

In the Senate of the United States,

October 20, 2005.

Resolved, That the bill from the House of Representatives (H.R. 3058) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *DIVISION A—TRANSPORTATION, TREASURY, THE*
2 *JUDICIARY, HOUSING AND URBAN DEVELOP-*
3 *MENT, AND RELATED AGENCIES APPROPRIA-*
4 *TIONS ACT, 2006*

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 agencies*
9 *for the fiscal year ending September 30, 2006, and for other*
10 *purposes, namely:*

1 *TITLE I—DEPARTMENT OF TRANSPORTATION*2 *OFFICE OF THE SECRETARY*3 *SALARIES AND EXPENSES*

4 *For necessary expenses of the Office of the Secretary,*
5 *\$86,000,000, of which not to exceed \$2,198,000 shall be*
6 *available for the immediate Office of the Secretary; not to*
7 *exceed \$698,000 shall be available for the immediate Office*
8 *of the Deputy Secretary; not to exceed \$15,183,000 shall be*
9 *available for the Office of the General Counsel; not to exceed*
10 *\$12,650,000 shall be available for the Office of the Under*
11 *Secretary of Transportation for Policy; not to exceed*
12 *\$8,585,000 shall be available for the Office of the Assistant*
13 *Secretary for Budget and Programs; not to exceed*
14 *\$2,293,000 shall be available for the Office of the Assistant*
15 *Secretary for Governmental Affairs; not to exceed*
16 *\$22,031,000 shall be available for the Office of the Assistant*
17 *Secretary for Administration; not to exceed \$1,910,000 shall*
18 *be available for the Office of Public Affairs; not to exceed*
19 *\$1,442,000 shall be available for the Office of the Executive*
20 *Secretariat; not to exceed \$697,000 shall be available for*
21 *the Board of Contract Appeals; not to exceed \$1,265,000*
22 *shall be available for the Office of Small and Disadvantaged*
23 *Business Utilization; not to exceed \$2,033,000 for the Office*
24 *of Intelligence and Security; not to exceed \$11,895,000 shall*
25 *be available for the Office of the Chief Information Officer;*

1 *and not to exceed \$3,120,000 shall be available for the Office*
2 *of Emergency Transportation: Provided, That the Secretary*
3 *of Transportation is authorized to transfer funds appro-*
4 *riated for any office of the Office of the Secretary to any*
5 *other office of the Office of the Secretary: Provided further,*
6 *That no appropriation for any office shall be increased or*
7 *decreased by more than 5 percent by all such transfers: Pro-*
8 *vided further, That notice of any change in funding greater*
9 *than 5 percent shall be submitted for approval to the House*
10 *and Senate Committees on Appropriations: Provided fur-*
11 *ther, That not to exceed \$60,000 shall be for allocation with-*
12 *in the Department for official reception and representation*
13 *expenses as the Secretary may determine: Provided further,*
14 *That notwithstanding any other provision of law, excluding*
15 *fees authorized in Public Law 107-71, there may be cred-*
16 *ited to this appropriation up to \$2,500,000 in funds re-*
17 *ceived in user fees: Provided further, That none of the funds*
18 *made available in this Act may be used to enforce the re-*
19 *striction in section 29(a) of the International Air Transpor-*
20 *tation Competition Act of 1979 against the operation of*
21 *flights between Love Field, Texas, and one or more points*
22 *within the State of Missouri: Provided further, That the*
23 *Secretary of Transportation shall amend each air carrier's*
24 *certificate of public convenience and necessity to authorize*
25 *the carrier operations consistent with the limitations of the*

1 preceding proviso: *Provided further, That the Secretary of*
2 *Transportation, in consultation with the Secretary of*
3 *Health and Human Services and the Administrator of the*
4 *Federal Aviation Administration, not later than 60 days*
5 *after the date of enactment of this Act, shall establish proce-*
6 *dures with airport directors located at United States air-*
7 *ports that have incoming flights from any country that has*
8 *had cases of avian flu and with air carriers that provide*
9 *such flights to deal with situations where a passenger on*
10 *one of the flights has symptoms of avian flu.*

11 *OFFICE OF CIVIL RIGHTS*

12 *For necessary expenses of the Office of Civil Rights,*
13 *\$8,550,000.*

14 *TRANSPORTATION PLANNING, RESEARCH, AND*
15 *DEVELOPMENT*

16 *For necessary expenses for conducting transportation*
17 *planning, research, systems development, development ac-*
18 *tivities, and making grants, to remain available until ex-*
19 *pendent, \$15,000,000, of which \$2,000,000 may be made*
20 *available to provide a grant to the Louisiana Department*
21 *of Transportation and Development to establish a program*
22 *under which the Louisiana Department of Transportation*
23 *and Development shall provide grants to parish and munic-*
24 *ipal governments in the State of Louisiana that experience*
25 *a significant spike in population because of an unexpected*
26 *influx of hurricane evacuees, as determined by the Lou-*

1 *isiana Department of Transportation and Development, to*
2 *quickly implement smart and innovative plans to alleviate*
3 *traffic congestion and to address increased transportation*
4 *demands in the affected communities.*

5 *WORKING CAPITAL FUND*

6 *Necessary expenses for operating costs and capital out-*
7 *lays of the Working Capital Fund, not to exceed*
8 *\$120,014,000, shall be paid from appropriations made*
9 *available to the Department of Transportation: Provided,*
10 *That such services shall be provided on a competitive basis*
11 *to entities within the Department of Transportation: Pro-*
12 *vided further, That the above limitation on operating ex-*
13 *penses shall not apply to non-DOT entities: Provided fur-*
14 *ther, That no funds appropriated in this Act to an agency*
15 *of the Department shall be transferred to the Working Cap-*
16 *ital Fund without the approval of the agency modal admin-*
17 *istrator: Provided further, That no assessments may be lev-*
18 *ied against any program, budget activity, subactivity or*
19 *project funded by this Act unless notice of such assessments*
20 *and the basis therefor are presented to the House and Senate*
21 *Committees on Appropriations and are approved by such*
22 *Committees.*

23 *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

24 *For the cost of guaranteed loans, \$500,000, as author-*
25 *ized by 49 U.S.C. 332: Provided, That such costs, including*
26 *the cost of modifying such loans, shall be as defined in sec-*

1 *tion 502 of the Congressional Budget Act of 1974: Provided*
 2 *further, That these funds are available to subsidize total*
 3 *loan principal, any part of which is to be guaranteed, not*
 4 *to exceed \$18,367,000. In addition, for administrative ex-*
 5 *penses to carry out the guaranteed loan program, \$400,000.*

6 *MINORITY BUSINESS OUTREACH*

7 *For necessary expenses of Minority Business Resource*
 8 *Center outreach activities, \$3,000,000, to remain available*
 9 *until September 30, 2007: Provided, That notwithstanding*
 10 *49 U.S.C. 332, these funds may be used for business oppor-*
 11 *tunities related to any mode of transportation.*

12 *PAYMENTS TO AIR CARRIERS*

13 *(AIRPORT AND AIRWAY TRUST FUND)*

14 *In addition to funds made available from any other*
 15 *source to carry out the essential air service program under*
 16 *49 U.S.C. 41731 through 41742, \$60,000,000, to be derived*
 17 *from the Airport and Airway Trust Fund, to remain avail-*
 18 *able until expended.*

19 *NEW HEADQUARTERS BUILDING*

20 *For necessary expenses of the Department of Transpor-*
 21 *tation's new headquarters building and related services,*
 22 *\$50,000,000, to remain available until expended.*

23 *FEDERAL AVIATION ADMINISTRATION*

24 *OPERATIONS*

25 *For necessary expenses of the Federal Aviation Admin-*
 26 *istration, not otherwise provided for, including operations*

1 *and research activities related to commercial space trans-*
2 *portation, administrative expenses for research and develop-*
3 *ment, establishment of air navigation facilities, the oper-*
4 *ation (including leasing) and maintenance of aircraft, sub-*
5 *sidizing the cost of aeronautical charts and maps sold to*
6 *the public, lease or purchase of passenger motor vehicles for*
7 *replacement only, in addition to amounts made available*
8 *by Public Law 108–176, \$8,026,000,000, of which*
9 *\$5,686,500,000 shall be derived from the Airport and Air-*
10 *way Trust Fund, of which not to exceed \$6,627,010,000*
11 *shall be available for air traffic organization activities; not*
12 *to exceed \$956,242,000 shall be available for aviation regu-*
13 *lation and certification activities; not to exceed \$11,759,000*
14 *shall be available for commercial space transportation ac-*
15 *tivities; not to exceed \$50,983,000 shall be available for fi-*
16 *nancial services activities; not to exceed \$69,943,000 shall*
17 *be available for human resources program activities; not to*
18 *exceed \$150,744,000 shall be available for region and center*
19 *operations and regional coordination activities; not to ex-*
20 *ceed \$141,909,000 shall be available for staff offices; and*
21 *not to exceed \$36,112,000 shall be available for information*
22 *services: Provided, That not to exceed 2 percent of any budg-*
23 *et activity, except for aviation regulation and certification*
24 *budget activity, may be transferred to any budget activity*
25 *under this heading: Provided further, That no transfer may*

1 *increase or decrease any appropriation by more than 2 per-*
2 *cent: Provided further, That any transfer in excess of 2 per-*
3 *cent shall be treated as a reprogramming of funds under*
4 *section 710 of this Act and shall not be available for obliga-*
5 *tion or expenditure except in compliance with the proce-*
6 *dures set forth in that section: Provided further, That none*
7 *of the funds in this Act shall be available for the Federal*
8 *Aviation Administration to finalize or implement any reg-*
9 *ulation that would promulgate new aviation user fees not*
10 *specifically authorized by law after the date of the enact-*
11 *ment of this Act: Provided further, That there may be cred-*
12 *ited to this appropriation funds received from States, coun-*
13 *ties, municipalities, foreign authorities, other public au-*
14 *thorities, and private sources, for expenses incurred in the*
15 *provision of agency services, including receipts for the*
16 *maintenance and operation of air navigation facilities, and*
17 *for issuance, renewal or modification of certificates, includ-*
18 *ing airman, aircraft, and repair station certificates, or for*
19 *tests related thereto, or for processing major repair or alter-*
20 *ation 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 agree-*
24 *ment with a nonprofit standard-setting organization to as-*
25 *sist in the development of aviation safety standards: Pro-*

1 *vided further, That none of the funds in this Act shall be*
2 *available for new applicants for the second career training*
3 *program: Provided further, That none of the funds in this*
4 *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 Act*
15 *may be obligated or expended for an employee of the Federal*
16 *Aviation Administration to purchase a store gift card or*
17 *gift certificate through use of a Government-issued credit*
18 *card. In addition, \$150,000,000 is for costs associated with*
19 *the flight service station transition.*

20 *FACILITIES AND EQUIPMENT*

21 *(AIRPORT AND AIRWAY TRUST FUND)*

22 *For necessary expenses, not otherwise provided for, for*
23 *acquisition, establishment, technical support services, im-*
24 *provement by contract or purchase, and hire of air naviga-*
25 *tion and experimental facilities and equipment, as author-*
26 *ized under part A of subtitle VII of title 49, United States*

1 *Code, including initial acquisition of necessary sites by*
2 *lease or grant; engineering and service testing, including*
3 *construction of test facilities and acquisition of necessary*
4 *sites by lease or grant; construction and furnishing of quar-*
5 *ters and related accommodations for officers and employees*
6 *of the Federal Aviation Administration stationed at remote*
7 *localities where such accommodations are not available; and*
8 *the purchase, lease, or transfer of aircraft from funds avail-*
9 *able under this heading; to be derived from the Airport and*
10 *Airway Trust Fund, \$2,448,000,000, of which*
11 *\$2,024,579,000 shall remain available until September 30,*
12 *2008, and of which \$423,421,000 shall remain available*
13 *until September 30, 2006: Provided, That there may be*
14 *credited to this appropriation funds received from States,*
15 *counties, municipalities, other public authorities, and pri-*
16 *vate sources, for expenses incurred in the establishment and*
17 *modernization of air navigation facilities: Provided further,*
18 *That upon initial submission to the Congress of the fiscal*
19 *year 2007 President's budget, the Secretary of Transpor-*
20 *tation shall transmit to the Congress a comprehensive cap-*
21 *ital investment plan for the Federal Aviation Administra-*
22 *tion which includes funding for each budget line item for*
23 *fiscal years 2007 through 2011, with total funding for each*
24 *year of the plan constrained to the funding targets for those*

1 *years as estimated and approved by the Office of Manage-*
 2 *ment and Budget.*

3 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

4 *(AIRPORT AND AIRWAY TRUST FUND)*

5 *For necessary expenses, not otherwise provided for, for*
 6 *research, engineering, and development, as authorized*
 7 *under part A of subtitle VII of title 49, United States Code,*
 8 *including construction of experimental facilities and acqui-*
 9 *sition of necessary sites by lease or grant, \$134,500,000, to*
 10 *be derived from the Airport and Airway Trust Fund and*
 11 *to remain available until September 30, 2008: Provided,*
 12 *That there may be credited to this appropriation funds re-*
 13 *ceived from States, counties, municipalities, other public*
 14 *authorities, and private sources, for expenses incurred for*
 15 *research, engineering, and development.*

16 *GRANTS-IN-AID FOR AIRPORTS*

17 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

18 *(LIMITATION ON OBLIGATIONS)*

19 *(AIRPORT AND AIRWAY TRUST FUND)*

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

1 *systems at airports of such title; for grants authorized under*
2 *section 41743 of title 49, United States Code; and for in-*
3 *spection activities and administration of airport safety pro-*
4 *grams, including those related to airport operating certifi-*
5 *cates under section 44706 of title 49, United States Code,*
6 *\$3,390,000,000 to be derived from the Airport and Airway*
7 *Trust Fund and to remain available until expended: Pro-*
8 *vided, That none of the funds under this heading shall be*
9 *available for the planning or execution of programs the obli-*
10 *gations for which are in excess of \$3,500,000,000 in fiscal*
11 *year 2006, notwithstanding section 47117(g) of title 49,*
12 *United States Code: Provided further, That none of the*
13 *funds under this heading shall be available for the replace-*
14 *ment of baggage conveyor systems, reconfiguration of ter-*
15 *минаl baggage areas, or other airport improvements that*
16 *are necessary to install bulk explosive detection systems:*
17 *Provided further, That notwithstanding any other provision*
18 *of law, not more than \$71,096,000 of funds limited under*
19 *this heading shall be obligated for administration and not*
20 *less than \$20,000,000 shall be available to carry out the*
21 *Small Community Air Service Development Program, to*
22 *remain available until expended: Provided further, That*
23 *not later than December 31, 2015, the owner or operator*
24 *of an airport certificated under 49 U.S.C. 44706 shall im-*
25 *prove the airport's runway safety areas to comply with the*

1 *Federal Aviation Administration design standards required*
2 *by 14 CFR part 139: Provided further, That the Federal*
3 *Aviation Administration shall report annually to the Con-*
4 *gress on the agency's progress toward improving the run-*
5 *way safety areas at 49 U.S.C. 44706 airports.*

6 *GRANTS-IN-AID FOR AIRPORTS*
7 *(AIRPORT AND AIRWAY TRUST FUND)*
8 *(RESCISSION OF CONTRACT AUTHORIZATION)*

9 *Of the amounts authorized for the fiscal year ending*
10 *September 30, 2006 and prior years under sections 48103*
11 *and 48112 of title 49, United States Code, \$1,174,000,000*
12 *are rescinded.*

13 *ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION*
14 *ADMINISTRATION*

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

1 *SEC. 102. None of the funds in this Act may be used*
2 *to compensate in excess of 375 technical staff-years under*
3 *the federally funded research and development center con-*
4 *tract between the Federal Aviation Administration and the*
5 *Center for Advanced Aviation Systems Development during*
6 *fiscal year 2006.*

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

19 *SEC. 104. The Administrator of the Federal Aviation*
20 *Administration may reimburse amounts made available to*
21 *satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49*
22 *U.S.C. 45303: Provided, That during fiscal year 2006, 49*
23 *U.S.C. 41742(b) shall not apply, and any amount remain-*
24 *ing in such account at the close of that fiscal year may*

1 *be made available to satisfy section 41742(a)(1) for the sub-*
2 *sequent fiscal year.*

3 *SEC. 105. Amounts collected under section 40113(e) of*
4 *title 49, United States Code, shall be credited to the appro-*
5 *priation current at the time of collection, to be merged with*
6 *and available for the same purposes of such appropriation.*

7 *SEC. 106. (a) Section 44302(f)(1) of title 49, United*
8 *States Code, is amended by striking “2005,” each place it*
9 *appears and inserting “2006,”.*

10 *(b) Section 44303(b) of such title is amended by strik-*
11 *ing “2005,” and inserting “2006,”.*

12 *(c) Section 47114(c)(1)(F) of title 49, United States*
13 *Code, is amended by striking “and 2005” each place it ap-*
14 *pears in the text and in the heading and inserting “, 2005,*
15 *and 2006”.*

16 *SEC. 107. Notwithstanding any provision of law, the*
17 *Secretary of Transportation is authorized and directed to*
18 *make project grants under chapter 471 of title 49, United*
19 *States Code, from funds available for fiscal year 2006 and*
20 *thereafter under 49 U.S.C. 48103, for the cost of acquisition*
21 *of land, or reimbursement of the cost of land if purchased*
22 *prior to enactment of this provision and prior to a grant*
23 *agreement, for non-exclusive use aeronautical purposes on*
24 *an airport layout plan that has been approved by the Sec-*
25 *retary on January 23, 2004, pursuant to section 49 U.S.C.*

1 47107(a)(16), for any small hub airport as defined in 49
2 U.S.C. 47102, and had scheduled or chartered direct inter-
3 national flights totaling at least 200 million pounds gross
4 aircraft landed weight for calendar year 2002.

5 *SEC. 108. (a) Section 47108 of title 49, United States*
6 *Code, is amended in subsection (e) by adding the following*
7 *new paragraph at the end:*

8 “(3) *CHANGES TO NONHUB PRIMARY STATUS.—*
9 *If the status of a nonhub primary airport changes to*
10 *a small hub primary airport at a time when the air-*
11 *port has received discretionary funds under this chap-*
12 *ter for a terminal development project in accordance*
13 *with section 47110(d)(2), and the project is not yet*
14 *completed, the project shall remain eligible for fund-*
15 *ing from the discretionary fund and the small airport*
16 *fund to pay costs allowable under section 47110(d).*
17 *Such project shall remain eligible for such funds for*
18 *three fiscal years after the start of construction of the*
19 *project, or if the Secretary determines that a further*
20 *extension of eligibility is justified, until the project is*
21 *completed.”.*

22 (b) *CONFORMING AMENDMENT.—Section*
23 *47110(d)(2)(A) is amended by striking “(A) the” and in-*
24 *serting “(A) except as provided in section 47108(e)(3), the”.*

1 *SEC. 109. None of the funds appropriated or otherwise*
2 *made available in this Act may be used by the Federal*
3 *Aviation Administration for ARAC consolidation of Fort*
4 *Sill, Oklahoma into OKC TRACON: Provided, That*
5 *\$3,000,000 of the fund appropriated under the heading “FA-*
6 *CILITIES AND EQUIPMENT” shall be available for ARAC op-*
7 *eration and maintenance at Fort Sill, Oklahoma.*

8 *SEC. 110. Section 40128(e) of title 49, United States*
9 *Code, is amended by adding at the end the following: “For*
10 *purposes of this subsection, an air tour operator flying over*
11 *the Hoover Dam in the Lake Mead National Recreation*
12 *Area en route to the Grand Canyon National Park shall*
13 *be deemed to be flying solely as a transportation route.”.*
14 *Nothing in this provision shall allow exemption from over-*
15 *flight rules for the Grand Canyon.*

16 *SEC. 111. EXTENSION OF REQUIREMENT FOR AIR*
17 *CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PAS-*
18 *SENGER SERVICE.*

19 *Section 145(c) of the Aviation and Transportation Se-*
20 *curity Act (49 U.S.C. 40101 note) is amended by striking*
21 *“November 19, 2005.” and inserting “November 30, 2006.”.*

22 *SEC. 112. (a)(1) This section shall apply to an em-*
23 *ployee of the Federal Aviation Administration, who—*

24 *(A) would be involuntarily separated as a result*
25 *of the reorganization of the Flight Services Unit fol-*

1 *lowing the outsourcing of flight service duties to a*
2 *contractor;*

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

6 *(C) assuming continued Federal employment,*
7 *would attain eligibility for an immediate annuity*
8 *under section 8336(d) or 8414(b) of title 5, United*
9 *States Code, not later than October 4, 2007.*

10 *(2) Notwithstanding any other provision of law, dur-*
11 *ing the period beginning on the date of enactment of this*
12 *Act and ending October 4, 2007, an employee described*
13 *under paragraph (1) may, with the approval of the Admin-*
14 *istrator of the Federal Aviation Administration or the des-*
15 *ignee of the Administrator, accept an assignment to such*
16 *contractor within 14 days after the date of enactment of*
17 *this section.*

18 *(3) Except as provided in subsection (c), an employee*
19 *appointed under paragraph (1)—*

20 *(A) shall be a temporary Federal employee for*
21 *the duration of the assignment;*

22 *(B) notwithstanding such temporary status, shall*
23 *retain previous enrollment or participation in Fed-*
24 *eral employee benefits programs under chapters 83,*
25 *84, 87, and 89 of title 5, United States Code; and*

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

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

8 (A) October 4, 2007; or

9 (B) the date on which the employee first becomes
10 eligibility for an immediate annuity under section
11 8336(d) or 8414(b) of title 5, United States Code.

12 (5) Such funds as may be necessary are authorized for
13 the Federal Aviation Administration to pay the salary and
14 benefits of an employee assigned under this section, but no
15 funds are authorized to reimburse the employing contractor
16 for the salary and benefits of an employee so assigned.

17 (b) An employee who is being involuntarily separated
18 as a result of the reorganization of the Flight Services Unit
19 following the outsourcing of flight service duties to a con-
20 tractor, and is eligible to use annual leave under the condi-
21 tions of section 6302(g) of title 5, United States Code, may
22 use such leave to—

23 (1) qualify for an immediate annuity or to meet
24 the age or service requirements for an enhanced annu-

1 *ity that the employee could qualify for under sections*
2 *8336, 8412, or 8414; or*

3 *(2) to meet the requirements under section*
4 *8905(b) of title 5, United States Code, to qualify to*
5 *continue health benefits coverage after retirement from*
6 *service.*

7 *(c)(1) Nothing in this section shall—*

8 *(A) affect the validity or legality of the reduc-*
9 *tion-in-force actions of the Federal Aviation Adminis-*
10 *tration effective October 3, 2005; or*

11 *(B) create any individual rights of actions re-*
12 *garding such reduction-in-force or any other actions*
13 *related to or arising under the competitive sourcing*
14 *of flight services.*

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

16 *(A) covered by chapter 71 of title 5, United*
17 *States Code, while on the assignment authorized by*
18 *this section; or*

19 *(B) subject to section 208 of title 18, United*
20 *States Code.*

21 *(3) Temporary employees assigned under this section*
22 *shall not be Federal employees for purposes of chapter 171*
23 *of title 28, United States Code (commonly referred to as*
24 *the Federal Tort Claims Act). Chapter 171 of title 28,*
25 *United States Code (commonly referred to as the Federal*

1 *Tort Claims Act) and any other Federal tort liability stat-*
2 *ute shall not apply to an employee who is assigned to a*
3 *contractor under subsection (a).*

4 *SEC. 113. (a) In this section:*

5 *(1) The term “Conservation Area” means the*
6 *Sloan Canyon National Conservation Area established*
7 *by section 604(a) of the Clark County Conservation of*
8 *Public Land and Natural Resources Act of 2002 (116*
9 *Stat. 2010).*

10 *(2) The term “County” means Clark County, Ne-*
11 *vada.*

12 *(3)(A) The term “helicopter tour” means a com-*
13 *mercial helicopter tour operated for profit.*

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

17 *(4) The term “Secretary” means the Secretary of*
18 *the Interior.*

19 *(5) The term “Wilderness” means the North*
20 *McCullough Mountains Wilderness established by sec-*
21 *tion 202(a)(13) of the Clark County Conservation of*
22 *Public Land and Natural Resources Act of 2002 (116*
23 *Stat. 2000).*

24 *(b) As soon as practicable after the date of enactment*
25 *of this Act, the Secretary shall convey to the County, subject*

1 *to valid existing rights, for no consideration, all right, title,*
2 *and interest of the United States in and to the parcel of*
3 *land described in subsection (c).*

4 *(c) The parcel of land to be conveyed under subsection*
5 *(b) is the parcel of approximately 229 acres of land depicted*
6 *as tract A on the map entitled “Clark County Public Heli-*
7 *port Facility” and dated May 3, 2004.*

8 *(d)(1) The parcel of land conveyed under subsection*
9 *(b)—*

10 *(A) shall be used by the County for the operation*
11 *of a heliport facility under the conditions stated in*
12 *paragraphs (2), (3), and (4); and*

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

14 *(2)(A) Any operator of a helicopter tour originating*
15 *from or concluding at the parcel of land described in sub-*
16 *section (c) shall pay to the Clark County Department of*
17 *Aviation a \$3 conservation fee for each passenger on the*
18 *helicopter tour if any portion of the helicopter tour occurs*
19 *over the Conservation Area.*

20 *(B)(i) Not earlier than 10 years after the date of enact-*
21 *ment of this Act and every 10 years thereafter, the Secretary*
22 *shall conduct a review to determine whether to raise the*
23 *amount of the conservation fee.*

24 *(ii) After conducting a review under clause (i) and*
25 *providing an opportunity for public comment, the Sec-*

1 *retary may raise the amount of the conservation fee in an*
2 *amount determined to be appropriate by the Secretary, but*
3 *by not more than 50 percent of the amount of the conserva-*
4 *tion fee in effect on the day before the date of the increase.*

5 (3)(A) *The amounts collected under paragraph (2)*
6 *shall be deposited in a special account in the Treasury of*
7 *the United States.*

8 (B) *Of the amounts deposited under subparagraph*
9 *(A)—*

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

14 (ii) *$\frac{1}{3}$ of the amounts shall be available to the*
15 *Director of the Bureau of Land Management, without*
16 *further appropriation, for the conduct of Bureau of*
17 *Land Management operations for the Conservation*
18 *Area and the Red Rock Canyon National Conserva-*
19 *tion Area.*

20 (4)(A) *Except for safety reasons, any helicopter tour*
21 *originating or concluding at the parcel of land described*
22 *in subsection (c) that flies over the Conservation Area shall*
23 *not fly—*

24 (i) *over any area in the Conservation Area ex-*
25 *cept the area that is between 3 and 5 miles north of*

1 *the latitude of the southernmost boundary of the Con-*
2 *servation Area;*

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

5 *(iii) lower than 500 feet over the western seg-*
6 *ments of the boundary of the Conservation Area.*

7 *(B) The Administrator of the Federal Aviation Admin-*
8 *istration shall establish a special flight rules area and any*
9 *operating procedures that the Administrator determines to*
10 *be necessary to implement subparagraph (A).*

11 *(5) If the County ceases to use any of the land de-*
12 *scribed in subsection (c) for the purpose described in para-*
13 *graph (1)(A) and under the conditions stated in paragraph*
14 *(2)—*

15 *(A) title to the parcel shall revert to the*
16 *United States, at the option of the United States;*
17 *and*

18 *(B) the County shall be responsible for any*
19 *reclamation necessary to revert the parcel to the*
20 *United States.*

21 *(e) The Secretary shall require, as a condition of the*
22 *conveyance under subsection (b), that the County pay the*
23 *administrative costs of the conveyance, including survey*
24 *costs and any other costs associated with the transfer of*
25 *title.*

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 \$40,194,259,000 for Federal-*
16 *aid highways and highway safety construction programs for*
17 *fiscal year 2006: Provided, That within the \$40,194,259,000*
18 *obligation limitation on Federal-aid highways and highway*
19 *safety construction programs, not more than \$408,491,420*
20 *shall be available for the implementation or execution of*
21 *programs for transportation research (sections 502, 503,*
22 *504, 506, 507, and 508 of title 23, United States Code, as*
23 *amended; section 5505 of title 49, United States Code, as*
24 *amended; and sections 5112 and 5204–5209 of Public Law*
25 *105–178) for fiscal year 2005: Provided further, That this*
26 *limitation on transportation research programs shall not*

1 *apply to any authority previously made available for obli-*
 2 *gation.*

3 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

4 *(HIGHWAY TRUST FUND)*

5 *Notwithstanding any other provision of law, for car-*
 6 *rying out the provisions of title 23, United States Code,*
 7 *that are attributable to Federal-aid highways, including the*
 8 *National Scenic and Recreational Highway as authorized*
 9 *by 23 U.S.C. 148, not otherwise provided, including reim-*
 10 *bursement for sums expended pursuant to the provisions of*
 11 *23 U.S.C. 308, \$40,194,259,000 or so much thereof as may*
 12 *be available in and derived from the Highway Trust Fund,*
 13 *to remain available until expended.*

14 *FEDERAL-AID HIGHWAYS*

15 *HIGHWAY TRUST FUND*

16 *(RESCISSION)*

17 *Of the unobligated balances of funds apportioned to*
 18 *each State under chapter 1 of title 23, United States Code,*
 19 *\$2,300,000,000 are rescinded: Provided, That such rescis-*
 20 *sion shall not apply to the funds distributed in accordance*
 21 *with 23 U.S.C. 133(d)(1) and the first sentence of 23 U.S.C.*
 22 *133(d)(3)(A) or to the funds apportioned to the program*
 23 *authorized under section 163 of title 23, United States Code.*

24 *APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM*

25 *For necessary expenses for the Appalachian Develop-*
 26 *ment Highway System as authorized under section 1069(y)*

1 of Public Law 102–240, as amended, \$80,000,000, to re-
 2 main available until expended.

3 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

4 ADMINISTRATION

5 SEC. 120. (a) For fiscal year 2006, the Secretary of
 6 Transportation shall—

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

14 (2) not distribute an amount from the obligation
 15 limitation for Federal-aid highways that is equal to
 16 the unobligated balance of amounts made available
 17 from the Highway Trust Fund (other than the Mass
 18 Transit Account) for Federal-aid highways and high-
 19 way safety programs for the prior fiscal years the
 20 funds for which are allocated by the Secretary;

21 (3) determine the ratio that—

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

25 (B) the total of the sums authorized to be
 26 appropriated for Federal-aid highways and high-

1 way safety construction programs (other than
2 sums authorized to be appropriated for sections
3 set forth in paragraphs (1) through (7) of sub-
4 section (b) and sums authorized to be appro-
5 priated for section 105 of title 23, United States
6 Code, equal to the amount referred to in sub-
7 section (b)(8)) for such fiscal year less the aggre-
8 gate of the amounts not distributed under para-
9 graph (1) of this subsection;

10 (4) distribute the obligation limitation for Fed-
11 eral-aid highways less the aggregate amounts not dis-
12 tributed under paragraphs (1) and (2) for section 201
13 of the Appalachian Regional Development Act of 1965
14 and \$2,000,000,000 for such fiscal year under section
15 105 of title 23, United States Code (relating to min-
16 imum guarantee) so that the amount of obligation au-
17 thority available for each of such sections is equal to
18 the amount determined by multiplying the ratio de-
19 termined under paragraph (3) by the sums authorized
20 to be appropriated for such section (except in the case
21 of section 105, \$2,000,000,000) for such fiscal year;

22 (5) distribute the obligation limitation provided
23 for Federal-aid highways less the aggregate amounts
24 not distributed under paragraphs (1) and (2) and
25 amounts distributed under paragraph (4) for each of

1 *the programs that are allocated by the Secretary*
2 *under title 23, United States Code (other than activi-*
3 *ties to which paragraph (1) applies and programs to*
4 *which paragraph (4) applies) by multiplying the*
5 *ratio determined under paragraph (3) by the sums*
6 *authorized to be appropriated for such program for*
7 *such fiscal year; and*

8 *(6) distribute the obligation limitation provided*
9 *for Federal-aid highways less the aggregate amounts*
10 *not distributed under paragraphs (1) and (2) and*
11 *amounts distributed under paragraphs (4) and (5) for*
12 *Federal-aid highways and highway safety construc-*
13 *tion programs (other than the minimum guarantee*
14 *program, but only to the extent that amounts appor-*
15 *tioned for the minimum guarantee program for such*
16 *fiscal year exceed \$2,639,000,000, and the Appa-*
17 *lachian development highway system program) that*
18 *are apportioned by the Secretary under title 23,*
19 *United States Code, in the ratio that—*

20 *(A) sums authorized to be appropriated for*
21 *such programs that are apportioned to each*
22 *State for such fiscal year, bear to*

23 *(B) the total of the sums authorized to be*
24 *appropriated for such programs that are appor-*
25 *tioned to all States for such fiscal year.*

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

23 (c) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*
24 *THORITY.*—*Notwithstanding subsection (a), the Secretary*
25 *shall after August 1 for such fiscal year revise a distribution*

1 *of the obligation limitation made available under subsection*
2 *(a) if a State will not obligate the amount distributed dur-*
3 *ing that fiscal year and redistribute sufficient amounts to*
4 *those States able to obligate amounts in addition to those*
5 *previously distributed during that fiscal year giving pri-*
6 *ority to those States having large unobligated balances of*
7 *funds apportioned under sections 104 and 144 of title 23,*
8 *United States Code, section 160 (as in effect on the day*
9 *before the enactment of the Transportation Equity Act for*
10 *the 21st Century) of title 23, United States Code, and under*
11 *section 1015 of the Intermodal Surface Transportation Effi-*
12 *ciency Act of 1991.*

13 *(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO*
14 *TRANSPORTATION RESEARCH PROGRAMS.—The obligation*
15 *limitation shall apply to transportation research programs*
16 *carried out under chapter 5 of title 23, United States Code,*
17 *except that obligation authority made available for such*
18 *programs under such limitation shall remain available for*
19 *a period of 3 fiscal years.*

20 *(e) REDISTRIBUTION OF CERTAIN AUTHORIZED*
21 *FUNDS.—Not later than 30 days after the date of the dis-*
22 *tribution of obligation limitation under subsection (a), the*
23 *Secretary shall distribute to the States any funds: (1) that*
24 *are authorized to be appropriated for such fiscal year for*
25 *Federal-aid highways programs (other than the program*

1 *under section 160 of title 23, United States Code) and for*
2 *carrying out subchapter I of chapter 311 of title 49, United*
3 *States Code, and highway-related programs under chapter*
4 *4 of title 23, United States Code; and (2) that the Secretary*
5 *determines will not be allocated to the States, and will not*
6 *be available for obligation, in such fiscal year due to the*
7 *imposition of any obligation limitation for such fiscal year.*
8 *Such distribution to the States shall be made in the same*
9 *ratio as the distribution of obligation authority under sub-*
10 *section (a)(6). The funds so distributed shall be available*
11 *for any purposes described in section 133(b) of title 23,*
12 *United States Code.*

13 *(f) SPECIAL RULE.—Obligation limitation distributed*
14 *for a fiscal year under subsection (a)(4) of this section for*
15 *a section set forth in subsection (a)(4) shall remain avail-*
16 *able until used and shall be in addition to the amount of*
17 *any limitation imposed on obligations for Federal-aid high-*
18 *way and highway safety construction programs for future*
19 *fiscal years.*

20 *SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-*
21 *ceived by the Bureau of Transportation Statistics from the*
22 *sale of data products, for necessary expenses incurred pur-*
23 *suant to 49 U.S.C. 111 may be credited to the Federal-aid*
24 *highways account for the purpose of reimbursing the Bu-*
25 *reau for such expenses: Provided, That such funds shall be*

1 *subject to the obligation limitation for Federal-aid high-*
2 *ways and highway safety construction.*

3 *SEC. 122. BYPASS BRIDGE AT HOOVER DAM. (a) IN*
4 *GENERAL.—Subject to subsection (b), the Secretary of*
5 *Transportation may expend from any funds appropriated*
6 *for expenditure in accordance with title 23, United States*
7 *Code, for payment of debt service by the States of Arizona*
8 *and Nevada on notes issued for the bypass bridge project*
9 *at Hoover Dam, pending appropriation or replenishment*
10 *for that project.*

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

16 *SEC. 123. None of the funds made available in this*
17 *Act shall be available for the development or dissemination*
18 *by the Federal Highway Administration of any version of*
19 *a programmatic agreement which regards the Dwight D.*
20 *Eisenhower National System of Interstate and Defense*
21 *Highways as eligible for inclusion on the National Register*
22 *of Historic Places.*

23 *SEC. 124. BUS AXLE WEIGHT EXEMPTION. Section*
24 *1023 of the Intermodal Surface Transportation Efficiency*

1 *Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amend-*
 2 *ed by striking subsection (h) and inserting the following:*

3 “(h) *OVER-THE-ROAD BUS AND PUBLIC TRANSIT VE-*
 4 *HICLE EXEMPTION.—*

5 “(1) *IN GENERAL.—The second sentence of sec-*
 6 *tion 127 of title 23, United States Code (relating to*
 7 *axle weight limitations for vehicles using the Dwight*
 8 *D. Eisenhower System of Interstate and Defense*
 9 *Highways), shall not apply to—*

10 “(A) *any over-the-road bus (as defined in*
 11 *section 301 of the Americans With Disabilities*
 12 *Act of 1990 (42 U.S.C. 12181)); or*

13 “(B) *any vehicle that is regularly and ex-*
 14 *clusively used as an intrastate public agency*
 15 *transit passenger bus.*

16 “(2) *STATE ACTION.—No State or political sub-*
 17 *division of a State, or any political authority of 2 or*
 18 *more States, shall impose any axle weight limitation*
 19 *on any vehicle described in paragraph (1) in any case*
 20 *in which such a vehicle is using the Dwight D. Eisen-*
 21 *hower System of Interstate and Defense Highways.”.*

22 *SEC. 125. Notwithstanding any other provision of*
 23 *law, access to the I-5 “Transit Only” ramps at NE 163rd*
 24 *in Shoreline, Washington shall be expanded to include*
 25 *King County Solid Waste Division transfer vehicles upon*

1 *the determination of the Federal Highway Administrator*
2 *that necessary safety improvements have been completed.*

3 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

4 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

5 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

6 *(LIMITATION ON OBLIGATIONS)*

7 *(HIGHWAY TRUST FUND)*

8 *For payment of obligations incurred in the implemen-*
9 *tation, execution and administration of the motor carrier*
10 *safety program, motor carrier safety research, motor carrier*
11 *outreach and education, \$211,400,000, to be derived from*
12 *the Highway Trust Fund, together with advances and reim-*
13 *bursements received by the Federal Motor Carrier Safety*
14 *Administration, the sum of which shall remain available*
15 *until expended: Provided, That none of the funds under this*
16 *heading shall be available for the implementation, execution*
17 *or administration of programs the obligations for which are*
18 *in excess of \$211,400,000, for “Motor Carrier Safety Oper-*
19 *ations and Programs”, of which \$9,600,000, to remain*
20 *available until September 30, 2009, is for the research and*
21 *technology program; and of which up to \$6,800,000 shall*
22 *be available to make grants to, or enter into contracts with,*
23 *States, local government, or other persons for the commer-*
24 *cial vehicle analysis reporting system, and the Federal*
25 *share payable under such grants shall be 100 percent.*

1 *MOTOR CARRIER SAFETY GRANTS*
2 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For payment of obligations incurred in carrying out*
7 *sections 31102, 31106, and 31309 of title 23, United States*
8 *Code, \$278,620,000 to be derived from the Highway Trust*
9 *Fund and to remain available until expended: Provided,*
10 *That none of the funds in this Act shall be available for*
11 *the implementation or execution of programs the obligations*
12 *for which are in excess of \$278,620,000 for “Motor Carrier*
13 *Safety Grants”, of which \$193,620,000 shall be available*
14 *for Motor Carrier Safety Assistance Program grants to*
15 *States; of which \$33,000,000 shall be available for Border*
16 *Enforcement grants to States; \$4,000,000 shall be available*
17 *for Performance and Registration Information System*
18 *Management grants to States; \$23,000,000 shall be avail-*
19 *able for the Commercial Driver’s License and Driver Im-*
20 *provement Program grants to States; and \$25,000,000 shall*
21 *be available for Commercial Vehicle Information Systems*
22 *and Networks grants to States: Provided further, That for*
23 *grants made to States for implementation of section 210*
24 *of the Motor Carrier Safety Improvement Act of 1999 (113*
25 *Stat. 1764–1765), and for grants to States, local govern-*
26 *ments, or other entities for commercial driver’s license pro-*

1 gram improvements, the Federal share payable under such
2 grants shall be 100 percent: Provided further, That from
3 amounts provided under this heading for grants to States
4 or local governments for audits of new entrant motor car-
5 riers, the Secretary of Transportation may withhold such
6 funds from a State or local government that is unable to
7 use government employees to conduct new entrant motor
8 carrier audits and may transfer such funds to “Motor Car-
9 rier Safety Operations and Programs” to conduct audits
10 in those jurisdictions.

11 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER
12 SAFETY ADMINISTRATION

13 SEC. 130. Funds appropriated or limited in this Act
14 shall be subject to the terms and conditions stipulated in
15 section 350 of Public Law 107–87, including that the Sec-
16 retary submit a report to the House and Senate Appropria-
17 tions Committees annually on the safety and security of
18 transportation into the United States by Mexico-domiciled
19 motor carriers.

