
14 main available until expended: *Provided*, That such costs,
15 including the costs of modifying such loans, shall be as
16 defined in section 502 of the Congressional Budget Act
17 of 1974, as amended: *Provided further*, That these funds
18 are available to subsidize total loan principal, any part of
19 which is to be guaranteed, not to exceed ~~\$145,345,000~~ ^{116,276,000}.

20 In addition, for administrative expenses to carry out
21 the guaranteed loan program, up to \$250,000 from
22 amounts in the first paragraph which shall be transferred
23 to and merged with the appropriation for "Salaries and
24 Expenses".

1 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
2 PROGRAM ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 For the cost of guaranteed loans, as authorized by
5 section 184A of the Housing and Community Develop-
6 ment Act of 1992 (12 U.S.C. 1715z-13b), \$900,000, to
7 remain available until expended: *Provided*, That such
8 costs, including the costs of modifying such loans, shall
9 be as defined in section 502 of the Congressional Budget
10 Act of 1974, as amended: *Provided further*, That these
11 funds are available to subsidize total loan principal, any
12 part of which is to be guaranteed, not to exceed
13 ^{35,714,290} ~~\$37,403,000~~.

14 In addition, for administrative expenses to carry out
15 the guaranteed loan program, up to \$35,000 from
16 amounts in the first paragraph which shall be transferred
17 to and merged with the appropriation for "Salaries and
18 Expenses".

19 COMMUNITY PLANNING AND DEVELOPMENT

20 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

21 For carrying out the Housing Opportunities for Per-
22 sons with AIDS program, as authorized by the AIDS
23 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
24 \$289,000,000, to remain available until September 30,
25 2007, except that amounts allocated pursuant to section
26 854(c)(3) of such Act shall remain available until Sep-

1 tember 30, 2008: *Provided*, That the Secretary shall renew
 2 all expiring contracts for permanent supportive housing
 3 that were funded under section 854(c)(3) of such Act that
 4 meet all program requirements before awarding funds for
 5 new contracts and activities authorized under this section:
 6 *Provided further*, That the Secretary may use up to
 7 \$1,500,000 of the funds under this heading for training,
 8 oversight, and technical assistance activities.

9 RURAL HOUSING AND ECONOMIC DEVELOPMENT

10 For the Office of Rural Housing and Economic De-
 11 velopment in the Department of Housing and Urban De-
 12 velopment, \$17,000,000, to remain available until ex-
 13 pended, which amount shall be competitively awarded by
 14 September 1, 2006, to Indian tribes, State housing finance
 15 agencies, State community and/or economic development
 16 agencies, local rural nonprofits and community develop-
 17 ment corporations to support innovative housing and eco-
 18 nomic development activities in rural areas.

19 COMMUNITY DEVELOPMENT FUND

20 (INCLUDING TRANSFERS OF FUNDS)

21 For assistance to units of State and local govern-
 22 ment, and to other entities, for economic and community
 23 development activities, and for other purposes,
 24 \$4,220,000,000, to remain available until September 30,
 25 2008, unless otherwise specified: *Provided*, That of the

3,748,400,000 ~~\$3,788,400,000~~ 26 amount provided, is for carrying out the

1 community development block grant program under title
2 I of the Housing and Community Development Act of
3 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et
4 seq.): *Provided further*, That unless explicitly provided for
5 under this heading (except for planning grants provided
6 in the second paragraph and amounts made available
7 under the third paragraph), not to exceed 20 percent of
8 any grant made with funds appropriated under this head-
9 ing shall be expended for planning and management devel-
10 opment and administration: *Provided further*, That
11 ~~\$3,100,000~~ ^{1,600,000} shall be transferred to the Working Capital
12 Fund: *Provided further*, That \$60,000,000 shall be for
13 grants to Indian tribes notwithstanding section 106(a)(1)
14 of such Act, of which, notwithstanding any other provision
15 of law (including section 205 of this Act), up to
16 \$4,000,000 may be used for emergencies that constitute
17 imminent threats to health and safety; \$50,000,000 shall
18 be available for YouthBuild program activities authorized
19 by subtitle D of title IV of the Cranston-Gonzalez National
20 Affordable Housing Act, as amended, and such activities
21 shall be an eligible activity with respect to any funds made
22 available under this heading: *Provided*, That local
23 YouthBuild programs that demonstrate an ability to lever-
24 age private and nonprofit funding shall be given a priority
25 for YouthBuild funding: *Provided further*, That no more

^{eight}
1 than 8 percent of any grant award under the YouthBuild
2 program may be used for administrative costs: *Provided*
3 *further*, That of the amount made available for YouthBuild
4 not less than \$4,000,000 is for grants to establish
5 YouthBuild programs in underserved and rural areas and
6 \$1,000,000 is to be made available for a grant to
7 YouthBuild USA for capacity building for community de-
8 velopment and affordable housing activities as specified in
9 section 4 of the HUD Demonstration Act of 1993, as
10 amended.

11 Of the amount made available under this heading,
12 \$310,000,000 shall be available for grants for the Eco-
13 nomic Development Initiative (EDI) to finance a variety
14 of targeted economic investments in accordance with the
15 terms and conditions specified in the statement of man-
16 agers accompanying this Act: *Provided*, That none of the
17 funds provided under this paragraph may be used for pro-
18 gram operations: *Provided further*, That, for fiscal years
19 2004, 2005 and 2006, no unobligated funds for EDI
20 grants may be used for any purpose except acquisition,
21 planning, design, purchase of equipment, revitalization, re-
22 development or construction.

23 Of the amount made available under this heading,
24 \$50,000,000 shall be available for neighborhood initiatives
25 that are utilized to improve the conditions of distressed

1 and blighted areas and neighborhoods, to stimulate invest-
2 ment, economic diversification, and community revitaliza-
3 tion in areas with population outmigration or a stagnating
4 or declining economic base, or to determine whether hous-
5 ing benefits can be integrated more effectively with welfare
6 reform initiatives: *Provided*, That amounts made available
7 under this paragraph shall be provided in accordance with
8 the terms and conditions specified in the statement of
9 managers accompanying this Act.

10 The referenced statement of the managers under the
11 heading "Community Development Fund" in title II of di-
12 vision G of Public Law 108-199 is deemed to be amended
13 with respect to item number 181 striking "Volusia Coun-
14 ty" and inserting "Lively Arts Center in Volusia County".

15 The referenced statement of the managers under the
16 heading "Community Development Fund" in title II of di-
17 vision G of Public Law 108-199 is deemed to be amended
18 with respect to item number 216 by striking "for construc-
19 tion" and inserting "for planning, design, and engineer-
20 ing".

21 The referenced statement of the managers under this
22 heading in Public Law 108-447 is amended with respect *deemed to be*
23 to item number 369 by striking "for the construction of
24 HomeAid America temporary homeless shelters in Costa
25 Mesa, California" and inserting "for the construction of

1 shelters for the temporarily homeless in New York City,
2 New York”.

3 The referenced statement of the managers under this
4 heading in Public Law 108-447 is amended with respect *deemed to be*
5 to item number 502 by striking “for acquisition of” and
6 inserting “for renovations of”.

7 The referenced statement of the managers under this
8 heading in Public Law 108-447 is amended with respect *deemed to be*
9 to item number 405 by striking “Willington Senior Cen-
10 ter” and inserting “buildings and facilities associated with
11 the Willington Senior Housing Center”.

12 The referenced statement of the managers under this
13 heading in Public Law 108-447 is amended with respect *deemed to be*
14 to item number 674 by striking “City of Big Island, Vir-
15 ginia for the Sedalia Center restoration” and inserting “to
16 restore the Sedalia Center in Bedford County, Virginia”.

17 The referenced statement of the managers under this
18 heading in Public Law 108-447 is amended with respect *deemed to be*
19 to item number 469 by striking “to the City of Havana,
20 Illinois” and inserting “Havana, Illinois, Rural Fire Dis-
21 trict”.

22 The referenced statement of the managers under this
23 heading in Public Law 108-447 is amended with respect *deemed to be*
24 to item number 554 by striking “\$250,000 to the Town
25 of Monroe, New York for construction of the Monroe Free

1 Library” and inserting “\$150,000 for the Town of
2 Lewisboro, New York for infrastructure improvements for
3 the Onatru Farm Community Center and \$100,000 for
4 the Town of Poughkeepsie, New York for streetscape and
5 related improvements in the Arlington Business District”.

6 The referenced statement of the managers under this
7 heading in Public Law 108-447 is amended with respect *deemed to be*
8 to item number 445 by striking “City of St. Petersburg,
9 Florida” and inserting “Catholic Charities, Diocese of St.
10 Petersburg, Florida”.

~~11 The referenced statement of the managers under this
12 heading in Public Law 108-7 is amended with respect to
13 item number 633 by striking “for construction and build-
14 out of an amphitheater” and inserting “for paving parking
15 lots, walking track and constructing a train set jungle
16 gym”.~~

17 The referenced statement of the managers under this
18 heading in Public Law 108-199 is amended with respect *deemed to be*
19 to item number 103 for the Mission Preservation Founda-
20 tion in San Juan Capistrano, California by striking “for
21 the Great Stone Church restoration project” and inserting
22 “to construct and install environment controls and secu-
23 rity measures”.

24 The referenced statement of the managers under this
25 heading in Division A of the Emergency Appropriations

1 Act for Defense, Global War on Terror, and Tsunami Re-
2 lief, 2005 (Public Law 109–13) is amended—

3 (1) in section 6070 (119 Stat. 299), by striking
4 paragraph (1); and

5 (2) in section 6071 (119 Stat. 299), by striking
6 paragraph (1).

7 The referenced statement of the managers under the
8 heading “Community Development Fund” in title II of di-
9 vision I of Public Law 108–447 is deemed to be amended
10 with respect to item number 83 by striking “construction”
11 and inserting “planning, design, engineering, and con-
12 struction”.

13 The referenced statement of the managers under the
14 heading “Community Development Fund” in title II of di-
15 vision G of Public Law 108–199 is deemed to be amended
16 with respect to item number 216 by striking “for construc-
17 tion” and inserting “for planning, design, and engineer-
18 ing”.

19 The referenced statement of the managers under the
20 heading “Community Development Fund” in title II of di-
21 vision I of Public Law 108–447 is deemed to be amended
22 with respect to item 9 by striking “for costs associated
23 with the construction” and inserting “to be used for the
24 planning and design”.

1 The referenced statement of the managers under the
2 heading "Community Development Fund" in title II of Di-
3 vision I of Public Law 108-447 is deemed to be amended
4 with respect to item 260 by adding before the period "in-
5 cluding \$120,000 for property renovation at 754 Broad
6 Street for the Family Center emergency shelter for fami-
7 lies and children".

8 The referenced statement of the managers accom-
9 panying Public Law 106-74 is deemed to be amended by
10 inserting on page 113 ", of which \$47,500 may be used
11 for physical improvements at the South Providence Devel-
12 opment Corporation business incubator facility or
13 CleanScape, including associated project management
14 costs" after "\$100,000 for the South Providence Develop-
15 ment Corporation in Providence, Rhode Island for a child
16 care facility".

17 The referenced statement of the managers under the
18 heading "Community Development Fund" in title II of Di-
19 vision I of Public Law 108-447 is deemed to be amended
20 with respect to item number 30 by striking "City of San
21 Francisco" and inserting "San Francisco Museum and
22 Historical Society".

23 The referenced statement of the managers under the
24 heading "Community Development Fund" in title II of Di-
25 vision G of Public Law 108-199 is deemed to be amended

1 with respect to item number 122 by striking “City of San
2 Francisco” and inserting “San Francisco Museum and
3 Historical Society”.

4 The referenced statement of the managers under this
5 heading in Public Law 108–199 is deemed to be amended
6 with respect to item number 855 by striking “the Skagit
7 County Children’s Museum in Mount Vernon, Washington
8 for facilities improvements and renovation” and inserting
9 “the Children’s Museum of Skagit County in Mount
10 Vernon, Washington to purchase and renovate a build-
11 ing”.

12 The referenced statement of the managers under this
13 heading in Public Law 108–447 is deemed to be amended
14 with respect to item number 1027 by striking “planning
15 and design” and inserting “planning, design, construction
16 and buildout”.

17 The referenced statement of the managers under this
18 heading in Public Law 108–447 is deemed to be amended
19 with respect to item number 946 by striking “capital” and
20 inserting “planning, design, engineering, and construc-
21 tion”.

22 The referenced statement of the managers under this
23 heading in Public Law 108–447 is deemed to be amended
24 with respect to item number 731 by striking “rehabilita-

1 tion and buildout” and inserting “planning, evaluation,
2 design, engineering and construction”.

3 COMMUNITY DEVELOPMENT LOAN GUARANTEES

4 PROGRAM ACCOUNT

5 (INCLUDING TRANSFER OF FUNDS)

6 For the cost of guaranteed loans, \$3,000,000, to re-
7 main available until September 30, 2007, as authorized
8 by section 108 of the Housing and Community Develop-
9 ment Act of 1974, as amended: *Provided*, That such costs,
10 including the cost of modifying such loans, shall be as de-
11 fined in section 502 of the Congressional Budget Act of
12 1974, as amended: *Provided further*, That these funds are
13 available to subsidize total loan principal, any part of
14 which is to be guaranteed, not to exceed \$137,500,000,
15 notwithstanding any aggregate limitation on outstanding
16 obligations guaranteed in section 108(k) of the Housing
17 and Community Development Act of 1974, as amended.

18 In addition, for administrative expenses to carry out
19 the guaranteed loan program, \$750,000 shall be trans-
20 ferred to and merged with the appropriation for “Salaries
21 and expenses”.

22 BROWNFIELDS REDEVELOPMENT

23 (INCLUDING RESCISSION OF FUNDS)

24 For competitive economic development grants, as au-
25 thorized by section 108(q) of the Housing and Community
26 Development Act of 1974, as amended, for Brownfields

1 redevelopment projects, \$10,000,000, to remain available
2 until September 30, 2007: *Provided*, That \$10,000,000
3 shall be rescinded from unobligated balances from prior
4 years appropriations under this heading and, to the extent
5 there are insufficient balances, any additional rescission
6 amounts shall be rescinded from funds appropriated under
7 this heading for fiscal year 2006.

8 HOME INVESTMENT PARTNERSHIPS PROGRAM

9 (INCLUDING TRANSFERS OF FUNDS)

10 For the HOME investment partnerships program, as
11 authorized under title II of the Cranston-Gonzalez Na-
12 tional Affordable Housing Act, as amended,
13 ~~\$1,775,000,000~~, to remain available until September 30,
14 2008: *Provided*, That of the total amount provided in this
15 paragraph, up to \$42,000,000 shall be available for hous-
16 ing counseling under section 106 of the Housing and
17 Urban Development Act of 1968, and \$1,000,000 shall be
18 transferred to the Working Capital Fund.

19 In addition to amounts otherwise made available
20 under this heading, \$25,000,000, to remain available until
21 September 30, 2008, for assistance to homebuyers as au-
22 thorized under title I of the American Dream Downpay-
23 ment Act.

\$ 1,750,000,000

1 SELF-HELP AND ASSISTED HOMEOWNERSHIP
2 OPPORTUNITY PROGRAM

3 For the Self-Help and Assisted Homeownership Op-
4 portunity Program, \$61,000,000, to remain available until
5 September 30, 2008: *Provided*, That of the total amount
6 provided in this heading \$20,000,000 shall be made avail-
7 able to the Self Help Homeownership Opportunity Pro-
8 gram as authorized under section 11 of the Housing Op-
9 portunity Program Extension Act of 1996 as amended:
10 *Provided further*, That \$30,000,000 shall be made avail-
11 able for capacity building, of which \$26,500,000 shall be
12 for capacity building for Community Development and af-
13 fordable Housing for LISC and the Enterprise Founda-
14 tion for activities authorized by Section 4 of the HUD
15 Demonstration Act of 1993 (42 USC 9816 note), as in
16 effect immediately before June 12, 1997 and \$3,500,000
17 shall be made available for capacity building activities ad-
18 ministered by Habitat for Humanity International: *Pro-*
19 *vided further*, That \$3,000,000 shall be made available to
20 the Housing Assistance Council; \$1,000,000 shall be made
21 available to the ~~Native American Indian Housing Council;~~
22 ~~\$2,000,000 for the National Housing Development Cor-~~
23 ~~poration, \$4,000,000 for La Raza, and \$1,000,000 shall~~
24 ~~be made available to the Special Olympics, to remain avail-~~
25 ~~able until September 30, 2008.~~

National

Insert
45A

§4,000,000 shall be available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which \$500,000 is for technical assistance and fund management, and \$3,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; \$2,000,000 shall be available as a grant to the National Housing Development Corporation for operating expenses and a program of affordable housing acquisition and rehabilitation; and \$1,000,000 shall be made available to the Special Olympics National Organizing Committee for planning, equipment and operational expenses associated with the 2006 games in Ames, Iowa.

45 A

1 HOMELESS ASSISTANCE GRANTS
2 (INCLUDING TRANSFER OF FUNDS)

3 For the emergency shelter grants program as author-
4 ized under subtitle B of title IV of the McKinney-Vento
5 Homeless Assistance Act, as amended; the supportive
6 housing program as authorized under subtitle C of title
7 IV of such Act; the section 8 moderate rehabilitation sin-
8 gle room occupancy program as authorized under the
9 United States Housing Act of 1937, as amended, to assist
10 homeless individuals pursuant to section 441 of the
11 McKinney-Vento Homeless Assistance Act; and the shelter
12 plus care program as authorized under subtitle F of title
13 IV of such Act, \$1,340,000,000, of which \$1,320,000,000
14 shall remain available until September 30, 2008, and of
15 which \$20,000,000 shall remain available until expended:
16 *Provided*, That not less than 30 percent of funds made
17 available, excluding amounts provided for renewals under
18 the shelter plus care program, shall be used for permanent
19 housing: *Provided further*, That all funds awarded for
20 services shall be matched by 25 percent in funding by each
21 grantee: *Provided further*, That the Secretary shall renew
22 on an annual basis expiring contracts or amendments to
23 contracts funded under the shelter plus care program if
24 the program is determined to be needed under the applica-
25 ble continuum of care and meets appropriate program re-
26 quirements and financial standards, as determined by the

1 Secretary: *Provided further*, That all awards of assistance
2 under this heading shall be required to coordinate and in-
3 tegrate homeless programs with other mainstream health,
4 social services, and employment programs for which home-
5 less populations may be eligible, including Medicaid, State
6 Children's Health Insurance Program, Temporary Assist-
7 ance for Needy Families, Food Stamps, and services fund-
8 ing through the Mental Health and Substance Abuse
9 Block Grant, Workforce Investment Act, and the Welfare-
10 to-Work grant program: *Provided further*, That up to
11 \$11,674,000 of the funds appropriated under this heading
12 shall be available for the national homeless data analysis
13 project and technical assistance: *Provided further*, That
14 \$1,000,000 of the funds appropriated under this heading
15 shall be transferred to the Working Capital Fund: *Pro-*
16 *vided further*, That all balances for Shelter Plus Care re-
17 newals previously funded from the Shelter Plus Care Re-
18 newal account and transferred to this account shall be
19 available, if recaptured, for Shelter Plus Care renewals in
20 fiscal year 2006.

21 HOUSING PROGRAMS

22 HOUSING FOR THE ELDERLY

23 (INCLUDING TRANSFERS OF FUNDS)

24 For capital advances, including amendments to cap-
25 ital advance contracts, for housing for the elderly, as au-
26 thorized by section 202 of the Housing Act of 1959, as

1 amended, and for project rental assistance for the elderly
2 under section 202(c)(2) of such Act, including amend-
3 ments to contracts for such assistance and renewal of ex-
4 piring contracts for such assistance for up to a 1-year
5 term, and for supportive services associated with the hous-
6 ing, \$742,000,000, to remain available until September
7 30, 2009, of which amount \$51,600,000 shall be for serv-
8 ice coordinators and the continuation of existing con-
9 gregate service grants for residents of assisted housing
10 projects, and of which amount up to \$24,800,000 shall
11 be for grants under section 202b of the Housing Act of
12 1959 (12 U.S.C. 1701q-2) for conversion of eligible
13 projects under such section to assisted living or related
14 use and for emergency capital repairs as determined by
15 the Secretary: *Provided*, That of the amount made avail-
16 able under this heading, \$4,000,000 shall be made avail-
17 able to carry out section 203 of Public Law 108-186: *Pro-*
18 *vided further*, That of the amount made available under
19 this heading, \$20,000,000 shall be available to the Sec-
20 retary of Housing and Urban Development only for mak-
21 ing competitive grants to private nonprofit organizations
22 and consumer cooperatives for covering costs of architec-
23 tural and engineering work, site control, and other plan-
24 ning relating to the development of supportive housing for
25 the elderly that is eligible for assistance under section 202.

1 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided*
2 *further*, That amounts under this heading shall be avail-
3 able for Real Estate Assessment Center inspections and
4 inspection-related activities associated with section 202
5 capital advance projects: *Provided further*, That \$400,000
6 of the total amount made available under this heading
7 shall be transferred to the Working Capital Fund: *Pro-*
8 *vided further*, That the Secretary may waive the provisions
9 of section 202 governing the terms and conditions of
10 project rental assistance, except that the initial contract
11 term for such assistance shall not exceed 5 years in dura-
12 tion.

13 HOUSING FOR PERSONS WITH DISABILITIES

14 (INCLUDING TRANSFER OF FUNDS)

15 For capital advance contracts, including amendments
16 to capital advance contracts, for supportive housing for
17 persons with disabilities, as authorized by section 811 of
18 the Cranston-Gonzalez National Affordable Housing Act,
19 for project rental assistance for supportive housing for
20 persons with disabilities under section 811(d)(2) of such
21 Act, including amendments to contracts for such assist-
22 ance and renewal of expiring contracts for such assistance
23 for up to a 1-year term, and for supportive services associ-
24 ated with the housing for persons with disabilities as au-
25 thorized by section 811(b)(1) of such Act, and for tenant-
26 based rental assistance contracts entered into pursuant to

1 section 811 of such Act, \$239,000,000 to remain available
2 until September 30, 2009: *Provided*, That \$400,000 shall
3 be transferred to the Working Capital Fund: *Provided fur-*
4 *ther*, That, of the amount provided under this heading
5 \$78,300,000 shall be for amendments or renewal of ten-
6 ant-based assistance contracts entered into prior to fiscal
7 year 2005 (only one amendment authorized for any such
8 contract): *Provided further*, That of the amount provided
9 under this heading, the Secretary may make available up
10 to \$5,000,000 for incremental tenant-based rental assist-
11 ance, as authorized by section 811 of such Act (which as-
12 sistance is 5 years in duration): *Provided further*, That all
13 tenant-based assistance made available under this heading
14 shall continue to remain available only to persons with dis-
15 abilities: *Provided further*, That the Secretary may waive
16 the provisions of section 811 governing the terms and con-
17 ditions of project rental assistance and tenant-based as-
18 sistance, except that the initial contract term for such as-
19 sistance shall not exceed 5 years in duration: *Provided fur-*
20 *ther*, That amounts made available under this heading
21 shall be available for Real Estate Assessment Center In-
22 spections and inspection-related activities associated with
23 Section 811 Capital Advance Projects.

(comma)

ital

1 OTHER ASSISTED HOUSING PROGRAMS

2 RENTAL HOUSING ASSISTANCE

3 For amendments to contracts under section 101 of
4 the Housing and Urban Development Act of 1965 (12
5 U.S.C. 1701s) and section 236(f)(2) of the National
6 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-
7 sured rental housing projects, \$26,400,000, to remain
8 available until expended: *Provided*, That amendments to
9 such contracts hereafter may be for a period less than the
10 term of the respective contracts.

11 FLEXIBLE SUBSIDY FUND

12 (TRANSFER OF FUNDS)

13 From the Rental Housing Assistance Fund, all un-
14 committed balances of excess rental charges as of Sep-
15 tember 30, 2005, and any collections made during fiscal
16 year 2006 and all subsequent fiscal years, shall be trans-
17 ferred to the Flexible Subsidy Fund, as authorized by sec-
18 tion 236(g) of the National Housing Act, as amended.

19 ~~PAYMENT TO~~ MANUFACTURED HOUSING FEES TRUST

20 FUND

21 For necessary expenses as authorized by the National
22 Manufactured Housing Construction and Safety Stand-
23 ards Act of 1974, as amended (42 U.S.C. 5401 et seq.),
24 up to \$13,000,000, to remain available until expended, to
25 be derived from the Manufactured Housing Fees Trust
26 Fund: *Provided*, That not to exceed the total amount ap-

1 appropriated under this heading shall be available from the
2 general fund of the Treasury to the extent necessary to
3 incur obligations and make expenditures pending the re-
4 ceipt of collections to the Fund pursuant to section 620
5 of such Act: *Provided further*, That the amount made
6 available under this heading from the general fund shall
7 be reduced as such collections are received during fiscal
8 year 2006 so as to result in a final fiscal year 2006 appro-
9 priation from the general fund estimated at not more than
10 \$0 and fees pursuant to such section 620 shall be modified
11 as necessary to ensure such a final fiscal year 2006 appro-
12 priation.

13 FEDERAL HOUSING ADMINISTRATION
14 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
15 (INCLUDING TRANSFERS OF FUNDS)

16 During fiscal year 2006, commitments to guarantee
17 loans to carry out the purposes of section 203(b) of the
18 National Housing Act, as amended, shall not exceed a loan
19 principal of \$185,000,000,000.

20 During fiscal year 2006, obligations to make direct
21 loans to carry out the purposes of section 204(g) of the
22 National Housing Act, as amended, shall not exceed
23 \$50,000,000: *Provided*, That the foregoing amount shall
24 be for loans to nonprofit and governmental entities in con-
25 nection with sales of single family real properties owned

1 by the Secretary and formerly insured under the Mutual
2 Mortgage Insurance Fund.

3 For administrative expenses necessary to carry out
4 the guaranteed and direct loan program, \$355,000,000,
5 of which not to exceed \$351,000,000 shall be transferred
6 to the appropriation for "Salaries and expenses"; and not
7 to exceed \$4,000,000 shall be transferred to the appro-
8 priation for "Office of Inspector General". In addition, for
9 administrative contract expenses, \$62,600,000, of which
10 \$18,281,000 shall be transferred to the Working Capital
11 Fund: *Provided*, That to the extent guaranteed loan com-
12 mitments exceed \$65,500,000,000 on or before April 1,
13 2006, an additional \$1,400 for administrative contract ex-
14 penses shall be available for each \$1,000,000 in additional
15 guaranteed loan commitments (including a pro rata
16 amount for any amount below \$1,000,000), but in no case
17 shall funds made available by this proviso exceed
18 \$30,000,000.

19 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
20 (INCLUDING TRANSFERS OF FUNDS)

21 For the cost of guaranteed loans, as authorized by
22 sections 238 and 519 of the National Housing Act (12
23 U.S.C. 1715z-3 and 1735c), including the cost of loan
24 guarantee modifications, as that term is defined in section
25 502 of the Congressional Budget Act of 1974, as amend-
26 ed, \$8,800,000, to remain available until expended: *Pro-*

1 *vided*, That commitments to guarantee loans shall not ex-
2 ceed \$35,000,000,000 in total loan principal, any part of
3 which is to be guaranteed.

