

Calendar No. 698

108TH CONGRESS
2D SESSION

S. 2809

[Report No. 108–344]

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

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

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, 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, 2005, and for other pur-
6 poses, namely:

1 TITLE I—DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 SALARIES AND EXPENSES

4 For expenses necessary for the administration of the
5 Department of Justice, \$141,466,000, of which not to ex-
6 ceed \$3,317,000 is for the Facilities Program 2000, to
7 remain available until expended: *Provided*, That not to ex-
8 ceed 43 permanent positions and 44 full-time equivalent
9 workyears and \$10,825,000 shall be expended for the De-
10 partment Leadership Program exclusive of augmentation
11 that occurred in these offices in fiscal year 2003: *Provided*
12 *further*, That not to exceed 26 permanent positions, 21
13 full-time equivalent workyears and \$3,315,000 shall be ex-
14 pended for the Office of Legislative Affairs: *Provided fur-*
15 *ther*, That not to exceed 17 permanent positions, 21 full-
16 time equivalent workyears and \$2,470,000 shall be ex-
17 pended for the Office of Public Affairs: *Provided further*,
18 That the latter two aforementioned offices may utilize
19 non-reimbursable details of career employees within the
20 caps described in the preceding two provisos.

21 JOINT AUTOMATED BOOKING SYSTEM

22 For expenses necessary for the nationwide deploy-
23 ment of a Joint Automated Booking System including
24 automated capability to transmit fingerprint and image
25 data, \$20,185,000, to remain available until September
26 30, 2006.

1 AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTE-
2 GRATED AUTOMATED FINGERPRINT IDENTIFICATION
3 SYSTEM

4 For necessary expenses for the planning, develop-
5 ment, and deployment of an integrated fingerprint identi-
6 fication system, including automated capability to trans-
7 mit fingerprint and image data, \$5,054,000, to remain
8 available until September 30, 2006.

9 LEGAL ACTIVITIES OFFICE AUTOMATION

10 For necessary expenses related to the design, develop-
11 ment, engineering, acquisition, and implementation of of-
12 fice automation systems for the organizations funded
13 under the headings “Salaries and Expenses, General
14 Legal Activities”, and “General Administration, Salaries
15 and Expenses”, and the United States Attorneys, the
16 United States Marshals Service, the Antitrust Division,
17 the United States Trustee Program, the Executive Office
18 for Immigration Review, the Community Relations Serv-
19 ice, the Bureau of Prisons, the Office of Justice Programs,
20 and the United States Parole Commission, \$70,502,000,
21 to remain available until September 30, 2006.

22 NARROWBAND COMMUNICATIONS

23 For the costs of conversion to narrowband commu-
24 nications, including the cost for operation and mainte-
25 nance of Land Mobile Radio legacy systems, \$68,021,000:
26 *Provided*, That the Attorney General shall transfer to the

1 “Narrowband Communications” account all funds made
 2 available to the Department of Justice for the purchase
 3 of portable and mobile radios: *Provided further*, That any
 4 transfer made under the preceding proviso shall be subject
 5 to section 605 of this Act.

6 ADMINISTRATIVE REVIEW AND APPEALS

7 For expenses necessary for the administration of par-
 8 don and clemency petitions and immigration-related activi-
 9 ties, \$205,411,000.

10 DETENTION TRUSTEE

11 For necessary expenses of the Federal Detention
 12 Trustee, \$885,994,000, to remain available until ex-
 13 pended: *Provided*, That the Trustee shall be responsible
 14 for managing the Justice Prisoner and Alien Transpor-
 15 tation System and for overseeing housing related to such
 16 detention: *Provided further*, That any unobligated balances
 17 available in prior years from the funds appropriated under
 18 the heading “Federal Prisoner Detention” shall be trans-
 19 ferred to and merged with the appropriation under the
 20 heading “Detention Trustee” and shall be available until
 21 expended.

22 OFFICE ON VIOLENCE AGAINST WOMEN

23 VIOLENCE AGAINST WOMEN PREVENTION AND

24 PROSECUTION PROGRAMS

25 For grants, contracts, cooperative agreements, and
 26 other assistance for the prevention and prosecution of vio-

1 lence against women as authorized by the Omnibus Crime
 2 Control and Safe Streets Act of 1968 (“the 1968 Act”);
 3 the Violent Crime Control and Law Enforcement Act of
 4 1994 (Public Law 103–322) (“the 1994 Act”); [the Vic-
 5 tims of Child Abuse Act of 1990 (“the 1990 Act”]; the
 6 Prosecutorial Remedies and Other Tools to End the Ex-
 7 ploitation of Children Today Act of 2003 (Public Law
 8 108–21); the Juvenile Justice and Delinquency Prevention
 9 Act of 1974 (“the 1974 Act”); and the Victims of Traf-
 10 ficking and Violence Protection Act of 2000 (Public Law
 11 106–386); \$410,000,000, to remain available until ex-
 12 pended. All balances from grants and activities adminis-
 13 tered by the Office on Violence Against Women shall be
 14 transferred from the Office of Justice Program to the Of-
 15 fice on Violence Against Women within 60 days of enact-
 16 ment of this Act. Of the amounts provided:

17 Of the amount provided—

18 (1) \$11,897,000 for the court-appointed special
 19 advocate program, as authorized by section 217 of
 20 the 1990 Act;

21 (2) \$2,281,000 for child abuse training pro-
 22 grams for judicial personnel and practitioners, as
 23 authorized by section 222 of the 1990 Act;

24 (3) \$994,000 for grants for televised testimony,
 25 as authorized by Part N of the 1968 Act;

1 (4) \$175,705,000 for grants to combat violence
2 against women as authorized by part T of the 1968
3 Act, of which:

4 (A) \$5,000,000 shall be for the National
5 Institute of Justice for research and evaluation
6 of violence against women;

7 (B) \$10,000,000 shall be for the Office of
8 Juvenile Justice and Delinquency Prevention
9 for the Safe Start Program, as authorized by
10 the Juvenile Justice and Delinquency Act of
11 1974 Act; and

12 (C) \$10,000,000 shall be for transitional
13 housing assistance grants for victims of domes-
14 tic violence, stalking or sexual assault as au-
15 thorized by Public Law 108–21;

16 (5) \$64,503,000 for grants to encourage arrest
17 policies as authorized by part U of the 1968 Act;

18 (6) \$39,685,000 for rural domestic violence and
19 child abuse enforcement assistance grants, as au-
20 thorized by section 40295(a) of the 1994 Act;

21 (7) \$4,957,000 training programs as authorized
22 by section 40152 of the 1994 Act, and for related
23 demonstration projects;

1 (8) \$2,981,000 for grants to improve the stalk-
2 ing and domestic violence databases, as authorized
3 by section 40602 of the 1994 Act;

4 (9) \$9,935,000 to reduce violent crimes against
5 women on campus, as authorized by section 1108(a)
6 of Public Law 106–386;

7 (10) \$39,740,000 for legal assistance for vic-
8 tims, as authorized by section 1201(c) of Public Law
9 106–386;

10 (11) \$4,968,000 for enhancing protection for
11 older and disabled women from domestic violence
12 and sexual assault, as authorized by section 40802
13 of the 1994 Act;

14 (12) \$14,903,000 for the safe havens for chil-
15 dren pilot program, as authorized by section 1301(a)
16 of Public Law 106–386;

17 (13) \$7,451,000 for education and training to
18 end violence against and abuse of women with dis-
19 abilities, as authorized by section 1402(a) of Public
20 Law 106–386; and Division B, H.R. 2673, Consoli-
21 dated Appropriations Bill, Fiscal Year 2004; and

22 (14) \$30,000,000 for management and admin-
23 istration not elsewhere specified.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, \$63,187,000, including not to exceed \$10,000 to
4 meet unforeseen emergencies of a confidential character.

5 UNITED STATES PAROLE COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States Parole
8 Commission as authorized, \$10,638,000.

9 LEGAL ACTIVITIES

10 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses necessary for the legal activities of the
13 Department of Justice, not otherwise provided for, includ-
14 ing not to exceed \$20,000 for expenses of collecting evi-
15 dence, to be expended under the direction of, and to be
16 accounted for solely under the certificate of, the Attorney
17 General; and rent of private or Government-owned space
18 in the District of Columbia, \$623,364,000, of which not
19 to exceed \$10,000,000 for litigation support contracts
20 shall remain available until expended: *Provided*, That of
21 the total amount appropriated, not to exceed \$1,000 shall
22 be available to the United States National Central Bu-
23 reau, INTERPOL, for official reception and representa-
24 tion expenses: *Provided further*, That \$106,000 shall be
25 transferred to the Department of State for the Capital Se-
26 curity Cost Sharing Program: *Provided further*, That not-

1 withstanding any other provision of law, upon a deter-
 2 mination by the Attorney General that emergent cir-
 3 cumstances require additional funding for litigation activi-
 4 ties of the Civil Division, the Attorney General may trans-
 5 fer such amounts to “Salaries and Expenses, General
 6 Legal Activities” from available appropriations for the
 7 current fiscal year for the Department of Justice, as may
 8 be necessary to respond to such circumstances: *Provided*
 9 *further*, That any transfer pursuant to the previous pro-
 10 viso shall be treated as a reprogramming under section
 11 605 of this Act and shall not be available for obligation
 12 or expenditure except in compliance with the procedures
 13 set forth in that section.

14 In addition, for reimbursement of expenses of the De-
 15 partment of Justice associated with processing cases
 16 under the National Childhood Vaccine Injury Act of 1986,
 17 not to exceed \$6,333,000, to be appropriated from the
 18 Vaccine Injury Compensation Trust Fund.

19 SALARIES AND EXPENSES, ANTITRUST DIVISION

20 For expenses necessary for the enforcement of anti-
 21 trust and kindred laws, \$138,763,000, to remain available
 22 until expended: *Provided*, That, notwithstanding any other
 23 provision of law, not to exceed \$101,000,000 of offsetting
 24 collections derived from fees collected for premerger notifi-
 25 cation filings under the Hart-Scott-Rodino Antitrust Im-
 26 provements Act of 1976 (15 U.S.C. 18a), regardless of

1 the year of collection, shall be retained and used for nec-
2 essary expenses in this appropriation, and shall remain
3 available until expended: *Provided further*, That the sum
4 herein appropriated from the general fund shall be re-
5 duced as such offsetting collections are received during fis-
6 cal year 2005, so as to result in a final fiscal year 2005
7 appropriation from the general fund estimated at not more
8 than \$37,763,000.

9 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

10 For necessary expenses of the Offices of the United
11 States Attorneys, including inter-governmental and coop-
12 erative agreements, \$1,532,154,000; of which not to ex-
13 ceed \$2,500,000 shall be available until September 30,
14 2006, for: (1) training personnel in debt collection; (2) lo-
15 cating debtors and their property; (3) paying the net costs
16 of selling property; and (4) tracking debts owed to the
17 United States Government: *Provided*, That of the total
18 amount appropriated, not to exceed \$8,000 shall be avail-
19 able for official reception and representation expenses:
20 *Provided further*, That not to exceed \$10,000,000 of those
21 funds available for automated litigation support contracts
22 shall remain available until expended: *Provided further*,
23 That not to exceed \$2,500,000 for the operation of the
24 National Advocacy Center shall remain available until ex-
25 pended: *Provided further*, That, in addition to reimburs-
26 able full-time equivalent workyears available to the Offices

1 of the United States Attorneys, not to exceed 11,699 full-
 2 time equivalent workyears shall be supported from the
 3 funds appropriated in this Act for the United States At-
 4 torneys: *Provided further*, That of the funds made avail-
 5 able under this heading, \$1,500,000 shall only be available
 6 to continue “Operation Streetsweeper”: *Provided further*,
 7 That of the total amount appropriated, \$5,000,000 shall
 8 be for Project Seahawk and shall remain available until
 9 expended.

10 INTERAGENCY DRUG ENFORCEMENT, UNITED STATES

11 ATTORNEYS

12 For necessary expenses for the identification, inves-
 13 tigation, and prosecution of individuals associated with the
 14 most significant drug trafficking and affiliated money
 15 laundering organizations not otherwise provided for, to in-
 16 clude inter-governmental agreements with State and local
 17 law enforcement agencies engaged in the investigation and
 18 prosecution of individuals involved in organized crime drug
 19 trafficking, \$295,409,000, of which \$50,000,000 shall re-
 20 main available until September 30, 2006: *Provided*, That
 21 within 90 days of enactment of this Act and thereafter,
 22 funds appropriated under this heading shall be managed
 23 and executed by the Director of the Offices of the United
 24 States Attorneys, and the Director of the Organized Crime
 25 and Drug Enforcement Task Forces shall report directly
 26 to said Director: *Provided further*, That any amounts obli-

1 gated from appropriations under this heading may be used
 2 under authorities available to the organizations reim-
 3 bursed from this appropriation: *Provided further*, That any
 4 unobligated balances remaining available at the end of the
 5 fiscal year shall revert to the Director of the Offices of
 6 the United States Attorneys for reallocation among par-
 7 ticipating organizations in succeeding fiscal years, subject
 8 to the reprogramming procedures set forth in section 605
 9 of this Act.

10 UNITED STATES TRUSTEE SYSTEM FUND

11 For necessary expenses of the United States Trustee
 12 Program, as authorized, \$174,355,000, to remain avail-
 13 able until expended and to be derived from the United
 14 States Trustee System Fund: *Provided*, That, notwith-
 15 standing any other provision of law, deposits to the Fund
 16 shall be available in such amounts as may be necessary
 17 to pay refunds due depositors: *Provided further*, That, not-
 18 withstanding any other provision of law, \$174,355,000 of
 19 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
 20 be retained and used for necessary expenses in this appro-
 21 priation and remain available until expended: *Provided*
 22 *further*, That the sum herein appropriated from the Fund
 23 shall be reduced as such offsetting collections are received
 24 during fiscal year 2005, so as to result in a final fiscal
 25 year 2005 appropriation from the Fund estimated at \$0.

1 FOREIGN CLAIMS SETTLEMENT COMMISSION

2 For expenses necessary to carry out the activities of
3 the Foreign Claims Settlement Commission, including
4 services as authorized by 5 U.S.C. 3109, \$1,220,000.

5 FEES AND EXPENSES OF WITNESSES

6 For fees and expenses of witnesses, for expenses of
7 contracts for the procurement and supervision of expert
8 witnesses, for private counsel expenses, including ad-
9 vances, \$177,585,000, to remain available until expended;
10 of which not to exceed \$8,000,000 may be made available
11 for construction of buildings for protected witness
12 safesites; of which not to exceed \$1,000,000 may be made
13 available for the purchase and maintenance of armored ve-
14 hicles for transportation of protected witnesses; and of
15 which not to exceed \$7,000,000 may be made available
16 for the purchase, installation, and maintenance and up-
17 grade of secure telecommunications equipment and a se-
18 cure automated information network to store and retrieve
19 the identities and locations of protected witnesses.

20 COMMUNITY RELATIONS SERVICE

21 For necessary expenses of the Community Relations
22 Service, \$9,494,000 and, in addition, up to \$1,000,000 of
23 funds made available to the Department of Justice in this
24 Act may be transferred by the Attorney General to this
25 account: *Provided*, That notwithstanding any other provi-
26 sion of law, upon a determination by the Attorney General

1 that emergent circumstances require additional funding
 2 for conflict resolution and violence prevention activities of
 3 the Community Relations Service, the Attorney General
 4 may transfer such amounts to the Community Relations
 5 Service, from available appropriations for the current fis-
 6 cal year for the Department of Justice, as may be nec-
 7 essary to respond to such circumstances: *Provided further*,
 8 That any transfer pursuant to the previous proviso shall
 9 be treated as a reprogramming under section 605 of this
 10 Act and shall not be available for obligation or expenditure
 11 except in compliance with the procedures set forth in that
 12 section.

