

**Calendar No. 274**

108TH CONGRESS  
1ST SESSION

**S. 1585**

**[Report No. 108–144]**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2003

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

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**A BILL**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2004, and for other pur-  
6       poses, namely:

1       TITLE I—DEPARTMENT OF JUSTICE AND  
 2                   RELATED AGENCY  
 3                   RELATED AGENCY

4       FOREIGN TERRORIST TRACKING TASK FORCE

5       For expenses necessary for the Foreign Terrorist  
 6 Tracking Task Force, including salaries and expenses, op-  
 7 erations, equipment, and facilities, \$72,607,000: *Provided*,  
 8 That funds available under this heading shall be managed  
 9 only by the Director of the Foreign Terrorist Tracking  
 10 Task Force or his designee.

11                   DEPARTMENT OF JUSTICE

12                   GENERAL ADMINISTRATION

13                   SALARIES AND EXPENSES

14       For expenses necessary for the administration of the  
 15 Department of Justice, \$110,734,000, of which not to ex-  
 16 ceed \$3,137,000 is for the Facilities Program 2000, to  
 17 remain available until expended: *Provided*, That not to ex-  
 18 ceed 43 permanent positions and 44 full-time equivalent  
 19 workyears and \$10,172,000 shall be expended for the De-  
 20 partment Leadership Program exclusive of augmentation  
 21 that occurred in these offices in fiscal year 2003: *Provided*  
 22 *further*, That not to exceed 31 permanent positions, 33  
 23 full-time equivalent workyears and \$3,464,000 shall be ex-  
 24 pended for the Office of Legislative Affairs: *Provided fur-*  
 25 *ther*, That not to exceed 15 permanent positions, 20 full-

1 time equivalent workyears and \$1,875,000 shall be ex-  
 2 pended for the Office of Public Affairs: *Provided further*,  
 3 That the latter two aforementioned offices may utilize  
 4 non-reimbursable details of career employees within the  
 5 caps described in the preceding two provisos.

6 In addition, \$5,437,000 shall be available to manage  
 7 and administer the seizure and forfeiture of assets.

#### 8 JOINT AUTOMATED BOOKING SYSTEM

9 For expenses necessary for the nationwide deploy-  
 10 ment of a Joint Automated Booking System including  
 11 automated capability to transmit fingerprint and image  
 12 data, \$23,176,000, to remain available until September  
 13 30, 2005.

#### 14 LEGAL ACTIVITIES OFFICE AUTOMATION

15 For necessary expenses related to the design, develop-  
 16 ment, engineering, acquisition, and implementation of of-  
 17 fice automation systems for the organizations funded  
 18 under the headings “Salaries and Expenses, General  
 19 Legal Activities”, and “General Administration, Salaries  
 20 and Expenses”, and the United States Attorneys, the  
 21 United States Marshals Service, the Antitrust Division,  
 22 the United States Trustee Program, the Executive Office  
 23 for Immigration Review, the Community Relations Serv-  
 24 ice, the Bureau of Prisons, the Office of Justice Programs  
 25 and the United States Parole Commission, \$66,240,000,  
 26 to remain available until September 30, 2005.

## 1 NARROWBAND COMMUNICATIONS

2 For the costs of conversion to narrowband commu-  
3 nications, including the cost for operation and mainte-  
4 nance of Land Mobile Radio legacy systems,  
5 \$103,171,000, to remain available until September 30,  
6 2005.

## 7 ADMINISTRATIVE REVIEW AND APPEALS

8 For expenses necessary for the administration of par-  
9 don and clemency petitions and immigration-related activi-  
10 ties, \$194,111,000.

## 11 DETENTION TRUSTEE

12 For necessary expenses of the Federal Detention  
13 Trustee who shall exercise all power and functions author-  
14 ized by law relating to the detention of Federal prisoners  
15 in non-Federal institutions or otherwise in the custody of  
16 the United States Marshals Service, \$849,876,000, to re-  
17 main available until expended: *Provided*, That the Trustee  
18 shall be responsible for managing detention personnel and  
19 the Justice Prisoner and Alien Transportation System and  
20 for overseeing construction of detention facilities and  
21 housing related to such detention; the management of  
22 funds appropriated to the Department for the exercise of  
23 any detention functions; and the direction of the United  
24 States Marshals Service with respect to the exercise of de-  
25 tention policy setting and operations for the Department.

## 1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector  
3 General, \$60,840,000; including not to exceed \$10,000 to  
4 meet unforeseen emergencies of a confidential character;  
5 and for the acquisition, lease, maintenance, and operation  
6 of motor vehicles.

## 7 UNITED STATES PAROLE COMMISSION

## 8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Parole  
10 Commission, \$10,718,000.

## 11 LEGAL ACTIVITIES

## 12 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

13 For expenses necessary for the legal activities of the  
14 Department of Justice, not otherwise provided for, includ-  
15 ing not to exceed \$20,000 for expenses of collecting evi-  
16 dence, to be expended under the direction of, and to be  
17 accounted for solely under the certificate of, the Attorney  
18 General; and rent of private or Government-owned space  
19 in the District of Columbia, \$632,637,000, of which not  
20 to exceed \$10,000,000 for litigation support contracts  
21 shall remain available until expended, and of which not  
22 less than \$1,996,000 shall be available for necessary ad-  
23 ministrative expenses in accordance with the Radiation  
24 Exposure Compensation Act: *Provided*, That of the total  
25 amount appropriated, not to exceed \$1,000 shall be avail-

1 able to the United States National Central Bureau,  
 2 INTERPOL, for official reception and representation ex-  
 3 penses: *Provided further*, That notwithstanding any other  
 4 provision of law, upon a determination by the Attorney  
 5 General that emergent circumstances require additional  
 6 funding for litigation activities of the Civil Division, the  
 7 Attorney General may transfer such amounts to “Salaries  
 8 and Expenses, General Legal Activities” from available  
 9 appropriations for the current fiscal year for the Depart-  
 10 ment of Justice, as may be necessary to respond to such  
 11 circumstances: *Provided further*, That any transfer pursu-  
 12 ant to the previous proviso shall be treated as a re-  
 13 programming under section 605 of this Act and shall not  
 14 be available for obligation or expenditure except in compli-  
 15 ance with the procedures set forth in that section.

16 In addition, for reimbursement of expenses of the De-  
 17 partment of Justice associated with processing cases  
 18 under the National Childhood Vaccine Injury Act of 1986,  
 19 as amended, not to exceed \$4,028,000, to be appropriated  
 20 from the Vaccine Injury Compensation Trust Fund.

21 SALARIES AND EXPENSES, ANTITRUST DIVISION

22 For expenses necessary for the enforcement of anti-  
 23 trust and kindred laws, \$141,898,000: *Provided*, That,  
 24 notwithstanding any other provision of law, not to exceed  
 25 \$112,000,000 of offsetting collections derived from fees

1 collected for premerger notification filings under the Hart-  
2 Scott-Rodino Antitrust Improvements Act of 1976 (15  
3 U.S.C. 18a), regardless of the year of collection, shall be  
4 retained and used for necessary expenses in this appro-  
5 priation, and shall remain available until expended: *Pro-*  
6 *vided further*, That the sum herein appropriated from the  
7 general fund shall be reduced as such offsetting collections  
8 are received during fiscal year 2004, so as to result in  
9 a final fiscal year 2004 appropriation from the general  
10 fund estimated at not more than \$29,898,000.

11 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

12 For necessary expenses of the Offices of the United  
13 States Attorneys, including inter-governmental and coop-  
14 erative agreements, \$1,507,879,000; of which not to ex-  
15 ceed \$2,500,000 shall be available until September 30,  
16 2005, for: (1) training personnel in debt collection; (2) lo-  
17 cating debtors and their property; (3) paying the net costs  
18 of selling property; and (4) tracking debts owed to the  
19 United States Government: *Provided*, That of the total  
20 amount appropriated, not to exceed \$8,000 shall be avail-  
21 able for official reception and representation expenses:  
22 *Provided further*, That not to exceed \$10,000,000 of those  
23 funds available for automated litigation support contracts  
24 shall remain available until expended: *Provided further*,  
25 That not to exceed \$2,500,000 for the operation of the  
26 National Advocacy Center shall remain available until ex-

1 pending: *Provided further*, That, in addition to reimburs-  
 2 able full-time equivalent workyears available to the Offices  
 3 of the United States Attorneys, not to exceed 10,346 posi-  
 4 tions and 10,415 full-time equivalent workyears shall be  
 5 supported from the funds appropriated in this Act for the  
 6 United States Attorneys: *Provided further*, That of the  
 7 funds made available under this heading, \$1,500,000 shall  
 8 only be available to continue “Operation Streetsweeper”:  
 9 *Provided further*, That of the total amount appropriated,  
 10 \$10,000,000 shall be for Project Seahawk and shall re-  
 11 main available until expended: *Provided further*, That of  
 12 the funds made available under this heading, \$3,766,000  
 13 shall be available only to expand the Project Seahawk pilot  
 14 to include six additional locations, including Hampton, on  
 15 the Hampton River, for which \$489,000 is available for  
 16 a public safety marine docking facility.

17 UNITED STATES TRUSTEE SYSTEM FUND

18 For necessary expenses of the United States Trustee  
 19 Program, as authorized, \$170,168,000, to remain avail-  
 20 able until expended and to be derived from the United  
 21 States Trustee System Fund: *Provided*, That, notwith-  
 22 standing any other provision of law, deposits to the Fund  
 23 shall be available in such amounts as may be necessary  
 24 to pay refunds due depositors: *Provided further*, That, not-  
 25 withstanding any other provision of law, \$170,168,000 of  
 26 offsetting collections pursuant to 28 U.S.C. 589a(b) shall

1 be retained and used for necessary expenses in this appro-  
 2 priation and remain available until expended: *Provided*  
 3 *further*, That the sum herein appropriated from the Fund  
 4 shall be reduced as such offsetting collections are received  
 5 during fiscal year 2004, so as to result in a final fiscal  
 6 year 2004 appropriation from the Fund estimated at \$0.

7 SALARIES AND EXPENSES, FOREIGN CLAIMS

8 SETTLEMENT COMMISSION

9 For expenses necessary to carry out the activities of  
 10 the Foreign Claims Settlement Commission, including  
 11 services as authorized by 5 U.S.C. 3109, \$1,207,000.

12 SALARIES AND EXPENSES, UNITED STATES MARSHALS

13 SERVICE

14 For necessary expenses of the United States Mar-  
 15 shals Service, including the acquisition, lease, mainte-  
 16 nance, and operation of vehicles, and the purchase of pas-  
 17 senger motor vehicles for police-type use, without regard  
 18 to the general purchase price limitation for the current  
 19 fiscal year, \$602,274,000, of which not less than  
 20 \$165,779,000 shall only be available for fugitive apprehen-  
 21 sion activities, of which not to exceed \$6,000 shall be  
 22 available for official reception and representation ex-  
 23 penses, and of which not to exceed \$4,000,000 shall be  
 24 available for development, implementation, maintenance  
 25 and support of, subscription to, or training for automated  
 26 fugitive apprehension systems and shall remain available

1 until expended: *Provided*, That not less than \$13,394,000  
2 shall be available for the costs of courthouse security  
3 equipment, including furnishings, relocations, and tele-  
4 phone systems and cabling, and shall remain available  
5 until September 30, 2005: *Provided further*, That, in addi-  
6 tion to reimbursable full-time equivalent workyears avail-  
7 able to the United States Marshals Service, not less than  
8 4,435 positions and 4,244 full-time equivalent workyears  
9 shall be supported out of the funds appropriated in this  
10 Act for the United States Marshals Service.

11 CONSTRUCTION

12 For planning, constructing, renovating, equipping,  
13 and maintaining United States Marshals Service prisoner-  
14 holding space in United States courthouses and Federal  
15 buildings, including the renovation and expansion of pris-  
16 oner movement areas, elevators, and sallyports,  
17 \$25,964,000, to remain available until September 30,  
18 2006.

19 FEES AND EXPENSES OF WITNESSES

20 For fees and expenses of witnesses, for expenses of  
21 contracts for the procurement and supervision of expert  
22 witnesses, for private counsel expenses, including ad-  
23 vances, \$156,145,000, to remain available until September  
24 30, 2005; of which not to exceed \$8,000,000 may be made  
25 available for planning, construction, renovations, mainte-  
26 nance, remodeling, and repair of buildings, and the pur-

1 chase of equipment incident thereto, for protected witness  
 2 safesites; of which not to exceed \$1,000,000 may be made  
 3 available for the purchase and maintenance of armored ve-  
 4 hicles for transportation of protected witnesses; and of  
 5 which not to exceed \$5,000,000 may be made available  
 6 for the purchase, installation, and maintenance of secure  
 7 telecommunications equipment and a secure automated in-  
 8 formation network to store and retrieve the identities and  
 9 locations of protected witnesses.

10 SALARIES AND EXPENSES, COMMUNITY RELATIONS

11 SERVICE

12 For necessary expenses of the Community Relations  
 13 Service, \$9,526,000 and, in addition, up to \$1,000,000 of  
 14 funds made available to the Department of Justice in this  
 15 Act may be transferred by the Attorney General to this  
 16 account: *Provided*, That notwithstanding any other provi-  
 17 sion of law, upon a determination by the Attorney General  
 18 that emergent circumstances require additional funding  
 19 for conflict resolution and violence prevention activities of  
 20 the Community Relations Service, the Attorney General  
 21 may transfer such amounts to the Community Relations  
 22 Service, from available appropriations for the current fis-  
 23 cal year for the Department of Justice, as may be nec-  
 24 essary to respond to such circumstances: *Provided further*,  
 25 That any transfer pursuant to the previous proviso shall  
 26 be treated as a reprogramming under section 605 of this

1 Act and shall not be available for obligation or expenditure  
 2 except in compliance with the procedures set forth in that  
 3 section.

#### 4 ASSETS FORFEITURE FUND

5 For expenses authorized by 28 U.S.C.  
 6 524(c)(1)(A)(ii), (B), (F), and (G), as amended,  
 7 \$22,949,000, to be derived from the Department of Jus-  
 8 tice Assets Forfeiture Fund.

#### 9 INTERAGENCY LAW ENFORCEMENT

##### 10 INTERAGENCY CRIME AND DRUG ENFORCEMENT

11 For necessary expenses for the identification, inves-  
 12 tigation, and prosecution of individuals associated with the  
 13 most significant drug trafficking and affiliated money  
 14 laundering organizations not otherwise provided for, to in-  
 15 clude inter-governmental agreements with State and local  
 16 law enforcement agencies engaged in the investigation and  
 17 prosecution of individuals involved in organized crime drug  
 18 trafficking, \$415,010,000, of which \$50,000,000 shall re-  
 19 main available until September 30, 2005: *Provided*, That  
 20 any amounts obligated from appropriations under this  
 21 heading may be used under authorities available to the  
 22 organizations reimbursed from this appropriation: *Pro-*  
 23 *vided further*, That any unobligated balances remaining  
 24 available at the end of the fiscal year shall revert to the  
 25 Attorney General for reallocation among participating or-  
 26 ganizations in succeeding fiscal years, subject to the re-

1 programming procedures set forth in section 605 of this  
2 Act.

3 INTERAGENCY LAW ENFORCEMENT SUPPORT

4 SALARIES AND EXPENSES

5 For expenses necessary to administer and support  
6 joint Federal, State, local, and foreign law enforcement  
7 activities, including the design, development, test, deploy-  
8 ment, maintenance, upgrade, or retirement of systems, the  
9 purchase, lease, loan, or maintenance of equipment and  
10 vehicles, the design, construction, maintenance, upgrade,  
11 or demolition of facilities, and travel, overtime, and other  
12 assistance, \$551,784,000, of which \$50,000,000 shall re-  
13 main available until September 30, 2005.

14 FEDERAL BUREAU OF INVESTIGATION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Federal Bureau of In-  
17 vestigation for detection, investigation, and prosecution of  
18 crimes against the United States; including purchase for  
19 police-type use of not to exceed 2,454 passenger motor ve-  
20 hicles, of which 1,843 will be for replacement only; and  
21 not to exceed \$70,000 to meet unforeseen emergencies of  
22 a confidential character, \$3,885,989,000; of which not to  
23 exceed \$65,000,000 for automated data processing and  
24 telecommunications and technical investigative equipment,  
25 and not to exceed \$1,000,000 for undercover operations

1 shall remain available until September 30, 2005; of which  
2 \$490,104,000 shall be for counterterrorism investigations,  
3 foreign counterintelligence, and other activities related to  
4 our national security; of which not to exceed \$10,000,000  
5 is authorized to be made available for making advances  
6 for expenses arising out of contractual or reimbursable  
7 agreements with State and local law enforcement agencies  
8 while engaged in cooperative activities related to violent  
9 crime, terrorism, organized crime, and drug investigations:  
10 *Provided*, That not to exceed \$50,000 shall be available  
11 for official reception and representation expenses: *Pro-*  
12 *vided further*, That, in addition to reimbursable full-time  
13 equivalent workyears available to the Federal Bureau of  
14 Investigation, not to exceed 28,445 positions and 26,887  
15 full-time equivalent workyears shall be supported from the  
16 funds appropriated in this Act for the Federal Bureau of  
17 Investigation.

#### 18 CONSTRUCTION

19 For necessary expenses to construct or acquire build-  
20 ings and sites by purchase, or as otherwise authorized by  
21 law (including equipment for such buildings); conversion  
22 and extension of federally-owned buildings; and prelimi-  
23 nary planning and design of projects; \$44,791,000, to re-  
24 main available until September 30, 2006.

## 1 DRUG ENFORCEMENT ADMINISTRATION

## 2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-  
4 ministration, including not to exceed \$70,000 to meet un-  
5 foreseen emergencies of a confidential character; expenses  
6 for conducting drug education and training programs, in-  
7 cluding travel and related expenses for participants in  
8 such programs and the distribution of items of token value  
9 that promote the goals of such programs; purchase of not  
10 to exceed 982 passenger motor vehicles, of which 886 will  
11 be for replacement only, for police-type use; and acquisi-  
12 tion, lease, maintenance, and operation of aircraft,  
13 \$1,512,281,000; of which not to exceed \$33,000,000 for  
14 permanent change of station shall remain available until  
15 September 30, 2005; of which not to exceed \$1,800,000  
16 for research shall remain available until expended, and of  
17 which not to exceed \$4,000,000 for purchase of evidence  
18 and payments for information, not to exceed \$10,000,000  
19 for contracting for automated data processing and tele-  
20 communications equipment, and not to exceed \$2,000,000  
21 for laboratory equipment, \$4,000,000 for technical equip-  
22 ment, and \$2,000,000 for aircraft replacement retrofit  
23 and parts, shall remain available until September 30,  
24 2005; of which not to exceed \$50,000 shall be available  
25 for official reception and representation expenses: *Pro-*

1 *vided*, That, in addition to reimbursable full-time equiva-  
 2 lent workyears available to the Drug Enforcement Admin-  
 3 istration, not to exceed 8,184 positions and 7,936 full-time  
 4 equivalent workyears shall be supported from the funds  
 5 appropriated in this Act for the Drug Enforcement Ad-  
 6 ministration.