20 SEC. 131. None of the funds appropriated or otherwise
21 made available by this Act may be used to implement or
22 enforce any provisions of the Final Rule, issued on April
23 16, 2003 (Docket No. FMCSA–97–2350), with respect to ei-
24 ther of the following:

1 (1) *The operators of utility service vehicles, as*
2 *that term is defined in section 395.2 of title 49, Code*
3 *of Federal Regulations.*

4 (2) *Maximum daily hours of service for drivers*
5 *engaged in the transportation of property or pas-*
6 *sengers to or from a motion picture or television pro-*
7 *duction site located within a 100-air mile radius of*
8 *the work reporting location of such drivers.*

9 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

10 *OPERATIONS AND RESEARCH*

11 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

12 *(LIMITATION ON OBLIGATIONS)*

13 *(HIGHWAY TRUST FUND)*

14 *For payment of obligations incurred in carrying out*
15 *the provisions of 23 U.S.C. 403, 49 U.S.C. 301, and part*
16 *C of subtitle VI of 49 U.S.C., \$226,688,000, to be derived*
17 *from the Highway Trust Fund: Provided, That none of the*
18 *funds in this Act shall be available for the planning or exe-*
19 *cution of programs the total obligations for which, in fiscal*
20 *year 2006, are in excess of \$226,688,000 for programs au-*
21 *thorized under such sections: Provided further, That none*
22 *of the funds appropriated by this Act may be obligated or*
23 *expended to plan, finalize, or implement any rulemaking*
24 *to add to section 575.104 of title 49 of the Code of Federal*
25 *Regulations any requirement pertaining to a grading*
26 *standard that is different from the three grading standards*

1 *(treadwear, traction, and temperature resistance) already*
 2 *in effect.*

3 *NATIONAL DRIVER REGISTER*

4 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

5 *(LIMITATION ON OBLIGATIONS)*

6 *(HIGHWAY TRUST FUND)*

7 *For payment of obligations incurred in carrying out*
 8 *chapter 303 of title 49, United States Code, \$4,000,000, to*
 9 *be derived from the Highway Trust Fund and remain*
 10 *available until expended: Provided, That none of the funds*
 11 *in this Act shall be available for the implementation or exe-*
 12 *cution of programs the obligations for which are in excess*
 13 *of \$4,000,000 for the National Driver Register authorized*
 14 *under chapter 303 of title 49, United States Code.*

15 *HIGHWAY TRAFFIC SAFETY GRANTS*

16 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

17 *(LIMITATION ON OBLIGATIONS)*

18 *(HIGHWAY TRUST FUND)*

19 *For payment of obligations incurred in carrying out*
 20 *the provisions of 23 U.S.C. 402, 405, 406, 407A, 410, 412,*
 21 *section 7212(a)(9) of the Highway Safety Grant Program*
 22 *Reauthorization Act of 2005 to pay administrative and re-*
 23 *lated operating expenses under 23 U.S.C. 402, 405, 406,*
 24 *407A, 410, 412, 413 and 414, and section 7223 of the High-*
 25 *way Safety Grant Program Reauthorization Act of 2005,*
 26 *to remain available until expended, \$548,182,095 to be de-*

1 rived from the Highway Trust Fund (other than the Mass
2 Transit Account): Provided, That none of the funds in this
3 Act shall be available for the planning or execution of pro-
4 grams the total obligations for which, in fiscal year 2006,
5 are in excess of \$548,182,095 for programs authorized under
6 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and
7 section 7223 of the Highway Safety Grant Program Reau-
8 thorization Act of 2005, of which \$209,217,985 shall be for
9 “Highway Safety Programs” under 23 U.S.C. 402,
10 \$149,667,110 shall be for “Occupant Protection Programs”
11 under 23 U.S.C. 405, \$7,400,000 shall be for “Demonstra-
12 tion Programs related to older drivers, law enforcement,
13 and motorcycle training” under 23 U.S.C. 406, \$5,000,000
14 shall be for the “Emergency Medical Services Program”
15 under 23 U.S.C. 407A, \$115,721,000 shall be for the “Im-
16 paired Driving Program” under 23 U.S.C. 410,
17 \$45,000,000 shall be for “State Traffic Safety Information
18 System Improvements” under 23 U.S.C. 412, \$16,176,000
19 shall be for “administrative and related operating expenses”
20 under section 7212(a)(9) of the Highway Safety Grant Pro-
21 gram Reauthorization Act of 2005 for 23 U.S.C. 402, 405,
22 406, 407A, 410, 412, 413 and 414, and section 7223 of the
23 Highway Safety Grant Program Reauthorization Act of
24 2005: Provided further, That none of these funds shall be
25 used for construction, rehabilitation, or remodeling costs, or

1 *for office furnishings and fixtures for State, local or private*
2 *buildings or structures: Provided further, That not to exceed*
3 *\$500,000 of the funds made available for section 410 “Alco-*
4 *hol-Impaired Driving Countermeasures Grants” shall be*
5 *available for technical assistance to the States.*

6 *ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY*

7 *TRAFFIC SAFETY ADMINISTRATION*

8 *SEC. 140. Notwithstanding any other provision of law,*
9 *States may use funds provided in this Act under section*
10 *402 of title 23, United States Code, to produce and place*
11 *highway safety public service messages in television, radio,*
12 *cinema, and print media, and on the Internet in accord-*
13 *ance with guidance issued by the Secretary of Transpor-*
14 *tation: Provided, That any State that uses funds for such*
15 *public service messages shall submit to the Secretary a re-*
16 *port describing and assessing the effectiveness of the mes-*
17 *sages: Provided further, That \$10,000,000 of the funds allo-*
18 *cated under section 157 of title 23, United States Code, shall*
19 *be used as directed by the National Highway Traffic Safety*
20 *Administrator to purchase national paid advertising (in-*
21 *cluding production and placement) to support national*
22 *safety belt mobilizations: Provided further, That, of the*
23 *funds allocated under section 163 of title 23, United States*
24 *Code, \$6,000,000 shall be used as directed by the Adminis-*
25 *trator to support national impaired driving mobilizations*
26 *and enforcement efforts, and \$14,000,000 shall be used as*

1 *directed by the Administrator to purchase national paid*
2 *advertising (including production and placement) to sup-*
3 *port such national impaired driving mobilizations and en-*
4 *forcement efforts.*

5 *SEC. 141. Notwithstanding any other provision of law,*
6 *for fiscal year 2006 the Secretary of Transportation is au-*
7 *thorized to use amounts made available to carry out section*
8 *157 of title 23, United States Code, to make innovative*
9 *project allocations, not to exceed the prior year's amounts*
10 *for such allocations, before making incentive grants for use*
11 *of seat belts.*

12 *SEC. 142. Notwithstanding any other provision of law,*
13 *not to exceed \$130,000 of the funds made available under*
14 *sections 403 of title 23 U.S.C. and 7212(a)(9) of the High-*
15 *way Safety Grant Program Reauthorization Act of 2005*
16 *to pay administrative and related operating expenses under*
17 *23 U.S.C. 402 shall be available to the National Highway*
18 *Traffic Safety Administration for travel and related ex-*
19 *penses for State management reviews and highway safety*
20 *staff core competency development training.*

21 *SEC. 143. For an additional amount for the National*
22 *Highway Traffic Safety Administration under the heading*
23 *“OPERATIONS AND RESEARCH”, \$6,000,000, to carry out*
24 *the provisions of section 10307(c) of Public Law 109–59.*

1 *FEDERAL RAILROAD ADMINISTRATION*2 *SAFETY AND OPERATIONS*

3 *For necessary expenses of the Federal Railroad Admin-*
4 *istration, not otherwise provided for, \$146,000,000, of which*
5 *\$13,856,000 shall remain available until expended.*

6 *RAILROAD RESEARCH AND DEVELOPMENT*

7 *For necessary expenses for railroad research and devel-*
8 *opment, \$41,000,000, to remain available until expended.*

9 *RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM*

10 *The Secretary of Transportation is authorized to issue*
11 *to the Secretary of the Treasury notes or other obligations*
12 *pursuant to section 512 of the Railroad Revitalization and*
13 *Regulatory Reform Act of 1976 (Public Law 94–210), as*
14 *amended, in such amounts and at such times as may be*
15 *necessary to pay any amounts required pursuant to the*
16 *guarantee of the principal amount of obligations under sec-*
17 *tions 511 through 513 of such Act, such authority to exist*
18 *as long as any such guaranteed obligation is outstanding:*
19 *Provided, That pursuant to section 502 of such Act, as*
20 *amended, no new direct loans or loan guarantee commit-*
21 *ments shall be made using Federal funds for the credit risk*
22 *premium during fiscal year 2006.*

23 *NEXT GENERATION HIGH-SPEED RAIL*

24 *For necessary expenses for the Next Generation High-*
25 *Speed Rail program as authorized under 49 U.S.C. 26101*

1 *and 26102, \$11,500,000, to remain available until ex-*
2 *pended.*

3 *ALASKA RAILROAD REHABILITATION*

4 *To enable the Secretary of Transportation to make*
5 *grants to the Alaska Railroad, \$20,000,000, for capital re-*
6 *habilitation and improvements benefiting its passenger op-*
7 *erations, to remain available until expended.*

8 *GRANTS TO THE NATIONAL RAILROAD PASSENGER*

9 *CORPORATION*

10 *To enable the Secretary of Transportation to make a*
11 *grant to the National Railroad Passenger Corporation*
12 *(“Corporation”) for the operation and capital expenses of*
13 *intercity passenger rail service, \$1,450,000,000, to remain*
14 *available until expended: Provided, That the Corporation*
15 *may impose a passenger service surcharge on each ticket*
16 *issued equivalent to 5 percent of the value of said ticket*
17 *for all tickets issued for travel in the Northeast Corridor,*
18 *or route segment, between Washington, DC and Boston, MA*
19 *and equivalent to 2 percent of the value of said ticket price*
20 *for all tickets issued for travel on a route outside the North-*
21 *east Corridor, the proceeds of which shall be used for capital*
22 *investments: Provided further, That the Corporation shall*
23 *not impose said surcharge if it finds that such a surcharge*
24 *shall have a deleterious impact on ridership and revenues:*
25 *Provided further, That of the funds provided under this sec-*
26 *tion, not less than \$5,000,000 shall be expended for the de-*

1 *velopment and implementation of a managerial cost ac-*
2 *counting system, which includes average and marginal unit*
3 *cost capability: Provided further, That within 30 days of*
4 *development of the managerial cost accounting system, the*
5 *Department of Transportation Inspector General shall re-*
6 *view and comment to the Secretary of Transportation and*
7 *the House and Senate Committees on Appropriations, upon*
8 *the strengths and weaknesses of the system and how it best*
9 *can be implemented to improve decision making by the*
10 *Board of Directors and management of the Corporation.*

11 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

12 *ADMINISTRATION*

13 *SEC. 150. Notwithstanding any other provision of law,*
14 *from funds made available to the Federal Railroad Admin-*
15 *istration under the heading “Next Generation High-Speed*
16 *Rail” in the Consolidated Appropriations Act of 2005 (Pub-*
17 *lic Law 108–447), the Secretary of Transportation shall*
18 *award a grant in the amount of \$500,000 to the Maine*
19 *Department of Transportation for Safety and Mitigation*
20 *Rail Relocation in Auburn, Maine.*

21 *SEC. 151. Notwithstanding any other provision of law,*
22 *funds made available to the Federal Railroad Administra-*
23 *tion for the Illinois statewide highway-rail crossing safety*
24 *program on page 1420 of the Joint Explanatory Statement*
25 *of the Committee of Conference for Public Law 108–447*
26 *(House Report 108–792) shall be made available to the Illi-*

1 *nois Commerce Commission for the Public Education and*
2 *Enforcement Research (PEERS) program to improve rail-*
3 *grade crossing safety through education and enforcement*
4 *initiatives.*

5 *SEC. 152. Notwithstanding any existing Federal legis-*
6 *lation, from funds available to the Federal Railroad Ad-*
7 *ministration under the heading of “Next Generation High-*
8 *Speed Rail” in the Consolidated Appropriations Act of*
9 *2004, Public Law 108–199; the Secretary of Transportation*
10 *may award a grant of \$1,000,000 to the New Orleans Re-*
11 *gional Planning Commission, New Orleans, Louisiana for*
12 *site planning and an update of the Master Plan for the*
13 *Union Passenger Terminal, located at New Orleans, Lou-*
14 *isiana.*

15 *SEC. 153. Notwithstanding any other provision of law,*
16 *funds made available to the Federal Railroad Administra-*
17 *tion for the Spokane Region High Speed Rail Corridor*
18 *Study on page 1420 of the Joint Explanatory Statement*
19 *of the Committee of Conference for Public Law 108–447*
20 *(House Report 108–792) shall be made available to the*
21 *Washington State Department of Transportation for track*
22 *and grade crossing improvements under the Bridging the*
23 *Valley project between Spokane County, Washington and*
24 *Kootenai County, Idaho.*

*FEDERAL TRANSIT ADMINISTRATION**ADMINISTRATIVE EXPENSES*

1 *For necessary administrative expenses of the Federal*
2
3 *Transit Administration's programs authorized by chapter*
4 *53 of title 49, United States Code, \$13,411,000: Provided,*
5 *That no more than \$79,544,000 of budget authority shall*
6 *be available for these purposes: Provided further, That of*
7 *the funds available not to exceed \$925,000 shall be available*
8 *for the Office of the Administrator; not to exceed \$6,800,000*
9 *shall be available for the Office of Administration; not to*
10 *exceed \$4,200,000 shall be available for the Office of the*
11 *Chief Counsel; not to exceed \$1,300,000 shall be available*
12 *for the Office of Communication and Congressional Affairs;*
13 *not to exceed \$7,500,000 shall be available for the Office*
14 *of Program Management; not to exceed \$7,200,000 shall be*
15 *available for the Office of Budget and Policy; not to exceed*
16 *\$4,700,000 shall be available for the Office of Demonstra-*
17 *tion and Innovation; not to exceed \$3,000,000 shall be*
18 *available for the Office of Civil Rights; not to exceed*
19 *\$4,200,000 shall be available for the Office of Planning; not*
20 *to exceed \$21,000,000 shall be available for regional offices;*
21 *and not to exceed \$16,219,000 shall be available for the cen-*
22 *tral account: Provided further, That the Administrator is*
23 *authorized to transfer funds appropriated for an office of*
24 *the Federal Transit Administration: Provided further, That*
25

1 no appropriation for an office shall be increased or de-
2 creased by more than a total of 5 percent during the fiscal
3 year by all such transfers: Provided further, That any
4 change in funding greater than 5 percent shall be submitted
5 for approval to the House and Senate Committees on Ap-
6 propriations: Provided further, That any funding trans-
7 ferred from the central account shall be submitted for ap-
8 proval to the House and Senate Committees on Appropria-
9 tions: Provided further, That none of the funds provided
10 or limited in this Act may be used to create a permanent
11 office of transit security under this heading: Provided fur-
12 ther, That of the funds in this Act available for the execu-
13 tion of contracts under section 5327(c) of title 49, United
14 States Code, \$2,000,000 shall be reimbursed to the Depart-
15 ment of Transportation's Office of Inspector General for
16 costs associated with audits and investigations of transit-
17 related issues, including reviews of new fixed guideway sys-
18 tems: Provided further, That up to \$2,500,000 for the Na-
19 tional transit database shall remain available until ex-
20 pended: Provided further, That upon submission to the Con-
21 gress of the fiscal year 2007 President's budget, the Sec-
22 retary of Transportation shall transmit to Congress the an-
23 nual report on new starts, including proposed allocations
24 of funds for fiscal year 2007.

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

4 *Notwithstanding any other provision of law, for pay-*
5 *ment of obligations incurred in carrying out 49 U.S.C.*
6 *5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505,*
7 *and sections 3037 and 3038 of Public Law 105–178,*
8 *\$6,824,667,000, to remain available until expended, and to*
9 *be derived from the Mass Transit Account of the Highway*
10 *Trust Fund: Provided, That \$3,620,074,000 shall be paid*
11 *to the Federal Transit Administration’s formula grants ac-*
12 *count: Provided further, That \$129,937,000 shall be paid*
13 *to the Federal Transit Administration’s transit planning*
14 *and research account: Provided further, That \$66,133,000*
15 *shall be paid to the Federal Transit Administration’s ad-*
16 *ministrative expenses account: Provided further, That*
17 *\$4,837,000 shall be paid to the Federal Transit Administra-*
18 *tion’s university transportation research account: Provided*
19 *further, That \$101,292,000 shall be paid to the Federal*
20 *Transit Administration’s job access and reverse commute*
21 *grants program: Provided further, That \$2,902,394,000*
22 *shall be paid to the Federal Transit Administration’s Cap-*
23 *ital Investment Grants account.*

24 *CAPITAL INVESTMENT GRANTS*

25 *For necessary expenses to carry out 49 U.S.C. 5308,*
26 *5309, 5318, and 5327, \$588,578,000, to remain available*

1 *until expended: Provided, That no more than*
2 *\$3,490,972,000 of budget authority shall be available for*
3 *these purposes: Provided further, That there shall be avail-*
4 *able for fixed guideway modernization, \$1,307,473,000;*
5 *there shall be available for the replacement, rehabilitation,*
6 *and purchase of buses and related equipment and the con-*
7 *struction of bus-related facilities, \$796,977,000, and there*
8 *shall be available for new fixed guideway systems*
9 *\$1,386,522,000, to be available as follows:*

10 *Alaska and Hawaii ferry projects, \$10,296,000;*

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

13 *Central Phoenix/East Valley LRT, Arizona,*
14 *\$90,000,000;*

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

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

18 *City of Rock Hill Trolley Study, South Caro-*
19 *lina, \$400,000;*

20 *Commuter Rail, Albuquerque to Santa Fe, New*
21 *Mexico, \$500,000;*

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

23 *CORRIDORone Regional Rail Project, Pennsyl-*
24 *vania, \$1,500,000;*

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

- 1 *CTA Ravenswood Brown Line, Illinois,*
2 *\$40,000,000;*
- 3 *Dallas Northwest/Southeast Light Rail MOS,*
4 *Texas, \$12,000,000;*
- 5 *Dulles Corridor Rapid Transit Project, Virginia,*
6 *\$26,000,000;*
- 7 *East Corridor Commuter Rail, Nashville, Ten-*
8 *nessee, \$6,000,000;*
- 9 *East Side Access Project, New York,*
10 *\$340,000,000;*
- 11 *Euclid Corridor Transportation Project, Ohio,*
12 *\$24,774,513;*
- 13 *Gainesville-Haymarket VRE Service Extension,*
14 *Virginia, \$1,450,000;*
- 15 *Hartford-New Britain Busway, Connecticut,*
16 *\$6,000,000;*
- 17 *Hudson-Bergen Light Rail MOS 2, New Jersey,*
18 *\$100,000,000;*
- 19 *Kansas City, MO, Southtown BRT, \$12,300,000;*
20 *Metra, Illinois, \$42,180,000;*
- 21 *Metro Gold Line Eastside Light Rail Extension,*
22 *California, \$80,000,000;*
- 23 *Houston METRO, Texas, \$12,000,000;*
- 24 *Mid-Coast Light Rail Transit Extension, Cali-*
25 *fornia, \$7,160,000;*

- 1 *Mid-Jordan Light Rail Transit Line, Utah,*
2 *\$500,000;*
- 3 *Mission Valley East, California, \$7,700,000;*
- 4 *New Jersey Trans-Hudson Midtown Corridor,*
5 *New Jersey, \$3,315,000;*
- 6 *North Corridor Interstate MAX Light Rail*
7 *Project, Oregon, \$18,110,000;*
- 8 *North Shore Connector, Pennsylvania,*
9 *\$55,000,000;*
- 10 *Northeast Corridor Commuter Rail Project,*
11 *Delaware, \$1,425,000;*
- 12 *Northstar Corridor Commuter Rail Project, Min-*
13 *nesota, \$2,000,000;*
- 14 *Oceanside Escondido Rail Project, California,*
15 *\$12,210,000;*
- 16 *Regional Fixed Guideway Project, Nevada,*
17 *\$3,000,000;*
- 18 *Rhode Island Integrated Commuter Rail Project,*
19 *Rhode Island, \$6,000,000;*
- 20 *San Francisco BART Extension to San Fran-*
21 *cisco International Airport, California, \$81,860,000;*
- 22 *San Francisco Muni Third Street Light Rail*
23 *Project, California, \$10,000,000;*
- 24 *San Juan Tren Urbano, Puerto Rico,*
25 *\$10,200,000;*

1 *Schuylkill Valley Metro, Pennsylvania,*
2 *\$2,000,000;*
3 *Seattle Sound Transit, Washington, \$80,000,000;*
4 *Second Avenue Subway, New York, \$25,000,000;*
5 *Silicon Valley Rapid Transit Corridor Project,*
6 *Santa Clara County, California, \$5,000,000;*
7 *Silver Line Phase III, Massachusetts,*
8 *\$4,000,000;*
9 *Souder Commuter Rail, Washington,*
10 *\$5,000,000;*
11 *Southeast Corridor Multi-Modal Project (T-*
12 *REX), Colorado, \$80,000,000;*
13 *Triangle Transit Authority Regional Rail Sys-*
14 *tem (Raleigh-Durham), North Carolina, \$18,000,000;*
15 *Washington County Commuter Rail Project, Or-*
16 *egon, \$15,000,000;*
17 *West Corridor Light Rail, Colorado, \$5,000,000.*

18 *JOB ACCESS AND REVERSE COMMUTE GRANTS*

19 *For necessary expenses to carry out section 3037 of the*
20 *Federal Transit Act of 1998, \$20,541,000, to remain avail-*
21 *able until expended: Provided, That no more than*
22 *\$121,833,000 of budget authority shall be available for these*
23 *purposes: Provided further, That up to \$300,000 of the*
24 *funds provided under this heading may be used by the Fed-*
25 *eral Transit Administration for technical assistance and*

1 *support and performance reviews of the Job Access and Re-*
2 *verse Commute Grants program.*

3 *ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT*

4 *ADMINISTRATION*

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

10 *SEC. 161. Notwithstanding any other provision of law,*
11 *and except for fixed guideway modernization projects, funds*
12 *made available by this Act under “Federal Transit Admin-*
13 *istration, Capital investment grants” for projects specified*
14 *in this Act or identified in reports accompanying this Act*
15 *not obligated by September 30, 2008, and other recoveries,*
16 *shall be made available for other projects under 49 U.S.C.*
17 *5309.*

18 *SEC. 162. Notwithstanding any other provision of law,*
19 *any funds appropriated before October 1, 2005, under any*
20 *section of chapter 53 of title 49, United States Code, that*
21 *remain available for expenditure may be transferred to and*
22 *administered under the most recent appropriation heading*
23 *for any such section.*

24 *SEC. 163. Notwithstanding any other provision of law,*
25 *any Office of Management and Budget Circular or any pol-*
26 *icy, directive, or regulation, funds made available from the*

1 *Mass Transit Account of the Highway Trust Fund in this*
2 *Act may not be deposited in the General Fund of the United*
3 *States Treasury: Provided, That obligations incurred to*
4 *carry out any Federal Transit program, project or activity*
5 *shall be liquidated first from amounts appropriated for that*
6 *program, project or activity from the General Fund of the*
7 *United States Treasury until the appropriated amount is*
8 *depleted.*

9 *SEC. 164. Notwithstanding any other provision of law,*
10 *unobligated funds made available for a new fixed guideway*
11 *systems projects under the heading “Federal Transit Ad-*
12 *ministration, Capital Investment Grants” in any appro-*
13 *priations Act prior to this Act may be used during this*
14 *fiscal year to satisfy expenses incurred for such projects.*

15 *SEC. 165. Funds made available for Alaska or Hawaii*
16 *ferry boats or ferry terminal facilities pursuant to 49*
17 *U.S.C. 5309(m)(2)(B) may be used to construct new vessels*
18 *and facilities, or to improve existing vessels and facilities,*
19 *including both the passenger and vehicle-related elements of*
20 *such vessels and facilities, and for repair facilities: Pro-*
21 *vided, That not more than \$3,000,000 of the funds made*
22 *available pursuant to 49 U.S.C. 5309(m)(2)(B) may be*
23 *used by the State of Hawaii to initiate and operate a pas-*
24 *senger ferryboat services demonstration project to test the*
25 *viability of different intra-island and inter-island ferry*

1 *boat routes and technology: Provided further, That notwith-*
2 *standing 49 U.S.C. 5302(a)(7), funds made available for*
3 *Alaska or Hawaii ferry boats may be used to acquire pas-*
4 *senger ferry boats and to provide passenger ferry transpor-*
5 *tation services within areas of the State of Hawaii under*
6 *the control or use of the National Park Service.*

7 *SEC. 166. Amounts made available from the bus cat-*
8 *egory of the Capital Investment Grants Account or Discre-*
9 *tionary Grants Account in this or any other previous Ap-*
10 *propriations Act that remain unobligated or unexpended in*
11 *a grant for a multimodal transportation facility in Bur-*
12 *lington, Vermont, may be used for site-preparation and de-*
13 *sign purposes of a multimodal transportation facility in*
14 *a different location within Burlington, Vermont, than origi-*
15 *nally intended notwithstanding previous expenditures in-*
16 *curred such purposes at the original location.*

17 *SEC. 167. Notwithstanding any other provision of law,*
18 *funds designated in the conference report accompanying*
19 *Public Law 108–447 and Public Law 108–199 for the King*
20 *County Metro Park and Ride on First Hill, Seattle, Wash-*
21 *ington, shall be available to the Swedish Hospital parking*
22 *garage, Seattle, Washington, subject to the same conditions*
23 *and requirements of section 125 of division H of Public*
24 *Law 108–447.*

1 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*
2 *The Saint Lawrence Seaway Development Corpora-*
3 *tion is hereby authorized to make such expenditures, within*
4 *the limits of funds and borrowing authority available to*
5 *the Corporation, and in accord with law, and to make such*
6 *contracts and commitments without regard to fiscal year*
7 *limitations as provided by section 104 of the Government*
8 *Corporation Control Act, as amended (31 U.S.C. 9101–*
9 *9110), as may be necessary in carrying out the programs*
10 *set forth in the Corporation’s budget for the current fiscal*
11 *year.*

12 *OPERATIONS AND MAINTENANCE*

13 *(HARBOR MAINTENANCE TRUST FUND)*

14 *For necessary expenses for operations and mainte-*
15 *nance of those portions of the Saint Lawrence Seaway oper-*
16 *ated and maintained by the Saint Lawrence Seaway Devel-*
17 *opment Corporation, \$16,284,000, to be derived from the*
18 *Harbor Maintenance Trust Fund, pursuant to Public Law*
19 *99–662.*

20 *MARITIME ADMINISTRATION*

21 *MARITIME SECURITY PROGRAM*

22 *For necessary expenses to maintain and preserve a*
23 *U.S.-flag merchant fleet to serve the national security needs*
24 *of the United States, \$156,000,000, to remain available*
25 *until expended.*

1 *et seq.*), or otherwise, in excess of the appropriations and
2 limitations contained in this Act or in any prior appro-
3 priations Act.

4 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*

5 *ADMINISTRATION*

6 *ADMINISTRATIVE EXPENSES*

7 *For necessary administrative expenses of the Pipeline*
8 *and Hazardous Materials Safety Administration,*
9 *\$16,877,000, of which \$645,000 shall be derived from the*
10 *Pipeline Safety Fund.*

11 *HAZARDOUS MATERIALS SAFETY*

12 *For expenses necessary to discharge the hazardous ma-*
13 *terials safety functions of the Pipeline and Hazardous Ma-*
14 *terials Safety Administration, \$26,138,000, of which*
15 *\$1,847,000 shall remain available until September 30,*
16 *2008: Provided, That up to \$1,200,000 in fees collected*
17 *under 49 U.S.C. 5108(g) shall be deposited in the general*
18 *fund of the Treasury as offsetting receipts: Provided further,*
19 *That there may be credited to this appropriation, to be*
20 *available until expended, funds received from States, coun-*
21 *ties, municipalities, other public authorities, and private*
22 *sources for expenses incurred for training, for reports publi-*
23 *cation and dissemination, and for travel expenses incurred*
24 *in performance of hazardous materials exemptions and ap-*
25 *provals functions.*

1 *PIPELINE SAFETY*2 *(PIPELINE SAFETY FUND)*3 *(OIL SPILL LIABILITY TRUST FUND)*

4 *For expenses necessary to conduct the functions of the*
5 *pipeline safety program, for grants-in-aid to carry out a*
6 *pipeline safety program, as authorized by 49 U.S.C. 60107,*
7 *and to discharge the pipeline program responsibilities of*
8 *the Oil Pollution Act of 1990 (Public Law 101–380),*
9 *\$73,165,000, of which \$15,000,000 shall be derived from the*
10 *Oil Spill Liability Trust Fund and shall remain available*
11 *until September 30, 2008; of which \$58,165,000 shall be de-*
12 *rived from the Pipeline Safety Fund, of which \$24,000,000*
13 *shall remain available until September 30, 2008: Provided,*
14 *That not less than \$1,000,000 of the funds provided under*
15 *this heading shall be for the one-call State grant program.*

16 *EMERGENCY PREPAREDNESS GRANTS*17 *(EMERGENCY PREPAREDNESS FUND)*

18 *For necessary expenses to carry out 49 U.S.C. 5127(c),*
19 *\$200,000, to be derived from the Emergency Preparedness*
20 *Fund, to remain available until September 30, 2007: Pro-*
21 *vided, That not more than \$14,300,000 shall be made avail-*
22 *able for obligation in fiscal year 2006 from amounts made*
23 *available by 49 U.S.C. 5116(i) and 5127(d): Provided fur-*
24 *ther, That none of the funds made available by 49 U.S.C.*
25 *5116(i), 5127(c), and 5127(d) shall be made available for*

1 *obligation by individuals other than the Secretary of Trans-*
2 *portation, or his designee.*

3 *RESEARCH AND INNOVATIVE TECHNOLOGY*

4 *ADMINISTRATION*

5 *RESEARCH AND DEVELOPMENT*

6 *For necessary expenses of the Research and Innovative*
7 *Technology Administration, \$4,326,000, of which*
8 *\$1,000,000 shall remain available until September 30,*
9 *2008: Provided, That there may be credited to this appro-*
10 *priation, to be available until expended, funds received from*
11 *States, counties, municipalities, other public authorities,*
12 *and private sources for expenses incurred for training.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Office of Inspector Gen-*
16 *eral to carry out the provisions of the Inspector General*
17 *Act of 1978, as amended, \$62,499,000: Provided, That the*
18 *Inspector General shall have all necessary authority, in car-*
19 *rying out the duties specified in the Inspector General Act,*
20 *as amended (5 U.S.C. App. 3), to investigate allegations*
21 *of fraud, including false statements to the government (18*
22 *U.S.C. 1001), by any person or entity that is subject to*
23 *regulation by the Department: Provided further, That the*
24 *funds made available under this heading shall be used to*
25 *investigate, pursuant to section 41712 of title 49, United*

1 *States Code: (1) unfair or deceptive practices and unfair*
 2 *methods of competition by domestic and foreign air carriers*
 3 *and ticket agents; and (2) the compliance of domestic and*
 4 *foreign air carriers with respect to item (1) of this proviso.*

5 *SURFACE TRANSPORTATION BOARD*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Surface Transportation*
 8 *Board, including services authorized by 5 U.S.C. 3109,*
 9 *\$24,388,000: Provided, That notwithstanding any other*
 10 *provision of law, not to exceed \$1,250,000 from fees estab-*
 11 *lished by the Chairman of the Surface Transportation*
 12 *Board shall be credited to this appropriation as offsetting*
 13 *collections and used for necessary and authorized expenses*
 14 *under this heading: Provided further, That the sum herein*
 15 *appropriated from the general fund shall be reduced on a*
 16 *dollar-for-dollar basis as such offsetting collections are re-*
 17 *ceived during fiscal year 2006, to result in a final appro-*
 18 *priation from the general fund estimated at no more than*
 19 *\$23,138,000.*

20 *ADMINISTRATIVE PROVISIONS—DEPARTMENT OF*

21 *TRANSPORTATION*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *SEC. 180. During the current fiscal year applicable*
 24 *appropriations to the Department of Transportation shall*
 25 *be available for maintenance and operation of aircraft; hire*

1 of passenger motor vehicles and aircraft; purchase of liabil-
2 ity insurance for motor vehicles operating in foreign coun-
3 tries on official department business; and uniforms or al-
4 lowances therefor, as authorized by law (5 U.S.C. 5901–
5 5902).

6 *SEC. 181. Appropriations contained in this Act for the*
7 *Department of Transportation shall be available for services*
8 *as authorized by 5 U.S.C. 3109, but at rates for individuals*
9 *not to exceed the per diem rate equivalent to the rate for*
10 *an Executive Level IV.*

11 *SEC. 182. None of the funds in this Act shall be avail-*
12 *able for salaries and expenses of more than 109 political*
13 *and Presidential appointees in the Department of Trans-*
14 *portation: Provided, That none of the personnel covered by*
15 *this provision may be assigned on temporary detail outside*
16 *the Department of Transportation.*

17 *SEC. 183. None of the funds in this Act shall be used*
18 *to implement section 404 of title 23, United States Code.*

19 *SEC. 184. (a) No recipient of funds made available in*
20 *this Act shall disseminate personal information (as defined*
21 *in 18 U.S.C. 2725(3)) obtained by a State department of*
22 *motor vehicles in connection with a motor vehicle record*
23 *as defined in 18 U.S.C. 2725(1), except as provided in 18*
24 *U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

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

4 SEC. 185. Funds received by the Federal Highway Ad-
5 ministration, Federal Transit Administration, and Federal
6 Railroad Administration from States, counties, municipali-
7 ties, other public authorities, and private sources for ex-
8 penses incurred for training may be credited respectively
9 to the Federal Highway Administration's "Federal-Aid
10 Highways" account, the Federal Transit Administration's
11 "Transit Planning and Research" account, and to the Fed-
12 eral Railroad Administration's "Safety and Operations"
13 account, except for State rail safety inspectors participating
14 in training pursuant to 49 U.S.C. 20105.

15 SEC. 186. Notwithstanding any other provisions of
16 law, rule or regulation, the Secretary of Transportation is
17 authorized to allow the issuer of any preferred stock here-
18 tofore sold to the Department to redeem or repurchase such
19 stock upon the payment to the Department of an amount
20 determined by the Secretary.

21 SEC. 187. None of the funds in this Act to the Depart-
22 ment of Transportation may be used to make a grant unless
23 the Secretary of Transportation notifies the House and Sen-
24 ate Committees on Appropriations not less than 3 full busi-
25 ness days before any discretionary grant award, letter of

1 *intent, or full funding grant agreement totaling \$1,000,000*
2 *or more is announced by the department or its modal ad-*
3 *ministrations from: (1) any discretionary grant program*
4 *of the Federal Highway Administration other than the*
5 *emergency relief program; (2) the airport improvement pro-*
6 *gram of the Federal Aviation Administration; or (3) any*
7 *program of the Federal Transit Administration other than*
8 *the formula grants and fixed guideway modernization pro-*
9 *grams: Provided, That no notification shall involve funds*
10 *that are not available for obligation.*

11 *SEC. 188. Rebates, refunds, incentive payments, minor*
12 *fees and other funds received by the Department of Trans-*
13 *portation from travel management centers, charge card pro-*
14 *grams, the subleasing of building space, and miscellaneous*
15 *sources are to be credited to appropriations of the Depart-*
16 *ment of Transportation and allocated to elements of the De-*
17 *partment of Transportation using fair and equitable cri-*
18 *teria and such funds shall be available until expended.*

19 *SEC. 189. Amounts made available in this or any other*
20 *Act that the Secretary determines represent improper pay-*
21 *ments by the Department of Transportation to a third*
22 *party contractor under a financial assistance award, which*
23 *are recovered pursuant to law, shall be available—*

1 (1) to reimburse the actual expenses incurred by
2 the Department of Transportation in recovering im-
3 proper payments; and

4 (2) to pay contractors for services provided in re-
5 covering improper payments: Provided, That amounts
6 in excess of that required for paragraphs (1) and
7 (2)—

8 (A) shall be credited to and merged with the
9 appropriation from which the improper pay-
10 ments were made, and shall be available for the
11 purposes and period for which such appropria-
12 tions are available; or

13 (B) if no such appropriation remains avail-
14 able, shall be deposited in the Treasury as mis-
15 cellaneous receipts: Provided, That prior to the
16 transfer of any such recovery to an appropria-
17 tions account, the Secretary shall notify the
18 House and Senate Committees on Appropria-
19 tions of the amount and reasons for such trans-
20 fer: Provided further, That for purposes of this
21 section, the term “improper payments”, has the
22 same meaning as that provided in section
23 2(d)(2) of Public Law 107–300.