13 ASSETS FORFEITURE FUND

14 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
 15 (F), and (G), \$21,759,000, to be derived from the Depart-
 16 ment of Justice Assets Forfeiture Fund.

17 UNITED STATES MARSHALS SERVICE

18 SALARIES AND EXPENSES/CONSTRUCTION

19 For necessary expenses of the United States Mar-
 20 shals Service, \$744,725,000; of which not to exceed
 21 \$6,000 shall be available for official reception and rep-
 22 resentation expenses; and of which \$4,000,000 for infor-
 23 mation technology systems shall remain available until ex-
 24 pended; of which not less than \$13,130,000 shall be avail-
 25 able for the costs of courthouse security equipment, in-
 26 cluding furnishings, relocations, and telephone systems

1 and cabling, and shall remain available until September
 2 30, 2005; and of which not less than \$10,096,000 shall
 3 be available for construction of United States Marshals
 4 Service prisoner-holding space in United States court-
 5 houses and Federal buildings, including the renovation
 6 and expansion of prisoner movement areas, elevators, and
 7 sallyports, to remain available until September 30, 2007:
 8 *Provided, That,* in addition to reimbursable full-time
 9 equivalent workyears available to the United States Mar-
 10 shals Service, not to exceed 4,514 positions and 4,625 full-
 11 time equivalent workyears shall be supported from the
 12 funds appropriated in this Act for the United States Mar-
 13 shals Service.

14 FEDERAL BUREAU OF INVESTIGATION

15 SALARIES AND EXPENSES/CONSTRUCTION

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the Federal Bureau of In-
 18 vestigation for detection, investigation, and prosecution of
 19 crimes against the United States; including purchase for
 20 police-type use of not to exceed 2,988 passenger motor ve-
 21 hicles, of which 2,619 will be for replacement only; and
 22 not to exceed \$70,000 to meet unforeseen emergencies of
 23 a confidential character pursuant to 28 U.S.C. 530C,
 24 \$4,990,728,000; of which not to exceed \$65,000,000 for
 25 automated data processing and telecommunications and
 26 technical investigative equipment, and not to exceed

1 \$1,000,000 for undercover operations, shall remain avail-
2 able until September 30, 2006; of which \$1,017,000,000
3 shall be for counterterrorism investigations, foreign coun-
4 terintelligence, and other activities related to our national
5 security; of which not to exceed \$20,000,000 is authorized
6 to be made available for making advances for expenses
7 arising out of contractual or reimbursable agreements
8 with State and local law enforcement agencies while en-
9 gaged in cooperative activities related to violent crime, ter-
10 rorism, organized crime, cybercrime, and drug investiga-
11 tions; and of which not less than \$21,390,000 shall be for
12 necessary expenses to construct or acquire buildings and
13 sites by purchase, or as otherwise authorized by law (in-
14 cluding equipment for such buildings); conversion and ex-
15 tension of federally-owned buildings; and preliminary plan-
16 ning and design of projects, to remain available until Sep-
17 tember 30, 2007: *Provided*, That not to exceed \$200,000
18 shall be available for official reception and representation
19 expenses: *Provided further*, That \$2,863,000 shall be
20 transferred to the Department of State for the Capital Se-
21 curity Cost Sharing Program: *Provided further*, That not
22 more than \$600,000,000 (including amounts made avail-
23 able in this and prior year Appropriations Acts) shall be
24 made available for the total cost to complete the develop-
25 ment, acquisition, and deployment of Trilogy, including

1 the Virtual Case File: *Provided further*, That up to
 2 \$6,800,000 of prior year unobligated balances shall be
 3 available for the necessary expense of construction of an
 4 aviation hangar, to remain available until September 30,
 5 2006: *Provided further*, That of the amounts provided
 6 under this heading for counterterrorism, not less than
 7 \$5,000,000 shall be available to the Investigative Tech-
 8 nology Division for research and development on emerging
 9 technologies: *Provided further*, That, in addition to reim-
 10 bursable full-time equivalent workyears available to the
 11 Federal Bureau of Investigation, not to exceed 29,793 po-
 12 sitions and 28,888 full-time equivalent workyears shall be
 13 supported from the funds appropriated in this Act for the
 14 Federal Bureau of Investigation.

15 FOREIGN TERRORIST TRACKING TASK FORCE/TERRORIST
 16 THREAT INTEGRATION CENTER/TERRORIST SCREEN-
 17 ING CENTER

18 For expenses necessary for the Foreign Terrorist
 19 Tracking Task Force, the Terrorist Threat Integration
 20 Center, and the Terrorist Screening Center, including sal-
 21 aries and expenses, operations, equipment, facilities and
 22 relocations, \$120,819,000: *Provided*, That funds appro-
 23 priated in previous fiscal years under the heading “Fed-
 24 eral Bureau of Investigation, Salaries and Expenses” may
 25 be available for activities associated with the Terrorist
 26 Threat Integration Center.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Drug Enforcement Ad-
5 ministration, including not to exceed \$70,000 to meet un-
6 foreseen emergencies of a confidential character pursuant
7 to 28 U.S.C. 530C; expenses for conducting drug edu-
8 cation and training programs, including travel and related
9 expenses for participants in such programs and the dis-
10 tribution of items of token value that promote the goals
11 of such programs; and purchase of not to exceed 1,461
12 passenger motor vehicles, of which 1,346 will be for re-
13 placement only, for police-type use, \$1,645,027,000; of
14 which not to exceed \$100,000 shall be for official reception
15 and representation expenses; of which the following
16 amounts shall remain available until September 30, 2006:
17 not to exceed \$33,000,000 for permanent change of sta-
18 tion, not to exceed \$4,000,000 for purchase of evidence
19 and payments for information, not to exceed \$10,000,000
20 for contracting for automated data processing and tele-
21 communications equipment, not to exceed \$2,000,000 for
22 laboratory equipment, not to exceed \$4,000,000 for tech-
23 nical equipment, not to exceed \$5,000,000 for construc-
24 tion, and not to exceed \$4,000,000 for electronic investiga-
25 tions, including contract linguists; and of which the fol-
26 lowing amounts shall remain available until expended: not

1 to exceed \$1,800,000 for research, and not to exceed
 2 \$10,000,000 for the acquisition, lease, maintenance, and
 3 operation of aircraft equipment, including retrofitting and
 4 parts: *Provided*, That, in addition to reimbursable full-
 5 time equivalent workyears available to the Drug Enforce-
 6 ment Administration, not to exceed 8,446 positions and
 7 8,292 full-time equivalent workyears shall be supported
 8 from the funds appropriated in this Act for the Drug En-
 9 forcement Administration: *Provided further*, That
 10 \$10,153,000 shall be transferred to the Department of
 11 State for the Capital Security Cost Sharing Program: *Pro-*
 12 *vided further*, That not to exceed \$8,100,000 from prior
 13 year unobligated balances shall be for the design, con-
 14 struction, and ownership of a Clandestine Laboratory
 15 Training Facility, to remain available until expended.

16 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
 17 EXPLOSIVES

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses of the Bureau of Alcohol, To-
 21 bacco, Firearms and Explosives, including the purchase of
 22 not to exceed 822 vehicles for police-type use, of which
 23 650 shall be for replacement only; not to exceed \$18,000
 24 for official reception and representation expenses; for
 25 training of State and local law enforcement agencies with
 26 or without reimbursement, including training in connec-

tion with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$890,357,000, of which \$106,000 shall be transferred to the Department of State for the Capital Security Cost Sharing Program, and of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to in-

1 vestigate and act upon applications filed by corporations
 2 for relief from Federal firearms disabilities under section
 3 925(c) of title 18, United States Code: *Provided further*,
 4 That no funds under this Act may be used to electronically
 5 retrieve information gathered pursuant to 18 U.S.C.
 6 923(g)(4) by name or any personal identification code:
 7 *Provided further*, That of the total amount provided under
 8 this paragraph, \$5,600,000 shall be for the construction
 9 and establishment of the Federal Firearms Licensing Cen-
 10 ter at the Bureau of Alcohol, Tobacco, Firearms and Ex-
 11 plosives National Tracing Center Facility and shall remain
 12 available until expended.

13 FEDERAL PRISON SYSTEM

14 SALARIES AND EXPENSES

15 For expenses necessary of the Federal Prison System
 16 for the administration, operation, and maintenance of
 17 Federal penal and correctional institutions, including pur-
 18 chase (not to exceed 780, of which 649 are for replacement
 19 only) and hire of law enforcement and passenger motor
 20 vehicles, and for the provision of technical assistance and
 21 advice on corrections related issues to foreign govern-
 22 ments, \$4,627,696,000: *Provided*, That the Attorney Gen-
 23 eral may transfer to the Health Resources and Services
 24 Administration such amounts as may be necessary for di-
 25 rect expenditures by that Administration for medical relief

1 for inmates of Federal penal and correctional institutions:
2 *Provided further*, That the Director of the Federal Prison
3 System, where necessary, may enter into contracts with
4 a fiscal agent/fiscal intermediary claims processor to de-
5 termine the amounts payable to persons who, on behalf
6 of the Federal Prison System, furnish health services to
7 individuals committed to the custody of the Federal Prison
8 System: *Provided further*, That not to exceed \$6,000 shall
9 be available for official reception and representation ex-
10 penses: *Provided further*, That not to exceed \$100,000,000
11 shall remain available for necessary operations until Sep-
12 tember 30, 2006: *Provided further*, That, of the amounts
13 provided for Contract Confinement, not to exceed
14 \$20,000,000 shall remain available until expended to
15 make payments in advance for grants, contracts and reim-
16 bursable agreements, and other expenses authorized by
17 section 501(c) of the Refugee Education Assistance Act
18 of 1980, for the care and security in the United States
19 of Cuban and Haitian entrants: *Provided further*, That the
20 Director of the Federal Prison System may accept donated
21 property and services relating to the operation of the pris-
22 on card program from a not-for-profit entity which has
23 operated such program in the past notwithstanding the
24 fact that such not-for-profit entity furnishes services
25 under contracts to the Federal Prison System relating to

1 the operation of pre-release services, halfway houses or
 2 other custodial facilities.

3 BUILDINGS AND FACILITIES

4 For planning, acquisition of sites and construction of
 5 new facilities; purchase and acquisition of facilities and re-
 6 modeling, and equipping of such facilities for penal and
 7 correctional use, including all necessary expenses incident
 8 thereto, by contract or force account; and constructing,
 9 remodeling, and equipping necessary buildings and facili-
 10 ties at existing penal and correctional institutions, includ-
 11 ing all necessary expenses incident thereto, by contract or
 12 force account, \$189,000,000, to remain available until ex-
 13 pended, of which not to exceed \$14,000,000 shall be avail-
 14 able to construct areas for inmate work programs: *Pro-*
 15 *vided*, That labor of United States prisoners may be used
 16 for work performed under this appropriation: *Provided*
 17 *further*, That none of the funds appropriated to “Buildings
 18 and Facilities” in this or any other Act may be transferred
 19 to “Salaries and Expenses, Federal Prison System”, or
 20 any other Department of Justice account.

21 FEDERAL PRISON INDUSTRIES, INCORPORATED

22 The Federal Prison Industries, Incorporated, is here-
 23 by authorized to make such expenditures, within the limits
 24 of funds and borrowing authority available, and in accord
 25 with the law, and to make such contracts and commit-
 26 ments, without regard to fiscal year limitations as pro-

1 vided by section 9104 of title 31, United States Code, as
2 may be necessary in carrying out the program set forth
3 in the budget for the current fiscal year for such corpora-
4 tion, including purchase (not to exceed five for replace-
5 ment only) and hire of passenger motor vehicles.

6 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
7 PRISON INDUSTRIES, INCORPORATED

8 Not to exceed \$3,393,000 of the funds of the corpora-
9 tion shall be available for its administrative expenses, and
10 for services as authorized by 5 U.S.C. 3109, to be com-
11 puted on an accrual basis to be determined in accordance
12 with the corporation's current prescribed accounting sys-
13 tem, and such amounts shall be exclusive of depreciation,
14 payment of claims, and expenditures which such account-
15 ing system requires to be capitalized or charged to cost
16 of commodities acquired or produced, including selling and
17 shipping expenses, and expenses in connection with acqui-
18 sition, construction, operation, maintenance, improvement,
19 protection, or disposition of facilities and other property
20 belonging to the corporation or in which it has an interest.

21 OFFICE OF JUSTICE PROGRAMS

22 JUSTICE ASSISTANCE

23 For grants, contracts, cooperative agreements, and
24 other assistance authorized by title I of the Omnibus
25 Crime Control and Safe Streets Act of 1968, as amended,
26 and the Missing Children's Assistance Act, as amended,

1 including salaries and expenses in connection therewith,
 2 and with the Victims of Crime Act of 1984, as amended,
 3 \$210,875,000, to remain available until expended.

4 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

5 For State and local law enforcement assistance,
 6 \$1,117,919,000: *Provided*, That the funds made available
 7 under this heading shall be subject to the same authorities
 8 as funds appropriated under this heading in title I of Divi-
 9 sion B of Public Law 108–7: *Provided further*, That funds
 10 made available under this heading for the State Criminal
 11 Alien Assistance Program shall be utilized for correctional
 12 purposes: *Provided further*, That funds provided under this
 13 heading shall be distributed in the manner described in
 14 the following table:

| <i>Program</i> | <i>Amount</i> |
|---|---------------|
| Local Law Enforcement Block Grants | \$55,000,000 |
| Boys and Girls Clubs | \$85,000,000 |
| State Criminal Alien Assistance Programs | \$220,000,000 |
| Southwest Border Prosecutor Initiative | \$30,000,000 |
| Assistance to Indian Tribes | \$18,000,000 |
| Byrne Grants (formula) | \$500,000,000 |
| Byrne Grants (discretionary) | \$117,969,000 |
| Drug Courts | \$40,000,000 |
| Residential Substance Abuse Treatment | \$25,000,000 |
| Missing Alzheimer’s Disease Patient Alert Program | \$850,000 |
| Law Enforcement Family Support Programs | \$2,000,000 |
| Marketing Scams Against Senior Citizens | \$2,000,000 |
| Motor Vehicle Theft Prevention Programs | \$100,000 |
| State and Local Training | \$1,000,000 |
| State and Local Anti-Terrorism Training | \$11,000,000. |

15 WEED AND SEED PROGRAM FUND

16 For necessary expenses, including salaries and re-
 17 lated expenses of the Executive Office for Weed and Seed,
 18 to implement “Weed and Seed” program activities,

1 \$62,000,000, to remain available until September 30,
2 2006, for inter-governmental agreements, including
3 grants, cooperative agreements, and contracts, with State
4 and local law enforcement agencies, non-profit organiza-
5 tions, and agencies of local government engaged in the in-
6 vestigation and prosecution of violent crimes and drug of-
7 fenses in “Weed and Seed” designated communities, and
8 for either reimbursements or transfers to appropriation
9 accounts of the Department of Justice and other Federal
10 agencies which shall be specified by the Attorney General
11 to execute the “Weed and Seed” program strategy: *Pro-*
12 *vided*, That funds designated by Congress through lan-
13 guage for other Department of Justice appropriation ac-
14 counts for “Weed and Seed” program activities shall be
15 managed and executed by the Attorney General through
16 the Executive Office for Weed and Seed: *Provided further*,
17 That the Attorney General may direct the use of other
18 Department of Justice funds and personnel in support of
19 “Weed and Seed” program activities only after the Attor-
20 ney General notifies the Committees on Appropriations of
21 the House of Representatives and the Senate in accord-
22 ance with section 605 of this Act: *Provided further*, That
23 of the funds appropriated for the Executive Office for
24 Weed and Seed, \$2,000,000 shall be directed for com-

1 prehensive community development training and technical
2 assistance.