7       BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
 8                                   EXPLOSIVES  
 9                                   SALARIES AND EXPENSES

10       For necessary expenses of the Bureau of Alcohol, To-  
 11 bacco, Firearms and Explosives, including the purchase of  
 12 not to exceed 822 vehicles for police-type use, of which  
 13 650 shall be for replacement only; not to exceed \$18,000  
 14 for official reception and representation expenses; for lab-  
 15 oratory assistance and for training of State and local law  
 16 enforcement agencies, with or without reimbursement,  
 17 \$829,593,000, of which not to exceed \$1,000,000 shall be  
 18 available for the payment of attorneys' fees as provided  
 19 by 18 U.S.C. 924(d)(2): *Provided*, That no funds appro-  
 20 priated herein shall be used to pay administrative expenses  
 21 or the compensation of any officer or employee of the  
 22 United States to implement an amendment or amend-  
 23 ments to 27 CFR 178.118 or to change the definition of  
 24 "Curios or relics" in 27 CFR 178.11 or remove any item  
 25 from ATF Publication 5300.11 as it existed on January

1 1, 1994: *Provided further*, That no funds appropriated  
 2 herein shall be available to investigate or act upon applica-  
 3 tions for relief from Federal firearms disabilities under 18  
 4 U.S.C. 925(c): *Provided further*, That such funds shall be  
 5 available to investigate and act upon applications filed by  
 6 corporations for relief from Federal firearms disabilities  
 7 under 18 U.S.C. 925(c): *Provided further*, That no funds  
 8 under this Act may be used to electronically retrieve infor-  
 9 mation gathered pursuant to 18 U.S.C. 923(g)(4) by  
 10 name or any personal identification code: *Provided further*,  
 11 That no funds appropriated herein shall be available for  
 12 salaries and administrative expenses in connection with  
 13 consolidating or centralizing, within the Department of  
 14 Justice, the records, or any portion thereof, of acquisition  
 15 and disposition of firearms maintained by Federal fire-  
 16 arms licensees: *Provided further*, That subparagraphs (A)  
 17 and (B) of 28 U.S.C. 530C(b)(2), are amended by insert-  
 18 ing “for the Bureau of Alcohol, Tobacco, Firearms and  
 19 Explosives,” after “Marshals Service,” in each subpara-  
 20 graph.

## 21 FEDERAL PRISON SYSTEM

### 22 SALARIES AND EXPENSES

23 For expenses necessary for the administration, oper-  
 24 ation, and maintenance of Federal penal and correctional  
 25 institutions, including purchase (not to exceed 713, of

1 which 504 are for replacement only) and hire of law en-  
2 forcement and passenger motor vehicles, and for the provi-  
3 sion of technical assistance and advice on corrections re-  
4 lated issues to foreign governments, \$3,872,791,000, of  
5 which \$1,493,305,000 shall be for Inmate Care and Pro-  
6 grams, \$1,897,523,000 shall be for Institution Security  
7 and Administration, \$332,359,000 shall be for Contract  
8 Confinement, and \$149,604,000 shall be for Management  
9 and Administration: *Provided*, That the Attorney General  
10 may transfer to the Health Resources and Services Ad-  
11 ministration such amounts as may be necessary for direct  
12 expenditures by that Administration for medical relief for  
13 inmates of Federal penal and correctional institutions:  
14 *Provided further*, That the Director of the Federal Prison  
15 System, where necessary, may enter into contracts with  
16 a fiscal agent/fiscal intermediary claims processor to de-  
17 termine the amounts payable to persons who, on behalf  
18 of the Federal Prison System, furnish health services to  
19 individuals committed to the custody of the Federal Prison  
20 System: *Provided further*, That not to exceed \$6,000 shall  
21 be available for official reception and representation ex-  
22 penses: *Provided further*, That not to exceed \$50,000,000  
23 shall remain available for necessary operations until Sep-  
24 tember 30, 2005: *Provided further*, That, of the amounts  
25 provided for Contract Confinement, not to exceed

1 \$20,000,000 shall remain available until expended to  
 2 make payments in advance for grants, contracts and reim-  
 3 bursable agreements, and other expenses authorized by  
 4 section 501(c) of the Refugee Education Assistance Act  
 5 of 1980, as amended, for the care and security in the  
 6 United States of Cuban and Haitian entrants: *Provided*  
 7 *further*, That the Director of the Federal Prison System  
 8 may accept donated property and services relating to the  
 9 operation of the prison card program from a not-for-profit  
 10 entity which has operated such program in the past not-  
 11 withstanding the fact that such not-for-profit entity fur-  
 12 nishes services under contracts to the Federal Prison Sys-  
 13 tem relating to the operation of pre-release services, half-  
 14 way houses or other custodial facilities.

#### 15 BUILDINGS AND FACILITIES

16 For planning, acquisition of sites and construction of  
 17 new facilities; purchase and acquisition of facilities and re-  
 18 modeling, and equipping of such facilities for penal and  
 19 correctional use, including all necessary expenses incident  
 20 thereto, by contract or force account; and constructing,  
 21 remodeling, and equipping necessary buildings and facili-  
 22 ties at existing penal and correctional institutions, includ-  
 23 ing all necessary expenses incident thereto, by contract or  
 24 force account, \$345,805,000, to remain available until ex-  
 25 pended, of which not to exceed \$14,000,000 shall be avail-  
 26 able to construct areas for inmate work programs: *Pro-*

1 *vided*, That labor of United States prisoners may be used  
2 for work performed under this appropriation.

3 FEDERAL PRISON INDUSTRIES, INCORPORATED

4 The Federal Prison Industries, Incorporated, is here-  
5 by authorized to make such expenditures, within the limits  
6 of funds and borrowing authority available, and in accord  
7 with the law, and to make such contracts and commit-  
8 ments, without regard to fiscal year limitations as pro-  
9 vided by section 9104 of title 31, United States Code, as  
10 may be necessary in carrying out the program set forth  
11 in the budget for the current fiscal year for such corpora-  
12 tion, including purchase (not to exceed five for replace-  
13 ment only) and hire of passenger motor vehicles.

14 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL  
15 PRISON INDUSTRIES, INCORPORATED

16 Not to exceed \$3,429,000 of the funds of the corpora-  
17 tion shall be available for its administrative expenses, and  
18 for services as authorized by 5 U.S.C. 3109, to be com-  
19 puted on an accrual basis to be determined in accordance  
20 with the corporation's current prescribed accounting sys-  
21 tem, and such amounts shall be exclusive of depreciation,  
22 payment of claims, and expenditures which the said ac-  
23 counting system requires to be capitalized or charged to  
24 cost of commodities acquired or produced, including sell-  
25 ing and shipping expenses, and expenses in connection  
26 with acquisition, construction, operation, maintenance, im-

1   provement, protection, or disposition of facilities and other  
2   property belonging to the corporation or in which it has  
3   an interest.

4                   OFFICE OF JUSTICE PROGRAMS

5                   MANAGEMENT AND ADMINISTRATION

6           For the necessary expenses of the Office of Justice  
7   Programs, \$29,000,000: *Provided*, That none of the funds  
8   appropriated or otherwise made available in title I of this  
9   Act shall be available for the Office of the Assistant Attor-  
10   ney General, Office of Management and Administration,  
11   and Office of Communications, Office of Justice Pro-  
12   grams.

13                   JUSTICE ASSISTANCE

14           For grants, contracts, cooperative agreements, and  
15   other assistance authorized by title I of the Omnibus  
16   Crime Control and Safe Streets Act of 1968, as amended,  
17   and the Missing Children's Assistance Act, as amended,  
18   including salaries and expenses in connection therewith,  
19   and with the Victims of Crime Act of 1984, as amended,  
20   \$136,500,000, to remain available until expended.

21                   STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

22           For State and local law enforcement assistance,  
23   \$1,461,075,000: *Provided*, That the funds made available  
24   under this heading shall be subject to the same authorities  
25   as funds appropriated under this heading in title I of Divi-  
26   sion B of Public Law 108-7: *Provided further*, That funds

1 made available under this heading for the State Criminal  
 2 Alien Assistance Program shall be disbursed only as a di-  
 3 rect reimbursement for each States' documented cost for  
 4 incarcerating undocumented criminal aliens: *Provided fur-*  
 5 *ther*, That funds provided under this heading shall be dis-  
 6 tributed in the manner described in the following table:

<i>Program</i>	<i>Amount</i>
Local Law Enforcement Block Grants .....	\$70,000,000
Boys and Girls Clubs .....	\$80,000,000
State Criminal Alien Assistance Programs .....	\$250,000,000
Assistance to Indian Tribes .....	\$18,000,000
Byrne Grants (formula) .....	\$500,000,000
Byrne Grants (discretionary) .....	\$88,575,000
Violence Against Women Act Programs .....	\$405,000,000
Drug Courts .....	\$43,500,000
Missing Alzheimer's Disease Patient Alert Program .....	\$500,000
Law Enforcement Family Support Programs .....	\$1,000,000
Marketing Scams Against Senior Citizens .....	\$2,000,000
Motor Vehicle Theft Prevention Programs .....	\$1,500,000.

#### 7 WEED AND SEED PROGRAM FUND

8 For necessary expenses, including salaries and re-  
 9 lated expenses of the Executive Office for Weed and Seed,  
 10 to implement "Weed and Seed" program activities,  
 11 \$58,542,000, to remain available until September 30,  
 12 2005, for inter-governmental agreements, including  
 13 grants, cooperative agreements, and contracts, with State  
 14 and local law enforcement agencies, non-profit organiza-  
 15 tions, and agencies of local government engaged in the in-  
 16 vestigation and prosecution of violent crimes and drug of-  
 17 fenses in "Weed and Seed" designated communities, and  
 18 for either reimbursements or transfers to appropriation  
 19 accounts of the Department of Justice and other Federal

1 agencies which shall be specified by the Attorney General  
 2 to execute the “Weed and Seed” program strategy: *Pro-*  
 3 *vided*, That funds designated by Congress through lan-  
 4 guage for other Department of Justice appropriation ac-  
 5 counts for “Weed and Seed” program activities shall be  
 6 managed and executed by the Attorney General through  
 7 the Executive Office for Weed and Seed: *Provided further*,  
 8 That the Attorney General may direct the use of other  
 9 Department of Justice funds and personnel in support of  
 10 “Weed and Seed” program activities only after the Attor-  
 11 ney General notifies the Committees on Appropriations of  
 12 the House of Representatives and the Senate in accord-  
 13 ance with section 605 of this Act.

14 COMMUNITY ORIENTED POLICING SERVICES

15 For Community Oriented Policing Services,  
 16 \$656,636,000: *Provided*, That the funds made available  
 17 under this heading shall be subject to the same authorities  
 18 as funds appropriated under this heading in title I of Divi-  
 19 sion B of Public Law 108–7: *Provided further*, That of  
 20 the funds under this heading, not to exceed \$1,972,000  
 21 shall be available for Office of Justice Programs for reim-  
 22 bursable services: *Provided further*, That funds provided  
 23 under this heading shall be distributed in the manner de-  
 24 scribed in the following table:

<i>Program</i>	<i>Amount</i>
Hiring Law Enforcement Officers .....	\$200,000,000
Law Enforcement Armor Vest .....	\$25,000,000

<i>Program</i>	<i>Amount</i>
Tribal Law Enforcement .....	\$20,000,000
Police Corps .....	\$15,000,000
Law Enforcement Technology Grants .....	\$83,960,000
Interoperable Communications Technology .....	\$140,000,000
Crime Identification Technology Act Criminal Records Upgrade .....	\$36,626,000
DNA Backlog Analysis and Backlog Reduction .....	\$19,050,000
Paul Coverdell Forensic Sciences Improvement Grants .....	\$15,000,000
Reduce Gun Violence .....	\$15,000,000
Southwest Border Prosecutor Initiative .....	\$15,000,000
Project Sentry .....	\$10,000,000
Offender Reentry Program .....	\$5,000,000
Police Integrity Program .....	\$5,000,000
Safe School Initiative .....	\$17,000,000
Management and Administration .....	\$35,000,000.

1 JUVENILE JUSTICE PROGRAMS

2 For Juvenile Justice Programs, \$232,330,000: *Pro-*  
3 *vided*, That the funds made available under this heading  
4 shall be subject to the same authorities as funds appro-  
5 priated under this heading in Title I of Division B of Pub-  
6 lic Law 108–7: *Provided*, That not more than ten percent  
7 of each amount may be used for research, evaluation, and  
8 statistics activities designed to benefit the programs or ac-  
9 tivities authorized: *Provided further*, That not more than  
10 two percent of each amount may be used for training and  
11 technical assistance: *Provided further*, That funds provided  
12 under this heading shall be distributed in the manner de-  
13 scribed in the following table:

<i>Program</i>	<i>Amount</i>
Part B, Formula Grants .....	\$100,000,000
Part C, Discretionary Grants .....	\$39,330,000
Part D, Juvenile Gangs .....	\$7,000,000
Part E, Discretionary Grants .....	\$5,000,000
Part G, Juvenile Mentoring .....	\$16,000,000
Title V, At Risk Children Programs .....	\$25,000,000
Title V, Prevention of Underage Drinking .....	\$25,000,000
Victims of Child Abuse Act .....	\$15,000,000.

## PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and \$7,500,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

## GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$5,500 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

1        SEC. 103. None of the funds appropriated under this  
2 title shall be used to require any person to perform, or  
3 facilitate in any way the performance of, any abortion.

4        SEC. 104. Nothing in the preceding section shall re-  
5 move the obligation of the Director of the Bureau of Pris-  
6 ons to provide escort services necessary for a female in-  
7 mate to receive such service outside the Federal facility:  
8 *Provided*, That nothing in this section in any way dimin-  
9 ishes the effect of section 104 intended to address the phil-  
10 osophical beliefs of individual employees of the Bureau of  
11 Prisons.

12       SEC. 105. Notwithstanding any other provision of  
13 law, not to exceed \$10,000,000 of the funds made avail-  
14 able in this Act may be used to establish and publicize  
15 a program under which publicly advertised, extraordinary  
16 rewards may be paid, which shall not be subject to spend-  
17 ing limitations contained in sections 3059 and 3072 of  
18 title 18, United States Code: *Provided*, That any reward  
19 of \$100,000 or more, up to a maximum of \$2,000,000,  
20 may not be made without the personal approval of the  
21 President or the Attorney General and such approval may  
22 not be delegated: *Provided further*, That rewards made  
23 pursuant to section 501 of Public Law 107–56 shall not  
24 be subject to this section.

1        SEC. 106. Not to exceed 5 percent of any appropria-  
2        tion made available for the current fiscal year for the De-  
3        partment of Justice in this Act may be transferred be-  
4        tween such appropriations, but no such appropriation, ex-  
5        cept as otherwise specifically provided, shall be increased  
6        by more than 10 percent by any such transfers: *Provided*,  
7        That any transfer pursuant to this section shall be treated  
8        as a reprogramming of funds under section 605 of this  
9        Act and shall not be available for obligation except in com-  
10       pliance with the procedures set forth in that section.

11       SEC. 107. (a) Hereafter, the Attorney General is au-  
12       thorized to transfer, under such terms and conditions as  
13       the Attorney General shall specify, forfeited real or per-  
14       sonal property of limited or marginal value, as such value  
15       is determined by guidelines established by the Attorney  
16       General, to a State or local government agency, or its des-  
17       ignated contractor or transferee, for use to support drug  
18       abuse treatment, drug and crime prevention and edu-  
19       cation, housing, job skills, and other community-based  
20       public health and safety programs.

21       (b) Any transfer under the preceding proviso shall  
22       not create or confer any private right of action in any per-  
23       son against the United States, and shall be treated as a  
24       reprogramming under section 605 of this Act.

1        SEC. 108. (a) Notwithstanding any other provision  
2 of law, for fiscal years 2004 and 2005, the provisions of  
3 the Office of Management and Budget Circular A-76 and  
4 any similar provisions in any other order or directive shall  
5 not apply to any grants monitoring, program monitoring  
6 or statistical activities conducted by the Office of Justice  
7 Programs or any of its components unless such provisions  
8 are specifically approved by an Act of Congress.

9        (b) For the fiscal years 2004 and 2005, no reduction  
10 in resources for the Justice Department activities de-  
11 scribed in subsection (a) shall be effected pursuant to the  
12 provisions of Management and Budget Circular A-76 or  
13 any similar provision in any other order or directive unless  
14 specifically provided therefore by an Act of Congress.

15       SEC. 109. None of the funds provided in this Act in  
16 fiscal year 2004 may be used for courts or police for indi-  
17 vidual tribes in Alaska (except the Annette Island Indian  
18 Reserve) except that: (1) the amount that was made avail-  
19 able for such courts in Alaska in fiscal year 2003 shall  
20 annually be adjusted by the percentage increase in the  
21 consumer price index and transferred as a direct lump  
22 sum payment to the State of Alaska to fund magistrates  
23 in Alaska Native villages, and (2) the amount that was  
24 made available for such police in Alaska in fiscal year  
25 2003 shall annually be adjusted by the percentage increase

1 in the consumer price index and transferred as a direct  
2 lump sum payment to the State of Alaska to fund the Vil-  
3 lage Public Safety Officer Program in Alaska Native vil-  
4 lages.

5 SEC. 110. Notwithstanding any other provision of  
6 law, the Attorney General is hereby authorized to extend  
7 through September 30, 2004, the Personnel Management  
8 Demonstration Project transferred to the Attorney Gen-  
9 eral in section 1115 of the Homeland Security Act of  
10 2002, Public Law 107–296.

11 SEC. 111. None of the funds appropriated or other-  
12 wise made available by this Act or any other Act to the  
13 Department of Justice shall be expended for the purpose  
14 of reimbursement or direct payments for the legal fees of  
15 an individual employed as an attorney in the Department  
16 of Justice for a matter in which the individual is the sub-  
17 ject of a disciplinary recommendation for ethical mis-  
18 conduct by the Counsel for Professional Responsibility.