4 Gross obligations for the principal amount of direct
5 loans, as authorized by sections 204(g), 207(l), 238, and
6 519(a) of the National Housing Act, shall not exceed
7 \$50,000,000, of which not to exceed \$30,000,000 shall be
8 for bridge financing in connection with the sale of multi-
9 family real properties owned by the Secretary and for-
10 merly insured under such Act; and of which not to exceed
11 \$20,000,000 shall be for loans to nonprofit and govern-
12 mental entities in connection with the sale of single-family
13 real properties owned by the Secretary and formerly in-
14 sured under such Act.

15 In addition, for administrative expenses necessary to
16 carry out the guaranteed and direct loan programs,
17 \$231,400,000, of which \$211,400,000 shall be transferred
18 to the appropriation for "Salaries and Expenses"; and of
19 which \$20,000,000 shall be transferred to the appropria-
20 tion for "Office of Inspector General".

21 In addition, for administrative contract expenses nec-
22 essary to carry out the guaranteed and direct loan pro-
23 grams, \$71,900,000, of which \$10,800,000 shall be trans-
24 ferred to the Working Capital Fund: *Provided*, That to
25 the extent guaranteed loan commitments exceed

1 \$8,426,000,000 on or before April 1, 2006, an additional
2 \$1,980 for administrative contract expenses shall be avail-
3 able for each \$1,000,000 in additional guaranteed loan
4 commitments over \$8,426,000,000 (including a pro rata
5 amount for any increment below \$1,000,000), but in no
6 case shall funds made available by this proviso exceed
7 \$14,400,000.

8 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
9 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
10 GUARANTEE PROGRAM ACCOUNT
11 (INCLUDING TRANSFER OF FUNDS)

12 New commitments to issue guarantees to carry out
13 the purposes of section 306 of the National Housing Act,
14 as amended (12 U.S.C. 1721(g)), shall not exceed
15 \$200,000,000,000, to remain available until September
16 30, 2007.

17 For administrative expenses necessary to carry out
18 the guaranteed mortgage-backed securities program,
19 \$10,700,000, to be derived from the GNMA guarantees
20 of mortgage-backed securities guaranteed loan receipt ac-
21 count, of which not to exceed \$10,700,000, shall be trans-
22 ferred to the appropriation for "Salaries and Expenses".

23 POLICY DEVELOPMENT AND RESEARCH
24 RESEARCH AND TECHNOLOGY — (sc)

25 For contracts, grants, and necessary expenses of pro-
26 grams of research and studies relating to housing and

1 urban problems, not otherwise provided for, as authorized
2 by title V of the Housing and Urban Development Act
3 of 1970, as amended (12 U.S.C. 1701z-1 et seq.), includ-
4 ing carrying out the functions of the Secretary under sec-
5 tion 1(a)(1)(i) of Reorganization Plan No. 2 of 1968,
6 \$56,350,000, to remain available until September 30,
7 2007: *Provided*, That of the total amount provided under
8 this heading, \$5,000,000 shall be for the Partnership for
9 Advancing Technology in Housing (PATH) Initiative:
10 *Provided further*, That of the amounts made available for
11 PATH under this heading, \$2,500,000 shall not be subject
12 to the requirements of section 305 of this title: *Provided*
13 *further*, That the Office of Housing shall administer
14 PATH: *Provided further*, That of funds made available
15 under this heading, \$750,000 shall be transferred to the
16 National Research Council for a study in accordance with
17 the accompanying ~~Report~~: *Provided further*, That of the
18 funds made available under this heading, \$20,600,000 is
19 for grants pursuant to section 107 of the Housing and
20 Community Development Act of 1974, as amended, as fol-
21 lows: \$3,000,000 to support Alaska Native serving institu-
22 tions and Native Hawaiian serving institutions as defined
23 under the Higher Education Act, as amended; \$2,600,000
24 for tribal colleges and universities to build, expand, ren-
25 ovate, and equip their facilities and to expand the role of

statement of
the managers

this Act

1 the colleges into the community through the provision of
2 needed services such as health programs, job training and
3 economic development activities; \$9,000,000 for ^{(the} Histori-
4 cally Black Colleges and Universities program, of which
5 up to \$2,000,000 may be used for technical assistance;
6 and \$6,000,000 for the Hispanic Serving Institutions Pro-
7 gram.

8 FAIR HOUSING AND EQUAL OPPORTUNITY

9 FAIR HOUSING ACTIVITIES

10 For contracts, grants, and other assistance, not oth-
11 erwise provided for, as authorized by title VIII of the Civil
12 Rights Act of 1968, as amended by the Fair Housing
13 Amendments Act of 1988, and section 561 of the Housing
14 and Community Development Act of 1987, as amended,
15 \$46,000,000, to remain available until September 30,
16 2007, of which \$20,000,000 shall be to carry out activities
17 pursuant to such section 561: *Provided*, That no funds
18 made available under this heading shall be used to lobby
19 the executive or legislative branches of the Federal Gov-
20 ernment in connection with a specific contract, grant or
21 loan.

22 OFFICE OF LEAD HAZARD CONTROL

23 LEAD HAZARD REDUCTION

24 For the Lead Hazard Reduction Program, as author-
25 ized by section 1011 of the Residential Lead-Based Paint

1 Hazard Reduction Act of 1992, \$152,000,000, to remain
2 available until September 30, 2007, of which \$9,500,000
3 shall be for the Healthy Homes Initiative, pursuant to sec-
4 tions 501 and 502 of the Housing and Urban Develop-
5 ment Act of 1970 that shall include research, studies, test-
6 ing, and demonstration efforts, including education and
7 outreach concerning lead-based paint poisoning and other
8 housing-related diseases and hazards: *Provided*, That for
9 purposes of environmental review, pursuant to the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
11 et seq.) and other provisions of law that further the pur-
12 poses of such Act, a grant under the Healthy Homes Ini-
13 tiative, Operation Lead Elimination Action Plan (LEAP),
14 or the Lead Technical Studies program under this heading
15 or under prior appropriations Acts for such purposes
16 under this heading, shall be considered to be funds for
17 a special project for purposes of section 305(c) of the Mul-
18 tifamily Housing Property Disposition Reform Act of
19 1994: *Provided further*, That of the total amount made
20 available under this heading, \$48,000,000 shall be made
21 available on a competitive basis for areas with the highest
22 lead paint abatement needs, as identified by the Secretary
23 as having: (1) the highest number of occupied pre-1940
24 units of rental housing; and (2) a disproportionately high
25 number of documented cases of lead-poisoned children:

1 *Provided further*, That each grantee receiving funds under
2 the previous proviso shall target those privately owned
3 units and multifamily buildings that are occupied by low-
4 income families as defined under section 3(b)(2) of the
5 United States Housing Act of 1937: *Provided further*,
6 That not less than 90 percent of the funds made available
7 under this paragraph shall be used exclusively for abate-
8 ment, inspections, risk assessments, temporary relocations
9 and interim control of lead-based hazards as defined by
10 42 U.S.C. 4851: *Provided further*, That each recipient of
11 funds provided under the first proviso shall make a match-
12 ing contribution in an amount not less than 25 percent:
13 *Provided further*, That each applicant shall submit a de-
14 tailed plan and strategy that demonstrates adequate ca-
15 pacity that is acceptable to the Secretary to carry out the
16 proposed use of funds pursuant to a Notice of Funding
17 Availability.

18 MANAGEMENT AND ADMINISTRATION

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary administrative and non-administrative
22 expenses of the Department of Housing and Urban Devel-
23 opment, not otherwise provided for, including purchase of
24 uniforms, or allowances therefore, as authorized by 5
25 U.S.C. 5901-5902; hire of passenger motor vehicles; serv-
26 ices as authorized by 5 U.S.C. 3109; and not to exceed

1 \$25,000 for official reception and representation expenses,
2 \$1,153,285,000, of which \$562,400,000 shall be provided
3 from the various funds of the Federal Housing Adminis-
4 tration, \$10,700,000 shall be provided from funds of the
5 Government National Mortgage Association, \$750,000
6 shall be from the "Community Development ~~Loan Guar-~~
7 ~~antee Program~~, \$150,000 shall be provided by transfer
8 from the "Native American housing block grants" ac-
9 count, \$250,000 shall be provided by transfer from the
10 "Indian housing loan guarantee fund program" account
11 and \$35,000 shall be transferred from the "Native Hawai-
12 ian housing loan guarantee fund" account: *Provided*, That
13 funds made available under this heading shall only be allo-
14 cated in the manner specified in the ~~Report~~ accompanying
15 this Act unless the Committees on Appropriations of both
16 the House of Representatives and the Senate are notified
17 of any changes in an operating plan or reprogramming:
18 *Provided further*, That no official or employee of the De-
19 partment shall be designated as an allotment holder unless
20 the Office of the Chief Financial Officer (OCFO) has de-
21 termined that such allotment holder has implemented an
22 adequate system of funds control and has received training
23 in funds control procedures and directives: *Provided fur-*
24 *ther*, That the Chief Financial Officer shall establish posi-
25 tive control of and maintain adequate systems of account-

i.c.

account

Statement of the
managers

1 ing for appropriations and other available funds as re-
2 quired by 31 U.S.C. 1514: *Provided further*, That for pur-
3 poses of funds control and determining whether a violation
4 exists under the Anti-Deficiency Act (31 U.S.C. 1341 et
5 seq.), the point of obligation shall be the executed agree-
6 ment or contract, except with respect to insurance and
7 guarantee programs, certain types of salaries and ex-
8 penses funding, and incremental funding that is author-
9 ized under an executed agreement or contract, and shall
10 be designated in the approved funds control plan: *Provided*
11 *further*, That the Chief Financial Officer shall: (1) appoint
12 qualified personnel to conduct investigations of potential
13 or actual violations; (2) establish minimum training re-
14 quirements and other qualifications for personnel that
15 may be appointed to conduct investigations; (3) establish
16 guidelines and timeframes for the conduct and completion
17 of investigations; (4) prescribe the content, format and
18 other requirements for the submission of final reports on
19 violations; and (5) prescribe such additional policies and
20 procedures as may be required for conducting investiga-
21 tions of, and administering, processing, and reporting on,
22 potential and actual violations of the Anti-Deficiency Act
23 and all other statutes and regulations governing the obli-
24 gation and expenditure of funds made available in this or
25 any other Act: *Provided further*, That up to \$15,000,000

1 may be transferred to the Working Capital Fund: *Pro-*
2 *vided further*, That the Secretary shall fill 7 out of 10 va-
3 cancies at the GS-14 and GS-15 levels until the total
4 number of GS-14 and GS-15 positions in the Department
5 has been reduced from the number of GS-14 and GS-
6 15 positions on the date of enactment of Public Law 106-
7 377 by 2½ percent.

8

WORKING CAPITAL FUND

9 For additional capital for the Working Capital Fund
10 (42 U.S.C. 3535) for the development of, modifications
11 to, and infrastructure for Department-wide information
12 technology systems, for the continuing operation of both
13 Department-wide and program-specific information sys-
14 tems, and for program-related development activities,
15 \$197,000,000, to remain available until September 30,
16 2007: *Provided*, That any amounts transferred to this
17 Fund under this Act shall remain available until expended:
18 *Provided further*, That any amounts transferred to this
19 Fund from amounts appropriated by previously enacted
20 appropriations Acts or from within this Act may be used
21 only for the purposes specified under this Fund, in addi-
22 tion to the purposes for which such amounts were appro-
23 priated.

1 OFFICE OF INSPECTOR GENERAL
 2 (INCLUDING TRANSFER OF FUNDS) S

3 For necessary expenses of the Office of Inspector
 4 General in carrying out the Inspector General Act of 1978,
 5 as amended, \$106,000,000, of which \$24,000,000 shall be
 6 provided from the various funds of the Federal Housing
 7 Administration: *Provided*, That the Inspector General
 8 shall have independent authority over all personnel issues
 9 within this office.

10 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT
 11 SALARIES AND EXPENSES
 12 (INCLUDING TRANSFER OF FUNDS)

13 For carrying out the Federal Housing Enterprises
 14 Financial Safety and Soundness Act of 1992, including
 15 not to exceed \$500 for official reception and representa-
 16 tion expenses, \$60,000,000, to remain available until ex-
 17 pended, to be derived from the Federal Housing Enter-
 18 prises Oversight Fund: *Provided*, That the Director shall
 19 submit a spending plan for the amounts provided under
 20 this heading no later than January 15, 2005: *Provided* 6
 21 *further*, That not less than 80 percent of ^{the} total amount
 22 made available under this heading shall be used only for
 23 examination, supervision, and capital oversight of the en-
 24 terprises (as such term is defined in section 1303 of the
 25 Federal Housing Enterprises Financial Safety and Sound-
 26 ness Act of 1992 (12 U.S.C. 4502)) to ensure that the

1 enterprises are operating in a financially safe and sound
2 manner and complying with the capital requirements
3 under Subtitle B of such Act: *Provided further*, That not
4 to exceed the amount provided herein shall be available
5 from the general fund of the Treasury to the extent nec-
6 essary to incur obligations and make expenditures pending
7 the receipt of collections to the Fund: *Provided further*,
8 That the general fund amount shall be reduced as collec-
9 tions are received during the fiscal year so as to result
10 in a final appropriation from the general fund estimated
11 at not more than \$0.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 301. Fifty percent of the amounts of budget au-
14 thority, or in lieu thereof 50 percent of the cash amounts
15 associated with such budget authority, that are recaptured
16 from projects described in section 1012(a) of the Stewart
17 B. McKinney Homeless Assistance Amendments Act of
18 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the
19 case of cash, shall be remitted to the Treasury, and such
20 amounts of budget authority or cash recaptured and not
21 rescinded or remitted to the Treasury shall be used by
22 State housing finance agencies or local governments or
23 local housing agencies with projects approved by the Sec-
24 retary of Housing and Urban Development for which set-
25 tlement occurred after January 1, 1992, in accordance

1 with such section. Notwithstanding the previous sentence,
2 the Secretary may award up to 15 percent of the budget
3 authority or cash recaptured and not rescinded or remitted
4 to the Treasury to provide project owners with incentives
5 to refinance their project at a lower interest rate.

6 SEC. 302. None of the amounts made available under
7 this Act may be used during fiscal year 2006 to investigate
8 or prosecute under the Fair Housing Act any otherwise
9 lawful activity engaged in by one or more persons, includ-
10 ing the filing or maintaining of a non-frivolous legal ac-
11 tion, that is engaged in solely for the purpose of achieving
12 or preventing action by a Government official or entity,
13 or a court of competent jurisdiction.

14 SEC. 303. (a) Notwithstanding section 854(c)(1)(A)
15 of the AIDS Housing Opportunity Act (42 U.S.C.
16 12903(c)(1)(A)), from any amounts made available under
17 this title for fiscal year 2006 that are allocated under such
18 section, the Secretary of Housing and Urban Development
19 shall allocate and make a grant, in the amount determined
20 under subsection (b), for any State that—

21 (1) received an allocation in a prior fiscal year
22 under clause (ii) of such section; and

23 (2) is not otherwise eligible for an allocation for
24 fiscal year 2006 under such clause (ii) because the
25 areas in the State outside of the metropolitan statis-

1 tical areas that qualify under clause (i) in fiscal year
2 2006 do not have the number of cases of acquired
3 immunodeficiency syndrome (AIDS) required under
4 such clause.

5 (b) The amount of the allocation and grant for any
6 State described in subsection (a) shall be an amount based
7 on the cumulative number of AIDS cases in the areas of
8 that State that are outside of metropolitan statistical
9 areas that qualify under clause (i) of such section
10 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS
11 cases among cities and States that qualify under clauses
12 (i) and (ii) of such section and States deemed eligible
13 under subsection (a).

14 (c) Notwithstanding any other provision of law, the
15 amount allocated for fiscal year 2006 under section 854(c)
16 of the AIDS Housing Opportunity Act (42 U.S.C.
17 12903(c)), to the City of New York, New York, on behalf
18 of the New York-Wayne-White Plains, New York-New
19 Jersey Metropolitan Division (hereafter "metropolitan di-
20 vision") of the New York-Newark-Edison, NY-NJ-PA
21 Metropolitan Statistical Area, shall be adjusted by the
22 Secretary of Housing and Urban Development by: (1) allo-
23 cating to the City of Jersey City, New Jersey, the propor-
24 tion of the metropolitan area's or division's amount that
25 is based on the number of cases of AIDS reported in the

1 portion of the metropolitan area or division that is located
2 in Hudson County, New Jersey, and adjusting for the pro-
3 portion of the metropolitan division's high incidence bonus
4 if this area in New Jersey also has a higher than average
5 per capita incidence of AIDS; and (2) allocating to the
6 City of Paterson, New Jersey, the proportion of the metro-
7 politan area's or division's amount that is based on the
8 number of cases of AIDS reported in the portion of the
9 metropolitan area or division that is located in Bergen
10 County and Passaic County, New Jersey, and adjusting
11 for the proportion of the metropolitan division's high inci-
12 dence bonus if this area in New Jersey also has a higher
13 than average per capita incidence of AIDS. The recipient
14 cities shall use amounts allocated under this subsection
15 to carry out eligible activities under section 855 of the
16 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
17 their respective portions of the metropolitan division that
18 is located in New Jersey.

19 (d) Notwithstanding any other provision of law, the
20 amount allocated for fiscal year 2006 under section 854(c)
21 of the AIDS Housing Opportunity Act (42 U.S.C.
22 12903(c)) to areas with a higher than average per capita
23 incidence of AIDS, shall be adjusted by the Secretary on
24 the basis of area incidence reported over a three year pe-
25 riod.

1 SEC. 304. (a) During fiscal year 2006, in the provi-
2 sion of rental assistance under section 8(o) of the United
3 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
4 nection with a program to demonstrate the economy and
5 effectiveness of providing such assistance for use in as-
6 sisted living facilities that is carried out in the counties
7 of the State of Michigan notwithstanding paragraphs (3)
8 and (18)(B)(iii) of such section 8(o), a family residing in
9 an assisted living facility in any such county, on behalf
10 of which a public housing agency provides assistance pur-
11 suant to section 8(o)(18) of such Act, may be required,
12 at the time the family initially receives such assistance,
13 to pay rent in an amount exceeding 40 percent of the
14 monthly adjusted income of the family by such a percent-
15 age or amount as the Secretary of Housing and Urban
16 Development determines to be appropriate.

17 SEC. 305. Except as explicitly provided in law, any
18 grant, cooperative agreement or other assistance made
19 pursuant to title III of this Act shall be made on a com-
20 petitive basis and in accordance with section 102 of the
21 Department of Housing and Urban Development Reform
22 Act of 1989.

23 SEC. 306. Funds of the Department of Housing and
24 Urban Development subject to the Government Corpora-
25 tion Control Act or section 402 of the Housing Act of

1 1950 shall be available, without regard to the limitations
2 on administrative expenses, for legal services on a contract
3 or fee basis, and for utilizing and making payment for
4 services and facilities of the Federal National Mortgage
5 Association, Government National Mortgage Association,
6 Federal Home Loan Mortgage Corporation, Federal Fi-
7 nancing Bank, Federal Reserve banks or any member
8 thereof, Federal Home Loan banks, and any insured bank
9 within the meaning of the Federal Deposit Insurance Cor-
10 poration Act, as amended (12 U.S.C. 1811-1831).

11 SEC. 307. Unless otherwise provided for in this Act
12 or through a reprogramming of funds, no part of any ap-
13 propriation for the Department of Housing and Urban
14 Development shall be available for any program, project
15 or activity in excess of amounts set forth in the budget
16 estimates submitted to Congress.

17 SEC. 308. Corporations and agencies of the Depart-
18 ment of Housing and Urban Development which are sub-
19 ject to the Government Corporation Control Act, as
20 amended, are hereby authorized to make such expendi-
21 tures, within the limits of funds and borrowing authority
22 available to each such corporation or agency and in ac-
23 cordance with law, and to make such contracts and com-
24 mitments without regard to fiscal year limitations as pro-
25 vided by section 104 of such Act as may be necessary in

1 carrying out the programs set forth in the budget for 2006
2 for such corporation or agency except as hereinafter pro-
3 vided: *Provided*, That collections of these corporations and
4 agencies may be used for new loan or mortgage purchase
5 commitments only to the extent expressly provided for in
6 this Act (unless such loans are in support of other forms
7 of assistance provided for in this or prior appropriations
8 Acts), except that this proviso shall not apply to the mort-
9 gage insurance or guaranty operations of these corpora-
10 tions, or where loans or mortgage purchases are necessary
11 to protect the financial interest of the United States Gov-
12 ernment.

13 SEC. 309. None of the funds provided in this title
14 for technical assistance, training, or management improve-
15 ments may be obligated or expended unless HUD provides
16 to the Committees on Appropriations a description of each
17 proposed activity and a detailed budget estimate of the
18 costs associated with each program, project or activity as
19 part of the Budget Justifications. For fiscal year 2006,
20 HUD shall transmit this information to the Committees
21 by March 15, 2006 for 30 days of review.

22 SEC. 310. The Secretary of Housing and Urban De-
23 velopment shall provide quarterly reports to the House
24 and Senate Committees on Appropriations regarding all
25 uncommitted, unobligated, recaptured and excess funds in

1 each program and activity within the jurisdiction of the
2 Department and shall submit additional, updated budget
3 information to these Committees upon request.

4 SEC. 311. Notwithstanding any other provision of
5 law, in fiscal year 2006, in managing and disposing of any
6 multifamily property that is owned or held by the Sec-
7 retary of Housing and Urban Development, the Secretary
8 shall maintain any rental assistance payments under sec-
9 tion 8 of the United States Housing Act of 1937 that are
10 attached to any dwelling units in the property. To the ex-
11 tent the Secretary determines that such a multifamily
12 property owned or held by the Secretary is not feasible
13 for continued rental assistance payments under such sec-
14 tion 8, based on consideration of the costs of maintaining
15 such payments for that property or other factors, the Sec-
16 retary may, in consultation with the tenants of that prop-
17 erty, contract for project-based rental assistance payments
18 with an owner or owners of other existing housing prop-
19 erties, or provide other rental assistance.

20 SEC. 312. (a) Notwithstanding any other provision
21 of law, the amount allocated for fiscal year 2006 under
22 section 854(c) of the AIDS Housing Opportunity Act (42
23 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
24 on behalf of the Wilmington, Delaware-Maryland-New
25 Jersey Metropolitan Division (hereafter "metropolitan di-

1 vision”), shall be adjusted by the Secretary of Housing
2 and Urban Development by allocating to the State of New
3 Jersey the proportion of the metropolitan division’s
4 amount that is based on the number of cases of AIDS
5 reported in the portion of the metropolitan division that
6 is located in New Jersey, and adjusting for the proportion
7 of the metropolitan division’s high incidence bonus if this
8 area in New Jersey also has a higher than average per
9 capita incidence of AIDS. The State of New Jersey shall
10 use amounts allocated to the State under this subsection
11 to carry out eligible activities under section 855 of the
12 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
13 portion of the metropolitan division that is located in New
14 Jersey.

15 (b) Notwithstanding any other provision of law, the
16 Secretary of Housing and Urban Development shall allo-
17 cate to Wake County, North Carolina, the amounts that
18 otherwise would be allocated for fiscal year 2006 under
19 section 854(c) of the AIDS Housing Opportunity Act (42
20 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
21 on behalf of the Raleigh-Cary, North Carolina Metropoli-
22 tan Statistical Area. Any amounts allocated to Wake
23 County shall be used to carry out eligible activities under
24 section 855 of such Act (42 U.S.C. 12904) within such
25 metropolitan statistical area.

1 (c) Notwithstanding section 854(c) of the AIDS
2 Housing Opportunity Act (42 U.S.C. 12903(e)), the Sec-
3 retary of Housing and Urban Development may adjust the
4 allocation of the amounts that otherwise would be allo-
5 cated for fiscal year 2006 under section 854(c) of such
6 Act, upon the written request of an applicant, in conjunc-
7 tion with the State(s), for a formula allocation on behalf
8 of a metropolitan statistical area, to designate the State
9 or States in which the metropolitan statistical area is lo-
10 cated as the eligible grantee(s) of the allocation. In the
11 case that a metropolitan statistical area involves more
12 than one State, such amounts allocated to each State shall
13 be in proportion to the number of cases of AIDS reported
14 in the portion of the metropolitan statistical area located
15 in that State. Any amounts allocated to a State under this
16 section shall be used to carry out eligible activities within
17 the portion of the metropolitan statistical area located in
18 that State.

19 SEC. 313. Notwithstanding any other provision of
20 law, for this fiscal year and every fiscal year thereafter,
21 funds appropriated for housing for the elderly, as author-
22 ized by section 202 of the Housing Act of 1959, as amend-
23 ed, and for supportive housing for persons with disabil-
24 ities, as authorized by section 811 of the Cranston-Gon-
25 zalez National Affordable Housing Act, shall be available.

1 for the cost of maintaining and disposing of such prop-
2 erties that are acquired or otherwise become the responsi-
3 bility of the Department.

4 SEC. 314. The Secretary of Housing and Urban De-
5 velopment shall submit an annual report no later than Au-
6 gust 30, 2006 and annually thereafter to the House and
7 Senate Committees on Appropriations regarding the num-
8 ber of Federally assisted units under lease and the per
9 unit cost of these units to the Department of Housing and
10 Urban Development.

11 SEC. 315. The Department of Housing and Urban
12 Development shall submit the Department's fiscal year
13 ²⁰⁰⁷~~2006~~ congressional budget justifications to the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate using the identical structure provided
16 under this Act and only in accordance with the direction
17 specified in the report accompanying this Act.

18 SEC. 316. That incremental vouchers previously made
19 available under the heading "Housing Certificate Fund"
20 or renewed under the heading, "Tenant-Based Rental As-
21 sistance," for non-elderly disabled families shall, to the ex-
22 tent practicable, continue to be provided to non-elderly dis-
23 abled families upon turnover.

24 SEC. 317. A public housing agency or such other enti-
25 ty that administers Federal housing assistance in the

1 States of Alaska, Iowa, and Mississippi shall not be re-
2 quired to include a resident of public housing or a recipi-
3 ent of assistance provided under section 8 of the United
4 States Housing Act of 1937 on the board of directors or
5 a similar governing board of such agency or entity as re-
6 quired under section (2)(b) of such Act. Each public hous-
7 ing agency or other entity that administers Federal hous-
8 ing assistance under section 8 in the States of Alaska,
9 Iowa and Mississippi shall establish an advisory board of
10 not less than 6 residents of public housing or recipients
11 of section 8 assistance to provide advice and comment to
12 the public housing agency or other administering entity
13 on issues related to public housing and section 8. Such
14 advisory board shall meet not less than quarterly.

15 SEC. 318. (a) Notwithstanding any other provision
16 of law, subject to the conditions listed in subsection (b),
17 for fiscal years 2006 and 2007, the Secretary may author-
18 ize the transfer of project-based assistance, debt and
19 statutorily required low-income and very low-income use
20 restrictions, associated with one multifamily housing
21 project to another multifamily housing project.