3 COMMUNITY ORIENTED POLICING SERVICES

4 For Community Oriented Policing Services,
5 \$755,969,000: *Provided*, That the funds made available
6 under this heading shall be subject to the same authorities
7 as funds appropriated under this heading in title I of Divi-
8 sion B of Public Law 108–7: *Provided further*, That of
9 the funds under this heading, not to exceed \$2,575,000
10 shall be available for Office of Justice Programs for reim-
11 bursable services: *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> |
|---|---------------|
| Hiring Law Enforcement Officers | \$90,000,000 |
| Hiring School Resource Officers | \$90,000,000 |
| Training and Technical Assistance | \$20,000,000 |
| Law Enforcement Armor Vest | \$25,000,000 |
| Tribal Law Enforcement | \$20,000,000 |
| Methamphetamine Hot Spots | \$55,000,000 |
| Police Corps | \$15,000,000 |
| Law Enforcement Technology Grants | \$110,969,000 |
| Interoperable Communications Technology | \$100,000,000 |
| Crime Identification Technology Act | \$35,000,000 |
| DNA Backlog Analysis and Backlog Reduction | \$100,000,000 |
| Paul Coverdell Forensic Sciences Improvement Grants | \$20,000,000 |
| Reduce Gun Violence | \$15,000,000 |
| Offender Reentry Program | \$5,000,000 |
| Safe School Initiative | \$5,000,000 |
| Police Integrity Program | \$15,000,000 |
| Management and Administration | \$35,000,000. |

14 JUVENILE JUSTICE PROGRAMS

15 For Juvenile Justice Programs, \$360,000,000: *Pro-*
16 *vided*, That the funds made available under this heading
17 shall be subject to the same authorities as funds appro-

1 priated under this heading in title I of Division B of Public
 2 Law 108–7: *Provided further*, That not more than ten per-
 3 cent of each amount may be used for research, evaluation,
 4 and statistics activities designed to benefit the programs
 5 or activities authorized: *Provided further*, That not more
 6 than two percent of each amount may be used for training
 7 and technical assistance: *Provided further*, That funds pro-
 8 vided under this heading shall be distributed in the man-
 9 ner described in the following table:

| <i>Program</i> | <i>Amount</i> |
|---|---------------|
| Part A, Concentration of Federal Efforts | \$3,000,000 |
| Part B, Formula Grants | \$85,000,000 |
| Part C, Discretionary Grants | \$5,000,000 |
| Part D, Research, Evaluation, TA and Training | \$10,000,000 |
| Part E, Developing New Initiative | \$80,000,000 |
| Part G, Juvenile Mentoring Program (JUMP) | \$15,000,000 |
| Title V, At Risk Children Programs | \$20,000,000 |
| Title V, Tribal Youth | \$10,000,000 |
| Title V, Gang Prevention | \$25,000,000 |
| Title V, Prevention of Underage Drinking | \$25,000,000 |
| Project Sentry | \$15,000,000 |
| Secure Our Schools Act | \$10,000,000 |
| Project Childsafe | \$5,000,000 |
| Juvenile Accountability Block Grants | \$30,000,000 |
| Victims of Child Abuse Act | \$15,000,000. |

10 PUBLIC SAFETY OFFICERS BENEFITS

11 To remain available until expended, for payments au-
 12 thorized by part L of title I of the Omnibus Crime Control
 13 and Safe Streets Act of 1968 (42 U.S.C. 3796), as amend-
 14 ed, such sums as are necessary, as authorized by section
 15 6093 of Public Law 100–690 (102 Stat. 4339–4340); and
 16 \$6,410,000, to remain available until expended for pay-
 17 ments as authorized by section 1201(b) of said Act.

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

SEC. 104. Nothing in the preceding section shall re-
move the obligation of the Director of the Bureau of Pris-
ons to provide escort services necessary for a female in-
mate to receive such service outside the Federal facility:
Provided, That nothing in this section in any way dimin-
ishes the effect of section 103 intended to address the phil-

1 osophical beliefs of individual employees of the Bureau of
2 Prisons.

3 SEC. 105. Not to exceed 5 percent of any appropria-
4 tion made available for the current fiscal year for the De-
5 partment of Justice in this Act may be transferred be-
6 tween such appropriations, but no such appropriation, ex-
7 cept as otherwise specifically provided, shall be increased
8 by more than 10 percent by any such transfers: *Provided*,
9 That any transfer pursuant to this section shall be treated
10 as a reprogramming of funds under section 605 of this
11 Act and shall not be available for obligation except in com-
12 pliance with the procedures set forth in that section: *Pro-*
13 *vided further*, That transfers may not be made from
14 “Buildings and Facilities, Federal Prison System” to any
15 other Department of Justice account.

16 SEC. 106. In addition to the amounts provided under
17 “Salaries and Expenses, United States Attorneys”,
18 \$15,000,000 shall be for Project Seahawk and shall re-
19 main available until expended.

20 SEC. 107. For an additional amount for the “Local
21 Law Enforcement Block Grant” program to be provided
22 to the City of San Juan, Puerto Rico, \$544,000.

23 SEC. 108. The Attorney General is authorized to
24 make permanent the Personnel Management Demonstra-
25 tion Project transferred to the Attorney General pursuant

1 to section 1115 of the Homeland Security Act of 2002,
2 Public Law 107–296 (6 U.S.C. 533) without limitation
3 on the number of employees or the positions covered.

4 SEC. 109. Notwithstanding any other provision of
5 law, Public Law 102–395 section 102(b) shall extend to
6 the Bureau of Alcohol, Tobacco, Firearms and Explosives
7 in the conduct of undercover investigative operations and
8 shall apply without fiscal year limitation with respect to
9 any undercover investigative operation initiated by the Bu-
10 reau of Alcohol, Tobacco, Firearms and Explosives that
11 is necessary for the detection and prosecution of crimes
12 against the United States.

13 SEC. 110. Section 1344 of Title 31 of the United
14 States Code, is amended in subsection (b) paragraph (6)
15 by inserting after “Federal Bureau of Investigation,” the
16 words “Director of the Bureau of Alcohol, Tobacco, Fire-
17 arms and Explosives”. This amendment shall take effect
18 as if enacted on January 1, 2004.

19 SEC. 111. Funds appropriated by this Act for the
20 Federal Prisons System shall be in the amounts and ac-
21 counts specified in the report accompanying this Act: *Pro-*
22 *vided*, That within 30 days of enactment of this Act, the
23 Bureau of Prisons will submit a comprehensive financial
24 plan for the Federal Prison System to the Committees on
25 Appropriations: *Provided further*, That no funds appro-

1 priated for the Federal Prison System in this or any other
2 Appropriations Act for the construction of new facilities
3 may be rescinded, cancelled, or used for any other pur-
4 pose.

5 SEC. 112. To promote fiscal best practices through
6 cost efficient rededication of government resources, the
7 Bureau of Prisons shall implement a pilot program in the
8 Southern District of Florida which would allow the Fed-
9 eral Public Defender to transfer government computers to
10 the local detention facility for use by indigent defendants
11 to review electronic discovery. These computers will be
12 dedicated to indigent defense matters according to sched-
13 ules and protocols developed by the staff of the local facil-
14 ity in consultation with the Federal Defender and the Dis-
15 trict Court's Criminal Justice Act Selection Committee.

16 SEC. 113. None of the funds made available to the
17 Department of Justice in this Act may be used for the
18 purpose of transporting an individual who is a prisoner
19 pursuant to conviction for crime under State or Federal
20 law and is classified as a maximum or high security pris-
21 oner, other than to a prison or other facility certified by
22 the Federal Bureau of Prisons as appropriately secure for
23 housing such a prisoner.

24 SEC. 114. (a) None of the funds appropriated by this
25 Act may be used by Federal prisons to purchase cable tele-

1 vision services, to rent or purchase videocassettes, video-
2 cassette recorders, or other audiovisual or electronic equip-
3 ment used primarily for recreational purposes.

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

8 SEC. 115. None of the funds appropriated in this Act
9 or any other Act shall be expended to acquire either by
10 construction or lease a building for an interim Federal Bu-
11 reau of Investigation Central Records Complex, except fol-
12 lowing the approval of a report on site-selection for the
13 permanent facility: *Provided*, That any interim facility
14 shall be located at the site of the permanent Central
15 Records Complex.

16 This title may be cited as the “Department of Justice
17 Appropriations Act, 2005”.

1 TITLE II—DEPARTMENT OF COMMERCE AND
2 RELATED AGENCIES
3 TRADE AND INFRASTRUCTURE DEVELOPMENT
4 RELATED AGENCIES
5 OFFICE OF THE UNITED STATES TRADE
6 REPRESENTATIVE
7 SALARIES AND EXPENSES
8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses of the Office of the United
10 States Trade Representative, including the hire of pas-
11 senger motor vehicles and the employment of experts and
12 consultants as authorized by 5 U.S.C. 3109, \$41,552,000,
13 of which \$1,000,000 shall remain available until expended:
14 *Provided*, That not to exceed \$124,000 shall be available
15 for official reception and representation expenses: *Pro-*
16 *vided further*, That not less than \$2,000,000 provided
17 under this heading shall be for expenses authorized by 19
18 U.S.C. 2451 and 1677b(c): *Provided further*, That nego-
19 tiations shall be conducted within the World Trade Orga-
20 nization to recognize the right of members to distribute
21 monies collected from antidumping and countervailing du-
22 ties: *Provided further*, That there is established a position
23 of Chief Negotiator for Intellectual Property Enforcement:
24 *Provided further*, That amounts made available to the Of-
25 fice of the United States Trade Representative pursuant
26 to a provision under the heading “National Intellectual

1 Property Law Enforcement Coordination Council” are for
 2 the establishment of the position of Chief Negotiator for
 3 Intellectual Property Enforcement and for operations and
 4 support costs of such position, in accordance with the pre-
 5 vious proviso.

6 NATIONAL INTELLECTUAL PROPERTY LAW
 7 ENFORCEMENT COORDINATION COUNCIL
 8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses of the National Intellectual
 10 Property Law Enforcement Coordination Council to co-
 11 ordinate domestic and international intellectual property
 12 protection and law enforcement relating to intellectual
 13 property among federal and foreign entities, \$20,000,000:
 14 *Provided*, That there shall be at the head of the National
 15 Intellectual Property Law Enforcement Coordination
 16 Council a Coordinator for International Intellectual Prop-
 17 erty Enforcement: *Provided further*, That the Coordinator
 18 for International Intellectual Property Enforcement shall
 19 be appointed by the President: *Provided further*, That no
 20 person shall serve as the Coordinator for International In-
 21 tellectual Property Enforcement while serving in any other
 22 position in the Federal Government: *Provided further*,
 23 That the co-chairs of the National Intellectual Property
 24 Law Enforcement Coordination Council, as designated by
 25 Public Law 106–58, shall report to the Coordinator for
 26 International Intellectual Property Enforcement on mat-

1 ters concerning the National Intellectual Property Law
2 Enforcement Coordination Council: *Provided further*, That
3 the National Intellectual Property Law Enforcement Co-
4 ordination Council shall—

5 (1) establish policies, objectives, and priorities
6 concerning international intellectual property protec-
7 tion and intellectual property law enforcement;

8 (2) promulgate a strategy for protecting Amer-
9 ican intellectual property overseas; and

10 (3) coordinate and oversee implementation by
11 agencies with responsibilities for intellectual property
12 protection and intellectual property law enforcement
13 of the policies, objectives, and priorities established
14 under paragraph (1) and the fulfillment of the re-
15 sponsibilities assigned to such agencies in the strat-
16 egy described in paragraph (2):

17 *Provided further*, That the Coordinator for International
18 Intellectual Property Enforcement shall develop for each
19 fiscal year, with the advice of the members of the National
20 Intellectual Property Law Enforcement Coordination
21 Council and any other departments and agencies with re-
22 sponsibilities for intellectual property protection and intel-
23 lectual property law enforcement, a budget proposal to im-
24 plement the strategy described in paragraph (2) and for
25 the operations of the National Intellectual Property Law

1 Enforcement Coordination Council, and shall transmit
2 such budget proposal to the President and to the Con-
3 gress: *Provided further*, That the Coordinator for Inter-
4 national Intellectual Property Enforcement may select, ap-
5 point, employ, and fix compensation of such officers and
6 employees as may be necessary to carry out the functions
7 of the National Intellectual Property Law Enforcement
8 Coordination Council: *Provided further*, That the Coordi-
9 nator for International Intellectual Property Enforcement
10 may direct, with the concurrence of the Secretary of a de-
11 partment or head of an agency, the temporary reassign-
12 ment within the Federal Government of personnel em-
13 ployed by such department or agency: *Provided further*,
14 That within amounts made available under this heading,
15 \$5,000,000 shall be for salaries and expenses and oper-
16 ations and support costs of the National Intellectual Prop-
17 erty Law Enforcement Coordination Council, \$5,000,000
18 shall be transferred to, and merged with, the appropria-
19 tions for “Office of the United States Trade Representa-
20 tive, Salaries and Expenses” to establish a position of
21 Chief Negotiator for Intellectual Property Enforcement
22 and related costs within 30 days of enactment of this Act,
23 \$1,000,000 shall be transferred to, and merged with, the
24 appropriations for “Diplomatic and Consular Programs”,
25 Department of State, for salaries and expenses and related

1 costs of the Office of International Intellectual Property
 2 Protection and Enforcement within 30 days of enactment
 3 of this Act, and \$9,000,000 shall be for programs that
 4 enhance enforcement of international intellectual property
 5 law and of requirements under international agreements
 6 relating to intellectual property, as determined by the Co-
 7 ordinator for International Intellectual Property Enforce-
 8 ment and the co-chairs and members of the National Intel-
 9 lectual Property Law Enforcement Coordination Council.

10 INTERNATIONAL TRADE COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the International Trade
 13 Commission, including hire of passenger motor vehicles,
 14 and services as authorized by 5 U.S.C. 3109, and not to
 15 exceed \$2,500 for official reception and representation ex-
 16 penses, \$61,700,000, to remain available until expended.

17 DEPARTMENT OF COMMERCE

18 INTERNATIONAL TRADE ADMINISTRATION

19 OPERATIONS AND ADMINISTRATION

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses for international trade activi-
 22 ties of the Department of Commerce provided for by law,
 23 and for engaging in trade promotional activities abroad,
 24 including expenses of grants and cooperative agreements
 25 for the purpose of promoting exports of United States
 26 firms, without regard to 44 U.S.C. 3702 and 3703; full

1 medical coverage for dependent members of immediate
2 families of employees stationed overseas and employees
3 temporarily posted overseas; travel and transportation of
4 employees of the United States and Foreign Commercial
5 Service between two points abroad, without regard to 49
6 U.S.C. 40118; employment of Americans and aliens by
7 contract for services; rental of space abroad for periods
8 not exceeding 10 years, and expenses of alteration, repair,
9 or improvement; purchase or construction of temporary
10 demountable exhibition structures for use abroad; pay-
11 ment of tort claims, in the manner authorized in the first
12 paragraph of 28 U.S.C. 2672 when such claims arise in
13 foreign countries; not to exceed \$327,000 for official rep-
14 resentation expenses abroad; purchase of passenger motor
15 vehicles for official use abroad, not to exceed \$30,000 per
16 vehicle; obtaining insurance on official motor vehicles; and
17 rental of tie lines, \$401,513,000, to remain available until
18 expended, of which \$8,000,000 is to be derived from fees
19 to be retained and used by the International Trade Admin-
20 istration, notwithstanding 31 U.S.C. 3302: *Provided*, That
21 \$4,539,000 shall be transferred to the Department of
22 State for the Capital Security Cost Sharing Program: *Pro-*
23 *vided further*, That \$213,865,000 shall be for the United
24 States and Foreign Commercial Service: *Provided further*,
25 That negotiations shall be conducted within the World

1 Trade Organization to recognize the right of members to
 2 distribute monies collected from antidumping and counter-
 3 vailing duties: *Provided further*, That the provisions of the
 4 first sentence of section 105(f) and all of section 108(c)
 5 of the Mutual Educational and Cultural Exchange Act of
 6 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in car-
 7 rying out these activities without regard to section 5412
 8 of the Omnibus Trade and Competitiveness Act of 1988
 9 (15 U.S.C. 4912); and that for the purpose of this Act,
 10 contributions under the provisions of the Mutual Edu-
 11 cational and Cultural Exchange Act of 1961 shall include
 12 payment for assessments for services provided as part of
 13 these activities.