19 This title may be cited as the “Department of Justice  
20 Appropriations Act, 2004”.

1     TITLE II—DEPARTMENT OF COMMERCE AND  
2                     RELATED AGENCIES  
3                     RELATED AGENCIES  
4             OFFICE OF THE UNITED STATES TRADE  
5                     REPRESENTATIVE  
6                     SALARIES AND EXPENSES

7         For necessary expenses of the Office of the United  
8 States Trade Representative, including the hire of pas-  
9 senger motor vehicles and the employment of experts and  
10 consultants as authorized by 5 U.S.C. 3109, \$36,994,000,  
11 of which \$1,000,000 shall remain available until Sep-  
12 tember 30, 2005: *Provided*, That not to exceed \$144,000  
13 shall be available for official reception and representation  
14 expenses: *Provided further*, That negotiations shall be con-  
15 ducted within the World Trade Organization to recognize  
16 the right of members to distribute monies collected from  
17 antidumping and countervailing duties.

18                     INTERNATIONAL TRADE COMMISSION  
19                     SALARIES AND EXPENSES

20         For necessary expenses of the International Trade  
21 Commission, including hire of passenger motor vehicles,  
22 and services as authorized by 5 U.S.C. 3109, and not to  
23 exceed \$2,500 for official reception and representation ex-  
24 penses, \$58,295,000, of which \$2,000,000 shall remain  
25 available until September 30, 2005.

## 1 DEPARTMENT OF COMMERCE

## 2 INTERNATIONAL TRADE ADMINISTRATION

## 3 OPERATIONS AND ADMINISTRATION

4 For necessary expenses for international trade activi-  
5 ties of the Department of Commerce provided for by law,  
6 and for engaging in trade promotional activities abroad,  
7 including expenses of grants and cooperative agreements  
8 for the purpose of promoting exports of United States  
9 firms, without regard to 44 U.S.C. 3702 and 3703; full  
10 medical coverage for dependent members of immediate  
11 families of employees stationed overseas and employees  
12 temporarily posted overseas; travel and transportation of  
13 employees of the United States and Foreign Commercial  
14 Service between two points abroad, without regard to 49  
15 U.S.C. 1517; employment of Americans and aliens by con-  
16 tract for services; rental of space abroad for periods not  
17 exceeding 10 years, and expenses of alteration, repair, or  
18 improvement; purchase or construction of temporary de-  
19 mountable exhibition structures for use abroad; payment  
20 of tort claims, in the manner authorized in the first para-  
21 graph of 28 U.S.C. 2672 when such claims arise in foreign  
22 countries; not to exceed \$327,000 for official representa-  
23 tion expenses abroad; purchase of passenger motor vehi-  
24 cles for official use abroad, not to exceed \$30,000 per vehi-  
25 cle; obtaining insurance on official motor vehicles; and

1 rental of tie lines, \$372,053,000, to remain available until  
2 September 30, 2005, of which \$3,000,000 is to be derived  
3 from fees to be retained and used by the International  
4 Trade Administration, notwithstanding 31 U.S.C. 3302:  
5 *Provided*, That \$69,000,000 shall be for Trade Develop-  
6 ment, \$32,178,000 shall be for Market Access and Com-  
7 pliance, \$46,636,000 shall be for the Import Administra-  
8 tion, \$202,040,000 shall be for the United States and For-  
9 eign Commercial Service, and \$25,200,000 shall be for  
10 Executive Direction and Administration: *Provided further*,  
11 That negotiations shall be conducted within the World  
12 Trade Organization to recognize the right of members to  
13 distribute monies collected from antidumping and counter-  
14 vailing duties: *Provided further*, That the provisions of the  
15 first sentence of section 105(f) and all of section 108(c)  
16 of the Mutual Educational and Cultural Exchange Act of  
17 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in car-  
18 rying out these activities without regard to section 5412  
19 of the Omnibus Trade and Competitiveness Act of 1988  
20 (15 U.S.C. 4912); and that for the purpose of this Act,  
21 contributions under the provisions of the Mutual Edu-  
22 cational and Cultural Exchange Act shall include payment  
23 for assessments for services provided as part of these ac-  
24 tivities.

BUREAU OF INDUSTRY AND SECURITY  
OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$73,060,000, to remain available until September 30, 2005, of which \$7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply

1 in carrying out these activities: *Provided further*, That  
 2 payments and contributions collected and accepted for ma-  
 3 terials or services provided as part of such activities may  
 4 be retained for use in covering the cost of such activities,  
 5 and for providing information to the public with respect  
 6 to the export administration and national security activi-  
 7 ties of the Department of Commerce and other export con-  
 8 trol programs of the United States and other govern-  
 9 ments.

#### 10 ECONOMIC DEVELOPMENT ADMINISTRATION

#### 11 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

12 For grants for economic development assistance as  
 13 provided by the Public Works and Economic Development  
 14 Act of 1965, as amended, and for trade adjustment assist-  
 15 ance, \$357,115,000, to remain available until expended.

#### 16 SALARIES AND EXPENSES

17 For necessary expenses of administering the eco-  
 18 nomic development assistance programs as provided for by  
 19 law, \$30,565,000: *Provided*, That these funds may be used  
 20 to monitor projects approved pursuant to title I of the  
 21 Public Works Employment Act of 1976, as amended, title  
 22 II of the Trade Act of 1974, as amended, and the Commu-  
 23 nity Emergency Drought Relief Act of 1977.

## 1           MINORITY BUSINESS DEVELOPMENT AGENCY

## 2                   MINORITY BUSINESS DEVELOPMENT

3           For necessary expenses of the Department of Com-  
4 merce in fostering, promoting, and developing minority  
5 business enterprise, including expenses of grants, con-  
6 tracts, and other agreements with public or private organi-  
7 zations, \$28,718,000.

## 8           ECONOMIC AND INFORMATION INFRASTRUCTURE

## 9                   ECONOMIC AND STATISTICAL ANALYSIS

## 10                           SALARIES AND EXPENSES

11          For necessary expenses, as authorized by law, of eco-  
12 nomic and statistical analysis programs of the Department  
13 of Commerce, \$84,756,000, to remain available until Sep-  
14 tember 30, 2005.

## 15                           BUREAU OF THE CENSUS

## 16                           SALARIES AND EXPENSES

17          For expenses necessary for collecting, compiling, ana-  
18 lyzing, preparing, and publishing statistics, provided for  
19 by law, \$181,811,000.

## 20                           PERIODIC CENSUSES AND PROGRAMS

21          For expenses related to planning, testing, and imple-  
22 menting the 2010 decennial census, \$215,476,000.

23          In addition, for expenses to collect and publish statis-  
24 tics for other periodic censuses and programs provided for  
25 by law, \$153,591,000, to remain available until expended.

1 NATIONAL TELECOMMUNICATIONS AND INFORMATION  
2 ADMINISTRATION  
3 SALARIES AND EXPENSES

4 For necessary expenses, as provided for by law, of  
5 the National Telecommunications and Information Ad-  
6 ministration (hereinafter “the Administration”),  
7 \$15,042,000, to remain available until September 30,  
8 2005: *Provided*, That, notwithstanding 31 U.S.C.  
9 1535(d), the Secretary of Commerce shall charge Federal  
10 agencies for costs incurred in spectrum management,  
11 analysis, and operations, and related services and such  
12 fees shall be retained and used as offsetting collections for  
13 costs of such spectrum services, to remain available until  
14 expended: *Provided further*, That hereafter, notwith-  
15 standing any other provision of law, the Administration  
16 shall not authorize spectrum use or provide any spectrum  
17 functions pursuant to the National Telecommunications  
18 and Information Administration Organization Act, 47  
19 U.S.C. 902–903, to any Federal entity without reimburse-  
20 ment as required by the Administration for such spectrum  
21 management costs, and Federal entities withholding pay-  
22 ment of such cost shall not use spectrum: *Provided further*,  
23 That the Secretary of Commerce is authorized to retain  
24 and use as offsetting collections all funds transferred, or  
25 previously transferred, from other Government agencies

1 for all costs incurred in telecommunications research, en-  
 2 gineering, and related activities by the Institute for Tele-  
 3 communication Sciences of the Administration, in further-  
 4 ance of its assigned functions under this paragraph, and  
 5 such funds received from other Government agencies shall  
 6 remain available until expended.

7 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
 8 AND CONSTRUCTION

9 For grants authorized by section 392 of the Commu-  
 10 nications Act of 1934, as amended, \$55,000,000, to re-  
 11 main available until expended as authorized by section 391  
 12 of the Act, as amended: *Provided*, That not to exceed  
 13 \$2,478,000 shall be available for program administration  
 14 as authorized by section 391 of the Act: *Provided further*,  
 15 That, notwithstanding the provisions of section 391 of the  
 16 Act, the prior year unobligated balances may be made  
 17 available for grants for projects for which applications  
 18 have been submitted and approved during any fiscal year.

19 INFORMATION INFRASTRUCTURE GRANTS

20 For grants authorized by section 392 of the Commu-  
 21 nications Act of 1934, as amended, \$15,500,000, to re-  
 22 main available until expended as authorized by section 391  
 23 of the Act, as amended: *Provided*, That not to exceed  
 24 \$3,100,000 shall be available for program administration  
 25 and other support activities as authorized by section 391:  
 26 *Provided further*, That, of the funds appropriated herein,

1 not to exceed 5 percent may be available for telecommuni-  
 2 cations research activities for projects related directly to  
 3 the development of a national information infrastructure:  
 4 *Provided further*, That, notwithstanding the requirements  
 5 of sections 392(a) and 392(c) of the Act, these funds may  
 6 be used for the planning and construction of telecommuni-  
 7 cations networks for the provision of educational, cultural,  
 8 health care, public information, public safety, or other so-  
 9 cial services: *Provided further*, That, notwithstanding any  
 10 other provision of law, no entity that receives tele-  
 11 communications services at preferential rates under sec-  
 12 tion 254(h) of the Act (47 U.S.C. 254(h)) or receives as-  
 13 sistance under the regional information sharing systems  
 14 grant program of the Department of Justice under part  
 15 M of title I of the Omnibus Crime Control and Safe  
 16 Streets Act of 1968 (42 U.S.C. 3796h) may use funds  
 17 under a grant under this heading to cover any costs of  
 18 the entity that would otherwise be covered by such pref-  
 19 erential rates or such assistance, as the case may be.

20 UNITED STATES PATENT AND TRADEMARK OFFICE

21 SALARIES AND EXPENSES

22 For necessary expenses of the United States Patent  
 23 and Trademark Office provided for by law, including de-  
 24 fense of suits instituted against the Under Secretary of  
 25 Commerce for Intellectual Property and Director of the

1 United States Patent and Trademark Office,  
 2 \$1,217,460,000, to remain available until expended, which  
 3 amount shall be derived from offsetting collections as-  
 4 sessed and collected pursuant to 15 U.S.C. 1113 and 35  
 5 U.S.C. 41 and 376, and shall be retained and used for  
 6 necessary expenses in this appropriation: *Provided*, That  
 7 the sum herein appropriated from the general fund shall  
 8 be reduced as such offsetting collections are received dur-  
 9 ing fiscal year 2004, so as to result in a fiscal year 2004  
 10 appropriation from the general fund estimated at \$0: *Pro-*  
 11 *vided further*, That during fiscal year 2004, should the  
 12 total amount of offsetting fee collections be less than  
 13 \$1,217,460,000, the total amounts available to the United  
 14 States Patent and Trademark Office shall be reduced ac-  
 15 cordingly: *Provided further*, That from amounts provided  
 16 herein, not to exceed \$1,000 shall be made available in  
 17 fiscal year 2004 for official reception and representation  
 18 expenses.

## 19 SCIENCE AND TECHNOLOGY

### 20 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

#### 21 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

22 For necessary expenses of the National Institute of  
 23 Standards and Technology, \$391,147,000, to remain  
 24 available until September 30, 2005, of which not to ex-

1 ceed \$7,772,000 may be transferred to the “Working  
2 Capital Fund”.

3 INDUSTRIAL TECHNOLOGY SERVICES

4 For necessary expenses of the Manufacturing Exten-  
5 sion Partnership of the National Institute of Standards  
6 and Technology, \$106,623,000, to remain available until  
7 expended.

8 In addition, for necessary expenses of the Advanced  
9 Technology Program of the National Institute of Stand-  
10 ards and Technology, \$259,600,000, to remain available  
11 until expended, of which \$60,700,000 shall be expended  
12 for the award of new grants before September 30, 2004,  
13 and of which \$50,000,000 shall be expended for the award  
14 of competitive homeland security grants before September  
15 30, 2004.

16 In addition, for necessary expenses of the Office of  
17 Technology Competitiveness and the Office of Manufac-  
18 turing Competitiveness, \$3,000,000, to remain available  
19 until expended.

20 CONSTRUCTION OF RESEARCH FACILITIES

21 For construction of new research facilities, including  
22 architectural and engineering design, and for renovation  
23 and maintenance of existing facilities, not otherwise pro-  
24 vided for the National Institute of Standards and Tech-  
25 nology, as authorized by 15 U.S.C. 278c–278e,  
26 \$84,630,000, to remain available until expended.

1 NATIONAL OCEANIC AND ATMOSPHERIC  
2 ADMINISTRATION  
3 OPERATIONS, RESEARCH, AND FACILITIES  
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of activities authorized by law  
6 for the National Oceanic and Atmospheric Administration,  
7 including maintenance, operation, and hire of aircraft;  
8 grants, contracts, or other payments to nonprofit organi-  
9 zations for the purposes of conducting activities pursuant  
10 to cooperative agreements; and relocation of facilities as  
11 authorized, \$2,696,520,000, to remain available until Sep-  
12 tember 30, 2005: *Provided*, That fees and donations re-  
13 ceived by the National Ocean Service for the management  
14 of the national marine sanctuaries may be retained and  
15 used for the salaries and expenses associated with those  
16 activities, notwithstanding 31 U.S.C. 3302: *Provided fur-*  
17 *ther*, That, in addition, \$52,000,000 shall be derived by  
18 transfer from the fund entitled “Promote and Develop  
19 Fishery Products and Research Pertaining to American  
20 Fisheries”: *Provided further*, That grants to States pursu-  
21 ant to sections 306 and 306A of the Coastal Zone Man-  
22 agement Act of 1972, as amended, shall not exceed  
23 \$2,000,000, unless funds provided for “Coastal Zone  
24 Management Grants” exceed funds provided in the pre-  
25 vious fiscal year: *Provided further*, That if funds provided  
26 for “Coastal Zone Management Grants” exceed funds pro-

1 vided in the previous fiscal year, then no State shall re-  
2 ceive more than 5 percent or less than 1 percent of the  
3 additional funds: *Provided further*, That, of the  
4 \$2,748,520,000 provided for in direct obligations under  
5 this heading (of which \$2,696,520,000 is appropriated  
6 from the General Fund and \$52,000,000 is provided by  
7 transfer), \$508,619,000 shall be for the National Ocean  
8 Service, \$672,452,000 shall be for the National Marine  
9 Fisheries Service, \$394,470,000 shall be for Oceanic and  
10 Atmospheric Research, \$696,857,000 shall be for the Na-  
11 tional Weather Service, \$148,840,000 shall be for the Na-  
12 tional Environmental Satellite, Data, and Information  
13 Service, and \$327,282,000 shall be for Program Support:  
14 *Provided further*, That no general administrative charge  
15 shall be applied against an assigned activity included in  
16 this Act or the report accompanying this Act: *Provided*  
17 *further*, That the total administrative expenses of the Na-  
18 tional Oceanic and Atmospheric Administration shall not  
19 exceed \$250,290,000: *Provided further*, That deobligated  
20 balances of funds provided under this heading in previous  
21 years shall be deposited in the United States Treasury  
22 General Fund: *Provided further*, That payments of funds  
23 made available under this heading to the Department of  
24 Commerce Working Capital Fund shall not exceed  
25 \$38,758,000.

1        In addition, for necessary retired pay expenses under  
 2 the Retired Serviceman's Family Protection and Survivor  
 3 Benefits Plan, and for payments for medical care of re-  
 4 tired personnel and their dependents under the Depend-  
 5 ents Medical Care Act (10 U.S.C. ch. 55), such sums as  
 6 may be necessary.

7                    INTERNATIONAL FISHERIES COMMISSIONS

8        For necessary expenses for international fisheries  
 9 commissions, not otherwise provided for, as authorized by  
 10 law, \$20,743,000: *Provided*, That the United States' share  
 11 of such expenses may be advanced to the respective com-  
 12 missions pursuant to 31 U.S.C. 3324.

13                    LITIGATION AND SETTLEMENT FUND

14        For necessary expenses, as determined by the Under-  
 15 secretary of Commerce for Oceans and Atmosphere,  
 16 \$5,000,000, to remain available until expended, for: (1)  
 17 litigation costs associated with unanticipated complaints  
 18 filed in court against or by the National Oceanic and At-  
 19 mospheric Administration or employees of the National  
 20 Oceanic and Atmospheric Administration related to their  
 21 employment; or (2) expenses related to the settlement of  
 22 litigation described in paragraph (1), if such expenses are  
 23 not funded out of the Judgment Fund or similar funds:  
 24 *Provided*, That funds provided under this paragraph shall  
 25 not be available to overturn or undermine the Endangered  
 26 Species Act or the Marine Mammal Protection Act or reg-

ulations resulting from those Acts except as authorized by Congress: *Provided further*, That funds provided under this paragraph shall be available only after the Undersecretary of Commerce for Oceans and Atmosphere notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

PROCUREMENT, ACQUISITION AND CONSTRUCTION  
(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$990,127,000, to remain available until September 30, 2006, except for funds appropriated for the National Marine Fisheries Service Honolulu Laboratory, which shall remain available until expended: *Provided*, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$90,000,000.

## 1 FISHermen's CONTINGENCY FUND

2 For carrying out the provisions of title IV of Public  
3 Law 95-372, not to exceed \$1,000, to be derived from  
4 receipts collected pursuant to that Act, to remain available  
5 until expended.