22 (b) The transfer authorized in subsection (a) is sub-
23 ject to the following conditions:

24 (1) the number of low-income and very low-in-
25 come units and the net dollar amount of Federal as-

1 assistance provided by the transferring project shall
2 remain the same in the receiving project;

3 (2) the transferring project shall, as determined
4 by the Secretary, be either physically obsolete or eco-
5 nomically non-viable;

6 (3) the receiving project shall meet or exceed
7 applicable physical standards established by the Sec-
8 retary;

9 (4) the owner or mortgagor of the transferring
10 project shall notify and consult with the tenants re-
11 siding in the transferring project and provide a cer-
12 tification of approval by all appropriate local govern-
13 mental officials;

14 (5) the tenants of the transferring project who
15 remain eligible for assistance to be provided by the
16 receiving project shall not be required to vacate their
17 units in the transferring project until new units in
18 the receiving project are available for occupancy;

19 (6) the Secretary determines that this transfer
20 is in the best interest of the tenants;

21 (7) if either the transferring project or the re-
22 ceiving project meets the condition specified in sub-
23 section (c)(2)(A), any lien on the receiving project
24 resulting from additional financing obtained by the
25 owner shall be subordinate to any FHA-insured

1 mortgage lien transferred to, or placed on, such
2 project by the Secretary;

3 (8) if the transferring project meets the re-
4 quirements of subsection (c)(2)(E), the owner or
5 mortgagor of the receiving project shall execute and
6 record either a continuation of the existing use
7 agreement or a new use agreement for the project
8 where, in either case, any use restrictions in such
9 agreement are of no lesser duration than the exist-
10 ing use restrictions;

11 (9) any financial risk to the FHA General and
12 Special Risk Insurance Fund, as determined by the
13 Secretary, would be reduced as a result of a transfer
14 completed under this section; and

15 (10) the Secretary determines that Federal li-
16 ability with regard to this project will not be in-
17 creased.

18 (c) For purposes of this section—

19 (1) the terms “low-income” and “very low-in-
20 come” shall have the meanings provided by the stat-
21 ute and/or regulations governing the program under
22 which the project is insured or assisted;

23 (2) the term “multifamily housing project”
24 means housing that meets one of the following con-
25 ditions—

1 (A) housing that is subject to a mortgage
2 insured under the National Housing Act,

3 (B) housing that has project-based assist-
4 ance attached to the structure,

5 (C) housing that is assisted under section
6 202 of the Housing Act of 1959 as amended by
7 section 801 of the Cranston-Gonzales National
8 Affordable Housing Act,

9 (D) housing that is assisted under section
10 202 of the Housing Act of 1959, as such sec-
11 tion existed before the enactment of the Cran-
12 ston-Gonzales National Affordable Housing Act,
13 or,

14 (E) housing or vacant land that is subject
15 to a use agreement;

16 (3) the term "project-based assistance"
17 means—

18 (A) assistance provided under section 8(b)
19 of the United States Housing Act of 1937;

20 (B) assistance for housing constructed or
21 substantially rehabilitated pursuant to assist-
22 ance provided under section 8(b)(2) of such Act
23 (as such section existed immediately before Oc-
24 tober 1, 1983);

1 (C) rent supplement payments under sec-
2 tion 101 of the Housing and Urban Develop-
3 ment Act of 1965;

4 (D) additional assistance payments under
5 section 236(f)(2) of the National Housing Act;
6 and,

7 (E) assistance payments made under sec-
8 tion 202(e)(2) of the Housing Act of 1959;

9 (4) the term "receiving project" means the mul-
10 tifamily housing project to which the project-based
11 assistance, debt, and statutorily required use low-in-
12 come and very low-income restrictions are to be
13 transferred;

14 (5) the term "transferring project" means the
15 multifamily housing project which is transferring the
16 project-based assistance, debt and the statutorily re-
17 quired low-income and very low-income use restric-
18 tions to the receiving project; and,

19 (6) the term "Secretary" means the Secretary
20 of Housing and Urban Development.

21 SEC. 319. The funds made available for Native Alas-
22 kans under the heading "Native American Housing Block
23 ~~III~~ Grants" in title ~~H~~ of this Act shall be allocated to the
24 same Native Alaskan housing block grant recipients that
25 received funds in fiscal year 2005.

1 SEC. 320. (a) EXTENSION.—The Secretary of Hous-
2 ing and Urban Development shall extend the term of the
3 Moving to Work Demonstration Agreement entered into
4 between a public housing agency and the Secretary under
5 section 204, title V, of the Omnibus Consolidated Rescis-
6 sions and Appropriations Act of 1996 (Public Law 104-
7 134, April 26, 1996) if—

8 (1) the public housing agency requests such ex-
9 tension in writing;

10 (2) the public housing agency is not at the time
11 of such request for extension in default under its
12 Moving to Work Demonstration Agreement; and

13 (3) the Moving to Work Demonstration Agree-
14 ment to be extended would otherwise expire on or
15 before September 30, 2006.

16 (b) TERMS.—Unless the Secretary of Housing and
17 Urban Development and the public housing agency other-
18 wise agree, the extension under subsection (a) shall be
19 upon the identical terms and conditions set forth in the
20 extending agency's existing Moving to Work Demonstra-
21 tion Agreement, except that for each public housing agen-
22 cy that has been or will be granted an extension to its
23 original Moving to Work Agreement, the Secretary shall
24 require that data be collected so that the effect of Moving
25 to Work policy changes on residents can be measured.

1 (c) EXTENSION PERIOD.—The extension under sub-
2 section (a) shall be for such period as is requested by the
3 public housing agency, not to exceed 3 years from the date
4 of expiration of the extending agency's existing Moving to
5 Work Demonstration Agreement.

6 (d) BREACH OF AGREEMENT.—Nothing contained in
7 this section shall limit the authority of the Secretary of
8 Housing and Urban Development to terminate any Mov-
9 ing to Work Demonstration Agreement of a public housing
10 agency if the public housing agency is in breach of the
11 provisions of such agreement.

12 SEC. 321. No funds provided under this title may be
13 used for an audit of the Government National Mortgage
14 Association that makes applicable requirements under the
15 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

16 SEC. 322. Incremental vouchers previously made
17 available under the heading, "Housing Certificate Fund"
18 or renewed under the heading, "Tenant-Based Rental As-
19 sistance", for family unification shall, to the extent prac-
20 ticable, continue to be provided for family unification.

21 SEC. 323. Section 223(f)(1) of the National Housing
22 Act is amended by inserting "purchase or" immediately
23 before "refinancing of existing debt".

1 SEC. 324. Section 421 of the Housing and Commu-
2 nity Development Act of 1987 (12 U.S.C. § 1715z-4a) is
3 amended—

4 (1) in subsection (a)(1)(A), by inserting after
5 “is” the following: “or, at the time of the violations,
6 was”; and

7 (2) in subsection (a)(1)(C), by inserting after
8 “held” the following: “or, at the time of the viola-
9 tions, was insured or held”.

10 SEC. 325. Notwithstanding any other provision of
11 law, for fiscal year 2006 and thereafter, all mortgagees
12 receiving interest reduction payments under section 236
13 of the National Housing Act (12 U.S.C. 1715z-1) shall
14 submit only electronic invoices to the Department of
15 Housing and Development in order to receive such pay-
16 ments. The mortgagees shall comply with this requirement
17 no later than 90 days from the date of enactment of this
18 provision.

19 SEC. 326. Notwithstanding any other provision of
20 law, the recipient of a grant under section 202b of the
21 Housing Act of 1959 (12 U.S.C. 1701q-2) after Decem-
22 ber 26, 2000, in accordance with the unnumbered para-
23 graph at the end of section 202b(b) of such Act, may, at
24 its option, establish a single-asset nonprofit entity to own
25 the project and may lend the grant funds to such entity,

1 which may be a private nonprofit organization described
2 in section 831 of the American Homeownership and Eco-
3 nomic Opportunity Act of 2000.

4 SEC. 327. (a) No assistance shall be provided under
5 section 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f) to any individual who—

7 (1) is enrolled as a student at an institution of
8 higher education (as defined under section 102 of
9 the Higher Education Act of 1965 (20 U.S.C.
10 1002));

11 (2) is under 24 years of age;

12 (3) is not a veteran;

13 (4) is unmarried;

14 (5) does not have a dependent child; and

15 (6) is not otherwise individually eligible, or has
16 parents who, individually or jointly, are not eligible,
17 to receive assistance under section 8 of the United
18 States Housing Act of 1937 (42 U.S.C. 1437f).

19 (b) For purposes of determining the eligibility of a
20 person to receive assistance under section 8 of the United
21 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
22 cial assistance (in excess of amounts received for tuition)
23 that an individual receives under the Higher Education
24 Act of 1965 (20 U.S.C. 1001 et seq.), from private
25 sources, or an institution of higher education (as defined

1 under the Higher Education Act of 1965 (20 U.S.C.
2 1002)), shall be considered income to that individual.

3 (c) Not later than 30 days after the date of enact-
4 ment of this Act, the Secretary of Housing and Urban
5 Development shall issue final regulations to carry out the
6 provisions of this section.

7 SEC. 328. The Secretary of Housing and Urban De-
8 velopment shall give priority consideration to applications
9 from the housing authorities of the Counties of San
10 Bernardino and Santa Clara and the City of San Jose,
11 California to participate in the Moving to Work Dem-
12 onstration Agreement under Section 204, Title V, of the
13 Omnibus Consolidated Rescissions and Appropriations Act
14 of 1996 (Public Law 104-134, April 26, 1996): *Provided,*
15 That upon turnover, existing requirements on the re-
16 issuance of Section 8 vouchers shall be maintained to en-
17 sure that not less than 75 percent of all vouchers shall
18 be made available to extremely low-income families.

19 This title may be cited as the "Department of Hous-
20 ing and Urban Development Appropriations Act, 2006".

INSERT
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, except for a person over the age of 23 with dependent children

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TITLE IV

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$60,730,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$5,624,000, which shall remain available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of the chief judge, judges, and other offi-
5 cers and employees, and for necessary expenses of the
6 court, as authorized by law, \$24,000,000.

7 UNITED STATES COURT OF INTERNATIONAL TRADE

8 SALARIES AND EXPENSES

9 For salaries of the chief judge and eight judges, sala-
10 ries of the officers and employees of the court, services,
11 and necessary expenses of the court, as authorized by law,
12 \$15,480,000.

13 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
14 JUDICIAL SERVICES

15 SALARIES AND EXPENSES

16 For the salaries of circuit and district judges (includ-
17 ing judges of the territorial courts of the United States),
18 justices and judges retired from office or from regular ac-
19 tive service, judges of the United States Court of Federal
20 Claims, bankruptcy judges, magistrate judges, and all
21 other officers and employees of the Federal Judiciary not
22 otherwise specifically provided for, and necessary expenses
23 of the courts, as authorized by law, ~~\$1,343,780,000~~ (in 14,348,780,000
24 cluding the purchase of firearms and ammunition); of
25 which not to exceed \$27,817,000 shall remain available.

1 until expended for space alteration projects and for fur-
2 niture and furnishings related to new space alteration and
3 construction projects.

4 In addition, for expenses of the United States Court
5 of Federal Claims associated with processing cases under
6 the National Childhood Vaccine Injury Act of 1986 (Pub-
7 lic Law 99-660), not to exceed \$3,833,000, to be appro-
8 priated from the Vaccine Injury Compensation Trust
9 Fund.

10 DEFENDER SERVICES

11 For the operation of Federal Defender organizations;
12 the compensation and reimbursement of expenses of attor-
13 neys appointed to represent persons under the Criminal
14 Justice Act of 1964, as amended (18 U.S.C. 3006A); the
15 compensation and reimbursement of expenses of persons
16 furnishing investigative, expert and other services under
17 the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e));
18 the compensation (in accordance with Criminal Justice
19 Act maximums) and reimbursement of expenses of attor-
20 neys appointed to assist the court in criminal cases where
21 the defendant has waived representation by counsel; the
22 compensation and reimbursement of travel expenses of
23 guardians ad litem acting on behalf of financially eligible
24 minor or incompetent offenders in connection with trans-
25 fers from the United States to foreign countries with
26 which the United States has a treaty for the execution

1 of penal sentences; the compensation of attorneys ap-
2 pointed to represent jurors in civil actions for the protec-
3 tion of their employment, as authorized by 28 U.S.C.
4 1875(d); and for necessary training and general adminis-
5 trative expenses, \$717,000,000, to remain available until
6 expended.

7 FEES OF JURORS AND COMMISSIONERS

8 For fees and expenses of jurors as authorized by 28
9 U.S.C. 1871 and 1876; compensation of jury commis-
10 sioners as authorized by 28 U.S.C. 1863; and compensa-
11 tion of commissioners appointed in condemnation cases
12 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-
13 cedure (28 U.S.C. Appendix Rule 71A(h)), \$61,318,000,
14 to remain available until expended: *Provided*, That the
15 compensation of land commissioners shall not exceed the
16 daily equivalent of the highest rate payable under section
17 5332 of title 5, United States Code.

18 COURT SECURITY

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses, not otherwise provided for,
21 incident to the provision of protective guard services for
22 United States courthouses and other facilities housing
23 Federal court operations, and the procurement, installa-
24 tion, and maintenance of security systems and equipment
25 for United States courthouses and other facilities housing
26 Federal court operations, including building ingress-egress

1 control, inspection of mail and packages, directed security
2 patrols, perimeter security, basic security services provided
3 by the Federal Protective Service, and other similar activi-
4 ties as authorized by section 1010 of the Judicial Improve-
5 ment and Access to Justice Act (Public Law 100-702),
6 \$372,000,000, of which not to exceed \$15,000,000 shall
7 remain available until expended, to be expended directly
8 or transferred to the United States Marshals Service,
9 which shall be responsible for administering the Judicial
10 Facility Security Program consistent with standards or
11 guidelines agreed to by the Director of the Administrative
12 Office of the United States Courts and the Attorney Gen-
13 eral, and of which not to exceed \$65,500,000 shall remain
14 available until expended, to be expended directly or trans-
15 ferred to the United States Federal Protective Service for
16 costs associated with building security.

17 ADMINISTRATIVE OFFICE OF THE UNITED STATES

18 COURTS

19 SALARIES AND EXPENSES

20 For necessary expenses of the Administrative Office
21 of the United States Courts as authorized by law, includ-
22 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
23 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
24 advertising and rent in the District of Columbia and else-
25 where, \$70,262,000, of which not to exceed \$8,500 is au-

1 thORIZED for official reception and representation expenses
2 and of which up to \$1,000,000 shall be made available
3 to the National Academy of Public ~~Administrators~~ ^{Administration} for a
4 review of the financial and management procedures of the
5 Federal Judiciary.

6 FEDERAL JUDICIAL CENTER

7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Judicial Cen-
9 ter, as authorized by Public Law 90-219, \$22,350,000;
10 of which \$1,800,000 shall remain available through Sep-
11 tember 30, 2007, to provide education and training to
12 Federal court personnel; and of which not to exceed
13 \$1,500 is authorized for official reception and representa-
14 tion expenses.

15 JUDICIAL RETIREMENT FUNDS

16 PAYMENT TO JUDICIARY TRUST FUNDS

17 For payment to the Judicial Officers' Retirement
18 Fund, as authorized by 28 U.S.C. 377(o), \$36,800,000;
19 to the Judicial Survivors' Annuities Fund, as authorized
20 by 28 U.S.C. 376(c), \$600,000; and to the United States
21 Court of Federal Claims Judges' Retirement Fund, as au-
22 thorized by 28 U.S.C. 178(l), \$3,200,000.

1 UNITED STATES SENTENCING COMMISSION
2 SALARIES AND EXPENSES

3 For the salaries and expenses necessary to carry out
4 the provisions of chapter 58 of title 28, United States
5 Code, \$14,400,000, of which not to exceed \$1,000 is au-
6 thorized for official reception and representation expenses.

7 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

8 SEC. 401. Appropriations and authorizations made in
9 this title which are available for salaries and expenses shall
10 be available for services as authorized by 5 U.S.C. 3109.

11 SEC. 402. Not to exceed 5 percent of any appropria-
12 tion made available for the current fiscal year for the Judi-
13 ciary in this Act may be transferred between such appro-
14 priations, but no such appropriation, except “Courts of
15 Appeals, District Courts, and Other Judicial Services, De-
16 fender Services” and “Courts of Appeals, District Courts,
17 and Other Judicial Services, Fees of Jurors and Commis-
18 sioners”, shall be increased by more than 10 percent by
19 any such transfers: *Provided*, That any transfer pursuant
20 to this section shall be treated as a reprogramming of

21 funds under section 705 of this Act and shall not be avail-
22 able for obligation or expenditure except in compliance
23 with the procedures set forth in that section.

24 SEC. 403. Notwithstanding any other provision of
25 law, the salaries and expenses appropriation for Courts of

S)

(AND 710

1 Appeals, District Courts, and Other Judicial Services shall
2 be available for official reception and representation ex-
3 penses of the Judicial Conference of the United States:
4 *Provided*, That such available funds shall not exceed
5 \$11,000 and shall be administered by the Director of the
6 Administrative Office of the United States Courts in the
7 capacity as Secretary of the Judicial Conference.

8 SEC. 404. Within 90 days of enactment of this Act,
9 the Administrative Office of the U.S. Courts shall submit
10 to the Committees on Appropriations a comprehensive fi-
11 nancial plan for the Judiciary allocating all sources of
12 available funds including appropriations, fee collections,
13 and carryover balances, to include a separate and detailed
14 plan for the Judiciary Information Technology fund.

15 SEC. 405. Pursuant to section 140 of Public Law 97-
16 92, and from funds appropriated in this Act, Justices and
17 judges of the United States are authorized during fiscal
18 year 2006, to receive a salary adjustment in accordance
19 with 28 U.S.C. 461.

20 SEC. 406. The existing judgeship for the eastern dis-
21 trict of Missouri authorized by section 203(c) of the Judi-
22 cial Improvements Act of 1990 (Public Law 101-650, 104
23 Stat. 5089) as amended by Public Law 105-53, as of the
24 effective date of this Act, shall be extended. The first va-
25 cancy in the office of district judge in this district occur-

1 ring 20 years or more after the confirmation date of the
2 judge named to fill the temporary judgeship created by
3 section 203(c) shall not be filled.

4 SEC. 407. (a) Section 604 of title 28, United States
5 Code, is amended by adding section (4) at the end of sec-
6 tion "(g)":

7 "(4) The Director is hereby authorized:

8 "(A) to enter into contracts for the acqui-
9 sition of severable services for a period that be-
10 gins in one fiscal year and ends in the next fis-
11 cal year to the same extent as the head of an
12 executive agency under the authority of section
13 2531 of 41 U.S.C.;

14 "(B) to enter into contracts for multiple
15 years for the acquisition of property and serv-
16 ices to the same extent as executive agencies
17 under the authority of section 254c of 41
18 U.S.C.; and

19 "(C) to make advance, partial, progress or
20 other payments under contracts for property or
21 services to the same extent as executive agen-
22 cies under the authority of section 255 of 41
23 U.S.C."

24 (b) Section 612 of title 28, United States Code, is
25 amended by striking the current language in section

1 (e)(2)(B) and inserting “such contract is in accordance
2 with the Director’s authority in section 604(g) of 28
3 U.S.C.; and,”.

4 (c) The authorities granted in this section shall expire
5 on September 30, 2010.

6 SEC. 408. (a) The division of the court shall release
7 to the Congress and to the public not later than 60 days
8 after the date of enactment of this Act all portions of the
9 final report of the independent counsel of the investigation
10 of Henry Cisneros made under section 594(h) of title 28,
11 United States Code. The division of the court shall make
12 such orders as are appropriate to protect the rights of any
13 individual named in such report and to prevent undue in-
14 terference with any pending prosecution. Upon the release
15 of the final report, the final report shall be published pur-
16 suant to section 594(h)(3) of title 28, United States Code.

17 (b)(1) After the release and publication of the final
18 report referred to in subsection (a), the independent coun-
19 sel shall continue his office only to the extent necessary
20 and appropriate to perform the noninvestigative and non-
21 prosecutorial tasks remaining of his statutory duties as
22 required to conclude the functions of his office.

23 (2) The duties referred to in paragraph (1) shall spe-
24 cifically include—

1 (A) the evaluation of claims for attorney fees,
2 pursuant to section 593(l) of title 28, United States
3 Code;

4 (B) the transfer of records to the Archivist of
5 the United States pursuant to section 594(k) of title
6 28, United States Code;

7 (C) compliance with oversight obligations pur-
8 suant to section 595(a) of title 28, United States
9 Code; and

10 (D) preparation of statements of expenditures
11 pursuant to section 595(c) of title 28, United States
12 Code.

13 (c)(1) The independent counsel shall have not more
14 than 90 days after the release and publication of the final
15 report referred to in subsection (a) to complete his remain-
16 ing statutory duties unless the division of the court deter-
17 mines that it is necessary for the independent counsel to
18 have additional time to complete his remaining statutory
19 duties.

20 (2) If the division of the court finds that the inde-
21 pendent counsel needs additional time under paragraph
22 (1), the division of the court shall issue a public report
23 stating the grounds for the extension and a proposed date
24 for completion of all aspects of the investigation of Henry

1 Cisneros and termination of the office of the independent
2 counsel.

3 This title may be cited as the "Judiciary Appropria-
4 tions Act, 2006".

5 TITLE V

6 EXECUTIVE OFFICE OF THE PRESIDENT AND

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 COMPENSATION OF THE PRESIDENT

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

16 WHITE HOUSE OFFICE

17 SALARIES AND EXPENSES

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

1 by 3 U.S.C. 103); and not to exceed \$19,000 for official
2 entertainment expenses, to be available for allocation with-
3 in the Executive Office of the President, \$53,830,000:
4 *Provided*, That of the funds appropriated under this head-
5 ing, \$1,500,000 shall be for the Privacy and Civil Lib-
6 erties Oversight Board.

7 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
8 OPERATING EXPENSES

9 For the care, maintenance, repair and alteration, re-
10 furnishing, improvement, heating, and lighting, including
11 electric power and fixtures, of the Executive Residence at
12 the White House and official entertainment expenses of
13 the President, \$12,436,000, to be expended and accounted
14 for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

15 REIMBURSABLE EXPENSES

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

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

1 to the Committees on Appropriations, by not later than
2 90 days after the end of the fiscal year covered by this
3 Act, a report setting forth the reimbursable operating ex-
4 penses of the Executive Residence during the preceding
5 fiscal year, including the total amount of such expenses,
6 the amount of such total that consists of reimbursable offi-
7 cial and ceremonial events, the amount of such total that
8 consists of reimbursable political events, and the portion
9 of each such amount that has been reimbursed as of the
10 date of the report: *Provided further*, That the Executive
11 Residence shall maintain a system for the tracking of ex-
12 penses related to reimbursable events within the Executive
13 Residence that includes a standard for the classification
14 of any such expense as political or nonpolitical: *Provided*
15 *further*, That no provision of this paragraph may be con-
16 strued to exempt the Executive Residence from any other
17 applicable requirement of subchapter I or II of chapter
18 37 of title 31, United States Code.

19 WHITE HOUSE REPAIR AND RESTORATION

20 For the repair, alteration, and improvement of the
21 Executive Residence at the White House, \$1,700,000, to
22 remain available until expended, for required maintenance,
23 safety and health issues, and continued preventative main-
24 tenance.

100

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

3 For necessary expenses of the Council of Economic
4 Advisers in carrying out its functions under the Employ-
5 ment Act of 1946 (15 U.S.C. 1021), \$4,040,000.

6 OFFICE OF POLICY DEVELOPMENT

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Policy Devel-
9 opment, including services as authorized by 5 U.S.C. 3109
10 and 3 U.S.C. 107, \$3,500,000.

11 NATIONAL SECURITY COUNCIL

12 SALARIES AND EXPENSES

13 For necessary expenses of the National Security
14 Council, including services as authorized by 5 U.S.C.
15 3109, \$8,705,000.

16 OFFICE OF ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Administra-
19 tion, including services as authorized by 5 U.S.C. 3109
20 and 3 U.S.C. 107, and hire of passenger motor vehicles,
21 \$89,322,000, of which \$11,768,000 shall remain available
22 until expended for the Capital Investment Plan for contin-
23 ued modernization of the information technology infra-
24 structure within the Executive Office of the President.

1 OFFICE OF MANAGEMENT AND BUDGET

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Management
4 and Budget, including hire of passenger motor vehicles
5 and services as authorized by 5 U.S.C. 3109 and to carry
6 out the provisions of chapter 35 of title 44, United States
7 Code, \$76,930,000, of which not to exceed \$3,000 shall
8 be available for official representation expenses: *Provided*,
9 That, as provided in 31 U.S.C. 1301(a), appropriations
10 shall be applied only to the objects for which appropria-
11 tions were made and shall be allocated in accordance with
12 the terms and conditions set forth in the accompanying
13 ~~Report~~ except as otherwise provided by law: *Provided fur-*
14 *ther*, That none of the funds appropriated in this Act for
15 the Office of Management and Budget may be used for
16 the purpose of reviewing any agricultural marketing or-
17 ders or any activities or regulations under the provisions
18 of the Agricultural Marketing Agreement Act of 1937 (7
19 U.S.C. 601 et seq.): *Provided further*, That none of the
20 funds made available for the Office of Management and
21 Budget by this Act may be expended for the altering of
22 the transcript of actual testimony of witnesses, except for
23 testimony of officials of the Office of Management and
24 Budget, before the Committees on Appropriations or their
25 subcommittees: *Provided further*, That the preceding shall

Statement
of the
MANAGERS

1 not apply to printed hearings released by the Committees
2 on Appropriations: *Provided further*, That none of the
3 funds provided in this or prior Acts shall be used, directly
4 or indirectly, by the Office of Management and Budget,
5 for evaluating or determining if water resource project or
6 study reports submitted by the Chief of Engineers acting
7 through the Secretary of the Army are in compliance with
8 all applicable laws, regulations, and requirements relevant
9 to the Civil Works water resource planning process: *Pro-*
10 *vided further*, That the Office of Management and Budget
11 shall have not more than 60 days in which to perform
12 budgetary policy reviews of water resource matters on
13 which the Chief of Engineers has reported. The Director
14 of the Office of Management and Budget shall notify the
15 appropriate authorizing and Appropriations Committees
16 when the 60-day review is initiated. If water resource re-
17 ports have not been transmitted to the appropriate author-
18 izing and appropriating committees within 15 days of the
19 end of the OMB review period based on the notification
20 from the Director, Congress shall assume OMB concur-
21 rence with the report and act accordingly.

22 OFFICE OF NATIONAL DRUG CONTROL POLICY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of National
25 Drug Control Policy; for research activities pursuant to

1 the Office of National Drug Control Policy Reauthoriza-
2 tion Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed
3 \$10,000 for official reception and representation expenses;
4 and for participation in joint projects or in the provision
5 of services on matters of mutual interest with nonprofit,
6 research, or public organizations or agencies, with or with-
7 out reimbursement, \$26,908,000; of which \$1,316,000
8 shall remain available until expended for policy research
9 and evaluation: *Provided*, That the Office is authorized to
10 accept, hold, administer, and utilize gifts, both real and
11 personal, public and private, without fiscal year limitation,
12 for the purpose of aiding or facilitating the work of the
13 Office.

14 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses for the Counterdrug Tech-
17 nology Assessment Center for research activities pursuant
18 to the Office of National Drug Control Policy Reauthor-
19 ization Act of 1998 (21 U.S.C. 1701 et seq.),
20 \$30,000,000, which shall remain available until expended,
21 consisting of \$14,000,000 for counternarcotics research
22 and development projects, of which up to \$1,000,000 is
23 to be directed to supply reduction activities, and
24 \$16,000,000 for the continued operation of the technology
25 transfer program: *Provided*, That the \$14,000,000 for
26 counternarcotics research and development projects shall

1 be available for transfer to other Federal departments or
2 agencies.