14 BUREAU OF INDUSTRY AND SECURITY

15 OPERATIONS AND ADMINISTRATION

16 For necessary expenses for export administration and
 17 national security activities of the Department of Com-
 18 merce, including costs associated with the performance of
 19 export administration field activities both domestically and
 20 abroad; full medical coverage for dependent members of
 21 immediate families of employees stationed overseas; em-
 22 ployment of Americans and aliens by contract for services
 23 abroad; payment of tort claims, in the manner authorized
 24 in the first paragraph of 28 U.S.C. 2672 when such claims
 25 arise in foreign countries; not to exceed \$15,000 for offi-

1 cial representation expenses abroad; awards of compensa-
2 tion to informers under the Export Administration Act of
3 1979, and as authorized by 22 U.S.C. 401(b); and pur-
4 chase of passenger motor vehicles for official use and
5 motor vehicles for law enforcement use with special re-
6 quirement vehicles eligible for purchase without regard to
7 any price limitation otherwise established by law,
8 \$70,872,000, to remain available until expended: of which
9 \$7,200,000 shall be for inspections and other activities re-
10 lated to national security: *Provided*, That the provisions
11 of the first sentence of section 105(f) and all of section
12 108(c) of the Mutual Educational and Cultural Exchange
13 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
14 in carrying out these activities: *Provided further*, That
15 payments and contributions collected and accepted for ma-
16 terials or services provided as part of such activities may
17 be retained for use in covering the cost of such activities,
18 and for providing information to the public with respect
19 to the export administration and national security activi-
20 ties of the Department of Commerce and other export con-
21 trol programs of the United States and other govern-
22 ments.

1 ECONOMIC DEVELOPMENT ADMINISTRATION

2 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

3 For grants for economic development assistance as
4 provided by the Public Works and Economic Development
5 Act of 1965, and for trade adjustment assistance,
6 \$285,083,000, to remain available until expended.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
9 nomic development assistance programs as provided for by
10 law, \$30,400,000: *Provided*, That these funds may be used
11 to monitor projects approved pursuant to title I of the
12 Public Works Employment Act of 1976, title II of the
13 Trade Act of 1974, and the Community Emergency
14 Drought Relief Act of 1977.

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
18 merce in fostering, promoting, and developing minority
19 business enterprise, including expenses of grants, con-
20 tracts, and other agreements with public or private organi-
21 zations, \$31,555,000.

1 ECONOMIC AND INFORMATION
2 INFRASTRUCTURE

3 ECONOMIC AND STATISTICAL ANALYSIS

4 SALARIES AND EXPENSES

5 For necessary expenses, as authorized by law, of eco-
6 nomic and statistical analysis programs of the Department
7 of Commerce, \$81,764,000, to remain available until Sep-
8 tember 30, 2006.

9 BUREAU OF THE CENSUS

10 SALARIES AND EXPENSES

11 For expenses necessary for collecting, compiling, ana-
12 lyzing, preparing, and publishing statistics, provided for
13 by law, \$174,304,000.

14 PERIODIC CENSUSES AND PROGRAMS

15 For nessary expenses related to the 2010 decennial
16 census, \$250,611,000, to remain available until September
17 30, 2005: *Provided*, That none of the funds provided in
18 this or any previous Act, or hereafter made available to
19 the Department of Commerce, shall be available to reim-
20 burse the Unemployment Trust Fund or any other fund
21 or account of the Treasury to pay for any expenses for
22 services performed by individuals appointed to temporary
23 positions within the Bureau of the Census for purposes
24 relating to the decennial censuses of population.

25 In addition, for expenses to collect and publish statis-
26 tics for other periodic censuses and programs provided for

1 by law, \$180,853,000, to remain available until September
2 30, 2005.

3 NATIONAL TELECOMMUNICATIONS AND INFORMATION

4 ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses, as provided for by law, of
7 the National Telecommunications and Information Ad-
8 ministration (NTIA), \$21,583,000, to remain available
9 until September 30, 2006: *Provided*, That, notwith-
10 standing 31 U.S.C. 1535(d), the Secretary of Commerce
11 shall charge Federal agencies for costs incurred in spec-
12 trum management, analysis, and operations, and related
13 services and such fees shall be retained and used as offset-
14 ting collections for costs of such spectrum services, to re-
15 main available until expended: *Provided further*, That the
16 Secretary of Commerce is authorized to retain and use as
17 offsetting collections all funds transferred, or previously
18 transferred, from other Government agencies for all costs
19 incurred in telecommunications research, engineering, and
20 related activities by the Institute for Telecommunication
21 Sciences of NTIA, in furtherance of its assigned functions
22 under this paragraph, and such funds received from other
23 Government agencies shall remain available until ex-
24 pended.

1 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
2 AND CONSTRUCTION

3 For the administration of grants authorized by sec-
4 tion 392 of the Communications Act of 1934,
5 \$21,769,000, to remain available until expended as au-
6 thorized by section 391 of the Act: *Provided*, That not to
7 exceed \$2,000,000 shall be available for program adminis-
8 tration as authorized by section 391 of the Act: *Provided*
9 *further*, That, notwithstanding the provisions of section
10 391 of the Act, the prior year unobligated balances may
11 be made available for grants for projects for which appli-
12 cations have been submitted and approved during any fis-
13 cal year.

14 INFORMATION INFRASTRUCTURE GRANTS

15 For grants authorized by section 392 of the Commu-
16 nications Act of 1934, \$14,842,000, to remain available
17 until expended as authorized by section 391 of the Act:
18 *Provided*, That not to exceed \$3,000,000 shall be available
19 for program administration and other support activities
20 as authorized by section 391: *Provided further*, That, of
21 the funds appropriated herein, not to exceed 5 percent
22 may be available for telecommunications research activi-
23 ties for projects related directly to the development of a
24 national information infrastructure: *Provided further*,
25 That, notwithstanding the requirements of sections 392(a)
26 and 392(c) of the Act, these funds may be used for the

1 planning and construction of telecommunications networks
 2 for the provision of educational, health care, or public in-
 3 formation: *Provided further*, That, notwithstanding any
 4 other provision of law, no entity that receives tele-
 5 communications services at preferential rates under sec-
 6 tion 254(h) of the Act (47 U.S.C. 254(h)) or receives as-
 7 sistance under the regional information sharing systems
 8 grant program of the Department of Justice under part
 9 M of title I of the Omnibus Crime Control and Safe
 10 Streets Act of 1968 (42 U.S.C. 3796h) may use funds
 11 under a grant under this heading to cover any costs of
 12 the entity that would otherwise be covered by such pref-
 13 erential rates or such assistance, as the case may be.

14 UNITED STATES PATENT AND TRADEMARK OFFICE

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses of the United States Patent
 18 and Trademark Office provided for by law, including de-
 19 fense of suits instituted against the Under Secretary of
 20 Commerce for Intellectual Property and Director of the
 21 United States Patent and Trademark Office,
 22 \$1,336,000,000, to remain available until expended, which
 23 amount shall be derived from offsetting collections as-
 24 sessed and collected pursuant to 15 U.S.C. 1113 and 35
 25 U.S.C. 41 and 376, and may be retained and used for
 26 necessary expenses of the United States Patent and

1 Trademark Office and related activities: *Provided*, That
2 the sum herein appropriated from the general fund shall
3 be reduced as such offsetting collections are received dur-
4 ing fiscal year 2005, so as to result in a fiscal year 2005
5 appropriation from the general fund estimated at \$0: *Pro-*
6 *vided further*, That during fiscal year 2005, should the
7 amount of offsetting fees collected under this paragraph
8 be less than \$1,356,000,000, this amount of
9 \$1,356,000,000 shall be reduced accordingly: *Provided*
10 *further*, That from amounts provided herein, not to exceed
11 \$1,000 shall be made available in fiscal year 2005 for offi-
12 cial reception and representation expenses: *Provided fur-*
13 *ther*, That of amounts made available under this heading,
14 \$20,000,000 shall only be available for initiatives to pro-
15 tect United States intellectual property overseas: *Provided*
16 *further*, That fees authorized by title VII of this Act may
17 be collected and credited to this account as offsetting fee
18 collections: *Provided further*, That not to exceed
19 \$208,754,000 derived from such offsetting fee collections
20 shall be available until expended for necessary expenses
21 of the United States Patent and Trademark Office and
22 related activities: *Provided further*, That the total amount
23 appropriated from fees collected in fiscal year 2005, in-
24 cluding such increased fees, shall not exceed
25 \$1,564,754,000: *Provided further*, That beginning in fiscal

1 year 2005, from the amounts made available for “Salaries
 2 and Expenses” for the United States Patent and Trade-
 3 mark Office (PTO), the amounts necessary to pay (1) the
 4 difference between the percentage of basic pay contributed
 5 by the PTO and employees under section 8334(a) of title
 6 5, United States Code, and the normal cost percentage
 7 (as defined by section 8331(17) of that title) of basic pay,
 8 of employees subject to subchapter III of chapter 83 of
 9 that title; and (2) the present value of the otherwise un-
 10 funded accruing costs, as determined by the Office of Per-
 11 sonnel Management, of post-retirement life insurance and
 12 postretirement health benefits coverage for all PTO em-
 13 ployees, shall be transferred to the Civil Service Retire-
 14 ment and Disability Fund, the Employees Life Insurance
 15 Fund, and the Employees Health Benefits Fund, as ap-
 16 propriate, and shall be available for the authorized pur-
 17 poses of those accounts.

18 SCIENCE AND TECHNOLOGY

19 TECHNOLOGY ADMINISTRATION

20 SALARIES AND EXPENSES

21 For necessary expenses for the Under Secretary for
 22 Technology Office of Technology Policy, \$6,407,000: *Pro-*
 23 *vided*, That section 8(a) of the Technology Administration
 24 Act of 1998 (15 U.S.C. 1511e(a)) is amended by deleting
 25 “Technology Administration of” after “within the”.

1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

3 For necessary expenses of the National Institute of
4 Standards and Technology, \$383,892,000, to remain
5 available until expended, of which not to exceed
6 \$14,800,000 may be transferred to the “Working Capital
7 Fund”.

8 INDUSTRIAL TECHNOLOGY SERVICES

9 For necessary expenses of the Manufacturing Exten-
10 sion Partnership of the National Institute of Standards
11 and Technology, \$112,000,000, to remain available until
12 expended: *Provided*, That the Secretary of Commerce shall
13 not recompete any existing Manufacturing Extension
14 Partnership Center prior to 2007.

15 In addition, for necessary expenses of the Advanced
16 Technology Program of the National Institute of Stand-
17 ards and Technology, \$203,000,000, to remain available
18 until expended, of which \$60,700,000 shall be expended
19 for the award of new grants before September 30, 2005.

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 \$86,071,000, to remain available until expended.

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

6 For necessary expenses of activities authorized by law
7 for the National Oceanic and Atmospheric Administration,
8 including maintenance, operation, and hire of aircraft and
9 vessels; grants, contracts, or other payments to nonprofit
10 organizations for the purposes of conducting activities
11 pursuant to cooperative agreements; relocation of facilities
12 and acquisition and construction of capital assets,
13 \$4,052,646,000, to remain available until September 30,
14 2009, of which \$3,000,000 shall be derived by transfer
15 from the fund entitled “Coastal Zone Management” and
16 in addition \$57,000,000 shall be derived by transfer from
17 the fund entitled “Promote and Develop Fishery Products
18 and Research Pertaining to American Fisheries”: *Pro-*
19 *vided*, That fees and donations received for the manage-
20 ment of the national marine sanctuaries may be retained
21 and used for the salaries and expenses associated with
22 those activities, notwithstanding 31 U.S.C. 3302: *Provided*
23 *further*, That grants to States pursuant to sections 306
24 and 306A of the Coastal Zone Management Act of 1972,
25 as amended, shall not exceed \$2,000,000, unless funds
26 provided for “Coastal Zone Management Grants” exceed

1 funds provided in the previous fiscal year: *Provided fur-*
2 *ther*, That if funds provided for “Coastal Zone Manage-
3 ment Grants” exceed funds provided in the previous fiscal
4 year, then no State shall receive more than 5 percent or
5 less than 1 percent of the additional funds: *Provided fur-*
6 *ther*, That, of the \$4,112,646,000 provided for in direct
7 obligations under this heading, \$1,548,498,000 shall be
8 for Ecosystems Forecasting and Management,
9 \$56,983,000 shall be for Ocean Exploration,
10 \$408,181,000 shall be for Climate Programs,
11 \$1,362,704,000 shall be for Weather and Water Pro-
12 grams, \$287,402,000 shall be for Commerce and Trans-
13 portation, and \$448,878,000 shall be for NOAA-Wide
14 Programs: *Provided further*, That no general administra-
15 tive charge shall be applied against an assigned activity
16 included in this Act or the report accompanying this Act,
17 except for additional costs above the fiscal year 2004 level
18 of \$2,600,000 for automating and modernizing the NOAA
19 grant processing systems: *Provided further*, That pay-
20 ments of funds made available under this heading to the
21 Department of Commerce Working Capital Fund includ-
22 ing Department of Commerce General Counsel legal serv-
23 ices shall not exceed \$39,000,000: *Provided further*, That
24 none of the funds under this heading are available to alter
25 the existing structure, organization, function, and funding

1 of the National Marine Fisheries Service Southwest Re-
 2 gion and Fisheries Science Center and Northwest Region
 3 and Fisheries Science Center: *Provided further*, That not-
 4 withstanding any other provision of law, \$600,000 shall
 5 be available only for the National Oceanic and Atmos-
 6 pheric Administration Office of Space Commercialization:
 7 *Provided further*, That the personnel management dem-
 8 onstration project established at the National Oceanic and
 9 Atmospheric Administration pursuant to 5 U.S.C. 4703
 10 may be expanded by 3,500 full-time positions to include
 11 up to 6,925 full time positions and may be extended in-
 12 definitely: *Provided further*, That none of the funds in this
 13 Act may be used for the National Oceanic and Atmos-
 14 pheric Administration to implement the Department of
 15 Commerce's E-Government initiatives: *Provided further*,
 16 That hereafter the Administrator of the National Oceanic
 17 and Atmospheric Administration may engage in formal
 18 and informal education activities, including primary and
 19 secondary education, related to the agency's mission goals:
 20 *Provided further*, That section 515 of Public Law 106-
 21 554 and any regulations and guidelines promulgated
 22 under such authority shall not apply on or after the date
 23 of enactment to research and data collection, or informa-
 24 tion analysis conducted by or for the National Oceanic and
 25 Atmospheric Administration: *Provided further*, That, not-

1 withstanding any other provision of law, the authorities
2 provided to National Aeronautics and Space Administra-
3 tion pursuant to 42 U.S.C. 2473 shall be available to the
4 National Oceanic and Atmospheric Administration in the
5 furtherance of its oceanic, atmospheric and space mission
6 and programs: *Provided further*, That beginning in fiscal
7 year 2006 and for each fiscal year thereafter, the Sec-
8 retary of Commerce shall include in the budget justifica-
9 tion materials that the Secretary submits to Congress in
10 support of the Department of Commerce budget (as sub-
11 mitted with the budget of the President under section
12 1105(a) of title 31, 10 United States Code) an estimate
13 for each National Oceanic and Atmospheric Administra-
14 tion procurement, acquisition and construction program
15 having a total multiyear program cost of more than
16 \$5,000,000 and simultaneously the budget justification
17 materials shall include an estimate of the budgetary re-
18 quirements for each such program for each of the five sub-
19 sequent fiscal years: *Provided further*, That the obligated
20 balance of such sums shall remain available through Sep-
21 tember 30, 2011 for liquidating obligations made in fiscal
22 years 2003 and 2004.