## 6 FOREIGN FISHING OBSERVER FUND

7 For expenses necessary to carry out the provisions  
8 of the Atlantic Tunas Convention Act of 1975, as amend-  
9 ed (Public Law 96-339), the Magnuson-Stevens Fishery  
10 Conservation and Management Act of 1976, as amended  
11 (Public Law 100-627), the American Fisheries Promotion  
12 Act (Public Law 96-561) and the International Dolphin  
13 Conservation Program Act (Public Law 105-42), to be de-  
14 rived from the fees imposed under the foreign fishery ob-  
15 server program authorized by these Acts, not to exceed  
16 \$1,000, to remain available until expended.

## 17 FISHERIES FINANCE PROGRAM ACCOUNT

18 For the cost of direct loans as authorized by the Mer-  
19 chant Marine Act of 1936, as amended: *Provided*, That  
20 such costs, including the cost of modifying such loans,  
21 shall be as defined in the Federal Credit Reform Act of  
22 1990: *Provided further*, That these funds are available to  
23 subsidize gross obligations for the principle amount of di-  
24 rect loans not to exceed \$5,000,000 for Individual Fishing  
25 Quota loans, and not to exceed \$41,000,000 for traditional  
26 direct loans, of which \$40,000,000 may be used for direct

1 loans to the United States distant water tuna fleet, of  
 2 which \$500,000 shall be for the cost of a reduction loan  
 3 as authorized under sections 1111 and 1112 of title XI  
 4 of the Merchant Marine Act, 1936 to carry out a New  
 5 England lobster fishing capacity reduction program under  
 6 section 312(b) of the Magnuson-Stevens Fishery Con-  
 7 servation and Management Act, and of which \$500,000  
 8 shall be for the cost of a reduction loan as authorized  
 9 under sections 1111 and 1112 of title XI of the Merchant  
 10 Marine Act, 1936 to carry out a South Atlantic and Gulf  
 11 near shore shrimp fishing capacity reduction program  
 12 under section 312(b) of the Magnuson-Stevens Fishery  
 13 Conservation and Management: *Provided further*, That  
 14 none of the funds made available under this heading may  
 15 be used for direct loans for any new fishing vessel that  
 16 will increase the harvesting capacity in any United States  
 17 fishery.

#### 18 DEPARTMENTAL MANAGEMENT

##### 19 SALARIES AND EXPENSES

20 For expenses necessary for the departmental manage-  
 21 ment of the Department of Commerce provided for by law,  
 22 including not to exceed \$5,000 for official entertainment,  
 23 \$44,662,000.

##### 24 OFFICE OF INSPECTOR GENERAL

25 For necessary expenses of the Office of Inspector  
 26 General in carrying out the provisions of the Inspector

1 General Act of 1978, as amended (5 U.S.C. App. 1–11,  
2 as amended by Public Law 100–504), \$21,116,000.

3 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

4 SEC. 201. During the current fiscal year, applicable  
5 appropriations and funds made available to the Depart-  
6 ment of Commerce by this Act shall be available for the  
7 activities specified in the Act of October 26, 1949 (15  
8 U.S.C. 1514), to the extent and in the manner prescribed  
9 by the Act, and, notwithstanding 31 U.S.C. 3324, may  
10 be used for advanced payments not otherwise authorized  
11 only upon the certification of officials designated by the  
12 Secretary of Commerce that such payments are in the  
13 public interest.

14 SEC. 202. During the current fiscal year, appropria-  
15 tions made available to the Department of Commerce by  
16 this Act for salaries and expenses shall be available for  
17 hire of passenger motor vehicles as authorized by 31  
18 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.  
19 3109; and uniforms or allowances therefore, as authorized  
20 by law (5 U.S.C. 5901–5902).

21 SEC. 203. Hereafter, no funds may be made available  
22 to support hurricane reconnaissance aircraft and activities  
23 that are under the control of the United States Air Force  
24 or the United States Air Force Reserve.

1        SEC. 204. Not to exceed 5 percent of any appropria-  
2        tion made available for the current fiscal year for the De-  
3        partment of Commerce in this Act may be transferred be-  
4        tween such appropriations, but no such appropriation shall  
5        be increased by more than 10 percent by any such trans-  
6        fers: *Provided*, That any transfer pursuant to this section  
7        shall be treated as a reprogramming of funds under sec-  
8        tion 605 of this Act and shall not be available for obliga-  
9        tion or expenditure except in compliance with the proce-  
10        dures set forth in that section: *Provided further*, That the  
11        Secretary shall notify the Committees on Appropriations  
12        at least 15 days in advance of the acquisition or disposal  
13        of any capital asset (including land, structures, and equip-  
14        ment) not specifically provided for in this or any other  
15        Commerce, Justice, State Appropriations Act.

16        SEC. 205. Hereafter, the Secretary of Commerce may  
17        use the Commerce franchise fund for expenses and equip-  
18        ment necessary for the maintenance and operation of such  
19        administrative services as the Secretary determines may  
20        be performed more advantageously as central services,  
21        pursuant to section 403 of Public Law 103–356: *Provided*,  
22        That any inventories, equipment, and other assets per-  
23        taining to the services to be provided by such fund, either  
24        on hand or on order, less the related liabilities or unpaid  
25        obligations, and any appropriations made for the purpose

1 of providing capital shall be used to capitalize such fund:  
2 *Provided further*, That such fund shall be paid in advance  
3 from funds available to the Department and other Federal  
4 agencies for which such centralized services are performed,  
5 at rates which will return in full all expenses of operation,  
6 including accrued leave, depreciation of fund plant and  
7 equipment, amortization of automated data processing  
8 software and systems (either acquired or donated), and  
9 an amount necessary to maintain a reasonable operating  
10 reserve, as determined by the Secretary: *Provided further*,  
11 That such fund shall provide services on a competitive  
12 basis: *Provided further*, That an amount not to exceed 4  
13 percent of the total annual income to such fund may be  
14 retained in the fund for fiscal year 2004 and each fiscal  
15 year thereafter, to remain available until expended, to be  
16 used for the acquisition of capital equipment, and for the  
17 improvement and implementation of department financial  
18 management, automated data processing, and other sup-  
19 port systems: *Provided further*, That such amounts re-  
20 tained in the fund for fiscal year 2004 and each fiscal  
21 year thereafter shall be available for obligation and ex-  
22 penditure only in accordance with section 605 of this Act:  
23 *Provided further*, That no later than 30 days after the end  
24 of each fiscal year, amounts in excess of this reserve limi-

1 tation shall be deposited as miscellaneous receipts in the  
2 Treasury.

3       SEC. 206. Notwithstanding any other provision of  
4 law, of the amounts made available elsewhere in this title  
5 to the “National Institute of Standards and Technology,  
6 Construction of Research Facilities”, \$14,000,000 is ap-  
7 propriated to fund a cooperative agreement with the Med-  
8 ical University of South Carolina, \$5,000,000 is appro-  
9 priated to the Thayer School of Engineering, of which  
10 \$1,000,000 is for research relating to intelligent control  
11 of distributed systems, \$2,000,000 is for a smart laser  
12 beam project, and \$2,000,000 is for research relating to  
13 nanomagnetism, \$3,000,000 is appropriated to the Insti-  
14 tute for Information Infrastructure Protection at the In-  
15 stitute for Security and Technology Studies, \$1,000,000  
16 is appropriated for the Institute of Politics, and \$500,000  
17 is appropriated for the Coastal Conservation Center.

18       SEC. 207. Of the amount available from the fund en-  
19 titled “Promote and Develop Fishery Products and Re-  
20 search Pertaining to American Fisheries”, \$20,000,000  
21 shall be provided to the Alaska Fisheries Marketing  
22 Board, \$2,000,000 shall be available to the Gulf and  
23 South Atlantic Fisheries Foundation, \$2,000,000 shall be  
24 available to the South Carolina Seafood Alliance,  
25 \$1,500,000 shall be available to the Oregon Trawl Com-

1 mission, and \$1,500,000 shall be available to the Oregon  
2 State University Seafood Laboratory.

3 SEC. 208. For fiscal year 2005, and each fiscal year  
4 thereafter, the Secretary of Commerce shall not submit  
5 any request for funds for the Department Management  
6 account that exceeds an amount equal to 103 percent of  
7 the amount appropriated for such purpose during the fis-  
8 cal year that precedes the fiscal year for which funds are  
9 requested.

10 SEC. 209. Hereafter, the Secretary of Commerce may  
11 enter into agreements with one or more nonprofit organi-  
12 zations for the purpose of carrying out collective research  
13 and development initiatives pertaining to 15 U.S.C. 278k  
14 paragraph (a), and may seek and accept contributions  
15 from public and private sources to support these efforts  
16 as necessary.

17 SEC. 210. Hereafter, the Secretary of Commerce may  
18 enter into cooperative agreements with the Joint and Co-  
19 operative Institutes as designated by the Secretary to use  
20 the personnel, services, or facilities of such organizations  
21 for research, education, training, and outreach.

22 SEC. 211. Notwithstanding the provisions of the Pub-  
23 lic Works and Economic Development Act as amended (42  
24 U.S.C. 3121, et seq.) or any other provision of law, the  
25 Economic Development Administration shall approve the

1 sale, transfer, or conveyance, without compensation to the  
2 agency, of any land on the former Charleston Naval Base,  
3 located north of Viaduct Road which was improved by  
4 EDA project numbers 04–49–04196, 04–49–04280, 04–  
5 49–04462, and 04–49–04461 and funds obligated but not  
6 yet disbursed in connection with EDA project number 04–  
7 49–04462 shall remain available until expended.

8       SEC. 212. (a) The Secretary of Commerce is author-  
9 ized to operate a marine laboratory in South Carolina in  
10 accordance with a memorandum of agreement, including  
11 any future amendments, among the National Oceanic and  
12 Atmospheric Administration, the National Institute of  
13 Standards and Technology, the State of South Carolina,  
14 the Medical University of South Carolina, and the College  
15 of Charleston as a partnership for collaborative, inter-  
16 disciplinary marine scientific research.

17       (b) To carry out subsection (a), the agencies that are  
18 partners in the Laboratory may accept, apply for, use, and  
19 spend Federal, State, private and grant funds as nec-  
20 essary to further the mission of the Laboratory without  
21 regard to the source or of the period of availability of these  
22 funds and may apply for and hold patents, as well as share  
23 personnel, facilities, and property. Any funds collected or  
24 accepted by any partner may be used to offset all or por-  
25 tions of its costs, including overhead, without regard to

1 31 U.S.C. section 143302(b); to reimburse other partici-  
2 pating agencies for all or portions of their costs; and to  
3 fund research and facilities expansion. Funds for manage-  
4 ment and operation of the Laboratory may be used to sus-  
5 tain basic laboratory operations for all participating enti-  
6 ties. The Secretary of Commerce is authorized to charge  
7 fees and enter into contracts, grants, cooperative agree-  
8 ments and other arrangements with Federal, State, pri-  
9 vate entities, and other entities, domestic and foreign, to  
10 further the mission of the Laboratory. Any funds collected  
11 from such fees or arrangements shall be used to support  
12 cooperative research, basic operations, and facilities en-  
13 hancement at the Laboratory.

14 SEC. 213. EXTENSION OF GUARANTEE AUTHORITY.

15 (a) IN GENERAL.—Section 101(k) of the Emergency Steel  
16 Loan Guarantee Act of 1999 (Public Law 106–51; 15  
17 U.S. 1841 note) is amended by striking “2003” and in-  
18 serting “2005”.

19 (b) SALARIES AND EXPENSES.—In addition to funds  
20 made available under section 101(j) of Emergency Steel  
21 Loan Guarantee Act of 1999 (15 U.S.C. 1841 note), up  
22 to \$2,000,000 in funds made available under section  
23 101(f) of such Act may be used for salaries and adminis-  
24 trative expenses to administer the Emergency Steel Loan  
25 Guarantee Program.

1        SEC. 214. None of the funds made available under  
 2 this Act may be obligated or expended in connection with  
 3 negotiating or entering into a trade agreement with an-  
 4 other country if that agreement contains provisions relat-  
 5 ing to the entry of foreign nationals into the United States  
 6 or otherwise amends the immigration laws of the United  
 7 States.

8        This title may be cited as the “Department of Com-  
 9 merce and Related Agencies Appropriations Act, 2004”.

## 10                    TITLE III—THE JUDICIARY

### 11                    SUPREME COURT OF THE UNITED STATES

#### 12                    SALARIES AND EXPENSES

13        For expenses necessary for the operation of the Su-  
 14 preme Court, as required by law, excluding care of the  
 15 building and grounds, including purchase or hire, driving,  
 16 maintenance, and operation of an automobile for the Chief  
 17 Justice, not to exceed \$10,000 for the purpose of trans-  
 18 porting Associate Justices, and hire of passenger motor  
 19 vehicles as authorized by 31 U.S.C. 1343 and 1344; not  
 20 to exceed \$10,000 for official reception and representation  
 21 expenses; and for miscellaneous expenses, to be expended  
 22 as the Chief Justice may approve, \$59,414,000.

#### 23                    CARE OF THE BUILDING AND GROUNDS

24        For such expenditures as may be necessary to enable  
 25 the Architect of the Capitol to carry out the duties im-  
 26 posed upon the Architect as authorized by law,

1 \$4,658,000, which shall remain available until September  
2 30, 2006.

3 UNITED STATES COURT OF APPEALS FOR THE FEDERAL  
4 CIRCUIT

5 SALARIES AND EXPENSES

6 For salaries of the chief judge, judges, and other offi-  
7 cers and employees, and for necessary expenses of the  
8 court, as authorized by law, \$20,662,000.

9 UNITED STATES COURT OF INTERNATIONAL TRADE  
10 SALARIES AND EXPENSES

11 For salaries of the chief judge and eight judges, sala-  
12 ries of the officers and employees of the court, services,  
13 and necessary expenses of the court, as authorized by law,  
14 \$13,210,000.

15 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER  
16 JUDICIAL SERVICES

17 SALARIES AND EXPENSES

18 For the salaries of circuit and district judges (includ-  
19 ing judges of the territorial courts of the United States),  
20 justices and judges retired from office or from regular ac-  
21 tive service, judges of the United States Court of Federal  
22 Claims, bankruptcy judges, magistrate judges, and all  
23 other officers and employees of the Federal Judiciary not  
24 otherwise specifically provided for, and necessary expenses  
25 of the courts, as authorized by law, \$3,894,021,000 (in-

cluding the purchase of firearms and ammunition); of which not to exceed \$29,277,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$3,293,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign

1 countries with which the United States has a treaty for  
 2 the execution of penal sentences; the compensation of at-  
 3 torneys appointed to represent jurors in civil actions for  
 4 the protection of their employment, as authorized by 28  
 5 U.S.C. 1875(d); and for necessary training and general  
 6 administrative expenses, \$595,006,000.

7 FEES OF JURORS AND COMMISSIONERS

8 For fees and expenses of jurors as authorized by 28  
 9 U.S.C. 1871 and 1876; compensation of jury commis-  
 10 sioners as authorized by 28 U.S.C. 1863; and compensa-  
 11 tion of commissioners appointed in condemnation cases  
 12 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-  
 13 cedure (28 U.S.C. Appendix Rule 71A(h)), \$53,181,000,  
 14 to remain available until expended: *Provided*, That the  
 15 compensation of land commissioners shall not exceed the  
 16 daily equivalent of the highest rate payable under section  
 17 5332 of title 5, United States Code.

18 COURT SECURITY

19 For necessary expenses, not otherwise provided for,  
 20 incident to providing protective guard services for United  
 21 States courthouses and the procurement, installation, and  
 22 maintenance of security equipment for United States  
 23 courthouses and other facilities housing Federal court op-  
 24 erations, including building ingress-egress control, inspec-  
 25 tion of mail and packages, directed security patrols, and  
 26 other similar activities as authorized by section 1010 of

1 the Judicial Improvement and Access to Justice Act (Pub-  
 2 lic Law 100–702), \$266,058,000, of which not to exceed  
 3 \$15,000,000 shall remain available until expended, to be  
 4 expended directly or transferred to the United States Mar-  
 5 shals Service, which shall be responsible for administering  
 6 the Judicial Facility Security Program consistent with  
 7 standards or guidelines agreed to by the Director of the  
 8 Administrative Office of the United States Courts and the  
 9 Attorney General.

10 ADMINISTRATIVE OFFICE OF THE UNITED STATES

11 COURTS

12 SALARIES AND EXPENSES

13 For necessary expenses of the Administrative Office  
 14 of the United States Courts as authorized by law, includ-  
 15 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-  
 16 senger motor vehicle as authorized by 31 U.S.C. 1343(b),  
 17 advertising and rent in the District of Columbia and else-  
 18 where, \$63,717,000, of which not to exceed \$8,500 is au-  
 19 thorized for official reception and representation expenses.

20 FEDERAL JUDICIAL CENTER

21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Judicial Cen-  
 23 ter, as authorized by Public Law 90–219, \$22,434,000;  
 24 of which \$1,800,000 shall remain available through Sep-  
 25 tember 30, 2005, to provide education and training to

1 Federal court personnel; and of which not to exceed  
 2 \$1,000 is authorized for official reception and representa-  
 3 tion expenses.

#### 4 JUDICIAL RETIREMENT FUNDS

##### 5 PAYMENT TO JUDICIARY TRUST FUNDS

6 For payment to the Judicial Officers' Retirement  
 7 Fund, as authorized by 28 U.S.C. 377(o), \$25,700,000;  
 8 to the Judicial Survivors' Annuities Fund, as authorized  
 9 by 28 U.S.C. 376(c), \$700,000; and to the United States  
 10 Court of Federal Claims Judges' Retirement Fund, as au-  
 11 thorized by 28 U.S.C. 178(l), \$2,600,000.

#### 12 UNITED STATES SENTENCING COMMISSION

##### 13 SALARIES AND EXPENSES

14 For the salaries and expenses necessary to carry out  
 15 the provisions of chapter 58 of title 28, United States  
 16 Code, \$12,011,000, of which not to exceed \$1,000 is au-  
 17 thorized for official reception and representation expenses.

#### 18 GENERAL PROVISIONS—THE JUDICIARY

19 SEC. 301. Appropriations and authorizations made in  
 20 this title which are available for salaries and expenses shall  
 21 be available for services as authorized by 5 U.S.C. 3109.

22 SEC. 302. Not to exceed 5 percent of any appropria-  
 23 tion made available for the current fiscal year for the Judi-  
 24 ciary in this Act may be transferred between such appro-  
 25 priations, but no such appropriation, except "Courts of

1 Appeals, District Courts, and Other Judicial Services, De-  
2 fender Services” and “Courts of Appeals, District Courts,  
3 and Other Judicial Services, Fees of Jurors and Commis-  
4 sioners”, shall be increased by more than 10 percent by  
5 any such transfers: *Provided*, That any transfer pursuant  
6 to this section shall be treated as a reprogramming of  
7 funds under section 605 of this Act and shall not be avail-  
8 able for obligation or expenditure except in compliance  
9 with the procedures set forth in that section.