3 FEDERAL DRUG CONTROL PROGRAMS

4 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Office of National
7 Drug Control Policy's High Intensity Drug Trafficking
8 Areas Program, \$227,000,000 for drug control activities
9 consistent with the approved strategy for each of the des-
10 ignated High Intensity Drug Trafficking Areas, of which
11 no less than 51 percent shall be transferred to State and
12 local entities for drug control activities, which shall be ob-
13 ligated within 120 days of the date of the enactment of
14 this Act: *Provided*, That up to 49 percent, to remain avail-
15 able until September 30, 2007, may be transferred to Fed-
16 eral agencies and departments at a rate to be determined
17 by the Director, of which not less than \$2,000,000 shall
18 be used for auditing services and associated activities, and
19 at least \$500,000 of the \$2,000,000 shall be used to de-
20 velop and implement a data collection system to measure
21 the performance of the High Intensity Drug Trafficking
22 Areas Program: *Provided further*, That High Intensity
23 ~~Drug Trafficking Areas Programs~~ designated as of Sep-
24 tember 30, 2005, shall be funded at no less than the fiscal
25 year 2005 initial allocation levels unless the Director sub-
26 mits to the Committees on Appropriations, and the Com-

1 mittees approve, justification for changes in those levels
 2 based on clearly articulated priorities for the High Inten-
 3 sity Drug Trafficking Areas Programs, as well as pub-
 4 lished Office of National Drug Control Policy performance
 5 measures of effectiveness: *Provided further*, That a request
 6 shall be submitted in compliance with the reprogramming
 7 guidelines to the Committees on Appropriations for ap-
 8 proval prior to the obligation of funds of an amount in
 9 excess of the fiscal year 2005 budget request: *Provided*
 10 *further*, That none of the funds made available under this
 11 heading shall be available for the Consolidated Priority
 12 Organization Target program.

13 OTHER FEDERAL DRUG CONTROL PROGRAMS

14 (INCLUDING TRANSFER OF FUNDS)

15 For activities to support a national anti-drug cam-
 16 paign for youth, and for other purposes, authorized by the
 17 Office of National Drug Control Policy Reauthorization
 18 Act of 1998 (21 U.S.C. 1701 et seq.), \$194,900,000, to
 19 remain available until expended, of which the amounts are
 20 available as follows: \$100,000,000 to support a national
 21 media campaign, as authorized by the Drug-Free Media
 22 Campaign Act of 1998: *Provided*, That ~~ONDCP~~ shall
 23 maintain funding for non-advertising services for the
 24 Media Campaign at no less than the Fiscal Year 2003
 25 ratio of service funding to total funds and shall continue
 26 the corporate outreach program as it operated prior to its

the Office of
 National Drug
 Control
 Policy

1 cancellation ~~of~~ \$80,000,000 to continue a program of
2 matching grants to drug-free communities, of which
3 \$2,000,000 shall be a directed grant to the Community
4 Anti-Drug Coalitions of America for the National Commu-
5 nity Anti-Drug Coalition Institute, as authorized in chap-
6 ter 2 of the National Narcotics Leadership Act of 1988,
7 as amended; \$1,000,000 for the National Drug Court In-
8 stitute; \$1,000,000 for the National Alliance for Model
9 State Drug Laws; \$8,500,000 for the United States Anti-
10 Doping Agency for anti-doping activities; \$2,900,000 for
11 the United States membership dues to the World Anti-
12 Doping Agency; and \$1,500,000 for evaluations and re-
13 search related to National Drug Control Program per-
14 formance measures: *Provided further*, That such funds
15 may be transferred to other Federal departments and
16 agencies to carry out such activities: *Provided further*,
17 That of the amounts appropriated for a national media
18 campaign, not to exceed 10 percent shall be for adminis-
19 tration, advertising production, research and testing, labor
20 and related costs of the national media campaign.

21 UNANTICIPATED NEEDS

22 ~~UNANTICIPATED NEEDS~~

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

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

3 SPECIAL ASSISTANCE TO THE PRESIDENT

4 SALARIES AND EXPENSES

5 For necessary expenses to enable the Vice President
6 to provide assistance to the President in connection with
7 specially assigned functions; services as authorized by 5
8 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
9 penses as authorized by 3 U.S.C. 106, which shall be ex-
10 pended and accounted for as provided in that section; and
11 hire of passenger motor vehicles, \$4,455,000.

12 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

13 OPERATING EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For the care, operation, refurnishing, improvement,
16 and to the extent not otherwise provided for, heating and
17 lighting, including electric power and fixtures, of the offi-
18 cial residence of the Vice President; the hire of passenger
19 motor vehicles; and not to exceed \$90,000 for official en-
20 tertainment expenses of the Vice President, to be ac-
21 counted for solely on his certificate, \$325,000: *Provided,*
22 That advances or repayments or transfers from this ap-
23 propriation may be made to any department or agency for
24 expenses of carrying out such activities.

25 This title may be cited as the "Executive Office of
26 the President Appropriations Act, 2006".

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1

TITLE VI

2

INDEPENDENT AGENCIES

3

ARCHITECTURAL AND TRANSPORTATION BARRIERS

4

COMPLIANCE BOARD

5

SALARIES AND EXPENSES

6 For expenses necessary for the Architectural and
7 Transportation Barriers Compliance Board, as authorized
8 by section 502 of the Rehabilitation Act of 1973, as
9 amended, \$5,941,000: *Provided*, That, notwithstanding
10 any other provision of law, there may be credited to this
11 appropriation funds received for publications and training
12 expenses.

13

CONSUMER PRODUCT SAFETY COMMISSION

14

SALARIES AND EXPENSES

15 For necessary expenses of the Consumer Product
16 Safety Commission, including hire of passenger motor ve-
17 hicles, services as authorized by 5 U.S.C. 3109, but at
18 rates for individuals not to exceed the per diem rate equiv-
19 alent to the maximum rate payable under 5 U.S.C. 5376,
20 purchase of nominal awards to recognize non-Federal offi-
21 cials' contributions to Commission activities, and not to
22 exceed \$500 for official reception and representation ex-
23 penses, \$63,000,000 of which up to \$500,000 shall be
24 used to coordinate with the Administrator of the Environ-
25 mental Protection Agency in the Agency's study pursuant

1 to H.R. 2361, as passed by the Senate in the first session
2 of the 109th Congress, to assess safety risks to both per-
3 sons and the environment with regard to small engines,
4 as required in Public Law 108-199, including real-world
5 scenarios involving, among other things, operator burn,
6 fire due to contact with flammable items, and refueling.

7 ELECTION ASSISTANCE COMMISSION

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out the Help Amer-
11 ica Vote Act of 2002, \$14,200,000, of which \$2,800,000
12 shall be transferred to the National Institute of Standards
13 and Technology for election reform activities authorized
14 under the Help America Vote Act of 2002.

15 FEDERAL DEPOSIT INSURANCE CORPORATION

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, as amended \$31,000,000, to be de-
20 rived from the Bank Insurance Fund, the Savings Asso-
21 ciation Insurance Fund, and the FSLIC Resolution Fund.

22 FEDERAL ELECTION COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses to carry out the provisions
25 of the Federal Election Campaign Act of 1971, as amend-
26 ed, \$54,700,000, of which no less than \$4,700,000 shall

1 be available for internal automated data processing sys-
2 tems, and of which not to exceed \$5,000 shall be available
3 for reception and representation expenses.

4 FEDERAL LABOR RELATIONS AUTHORITY

5 SALARIES AND EXPENSES

6 For necessary expenses to carry out functions of the
7 Federal Labor Relations Authority, pursuant to Reorga-
8 nization Plan Numbered 2 of 1978, and the Civil Service
9 Reform Act of 1978, including services authorized by 5
10 U.S.C. 3109, and including hire of experts and consult-
11 ants, hire of passenger motor vehicles, and rental of con-
12 ference rooms in the District of Columbia and elsewhere,
13 \$25,468,000: *Provided*, That public members of the Fed-
14 eral Service Impasses Panel may be paid travel expenses
15 and per diem in lieu of subsistence as authorized by law
16 (5 U.S.C. 5703) for persons employed intermittently in
17 the Government service, and compensation as authorized
18 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
19 31 U.S.C. 3302, funds received from fees charged to non-
20 Federal participants at labor-management relations con-
21 ferences shall be credited to and merged with this account,
22 to be available without further appropriation for the costs
23 of carrying out these conferences.

1 FEDERAL MARITIME COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Maritime
4 Commission as authorized by section 201(d) of the Mer-
5 chant Marine Act, 1936, as amended (46 U.S.C. App.
6 1111), including services as authorized by 5 U.S.C. 3109;
7 hire of passenger motor vehicles as authorized by 31
8 U.S.C. 1343(b); and uniforms or allowances therefor, as
9 authorized by 5 U.S.C. 5901-5902, \$20,499,000: *Pro-*
10 *vided*, That not to exceed \$2,000 shall be available for offi-
11 cial reception and representation expenses.

12 GENERAL SERVICES ADMINISTRATION

13 REAL PROPERTY ACTIVITIES

14 FEDERAL BUILDINGS FUND

15 LIMITATIONS ON AVAILABILITY OF REVENUE

16 (INCLUDING TRANSFER OF FUNDS)

17 To carry out the purposes of the Fund established
18 pursuant to section 210(f) of the Federal Property and
19 Administrative Services Act of 1949, as amended (40
20 U.S.C. 592), the revenues and collections deposited into
21 the Fund shall be available for necessary expenses of real
22 property management and related activities not otherwise
23 provided for, including operation, maintenance, and pro-
24 tection of federally owned and leased buildings; rental of
25 buildings in the District of Columbia; restoration of leased
26 premises; moving governmental agencies (including space

1 adjustments and telecommunications relocation expenses)
2 in connection with the assignment, allocation and transfer
3 of space; contractual services incident to cleaning or serv-
4 icing buildings, and moving; repair and alteration of feder-
5 ally owned buildings including grounds, approaches and
6 appurtenances; care and safeguarding of sites; mainte-
7 nance, preservation, demolition, and equipment; acquisi-
8 tion of buildings and sites by purchase, condemnation, or
9 as otherwise authorized by law; acquisition of options to
10 purchase buildings and sites; conversion and extension of
11 federally owned buildings; preliminary planning and de-
12 sign of projects by contract or otherwise; construction of
13 new buildings (including equipment for such buildings);
14 and payment of principal, interest, and any other obliga-
15 tions for public buildings acquired by installment purchase
16 and purchase contract; in the aggregate amount of
17 \$7,752,745,000, of which: (1) \$792,056,000 shall remain
18 available until expended for construction (including funds
19 for sites and expenses and associated design and construc-
20 tion services) of additional projects at the following loca-
21 tions:

22 New Construction:

23 Alabama:

24 Tuscaloosa, Federal Building,

25 \$34,500,000.

1 California:

2 San Diego, United States Courthouse,
3 \$230,803,000.

4 Colorado:

5 Lakewood, Denver Federal Center In-
6 frastructure, \$4,658,000.

7 District of Columbia:

8 Coast Guard Consolidation,
9 \$24,900,000.

10 St. Elizabeths West Campus Infra-
11 structure, \$13,095,000.

12 Southeast Federal Center Site Reme-
13 diation, \$15,000,000.

14 Illinois:

15 Rockford Federal Courthouse,
16 \$34,500,000.

17 Maine:

18 Calais, Border Station, \$50,146,000.

19 Jackman, Border Station,
20 \$12,788,000.

21 Maryland:

22 Montgomery County, Food and Drug
23 Administration Consolidation,
24 \$127,600,000.

25 Mississippi:

1 Jackson, United States Courthouse,
2 \$8,750,000.

3 Missouri:

4 Jefferson City, United States Court-
5 house, \$5,200,000.

6 New York:

7 Champlain, Border Station,
8 \$52,510,000.

9 Massena, Border Station,
10 \$49,783,000.

11 Texas:

12 Austin, United States Courthouse,
13 \$3,000,000.

14 Washington:

15 Blaine, Peace Arch Border Station,
16 \$46,534,000.

17 Material Price Increases for the following exist-
18 ing projects: U.S. Mission to the United Nations,
19 New York City, New York; FBI Office, Houston,
20 Texas; Border Station, Del Rio, Texas; United
21 States Courthouse, Cape Girardeau, Missouri;
22 United States Courthouse, El Paso, Texas; ~~and Bor-~~
23 der Station, El Paso, Texas; ~~Las Cruces, New Mex-~~
24 ico courthouse, \$66,789,000.

25 Non-prospectus Construction, \$9,500,000:

AND United States Courthouse

1 *Provided*, That each of the foregoing limits of costs on
2 new construction projects may be exceeded to the extent
3 that savings are effected in other such projects, but not
4 to exceed 10 percent of the amounts included in an ap-
5 proved prospectus, if required, unless advance approval is
6 obtained from the Committees on Appropriations of a
7 greater amount: *Provided further*, That all funds for direct
8 construction projects shall expire on September 30, 2007
9 and remain in the Federal Buildings Fund except for
10 funds for projects as to which funds for design or other
11 funds have been obligated in whole or in part prior to such
12 date; (2) \$861,376,000 shall remain available until ex-
13 pended for repairs and alterations, which includes associ-
14 ated design and construction services:

15 Repairs and Alterations:

16 Arizona:

17 Tucson, James A. Walsh United
18 States Courthouse, \$16,136,000.

19 District of Columbia:

20 For transfer to the Navy for certain
21 permanent relocation expenses pursuant to
22 section 1(e) of Public Law 108-268,
23 \$2,000,000.

24 Eisenhower Executive Office Building,
25 \$33,417,000.

116

1 Federal Office Building 8,

2 \$47,769,000.

3 Heating, Operation, and Transmission

4 District Repair, \$18,783,000.

5 Herbert C. Hoover Building,

6 \$54,491,000.

7 Main Interior Federal Building,

8 \$41,399,000.

9 Georgia:

10 Atlanta, Martin Luther King, Jr.,

11 Federal Building, \$30,129,000.

12 New York:

13 Brooklyn, Emanuel Celler Courthouse,

14 \$96,924,000.

15 New York City, James Watson Fed-

16 eral Building and United States Court-

17 house, \$9,721,000.

18 Special Emphasis Programs:

19 Chlorofluorocarbons Program,

20 \$10,000,000.

21 Energy Program, \$28,000,000.

22 Glass Fragmentation Program,

23 \$15,700,000.

24 Design Program, \$21,915,000.

25 Basic Repairs and Alterations, \$434,992,000:

1 *Provided further*, That funds made available in this or any
2 previous Act in the Federal Buildings Fund for Repairs
3 and Alterations shall, for prospectus projects, be limited
4 to the amount identified for each project, except each
5 project in this or any previous Act may be increased by
6 an amount not to exceed 10 percent unless advance ap-
7 proval is obtained from the Committees on Appropriations
8 of a greater amount: *Provided further*, That additional
9 projects for which prospectuses have been fully approved
10 may be funded under this category only if advance ap-
11 proval is obtained from the Committees on Appropria-
12 tions: *Provided further*, That the amounts provided in this
13 or any prior Act for "Repairs and Alterations" may be
14 used to fund costs associated with implementing security
15 improvements to buildings necessary to meet the minimum
16 standards for security in accordance with current law and
17 in compliance with the reprogramming guidelines of the
18 appropriate Committees of the House and Senate: *Pro-*
19 *vided further*, That the difference between the funds ap-
20 propriated and expended on any projects in this or any
21 prior Act, under the heading "Repairs and Alterations",
22 may be transferred to Basic Repairs and Alterations or
23 used to fund authorized increases in prospectus projects:
24 *Provided further*, That all funds for repairs and alterations
25 prospectus projects shall expire on September 30, 2007

1 and remain in the Federal Buildings Fund except funds
2 for projects as to which funds for design or other funds
3 have been obligated in whole or in part prior to such date:
4 *Provided further*, That the amount provided in this or any
5 prior Act for Basic Repairs and Alterations may be used
6 to pay claims against the Government arising from any
7 projects under the heading "Repairs and Alterations" or
8 used to fund authorized increases in prospectus projects;
9 (3) \$168,180,000 for installment acquisition payments in-
10 cluding payments on purchase contracts which shall re-
11 main available until expended; (4) \$4,046,031,000 for
12 rental of space which shall remain available until ex-
13 pended; and (5) \$1,885,102,000 for building operations
14 which shall remain available until expended: *Provided fur-*
15 *ther*, That funds available to the General Services Admin-
16 istration shall not be available for expenses of any con-
17 struction, repair, alteration and acquisition project for
18 which a prospectus, if required by the Public Buildings
19 Act of 1959, as amended, has not been approved, except
20 that necessary funds may be expended for each project
21 for required expenses for the development of a proposed
22 prospectus: *Provided further*, That funds available in the
23 Federal Buildings Fund may be expended for emergency
24 repairs when advance approval is obtained from the Com-
25 mittees on Appropriations: *Provided further*, That, not-

1 withstanding any other provision of law, the Administrator
2 of the General Services Administration is authorized and
3 directed to proceed with site, design, acquisition, and con-
4 struction for a new courthouse in Jefferson City, Missouri,
5 of which planning and design funding is provided in this
6 Act: *Provided further*, That amounts necessary to provide
7 reimbursable special services to other agencies under sec-
8 tion 210(f)(6) of the Federal Property and Administrative
9 Services Act of 1949, as amended (40 U.S.C. 592(b)(2))
10 and amounts to provide such reimbursable fencing, light-
11 ing, guard booths, and other facilities on private or other
12 property not in Government ownership or control as may
13 be appropriate to enable the United States Secret Service
14 to perform its protective functions pursuant to 18 U.S.C.
15 3056, shall be available from such revenues and collec-
16 tions: *Provided further*, That revenues and collections and
17 any other sums accruing to this Fund during fiscal year
18 2006, excluding reimbursements under section 210(f)(6)
19 of the Federal Property and Administrative Services Act
20 of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate
21 new obligational authority authorized for Real Property
22 Activities of the Federal Buildings Fund in this Act shall
23 remain in the Fund and shall not be available for expendi-
24 ture except as authorized in appropriations Acts.

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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, \$52,796,000.

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; providing Internet access to Federal
16 information and services; agency-wide policy direction and
17 management, and Board of Contract Appeals; accounting,
18 records management, and other support services incident
19 to adjudication of Indian Tribal Claims by the United
20 States Court of Federal Claims; services as authorized by
21 5 U.S.C. 3109; ~~not to exceed \$150,000 for public service~~
22 ~~recognition week;~~ and not to exceed \$7,500 for official re-
23 ception and representation expenses, \$99,890,000.

24 OFFICE OF INSPECTOR GENERAL

25 For necessary expenses of the Office of Inspector
26 General and service authorized by 5 U.S.C. 3109,

1 \$43,410,000: *Provided*, That not to exceed \$15,000 shall
2 be available for payment for information and detection of
3 fraud against the Government, including payment for re-
4 covery of stolen Government property: *Provided further*,
5 That not to exceed \$2,500 shall be available for awards
6 to employees of other Federal agencies and private citizens
7 in recognition of efforts and initiatives resulting in en-
8 hanced Office of Inspector General effectiveness.

9 ELECTRONIC GOVERNMENT FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses in support of interagency
12 projects that enable the Federal Government to expand
13 its ability to conduct activities electronically, through the
14 development and implementation of innovative uses of the
15 Internet and other electronic methods, \$3,000,000, to re-
16 main available until expended: *Provided*, That these funds
17 may be transferred to Federal agencies to carry out the
18 purposes of the Fund: *Provided further*, That this transfer
19 authority shall be in addition to any other transfer author-
20 ity provided in this Act: *Provided further*, That such trans-
21 fers may not be made until 10 days after a proposed
22 spending plan and justification for each project to be un-
23 dertaken has been submitted to the Committees on Appro-
24 priations.

1 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

2 ADMINISTRATION

3 (INCLUDING ~~REVISION~~ OF FUNDS)

Transfers

4 SEC. 601. The appropriate appropriation or fund
5 available to the General Services Administration shall be
6 credited with the cost of operation, protection, mainte-
7 nance, upkeep, repair, and improvement, included as part
8 of rentals received from Government corporations pursu-
9 ant to law (40 U.S.C. 129).

10 SEC. 602. Funds available to the General Services
11 Administration shall be available for the hire of passenger
12 motor vehicles.

13 SEC. 603. Funds in the Federal Buildings Fund
14 made available for fiscal year 2006 for Federal Buildings
15 Fund activities may be transferred between such activities
16 only to the extent necessary to meet program require-
17 ments: *Provided*, That any proposed transfers shall be ap-
18 proved in advance by the Committees on Appropriations.

19 SEC. 604. Except as otherwise provided in this Act title
20 no funds made available by this Act shall be used to trans-
21 mit a fiscal year 2007 request for United States Court-
22 house construction that: (1) does not meet the design
23 guide standards for construction as established and ap-
24 proved by the General Services Administration, the Judi-
25 cial Conference of the United States, and the Office of
26 Management and Budget; and (2) does not reflect the pri-

1 orities of the Judicial Conference of the United States as
2 set out in its approved 5-year construction plan: *Provided*,
3 That the fiscal year 2007 request must be accompanied
4 by a standardized courtroom utilization study of each fa-
5 cility to be constructed, replaced, or expanded.

6 SEC. 605. None of the funds provided in this Act may
7 be used to increase the amount of occupiable square feet,
8 provide cleaning services, security enhancements, or any
9 other service usually provided through the Federal Build-
10 ings Fund, to any agency that does not pay the rate per
11 square foot assessment for space and services as deter-
12 mined by the General Services Administration in compli-
13 ance with the Public Buildings Amendments Act of 1972
14 (Public Law 92-313).

15 SEC. 606. From funds made available under the
16 heading "Federal Buildings Fund, Limitations on Avail-
17 ability of Revenue", claims against the Government of less
18 than \$250,000 arising from direct construction projects
19 and acquisition of buildings may be liquidated from sav-
20 ings effected in other construction projects with prior noti-
21 fication to the Committees on Appropriations.

22 SEC. 607. The General Services Administration shall
23 conduct a program to promote the use of stairs in all Fed-
24 eral buildings.

1 SEC. 608. No funds shall be used by the General
2 Services Administration to reorganize its organizational
3 structure without approval by the House and Senate Com-
4 mittees on Appropriations through an operating plan
5 change.

6 SEC. 609. In the case of any General Services Admin-
7 istration (GSA) project subject to its published design cri-
8 teria or specifications of any solicitations for offers issued
9 for construction of a Federal building or courthouse and
10 to the extent GSA utilizes, references or relies on any sus-
11 tainable building rating systems that award credit for cer-
12 tified wood products, GSA shall ensure credit under its
13 procedures and requirements to any project that uses
14 wood or wood products certified by a credible third party
15 sustainable forest certification program, including the
16 Sustainable Forestry Initiative and the Forest Steward-
17 ship Council: *Provided*, That not later than 60 days after
18 enactment of this Act, the Administrator shall report to
19 the relevant congressional committees of jurisdiction on
20 the progress and next steps toward recognition of other
21 credible sustainable building rating systems within the
22 GSA sustainable building procurement process.

23 SEC. 610. For purposes of the eTravel system, no less
24 than 23 percent of all subcontracted dollars shall be allo-
25 cated to small businesses.

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1 MERIT SYSTEMS PROTECTION BOARD

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978, the Civil Service Reform
7 Act of 1978, and the Whistleblower Protection Act of
8 1989 (5 U.S.C. 5509 note), as amended, including services
9 as authorized by 5 U.S.C. 3109, rental of conference
10 rooms in the District of Columbia and elsewhere, hire of
11 passenger motor vehicles, direct procurement of survey
12 printing, and not to exceed \$2,000 for official reception
13 and representation expenses, \$35,600,000 together with
14 not to exceed \$2,605,000 for administrative expenses to
15 adjudicate retirement appeals to be transferred from the
16 Civil Service Retirement and Disability Fund in amounts
17 determined by the Merit Systems Protection Board.

18 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN

19 NATIONAL ENVIRONMENTAL POLICY FOUNDATION

20 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN

21 NATIONAL ENVIRONMENTAL POLICY TRUST FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For payment to the Morris K. Udall Scholarship and
24 Excellence in National Environmental Policy Trust Fund,
25 pursuant to the Morris K. Udall Scholarship and Excel-
26 lence in National Environmental and Native American

1 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
2 \$2,000,000, to remain available until expended, of which
3 up to \$50,000 shall be used to conduct financial audits
4 pursuant to the Accountability of Tax Dollars Act of 2002
5 (Public Law 107-289) notwithstanding sections 8 and 9
6 of Public Law 102-259: *Provided*, That up to 60 percent
7 of such funds may be transferred by the Morris K. Udall
8 Scholarship and Excellence in National Environmental
9 Policy Foundation for the necessary expenses of the Na-
10 tive Nations Institute.

11 ENVIRONMENTAL DISPUTE RESOLUTION FUND

12 For payment to the Environmental Dispute Resolu-
13 tion Fund to carry out activities authorized in the Envi-
14 ronmental Policy and Conflict Resolution Act of 1998,
15 \$1,900,000, to remain available until expended.

16 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

17 OPERATING EXPENSES

18 For necessary expenses in connection with the admin-
19 istration of the National Archives and Records Adminis-
20 tration (including the Information Security Oversight Of-
21 fice) and archived Federal records and related activities,
22 as provided by law, and for expenses necessary for the re-
23 view and declassification of documents, and for the hire
24 of passenger motor vehicles, \$283,045,000: *Provided*,
25 That the Archivist of the United States is authorized to
26 use any excess funds available from the amount borrowed

1 for construction of the National Archives facility, for ex-
2 penses necessary to provide adequate storage for holdings:
3 *Provided further*, That of the funds provided in this para-
4 graph, \$2,000,000 shall be for initial move of records,
5 staffing, and operations of the Nixon Library.

6 ELECTRONIC RECORDS ARCHIVES

7 For necessary expenses in connection with the devel-
8 opment of the electronic records archives, to include all
9 direct project costs associated with research, analysis, de-
10 sign, development, and program management,
11 \$37,914,000, of which \$22,000,000 shall remain available
12 until September 30, 2008: *Provided*, That none of the
13 multi-year funds may be obligated until the National Ar-
14 chives and Records Administration submits to the Com-
15 mittees on Appropriations, and such Committees approve,
16 a plan for expenditure that: (1) meets the capital planning
17 and investment control review requirements established by
18 the Office of Management and Budget, including Circular
19 A-11; (2) complies with the National Archives and
20 Records Administration's enterprise architecture; (3) con-
21 forms with the National Archives and Records Adminis-
22 tration's enterprise life cycle methodology; (4) is approved
23 by the National Archives and Records Administration and
24 the Office of Management and Budget; (5) has been re-
25 viewed by the Government Accountability Office; and (6)
26 complies with the acquisition rules, requirements, guide-

1 lines, and systems acquisition management practices of
2 the Federal Government.