23 In addition, for necessary retired pay expenses under
24 the Retired Serviceman's Family Protection and Survivor
25 Benefits Plan, and for payments for medical care of re-

1 tired personnel and their dependents under the Depend-
 2 ents Medical Care Act (10 U.S.C. ch. 55), such sums as
 3 may be necessary.

4 PACIFIC COASTAL SALMON RECOVERY

5 For necessary expenses associated with the restora-
 6 tion of Pacific salmon populations, \$99,000,000: *Provided*,
 7 That Section 628(2)(A) of the Departments of Commerce,
 8 Justice, and State, the Judiciary and Related Agencies
 9 Appropriations Act, 2001 (16 U.S.C. 3645) is amended—
 10 (1) by striking “2000, 2001, 2002, and 2003”
 11 and inserting “2005, and 2006”,
 12 (2) by striking “\$90,000,000” and inserting
 13 “\$99,000,000”, and
 14 (3) by inserting “Idaho,” after “Oregon,”.

15 COASTAL ZONE MANAGEMENT FUND

16 Of amounts collected pursuant to section 308 of the
 17 Coastal Zone Management Act of 1972 (16 U.S.C.
 18 1456a), not to exceed \$3,000,000 shall be transferred to
 19 the “Operations, Research and Facilities” account to off-
 20 set the costs of implementing such Act.

21 FISHERMEN’S CONTINGENCY FUND

22 For carrying out the provisions of title IV of Public
 23 Law 95–372, not to exceed \$956,000, to be derived from
 24 receipts collected pursuant to that Act, to remain available
 25 until expended.

1 FOREIGN FISHING OBSERVER FUND

2 For expenses necessary to carry out the provisions
3 of the Atlantic Tunas Convention Act of 1975, as amend-
4 ed (Public Law 96–339), the Magnuson-Stevens Fishery
5 Conservation and Management Act of 1976, as amended
6 (Public Law 100–627), and the American Fisheries Pro-
7 motion Act (Public Law 96–561), to be derived from the
8 fees imposed under the foreign fishery observer program
9 authorized by these Acts, not to exceed \$191,000, to re-
10 main available until expended.

11 FISHERIES FINANCE PROGRAM ACCOUNT

12 For the costs of direct loans, \$287,000, as authorized
13 by the Merchant Marine Act of 1936: *Provided*, That such
14 costs, including the cost of modifying such loans, shall be
15 as defined in the Federal Credit Reform Act of 1990: *Pro-*
16 *vided further*, That these funds are only available to sub-
17 sidize gross obligations for the principal amount of direct
18 loans not to exceed \$5,000,000 for Individual Fishing
19 Quota loans, and not to exceed \$59,000,000 for traditional
20 direct loans, of which \$40,000,000 may be used for direct
21 loans to the United States distant water tuna fleet, and
22 of which \$19,000,000 may be used for direct loans to the
23 United States menhaden fishery: *Provided further*, That
24 none of the funds made available under this heading may
25 be used for direct loans for any new fishing vessel that

1 will increase the harvesting capacity in any United States
2 fishery.

3 OTHER

4 DEPARTMENTAL MANAGEMENT

5 SALARIES AND EXPENSES

6 For expenses necessary for the departmental manage-
7 ment of the Department of Commerce provided for by law,
8 including not to exceed \$5,000 for official entertainment,
9 \$55,550,000: *Provided*, That of the funds under this head-
10 ing, not less than \$3,000,000 shall be available for the
11 installation of a security fence and related improvements
12 at the Commerce Department installation in Boulder, Col-
13 orado.

14 UNITED STATES TRAVEL AND TOURISM PROMOTION

15 ADVISORY BOARD

16 For necessary expenses of the United States Travel
17 and Tourism Promotion Advisory Board, as authorized by
18 section 210 of Public Law 108–7, for programs promoting
19 travel to the United States including grants, contracts, co-
20 operative agreements and related costs, \$20,000,000, to
21 remain available until September 30, 2006: *Provided*,
22 That the Secretary of Commerce shall apportion and obli-
23 gate these funds to the United States Travel and Tourism
24 Promotion Advisory Board by not later than December 31,
25 2004.

1 OFFICE OF THE INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.), \$21,071,000.

5 GENERAL PROVISIONS, DEPARTMENT OF COMMERCE

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

16 SEC. 202. During the current fiscal year, appropria-
17 tions made available to the Department of Commerce by
18 this Act for salaries and expenses shall be available for
19 hire of passenger motor vehicles as authorized by 31
20 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
21 3109; and uniforms or allowances therefore, as authorized
22 by law (5 U.S.C. 5901–5902).

23 SEC. 203. Not to exceed 5 percent of any appropria-
24 tion made available for the current fiscal year for the De-
25 partment of Commerce in this Act may be transferred be-

1 tween such appropriations, but no such appropriation shall
2 be increased by more than 10 percent by any such trans-
3 fers: *Provided*, That any transfer pursuant to this section
4 shall be treated as a reprogramming of funds under sec-
5 tion 605 of this Act and shall not be available for obliga-
6 tion or expenditure except in compliance with the proce-
7 dures set forth in that section: *Provided further*, That the
8 Secretary of Commerce shall notify the Committees on Ap-
9 propriations at least 15 days in advance of the acquisition
10 or disposal of any capital asset (including land, structures,
11 and equipment) not specifically provided for in this or any
12 other Departments of Commerce, Justice, and State, the
13 Judiciary, and Related Agencies Appropriations Act: *Pro-*
14 *vided further*, That for the National Oceanic and Atmos-
15 pheric Administration this section shall provide for trans-
16 fers among appropriations made only to the National Oce-
17 anic and Atmospheric Administration and such appropria-
18 tions may not be transferred and reprogrammed to other
19 Department of Commerce bureaus and appropriation ac-
20 counts.

21 SEC. 204. Any costs incurred by a department or
22 agency funded under this title resulting from personnel
23 actions taken in response to funding reductions included
24 in this title or from actions taken for the care and protec-
25 tion of loan collateral or grant property shall be absorbed

1 within the total budgetary resources available to such de-
2 partment or agency: *Provided*, That the authority to trans-
3 fer funds between appropriations accounts as may be nec-
4 essary to carry out this section is provided in addition to
5 authorities included elsewhere in this Act: *Provided fur-*
6 *ther*, That use of funds to carry out this section shall be
7 treated as a reprogramming of funds under section 605
8 of this Act and shall not be available for obligation or ex-
9 penditure except in compliance with the procedures set
10 forth in that section.

11 SEC. 205. Of the amount available from the fund en-
12 titled “Promote and Develop Fishery Products and Re-
13 search Pertaining to American Fisheries”, \$15,000,000
14 shall be provided to the Alaska Fisheries Marketing
15 Board, \$2,000,000 shall be available to the Gulf and
16 South Atlantic Fisheries Foundation for its “Wild Amer-
17 ican Shrimp Marketing Program”, \$2,000,000 shall be
18 available to the South Carolina Seafood Alliance and
19 \$1,000,000 shall be available for the Gulf Oyster Industry
20 Education Program: *Provided*, That (1) the Alaska Fish-
21 eries Marketing Board (hereinafter “the Board”) shall be
22 a nonprofit organization and not an agency or establish-
23 ment of the United States, (2) the Secretary may appoint,
24 assign, or otherwise designate as Executive Director an
25 employee of the Department of Commerce, who may serve

1 in an official capacity in such position, with or without
2 reimbursement, and such appointment or assignment shall
3 be without interruption or loss of civil service status or
4 privilege, and (3) the Board may adopt bylaws consistent
5 with the purposes of this section, and may undertake other
6 acts necessary to carry out the provisions of this section.

7 SEC. 206. (a) The Secretary of Commerce is author-
8 ized to operate a marine laboratory in South Carolina in
9 accordance with a memorandum of agreement, including
10 any future amendments, among the National Oceanic and
11 Atmospheric Administration, the National Institute of
12 Standards and Technology, the State of South Carolina,
13 the Medical University of South Carolina, and the College
14 of Charleston as a partnership for collaborative, inter-
15 disciplinary marine scientific research.

16 (b) To carry out subsection (a), the agencies that are
17 partners in the Laboratory may accept, apply for, use, and
18 spend Federal, State, private and grant funds as nec-
19 essary to further the mission of the Laboratory without
20 regard to the source or of the period of availability of these
21 funds and may apply for and hold patents, as well as share
22 personnel, facilities, and property. Any funds collected or
23 accepted by any partner may be used to offset all or por-
24 tions of its costs, including overhead, without regard to
25 31 U.S.C. section 143302(b); to reimburse other partici-

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

13 SEC. 207. Funds made available for salaries and ad-
14 ministrative expenses to administer the Emergency Steel
15 Loan Guarantee Program in section 211(b) of Public Law
16 108–199 shall remain available until expended.

17 SEC. 208. The Secretary of Commerce shall consider
18 fish harvested during a survey for the sablefish fisheries
19 in the Bering Sea/Aleutian Islands and Gulf of Alaska
20 during the base period from 1985 to 1990 to count toward
21 a vessel’s catch history under the sablefish Individual
22 Fishing Quota program: *Provided*, That such catch history
23 shall not be in addition to the total allowable catch estab-
24 lished for the program and inclusion of such catch shall
25 not result in overfishing in the industry. Vessel catch his-

1 tory determined under this provision shall be applied to
2 the owner of the vessel in 1995.

3 SEC. 209. A fishing capacity reduction program for
4 the Southeast Alaska purse seine fishery is authorized to
5 be financed through a capacity reduction loan of
6 \$20,000,000 pursuant to sections 1111 and 1112 of title
7 XI of the Merchant Marine Act of 1936 (46 U.S.C. App.
8 1279f and 1279g) subject to the conditions of this section.
9 In accordance with the Federal Credit Reform Act of
10 1990, 2 U.S.C. § 661 et seq., \$200,000 is hereby appro-
11 priated for the cost of guaranteeing the loan authorized
12 by this section. The loan shall be to the Southeast Revital-
13 ization Association and with a term of 30 years, except
14 that the amount to be repaid in any one year shall not
15 exceed 2 percent of the total value of salmon landed in
16 the fishery and such repayment shall begin with salmon
17 landed after January 1, 2006.

18 SEC. 210. Section 653(a) of Public Law 106–58 is
19 amended by adding “(7) The Coordinator for Inter-
20 national Intellectual Property Enforcement.” after
21 “Under Secretary of Commerce for International Trade.”.

22 SEC. 211. Notwithstanding any other provision of
23 law, of the amounts made available elsewhere in this title
24 to the “National Institute of Standards and Technology,
25 Construction of Research Facilities”, \$20,000,000 is for

1 a cooperative agreement with the Medical University of
2 South Carolina; \$10,000,000 is for the Cancer Research
3 Center in Hawaii; \$4,000,000 is for the Thayer School
4 of Engineering, of which \$1,000,000 is for a biomass en-
5 ergy research project, \$2,000,000 is for a smart laser
6 beam project, and \$1,000,000 is for research relating to
7 biomaterials; \$1,000,000 is for civic education programs
8 at the New Hampshire Institute of Politics; \$1,500,000
9 is for the Franklin Pierce Community Center; \$2,000,000
10 is for the Southern New Hampshire University School of
11 Community Economic Development; and \$5,000,000 is for
12 the Boston Museum of Science.

13 SEC. 212. Section 3(f) of Public Law 104–91 is
14 amended by striking “and 2005” and inserting “2005,
15 2006, and 2007”.

16 SEC. 213. Notwithstanding any other Federal law re-
17 lated to the conservation and management of marine
18 mammals, the State of Hawaii may enforce any State law
19 or regulation with respect to the operation in State waters
20 of recreational and commercial vessels, for the purpose of
21 conservation and management of humpback whales, to the
22 extent that such law or regulation is no less restrictive
23 than Federal law.

24 SEC. 214. ESTABLISHMENT OF THE ERNEST F.
25 HOLLINGS SCHOLARSHIP PROGRAM. (a) ESTABLISH-

1 MENT.—The Administrator of the National Oceanic and
2 Atmospheric Administration shall establish and admin-
3 ister the Ernest F. Hollings Scholarship Program. Under
4 the program, the Administrator shall award scholarships
5 in oceanic and atmospheric science, research, technology,
6 and education to be known as Ernest F. Hollings Scholar-
7 ships.

8 (b) PURPOSES.—The purposes of the Ernest F. Hol-
9 lings Scholarships Program are—

10 (1) to increase undergraduate training in oce-
11 anic and atmospheric science, research, technology,
12 and education and foster multidisciplinary training
13 opportunities;

14 (2) to increase public understanding and sup-
15 port for stewardship of the ocean and atmosphere
16 and improve environmental literacy; and

17 (3) to recruit and prepare students for public
18 service careers with the National Oceanic and At-
19 mospheric Administration and other natural re-
20 source and science agencies at the Federal, State
21 and Local levels of government; and

22 (4) to recruit and prepare students for careers
23 as teachers and educators in oceanic and atmos-
24 pheric science and to improve scientific and environ-
25 mental education in the United States.

1 (c) AWARD.—Each Ernest F. Hollings Scholarship—

2 (1) shall be used to support undergraduate
3 studies in oceanic and atmospheric science, research,
4 technology, and education that support the purposes
5 of the programs and missions of the National Oce-
6 anic and Atmospheric Administration;

7 (2) shall recognize outstanding scholarship and
8 ability;

9 (3) shall promote participation by groups
10 underrepresented in oceanic and atmospheric science
11 and technology; and

12 (4) shall be awarded competitively in accord-
13 ance with guidelines issued by the Administrator and
14 published in the Federal Register.

15 (d) ELIGIBILITY.—In order to be eligible to partici-
16 pate in the program, an individual must—

17 (1) be enrolled or accepted for enrollment as a
18 full-time student at an institution of higher edu-
19 cation (as defined in section 101(a) of the Higher
20 Education Act of 1965) in an academic field or dis-
21 cipline described in subsection (c);

22 (2) be a United States citizen;

23 (3) not have received a scholarship under this
24 section for more than 4 academic years, unless the
25 Administrator grants a waiver; and

1 (4) submit an application at such time, in such man-
2 ner, and containing such information, agreements, or as-
3 surances as the Administrator may require.

4 (e) DISTRIBUTION OF FUNDS.—The amount of each
5 Ernest F. Hollings Scholarship shall be provided directly
6 to a recipient selected by the Administrator upon receipt
7 of certification that the recipient will adhere to a specific
8 and detailed plan of study and research approved by an
9 institution of higher education.

10 (f) FUNDING.—Of the total amount appropriated for
11 fiscal year 2005 and annually hereafter to the National
12 Oceanic and Atmospheric Administration, the Adminis-
13 trator shall make available for the Ernest F. Hollings
14 Scholarship program one-tenth of one percent of such ap-
15 propriations.

16 (g) SCHOLARSHIP REPAYMENT REQUIREMENT.—
17 The Administrator shall require an individual receiving a
18 scholarship under this section to repay the full amount
19 of the scholarship to the National Oceanic and Atmos-
20 pheric Administration if the Administrator determines
21 that the individual, in obtaining or using the scholarship,
22 engaged in fraudulent conduct or failed to comply with
23 any term or condition of the scholarship. Such repayments
24 shall be deposited in the NOAA Operations, Research, Fa-
25 cilities and Systems Acquisition Appropriations Account

1 and treated as an offsetting collection and only be avail-
 2 able for financing additional scholarships.