24 SEC. 190. The Secretary of Transportation is author-
25 ized to transfer the unexpended balances available for the

1 *bonding assistance program from “Office of the Secretary,*
2 *Salaries and expenses” to “Minority Business Outreach”.*

3 *SEC. 191. None of the funds made available in this*
4 *Act to the Department of Transportation may be obligated*
5 *for the Office of the Secretary of Transportation to approve*
6 *assessments or reimbursable agreements pertaining to funds*
7 *appropriated to the modal administrations in this Act, ex-*
8 *cept for activities underway on the date of enactment of*
9 *this Act, unless such assessments or agreements have com-*
10 *pleted the normal reprogramming process for Congressional*
11 *notification.*

12 *SEC. 192. Funds provided in this Act for the Working*
13 *Capital Fund shall be reduced by \$1,000,000, which limits*
14 *fiscal year 2006 Working Capital Fund obligational au-*
15 *thority for elements of the Department of Transportation*
16 *funded in this Act to no more than \$119,014,000: Provided,*
17 *That such reductions from the budget request shall be allo-*
18 *cated by the Department of Transportation to each appro-*
19 *priations account in proportion to the amount included in*
20 *each account for the Working Capital Fund.*

21 *SEC. 193. For the purpose of any applicable law, for*
22 *fiscal years 2004 and 2005, the city of Norman, Oklahoma,*
23 *shall be considered to be part of the Oklahoma City urban-*
24 *ized area.*

1 *SEC. 194. Subsection (a) of section 1964 of Public Law*
2 *109–59 is amended by inserting “Idaho, Washington,” after*
3 *“Oregon,”.*

4 *SEC. 195. Item number 4596 of the table contained in*
5 *section 1702 of the Safe, Accountable, Flexible, Efficient*
6 *Transportation Equity Act: A Legacy for Users (Public*
7 *Law 109–59; 119 Stat. 1144) is amended by striking “Cor-*
8 *ning Preserve improvements Phase II” and inserting*
9 *“Transportation Center, Corning, NY”.*

10 *SEC. 196. Item number 512 of the table contained in*
11 *section 3044 of the Safe, Accountable, Flexible, Efficient*
12 *Transportation Equity Act: A Legacy for Users (Public*
13 *Law 109–59; 119 Stat. 1144) is amended by striking “Cor-*
14 *ning, NY, Phase II Corning Preserve Transportation En-*
15 *hancement Project” and inserting “Transportation Center*
16 *Enhancements, Corning, NY”.*

17 *SEC. 197. Section 14711(c) of title 49, United States*
18 *Code, is amended by—*

19 *(1) striking “; and” at the end of paragraph (1) and*
20 *inserting “;”;*

21 *(2) striking the period at the end of paragraph (2) and*
22 *inserting “; and”; and*

23 *(3) inserting the following after paragraph (2):*

24 *“(3) be substituted, upon the filing of a motion with*
25 *the court, for the State as parens patriae in the action.”.*

1 *SEC. 198. Section 112(b)(2) of title 23, United States*
2 *Code, is amended—*

3 (1) *in subparagraph (A), by striking “title 40”*
4 *and all that follows through the period and inserting*
5 *“title 40.”;*

6 (2) *by striking subparagraph (B);*

7 (3) *by redesignating subparagraphs (C) through*
8 *(F) as subparagraphs (B) through (E), respectively;*

9 (4) *in subparagraph (E) (as redesignated by*
10 *paragraph (3)), in the first sentence, by striking “sub-*
11 *paragraph (E)” and inserting “subparagraph (D)”;*
12 *and*

13 (5) *by striking subparagraph (G).*

14 *SEC. 199. (a) In addition to amounts available to*
15 *carry out section 10204 of the Safe, Accountable, Flexible,*
16 *and Efficient Transportation Equity Act: A Legacy for*
17 *Users (Public Law 109–59) as of the date of enactment of*
18 *this Act, of the amounts made available by this Act,*
19 *\$1,000,000 may be used by the Secretary of Transportation*
20 *and the Secretary of Homeland Security to jointly—*

21 (1) *complete the review and assessment of cata-*
22 *strophic hurricane evacuation plans under that sec-*
23 *tion; and*

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

4 **(b)** *Section 10204 of the Safe, Accountable, Flexible,*
5 *and Efficient Transportation Equity Act: A Legacy for*
6 *Users (Public Law 109–59) is amended—*

7 (1) *in subsection (a)—*

8 (A) *by inserting after “evacuation plans”*
9 *the following: “(including the costs of the*
10 *plans)”*; and

11 (B) *by inserting “and other catastrophic*
12 *events” before “impacting”*;

13 (2) *in subsection (b), by striking “and local” and*
14 *inserting “parish, county, and municipal”*; and

15 (3) *in subsection (c)—*

16 (A) *in paragraph (1), by inserting “safe*
17 *and” before “practical”*;

18 (B) *in paragraph (2), by inserting after*
19 *“States” the following: “and adjoining jurisdic-*
20 *tions”*;

21 (C) *in paragraph (3), by striking “and”*
22 *after the semicolon at the end*;

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

25 (E) *by adding at the end the following:*

1 “(5) the availability of food, water, restrooms,
2 fueling stations, and shelter opportunities along the
3 evacuation routes;

4 “(6) the time required to evacuate under the
5 plan; and

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

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

10 **TITLE II—DEPARTMENT OF THE TREASURY**

11 **DEPARTMENTAL OFFICES**

12 **SALARIES AND EXPENSES**

13 **(INCLUDING TRANSFER OF FUNDS)**

14 *For necessary expenses of the Departmental Offices in-*
15 *cluding operation and maintenance of the Treasury Build-*
16 *ing and Annex; hire of passenger motor vehicles; mainte-*
17 *nance, repairs, and improvements of, and purchase of com-*
18 *mercial insurance policies for, real properties leased or*
19 *owned overseas, when necessary for the performance of offi-*
20 *cial business, \$197,591,000, of which not to exceed*
21 *\$8,642,366 is for executive direction program activities; not*
22 *to exceed \$7,851,946 is for general counsel program activi-*
23 *ties; not to exceed \$32,010,626 is for economic policies and*
24 *programs activities; not to exceed \$27,220,470 is for finan-*
25 *cial policies and programs activities; pursuant to section*
26 *3004(b) of the Exchange Rates and International Economic*

1 *Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not*
2 *to exceed \$1,000,000 is for the Secretary of the Treasury,*
3 *in conjunction with the President, to implement said sub-*
4 *section as it pertains to governments and trade violations*
5 *involving currency manipulation and other trade viola-*
6 *tions; not to exceed \$39,938,449 is for financial crimes poli-*
7 *cies and programs activities; not to exceed \$16,843,447 is*
8 *for Treasury-wide management policies and programs ac-*
9 *tivities; and not to exceed \$65,083,696 is for administration*
10 *programs activities: Provided, That of the amount appro-*
11 *priated for financial crimes policies and programs activi-*
12 *ties, \$22,032,016 is for the Office of Foreign Assets Control*
13 *and shall support no less than 125 full time equivalent posi-*
14 *tions: Provided further, That the Secretary of the Treasury*
15 *is authorized to transfer funds appropriated for any pro-*
16 *gram activity of the Departmental Offices to any other pro-*
17 *gram activity of the Departmental Offices upon notification*
18 *to the House and Senate Committees on Appropriations:*
19 *Provided further, That no appropriation for any program*
20 *activity shall be increased or decreased by more than 2.5*
21 *percent by all such transfers: Provided further, That any*
22 *change in funding greater than 2.5 percent shall be sub-*
23 *mitted for approval to the House and Senate Committees*
24 *on Appropriations: Provided further, That of the amount*
25 *appropriated under this heading, not to exceed \$3,000,000,*

1 *to remain available until September 30, 2007, for informa-*
2 *tion technology modernization requirements; not to exceed*
3 *\$100,000 for official reception and representation expenses;*
4 *and not to exceed \$258,000 for unforeseen emergencies of*
5 *a confidential nature, to be allocated and expended under*
6 *the direction of the Secretary of the Treasury and to be ac-*
7 *counted for solely on his certificate: Provided further, That*
8 *of the amount appropriated under this heading, \$5,173,000,*
9 *to remain available until September 30, 2007, is for the*
10 *Treasury-wide Financial Statement Audit Program, of*
11 *which such amounts as may be necessary may be trans-*
12 *ferred to accounts of the Department's offices and bureaus*
13 *to conduct audits: Provided further, That this transfer au-*
14 *thority shall be in addition to any other provided in this*
15 *Act.*

16 *DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS*
17 *PROGRAMS*
18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For development and acquisition of automatic data*
20 *processing equipment, software, and services for the Depart-*
21 *ment of the Treasury, \$24,412,000, to remain available*
22 *until September 30, 2008: Provided, That these funds shall*
23 *be transferred to accounts and in amounts as necessary to*
24 *satisfy the requirements of the Department's offices, bu-*
25 *reaus, and other organizations: Provided further, That this*
26 *transfer authority shall be in addition to any other transfer*

1 *authority provided in this Act: Provided further, That none*
2 *of the funds appropriated shall be used to support or supple-*
3 *ment “Internal Revenue Service, Information Systems” or*
4 *“Internal Revenue Service, Business Systems Moderniza-*
5 *tion”.*

6 *OFFICE OF INSPECTOR GENERAL*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral in carrying out the provisions of the Inspector General*
10 *Act of 1978, as amended, not to exceed \$2,000,000 for offi-*
11 *cial travel expenses, including hire of passenger motor vehi-*
12 *cles; and not to exceed \$100,000 for unforeseen emergencies*
13 *of a confidential nature, to be allocated and expended under*
14 *the direction of the Inspector General of the Treasury,*
15 *\$16,722,000, of which not to exceed \$2,500 shall be available*
16 *for official reception and representation expenses.*

17 *TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Treasury Inspector Gen-*
20 *eral for Tax Administration in carrying out the Inspector*
21 *General Act of 1978, as amended, including purchase (not*
22 *to exceed 150 for replacement only for police-type use) and*
23 *hire of passenger motor vehicles (31 U.S.C. 1343(b)); serv-*
24 *ices authorized by 5 U.S.C. 3109, at such rates as may be*
25 *determined by the Inspector General for Tax Administra-*
26 *tion; not to exceed \$6,000,000 for official travel expenses;*

1 *and not to exceed \$500,000 for unforeseen emergencies of*
2 *a confidential nature, to be allocated and expended under*
3 *the direction of the Inspector General for Tax Administra-*
4 *tion, \$133,286,000; and of which not to exceed \$1,500 shall*
5 *be available for official reception and representation ex-*
6 *penses.*

7 *AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT*

8 *For necessary expenses to administer the Air Trans-*
9 *portation Stabilization Board established by section 102 of*
10 *the Air Transportation Safety and System Stabilization*
11 *Act (Public Law 107-42), \$2,942,000.*

12 *TREASURY BUILDING AND ANNEX REPAIR AND*
13 *RESTORATION*

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

17 *FINANCIAL CRIMES ENFORCEMENT NETWORK*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Financial Crimes En-*
20 *forcement Network, including hire of passenger motor vehi-*
21 *cles; travel expenses of non-Federal law enforcement per-*
22 *sonnel to attend meetings concerned with financial intel-*
23 *ligence activities, law enforcement, and financial regula-*
24 *tion; not to exceed \$14,000 for official reception and rep-*
25 *resentation expenses; and for assistance to Federal law en-*
26 *forcement agencies, with or without reimbursement,*

1 \$73,630,000 of which not to exceed \$6,944,000 shall remain
2 available until September 30, 2008; and of which
3 \$8,521,000 shall remain available until September 30,
4 2007: Provided, That funds appropriated in this account
5 may be used to procure personal services contracts.

6 *FINANCIAL MANAGEMENT SERVICE*

7 *SALARIES AND EXPENSES*

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

14 *ALCOHOL AND TOBACCO TAX AND TRADE BUREAU*

15 *SALARIES AND EXPENSES*

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

1 *BUREAU OF THE PUBLIC DEBT*2 *ADMINISTERING THE PUBLIC DEBT*

3 *For necessary expenses connected with any public-debt*
4 *issues of the United States, \$179,923,000, of which not to*
5 *exceed \$2,500 shall be available for official reception and*
6 *representation expenses, and of which not to exceed*
7 *\$2,000,000 shall remain available until expended for sys-*
8 *tems modernization: Provided, That the sum appropriated*
9 *herein from the General Fund for fiscal year 2006 shall be*
10 *reduced by not more than \$3,000,000 as definitive security*
11 *issue fees and Treasury Direct Investor Account Mainte-*
12 *nance fees are collected, so as to result in a final fiscal year*
13 *2006 appropriation from the General Fund estimated at*
14 *\$176,923,000. In addition, \$70,000 to be derived from the*
15 *Oil Spill Liability Trust Fund to reimburse the Bureau*
16 *for administrative and personnel expenses for financial*
17 *management of the Fund, as authorized by section 1012 of*
18 *Public Law 101-380.*

19 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS*20 *FUND*21 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND*22 *PROGRAM ACCOUNT*

23 *To carry out the Community Development Banking*
24 *and Financial Institutions Act of 1994 (Public Law 103-*
25 *325), including services authorized by 5 U.S.C. 3109, but*

1 *at rates for individuals not to exceed the per diem rate*
2 *equivalent to the rate for ES-3, \$55,000,000, to remain*
3 *available until September 30, 2007, of which \$4,000,000*
4 *shall be for financial assistance, technical assistance, train-*
5 *ing and outreach programs designed to benefit Native*
6 *American, Native Hawaiian, and Alaskan Native commu-*
7 *nities and provided primarily through qualified commu-*
8 *nity development lender organizations with experience and*
9 *expertise in community development banking and lending*
10 *in Indian country, Native American organizations, tribes*
11 *and tribal organizations and other suitable providers, and*
12 *up to \$13,500,000 may be used for administrative expenses,*
13 *including administration of the New Markets Tax Credit,*
14 *up to \$6,000,000 may be used for the cost of direct loans,*
15 *and up to \$250,000 may be used for administrative ex-*
16 *penses to carry out the direct loan program: Provided, That*
17 *the cost of direct loans, including the cost of modifying such*
18 *loans, shall be as defined in section 502 of the Congressional*
19 *Budget Act of 1974, as amended: Provided further, That*
20 *these funds are available to subsidize gross obligations for*
21 *the principal amount of direct loans not to exceed*
22 *\$11,000,000.*

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 \$36,900,000.*

13 *INTERNAL REVENUE SERVICE*14 *PROCESSING, ASSISTANCE, AND MANAGEMENT*

15 *For necessary expenses of the Internal Revenue Service*
16 *for pre-filing taxpayer assistance and education, filing and*
17 *account services, shared services support, general manage-*
18 *ment and administration; and services as authorized by 5*
19 *U.S.C. 3109, at such rates as may be determined by the*
20 *Commissioner, \$4,136,578,000, of which up to \$4,100,000*
21 *shall be for the Tax Counseling for the Elderly Program,*
22 *of which \$8,000,000 shall be available for low-income tax-*
23 *payer clinic grants, and of which not to exceed \$25,000*
24 *shall be for official reception and representation expenses.*

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

1 *For necessary expenses of the Internal Revenue Service*
2
3 *for determining and establishing tax liabilities; providing*
4 *litigation support; conducting criminal investigation and*
5 *enforcement activities; securing unfiled tax returns; col-*
6 *lecting unpaid accounts; conducting a document matching*
7 *program; resolving taxpayer problems through prompt*
8 *identification, referral and settlement; expanded customer*
9 *service and public outreach programs, strengthened enforce-*
10 *ment activities, and enhanced research efforts to reduce er-*
11 *roneous filings associated with the earned income tax credit;*
12 *compiling statistics of income and conducting compliance*
13 *research; purchase (for police-type use, not to exceed 850)*
14 *and hire of passenger motor vehicles (31 U.S.C. 1343(b));*
15 *and services as authorized by 5 U.S.C. 3109, at such rates*
16 *as may be determined by the Commissioner,*
17 *\$4,725,756,000, of which not to exceed \$1,000,000 shall re-*
18 *main available until September 30, 2008, for research: Pro-*
19 *vided, That up to \$10,000,000 may be transferred as nec-*
20 *essary from this account to the IRS Processing, Assistance,*
21 *and Management appropriation or the IRS Information*
22 *Systems appropriation solely for the purposes of manage-*
23 *ment of the Earned Income Tax Credit compliance program*
24 *and to reimburse the Social Security Administration for*
25 *the cost of implementing section 1090 of the Taxpayer Relief*
26

1 *Act of 1997 (Public Law 105–33): Provided further, That*
2 *this transfer authority shall be in addition to any other*
3 *transfer authority provided in this Act.*

4 *INFORMATION SYSTEMS*

5 *For necessary expenses of the Internal Revenue Service*
6 *for information systems and telecommunications support,*
7 *including developmental information systems and oper-*
8 *ational information systems; the hire of passenger motor ve-*
9 *hicles (31 U.S.C. 1343(b)); and services as authorized by*
10 *5 U.S.C. 3109, at such rates as may be determined by the*
11 *Commissioner, \$1,597,717,000, of which \$75,000,000 shall*
12 *remain available until September 30, 2007.*

13 *BUSINESS SYSTEMS MODERNIZATION*

14 *For necessary expenses of the Internal Revenue Serv-*
15 *ice, \$199,000,000, to remain available until September 30,*
16 *2008, for the capital asset acquisition of information tech-*
17 *nology systems, including management and related contrac-*
18 *tual costs of said acquisitions, including contractual costs*
19 *associated with operations authorized by 5 U.S.C. 3109:*
20 *Provided, That none of these funds may be obligated until*
21 *the Internal Revenue Service submits to the Committees on*
22 *Appropriations, and such Committees approve, a plan for*
23 *expenditure that: (1) meets the capital planning and invest-*
24 *ment control review requirements established by the Office*
25 *of Management and Budget, including Circular A–11; (2)*
26 *complies with the Internal Revenue Service’s enterprise ar-*

1 *chitecture, including the modernization blueprint; (3) con-*
2 *forms with the Internal Revenue Service’s enterprise life*
3 *cycle methodology; (4) is approved by the Internal Revenue*
4 *Service, the Department of the Treasury, and the Office of*
5 *Management and Budget; (5) has been reviewed by the Gov-*
6 *ernment Accountability Office; and (6) complies with the*
7 *acquisition rules, requirements, guidelines, and systems ac-*
8 *quisition management practices of the Federal Government.*

9 *HEALTH INSURANCE TAX CREDIT ADMINISTRATION*

10 *For expenses necessary to implement the health insur-*
11 *ance tax credit included in the Trade Act of 2002 (Public*
12 *Law 107–210), \$20,210,000.*

13 *ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE*

14 *SERVICE*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *SEC. 200. Not to exceed 5 percent of any appropriation*
17 *made available in this Act to the Internal Revenue Service*
18 *or not to exceed 3 percent of appropriations under the head-*
19 *ing “Tax Law Enforcement” may be transferred to any*
20 *other Internal Revenue Service appropriation upon the ad-*
21 *vance approval of the Committees on Appropriations.*

22 *SEC. 201. The Internal Revenue Service shall main-*
23 *tain a training program to ensure that Internal Revenue*
24 *Service employees are trained in taxpayers’ rights, in deal-*
25 *ing courteously with the taxpayers, and in cross-cultural*
26 *relations.*

1 *SEC. 202. The Internal Revenue Service shall institute*
2 *and enforce policies and procedures that will safeguard the*
3 *confidentiality of taxpayer information.*

4 *SEC. 203. Funds made available by this or any other*
5 *Act to the Internal Revenue Service shall be available for*
6 *improved facilities and increased manpower to provide suf-*
7 *ficient and effective 1–800 help line service for taxpayers.*
8 *The Commissioner shall continue to make the improvement*
9 *of the Internal Revenue Service 1–800 help line service a*
10 *priority and allocate resources necessary to increase phone*
11 *lines and staff to improve the Internal Revenue Service 1–*
12 *800 help line service.*

13 *SEC. 204. None of the funds made available in this*
14 *Act may be used to reduce taxpayer services until the Treas-*
15 *ury Inspector General for Tax Administration completes a*
16 *study detailing the impact of the IRS’s reductions on tax-*
17 *payer compliance and taxpayer services, and the IRS’s*
18 *plans for providing adequate alternative services, and sub-*
19 *mits such study to the Committees on Appropriations of*
20 *the House of Representatives and the Senate.*

21 *SEC. 205. Of the funds made available by this Act to*
22 *the Internal Revenue Service, not less than \$6,447,000,000*
23 *shall be available only for tax enforcement. In addition, of*
24 *the funds made available by this Act to the Internal Rev-*
25 *enue Service, and subject to the same terms and conditions,*

1 \$446,000,000 shall be available for enhanced tax enforce-
2 ment.

3 *SEC. 206. Not later than 90 days after the date of en-*
4 *actment of this Act, the IRS Commissioner shall submit a*
5 *report to the Committees on Appropriations of the House*
6 *of Representatives and the Senate on tax enforcement,*
7 *which includes estimates for the entire tax enforcement pro-*
8 *gram and for the tax enforcement initiative of tax enforce-*
9 *ment spending, tax enforcement workload indicators, direct*
10 *tax enforcement revenue, and an explanation of the method-*
11 *ology and accuracy of the estimates provided.*

12 *SEC. 207. Of the funds made available by this Act to*
13 *the Internal Revenue Service, not less than \$166,249,000*
14 *shall be available for operating expenses of the Taxpayer*
15 *Advocate Service.*

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

22 *SEC. 209. Section 3 under the heading “Administra-*
23 *tive Provisions—Internal Revenue Service” of title I of*
24 *Public Law 103–329 is amended by striking the last pro-*
25 *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 *pendents 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 of*
23 *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 appropriation*
2 *made available in this Act to the Internal Revenue Service*
3 *may be transferred to the Treasury Inspector General for*
4 *Tax Administration's appropriation upon the advance ap-*
5 *proval of the Committees on Appropriations: Provided,*
6 *That no transfer may increase or decrease any such appro-*
7 *priation 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 by*
11 *the respective Treasury bureau is consistent with Depart-*
12 *mental vehicle management principles: Provided, That the*
13 *Secretary may delegate this authority to the Assistant Sec-*
14 *retary 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 to*
18 *redesign the \$1 Federal Reserve note.*

19 *SEC. 215. The Secretary of the Treasury may transfer*
20 *funds from Financial Management Services, Salaries and*
21 *Expenses to Debt Collection Fund as necessary to cover the*
22 *costs of debt collection: Provided, That such amounts shall*
23 *be reimbursed to such salaries and expenses account from*
24 *debt collections received in the Debt Collection 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 otherwise*
5 *made available by this or any other Act may be used by*
6 *the United States Mint to construct or operate any museum*
7 *without the explicit approval of the House Committee on*
8 *Financial Services and the Senate Committee on Banking,*
9 *Housing, and Urban Affairs.*

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

21 *SEC. 219. Not later than 60 days after enactment of*
22 *this Act, the Secretary of the Treasury shall submit to the*
23 *Committees on Appropriations a report describing how*
24 *statutory provisions addressing currency manipulation by*
25 *America’s trading partners contained in, and relating to,*

1 *title 22 U.S.C. 5304, 5305, and 286y can be better clarified*
2 *administratively to provide for improved and more predict-*
3 *able evaluation, and to enable the problem of currency ma-*
4 *nipulation to be better understood by the American people*
5 *and the Congress.*

6 *SEC. 220. None of the funds appropriated or otherwise*
7 *made available by this or any other Act or source to the*
8 *Secretary of the Treasury may be expended to develop,*
9 *study, or implement any plan to reallocate the resources*
10 *of, or merge the Financial Crimes Enforcement Network*
11 *into the Departmental Offices—Salaries and Expenses, or*
12 *any other office within the Department of the Treasury.*

13 *SEC. 221. By not later than June 30, 2006, the Inter-*
14 *nal Revenue Service, in consultation with the National*
15 *Taxpayer Advocate, shall report on the uses of the Debt In-*
16 *dicator tool, the debt collection offset practice, and rec-*
17 *ommendations that could reduce the amount of time re-*
18 *quired to deliver tax refunds. In addition, the report shall*
19 *study whether the Debt Indicator facilitates the use of re-*
20 *fund anticipation loan (RALs), evaluate alternatives to*
21 *RALs, and examine the feasibility of debit cards being used*
22 *to distribute refunds.*

23 *SEC. 222. APPLICATION OF ARBITRAGE BOND REGU-*
24 *LATIONS TO CERTAIN STATE REVOLVING FUNDS.*

1 *Not later than 90 days after the date of the enactment*
2 *of this Act, the Secretary of the Treasury shall submit a*
3 *report to the Committees on Appropriations of the House*
4 *of Representatives and the Senate to provide a legal basis*
5 *for the application of section 1.148–1(c) of the United*
6 *States Treasury Regulations (regarding arbitrage bond reg-*
7 *ulations) to the reserve funds held by the Clean Water and*
8 *Safe Drinking Water State revolving funds which generally*
9 *contain replacement proceeds but not bond proceeds.*

10 *SEC. 223. The Internal Revenue Service shall provide*
11 *taxpayers with free individual tax electronic preparation*
12 *and filing services only through the Free File program and*
13 *the Internal Revenue Service’s Taxpayer Assistance Cen-*
14 *ters, Tax Counseling for the Elderly, and volunteer income*
15 *tax assistance programs.*

16 *SEC. 224. PROHIBITION ON FUNDING OF FEDERAL*
17 *CONTRACTS WITH EXPATRIATED ENTITIES.—(a) IN GEN-*
18 *ERAL.—None of the funds appropriated or otherwise made*
19 *available by this Act may be used for any Federal Govern-*
20 *ment contract with any foreign incorporated entity which*
21 *is treated as an inverted domestic corporation under section*
22 *835(b) of the Homeland Security Act of 2002 (6 U.S.C.*
23 *395(b)) or any subsidiary of such an entity.*

24 *(b) WAIVERS.—*

1 *et seq.*) (“the Act” herein), not otherwise provided for,
2 \$15,636,064,000, to remain available until expended, of
3 which \$11,436,064,000 shall be available on October 1, 2005
4 and \$4,200,000,000 shall be available on October 1, 2006:
5 *Provided, That the amounts made available under this*
6 *heading are provided as follows:*

7 (1) \$14,089,756,000 for renewals of expiring sec-
8 tion 8 tenant-based annual contributions contracts
9 (including renewals of enhanced vouchers under any
10 provision of law authorizing such assistance under
11 section 8(t) of the Act): *Provided, That notwith-*
12 *standing any other provision of law, from amounts*
13 *provided under this paragraph, the Secretary for the*
14 *calendar year 2006 funding cycle shall provide re-*
15 *newal funding for each public housing agency based*
16 *verified voucher management system (VMS) lease and*
17 *cost data for the most recent 12 months for which*
18 *data are available, prior to prorations, and by apply-*
19 *ing the 2006 Annual Adjustment Factor as estab-*
20 *lished by the Secretary, and by making any necessary*
21 *adjustments for the costs associated with the first-time*
22 *renewal of tenant protection, HOPE VI vouchers or*
23 *vouchers that were not in use during the 12-month*
24 *period in order to be available to meet a commitment*
25 *pursuant to section 8(o)(13) of the Act: Provided fur-*

1 *ther, That the Secretary shall, to the extent necessary*
2 *to stay within the amount provided under this para-*
3 *graph, pro rate each public housing agency's alloca-*
4 *tion otherwise established pursuant to this paragraph:*
5 *Provided further, That the entire amount provided*
6 *under this paragraph shall be obligated to the public*
7 *housing agencies based on the allocation and pro rata*
8 *method described above: Provided further, That public*
9 *housing agencies participating in the Moving to Work*
10 *demonstration shall be funded pursuant to their Mov-*
11 *ing to Work agreements and shall be subject to the*
12 *same pro rata adjustments under the previous pro-*
13 *viso: Provided further, That up to \$45,000,000 shall*
14 *be available only (1) to adjust the allocations for pub-*
15 *lic housing agencies, after application for an adjust-*
16 *ment by a public housing agency and verification by*
17 *HUD, whose allocation under this heading for con-*
18 *tract renewals for the calendar year 2005 funding*
19 *cycle were based on verified VSM leasing and cost*
20 *data averaged for the months of May, June, and July*
21 *of 2004 and solely because of temporarily low leasing*
22 *levels during the 3-month period did not accurately*
23 *reflect leasing levels and costs for the 2004 fiscal year*
24 *of the agencies, and (2) for adjustments for public*
25 *housing agencies that experienced a significant in-*

1 crease, as determined by the Secretary, in renewal
2 costs resulting from portability under section 8(r) of
3 the United States Housing Act of 1937 of tenant-
4 based rental assistance: Provided further, That none
5 of the funds provided in this paragraph may be used
6 to support a total number of unit months under lease
7 which exceeds a public housing agency's authorized
8 level of units under contract;

9 (2) \$192,000,000 for section 8 rental assistance
10 for relocation and replacement of housing units that
11 are demolished or disposed of pursuant to the Omni-
12 bus Consolidated Rescissions and Appropriations Act
13 of 1996 (Public Law 104–134), conversion of section
14 23 projects to assistance under section 8, the family
15 unification program under section 8(x) of the Act, re-
16 location of witnesses in connection with efforts to
17 combat crime in public and assisted housing pursu-
18 ant to a request from a law enforcement or prosecu-
19 tion agency, enhanced vouchers under any provision
20 of law authorizing such assistance under section 8(t)
21 of the Act, HOPE VI vouchers, mandatory and vol-
22 untary conversions, and tenant protection assistance
23 including replacement and relocation assistance: Pro-
24 vided, That no more than \$12,000,000 can be used for

1 *section 8 assistance to cover the cost of judgments and*
2 *settlement agreements;*

3 *(3) \$48,000,000 for family self-sufficiency coordi-*
4 *nators under section 23 of the Act;*

5 *(4) \$5,900,000 shall be transferred to the Work-*
6 *ing Capital Fund;*

7 *(5) \$1,295,408,000 for administrative and other*
8 *expenses of public housing agencies in administering*
9 *the section 8 tenant-based rental assistance program,*
10 *of which up to \$10,000,000 shall be available to the*
11 *Secretary to allocate to public housing agencies that*
12 *need additional funds to administer their section 8*
13 *programs: Provided, That \$1,271,000,000 of the*
14 *amount provided in this paragraph shall be allocated*
15 *for the calendar year 2006 funding cycle on a pro*
16 *rata basis to public housing agencies based on the*
17 *amount public housing agencies were eligible to re-*
18 *ceive in calendar year 2005: Provided further, That*
19 *all amounts provided under this paragraph shall be*
20 *only for activities related to the provision of tenant-*
21 *based rental assistance authorized under section 8 in-*
22 *cluding related development activities; and*

23 *(6) \$5,000,000 shall be transferred to the Afford-*
24 *able Housing and Economic Development Technical*
25 *Assistance Board.*

HOUSING CERTIFICATE FUND

(RESCISSION)

1 *Of the unobligated balances, including recaptures and*
2 *carryover, remaining from funds appropriated to the De-*
3 *partment of Housing and Urban Development under this*
4 *heading or the heading “Annual contributions for assisted*
5 *housing” for fiscal year 2005 and prior years,*
6 *\$1,500,000,000 are rescinded, to be effected by the Secretary*
7 *no later than September 30, 2006: Provided, That, to the*
8 *extent there are not adequate funds for the rescission from*
9 *said unobligated balances under the headings “Housing*
10 *Certificate Fund” or “Annual Contribution for Assisted*
11 *Housing”, additional funds shall first be rescinded of up*
12 *to 10 percent of the funding available under the heading*
13 *of “Salaries and Expenses” in title III and funding avail-*
14 *able under the heading of “Office of Management and Budg-*
15 *et” in title V: Provided further, That should additional*
16 *funds be needed once the aforementioned rescissions are ef-*
17 *fectuated to meet the requirements of this paragraph, then,*
18 *and only then, shall additional funds needed for the rescis-*
19 *sion be derived from any unobligated funds under any*
20 *heading under title III: Provided further, That any such*
21 *balances governed by reallocation provisions under the stat-*
22 *ute authorizing the program for which the funds were origi-*
23 *nally appropriated shall be available for the rescission: Pro-*
24 *vided further, That any obligated balances of contract au-*
25 *thorized by the statute shall be available for the rescission: Pro-*
26 *vided further, That any obligated balances of contract au-*

1 *thority from fiscal year 1974 and prior that have been ter-*
 2 *minated shall be cancelled: Provided further, That no*
 3 *amounts recaptured from amounts appropriated in prior*
 4 *years under this heading or the heading “Annual contribu-*
 5 *tions for assisted housing” and no carryover of such appro-*
 6 *priated amounts for project-based assistance shall be avail-*
 7 *able for the calendar year 2006 funding cycle for activities*
 8 *provided for under the heading “Tenant-based rental assist-*
 9 *ance”.*

10 *PROJECT-BASED RENTAL ASSISTANCE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For activities and assistance for the provision of*
 13 *project-based subsidy contracts under the United States*
 14 *Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.)*
 15 *(“the Act” herein), not otherwise provided for,*
 16 *\$5,072,100,000, to remain available until expended: Pro-*
 17 *vided, That the amounts made available under this heading*
 18 *are provided as follows:*

19 *(1) \$4,918,100,000 for expiring or terminating*
 20 *section 8 project-based subsidy contracts (including*
 21 *section 8 moderate rehabilitation contracts), for*
 22 *amendments to section 8 project-based subsidy con-*
 23 *tracts (including section 8 moderate rehabilitation*
 24 *contracts), for contracts entered into pursuant to sec-*
 25 *tion 441 of the McKinney-Vento Homeless Assistance*
 26 *Act, for renewal of section 8 contracts for units in*

1 *projects that are subject to approved plans of action*
2 *under the Emergency Low Income Housing Preserva-*
3 *tion Act of 1987 or the Low-Income Housing Preser-*
4 *vation and Resident Homeownership Act of 1990, and*
5 *for administrative and other expenses associated with*
6 *project-based activities and assistance funded under*
7 *this paragraph.*

8 (2) *up to \$147,200,000 for performance-based*
9 *contract administrators for section 8 project-based as-*
10 *sistance with any unused funds available to preserve*
11 *section 8 housing.*

12 (3) *\$1,800,000 shall be transferred to the Work-*
13 *ing Capital Fund: Provided further, That amounts*
14 *recaptured under this heading, the heading, “Annual*
15 *Contributions for Assisted Housing”, or the heading,*
16 *“Housing Certificate Fund”, for project-based section*
17 *8 activities may be used for renewals of or amend-*
18 *ments to section 8 project-based subsidy contracts or*
19 *for performance-based contract administrators, not-*
20 *withstanding the purposes for which such amounts*
21 *were appropriated.*

22 (4) *amounts recaptured under this heading, the*
23 *heading “Annual Contributions for Assisted Hous-*
24 *ing”, or the heading “Housing Certificate Fund” may*
25 *be used for renewals of or amendments to section 8*

1 *project-based contracts, notwithstanding the purposes*
2 *for which such amounts were appropriated.*

3 (5) *\$5,000,000 shall be transferred to the Afford-*
4 *able Housing and Economic Development Technical*
5 *Assistance Board.*

6 *PUBLIC HOUSING CAPITAL FUND*
7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For the Public Housing Capital Fund Program to*
9 *carry out capital and management activities for public*
10 *housing agencies, as authorized under section 9 of the*
11 *United States Housing Act of 1937, as amended (42 U.S.C.*
12 *1437g) (the “Act”) \$2,327,200,000, to remain available*
13 *until September 30, 2009: Provided, That notwithstanding*
14 *any other provision of law or regulation, during fiscal year*
15 *2006, the Secretary may not delegate to any Department*
16 *official other than the Deputy Secretary and the Assistant*
17 *Secretary for Public and Indian Housing any authority*
18 *under paragraph (2) of section 9(j) regarding the extension*
19 *of the time periods under such section: Provided further,*
20 *That for purposes of such section 9(j), the term “obligate”*
21 *means, with respect to amounts, that the amounts are sub-*
22 *ject to a binding agreement that will result in outlays, im-*
23 *mediately or in the future: Provided further, That of the*
24 *total amount provided under this heading, up to*
25 *\$11,000,000 shall be for carrying out activities under sec-*
26 *tion 9(h) of such Act: Provided further, That \$13,230,000*

1 *shall be transferred to the Working Capital Fund: Provided*
2 *further, That no funds may be used under this heading for*
3 *the purposes specified in section 9(k) of the United States*
4 *Housing Act of 1937, as amended: Provided further, That*
5 *of the total amount provided under this heading, up to*
6 *\$17,000,000 shall be available for the Secretary of Housing*
7 *and Urban Development to make grants, notwithstanding*
8 *section 205 of this Act, to public housing agencies for emer-*
9 *gency capital needs resulting from unforeseen emergencies*
10 *and natural disasters occurring in fiscal year 2006: Pro-*
11 *vided further, That of the total amount provided under this*
12 *heading, \$45,000,000 shall be for supportive services, service*
13 *coordinators and congregate services as authorized by sec-*
14 *tion 34 of the Act and the Native American Housing Assist-*
15 *ance and Self-Determination Act of 1996: Provided further,*
16 *That of the total amount provided under this heading up*
17 *to \$8,820,000 is to support the costs of administrative and*
18 *judicial receiverships: Provided further, That of the total*
19 *amount provided under this heading up to \$20,000,000*
20 *shall be available for the demolition, relocation, and site*
21 *remediation of obsolete and severely distressed public hous-*
22 *ing units: Provided further, That of the total amount pro-*
23 *vided under this heading, \$15,000,000 shall be for Neighbor-*
24 *hood Networks grants for activities authorized in section*
25 *9(d)(1)(E) of the United States Housing Act of 1937, as*

1 amended, of which up to \$1,000,000 may be used for tech-
2 nical assistance in connection with such grants as author-
3 ized in section 9(h)(8) of such Act: Provided further, That
4 notwithstanding any other provision of law, amounts made
5 available in the previous proviso shall be awarded to public
6 housing agencies on a competitive basis: Provided further,
7 That notwithstanding section 9(d)(1)(E) of the United
8 States Housing Act of 1937, any Neighborhood Networks
9 computer center established with funding made available
10 under this heading in this or any other Act, shall be avail-
11 able for use by residents of public housing and residents
12 of other housing assisted with funding made available under
13 this title in this Act or any other Act.

14 PUBLIC HOUSING OPERATING FUND

15 (INCLUDES TRANSFER OF FUNDS)

16 For 2006 payments to public housing agencies for the
17 operation and management of public housing, as authorized
18 by section 9(e) of the United States Housing Act of 1937,
19 as amended (42 U.S.C. 1437g(e)), \$3,557,300,000: Pro-
20 vided, That for fiscal year 2006 and all fiscal years there-
21 after, the Secretary shall provide assistance under this
22 heading to public housing agencies on a calendar year
23 basis: Provided further, That, in fiscal year 2006 and all
24 fiscal years hereafter, no amounts under this heading in
25 any appropriations Act may be used for payments to public
26 housing agencies for the costs of operation and management

1 *of public housing for any year prior to the current year*
2 *of such Act: Provided further, That no funds may be used*
3 *under this heading for the purposes specified in section 9(k)*
4 *of the United States Housing Act of 1937, as amended: Pro-*
5 *vided further, That of the total amount provided under this*
6 *heading \$5,000,000 shall be transferred to the Affordable*
7 *Housing and Economic Development Technical Assistance*
8 *Board.*

9 *REVITALIZATION OF SEVERELY DISTRESSED PUBLIC*

10 *HOUSING (HOPE VI)*

11 *For grants to public housing agencies for demolition,*
12 *site revitalization, replacement housing, and tenant-based*
13 *assistance grants to projects as authorized by section 24 of*
14 *the United States Housing Act of 1937, as amended,*
15 *\$150,000,000, to remain available until September 30,*
16 *2007, of which the Secretary may use up to \$4,000,000 for*
17 *technical assistance and contract expertise, to be provided*
18 *directly or indirectly by grants, contracts or cooperative*
19 *agreements, including training and cost of necessary travel*
20 *for participants in such training, by or to officials and em-*
21 *ployees of the department and of public housing agencies*
22 *and to residents: Provided, That none of such funds shall*
23 *be used directly or indirectly by granting competitive ad-*
24 *vantage in awards to settle litigation or pay judgments, un-*
25 *less expressly permitted herein.*

1 *NATIVE AMERICAN HOUSING BLOCK GRANTS*
2 *(INCLUDING TRANSFERS OF FUNDS)*

3 *For the Native American Housing Block Grants pro-*
4 *gram, as authorized under title I of the Native American*
5 *Housing Assistance and Self-Determination Act of 1996*
6 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$622,000,000, to re-*
7 *main available until expended, of which \$2,200,000 shall*
8 *be contracted through the Secretary as technical assistance*
9 *and capacity building to be used by the National American*
10 *Indian Housing Council in support of the implementation*
11 *of NAHASDA; of which \$4,500,000 shall be to support the*
12 *inspection of Indian housing units, contract expertise,*
13 *training, and technical assistance in the training, over-*
14 *sight, and management of Indian housing and tenant-based*
15 *assistance, including up to \$300,000 for related travel; and*
16 *of which \$2,600,000 shall be transferred to the Working*
17 *Capital Fund: Provided, That of the amount provided*
18 *under this heading, \$2,000,000 shall be made available for*
19 *the cost of guaranteed notes and other obligations, as au-*
20 *thorized by title VI of NAHASDA: Provided further, That*
21 *such costs, including the costs of modifying such notes and*
22 *other obligations, shall be as defined in section 502 of the*
23 *Congressional Budget Act of 1974, as amended: Provided*
24 *further, That these funds are available to subsidize the total*
25 *principal amount of any notes and other obligations, any*
26 *part of which is to be guaranteed, not to exceed \$17,926,000:*

1 *Provided further, That for administrative expenses to carry*
 2 *out the guaranteed loan program, up to \$150,000 from*
 3 *amounts in the first proviso, which shall be transferred to*
 4 *and merged with the appropriation for “Salaries and Ex-*
 5 *penses”, to be used only for the administrative costs of these*
 6 *guarantees: Provided further, That of the total amount pro-*
 7 *vided under this heading \$5,000,000 shall be transferred to*
 8 *the Affordable Housing and Economic Development Tech-*
 9 *nical Assistance Board.*

10 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

11 *ACCOUNT*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the cost of guaranteed loans, as authorized by sec-*
 14 *tion 184 of the Housing and Community Development Act*
 15 *of 1992 (12 U.S.C. 1715z–13a), \$5,000,000, to remain*
 16 *available until expended: Provided, That such costs, includ-*
 17 *ing the costs of modifying such loans, shall be as defined*
 18 *in section 502 of the Congressional Budget Act of 1974, as*
 19 *amended: Provided further, That these funds are available*
 20 *to subsidize total loan principal, any part of which is to*
 21 *be guaranteed, not to exceed \$145,345,000.*

22 *In addition, for administrative expenses to carry out*
 23 *the guaranteed loan program, up to \$250,000 from amounts*
 24 *in the first paragraph shall be transferred to and merged*
 25 *with the appropriation for “Salaries and Expenses”, to be*
 26 *used only for the administrative costs of these guarantees.*

1 *all expiring contracts for permanent supportive housing*
2 *that were funded under section 854(c)(3) of such Act that*
3 *meet all program requirements before awarding funds for*
4 *new contracts and activities authorized under this section:*
5 *Provided further, That the Secretary may use up to*
6 *\$2,200,000 of the funds under this heading for training,*
7 *oversight, and technical assistance activities.*

8 *RURAL HOUSING AND ECONOMIC DEVELOPMENT*
9 *For the Office of Rural Housing and Economic Devel-*
10 *opment in the Department of Housing and Urban Develop-*
11 *ment, \$24,000,000 to remain available until expended,*
12 *which amount shall be competitively awarded by September*
13 *1, 2006, to Indian tribes, State housing finance agencies,*
14 *State community and/or economic development agencies,*
15 *local rural nonprofits and community development cor-*
16 *porations to support innovative housing and economic de-*
17 *velopment activities in rural areas.*

18 *COMMUNITY DEVELOPMENT FUND*
19 *(INCLUDING TRANSFERS OF FUNDS)*
20 *For assistance to units of State and local government,*
21 *and to other entities, for economic and community develop-*
22 *ment activities, and for other purposes, \$4,323,610,000, to*
23 *remain available until September 30, 2008, unless otherwise*
24 *specified: Provided, That of the amount provided,*
25 *\$3,767,410,000 is for carrying out the community develop-*
26 *ment block grant program under title I of the Housing and*

1 *Community Development Act of 1974, as amended (the*
2 *“Act” herein) (42 U.S.C. 5301 et seq.): Provided further,*
3 *That unless explicitly provided for under this heading (ex-*
4 *cept for planning grants provided in the third paragraph*
5 *and amounts made available in the second paragraph), not*
6 *to exceed 20 percent of any grant made with funds appro-*
7 *priated under this heading (other than a grant made avail-*
8 *able in this paragraph to the Housing Assistance Council*
9 *or the National American Indian Housing Council, or a*
10 *grant using funds under section 107(b)(3) of the Act) shall*
11 *be expended for planning and management development*
12 *and administration: Provided further, That \$69,000,000*
13 *shall be for grants to Indian tribes notwithstanding section*
14 *106(a)(1) of such Act, of which, notwithstanding any other*
15 *provision of law (including section 205 of this Act), up to*
16 *\$4,000,000 may be used for emergencies that constitute im-*
17 *minent threats to health and safety; \$4,200,000 shall be for*
18 *a grant to the National Council of La Raza; \$3,000,000*
19 *shall be for a grant to the Housing Assistance Council;*
20 *\$2,000,000 shall be for a grant to the National American*
21 *Indian Housing Council; \$32,400,000 shall be for grants*
22 *pursuant to section 107 of the Act, of which \$8,800,000 shall*
23 *be for the Native Hawaiian block grant authorized under*
24 *title VIII of the Native American Housing Assistance and*
25 *Self-Determination Act of 1996, to remain available until*

1 expended, of which \$500,000 shall be for training and tech-
2 nical assistance; \$3,000,000 shall be transferred to the
3 Working Capital Fund; \$15,000,000 shall be for grants pur-
4 suant to the Self Help Homeownership Opportunity Pro-
5 gram; \$30,000,000 shall be for Capacity Building for Com-
6 munity Development and Affordable Housing for LISC and
7 the Enterprise Foundation for activities as authorized by
8 section 4 of the HUD Demonstration Act of 1993 (42 U.S.C.
9 9816 note), as in effect immediately before June 12, 1997,
10 with not less than \$5,000,000 of the funding to be used in
11 rural areas, including tribal areas, and of which \$5,000,000
12 shall be for capacity building activities administered by
13 Habitat for Humanity International; \$55,000,000 shall be
14 available for YouthBuild program activities authorized by
15 subtitle D of title IV of the Cranston-Gonzalez National Af-
16 fordable Housing Act, as amended, and such activities shall
17 be an eligible activity with respect to any funds made avail-
18 able under this heading: Provided, That local YouthBuild
19 programs that demonstrate an ability to leverage private
20 and nonprofit funding shall be given a priority for
21 YouthBuild funding: Provided further, That no more than
22 8 percent of any grant award under the YouthBuild pro-
23 gram may be used for administrative costs: Provided fur-
24 ther, That of the amount made available for YouthBuild
25 not less than \$4,000,000 is for grants to establish

