

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

SEC. 518. Notwithstanding any other provision of law or regulation, the United States Government's interest in the property at 1818 W. Northern Lights Boulevard in Anchorage, Alaska, with legal description: T13N R4W Section 25, NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Portion W135 E953 N350, Anchorage Recording District shall be conveyed to Southcentral Foundation for a replacement Head Start facility.

SEC. 519. (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$18,000,000: Provided, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the House and Senate Committees on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005”.

## DIVISION G

### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

#### TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

##### SENATE

##### EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$40,000; Majority Leader of the Senate, \$40,000; Minority Leader of the Senate, \$40,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; President Pro Tempore emeritus, \$15,000; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$195,000.

*REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS*

*For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.*

*SALARIES, OFFICERS AND EMPLOYEES*

*For compensation of officers, employees, and others as authorized by law, including agency contributions, \$134,840,000, which shall be paid from this appropriation without regard to the following limitations:*

*OFFICE OF THE VICE PRESIDENT*

*For the Office of the Vice President, \$2,108,000.*

*OFFICE OF THE PRESIDENT PRO TEMPORE*

*For the Office of the President Pro Tempore, \$561,000.*

*OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS*

*For the Office of the President Pro Tempore emeritus, \$163,000.*

*OFFICES OF THE MAJORITY AND MINORITY LEADERS*

*For Offices of the Majority and Minority Leaders, \$3,808,000.*

*OFFICES OF THE MAJORITY AND MINORITY WHIPS*

*For Offices of the Majority and Minority Whips, \$2,556,000.*

*COMMITTEE ON APPROPRIATIONS*

*For salaries of the Committee on Appropriations, \$13,301,000.*

*CONFERENCE COMMITTEES*

*For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,413,000 for each such committee; in all, \$2,826,000.*

*OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY*

*For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$702,000.*

*POLICY COMMITTEES*

*For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,473,000 for each such committee; in all, \$2,946,000.*

*OFFICE OF THE CHAPLAIN*

*For Office of the Chaplain, \$341,000.*

*OFFICE OF THE SECRETARY*

*For Office of the Secretary, \$19,586,000.*

## OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

*For Office of the Sergeant at Arms and Doorkeeper, \$50,635,000.*

## OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

*For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,528,000.*

## AGENCY CONTRIBUTIONS AND RELATED EXPENSES

*For agency contributions for employee benefits, as authorized by law, and related expenses, \$33,779,000.*

## OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

*For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$5,152,000.*

## OFFICE OF SENATE LEGAL COUNSEL

*For salaries and expenses of the Office of Senate Legal Counsel, \$1,265,000.*

## EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

*For expense allowances of the Secretary of the Senate, \$6,000; Sergeant at Arms and Doorkeeper of the Senate, \$6,000; Secretary for the Majority of the Senate, \$6,000; Secretary for the Minority of the Senate, \$6,000; in all, \$24,000.*

## CONTINGENT EXPENSES OF THE SENATE

## INQUIRIES AND INVESTIGATIONS

*For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97-601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$110,000,000.*

## EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

*For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.*

## SECRETARY OF THE SENATE

*For expenses of the Office of the Secretary of the Senate, \$1,700,000.*

## SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

*For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$127,182,000, of which \$20,045,000 shall remain available until September 30, 2007, and of which \$4,255,000 shall remain available until September 30, 2009.*

## MISCELLANEOUS ITEMS

*For miscellaneous items, \$18,326,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.*

## SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

*For Senators' Official Personnel and Office Expense Account, \$326,533,000.*

## OFFICIAL MAIL COSTS

*For expenses necessary for official mail costs of the Senate, \$300,000.*

## ADMINISTRATIVE PROVISIONS

*SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2004, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2004, increased by an additional \$50,000 each.*

*SEC. 2. CONSULTANTS. With respect to fiscal year 2005, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".*

*SEC. 3. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101-302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking "2004" and inserting "2005".*

*SEC. 4. PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. Section 7(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended by inserting "and the 109th Congress" after "108th Congress".*

*SEC. 5. TRANSFER OF FUNDS FROM APPROPRIATIONS ACCOUNT OF THE OFFICE OF THE VICE PRESIDENT AND THE OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY TO THE SENATE CONTINGENT FUND. (a) OFFICE OF THE VICE PRESIDENT.—*

*(1) IN GENERAL.—Upon the written request of the Vice President, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICE OF THE VICE PRESIDENT" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Vice President shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.*

*(2) AUTHORITY TO INCUR EXPENSES.—The Vice President may incur such expenses as may be necessary or appropriate. Expenses incurred by the Vice President shall be paid from the*

amount transferred under paragraph (1) by the Vice President and upon vouchers approved by the Vice President.

(3) *AUTHORITY TO ADVANCE SUMS.*—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(b) *OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY.*—

(1) *IN GENERAL.*—Upon the written request of the Secretary for the Majority or the Secretary for the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading “OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY” under the heading “SALARIES, OFFICERS AND EMPLOYEES” such amount as the Secretary for the Majority or the Secretary for the Minority shall specify to the appropriations account under the heading “MISCELLANEOUS ITEMS” within the contingent fund of the Senate.