3 This title may be cited as the “Department of Com-
 4 merce and Related Agencies Appropriations Act, 2005”.

5 TITLE III—THE JUDICIARY

6 SUPREME COURT OF THE UNITED STATES

7 SALARIES AND EXPENSES

8 For expenses necessary for the operation of the Su-
 9 preme Court, as required by law, excluding care of the
 10 building and grounds, including purchase or hire, driving,
 11 maintenance, and operation of an automobile for the Chief
 12 Justice, not to exceed \$10,000 for the purpose of trans-
 13 porting Associate Justices, and hire of passenger motor
 14 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
 15 to exceed \$10,000 for official reception and representation
 16 expenses; and for miscellaneous expenses, to be expended
 17 as the Chief Justice may approve, \$58,122,000.

18 CARE OF THE BUILDING AND GROUNDS

19 For such expenditures as may be necessary to enable
 20 the Architect of the Capitol to carry out the duties im-
 21 posed upon the Architect by the Act approved May 7,
 22 1934 (40 U.S.C. 13a–13b), \$10,579,000, to remain avail-
 23 able until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

4 For salaries of the chief judge, judges, and other offi-
5 cers and employees, and for necessary expenses of the
6 court, as authorized by law, \$20,624,000.

7 UNITED STATES COURT OF INTERNATIONAL TRADE

8 SALARIES AND EXPENSES

9 For salaries of the chief judge and eight judges, sala-
10 ries of the officers and employees of the court, services,
11 and necessary expenses of the court, as authorized by law,
12 \$14,060,000.

13 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

14 JUDICIAL SERVICES

15 SALARIES AND EXPENSES

16 For the salaries of circuit and district judges (includ-
17 ing judges of the territorial courts of the United States),
18 justices and judges retired from office or from regular ac-
19 tive service, judges of the United States Court of Federal
20 Claims, bankruptcy judges, magistrate judges, and all
21 other officers and employees of the Federal Judiciary not
22 otherwise specifically provided for, and necessary expenses
23 of the courts, as authorized by law, \$4,131,487,000 (in-
24 cluding the purchase of firearms and ammunition); of
25 which not to exceed \$27,817,000 shall remain available

1 until expended for space alteration projects and for fur-
2 niture and furnishings related to new space alteration and
3 construction projects; of which not less than \$963,134,000
4 shall be available for Probation and Pretrial Services; of
5 which not to exceed \$2,800,000 shall be available for a
6 national probation and pretrial services training program;
7 of which \$1,300,000 of the funds provided for the Judici-
8 ary Information Technology Fund will be for the Edwin
9 L. Nelson Local Initiatives Program, within which
10 \$1,000,000 will be reserved for local court grants.

11 In addition, for expenses of the United States Court
12 of Federal Claims associated with processing cases under
13 the National Childhood Vaccine Injury Act of 1986, not
14 to exceed \$3,159,000, to be appropriated from the Vaccine
15 Injury Compensation Trust Fund.

16 DEFENDER SERVICES

17 For the operation of Federal Defender organizations;
18 the compensation and reimbursement of expenses of attor-
19 neys appointed to represent persons under the Criminal
20 Justice Act of 1964, as amended (18 U.S.C. 3006A); the
21 compensation and reimbursement of expenses of persons
22 furnishing investigative, expert and other services under
23 the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e));
24 the compensation (in accordance with Criminal Justice
25 Act maximums) and reimbursement of expenses of attor-
26 neys appointed to assist the court in criminal cases where

1 the defendant has waived representation by counsel; the
 2 compensation and reimbursement of travel expenses of
 3 guardians ad litem acting on behalf of financially eligible
 4 minor or incompetent offenders in connection with trans-
 5 fers from the United States to foreign countries with
 6 which the United States has a treaty for the execution
 7 of penal sentences; the compensation of attorneys ap-
 8 pointed to represent jurors in civil actions for the protec-
 9 tion of their employment, as authorized by 28 U.S.C.
 10 1875(d); and for necessary training and general adminis-
 11 trative expenses, \$648,116,000, to remain available until
 12 expended, as authorized by 18 U.S.C. 3006A(i).

13 FEES OF JURORS AND COMMISSIONERS

14 For fees and expenses of jurors as authorized by 28
 15 U.S.C. 1871 and 1876; compensation of jury commis-
 16 sioners as authorized by 28 U.S.C. 1863; and compensa-
 17 tion of commissioners appointed in condemnation cases
 18 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-
 19 cedure (28 U.S.C. Appendix Rule 71A(h)), \$62,800,000,
 20 to remain available until expended: *Provided*, That the
 21 compensation of land commissioners shall not exceed the
 22 daily equivalent of the highest rate payable under section
 23 5332 of title 5, United States Code.

24 COURT SECURITY

25 For necessary expenses, not otherwise provided for,
 26 incident to providing protective guard services for United

1 States courthouses and other facilities housing Federal
 2 court operations, and the procurement, installation, and
 3 maintenance of security equipment for United States
 4 courthouses and other facilities housing Federal court op-
 5 erations, including building ingress-egress control, inspec-
 6 tion of mail and packages, directed security patrols, perim-
 7 eter security, basic security services provided by the De-
 8 partment of Homeland Security, and other similar activi-
 9 ties as authorized by section 1010 of the Judicial Improve-
 10 ment and Access to Justice Act (Public Law 100–702),
 11 \$274,653,000, of which not to exceed \$10,000,000 shall
 12 remain available until expended, to be expended directly
 13 or transferred to the United States Marshals Service,
 14 which shall be responsible for administering the Judicial
 15 Facility Security Program consistent with standards or
 16 guidelines agreed to by the Director of the Administrative
 17 Office of the United States Courts and the Attorney Gen-
 18 eral.

19 ADMINISTRATIVE OFFICE OF THE UNITED STATES

20 COURTS

21 SALARIES AND EXPENSES

22 For necessary expenses of the Administrative Office
 23 of the United States Courts as authorized by law, includ-
 24 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
 25 senger motor vehicle as authorized by 31 U.S.C. 1343(b),

1 advertising and rent in the District of Columbia and else-
 2 where, \$67,249,000, of which not to exceed \$8,500 is au-
 3 thorized for official reception and representation expenses.

4 FEDERAL JUDICIAL CENTER

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Judicial Cen-
 7 ter, as authorized by Public Law 90–219, \$21,670,000;
 8 of which \$1,800,000 shall remain available through Sep-
 9 tember 30, 2006, to provide education and training to
 10 Federal court personnel; and of which not to exceed
 11 \$1,500 is authorized for official reception and representa-
 12 tion expenses.

13 JUDICIAL RETIREMENT FUNDS

14 PAYMENT TO JUDICIARY TRUST FUNDS

15 For payment to the Judicial Officers' Retirement
 16 Fund, as authorized by 28 U.S.C. 377(o), \$32,000,000;
 17 to the Judicial Survivors' Annuities Fund, as authorized
 18 by 28 U.S.C. 376(c), \$2,000,000; and to the United
 19 States Court of Federal Claims Judges' Retirement Fund,
 20 as authorized by 28 U.S.C. 178(l), \$2,700,000.

21 UNITED STATES SENTENCING COMMISSION

22 SALARIES AND EXPENSES

23 For the salaries and expenses necessary to carry out
 24 the provisions of chapter 58 of title 28, United States

1 Code, \$12,404,000, of which not to exceed \$1,000 is au-
2 thorized for official reception and representation expenses.

3 GENERAL PROVISIONS—THE JUDICIARY

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

7 SEC. 302. Not to exceed 5 percent of any appropria-
8 tion made available for the current fiscal year for the Judi-
9 ciary in this Act may be transferred between such appro-
10 priations, but no such appropriation, except “Courts of
11 Appeals, District Courts, and Other Judicial Services, De-
12 fender Services” and “Courts of Appeals, District Courts,
13 and Other Judicial Services, Fees of Jurors and Commis-
14 sioners”, shall be increased by more than 10 percent by
15 any such transfers: *Provided*, That any transfer pursuant
16 to this section shall be treated as a reprogramming of
17 funds under section 605 of this Act and shall not be avail-
18 able for obligation or expenditure except in compliance
19 with the procedures set forth in that section.

20 SEC. 303. Notwithstanding any other provision of
21 law, the salaries and expenses appropriation for Courts of
22 Appeals, District Courts, and Other Judicial Services shall
23 be available for official reception and representation ex-
24 penses of the Judicial Conference of the United States:
25 *Provided*, That such available funds shall not exceed

1 \$11,000 and shall be administered by the Director of the
2 Administrative Office of the United States Courts in the
3 capacity as Secretary of the Judicial Conference.

4 SEC. 304. (a) Section 3006A(d)(2) of title 18, United
5 States Code, is amended—

6 (1) by striking “5,200” and inserting “7,000”;

7 (2) by striking “1,500” and inserting “2,000”;

8 (3) by striking “3,700” and inserting “5,000”;

9 (4) by striking “1,200” each place it appears
10 and inserting “1,500”; and

11 (5) by striking “3,900” and inserting “5,000”.

12 (b) Section 3006A(e) of title 18, United States Code
13 is amended—

14 (1) in paragraph (2)—

15 (A) in subparagraph (A), by striking
16 “300” and inserting “500”; and

17 (B) in subparagraph (B), by striking
18 “300” and inserting “500”; and

19 (2) in paragraph (3) in the first sentence by
20 striking “1,000” and inserting “1,600”.

21 SEC. 305. Hereafter, within 45 days of enactment of
22 this Act, and subsequent Judiciary Appropriations Acts,
23 the Administrative Office of the U.S. Courts shall submit
24 to the Committees on Appropriations a comprehensive fi-
25 nancial plan for the Judiciary allocating all sources of

1 available funds including appropriations, fee collections,
 2 and carryover balances, to include a separate and detailed
 3 plan for the Judiciary Information Technology fund.

4 SEC. 306. Within 30 days of enactment of this Act,
 5 the Administrative Office of the U.S. Courts shall report
 6 to the Committee on Appropriations the financial status
 7 of the Edwin L. Nelson Local Initiatives Program. This
 8 report will include, at a minimum, a list of all courts that
 9 have received grants to date, the purpose of the grant,
 10 and the amount provided. Hereafter, the Administrative
 11 Office shall submit this report on a quarterly basis.

12 SEC. 307. Pursuant to section 140 of Public Law 97–
 13 92, and from funds appropriated in this Act, Justices and
 14 judges of the United States are authorized during fiscal
 15 year 2005, to receive a salary adjustment in accordance
 16 with 28 U.S.C. 461.

17 This title may be cited as the “Judiciary Appropria-
 18 tions Act, 2005”.

19 TITLE IV—DEPARTMENT OF STATE AND
 20 RELATED AGENCY

21 DEPARTMENT OF STATE

22 ADMINISTRATION OF FOREIGN AFFAIRS

23 DIPLOMATIC AND CONSULAR PROGRAMS

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses of the Department of State
 26 and the Foreign Service not otherwise provided for, includ-

1 ing employment, without regard to civil service and classi-
2 fication laws, of persons on a temporary basis (not to ex-
3 ceed \$700,000 of this appropriation), as authorized by
4 section 801 of the United States Information and Edu-
5 cational Exchange Act of 1948; representation to certain
6 international organizations in which the United States
7 participates pursuant to treaties ratified pursuant to the
8 advice and consent of the Senate or specific Acts of Con-
9 gress; arms control, nonproliferation and disarmament ac-
10 tivities as authorized; acquisition by exchange or purchase
11 of passenger motor vehicles as authorized by law; and for
12 expenses of general administration, \$3,493,053,000, of
13 which not to exceed \$4,000,000 may be transferred to,
14 and merged with, funds in the “Emergencies in the Diplo-
15 matic and Consular Service” appropriations account, to
16 be available only for emergency evacuations and terrorism
17 rewards: *Provided*, That not to exceed 69 permanent posi-
18 tions and \$7,311,000 shall be expended for the Bureau
19 of Legislative Affairs: *Provided further*, That none of the
20 funds made available under this heading may be used to
21 transfer any full time equivalent employees into or out of
22 the Bureau of Legislative Affairs: *Provided further*, That
23 funds appropriated under this heading shall be made avail-
24 able for programs and activities in the amounts contained
25 in the table accompanying the statement accompanying

1 this Act: *Provided further*, That none of the funds appro-
2 priated under this heading may be transferred between
3 subheadings provided for in the table accompanying the
4 report accompanying this Act: *Provided further*, That, not-
5 withstanding the previous two provisos, any shortfall in
6 fee revenue resulting from a decrease in the number of
7 visa applications to the United States shall be offset by
8 a direct transfer of funds equal to the amount of the short-
9 fall from the Diplomatic and Consular Programs account
10 to an account which shall be used exclusively to fund the
11 consular activities of the Department of State: *Provided*
12 *further*, That, of the amount made available under this
13 heading for the Bureau of East Asian and Pacific Affairs,
14 \$2,000,000 shall be available for a grant to conduct an
15 international conference on the human rights situation in
16 North Korea: *Provided further*, That of the amount made
17 available under this heading, \$1,500,000 shall be trans-
18 ferred to, and merged with, the appropriation for “Drug
19 Enforcement Administration, Salaries and Expenses” for
20 international counter-narcotics training provided by the
21 Drug Enforcement Administration to, or on behalf of, the
22 Bureau of International Narcotics and Law Enforcement
23 Affairs: *Provided further*, That the Intellectual Property
24 Division shall be elevated to office-level status and shall
25 be renamed the Office of International Intellectual Prop-

erty Enforcement within 40 days of enactment of this Act:
Provided further, That amounts made available to “Diplo-
matic and Consular Programs”, Department of State,
pursuant to a provision under the heading “National In-
tellectual Property Law Enforcement Coordination Coun-
cil” are for salaries and expenses and related costs of the
Office of International Intellectual Property Enforcement:
Provided further, That the Secretary of State shall close
the United States Consulate General located in Rio de Ja-
neiro, Brazil, and consolidate the operations of such Con-
sulate General with the operations of the United States
Consulate General located in São Paulo, Brazil.

Beginning in fiscal year 2005 and thereafter, the Sec-
retary of State is authorized to charge surcharges related
to consular services in support of enhanced border security
that are in addition to the passport and immigrant visa
fees in effect on January 1, 2004: *Provided*, That funds
collected pursuant to this authority shall be credited to
this account, and shall be available until expended for the
purposes of such account: *Provided further*, That such sur-
charges shall be \$10 on passport fees, and \$45 on immi-
grant visa fees.

In addition, not to exceed \$1,426,000 shall be derived
from fees collected from other executive agencies for lease
or use of facilities located at the International Center in

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

15 In addition, for the costs of worldwide security up-
16 grades, \$658,702,000, to remain available until expended:
17 *Provided*, That of the amounts made available under this
18 paragraph, \$23,046,000 is for the Center for
19 Antiterrorism and Security Training.

20 CAPITAL INVESTMENT FUND

21 For necessary expenses of the Capital Investment
22 Fund, \$52,149,000, to remain available until expended,
23 as authorized: *Provided*, That section 135(e) of Public
24 Law 103–236 shall not apply to funds available under this
25 heading.