1 *YouthBuild programs in underserved and rural areas and*
2 *\$1,000,000 is to be made available for a grant to*
3 *YouthBuild USA for capacity building for community de-*
4 *velopment and affordable housing activities as specified in*
5 *section 4 of the HUD Demonstration Act of 1993, as*
6 *amended: Provided further, That \$10,000,000 shall be*
7 *transferred to the Affordable Housing and Economic Devel-*
8 *opment Technical Assistance Board.*

9 *Of the amount made available under this heading,*
10 *\$290,000,000 shall be available for grants for the Economic*
11 *Development Initiative (EDI) to finance a variety of tar-*
12 *geted economic investments in accordance with the terms*
13 *and conditions specified in the statement of managers ac-*
14 *companying this Act: Provided, That none of the funds pro-*
15 *vided under this paragraph may be used for program oper-*
16 *ations.*

17 *Of the amount made available under this heading,*
18 *\$40,000,000 shall be available for neighborhood initiatives*
19 *that are utilized to improve the conditions of distressed and*
20 *blighted areas and neighborhoods, to stimulate investment,*
21 *economic diversification, and community revitalization in*
22 *areas with population outmigration or a stagnating or de-*
23 *clining economic base, or to determine whether housing ben-*
24 *efits can be integrated more effectively with welfare reform*
25 *initiatives: Provided, That amounts made available under*

1 *this paragraph shall be provided in accordance with the*
 2 *terms and conditions specified in the statement of managers*
 3 *accompanying this Act.*

4 *The referenced statement of the managers under the*
 5 *heading “Community Development Fund” in title II of di-*
 6 *vision G of Public Law 108–199 is deemed to be amended*
 7 *with respect to item #181 striking “Volusia County” and*
 8 *inserting “Lively Arts Center in Volusia County”.*

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

15 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*

16 *ACCOUNT*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For the cost of guaranteed loans, \$6,000,000, to remain*
 19 *available until September 30, 2007, as authorized by section*
 20 *108 of the Housing and Community Development Act of*
 21 *1974, as amended: Provided, That such costs, including the*
 22 *cost of modifying such loans, shall be as defined in section*
 23 *502 of the Congressional Budget Act of 1974, as amended:*
 24 *Provided further, That these funds are available to subsidize*
 25 *total loan principal, any part of which is to be guaranteed,*
 26 *not to exceed \$275,000,000, notwithstanding any aggregate*

1 *limitation on outstanding obligations guaranteed in section*
2 *108(k) of the Housing and Community Development Act*
3 *of 1974, as amended.*

4 *In addition, for administrative expenses to carry out*
5 *the guaranteed loan program, \$1,000,000 shall be trans-*
6 *ferred to and merged with the appropriation for “Salaries*
7 *and expenses”.*

8 *BROWNFIELDS REDEVELOPMENT*

9 *For competitive economic development grants, as au-*
10 *thorized by section 108(q) of the Housing and Community*
11 *Development Act of 1974, as amended, for Brownfields rede-*
12 *velopment projects, \$15,000,000, to remain available until*
13 *September 30, 2007.*

14 *HOME INVESTMENT PARTNERSHIPS PROGRAM*
15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For the HOME investment partnerships program, as*
17 *authorized under title II of the Cranston-Gonzalez National*
18 *Affordable Housing Act, as amended, \$1,850,000,000, to re-*
19 *main available until September 30, 2008: Provided, That*
20 *of the total amount provided in this paragraph, up to*
21 *\$42,000,000 shall be available for housing counseling under*
22 *section 106 of the Housing and Urban Development Act of*
23 *1968, and \$2,000,000 shall be transferred to the Working*
24 *Capital Fund: Provided further, That \$5,000,000 shall be*
25 *transferred to the Affordable Housing and Economic Devel-*
26 *opment Technical Assistance Board.*

1 *In addition to amounts otherwise made available*
2 *under this heading, \$50,000,000, to remain available until*
3 *September 30, 2008, for assistance to homebuyers as author-*
4 *ized under title I of the American Dream Downpayment*
5 *Act.*

6 *HOMELESS ASSISTANCE GRANTS*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For the emergency shelter grants program as author-*
9 *ized under subtitle B of title IV of the McKinney-Vento*
10 *Homeless Assistance Act, as amended; the supportive hous-*
11 *ing program as authorized under subtitle C of title IV of*
12 *such Act; the section 8 moderate rehabilitation single room*
13 *occupancy program as authorized under the United States*
14 *Housing Act of 1937, as amended, to assist homeless indi-*
15 *viduals pursuant to section 441 of the McKinney-Vento*
16 *Homeless Assistance Act; and the shelter plus care program*
17 *as authorized under subtitle F of title IV of such Act,*
18 *\$1,415,000,000, of which \$1,395,000,000 shall remain*
19 *available until September 30, 2008, and of which*
20 *\$20,000,000 shall remain available until expended: Pro-*
21 *vided, That not less than 30 percent of funds made avail-*
22 *able, excluding amounts provided for renewals under the*
23 *shelter plus care program, shall be used for permanent hous-*
24 *ing: Provided further, That all funds awarded for services*
25 *shall be matched by 25 percent in funding by each grantee:*
26 *Provided further, That the Secretary shall renew on an an-*

1 *nual basis expiring contracts or amendments to contracts*
2 *funded under the shelter plus care program if the program*
3 *is determined to be needed under the applicable continuum*
4 *of care and meets appropriate program requirements and*
5 *financial standards, as determined by the Secretary: Pro-*
6 *vided further, That all awards of assistance under this*
7 *heading shall be required to coordinate and integrate home-*
8 *less programs with other mainstream health, social services,*
9 *and employment programs for which homeless populations*
10 *may be eligible, including Medicaid, State Children’s*
11 *Health Insurance Program, Temporary Assistance for*
12 *Needy Families, Food Stamps, and services funding*
13 *through the Mental Health and Substance Abuse Block*
14 *Grant, Workforce Investment Act, and the Welfare-to-Work*
15 *grant program: Provided further, That up to \$11,674,000*
16 *of the total amount provided under this heading shall be*
17 *available for the national homeless data analysis project*
18 *and technical assistance: Provided further, That \$1,000,000*
19 *of the total amount provided under this heading shall be*
20 *transferred to the Working Capital Fund: Provided further,*
21 *That \$5,000,000 of the total amount provided under this*
22 *heading shall be transferred to the Affordable Housing and*
23 *Economic Development Technical Assistance Board: Pro-*
24 *vided further, That all balances for Shelter Plus Care re-*
25 *newals previously funded from the Shelter Plus Care Re-*

1 *newal account and transferred to this account shall be*
2 *available, if recaptured, for Shelter Plus Care renewals in*
3 *fiscal year 2006.*

4 *HOUSING PROGRAMS*

5 *HOUSING FOR THE ELDERLY*

6 *(INCLUDING TRANSFERS OF FUNDS)*

7 *For capital advances, including amendments to cap-*
8 *ital advance contracts, for housing for the elderly, as au-*
9 *thorized by section 202 of the Housing Act of 1959, as*
10 *amended, and for project rental assistance for the elderly*
11 *under section 202(c)(2) of such Act, including amendments*
12 *to contracts for such assistance and renewal of expiring con-*
13 *tracts for such assistance for up to a 1-year term, and for*
14 *supportive services associated with the housing,*
15 *\$742,000,000, to remain available until September 30,*
16 *2009, of which amount \$53,000,000 shall be for service coor-*
17 *dinator and the continuation of existing congregate service*
18 *grants for residents of assisted housing projects, and of*
19 *which amount up to \$30,000,000 shall be for grants under*
20 *section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-*
21 *2) for conversion of eligible projects under such section to*
22 *assisted living or related use and for emergency capital re-*
23 *pairs as determined by the Secretary: Provided, That of the*
24 *amount made available under this heading, \$10,000,000*
25 *shall be made available to carry out section 203 of Public*
26 *Law 108–186: Provided further, That of the amount made*

1 *available under this heading, \$20,000,000 shall be available*
2 *to the Secretary of Housing and Urban Development only*
3 *for making competitive grants to private nonprofit organi-*
4 *zations and consumer cooperatives for covering costs of ar-*
5 *chitectural and engineering work, site control, and other*
6 *planning relating to the development of supportive housing*
7 *for the elderly that is eligible for assistance under section*
8 *202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided*
9 *further, That amounts under this heading shall be available*
10 *for Real Estate Assessment Center inspections and inspec-*
11 *tion-related activities associated with section 202 capital*
12 *advance projects: Provided further, That \$450,000 of the*
13 *total amount made available under this heading shall be*
14 *transferred to the Working Capital Fund: Provided further,*
15 *That the Secretary may waive the provisions of section 202*
16 *governing the terms and conditions of project rental assist-*
17 *ance, except that the initial contract term for such assist-*
18 *ance shall not exceed 5 years in duration: Provided further,*
19 *That \$2,500,000 of the total amount made available under*
20 *this heading shall be transferred to the Affordable Housing*
21 *and Economic Development Technical Assistance Board.*

22 *HOUSING FOR PERSONS WITH DISABILITIES*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For capital advance contracts, including amendments*
25 *to capital advance contracts, for supportive housing for per-*
26 *sons with disabilities, as authorized by section 811 of the*

1 *Cranston-Gonzalez National Affordable Housing Act, for*
2 *project rental assistance for supportive housing for persons*
3 *with disabilities under section 811(d)(2) of such Act, in-*
4 *cluding amendments to contracts for such assistance and*
5 *renewal of expiring contracts for such assistance for up to*
6 *a 1-year term, and for supportive services associated with*
7 *the housing for persons with disabilities as authorized by*
8 *section 811(b)(1) of such Act, \$240,000,000: Provided, That*
9 *\$450,000 shall be transferred to the Working Capital Fund:*
10 *Provided further, That renewal of tenant-based assistance*
11 *contracts shall be renewed from funding made available*
12 *under the heading Tenant-Based Rental Assistance: Pro-*
13 *vided further, That of the amount provided under this head-*
14 *ing, the Secretary may make available up to \$5,000,000*
15 *for incremental tenant-based rental assistance, as author-*
16 *ized by section 811 of such Act (which assistance is 5 years*
17 *in duration): Provided further, That all tenant-based assist-*
18 *ance made available under this heading shall continue to*
19 *remain available only to persons with disabilities: Provided*
20 *further, That the Secretary may waive the provisions of sec-*
21 *tion 811 governing the terms and conditions of project rent-*
22 *al assistance and tenant-based assistance, except that the*
23 *initial contract term for such assistance shall not exceed*
24 *5 years in duration: Provided further, That amounts made*
25 *available under this heading shall be available for Real Es-*

1 *tate Assessment Center Inspections and inspection-related*
 2 *activities associated with Section 811 Capital Advance*
 3 *Projects: Provided further, That \$2,500,000 of the total*
 4 *amount provided under this heading shall be transferred*
 5 *to the Affordable Housing and Economic Development*
 6 *Technical Assistance Board.*

7 *AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT*

8 *TECHNICAL ASSISTANCE BOARD*

9 *(TRANSFER OF FUNDS)*

10 *To carry out a technical assistance program to assist*
 11 *local nonprofits that participate in programs administered*
 12 *by the Department of Housing and Urban Development,*
 13 *\$45,000,000 of funds transferred from within this title: Pro-*
 14 *vided, That these funds shall be made available to a board*
 15 *made up of national nonprofits consisting of LISCS, the En-*
 16 *terprise Foundation, and the Centre for Management and*
 17 *Technology: Provided further, That the board shall be as-*
 18 *sisted by an advisory board consisting of nonprofits with*
 19 *diverse knowledge and expertise with regard to affordable*
 20 *housing and economic development: Provided further, That*
 21 *these funds shall be used by this board to assist local non-*
 22 *profits in preserving and expanding the stock of low-income*
 23 *housing and in developing economic development activities*
 24 *in accordance with the requirements of programs adminis-*
 25 *tered by the Department of Housing and Urban Develop-*

1 *ment: Provided further, That direct administrative costs*
2 *shall not exceed 10 percent of the total appropriation.*

3 *OTHER ASSISTED HOUSING PROGRAMS*

4 *RENTAL HOUSING ASSISTANCE*

5 *For amendments to contracts under section 101 of the*
6 *Housing and Urban Development Act of 1965 (12 U.S.C.*
7 *1701s) and section 236(f)(2) of the National Housing Act*
8 *(12 U.S.C. 1715z-1) in State-aided, non-insured rental*
9 *housing projects, \$26,400,000, to remain available until ex-*
10 *pended.*

11 *FLEXIBLE SUBSIDY FUND*

12 *(TRANSFER OF FUNDS)*

13 *From the Rental Housing Assistance Fund, all uncom-*
14 *mited balances of excess rental charges as of September 30,*
15 *2005, and any collections made during fiscal year 2006 and*
16 *all subsequent fiscal years, shall be transferred to the Flexi-*
17 *ble Subsidy Fund, as authorized by section 236(g) of the*
18 *National Housing Act, as amended.*

19 *PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND*

20 *For necessary expenses as authorized by the National*
21 *Manufactured Housing Construction and Safety Standards*
22 *Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to*
23 *\$13,000,000 to remain available until expended, to be de-*
24 *rived from the Manufactured Housing Fees Trust Fund:*
25 *Provided, That not to exceed the total amount appropriated*
26 *under this heading shall be available from the general fund*

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

11 *FEDERAL HOUSING ADMINISTRATION*

12 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

13 *(INCLUDING TRANSFERS OF FUNDS)*

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

18 *During fiscal year 2006, obligations to make direct*
19 *loans to carry out the purposes of section 204(g) of the Na-*
20 *tional Housing Act, as amended, shall not exceed*
21 *\$50,000,000: Provided, That the foregoing amount shall be*
22 *for loans to nonprofit and governmental entities in connec-*
23 *tion with sales of single family real properties owned by*
24 *the Secretary and formerly insured under the Mutual Mort-*
25 *gage Insurance Fund.*

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

16 *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*
17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For the cost of guaranteed loans, as authorized by sec-*
19 *tions 238 and 519 of the National Housing Act (12 U.S.C.*
20 *1715z-3 and 1735c), including the cost of loan guarantee*
21 *modifications, as that term is defined in section 502 of the*
22 *Congressional Budget Act of 1974, as amended, \$8,800,000,*
23 *to remain available until expended: Provided, That com-*
24 *mitments to guarantee loans shall not exceed*
25 *\$35,000,000,000 in total loan principal, any part of which*
26 *is to be guaranteed.*

1 *Gross obligations for the principal amount of direct*
2 *loans, as authorized by sections 204(g), 207(l), 238, and*
3 *519(a) of the National Housing Act, shall not exceed*
4 *\$50,000,000, of which not to exceed \$30,000,000 shall be for*
5 *bridge financing in connection with the sale of multifamily*
6 *real properties owned by the Secretary and formerly in-*
7 *sured under such Act; and of which not to exceed*
8 *\$20,000,000 shall be for loans to nonprofit and govern-*
9 *mental entities in connection with the sale of single-family*
10 *real properties owned by the Secretary and formerly in-*
11 *sured under such Act.*

12 *In addition, for administrative expenses necessary to*
13 *carry out the guaranteed and direct loan programs,*
14 *\$231,400,000, of which \$211,400,000 shall be transferred to*
15 *the appropriation for “Salaries and Expenses”; and of*
16 *which \$20,000,000 shall be transferred to the appropriation*
17 *for “Office of Inspector General”.*

18 *In addition, for administrative contract expenses nec-*
19 *essary to carry out the guaranteed and direct loan pro-*
20 *grams, \$71,900,000, of which \$10,800,000 shall be trans-*
21 *ferred to the Working Capital Fund: Provided, That to the*
22 *extent guaranteed loan commitments exceed \$8,426,000,000*
23 *on or before April 1, 2006, an additional \$1,980 for admin-*
24 *istrative contract expenses shall be available for each*
25 *\$1,000,000 in additional guaranteed loan commitments*

1 *over \$8,426,000,000 (including a pro rata amount for any*
 2 *increment below \$1,000,000), but in no case shall funds*
 3 *made available by this proviso exceed \$14,400,000.*

4 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*
 5 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*
 6 *GUARANTEE PROGRAM ACCOUNT*
 7 *(INCLUDING TRANSFER OF FUNDS)*

8 *New commitments to issue guarantees to carry out the*
 9 *purposes of section 306 of the National Housing Act, as*
 10 *amended (12 U.S.C. 1721(g)), shall not exceed*
 11 *\$200,000,000,000, to remain available until September 30,*
 12 *2007.*

13 *For administrative expenses necessary to carry out the*
 14 *guaranteed mortgage-backed securities program,*
 15 *\$11,360,000, to be derived from the GNMA guarantees of*
 16 *mortgage-backed securities guaranteed loan receipt account,*
 17 *of which not to exceed \$11,360,000, shall be transferred to*
 18 *the appropriation for “Salaries and expenses”.*

19 *POLICY DEVELOPMENT AND RESEARCH*
 20 *RESEARCH AND TECHNOLOGY*

21 *For contracts, grants, and necessary expenses of pro-*
 22 *grams of research and studies relating to housing and*
 23 *urban problems, not otherwise provided for, as authorized*
 24 *by title V of the Housing and Urban Development Act of*
 25 *1970, as amended (12 U.S.C. 1701z-1 et seq.), including*
 26 *carrying out the functions of the Secretary under section*

1 *1(a)(1)(i) of Reorganization Plan No. 2 of 1968,*
2 *\$48,000,000, to remain available until September 30, 2007:*
3 *Provided, That of the total amount provided under this*
4 *heading, \$5,000,000 shall be for the Partnership for Ad-*
5 *vancing Technology in Housing (PATH) Initiative: Pro-*
6 *vided further, That of the amounts made available for*
7 *PATH under this heading, \$2,500,000 shall not be subject*
8 *to the requirements of section 305 of this title.*

9 *FAIR HOUSING AND EQUAL OPPORTUNITY*

10 *FAIR HOUSING ACTIVITIES*

11 *For contracts, grants, and other assistance, not other-*
12 *wise provided for, as authorized by title VIII of the Civil*
13 *Rights Act of 1968, as amended by the Fair Housing*
14 *Amendments Act of 1988, and section 561 of the Housing*
15 *and Community Development Act of 1987, as amended,*
16 *\$46,000,000, to remain available until September 30, 2007,*
17 *of which \$20,000,000 shall be to carry out activities pursu-*
18 *ant to such section 561: Provided, That no funds made*
19 *available under this heading shall be used to lobby the exec-*
20 *utive or legislative branches of the Federal Government in*
21 *connection with a specific contract, grant or 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, \$167,000,000, to remain*
2 *available until September 30, 2007, of which \$9,900,000*
3 *shall be for the Healthy Homes Initiative, pursuant to sec-*
4 *tions 501 and 502 of the Housing and Urban Development*
5 *Act of 1970 that shall include research, studies, testing, and*
6 *demonstration efforts, including education and outreach*
7 *concerning lead-based paint poisoning and other housing-*
8 *related diseases and hazards: Provided, That for purposes*
9 *of environmental review, pursuant to the National Environ-*
10 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*
11 *other provisions of law that further the purposes of such*
12 *Act, a grant under the Healthy Homes Initiative, Oper-*
13 *ation Lead Elimination Action Plan (LEAP), or the Lead*
14 *Technical Studies program under this heading or under*
15 *prior appropriations Acts for such purposes under this*
16 *heading, shall be considered to be funds for a special project*
17 *for purposes of section 305(c) of the Multifamily Housing*
18 *Property Disposition Reform Act of 1994: Provided further,*
19 *That of the total amount made available under this head-*
20 *ing, \$48,000,000 shall be made available on a competitive*
21 *basis for areas with the highest lead paint abatement needs,*
22 *as identified by the Secretary as having: (1) the highest*
23 *number of occupied pre-1940 units of rental housing; and*
24 *(2) a disproportionately high number of documented cases*
25 *of lead-poisoned children: Provided further, That each*

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

17 *MANAGEMENT AND ADMINISTRATION*

18 *SALARIES AND EXPENSES*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary administrative and non-administrative*
21 *expenses of the Department of Housing and Urban Develop-*
22 *ment, not otherwise provided for, including purchase of uni-*
23 *forms, or allowances therefor, as authorized by 5 U.S.C.*
24 *5901–5902; hire of passenger motor vehicles; services as au-*
25 *thorized by 5 U.S.C. 3109; and not to exceed \$25,000 for*
26 *official reception and representation expenses,*

1 \$1,145,195,000, of which \$562,400,000 shall be provided
2 from the various funds of the Federal Housing Administra-
3 tion, \$11,360,000 shall be provided from funds of the Gov-
4 ernment National Mortgage Association, \$1,000,000 shall be
5 from the Community Development Loan Guarantee pro-
6 gram, \$150,000 shall be provided by transfer from the “Na-
7 tive American housing block grants” account, \$250,000
8 shall be provided by transfer from the “Indian housing loan
9 guarantee fund program” account and \$35,000 shall be
10 transferred from the “Native Hawaiian housing loan guar-
11 antee fund” account: Provided, That funds made available
12 under this heading shall only be allocated in the manner
13 specified in the report accompanying this Act unless the
14 Committees on Appropriations of both the House of Rep-
15 resentatives and the Senate are notified of any changes in
16 an operating plan or reprogramming: Provided further,
17 That no official or employee of the Department shall be des-
18 ignated as an allotment holder unless the Office of the Chief
19 Financial Officer (OCFO) has determined that such allot-
20 ment holder has implemented an adequate system of funds
21 control and has received training in funds control proce-
22 dures and directives: Provided further, That the Chief Fi-
23 nancial Officer shall establish positive control of and main-
24 tain adequate systems of accounting for appropriations and
25 other available funds as required by 31 U.S.C. 1514: Pro-

1 *vided further, That for purposes of funds control and deter-*
2 *mining whether a violation exists under the Anti-Deficiency*
3 *Act (31 U.S.C. 1341 et seq.), the point of obligation shall*
4 *be the executed agreement or contract, except with respect*
5 *to insurance and guarantee programs, certain types of sala-*
6 *ries and expenses funding, and incremental funding that*
7 *is authorized under an executed agreement or contract, and*
8 *shall be designated in the approved funds control plan: Pro-*
9 *vided further, That the Chief Financial Officer shall: (1)*
10 *appoint qualified personnel to conduct investigations of po-*
11 *tential or actual violations; (2) establish minimum training*
12 *requirements and other qualifications for personnel that*
13 *may be appointed to conduct investigations; (3) establish*
14 *guidelines and timeframes for the conduct and completion*
15 *of investigations; (4) prescribe the content, format and other*
16 *requirements for the submission of final reports on viola-*
17 *tions; and (5) prescribe such additional policies and proce-*
18 *dures as may be required for conducting investigations of,*
19 *and administering, processing, and reporting on, potential*
20 *and actual violations of the Anti-Deficiency Act and all*
21 *other statutes and regulations governing the obligation and*
22 *expenditure of funds made available in this or any other*
23 *Act: Provided further, That \$20,000,000 may be transferred*
24 *to the Working Capital Fund: Provided further, That the*
25 *Secretary shall fill 7 out of 10 vacancies at the GS-14 and*

1 *GS-15 levels until the total number of GS-14 and GS-15*
2 *positions in the Department has been reduced from the*
3 *number of GS-14 and GS-15 positions on the date of enact-*
4 *ment of Public Law 106-377 by 2½ percent.*

5 *WORKING CAPITAL FUND*

6 *For additional capital for the Working Capital Fund*
7 *(42 U.S.C. 3535) for the development of, modifications to,*
8 *and infrastructure for Department-wide information tech-*
9 *nology systems, for the continuing operation of both Depart-*
10 *ment-wide and program-specific information systems, and*
11 *for program-related development activities, \$265,000,000, to*
12 *remain available until September 30, 2007: Provided, That*
13 *any amounts transferred to this Fund under this Act shall*
14 *remain available until expended: Provided further, That*
15 *any amounts transferred to this Fund from amounts appro-*
16 *priated by previously enacted appropriations Acts or from*
17 *within this Act may be used only for the purposes specified*
18 *under this Fund, in addition to the purposes for which such*
19 *amounts were appropriated.*

20 *OFFICE OF INSPECTOR GENERAL*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses of the Office of Inspector Gen-*
23 *eral in carrying out the Inspector General Act of 1978, as*
24 *amended, \$106,000,000, of which \$24,000,000 shall be pro-*
25 *vided from the various funds of the Federal Housing Ad-*
26 *ministration: Provided, That the Inspector General shall*

1 *have independent authority over all personnel issues within*
2 *this office.*

3 *OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT*

4 *SALARIES AND EXPENSES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For carrying out the Federal Housing Enterprises Fi-*
7 *nancial Safety and Soundness Act of 1992, including not*
8 *to exceed \$500 for official reception and representation ex-*
9 *penses, \$60,000,000, to remain available until expended, to*
10 *be derived from the Federal Housing Enterprises Oversight*
11 *Fund: Provided, That not to exceed the amount provided*
12 *herein shall be available from the general fund of the Treas-*
13 *ury to the extent necessary to incur obligations and make*
14 *expenditures pending the receipt of collections to the Fund:*
15 *Provided further, That the general fund amount shall be*
16 *reduced as collections are received during the fiscal year*
17 *so as to result in a final appropriation from the general*
18 *fund estimated at not more than \$0.*

19 *ADMINISTRATIVE PROVISIONS*

20 *SEC. 300. Fifty percent of the amounts of budget au-*
21 *thority, or in lieu thereof 50 percent of the cash amounts*
22 *associated with such budget authority, that are recaptured*
23 *from projects described in section 1012(a) of the Stewart*
24 *B. McKinney Homeless Assistance Amendments Act of 1988*
25 *(42 U.S.C. 1437 note) shall be rescinded, or in the case of*
26 *cash, shall be remitted to the Treasury, and such amounts*

1 of budget authority or cash recaptured and not rescinded
2 or remitted to the Treasury shall be used by State housing
3 finance agencies or local governments or local housing agen-
4 cies with projects approved by the Secretary of Housing and
5 Urban Development for which settlement occurred after
6 January 1, 1992, in accordance with such section. Notwith-
7 standing the previous sentence, the Secretary may award
8 up to 15 percent of the budget authority or cash recaptured
9 and not rescinded or remitted to the Treasury to provide
10 project owners with incentives to refinance their project at
11 a lower interest rate.

12 *SEC. 301. None of the amounts made available under*
13 *this Act may be used during fiscal year 2006 to investigate*
14 *or prosecute under the Fair Housing Act any otherwise law-*
15 *ful activity engaged in by one or more persons, including*
16 *the filing or maintaining of a non-frivolous legal action,*
17 *that is engaged in solely for the purpose of achieving or*
18 *preventing action by a Government official or entity, or a*
19 *court of competent jurisdiction.*

20 *SEC. 302. (a) Notwithstanding section 854(c)(1)(A) of*
21 *the AIDS Housing Opportunity Act (42 U.S.C.*
22 *12903(c)(1)(A)), from any amounts made available under*
23 *this title for fiscal year 2006 that are allocated under such*
24 *section, the Secretary of Housing and Urban Development*

1 *shall allocate and make a grant, in the amount determined*
2 *under subsection (b), for any State that—*

3 *(1) received an allocation in a prior fiscal year*
4 *under clause (ii) of such section; and*

5 *(2) is not otherwise eligible for an allocation for*
6 *fiscal year 2006 under such clause (ii) because the*
7 *areas in the State outside of the metropolitan statis-*
8 *tical areas that qualify under clause (i) in fiscal year*
9 *2006 do not have the number of cases of acquired im-*
10 *munodeficiency syndrome (AIDS) required under*
11 *such clause.*

12 *(b) The amount of the allocation and grant for any*
13 *State described in subsection (a) shall be an amount based*
14 *on the cumulative number of AIDS cases in the areas of*
15 *that State that are outside of metropolitan statistical areas*
16 *that qualify under clause (i) of such section 854(c)(1)(A)*
17 *in fiscal year 2006, in proportion to AIDS cases among*
18 *cities and States that qualify under clauses (i) and (ii) of*
19 *such section and States deemed eligible under subsection*
20 *(a).*

21 *(c) Notwithstanding any other provision of law, the*
22 *amount allocated for fiscal year 2006 under section 854(c)*
23 *of the AIDS Housing Opportunity Act (42 U.S.C.*
24 *12903(c)), to the City of New York, New York, on behalf*
25 *of the New York-Wayne-White Plains, New York-New Jersey*

1 *Metropolitan Division (hereafter “metropolitan division”)*
2 *of the New York-Newark-Edison, NY-NJ-PA Metropolitan*
3 *Statistical Area, shall be adjusted by the Secretary of Hous-*
4 *ing and Urban Development by: (1) allocating to the City*
5 *of Jersey City, New Jersey, the proportion of the metropoli-*
6 *tan area’s or division’s amount that is based on the number*
7 *of cases of AIDS reported in the portion of the metropolitan*
8 *area or division that is located in Hudson County, New*
9 *Jersey, and adjusting for the proportion of the metropolitan*
10 *division’s high incidence bonus if this area in New Jersey*
11 *also has a higher than average per capita incidence of*
12 *AIDS; and (2) allocating to the City of Paterson, New Jer-*
13 *sey, the proportion of the metropolitan area’s or division’s*
14 *amount that is based on the number of cases of AIDS re-*
15 *ported in the portion of the metropolitan area or division*
16 *that is located in Bergen County and Passaic County, New*
17 *Jersey, and adjusting for the proportion of the metropolitan*
18 *division’s high incidence bonus if this area in New Jersey*
19 *also has a higher than average per capita incidence of*
20 *AIDS. The recipient cities shall use amounts allocated*
21 *under this subsection to carry out eligible activities under*
22 *section 855 of the AIDS Housing Opportunity Act (42*
23 *U.S.C. 12904) in their respective portions of the metropoli-*
24 *tan division that is located in New Jersey.*

1 (d) *Notwithstanding any other provision of law, the*
2 *amount allocated for fiscal year 2006 under section 854(c)*
3 *of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c))*
4 *to areas with a higher than average per capita incidence*
5 *of AIDS, shall be adjusted by the Secretary on the basis*
6 *of area incidence reported over a three year period.*

7 SEC. 303. (a) *During fiscal year 2006, in the provision*
8 *of rental assistance under section 8(o) of the United States*
9 *Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection*
10 *with a program to demonstrate the economy and effective-*
11 *ness of providing such assistance for use in assisted living*
12 *facilities that is carried out in the counties of the State of*
13 *Michigan specified in subsection (b) of this section, notwith-*
14 *standing paragraphs (3) and (18)(B)(iii) of such section*
15 *8(o), a family residing in an assisted living facility in any*
16 *such county, on behalf of which a public housing agency*
17 *provides assistance pursuant to section 8(o)(18) of such Act,*
18 *may be required, at the time the family initially receives*
19 *such assistance, to pay rent in an amount exceeding 40 per-*
20 *cent of the monthly adjusted income of the family by such*
21 *a percentage or amount as the Secretary of Housing and*
22 *Urban Development determines to be appropriate.*

23 (b) *The counties specified in this subsection are Oak-*
24 *land County, Macomb County, Wayne County, and*
25 *Washtenaw County, in the State of Michigan.*

1 *SEC. 304. Except as explicitly provided in law, any*
2 *grant, cooperative agreement or other assistance made pur-*
3 *suant to title III of this Act shall be made on a competitive*
4 *basis and in accordance with section 102 of the Department*
5 *of Housing and Urban Development Reform Act of 1989.*

6 *SEC. 305. Funds of the Department of Housing and*
7 *Urban Development subject to the Government Corporation*
8 *Control Act or section 402 of the Housing Act of 1950 shall*
9 *be available, without regard to the limitations on adminis-*
10 *trative expenses, for legal services on a contract or fee basis,*
11 *and for utilizing and making payment for services and fa-*
12 *cilities of the Federal National Mortgage Association, Gov-*
13 *ernment National Mortgage Association, Federal Home*
14 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
15 *eral Reserve banks or any member thereof, Federal Home*
16 *Loan banks, and any insured bank within the meaning of*
17 *the Federal Deposit Insurance Corporation Act, as amended*
18 *(12 U.S.C. 1811–1831).*

19 *SEC. 306. Unless otherwise provided for in this Act*
20 *or through a reprogramming of funds, no part of any ap-*
21 *propriation for the Department of Housing and Urban De-*
22 *velopment shall be available for any program, project or*
23 *activity in excess of amounts set forth in the budget esti-*
24 *mates submitted to Congress.*

1 *SEC. 307. Corporations and agencies of the Depart-*
2 *ment of Housing and Urban Development which are subject*
3 *to the Government Corporation Control Act, as amended,*
4 *are hereby authorized to make such expenditures, within the*
5 *limits of funds and borrowing authority available to each*
6 *such corporation or agency and in accordance with law,*
7 *and to make such contracts and commitments without re-*
8 *gard to fiscal year limitations as provided by section 104*
9 *of such Act as may be necessary in carrying out the pro-*
10 *grams set forth in the budget for 2006 for such corporation*
11 *or agency except as hereinafter provided: Provided, That*
12 *collections of these corporations and agencies may be used*
13 *for new loan or mortgage purchase commitments only to*
14 *the extent expressly provided for in this Act (unless such*
15 *loans are in support of other forms of assistance provided*
16 *for in this or prior appropriations Acts), except that this*
17 *proviso shall not apply to the mortgage insurance or guar-*
18 *anty operations of these corporations, or where loans or*
19 *mortgage purchases are necessary to protect the financial*
20 *interest of the United States Government.*

21 *SEC. 308. None of the funds provided in this title for*
22 *technical assistance, training, or management improve-*
23 *ments may be obligated or expended unless HUD provides*
24 *to the Committees on Appropriations a description of each*
25 *proposed activity and a detailed budget estimate of the costs*

1 *associated with each program, project or activity as part*
2 *of the Budget Justifications. For fiscal year 2006, HUD*
3 *shall transmit this information to the Committees by March*
4 *15, 2006 for 30 days of review.*

5 *SEC. 309. The Secretary of Housing and Urban Devel-*
6 *opment shall provide quarterly reports to the House and*
7 *Senate Committees on Appropriations regarding all uncom-*
8 *mited, unobligated, recaptured and excess funds in each*
9 *program and activity within the jurisdiction of the Depart-*
10 *ment and shall submit additional, updated budget informa-*
11 *tion to these Committees upon request.*

12 *SEC. 310. Notwithstanding any other provision of law,*
13 *in fiscal year 2006, in managing and disposing of any mul-*
14 *tifamily property that is owned or held by the Secretary,*
15 *the Secretary of Housing and Urban Development shall*
16 *maintain any rental assistance payments under section 8*
17 *of the United States Housing Act of 1937 that are attached*
18 *to any dwelling units in the property, and the contract for*
19 *such payments shall be renewable by the owner under the*
20 *provisions of section 524 of the Multifamily Assisted Hous-*
21 *ing Reform and Affordability Act of 1997 (42 U.S.C. 1437f*
22 *note). To the extent the Secretary determines that such a*
23 *multifamily property owned or held by the Secretary is not*
24 *feasible for continued rental assistance payments under*
25 *such section 8, the Secretary may, in consultation with the*

1 tenants of that property, contract for project-based rental
2 assistance payments with an owner or owners of other exist-
3 ing housing properties or provide other rental assistance.

4 *SEC. 311. (a) Notwithstanding any other provision of*
5 *law, the amount allocated for fiscal year 2006 under section*
6 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
7 *12903(c)), to the City of Wilmington, Delaware, on behalf*
8 *of the Wilmington, Delaware-Maryland-New Jersey Metro-*
9 *politan Division (hereafter “metropolitan division”), shall*
10 *be adjusted by the Secretary of Housing and Urban Devel-*
11 *opment by allocating to the State of New Jersey the propor-*
12 *tion of the metropolitan division’s amount that is based on*
13 *the number of cases of AIDS reported in the portion of the*
14 *metropolitan division that is located in New Jersey, and*
15 *adjusting for the proportion of the metropolitan division’s*
16 *high incidence bonus if this area in New Jersey also has*
17 *a higher than average per capita incidence of AIDS. The*
18 *State of New Jersey shall use amounts allocated to the State*
19 *under this subsection to carry out eligible activities under*
20 *section 855 of the AIDS Housing Opportunity Act (42*
21 *U.S.C. 12904) in the portion of the metropolitan division*
22 *that is located in New Jersey.*

23 *(b) Notwithstanding any other provision of law, the*
24 *Secretary of Housing and Urban Development shall allocate*
25 *to Wake County, North Carolina, the amounts that other-*

1 *wise would be allocated for fiscal year 2006 under section*
2 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
3 *12903(c)) to the City of Raleigh, North Carolina, on behalf*
4 *of the Raleigh-Cary, North Carolina Metropolitan Statis-*
5 *tical Area. Any amounts allocated to Wake County shall*
6 *be used to carry out eligible activities under section 855*
7 *of such Act (42 U.S.C. 12904) within such metropolitan sta-*
8 *tistical area.*

9 *(c) Notwithstanding section 854(c) of the AIDS Hous-*
10 *ing Opportunity Act (42 U.S.C. 12903(c)), the Secretary*
11 *of Housing and Urban Development may adjust the alloca-*
12 *tion of the amounts that otherwise would be allocated for*
13 *fiscal year 2006 under section 854(c) of such Act, upon the*
14 *written request of an applicant, in conjunction with the*
15 *State(s), for a formula allocation on behalf of a metropoli-*
16 *tan statistical area, to designate the State or States in*
17 *which the metropolitan statistical area is located as the eli-*
18 *gible grantee(s) of the allocation. In the case that a metro-*
19 *politan statistical area involves more than one State, such*
20 *amounts allocated to each State shall be in proportion to*
21 *the number of cases of AIDS reported in the portion of the*
22 *metropolitan statistical area located in that State. Any*
23 *amounts allocated to a State under this section shall be used*
24 *to carry out eligible activities within the portion of the met-*
25 *ropolitan statistical area located in that State.*

1 *SEC. 312. The Department of Housing and Urban De-*
2 *velopment shall submit the Department's fiscal year 2007*
3 *congressional budget justifications to the Committees on Ap-*
4 *propriations of the House of Representatives and the Senate*
5 *using the identical structure provided under this Act and*
6 *only in accordance with the direction specified in the report*
7 *accompanying this Act.*

8 *SEC. 313. Incremental vouchers previously made avail-*
9 *able under the heading "Housing Certificate Fund" or re-*
10 *newed under the heading, "Tenant-Based Rental Assist-*
11 *ance," for non-elderly disabled families shall, to the extent*
12 *practicable, continue to be provided to non-elderly disabled*
13 *families upon turnover.*

14 *SEC. 314. A public housing agency or such other entity*
15 *that administers Federal housing assistance in the States*
16 *of Alaska, Iowa, and Mississippi shall not be required to*
17 *include a resident of public housing or a recipient of assist-*
18 *ance provided under section 8 of the United States Housing*
19 *Act of 1937 on the board of directors or a similar governing*
20 *board of such agency or entity as required under section*
21 *(2)(b) of such Act. Each public housing agency or other en-*
22 *tity that administers Federal housing assistance under sec-*
23 *tion 8 in the States of Alaska, Iowa and Mississippi shall*
24 *establish an advisory board of not less than 6 residents of*
25 *public housing or recipients of section 8 assistance to pro-*

1 *vide advice and comment to the public housing agency or*
2 *other administering entity on issues related to public hous-*
3 *ing and section 8. Such advisory board shall meet not less*
4 *than quarterly.*

5 *SEC. 315. For this fiscal year and each fiscal year*
6 *hereafter, the portion of any athletic scholarship assistance*
7 *that is available for housing costs shall be considered ad-*
8 *justed income for purposes of section 3(b)(5) of the United*
9 *States Housing Act of 1937.*

10 *SEC. 316. The funds made available for Native Alas-*
11 *kans under the heading “Native American Housing Block*
12 *Grants” in title III of this Act shall be allocated to the same*
13 *Native Alaskan housing block grant recipients that received*
14 *funds in fiscal year 2004.*

15 *SEC. 317. (a) Notwithstanding any other provision of*
16 *law, subject to the conditions listed in subsection (b), for*
17 *this fiscal year and each fiscal year thereafter, the Secretary*
18 *may authorize the transfer of project-based assistance, debt*
19 *and statutorily required low-income and very low-income*
20 *use restrictions, associated with one multifamily housing*
21 *project to another multifamily housing project.*

22 *(b) The transfer authorized in subsection (a) is subject*
23 *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 *sistance provided by the transferring project shall re-*
2 *main 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 ap-*
7 *plicable 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 re-*
15 *main eligible for assistance to be provided by the re-*
16 *ceiving 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) if either the transferring project or the receiv-*
20 *ing project meets the condition specified in subsection*
21 *(c)(2)(A), any lien on the receiving project resulting*
22 *from additional financing obtained by the owner shall*
23 *be subordinate to any FHA-insured mortgage lien*
24 *transferred to, or placed on, such project by the Sec-*
25 *retary;*

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

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

12 (c) For purposes of this section—

13 (1) the terms “low-income” and “very low-in-
14 come” shall have the meanings provided by the statute
15 and/or regulations governing the program under
16 which the project is insured or assisted;

17 (2) the term “multifamily housing project”
18 means housing that meets one of the following
19 conditions—

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

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

24 (C) housing that is assisted under section
25 202 of the Housing Act of 1959 as amended by

1 *section 801 of the Cranston-Gonzales National*
2 *Affordable Housing Act,*

3 *(D) housing that is assisted under section*
4 *202 of the Housing Act of 1959, as such section*
5 *existed before the enactment of the Cranston-*
6 *Gonzales National Affordable Housing Act, or,*

7 *(E) housing or vacant land that is subject*
8 *to a use agreement;*

9 *(3) the term “project-based assistance” means—*

10 *(A) assistance provided under section 8(b)*
11 *of the United States Housing Act of 1937;*

12 *(B) assistance for housing constructed or*
13 *substantially rehabilitated pursuant to assistance*
14 *provided under section 8(b)(2) of such Act (as*
15 *such section existed immediately before October*
16 *1, 1983);*

17 *(C) rent supplement payments under sec-*
18 *tion 101 of the Housing and Urban Development*
19 *Act of 1965;*

20 *(D) additional assistance payments under*
21 *section 236(f)(2) of the National Housing Act;*
22 *and,*

23 *(E) assistance payments made under sec-*
24 *tion 202(c)(2) of the Housing Act of 1959;*

1 (4) the term “receiving project” means the multi-
2 family housing project to which the project-based as-
3 sistance, debt, and statutorily required use low-in-
4 come and very low-income restrictions are to be
5 transferred;

6 (5) the term “transferring project” means the
7 multifamily housing project which is transferring the
8 project-based assistance, debt and the statutorily re-
9 quired low-income and very low-income use restric-
10 tions to the receiving project; and,

11 (6) the term “Secretary” means the Secretary of
12 Housing and Urban Development.