(2) *AUTHORITY TO INCUR EXPENSES.*—The Secretary for the Majority or the Secretary for the Minority may incur such expenses as may be necessary or appropriate. Expenses incurred by the Secretary for the Majority or the Secretary for the Minority shall be paid from the amount transferred under paragraph (1) by the Secretary for the Majority or the Secretary for the Minority and upon vouchers approved by the Secretary for the Majority or the Secretary for the Minority, as applicable.

(3) *AUTHORITY TO ADVANCE SUMS.*—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(c) *EFFECTIVE DATE.*—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

*SEC. 6. ACTIVITIES RELATING TO FOREIGN PARLIAMENTARY GROUPS AND FOREIGN OFFICIALS.* Section 2(c) of chapter VIII of title I of the Supplemental Appropriations Act, 1987 (2 U.S.C. 65f(c)) is amended in the first sentence by striking “with the approval of” and inserting “and upon notification to”.

*SEC. 7. TRANSPORTATION OF OFFICIAL RECORDS AND PAPERS TO A SENATOR’S STATE.* (a) *PAYMENT OF REASONABLE TRANSPORTATION EXPENSES.*—Upon request of a Senator, amounts in the appropriation account “Miscellaneous Items” within the contingent fund of the Senate shall be available to pay the reasonable expenses of sending or transporting the official records and papers of the Senator from the District of Columbia to any location designated by such Senator in the State represented by the Senator.

(b) *SENDING AND TRANSPORTATION.*—The Sergeant at Arms and Doorkeeper of the Senate shall provide for the most economical means of sending or transporting the official records and papers under this section while ensuring the orderly and timely delivery of the records and papers to the location specified by the Senator.

(c) *OVERSIGHT.*—The Committee on Rules and Administration shall have the authority to issue rules and regulations to carry out the provisions of this section.

(d) *OFFICIAL RECORDS DEFINED.*—In this section, the term “official records and papers” means books, records, papers, and official files which could be sent as franked mail.

(e) *EFFECTIVE DATE.*—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

*SEC. 8. COMPENSATION FOR LOST OR DAMAGED PROPERTY. (a) IN GENERAL.—Any amounts received by the Sergeant at Arms and Doorkeeper of the Senate (in this section referred to as the “Sergeant at Arms”) for compensation for damage to, loss of, or loss of use of property of the Sergeant at Arms that was procured using amounts available to the Sergeant at Arms in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, shall be credited to that account or, if applicable, to any subaccount of that account.*

*(b) AVAILABILITY.—Amounts credited to any account or subaccount under subsection (a) shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.*

*(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.*

*SEC. 9. AGE REQUIREMENT FOR SENATE PAGES. Section 491(b)(1) of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b–1(b)(1)) is amended by striking “fourteen” and inserting “sixteen”.*

*SEC. 10. TREATMENT OF ELECTRONIC SERVICES PROVIDED BY SERGEANT AT ARMS. The Office of the Sergeant at Arms and Doorkeeper of the United States Senate, and any officer, employee, or agent of the Office, shall not be treated as acquiring possession, custody, or control of any electronic mail or other electronic communication, data, or information by reason of its being transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part by the Office.*

*SEC. 11. MODIFICATION OF APPLICATION OF SECTION 47 OF THE REVISED STATUTES. Section 47 of the Revised Statutes of the United States (2 U.S.C. 48) is amended by striking “of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates” and inserting “of Representatives and Delegates shall be certified”.*

*SEC. 12. OVERSEAS TRAVEL. (a) DEFINITION.—In this section, the term “United States” means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.*

*(b) IN GENERAL.—A member of the Capitol Police may travel outside of the United States if—*

*(1) that travel is with, or in preparation for, travel of a Senator, including travel of a Senator as part of a congressional delegation;*

*(2) the member of the Capitol Police is performing security advisory and liaison functions (including advance security liaison preparations) relating to the travel of that Senator; and*

*(3) the Sergeant at Arms and Doorkeeper of the Senate gives prior approval to the travel of the member of the Capitol Police.*

*(c) LAW ENFORCEMENT FUNCTIONS.—Subsection (b) shall not be construed to authorize the performance of law enforcement functions by a member of the Capitol Police in connection with the travel authorized under that subsection.*

(d) *REIMBURSEMENT.*—The Capitol Police shall be reimbursed for the overtime pay, travel, and related expenses of any member of the Capitol Police who travels under the authority of this section. Any reimbursement under this subsection shall be paid from the account under the heading “SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE” under the heading “CONTINGENT EXPENSES OF THE SENATE”.

(e) *AMOUNTS RECEIVED.*—Any amounts received by the Capitol Police for reimbursements under subsection (d) shall be credited to the accounts established for the general expenses or salaries of the Capitol Police, and shall be available to carry out the purposes of such accounts during the fiscal year in which the amounts are received and the following fiscal year.

(f) *EFFECTIVE DATE.*—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

*SEC. 13. EXPENSE ALLOWANCES.* (a) *IN GENERAL.*—The matter under the subheading “EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS” under the heading “LEGISLATIVE BRANCH” under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking “\$20,000” and inserting “\$40,000”; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking “\$20,000” and inserting “\$40,000”.

(b) *PRESIDENT PRO TEMPORE EMERITUS.*—Section 7(d) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended in the first sentence (relating to the President pro tempore emeritus) by striking “\$7,500” and inserting “\$15,000”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall apply to fiscal year 2005 and each fiscal year thereafter.