1 CENTRALIZED INFORMATION TECHNOLOGY
2 MODERNIZATION PROGRAM

3 For expenses relating to the modernization of the in-
4 formation technology systems and networks of the Depart-
5 ment of State, \$102,951,000, to remain available until ex-
6 pended.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General, \$31,435,000: *Provided*, That the requirements of
10 section 209(a)(1) of the Foreign Service Act of 1980
11 (Public Law 96–465) to inspect and audit Foreign Service
12 posts are waived during fiscal year 2005: *Provided further*,
13 That, notwithstanding any other provision of law, no
14 amount made available under the Emergency Supple-
15 mental Appropriations Act for Defense and for the Recon-
16 struction of Iraq and Afghanistan, 2004 (Public Law 108–
17 106; 117 Stat. 1209) may be made available to the Office
18 of Inspector General: *Provided further*, That the number
19 of employees in the Office of Inspector General shall not
20 exceed the equivalent of 314 full-time employees.

21 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

22 For expenses of educational and cultural exchange
23 programs, as authorized, \$360,750,000, to remain avail-
24 able until expended: *Provided*, That not to exceed
25 \$2,000,000, to remain available until expended, may be
26 credited to this appropriation from fees or other payments

1 received from or in connection with English teaching, edu-
2 cational advising and counseling programs, and exchange
3 visitor programs as authorized.

4 REPRESENTATION ALLOWANCES

5 For representation allowances as authorized,
6 \$8,640,000.

7 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

8 For expenses, not otherwise provided, to enable the
9 Secretary of State to provide for extraordinary protective
10 services, as authorized, \$5,000,000, to remain available
11 until September 30, 2006.

12 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

13 For necessary expenses for carrying out the Foreign
14 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
15 serving, maintaining, repairing, and planning for buildings
16 that are owned or directly leased by the Department of
17 State, renovating, in addition to funds otherwise available,
18 the Harry S Truman Building, and carrying out the Dip-
19 lomatic Security Construction Program as authorized,
20 \$509,728,000, to remain available until expended, of
21 which not to exceed \$25,000 may be used for domestic
22 and overseas representation: *Provided*, That none of the
23 funds appropriated in this paragraph shall be available for
24 acquisition of furniture, furnishings, or generators for
25 other departments and agencies.

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$1,000, to remain available until expended as authorized, and of total unobligated balances available in this account not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and

1 conditions: *Provided*, That funds previously appropriated
 2 under this heading for rewards for an indictee of the Spe-
 3 cial Court for Sierra Leone shall be transferred to the Spe-
 4 cial Court for Sierra Leone within 15 days of enactment
 5 of this Act: *Provided further*, That any transfer of funds
 6 provided under this heading shall be treated as a re-
 7 programming of funds under section 605 of this Act.

8 REPATRIATION LOANS PROGRAM ACCOUNT

9 For the cost of direct loans, \$612,000, as authorized:
 10 *Provided*, That such costs, including the cost of modifying
 11 such loans, shall be as defined in section 502 of the Con-
 12 gressional Budget Act of 1974. In addition, for adminis-
 13 trative expenses necessary to carry out the direct loan pro-
 14 gram, \$607,000, which may be transferred to and merged
 15 with the Diplomatic and Consular Programs account
 16 under Administration of Foreign Affairs.

17 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

18 For necessary expenses to carry out the Taiwan Rela-
 19 tions Act (Public Law 96–8), \$19,482,000.

20 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND

21 DISABILITY FUND

22 For payment to the Foreign Service Retirement and
 23 Disability Fund, as authorized by law, \$132,600,000.

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, \$1,020,830,000, of
8 which up to \$6,000,000 may be used for the cost of a
9 direct loan to the United Nations for the cost of ren-
10 ovating its headquarters in New York: *Provided*, That
11 such costs, including the cost of modifying such loan, shall
12 be as defined in section 502 of the Congressional Budget
13 Act of 1974: *Provided further*, That these funds are avail-
14 able to subsidize total loan principal of up to
15 \$1,200,000,000: *Provided further*, That, if the United Na-
16 tions decides not to accept a loan from the United States
17 for the cost of renovating its headquarters in New York,
18 then the amount made available for the cost of a direct
19 loan to the United Nations under this heading shall be
20 made available to the United Nations Education, Sci-
21 entific and Cultural Organization (UNESCO): *Provided*
22 *further*, That the Secretary of State shall, at the time of
23 the submission of the President's budget to Congress
24 under section 1105(a) of title 31, United States Code,
25 transmit to the Committees on Appropriations of the Sen-

1 ate and of the House of Representatives the most recent
2 biennial budget prepared by the United Nations for the
3 operations of the United Nations: *Provided further*, That
4 the Secretary of State shall notify the Committees on Ap-
5 propriations at least 15 days in advance (or in an emer-
6 gency, as far in advance as is practicable) of any United
7 Nations action to increase funding for any United Nations
8 program without identifying an offsetting decrease else-
9 where in the United Nations budget and cause the United
10 Nations to exceed the adopted budget for the biennium
11 2004–2005 of \$3,160,860,000: *Provided further*, That any
12 payment of arrearages under this title shall be directed
13 toward special activities that are mutually agreed upon by
14 the United States and the respective international organi-
15 zation: *Provided further*, That none of the funds appro-
16 priated in this paragraph shall be available for a United
17 States contribution to an international organization for
18 the United States share of interest costs made known to
19 the United States Government by such organization for
20 loans incurred on or after October 1, 1984, through exter-
21 nal borrowings: *Provided further*, That funds appropriated
22 under this paragraph may be obligated and expended to
23 pay the full United States assessment to the civil budget
24 of the North Atlantic Treaty Organization, except that

1 such restriction shall not apply to loans to the United Na-
2 tions for renovation of its headquarters.

3 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

4 ACTIVITIES

5 For necessary expenses to pay assessed and other ex-
6 penses of international peacekeeping activities directed to
7 the maintenance or restoration of international peace and
8 security, \$574,000,000, of which 10 percent shall remain
9 available until September 30, 2006: *Provided*, That none
10 of the funds made available under this Act shall be obli-
11 gated or expended for any new or expanded United Na-
12 tions peacekeeping mission unless, at least 15 days in ad-
13 vance of voting for the new or expanded mission in the
14 United Nations Security Council (or in an emergency as
15 far in advance as is practicable): (1) the Committees on
16 Appropriations of the House of Representatives and the
17 Senate and other appropriate committees of the Congress
18 are notified of the estimated cost and length of the mis-
19 sion, the vital national interest that will be served, and
20 the planned exit strategy; and (2) a reprogramming of
21 funds pursuant to section 605 of this Act is submitted,
22 and the procedures therein followed, setting forth the
23 source of funds that will be used to pay for the cost of
24 the new or expanded mission: *Provided further*, That funds
25 shall be available for peacekeeping expenses only upon a
26 certification by the Secretary of State to the appropriate

1 committees of the Congress that American manufacturers
 2 and suppliers are being given opportunities to provide
 3 equipment, services, and material for United Nations
 4 peacekeeping activities equal to those being given to for-
 5 eign manufacturers and suppliers: *Provided further*, That
 6 none of the funds made available under this heading are
 7 available to pay the United States share of the cost of
 8 court monitoring that is part of any United Nations peace-
 9 keeping mission.

10 INTERNATIONAL COMMISSIONS

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

14 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

15 UNITED STATES AND MEXICO

16 For necessary expenses for the United States Section
 17 of the International Boundary and Water Commission,
 18 United States and Mexico, and to comply with laws appli-
 19 cable to the United States Section, including not to exceed
 20 \$6,000 for representation; as follows:

21 SALARIES AND EXPENSES

22 For salaries and expenses, not otherwise provided for,
 23 \$27,689,000.

1 CONSTRUCTION

2 For detailed plan preparation and construction of au-
3 thorized projects, \$6,146,000, to remain available until ex-
4 pended, as authorized.

5 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

6 For necessary expenses, not otherwise provided, for
7 the International Joint Commission and the International
8 Boundary Commission, United States and Canada, as au-
9 thorized by treaties between the United States and Can-
10 ada or Great Britain, and for the Border Environment
11 Cooperation Commission as authorized by Public Law
12 103–182, \$10,546,000, of which not to exceed \$9,000
13 shall be available for representation expenses incurred by
14 the International Joint Commission.

15 INTERNATIONAL FISHERIES COMMISSIONS

16 For necessary expenses for international fisheries
17 commissions, not otherwise provided for, as authorized by
18 law, \$21,982,000: *Provided*, That the United States' share
19 of such expenses may be advanced to the respective com-
20 missions pursuant to 31 U.S.C. 3324.

21 OTHER

22 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

23 For a grant to the Center for Middle Eastern-West-
24 ern Dialogue Trust Fund, \$6,750,000, for operation of the
25 Center for Middle Eastern-Western Dialogue in Istanbul,
26 Turkey, to remain available until expended.

1 In addition, for the operations of the Steering Com-
2 mittee of the Center for Middle Eastern-Western Dia-
3 logue, \$250,000, to remain available until expended.

4 In addition, for necessary expenses of the Center for
5 Middle Eastern-Western Dialogue Trust Fund, the total
6 amount of the interest and earnings accruing to such
7 Fund before October 1, 2005, to remain available until
8 expended.

9 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

10 For necessary expenses of Eisenhower Exchange Fel-
11 lowships, Incorporated, as authorized by sections 4 and
12 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
13 U.S.C. 5204–5205), all interest and earnings accruing to
14 the Eisenhower Exchange Fellowship Program Trust
15 Fund on or before September 30, 2005, to remain avail-
16 able until expended: *Provided*, That none of the funds ap-
17 propriated herein shall be used to pay any salary or other
18 compensation, or to enter into any contract providing for
19 the payment thereof, in excess of the rate authorized by
20 5 U.S.C. 5376; or for purposes which are not in accord-
21 ance with OMB Circulars A–110 (Uniform Administrative
22 Requirements) and A–122 (Cost Principles for Non-profit
23 Organizations), including the restrictions on compensation
24 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, 2005, 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, \$19,500,000: *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 the funds appropriated to the East-West Center appro-
 20 priation in Public Law 108–7 may be obligated and ex-
 21 pended notwithstanding section 15 of the State Depart-
 22 ment Basic Authorities Act of 1956, as amended.

23 NATIONAL ENDOWMENT FOR DEMOCRACY

24 For grants made by the Department of State to the
 25 National Endowment for Democracy as authorized by the
 26 National Endowment for Democracy Act, \$50,000,000, to

1 remain available until expended: *Provided*, That notwith-
 2 standing any other provision of law, of the funds appro-
 3 priated for the National Endowment for Democracy, not
 4 less than \$10,000,000 shall be made available to the
 5 American Center for International Labor Solidarity, the
 6 Center for International Private Enterprise, the Inter-
 7 national Republican Institute, and the National Demo-
 8 cratic Institute for International Affairs for the purpose
 9 of expanding the programs carried out in the Middle East
 10 by such entities: *Provided further*, That not later than 60
 11 days after the date of enactment of this Act, the National
 12 Endowment for Democracy shall submit to the Committee
 13 on Appropriations of the Senate and the Committee on
 14 Appropriations of the House of Representatives a financial
 15 plan for the expenditure of the amounts appropriated to
 16 the Endowment in this Act: *Provided further*, That such
 17 plan shall include a description of how such funds will be
 18 used to carry out the purposes of the Endowment set out
 19 in section 502 of the National Endowment for Democracy
 20 Act (22 U.S.C. 4411).

21 RELATED AGENCY

22 BROADCASTING BOARD OF GOVERNORS

23 INTERNATIONAL BROADCASTING OPERATIONS

24 For expenses necessary to enable the Broadcasting
 25 Board of Governors, as authorized, to carry out inter-

1 national communication activities, including the purchase,
2 installation, rent, and improvement of facilities for radio
3 and television transmission and reception to Cuba, and to
4 make and supervise grants to the Middle East Television
5 Network, including Radio Sawa, for radio and television
6 broadcasting to the Middle East, \$552,240,000, of which
7 \$27,629,000 is for Broadcasting to Cuba: *Provided*, That
8 of the total amount in this heading, not to exceed \$16,000
9 may be used for official receptions within the United
10 States as authorized, not to exceed \$35,000 may be used
11 for representation abroad as authorized, and not to exceed
12 \$39,000 may be used for official reception and representa-
13 tion expenses of Radio Free Europe/Radio Liberty; and
14 in addition, notwithstanding any other provision of law,
15 not to exceed \$2,000,000 in receipts from advertising and
16 revenue from business ventures, not to exceed \$500,000
17 in receipts from cooperating international organizations,
18 and not to exceed \$1,000,000 in receipts from privatiza-
19 tion efforts of the Voice of America and the International
20 Broadcasting Bureau, to remain available until expended
21 for carrying out authorized purposes: *Provided further*,
22 That within the amounts provided under this heading,
23 \$302,000 shall be transferred to the Department of State
24 for the Capital Security Cost Sharing Program.

1 BROADCASTING CAPITAL IMPROVEMENTS

2 For the purchase, rent, construction, and improve-
3 ment of facilities for radio transmission and reception, and
4 purchase and installation of necessary equipment for radio
5 and television transmission and reception as authorized,
6 \$8,560,000, to remain available until expended, as author-
7 ized.

8 GENERAL PROVISIONS—DEPARTMENT OF STATE AND
9 RELATED AGENCY

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

16 SEC. 402. 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. 403. None of the funds appropriated or other-
22 wise made available by this Act or any other Act for fiscal
23 year 2005 or any fiscal year thereafter may be obligated
24 or expended for the operation of a United States consulate
25 or diplomatic facility in Jerusalem unless such consulate

1 or diplomatic facility is under the supervision of the
2 United States Ambassador to Israel.

3 SEC. 404. None of the funds appropriated or other-
4 wise made available by this Act or any other Act for fiscal
5 year 2005 or any fiscal year thereafter may be obligated
6 or expended for the publication of any official Government
7 document which lists countries and their capital cities un-
8 less the publication identifies Jerusalem as the capital of
9 Israel.

10 SEC. 405. For the purposes of registration of birth,
11 certification of nationality, or issuance of a passport of
12 a United States citizen born in the city of Jerusalem, the
13 Secretary of State shall, upon request of the citizen,
14 record the place of birth as Israel.

15 SEC. 406. The Secretary of State shall provide to a
16 member of the Committee on Appropriations of the Senate
17 or the Committee on Appropriations of the House of Rep-
18 resentatives a copy of each cable sent to or by a Depart-
19 ment of State employee that pertains to any topic specified
20 by the requesting member, regardless of the level of classi-
21 fication of the cable, not later than 15 days after the date
22 on which the member makes a written or verbal request
23 for such copies.

24 SEC. 407. There is established within the Department
25 of State the Office of the Coordinator for Reconstruction

1 and Stabilization: *Provided*, That the head of the Office
2 shall be the Coordinator for Reconstruction and Stabiliza-
3 tion, who shall report directly to the Secretary of State:
4 *Provided further*, That within amounts made available
5 under “Diplomatic and Consular Programs”, not less than
6 \$1,000,000 shall be available for the establishment and
7 operations of the Office of the Coordinator for Reconstruc-
8 tion and Stabilization.

9 SEC. 408. The functions of the Office of the Coordi-
10 nator for Reconstruction and Stabilization shall include—

11 (1) cataloguing and monitoring the non-military
12 resources and capabilities of Executive agencies (as
13 that term is defined in section 105 of title 5, United
14 States Code), State and local governments, and enti-
15 ties in the private and non-profit sectors that are
16 available to address crises in countries or regions
17 that are in, or are in transition from, conflict or civil
18 strife;

19 (2) monitoring political and economic instability
20 worldwide to anticipate the need for mobilizing
21 United States and international assistance for coun-
22 tries or regions described in paragraph (1);

23 (3) assessing crises in countries or regions de-
24 scribed in paragraph (1) and determining the appro-
25 priate non-military United States, including but not

1 limited to demobilization, policing, human rights
2 monitoring, and public information efforts;

3 (4) planning for response efforts under para-
4 graph (3);

5 (5) coordinating with relevant Executive agen-
6 cies the development of interagency contingency
7 plans for such response efforts; and

8 (6) coordinating the training of civilian per-
9 sonnel to perform stabilization and reconstruction
10 activities in response to crises in such countries or
11 regions described in paragraph (1).