3 REPAIRS AND RESTORATION

4 For the repair, alteration, and improvement of ar-
5 chives facilities, and to provide adequate storage for hold-
6 ings, \$9,682,000, to remain available until expended, of
7 which \$1,500,000 is to construct a new regional archives
8 and records facility in Anchorage, Alaska, and of which
9 \$1,000,000 is for the repair and restoration of the plaza
10 that surrounds the Lyndon Baines Johnson Presidential
11 Library that is under the joint control and custody of the
12 University of Texas: *Provided*, That such funds may be
13 transferred directly to the University and used, together
14 with University funds, for repair and restoration of the
15 plaza and remain available until expended for this pur-
16 pose: *Provided further*, That such funds shall be spent in
17 accordance with the construction plan submitted to the
18 Committees on Appropriations on March 14, 2005: *Pro-*
19 *vided further*, That the Archivist shall be prohibited from
20 entering into any agreement with the University or any
21 other party that requires additional funding commitments
22 on behalf of the Federal Government.

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1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

2 COMMISSION

3 GRANTS PROGRAM

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for allocations and grants for
6 historical publications and records as authorized by 44
7 U.S.C. 2504, as amended, \$7,500,000, to remain available
8 until expended: *Provided*, That of the funds provided in
9 this paragraph, \$2,000,000 shall be transferred to the op-
10 erating expenses account for operating expenses of the Na-
11 tional Historical Publications and Records Administra-
12 tion.

13 NATIONAL CREDIT UNION ADMINISTRATION

14 CENTRAL LIQUIDITY FACILITY

15 ~~(INCLUDING TRANSFER OF FUNDS)~~

16 During fiscal year 2006, gross obligations of the Cen-
17 tral Liquidity Facility for the principal amount of new di-
18 rect loans to member credit unions, as authorized by 12
19 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: *Pro-*
20 *vided*, That administrative expenses of the Central Liquid-
21 ity Facility in fiscal year 2006 shall not exceed \$323,000.

22 COMMUNITY DEVELOPMENT ~~CREDIT UNION~~ REVOLVING

23 LOAN FUND

24 For the Community Development Revolving Loan
25 Fund program as authorized by 42 U.S.C. 9812, 9822
26 and 9910, \$950,000 shall be available until September 30,

1 2007 for technical assistance to low-income designated
2 credit unions, and amounts of principal and interest on
3 loans repaid shall be available until expended for low-in-
4 come designated credit unions.

5 NATIONAL TRANSPORTATION SAFETY BOARD

6 SALARIES AND EXPENSES

7 For necessary expenses of the National Transpor-
8 tation Safety Board, including hire of passenger motor ve-
9 hicles and aircraft; services as authorized by 5 U.S.C.
10 3109, but at rates for individuals not to exceed the per
11 diem rate equivalent to the rate for a GS-15; uniforms,
12 or allowances therefor, as authorized by law (5 U.S.C.
13 5901-5902) \$76,700,000, of which not to exceed \$2,000
14 may be used for official reception and representation ex-
15 penses.

16 (RESCISSION)

17 Of the available unobligated balances made available
18 under Public Law 106-246, \$1,000,000 are rescinded.

19 NEIGHBORHOOD REINVESTMENT CORPORATION

20 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

21 CORPORATION

22 For payment to the Neighborhood Reinvestment Cor-
23 poration for use in neighborhood reinvestment activities,
24 as authorized by the Neighborhood Reinvestment Corpora-
25 tion Act (42 U.S.C. 8101-8107), \$118,000,000, of which

1 \$5,000,000 shall be for a multi-family rental housing pro-
2 gram.

3 OFFICE OF GOVERNMENT ETHICS

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out functions of the
6 Office of Government Ethics pursuant to the Ethics in
7 Government Act of 1978, as amended and the Ethics Re-
8 form Act of 1989, including services as authorized by 5
9 U.S.C. 3109, rental of conference rooms in the District
10 of Columbia and elsewhere, hire of passenger motor vehi-
11 cles, and not to exceed \$1,500 for official reception and
12 representation expenses, \$11,148,000.

13 OFFICE OF PERSONNEL MANAGEMENT

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF TRUST FUNDS)

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

1 expenses incurred under Executive Order No. 10422 of
2 January 9, 1953, as amended; and payment of per diem
3 and/or subsistence allowances to employees where Voting
4 Rights Act activities require an employee to remain over-
5 night at his or her post of duty, \$122,521,000, of which
6 \$6,983,000 shall remain available until expended for the
7 Enterprise Human Resources Integration project;
8 \$1,450,000 shall remain available until expended for the
9 Human Resources Line of Business project; \$500,000
10 shall remain available until expended for the E-Training
11 project; and \$1,412,000 shall remain available until ex-
12 pended until September 30, 2007 for the E-Payroll
13 project; and in addition \$100,017,000 for administrative
14 expenses, to be transferred from the appropriate trust
15 funds of the Office of Personnel Management without re-
16 gard to other statutes, including direct procurement of
17 printed materials, for the retirement and insurance pro-
18 grams: *Provided*, That the provisions of this appropriation
19 shall not affect the authority to use applicable trust funds
20 as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A)
21 of title 5, United States Code: *Provided further*, That no
22 part of this appropriation shall be available for salaries
23 and expenses of the Legal Examining Unit of the Office
24 of Personnel Management established pursuant to Execu-
25 tive Order No. 9358 of July 1, 1943, or any successor

1 unit of like purpose: *Provided further*, That the President's
2 Commission on White House Fellows, established by Exec-
3 utive Order No. 11183 of October 3, 1964, may, during
4 fiscal year 2006, accept donations of money, property, and
5 personal services: *Provided further*, That such donations,
6 including those from prior years, may be used for the de-
7 velopment of publicity materials to provide information
8 about the White House Fellows, except that no such dona-
9 tions shall be accepted for travel or reimbursement of trav-
10 el expenses, or for the salaries of employees of such Com-
11 mission.

12 OFFICE OF INSPECTOR GENERAL

lc

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF TRUST FUNDS)

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act, as amended, including services as authorized
18 by 5 U.S.C. 3109, hire of passenger motor vehicles,
19 \$2,071,000, and in addition, not to exceed \$16,329,000
20 for administrative expenses to audit, investigate, and pro-
21 vide other oversight of the Office of Personnel Manage-
22 ment's retirement and insurance programs, to be trans-
23 ferred from the appropriate trust funds of the Office of
24 Personnel Management, as determined by the Inspector
25 General: *Provided*, That the Inspector General is author-

1 ized to rent conference rooms in the District of Columbia
2 and elsewhere.

3 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

4 HEALTH BENEFITS

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

10 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE

11 LIFE INSURANCE

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

16 PAYMENT TO CIVIL SERVICE RETIREMENT AND

17 DISABILITY FUND

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

1 after be paid out of the Civil Service Retirement and Dis-
2 ability Fund.

3 OFFICE OF SPECIAL COUNSEL

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out functions of the
6 Office of Special Counsel pursuant to Reorganization Plan
7 Numbered 2 of 1978, the Civil Service Reform Act of
8 1978 (Public Law 95-454), as amended, the Whistle-
9 blower Protection Act of 1989 (Public Law 101-12), as
10 amended, Public Law 107-304, and the Uniformed Serv-
11 ices Employment and Reemployment Act of 1994 (Public
12 Law 103-353), including services as authorized by 5
13 U.S.C. 3109, payment of fees and expenses for witnesses,
14 rental of conference rooms in the District of Columbia and
15 elsewhere, and hire of passenger motor vehicles;
16 \$15,325,000.

17 SELECTIVE SERVICE SYSTEM

18 SALARIES AND EXPENSES

19 For necessary expenses of the Selective Service Sys-
20 tem, including expenses of attendance at meetings and of
21 training for uniformed personnel assigned to the Selective
22 Service System, as authorized by 5 U.S.C. 4101-4118 for
23 civilian employees; purchase of uniforms, or allowances
24 therefor, as authorized by 5 U.S.C. 5901-5902; hire of
25 passenger motor vehicles; services as authorized by 5

1 U.S.C. 3109; and not to exceed \$750 for official reception
2 and representation expenses; \$25,000,000: *Provided*, That
3 during the current fiscal year, the President may exempt
4 this appropriation from the provisions of 31 U.S.C. 1341,
5 whenever the President deems such action to be necessary
6 in the interest of national defense: *Provided further*, That
7 none of the funds appropriated by this Act may be ex-
8 pended for or in connection with the induction of any per-
9 son into the Armed Forces of the United States.

10 UNITED STATES INTERAGENCY COUNCIL ON
11 HOMELESSNESS
12 OPERATING EXPENSES

13 For necessary expenses (including payment of sala-
14 ries, authorized travel, hire of passenger motor vehicles,
15 the rental of conference rooms, and the employment of ex-
16 perts and consultants under section 3109 of title 5, United
17 States Code) of the United States Interagency Council on
18 Homelessness in carrying out the functions pursuant to
19 title II of the McKinney-Vento Homeless Assistance Act,
20 as amended, \$1,800,000.

21 Title II of the McKinney-Vento Homeless Assistance
22 Act, as amended, is amended in section 209 by striking
23 "2005" and inserting "2006".

1 UNITED STATES POSTAL SERVICE

2 PAYMENT TO THE POSTAL SERVICE FUND

3 For payment to the Postal Service Fund for revenue
4 forgone on free and reduced rate mail, pursuant to sub-
5 sections (c) and (d) of section 2401 of title 39, United
6 States Code, \$116,350,000, of which \$73,000,000 shall
7 not be available for obligation until October 1, 2006: *Pro-*
8 *vided*, That mail for overseas voting and mail for the blind
9 shall continue to be free: *Provided further*, That 6-day de-
10 livery and rural delivery of mail shall continue at not less
11 than the 1983 level: *Provided further*, That none of the
12 funds made available to the Postal Service by this Act
13 shall be used to implement any rule, regulation, or policy
14 of charging any officer or employee of any State or local
15 child support enforcement agency, or any individual par-
16 ticipating in a State or local program of child support en-
17 forcement, a fee for information requested or provided
18 concerning an address of a postal customer: *Provided fur-*
19 *ther*, That none of the funds provided in this Act shall
20 be used to consolidate or close small rural and other small
21 post offices in fiscal year 2006.

22 UNITED STATES TAX COURT

23 SALARIES AND EXPENSES

24 For necessary expenses, including contract reporting
25 and other services as authorized by 5 U.S.C. 3109,

1 \$47,998,000: *Provided*, That travel expenses of the judges
2 shall be paid upon the written certificate of the judge.

3

TITLE VII

4

GENERAL PROVISIONS THIS ACT

5

(INCLUDING TRANSFERS OF FUNDS)

6

SEC. 701. Such sums as may be necessary for fiscal

/ 7 year 2006 pay raises for programs funded in this Act shall

8

be absorbed within the levels appropriated in this Act or

9

previous appropriations Acts.

10

SEC. 702. None of the funds in this Act shall be used

11

for the planning or execution of any program to pay the

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expenses of, or otherwise compensate, non-Federal parties

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intervening in regulatory or adjudicatory proceedings

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funded in this Act.

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SEC. 703. None of the funds appropriated in this Act

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shall remain available for obligation beyond the current

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fiscal year, nor may any be transferred to other appropria-

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tions, unless expressly so provided herein.

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SEC. 704. The expenditure of any appropriation

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under this Act for any consulting service through procure-

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ment contract pursuant to section 3109 of title 5, United

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States Code, shall be limited to those contracts where such

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expenditures are a matter of public record and available

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for public inspection, except where otherwise provided

1 under existing law, or under existing Executive order
2 issued pursuant to existing law.

3 SEC. 705. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government, except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriations Act.

8 SEC. 706. None of the funds made available by this
9 Act shall be available for any activity or for paying the
10 salary of any Government employee where funding an ac-
11 tivity or paying a salary to a Government employee would
12 result in a decision, determination, rule, regulation, or pol-
13 icy that would prohibit the enforcement of section 307 of
14 the Tariff Act of 1930 (19 U.S.C. 1307).

15 SEC. 707. No part of any appropriation contained in
16 this Act shall be available to pay the salary for any person
17 filling a position, other than a temporary position, for-
18 merly held by an employee who has left to enter the Armed
19 Forces of the United States and has satisfactorily com-
20 pleted his period of active military or naval service, and
21 has within 90 days after his release from such service or
22 from hospitalization continuing after discharge for a pe-
23 riod of not more than 1 year, made application for restora-
24 tion to his former position and has been certified by the
25 Office of Personnel Management as still qualified to per-

1 form the duties of his former position and has not been
2 restored thereto.

3 SEC. 708. No funds appropriated pursuant to this
4 Act may be expended by an entity unless the entity agrees
5 that in expending the assistance the entity will comply
6 with sections 2 through 4 of the Act of March 3, 1933
7 (41 U.S.C. 10a-10c, popularly known as the "Buy Amer-
8 ican Act").

9 SEC. 709. No funds appropriated or otherwise made
10 available under this Act shall be made available to any
11 person or entity that has been convicted of violating the
12 Buy American Act (41 U.S.C. 10a-10c).

13 SEC. 710. Except as otherwise provided in this Act,
14 none of the funds provided in this Act, provided by pre-
15 vious appropriations Acts to the agencies or entities fund-
16 ed in this Act that remain available for obligation or ex-
17 penditure in fiscal year 2006, or provided from any ac-
18 counts in the Treasury derived by the collection of fees
19 and available to the agencies funded by this Act, shall be
20 available for obligation or expenditure through a re-
21 programming of funds that: (1) creates a new program;
22 (2) eliminates a program, project, or activity; (3) increases
23 funds or personnel for any program, project, or activity
24 for which funds have been denied or restricted by the Con-
25 gress; (4) proposes to use funds directed for a specific ac-

1 tivity by either the House or Senate Committees on Ap-
2 propriations for a different purpose; (5) augments existing
3 programs, projects, or activities in excess of \$5,000,000
4 or 10 percent, whichever is less; (6) reduces existing pro-
5 grams, projects, or activities by \$5,000,000 or 10 percent,
6 whichever is less; or (7) creates, reorganizes, or restruc-
7 tures a branch, division, office, bureau, board, commis-
8 sion, agency, administration, or department different from
9 the budget justifications submitted to the Committees on
10 Appropriations or the table accompanying the statement
11 of the managers accompanying this Act, whichever is more
12 detailed, unless prior approval is received from the House
13 and Senate Committees on Appropriations: *Provided*, That
14 not later than 60 days after the date of enactment of this
15 Act, each agency funded by this Act shall submit a report
16 to the Committee on Appropriations of the Senate and of
17 the House of Representatives to establish the baseline for
18 application of reprogramming and transfer authorities for
19 the current fiscal year: *Provided further*, That the report
20 shall include: (1) a table for each appropriation with a
21 separate column to display the President's budget request,
22 adjustments made by Congress, adjustments due to en-
23 acted rescissions, if appropriate, and the fiscal year en-
24 acted level; (2) a delineation in the table for each appro-
25 priation both by object class and program, project, and

1 activity as detailed in the budget appendix for the respec-
2 tive appropriation; and (3) an identification of items of
3 special congressional interest: *Provided further*, That the
4 amount appropriated or limited for salaries and expenses
5 for an agency shall be reduced by \$100,000 per day for
6 each day after the required date that the report has not
7 been submitted to the Congress.

8 SEC. 711. Except as otherwise specifically provided
9 by law, not to exceed 50 percent of unobligated balances
10 remaining available at the end of fiscal year 2006 from
11 appropriations made available for salaries and expenses
12 for fiscal year 2006 in this Act, shall remain available
13 through September 30, 2007, for each such account for
14 the purposes authorized: *Provided*, That a request shall
15 be submitted to the Committees on Appropriations for ap-
16 proval prior to the expenditure of such funds: *Provided*
17 *further*, That these requests shall be made in compliance
18 with reprogramming guidelines.

19 SEC. 712. None of the funds made available in this
20 Act may be used by the Executive Office of the President
21 to request from the Federal Bureau of Investigation any
22 official background investigation report on any individual,
23 except when—

24 (1) such individual has given his or her express
25 written consent for such request not more than 6

1 months prior to the date of such request and during
2 the same presidential administration; or

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

5 SEC. 713. The cost accounting standards promul-
6 gated under section 26 of the Office of Federal Procure-
7 ment Policy Act (Public Law 93-400; 41 U.S.C. 422)
8 shall not apply with respect to a contract under the Fed-
9 eral Employees Health Benefits Program established
10 under chapter 89 of title 5, United States Code.

11 SEC. 714. For the purpose of resolving litigation and
12 implementing any settlement agreements regarding the
13 nonforeign area cost-of-living allowance program, the Of-
14 fice of Personnel Management may accept and utilize
15 (without regard to any restriction on unanticipated travel
16 expenses imposed in an Appropriations Act) funds made
17 available to the Office pursuant to court approval.

18 SEC. 715. No funds appropriated by this Act shall
19 be available to pay for an abortion, or the administrative
20 expenses in connection with any health plan under the
21 Federal employees health benefits program which provides
22 any benefits or coverage for abortions.

23 SEC. 716. The provision of section 715 shall not
24 apply where the life of the mother would be endangered

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

3 SEC. 717. In order to promote Government access to
4 commercial information technology, the restriction on pur-
5 chasing nondomestic articles, materials, and supplies set
6 forth in the Buy American Act (41 U.S.C. 10a et seq.),
7 shall not apply to the acquisition by the Federal Govern-
8 ment of information technology (as defined in section
9 11101 of title 40, United States Code), that is a commer-
10 cial item (as defined in section 4(12) of the Office of Fed-
11 eral Procurement Policy Act (41 U.S.C. 403(12)).

12 SEC. 718. None of the funds made available in the
13 Act may be used to finalize, implement, administer, or en-
14 force—

15 (1) the proposed rule relating to the determina-
16 tion that real estate brokerage is an activity that is
17 financial in nature or incidental to a financial activ-
18 ity published in the Federal Register on January 3,
19 2001 (66 Fed. Reg. 307 et seq.); or

20 (2) the revision proposed in such rule to section
21 1501.2 of title 12 of the Code of Federal Regula-
22 tions.

23 SEC. 719. All Federal agencies and departments that
24 are funded under this Act shall issue a report to the House
25 and Senate Committees on Appropriations on all sole

1 source contracts by no later than July 31, 2006. Such re-
2 port shall include the contractor, the amount of the con-
3 tract and the rationale for using a sole source contract.

4 SEC. 720. The Secretary of the Treasury may trans-
5 fer funds from ~~within Treasury accounts~~ for any costs nec-
6 essary to pay for both career and non-career senior Treas-
7 ury officials and support staff in locations of economic
8 strategic interest throughout the world. Such positions
9 would be used to advocate positions of interest to the
10 United States Government, including open and fair finan-
11 cial markets, consistent with the Secretary's obligation
12 under the Gold Reserve Act of 1934 (48 Stat. 337) to
13 promote orderly exchange arrangements and an orderly
14 system of exchange rates. Any transfer shall not be made
15 available until approved in an operating plan request by
16 the House and Senate Committees on Appropriations.

17 SEC. 721. Section 640(e) of the Treasury and Gen-
18 eral Government Appropriations Act, 2000 (Public Law
19 106-58; 2 U.S.C. 437g note), as amended by section 642
20 of the Treasury and General Government Appropriations
21 Act, 2002 (Public Law 107-67) and by section 639 of the
22 Transportation, Treasury, and Independent Agencies Ap-
23 propriations Act, 2004 (Public Law 108-199), is amended
24 by striking "December 31, 2005" and inserting "Decem-
25 ber 31, 2008".

amounts
appropriated
under title
II of this
Act

1 SEC. 722. The Secretary of the Treasury may make
2 payments from the Treasury Forfeiture Fund to reim-
3 burse the United States Secret Service for costs of pro-
4 tecting the Secretary of the Treasury: *Provided*, That the
5 United States Secret Service shall provide the Department
6 of the Treasury with a detailed, itemized list of expenses
7 associated with such protection: *Provided further*, That the
8 Comptroller General shall review all expenditures related
9 to such protection and shall determine if each expense is
10 a reasonable and unavoidable cost of this protection: *Pro-*
11 *vided further*, That all such reimbursable expenses shall
12 be subject to a memorandum of understanding between
13 the Department of the Treasury and the United States
14 Secret Service.

15 SEC. 723. Section 101 of the Second Emergency Sup-
16 plemental Appropriations Act to Meet Immediate Needs
17 Arising From the Consequences of Hurricane Katrina,
18 2005 (Public Law 109-62; 119 Stat. 1992) is repealed.

19 ~~SEC. 724. (a) Notwithstanding any other provision~~
20 ~~of law, until such time as a mandatory rule applicable to~~
21 ~~ATVs promulgated by the Consumer Product Safety Com-~~
22 ~~mission goes into effect, it is unlawful for any manufac-~~
23 ~~turer or distributor to distribute in commerce in the~~
24 ~~United States any new assembled or unassembled ATV~~
25 ~~unless—~~

1 (1)(A) with respect to an ATV designed for use
2 by single operator only, such ATV complies with
3 each applicable provision of—

4 (i) the American National Standard for
5 Four Wheel All-Terrain Vehicles—Equipment,
6 Configuration, and Performance Requirements
7 developed by the Specialty Vehicle Institute of
8 America (American National Standard ANSI/
9 SVIA-1-2001); or

10 (ii) a revision to such Standard; or

11 (iii) such alternative standard that may be
12 relied upon by the Commission; or

13 (B) with respect to an ATV designed for use by
14 an operator and one or more passengers, such ATV
15 complies with each applicable provision of—

16 (i) any future American National Standard
17 developed for such vehicles; or

18 (ii) a revision to such Standard; or

19 (iii) such alternative standard that may be
20 relied upon by the Commission;

21 (2) with respect to an ATV, it is subject to or
22 covered by a letter of undertaking or an ATV action
23 plan that is filed with the Commission and that—

24 (A) applies to such ATV;

1 (B) includes actions to promote ATV safe-
2 ty substantially similar to those described in the
3 action plans in 63 Federal Register 48199-
4 48204 (September 9, 1998) or otherwise ap-
5 proved by the Commission; and

6 (C) is substantially implemented at the
7 time of the distribution in commerce of such
8 ATV; and

9 (3) such ATV bears a permanent label certi-
10 fying that it complies with the provisions of para-
11 graphs (1) and (2).

12 (b) DEFINITIONS.—In this section:

13 (1) ATV.—The term “ATV” means any motor-
14 ized, off-highway, all-terrain vehicle designed to trav-
15 el on 4 wheels, having a seat designed to be strad-
16 dled by the operator and handlebars for steering
17 control and does not include a prototype of a motor-
18 ized, off-highway, all-terrain vehicle or other motor-
19 ized, off-highway all-terrain vehicle that is intended
20 exclusively for research and development purposes.

21 (2) COMMISSION, DISTRIBUTION IN COMMERCE,
22 DISTRIBUTOR, TO DISTRIBUTE IN COMMERCE, MANU-
23 FACTURER, UNITED STATES.—The terms “Commis-
24 sion”, “distribution in commerce”, “distributor”, “to
25 distribute in commerce”, “manufacturer”, and

1 "United States" have the meaning given those terms
2 in section 3(a) of the Consumer Product Safety Act
3 (15 U.S.C. 2052(a)).

4 (c) VIOLATION OF CPSA.—Any violation of sub-
5 section (a) shall be deemed to be a failure to comply with
6 a consumer product safety rule under the Consumer Prod-
7 uct Safety Act, and subject to all of the penalties and rem-
8 edies available under such Act.

9 (d) EFFECTIVE DATE.—This section shall become ef-
10 fective 90 days after the enactment of this Act.

11 (e) NOTIFICATION.—Following enactment, the Com-
12 mission shall promptly seek to inform all manufacturers
13 of ATVs that are presently being distributed in commerce
14 in the United States of the terms of this Act.

724
15 SEC. 725. (a) IN GENERAL.—None of the funds ap-
16 propriated or otherwise made available by this Act may
17 be used for any Federal Government contract with any
18 foreign incorporated entity which is treated as an inverted
19 domestic corporation under section 835(b) of the Home-
20 land Security Act of 2002 (6 U.S.C. 395(b)) or any sub-
21 sidiary of such an entity.

22 (b) WAIVERS.—

23 (1) IN GENERAL.—Any Secretary shall waive
24 subsection (a) with respect to any Federal Govern-
25 ment contract under the authority of such Secretary

1 if the Secretary determines that the waiver is re-
2 quired in the interest of national security.

3 (2) REPORT TO CONGRESS.—Any Secretary
4 issuing a waiver under paragraph (1) shall report
5 such issuance to Congress.

6 (c) EXCEPTION.—This section shall not apply to any
7 Federal Government contract entered into before the date
8 of the enactment of this Act, or to any task order issued
9 pursuant to such contract.

725

10 ~~SEC. 726~~. From funds made available in this Act
11 under the headings "White House Office", "Executive
12 Residence at the White House", "White House Repair and
13 Restoration", "Council of Economic Advisors", "National
14 Security Council", "Office of Administration", ~~"Office of~~
15 ~~Management and Budget", "Office of National Drug Con-~~
16 ~~trol Policy"~~ "Special Assistance to the President", and
17 "Official Residence of the Vice President", the Director
18 of the Office of Management and Budget (or such other
19 officer as the President may designate in writing), may,
20 fifteen days after giving notice to the House and Senate
21 Committees on Appropriations, transfer not to exceed 10
22 percent of any such appropriation to any other such ap-
23 propriation, to be merged with and available for the same
24 time and for the same purposes as the appropriation to
25 which transferred: *Provided*, That the amount of an ap-

Office
of
Policy
Development

1 appropriation shall not be increased by more than 50 percent
2 by such transfers: *Provided further*, That no amount shall
3 be transferred from "Special Assistance to the President"
4 or "Official Residence of the Vice President" without the
5 approval of the Vice President.

726 / 6 ~~SEC. 727~~: No funds in this Act may be used to sup-
7 port any Federal, State, or local projects that seek to use
8 the power of eminent domain, unless eminent domain is
9 employed only for a public use: *Provided*, That for pur-
10 poses of this section, public use shall not be construed to
11 include economic development that primarily benefits pri-
12 vate entities: *Provided further*, That any use of funds for
13 mass transit, railroad, airport, seaport or highway projects
14 as well as utility projects which benefit or serve the gen-
15 eral public (including energy-related, communication-re-
16 lated, water-related and wastewater-related infrastruc-
17 ture), other structures designated for use by the general
18 public or which have other common-carrier or public-util-
19 ity functions that serve the general public and are subject
20 to regulation and oversight by the government, and
21 projects for the removal of an immediate threat to public
22 health and safety or brownfields as defined in the Small
23 Business Liability Relief and Brownfields Revitalization
24 Act (Public Law 107-118) shall be considered a public
25 use for purposes of eminent domain: *Provided further*,

1 That the Government Accountability Office, in consulta-
2 tion with the National Academy ~~for~~ ^{of} Public Administration,
3 organizations representing State and local governments,
4 and property rights organizations, shall conduct a study
5 to be submitted to the Congress within 12 months of the
6 enactment of this Act on the nationwide use of eminent
7 domain, including the procedures used and the results ac-
8 complished on a state-by-state basis as well as the impact
9 on individual property owners and on the affected commu-
10 nities.

11 TITLE VIII

12 GENERAL PROVISIONS GOVERNMENT-WIDE

13 DEPARTMENTS, AGENCIES, AND CORPORATIONS

14 SEC. 801. Funds appropriated in this or any other
15 Act may be used to pay travel to the United States for
16 the immediate family of employees serving abroad in cases
17 of death or life threatening illness of said employee.