13 SEC. 318. (a) EXTENSION.—The Secretary of Housing
14 and Urban Development shall extend the term of the Moving
15 to Work Demonstration Agreement entered into between a
16 public housing agency and the Secretary under section 204,
17 title V, of the Omnibus Consolidated Rescissions and Appro-
18 priations Act of 1996 (Public Law 104–134, April 26,
19 1996) if—

20 (1) the public housing agency requests such ex-
21 tension in writing;

22 (2) the public housing agency is not at the time
23 of such request for extension in default under its Mov-
24 ing to Work Demonstration Agreement; and

1 (3) *the Moving to Work Demonstration Agree-*
2 *ment to be extended would otherwise expire on or be-*
3 *fore September 30, 2006.*

4 (b) *TERMS.—Unless the Secretary of Housing and*
5 *Urban Development and the public housing agency other-*
6 *wise agree, the extension under subsection (a) shall be upon*
7 *the identical terms and conditions set forth in the extending*
8 *agency’s existing Moving to Work Demonstration Agree-*
9 *ment, except that for each public housing agency that has*
10 *been or will be granted an extension to its original Moving*
11 *to Work Agreement, the Secretary shall require that data*
12 *be collected so that the effect of Moving to Work policy*
13 *changes on residents can be measured.*

14 (c) *EXTENSION PERIOD.—The extension under sub-*
15 *section (a) shall be for such period as is requested by the*
16 *public housing agency, not to exceed 3 years from the date*
17 *of expiration of the extending agency’s existing Moving to*
18 *Work Demonstration Agreement.*

19 (d) *BREACH OF AGREEMENT.—Nothing contained in*
20 *this section shall limit the authority of the Secretary of*
21 *Housing and Urban Development to terminate any Moving*
22 *to Work Demonstration Agreement of a public housing*
23 *agency if the public housing agency is in breach of the pro-*
24 *visions of such agreement.*

1 *SEC. 319. Incremental vouchers previously made avail-*
2 *able under the heading, “Housing Certificate Fund” or re-*
3 *newed under the heading, “Tenant-Based Rental Assist-*
4 *ance”, for family unification shall, to the extent practicable,*
5 *continue to be provided for family unification.*

6 *SEC. 320. Section 421 of the Housing and Community*
7 *Development Act of 1987 (12 U.S.C. § 1715z–4a) is*
8 *amended—*

9 *(1) in subsection (a)(1)(A), by inserting after*
10 *“is” the following: “or, at the time of the violations,*
11 *was”; and*

12 *(2) in subsection (a)(1)(C), by inserting after*
13 *“held” the following: “or, at the time of the violations,*
14 *was insured or held”.*

15 *SEC. 321. No funds in this Act may be used to support*
16 *any Federal, State, or local projects that seek to use the*
17 *power of eminent domain, unless eminent domain is em-*
18 *ployed only for a public use: Provided, That for purposes*
19 *of this section, public use shall not be construed to include*
20 *economic development that primarily benefits private enti-*
21 *ties: Provided further, That any use of funds for mass tran-*
22 *sit, railroad, airport, seaport or highway projects as well*
23 *as utility projects which benefit or serve the general public*
24 *(including energy-related, communication-related, water-re-*
25 *lated and wastewater-related infrastructure), other struc-*

1 *tures designated for use by the general public or which have*
2 *other common-carrier or public-utility functions that serve*
3 *the general public and are subject to regulation and over-*
4 *sight by the government, and projects for the removal of*
5 *blight (including areas identified by units of local govern-*
6 *ment for recovery from natural disasters) or brownsfields*
7 *as defined in the Small Business Liability Relief and*
8 *Brownsfields Revitalization Act (Public Law 107–118)*
9 *shall be considered a public use for purposes of eminent do-*
10 *main: Provided further, That the Government Account-*
11 *ability Office, in consultation with the National Academy*
12 *for Public Administration, organizations representing State*
13 *and local governments, and property rights organizations,*
14 *shall conduct a study to be submitted to the Congress within*
15 *12 months of the enactment of this Act on the nationwide*
16 *use of eminent domain, including the procedures used and*
17 *the results accomplished on a state-by-state basis as well*
18 *as the impact on individual property owners and on the*
19 *affected communities.*

20 *SEC. 322. (a) No assistance shall be provided under*
21 *section 8 of the United States Housing Act of 1937 (42*
22 *U.S.C. 1437f) to any individual who—*

23 *(1) is enrolled as a student at an institution of*
24 *higher education (as defined under section 102 of the*
25 *Higher Education Act of 1965 (20 U.S.C. 1002));*

1 (2) *is under 24 years of age;*
2 (3) *is not a veteran;*
3 (4) *is unmarried;*
4 (5) *does not have a dependent child; and*
5 (6) *is not otherwise individually eligible, or has*
6 *parents who, individually or jointly, are not eligible,*
7 *to receive assistance under section 8 of the United*
8 *States Housing Act of 1937 (42 U.S.C. 1437f).*

9 **(b)** *For purposes of determining the eligibility of a per-*
10 *son to receive assistance under section 8 of the United States*
11 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
12 *sistance (in excess of amounts received for tuition) that an*
13 *individual receives under the Higher Education Act of 1965*
14 *(20 U.S.C. 1001 et seq.), from private sources, or an institu-*
15 *tion of higher education (as defined under the Higher Edu-*
16 *cation Act of 1965 (20 U.S.C. 1002)), shall be considered*
17 *income to that individual.*

18 **(c)** *Not later than 30 days after the date of enactment*
19 *of this Act, the Secretary of Housing and Urban Develop-*
20 *ment shall issue final regulations to carry out the provi-*
21 *sions of this section.*

22 **SEC. 323. LIMITATION ON FUNDING FOR CON-**
23 **FERENCES.**

24 *Of the funds made available for the Department of*
25 *Housing and Development under the heading “Management*

1 *and Administration, Salaries and Expenses” in this title,*
 2 *not to exceed \$3,000,000 shall be available for expenses re-*
 3 *lated to conferences, including for conference programs, staff*
 4 *time, travel costs, and related expenses.*

5 *This title may be cited as the “Department of Housing*
 6 *and Urban Development Appropriations Act, 2006”.*

7 **TITLE IV—THE JUDICIARY**

8 **SUPREME COURT OF THE UNITED STATES**

9 **SALARIES AND EXPENSES**

10 *For expenses necessary for the operation of the Su-*
 11 *preme Court, as required by law, excluding care of the*
 12 *building and grounds, including purchase or hire, driving,*
 13 *maintenance, and operation of an automobile for the Chief*
 14 *Justice, not to exceed \$10,000 for the purpose of trans-*
 15 *porting Associate Justices, and hire of passenger motor ve-*
 16 *hicles as authorized by 31 U.S.C. 1343 and 1344; not to*
 17 *exceed \$10,000 for official reception and representation ex-*
 18 *penses; and for miscellaneous expenses, to be expended as*
 19 *the Chief Justice may approve, \$60,730,000, of which*
 20 *\$2,000,000 shall remain available until expended.*

21 **CARE OF THE BUILDING AND GROUNDS**

22 *For such expenditures as may be necessary to enable*
 23 *the Architect of the Capitol to carry out the duties imposed*
 24 *upon the Architect by the Act approved May 7, 1934 (40*
 25 *U.S.C. 13a–13b), \$5,624,000, which shall remain available*
 26 *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 officers*
5 *and employees, and for necessary expenses of the court, as*
6 *authorized by law, \$23,489,000.*

7 *UNITED STATES COURT OF INTERNATIONAL TRADE*

8 *SALARIES AND EXPENSES*

9 *For salaries of the chief judge and eight judges, salaries*
10 *of the officers and employees of the court, services, and nec-*
11 *essary 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 active*
19 *service, judges of the United States Court of Federal Claims,*
20 *bankruptcy judges, magistrate judges, and all other officers*
21 *and employees of the Federal Judiciary not otherwise spe-*
22 *cifically provided for, and necessary expenses of the courts,*
23 *as authorized by law, \$4,374,959,000 (including the pur-*
24 *chase of firearms and ammunition); of which not to exceed*
25 *\$27,817,000 shall remain available until expended for space*

1 *alteration projects and for furniture and furnishings related*
2 *to new space alteration and construction projects.*

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

8 *DEFENDER SERVICES*

9 *For the operation of Federal Defender organizations;*
10 *the compensation and reimbursement of expenses of attor-*
11 *neys appointed to represent persons under the Criminal*
12 *Justice Act of 1964, as amended (18 U.S.C. 3006A); the*
13 *compensation and reimbursement of expenses of persons*
14 *furnishing investigative, expert and other services under the*
15 *Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the*
16 *compensation (in accordance with Criminal Justice Act*
17 *maximums) and reimbursement of expenses of attorneys ap-*
18 *pointed to assist the court in criminal cases where the de-*
19 *fendant has waived representation by counsel; the com-*
20 *pen-sation and reimbursement of travel expenses of guard-*
21 *ians ad litem acting on behalf of financially eligible minor*
22 *or incompetent offenders in connection with transfers from*
23 *the United States to foreign countries with which the*
24 *United States has a treaty for the execution of penal sen-*
25 *tences; the compensation of attorneys appointed to represent*
26 *jurors in civil actions for the protection of their employ-*

1 *ment, as authorized by 28 U.S.C. 1875(d); and for nec-*
2 *essary training and general administrative expenses,*
3 *\$710,785,000, to remain available until expended.*

4 *FEEES OF JURORS AND COMMISSIONERS*

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

15 *COURT SECURITY*

16 *For necessary expenses, not otherwise provided for, in-*
17 *cident to the provision of protective guard services for*
18 *United States courthouses and other facilities housing Fed-*
19 *eral court operations, and the procurement, installation,*
20 *and maintenance of security systems and equipment for*
21 *United States courthouses and other facilities housing Fed-*
22 *eral court operations, including building ingress-egress con-*
23 *trol, inspection of mail and packages, directed security pa-*
24 *trols, perimeter security, basic security services provided by*
25 *the Federal Protective Service, and other similar activities*
26 *as authorized by section 1010 of the Judicial Improvement*

1 *and Access to Justice Act (Public Law 100–702),*
2 *\$372,426,000, of which not to exceed \$15,000,000 shall re-*
3 *main available until expended, to be expended directly or*
4 *transferred to the United States Marshals Service, which*
5 *shall be responsible for administering the Judicial Facility*
6 *Security Program consistent with standards or guidelines*
7 *agreed to by the Director of the Administrative Office of*
8 *the United States Courts and the Attorney General.*

9 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

10 *COURTS*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Administrative Office of*
13 *the United States Courts as authorized by law, including*
14 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*
15 *motor vehicle as authorized by 31 U.S.C. 1343(b), adver-*
16 *tising and rent in the District of Columbia and elsewhere,*
17 *\$72,198,000, of which not to exceed \$8,500 is authorized*
18 *for official reception and representation expenses and of*
19 *which up to \$1,000,000 shall be made available to the Na-*
20 *tional Academy of Public Administrators for a review of*
21 *the financial and management procedures of the Federal*
22 *Judiciary.*

1 *FEDERAL JUDICIAL CENTER*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Judicial Center,*
4 *as authorized by Public Law 90–219, \$22,350,000; of which*
5 *\$1,800,000 shall remain available through September 30,*
6 *2007, to provide education and training to Federal court*
7 *personnel; and of which not to exceed \$1,500 is authorized*
8 *for official reception and representation expenses.*

9 *JUDICIAL RETIREMENT FUNDS*10 *PAYMENT TO JUDICIARY TRUST FUNDS*

11 *For payment to the Judicial Officers' Retirement*
12 *Fund, as authorized by 28 U.S.C. 377(o), \$36,800,000; to*
13 *the Judicial Survivors' Annuities Fund, as authorized by*
14 *28 U.S.C. 376(c), \$600,000; and to the United States Court*
15 *of Federal Claims Judges' Retirement Fund, as authorized*
16 *by 28 U.S.C. 178(l), \$3,200,000.*

17 *UNITED STATES SENTENCING COMMISSION*18 *SALARIES AND EXPENSES*

19 *For the salaries and expenses necessary to carry out*
20 *the provisions of chapter 58 of title 28, United States Code,*
21 *\$14,700,000, of which not to exceed \$1,000 is authorized*
22 *for official reception and representation expenses.*

1 *ADMINISTRATIVE PROVISIONS—THE JUDICIARY*

2 *SEC. 400. Appropriations and authorizations made in*
3 *this title which are available for salaries and expenses shall*
4 *be available for services as authorized by 5 U.S.C. 3109.*

5 *SEC. 401. Not to exceed 5 percent of any appropriation*
6 *made available for the current fiscal year for the Judiciary*
7 *in this Act may be transferred between such appropriations,*
8 *but no such appropriation, except “Courts of Appeals, Dis-*
9 *trict Courts, and Other Judicial Services, Defender Serv-*
10 *ices” and “Courts of Appeals, District Courts, and Other*
11 *Judicial Services, Fees of Jurors and Commissioners”, shall*
12 *be increased by more than 10 percent by any such transfers:*
13 *Provided, That any transfer pursuant to this section shall*
14 *be treated as a reprogramming of funds under section 705*
15 *of this Act and shall not be available for obligation or ex-*
16 *penditure except in compliance with the procedures set forth*
17 *in that section.*

18 *SEC. 402. Notwithstanding any other provision of law,*
19 *the salaries and expenses appropriation for Courts of Ap-*
20 *peals, District Courts, and Other Judicial Services shall be*
21 *available for official reception and representation expenses*
22 *of the Judicial Conference of the United States: Provided,*
23 *That such available funds shall not exceed \$11,000 and*
24 *shall be administered by the Director of the Administrative*

1 *Office of the United States Courts in the capacity as Sec-*
2 *retary of the Judicial Conference.*

3 *SEC. 403. Within 90 days of enactment of this Act,*
4 *the Administrative Office of the U.S. Courts shall submit*
5 *to the Committees on Appropriations a comprehensive fi-*
6 *nancial plan for the Judiciary allocating all sources of*
7 *available funds including appropriations, fee collections,*
8 *and carryover balances, to include a separate and detailed*
9 *plan for the Judiciary Information Technology fund.*

10 *SEC. 404. Pursuant to section 140 of Public Law 97-*
11 *92, and from funds appropriated in this Act, Justices and*
12 *judges of the United States are authorized during fiscal*
13 *year 2006, to receive a salary adjustment in accordance*
14 *with 28 U.S.C. 461.*

15 *SEC. 405. The existing judgeship for the eastern dis-*
16 *trict of Missouri authorized by section 203(c) of the Judicial*
17 *Improvements Act of 1990 (Public Law 101-650, 104 Stat.*
18 *5089) as amended by Public Law 105-53, as of the effective*
19 *date of this Act, shall be extended. The first vacancy in the*
20 *office of district judge in this district occurring 20 years*
21 *or more after the confirmation date of the judge named to*
22 *fill the temporary judgeship created by section 203(c) shall*
23 *not be filled.*

24 *SEC. 406. Not later than 180 days after enactment of*
25 *this Act, GAO shall provide the Committees on Appropria-*

1 *tions with a report regarding the potential impact on the*
2 *Federal Judiciary of recent increases in Homeland Security*
3 *funding to enhance border security and enforce our nation’s*
4 *immigration laws.*

5 *SEC. 407. (a) Section 604 of title 28, United States*
6 *Code, is amended by adding section (4) at the end of section*
7 *“(g)”:*

8 *“(4) The Director is hereby authorized:*

9 *“(A) to enter into contracts for the acquisi-*
10 *tion of severable services for a period that begins*
11 *in one fiscal year and ends in the next fiscal*
12 *year to the same extent as the head of an execu-*
13 *tive agency under the authority of section 253l*
14 *of 41 U.S.C.;*

15 *“(B) to enter into contracts for multiple*
16 *years for the acquisition of property and services*
17 *to the same extent as executive agencies under*
18 *the authority of section 254c of 41 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 agencies*
22 *under the authority of section 255 of 41 U.S.C.”*

23 *(b) Section 612 of title 28, United States Code, is*
24 *amended by striking the current language in section*
25 *(e)(2)(B) and inserting “such contract is in accordance*

1 *with the Director's authority in section 604(g) of 28 U.S.C.;*
2 *and,".*

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

5 *SEC. 408. (a) The division of the court shall release*
6 *to the Congress and to the public not later than 60 days*
7 *after the date of enactment of this Act all portions of the*
8 *final report of the independent counsel of the investigation*
9 *of Henry Cisneros made under section 594(h) of title 28,*
10 *United States Code, except for any such portions that con-*
11 *tain information of a personal nature that the division of*
12 *the court determines the disclosure of which would cause*
13 *a clearly unwarranted invasion of privacy that outweighs*
14 *the public interest in a full accounting of this investigation.*
15 *Upon the release of the final report, the final report shall*
16 *be published pursuant to section 594(h)(3) of title 28,*
17 *United States Code.*

18 *(b)(1) After the release and publication of the final re-*
19 *port referred to in subsection (a), the independent counsel*
20 *shall continue his office only to the extent necessary and*
21 *appropriate to perform the noninvestigative and nonpros-*
22 *ecutorial tasks remaining of his statutory duties as required*
23 *to conclude the functions of his office.*

24 *(2) The duties referred to in paragraph (1) shall spe-*
25 *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 the*
5 *United States pursuant to section 594(k) of title 28,*
6 *United States Code;*

7 (C) *compliance with oversight obligations pursu-*
8 *ant to section 595(a) of title 28, United States Code;*
9 *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 45 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 (1),*
22 *the division of the court shall issue a public report stating*
23 *the grounds for the extension and a proposed date for com-*
24 *pletion of all aspects of the investigation of Henry Cisneros*
25 *and termination of the office of the independent counsel.*

1 *This title may be cited as the “Judiciary Appropria-*
2 *tions Act, 2006”.*

3 *TITLE V—EXECUTIVE OFFICE OF THE PRESI-*
4 *DENT AND FUNDS APPROPRIATED TO THE*
5 *PRESIDENT*

6 *COMPENSATION OF THE PRESIDENT*

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

14 *WHITE HOUSE OFFICE*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses for the White House as author-*
17 *ized by law, including not to exceed \$3,850,000 for services*
18 *as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsist-*
19 *ence expenses as authorized by 3 U.S.C. 105, which shall*
20 *be expended and accounted for as provided in that section;*
21 *hire of passenger motor vehicles, newspapers, periodicals,*
22 *teletype news service, and travel (not to exceed \$100,000*
23 *to be expended and accounted for as provided by 3 U.S.C.*
24 *103); not to exceed \$3,501,000 for the necessary expenses*
25 *of the Office of Policy Development, including services au-*

1 *thorized under 5 U.S.C. 3109 and 3 U.S.C. 107; and not*
2 *to exceed \$19,000 for official entertainment expenses, to be*
3 *available for allocation within the Executive Office of the*
4 *President, \$58,081,000: Provided, That of the funds appro-*
5 *priated under this heading, \$1,500,000 shall be for the Pri-*
6 *vacy and Civil Liberties 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 the*
13 *President, \$12,436,000, to be expended and accounted for*
14 *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 necessary:*
18 *Provided, That all reimbursable operating expenses of the*
19 *Executive Residence shall be made in accordance with the*
20 *provisions of this paragraph: Provided further, That, not-*
21 *withstanding any other provision of law, such amount for*
22 *reimbursable operating expenses shall be the exclusive au-*
23 *thority of the Executive Residence to incur obligations and*
24 *to receive offsetting collections, for such expenses: Provided*
25 *further, That the Executive Residence shall require each*
26 *person sponsoring a reimbursable political event to pay in*

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

1 *days after the end of the fiscal year covered by this Act,*
2 *a report setting forth the reimbursable operating expenses*
3 *of the Executive Residence during the preceding fiscal year,*
4 *including the total amount of such expenses, the amount*
5 *of such total that consists of reimbursable official and cere-*
6 *monial events, the amount of such total that consists of re-*
7 *imbursable political events, and the portion of each such*
8 *amount that has been reimbursed as of the date of the re-*
9 *port: Provided further, That the Executive Residence shall*
10 *maintain a system for the tracking of expenses related to*
11 *reimbursable events within the Executive Residence that in-*
12 *cludes a standard for the classification of any such expense*
13 *as political or nonpolitical: Provided further, That no pro-*
14 *vision of this paragraph may be construed to exempt the*
15 *Executive Residence from any other applicable requirement*
16 *of subchapter I or II of chapter 37 of title 31, United States*
17 *Code.*

18 *WHITE HOUSE REPAIR AND RESTORATION*

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

1 *COUNCIL OF ECONOMIC ADVISERS*2 *SALARIES AND EXPENSES*

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

6 *NATIONAL SECURITY COUNCIL*7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the National Security Coun-*
9 *cil, including services as authorized by 5 U.S.C. 3109,*
10 *\$8,705,000.*

11 *OFFICE OF ADMINISTRATION*12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Office of Administration,*
14 *including services as authorized by 5 U.S.C. 3109 and 3*
15 *U.S.C. 107, and hire of passenger motor vehicles,*
16 *\$98,609,000, of which \$11,768,000 shall remain available*
17 *until expended for the Capital Investment Plan for contin-*
18 *ued modernization of the information technology infrastruc-*
19 *ture within the Executive Office of the President.*

20 *OFFICE OF MANAGEMENT AND BUDGET*21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Office of Management*
23 *and Budget, including hire of passenger motor vehicles and*
24 *services as authorized by 5 U.S.C. 3109 and to carry out*
25 *the provisions of chapter 35 of title 44, United States Code,*

1 \$68,411,000, of which not to exceed \$2,000 shall be available
2 for official representation expenses: Provided, That, as pro-
3 vided in 31 U.S.C. 1301(a), appropriations shall be applied
4 only to the objects for which appropriations were made ex-
5 cept as otherwise provided by law: Provided further, That
6 none of the funds appropriated in this Act for the Office
7 of Management and Budget may be used for the purpose
8 of reviewing any agricultural marketing orders or any ac-
9 tivities or regulations under the provisions of the Agricul-
10 tural Marketing Agreement Act of 1937 (7 U.S.C. 601 et
11 seq.): Provided further, That none of the funds made avail-
12 able for the Office of Management and Budget by this Act
13 may be expended for the altering of the transcript of actual
14 testimony of witnesses, except for testimony of officials of
15 the Office of Management and Budget, before the Commit-
16 tees on Appropriations or their subcommittees: Provided
17 further, That the preceding shall not apply to printed hear-
18 ings released by the Committees on Appropriations: Pro-
19 vided further, That none of the funds provided in this or
20 prior Acts shall be used, directly or indirectly, by the Office
21 of Management and Budget, for evaluating or determining
22 if water resource project or study reports submitted by the
23 Chief of Engineers acting through the Secretary of the Army
24 are in compliance with all applicable laws, regulations, and
25 requirements relevant to the Civil Works water resource

1 *planning process: Provided further, That the Office of Man-*
2 *agement and Budget shall have not more than 60 days in*
3 *which to perform budgetary policy reviews of water resource*
4 *matters on which the Chief of Engineers has reported. The*
5 *Director of the Office of Management and Budget shall no-*
6 *tify the appropriate authorizing and Appropriations Com-*
7 *mittees when the 60-day review is initiated. If water re-*
8 *source reports have not been transmitted to the appropriate*
9 *authorizing and appropriating committees within 15 days*
10 *of the end of the OMB review period based on the notifica-*
11 *tion from the Director, Congress shall assume OMB concur-*
12 *rence with the report and act accordingly.*

13 *OFFICE OF NATIONAL DRUG CONTROL POLICY*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Office of National Drug*
16 *Control Policy; for research activities pursuant to the Office*
17 *of National Drug Control Policy Reauthorization Act of*
18 *1998 (21 U.S.C. 1701 et seq.); not to exceed \$10,000 for*
19 *official reception and representation expenses; and for par-*
20 *ticipation in joint projects or in the provision of services*
21 *on matters of mutual interest with nonprofit, research, or*
22 *public organizations or agencies, with or without reim-*
23 *bursement, \$24,224,000; of which \$1,316,000 shall remain*
24 *available until expended for policy research and evaluation:*
25 *Provided, That the Office is authorized to accept, hold, ad-*

1 *minister, and utilize gifts, both real and personal, public*
2 *and private, without fiscal year limitation, for the purpose*
3 *of aiding or facilitating the work of the Office.*

4 *COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary expenses for the Counterdrug Technology*
7 *Assessment Center for research activities pursuant to the*
8 *Office of National Drug Control Policy Reauthorization Act*
9 *of 1998 (21 U.S.C. 1701 et seq.), \$30,000,000, which shall*
10 *remain available until expended, consisting of \$12,000,000*
11 *for counternarcotics research and development projects, and*
12 *\$18,000,000 for the continued operation of the technology*
13 *transfer program: Provided, That the \$12,000,000 for coun-*
14 *ternarcotics research and development projects shall be*
15 *available for transfer to other Federal departments or agen-*
16 *cies.*

17 *FEDERAL DRUG CONTROL PROGRAMS*
18 *HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM*
19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary expenses of the Office of National Drug*
21 *Control Policy's High Intensity Drug Trafficking Areas*
22 *Program, \$227,000,000, for drug control activities con-*
23 *sistent with the approved strategy for each of the designated*
24 *High Intensity Drug Trafficking Areas, of which no less*
25 *than 60 percent shall be transferred to State and local enti-*
26 *ties for drug control activities, which shall be obligated*

1 *within 120 days of the date of the enactment of this Act:*
2 *Provided, That up to 40 percent, to remain available until*
3 *September 30, 2007, may be transferred to Federal agencies*
4 *and departments at a rate to be determined by the Director,*
5 *of which not less than \$2,000,000 shall be used for auditing*
6 *services and associated activities, and at least \$500,000 of*
7 *the \$2,000,000 shall be used to develop and implement a*
8 *data collection system to measure the performance of the*
9 *High Intensity Drug Trafficking Areas Program: Provided*
10 *further, That none of the funds made available under this*
11 *heading shall be available for the Consolidated Priority Or-*
12 *ganization 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 Act*
18 *of 1998 (21 U.S.C. 1701 et seq.), \$191,400,000, to remain*
19 *available until expended, of which the following amounts*
20 *are available as follows: \$95,000,000 to support a national*
21 *media campaign, as authorized by the Drug-Free Media*
22 *Campaign Act of 1998; \$80,000,000 to continue a program*
23 *of matching grants to drug-free communities, of which*
24 *\$2,000,000 shall be a directed grant to the Community*
25 *Anti-Drug Coalitions of America for the National Commu-*
26 *nity Anti-Drug Coalition Institute, as authorized in chap-*

1 *ter 2 of the National Narcotics Leadership Act of 1988, as*
2 *amended; \$1,000,000 for the National Drug Court Institute;*
3 *\$1,000,000 for the National Alliance for Model State Drug*
4 *Laws; \$9,500,000 for the United States Anti-Doping Agen-*
5 *cy for anti-doping activities; \$2,900,000 for the United*
6 *States membership dues to the World Anti-Doping Agency;*
7 *and \$2,000,000 for evaluations and research related to Na-*
8 *tional Drug Control Program performance measures: Pro-*
9 *vided, That such funds may be transferred to other Federal*
10 *departments and agencies to carry out such activities: Pro-*
11 *vided further, That of the amounts appropriated for a na-*
12 *tional media campaign, not to exceed 10 percent shall be*
13 *for administration, advertising production, research and*
14 *testing, labor and related costs of the national media cam-*
15 *paign.*

16 *UNANTICIPATED NEEDS*

17 *For expenses necessary to enable the President to meet*
18 *unanticipated needs, in furtherance of the national interest,*
19 *security, or defense which may arise at home or abroad dur-*
20 *ing the current fiscal year, as authorized by 3 U.S.C. 108,*
21 *\$1,000,000.*

22 *SPECIAL ASSISTANCE TO THE PRESIDENT*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses to enable the Vice President to*
25 *provide assistance to the President in connection with spe-*

1 cially assigned functions; services as authorized by 5 U.S.C.
 2 3109 and 3 U.S.C. 106, including subsistence expenses as
 3 authorized by 3 U.S.C. 106, which shall be expended and
 4 accounted for as provided in that section; and hire of pas-
 5 senger motor vehicles, \$4,455,000.

6 *OFFICIAL RESIDENCE OF THE VICE PRESIDENT*

7 *OPERATING EXPENSES*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the care, operation, refurnishing, improvement,*
 10 *and to the extent not otherwise provided for, heating and*
 11 *lighting, including electric power and fixtures, of the offi-*
 12 *cial residence of the Vice President; the hire of passenger*
 13 *motor vehicles; and not to exceed \$90,000 for official enter-*
 14 *tainment expenses of the Vice President, to be accounted for*
 15 *solely on his certificate, \$325,000: Provided, That advances*
 16 *or repayments or transfers from this appropriation may*
 17 *be made to any department or agency for expenses of car-*
 18 *rying out such activities.*

19 *This title may be cited as the “Executive Office of the*
 20 *President Appropriations Act, 2006”.*

21 *TITLE VI—INDEPENDENT AGENCIES*

22 *ARCHITECTURAL AND TRANSPORTATION BARRIERS*

23 *COMPLIANCE BOARD*

24 *SALARIES AND EXPENSES*

25 *For expenses necessary for the Architectural and*
 26 *Transportation Barriers Compliance Board, as authorized*

1 *by section 502 of the Rehabilitation Act of 1973, as amend-*
2 *ed, \$5,941,000: Provided, That, notwithstanding any other*
3 *provision of law, there may be credited to this appropria-*
4 *tion funds received for publications and training expenses.*

5 **CONSUMER PRODUCT SAFETY COMMISSION**

6 **SALARIES AND EXPENSES**

7 *For necessary expenses of the Consumer Product Safety*
8 *Commission, including hire of passenger motor vehicles,*
9 *services as authorized by 5 U.S.C. 3109, but at rates for*
10 *individuals not to exceed the per diem rate equivalent to*
11 *the maximum rate payable under 5 U.S.C. 5376, purchase*
12 *of nominal awards to recognize non-Federal officials' con-*
13 *tributions to Commission activities, and not to exceed \$500*
14 *for official reception and representation expenses,*
15 *\$63,000,000 of which up to \$500,000 shall be used to coordi-*
16 *nate with the Administrator of the Environmental Protec-*
17 *tion Agency in the Agency's study pursuant to H.R. 2361,*
18 *as passed by the Senate in the first session of the 109th*
19 *Congress, to assess safety risks to both persons and the envi-*
20 *ronment with regard to small engines, as required in Public*
21 *Law 108–199, including real-world scenarios involving,*
22 *among other things, operator burn, fire due to contact with*
23 *flammable items, and refueling.*

1 *ELECTION ASSISTANCE COMMISSION*2 *SALARIES AND EXPENSES*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses to carry out the Help America*
5 *Vote Act of 2002, \$13,888,000, of which \$4,000,000 shall*
6 *be transferred to the National Institute of Standards and*
7 *Technology for election reform activities authorized under*
8 *the Help America Vote Act of 2002.*

9 *FEDERAL DEPOSIT INSURANCE CORPORATION*10 *OFFICE OF INSPECTOR GENERAL*

11 *For necessary expenses of the Office of Inspector Gen-*
12 *eral in carrying out the provisions of the Inspector General*
13 *Act of 1978, as amended, \$31,000,000, to be derived from*
14 *the Bank Insurance Fund, the Savings Association Insur-*
15 *ance Fund, and the FSLIC Resolution Fund.*

16 *FEDERAL ELECTION COMMISSION*17 *SALARIES AND EXPENSES*

18 *For necessary expenses to carry out the provisions of*
19 *the Federal Election Campaign Act of 1971, as amended,*
20 *\$54,600,000, of which no less than \$4,700,000 shall be*
21 *available for internal automated data processing systems,*
22 *and of which not to exceed \$5,000 shall be available for re-*
23 *ception and representation expenses.*

1 *FEDERAL LABOR RELATIONS AUTHORITY*2 *SALARIES AND EXPENSES*

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

21 *FEDERAL MARITIME COMMISSION*22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Federal Maritime Com-*
24 *mission as authorized by section 201(d) of the Merchant*
25 *Marine Act, 1936, as amended (46 U.S.C. App. 1111), in-*

1 *cluding services as authorized by 5 U.S.C. 3109; hire of pas-*
2 *senger motor vehicles as authorized by 31 U.S.C. 1343(b);*
3 *and uniforms or allowances therefor, as authorized by 5*
4 *U.S.C. 5901–5902, \$20,499,000: Provided, That not to ex-*
5 *ceed \$2,000 shall be available for official reception and rep-*
6 *resentation expenses.*

7 *GENERAL SERVICES ADMINISTRATION*

8 *REAL PROPERTY ACTIVITIES*

9 *FEDERAL BUILDINGS FUND*

10 *LIMITATIONS ON AVAILABILITY OF REVENUE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *To carry out the purposes of the Fund established pur-*
13 *suant to section 210(f) of the Federal Property and Admin-*
14 *istrative Services Act of 1949, as amended (40 U.S.C. 592),*
15 *the revenues and collections deposited into the Fund shall*
16 *be available for necessary expenses of real property manage-*
17 *ment and related activities not otherwise provided for, in-*
18 *cluding operation, maintenance, and protection of federally*
19 *owned and leased buildings; rental of buildings in the Dis-*
20 *trict of Columbia; restoration of leased premises; moving*
21 *governmental agencies (including space adjustments and*
22 *telecommunications relocation expenses) in connection with*
23 *the assignment, allocation and transfer of space; contrac-*
24 *tual services incident to cleaning or servicing buildings,*
25 *and moving; repair and alteration of federally owned build-*
26 *ings including grounds, approaches and appurtenances;*

1 *care and safeguarding of sites; maintenance, preservation,*
2 *demolition, and equipment; acquisition of buildings and*
3 *sites by purchase, condemnation, or as otherwise authorized*
4 *by law; acquisition of options to purchase buildings and*
5 *sites; conversion and extension of federally owned buildings;*
6 *preliminary planning and design of projects by contract or*
7 *otherwise; construction of new buildings (including equip-*
8 *ment for such buildings); and payment of principal, inter-*
9 *est, and any other obligations for public buildings acquired*
10 *by installment purchase and purchase contract; in the ag-*
11 *gregate amount of \$7,889,745,000, of which: (1)*
12 *\$829,056,000 shall remain available until expended for con-*
13 *struction (including funds for sites and expenses and associ-*
14 *ated design and construction services) of additional projects*
15 *at the following locations:*

16 *New Construction:*

17 *Alabama:*

18 *Mobile, United States Courthouse,*

19 *\$2,000,000.*

20 *Tuscaloosa, Federal Building,*

21 *\$50,000,000.*

22 *California:*

23 *San Diego, United States Courthouse,*

24 *\$230,803,000.*

25 *Colorado:*

1 *Lakewood, Denver Federal Center In-*
2 *frastructure, \$4,658,000.*

3 *District of Columbia:*

4 *Coast Guard Consolidation,*
5 *\$24,900,000.*

6 *St. Elizabeths West Campus Infra-*
7 *structure, \$13,095,000.*

8 *Southeast Federal Center Site Remedi-*
9 *ation, \$15,000,000.*

10 *Illinois:*

11 *Rockford Federal Courthouse,*
12 *\$50,000,000.*

13 *Maine:*

14 *Calais, Border Station, \$50,146,000.*

15 *Jackman, Border Station, \$12,788,000.*

16 *Maryland:*

17 *Montgomery County, Food and Drug*
18 *Administration Consolidation,*
19 *\$127,600,000.*

20 *Mississippi:*

21 *Jackson, United States Courthouse,*
22 *\$8,750,000.*

23 *Missouri:*

24 *Jefferson City, United States Court-*
25 *house, \$5,200,000.*

1 *New Mexico:*

2 *Las Cruces, United States Courthouse,*
3 *\$15,000,000.*

4 *New York:*

5 *Champlain, Border Station,*
6 *\$52,510,000.*

7 *Massena, Border Station, \$49,783,000.*

8 *Texas:*

9 *Austin, United States Courthouse,*
10 *\$3,000,000.*

11 *Washington:*

12 *Blaine, Peace Arch Border Station,*
13 *\$46,534,000.*

14 *Material Price Increases for the following exist-*
15 *ing projects: U.S. Mission to the United Nations, New*
16 *York City, New York; FBI Office, Houston, Texas;*
17 *Border Station, Del Rio, Texas; United States Court-*
18 *house, Cape Girardeau, Missouri; United States*
19 *Courthouse, El Paso, Texas; and Border Station, El*
20 *Paso, Texas, \$57,789,000.*

21 *Non-prospectus Construction, \$9,500,000:*

22 *Provided, That each of the foregoing limits of costs on new*
23 *construction projects may be exceeded to the extent that sav-*
24 *ings are effected in other such projects, but not to exceed*
25 *10 percent, unless advance approval is obtained from the*

1 *Committees on Appropriations of a greater amount: Pro-*
2 *vided further, That all funds for direct construction projects*
3 *shall expire on September 30, 2007 and remain in the Fed-*
4 *eral Buildings Fund except for funds for projects as to*
5 *which funds for design or other funds have been obligated*
6 *in whole or in part prior to such date; (2) \$961,376,000*
7 *shall remain available until expended for repairs and alter-*
8 *ations, which includes associated design and construction*
9 *services:*

10 *Repairs and Alterations:*

11 *Arizona:*

12 *Tucson, James A. Walsh United States*
13 *Courthouse, \$16,136,000.*

14 *District of Columbia:*

15 *For transfer to the Navy for certain*
16 *permanent relocation expenses pursuant to*
17 *section 1(e) of Public Law 108–268,*
18 *\$2,000,000.*

19 *Eisenhower Executive Office Building,*
20 *\$133,417,000.*

21 *Federal Office Building 8, \$47,769,000.*

22 *Heating, Operation, and Transmission*
23 *District Repair, \$18,783,000.*

24 *Herbert C. Hoover Building,*
25 *\$54,491,000.*

1 *Main Interior Federal Building,*
2 *\$41,399,000.*

3 *Georgia:*

4 *Atlanta, Martin Luther King, Jr., Fed-*
5 *eral Building, \$30,129,000.*

6 *New York:*

7 *Brooklyn, Emanuel Celler Courthouse,*
8 *\$96,924,000.*

9 *New York, James Watson Federal*
10 *Building and United States Courthouse,*
11 *\$9,721,000.*

12 *Special Emphasis Programs:*

13 *Chlorofluorocarbons Program, \$10,000,000.*

14 *Energy Program, \$28,000,000.*

15 *Glass Fragmentation Program,*
16 *\$15,700,000.*

17 *Design Program, \$21,915,000.*

18 *Basic Repairs and Alterations, \$434,992,000:*

19 *Provided further, That funds made available in this or any*
20 *previous Act in the Federal Buildings Fund for Repairs*
21 *and Alterations shall, for prospectus projects, be limited to*
22 *the amount identified for each project, except each project*
23 *in this or any previous Act may be increased by an amount*
24 *not to exceed 10 percent of the amounts included in an ap-*
25 *proved prospectus, if required, unless advance approval is*

1 *obtained from the Committees on Appropriations of a great-*
2 *er amount: Provided further, That additional projects for*
3 *which prospectuses have been fully approved may be funded*
4 *under this category only if advance approval is obtained*
5 *from the Committees on Appropriations: Provided further,*
6 *That the amounts provided in this or any prior Act for*
7 *“Repairs and Alterations” may be used to fund costs associ-*
8 *ated with implementing security improvements to buildings*
9 *necessary to meet the minimum standards for security in*
10 *accordance with current law and in compliance with the*
11 *reprogramming guidelines of the appropriate Committees*
12 *of the House and Senate: Provided further, That the dif-*
13 *ference between the funds appropriated and expended on*
14 *any projects in this or any prior Act, under the heading*
15 *“Repairs and Alterations”, may be transferred to Basic Re-*
16 *pairs and Alterations or used to fund authorized increases*
17 *in prospectus projects: Provided further, That all funds for*
18 *repairs and alterations prospectus projects shall expire on*
19 *September 30, 2007 and remain in the Federal Buildings*
20 *Fund except funds for projects as to which funds for design*
21 *or other funds have been obligated in whole or in part prior*
22 *to such date: Provided further, That the amount provided*
23 *in this or any prior Act for Basic Repairs and Alterations*
24 *may be used to pay claims against the Government arising*
25 *from any projects under the heading “Repairs and Alter-*