10 SEC. 303. Notwithstanding any other provision of  
11 law, the salaries and expenses appropriation for District  
12 Courts, Courts of Appeals, and Other Judicial Services  
13 shall be available for official reception and representation  
14 expenses of the Judicial Conference of the United States:  
15 *Provided*, That such available funds shall not exceed  
16 \$11,000 and shall be administered by the Director of the  
17 Administrative Office of the United States Courts in the  
18 capacity as Secretary of the Judicial Conference.

19 SEC. 304. Pursuant to section 140 of Public Law 97–  
20 92, Justices and judges of the United States are author-  
21 ized during fiscal year 2004, to receive a salary adjust-  
22 ment in accordance with 28 U.S.C. 461.

23 SEC. 305. (a) The annual salaries of the Chief Justice  
24 of the United States, associate justices of the Supreme  
25 Court of the United States, United States circuit judges,

1 United States district judges, judges of the United States  
 2 Court of International Trade, and judges of the United  
 3 States Court of Federal Claims are increased in the  
 4 amount of 16.5 percent of their respective existing annual  
 5 salary rates, rounded to the nearest \$100 (or, midway be-  
 6 tween multiples of \$100, to the next higher multiple of  
 7 \$100): *Provided*, That \$36,000,000 is appropriated for  
 8 salary adjustments pursuant to this section and such  
 9 funds shall be transferred to and merged with appropria-  
 10 tions in title III of this Act.

11 (b) Section 140 of Public Law 97–92 (28 U.S.C. 461  
 12 note) is repealed.

13 This title may be cited as the “Judiciary Appropria-  
 14 tions Act, 2004”.

15 TITLE IV—DEPARTMENT OF STATE AND  
 16 RELATED AGENCY  
 17 DEPARTMENT OF STATE

18 ADMINISTRATION OF FOREIGN AFFAIRS

19 DIPLOMATIC AND CONSULAR PROGRAMS

20 For necessary expenses of the Department of State  
 21 and the Foreign Service not otherwise provided for, includ-  
 22 ing employment, without regard to civil service and classi-  
 23 fication laws, of persons on a temporary basis (not to ex-  
 24 ceed \$700,000 of this appropriation), as authorized by  
 25 section 801 of the United States Information and Edu-

1 cational Exchange Act of 1948, as amended; representa-  
2 tion to certain international organizations in which the  
3 United States participates pursuant to treaties ratified  
4 pursuant to the advice and consent of the Senate or spe-  
5 cific Acts of Congress; arms control, nonproliferation and  
6 disarmament activities as authorized; acquisition by ex-  
7 change or purchase of passenger motor vehicles as author-  
8 ized by law; and for expenses of general administration,  
9 \$3,280,405,000: *Provided*, That, of the amount made  
10 available under this heading, not to exceed \$4,000,000  
11 may be transferred to, and merged with, funds in the  
12 “Emergencies in the Diplomatic and Consular Service”  
13 appropriations account, to be available only for emergency  
14 evacuations and terrorism rewards: *Provided further*,  
15 That, of the amount made available under this heading,  
16 \$2,000,000 shall be available for a grant to the National  
17 Center for Missing and Exploited Children to develop best  
18 practice models to combat child pornography and to create  
19 an international database to track victims of international  
20 child pornography: *Provided further*, That no funds may  
21 be obligated or expended for processing licenses for the  
22 export of satellites of United States origin (including com-  
23 mercial satellites and satellite components) to the People’s  
24 Republic of China unless, at least 15 days in advance, the

1 Committees on Appropriations of the House of Represent-  
2 atives and the Senate are notified of such proposed action.

3       In addition, not to exceed \$1,343,000 shall be derived  
4 from fees collected from other executive agencies for lease  
5 or use of facilities located at the International Center in  
6 accordance with section 4 of the International Center Act,  
7 as amended; in addition, as authorized by section 5 of such  
8 Act, \$490,000, to be derived from the reserve authorized  
9 by that section, to be used for the purposes set out in  
10 that section; in addition, as authorized by section 810 of  
11 the United States Information and Educational Exchange  
12 Act, not to exceed \$6,000,000, to remain available until  
13 expended, may be credited to this appropriation from fees  
14 or other payments received from English teaching, library,  
15 motion pictures, and publication programs and from fees  
16 from educational advising and counseling and exchange  
17 visitor programs; and, in addition, not to exceed \$15,000,  
18 which shall be derived from reimbursements, surcharges,  
19 and fees for use of Blair House facilities.

20       In addition, for the costs of worldwide security up-  
21 grades, \$594,373,000, to remain available until expended:  
22 *Provided*, That of the amounts made available in this  
23 paragraph, \$20,000,000 shall be transferred to and  
24 merged with appropriations for the Office of Inspector  
25 General for the purposes of conducting risk and threat as-

1 sessments at Department of State facilities domestically  
 2 and overseas: *Provided further*, That, of the amounts made  
 3 available under this paragraph, \$52,000,000 is for the  
 4 State Department to establish the Center for  
 5 Antiterrorism and Security Training.

6 CAPITAL INVESTMENT FUND

7 For necessary expenses of the Capital Investment  
 8 Fund, \$207,000,000, to remain available until expended,  
 9 as authorized: *Provided*, That section 135(e) of Public  
 10 Law 103–236 shall not apply to funds available under this  
 11 heading.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector  
 14 General, \$31,703,000, notwithstanding section 209(a)(1)  
 15 of the Foreign Service Act of 1980, as amended (Public  
 16 Law 96–465), as it relates to post inspections.

17 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

18 For expenses of educational and cultural exchange  
 19 programs, as authorized, \$255,292,000, to remain avail-  
 20 able until expended: *Provided*, That not to exceed  
 21 \$2,000,000, to remain available until expended, may be  
 22 credited to this appropriation from fees or other payments  
 23 received from or in connection with English teaching, edu-  
 24 cational advising and counseling programs, and exchange  
 25 visitor programs as authorized.

## 1 REPRESENTATION ALLOWANCES

2 For representation allowances as authorized,  
3 \$6,643,000.

## 4 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

5 For expenses, not otherwise provided, to enable the  
6 Secretary of State to provide for extraordinary protective  
7 services, as authorized, \$10,000,000, to remain available  
8 until September 30, 2005.

## 9 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

10 For necessary expenses for carrying out the Foreign  
11 Service Buildings Act of 1926, as amended (22 U.S.C.  
12 292–300), preserving, maintaining, repairing, and plan-  
13 ning for buildings that are owned or directly leased by the  
14 Department of State, renovating, in addition to funds oth-  
15 erwise available, the Harry S Truman Building, and car-  
16 rying out the Diplomatic Security Construction Program  
17 as authorized, \$483,470,000, to remain available until ex-  
18 pended as authorized, of which not to exceed \$25,000 may  
19 be used for domestic and overseas representation as au-  
20 thorized: *Provided*, That none of the funds appropriated  
21 in this paragraph shall be available for acquisition of fur-  
22 niture, furnishings, or generators for other departments  
23 and agencies.

24 In addition, for the costs of worldwide security up-  
25 grades, acquisition, and construction as authorized,  
26 \$933,122,000, to remain available until expended.

10 REPATRIATION LOANS PROGRAM ACCOUNT

19 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

22 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
23 DISABILITY FUND

**S 1585 PCS**

## 1 INTERNATIONAL ORGANIZATIONS AND CONFERENCES

## 2 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

3 For expenses, not otherwise provided for, necessary  
4 to meet annual obligations of membership in international  
5 multilateral organizations, pursuant to treaties ratified  
6 pursuant to the advice and consent of the Senate, conven-  
7 tions or specific Acts of Congress, \$921,888,000: *Pro-*  
8 *vided*, That any payment of arrearages under this title  
9 shall be directed toward special activities that are mutually  
10 agreed upon by the United States and the respective inter-  
11 national organization: *Provided further*, That none of the  
12 funds appropriated in this paragraph shall be available for  
13 a United States contribution to an international organiza-  
14 tion for the United States share of interest costs made  
15 known to the United States Government by such organiza-  
16 tion for loans incurred on or after October 1, 1984,  
17 through external borrowings: *Provided further*, That funds  
18 appropriated under this paragraph may be obligated and  
19 expended to pay the full United States assessment to the  
20 civil budget of the North Atlantic Treaty Organization.

## 21 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

## 22 ACTIVITIES

23 For necessary expenses to pay assessed and other ex-  
24 penses of international peacekeeping activities directed to  
25 the maintenance or restoration of international peace and  
26 security, \$482,649,000, of which 15 percent shall remain

1 available until September 30, 2005: *Provided*, That none  
2 of the funds made available under this Act shall be obli-  
3 gated or expended for any new or expanded United Na-  
4 tions peacekeeping mission unless, at least 15 days in ad-  
5 vance of voting for the new or expanded mission in the  
6 United Nations Security Council (or in an emergency as  
7 far in advance as is practicable): (1) the Committees on  
8 Appropriations of the House of Representatives and the  
9 Senate and other appropriate committees of the Congress  
10 are notified of the estimated cost and length of the mis-  
11 sion, the vital national interest that will be served, and  
12 the planned exit strategy; and (2) a reprogramming of  
13 funds pursuant to section 605 of this Act is submitted,  
14 and the procedures therein followed, setting forth the  
15 source of funds that will be used to pay for the cost of  
16 the new or expanded mission: *Provided further*, That funds  
17 shall be available for peacekeeping expenses only upon a  
18 certification by the Secretary of State to the appropriate  
19 committees of the Congress that American manufacturers  
20 and suppliers are being given opportunities to provide  
21 equipment, services, and material for United Nations  
22 peacekeeping activities equal to those being given to for-  
23 eign manufacturers and suppliers: *Provided further*, That  
24 none of the funds made available under this heading are  
25 available to pay the United States share of the cost of

1 court monitoring that is part of any United Nations peace-  
2 keeping mission.

3 INTERNATIONAL COMMISSIONS

4 For necessary expenses, not otherwise provided for,  
5 to meet obligations of the United States arising under  
6 treaties, or specific Acts of Congress, as follows:

7 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

8 UNITED STATES AND MEXICO

9 For necessary expenses for the United States Section  
10 of the International Boundary and Water Commission,  
11 United States and Mexico, and to comply with laws appli-  
12 cable to the United States Section, including not to exceed  
13 \$6,000 for representation; as follows:

14 SALARIES AND EXPENSES

15 For salaries and expenses, not otherwise provided for,  
16 \$28,312,000.

17 CONSTRUCTION

18 For detailed plan preparation and construction of au-  
19 thorized projects, \$8,201,000, to remain available until ex-  
20 pended, as authorized.

21 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

22 For necessary expenses, not otherwise provided, for  
23 the International Joint Commission and the International  
24 Boundary Commission, United States and Canada, as au-  
25 thorized by treaties between the United States and Can-  
26 ada or Great Britain, and for the Border Environment

1 Cooperation Commission as authorized by Public Law  
2 103–182, \$10,942,000, of which not to exceed \$9,000  
3 shall be available for representation expenses incurred by  
4 the International Joint Commission.

5 OTHER

6 INTERNATIONAL CENTER FOR MIDDLE EASTERN-  
7 WESTERN DIALOGUE

8 For a grant to the International Center for Middle  
9 Eastern-Western Dialogue, \$7,000,000, to remain avail-  
10 able until September 30, 2005.

11 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

12 For necessary expenses of Eisenhower Exchange Fel-  
13 lowships, Incorporated, as authorized by sections 4 and  
14 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
15 U.S.C. 5204–5205), all interest and earnings accruing to  
16 the Eisenhower Exchange Fellowship Program Trust  
17 Fund on or before September 30, 2004, to remain avail-  
18 able until expended: *Provided*, That none of the funds ap-  
19 propriated herein shall be used to pay any salary or other  
20 compensation, or to enter into any contract providing for  
21 the payment thereof, in excess of the rate authorized by  
22 5 U.S.C. 5376; or for purposes which are not in accord-  
23 ance with OMB Circulars A–110 (Uniform Administrative  
24 Requirements) and A–122 (Cost Principles for Non-profit  
25 Organizations), including the restrictions on compensation  
26 for personal services.

## 1 ISRAELI ARAB SCHOLARSHIP PROGRAM

2 For necessary expenses of the Israeli Arab Scholar-  
3 ship Program as authorized by section 214 of the Foreign  
4 Relations Authorization Act, Fiscal Years 1992 and 1993  
5 (22 U.S.C. 2452), all interest and earnings accruing to  
6 the Israeli Arab Scholarship Fund on or before September  
7 30, 2004, to remain available until expended.

## 8 EAST-WEST CENTER

9 To enable the Secretary of State to provide for car-  
10 rying out the provisions of the Center for Cultural and  
11 Technical Interchange Between East and West Act of  
12 1960, by grant to the Center for Cultural and Technical  
13 Interchange Between East and West in the State of Ha-  
14 waii, \$19,000,000: *Provided*, That none of the funds ap-  
15 propriated herein shall be used to pay any salary, or enter  
16 into any contract providing for the payment thereof, in  
17 excess of the rate authorized by 5 U.S.C. 5376: *Provided*  
18 *further*, That, notwithstanding any other provision of law,  
19 no limitations shall apply to funds appropriated under this  
20 heading in fiscal years 2003 and 2004.

## 21 NATIONAL ENDOWMENT FOR DEMOCRACY

22 For grants made by the Department of State to the  
23 National Endowment for Democracy as authorized by the  
24 National Endowment for Democracy Act, \$36,000,000, to  
25 remain available until September 30, 2005.

## 1 RELATED AGENCY

## 2 BROADCASTING BOARD OF GOVERNORS

## 3 INTERNATIONAL BROADCASTING OPERATIONS

4 For expenses necessary to enable the Broadcasting  
5 Board of Governors, as authorized, to carry out inter-  
6 national communication activities, \$518,149,000, of which  
7 not to exceed \$16,000 may be used for official receptions  
8 within the United States as authorized, not to exceed  
9 \$35,000 may be used for representation abroad as author-  
10 ized, and not to exceed \$39,000 may be used for official  
11 reception and representation expenses of Radio Free Eu-  
12 rope/Radio Liberty; and in addition, notwithstanding any  
13 other provision of law, not to exceed \$2,000,000 in re-  
14 cepts from advertising and revenue from business ven-  
15 tures, not to exceed \$500,000 in receipts from cooperating  
16 international organizations, and not to exceed \$1,000,000  
17 in receipts from privatization efforts of the Voice of Amer-  
18 ica and the International Broadcasting Bureau, to remain  
19 available until expended for carrying out authorized pur-  
20 poses.

## 21 BROADCASTING TO CUBA

22 For necessary expenses to enable the Broadcasting  
23 Board of Governors to carry out broadcasting to Cuba,  
24 including the purchase, rent, construction, and improve-  
25 ment of facilities for radio and television transmission and  
26 reception, and purchase and installation of necessary

1 equipment for radio and television transmission and recep-  
2 tion, \$28,101,000, to remain available until September 30,  
3 2005.

4 BROADCASTING CAPITAL IMPROVEMENTS

5 For the purchase, rent, construction, and improve-  
6 ment of facilities for radio transmission and reception, and  
7 purchase and installation of necessary equipment for radio  
8 and television transmission and reception as authorized,  
9 \$11,395,000, to remain available until September 30,  
10 2005.

11 GENERAL PROVISIONS—DEPARTMENT OF STATE AND  
12 RELATED AGENCY

13 SEC. 401. Funds appropriated under this title shall  
14 be available, except as otherwise provided, for allowances  
15 and differentials as authorized by subchapter 59 of title  
16 5, United States Code; for services as authorized by 5  
17 U.S.C. 3109; and for hire of passenger transportation pur-  
18 suant to 31 U.S.C. 1343(b).

19 SEC. 402. Not to exceed 5 percent of any appropria-  
20 tion made available for the current fiscal year for the De-  
21 partment of State in this Act may be transferred between  
22 such appropriations, but no such appropriation, except as  
23 otherwise specifically provided, shall be increased by more  
24 than 10 percent by any such transfers: *Provided*, That not  
25 to exceed 5 percent of any appropriation made available  
26 for the current fiscal year for the Broadcasting Board of

1 Governors in this Act may be transferred between such  
2 appropriations, but no such appropriation, except as oth-  
3 erwise specifically provided, shall be increased by more  
4 than 10 percent by any such transfers: *Provided further*,  
5 That any transfer pursuant to this section shall be treated  
6 as a reprogramming of funds under section 605 of this  
7 Act and shall not be available for obligation or expenditure  
8 except in compliance with the procedures set forth in that  
9 section.

10 SEC. 403. Hereafter, the Secretary of State shall not  
11 submit a request for reprogramming of funds to the Com-  
12 mittee on Appropriations of the Senate and the Committee  
13 on Appropriations of the House of Representatives if a  
14 request for reprogramming of such funds was previously  
15 denied by such Committees.

16 SEC. 404. None of the funds made available in this  
17 Act may be used by the Department of State or the Broad-  
18 casting Board of Governors to provide equipment, tech-  
19 nical support, consulting services, or any other form of  
20 assistance to the Palestinian Broadcasting Corporation.

21 SEC. 405. Hereafter, for the purposes of registration  
22 of birth, certification of nationality, or issuance of a pass-  
23 port of a United States citizen born in the city of Jeru-  
24 salem, the Secretary of State shall, upon request of the  
25 citizen, record the place of birth as Israel.

1       SEC. 406. (a) Notwithstanding any other provision  
2 of law, occupancy of all facilities leased, acquired, or  
3 owned by the Department of State in Paris, France shall  
4 be limited to not more than 231 individuals.

5       (b) Any increase in the number of individuals occu-  
6 pying Department of State facilities in Bordeaux, Lille,  
7 Lyon, Rennes, Toulouse, Marseille, or Strasbourg, France  
8 must be approved in advance by the Committee on Appro-  
9 priations of the Senate and the Committee on Appropria-  
10 tions of the House of Representatives in accordance with  
11 section 605 of this Act.

12       (c) Notwithstanding any other provision of law, occu-  
13 pancy of all facilities leased, acquired, or owned by the  
14 Department of State in Berlin, Germany shall be limited  
15 to not more than 179 individuals.