## HOUSE OF REPRESENTATIVES

### SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,048,581,000, as follows:

#### HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$18,678,000, including: Office of the Speaker, \$2,708,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,027,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$2,840,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,741,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,303,000, including \$5,000 for official expenses of the Minority Whip; Speaker’s Office for Legislative Floor Activities, \$470,000; Republican Steering Committee, \$881,000; Republican

*Conference, \$1,500,000; Democratic Steering and Policy Committee, \$1,589,000; Democratic Caucus, \$792,000; nine minority employees, \$1,409,000; training and program development—majority, \$290,000; training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$419,000; and Cloakroom Personnel—minority, \$419,000.*

*MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL*

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

*COMMITTEE EMPLOYEES*

*STANDING COMMITTEES, SPECIAL AND SELECT*

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

*COMMITTEE ON APPROPRIATIONS*

*For salaries and expenses of the Committee on Appropriations, \$24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2006.*

*SALARIES, OFFICERS AND EMPLOYEES*

*For compensation and expenses of officers and employees, as authorized by law, \$160,133,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$13,000, of which not more than \$10,000 is for the Family Room, for official representation and reception expenses, \$20,534,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$3,000 for official representation and reception expenses, \$5,879,000; for salaries and expenses of the Office of the Chief Administrative Officer, \$116,034,000, of which \$7,500,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$3,986,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, \$1,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, \$962,000; for the Office of the Chaplain, \$155,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$1,673,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$2,346,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$6,721,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$687,000; and for other authorized employees, \$156,000.*



ALLOWANCES AND EXPENSES

*For allowances and expenses as authorized by House resolution or law, \$209,350,000, including: supplies, materials, administrative costs and Federal tort claims, \$4,350,000; official mail for committees, leadership offices, and administrative offices of the House, \$410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$203,900,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$690,000.*

CHILD CARE CENTER

*For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.*

ADMINISTRATIVE PROVISIONS

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

**(b) REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

**(c) DEFINITION.**—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

**SEC. 102. NET EXPENSES OF TELECOMMUNICATIONS REVOLVING FUND.** (a) There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Telecommunications Revolving Fund (hereafter in this section referred to as the “Revolving Fund”), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by legislative branch offices to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment located in such offices.

**(b)** Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment of legislative branch offices.

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

(d) *Section 306 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 117f) is amended—*

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

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

(e) *Section 102 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 112g) is amended by adding at the end the following new subsection:*

*“(e) This section shall not apply with respect to any telecommunications equipment which is subject to coverage under section 103 of the Legislative Branch Appropriations Act, 2005 (relating to the Net Expenses of Telecommunications Revolving Fund).”.*

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

**SEC. 103. CONTRACT FOR EXERCISE FACILITY.** (a) *IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall enter into a contract on a competitive basis with a private entity for the management, operation, and maintenance of the exercise facility established for the use of employees of the House of Representatives which is constructed with funds made available under this Act.*

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

**SEC. 104. SENSE OF THE HOUSE.** *It is the sense of the House of Representatives that Members of the House who use vehicles in traveling for official and representational purposes, including Members who lease vehicles for which the lease payments are made using funds provided under the Members’ Representational Allowance, are encouraged to use hybrid electric and alternatively fueled vehicles whenever possible, as the use of these vehicles will help to move our Nation toward the use of a hydrogen fuel cell vehicle and reduce our dependence on oil.*

**SEC. 105. (a) ESTABLISHMENT OF HOUSE SERVICES REVOLVING FUND.**—*There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the “House Services Revolving Fund” (hereafter in this section referred to as the “Revolving Fund”), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from all amounts received by the House of Representatives with respect to the following activities:*

*(1) The operation of the House Barber Shop.*

*(2) The operation of the House Beauty Shop.*

(3) *The operation of the House Restaurant System (including vending operations).*

(4) *The provision of mail services to entities which are not part of the House of Representatives.*

(b) *USE OF AMOUNTS IN FUND.—Amounts in the Revolving Funds shall be used for any purpose designated by the Chief Administrative Officer which is approved by the Committee on Appropriations of the House of Representatives.*

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

(d) *TERMINATION AND TRANSFER OF EXISTING FUNDS AND ACCOUNTS.—*

(1) *IN GENERAL.—Each fund and account specified in paragraph (2) is hereby terminated, and the balance of each such fund and account is hereby transferred to the Revolving Fund.*

(2) *FUNDS AND ACCOUNTS SPECIFIED.—The funds and accounts referred to in paragraph (1) are as follows:*

(A) *The revolving fund for the House Barber Shop, established by the paragraph under the heading “HOUSE BARBER SHOPS REVOLVING FUND” in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93-554; 88 Stat. 1776).*

(B) *The revolving funds for the House Beauty Shop, established by the matter under the heading “HOUSE BEAUTY SHOP” in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriations Act, 1970 (Public Law 91-145; 83 Stat. 347).*

(C) *The special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (2 U.S.C. 2041 note), or any successor fund or account established for the receipt of revenues of the House Restaurant System.*

(e) *EFFECTIVE DATE.—This section shall take effect October 1, 2004, and shall apply with respect to fiscal year 2005 and each succeeding fiscal year.*

*SEC. 106. (a) If the Clerk of the House of Representatives is required under any law, rule, or regulation to make available for public inspection a report, statement, or other document filed with the Office of the Clerk, the Clerk shall preserve the report, statement, or document—*

(1) *for a period of 6 years from the date on which the document is filed; or*

(2) *if the law, rule, or regulation so provides, the period required under such law, rule, or regulation.*

(b) *Subsection (a) shall apply with respect to reports, statements, and documents filed before, on, or after the date of the enactment of this Act.*

*SEC. 107. (a) PERMITTING ORGANIZATIONAL CAUCUSES AND CONFERENCES TO BE HELD AT ANY TIME.—Section 202(a)(1) of House Resolution 988, Ninety-third Congress, agreed to on October*

8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)(1)), is amended by striking "conference, to begin on or after" all that follows through "to be attended by all" and inserting "conference of all".