1 ations” or used to fund authorized increases in prospectus
2 projects; (3) \$168,180,000 for installment acquisition pay-
3 ments including payments on purchase contracts which
4 shall remain available until expended; (4) \$4,046,031,000
5 for rental of space which shall remain available until ex-
6 pended; and (5) \$1,885,102,000 for building operations
7 which shall remain available until expended: Provided fur-
8 ther, That funds available to the General Services Adminis-
9 tration shall not be available for expenses of any construc-
10 tion, repair, alteration and acquisition project for which
11 a prospectus, if required by the Public Buildings Act of
12 1959, as amended, has not been approved, except that nec-
13 essary funds may be expended for each project for required
14 expenses for the development of a proposed prospectus: Pro-
15 vided further, That funds available in the Federal Buildings
16 Fund may be expended for emergency repairs when advance
17 approval is obtained from the Committees on Appropria-
18 tions: Provided further, That, notwithstanding any other
19 provision of law, the Administrator of the General Services
20 Administration is authorized and directed to proceed with
21 site, design, acquisition, and construction for a new court-
22 house in Jefferson City, Missouri, of which planning and
23 design funding is provided in this Act: Provided further,
24 That the courthouse in Jefferson, Missouri is a demonstra-
25 tion project that will be part of a larger judicial complex

1 *that will include the renovation and preservation of the ex-*
2 *isting historic United States Post Office and Courthouse as*
3 *well as for implementing a new innovative fund process*
4 *that will include the renovation and preservation of the ex-*
5 *isting historic United States Post Office and Courthouse:*
6 *Provided further, That amounts necessary to provide reim-*
7 *bursable special services to other agencies under section*
8 *210(f)(6) of the Federal Property and Administrative Serv-*
9 *ices Act of 1949, as amended (40 U.S.C. 592(b)(2)) and*
10 *amounts to provide such reimbursable fencing, lighting,*
11 *guard booths, and other facilities on private or other prop-*
12 *erty not in Government ownership or control as may be*
13 *appropriate to enable the United States Secret Service to*
14 *perform its protective functions pursuant to 18 U.S.C.*
15 *3056, shall be available from such revenues and collections:*
16 *Provided further, That revenues and collections and any*
17 *other sums accruing to this Fund during fiscal year 2006,*
18 *excluding reimbursements under section 210(f)(6) of the*
19 *Federal Property and Administrative Services Act of 1949*
20 *(40 U.S.C. 592(b)(2)) in excess of the aggregate new*
21 *obligational authority authorized for Real Property Activi-*
22 *ties of the Federal Buildings Fund in this Act shall remain*
23 *in the Fund and shall not be available for expenditure ex-*
24 *cept as authorized in appropriations Acts.*

1 *payment for information and detection of fraud against the*
2 *Government, including payment for recovery of stolen Gov-*
3 *ernment property: Provided further, That not to exceed*
4 *\$2,500 shall be available for awards to employees of other*
5 *Federal agencies and private citizens in recognition of ef-*
6 *forts and initiatives resulting in enhanced Office of Inspec-*
7 *tor General effectiveness.*

8 *ELECTRONIC GOVERNMENT FUND*
9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For necessary expenses in support of interagency*
11 *projects that enable the Federal Government to expand its*
12 *ability to conduct activities electronically, through the de-*
13 *velopment and implementation of innovative uses of the*
14 *Internet and other electronic methods, \$5,000,000, to re-*
15 *main available until expended: Provided, That these funds*
16 *may be transferred to Federal agencies to carry out the pur-*
17 *poses of the Fund: Provided further, That such transfers*
18 *may not be made until 10 days after a proposed spending*
19 *plan and justification for each project to be undertaken has*
20 *been submitted to the Committees on Appropriations: Pro-*
21 *vided further, That for purposes of the eTravel system no*
22 *less than 23 percent of all contracted dollars shall be allo-*
23 *cated to small businesses.*

1 *in its approved 5-year construction plan: Provided, That*
2 *the fiscal year 2007 request must be accompanied by a*
3 *standardized courtroom utilization study of each facility to*
4 *be constructed, replaced, or expanded.*

5 *SEC. 604. None of the funds provided in this Act may*
6 *be used to increase the amount of occupiable square feet,*
7 *provide cleaning services, security enhancements, or any*
8 *other service usually provided through the Federal Build-*
9 *ings Fund, to any agency that does not pay the rate per*
10 *square foot assessment for space and services as determined*
11 *by the General Services Administration in compliance with*
12 *the Public Buildings Amendments Act of 1972 (Public Law*
13 *92–313).*

14 *SEC. 605. From funds made available under the head-*
15 *ing “Federal Buildings Fund, Limitations on Availability*
16 *of Revenue”, claims against the Government of less than*
17 *\$250,000 arising from direct construction projects and ac-*
18 *quisition of buildings may be liquidated from savings ef-*
19 *fectd in other construction projects with prior notification*
20 *to the Committees on Appropriations.*

21 *SEC. 606. The General Services Administration shall*
22 *conduct a program to promote the use of stairs in all Fed-*
23 *eral buildings.*

24 *SEC. 607. No funds shall be used by the General Serv-*
25 *ices Administration to reorganize its organizational struc-*

1 *ture without approval by the House and Senate Committees*
2 *on Appropriations through an operating plan change.*

3 *SEC. 608. The Administrator of General Services shall*
4 *require that all credible sustainable building rating systems*
5 *that award credits for certified wood products in the rating*
6 *system, be included in the published building design criteria*
7 *or specifications of any solicitation for offers issued by the*
8 *General Services Administration (GSA) for construction of*
9 *a Federal building or courthouse: Provided, That the Ad-*
10 *ministrator may only consider sustainable forest manage-*
11 *ment certification programs that are currently in use in*
12 *the United States and consistent with the Federal govern-*
13 *ment's goals of environmental stewardship: Provided fur-*
14 *ther, That not later than 90 days after enactment of this*
15 *Act, the Administrator shall report to the relevant congres-*
16 *sional committees of jurisdiction on the appropriateness of*
17 *individual forest management certification programs for*
18 *use within GSA's sustainable building program, including*
19 *a schedule for incorporating any additional such programs*
20 *into the system through regulations.*

21 *MERIT SYSTEMS PROTECTION BOARD*

22 *SALARIES AND EXPENSES*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For necessary expenses to carry out functions of the*
25 *Merit Systems Protection Board pursuant to Reorganiza-*
26 *tion Plan Numbered 2 of 1978, the Civil Service Reform*

1 *Act of 1978, and the Whistleblower Protection Act of 1989*
2 *(5 U.S.C. 5509 note), as amended, including services as au-*
3 *thorized by 5 U.S.C. 3109, rental of conference rooms in*
4 *the District of Columbia and elsewhere, hire of passenger*
5 *motor vehicles, direct procurement of survey printing, and*
6 *not to exceed \$2,000 for official reception and representa-*
7 *tion expenses, \$35,600,000 together with not to exceed*
8 *\$2,605,000 for administrative expenses to adjudicate retire-*
9 *ment appeals to be transferred from the Civil Service Re-*
10 *tirement and Disability Fund in amounts determined by*
11 *the Merit Systems Protection Board.*

12 *MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN*
13 *NATIONAL ENVIRONMENTAL POLICY FOUNDATION*

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

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For payment to the Morris K. Udall Scholarship and*
18 *Excellence in National Environmental Policy Trust Fund,*
19 *pursuant to the Morris K. Udall Scholarship and Excellence*
20 *in National Environmental and Native American Public*
21 *Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$2,000,000,*
22 *to remain available until expended, of which up to \$50,000*
23 *shall be used to conduct financial audits pursuant to the*
24 *Accountability of Tax Dollars Act of 2002 (Public Law*
25 *107–289) notwithstanding sections 8 and 9 of Public Law*
26 *102–259: Provided, That up to 60 percent of such funds*

1 *may be transferred by the Morris K. Udall Scholarship and*
2 *Excellence in National Environmental Policy Foundation*
3 *for the necessary expenses of the Native Nations Institute.*

4 *ENVIRONMENTAL DISPUTE RESOLUTION FUND*

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

9 *NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*

10 *OPERATING EXPENSES*

11 *For necessary expenses in connection with the admin-*
12 *istration of the National Archives and Records Administra-*
13 *tion (including the Information Security Oversight Office)*
14 *and archived Federal records and related activities, as pro-*
15 *vided by law, and for expenses necessary for the review and*
16 *declassification of documents, and for the hire of passenger*
17 *motor vehicles, \$280,975,000: Provided, That the Archivist*
18 *of the United States is authorized to use any excess funds*
19 *available from the amount borrowed for construction of the*
20 *National Archives facility, for expenses necessary to provide*
21 *adequate storage for holdings.*

22 *ELECTRONIC RECORDS ARCHIVES*

23 *For necessary expenses in connection with the develop-*
24 *ment of the electronic records archives, to include all direct*
25 *project costs associated with research, analysis, design, de-*
26 *velopment, and program management, \$38,914,000: Pro-*

1 vided, That none of these funds may be obligated until the
2 National Archives and Records Administration submits to
3 the Committees on Appropriations, and such Committees
4 approve, a plan for expenditure that: (1) meets the capital
5 planning and investment control review requirements estab-
6 lished by the Office of Management and Budget, including
7 Circular A-11; (2) complies with the National Archives and
8 Records Administration's enterprise architecture; (3) con-
9 forms with the National Archives and Records Administra-
10 tion's enterprise life cycle methodology; (4) is approved by
11 the National Archives and Records Administration and the
12 Office of Management and Budget; (5) has been reviewed
13 by the Government Accountability Office; and (6) complies
14 with the acquisition rules, requirements, guidelines, and
15 systems acquisition management practices of the Federal
16 Government.

17 *REPAIRS AND RESTORATION*

18 *For the repair, alteration, and improvement of ar-*
19 *chives facilities, and to provide adequate storage for hold-*
20 *ings, \$11,682,000, to remain available until expended, of*
21 *which \$2,500,000 is to construct a new regional archives*
22 *and records facility in Anchorage, Alaska, and of which*
23 *\$2,000,000 is for the repair and restoration of the plaza*
24 *that surrounds the Lyndon Baines Johnson Presidential Li-*
25 *brary that is under the joint control and custody of the Uni-*
26 *versity of Texas: Provided, That such funds may be trans-*

1 *ferred directly to the University and used, together with*
2 *University funds, for repair and restoration of the plaza*
3 *and remain available until expended for this purpose: Pro-*
4 *vided further, That such funds shall be spent in accordance*
5 *with the construction plan submitted to the Committees on*
6 *Appropriations on March 14, 2005: Provided further, That*
7 *the Archivist shall be prohibited from entering into any*
8 *agreement with the University or any other party that re-*
9 *quires additional funding commitments on behalf of the*
10 *Federal Government.*

11 *NATIONAL HISTORICAL PUBLICATIONS AND RECORDS*

12 *COMMISSION*

13 *GRANTS PROGRAM*

14 *For necessary expenses for allocations and grants for*
15 *historical publications and records as authorized by 44*
16 *U.S.C. 2504, as amended, \$5,000,000, to remain available*
17 *until expended.*

18 *NATIONAL CREDIT UNION ADMINISTRATION*

19 *CENTRAL LIQUIDITY FACILITY*

20 *(INCLUDING TRANSFER OF FUNDS)*

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

1 3109; medical examinations performed for veterans by pri-
2 vate physicians on a fee basis; rental of conference rooms
3 in the District of Columbia and elsewhere; hire of passenger
4 motor vehicles; not to exceed \$2,500 for official reception
5 and representation expenses; advances for reimbursements
6 to applicable funds of the Office of Personnel Management
7 and the Federal Bureau of Investigation for expenses in-
8 curred under Executive Order No. 10422 of January 9,
9 1953, as amended; and payment of per diem and/or subsist-
10 ence allowances to employees where Voting Rights Act ac-
11 tivities require an employee to remain overnight at his or
12 her post of duty, \$124,521,000, of which \$6,983,000 shall
13 remain available until expended for the Enterprise Human
14 Resources Integration project; \$1,450,000 shall remain
15 available until expended for the Human Resources Line of
16 Business project; \$500,000 shall remain available until ex-
17 pended for the E-Training project; and \$1,412,000 shall re-
18 main available until expended until September 30, 2007
19 for the E-Payroll project; and in addition \$100,017,000 for
20 administrative expenses, to be transferred from the appro-
21 priate trust funds of the Office of Personnel Management
22 without regard to other statutes, including direct procure-
23 ment of printed materials, for the retirement and insurance
24 programs: Provided, That the provisions of this appropri-
25 ation shall not affect the authority to use applicable trust

1 *funds as provided by sections 8348(a)(1)(B), and*
2 *9004(f)(2)(A) of title 5, United States Code: Provided fur-*
3 *ther, That no part of this appropriation shall be available*
4 *for salaries and expenses of the Legal Examining Unit of*
5 *the Office of Personnel Management established pursuant*
6 *to Executive Order No. 9358 of July 1, 1943, or any suc-*
7 *cessor unit of like purpose: Provided further, That the Presi-*
8 *dent's Commission on White House Fellows, established by*
9 *Executive Order No. 11183 of October 3, 1964, may, during*
10 *fiscal year 2006, accept donations of money, property, and*
11 *personal services: Provided further, That such donations,*
12 *including those from prior years, may be used for the devel-*
13 *opment of publicity materials to provide information about*
14 *the White House Fellows, except that no such donations*
15 *shall be accepted for travel or reimbursement of travel ex-*
16 *penses, or for the salaries of employees of such Commission.*

17 *OFFICE OF INSPECTOR GENERAL*

18 *SALARIES AND EXPENSES*

19 *(INCLUDING TRANSFER OF TRUST FUNDS)*

20 *For necessary expenses of the Office of Inspector Gen-*
21 *eral in carrying out the provisions of the Inspector General*
22 *Act, as amended, including services as authorized by 5*
23 *U.S.C. 3109, hire of passenger motor vehicles, \$1,614,000,*
24 *and in addition, not to exceed \$16,329,000 for administra-*
25 *tive expenses to audit, investigate, and provide other over-*
26 *sight of the Office of Personnel Management's retirement*

1 *and insurance programs, to be transferred from the appro-*
2 *priate trust funds of the Office of Personnel Management,*
3 *as determined by the Inspector General: Provided, That the*
4 *Inspector General is authorized to rent conference rooms in*
5 *the District of Columbia and elsewhere.*

6 *GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES*

7 *HEALTH BENEFITS*

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

13 *GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE*

14 *INSURANCE*

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

19 *PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY*

20 *FUND*

21 *For financing the unfunded liability of new and in-*
22 *creased annuity benefits becoming effective on or after Octo-*
23 *ber 20, 1969, as authorized by 5 U.S.C. 8348, and annuities*
24 *under special Acts to be credited to the Civil Service Retire-*
25 *ment and Disability Fund, such sums as may be necessary:*
26 *Provided, That annuities authorized by the Act of May 29,*

1 1944, as amended, and the Act of August 19, 1950, as
2 amended (33 U.S.C. 771–775), may hereafter be paid out
3 of the Civil Service Retirement and Disability Fund.

4 *OFFICE OF SPECIAL COUNSEL*

5 *SALARIES AND EXPENSES*

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

17 *SELECTIVE SERVICE SYSTEM*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Selective Service System,*
20 *including expenses of attendance at meetings and of train-*
21 *ing for uniformed personnel assigned to the Selective Serv-*
22 *ice System, as authorized by 5 U.S.C. 4101–4118 for civil-*
23 *ian employees; purchase of uniforms, or allowances therefor,*
24 *as authorized by 5 U.S.C. 5901–5902; hire of passenger*
25 *motor vehicles; services as authorized by 5 U.S.C. 3109; and*

1 *not to exceed \$750 for official reception and representation*
2 *expenses; \$25,650,000: Provided, That during the current*
3 *fiscal year, the President may exempt this appropriation*
4 *from the provisions of 31 U.S.C. 1341, whenever the Presi-*
5 *dent deems such action to be necessary in the interest of*
6 *national defense: Provided further, That none of the funds*
7 *appropriated by this Act may be expended for or in connec-*
8 *tion with the induction of any person into the Armed Forces*
9 *of the United States.*

10 *UNITED STATES INTERAGENCY COUNCIL ON*

11 *HOMELESSNESS*

12 *OPERATING EXPENSES*

13 *For necessary expenses (including payment of salaries,*
14 *authorized travel, hire of passenger motor vehicles, the rent-*
15 *al of conference rooms, and the employment of experts and*
16 *consultants under section 3109 of title 5, United States*
17 *Code) of the United States Interagency Council on Home-*
18 *lessness in carrying out the functions pursuant to title II*
19 *of the McKinney-Vento Homeless Assistance Act, as amend-*
20 *ed, \$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 “2012”.*

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 States*
6 *Code, \$116,350,000, of which \$87,350,000 shall not be*
7 *available for obligation until October 1, 2006: Provided,*
8 *That mail for overseas voting and mail for the blind shall*
9 *continue to be free: Provided further, That 6-day delivery*
10 *and rural delivery of mail shall continue without reduction:*
11 *Provided further, That none of the funds made available*
12 *to the Postal Service by this Act shall be used to implement*
13 *any rule, regulation, or policy of charging any officer or*
14 *employee of any State or local child support enforcement*
15 *agency, or any individual participating in a State or local*
16 *program of child support enforcement, a fee for information*
17 *requested or provided concerning an address of a postal cus-*
18 *tomers: Provided further, That none of the funds provided*
19 *in this Act shall be used to consolidate or close small rural*
20 *and other small post offices in fiscal year 2006.*

21 *UNITED STATES TAX COURT*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses, including contract reporting*
24 *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—GENERAL PROVISIONS THIS ACT**

4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *SEC. 700. Such sums as may be necessary for fiscal*
6 *year 2006 pay raises for programs funded in this Act shall*
7 *be absorbed within the levels appropriated in this Act or*
8 *previous appropriations Acts.*

9 *SEC. 701. None of the funds in this Act shall be used*
10 *for the planning or execution of any program to pay the*
11 *expenses of, or otherwise compensate, non-Federal parties*
12 *intervening in regulatory or adjudicatory proceedings fund-*
13 *ed in this Act.*

14 *SEC. 702. None of the funds appropriated in this Act*
15 *shall remain available for obligation beyond the current fis-*
16 *cal year, nor may any be transferred to other appropria-*
17 *tions, unless expressly so provided herein.*

18 *SEC. 703. The expenditure of any appropriation under*
19 *this Act for any consulting service through procurement*
20 *contract pursuant to section 3109 of title 5, United States*
21 *Code, shall be limited to those contracts where such expendi-*
22 *tures are a matter of public record and available for public*
23 *inspection, except where otherwise provided under existing*
24 *law, or under existing Executive order issued pursuant to*
25 *existing law.*

1 *SEC. 704. None of the funds made available in this*
2 *Act may be transferred to any department, agency, or in-*
3 *strumentality of the United States Government, except pur-*
4 *suant to a transfer made by, or transfer authority provided*
5 *in, this Act or any other appropriations Act.*

6 *SEC. 705. None of the funds made available by this*
7 *Act shall be available for any activity or for paying the*
8 *salary of any Government employee where funding an ac-*
9 *tivity or paying a salary to a Government employee would*
10 *result in a decision, determination, rule, regulation, or pol-*
11 *icy that would prohibit the enforcement of section 307 of*
12 *the Tariff Act of 1930 (19 U.S.C. 1307).*

13 *SEC. 706. No part of any appropriation contained in*
14 *this Act shall be available to pay the salary for any person*
15 *filling a position, other than a temporary position, formerly*
16 *held by an employee who has left to enter the Armed Forces*
17 *of the United States and has satisfactorily completed his*
18 *period of active military or naval service, and has within*
19 *90 days after his release from such service or from hos-*
20 *pitalization continuing after discharge for a period of not*
21 *more than 1 year, made application for restoration to his*
22 *former position and has been certified by the Office of Per-*
23 *sonnel Management as still qualified to perform the duties*
24 *of his former position and has not been restored thereto.*

1 *SEC. 707. No funds appropriated pursuant to this Act*
2 *may be expended by an entity unless the entity agrees that*
3 *in expending the assistance the entity will comply with sec-*
4 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
5 *10a–10c, popularly known as the “Buy American Act”).*

6 *SEC. 708. No funds appropriated or otherwise made*
7 *available under this Act shall be made available to any per-*
8 *son or entity that has been convicted of violating the Buy*
9 *American Act (41 U.S.C. 10a–10c).*

10 *SEC. 709. None of the funds provided in this Act, pro-*
11 *vided by previous appropriations Acts to the agencies or*
12 *entities funded in this Act that remain available for obliga-*
13 *tion or expenditure in fiscal year 2006, or provided from*
14 *any accounts in the Treasury derived by the collection of*
15 *fees and available to the agencies funded by this Act, shall*
16 *be available for obligation or expenditure through a re-*
17 *programming of funds that: (1) creates a new program; (2)*
18 *eliminates a program, project, or activity; (3) increases*
19 *funds or personnel for any program, project, or activity for*
20 *which funds have been denied or restricted by the Congress;*
21 *(4) proposes to use funds directed for a specific activity by*
22 *either the House or Senate Committees on Appropriations*
23 *for a different purpose; (5) augments existing programs,*
24 *projects, or activities in excess of \$5,000,000 or 10 percent,*
25 *whichever is less; (6) reduces existing programs, projects,*

1 or activities by \$5,000,000 or 10 percent, whichever is less;
2 or (7) creates, reorganizes, or restructures a branch, divi-
3 sion, office, bureau, board, commission, agency, administra-
4 tion, or department different from the budget justifications
5 submitted to the Committees on Appropriations or the table
6 accompanying the statement of the managers accompanying
7 this Act, whichever is more detailed, unless prior approval
8 is received from the House and Senate Committees on Ap-
9 propriations: Provided, That not later than 60 days after
10 the date of enactment of this Act, each agency funded by
11 this Act shall submit a report to the Committee on Appro-
12 priations of the Senate and of the House of Representatives
13 to establish the baseline for application of reprogramming
14 and transfer authorities for the current fiscal year: Pro-
15 vided further, That the report shall include: (1) a table for
16 each appropriation with a separate column to display the
17 President's budget request, adjustments made by Congress,
18 adjustments due to enacted rescissions, if appropriate, and
19 the fiscal year enacted level; (2) a delineation in the table
20 for each appropriation both by object class and program,
21 project, and activity as detailed in the budget appendix for
22 the respective appropriation; and (3) an identification of
23 items of special congressional interest: Provided further,
24 That the amount appropriated or limited for salaries and
25 expenses for an agency shall be reduced by \$100,000 per

1 *day for each day after the required date that the report has*
2 *not been submitted to the Congress.*

3 *SEC. 710. Except as otherwise specifically provided by*
4 *law, not to exceed 50 percent of unobligated balances re-*
5 *maining available at the end of fiscal year 2006 from ap-*
6 *propriations made available for salaries and expenses for*
7 *fiscal year 2006 in this Act, shall remain available through*
8 *September 30, 2007, for each such account for the purposes*
9 *authorized: Provided, That a request shall be submitted to*
10 *the Committees on Appropriations for approval prior to the*
11 *expenditure of such funds: Provided further, That these re-*
12 *quests shall be made in compliance with reprogramming*
13 *guidelines.*

14 *SEC. 711. None of the funds made available in this*
15 *Act may be used by the Executive Office of the President*
16 *to request from the Federal Bureau of Investigation any of-*
17 *ficial background investigation report on any individual,*
18 *except when—*

19 *(1) such individual has given his or her express*
20 *written consent for such request not more than 6*
21 *months prior to the date of such request and during*
22 *the same presidential administration; or*

23 *(2) such request is required due to extraordinary*
24 *circumstances involving national security.*

1 *SEC. 712. The cost accounting standards promulgated*
2 *under section 26 of the Office of Federal Procurement Policy*
3 *Act (Public Law 93-400; 41 U.S.C. 422) shall not apply*
4 *with respect to a contract under the Federal Employees*
5 *Health Benefits Program established under chapter 89 of*
6 *title 5, United States Code.*

7 *SEC. 713. For the purpose of resolving litigation and*
8 *implementing any settlement agreements regarding the non-*
9 *foreign area cost-of-living allowance program, the Office of*
10 *Personnel Management may accept and utilize (without re-*
11 *gard to any restriction on unanticipated travel expenses*
12 *imposed in an Appropriations Act) funds made available*
13 *to the Office pursuant to court approval.*

14 *SEC. 714. In order to promote Government access to*
15 *commercial information technology, the restriction on pur-*
16 *chasing nondomestic articles, materials, and supplies set*
17 *forth in the Buy American Act (41 U.S.C. 10a et seq.), shall*
18 *not apply to the acquisition by the Federal Government of*
19 *information technology (as defined in section 11101 of title*
20 *40, United States Code), that is a commercial item (as de-*
21 *finied in section 4(12) of the Office of Federal Procurement*
22 *Policy Act (41 U.S.C. 403(12)).*

23 *SEC. 715. None of the funds made available under this*
24 *Act may be obligated or expended to establish or implement*
25 *a pilot program under which not more than 10 designated*

1 *essential air service communities located in proximity to*
2 *hub airports are required to assume 10 percent of their es-*
3 *sential air subsidy costs for a 4-year period commonly re-*
4 *ferred to as the EAS local participation program.*

5 *SEC. 716. From funds made available in this Act*
6 *under the headings “White House Office”, “Executive Resi-*
7 *dence at the White House”, “White House Repair and Res-*
8 *toration”, “Council of Economic Advisors”, “National Se-*
9 *curity Council”, “Office of Administration”, “Office of*
10 *Management and Budget”, “Office of National Drug Con-*
11 *trol Policy”, “Special Assistance to the President”, and*
12 *“Official Residence of the Vice President”, the Director of*
13 *the Office of Management and Budget (or such other officer*
14 *as the President may designate in writing), may, fifteen*
15 *days after giving notice to the House and Senate Commit-*
16 *tees on Appropriations, transfer not to exceed 10 percent*
17 *of any such appropriation to any other such appropriation,*
18 *to be merged with and available for the same time and for*
19 *the same purposes as the appropriation to which trans-*
20 *ferred: Provided, That the amount of an appropriation shall*
21 *not be increased by more than 50 percent by such transfers:*
22 *Provided further, That no amount shall be transferred from*
23 *“Special Assistance to the President” or “Official Residence*
24 *of the Vice President” without the approval of the Vice*
25 *President.*

1 *SEC. 717. All Federal agencies and departments that*
2 *are funded under this Act shall issue quarterly reports to*
3 *the House and Senate Committees on Appropriations on*
4 *all sole source contracts. Such report shall include the con-*
5 *tractor, the amount of the contract and the rationale for*
6 *using a sole source contract. Each Federal agency and de-*
7 *partment shall publish this information quarterly in the*
8 *Federal Register.*

9 *SEC. 718. The Secretary of the Treasury may transfer*
10 *funds from within Treasury accounts for any costs nec-*
11 *essary to pay for both career and non-career Senior Execu-*
12 *tive Service positions and support staff in locations of eco-*
13 *nomie strategic interest throughout the world. Such posi-*
14 *tions would be used to advocate potions of interest to the*
15 *United States Government, including open and fair finan-*
16 *cial markets, consistent with the Secretary's obligation*
17 *under the Gold Reserve Act of 1934 (48 Stat. 337) to pro-*
18 *mote orderly exchange arrangements and an orderly system*
19 *of exchange rates. Any transfer shall not be made available*
20 *until approved in an operating plan request by the House*
21 *and Senate Committees on Appropriations.*

22 *SEC. 719. None of the funds made available in this*
23 *Act may be used to administer, implement, or enforce the*
24 *amendment made to section 515.533 of title 31, Code of Fed-*

1 eral Regulations, that was published in the Federal Register
2 on February 25, 2005.

3 SEC. 720. Notwithstanding any other provision of law,
4 hereafter, neither the Board of Governors of the Federal Re-
5 serve System nor the Secretary of the Treasury may deter-
6 mine, by rule, regulation, order, or otherwise, for purposes
7 of section 4(K) of the Bank Holding Company Act of 1956,
8 or section 5136A of the Revised Statutes of the United
9 States, that real estate brokerage activity or real estate
10 management activity (which, for purposes of this para-
11 graph shall be defined to mean “real estate brokerage” and
12 “property management” respectively, as those terms were
13 understood by the Federal Reserve Board prior to March
14 11, 2000) is an activity that is financial in nature, is inci-
15 dental to any financial activity, or is complementary to
16 a financial activity. For purposes of this paragraph, “real
17 estate brokerage activity” shall mean “real estate broker-
18 age”, and “real estate management activity” shall mean
19 “property management”, as those terms were understood by
20 the Federal Reserve Board prior to March 11, 2000.

21 SEC. 721. None of the funds in this Act or otherwise
22 available to the Secretary of the Treasury from any source
23 may be expended to implement a reimbursable agreement
24 pursuant to section 517 of H.R. 2360, as adopted by the
25 United States Senate on July 14, 2005.

1 *SEC. 722. REPEAL OF INCREASE IN MICRO-PURCHASE*
2 *THRESHOLD.*

3 *Section 101 of the Second Emergency Supplemental*
4 *Appropriations Act to Meet Immediate Needs Arising From*
5 *the Consequences of Hurricane Katrina, 2005 (Public Law*
6 *109–62; 119 Stat. 1992) is repealed.*

7 *SEC. 723. The United States Interagency Council on*
8 *Homelessness shall conduct an assessment of the guidance*
9 *disseminated by the Department of Education, the Depart-*
10 *ment of Housing and Urban Development, and other related*
11 *Federal agencies for grantees of homeless assistance pro-*
12 *grams on whether such guidance is consistent with and does*
13 *not restrict the exercise of education rights provided to par-*
14 *ents, youth, and children under subtitle B of title VII of*
15 *the McKinney-Vento Act: Provided, That such assessment*
16 *shall address whether the practices, outreach, and training*
17 *efforts of said agencies serve to protect and advance such*
18 *rights: Provided further, That the Council shall submit to*
19 *the House and Senate Committees on Appropriations an*
20 *interim report by May 1, 2006, and a final report by Sep-*
21 *tember 1, 2006.*

22 *SEC. 724. REPORT ON EVERGREEN TERRACE.—(a) IN*
23 *GENERAL.—The Secretary of Housing and Urban Develop-*
24 *ment shall conduct a study and prepare a report that de-*
25 *scribes the progress, if any, in improving the living condi-*

1 *tions of the tenants of the Evergreen Terrace I and Ever-*
2 *green Terrace II housing complexes located in Joliet, Illi-*
3 *nois, by the owners of such complexes.*

4 **(b) INTERIM REPORT.**—*Not later than 6 months after*
5 *the date of enactment of this Act, the Secretary of Housing*
6 *and Urban Development shall submit to Congress an in-*
7 *terim report on the findings of the study required under*
8 *subsection (a).*

9 **(c) FINAL REPORT.**—*Not later than 12 months after*
10 *the date of enactment of this Act, the Secretary of Housing*
11 *and Urban Development shall submit to Congress a final*
12 *report that describes—*

13 **(1)** *the findings of the study required under sub-*
14 *section (a); and*

15 **(2)** *any conclusions and recommendations of*
16 *such study.*

17 **SEC. 725. ALL-TERRAIN VEHICLES.**—**(a) IN GEN-**
18 **ERAL.**—*Notwithstanding any other provision of law, it is*
19 *unlawful for any manufacturer or wholesale distributor to*
20 *distribute in commerce in the United States any new as-*
21 *sembled or unassembled ATV unless—*

22 **(1)(A)** *with respect to an ATV designed for use*
23 *by single operator only, such ATV complies with any*
24 *applicable provision of—*

1 (i) *the American National Standard for*
2 *Four Wheel All-Terrain Vehicles – Equipment,*
3 *Configuration, and Performance Requirements*
4 *developed by the Specialty Vehicle Institute of*
5 *America (American National Standard ANSI/*
6 *SVIA–1–2001);*

7 (ii) *a revision of such Standard; or*

8 (iii) *a mandatory rule promulgated by the*
9 *Consumer Product Safety Commission; or*

10 (iv) *such alternative standard that may be*
11 *accepted by the Commission; or*

12 (B) *with respect to an ATV designed for use by*
13 *an operator and passengers, such ATV complies with*
14 *any applicable provisions of any future American*
15 *National Standard developed for such vehicles or such*
16 *alternative standard that may be accepted by the*
17 *Commission;*

18 (2) *with respect to an ATV, it is subject to or*
19 *covered by a letter of undertaking or an ATV action*
20 *plan that is sent not more than 30 days after the date*
21 *of enactment of this Act—*

22 (A) *applies to such ATV;*

23 (B) *includes actions to promote ATV safety;*

24 *and*

1 (C) has been approved by the Commission
2 and is substantially implemented at the time of
3 the distribution in commerce of such ATV; and
4 (3) such ATV bears a permanent label certifying
5 that it complies with the provisions of paragraphs (1)
6 and (2).

7 (b) *DEFINITIONS.*—In this section:

8 (1) *ATV.*—The term “ATV” means any motor-
9 ized, off-highway, all-terrain vehicle designed to travel
10 on 4 wheels, having a seat designed to be straddled by
11 the operator and handlebars for steering control and
12 does not include a prototype of an motorized, off-high-
13 way, all-terrain vehicle or other off-highway, all-ter-
14 rain vehicle that is intended exclusively for research
15 and development purposes.

16 (2) *COMMISSION, DISTRIBUTION IN COMMERCE,*
17 *TO DISTRIBUTE IN COMMERCE, UNITED STATES.*—The
18 terms “Commission”, “distribution in commerce”, “to
19 distribute in commerce”, and “United States” have
20 the meaning given those terms in section 3(a) of the
21 Consumer Product Safety Act (15 U.S.C. 2052(a)).

22 (c) *VIOLATION OF CPSA.*—Any violation of subsection
23 (a) shall be considered to be a prohibited act within the
24 meaning of section 19 of the Consumer Product Safety Act
25 (15 U.S.C. 2068) and shall be subject to the penalties and

1 *remedies available for prohibited acts under the Consumer*
2 *Product Safety Act.*

3 (d) *EFFECTIVE DATE.*—*This section shall become effec-*
4 *tive 90 days after the date of the enactment of this Act.*

5 *SEC. 726. Any limitation, directive, or earmarking*
6 *contained in either the House of Representatives or Senate*
7 *report accompanying H.R. 3058 shall also be included in*
8 *the conference report or joint statement accompanying H.R.*
9 *3058 in order to be considered as having been approved by*
10 *both Houses of Congress.*

11 *SEC. 727. DEPARTMENT OF HOUSING AND URBAN DE-*
12 *VELOPMENT RISK ASSESSMENT.*—(a) *ESTIMATE.*—*The*
13 *Secretary of Housing and Urban Development shall esti-*
14 *mate improper payments for the community development*
15 *block grant program under title I of the Housing and Com-*
16 *munity Development Act of 1974 (42 U.S.C. 5301 et seq.)*
17 *pursuant to section 2 of the Improper Payments Informa-*
18 *tion Act of 2002 (Public Law 107–300).*

19 (b) *REPORT.*—*Not later than 60 days after the date*
20 *of enactment of this section, the Secretary shall report to*
21 *Congress on specific actions taken to estimate improper*
22 *payments in the community development block grant pro-*
23 *gram to comply with section 2 of the Improper Payments*
24 *Information Act of 2002, including a schedule for full com-*
25 *pliance with such Act within fiscal year 2006.*

1 (c) *FAILURE TO REPORT.*—*If the Secretary fails to re-*
2 *port to Congress on specific actions taken to estimate im-*
3 *proper payments as required under subsection (b), funds*
4 *for the community development block grant program shall*
5 *be halted until such report is submitted.*

6 *SEC. 728. PAYMENTS TO FEDERAL CONTRACTORS*
7 *WITH FEDERAL TAX DEBT.*

8 *The General Services Administration, in conjunction*
9 *with the Financial Management Service, shall develop pro-*
10 *cedures to subject purchase card payments to Federal con-*
11 *tractors to the Federal Payment Levy Program.*

12 *SEC. 729. REPORTING OF AIR TRAVEL BY FEDERAL*
13 *GOVERNMENT EMPLOYEES.*—(a) *ANNUAL REPORTS RE-*
14 *QUIRED.*—*The Administrator of General Services shall sub-*
15 *mit annually to the Committee on Homeland Security and*
16 *Governmental Affairs of the Senate and the Committee on*
17 *Government Reform of the House of Representatives a re-*
18 *port on all first class and business class travel by employees*
19 *of each agency undertaken at the expense of the Federal*
20 *Government.*

21 (b) *CONTENTS.*—*The reports submitted pursuant to*
22 *subsection (a) shall include, at a minimum, with respect*
23 *to each travel by first class or business class—*

24 (1) *the names of each traveler;*

25 (2) *the date of travel;*

1 (3) *the points of origination and destination;*

2 (4) *the cost of the first class or business class*
3 *travel; and*

4 (5) *the cost difference between such travel and*
5 *travel by coach class fare available under contract*
6 *with the General Services Administration or, if no*
7 *contract is available, the lowest coach class fare avail-*
8 *able.*

9 (c) *AGENCY DEFINED.*—(1) *Except as provided in*
10 *paragraph (2), in this section, the term “agency” has the*
11 *meaning given such term in section 5701(1) of title 5,*
12 *United States Code.*

13 (2) *The term does not include any element of the intel-*
14 *ligence community as set forth in or designated under sec-*
15 *tion 3(4) of the National Security Act of 1947 (50 U.S.C.*
16 *401a(4)).*

17 *TITLE VIII—GENERAL PROVISIONS*

18 *GOVERNMENT-WIDE*

19 *DEPARTMENTS, AGENCIES, AND CORPORATIONS*

20 *SEC. 800. Funds appropriated in this or any other Act*
21 *may be used to pay travel to the United States for the im-*
22 *mediate family of employees serving abroad in cases of*
23 *death or life threatening illness of said employee.*

24 *SEC. 801. No department, agency, or instrumentality*
25 *of the United States receiving appropriated funds under*

1 *this or any other Act for fiscal year 2006 shall obligate or*
2 *expend any such funds, unless such department, agency, or*
3 *instrumentality has in place, and will continue to admin-*
4 *ister in good faith, a written policy designed to ensure that*
5 *all of its workplaces are free from the illegal use, possession,*
6 *or distribution of controlled substances (as defined in the*
7 *Controlled Substances Act (21 U.S.C. 802)) by the officers*
8 *and employees of such department, agency, or instrumen-*
9 *tality.*

10 *SEC. 802. Appropriations of the executive departments*
11 *and independent establishments for the current fiscal year*
12 *available for expenses of travel, or for the expenses of the*
13 *activity concerned, are hereby made available for quarters*
14 *allowances and cost-of-living allowances, in accordance*
15 *with 5 U.S.C. 5922–5924.*

16 *SEC. 803. Unless otherwise specified during the current*
17 *fiscal year, no part of any appropriation contained in this*
18 *or any other Act shall be used to pay the compensation of*
19 *any officer or employee of the Government of the United*
20 *States (including any agency the majority of the stock of*
21 *which is owned by the Government of the United States)*
22 *whose post of duty is in the continental United States un-*
23 *less such person: (1) is a citizen of the United States; (2)*
24 *is a person in the service of the United States on the date*
25 *of the enactment of this Act who, being eligible for citizen-*

1 *ship, has filed a declaration of intention to become a citizen*
2 *of the United States prior to such date and is actually re-*
3 *siding in the United States; (3) is a person who owes alle-*
4 *giance to the United States; (4) is an alien from Cuba, Po-*
5 *land, South Vietnam, the countries of the former Soviet*
6 *Union, or the Baltic countries lawfully admitted to the*
7 *United States for permanent residence; (5) is a South Viet-*
8 *namese, Cambodian, or Laotian refugee paroled in the*
9 *United States after January 1, 1975; or (6) is a national*
10 *of the People's Republic of China who qualifies for adjust-*
11 *ment of status pursuant to the Chinese Student Protection*
12 *Act of 1992 (Public Law 102-404): Provided, That for the*
13 *purpose of this section, an affidavit signed by any such per-*
14 *son shall be considered prima facie evidence that the re-*
15 *quirements of this section with respect to his or her status*
16 *have been complied with: Provided further, That any person*
17 *making a false affidavit shall be guilty of a felony, and,*
18 *upon conviction, shall be fined no more than \$4,000 or im-*
19 *prisoned for not more than 1 year, or both: Provided fur-*
20 *ther, That the above penal clause shall be in addition to,*
21 *and not in substitution for, any other provisions of existing*
22 *law: Provided further, That any payment made to any offi-*
23 *cer or employee contrary to the provisions of this section*
24 *shall be recoverable in action by the Federal Government.*
25 *This section shall not apply to citizens of Ireland, Israel,*

1 *or the Republic of the Philippines, or to nationals of those*
2 *countries allied with the United States in a current defense*
3 *effort, or to international broadcasters employed by the*
4 *United States Information Agency, or to temporary em-*
5 *ployment of translators, or to temporary employment in the*
6 *field service (not to exceed 60 days) as a result of emer-*
7 *gencies.*

8 *SEC. 804. Appropriations available to any department*
9 *or agency during the current fiscal year for necessary ex-*
10 *penses, including maintenance or operating expenses, shall*
11 *also be available for payment to the General Services Ad-*
12 *ministration for charges for space and services and those*
13 *expenses of renovation and alteration of buildings and fa-*
14 *cilities which constitute public improvements performed in*
15 *accordance with the Public Buildings Act of 1959 (73 Stat.*
16 *749), the Public Buildings Amendments of 1972 (87 Stat.*
17 *216), or other applicable law.*

18 *SEC. 805. In addition to funds provided in this or any*
19 *other Act, all Federal agencies are authorized to receive and*
20 *use funds resulting from the sale of materials, including*
21 *Federal records disposed of pursuant to a records schedule*
22 *recovered through recycling or waste prevention programs.*
23 *Such funds shall be available until expended for the fol-*
24 *lowing purposes:*

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

6 (2) *Other Federal agency environmental manage-*
7 *ment programs, including, but not limited to, the de-*
8 *velopment and implementation of hazardous waste*
9 *management and pollution prevention programs.*

10 (3) *Other employee programs as authorized by*
11 *law or as deemed appropriate by the head of the Fed-*
12 *eral agency.*

13 *SEC. 806. Funds made available by this or any other*
14 *Act for administrative expenses in the current fiscal year*
15 *of the corporations and agencies subject to chapter 91 of*
16 *title 31, United States Code, shall be available, in addition*
17 *to objects for which such funds are otherwise available, for*
18 *rent in the District of Columbia; services in accordance*
19 *with 5 U.S.C. 3109; and the objects specified under this*
20 *head, all the provisions of which shall be applicable to the*
21 *expenditure of such funds unless otherwise specified in the*
22 *Act by which they are made available: Provided, That in*
23 *the event any functions budgeted as administrative expenses*
24 *are subsequently transferred to or paid from other funds,*

1 *the limitations on administrative expenses shall be cor-*
2 *respondingly reduced.*

3 *SEC. 807. No part of any appropriation for the current*
4 *fiscal year contained in this or any other Act shall be paid*
5 *to any person for the filling of any position for which he*
6 *or she has been nominated after the Senate has voted not*
7 *to approve the nomination of said person.*

8 *SEC. 808. No part of any appropriation contained in*
9 *this or any other Act shall be available for interagency fi-*
10 *nancing of boards (except Federal Executive Boards), com-*
11 *missions, councils, committees, or similar groups (whether*
12 *or not they are interagency entities) which do not have a*
13 *prior and specific statutory approval to receive financial*
14 *support from more than one agency or instrumentality.*

15 *SEC. 809. Funds made available by this or any other*
16 *Act to the Postal Service Fund (39 U.S.C. 2003) shall be*
17 *available for employment of guards for all buildings and*
18 *areas owned or occupied by the Postal Service or under the*
19 *charge and control of the Postal Service. The Postal Service*
20 *may give such guards, with respect to such property, any*
21 *of the powers of special policemen provided under 40 U.S.C.*
22 *1315. The Postmaster General, or his designee, may take*
23 *any action that the Secretary of Homeland Security may*
24 *take under such section with respect to that property.*

1 *SEC. 810. None of the funds made available pursuant*
2 *to the provisions of this Act shall be used to implement,*
3 *administer, or enforce any regulation which has been dis-*
4 *approved pursuant to a joint resolution duly adopted in*
5 *accordance with the applicable law of the United States.*

6 *SEC. 811. (a) Notwithstanding any other provision of*
7 *law, and except as otherwise provided in this section, no*
8 *part of any of the funds appropriated for fiscal year 2006,*
9 *by this or any other Act, may be used to pay any prevailing*
10 *rate employee described in section 5342(a)(2)(A) of title 5,*
11 *United States Code—*

12 *(1) during the period from the date of expiration*
13 *of the limitation imposed by the comparable section*
14 *for previous fiscal years until the normal effective*
15 *date of the applicable wage survey adjustment that is*
16 *to take effect in fiscal year 2006, in an amount that*
17 *exceeds the rate payable for the applicable grade and*
18 *step of the applicable wage schedule in accordance*
19 *with such section; and*

20 *(2) during the period consisting of the remainder*
21 *of fiscal year 2006, in an amount that exceeds, as a*
22 *result of a wage survey adjustment, the rate payable*
23 *under paragraph (1) by more than the sum of—*

24 *(A) the percentage adjustment taking effect*
25 *in fiscal year 2006 under section 5303 of title 5,*

1 *United States Code, in the rates of pay under the*
2 *General Schedule; and*

3 *(B) the difference between the overall aver-*
4 *age percentage of the locality-based com-*
5 *parability payments taking effect in fiscal year*
6 *2006 under section 5304 of such title (whether by*
7 *adjustment or otherwise), and the overall average*
8 *percentage of such payments which was effective*
9 *in the previous fiscal year under such section.*

10 *(b) Notwithstanding any other provision of law, no*
11 *prevailing rate employee described in subparagraph (B) or*
12 *(C) of section 5342(a)(2) of title 5, United States Code, and*
13 *no employee covered by section 5348 of such title, may be*
14 *paid during the periods for which subsection (a) is in effect*
15 *at a rate that exceeds the rates that would be payable under*
16 *subsection (a) were subsection (a) applicable to such em-*
17 *ployee.*

18 *(c) For the purposes of this section, the rates payable*
19 *to an employee who is covered by this section and who is*
20 *paid from a schedule not in existence on September 30,*
21 *2005, shall be determined under regulations prescribed by*
22 *the Office of Personnel Management.*

23 *(d) Notwithstanding any other provision of law, rates*
24 *of premium pay for employees subject to this section may*
25 *not be changed from the rates in effect on September 30,*

1 2005, except to the extent determined by the Office of Per-
2 sonnel Management to be consistent with the purpose of this
3 section.