16       (d) Any increase in the number of individuals occu-  
17 pying Department of State facilities in Düsseldorf, Frank-  
18 furt, Hamburg, Leipzig, or Munich, Germany must be ap-  
19 proved in advance by the Committee on Appropriations of  
20 the Senate and the Committee on Appropriations of the  
21 House of Representatives in accordance with section 605  
22 of this Act.

23       SEC. 407. For fiscal year 2005, and each fiscal year  
24 thereafter, the Secretary of State shall not submit any re-  
25 quest for funds for the construction, lease, or refurbish-

1 ment of a building to be used by the United States Agency  
2 for International Development under the accounts and ac-  
3 tivities provided for under this or future Department of  
4 State and Related Agency Appropriations Acts.

5 SEC. 408. (a) Hereafter, the Secretary of State shall  
6 transmit to the Committee on Appropriations of the Sen-  
7 ate and the Committee on Appropriations of the House  
8 of Representatives the most recent biennial budget pre-  
9 pared by the United Nations for the operations of the  
10 United Nations.

11 (b) The Secretary shall include that budget in the  
12 budget justification materials that the Secretary submits  
13 to Congress in support of the Department of State budget  
14 for a fiscal year (as submitted with the budget of the  
15 President under section 1105(a) of title 31, 10 United  
16 States Code).

17 SEC. 409. Section 2502 of the Emergency Wartime  
18 Supplemental Appropriations Act, 2003 (Public Law 108–  
19 11) is repealed.

20 SEC. 410. Notwithstanding any other provision of  
21 law, any shortfall in fee revenue resulting from a decrease  
22 in the number of visa applications to the United States  
23 shall be offset by a direct transfer of funds equal to the  
24 amount of the shortfall from the Diplomatic and Consular  
25 Programs account to an account which shall be used exclu-

1 sively to fund the consular activities of the Department  
2 of State.

3 SEC. 411. An application for a visa shall be denied  
4 under section 221(g) of the Immigration and Nationality  
5 Act (8 U.S.C. 4 1201(g)) if the application is delayed for  
6 a period of more than 60 days from the date of application  
7 due to administrative processing by any agency in making  
8 a determination of inadmissibility under section 212(a)(3)  
9 of that Act (8 U.S.C. 1182(a)(3)).

10 SEC. 412. (a) None of the funds appropriated by this  
11 Act may be used to carry out the directive set forth in  
12 the memorandum of the President for the Secretary of  
13 State dated August 29, 2003 (68 Fed. Reg. 52323), relat-  
14 ing to conditions on assistance for voluntary population  
15 planning furnished to foreign nongovernmental organiza-  
16 tions.

17 (b) The prohibition in subsection (a) shall not be con-  
18 strued to prohibit the Secretary of State from furnishing  
19 assistance for voluntary population planning to foreign  
20 nongovernmental organizations.

21 This title may be cited as the “Department of State  
22 and Related Agency Appropriations Act, 2004”.

1 TITLE V—RELATED AGENCIES

2 COMMISSION FOR THE PRESERVATION OF AMERICA’S

3 HERITAGE ABROAD

4 SALARIES AND EXPENSES

5 For expenses for the Commission for the Preservation  
6 of America’s Heritage Abroad, \$659,000.

7 COMMISSION ON CIVIL RIGHTS

8 SALARIES AND EXPENSES

9 For necessary expenses of the Commission on Civil  
10 Rights, including hire of passenger motor vehicles,  
11 \$9,096,000: *Provided*, That not to exceed \$50,000 may  
12 be used to employ consultants: *Provided further*, That  
13 none of the funds appropriated in this paragraph shall be  
14 used to employ in excess of four full-time individuals under  
15 Schedule C of the Excepted Service exclusive of one special  
16 assistant for each Commissioner: *Provided further*, That  
17 none of the funds appropriated in this paragraph shall be  
18 used to reimburse Commissioners for more than 75  
19 billable days, with the exception of the chairperson, who  
20 is permitted 125 billable days.

21 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

22 SALARIES AND EXPENSES

23 For necessary expenses for the United States Com-  
24 mission on International Religious Freedom, \$2,000,000.

1 COMMISSION ON SECURITY AND COOPERATION IN  
2 EUROPE

3 SALARIES AND EXPENSES

4 For necessary expenses of the Commission on Secu-  
5 rity and Cooperation in Europe, \$1,615,000.

6 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
7 PEOPLE'S REPUBLIC OF CHINA

8 SALARIES AND EXPENSES

9 For necessary expenses of the Congressional-Execu-  
10 tive Commission on the People's Republic of China,  
11 \$1,400,000, including not more than \$3,000 for the pur-  
12 pose of official representation.

13 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Equal Employment  
16 Opportunity Commission as authorized by title VII of the  
17 Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)  
18 and 621–634), the Americans with Disabilities Act of  
19 1990, and the Civil Rights Act of 1991, including services  
20 as authorized by 5 U.S.C. 3109; hire of passenger motor  
21 vehicles as authorized by 31 U.S.C. 1343(b); non-mone-  
22 tary awards to private citizens; and not to exceed  
23 \$33,000,000 for payments to State and local enforcement  
24 agencies for services to the Commission pursuant to title  
25 VII of the Civil Rights Act of 1964, as amended, sections

1 6 and 14 of the Age Discrimination in Employment Act,  
2 the Americans with Disabilities Act of 1990, and the Civil  
3 Rights Act of 1991, \$334,754,000: *Provided*, That the  
4 Commission is authorized to make available for official re-  
5 ception and representation expenses not to exceed \$2,500  
6 from available funds.

7           FEDERAL COMMUNICATIONS COMMISSION

8                   SALARIES AND EXPENSES

9       For necessary expenses of the Federal Communica-  
10 tions Commission, as authorized by law, including uni-  
11 forms and allowances therefor, as authorized by 5 U.S.C.  
12 5901–5902; not to exceed \$600,000 for land and struc-  
13 ture; not to exceed \$500,000 for improvement and care  
14 of grounds and repair to buildings; not to exceed \$4,000  
15 for official reception and representation expenses; pur-  
16 chase and hire of motor vehicles; special counsel fees; and  
17 services as authorized by 5 U.S.C. 3109, \$277,798,000,  
18 of which not to exceed \$300,000 shall remain available  
19 until September 30, 2005, for research and policy studies:  
20 *Provided*, That \$251,984,000 of offsetting collections shall  
21 be assessed and collected pursuant to section 9 of title I  
22 of the Communications Act of 1934, as amended, and  
23 shall be retained and used for necessary expenses in this  
24 appropriation, and shall remain available until expended:  
25 *Provided further*, That the sum herein appropriated shall

1 be reduced as such offsetting collections are received dur-  
 2 ing fiscal year 2004 so as to result in a final fiscal year  
 3 2004 appropriation estimated at \$25,814,000: *Provided*  
 4 *further*, That any offsetting collections received in excess  
 5 of \$251,984,000 in fiscal year 2004 shall remain available  
 6 until expended, but shall not be available for obligation  
 7 until October 1, 2004: *Provided further*, That the obliga-  
 8 tions and expenditures of the Federal Communications  
 9 Commission shall be limited to appropriations made avail-  
 10 able under this heading, notwithstanding 47 U.S.C.  
 11 309(j)(8)(B).

## 12 FEDERAL TRADE COMMISSION

### 13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Trade Com-  
 15 mission, including uniforms or allowances therefor, as au-  
 16 thorized by 5 U.S.C. 5901–5902; services as authorized  
 17 by 5 U.S.C. 3109; hire of passenger motor vehicles; not  
 18 to exceed \$2,000 for official reception and representation  
 19 expenses, \$189,032,000, to remain available until ex-  
 20 pended: *Provided*, That not to exceed \$300,000 shall be  
 21 available for use to contract with a person or persons for  
 22 collection services in accordance with the terms of 31  
 23 U.S.C. 3718, as amended: *Provided further*, That, notwith-  
 24 standing any other provision of law, not to exceed  
 25 \$112,000,000 of offsetting collections derived from fees

1 collected for premerger notification filings under the Hart-  
2 Scott-Rodino Antitrust Improvements Act of 1976 (15  
3 U.S.C. 18a), regardless of the year of collection, and off-  
4 setting collections derived from fees sufficient to imple-  
5 ment and enforce the do-not-call provisions of the Tele-  
6 marketing Sales Rule, 16 C.F.R. Part 310, promulgated  
7 under the Telephone Consumer Fraud and Abuse Preven-  
8 tion Act (15 U.S.C. 6101 et seq.), estimated at  
9 \$18,000,000, shall be collected pursuant to this authority:  
10 *Provided further*, That all offsetting collections shall be  
11 credited to this appropriation, used for necessary ex-  
12 penses, and remain available until expended: *Provided fur-*  
13 *ther*, That the sum herein appropriated from the general  
14 fund shall be reduced as such offsetting collections are re-  
15 ceived during fiscal year 2004, so as to result in a final  
16 fiscal year 2004 appropriation from the general fund esti-  
17 mated at not more than \$59,032,000: *Provided further*,  
18 That none of the funds made available to the Federal  
19 Trade Commission shall be available for obligation for ex-  
20 penses authorized by section 151 of the Federal Deposit  
21 Insurance Corporation Improvement Act of 1991 (Public  
22 Law 102-242; 105 Stat. 2282-2285).

## 1                   LEGAL SERVICES CORPORATION

## 2           PAYMENT TO THE LEGAL SERVICES CORPORATION

3           For payment to the Legal Services Corporation to  
4 carry out the purposes of the Legal Services Corporation  
5 Act of 1974, as amended, \$338,848,000, of which  
6 \$312,251,000 is for basic field programs and required  
7 independent audits; \$2,600,000 is for the Office of Inspec-  
8 tor General, of which such amounts as may be necessary  
9 may be used to conduct additional audits of recipients;  
10 \$13,900,000 is for management and administration;  
11 \$3,400,000 is for client self-help and information tech-  
12 nology; and \$6,697,000 is for grants to offset losses due  
13 to census adjustments.

## 14           ADMINISTRATIVE PROVISION—LEGAL SERVICES

## 15                   CORPORATION

16           None of the funds appropriated in this Act to the  
17 Legal Services Corporation shall be expended for any pur-  
18 pose prohibited or limited by, or contrary to any of the  
19 provisions of, sections 501, 502, 503, 504, 505, and 506  
20 of Public Law 105–119, and all funds appropriated in this  
21 Act to the Legal Services Corporation shall be subject to  
22 the same terms and conditions set forth in such sections,  
23 except that all references in sections 502 and 503 to 1997  
24 and 1998 shall be deemed to refer instead to 2002 and  
25 2003, respectively, and except that section 501(a)(1) of  
26 Public Law 104–134 (110 Stat. 1321–51, et seq.) shall

1 not apply to the use of the \$6,698,000 to address loss  
2 of funding due to Census-based reallocations.

3 MARINE MAMMAL COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Marine Mammal Com-  
6 mission, \$3,063,000, of which \$500,000 shall remain  
7 available until September 30, 2005.

8 NATIONAL VETERANS BUSINESS DEVELOPMENT

9 CORPORATION

10 For necessary expenses of the National Veterans  
11 Business Development Corporation, \$2,000,000.

12 SECURITIES AND EXCHANGE COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Securities and Ex-  
15 change Commission, including services as authorized by  
16 5 U.S.C. 3109, the rental of space (to include multiple  
17 year leases) in the District of Columbia and elsewhere, and  
18 not to exceed \$3,000 for official reception and representa-  
19 tion expenses, \$841,500,000; of which not to exceed  
20 \$10,000 may be used toward funding a permanent secre-  
21 tariat for the International Organization of Securities  
22 Commissions; and of which not to exceed \$100,000 shall  
23 be available for expenses for consultations and meetings  
24 hosted by the Commission with foreign governmental and  
25 other regulatory officials, members of their delegations,

1 appropriate representatives and staff to exchange views  
2 concerning developments relating to securities matters, de-  
3 velopment and implementation of cooperation agreements  
4 concerning securities matters and provision of technical  
5 assistance for the development of foreign securities mar-  
6 kets, such expenses to include necessary logistic and ad-  
7 ministrative expenses and the expenses of Commission  
8 staff and foreign invitees in attendance at such consulta-  
9 tions and meetings including: (1) such incidental expenses  
10 as meals taken in the course of such attendance; (2) any  
11 travel and transportation to or from such meetings; and  
12 (3) any other related lodging or subsistence: *Provided*,  
13 That fees and charges authorized by sections 6(b) of the  
14 Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and  
15 13(e), 14(g) and 31 of the Securities Exchange Act of  
16 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee) shall be cred-  
17 ited to this account as offsetting collections: *Provided fur-*  
18 *ther*, That not to exceed \$841,500,000 of such offsetting  
19 collections shall be available until expended for necessary  
20 expenses of this account: *Provided further*, That the total  
21 amount appropriated under this heading from the general  
22 fund for fiscal year 2004 shall be reduced as such offset-  
23 ting fees are received so as to result in a final total fiscal  
24 2004 appropriation from the general fund estimated at  
25 not more than \$0.

## 1 SMALL BUSINESS ADMINISTRATION

## 2 SALARIES AND EXPENSES

3 For necessary expenses, not otherwise provided for,  
4 of the Small Business Administration as authorized by  
5 Public Law 105–135, including hire of passenger motor  
6 vehicles as authorized by 31 U.S.C. 1343 and 1344, and  
7 not to exceed \$3,500 for official reception and representa-  
8 tion expenses, \$332,413,000: *Provided*, That the Adminis-  
9 trator is authorized to charge fees to cover the cost of pub-  
10 lications developed by the Small Business Administration,  
11 and certain loan servicing activities: *Provided further*,  
12 That, notwithstanding 31 U.S.C. 3302, revenues received  
13 from all such activities shall be credited to this account,  
14 to be available for carrying out these purposes without fur-  
15 ther appropriations: *Provided further*, That \$88,000,000  
16 shall be available to fund grants for performance in fiscal  
17 year 2004 or fiscal year 2005 as authorized.

## 18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector  
20 General in carrying out the provisions of the Inspector  
21 General Act of 1978, as amended, \$12,341,000.

## 22 BUSINESS LOANS PROGRAM ACCOUNT

23 For the cost of direct loans, \$1,910,000, to be avail-  
24 able until expended; and for the cost of guaranteed loans,  
25 \$85,758,000, as authorized by 15 U.S.C. 631 note, of  
26 which \$45,000,000 shall remain available until September

1 30, 2005: *Provided*, That such costs, including the cost  
2 of modifying such loans, shall be as defined in section 502  
3 of the Congressional Budget Act of 1974, as amended:  
4 *Provided further*, That during fiscal year 2004 commit-  
5 ments to guarantee loans under section 503 of the Small  
6 Business Investment Act of 1958, as amended, shall not  
7 exceed \$4,500,000,000, as provided under section  
8 20(h)(1)(B)(ii) of the Small Business Act: *Provided fur-*  
9 *ther*, That during fiscal year 2004 commitments for gen-  
10 eral business loans authorized under section 7(a) of the  
11 Small Business Act, as amended, shall not exceed  
12 \$10,000,000,000 without prior notification of the Com-  
13 mittees on Appropriations of the House of Representatives  
14 and Senate in accordance with section 605 of this Act:  
15 *Provided further*, That during fiscal year 2004 commit-  
16 ments to guarantee loans for debentures and participating  
17 securities under section 303(b) of the Small Business In-  
18 vestment Act of 1958, as amended, shall not exceed the  
19 levels established by section 20(i)(1)(C) of the Small Busi-  
20 ness Act.

21 In addition, for administrative expenses to carry out  
22 the direct and guaranteed loan programs, \$129,000,000,  
23 which may be transferred to and merged with the appro-  
24 priations for Salaries and Expenses.

## 1 DISASTER LOANS PROGRAM ACCOUNT

2 For the cost of direct loans authorized by section 7(b)  
3 of the Small Business Act, as amended, \$79,109,000, to  
4 remain available until expended: *Provided*, That such  
5 costs, including the cost of modifying such loans, shall be  
6 as defined in section 502 of the Congressional Budget Act  
7 of 1974, as amended.

8 In addition, for administrative expenses to carry out  
9 the direct loan program, \$111,141,000, which may be  
10 transferred to and merged with appropriations for Salaries  
11 and Expenses, of which \$500,000 is for the Office of In-  
12 spector General of the Small Business Administration for  
13 audits and reviews of disaster loans and the disaster loan  
14 program and shall be transferred to and merged with ap-  
15 propriations for the Office of Inspector General; of which  
16 \$102,641,000 is for direct administrative expenses of loan  
17 making and servicing to carry out the direct loan program;  
18 and of which \$8,000,000 is for indirect administrative ex-  
19 penses: *Provided*, That any amount in excess of  
20 \$8,000,000 to be transferred to and merged with appro-  
21 priations for Salaries and Expenses for indirect adminis-  
22 trative expenses shall be treated as a reprogramming of  
23 funds under section 605 of this Act and shall not be avail-  
24 able for obligation or expenditure except in compliance  
25 with the procedures set forth in that section.

## 1 ADMINISTRATIVE PROVISION—SMALL BUSINESS

## 2 ADMINISTRATION

3 Not to exceed 5 percent of any appropriation made  
 4 available for the current fiscal year for the Small Business  
 5 Administration in this Act may be transferred between  
 6 such appropriations, but no such appropriation shall be  
 7 increased by more than 10 percent by any such transfers:  
 8 *Provided*, That any transfer pursuant to this paragraph  
 9 shall be treated as a reprogramming of funds under sec-  
 10 tion 605 of this Act and shall not be available for obliga-  
 11 tion or expenditure except in compliance with the proce-  
 12 dures set forth in that section.

## 13 STATE JUSTICE INSTITUTE

## 14 SALARIES AND EXPENSES

15 For necessary expenses of the State Justice Institute,  
 16 \$5,000,000: *Provided*, That not to exceed \$2,500 shall be  
 17 available for official reception and representation ex-  
 18 penses.

## 19 UNITED STATES-CHINA ECONOMIC AND SECURITY

## 20 REVIEW COMMISSION

## 21 SALARIES AND EXPENSES

22 For necessary expenses of the United States-China  
 23 Economic and Security Review Commission, \$2,000,000.

## 1 TITLE VI—GENERAL PROVISIONS

2 SEC. 601. No part of any appropriation contained in  
3 this Act shall be used for publicity or propaganda purposes  
4 not authorized by the Congress.

5 SEC. 602. No part of any appropriation contained in  
6 this Act shall remain available for obligation beyond the  
7 current fiscal year unless expressly so provided herein.