18 SEC. 802. No department, agency, or instrumentality
19 of the United States receiving appropriated funds under
20 this or any other Act for fiscal year 2006 shall obligate
21 or expend any such funds, unless such department, agen-
22 cy, or instrumentality has in place, and will continue to
23 administer in good faith, a written policy designed to en-
24 sure that all of its workplaces are free from the illegal
25 use, possession, or distribution of controlled substances

1 (as defined in the Controlled Substances Act (21 U.S.C.
2 802)) by the officers and employees of such department,
3 agency, or instrumentality.

4 SEC. 803. Unless otherwise specifically provided, the
5 maximum amount allowable during the current fiscal year
6 in accordance with section 16 of the Act of August 2, 1946
7 (60 Stat. 810), for the purchase of any passenger motor
8 vehicle (exclusive of buses, ambulances, law enforcement,
9 and undercover surveillance vehicles), is hereby fixed at
10 \$8,100 except station wagons for which the maximum
11 shall be \$9,100: *Provided*, That these limits may be ex-
12 ceeded by not to exceed \$3,700 for police-type vehicles,
13 and by not to exceed \$4,000 for special heavy-duty vehi-
14 cles: *Provided further*, That the limits set forth in this sec-
15 tion may not be exceeded by more than 5 percent for elec-
16 tric or hybrid vehicles purchased for demonstration under
17 the provisions of the Electric and Hybrid Vehicle Re-
18 search, Development, and Demonstration Act of 1976:
19 *Provided further*, That the limits set forth in this section
20 may be exceeded by the incremental cost of clean alter-
21 native fuels vehicles acquired pursuant to Public Law
22 101-549 over the cost of comparable conventionally fueled
23 vehicles.

24 SEC. 804. Appropriations of the executive depart-
25 ments and independent establishments for the current fis-

1 cal year available for expenses of travel, or for the ex-
2 penses of the activity concerned, are hereby made available
3 for quarters allowances and cost-of-living allowances, in
4 accordance with 5 U.S.C. 5922-5924.

5 SEC. 805. Unless otherwise specified during the cur-
6 rent fiscal year, no part of any appropriation contained
7 in this or any other Act shall be used to pay the compensa-
8 tion of any officer or employee of the Government of the
9 United States (including any agency the majority of the
10 stock of which is owned by the Government of the United
11 States) whose post of duty is in the continental United
12 States unless such person: (1) is a citizen of the United
13 States; (2) is a person in the service of the United States
14 on the date of the enactment of this Act who, being eligible
15 for citizenship, has filed a declaration of intention to be-
16 come a citizen of the United States prior to such date and
17 is actually residing in the United States; (3) is a person
18 who owes allegiance to the United States; (4) is an alien
19 from Cuba, Poland, South Vietnam, the countries of the
20 former Soviet Union, or the Baltic countries lawfully ad-
21 mitted to the United States for permanent residence; (5)
22 is a South Vietnamese, Cambodian, or Laotian refugee pa-
23 roled in the United States after January 1, 1975; or (6)
24 is a national of the People's Republic of China who quali-
25 fies for adjustment of status pursuant to the Chinese Stu-

1 dent Protection Act of 1992 (Public Law 102-404): *Pro-*
2 *vided*, That for the purpose of this section, an affidavit
3 signed by any such person shall be considered prima facie
4 evidence that the requirements of this section with respect
5 to his or her status have been complied with: *Provided fur-*
6 *ther*, That any person making a false affidavit shall be
7 guilty of a felony, and, upon conviction, shall be fined no
8 more than \$4,000 or imprisoned for not more than 1 year,
9 or both: *Provided further*, That the above penal clause
10 shall be in addition to, and not in substitution for, any
11 other provisions of existing law: *Provided further*, That
12 any payment made to any officer or employee contrary to
13 the provisions of this section shall be recoverable in action
14 by the Federal Government. This section shall not apply
15 to citizens of Ireland, Israel, or the Republic of the Phil-
16 ippines, or to nationals of those countries allied with the
17 United States in a current defense effort, or to inter-
18 national broadcasters employed by the United States In-
19 formation Agency, or to temporary employment of trans-
20 lators, or to temporary employment in the field service
21 (not to exceed 60 days) as a result of emergencies.

22 SEC. 806. Appropriations available to any depart-
23 ment or agency during the current fiscal year for nec-
24 essary expenses, including maintenance or operating ex-
25 penses, shall also be available for payment to the General

1 Services Administration for charges for space and services
2 and those expenses of renovation and alteration of build-
3 ings and facilities which constitute public improvements
4 performed in accordance with the Public Buildings Act of
5 1959 (73 Stat. 749), the Public Buildings Amendments
6 of 1972 (87 Stat. 216), or other applicable law.

7 SEC. 807. In addition to funds provided in this or
8 any other Act, all Federal agencies are authorized to re-
9 ceive and use funds resulting from the sale of materials,
10 including Federal records disposed of pursuant to a
11 records schedule recovered through recycling or waste pre-
12 vention programs. Such funds shall be available until ex-
13 pended for the following purposes:

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

19 (2) Other Federal agency environmental man-
20 agement programs, including, but not limited to, the
21 development and implementation of hazardous waste
22 management and pollution prevention programs.

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

1 SEC. 808. Funds made available by this or any other
2 Act for administrative expenses in the current fiscal year
3 of the corporations and agencies subject to chapter 91 of
4 title 31, United States Code, shall be available, in addition
5 to objects for which such funds are otherwise available,
6 for rent in the District of Columbia; services in accordance
7 with 5 U.S.C. 3109; and the objects specified under this
8 head, all the provisions of which shall be applicable to the
9 expenditure of such funds unless otherwise specified in the
10 Act by which they are made available: *Provided*, That in
11 the event any functions budgeted as administrative ex-
12 penses are subsequently transferred to or paid from other
13 funds, the limitations on administrative expenses shall be
14 correspondingly reduced.

15 SEC. 809. No part of any appropriation for the cur-
16 rent fiscal year contained in this or any other Act shall
17 be paid to any person for the filling of any position for
18 which he or she has been nominated after the Senate has
19 voted not to approve the nomination of said person.

20 SEC. 810. No part of any appropriation contained in
21 this or any other Act shall be available for interagency
22 financing of boards (except Federal Executive Boards),
23 commissions, councils, committees, or similar groups
24 (whether or not they are interagency entities) which do
25 not have a prior and specific statutory approval to receive

1 financial support from more than one agency or instru-
2 mentality.

3 SEC. 811. Funds made available by this or any other
4 Act to the Postal Service Fund (39 U.S.C. 2003) shall
5 be available for employment of guards for all buildings and
6 areas owned or occupied by the Postal Service or under
7 the charge and control of the Postal Service. The Postal
8 Service may give such guards, with respect to such prop-
9 erty, any of the powers of special policemen provided
10 under 40 U.S.C. 1315. The Postmaster General, or his
11 designee, may take any action that the Secretary of Home-
12 land Security may take under such section with respect
13 to that property.

14 SEC. 812. None of the funds made available pursuant
15 to the provisions of this Act shall be used to implement,
16 administer, or enforce any regulation which has been dis-
17 approved pursuant to a joint resolution duly adopted in
18 accordance with the applicable law of the United States.

19 SEC. 813. (a) Notwithstanding any other provision
20 of law, and except as otherwise provided in this section,
21 no part of any of the funds appropriated for fiscal year
22 2006, by this or any other Act, may be used to pay any
23 prevailing rate employee described in section
24 5342(a)(2)(A) of title 5, United States Code—

1 (1) during the period from the date of expira-
2 tion of the limitation imposed by the comparable sec-
3 tion for previous fiscal years until the normal effec-
4 tive date of the applicable wage survey adjustment
5 that is to take effect in fiscal year 2006, in an
6 amount that exceeds the rate payable for the appli-
7 cable grade and step of the applicable wage schedule
8 in accordance with such section; and

9 (2) during the period consisting of the remain-
10 der of fiscal year 2006, in an amount that exceeds,
11 as a result of a wage survey adjustment, the rate
12 payable under paragraph (1) by more than the sum
13 of—

14 (A) the percentage adjustment taking ef-
15 fect in fiscal year 2006 under section 5303 of
16 title 5, United States Code, in the rates of pay
17 under the General Schedule; and

18 (B) the difference between the overall aver-
19 age percentage of the locality-based com-
20 parability payments taking effect in fiscal year
21 2006 under section 5304 of such title (whether
22 by adjustment or otherwise), and the overall av-
23 erage percentage of such payments which was
24 effective in the previous fiscal year under such
25 section.

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

9 (c) For the purposes of this section, the rates payable
10 to an employee who is covered by this section and who
11 is paid from a schedule not in existence on September 30,
12 2005, shall be determined under regulations prescribed by
13 the Office of Personnel Management.

14 (d) Notwithstanding any other provision of law, rates
15 of premium pay for employees subject to this section may
16 not be changed from the rates in effect on September 30,
17 2005, except to the extent determined by the Office of
18 Personnel Management to be consistent with the purpose
19 of this section.

20 (e) This section shall apply with respect to pay for
21 service performed after September 30, 2005.

22 (f) For the purpose of administering any provision
23 of law (including any rule or regulation that provides pre-
24 mium pay, retirement, life insurance, or any other em-
25 ployee benefit) that requires any deduction or contribu-

1 tion, or that imposes any requirement or limitation on the
2 basis of a rate of salary or basic pay, the rate of salary
3 or basic pay payable after the application of this section
4 shall be treated as the rate of salary or basic pay.

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

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

14 SEC. 814. During the period in which the head of
15 any department or agency, or any other officer or civilian
16 employee of the Government appointed by the President
17 of the United States, holds office, no funds may be obli-
18 gated or expended in excess of \$5,000 to furnish or re-
19 decorate the office of such department head, agency head,
20 officer, or employee, or to purchase furniture or make im-
21 provements for any such office, unless advance notice of
22 such furnishing or redecoration is expressly approved by
23 the Committees on Appropriations. For the purposes of
24 this section, the term "office" shall include the entire suite
25 of offices assigned to the individual, as well as any other

1 space used primarily by the individual or the use of which
2 is directly controlled by the individual.

3 SEC. 815. Notwithstanding section 1346 of title 31,
4 United States Code, or section 809 of this Act, funds
5 made available for the current fiscal year by this or any
6 other Act shall be available for the interagency funding
7 of national security and emergency preparedness tele-
8 communications initiatives which benefit multiple Federal
9 departments, agencies, or entities, as provided by Execu-
10 tive Order No. 12472 (April 3, 1984).

11 SEC. 816. (a) None of the funds appropriated by this
12 or any other Act may be obligated or expended by any
13 Federal department, agency, or other instrumentality for
14 the salaries or expenses of any employee appointed to a
15 position of a confidential or policy-determining character
16 excepted from the competitive service pursuant to section
17 3302 of title 5, United States Code, without a certification
18 to the Office of Personnel Management from the head of
19 the Federal department, agency, or other instrumentality
20 employing the Schedule C appointee that the Schedule C
21 position was not created solely or primarily in order to
22 detail the employee to the White House.

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

1 (1) the Central Intelligence Agency;

2 (2) the National Security Agency;

3 (3) the Defense Intelligence Agency;

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

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

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

17 (7) the Director of National Intelligence or the
18 Office of the Director of National Intelligence.

19 SEC. 817. No department, agency, or instrumentality
20 of the United States receiving appropriated funds under
21 this or any other Act for the current fiscal year shall obli-
22 gate or expend any such funds, unless such department,
23 agency, or instrumentality has in place, and will continue
24 to administer in good faith, a written policy designed to
25 ensure that all of its workplaces are free from discrimina-

1 tion and sexual harassment and that all of its workplaces
2 are not in violation of title VII of the Civil Rights Act
3 of 1964 (Public Law 88-352, 78 Stat. 241), as amended,
4 the Age Discrimination in Employment Act of 1967 (Pub-
5 lic Law 90-202, 81 Stat. 602), and the Rehabilitation Act
6 of 1973 (Public Law 93-112, 87 Stat. 355).

7 SEC. 818. No part of any appropriation contained in
8 this or any other Act shall be available for the payment
9 of the salary of any officer or employee of the Federal
10 Government, who—

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

24 (2) removes, suspends from duty without pay,
25 demotes, reduces in rank, seniority, status, pay, or

1 performance of efficiency rating, denies promotion
2 to, relocates, reassigns, transfers, disciplines, or dis-
3 criminates in regard to any employment right, enti-
4 tlement, or benefit, or any term or condition of em-
5 ployment of, any other officer or employee of the
6 Federal Government, or attempts or threatens to
7 commit any of the foregoing actions with respect to
8 such other officer or employee, by reason of any
9 communication or contact of such other officer or
10 employee with any Member, committee, or sub-
11 committee of the Congress as described in paragraph
12 (1).

13 SEC. 819. (a) None of the funds made available in
14 this or any other Act may be obligated or expended for
15 any employee training that—

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

19 (2) contains elements likely to induce high lev-
20 els of emotional response or psychological stress in
21 some participants;

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

1 (4) contains any methods or content associated
2 with religious or quasi-religious belief systems or
3 “new age” belief systems as defined in Equal Em-
4 ployment Opportunity Commission Notice N-
5 915.022, dated September 2, 1988; or

6 (5) is offensive to, or designed to change, par-
7 ticipants’ personal values or lifestyle outside the
8 workplace.

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

12 SEC. 820. No funds appropriated in this or any other
13 Act may be used to implement or enforce the agreements
14 in Standard Forms 312 and 4414 of the Government or
15 any other nondisclosure policy, form, or agreement if such
16 policy, form, or agreement does not contain the following
17 provisions: “These restrictions are consistent with and do
18 not supersede, conflict with, or otherwise alter the em-
19 ployee obligations, rights, or liabilities created by Execu-
20 tive Order No. 12958; section 7211 of title 5, United
21 States Code (governing disclosures to Congress); section
22 1034 of title 10, United States Code, as amended by the
23 Military Whistleblower Protection Act (governing disclo-
24 sure to Congress by members of the military); section
25 2302(b)(8) of title 5, United States Code, as amended by

1 the Whistleblower Protection Act (governing disclosures of
2 illegality, waste, fraud, abuse or public health or safety
3 threats); the Intelligence Identities Protection Act of 1982
4 (50 U.S.C. 421 et seq.) (governing disclosures that could
5 expose confidential Government agents); and the statutes
6 which protect against disclosure that may compromise the
7 national security, including sections 641, 793, 794, 798,
8 and 952 of title 18, United States Code, and section 4(b)
9 of the Subversive Activities Act of 1950 (50 U.S.C.
10 783(b)). The definitions, requirements, obligations, rights,
11 sanctions, and liabilities created by said Executive order
12 and listed statutes are incorporated into this agreement
13 and are controlling.”: *Provided*, That notwithstanding the
14 preceding paragraph, a nondisclosure policy form or agree-
15 ment that is to be executed by a person connected with
16 the conduct of an intelligence or intelligence-related activ-
17 ity, other than an employee or officer of the United States
18 Government, may contain provisions appropriate to the
19 particular activity for which such document is to be used.
20 Such form or agreement shall, at a minimum, require that
21 the person will not disclose any classified information re-
22 ceived in the course of such activity unless specifically au-
23 thorized to do so by the United States Government. Such
24 nondisclosure forms shall also make it clear that they do
25 not bar disclosures to Congress or to an authorized official.

1 of an executive agency or the Department of Justice that
2 are essential to reporting a substantial violation of law.

3 SEC. 821. No part of any funds appropriated in this
4 or any other Act shall be used by an agency of the execu-
5 tive branch, other than for normal and recognized execu-
6 tive-legislative relationships, for publicity or propaganda
7 purposes, and for the preparation, distribution or use of
8 any kit, pamphlet, booklet, publication, radio, television or
9 film presentation designed to support or defeat legislation
10 pending before the Congress, except in presentation to the
11 Congress itself.

12 SEC. 822. None of the funds appropriated by this or
13 any other Act may be used by an agency to provide a Fed-
14 eral employee's home address to any labor organization
15 except when the employee has authorized such disclosure
16 or when such disclosure has been ordered by a court of
17 competent jurisdiction.

18 SEC. 823. None of the funds made available in this
19 Act or any other Act may be used to provide any non-
20 public information such as mailing or telephone lists to
21 any person or any organization outside of the Federal
22 Government without the approval of the Committees on
23 Appropriations.

24 SEC. 824. No part of any appropriation contained in
25 this or any other Act shall be used directly or indirectly,

1 including by private contractor, for publicity or propa-
2 ganda purposes within the United States not heretofor au-
3 thorized by the Congress.

4 SEC. 825. (a) In this section the term "agency"—

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

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

10 (3) shall not include the Government Account-
11 ability Office.

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

21 SEC. 826. Notwithstanding 31 U.S.C. 1346 and sec-
22 tion 810 of this Act, funds made available for the current
23 fiscal year by this or any other Act to any department
24 or agency, which is a member of the Federal Accounting
25 Standards Advisory Board (FASAB), shall be available to

1 finance an appropriate share of FASAB administrative
2 costs.

3 SEC. 827. Notwithstanding 31 U.S.C. 1346 and sec-
4 tion 910 of this Act, the head of each Executive depart-
5 ment and agency is hereby authorized to transfer to or
6 reimburse "General Services Administration, Government-
7 wide Policy" with the approval of the Director of the Of-
8 fice of Management and Budget, funds made available for
9 the current fiscal year by this or any other Act, including
10 rebates from charge card and other contracts: *Provided,*
11 That these funds shall be administered by the Adminis-
12 trator of General Services to support Government-wide fi-
13 nancial, information technology, procurement, and other
14 management innovations, initiatives, and activities, as ap-
15 proved by the Director of the Office of Management and
16 Budget, in consultation with the appropriate interagency
17 groups designated by the Director (including the Chief Fi-
18 nancial Officers Council and the Joint Financial Manage-
19 ment Improvement Program for financial management
20 initiatives, the Chief Information Officers Council for in-
21 formation technology initiatives, the Chief Human Capital
22 Officers Council for human capital initiatives, and the
23 Federal Acquisition Council for procurement initiatives).
24 The total funds transferred or reimbursed shall not exceed
25 \$10,000,000. Such transfers or reimbursements may only

1 be made 15 days following notification of the Committees
2 on Appropriations by the Director of the Office of Man-
3 agement and Budget.

4 SEC. 828. Notwithstanding any other provision of
5 law, a woman may breastfeed her child at any location
6 in a Federal building or on Federal property, if the woman
7 and her child are otherwise authorized to be present at
8 the location.

9 SEC. 829. Notwithstanding section 1346 of title 31,
10 United States Code, or section 810 of this Act, funds
11 made available for the current fiscal year by this or any
12 other Act shall be available for the interagency funding
13 of specific projects, workshops, studies, and similar efforts
14 to carry out the purposes of the National Science and
15 Technology Council (authorized by Executive Order No.
16 12881), which benefit multiple Federal departments,
17 agencies, or entities: *Provided*, That the Office of Manage-
18 ment and Budget shall provide a report describing the
19 budget of and resources connected with the National
20 Science and Technology Council to the Committees on Ap-
21 propriations, the House Committee on Science; and the
22 Senate Committee on Commerce, Science, and Transpor-
23 tation 90 days after enactment of this Act.

24 SEC. 830. Any request for proposals, solicitation,
25 grant application, form, notification, press release, or

1 other publications involving the distribution of Federal
2 funds shall indicate the agency providing the funds, the
3 Catalog of Federal Domestic Assistance Number, as appli-
4 cable, and the amount provided: *Provided*, That this provi-
5 sion shall apply to direct payments, formula funds, and
6 grants received by a State receiving Federal funds.

7 SEC. 831. Subsection (f) of section 403 of Public Law
8 103-356 (31 U.S.C. 501 note), as amended, is further
9 amended by striking "October 1, 2005" and inserting
10 "October 1, 2006": *Provided*, That this provision shall not
11 apply to the Department of Homeland Security.

12 SEC. 832. (a) PROHIBITION OF FEDERAL AGENCY
13 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
14 the funds made available in this or any other Act may
15 be used by any Federal agency—

16 (1) to collect, review, or create any aggregation
17 of data, derived from any means, that includes any
18 personally identifiable information relating to an in-
19 dividual's access to or use of any Federal Govern-
20 ment Internet site of the agency; or

21 (2) to enter into any agreement with a third
22 party (including another government agency) to col-
23 lect, review, or obtain any aggregation of data, de-
24 rived from any means, that includes any personally
25 identifiable information relating to an individual's

1 access to or use of any nongovernmental Internet
2 site.

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

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

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

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

12 (4) any action described in subsection (a)(1)
13 that is a system security action taken by the oper-
14 ator of an Internet site and is necessarily incident
15 to providing the Internet site services or to pro-
16 tecting the rights or property of the provider of the
17 Internet site.

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

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

22 (2) The term “supervisory” means examina-
23 tions of the agency’s supervised institutions, includ-
24 ing assessing safety and soundness, overall financial
25 condition, management practices and policies and

1 compliance with applicable standards as provided in
2 law.

3 SEC. 833. (a) None of the funds appropriated by this
4 Act may be used to enter into or renew a contract which
5 includes a provision providing prescription drug coverage,
6 except where the contract also includes a provision for con-
7 traceptive coverage.

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

10 (1) any of the following religious plans:

11 (A) Personal Care's HMO; and

12 (B) OSF HealthPlans, Inc.; and

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

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

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

24 SEC. 834. The Congress of the United States recog-
25 nizes the United States Anti-Doping Agency (USADA) as

1 the official anti-doping agency for Olympic, Pan Amer-
2 ican, and Paralympic sport in the United States.

3 SEC. 835. Notwithstanding any other provision of
4 law, funds appropriated for official travel by Federal de-
5 partments and agencies may be used by such departments
6 and agencies, if consistent with Office of Management and
7 Budget Circular A-126 regarding official travel for Gov-
8 ernment personnel, to participate in the fractional aircraft
9 ownership pilot program.

10 SEC. 836. Notwithstanding any other provision of
11 law, none of the funds appropriated or made available
12 under this Act or any other appropriations Act may be
13 used to implement or enforce restrictions or limitations on
14 the Coast Guard Congressional Fellowship Program, or to
15 implement the proposed regulations of the Office of Per-
16 sonnel Management to add sections 300.311 through
17 300.316 to part 300 of title 5 of the Code of Federal Reg-
18 ulations, published in the Federal Register, volume 68,
19 number 174, on September 9, 2003 (relating to the detail
20 of executive branch employees to the legislative branch).

21 SEC. 837. (a) Not later than 180 days after the end
22 of the fiscal year, the head of each Federal agency shall
23 submit a report to Congress on the amount of the acquisi-
24 tions made by the agency from entities that manufacture

1 the articles, materials, or supplies outside of the United
2 States in that fiscal year.

3 (b) The report required by subsection (a) shall sepa-
4 rately indicate—

5 (1) the dollar value of any articles, materials, or
6 supplies purchased that were manufactured outside
7 of the United States;

8 (2) an itemized list of all waivers granted with
9 respect to such articles, materials, or supplies under
10 the Buy American Act (41 U.S.C. 10a et seq.); and

11 (3) a summary of the total procurement funds
12 spent on goods manufactured in the United States
13 versus funds spent on goods manufactured outside
14 of the United States.

15 (c) The head of each Federal agency submitting a
16 report under subsection (a) shall make the report publicly
17 available to the maximum extent practicable.

18 (d) This section shall not apply to acquisitions made
19 by an agency, or component thereof, that is an element
20 of the intelligence community as set forth in or designated
21 under section 3(4) of the National Security Act of 1947
22 (50 U.S.C. 401a(4)).

23 SEC. 838. Notwithstanding any other provision of
24 law, no executive branch agency shall purchase, construct,
25 and/or lease any additional facilities, except within or con-

1 tiguous to existing locations, to be used for the purpose
2 of conducting Federal law enforcement training without
3 the advance approval of the Committees on Appropria-
4 tions, except that the Federal Law Enforcement Training
5 Center is authorized to obtain the temporary use of addi-
6 tional facilities by lease, contract, or other agreement for
7 training which cannot be accommodated in existing Center
8 facilities.

9 SEC. 839. Notwithstanding section 1346 of title 31,
10 United States Code, and section 809 of this Act and any
11 other provision of law, the head of each appropriate execu-
12 tive department and agency shall transfer to or reimburse
13 the Federal Aviation Administration, upon the direction
14 of the Director of the Office of Management and Budget,
15 funds made available by this or any other Act for the pur-
16 poses described below, and shall submit budget requests
17 for such purposes. These funds shall be administered by
18 the Federal Aviation Administration, in consultation with
19 the appropriate interagency groups designated by the Di-
20 rector and shall be used to ensure the uninterrupted, con-
21 tinuous operation of the Midway Atoll Airfield by the Fed-
22 eral Aviation Administration pursuant to an operational
23 agreement with the Department of the Interior for the en-
24 tirety of fiscal year 2006 and any period thereafter that
25 precedes the enactment of the Transportation, Treasury,

1 the Judiciary, Housing and Urban Development, and Re-
2 lated Agencies Appropriations Act, 2007. The Director of
3 the Office of Management and Budget shall mandate the
4 necessary transfers after determining an equitable alloca-
5 tion between the appropriate executive departments and
6 agencies of the responsibility for funding the continuous
7 operation of the Midway Atoll Airfield based on, but not
8 limited to, potential use, interest in maintaining aviation
9 safety, and applicability to governmental operations and
10 agency mission. The total funds transferred or reimbursed
11 shall not exceed \$6,000,000 for any twelve-month period.
12 Such sums shall be sufficient to ensure continued oper-
13 ation of the airfield throughout the period cited above.
14 Funds shall be available for operation of the airfield or
15 airfield-related capital upgrades. The Director of the Of-
16 fice of Management and Budget shall notify the Commit-
17 tees on Appropriations of such transfers or reimburse-
18 ments within 15 days of this Act. Such transfers or reim-
19 bursements shall begin within 30 days of enactment of this
20 Act.

21 SEC. 840. Section 4(b) of the Federal Activities In-
22 ventory Reform Act of 1998 (Public Law 105-270) is
23 amended by adding at the end the following new para-
24 graph:

1 “(5) Executive agencies with fewer than 100
2 full-time employees as of the first day of the fiscal
3 year. However, such an agency shall be subject to
4 section 2 to the extent it plans to conduct a public-
5 private competition for the performance of an activ-
6 ity that is not inherently governmental.”.

7 SEC. 841. (a) No funds shall be available for trans-
8 fers or reimbursements to the E-Government Initiatives
9 sponsored by the Office of Management and Budget
10 (OMB) prior to 15 days following submission of a report
11 to the Committees on Appropriations by the Director of
12 the Office of Management and Budget and receipt of ap-
13 proval to transfer funds by the House and Senate Commit-
14 tees on Appropriations.

15 (b) The report in (a) shall detail—

16 (1) the amount proposed for transfer for any
17 department and agency by program office, bureau,
18 or activity, as appropriate;

19 (2) the specific use of funds;

20 (3) the relevance of that use to that department
21 or agency and each bureau or office within, which is
22 contributing funds; and

23 (4) a description on any such activities for
24 which funds were appropriated that will not be im-

1 plemented or partially implemented by the depart-
2 ment or agency as a result of the transfer.