4 (e) This section shall apply with respect to pay for
5 service performed after September 30, 2005.

6 (f) For the purpose of administering any provision of
7 law (including any rule or regulation that provides pre-
8 mium pay, retirement, life insurance, or any other em-
9 ployee benefit) that requires any deduction or contribution,
10 or that imposes any requirement or limitation on the basis
11 of a rate of salary or basic pay, the rate of salary or basic
12 pay payable after the application of this section shall be
13 treated as the rate of salary or basic pay.

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

18 (h) The Office of Personnel Management may provide
19 for exceptions to the limitations imposed by this section if
20 the Office determines that such exceptions are necessary to
21 ensure the recruitment or retention of qualified employees.

22 SEC. 812. During the period in which the head of any
23 department or agency, or any other officer or civilian em-
24 ployee of the Government appointed by the President of the
25 United States, holds office, no funds may be obligated or

1 expended in excess of \$5,000 to furnish or redecorate the
2 office of such department head, agency head, officer, or em-
3 ployee, or to purchase furniture or make improvements for
4 any such office, unless advance notice of such furnishing
5 or redecoration is expressly approved by the Committees on
6 Appropriations. For the purposes of this section, the term
7 “office” shall include the entire suite of offices assigned to
8 the individual, as well as any other space used primarily
9 by the individual or the use of which is directly controlled
10 by the individual.

11 *SEC. 813. Notwithstanding section 1346 of title 31,*
12 *United States Code, or section 809 of this Act, funds made*
13 *available for the current fiscal year by this or any other*
14 *Act shall be available for the interagency funding of na-*
15 *tional security and emergency preparedness telecommuni-*
16 *cations initiatives which benefit multiple Federal depart-*
17 *ments, agencies, or entities, as provided by Executive Order*
18 *No. 12472 (April 3, 1984).*

19 *SEC. 814. (a) None of the funds appropriated by this*
20 *or any other Act may be obligated or expended by any Fed-*
21 *eral department, agency, or other instrumentality for the*
22 *salaries or expenses of any employee appointed to a position*
23 *of a confidential or policy-determining character excepted*
24 *from the competitive service pursuant to section 3302 of*
25 *title 5, United States Code, without a certification to the*

1 *Office of Personnel Management from the head of the Fed-*
2 *eral department, agency, or other instrumentality employ-*
3 *ing the Schedule C appointee that the Schedule C position*
4 *was not created solely or primarily in order to detail the*
5 *employee to the White House.*

6 (b) *The provisions of this section shall not apply to*
7 *Federal employees or members of the armed services detailed*
8 *to or from—*

9 (1) *the Central Intelligence Agency;*

10 (2) *the National Security Agency;*

11 (3) *the Defense Intelligence Agency;*

12 (4) *the offices within the Department of Defense*
13 *for the collection of specialized national foreign intel-*
14 *ligence through reconnaissance programs;*

15 (5) *the Bureau of Intelligence and Research of*
16 *the Department of State;*

17 (6) *any agency, office, or unit of the Army,*
18 *Navy, Air Force, and Marine Corps, the Department*
19 *of Homeland Security, the Federal Bureau of Inves-*
20 *tigation and the Drug Enforcement Administration of*
21 *the Department of Justice, the Department of Trans-*
22 *portation, the Department of the Treasury, and the*
23 *Department of Energy performing intelligence func-*
24 *tions; and*

1 (7) *the Director of National Intelligence or the*
2 *Office of the Director of National Intelligence.*

3 *SEC. 815. No department, agency, or instrumentality*
4 *of the United States receiving appropriated funds under*
5 *this or any other Act for the current fiscal year shall obli-*
6 *gate or expend any such funds, unless such department,*
7 *agency, or instrumentality has in place, and will continue*
8 *to administer in good faith, a written policy designed to*
9 *ensure that all of its workplaces are free from discrimina-*
10 *tion and sexual harassment and that all of its workplaces*
11 *are not in violation of title VII of the Civil Rights Act of*
12 *1964 (Public Law 88–352, 78 Stat. 241), as amended, the*
13 *Age Discrimination in Employment Act of 1967 (Public*
14 *Law 90–202, 81 Stat. 602), and the Rehabilitation Act of*
15 *1973 (Public Law 93–112, 87 Stat. 355).*

16 *SEC. 816. No part of any appropriation contained in*
17 *this or any other Act shall be available for the payment*
18 *of the salary of any officer or employee of the Federal Gov-*
19 *ernment, who—*

20 (1) *prohibits or prevents, or attempts or threat-*
21 *ens to prohibit or prevent, any other officer or em-*
22 *ployee of the Federal Government from having any*
23 *direct oral or written communication or contact with*
24 *any Member, committee, or subcommittee of the Con-*
25 *gress in connection with any matter pertaining to the*

1 *employment of such other officer or employee or per-*
2 *taining to the department or agency of such other of-*
3 *ficer or employee in any way, irrespective of whether*
4 *such communication or contact is at the initiative of*
5 *such other officer or employee or in response to the re-*
6 *quest or inquiry of such Member, committee, or sub-*
7 *committee; or*

8 *(2) removes, suspends from duty without pay,*
9 *demotes, reduces in rank, seniority, status, pay, or*
10 *performance of efficiency rating, denies promotion to,*
11 *relocates, reassigns, transfers, disciplines, or discrimi-*
12 *nates in regard to any employment right, entitlement,*
13 *or benefit, or any term or condition of employment of,*
14 *any other officer or employee of the Federal Govern-*
15 *ment, or attempts or threatens to commit any of the*
16 *foregoing actions with respect to such other officer or*
17 *employee, by reason of any communication or contact*
18 *of such other officer or employee with any Member,*
19 *committee, or subcommittee of the Congress as de-*
20 *scribed in paragraph (1).*

21 *SEC. 817. (a) None of the funds made available in this*
22 *or any other Act may be obligated or expended for any em-*
23 *ployee training that—*

1 (1) *does not meet identified needs for knowledge,*
2 *skills, and abilities bearing directly upon the perform-*
3 *ance of official duties;*

4 (2) *contains elements likely to induce high levels*
5 *of emotional response or psychological stress in some*
6 *participants;*

7 (3) *does not require prior employee notification*
8 *of the content and methods to be used in the training*
9 *and written end of course evaluation;*

10 (4) *contains any methods or content associated*
11 *with religious or quasi-religious belief systems or*
12 *“new age” belief systems as defined in Equal Employ-*
13 *ment Opportunity Commission Notice N-915.022,*
14 *dated September 2, 1988; or*

15 (5) *is offensive to, or designed to change, partici-*
16 *pants’ personal values or lifestyle outside the work-*
17 *place.*

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

21 SEC. 818. *No funds appropriated in this or any other*
22 *Act may be used to implement or enforce the agreements*
23 *in Standard Forms 312 and 4414 of the Government or*
24 *any other nondisclosure policy, form, or agreement if such*
25 *policy, form, or agreement does not contain the following*

1 provisions: “These restrictions are consistent with and do
2 not supersede, conflict with, or otherwise alter the employee
3 obligations, rights, or liabilities created by Executive Order
4 No. 12958; section 7211 of title 5, United States Code (gov-
5 erning disclosures to Congress); section 1034 of title 10,
6 United States Code, as amended by the Military Whistle-
7 blower Protection Act (Public Law 100–456) (governing
8 disclosure to Congress by members of the military); section
9 2302(b)(8) of title 5, United States Code, as amended by
10 the Whistleblower Protection Act (Public Law 101–12) (gov-
11 erning disclosures of illegality, waste, fraud, abuse or public
12 health or safety threats); the Intelligence Identities Protec-
13 tion Act of 1982 (50 U.S.C. 421 et seq.) (governing disclo-
14 sures that could expose confidential Government agents);
15 and the statutes which protect against disclosure that may
16 compromise the national security, including sections 641,
17 793, 794, 798, and 952 of title 18, United States Code, and
18 section 4(b) of the Subversive Activities Act of 1950 (50
19 U.S.C. 783(b)). The definitions, requirements, obligations,
20 rights, sanctions, and liabilities created by said Executive
21 order and listed statutes are incorporated into this agree-
22 ment and are controlling.”: Provided, That notwith-
23 standing the preceding paragraph, a nondisclosure policy
24 form or agreement that is to be executed by a person con-
25 nected with the conduct of an intelligence or intelligence-

1 *related activity, other than an employee or officer of the*
2 *United States Government, may contain provisions appro-*
3 *priate to the particular activity for which such document*
4 *is to be used. Such form or agreement shall, at a minimum,*
5 *require that the person will not disclose any classified infor-*
6 *mation received in the course of such activity unless specifi-*
7 *cally authorized to do so by the United States Government.*
8 *Such nondisclosure forms shall also make it clear that they*
9 *do not bar disclosures to Congress or to an authorized offi-*
10 *cial of an executive agency or the Department of Justice*
11 *that are essential to reporting a substantial violation of*
12 *law.*

13 *SEC. 819. No part of any funds appropriated in this*
14 *or any other Act shall be used by an agency of the executive*
15 *branch, other than for normal and recognized executive-leg-*
16 *islative relationships, for publicity or propaganda pur-*
17 *poses, and for the preparation, distribution or use of any*
18 *kit, pamphlet, booklet, publication, radio, television or film*
19 *presentation designed to support or defeat legislation pend-*
20 *ing before the Congress, except in presentation to the Con-*
21 *gress itself.*

22 *SEC. 820. None of the funds appropriated by this or*
23 *any other Act may be used by an agency to provide a Fed-*
24 *eral employee's home address to any labor organization ex-*
25 *cept when the employee has authorized such disclosure or*

1 *when such disclosure has been ordered by a court of com-*
2 *petent jurisdiction.*

3 *SEC. 821. None of the funds made available in this*
4 *Act or any other Act may be used to provide any non-public*
5 *information such as mailing or telephone lists to any per-*
6 *son or any organization outside of the Federal Government*
7 *without the approval of the Committees on Appropriations.*

8 *SEC. 822. No part of any appropriation contained in*
9 *this or any other Act shall be used for publicity or propa-*
10 *ganda purposes within the United States not heretofor au-*
11 *thorized by the Congress.*

12 *SEC. 823. (a) In this section the term “agency”—*

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

15 *(2) includes a military department as defined*
16 *under section 102 of such title, the Postal Service, and*
17 *the Postal Rate Commission; and*

18 *(3) shall not include the Government Account-*
19 *ability Office.*

20 *(b) Unless authorized in accordance with law or regu-*
21 *lations to use such time for other purposes, an employee*
22 *of an agency shall use official time in an honest effort to*
23 *perform official duties. An employee not under a leave sys-*
24 *tem, including a Presidential appointee exempted under*
25 *section 6301(2) of title 5, United States Code, has an obliga-*

1 *tion to expend an honest effort and a reasonable proportion*
2 *of such employee's time in the performance of official duties.*

3 *SEC. 824. Notwithstanding 31 U.S.C. 1346 and section*
4 *809 of this Act, funds made available for the current fiscal*
5 *year by this or any other Act to any department or agency,*
6 *which is a member of the Joint Financial Management Im-*
7 *provement Program (JFMIP), shall be available to finance*
8 *an appropriate share of JFMIP administrative costs, as de-*
9 *termined by the JFMIP, but not to exceed a total of*
10 *\$800,000 including the salary of the Executive Director and*
11 *staff support.*

12 *SEC. 825. Notwithstanding 31 U.S.C. 1346 and section*
13 *810 of this Act, the head of each Executive department and*
14 *agency is hereby authorized to transfer to or reimburse*
15 *“General Services Administration, Government-wide Pol-*
16 *icy” with the approval of the Director of the Office of Man-*
17 *agement and Budget, funds made available for the current*
18 *fiscal year by this or any other Act, including rebates from*
19 *charge card and other contracts: Provided, That these funds*
20 *shall be administered by the Administrator of General Serv-*
21 *ices to support Government-wide financial, information*
22 *technology, procurement, and other management innova-*
23 *tions, initiatives, and activities, as approved by the Direc-*
24 *tor of the Office of Management and Budget, in consultation*
25 *with the appropriate interagency groups designated by the*

1 *Director (including the Chief Financial Officers Council*
2 *and the Joint Financial Management Improvement Pro-*
3 *gram for financial management initiatives, the Chief Infor-*
4 *mation Officers Council for information technology initia-*
5 *tives, the Chief Human Capital Officers Council for human*
6 *capital initiatives, and the Federal Acquisition Council for*
7 *procurement initiatives). The total funds transferred or re-*
8 *imbursed shall not exceed \$17,000,000. Such transfers or*
9 *reimbursements may only be made 15 days following notifi-*
10 *cation of the Committees on Appropriations by the Director*
11 *of the Office of Management and Budget.*

12 *SEC. 826. Notwithstanding any other provision of law,*
13 *a woman may breastfeed her child at any location in a*
14 *Federal building or on Federal property, if the woman and*
15 *her child are otherwise authorized to be present at the loca-*
16 *tion.*

17 *SEC. 827. Notwithstanding section 1346 of title 31,*
18 *United States Code, or section 809 of this Act, funds made*
19 *available for the current fiscal year by this or any other*
20 *Act shall be available for the interagency funding of specific*
21 *projects, workshops, studies, and similar efforts to carry out*
22 *the purposes of the National Science and Technology Coun-*
23 *cil (authorized by Executive Order No. 12881), which ben-*
24 *efit multiple Federal departments, agencies, or entities:*
25 *Provided, That the Office of Management and Budget shall*

1 *provide a report describing the budget of and resources con-*
2 *nected with the National Science and Technology Council*
3 *to the Committees on Appropriations, the House Committee*
4 *on Science; and the Senate Committee on Commerce,*
5 *Science, and Transportation 90 days after enactment of this*
6 *Act.*

7 *SEC. 828. Any request for proposals, solicitation, grant*
8 *application, form, notification, press release, or other publi-*
9 *cations involving the distribution of Federal funds shall in-*
10 *dicating the agency providing the funds, the Catalog of Fed-*
11 *eral Domestic Assistance Number, as applicable, and the*
12 *amount provided: Provided, That this provision shall apply*
13 *to direct payments, formula funds, and grants received by*
14 *a State receiving Federal funds.*

15 *SEC. 829. Subsection (f) of section 403 of Public Law*
16 *103–356 (31 U.S.C. 501 note), as amended, is further*
17 *amended by striking “October 1, 2005” and inserting “Oc-*
18 *tober 1, 2006”:* *Provided, That this provision shall not*
19 *apply to the Department of Homeland Security.*

20 *SEC. 830. (a) PROHIBITION OF FEDERAL AGENCY*
21 *MONITORING OF INDIVIDUALS’ INTERNET USE.—None of*
22 *the funds made available in this or any other Act may be*
23 *used by any Federal agency—*

24 *(1) to collect, review, or create any aggregation*
25 *of data, derived from any means, that includes any*

1 *personally identifiable information relating to an in-*
2 *dividual's access to or use of any Federal Government*
3 *Internet site of the agency; or*

4 (2) *to enter into any agreement with a third*
5 *party (including another government agency) to col-*
6 *lect, review, or obtain any aggregation of data, de-*
7 *rived from any means, that includes any personally*
8 *identifiable information relating to an individual's*
9 *access to or use of any nongovernmental Internet site.*

10 (b) *EXCEPTIONS.—The limitations established in sub-*
11 *section (a) shall not apply to—*

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

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

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

19 (4) *any action described in subsection (a)(1) that*
20 *is a system security action taken by the operator of*
21 *an Internet site and is necessarily incident to pro-*
22 *viding the Internet site services or to protecting the*
23 *rights or property of the provider of the Internet site.*

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

1 (1) *The term “regulatory” means agency actions*
2 *to implement, interpret or enforce authorities pro-*
3 *vided in law.*

4 (2) *The term “supervisory” means examinations*
5 *of the agency’s supervised institutions, including as-*
6 *sessing safety and soundness, overall financial condi-*
7 *tion, management practices and policies and compli-*
8 *ance with applicable standards as provided in law.*

9 SEC. 831. (a) *None of the funds appropriated by this*
10 *Act may be used to enter into or renew a contract which*
11 *includes a provision providing prescription drug coverage,*
12 *except where the contract also includes a provision for con-*
13 *traceptive coverage.*

14 (b) *Nothing in this section shall apply to a contract*
15 *with—*

16 (1) *any of the following religious plans:*

17 (A) *Personal Care’s HMO; and*

18 (B) *OSF HealthPlans, Inc.; and*

19 (2) *any existing or future plan, if the carrier for*
20 *the plan objects to such coverage on the basis of reli-*
21 *gious beliefs.*

22 (c) *In implementing this section, any plan that enters*
23 *into or renews a contract under this section may not subject*
24 *any individual to discrimination on the basis that the indi-*
25 *vidual refuses to prescribe or otherwise provide for contra-*

1 *ceptives because such activities would be contrary to the in-*
2 *dividual's religious beliefs or moral convictions.*

3 *(d) Nothing in this section shall be construed to require*
4 *coverage of abortion or abortion-related services.*

5 *SEC. 832. The Congress of the United States recognizes*
6 *the United States Anti-Doping Agency (USADA) as the of-*
7 *ficial anti-doping agency for Olympic, Pan American, and*
8 *Paralympic sport in the United States.*

9 *SEC. 833. Notwithstanding any other provision of law,*
10 *funds appropriated for official travel by Federal depart-*
11 *ments and agencies may be used by such departments and*
12 *agencies, if consistent with Office of Management and*
13 *Budget Circular A-126 regarding official travel for Govern-*
14 *ment personnel, to participate in the fractional aircraft*
15 *ownership pilot program.*

16 *SEC. 834. Notwithstanding any other provision of law,*
17 *none of the funds appropriated or made available under*
18 *this Act or any other appropriations Act may be used to*
19 *implement or enforce restrictions or limitations on the*
20 *Coast Guard Congressional Fellowship Program, or to im-*
21 *plement the proposed regulations of the Office of Personnel*
22 *Management to add sections 300.311 through 300.316 to*
23 *part 300 of title 5 of the Code of Federal Regulations, pub-*
24 *lished in the Federal Register, volume 68, number 174, on*

1 *September 9, 2003 (relating to the detail of executive branch*
2 *employees to the legislative branch).*

3 *SEC. 835. Each Executive department and agency*
4 *shall evaluate the creditworthiness of an individual before*
5 *issuing the individual a government purchase charge card*
6 *or government travel charge card. The department or agen-*
7 *cy may not issue a government purchase charge card or*
8 *government travel charge card to an individual that either*
9 *lacks a credit history or is found to have an unsatisfactory*
10 *credit history as a result of this evaluation: Provided, That*
11 *this restriction shall not preclude issuance of a restricted-*
12 *use charge, debit, or stored value card made in accordance*
13 *with agency procedures to: (1) an individual with an unsat-*
14 *isfactory credit history where such card is used to pay trav-*
15 *el expenses and the agency determines there is no suitable*
16 *alternative payment mechanism available before issuing the*
17 *card; or (2) an individual who lacks a credit history. Each*
18 *Executive department and agency shall establish guidelines*
19 *and procedures for disciplinary actions to be taken against*
20 *agency personnel for improper, fraudulent, or abusive use*
21 *of government charge cards, which shall include appro-*
22 *priate disciplinary actions for use of charge cards for pur-*
23 *poses, and at establishments, that are inconsistent with the*
24 *official business of the Department or agency or with appli-*
25 *cable standards of conduct.*

1 *SEC. 836. (a) The adjustment in rates of basic pay*
2 *for employees under the statutory pay systems that takes*
3 *effect in fiscal year 2006 under sections 5303 and 5304 of*
4 *title 5, United States Code, shall be an increase of 3.1 per-*
5 *cent, and this adjustment shall apply to civilian employees*
6 *in the Department of Defense and the Department of Home-*
7 *land Security and such adjustments shall be effective as of*
8 *the first day of the first applicable pay period beginning*
9 *on or after January 1, 2006.*

10 *(b) Notwithstanding section 812 of this Act, the adjust-*
11 *ment in rates of basic pay for the statutory pay systems*
12 *that take place in fiscal year 2006 under sections 5344 and*
13 *5348 of title 5, United States Code, shall be no less than*
14 *the percentage in paragraph (a) as employees in the same*
15 *location whose rates of basic pay are adjusted pursuant to*
16 *the statutory pay systems under section 5303 and 5304 of*
17 *title 5, United States Code. Prevailing rate employees at*
18 *locations where there are no employees whose pay is in-*
19 *creased pursuant to sections 5303 and 5304 of title 5 and*
20 *prevailing rate employees described in section 5343(a)(5)*
21 *of title 5 shall be considered to be located in the pay locality*
22 *designated as “Rest of US” pursuant to section 5304 of title*
23 *5 for purposes of this paragraph.*

24 *(c) Funds used to carry out this section shall be paid*
25 *from appropriations, which are made to each applicable de-*

1 *partment or agency for salaries and expenses for fiscal year*
2 *2006.*

3 *SEC. 837. (a) Not later than 180 days after the end*
4 *of the fiscal year, the head of each Federal agency shall sub-*
5 *mit a report to Congress on the amount of the acquisitions*
6 *made by the agency from entities that manufacture the arti-*
7 *cles, materials, or supplies outside of the United States in*
8 *that fiscal year.*

9 *(b) The report required by subsection (a) shall sepa-*
10 *rately indicate—*

11 *(1) the dollar value of any articles, materials, or*
12 *supplies purchased that were manufactured outside of*
13 *the United States;*

14 *(2) an itemized list of all waivers granted with*
15 *respect to such articles, materials, or supplies under*
16 *the Buy American Act (41 U.S.C. 10a et seq.); and*

17 *(3) a summary of the total procurement funds*
18 *spent on goods manufactured in the United States*
19 *versus funds spent on goods manufactured outside of*
20 *the United States.*

21 *(c) The head of each Federal agency submitting a re-*
22 *port under subsection (a) shall make the report publicly*
23 *available to the maximum extent practicable.*

24 *(d) This section shall not apply to acquisitions made*
25 *by an agency, or component thereof, that is an element of*

1 *the intelligence community as set forth in or designated*
2 *under section 3(4) of the National Security Act of 1947 (50*
3 *U.S.C. 401a(4)).*

4 *SEC. 838. Notwithstanding any other provision of law,*
5 *no executive branch agency shall purchase, construct, and/*
6 *or lease any additional facilities, except within or contig-*
7 *uous to existing locations, to be used for the purpose of con-*
8 *ducting Federal law enforcement training without the ad-*
9 *vance approval of the Committees on Appropriations, ex-*
10 *cept that the Federal Law Enforcement Training Center is*
11 *authorized to obtain the temporary use of additional facili-*
12 *ties by lease, contract, or other agreement for training*
13 *which cannot be accommodated in existing Center facilities.*

14 *SEC. 839. Notwithstanding section 1346 of title 31,*
15 *United States Code, and section 809 of this Act and any*
16 *other provision of law, the head of each appropriate execu-*
17 *tive department and agency shall transfer to or reimburse*
18 *the Federal Aviation Administration, upon the direction of*
19 *the Director of the Office of Management and Budget, funds*
20 *made available by this or any other Act for the purposes*
21 *described below, and shall submit budget requests for such*
22 *purposes. These funds shall be administered by the Federal*
23 *Aviation Administration, in consultation with the appro-*
24 *priate interagency groups designated by the Director and*
25 *shall be used to ensure the uninterrupted, continuous oper-*

1 *ation of the Midway Atoll Airfield by the Federal Aviation*
2 *Administration pursuant to an operational agreement with*
3 *the Department of the Interior for the entirety of fiscal year*
4 *2006 and any period thereafter that precedes the enactment*
5 *of the Transportation, Treasury, the Judiciary, Housing*
6 *and Urban Development, and Related Agencies Appropria-*
7 *tions Act, 2007. The Director of the Office of Management*
8 *and Budget shall mandate the necessary transfers after de-*
9 *termining an equitable allocation between the appropriate*
10 *executive departments and agencies of the responsibility for*
11 *funding the continuous operation of the Midway Atoll Air-*
12 *field based on, but not limited to, potential use, interest in*
13 *maintaining aviation safety, and applicability to govern-*
14 *mental operations and agency mission. The total funds*
15 *transferred or reimbursed shall not exceed \$10,000,000 for*
16 *any twelve-month period. Such sums shall be sufficient to*
17 *ensure continued operation of the airfield throughout the*
18 *period cited above. Funds shall be available for operation*
19 *of the airfield or airfield-related capital upgrades, includ-*
20 *ing the replacement of the fuel farm facility. The Director*
21 *of the Office of Management and Budget shall notify the*
22 *Committees on Appropriations of such transfers or reim-*
23 *bursements within 15 days of this Act. Such transfers or*
24 *reimbursements shall begin within 30 days of enactment of*
25 *this Act.*

1 *SEC. 840. Section 4(b) of the Federal Activities Inven-*
2 *tory Reform Act of 1998 (Public Law 105–270) is amended*
3 *by adding at the end the following new paragraph:*

4 *“(5) Executive agencies with fewer than 100 full-*
5 *time employees as of the first day of the fiscal year.*
6 *However, such an agency shall be subject to section 2*
7 *to the extent it plans to conduct a public-private com-*
8 *petition for the performance of an activity that is not*
9 *inherently governmental.”.*

10 *SEC. 841. Unless otherwise authorized by existing law,*
11 *none of the funds provided in this Act or any other Act,*
12 *may be used by an executive branch agency to produce any*
13 *prepackaged news story intended for broadcast or distribu-*
14 *tion in the United States unless the story includes a clear*
15 *notification within the text or audio of the prepackaged*
16 *news story that the prepackaged news story was prepared*
17 *or funded by that executive branch agency.*

18 *SEC. 842. COMPETITIVE SOURCING. (a) REQUIREMENT*
19 *FOR PUBLIC-PRIVATE COMPETITION.—*

20 *(1) Notwithstanding any other provision of law,*
21 *none of the funds appropriated by this or any other*
22 *Act shall be available to convert to contractor per-*
23 *formance an activity or function of an executive agen-*
24 *cy, that on or after the date of enactment of this Act,*

1 *is performed by more than 10 Federal employees*
2 *unless—*

3 *(A) the conversion is based on the result of*
4 *a public-private competition that includes a*
5 *most efficient and cost effective organization*
6 *plan developed by such activity or function; and*

7 *(B) the Competitive Sourcing Official deter-*
8 *mines that, over all performance periods stated*
9 *in the solicitation of offers for performance of the*
10 *activity or function, the cost of performance of*
11 *the activity or function by a contractor would be*
12 *less costly to the executive agency by an amount*
13 *that equals or exceeds the lesser of—*

14 *(i) 10 percent of the most efficient or-*
15 *ganization's personnel-related costs for per-*
16 *formance of that activity or function by*
17 *Federal employees; or*

18 *(ii) \$10,000,000.*

19 *(2) This paragraph shall not apply to—*

20 *(A) a commercial or industrial type func-*
21 *tion that—*

22 *(i) is included on the procurement list*
23 *established pursuant to section 2 of the Jav-*
24 *its-Wagner-O'Day Act (41 U.S.C. 47); or*

1 (ii) is planned to be converted to per-
2 formance by a qualified nonprofit agency
3 for the blind or by a qualified nonprofit
4 agency for other severely handicapped indi-
5 viduals in accordance with that Act.

6 (B) depot contracts or contracts for depot
7 maintenance as provided in sections 2469 and
8 2474 of title 10, United States Code; or

9 (C) activities that are the subject of an on-
10 going competition that was publicly announced
11 prior to the date of enactment of this act.

12 (b) *USE OF PUBLIC-PRIVATE COMPETITION.*—Nothing
13 in Office of Management and Budget Circular A-76 shall
14 prevent the head of an executive agency from conducting
15 a public-private competition to evaluate the benefits of con-
16 verting work from contract performance to performance by
17 Federal employees in appropriate instances. The Circular
18 shall provide procedures and policies for these competitions
19 that are similar to those applied to competitions that may
20 result in the conversion of work from performance by Fed-
21 eral employees to performance by a contractor.

22 *SEC. 843. NO COST OF LIVING ADJUSTMENT FOR*
23 *MEMBERS OF CONGRESS.* Notwithstanding any other provi-
24 sion of law, no adjustment shall be made under section
25 601(a) of the Legislative Reorganization Act of 1946 (2

1 *U.S.C. 31) (relating to cost of living adjustments for Mem-*
2 *bers of Congress) during fiscal year 2006.*

3 *SEC. 844. The table contained in section 1702 of the*
4 *Safe, Accountable, Flexible, Efficient Transportation Eq-*
5 *uity Act: A Legacy for Users (Public Law 109–59; 119 Stat.*
6 *1144) is amended—*

7 *(1) in item number 4620, by striking “Grading,*
8 *paving, roads, and the transfer of rail-to-truck for the*
9 *intermodal facility at Rickenbacker Airport Colum-*
10 *bus, OH” and inserting “Grading, paving, roads, and*
11 *construction of an intermodal freight facility at Rick-*
12 *enbacker Airport, Columbus, Ohio”;* and

13 *(2) in item number 4651, by striking “Grading,*
14 *paving, roads for the transfer of rail to truck for the*
15 *intermodal facility at Rickenbacker Airport” and in-*
16 *serting “Grading, paving, roads, and construction of*
17 *an intermodal freight facility at Rickenbacker Air-*
18 *port, Columbus, Ohio”.*

19 *SEC. 845. (a) The table contained in section 1702 of*
20 *the Safe, Accountable, Flexible, Efficient Transportation*
21 *Equity Act: A Legacy for Users (Public Law 109–59; 119*
22 *Stat. 1144) is amended in item number 4632 by striking*
23 *“Construct 1,100 foot bulkhead/riverwalk connecting Front*
24 *and Maine Ave. public rights-of-way” and inserting “For*
25 *roadway improvements and construction of 1,100 foot bulk-*

1 *head/riverwalk connecting Front and Maine Ave. public*
 2 *rights-of-way”.*

3 (b) *The table contained in section 3044 of the Safe,*
 4 *Accountable, Flexible, Efficient Transportation Equity Act:*
 5 *A Legacy for Users (Public Law 109–59; 119 Stat. 1144)*
 6 *is amended in item number 516 by striking “Dayton*
 7 *Wright Stop Plaza” and inserting “Downtown Dayton*
 8 *Transit Enhancements”.*

9 *This division may be cited as the “Transportation,*
 10 *Treasury, the Judiciary, Housing and Urban Development,*
 11 *and Related Agencies Appropriations Act, 2006”.*

12 *DIVISION B—DISTRICT OF COLUMBIA*

13 *APPROPRIATIONS ACT, 2006*

14 *That the following sums are appropriated, out of any*
 15 *money in the Treasury not otherwise appropriated, for the*
 16 *District of Columbia and related agencies for the fiscal year*
 17 *ending September 30, 2006, and for other purposes, namely:*

18 *DISTRICT OF COLUMBIA*

19 *FEDERAL FUNDS*

20 *FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT*

21 *For a Federal payment to the District of Columbia,*
 22 *to be deposited into a dedicated account, for a nationwide*
 23 *program to be administered by the Mayor, for District of*
 24 *Columbia resident tuition support, \$33,200,000, to remain*
 25 *available until expended: Provided, That such funds, in-*

1 *cluding any interest accrued thereon, may be used on behalf*
2 *of eligible District of Columbia residents to pay an amount*
3 *based upon the difference between in-State and out-of-State*
4 *tuition at public institutions of higher education, or to pay*
5 *up to \$2,500 each year at eligible private institutions of*
6 *higher education: Provided further, That the awarding of*
7 *such funds may be prioritized on the basis of a resident's*
8 *academic merit, the income and need of eligible students*
9 *and such other factors as may be authorized: Provided fur-*
10 *ther, That the District of Columbia government shall main-*
11 *tain a dedicated account for the Resident Tuition Support*
12 *Program that shall consist of the Federal funds appro-*
13 *priated to the Program in this Act and any subsequent ap-*
14 *propriations, any unobligated balances from prior fiscal*
15 *years, and any interest earned in this or any fiscal year:*
16 *Provided further, That the account shall be under the con-*
17 *trol of the District of Columbia Chief Financial Officer, who*
18 *shall use those funds solely for the purposes of carrying out*
19 *the Resident Tuition Support Program: Provided further,*
20 *That the Office of the Chief Financial Officer shall provide*
21 *a quarterly financial report to the Committees on Appro-*
22 *priations of the House of Representatives and Senate for*
23 *these funds showing, by object class, the expenditures made*
24 *and the purpose therefor: Provided further, That not more*

1 *than \$1,200,000 of the total amount appropriated for this*
2 *program may be used for administrative expenses.*

3 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
4 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

5 *For necessary expenses, as determined by the Mayor*
6 *of the District of Columbia in written consultation with the*
7 *elected county or city officials of surrounding jurisdictions,*
8 *\$12,000,000, to remain available until expended, to reim-*
9 *burse the District of Columbia for the costs of providing*
10 *public safety at events related to the presence of the national*
11 *capital in the District of Columbia and for the costs of pro-*
12 *viding support to respond to immediate and specific ter-*
13 *rorist threats or attacks in the District of Columbia or sur-*
14 *rounding jurisdictions: Provided, That any amount pro-*
15 *vided under this heading shall be available only after such*
16 *amount has been apportioned pursuant to chapter 15 of*
17 *title 31, United States Code.*

18 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*
19 *COURTS*

20 *For salaries and expenses for the District of Columbia*
21 *Courts, \$218,912,000, to be allocated as follows: for the Dis-*
22 *trict of Columbia Court of Appeals, \$9,198,000, of which*
23 *not to exceed \$1,500 is for official reception and representa-*
24 *tion expenses; for the District of Columbia Superior Court,*
25 *\$87,342,000, of which not to exceed \$1,500 is for official*
26 *reception and representation expenses; for the District of*

1 *Columbia Court System, \$41,643,000, of which not to ex-*
2 *ceed \$1,500 is for official reception and representation ex-*
3 *penses; and \$80,729,000, to remain available until Sep-*
4 *tember 30, 2007, for capital improvements for District of*
5 *Columbia courthouse facilities: Provided, That notwith-*
6 *standing any other provision of law, a single contract or*
7 *related contracts for development and construction of facili-*
8 *ties may be employed which collectively include the full*
9 *scope of the project: Provided further, That the solicitation*
10 *and contract shall contain the clause “availability of*
11 *Funds” found at 48 CFR 52.232–18: Provided further, That*
12 *funds made available for capital improvements shall be ex-*
13 *pended consistent with the General Services Administration*
14 *master plan study and building evaluation report: Provided*
15 *further, That notwithstanding any other provision of law,*
16 *all amounts under this heading shall be apportioned quar-*
17 *terly by the Office of Management and Budget and obligated*
18 *and expended in the same manner as funds appropriated*
19 *for salaries and expenses of other Federal agencies, with*
20 *payroll and financial services to be provided on a contrac-*
21 *tual basis with the General Services Administration (GSA),*
22 *and such services shall include the preparation of monthly*
23 *financial reports, copies of which shall be submitted directly*
24 *by GSA to the President and to the Committees on Appro-*
25 *priations of the House of Representatives and Senate, the*

1 *Committee on Government Reform of the House of Rep-*
2 *resentatives, and the Committee on Governmental Affairs*
3 *of the Senate: Provided further, That 30 days after pro-*
4 *viding written notice to the Committees on Appropriations*
5 *of the House of Representatives and Senate, the District of*
6 *Columbia Courts may reallocate not more than \$1,000,000*
7 *of the funds provided under this heading among the items*
8 *and entities funded under this heading for operations, and*
9 *not more than 4 percent of the funds provided under this*
10 *heading for facilities.*

11 *DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS*

12 *For payments authorized under section 11–2604 and*
13 *section 11–2605, D.C. Official Code (relating to representa-*
14 *tion provided under the District of Columbia Criminal Jus-*
15 *tice Act), payments for counsel appointed in proceedings*
16 *in the Family Court of the Superior Court of the District*
17 *of Columbia under chapter 23 of title 16, D.C. Official*
18 *Code, or pursuant to contractual agreements to provide*
19 *guardian ad litem representation, training, technical as-*
20 *sistance and such other services as are necessary to improve*
21 *the quality of guardian ad litem representation, payments*
22 *for counsel appointed in adoption proceedings under chap-*
23 *ter 3 of title 16, D.C. Code, and payments for counsel au-*
24 *thorized under section 21–2060, D.C. Official Code (relating*
25 *to representation provided under the District of Columbia*
26 *Guardianship, Protective Proceedings, and Durable Power*