(b) *PERIOD OF AVAILABILITY OF PER DIEM.*—

(1) *MEMBERS.*—Section 202(b)(1)(B) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(b)(1)(B)), is amended by striking "for a period" and all that follows and inserting a period.

(2) *STAFF.*—Section 1(b) of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b-2(b)), is amended by striking "for a period" and all that follows and inserting a period.

(c) *APPLICABILITY OF PROVISIONS TO ORIENTATION SESSIONS FOR NEW MEMBERS.*—

(1) *MEMBERS.*—Section 202 of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a), is amended by adding at the end the following new subsection:

"(d) With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), subsections (b) and (c) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference."

(2) *STAFF.*—Section 1 of House Resolution 10, Ninety-fourth Congress, agreed to on January 14, 1975, and enacted into permanent law by section 201 of the Legislative Branch Appropriations Act, 1976 (2 U.S.C. 43b-2), is amended by adding at the end the following new subsection:

"(c) With the approval of the majority leader (in the case of a Member or Member-elect of the majority party) or the minority leader (in the case of a Member or Member-elect of the minority party), subsections (a) and (b) shall apply with respect to the attendance of a Member or Member-elect at a program conducted by the Committee on House Administration for the orientation of new members in the same manner as such provisions apply to the attendance of the Member or Member-elect at the organizational caucus or conference."

(d) *EFFECTIVE DATE.*—The amendments made by this section shall apply with respect to the One Hundred Tenth Congress and each succeeding Congress.

SEC. 108. (a) Subject to the approval of the Committee on House Administration, the Chief Administrative Officer of the House of Representatives shall implement regulations under which the Chief Administrative Officer shall be authorized to handle any mail mat-

ter delivered by the United States Postal Service or any other carrier to the House of Representatives, or to any other entity with whom the Chief Administrative Officer has entered into an agreement to receive mail matter delivered to the entity, in such manner as the Chief Administrative Officer deems necessary to ensure the safety of any individuals who may come into contact with, or otherwise be exposed to, such mail matter.

(b) No action taken under the regulations implemented pursuant to this section may serve as a basis for civil or criminal liability of any individual or entity.

(c) As used in this section, the term "handle" includes but is not limited to collecting, isolating, testing, opening, disposing, and destroying.

(d) This section shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

SEC. 109. (a) There is established in the House of Representatives an office to be known as the Republican Policy Committee, which shall have such responsibilities as may be assigned by the chair of the Republican Conference.

(b) There shall be a lump sum allowance for the salaries and expenses of the Republican Policy Committee, which shall be treated as a category of House leadership offices for purposes of section 101(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(c)).

(c) This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 110. The first sentence of section 5 of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971) (2 U.S.C. 31b-5), is amended—

(1) by striking "step 5 of level 11" and inserting "step 11 of level 13"; and

(2) by striking "step 9 of level 8" and inserting "step 8 of level 12".

## JOINT ITEMS

For Joint Committees, as follows:

### JOINT ECONOMIC COMMITTEE

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

### JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$8,433,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

### OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$725 per month each to four med-

ical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$725 per month to two assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,680,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$2,528,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

#### CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$3,844,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

#### STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

#### CAPITOL POLICE

##### SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$203,440,000, to be disbursed by the Chief of the Capitol Police or his designee.

##### GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$28,888,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision

of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2005 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2005 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE. Section 1006(b) of the Legislative Branch Appropriations Act, 2004 (Public Law 108-83; 117 Stat. 1023) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by inserting at the end "The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year."; and

(B) in subparagraph (C), by striking "(C) LIMITATION.—" and inserting "(C) LIMITATION FOR FISCAL YEAR 2004.—"; and

(C) by adding at the end the following:

"(D) LIMITATION FOR FISCAL YEAR 2005.— During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

"(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

"(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005."; and

(2) in paragraph (4), by striking the first sentence and inserting "Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police."

SEC. 1003. AUTHORIZATION OF WEAPONS. Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended—

(1) in the first sentence—

(A) by striking "The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "The Capitol Police Board"; and

(B) by striking all beginning with "payable out" through the period and inserting "payable from appropria-

tions to the Capitol Police upon certification of payment by the Chief of the Capitol Police.”; and

(2) in the second sentence—

(A) by inserting “or other arms as authorized by the Capitol Police Board” after “furnished”; and

(B) by striking “the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives” and inserting “the Capitol Police Board”.

**SEC. 1004. SOLE AND EXCLUSIVE AUTHORITY OF BOARD AND CHIEF TO DETERMINE RATES OF PAY.** (a) **IN GENERAL.**—The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) **NO REVIEW OR APPEAL PERMITTED.**—The determination of a rate or amount described in subsection (a) may not be subject to review or appeal in any manner.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a);

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

(3) the terms of any collective bargaining agreement.