3 SEC. 842. (a) REQUIREMENT FOR PUBLIC-PRIVATE
4 COMPETITION.—

5 (1) Notwithstanding any other provision of law,
6 none of the funds appropriated by this or any other
7 Act shall be available to convert to contractor per-
8 formance an activity or function of an executive
9 agency, that on or after the date of enactment of
10 this Act, is performed by more than 10 Federal em-
11 ployees unless—

12 (A) the conversion is based on the result of
13 a public-private competition that includes a
14 most efficient and cost effective organization
15 plan developed by such activity or function; and

16 (B) the Competitive Sourcing Official de-
17 termines that, over all performance periods
18 stated in the solicitation of offers for perform-
19 ance of the activity or function, the cost of per-
20 formance of the activity or function by a con-
21 tractor would be less costly to the executive
22 agency by an amount that equals or exceeds the
23 lesser of—

24 (i) 10 percent of the most efficient or-
25 ganization's personnel-related costs for

1 performance of that activity or function by
 2 Federal employees; or
 3 (ii) \$10,000,000.

4 (2) This paragraph shall not apply to—

5 (A) the Department of Defense;

6 ~~(B) aviation security activities within the~~
 7 ~~Transportation Security Administration; and~~

Section 44920
 of Title 49,
 United States
 Code;

8 (C) a commercial or industrial type func-
 9 tion that—

10 (i) is included on the procurement list
 11 established pursuant to section 2 of the
 12 Javits-Wagner-O'Day Act (41 U.S.C. 47);
 13 or

14 (ii) is planned to be converted to per-
 15 formance by a qualified nonprofit agency
 16 for the blind or by a qualified nonprofit
 17 agency for other severely handicapped indi-
 18 viduals in accordance with that Act ;

19 ~~(B)~~ depot contracts or contracts for depot
 20 maintenance as provided in sections 2469 and
 21 2474 of title 10, United States Code; or

22 ~~(C)~~ activities that are the subject of an on-
 23 going competition that was publicly announced
 24 prior to the date of enactment of this act.

1 (b) USE OF PUBLIC-PRIVATE COMPETITION.—Noth-
2 ing in Office of Management and Budget Circular A-76
3 shall prevent the head of an executive agency from con-
4 ducting a public-private competition to evaluate the bene-
5 fits of converting work from contract performance to per-
6 formance by Federal employees in appropriate instances.
7 The Circular shall provide procedures and policies for
8 these competitions that are similar to those applied to
9 competitions that may result in the conversion of work
10 from performance by Federal employees to performance
11 by a contractor.

12 SEC. 843. (a) The adjustment in rates of basic pay
13 for employees under the statutory pay systems that takes
14 effect in fiscal year 2006 under sections 5303 and 5304
15 of title 5, United States Code, shall be an increase of 3.1
16 percent, and this adjustment shall apply to civilian em-
17 ployees in the Department of Defense and the Department
18 of Homeland Security and such adjustments shall be effec-
19 tive as of the first day of the first applicable pay period
20 beginning on or after January 1, 2006.

21 (b) Notwithstanding section 813 of this Act, the ad-
22 justment in rates of basic pay for the statutory pay sys-
23 tems that take place in fiscal year 2006 under sections
24 5344 and 5348 of title 5, United States Code, shall be
25 no less than the percentage in paragraph (a) as employees

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

10 (c) Funds used to carry out this section shall be paid
11 from appropriations, which are made to each applicable
12 department or agency for salaries and expenses for fiscal
13 year 2006.

14 SEC. 844. Unless otherwise authorized by existing
15 law, none of the funds provided in this Act or any other
16 Act may be used by an executive branch agency to produce
17 any prepackaged news story intended for broadcast or dis-
18 tribution in the United States, unless the story includes
19 a clear notification within the text or audio of the pre-
20 packaged news story that the prepackaged news story was
21 prepared or funded by that executive branch agency.

22 SEC. 845. None of the funds made available in this
23 Act may be used in contravention of section 552a of title
24 5, United States Code (popularly known as the Privacy

1 Act) or of section 552.224 of title 48 of the Code of Fed-
2 eral Regulations.

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3 ~~SEC. 846. None of the funds made available in this~~
4 ~~Act may be used to administer, implement, or enforce the~~
5 ~~amendment made to section 515.533 of title 31, Code of~~
6 ~~Federal Regulations, that was published in the Federal~~
7 ~~Register on February 25, 2005.~~

8 SEC. 847. Except as expressly provided otherwise,
9 any reference to "this Act" contained in this division shall
10 be treated as referring only to the provisions of this divi-
11 sion.

12 This division may be cited as the "Transportation,
13 Treasury, Housing and Urban Development, the Judici-
14 ary, ~~the District of Columbia,~~ and Independent Agencies
15 Appropriations Act, 2006".

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SEC. ~~228~~. Each Executive department and agency

shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card.

The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

delete brackets

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Xerox

1 DIVISION B—DISTRICT OF COLUMBIA

2 APPROPRIATIONS ACT, 2006

3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 District of Columbia and related agencies for the fiscal
6 year ending September 30, 2006, and for other purposes,
7 namely:

8 DISTRICT OF COLUMBIA

9 FEDERAL FUNDS

10 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

11 For a Federal payment to the District of Columbia,
12 to be deposited into a dedicated account, for a nationwide
13 program to be administered by the Mayor, for District of
14 Columbia resident tuition support, \$33,200,000, to remain
15 available until expended: *Provided*, That such funds, in-
16 cluding any interest accrued thereon, may be used on be-
17 half of eligible District of Columbia residents to pay an
18 amount based upon the difference between in-State and
19 out-of-State tuition at public institutions of higher edu-
20 cation, or to pay up to \$2,500 each year at eligible private
21 institutions of higher education: *Provided further*, That the
22 awarding of such funds may be prioritized on the basis
23 of a resident's academic merit, the income and need of
24 eligible students and such other factors as may be author-
25 ized: *Provided further*, That the District of Columbia gov-

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1 ernment shall maintain a dedicated account for the Resi-
2 dent Tuition Support Program that shall consist of the
3 Federal funds appropriated to the Program in this Act
4 and any subsequent appropriations, any unobligated bal-
5 ances from prior fiscal years, and any interest earned in
6 this or any fiscal year: *Provided further*, That the account
7 shall be under the control of the District of Columbia
8 Chief Financial Officer, who shall use those funds solely
9 for the purposes of carrying out the Resident Tuition Sup-
10 port Program: *Provided further*, That the Office of the
11 Chief Financial Officer shall provide a quarterly financial
12 report to the Committees on Appropriations of the House
13 of Representatives and Senate for these funds showing,
14 by object class, the expenditures made and the purpose
15 therefor: *Provided further*, That not more than \$1,200,000
16 of the total amount appropriated for this program may
17 be used for administrative expenses.

18 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
19 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

20 For necessary expenses, as determined by the Mayor
21 of the District of Columbia in written consultation with
22 the elected county or city officials of surrounding jurisdic-
23 tions, \$13,500,000, to remain available until expended, to
24 reimburse the District of Columbia for the costs of pro-
25 viding public safety at events related to the presence of
26 the national capital in the District of Columbia and for

1 the costs of providing support to respond to immediate
2 and specific terrorist threats or attacks in the District of
3 Columbia or surrounding jurisdictions: *Provided*, That any
4 amount provided under this heading shall be available only
5 after such amount has been apportioned pursuant to chap-
6 ter 15 of title 31, United States Code.

7 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
8 COURTS

9 For salaries and expenses for the District of Colum-
10 bia Courts, \$218,912,000, to be allocated as follows: for
11 the District of Columbia Court of Appeals, \$9,198,000,
12 of which not to exceed \$1,500 is for official reception and
13 representation expenses; for the District of Columbia Su-
14 perior Court, \$87,342,000, of which not to exceed \$1,500
15 is for official reception and representation expenses; for
16 the District of Columbia Court System, \$41,643,000, of
17 which not to exceed \$1,500 is for official reception and
18 representation expenses; and \$80,729,000, to remain
19 available until September 30, 2007, for capital improve-
20 ments for District of Columbia courthouse facilities: *Pro-*
21 *vided*, That notwithstanding any other provision of law,
22 a single contract or related contracts for development and
23 construction of facilities may be employed which collec-
24 tively include the full scope of the project: *Provided fur-*
25 *ther*, That the solicitation and contract shall contain the
26 clause "availability of Funds" found at 48 CFR 52.232-

1 18: *Provided further*, That funds made available for capital
2 improvements shall be expended consistent with the Gen-
3 eral Services Administration master plan study and build-
4 ing evaluation report: *Provided further*, That notwith-
5 standing any other provision of law, all amounts under
6 this heading shall be apportioned quarterly by the Office
7 of Management and Budget and obligated and expended
8 in the same manner as funds appropriated for salaries and
9 expenses of other Federal agencies, with payroll and finan-
10 cial services to be provided on a contractual basis with
11 the General Services Administration (GSA), and such
12 services shall include the preparation of monthly financial
13 reports, copies of which shall be submitted directly by GSA
14 to the President and to the Committees on Appropriations
15 of the House of Representatives and Senate, the Com-
16 mittee on Government Reform of the House of Represent-
17 atives, and the Committee on Governmental Affairs of the
18 Senate: *Provided further*, That 30 days after providing
19 written notice to the Committees on Appropriations of the
20 House of Representatives and Senate, the District of Co-
21 lumbia Courts may reallocate not more than \$1,000,000
22 of the funds provided under this heading among the items
23 and entities funded under this heading for operations, and
24 not more than 4 percent of the funds provided under this
25 heading for facilities.

1 DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS
2 For payments authorized under section 11-2604 and
3 section 11-2605, D.C. Official Code (relating to represen-
4 tation provided under the District of Columbia Criminal
5 Justice Act), payments for counsel appointed in pro-
6 ceedings in the Family Court of the Superior Court of the
7 District of Columbia under chapter 23 of title 16, D.C.
8 Official Code, or pursuant to contractual agreements to
9 provide guardian ad litem representation, training, tech-
10 nical assistance and such other services as are necessary
11 to improve the quality of guardian ad litem representation,
12 payments for counsel appointed in adoption proceedings
13 under chapter 3 of title 16, D.C. Code, and payments for
14 counsel authorized under section 21-2060, D.C. Official
15 Code (relating to representation provided under the Dis-
16 trict of Columbia Guardianship, Protective Proceedings,
17 and Durable Power of Attorney Act of 1986),
18 \$44,000,000, to remain available until expended: *Pro-*
19 *vided*, That the funds provided in this Act under the head-
20 ing "Federal Payment to the District of Columbia Courts"
21 (other than the \$80,729,000 provided under such heading
22 for capital improvements for District of Columbia court-
23 house facilities) may also be used for payments under this
24 heading: *Provided further*, That in addition to the funds
25 provided under this heading, the Joint Committee on Ju-

1 dicial Administration in the District of Columbia may use
2 funds provided in this Act under the heading "Federal
3 Payment to the District of Columbia Courts" (other than
4 the \$80,729,000 provided under such heading for capital
5 improvements for District of Columbia courthouse facili-
6 ties), to make payments described under this heading for
7 obligations incurred during any fiscal year: *Provided fur-*
8 *ther*, That funds provided under this heading shall be ad-
9 ministered by the Joint Committee on Judicial Adminis-
10 tration in the District of Columbia: *Provided further*, That
11 notwithstanding any other provision of law, this appro-
12 priation shall be apportioned quarterly by the Office of
13 Management and Budget and obligated and expended in
14 the same manner as funds appropriated for expenses of
15 other Federal agencies, with payroll and financial services
16 to be provided on a contractual basis with the General
17 Services Administration (GSA), and such services shall in-
18 clude the preparation of monthly financial reports, copies
19 of which shall be submitted directly by GSA to the Presi-
20 dent and to the Committees on Appropriations of the
21 House of Representatives and Senate, the Committee on
22 Government Reform of the House of Representatives, and
23 the Committee on Governmental Affairs of the Senate.

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1 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
2 FENDER SUPERVISION AGENCY FOR THE DISTRICT
3 OF COLUMBIA

4 (INCLUDING TRANSFER OF FUNDS)

5 For salaries and expenses, including the transfer and
6 hire of motor vehicles, of the Court Services and Offender
7 Supervision Agency for the District of Columbia and the
8 Public Defender Service for the District of Columbia, as
9 authorized by the National Capital Revitalization and Self-
10 Government Improvement Act of 1997, \$201,388,000, of
11 which not to exceed \$2,000 is for official receptions and
12 representation expenses related to Community Supervision
13 and Pretrial Services Agency programs; of which not to
14 exceed \$25,000 is for dues and assessments relating to
15 the implementation of the Court Services and Offender
16 Supervision Agency Interstate Supervision Act of 2002;
17 of which \$129,360,000 shall be for necessary expenses of
18 Community Supervision and Sex Offender Registration, to
19 include expenses relating to the supervision of adults sub-
20 ject to protection orders or the provision of services for
21 or related to such persons; of which \$42,195,000 shall be
22 available to the Pretrial Services Agency; and of which
23 \$29,833,000 shall be transferred to the Public Defender
24 Service for the District of Columbia: *Provided*, That not-
25 withstanding any other provision of law, all amounts
26 under this heading shall be apportioned quarterly by the

1 Office of Management and Budget and obligated and ex-
2 pended in the same manner as funds appropriated for sal-
3 aries and expenses of other Federal agencies: *Provided fur-*
4 *ther*, That the Director is authorized to accept and use
5 gifts in the form of in-kind contributions of space and hos-
6 pitality to support offender and defendant programs, and
7 equipment and vocational training services to educate and
8 train offenders and defendants: *Provided further*, That the
9 Director shall keep accurate and detailed records of the
10 acceptance and use of any gift or donation under the pre-
11 vious proviso, and shall make such records available for
12 audit and public inspection: *Provided further*, That the
13 Court Services and Offender Supervision Agency Director
14 is authorized to accept and use reimbursement from the
15 D.C. Government for space and services provided on a cost
16 reimbursable basis: *Provided further*, That for this fiscal
17 year and subsequent fiscal years, the Public Defender
18 Service is authorized to charge fees to cover costs of mate-
19 rials distributed and training provided to attendees of edu-
20 cational events, including conferences, sponsored by the
21 Public Defender Service, and notwithstanding section
22 3302 of title 31, United States Code, said fees shall be
23 credited to the Public Defender Service account to be
24 available for use without further appropriation.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
2 WATER AND SEWER AUTHORITY

3 For a Federal payment to the District of Columbia
4 Water and Sewer Authority, \$7,000,000, to remain avail-
5 able until expended, to continue implementation of the
6 Combined Sewer Overflow Long-Term Plan: *Provided,*
7 That the District of Columbia Water and Sewer Authority
8 provides a 100 percent match for this payment.

9 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT
10 INITIATIVE

11 For a Federal payment to the District of Columbia
12 Department of Transportation, \$3,000,000, to remain
13 available until September 30, 2007, for design and con-
14 struction of a continuous pedestrian and bicycle trail sys-
15 tem from the Potomac River to the District's border with
16 Maryland.

17 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
18 COORDINATING COUNCIL

19 For a Federal payment to the Criminal Justice Co-
20 ordinating Council, \$1,300,000, to remain available until
21 expended, to support initiatives related to the coordination
22 of Federal and local criminal justice resources in the Dis-
23 trict of Columbia.

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1 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

2 For a Federal payment to the District of Columbia
3 Department of Transportation, \$1,000,000, to operate a
4 downtown circulator transit system.

5 FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS
6 IN THE DISTRICT OF COLUMBIA

7 For the Federal payment to the District of Columbia
8 for foster care improvements, \$2,000,000 to remain avail-
9 able until expended: *Provided*, That \$1,750,000 shall be
10 for the Child and Family Services Agency, of which
11 \$1,000,000 shall be for a loan repayment program for so-
12 cial workers; of which \$750,000 shall be for post-adoption
13 services: *Provided further*, That \$250,000 shall be for the
14 Washington Metropolitan Council of Governments, to con-
15 tinue a program in conjunction with the Foster and Adop-
16 tive Parents Advocacy Center, to provide respite care for
17 and recruitment of foster parents: *Provided further*, That
18 these Federal funds shall supplement and not supplant
19 local funds for the purposes described under this heading.

20 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF

21 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

22 For a Federal payment to the Office of the Chief Fi-
23 nancial Officer of the District of Columbia, \$29,200,000:
24 *Provided*, That these funds shall be available for the
25 projects and in the amounts specified in the Statement
26 of the Managers on the conference report accompanying

1 this Act: *Provided further*, That each entity that receives
2 funding under this heading shall submit to the Office of
3 the Chief Financial Officer of the District of Columbia
4 (CFO) a report on the activities to be carried out with
5 such funds no later than March 15, 2006, and the CFO
6 shall submit a comprehensive report to the Committees on
7 Appropriations of the House of Representatives and the
8 Senate no later than ~~June 1, 2006.~~ (than

9 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

10 For a Federal payment for a school improvement pro-
11 gram in the District of Columbia, \$40,000,000, to be allo-
12 cated as follows: for the District of Columbia Public
13 Schools, \$13,000,000 to improve public school education
14 in the District of Columbia; for the State Education Of-
15 fice, \$13,000,000 to expand quality public charter schools
16 in the District of Columbia, to remain available until Sep-
17 tember 30, 2007; for the Secretary of the Department of
18 Education, \$14,000,000 to provide opportunity scholar-
19 ships for students in the District of Columbia in accord-
20 ance with division C, title III of the District of Columbia
21 Appropriations Act, 2004 (Public Law 108-199; 118 Stat.
22 126), of which up to \$1,000,000 may be used to admin-
23 ister and fund assessments.

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1 FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS
2 LABORATORY

3 For a Federal payment to the District of Columbia,
4 \$5,000,000, to remain available until September 30, 2007,
5 for costs associated with the construction of a bioterrorism
6 and forensics laboratory: *Provided*, That the District of
7 Columbia shall provide an additional \$1,500,000 with
8 local funds as a condition of receiving this payment.

9 FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH
10 CHALLENGE PROGRAM

11 For a Federal payment for the District of Columbia
12 National Guard Youth Challenge program, \$500,000: *Pro-*
13 *vided*, That the amount appropriated by this heading shall
14 be transferred to the Secretary of Defense and made avail-
15 able to the Commanding General of the District of Colum-
16 bia National Guard for activities under the National
17 Guard Youth Challenge Program under section 509 of
18 title 32, United States Code, and shall be in addition to
19 any matching funds otherwise required of the District of
20 Columbia for that Program in fiscal year 2006 under sub-
21 section (d)(4) of such section.

22 FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND
23 IMPROVEMENT

24 For a Federal payment for marriage development and
25 improvement in the District of Columbia, \$3,000,000, to
26 remain available until expended: *Provided*, That

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1 \$1,500,000 shall be for the Capital Area Asset Building
2 Corporation for the establishment of marriage develop-
3 ment accounts in accordance with the requirements in the
4 accompanying report, of which \$400,000 shall be for pro-
5 gram planning, marketing, evaluation, and account admin-
6 istration: *Provided further*, That \$1,500,000 shall be for
7 mentoring, counseling, community outreach, and training
8 and technical assistance, of which \$850,000 shall be for
9 the National Center for Fathering and \$650,000 shall be
10 for the East Capitol Center for Change to carry out these
11 activities: *Provided further*, That within 30 days of enact-
12 ment of this Act, the entities receiving funds under this
13 title shall submit to the Committees on Appropriations of
14 the House and Senate, a detailed expenditure plan and
15 program requirements that comport with the guidance in
16 the accompanying report.

17 DISTRICT OF COLUMBIA FUNDS

18 The following amounts are appropriated for the Dis-
19 trict of Columbia for the current fiscal year out of the
20 general fund of the District of Columbia, except as other-
21 wise specifically provided: *Provided*, That notwithstanding
22 any other provision of law, except as provided in section
23 450A of the District of Columbia Home Rule Act (D.C.
24 Official Code, section 1-204.50a) and provisions of this
25 Act, the total amount appropriated in this Act for oper-

1 ating expenses for the District of Columbia for fiscal year
2 2006 under this heading shall not exceed the lesser of the
3 sum of the total revenues of the District of Columbia for
4 such fiscal year or \$8,700,158,000 (of which
5 \$5,007,344,000 shall be from local funds, \$1,921,287,000
6 shall be from Federal grant funds, \$1,754,399,000 shall
7 be from other funds, and \$17,129,000 shall be from pri-
8 vate funds), in addition, \$163,116,000 from funds pre-
9 viously appropriated in this Act as Federal payments: *Pro-*
10 *vided further*, That of the local funds, \$466,894,000 shall
11 be derived from the District's general fund balance: *Pro-*
12 *vided further*, That of these funds the District's
13 intradistrict authority shall be \$468,486,000: in addition
14 for capital construction projects there is appropriated an
15 increase of \$2,820,637,000, of which \$1,072,671,000 shall
16 be from local funds, \$49,551,000 from Highway Trust
17 funds, \$172,183,000 from the Local Street Maintenance
18 fund, \$378,000,000 from securitization of future revenue
19 streams, \$400,000,000 from Certificates of Participation
20 financing, \$534,800,000 from financing for construction
21 of a baseball stadium, \$213,432,000 from Federal grant
22 funds, and a rescission of \$295,032,000 from local funds
23 appropriated under this heading in prior fiscal years, for
24 a net amount of \$2,525,605,000, to remain available until
25 expended: *Provided further*, That the amounts provided

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1 under this heading are to be allocated and expended as
2 proposed under "Title II—District of Columbia Funds"
3 of the Fiscal Year 2006 Proposed Budget and Financial
4 Plan submitted to the Congress of the United States by
5 the District of Columbia on June 6, 2005: *Provided fur-*
6 *ther*, That this amount may be increased by proceeds of
7 one-time transactions, which are expended for emergency
8 or unanticipated operating or capital needs: *Provided fur-*
9 *ther*, That such increases shall be approved by enactment
10 of local District law and shall comply with all reserve re-
11 quirements contained in the District of Columbia Home
12 Rule Act as amended by this Act: *Provided further*, That
13 the Chief Financial Officer of the District of Columbia
14 shall take such steps as are necessary to assure that the
15 District of Columbia meets these requirements, including
16 the apportioning by the Chief Financial Officer of the ap-
17 propriations and funds made available to the District dur-
18 ing fiscal year 2006, except that the Chief Financial Offi-
19 cer may not reprogram for operating expenses any funds
20 derived from bonds, notes, or other obligations issued for
21 capital projects.

22 GENERAL PROVISIONS

23 SEC. 101. Whenever in this Act, an amount is speci-
24 fied within an appropriation for particular purposes or ob-
25 jects of expenditure, such amount, unless otherwise speci-

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1 fied, shall be considered as the maximum amount that
2 may be expended for said purpose or object rather than
3 an amount set apart exclusively therefor.

4 SEC. 102. Appropriations in this Act shall be avail-
5 able for expenses of travel and for the payment of dues
6 of organizations concerned with the work of the District
7 of Columbia government, when authorized by the Mayor,
8 or, in the case of the Council of the District of Columbia,
9 funds may be expended with the authorization of the
10 Chairman of the Council.

11 SEC. 103. There are appropriated from the applicable
12 funds of the District of Columbia such sums as may be
13 necessary for making refunds and for the payment of legal
14 settlements or judgments that have been entered against
15 the District of Columbia government.

16 SEC. 104. (a) Except as provided in subsection (b),
17 no part of this appropriation shall be used for publicity
18 or propaganda purposes or implementation of any policy
19 including boycott designed to support or defeat legislation
20 pending before Congress or any State legislature.

21 (b) The District of Columbia may use local funds pro-
22 vided in this title to carry out lobbying activities on any
23 matter other than—

24 (1) the promotion or support of any boycott; or

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1 (2) statehood for the District of Columbia or
2 voting representation in Congress for the District of
3 Columbia.

4 (c) Nothing in this section may be construed to pro-
5 hibit any elected official from advocating with respect to
6 any of the issues referred to in subsection (b).

7 SEC. 105. (a) None of the funds provided under this
8 title to the agencies funded by this title, both Federal and
9 District government agencies, that remain available for
10 obligation or expenditure in fiscal year 2006, or provided
11 from any accounts in the Treasury of the United States
12 derived by the collection of fees available to the agencies
13 funded by this title, shall be available for obligation or ex-
14 penditures for an agency through a reprogramming of
15 funds which—

16 (1) creates new programs;

17 (2) eliminates a program, project, or responsi-
18 bility center;

19 (3) establishes or changes allocations specifi-
20 cally denied, limited or increased under this Act;

21 (4) increases funds or personnel by any means
22 for any program, project, or responsibility center for
23 which funds have been denied or restricted;

24 (5) reestablishes any program or project pre-
25 viously deferred through reprogramming;

1 (6) augments any existing program, project, or
2 responsibility center through a reprogramming of
3 funds in excess of \$3,000,000 or 10 percent, which-
4 ever is less; or

5 (7) increases by 20 percent or more personnel
6 assigned to a specific program, project or responsi-
7 bility center,

8 unless the Committees on Appropriations of the House of
9 Representatives and Senate are notified in writing 15 days
10 in advance of the reprogramming.

11 (b) None the local funds contained in this Act may
12 be available for obligation or expenditure for an agency
13 through a transfer of any local funds in excess of
14 \$3,000,000 from one appropriation heading to another un-
15 less the Committees on Appropriations of the House of
16 Representatives and Senate are notified in writing 15 days
17 in advance of the transfer, except that in no event may
18 the amount of any funds transferred exceed 4 percent of
19 the local funds in the appropriations.

20 SEC. 106. Consistent with the provisions of section
21 1301(a) of title 31, United States Code, appropriations
22 under this Act shall be applied only to the objects for
23 which the appropriations were made except as otherwise
24 provided by law.

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1 SEC. 107. Notwithstanding any other provisions of
2 law, the provisions of the District of Columbia Govern-
3 ment Comprehensive Merit Personnel Act of 1978 (D.C.
4 Law 2-139; D.C. Official Code, section 1-601.01 et seq.),
5 enacted pursuant to section 422(3) of the District of Co-
6 lumbia Home Rule Act (D.C. Official Code, section 1-
7 2041.22(3)), shall apply with respect to the compensation
8 of District of Columbia employees. For pay purposes, em-
9 ployees of the District of Columbia government shall not
10 be subject to the provisions of title 5, United States Code.

11 SEC. 108. No later than 30 days after the end of the
12 first quarter of fiscal year 2006, the Mayor of the District
13 of Columbia shall submit to the Council of the District
14 of Columbia and the Committees on Appropriations of the
15 House of Representatives and Senate the new fiscal year
16 2006 revenue estimates as of the end of such quarter.
17 These estimates shall be used in the budget request for
18 fiscal year 2007. The officially revised estimates at mid-
19 year shall be used for the midyear report.

20 SEC. 109. No sole source contract with the District
21 of Columbia government or any agency thereof may be re-
22 newed or extended without opening that contract to the
23 competitive bidding process as set forth in section 303 of
24 the District of Columbia Procurement Practices Act of
25 1985 (D.C. Law 6-85; D.C. Official Code, section 2-

1 303.03), except that the District of Columbia government
2 or any agency thereof may renew or extend sole source
3 contracts for which competition is not feasible or practical,
4 but only if the determination as to whether to invoke the
5 competitive bidding process has been made in accordance
6 with duly promulgated rules and procedures and has been
7 reviewed and certified by the Chief Financial Officer of
8 the District of Columbia.