8 SEC. 603. The expenditure of any appropriation  
9 under this Act for any consulting service through procure-  
10 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
11 to those contracts where such expenditures are a matter  
12 of public record and available for public inspection, except  
13 where otherwise provided under existing law, or under ex-  
14 isting Executive order issued pursuant to existing law.

15 SEC. 604. If any provision of this Act or the applica-  
16 tion of such provision to any person or circumstances shall  
17 be held invalid, the remainder of the Act and the applica-  
18 tion of each provision to persons or circumstances other  
19 than those as to which it is held invalid shall not be af-  
20 fected thereby.

21 SEC. 605. (a) None of the funds provided under this  
22 Act, or provided under previous appropriations Acts to the  
23 agencies funded by this Act that remain available for obli-  
24 gation or expenditure in fiscal year 2004, or provided from  
25 any accounts in the Treasury of the United States derived

1 by the collection of fees available to the agencies funded  
2 by this Act, shall be available for obligation or expenditure  
3 through a reprogramming of funds which: (1) creates new  
4 programs; (2) eliminates a program, project, or activity;  
5 (3) increases funds or personnel by any means for any  
6 project or activity for which funds have been denied or  
7 restricted; (4) relocates an office or employees; (5) reorga-  
8 nizes offices, programs, or activities; or (6) contracts out  
9 or privatizes any functions or activities presently per-  
10 formed by Federal employees; unless the Appropriations  
11 Committees of both Houses of Congress are notified 15  
12 days in advance of such reprogramming of funds.

13 (b) None of the funds provided under this Act, or  
14 provided under previous appropriations Acts to the agen-  
15 cies funded by this Act that remain available for obligation  
16 or expenditure in fiscal year 2004, or provided from any  
17 accounts in the Treasury of the United States derived by  
18 the collection of fees available to the agencies funded by  
19 this Act, shall be available for obligation or expenditure  
20 for activities, programs, or projects through a reprogram-  
21 ming of funds in excess of \$500,000 or 10 percent, which-  
22 ever is less, that: (1) augments existing programs, projects  
23 (including construction projects), or activities; (2) reduces  
24 by 10 percent funding for any existing program, project,  
25 or activity, or numbers of personnel by 10 percent as ap-

1 proved by Congress; or (3) results from any general sav-  
2 ings from a reduction in personnel which would result in  
3 a change in existing programs, activities, or projects as  
4 approved by Congress; unless the Appropriations Commit-  
5 tees of both Houses of Congress are notified 15 days in  
6 advance of such reprogramming of funds.

7       SEC. 606. None of the funds made available in this  
8 Act may be used for the construction, repair (other than  
9 emergency repair), overhaul, conversion, or modernization  
10 of vessels for the National Oceanic and Atmospheric Ad-  
11 ministration in shipyards located outside of the United  
12 States.

13       SEC. 607. None of the funds made available by this  
14 Act may be used for any United Nations undertaking  
15 when it is made known to the Federal official having au-  
16 thority to obligate or expend such funds: (1) that the  
17 United Nations undertaking is a peacekeeping mission; (2)  
18 that such undertaking will involve United States Armed  
19 Forces under the command or operational control of a for-  
20 eign national; and (3) that the President's military advi-  
21 sors have not submitted to the President a recommenda-  
22 tion that such involvement is in the national security inter-  
23 ests of the United States and the President has not sub-  
24 mitted to the Congress such a recommendation.

1        SEC. 608. None of the funds appropriated or other-  
2 wise made available by this Act or any other Act may be  
3 used to implement, enforce, or otherwise abide by the  
4 Memorandum of Agreement signed by the Federal Trade  
5 Commission and the Antitrust Division of the Department  
6 of Justice on March 5, 2002.

7        SEC. 609. Any agency that receives funds appro-  
8 priated under this Act shall provide to the Committee on  
9 Appropriations of the Senate and the Committee on Ap-  
10 propriations of the House of Representatives a bimonthly  
11 accounting of the cumulative balances of any unobligated  
12 funds that were received by such agency during any pre-  
13 vious fiscal year.

14       SEC. 610. Of the funds appropriated in this Act  
15 under the heading “Office of Justice Programs—State  
16 and Local Law Enforcement Assistance”, not more than  
17 90 percent of the amount to be awarded to an entity under  
18 the Local Law Enforcement Block Grant shall be made  
19 available to such an entity when it is made known to the  
20 Federal official having authority to obligate or expend  
21 such funds that the entity that employs a public safety  
22 officer (as such term is defined in section 1204 of title  
23 I of the Omnibus Crime Control and Safe Streets Act of  
24 1968) does not provide such a public safety officer who  
25 retires or is separated from service due to injury suffered

1 as the direct and proximate result of a personal injury  
2 sustained in the line of duty while responding to an emer-  
3 gency situation or a hot pursuit (as such terms are defined  
4 by State law) with the same or better level of health insur-  
5 ance benefits at the time of retirement or separation as  
6 they received while on duty.

7       SEC. 611. Hereafter, no funds in this Act or any  
8 other Act shall be available to promote the sale or export  
9 of tobacco or tobacco products, or to seek the reduction  
10 or removal by any foreign country of restrictions on the  
11 marketing of tobacco or tobacco products, except for re-  
12 strictions which are not applied equally to all tobacco or  
13 tobacco products of the same type.

14       SEC. 612. (a) None of the funds appropriated or oth-  
15 erwise made available by this Act shall be expended for  
16 any purpose for which appropriations are prohibited by  
17 section 616 of the Departments of Commerce, Justice, and  
18 State, the Judiciary, and Related Agencies Appropriations  
19 Act, 1999, as amended.

20       (b) The requirements in subsections (b) and (c) of  
21 section 616 of that Act shall continue to apply during fis-  
22 cal year 2004.

23       SEC. 613. None of the funds appropriated pursuant  
24 to this Act or any other provision of law may be used for:  
25 (1) the implementation of any tax or fee in connection

1 with the implementation of 18 U.S.C. 922(t); and (2) any  
2 system to implement 18 U.S.C. 922(t) that does not re-  
3 quire and result in the destruction of any identifying infor-  
4 mation submitted by or on behalf of any person who has  
5 been determined not to be prohibited from owning a fire-  
6 arm.

7       SEC. 614. Notwithstanding any other provision of  
8 law, amounts deposited or available in the Fund estab-  
9 lished under 42 U.S.C. 10601 in any fiscal year in excess  
10 of \$675,000,000 shall not be available for obligation until  
11 the following fiscal year.

12       SEC. 615. None of the funds made available to the  
13 Department of Justice in this Act may be used for the  
14 purpose of transporting an individual who is a prisoner  
15 pursuant to conviction for crime under State or Federal  
16 law and is classified as a maximum or high security pris-  
17 oner, other than to a prison or other facility certified by  
18 the Federal Bureau of Prisons as appropriately secure for  
19 housing such a prisoner.

20       SEC. 616. (a) Hereafter, no funds in this Act or any  
21 other Act may be used by Federal prisons to purchase  
22 cable television services, to rent or purchase video-  
23 cassettes, videocassette recorders, or other audiovisual or  
24 electronic equipment used primarily for recreational pur-  
25 poses.

1 (b) The preceding sentence does not preclude the  
2 renting, maintenance, or purchase of audiovisual or elec-  
3 tronic equipment for inmate training, religious, or edu-  
4 cational programs.

5 SEC. 617. None of the funds made available in this  
6 Act may be transferred to any department, agency, or in-  
7 strumentality of the United States Government, except  
8 pursuant to a transfer made by, or transfer authority pro-  
9 vided in, this Act or any other appropriation Act.

10 SEC. 618. Of the amounts made available under the  
11 heading “Small Business Administration, Salaries and  
12 Expenses”, \$2,000,000 shall be available for the Advanced  
13 and Applied Polymer Processing Institute; \$1,000,000  
14 shall be available for Northeast South Dakota Tech-Based  
15 Skills Development; \$750,000 shall be available for the  
16 Southern Methodist University Law School Rule of Law;  
17 \$1,000,000 shall be available for the Accelerated Entre-  
18 preneur “AcE” Program; \$500,000 shall be available for  
19 the National Mass Fatalities Institute; \$1,000,000 shall  
20 be available for the Textile Tracers Program; \$750,000  
21 shall be available for a Biologics facility; \$500,000 shall  
22 be available for the Maryland Technology-Based Rural  
23 Business Incubation Initiative; \$1,000,000 shall be avail-  
24 able for the Northeast Indiana Innovation Center;  
25 \$1,000,000 shall be available for the Greenville Auto-

1 motive Research Park; \$1,000,000 shall be available for  
2 the Indiana University Kokomo Business Incubator;  
3 \$2,000,000 shall be available for the Tuck School of Busi-  
4 ness for its partnership with the Minority Business Devel-  
5 opment Administration; \$500,000 shall be available for  
6 Project Restore; \$325,000 shall be available for the School  
7 of the Building Arts Trade Program; \$500,000 shall be  
8 available for the South Carolina Export Consortium;  
9 \$500,000 for the Freewoods Farm Living Farm Museum  
10 in Horry County, SC; \$2,000,000 shall be available for  
11 the Alaska InvestNet/Technology Venture Center and  
12 Tech Ranch in Montana; \$1,000,000 shall be available for  
13 the National Database of Minority Businesses; \$1,000,000  
14 shall be available for the Mississippi Innovative and  
15 Commercialization Center; \$425,000 shall be available for  
16 Youth and Family with Promises; \$1,000,000 shall be  
17 available for the Next Generation Economy Initiative;  
18 \$1,000,000 shall be available for the Westside Intercept  
19 Project; \$250,000 shall be available for the International  
20 Trade Data Network; \$1,000,000 shall be available for the  
21 University of Missouri-St. Louis Information Technology  
22 Incubator Project; \$750,000 shall be available for the  
23 Idaho Virtual Incubator/Lewis-Clark State College;  
24 \$850,000 shall be available for the UNI Student Business  
25 Incubator; \$500,000 for the New School University/Insti-

1 tute for Legislative Drafting; \$1,500,000 shall be available  
2 for the Adelante Development Center, Inc., in Albu-  
3 querque, New Mexico; and \$250,000 shall be available for  
4 the Mississippi Delta Technology Council.

5 SEC. 619. Notwithstanding any other provision of  
6 law, not more than 20 percent of the amount allocated  
7 to any account or subaccount from an appropriation made  
8 by this Act that is available for obligation only in the cur-  
9 rent fiscal year may be obligated during the last two  
10 months of the fiscal year.

11 SEC. 620. A Deputy Assistant Administrator for non-  
12 contiguous states and territories shall be established  
13 through the Senior Executive Service to administer Small  
14 Business Administration programs in Alaska, Hawaii, and  
15 the territories, including disaster loans to fishermen, pro-  
16 grams benefitting Alaska Native Corporations and Native  
17 Hawaiians, including but not limited to Section 8(a) and  
18 Historically Underutilized Business Zones, and all other  
19 programs serving Alaska Natives and Native Hawaiians.  
20 All disaster loans issued in Alaska shall be administered  
21 by the Small Business Administration and shall not be  
22 sold.

23 SEC. 621. There are transferred to the International  
24 Fisheries Division of the National Marine Fisheries Serv-  
25 ice of the Department of Commerce the functions per-

1 formed by the offices of the Bureau of Oceans and Inter-  
2 national Environmental and Scientific Affairs of the De-  
3 partment of State as follows: the Office of Oceans Affairs,  
4 the Office of Marine Conservation, and the Office of  
5 Oceans and Fisheries: *Provided*, That the Secretary of  
6 Commerce shall administer the functions transferred by  
7 this section: *Provided further*, That the Bureau of Oceans  
8 and International Environmental and Scientific Affairs is  
9 abolished and all functions (other than the functions  
10 transferred by this section) carried out by the Bureau of  
11 Oceans and International Environmental and Scientific  
12 Affairs on the day before the date of enactment of this  
13 Act, shall be transferred to other bureaus within the De-  
14 partment of State: *Provided further*, That the Secretary  
15 of Commerce may negotiate or reevaluate, with the con-  
16 sent of the President, international agreements affecting  
17 international ocean and environmental policy that are re-  
18 lated to the functions transferred in this Act.

19 SEC. 622. Notwithstanding Section 202(a) of Title  
20 18, members of the National Commission on Terrorist At-  
21 tacks Upon the United States (established by Title VI of  
22 Public Law 107–306) shall be deemed to be special gov-  
23 ernment employees without regard to the number of days  
24 (or parts of days) in which they perform their duties as  
25 members of the Commission, so long as they receive per

1 diem compensation under Section 608(a) of Public Law  
2 107–306 for no more than 130 days during any period  
3 of 365 consecutive days.

4 SEC. 623. EXTENSION. 16 U.S.C. 1464 is amended  
5 by striking paragraphs (1) and (2) of subsection (a) and  
6 inserting the following:

7 “(1) for grants under sections 306, 306A, and  
8 309—

9 “(A) \$83,500,000 for fiscal year 2004;

10 “(B) \$87,000,000 for fiscal year 2005;

11 “(C) \$90,500,000 for fiscal year 2006;

12 “(D) \$94,000,000 for fiscal year 2007;

13 and

14 “(E) \$97,500,000 for fiscal year 2008;

15 “(2) for grants under section 315—

16 “(A) \$13,000,000 for fiscal year 2004;

17 “(B) \$14,000,000 for fiscal year 2005;

18 “(C) \$15,000,000 for fiscal year 2006;

19 “(D) \$16,000,000 for fiscal year 2007;

20 and

21 “(E) \$17,000,000 for fiscal year 2008;

22 “(3) for grants to fund construction projects at  
23 estuarine reserves designated under section 315,  
24 \$12,000,000 for each of fiscal years 2004, 2005,  
25 2006, 2007, and 2008; and

1           “(4) for costs associated with administering this  
2           title, \$6,500,000 for fiscal year 2004 and such sums  
3           as are necessary for fiscal years 2005–2008.”.

4           SEC. 624. None of the funds in this Act may be used  
5           to grant, transfer or assign a license for a commercial TV  
6           broadcast station to any party (including all parties under  
7           common control) if the grant, transfer or assignment of  
8           such license would result in such party or any of its stock-  
9           holders, partners, members, officers, or directors, directly  
10          or indirectly, owning, operating or controlling, or having  
11          a cognizable interest in TV stations which have an aggre-  
12          gate national audience reach, as defined in 47 CFR  
13          73.3555, exceeding 35 percent.

14          SEC. 625. Notwithstanding any other provision of  
15          law, immediately upon completion of a contact lens fitting,  
16          the patient shall be provided with a copy of the contact  
17          lens prescription; provided that, for the purposes of this  
18          section, the right to receive a copy of a prescription for  
19          contact lenses shall also include the rights to receive, upon  
20          the request of the patient of any person designated to act  
21          on behalf of the patient, a copy of the prescription; to have  
22          the prescription verified, including by electronic means, to  
23          any person designated to act on behalf of the patient; and  
24          to receive the contact lenses once the seller notifies the  
25          prescriber and gives the prescriber the opportunity to

1 promptly correct any errors in the prescription. Any viola-  
 2 tion of this section shall be treated as an unfair and decep-  
 3 tive act or practice in violation of Section 5 of the Federal  
 4 Trade Commission Act (15 U.S.C. 45). The Federal Trade  
 5 Commission shall issue regulations establishing proce-  
 6 dures necessary to carry out the requirements of this sec-  
 7 tion.

8       Sec. 626. Section 647 of the Communications Sat-  
 9 ellite Act of 1962 (47 U.S.C. 765f) is amended (1) by  
 10 striking “global satellite communications services.” and  
 11 inserting “global satellite communications services or for  
 12 the provision of fixed terrestrial services in the 12.2–12.7  
 13 GHz band.”; and (2) by adding at the end the following:  
 14 “No license for fixed terrestrial services in the 12.2–12.7  
 15 GHz band may be used for the provision of mobile terres-  
 16 trial telephony services.”.

## 17                   TITLE VII—RESCISSIONS

### 18                   DEPARTMENT OF JUSTICE

#### 19                   GENERAL ADMINISTRATION

#### 20                   WORKING CAPITAL FUND

#### 21                   (RESCISSION)

22       Of the unobligated balances available under this  
 23 heading, \$499,000 are rescinded.

## 1 COUNTERTERRORISM FUND

2 (RESCISSION)

3 Of the unobligated balances available under this  
 4 heading, \$50,000,000 are rescinded.

## 5 LEGAL ACTIVITIES

## 6 ASSET FORFEITURE FUND

7 (RESCISSION)

8 Of the unobligated balances available under this  
 9 heading, \$499,000 are rescinded.

## 10 OFFICE OF JUSTICE PROGRAMS

11 (RESCISSION)

12 Of the amounts made available in the various ac-  
 13 counts under this heading, \$9,500,000 in prior year unob-  
 14 ligated funds, excluding funds made available in fiscal year  
 15 2003, are rescinded.

## 16 DEPARTMENT OF COMMERCE AND RELATED

## 17 AGENCIES

## 18 DEPARTMENT OF COMMERCE

## 19 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

## 20 CONSTRUCTION OF RESEARCH FACILITIES

21 (RESCISSION)

22 Of the unobligated balances available under this  
 23 heading, \$3,000,000 are rescinded.

## 24 TITLE VIII—OTHER MATTERS

25 SEC. 801. (a) This title may be cited as the “Coastal  
 26 and Estuarine Land Protection Act”.

1 (b) The Congress finds the following:

2 (1) Coastal and estuarine areas provide impor-  
3 tant nursery habitat for two-thirds of the nation's  
4 commercial fish and shellfish, provide nesting and  
5 foraging habitat for coastal birds, harbor significant  
6 natural plant communities, and serve to facilitate  
7 coastal flood control and pollutant filtration.

8 (2) The Coastal Zone Management Act of 1972  
9 (16 U.S.C. 1451 et seq.) recognizes the national im-  
10 portance of these areas and their ecological vulner-  
11 ability to anthropogenic activities by establishing a  
12 comprehensive Federal-State partnership for pro-  
13 tecting natural reserves and managing growth in  
14 these areas.

15 (3) The National Estuarine Research Reserve  
16 system established under that Act relies on the pro-  
17 tection of pristine designated areas for long-term  
18 protection and for the conduct of education and re-  
19 search critical to the protection and conservation of  
20 coastal and estuarine resources.

21 (4) Intense development pressures within the  
22 coastal zone are driving the need to provide coastal  
23 managers with a wider range of tools to protect and  
24 conserve important coastal and estuarine areas.