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

**SEC. 1005. ACCEPTANCE OF DONATIONS OF ANIMALS.** (a) **IN GENERAL.**—The Capitol Police may accept the donation of animals to be used in the canine units of the Capitol Police.

(b) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

**SEC. 1006. SETTLEMENT AND PAYMENT OF TORT CLAIMS.** (a) **FEDERAL TORT CLAIMS ACT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, United States Code, any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.



(2) *SPECIAL RULE FOR CLAIMS MADE BY MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.*—

(A) *IN GENERAL.*—*With respect to any claim described in paragraph (1) which is made by a Member of Congress or any officer or employee of Congress, the Chief of the Capitol Police shall—*

(i) *not later than 14 days after the receipt of such a claim, notify the Chairman of the applicable Committee of the receipt of the claim; and*

(ii) *not later than 90 days after the receipt of such a claim, submit a proposal for the resolution of such claim which shall be subject to the approval of the Chairman of the applicable Committee.*

(B) *EXTENSION.*—*The 90-day period in subparagraph (A)(ii) may be extended for an additional period (not to exceed 90 days) for good cause by the Chairman of the applicable Committee, upon the request of the Chief of the Capitol Police.*

(C) *APPROVAL CONSISTENT WITH FEDERAL TORT CLAIMS ACT.*—*Nothing in this paragraph may be construed to permit the Chairman of an applicable Committee to approve a proposal for the resolution of a claim described in paragraph (1) which is not consistent with the terms and conditions applicable under chapter 171 of title 28, United States Code, to the resolution of claims for money damages against the United States.*

(D) *APPLICABLE COMMITTEE DEFINED.*—*In this paragraph, the term “applicable Committee” means—*

(i) *the Committee on Rules and Administration of the Senate, in the case of a claim of a Senator or an officer or employee whose pay is disbursed by the Secretary of the Senate; or*

(ii) *the Committee on House Administration of the House of Representatives, in the case of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or an officer or employee whose pay is disbursed by the Chief Administrative Officer of the House of Representatives.*

(3) *HEAD OF AGENCY.*—*For purposes of section 2672 of title 28, United States Code, the Chief of the Capitol Police shall be the head of a Federal agency with respect to the Capitol Police.*

(4) *REGULATIONS.*—*The Capitol Police Board may prescribe regulations to carry out this subsection.*

(b) *CLAIMS OF EMPLOYEES OF CAPITOL POLICE.*—

(1) *IN GENERAL.*—*The Capitol Police Board may prescribe regulations to apply the provisions of section 3721 of title 31, United States Code, for the settlement and payment of a claim against the Capitol Police by an employee of the Capitol Police for damage to, or loss of personal property incident to service.*

(2) *LIMITATION.*—*No settlement and payment of a claim under regulations prescribed under this subsection may exceed the limits applicable to the settlement and payment of claims under section 3721 of title 31, United States Code.*

(c) *RULE OF CONSTRUCTION.*—*Nothing in this section may be construed to affect—*

(1) any payment under section 1304 of title 31, United States Code, of a final judgment, award, compromise settlement, and interest and costs specified in the judgment based on a claim against the Capitol Police; or

(2) any authority for any—

(A) settlement under section 414 of the Congressional Accountability Act of 1995 (2 U.S.C. 1414), or

(B) payment under section 415 of that Act (2 U.S.C. 1415).

(d) *EFFECTIVE DATE.*—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

*SEC. 1007. DEPLOYMENT OUTSIDE OF JURISDICTION.* (a) *REQUIREMENTS FOR PRIOR NOTICE AND APPROVAL.*—The Chief of the Capitol Police may not deploy any officer outside of the areas established by law for the jurisdiction of the Capitol Police unless—

(1) the Chief provides prior notification to the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment; and

(2) the Capitol Police Board gives prior approval to the deployment.

(b) *EXCEPTION FOR CERTAIN SERVICES.*—Subsection (a) does not apply with respect to the deployment of any officer for any of the following purposes:

(1) Responding to an imminent threat or emergency.

(2) Intelligence gathering.

(3) Providing protective services.

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

*SEC. 1008. GENERAL COUNSEL.* The Capitol Police General Counsel, in the capacity as in-house counsel and in conjunction with the Capitol Police Employment Counsel for employment and labor law matters, shall be responsible for implementing and maintaining an effective legal compliance system with all applicable laws, under the oversight of the Capitol Police Board.

*SEC. 1009. RELEASE OF SECURITY INFORMATION.* (a) *DEFINITION.*—In this section, the term “security information” means information that—

(1) is sensitive with respect to the policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response relating to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds; and

(2) is obtained by, on behalf of, or concerning the Capitol Police Board, the Capitol Police, or any incident command relating to emergency response.

(b) *AUTHORITY OF BOARD TO DETERMINE CONDITIONS OF RELEASE.*—Notwithstanding any other provision of law, any security information in the possession of the Capitol Police may be released by the Capitol Police to another entity, including an individual, only if the Capitol Police Board determines in consultation with other appropriate law enforcement officials, experts in security preparedness, and appropriate committees of Congress, that the release of the security information will not compromise the security and

safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police.