9 SEC. 110. None of the Federal funds provided in this
10 Act may be used by the District of Columbia to provide
11 for salaries, expenses, or other costs associated with the
12 offices of United States Senator or United States Rep-
13 resentative under section 4(d) of the District of Columbia
14 Statehood Constitutional Convention Initiatives of 1979
15 (D.C. Law 3-171; D.C. Official Code, section 1-123).

16 SEC. 111. None of the Federal funds made available
17 in this Act may be used to implement or enforce the
18 Health Care Benefits Expansion Act of 1992 (D.C. Law
19 9-114; D.C. Official Code, section 32-701 et seq.) or to
20 otherwise implement or enforce any system of registration
21 of unmarried, cohabiting couples, including but not limited
22 to registration for the purpose of extending employment,
23 health, or governmental benefits to such couples on the
24 same basis that such benefits are extended to legally mar-
25 ried couples.

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1 SEC. 112. (a) Notwithstanding any other provision
2 of this Act, the Mayor, in consultation with the Chief Fi-
3 nancial Officer of the District of Columbia may accept,
4 obligate, and expend Federal, private, and other grants
5 received by the District government that are not reflected
6 in the amounts appropriated in this Act.

7 (b)(1) No such Federal, private, or other grant may
8 be obligated, or expended pursuant to subsection (a)
9 until—

10 (A) the Chief Financial Officer of the District
11 of Columbia submits to the Council a report setting
12 forth detailed information regarding such grant; and

13 (B) the Council has reviewed and approved the
14 obligation, and expenditure of such grant.

15 (2) For purposes of paragraph (1)(B), the Council
16 shall be deemed to have reviewed and approved the obliga-
17 tion, and expenditure of a grant if—

18 (A) no written notice of disapproval is filed with
19 the Secretary of the Council within 14 calendar days
20 of the receipt of the report from the Chief Financial
21 Officer under paragraph (1)(A); or

22 (B) if such a notice of disapproval is filed with-
23 in such deadline, the Council does not by resolution
24 disapprove the obligation, or expenditure of the
25 grant within 30 calendar days of the initial receipt

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1 of the report from the Chief Financial Officer under
2 paragraph (1)(A).

3 (c) No amount may be obligated or expended from
4 the general fund or other funds of the District of Colum-
5 bia government in anticipation of the approval or receipt
6 of a grant under subsection (b)(2) or in anticipation of
7 the approval or receipt of a Federal, private, or other
8 grant not subject to such subsection.

9 (d) The Chief Financial Officer of the District of Co-
10 lumbia may adjust the budget for Federal, private, and
11 other grants received by the District government reflected
12 in the amounts appropriated in this title, or approved and
13 received under subsection (b)(2) to reflect a change in the
14 actual amount of the grant.

15 (e) The Chief Financial Officer of the District of Co-
16 lumbia shall prepare a quarterly report setting forth de-
17 tailed information regarding all Federal, private, and
18 other grants subject to this section. Each such report shall
19 be submitted to the Council of the District of Columbia
20 and to the Committees on Appropriations of the House
21 of Representatives and Senate not later than 15 days after
22 the end of the quarter covered by the report.

23 SEC. 113. (a) Except as otherwise provided in this
24 section, none of the funds made available by this Act or
25 by any other Act may be used to provide any officer or

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1 employee of the District of Columbia with an official vehi-
2 cle unless the officer or employee uses the vehicle only in
3 the performance of the officer's or employee's official du-
4 ties. For purposes of this paragraph, the term "official
5 duties" does not include travel between the officer's or em-
6 ployee's residence and workplace, except in the case of—

7 (1) an officer or employee of the Metropolitan
8 Police Department who resides in the District of Co-
9 lumbia or is otherwise designated by the Chief of the
10 Department;

11 (2) at the discretion of the Fire Chief, an offi-
12 cer or employee of the District of Columbia Fire and
13 Emergency Medical Services Department who re-
14 sides in the District of Columbia and is on call 24
15 hours a day or is otherwise designated by the Fire
16 Chief;

17 (3) the Mayor of the District of Columbia; and

18 (4) the Chairman of the Council of the District
19 of Columbia.

20 (b) The Chief Financial Officer of the District of Co-
21 lumbia shall submit by March 1, 2006, an inventory, as
22 of September 30, 2005, of all vehicles owned, leased or
23 operated by the District of Columbia government. The in-
24 ventory shall include, but not be limited to, the depart-
25 ment to which the vehicle is assigned; the year and make

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1 of the vehicle; the acquisition date and cost; the general
2 condition of the vehicle; annual operating and mainte-
3 nance costs; current mileage; and whether the vehicle is
4 allowed to be taken home by a District officer or employee
5 and if so, the officer or employee's title and resident loca-
6 tion.

7 SEC. 114. None of the funds contained in this Act
8 may be used for purposes of the annual independent audit
9 of the District of Columbia government for fiscal year
10 2006 unless—

11 (1) the audit is conducted by the Inspector
12 General of the District of Columbia, in coordination
13 with the Chief Financial Officer of the District of
14 Columbia, pursuant to section 208(a)(4) of the Dis-
15 trict of Columbia Procurement Practices Act of
16 1985 (D.C. Official Code, section 2-302.8); and

17 (2) the audit includes as a basic financial state-
18 ment a comparison of audited actual year-end re-
19 sults with the revenues submitted in the budget doc-
20 ument for such year and the appropriations enacted
21 into law for such year using the format, terminology,
22 and classifications contained in the law making the
23 appropriations for the year and its legislative his-
24 tory.

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1 SEC. 115. (a) None of the funds contained in this
 2 Act may be used by the District of Columbia Corporation
 3 Counsel or any other officer or entity of the District gov-
 4 ernment to provide assistance for any petition drive or civil
 5 action which seeks to require Congress to provide for vot-
 6 ing representation in Congress for the District of Colum-
 7 bia.

8 (b) Nothing in this section bars the District of Co-
 9 lumbia Corporation Counsel from reviewing or com-
 10 menting on briefs in private lawsuits, or from consulting
 11 with officials of the District government regarding such
 12 lawsuits.

13 SEC. 116. (a) None of the funds contained in this
 14 ~~title~~ may be used for any program of distributing sterile
 15 needles or syringes for the hypodermic injection of any ille-
 16 gal drug.

17 (b) Any individual or entity who receives any funds
 18 contained in this ~~title~~ and who carries out any program
 19 described in subsection (a) shall account for all funds used
 20 for such program separately from any funds contained in
 21 this ~~title~~.

22 SEC. 117. None of the funds contained in this Act
 23 may be used after the expiration of the 60-day period that
 24 begins on the date of the enactment of this Act to pay
 25 the salary of any chief financial officer of any office of

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Act)

Act)

Act)

1 the District of Columbia government (including any inde-
2 pendent agency of the District of Columbia) who has not
3 filed a certification with the Mayor and the Chief Finan-
4 cial Officer of the District of Columbia that the officer
5 understands the duties and restrictions applicable to the
6 officer and the officer's agency as a result of this Act (and
7 the amendments made by this Act), including any duty
8 to prepare a report requested either in the Act or in any
9 of the reports accompanying the Act and the deadline by
10 which each report must be submitted: *Provided*, That the
11 Chief Financial Officer of the District of Columbia shall
12 provide to the Committees on Appropriations of the House
13 of Representatives and Senate by April 1, 2006 and Octo-
14 ber 1, 2006, a summary list showing each report, the due
15 date, and the date submitted to the Committees.

16 SEC. 118. Nothing in this Act may be construed to
17 prevent the Council or Mayor of the District of Columbia
18 from addressing the issue of the provision of contraceptive
19 coverage by health insurance plans, but it is the intent
20 of Congress that any legislation enacted on such issue
21 should include a "conscience clause" which provides excep-
22 tions for religious beliefs and moral convictions.

23 SEC. 119. The Mayor of the District of Columbia
24 shall submit to the Committees on Appropriations of the
25 House of Representatives and Senate, the Committee on

1 Government Reform of the House of Representatives, and
2 the Committee on Governmental Affairs of the Senate
3 quarterly reports addressing—

4 (1) crime, including the homicide rate, imple-
5 mentation of community policing, the number of po-
6 lice officers on local beats, and the closing down of
7 open-air drug markets;

8 (2) access to substance and alcohol abuse treat-
9 ment, including the number of treatment slots, the
10 number of people served, the number of people on
11 waiting lists, and the effectiveness of treatment pro-
12 grams;

13 (3) management of parolees and pre-trial vio-
14 lent offenders, including the number of halfway
15 houses escapes and steps taken to improve moni-
16 toring and supervision of halfway house residents to
17 reduce the number of escapes to be provided in con-
18 sultation with the Court Services and Offender Su-
19 pervision Agency for the District of Columbia;

20 (4) education, including access to special edu-
21 cation services and student achievement to be pro-
22 vided in consultation with the District of Columbia
23 Public Schools and the District of Columbia public
24 charter schools;

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1 (5) improvement in basic District services, in-
2 cluding rat control and abatement;

3 (6) application for and management of Federal
4 grants, including the number and type of grants for
5 which the District was eligible but failed to apply
6 and the number and type of grants awarded to the
7 District but for which the District failed to spend
8 the amounts received; and

9 (7) indicators of child well-being.

10 SEC. 120. (a) No later than 30 calendar days after
11 the date of the enactment of this Act, the Chief Financial
12 Officer of the District of Columbia shall submit to the ap-
13 propriate committees of Congress, the Mayor, and the
14 Council of the District of Columbia a revised appropriated
15 funds operating budget in the format of the budget that
16 the District of Columbia government submitted pursuant
17 to section 442 of the District of Columbia Home Rule Act
18 (D.C. Official Code, section 1-204.42), for all agencies of
19 the District of Columbia government for fiscal year 2006
20 that is in the total amount of the approved appropriation
21 and that realigns all budgeted data for personal services
22 and other-than-personal-services, respectively, with antici-
23 pated actual expenditures.

24 (b) This section shall apply only to an agency where
25 the Chief Financial Officer of the District of Columbia

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1 certifies that a reallocation is required to address unantici-
2 pated changes in program requirements.

3 SEC. 121. Notwithstanding any other law, in fiscal
4 year 2006 and in each subsequent fiscal year, the District
5 of Columbia Courts shall transfer to the general treasury
6 of the District of Columbia all fines levied and collected
7 by the Courts under section 10(b)(1) and (2) of the Dis-
8 trict of Columbia Traffic Act (D.C. Official Code, section
9 50-2201.05(b)(1) and (2)): *Provided*, that the transferred
10 funds are hereby made available and shall remain available
11 until expended and shall be used by the Office of the At-
12 torney General of the District of Columbia for enforce-
13 ment and prosecution of District traffic alcohol laws in
14 accordance with section 10(b)(3) of the District of Colum-
15 bia Traffic Act (D.C. Official Code, section 50-
16 2201.05(b)(3)).

17 SEC. 122. (a) None of the funds contained in this
18 Act may be made available to pay—

19 (1) the fees of an attorney who represents a
20 party in an action or an attorney who defends an ac-
21 tion brought against the District of Columbia Public
22 Schools under the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1400 et seq.) in excess of
24 \$4,000 for that action; or

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1 (2) the fees of an attorney or firm whom the
2 Chief Financial Officer of the District of Columbia
3 determines to have a pecuniary interest, either
4 through an attorney, officer, or employee of the
5 firm, in any special education diagnostic services,
6 schools, or other special education service providers.

7 (b) In this section, the term "action" includes an ad-
8 ministrative proceeding and any ensuing or related pro-
9 ceedings before a court of competent jurisdiction.

10 SEC. 123. The Chief Financial Officer of the District
11 of Columbia shall require attorneys in special education
12 cases brought under the Individuals with Disabilities Edu-
13 cation Act (IDEA) in the District of Columbia to certify
14 in writing that the attorney or representative rendered any
15 and all services for which they receive awards, including
16 those received under a settlement agreement or as part
17 of an administrative proceeding, under the IDEA from the
18 District of Columbia. As part of the certification, the Chief
19 Financial Officer of the District of Columbia shall require
20 all attorneys in IDEA cases to disclose any financial, cor-
21 porate, legal, memberships on boards of directors, or other
22 relationships with any special education diagnostic serv-
23 ices, schools, or other special education service providers
24 to which the attorneys have referred any clients as part
25 of this certification. The Chief Financial Officer shall pre-

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1 pare and submit quarterly reports to the Committees on
2 Appropriations of the House of Representatives and Sen-
3 ate on the certification of and the amount paid by the gov-
4 ernment of the District of Columbia, including the District
5 of Columbia Public Schools, to attorneys in cases brought
6 under IDEA. The Inspector General of the District of Co-
7 lumbia may conduct investigations to determine the accu-
8 racy of the certifications.

9 SEC. 124. The amount appropriated by this ~~title~~ ^(Act) may
10 be increased by no more than \$42,000,000 from funds
11 identified in the comprehensive annual financial report as
12 the District's fiscal year 2005 unexpended general fund
13 surplus. The District may obligate and expend these
14 amounts only in accordance with the following conditions:

15 (1) The Chief Financial Officer of the District
16 of Columbia shall certify that the use of any such
17 amounts is not anticipated to have a negative impact
18 on the District's long-term financial, fiscal, and eco-
19 nomic vitality.

20 (2) The District of Columbia may only use
21 these funds for the following expenditures:

22 (A) One-time expenditures.

23 (B) Expenditures to avoid deficit spending.

24 (C) Debt Reduction.

25 (D) Program needs.

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1 (E) Expenditures to avoid revenue short-
2 falls.

3 (3) The amounts shall be obligated and ex-
4 pended in accordance with laws enacted by the
5 Council in support of each such obligation or ex-
6 penditure.

7 (4) The amounts may not be used to fund the
8 agencies of the District of Columbia government
9 under court ordered receivership.

10 (5) The amounts may not be obligated or ex-
11 pended unless the Mayor notifies the Committees on
12 Appropriations of the House of Representatives and
13 Senate not fewer than 30 days in advance of the ob-
14 ligation or expenditure.

15 SEC. 125. (a) The fourth proviso in the item relating
16 to "Federal Payment for School Improvement" in the Dis-
17 trict of Columbia Appropriations Act, 2005 (Public Law
18 108-335; 118 Stat. 1327) is amended—

19 (1) by striking "\$4,000,000" and inserting
20 "\$4,000,000, to remain available until expended,";
21 and

22 (2) by striking "\$2,000,000 shall be for a new
23 incentive fund" and inserting "\$2,000,000, to re-
24 main available until expended, shall be for a new in-
25 centive fund".

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1 (b) The amendments made by subsection (a) shall
2 take effect as if included in the enactment of the District
3 of Columbia Appropriations Act, 2005.

4 SEC. 126. (a) To account for an unanticipated growth
5 of revenue collections, the amount appropriated as District
6 of Columbia Funds pursuant to this Act may be in-
7 creased—

8 (1) by an aggregate amount of not more than
9 25 percent, in the case of amounts proposed to be
10 allocated as “Other-Type Funds” in the Fiscal Year
11 2006 Proposed Budget and Financial Plan sub-
12 mitted to Congress by the District of Columbia on
13 June 6, 2005; and

14 (2) by an aggregate amount of not more than
15 6 percent, in the case of any other amounts pro-
16 posed to be allocated in such Proposed Budget and
17 Financial Plan.

18 (b) The District of Columbia may obligate and ex-
19 pend any increase in the amount of funds authorized
20 under this section only in accordance with the following
21 conditions:

22 (1) The Chief Financial Officer of the District
23 of Columbia shall certify—

24 (A) the increase in revenue; and

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1 (B) that the use of the amounts is not an-
2 ticipated to have a negative impact on the long-
3 term financial, fiscal, or economic health of the
4 District.

5 (2) The amounts shall be obligated and ex-
6 pended in accordance with laws enacted by the
7 Council of the District of Columbia in support of
8 each such obligation and expenditure, consistent
9 with the requirements of this Act.

10 (3) The amounts may not be used to fund any
11 agencies of the District government operating under
12 court-ordered receivership.

13 (4) The amounts may not be obligated or ex-
14 pended unless the Mayor has notified the Commit-
15 tees on Appropriations of the House of Representa-
16 tives and Senate not fewer than 30 days in advance
17 of the obligation or expenditure.

18 SEC. 127. The Chief Financial Officer for the District
19 of Columbia may, for the purpose of cash flow manage-
20 ment, conduct short-term borrowing from the emergency
21 reserve fund and from the contingency reserve fund estab-
22 lished under section 450A of the District of Columbia
23 Home Rule Act (Public Law 98-198): *Provided*, That the
24 amount borrowed shall not exceed 50 percent of the total
25 amount of funds contained in both the emergency and con-

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1 contingency reserve funds at the time of borrowing: *Provided*
2 *further*, That the borrowing shall not deplete either fund
3 by more than 50 percent: *Provided further*, That 100 per-
4 cent of the funds borrowed shall be replenished within 9
5 months of the time of the borrowing or by the end of the
6 fiscal year, whichever occurs earlier: *Provided further*,
7 That in the event that short-term borrowing has been con-
8 ducted and the emergency or the contingency funds are
9 later depleted below 50 percent as a result of an emer-
10 gency or contingency, an amount equal to the amount nec-
11 essary to restore reserve levels to 50 percent of the total
12 amount of funds contained in both the emergency and con-
13 tingency reserve fund must be replenished from the
14 amount borrowed within 60 days.

15 SEC. 128. (a) None of the funds contained in this
16 Act may be used to enact or carry out any law, rule, or
17 regulation to legalize or otherwise reduce penalties associ-
18 ated with the possession, use, or distribution of any sched-
19 ule I substance under the Controlled Substances Act (21
20 U.S.C. 802) or any tetrahydrocannabinols derivative.

21 (b) The Legalization of Marijuana for Medical Treat-
22 ment Initiative of 1998, also known as Initiative 59, ap-
23 proved by the electors of the District of Columbia on No-
24 vember 3, 1998, shall not take effect.

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1 SEC. 129. None of the funds appropriated under this
2 Act shall be expended for any abortion except where the
3 life of the mother would be endangered if the fetus were
4 carried to term or where the pregnancy is the result of
5 an act of rape or incest.

6 SEC. 130. Section 7 of the District of Columbia Sta-
7 dium Act of 1957 (Public Law 85-300, 71 Stat. 619),
8 as amended, is further amended by inserting after para-
9 graph (d)(4) the following:

10 “(e)(1) Upon receipt of a written description from the
11 District of Columbia of not more than 15 contiguous acres
12 (hereinafter referred to as ‘the 15 acres’), within the area
13 designated ‘D’ on the revised map entitled ‘Map to Des-
14 ignate Transfer of Stadium and Lease of Parking Lots
15 to the District’ and bound by 21st Street, NE, Oklahoma
16 Avenue, NE, Benning Road, NE, the Metro line, and C
17 Street, NE; and execution of a long-term lease by the
18 Mayor of the District of Columbia that is contingent upon
19 the Secretary’s conveyance of the 15 acres and for the
20 purpose consistent with this paragraph, the Secretary
21 shall convey the 15 acres described land to the District
22 of Columbia for the purpose of siting, developing, and op-
23 erating an educational institution for the public welfare,
24 with first preference given to a pre-collegiate public board-
25 ing school.

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1 “(2) Upon conveyance, the portion of the stadium
2 lease that affects the 15 acres on the property and all the
3 conditions associated therewith shall terminate, and the
4 15 acres property shall be removed from the ‘Map to Des-
5 ignate Transfer of Stadium and Lease of Parking Lots
6 to the District’, and the long-term lease described in para-
7 graph (1) shall take effect immediately. The Mayor of the
8 District of Columbia shall execute and deliver a quitclaim
9 deed to effectuate the District’s responsibilities under this
10 section.”.

11 SEC. 131. The authority that the Chief Financial Of-
12 ficer of the District of Columbia exercised with respect to
13 personnel and the preparation of fiscal impact statements
14 during a control period (as defined in Public Law 104-
15 8) shall remain in effect until September 30, 2006.

16 SEC. 132. The entire process used by the Chief Fi-
17 nancial Officer to acquire any and all kinds of goods,
18 works and services by any contractual means, including
19 but not limited to purchase, lease or rental, shall be ex-
20 empt from all of the provisions of the District of Colum-
21 bia’s Procurement Practices Act: *Provided*, That provi-
22 sions made by this subsection shall take effect as if en-
23 acted in D.C. Law 11-259 and shall remain in effect until
24 September 30, 2006.

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1 SEC. 133. Section 4013 of the Uniform Per Student
2 Funding Formula for Public Schools and Public Charter
3 Schools Amendment Act of 2005, passed on first reading
4 on May 10, 2005 (engrossed version of Bill 16-200), is
5 hereby enacted into law.

6 SEC. 134. The Chief Financial Officer of the District
7 is hereby authorized to transfer \$5,000,000 from the local
8 funds appropriated for the Deputy Mayor for Economic
9 Development to the Anacostia Waterfront Corporation
10 and to reallocate the appropriation authority for such
11 funds to a heading to be entitled "Anacostia Waterfront
12 Corporation" in addition, an amount of \$3,200,000 is
13 hereby appropriated from the local funds made available
14 to the Anacostia Waterfront Corporation in fiscal year
15 2005. *Provided*, That all of the funds made available here-
16 in to the Anacostia Waterfront Corporation shall remain
17 available until expended.

18 SEC. 135. Amounts appropriated in the Act for the
19 Department of Health may be increased by \$250,000 in
20 local funds to remain available until expended to conduct
21 a health study in Spring Valley.

22 SEC. 136. Notwithstanding section 602(e)(1) of the
23 District of Columbia Home Rule Act, amendments to the
24 Ballpark Technical Amendments Act of 2005 and the

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1 Ballpark Fee Rebate Act of 2005 shall take effect on the
2 date of the enactment by the District of Columbia.

3 SEC. 137. Except as expressly provided otherwise,
4 any reference to "this Act" contained in this division shall
5 be treated as referring only to the provisions of this divi-
6 sion.

7 This division may be cited as the "District of Colum-
8 bia Appropriations Act, 2006".

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(including
divisions A and
B)

1 This Act^v may be cited as the "Transportation, Treas-
2 ury, Housing and Urban Development, the Judiciary, the
3 District of Columbia, and Independent Agencies Appro-
4 priations Act, 2006".

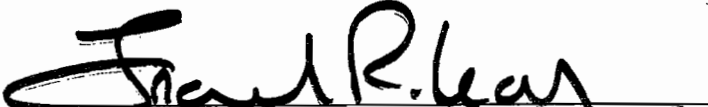
Self-man

5 And the Senate agree to the same.

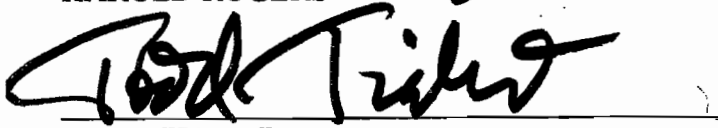
Managers on the part of the

HOUSE


JOE KNOLLENBERG

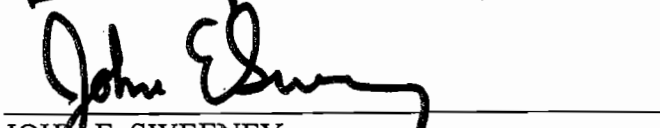

FRANK R. WOLF


HAROLD ROGERS

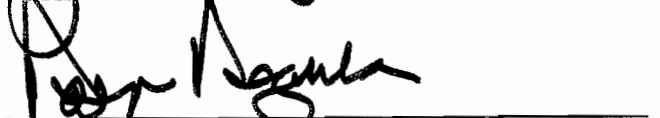

TODD TIAHRT

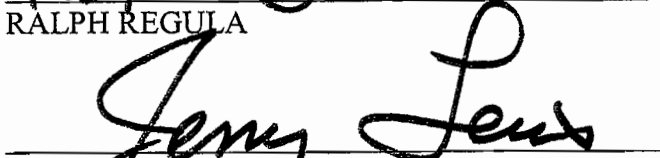

ANNE M. NORTHUP

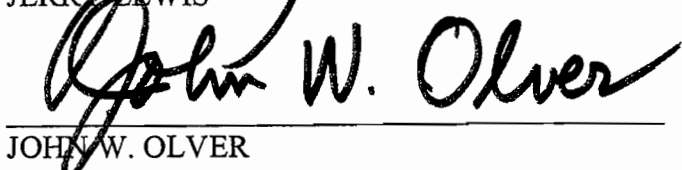

ROBERT B. ADERHOLT


JOHN E. SWEENEY


JOHN ABNEY CULBERSON

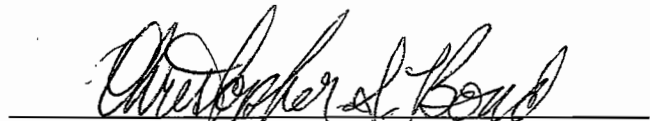

RALPH REGULA


JERRY LEWIS

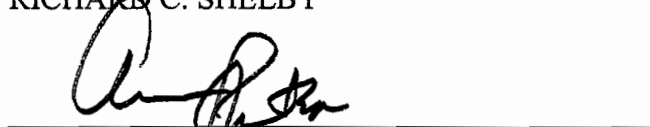

JOHN W. OLVER

Managers on the part of the

SENATE


CHRISTOPHER S. BOND


RICHARD C. SHELBY


ARLEN SPECTER (TTHUD CONF - 11/14/05)

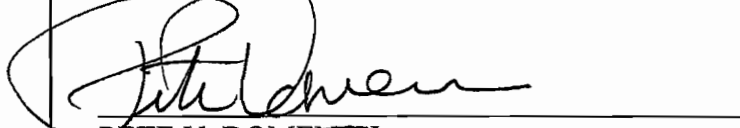

ROBERT F. BENNETT


KAY BAILEY HUTCHISON

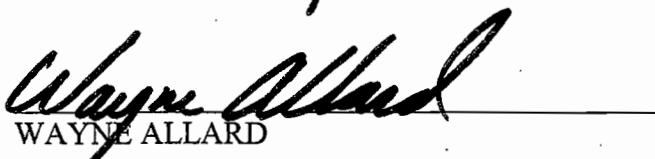

MIKE DEWINE


SAM BROWNBACK


TED STEVENS


PETE V. DOMENICI


CONRAD BURNS


WAYNE ALLARD

Steny Hoyer
STENY H. HOYER

Ed Pastor
ED PASTOR

Carolyn C. Kilpatrick
CAROLYN C. KILPATRICK

James E. Clyburn
JAMES E. CLYBURN

Steven R. Rothman
STEVEN R. ROTHMAN

~~DAVID ROBY~~

Thad Cochran
THAD COCHRAN

Patty Murray
PATTY MURRAY

~~*Robert C. Byrd*~~
ROBERT C. BYRD

Barbara Mikulski
BARBARA MIKULSKI

Harry Reid
HARRY REID

Herb Kohl
HERB KOHL

Richard J. Durbin (except for Cuba trade)
RICHARD J. DURBIN

Byron L. Dorgan (except for Cuba trade)
BYRON L. DORGAN

Patrick J. Leahy (except for Cuba trade)
PATRICK J. LEAHY

Tom Harkin EXCEPT FOR CUBA TRADE
TOM HARKIN

Mary L. Landrieu (except for Cuba trade)
MARY L. LANDRIEU

Daniel K. Inouye (except for Section 173)
DANIEL K. INOUE