1           (5) Protection of undeveloped coastal lands  
2 through the acquisition of interests in property from  
3 a willing seller are a cost-effective means of pro-  
4 viding these areas with permanent protection from  
5 development.

6           (6) Permanent protection of lands in the coast-  
7 al zone is a necessary component of any program to  
8 maintain and enhance coastal and estuarine areas  
9 for the benefit of the Nation, including protection of  
10 water quality, access to public beachfront, con-  
11 serving wildlife habitat, and sustaining sport and  
12 commercial fisheries.

13          (7) Federal-State-nongovernmental organization  
14 pilot land acquisition projects have already substan-  
15 tially contributed to the long-term health and viabil-  
16 ity of coastal and estuarine systems.

17          (8) Enhanced protection of estuarine and coast-  
18 al areas can be attained through watershed-based  
19 acquisition strategies coordinated through Federal,  
20 State, regional, and local efforts.

21          (c)(1) The Secretary of Commerce shall establish a  
22 Coastal and Estuarine Land Protection Program, in co-  
23 operation with appropriate State, regional, and other units  
24 of government for the purposes of protecting the environ-  
25 mental integrity of important coastal and estuarine areas,

1 including wetlands and forests, that have significant con-  
2 servation, recreation, ecological, historical, or aesthetic  
3 values, and that are threatened by conversion from their  
4 natural, undeveloped, or recreational state to other uses.  
5 The program shall be administered by the National Ocean  
6 Service of the National Oceanic and Atmospheric Adminis-  
7 tration through the Office of Ocean and Coastal Resource  
8 Management.

9       (2) The Secretary shall make grants under the pro-  
10 gram to coastal States, except coastal States that have  
11 lost less than 1 percent of their wetlands to development  
12 or conversion to other land uses by the date of enactment  
13 of this title, with approved coastal zone management plans  
14 or National Estuarine Research Reserve units for the pur-  
15 pose of acquiring property or interests in property de-  
16 scribed in subsection (1) that will further the goals of—

17           (A) a Coastal Zone Management Plan or Pro-  
18 gram approved under the Coastal Zone Management  
19 Act of 1972 (16 U.S.C. 1451 et seq.); or

20           (B) a National Estuarine Research Reserve  
21 management plan; or

22           (C) a regional or State watershed protection  
23 plan involving coastal States with approved coastal  
24 zone management plans.

1       (3) The Secretary shall allocate funds to coastal  
2 States or National Estuarine Research Reserves under  
3 this section through a competitive grant process in accord-  
4 ance with guidelines that meet the following requirements:

5           (A) The Secretary shall consult with the State's  
6 coastal zone management program, any National Es-  
7 tuarine Research Reserve in that State, and the lead  
8 agency designated by the Governor for coordinating  
9 the establishment and implementation of this title (if  
10 different from the coastal zone management pro-  
11 gram).

12          (B) Each participating State shall identify pri-  
13 ority conservation needs within the State, the values  
14 to be protected by inclusion of lands of the program,  
15 and the threats to those values that should be avoid-  
16 ed.

17          (C) Each participating State shall evaluate how  
18 the acquisition of property or easements might im-  
19 pact working waterfront needs.

20          (D) The applicant shall identify the values to be  
21 protected by inclusion of the lands in the program,  
22 management activities that are planned and the  
23 manner in which they may affect the values identi-  
24 fied, and any other information from the landowner

1 relevant to administration and management of the  
2 land.

3 (E) Awards shall be based on demonstrated  
4 need for protection and ability to successfully lever-  
5 age funds among participating entities, including  
6 Federal programs, regional organizations, State and  
7 other governmental units, landowners, corporations,  
8 or private organizations.

9 (F) Applications must be determined to be con-  
10 sistent with the State's or territory's approved coast-  
11 al zone plan, program and policies prior to submittal  
12 to the Secretary.

13 (G) Priority shall be given to lands described in  
14 subsection (1) that can be effectively managed and  
15 protected and that have significant ecological or wa-  
16 tershed protection value.

17 (H) In developing guidelines under this section,  
18 the Secretary shall consult with other Federal agen-  
19 cies and non-governmental entities expert in land ac-  
20 quisition and conservation procedures.

21 (I) Eligible States or National Estuarine Re-  
22 search Reserves may allocate grants to local govern-  
23 ments or agencies eligible for assistance under sec-  
24 tion 306A(e) of the Coastal Zone Management Act  
25 of 1972 (16 U.S.C. 1455a) and may acquire lands

1 in cooperation with nongovernmental entities and  
2 Federal agencies.

3 (J) The Secretary shall develop performance  
4 measures that will allow periodic evaluation of the  
5 program's effectiveness in meeting the purposes of  
6 this section and such evaluation shall be reported to  
7 Congress.

8 (4)(A) The Secretary may not make a grant under  
9 the program unless the Federal funds are matched by non-  
10 Federal funds in accordance with this subsection.

11 (B)(i) No more than 75 percent of the funding for  
12 any grant under this section shall be derived from Federal  
13 sources, unless such requirement is specifically waived by  
14 the Secretary.

15 (ii) The Secretary may grant a waiver of the limita-  
16 tion in subparagraph (i) for underserved communities,  
17 communities that have an inability to draw on other  
18 sources of funding because of the small population or low  
19 income of the community, or for other reasons the Sec-  
20 retary deems appropriate.

21 (C) Where financial assistance awarded under this  
22 section represents only a portion of the total cost of a  
23 project, funding from other Federal sources may be ap-  
24 plied to the cost of the project. Each portion shall be sub-

1 ject to match requirements under the applicable provision  
2 of law.

3 (D) For purposes of paragraph (B)(i), the non-Fed-  
4 eral cost share for a project may be determined by taking  
5 into account the following:

6 (i) Land value may be used as non-Federal  
7 match if the lands are identified in project plans and  
8 acquired within three years prior to the submission  
9 of the project application or after the submission of  
10 a project application until the project grant is closed  
11 (not to exceed 3 years). The appraised value of the  
12 land at the time of project closing will be considered  
13 the non-Federal cost share.

14 (ii) Costs associated with land acquisition, land  
15 management planning, remediation, restoration, and  
16 enhancement may be used as non-Federal match if  
17 the activities are identified in the plan and expenses  
18 are incurred within the period of the grant award.  
19 These costs may include either case or in-kind con-  
20 tributions.

21 (5) The Secretary may provide up to \$5,000,000 for  
22 a regional watershed protection demonstration project  
23 that will meet the requirements of this section, and—

24 (A) leverages land acquisition funding from  
25 other Federal land conservation or acquisition pro-

1       grams such that other Federal contributions, at a  
2       minimum, equal the amounts provided by the Sec-  
3       retary;

4           (B) involves partnerships from a broad spec-  
5       trum of Federal, State, and non-governmental enti-  
6       ties;

7           (C) provides for the creation of conservation  
8       corridors and preservation of unique coastal habitat;

9           (D) protects largely unfragmented habitat  
10      under imminent threat of development or conversion;

11          (E) provides water quality protection for areas  
12      set aside for research under the National Estuarine  
13      Research Reserve program; and

14          (F) provides a model for future regional water-  
15      shed protection projects.

16      (6) No less than 15 percent of funds made available  
17      under this section shall be available for acquisitions bene-  
18      fitting National Estuarine Research Reserve acquisitions.

19      (7) No more than 5 percent of the funds made avail-  
20      able to the Secretary under this section shall be used by  
21      the Secretary for planning or administration of the pro-  
22      gram. The Secretary shall provide a report to Congress  
23      with an account of all expenditures under this section for  
24      fiscal year 2004, fiscal year 2005, and triennially there-  
25      after.

1       (8)(A) If any property is acquired in whole or in part  
2 with funds made available through a grant under this sec-  
3 tion, the grant recipient shall provide such assurances as  
4 the Secretary may require that—

5           (i) the title to the property will be held by the  
6 grant recipient or other appropriate public agency  
7 designated by the recipient in perpetuity;

8           (ii) the property will be managed in a manner  
9 that is consistent with the purposes for which the  
10 land entered into the program and shall not convert  
11 such property to other uses; and

12          (iii) if the property or interest in land is sold,  
13 exchanged, or divested, funds equal to the correct  
14 value will be returned to the Secretary, for re-dis-  
15 tribution in the grant process.

16       (B) In this subsection, the term “conservation ease-  
17 ment” includes an easement, recorded deed, or interest  
18 deed where the grantee acquires all rights, title, and inter-  
19 est in a property, that do not conflict with the goals of  
20 this title except those rights, title, and interests that may  
21 run with the land that are expressly reserved by a grantor  
22 and are agreed to at the time of purchase.

23       (9) In this section, the term “coastal State” has the  
24 meaning given that term by section 304(4) of the Coastal  
25 Zone Management Act of 1972 (16 U.S.C. 1453(4)), and

1 any other term used in this section that is defined in sec-  
 2 tion 304 of that Act has the meaning given that term in  
 3 that section.

4 (10) There are authorized to be appropriated to the  
 5 Secretary—

6 (A) \$60,000,000 for each of fiscal years 2004  
 7 through 2007 to carry out this section (other than  
 8 subsection (e)); and

9 (B) \$5,000,000 for fiscal year 2004 to carry  
 10 out subsection (5), such sum to remain available  
 11 without fiscal year limitation.

12 (d) Section 310(a) of the Coastal Zone Management  
 13 Act of 1972 (16 U.S.C. 1456c(a)) is amended by striking  
 14 “any qualified person for the purposes of carrying out this  
 15 subsection.” and inserting “any other Federal agencies  
 16 (including interagency financing of Coastal America ac-  
 17 tivities) and any other qualified person for the purposes  
 18 of carrying out this section.”.

## 19 TITLE IX—ALASKAN FISHERIES

20 SEC. 901. BERING SEA AND ALEUTIAN ISLANDS  
 21 CRAB RATIONALIZATION. Section 313 of Public Law 94—  
 22 265 (16 U.S.C. 1862) is amended by adding at the end  
 23 thereof the following:

24 “(j) BERING SEA AND ALEUTIAN ISLANDS CRAB RA-  
 25 TIONALIZATION.—

1           “(1) By not later than January 1, 2005, the  
2       Secretary shall approve and hereafter implement by  
3       regulation the Voluntary Three-Pie Cooperative Pro-  
4       gram for crab fisheries of the Bering Sea and Aleu-  
5       tian Islands approved by the North Pacific Fishery  
6       Management Council between June 2002 and April  
7       2003, and all trailing amendments including those  
8       reported to Congress on May 6, 2003.

9           “(2) Notwithstanding any other provision of  
10      this Act, in carrying out paragraph (1) the Secretary  
11      shall approve all parts of the Program referred to in  
12      such paragraph. Further, no part of such Program  
13      may be implemented if, as approved by the North  
14      Pacific Fishery Management Council, individual fish-  
15      ing quotas, processing quotas, community develop-  
16      ment quota allocation, voluntary cooperatives, bind-  
17      ing arbitration, regional landing and processing re-  
18      quirements, community protections, economic data  
19      collection, or the loan program for crab fishing ves-  
20      sel captains and crew members, is invalidated sub-  
21      ject to a judicial determination not subject to judi-  
22      cial appeal. In implementing the Program, the Sec-  
23      retary shall clarify that any attempt by a processor  
24      to improperly leverage its Individual Processor  
25      Quota shares to acquire a harvesters open-access “B

1 shares” at a substantially reduced price shall result  
2 in forfeiture of such processor’s Individual Processor  
3 Quota shares.

4 “(3) Subsequent to implementation pursuant to  
5 paragraph (1), the Council may submit and the Sec-  
6 retary may implement changes to or repeal of con-  
7 servation and management measures, including  
8 measures authorized in this section, for crab fish-  
9 eries of the Bering Sea and Aleutian Islands in ac-  
10 cordance with applicable law, including this Act as  
11 amended by this subsection, to achieve on a con-  
12 tinuing basis the purposes identified by the Council  
13 for the Voluntary Three-Pie Cooperative Program  
14 referred to in such paragraph.

15 “(4) The loan program referred to in paragraph  
16 (2) shall be carried out pursuant to the authority of  
17 sections 1111 and 1112 of title XI of the Merchant  
18 Marine Act, 1936 (46 U.S.C. App. 1279f, 1279g).

19 “(5) For purposes of implementing this section  
20 \$1,000,000 shall be made available each year until  
21 fully implemented from funds otherwise made avail-  
22 able to the National Marine Fisheries Service for  
23 Alaska fisheries activities.

24 “(6) Nothing in this Act shall constitute a waiv-  
25 er, either express or implied, of the antitrust laws of

1 the United States. The Secretary, in consultation  
2 with the Department of Justice, shall develop and  
3 implement a mandatory information collection and  
4 review process to provide any and all information  
5 necessary for the Department of Justice to deter-  
6 mine whether any illegal acts of anti-competition,  
7 anti-trust, or price collusion have occurred among  
8 persons receiving individual processing quotas under  
9 the Program. The Secretary may revoke any indi-  
10 vidual processing quota held by any person found to  
11 have violated a provision of the antitrust laws of the  
12 United States.”.

13 SEC. 902. MARINE DESIGNATION CLARIFICATION.  
14 None of the funds appropriated under this Act or any  
15 other Act hereafter enacted may be used to implement  
16 U.S.C. Sections 1853(a)(7) and 1855(b) and Executive  
17 Order 13158 with respect to any fisheries under the juris-  
18 diction of the North Pacific Council, until the Magnuson-  
19 Stevens Fishery Conservation and Management Act is re-  
20 authorized.

21 SEC. 903. GULF OF ALASKA ROCKFISH DEMONSTRA-  
22 TION PROGRAM. The Secretary of Commerce, in consulta-  
23 tion with the North Pacific Fisheries Management Coun-  
24 cil, shall establish a pilot program that recognizes indi-  
25 vidual fishing histories for fishing vessels (1996 to 2002,

1 best 5 of 7 years) and individual processing histories for  
 2 fish processors (1996 to 2000, best 4 of 5 years) for pa-  
 3 cific ocean perch, northern rockfish, and pelagic shelf  
 4 rockfish harvested in Central Gulf of Alaska. Such a pilot  
 5 program shall (1) provide for a set-aside of up to 5 percent  
 6 for the total allowable catch of such fisheries for catcher  
 7 vessels not eligible to participate in the pilot program,  
 8 which shall be delivered to shore-based fish processors not  
 9 eligible to participate in the pilot program; (2) establish  
 10 catch limits for non-rockfish species and non-target rock-  
 11 fish species currently harvested with pacific ocean perch,  
 12 northern rockfish, and pelagic shelf rockfish, which shall  
 13 be based on historical harvesting of such bycatch species.  
 14 The pilot program will sunset when a Gulf of Alaska  
 15 Groundfish comprehensive rationalization plan is author-  
 16 ized by the Council and implemented by the Secretary, or  
 17 2 years from date of implementation, whichever is earlier.

18 SEC. 904. ALEUTIAN ISLANDS FISHERIES DEVELOP-  
 19 MENT. (a) ALEUTIAN ISLANDS POLLOCK ALLOCATION.—  
 20 Effective January 1, 2004 and thereafter, notwithstanding  
 21 any other provision of law, the directed pollock fishery in  
 22 the Aleutian Islands Subarea [AI] of the BSAI (as defined  
 23 in 50 CFR 679.2 Regulations on September 1, 2002) shall  
 24 be allocated to the Aleut Corporation (incorporated pursu-  
 25 ant to the Alaska Native Claims Settlement Act (43

1 U.S.C. 1601 et seq.)). Except with the permission of the  
2 Aleut Corporation or its authorized agent, the fishing or  
3 processing of any part of such allocation shall be prohib-  
4 ited by section 307 of the Magnuson-Stevens Fishery Con-  
5 servation and Management Act (16 U.S.C. 1857), subject  
6 to the penalties and sanctions under section 308 of such  
7 Act (16 U.S.C. 1858), and subject to the forfeiture of any  
8 fish harvested or processed.

9 (b) ELIGIBLE VESSELS.—The Aleut Corporation (or  
10 its authorized agents) shall provide for the harvesting and  
11 processing of the allocation under subsection (a) under  
12 such terms and conditions as the Aleut Corporation deems  
13 appropriate for economic development in Adak, Alaska.  
14 Notwithstanding any other provision of law, only vessels  
15 that are 60 feet or less in length overall, have a valid fish-  
16 ery endorsement, and are eligible to harvest pollock under  
17 section 208 of Title II of Division C of Public Law 105–  
18 277, shall be eligible to form partnerships with the Aleut  
19 Corporation (or its authorized agents) to harvest the allo-  
20 cation under subsection (a). During the years 2004  
21 through 2008, up to 25 percent of such allocation may  
22 be harvested by vessels 60 feet or less in length overall.  
23 During the years 2009 through 2013, up to 50 percent  
24 of such allocation may be harvested by vessels 60 feet or  
25 less in length overall. After the year 2012, 50 percent of

1 such allocation shall be harvested by vessels 60 feet or less  
2 in length overall, and 50 percent shall be harvested by ves-  
3 sels eligible under such section of Public Law 105–277.

4 (c) GROUND FISH OPTIMUM YIELD LIMITATION.—  
5 Notwithstanding any other provision of law, the optimum  
6 yield for groundfish in the Bering Sea and Aleutian Is-  
7 lands Management Area shall not exceed 2 million metric  
8 tons. For the purposes of implementing subsections (a)  
9 and (b) without adversely affecting current fishery partici-  
10 pants, the allocation under subsection (a) may be in addi-  
11 tion to such optimum yield during the years 2004 through  
12 2008 upon recommendation by the North Pacific Council  
13 and approval by the Secretary of Commerce (if consistent  
14 with the requirements of the Magnuson-Stevens Fishery  
15 Conservation and Management Act (16 U.S.C. 1801 et  
16 seq.)).

17 SEC. 905. Nothing in this Act shall constitute an ap-  
18 proval or authorization by Congress of the consideration  
19 or issuance of individual processing quotas or processor  
20 shares in any fishery of the United States other than the  
21 Bering Sea and Aleutian Islands crab fishery.

22 This Act may be cited as the “Departments of Com-  
23 merce, Justice, and State, the Judiciary, and Related  
24 Agencies Appropriations Act, 2004”.



**Calendar No. 274**

108TH CONGRESS  
1ST Session

**S. 1585**

[Report No. 108-144]

**A BILL**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

SEPTEMBER 5, 2003

Read twice and placed on the calendar