(c) *RULE OF CONSTRUCTION.*—Nothing in this section may be construed to affect the ability of the Senate and the House of Representatives (including any Member, officer, or committee of either House of Congress) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the Senate and House of Representatives.

(d) *REGULATIONS.*—The Capitol Police Board may promulgate regulations to carry out this section, with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(e) *EFFECTIVE DATE.*—This section shall take effect on the date of enactment of this Act and apply with respect to—

(1) any remaining portion of fiscal year 2004, if this Act is enacted before October 1, 2004; and

(2) fiscal year 2005 and each fiscal year thereafter.

#### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

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

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$34,919,000.

#### ARCHITECT OF THE CAPITOL

##### GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$80,347,000, of which \$2,220,000 shall remain available until September 30, 2009.

## CAPITOL BUILDING

(INCLUDING TRANSFER OF FUNDS)

*For all necessary expenses for the maintenance, care, and operation of the Capitol, \$28,857,000, of which not more than \$10,600,000, may be transferred for the use of the Capitol Visitor Center project: Provided, That the amount so transferred shall be deposited into the account established for the Capitol Visitor Center project and shall be subject to the same terms and conditions applicable to the amounts appropriated for such project under the heading "Capitol Visitor Center" in the Legislative Branch Appropriations Act, 2004: Provided further, That the amount so transferred, together with \$3,900,000 of the other amounts appropriated under this heading, shall remain available until expended.*

## CAPITOL GROUNDS

*For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,974,000.*

## SENATE OFFICE BUILDINGS

*For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$62,083,000, of which \$9,070,000 shall remain available until September 30, 2009.*

## HOUSE OFFICE BUILDINGS

*For all necessary expenses for the maintenance, care and operation of the House office buildings, \$65,353,000, of which \$27,103,000 shall remain available until September 30, 2009.*

## CAPITOL POWER PLANT

*For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$56,834,000, of which \$1,000,000 shall remain available until September 30, 2009: Provided, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2005.*

## LIBRARY BUILDINGS AND GROUNDS

*For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$40,097,000, of which \$21,506,000 shall remain available until September 30, 2009.*

## CAPITOL POLICE BUILDINGS AND GROUNDS

*For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, \$5,853,000, of which \$500,000 shall remain available until September 30, 2009.*

## BOTANIC GARDEN

*For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$6,326,000: Provided, That this appropriation shall not be available for construction of the National Garden.*

## ADMINISTRATIVE PROVISIONS

**SEC. 1101. MANAGEMENT AND OPERATION OF THE CAPITOL POWER PLANT.** (a) **DEFINITION.**—*In this section, the term “appropriate congressional committees” means—*

- (1) the Committee on Appropriations of the Senate and the House of Representatives;*
- (2) the Committee on Rules and Administration of the Senate; and*
- (3) the House Office Building Commission.*

(b) **STUDY OF CONTRACT WITH A PRIVATE ENTITY.**—*Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study and submit to the appropriate congressional committees and the Architect of the Capitol a report that—*

- (1) analyzes the costs, cost effectiveness, benefits, and feasibility of the Architect of the Capitol entering into a contract with a private entity for the management and operation of the Capitol Power Plant; and*
- (2) makes a recommendation on whether the Architect of the Capitol should enter into such a contract.*

(c) **IMPLEMENTATION PLAN.**—*If the Comptroller General makes a recommendation under subsection (b)(2) in favor of entering into a contract, the Architect of the Capitol shall submit an implementation plan for that contract to the appropriate congressional committees not later than the later of—*

- (1) 270 days after the date of enactment of this Act; or*
- (2) the date of the completion of the West Refrigeration Plant.*

(d) **CONTRACT.**—*Subject to the approval of the appropriate congressional committees, the Architect of the Capitol shall enter into a contract with a private entity for the management and operation of the Capitol Power Plant.*

(e) *EFFECTIVE DATE.*—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

*SEC. 1102. (a) The Comptroller General shall conduct an analysis of the operations of the Office of the Architect of the Capitol, and shall include in the analysis recommendations regarding the extent to which the functions and duties of the Architect of the Capitol may be carried out more effectively through contracts with private entities, through reassignment to other entities of the legislative branch, and through such other methods as the Comptroller General considers appropriate.*

*(b) Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the analysis conducted under subsection (a) to the Committees on Appropriations of the House of Representatives and Senate.*

## LIBRARY OF CONGRESS

### SALARIES AND EXPENSES

*For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$384,671,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,350,000: Provided further, That of the total amount appropriated, \$12,481,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$2,250,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be trans-*

*ferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the total amount appropriated, \$500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, \$15,620,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, \$2,795,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That of the total amount appropriated, \$500,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text: Provided further, That, of the total amount appropriated, \$100,000 shall be provided to the Association for Diplomatic Studies and Training to provide for the oral history of United States foreign affairs personnel: Provided further, That of the total amount appropriated, \$300,000 shall be made available to initiate with the University of South Carolina a Cooperative Preservation and Conservation project for Movietone Newsreel collections.*

#### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

*For necessary expenses of the Copyright Office, \$53,611,000, of which not more than \$26,981,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2005 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$6,496,000 shall be derived from collections during fiscal year 2005 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$33,477,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.*

#### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

*For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States*

of America, \$96,893,000: *Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.*

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

*For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$54,412,000, of which \$16,235,000 shall remain available until expended: Provided, That, of the total amount appropriated, \$200,000 shall remain available until expended to reimburse the National Federation of the Blind for costs incurred in the operation of its "NEWSLINE" program.*