1 of Attorney Act of 1986), \$45,000,000, to remain available
2 until expended: Provided, That the funds provided in this
3 Act under the heading “Federal Payment to the District
4 of Columbia Courts” (other than the \$80,729,000 provided
5 under such heading for capital improvements for District
6 of Columbia courthouse facilities) may also be used for pay-
7 ments under this heading: Provided further, That in addi-
8 tion to the funds provided under this heading, the Joint
9 Committee on Judicial Administration in the District of
10 Columbia may use funds provided in this Act under the
11 heading “Federal Payment to the District of Columbia
12 Courts” (other than the \$80,729,000 provided under such
13 heading for capital improvements for District of Columbia
14 courthouse facilities), to make payments described under
15 this heading for obligations incurred during any fiscal
16 year: Provided further, That funds provided under this
17 heading shall be administered by the Joint Committee on
18 Judicial Administration in the District of Columbia: Pro-
19 vided further, That notwithstanding any other provision of
20 law, this appropriation shall be apportioned quarterly by
21 the Office of Management and Budget and obligated and
22 expended in the same manner as funds appropriated for
23 expenses of other Federal agencies, with payroll and finan-
24 cial services to be provided on a contractual basis with the
25 General Services Administration (GSA), and such services

1 *shall include the preparation of monthly financial reports,*
2 *copies of which shall be submitted directly by GSA to the*
3 *President and to the Committees on Appropriations of the*
4 *House of Representatives and Senate, the Committee on*
5 *Government Reform of the House of Representatives, and*
6 *the Committee on Governmental Affairs of the Senate.*

7 *FEDERAL PAYMENT TO THE COURT SERVICES AND OF-*
8 *FENDER SUPERVISION AGENCY FOR THE DISTRICT OF*
9 *COLUMBIA*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For salaries and expenses, including the transfer and*
12 *hire of motor vehicles, of the Court Services and Offender*
13 *Supervision Agency for the District of Columbia and the*
14 *Public Defender Service for the District of Columbia, as au-*
15 *thorized by the National Capital Revitalization and Self-*
16 *Government Improvement Act of 1997, \$201,388,000, of*
17 *which not to exceed \$2,000 is for official receptions and rep-*
18 *resentation expenses related to Community Supervision and*
19 *Pretrial Services Agency programs; of which not to exceed*
20 *\$25,000 is for dues and assessments relating to the imple-*
21 *mentation of the Court Services and Offender Supervision*
22 *Agency Interstate Supervision Act of 2002; of which*
23 *\$129,360,000 shall be for necessary expenses of Community*
24 *Supervision and Sex Offender Registration, to include ex-*
25 *penses relating to the supervision of adults subject to protec-*
26 *tion orders or the provision of services for or related to such*

1 persons; of which \$42,195,000 shall be available to the Pre-
2 trial Services Agency; and of which \$29,833,000 shall be
3 transferred to the Public Defender Service for the District
4 of Columbia: Provided, That notwithstanding any other
5 provision of law, all amounts under this heading shall be
6 apportioned quarterly by the Office of Management and
7 Budget and obligated and expended in the same manner
8 as funds appropriated for salaries and expenses of other
9 Federal agencies: Provided further, That the Director is au-
10 thorized to accept and use gifts in the form of in-kind con-
11 tributions of space and hospitality to support offender and
12 defendant programs, and equipment and vocational train-
13 ing services to educate and train offenders and defendants:
14 Provided further, That the Director shall keep accurate and
15 detailed records of the acceptance and use of any gift or
16 donation under the previous proviso, and shall make such
17 records available for audit and public inspection: Provided
18 further, That the Court Services and Offender Supervision
19 Agency Director is authorized to accept and use reimburse-
20 ment from the D.C. Government for space and services pro-
21 vided on a cost reimbursable basis: Provided further, That
22 for this fiscal year and subsequent fiscal years, the Public
23 Defender Service is authorized to charge fees to cover costs
24 of materials distributed and training provided to attendees
25 of educational events, including conferences, sponsored by

1 *the Public Defender Service, and notwithstanding section*
2 *3302 of title 31, United States Code, said fees shall be cred-*
3 *ited to the Public Defender Service account to be available*
4 *for use without further appropriation.*

5 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER*
6 *AND SEWER AUTHORITY*

7 *For a Federal payment to the District of Columbia*
8 *Water and Sewer Authority, \$5,000,000, to remain avail-*
9 *able until expended, to continue implementation of the*
10 *Combined Sewer Overflow Long-Term Plan: Provided, That*
11 *the District of Columbia Water and Sewer Authority pro-*
12 *vides a 100 percent match for this payment.*

13 *FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT*
14 *INITIATIVE*

15 *For a Federal payment to the District of Columbia*
16 *Department of Transportation, \$3,000,000, to remain*
17 *available until September 30, 2007, for design and con-*
18 *struction of a continuous pedestrian and bicycle trail sys-*
19 *tem from the Potomac River to the District's border with*
20 *Maryland.*

21 *FEDERAL PAYMENT TO THE CRIMINAL JUSTICE*
22 *COORDINATING COUNCIL*

23 *For a Federal payment to the Criminal Justice Co-*
24 *ordinating Council, \$1,300,000, to remain available until*
25 *expended, to support initiatives related to the coordination*

1 *of Federal and local criminal justice resources in the Dis-*
 2 *trict of Columbia.*

3 *FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE*

4 *For a Federal payment to the District of Columbia*
 5 *Department of Transportation, \$1,000,000, to implement a*
 6 *downtown circulator transit system.*

7 *FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN*
 8 *THE DISTRICT OF COLUMBIA*

9 *For the Federal payment to the District of Columbia*
 10 *for foster care improvements, \$2,000,000 to remain avail-*
 11 *able until expended: Provided, That \$1,750,000 shall be for*
 12 *the Child and Family Services Agency, of which \$1,000,000*
 13 *shall be for a loan repayment program for social workers;*
 14 *of which \$750,000 shall be for post-adoption services: Pro-*
 15 *vided further, That \$250,000 shall be for the Washington*
 16 *Metropolitan Council of Governments, to continue a pro-*
 17 *gram in conjunction with the Foster and Adoptive Parents*
 18 *Advocacy Center, to provide respite care for and recruit-*
 19 *ment of foster parents: Provided further, That these Federal*
 20 *funds shall supplement and not supplant local funds for*
 21 *the purposes described under this heading.*

22 *FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF*

23 *FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA*

24 *For a Federal payment to the Office of the Chief Fi-*
 25 *nancial Officer of the District of Columbia, \$16,500,000:*
 26 *Provided, That these funds shall be available for the projects*

1 *and in the amounts specified in the Statement of the Man-*
2 *agers on the conference report accompanying this Act: Pro-*
3 *vided further, That each entity that receives funding under*
4 *this heading shall submit to the Office of the Chief Finan-*
5 *cial Officer of the District of Columbia and the Committees*
6 *on Appropriations of the House of Representatives and Sen-*
7 *ate a report on the activities to be carried out with such*
8 *funds no later than March 15, 2006.*

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 Schools,*
13 *\$13,000,000 to improve public school education in the Dis-*
14 *trict of Columbia; for the State Education Office,*
15 *\$13,000,000 to expand quality public charter schools in the*
16 *District of Columbia, to remain available until September*
17 *30, 2007; for the Secretary of the Department of Education,*
18 *\$14,000,000 to provide opportunity scholarships for stu-*
19 *dents in the District of Columbia in accordance with divi-*
20 *sion C, title III of the District of Columbia Appropriations*
21 *Act, 2004 (Public Law 108–199; 118 Stat. 126), of which*
22 *up to \$1,000,000 may be used to administer and fund as-*
23 *sessments: Provided, That of the \$13,000,000 provided for*
24 *public charter schools in the District of Columbia;*
25 *\$4,000,000, to remain available until expended, shall be for*
26 *the Direct Loan Fund for Charter Schools; \$2,000,000, to*

1 *remain available until expended, shall be for Credit En-*
2 *hancement; \$2,000,000 shall be for continuation of the City*
3 *Build Charter School Program; \$1,500,000 shall be for flexi-*
4 *ble grants; \$2,000,000 shall be used only for grants to public*
5 *charter schools for improvement of public school facilities;*
6 *\$400,000 shall be for college access programming; \$300,000*
7 *shall be to create a truancy center; \$250,000 shall be for*
8 *administration of Federal entitlement funding; \$300,000*
9 *shall be for data collection and analysis; and \$250,000 shall*
10 *be for administration within the State Education Office.*

11 *FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS*

12 *LABORATORY*

13 *For a Federal payment to the District of Columbia,*
14 *\$5,200,000, to remain available until September 30, 2007,*
15 *for costs associated with the construction of a bioterrorism*
16 *and forensics laboratory: Provided, That the District of Co-*
17 *lumbia shall provide an additional \$1,500,000 with local*
18 *funds as a condition of receiving this payment.*

19 *FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH*

20 *CHALLENGE PROGRAM*

21 *For a Federal payment to the District of Columbia*
22 *National Guard for the Youth Challenge program,*
23 *\$500,000.*

1 *FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND*
2 *IMPROVEMENT*

3 *For a Federal payment for marriage development and*
4 *improvement in the District of Columbia, \$3,000,000, to re-*
5 *main available until expended: Provided, That \$1,500,000*
6 *shall be for the Capital Area Asset Building Corporation*
7 *for the establishment of marriage development accounts in*
8 *accordance with the requirements in the accompanying re-*
9 *port, of which \$400,000 shall be for program planning,*
10 *marketing, evaluation, and account administration: Pro-*
11 *vided further, That \$1,500,000 shall be for mentoring, coun-*
12 *seling, community outreach, and training and technical as-*
13 *sistance, of which \$850,000 shall be for the National Center*
14 *for Fathering and \$650,000 shall be for the East Capitol*
15 *Center for Change to carry out these activities: Provided*
16 *further, That within 30 days of enactment of this Act, the*
17 *entities receiving funds under this title shall submit to the*
18 *Committees on Appropriations of the House and Senate,*
19 *a detailed expenditure plan and program requirements that*
20 *comport with the guidance in the accompanying report.*

21 *FEDERAL PAYMENT FOR A LATINO YOUTH INITIATIVE*

22 *For a Federal payment to improve health and edu-*
23 *cational outcomes of Latino youth in the District of Colum-*
24 *bia, \$2,000,000, to remain available until expended: Pro-*
25 *vided, That \$1,100,000 shall be for The National Council*
26 *of La Raza to provide mentoring, training, intervention*

1 *services and policy research: Provided further, That*
2 *\$400,000 shall be for the MidAtlantic Equity Center to de-*
3 *velop a comprehensive Latino youth literacy plan: Provided*
4 *further, That \$500,000 shall be for the Latin American*
5 *Youth Center for direct services to Latino youth: Provided*
6 *further, That within 15 days of enactment of this Act, the*
7 *entities receiving funds under this title shall submit to the*
8 *Committees on Appropriations of the House and Senate,*
9 *a detailed expenditure plan that comports with the require-*
10 *ments in the accompanying report.*

11 *FEDERAL PAYMENT FOR PRISONER REENTRANT HOUSING*

12 *For a Federal payment to the District of Columbia*
13 *to increase the capacity of available housing for ex-offenders*
14 *returning to the community, \$3,000,000, to remain avail-*
15 *able until expended: Provided, That the District will use*
16 *a portion of these funds to provide housing to on-site men-*
17 *tors as a condition of receiving this payment: Provided fur-*
18 *ther, That within 15 days of enactment of this Act, the*
19 *Mayor shall submit to the Committees on Appropriations*
20 *of the House and Senate, a detailed expenditure plan that*
21 *comports with the requirements in the accompanying re-*
22 *port.*

23 *DISTRICT OF COLUMBIA FUNDS*

24 *The following amounts are appropriated for the Dis-*
25 *trict of Columbia for the current fiscal year out of the gen-*
26 *eral fund of the District of Columbia, except as otherwise*

1 *specifically provided: Provided, That notwithstanding any*
2 *other provision of law, except as provided in section 450A*
3 *of the District of Columbia Home Rule Act (D.C. Official*
4 *Code, section 1–204.50a) and provisions of this Act, the*
5 *total amount appropriated in this Act for operating ex-*
6 *penses for the District of Columbia for fiscal year 2006*
7 *under this heading shall not exceed the lesser of the sum*
8 *of the total revenues of the District of Columbia for such*
9 *fiscal year or \$8,700,158,000 (of which \$5,007,344,000 shall*
10 *be from local funds, \$1,921,287,000 shall be from Federal*
11 *grant funds, \$1,754,399,000 shall be from other funds, and*
12 *\$17,129,000 shall be from private funds), in addition,*
13 *\$163,116,000 from funds previously appropriated in this*
14 *Act as Federal payments: Provided further, That of the local*
15 *funds, \$466,894,000 shall be derived from the District’s gen-*
16 *eral fund balance: Provided further, That of these funds the*
17 *District’s intradistrict authority shall be \$468,486,000: in*
18 *addition for capital construction projects there is appro-*
19 *priated an increase of \$2,820,637,000, of which*
20 *\$1,072,671,000 shall be from local funds, \$49,551,000 from*
21 *Highway Trust funds, \$172,183,000 from the Local Street*
22 *Maintenance fund, \$378,000,000 from securitization of fu-*
23 *ture revenue streams, \$400,000,000 from Certificates of*
24 *Participation financing, \$534,800,000 from financing for*
25 *construction of a baseball stadium, \$213,432,000 from Fed-*

1 eral grant funds, and a rescission of \$295,032,000 from
2 local funds appropriated under this heading in prior fiscal
3 years, for a net amount of \$2,525,605,000, to remain avail-
4 able until expended: Provided further, That the amounts
5 provided under this heading are to be allocated and ex-
6 pended as proposed under “Title II—District of Columbia
7 Funds” of the Fiscal Year 2006 Proposed Budget and Fi-
8 nancial Plan submitted to the Congress of the United States
9 by the District of Columbia on June 6, 2005: Provided fur-
10 ther, That this amount may be increased by proceeds of one-
11 time transactions, which are expended for emergency or un-
12 anticipated operating or capital needs: Provided further,
13 That such increases shall be approved by enactment of local
14 District law and shall comply with all reserve requirements
15 contained in the District of Columbia Home Rule Act as
16 amended by this Act: Provided further, That the Chief Fi-
17 nancial Officer of the District of Columbia shall take such
18 steps as are necessary to assure that the District of Colum-
19 bia meets these requirements, including the apportioning by
20 the Chief Financial Officer of the appropriations and funds
21 made available to the District during fiscal year 2006, ex-
22 cept that the Chief Financial Officer may not reprogram
23 for operating expenses any funds derived from bonds, notes,
24 or other obligations issued for capital projects.

1 *SEC. 105. (a) None of the Federal funds provided in*
2 *this Act may be used to carry out lobbying activities on*
3 *any matter. The District may use local funds to carry out*
4 *lobbying activities not inconsistent with this Act.*

5 *(b) Nothing in this section may be construed to pro-*
6 *hibit any elected official from advocating with respect to*
7 *any issue.*

8 *SEC. 106. (a) None of the funds provided under this*
9 *title to the agencies funded by this title, both Federal and*
10 *District government agencies, that remain available for ob-*
11 *ligation or expenditure in fiscal year 2006, or provided*
12 *from any accounts in the Treasury of the United States*
13 *derived by the collection of fees available to the agencies*
14 *funded by this title, shall be available for obligation or ex-*
15 *penditures for an agency through a reprogramming of funds*
16 *which—*

17 *(1) creates new programs;*

18 *(2) eliminates a program, project, or responsi-*
19 *bility center;*

20 *(3) establishes or changes allocations specifically*
21 *denied, limited or increased under this Act;*

22 *(4) increases funds or personnel by any means*
23 *for any program, project, or responsibility center for*
24 *which funds have been denied or restricted;*

1 (5) reestablishes any program or project pre-
2 viously deferred through reprogramming;

3 (6) augments any existing program, project, or
4 responsibility center through a reprogramming of
5 funds in excess of \$3,000,000 or 10 percent, whichever
6 is less; or

7 (7) increases by 20 percent or more personnel as-
8 signed to a specific program, project or responsibility
9 center,

10 unless the Committees on Appropriations of the House of
11 Representatives and Senate are notified in writing 15 days
12 in advance of the reprogramming.

13 (b) None the local funds contained in this Act may
14 be available for obligation or expenditure for an agency
15 through a transfer of any local funds in excess of \$3,000,000
16 from one appropriation heading to another unless the Com-
17 mittees on Appropriations of the House of Representatives
18 and Senate are notified in writing 15 days in advance of
19 the transfer, except that in no event may the amount of
20 any funds transferred exceed 4 percent of the local funds
21 in the appropriations.

22 SEC. 107. Consistent with the provisions of section
23 1301(a) of title 31, United States Code, appropriations
24 under this Act shall be applied only to the objects for which

1 *the appropriations were made except as otherwise provided*
2 *by law.*

3 *SEC. 108. Notwithstanding any other provisions of*
4 *law, the provisions of the District of Columbia Government*
5 *Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–*
6 *139; D.C. Official Code, section 1–601.01 et seq.), enacted*
7 *pursuant to section 422(3) of the District of Columbia*
8 *Home Rule Act (D.C. Official Code, section 1–204l.22(3)),*
9 *shall apply with respect to the compensation of District of*
10 *Columbia employees. For pay purposes, employees of the*
11 *District of Columbia government shall not be subject to the*
12 *provisions of title 5, United States Code.*

13 *SEC. 109. No later than 30 days after the end of the*
14 *first quarter of fiscal year 2006, the Mayor of the District*
15 *of Columbia shall submit to the Council of the District of*
16 *Columbia and the Committees on Appropriations of the*
17 *House of Representatives and Senate the new fiscal year*
18 *2006 revenue estimates as of the end of such quarter. These*
19 *estimates shall be used in the budget request for fiscal year*
20 *2007. The officially revised estimates at midyear shall be*
21 *used for the midyear report.*

22 *SEC. 110. No sole source contract with the District of*
23 *Columbia government or any agency thereof may be re-*
24 *newed or extended without opening that contract to the*
25 *competitive bidding process as set forth in section 303 of*

1 *the District of Columbia Procurement Practices Act of 1985*
2 *(D.C. Law 6–85; D.C. Official Code, section 2–303.03), ex-*
3 *cept that the District of Columbia government or any agen-*
4 *cy thereof may renew or extend sole source contracts for*
5 *which competition is not feasible or practical, but only if*
6 *the determination as to whether to invoke the competitive*
7 *bidding process has been made in accordance with duly pro-*
8 *mulgated rules and procedures and has been reviewed and*
9 *certified by the Chief Financial Officer of the District of*
10 *Columbia.*

11 *SEC. 111. None of the Federal funds provided in this*
12 *Act may be used by the District of Columbia to provide*
13 *for salaries, expenses, or other costs associated with the of-*
14 *fices of United States Senator or United States Representa-*
15 *tive under section 4(d) of the District of Columbia State-*
16 *hood Constitutional Convention Initiatives of 1979 (D.C.*
17 *Law 3–171; D.C. Official Code, section 1–123).*

18 *SEC. 112. None of the Federal funds made available*
19 *in this Act may be used to implement or enforce the Health*
20 *Care Benefits Expansion Act of 1992 (D.C. Law 9–114;*
21 *D.C. Official Code, section 32–701 et seq.) or to otherwise*
22 *implement or enforce any system of registration of unmar-*
23 *ried, cohabiting couples, including but not limited to reg-*
24 *istration for the purpose of extending employment, health,*

1 *or governmental benefits to such couples on the same basis*
2 *that such benefits are extended to legally married couples.*

3 *SEC. 113. (a) Notwithstanding any other provision of*
4 *this Act, the Mayor, in consultation with the Chief Finan-*
5 *cial Officer of the District of Columbia may accept, obligate,*
6 *and expend Federal, private, and other grants received by*
7 *the District government that are not reflected in the*
8 *amounts appropriated in this Act.*

9 *(b)(1) No such Federal, private, or other grant may*
10 *be obligated, or expended pursuant to subsection (a) until—*

11 *(A) the Chief Financial Officer of the District of*
12 *Columbia submits to the Council a report setting*
13 *forth detailed information regarding such grant; and*

14 *(B) the Council has reviewed and approved the*
15 *obligation, and expenditure of such grant.*

16 *(2) For purposes of paragraph (1)(B), the Council*
17 *shall be deemed to have reviewed and approved the obliga-*
18 *tion, and expenditure of a grant if—*

19 *(A) no written notice of disapproval is filed with*
20 *the Secretary of the Council within 14 calendar days*
21 *of the receipt of the report from the Chief Financial*
22 *Officer under paragraph (1)(A); or*

23 *(B) if such a notice of disapproval is filed with-*
24 *in such deadline, the Council does not by resolution*
25 *disapprove the obligation, or expenditure of the grant*

1 *within 30 calendar days of the initial receipt of the*
2 *report from the Chief Financial Officer under para-*
3 *graph (1)(A).*

4 *(c) No amount may be obligated or expended from the*
5 *general fund or other funds of the District of Columbia gov-*
6 *ernment in anticipation of the approval or receipt of a*
7 *grant under subsection (b)(2) or in anticipation of the ap-*
8 *proval or receipt of a Federal, private, or other grant not*
9 *subject to such subsection.*

10 *(d) The Chief Financial Officer of the District of Co-*
11 *lumbia may adjust the budget for Federal, private, and*
12 *other grants received by the District government reflected*
13 *in the amounts appropriated in this title, or approved and*
14 *received under subsection (b)(2) to reflect a change in the*
15 *actual amount of the grant.*

16 *(e) The Chief Financial Officer of the District of Co-*
17 *lumbia shall prepare a quarterly report setting forth de-*
18 *tailed information regarding all Federal, private, and other*
19 *grants subject to this section. Each such report shall be sub-*
20 *mitted to the Council of the District of Columbia and to*
21 *the Committees on Appropriations of the House of Rep-*
22 *resentatives and Senate not later than 15 days after the*
23 *end of the quarter covered by the report.*

24 *SEC. 114. (a) Except as otherwise provided in this sec-*
25 *tion, none of the funds made available by this Act or by*

1 *any other Act may be used to provide any officer or em-*
2 *ployee of the District of Columbia with an official vehicle*
3 *unless the officer or employee uses the vehicle only in the*
4 *performance of the officer's or employee's official duties. For*
5 *purposes of this paragraph, the term "official duties" does*
6 *not include travel between the officer's or employee's resi-*
7 *dence and workplace, except in the case of—*

8 (1) *an officer or employee of the Metropolitan*
9 *Police Department who resides in the District of Co-*
10 *lumbia or is otherwise designated by the Chief of the*
11 *Department;*

12 (2) *at the discretion of the Fire Chief, an officer*
13 *or employee of the District of Columbia Fire and*
14 *Emergency Medical Services Department who resides*
15 *in the District of Columbia and is on call 24 hours*
16 *a day or is otherwise designated by the Fire 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 oper-*
23 *ated by the District of Columbia government. The inventory*
24 *shall include, but not be limited to, the department to which*
25 *the vehicle is assigned; the year and make of the vehicle;*

1 *the acquisition date and cost; the general condition of the*
2 *vehicle; annual operating and maintenance costs; current*
3 *mileage; and whether the vehicle is allowed to be taken home*
4 *by a District officer or employee and if so, the officer or*
5 *employee's title and resident location.*

6 *SEC. 115. None of the funds contained in this Act may*
7 *be used for purposes of the annual independent audit of*
8 *the District of Columbia government for fiscal year 2006*
9 *unless—*

10 *(1) the audit is conducted by the Inspector Gen-*
11 *eral of the District of Columbia, in coordination with*
12 *the Chief Financial Officer of the District of Colum-*
13 *bia, pursuant to section 208(a)(4) of the District of*
14 *Columbia Procurement Practices Act of 1985 (D.C.*
15 *Official Code, section 2–302.8); and*

16 *(2) the audit includes as a basic financial state-*
17 *ment a comparison of audited actual year-end results*
18 *with the revenues submitted in the budget document*
19 *for such year and the appropriations enacted into law*
20 *for such year using the format, terminology, and clas-*
21 *sifications contained in the law making the appro-*
22 *priations for the year and its legislative history.*

23 *SEC. 116. (a) None of the funds contained in this Act*
24 *may be used by the District of Columbia Corporation Coun-*
25 *sel or any other officer or entity of the District government*

1 *to provide assistance for any petition drive or civil action*
2 *which seeks to require Congress to provide for voting rep-*
3 *resentation in Congress for the District of Columbia.*

4 *(b) Nothing in this section bars the District of Colum-*
5 *bia Corporation Counsel from reviewing or commenting on*
6 *briefs in private lawsuits, or from consulting with officials*
7 *of the District government regarding such lawsuits.*

8 *SEC. 117. (a) None of the Federal funds contained in*
9 *this Act may be used for any program of distributing sterile*
10 *needles or syringes for the hypodermic injection of any ille-*
11 *gal drug.*

12 *(b) Any individual or entity who receives any funds*
13 *contained in this Act and who carries out any program*
14 *described in subsection (a) shall account for all funds used*
15 *for such program separately from any funds contained in*
16 *this Act.*

17 *SEC. 118. None of the funds contained in this Act may*
18 *be used after the expiration of the 60-day period that begins*
19 *on the date of the enactment of this Act to pay the salary*
20 *of any chief financial officer of any office of the District*
21 *of Columbia government (including any independent agen-*
22 *cy of the District of Columbia) who has not filed a certifi-*
23 *cation with the Mayor and the Chief Financial Officer of*
24 *the District of Columbia that the officer understands the*
25 *duties and restrictions applicable to the officer and the offi-*

1 *cer's agency as a result of this Act (and the amendments*
2 *made by this Act), including any duty to prepare a report*
3 *requested either in the Act or in any of the reports accom-*
4 *panying the Act and the deadline by which each report*
5 *must be submitted: Provided, That the Chief Financial Offi-*
6 *cer of the District of Columbia shall provide to the Commit-*
7 *tees on Appropriations of the House of Representatives and*
8 *Senate by April 1, 2006 and October 1, 2006, a summary*
9 *list showing each report, the due date, and the date sub-*
10 *mitted to the Committees.*

11 *SEC. 119. Nothing in this Act may be construed to pre-*
12 *vent the Council or Mayor of the District of Columbia from*
13 *addressing the issue of the provision of contraceptive cov-*
14 *erage by health insurance plans, but it is the intent of Con-*
15 *gress that any legislation enacted on such issue should in-*
16 *clude a "conscience clause" which provides exceptions for*
17 *religious beliefs and moral convictions.*

18 *SEC. 120. The Mayor of the District of Columbia shall*
19 *submit to the Committees on Appropriations of the House*
20 *of Representatives and Senate, the Committee on Govern-*
21 *ment Reform of the House of Representatives, and the Com-*
22 *mittee on Governmental Affairs of the Senate quarterly re-*
23 *ports addressing—*

24 *(1) crime, including the homicide rate, imple-*
25 *mentation of community policing, the number of po-*

1 *lice officers on local beats, and the closing down of*
2 *open-air drug markets;*

3 *(2) access to substance and alcohol abuse treat-*
4 *ment, including the number of treatment slots, the*
5 *number of people served, the number of people on*
6 *waiting lists, and the effectiveness of treatment pro-*
7 *grams;*

8 *(3) management of parolees and pre-trial violent*
9 *offenders, including the number of halfway houses es-*
10 *capades and steps taken to improve monitoring and su-*
11 *per vision of halfway house residents to reduce the*
12 *number of escapes to be provided in consultation with*
13 *the Court Services and Offender Supervision Agency*
14 *for the District of Columbia;*

15 *(4) education, including access to special edu-*
16 *cation services and student achievement to be pro-*
17 *vided in consultation with the District of Columbia*
18 *Public Schools and the District of Columbia public*
19 *charter schools;*

20 *(5) improvement in basic District services, in-*
21 *cluding rat control and abatement;*

22 *(6) application for and management of Federal*
23 *grants, including the number and type of grants for*
24 *which the District was eligible but failed to apply*
25 *and the number and type of grants awarded to the*

1 *District but for which the District failed to spend the*
2 *amounts received; and*

3 *(7) indicators of child well-being.*

4 *SEC. 121. (a) No later than 30 calendar days after*
5 *the date of the enactment of this Act, the Chief Financial*
6 *Officer of the District of Columbia shall submit to the ap-*
7 *propriate committees of Congress, the Mayor, and the Coun-*
8 *cil of the District of Columbia a revised appropriated funds*
9 *operating budget in the format of the budget that the Dis-*
10 *trict of Columbia government submitted pursuant to section*
11 *442 of the District of Columbia Home Rule Act (D.C. Offi-*
12 *cial Code, section 1–204.42), for all agencies of the District*
13 *of Columbia government for fiscal year 2006 that is in the*
14 *total amount of the approved appropriation and that re-*
15 *aligns all budgeted data for personal services and other-*
16 *than-personal-services, respectively, with anticipated actual*
17 *expenditures.*

18 *(b) This section shall apply only to an agency where*
19 *the Chief Financial Officer of the District of Columbia cer-*
20 *tifies that a reallocation is required to address unantici-*
21 *pated changes in program requirements.*

22 *SEC. 122. Notwithstanding any other law, in fiscal*
23 *year 2006 and in each subsequent fiscal year, the District*
24 *of Columbia Courts shall transfer to the general treasury*
25 *of the District of Columbia all fines levied and collected by*

1 *the Courts under section 10(b)(1) and (2) of the District*
2 *of Columbia Traffic Act (D.C. Official Code, section 50–*
3 *2201.05(b)(1) and (2)): Provided, that the transferred funds*
4 *are hereby made available and shall remain available until*
5 *expended and shall be used by the Office of the Attorney*
6 *General of the District of Columbia for enforcement and*
7 *prosecution of District traffic alcohol laws in accordance*
8 *with section 10(b)(3) of the District of Columbia Traffic*
9 *Act (D.C. Official Code, section 50–2201.05(b)(3)).*

10 *SEC. 123. (a) None of the funds contained in this Act*
11 *may be made available to pay—*

12 *(1) the fees of an attorney who represents a*
13 *party in an action or an attorney who defends an ac-*
14 *tion brought against the District of Columbia Public*
15 *Schools under the Individuals with Disabilities Edu-*
16 *cation Act (20 U.S.C. 1400 et seq.) in excess of \$4,000*
17 *for that action; or*

18 *(2) the fees of an attorney or firm whom the*
19 *Chief Financial Officer of the District of Columbia*
20 *determines to have a pecuniary interest, either*
21 *through an attorney, officer, or employee of the firm,*
22 *in any special education diagnostic services, schools,*
23 *or other special education service providers.*

1 (b) *In this section, the term “action” includes an ad-*
2 *ministrative proceeding and any ensuing or related pro-*
3 *ceedings before a court of competent jurisdiction.*

4 *SEC. 124. The Chief Financial Officer of the District*
5 *of Columbia shall require attorneys in special education*
6 *cases brought under the Individuals with Disabilities Edu-*
7 *cation Act (IDEA) in the District of Columbia to certify*
8 *in writing that the attorney or representative rendered any*
9 *and all services for which they receive awards, including*
10 *those received under a settlement agreement or as part of*
11 *an administrative proceeding, under the IDEA from the*
12 *District of Columbia. As part of the certification, the Chief*
13 *Financial Officer of the District of Columbia shall require*
14 *all attorneys in IDEA cases to disclose any financial, cor-*
15 *porate, legal, memberships on boards of directors, or other*
16 *relationships with any special education diagnostic serv-*
17 *ices, schools, or other special education service providers to*
18 *which the attorneys have referred any clients as part of this*
19 *certification. The Chief Financial Officer shall prepare and*
20 *submit quarterly reports to the Committees on Appropria-*
21 *tions of the House of Representatives and Senate on the cer-*
22 *tification of and the amount paid by the government of the*
23 *District of Columbia, including the District of Columbia*
24 *Public Schools, to attorneys in cases brought under IDEA.*
25 *The Inspector General of the District of Columbia may con-*

1 *duct investigations to determine the accuracy of the certifi-*
2 *cations.*

3 *SEC. 125. The amount appropriated by this title may*
4 *be increased by no more than \$42,000,000 from funds iden-*
5 *tified in the comprehensive annual financial report as the*
6 *District's fiscal year 2005 unexpended general fund surplus.*
7 *The District may obligate and expend these amounts only*
8 *in accordance with the following conditions:*

9 *(1) The Chief Financial Officer of the District of*
10 *Columbia shall certify that the use of any such*
11 *amounts is not anticipated to have a negative impact*
12 *on the District's long-term financial, fiscal, and eco-*
13 *nomie vitality.*

14 *(2) The District of Columbia may only use these*
15 *funds for the following expenditures:*

16 *(A) One-time expenditures.*

17 *(B) Expenditures to avoid deficit spending.*

18 *(C) Debt Reduction.*

19 *(D) Program needs.*

20 *(E) Expenditures to avoid revenue short-*
21 *falls.*

22 *(3) The amounts shall be obligated and expended*
23 *in accordance with laws enacted by the Council in*
24 *support of each such obligation or expenditure.*

1 (4) *The amounts may not be used to fund the*
2 *agencies of the District of Columbia government*
3 *under court ordered receivership.*

4 (5) *The amounts may not be obligated or ex-*
5 *pended unless the Mayor notifies the Committees on*
6 *Appropriations of the House of Representatives and*
7 *Senate not fewer than 30 days in advance of the obli-*
8 *gation or expenditure.*

9 SEC. 126. (a) *The fourth proviso in the item relating*
10 *to “Federal Payment for School Improvement” in the Dis-*
11 *trict of Columbia Appropriations Act, 2005 (Public Law*
12 *108–335; 118 Stat. 1327) is amended—*

13 (1) *by striking “\$4,000,000” and inserting*
14 *“\$4,000,000, to remain available until expended,”;*
15 *and*

16 (2) *by striking “\$2,000,000 shall be for a new*
17 *incentive fund” and inserting “\$2,000,000, to remain*
18 *available until expended, shall be for a new incentive*
19 *fund”.*

20 (b) *The amendments made by subsection (a) shall take*
21 *effect as if included in the enactment of the District of Co-*
22 *lumbia Appropriations Act, 2005.*

23 SEC. 127. (a) *To account for an unanticipated growth*
24 *of revenue collections, the amount appropriated as District*

1 of Columbia Funds pursuant to this Act may be
2 increased—

3 (1) by an aggregate amount of not more than 25
4 percent, in the case of amounts proposed to be allo-
5 cated as “Other-Type Funds” in the Fiscal Year 2006
6 Proposed Budget and Financial Plan submitted to
7 Congress by the District of Columbia on June 6,
8 2005; and

9 (2) by an aggregate amount of not more than 6
10 percent, in the case of any other amounts proposed to
11 be allocated in such Proposed Budget and Financial
12 Plan.

13 (b) The District of Columbia may obligate and expend
14 any increase in the amount of funds authorized under this
15 section only in accordance with the following conditions:

16 (1) The Chief Financial Officer of the District of
17 Columbia shall certify—

18 (A) the increase in revenue; and

19 (B) that the use of the amounts is not an-
20 ticipated to have a negative impact on the long-
21 term financial, fiscal, or economic health of the
22 District.

23 (2) The amounts shall be obligated and expended
24 in accordance with laws enacted by the Council of the
25 District of Columbia in support of each such obliga-

1 *tion and expenditure, consistent with the require-*
2 *ments of this Act.*

3 (3) *The amounts may not be used to fund any*
4 *agencies of the District government operating under*
5 *court-ordered receivership.*

6 (4) *The amounts may not be obligated or ex-*
7 *pended unless the Mayor has notified the Committees*
8 *on Appropriations of the House of Representatives*
9 *and Senate not fewer than 30 days in advance of the*
10 *obligation or expenditure.*

11 *SEC. 128. Beginning in fiscal year 2006 and for each*
12 *fiscal year thereafter, the Chief Financial Officer for the*
13 *District of Columbia may, for the purpose of cash flow man-*
14 *agement, conduct short-term borrowing from the emergency*
15 *reserve fund and from the contingency reserve fund estab-*
16 *lished under section 450A of the District of Columbia Home*
17 *Rule Act (Public Law 98–198): Provided, That the amount*
18 *borrowed shall not exceed 50 percent of the total amount*
19 *of funds contained in both the emergency and contingency*
20 *reserve funds at the time of borrowing: Provided further,*
21 *That the borrowing shall not deplete either fund by more*
22 *than 50 percent: Provided further, That 100 percent of the*
23 *funds borrowed shall be replenished within 9 months of the*
24 *time of the borrowing or by the end of the fiscal year, which-*
25 *ever occurs earlier: Provided further, That in the event that*

1 *short-term borrowing has been conducted and the emergency*
2 *or the contingency funds are later depleted below 50 percent*
3 *as a result of an emergency or contingency, an amount*
4 *equal to the amount necessary to restore reserve levels to*
5 *50 percent of the total amount of funds contained in both*
6 *the emergency and contingency reserve fund must be replen-*
7 *ished from the amount borrowed within 60 days.*

8 *SEC. 129. (a) None of the funds contained in this Act*
9 *may be used to enact or carry out any law, rule, or regula-*
10 *tion to legalize or otherwise reduce penalties associated with*
11 *the possession, use, or distribution of any schedule I sub-*
12 *stance under the Controlled Substances Act (21 U.S.C. 802)*
13 *or any tetrahydrocannabinols derivative.*

14 *(b) The Legalization of Marijuana for Medical Treat-*
15 *ment Initiative of 1998, also known as Initiative 59, ap-*
16 *proved by the electors of the District of Columbia on Novem-*
17 *ber 3, 1998, shall not take effect.*

18 *SEC. 130. None of the funds appropriated under this*
19 *Act shall be expended for any abortion except where the life*
20 *of the mother would be endangered if the fetus were carried*
21 *to term or where the pregnancy is the result of an act of*
22 *rape or incest.*

23 *SEC. 131. CONVEYANCE OF TITLE FOR EDUCATIONAL*
24 *PURPOSES.—Section 7 of the District of Columbia Stadium*
25 *Act of 1957 (Public Law 85–300, 71 Stat. 619), as amend-*

1 *ed, is further amended by inserting after paragraph (d)(4)*
2 *the following:*

3 “(e)(1) *Upon receipt of a written description from the*
4 *District of Columbia of not more than 15 contiguous acres*
5 *(hereinafter referred to as ‘the 15 acres’), with the longest*
6 *side of the 15 acres abutting one of the roads bounding the*
7 *property, within the area designated ‘D’ on the revised map*
8 *entitled ‘Map to Designate Transfer of Stadium and Lease*
9 *of Parking Lots to the District’ and bound by Oklahoma*
10 *Avenue, NE, Benning Road, NE, the Metro line, and C*
11 *Street, NE, and execution of a long-term lease that is con-*
12 *tingent up the Secretary’s conveyance of the 15 acres and*
13 *for the purpose consistent with this paragraph, the Sec-*
14 *retary shall convey the 15 acres described land to the Dis-*
15 *trict of Columbia for the purpose of siting, developing, and*
16 *operating an educational institution for the public welfare,*
17 *with first preference given to a pre-collegiate public board-*
18 *ing school.*

19 “(2) *Upon conveyance, the portion of the stadium lease*
20 *that affects the 15 acres on the property and all the condi-*
21 *tions associated therewith shall terminate, and the 15 acres*
22 *property shall be removed from the ‘Map to Designate*
23 *Transfer of Stadium and Lease of Parking Lots to the Dis-*
24 *trict’, and the long-term lease described in paragraph (1)*
25 *shall take effect immediately.’.*

1 *SEC. 132. CONTINUATION OF CERTAIN AUTHORITIES*
2 *OF CHIEF FINANCIAL OFFICER. The authority that the*
3 *Chief Financial Officer of the District of Columbia exercised*
4 *with respect to personnel and the preparation of fiscal im-*
5 *pact statements during a control period (as defined in Pub-*
6 *lic Law 104–8) shall remain in effect until September 30,*
7 *2006.*

8 *SEC. 133. CLARIFICATION OF CERTAIN AUTHORITIES*
9 *OF THE CHIEF FINANCIAL OFFICER. The entire process used*
10 *by the Chief Financial Officer to acquire any and all kinds*
11 *of goods, works and services by any contractual means, in-*
12 *cluding but not limited to purchase, lease or rental, shall*
13 *be exempt from all of the provisions of the District of Co-*
14 *lumbia’s Procurement Practices Act: Provided, That provi-*
15 *sions made by this subsection shall take effect as if enacted*
16 *in D.C. Law 11–259 and shall remain in effect until Sep-*
17 *tember 30, 2006.*

18 *SEC. 134. Section 4013 of the Uniform Per Student*
19 *Funding Formula for Public Schools and Public Charter*
20 *Schools Amendment Act of 2005, passed on first reading*
21 *on May 10, 2005 (engrossed version of Bill 16–200), is here-*
22 *by enacted into law.*

23 *SEC. 135. The Chief Financial Officer of the District*
24 *is hereby authorized to transfer \$5,000,000 from the local*
25 *funds appropriated for the Deputy Mayor for Economic De-*

1 *velopment to the Anacostia Waterfront Corporation and to*
2 *reallocate the appropriation authority for such funds to a*
3 *heading to be entitled “Anacostia Waterfront Corporation”*
4 *in addition, an amount of \$3,200,000 is hereby appro-*
5 *priated from the local funds made available to the Ana-*
6 *costia Waterfront Corporation in fiscal year 2005. Pro-*
7 *vided, That all of the funds made available herein to the*
8 *Anacostia Waterfront Corporation shall remain available*
9 *until expended.*

10 *SEC. 136. Amounts appropriated in the Act for the De-*
11 *partment of Health may be increased by \$250,000 in local*
12 *funds to remain available until expended to conduct a*
13 *health study in Spring Valley.*

14 *SEC. 137. WAIVER OF CONGRESSIONAL REVIEW OF*
15 *AMENDMENTS TO BALLPARK OMNIBUS FINANCING AND*
16 *REVENUE ACT OF 2004.—Notwithstanding section*
17 *602(c)(1) of the District of Columbia Home Rule Act,*
18 *amendments to the Ballpark Technical Amendments Act of*
19 *2005 and the Ballpark Fee Rebate Act of 2005 shall take*
20 *effect on the date of the enactment by the District of Colum-*
21 *bia.*

1 *This division may be cited as the “District of Colum-*
2 *bia Appropriations Act, 2006”.*

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 3058

AMENDMENT