##### ADMINISTRATIVE PROVISIONS

*SEC. 1201. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.*

*SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$106,985,000.*

*(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.*

*(c) TRANSFER OF FUNDS.—During fiscal year 2005, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.*

*SEC. 1203. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106-554, 114 Stat. 2763A-194) is amended in the first proviso under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" in chapter 9 of division A—*

*(1) by inserting "and pledges" after "other than money"; and*

*(2) by striking "March 31, 2005" and inserting "March 31, 2010".*



*SEC. 1204. UNITED STATES DIPLOMATIC FACILITIES. Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2005 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2005 to the Library of Congress on State Department diplomatic facilities.*

*SEC. 1205. NATIONAL FILM PRESERVATION BOARD AND NATIONAL FILM PRESERVATION FOUNDATION. (a) EFFECTIVE DATES.—Notwithstanding the effective date under section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w), title I of that Act shall be considered to be effective through fiscal year 2005.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—Section 151711(a) of title 36, United States Code, is amended by striking “2003” and inserting “2005”.*

#### GOVERNMENT PRINTING OFFICE

#### CONGRESSIONAL PRINTING AND BINDING

#### (INCLUDING TRANSFER OF FUNDS)

*For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$88,800,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.*

## OFFICE OF SUPERINTENDENT OF DOCUMENTS

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

*For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$31,953,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2003 and 2004 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.*

## GOVERNMENT PRINTING OFFICE REVOLVING FUND

*The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than \$10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107-202.*

## ADMINISTRATIVE PROVISION

*SEC. 1301. DISCOUNTS FOR SALES COPIES.* Section 1708 of title 44, United States Code, is amended by striking “of not to exceed 25 percent may be allowed to book dealers and quantity purchasers”, and inserting in lieu thereof the following: “may be allowed as determined by the Superintendent of Documents”.

## GOVERNMENT ACCOUNTABILITY OFFICE

## SALARIES AND EXPENSES

*For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$470,973,000: Provided, That not more than \$4,919,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That not more than \$2,500,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum’s costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.*

## ADMINISTRATIVE PROVISIONS

*SEC. 1401. REPORTS TO THE COMPTROLLER GENERAL.* (a) *LIMITATIONS ON EXPENDITURES, OBLIGATIONS, AND VOLUNTARY SERVICES.*—Section 1351 of title 31, United States Code, is amended by inserting “A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.” after the first sentence.

(b) *PROHIBITED OBLIGATIONS AND EXPENDITURES.*—Section 1517(b) of title 31, United States Code, is amended by inserting “A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress.” after the first sentence.

**PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER  
TRUST FUND**

*For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, \$13,500,000.*

**ADMINISTRATIVE PROVISIONS**

**SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.**—Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

(1) in paragraph (1), by striking “and” after the semicolon;  
(2) in paragraph (2), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect.”.

**SEC. 1502. BOARD MEMBERSHIP.** Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)), as enacted by reference in section 1(a)(2) of the Consolidated Appropriations Act, 2001, is amended—

(1) in the matter preceding subparagraph (A), by striking “nine members” and inserting “11 members”; and

(2) by inserting after subparagraph (D) the following new subparagraph:

“(E) The chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the House of Representatives and the chair of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate.”.

**TITLE II—GENERAL PROVISIONS**

**SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.** No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

**SEC. 202. FISCAL YEAR LIMITATION.** No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2005 unless expressly so provided in this Act.

**SEC. 203. RATES OF COMPENSATION AND DESIGNATION.** Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or posi-

tion appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

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

**SEC. 205. AWARDS AND SETTLEMENTS.** *Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.*

**SEC. 206. COSTS OF LBFMC.** *Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.*

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

**SEC. 208. LIMITATION ON TRANSFERS.** *None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.*

**SEC. 209. ETRAVEL SERVICE.** *Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.*

**SEC. 210. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.** (a) **AUTHORITY TO OFFER PAYMENTS.**—*Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.*

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

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

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

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

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

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) PLAN.—

(1) PLAN REQUIRED FOR MAKING PAYMENTS.—No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable committee described in paragraph (3), and each applicable committee approves the plan.

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

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

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

(C) The time period during which incentives may be paid.

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

(E) A description of how the office will operate without the eliminated positions and functions.

(3) APPLICABLE COMMITTEE.—For purposes of this subsection, the “applicable committee” with respect to an office means any committee of the House of Representatives or Senate with jurisdiction over the activities of the office under the applicable rules of the House of Representatives and the Senate (as determined by the head of the office), but does not include the Committees on Appropriations of the House of Representatives and the Senate.

(d) EXCLUSION OF CERTAIN OFFICES.—This section shall not apply to any office which is an Executive agency under section 105 of title 5, United States Code, or any employee of such an office.

(e) ELIGIBLE EMPLOYEE DEFINED.—

(1) *IN GENERAL.*—*In this section, an “eligible employee” is an employee (as defined in section 2105, United States Code) or a Congressional employee (as defined in section 2107, United States Code) who—*

*(A) is serving under an appointment without time limitation; and*

*(B) has been currently employed for a continuous period of at least 3 years.*

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

*(A) A reemployed annuitant under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.*

*(B) An employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.*

*(C) An employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.*

*(D) An employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.*

*(E) An employee covered by statutory reemployment rights who is on transfer employment with another organization.*

*(F) Any employee who—*

*(i) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code, or any other authority;*

*(ii) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753 of such title or any other authority; or*

*(iii) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754 of such title or any other authority.*

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

(1) *IN GENERAL.*—*Subject to paragraph (2), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the office that paid the incentive payment.*

(2) *WAIVER FOR INDIVIDUALS POSSESSING UNIQUE ABILITIES.*—

*(A) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the*

*Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.*

*(B) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.*

*(C) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.*

*(3) TREATMENT OF PERSONAL SERVICES CONTRACTS.—For purposes of paragraph (1) (but not paragraph (2)), the term “employment” includes employment under a personal services contract with the United States.*

*(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to the portion of fiscal year 2005 occurring on and after such date and to each succeeding fiscal year.*

*SEC. 211. CAPITOL GROUNDS ENCLOSURE. None of the funds contained in this Act may be used to study, design, plan, or otherwise further the construction or consideration of a fence to enclose the perimeter of the grounds of the United States Capitol.*

*SEC. 212. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION. Section 210 of the Legislative Branch Appropriations Act, 2003 is amended—*

*(1) by striking the first proviso; and*

*(2) by striking “Provide further,” and inserting “Provided,”.*

*SEC. 213. TRANSFER OF JURISDICTION OVER REAL PROPERTY NEAR JAPANESE AMERICAN PATRIOTISM MEMORIAL. (a) TRANSFER OF JURISDICTION.—*

*(1) IN GENERAL.—Jurisdiction over the parcels of Federal real property described under paragraph (2) (over which jurisdiction was transferred under section 514(b)(2)(C) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333)) is transferred to the Architect of the Capitol, without consideration.*

*(2) PARCELS.—The parcels of Federal real property referred to under paragraph (1) are the following:*

*(A) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property, and whose maintenance and repair shall be the responsibility of the District of Columbia.*

*(B) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection*



with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

(b) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (a)(2).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (a)(2) in accordance with section 9 of the Act entitled “An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946 (2 U.S.C. 1961).

(3) EFFECT OF TRANSFER.—A person relinquishing jurisdiction over any parcel of Federal real property transferred by subsection (a) shall not retain any interest in the parcel except as specifically provided in this section.

(c) EFFECTIVE DATE.—This Act shall apply to fiscal year 2005 and each fiscal year thereafter.

This division may be cited as the “Legislative Branch Appropriations Act, 2005”.

SEC. 214. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM. EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking “December 1, 2004” and inserting “December 1, 2005”; and

(2) in subsection (g), by striking “December 31, 2004” and inserting “December 31, 2005”.

SEC. 215. (a) The Chief Administrative Officer of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate may enter into a memorandum of understanding under which the Sergeant at Arms and Doorkeeper shall provide all services of the United States Capitol telephone exchange for the House of Representatives, in accordance with such terms and conditions as may be provided in the memorandum of understanding.

(b) For any period during which a memorandum of understanding is in effect pursuant to this section—

(1) all positions in the United States Capitol telephone exchange for which the employing authority is the Chief Administrative Officer shall be transferred to the Sergeant at Arms and Doorkeeper;

(2) all employees in the United States Capitol telephone exchange for whom the employing authority is the Chief Administrative Officer shall be transferred to an appointed by the Sergeant at Arms and Doorkeeper; and

(3) *the Sergeant at Arms and Doorkeeper shall serve as the employing authority for all personnel of United States Capitol telephone exchange.*

(c) *In carrying out a memorandum of understanding pursuant to this section, the Sergeant at Arms and Doorkeeper shall ensure that, with respect to any employee of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer—*

(1) *the rate of pay and leave accrual for the employee shall not be less than the employee's rate of pay and leave accrual for the most recent pay period prior to such date, unless—*

(A) *the employee does not remain in the same position with the exchange; or*

(B) *the rate of pay or leave accrual is reduced for cause; and*

(2) *any leave accrued by the employee that remains unused as of such date shall be transferred to the employee and made available for the employee to use under the same terms and conditions that applied to the use of the leave prior to such date.*

(d) *The last sentence of section 4(b) of the House Employees Position Classification Act (2 U.S.C. 293(b)) is amended by striking "succeeding year," and inserting the following: "succeeding year (other than any period during which a memorandum of understanding described in section 215(a) of the Legislative Branch Appropriation Act, 2005 is in effect),".*

(e)(1) *A memorandum of understanding under this section may include a provision requiring the reimbursement by the House of Representatives during s fiscal year (paid out of the applicable accounts of the House) of the expenses incurred by the Sergeant at Arms and Door-keeper during the fiscal year in carrying out the memorandum with respect to the employees of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer.*

(2) *Any reimbursement made pursuant to this subsection—*

(A) *in the case of a reimbursement for salaries or agency contributions and related expenses, shall be deposited in the account under the heading "OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER" or "AGENCY CONTRIBUTIONS AND RELATED EXPENSES", under the heading "SALARIES, OFFICERS AND EMPLOYEES"; and*

(B) *in the case of a reimbursement for expenses, shall be deposited in the account under the heading "SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE."*

(3) *Any funds deposited under paragraph (2) shall be available in like manner and for the same purposes as are other funds in the account to which the funds were deposited.*

(f) *This section and the amendment made by the this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.*