12 SEC. 409. Section 1605 of title 28, United States
13 Code, is amended by adding a new subsection (h) as fol-
14 lows:

15 “(h) Notwithstanding any provision of the Algiers Ac-
16 cords, or any other international agreement, any United
17 States citizen held hostage during the period between
18 1979 and 1981, and their spouses and children at the
19 time, shall have a claim for money damages against a for-
20 eign state for personal injury that was caused by the for-
21 eign state’s act of torture or hostage taking. Any provision
22 in an international agreement, including the Algiers Ac-
23 cords that purports to bar such suit is abrogated and such
24 claim or cause of action may be eligible for de novo trial.
25 This subsection shall apply retroactively to any cause of

1 action accruing on or after November 1, 1979, notwith-
2 standing any statute of limitations.”.

3 SEC. 410. Section 604 of the Secure Embassy Con-
4 struction and Counterterrorism Act of 1999 (Title VI, Di-
5 vision A of H.R. 3427, enacted by sec. 1000(7) of Public
6 Law 106–113), is amended by adding the following new
7 subsection at the end:

8 “(e) CAPITAL SECURITY COST SHARING.—Notwith-
9 standing any other provision of law, all agencies with per-
10 sonnel overseas subject to Chief of Mission Authority shall
11 participate and provide funding in advance for their share
12 of costs, without offsets, on the basis of the total overseas
13 presence of each agency as determined annually by the
14 Secretary of State in consultation with such agency.
15 Amounts advanced by such agencies to the Department
16 of State shall be credited to the Embassy Security, Con-
17 struction and Maintenance account, and remain available
18 until expended.”.

19 SEC. 411. (a) The Secretary of State shall require
20 each chief of mission to review, not less than once every
21 5 years, every staff element under chief of mission author-
22 ity, including staff from other departments or agencies of
23 the United States, and recommend approval or dis-
24 approval of each staff element. Each such review shall be
25 conducted pursuant to a process established by the Presi-

1 dent for determining appropriate staffing at diplomatic
2 missions and overseas constituent posts (commonly re-
3 ferred to as the “NSDD–38 process”).

4 (b) The Secretary of State, as part of the process es-
5 tablished by the President referred to in subsection (a),
6 shall take actions to carry out the recommendations made
7 in each such review.

8 (c) Not later than one year after the date of enact-
9 ment of this Act, and annually thereafter, the Secretary
10 of State shall submit a report on such reviews that oc-
11 curred during the previous 12 months, together with the
12 Secretary’s recommendations regarding such reviews to
13 the appropriate committees of Congress, the heads of all
14 affected departments or agencies, and the Inspector Gen-
15 eral of the Department of State.

16 SEC. 412. (a) None of the funds appropriated in this
17 Act or any other act making appropriations for the De-
18 partments of Commerce, Justice, State, the Judiciary, and
19 related agencies may be made available to the
20 Organisation for Economic Co-operation and Development
21 unless the Secretary of State certifies to the Committee
22 on Appropriations of the Senate and the Committee on
23 Appropriations of the House of Representatives that such
24 Organisation has not engaged in any activity to identify,

1 report on, or penalize any country that encourages foreign
2 investment through the adoption of tax incentives.

3 (b) Except as provided in subsection (c) none of the
4 funds appropriated in this Act or any other act making
5 appropriations for the Departments of Commerce, Justice,
6 State, the Judiciary, and related agencies may be made
7 available for an international effort to track or report on
8 interest or other investment income deposited in a finan-
9 cial account in the United States that is held by a person
10 who is not a citizen of the United States.

11 (c) The restriction in subsection (b) may not apply
12 to funds for an international effort described in such sub-
13 section if such international effort is carried out pursuant
14 to a treaty or other international agreement to which the
15 United States is a signatory.

16 (d) The restriction in subsection (b) may be waived
17 by the President for an international effort described in
18 such subsection if the President determines that such
19 waiver is in the national security interest of the United
20 States.

21 SEC. 413. Funds appropriated by this Act for the
22 Broadcasting Board of Governors and the Department of
23 State may be obligated and expended notwithstanding sec-
24 tion 15 of the State Department Basic Authorities Act
25 of 1956, section 313 of the Foreign Relations Authoriza-

tion Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 414. During fiscal year 2005, section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), subparagraph (B), added by section 402 of Public Law 107–228 (Fiscal Year 2003 Foreign Relations Authorization Act), shall be administered as though that subsection reads as follows:

“(iv) For assessments made during calendar year 2004, 27.1 percent.

“(v) For assessments made during calendar year 2005, 27.1 percent.”.

SEC. 415. (a) Section 402(a) of the Foreign Service Act of 1980 (22 U.S.C. 3962(a)) is amended—

(1) in paragraph (1), by striking the second and third sentences and inserting the following new sentences: “The President shall also prescribe ranges of basic salary rates for each class. Except as provided in paragraph (3), basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5, United States Code.”; and

1 (2) by striking paragraph (2) and inserting the
2 following new paragraphs:

3 “(2) The Secretary shall determine which basic salary
4 rate within the ranges prescribed by the President under
5 paragraph (1) shall be paid to each member of the Senior
6 Foreign Service based on individual performance, con-
7 tribution to the mission of the Department, or both, as
8 determined under a rigorous performance management
9 system. Except as provided in regulations prescribed by
10 the Secretary and, to the extent possible, consistent with
11 regulations governing the Senior Executive Service, the
12 Secretary may adjust the basic salary rate of a member
13 of the Senior Foreign Service not more than once during
14 any 12-month period.

15 “(3) Upon a determination by the Secretary that the
16 Senior Foreign Service performance appraisal system, as
17 designed and applied, makes meaningful distinctions
18 based on relative performance—

19 “(A) the maximum rate of basic pay payable for
20 the Senior Foreign Service shall be level II of the
21 Executive Schedule; and

22 “(B) the applicable aggregate pay cap shall be
23 equivalent to the aggregate pay cap set forth in sec-
24 tion 5307(d)(1) of title 5, United States Code, for
25 members of the Senior Executive Service.”.

1 (b) Section 405(b)(4) of such Act (22 U.S.C.
2 3965(b)(4)) is amended by inserting before the period the
3 following: “, or the limitation under section 402(a)(3),
4 whichever is higher”.

5 (c) Section 401(a) of such Act (22 U.S.C. 3961(a))
6 is amended by striking “shall not exceed the annual rate
7 of pay payable for level I of such Executive Schedule” and
8 inserting “shall be subject to the limitation on certain pay-
9 ments under section 5307 of title 5, United States Code,
10 or the limitation under section 402(a)(3), whichever is
11 higher”.

12 SEC. 416. Section 224(j) of the Foreign Relations
13 Authorization Act, Fiscal Year 2003 (22 U.S.C. 2451
14 note) is amended by striking “2005” and inserting
15 “2007”.

16 SEC. 417. (a) Subsection (c) of section 591 of the
17 Foreign Operations, Export Financing, and Related Pro-
18 grams Appropriations Act, 2004 (division D of Public Law
19 108–199) is repealed.

20 (b) Section 5925(a) of title 5, United States Code,
21 is amended by striking “25 percent of the rate of basic
22 pay or, in the case of an employee of the United States
23 Agency for International Development,”.

24 (c) Section 5928 of title 5, United States Code, is
25 amended by striking “25 percent of the basic pay of the

1 employee or 35 percent of the basic pay of the employee
2 in the case of an employee of the United States Agency
3 for International Development” both places that it ap-
4 pears and inserting “35 percent of the basic pay of the
5 employee”.

6 SEC. 418. Section 2311(b)(1) of the Foreign Rela-
7 tions Authorization Act, Fiscal Years 1998 and 1999 (22
8 U.S.C. 4010 note) is amended—

9 (1) by striking “Not later than 90 days after
10 the date of enactment of this Act, the” and inserting
11 “The”;

12 (2) by striking “5 percent” and inserting “2
13 percent”; and

14 (3) by striking “for 2 or more of the 5 years
15 preceding the date of enactment of this Act” and in-
16 serting “at least twice in any 5-year period”.

17 SEC. 419. (a) Section 2 of the State Department
18 Basic Authorities Act of 1956 (22 U.S.C. 2669) is amend-
19 ed by adding at the end the following:

20 “(o) make administrative corrections or adjust-
21 ments to an employee’s pay, allowances, or differen-
22 tials, resulting from mistakes or retroactive per-
23 sonnel actions, as well as provide back pay and other
24 categories of payments under section 5596 of title 5,
25 United States Code, as part of the settlement or

1 compromise of administrative claims or grievances
2 filed against the Department.”.

3 (b) Such section is further amended—

4 (1) in subsection (k), by striking “and”;

5 (2) by transferring subsection (m) within such
6 section to appear after subsection (l);

7 (3) in subsections (l) and (m), by striking the
8 period at the end of each subsection and inserting
9 a semicolon; and

10 (4) in subsection (n), by striking the period at
11 the end and inserting a semicolon and “and”.

12 SEC. 420. Section 321(f) of the Foreign Relations
13 Authorization Act, Fiscal Year 2003 (5 U.S.C. 8411 note;
14 Public Law 107–228) is amended by striking “regula-
15 tions” and inserting “regulations, not later than 60 days
16 after the date of the enactment of this Act”.

17 This title may be cited as the “Department of State
18 and Related Agency Appropriations Act, 2005”.

19 TITLE V—RELATED AGENCIES

20 COMMISSION FOR THE PRESERVATION OF AMERICA’S

21 HERITAGE ABROAD

22 SALARIES AND EXPENSES

23 For expenses for the Commission for the Preservation
24 of America’s Heritage Abroad, \$491,000, as authorized by
25 section 1303 of Public Law 99–83.

1 COMMISSION ON CIVIL RIGHTS

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission on Civil
4 Rights, including hire of passenger motor vehicles,
5 \$9,096,000: *Provided*, That not to exceed \$50,000 may
6 be used to employ consultants: *Provided further*, That
7 none of the funds appropriated in this paragraph shall be
8 used to employ in excess of four full-time individuals under
9 Schedule C of the Excepted Service exclusive of one special
10 assistant for each Commissioner: *Provided further*, That
11 none of the funds appropriated in this paragraph shall be
12 used to reimburse Commissioners for more than 75
13 billable days, with the exception of the chairperson, who
14 is permitted 125 billable days.

15 COMMISSION ON SECURITY AND COOPERATION IN

16 EUROPE

17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission on Secu-
19 rity and Cooperation in Europe, as authorized by Public
20 Law 94-304, \$1,598,000, to remain available until ex-
21 pended as authorized by section 3 of Public Law 99-7.

1 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
2 PEOPLE’S REPUBLIC OF CHINA
3 SALARIES AND EXPENSES

4 For necessary expenses of the Congressional-Execu-
5 tive Commission on the People’s Republic of China, as au-
6 thorized, \$1,781,000, including not more than \$3,000 for
7 the purpose of official representation, to remain available
8 until expended.

9 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
10 SALARIES AND EXPENSES

11 For necessary expenses of the Equal Employment
12 Opportunity Commission as authorized by title VII of the
13 Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634),
14 the Americans with Disabilities Act of 1990, and the Civil
15 Rights Act of 1991, including services as authorized by
16 5 U.S.C. 3109; hire of passenger motor vehicles as author-
17 ized by 31 U.S.C. 1343(b); non-monetary awards to pri-
18 vate citizens; and not to exceed \$33,000,000 for payments
19 to State and local enforcement agencies for services to the
20 Commission pursuant to title VII of the Civil Rights Act
21 of 1964, sections 6 and 14 of the Age Discrimination in
22 Employment Act, the Americans with Disabilities Act of
23 1990, and the Civil Rights Act of 1991, \$327,511,000:
24 *Provided*, That the Commission is authorized to make

1 available for official reception and representation expenses
2 not to exceed \$2,500 from available funds.

3 FEDERAL COMMUNICATIONS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Federal Communica-
6 tions Commission, as authorized by law, including uni-
7 forms and allowances therefor, as authorized by 5 U.S.C.
8 5901–5902; not to exceed \$600,000 for land and struc-
9 ture; not to exceed \$500,000 for improvement and care
10 of grounds and repair to buildings; not to exceed \$4,000
11 for official reception and representation expenses; pur-
12 chase and hire of motor vehicles; special counsel fees; and
13 services as authorized by 5 U.S.C. 3109, \$282,346,000:
14 *Provided*, That \$281,346,000 of offsetting collections shall
15 be assessed and collected pursuant to section 9 of title I
16 of the Communications Act of 1934, shall be retained and
17 used for necessary expenses in this appropriation, and
18 shall remain available until expended: *Provided further*,
19 That the sum herein appropriated shall be reduced as such
20 offsetting collections are received during fiscal year 2005
21 so as to result in a final fiscal year 2005 appropriation
22 estimated at \$1,000,000: *Provided further*, That any off-
23 setting collections received in excess of \$281,346,000 in
24 fiscal year 2005 shall remain available until expended, but
25 shall not be available for obligation until October 1, 2005:

1 *Provided further*, That notwithstanding 47 U.S.C.
 2 309(j)(8)(B), proceeds from the use of a competitive bid-
 3 ding system that may be retained and made available for
 4 obligation shall not exceed \$85,000,000 for fiscal year
 5 2005.

6 FEDERAL TRADE COMMISSION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Trade Com-
 9 mission, including uniforms or allowances therefor, as au-
 10 thorized by 5 U.S.C. 5901–5902; services as authorized
 11 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
 12 not to exceed \$2,000 for official reception and representa-
 13 tion expenses, \$207,730,000, to remain available until ex-
 14 pended: *Provided*, That not to exceed \$300,000 shall be
 15 available for use to contract with a person or persons for
 16 collection services in accordance with the terms of 31
 17 U.S.C. 3718: *Provided further*, That, notwithstanding any
 18 other provision of law, not to exceed \$101,000,000 of off-
 19 setting collections derived from fees collected for
 20 premerger notification filings under the Hart-Scott-Ro-
 21 dino Antitrust Improvements Act of 1976 (15 U.S.C.
 22 18a), regardless of the year of collection, shall be retained
 23 and used for necessary expenses in this appropriation:
 24 *Provided further*, That \$20,000,000 in offsetting collec-
 25 tions derived from fees sufficient to implement and enforce

1 the Telemarketing Sales Rule, promulgated under the
2 Telephone Consumer Fraud and Abuse Prevention Act
3 (15 U.S.C. 6101 et seq.), shall be credited to this account,
4 and be retained and used for necessary expenses in this
5 appropriation: *Provided further*, That the sum herein ap-
6 propriated from the general fund shall be reduced as such
7 offsetting collections are received during fiscal year 2005,
8 so as to result in a final fiscal year 2005 appropriation
9 from the general fund estimated at not more than
10 \$86,730,000: *Provided further*, That none of the funds
11 made available to the Federal Trade Commission may be
12 used to enforce subsection (e) of section 43 of the Federal
13 Deposit Insurance Act (12 U.S.C. 1831t) or section
14 151(b)(2) of the Federal Deposit Insurance Corporation
15 Improvement Act of 1991 (12 U.S.C. 1831t note).

16 LEGAL SERVICES CORPORATION

17 PAYMENT TO THE LEGAL SERVICES CORPORATION

18 For payment to the Legal Services Corporation to
19 carry out the purposes of the Legal Services Corporation
20 Act of 1974, \$335,000,000, of which \$312,251,000 is for
21 basic field programs and required independent audits;
22 \$2,600,000 is for the Office of Inspector General, of which
23 such amounts as may be necessary may be used to conduct
24 additional audits of recipients; \$13,900,000 is for manage-
25 ment and administration; \$3,400,000 is for client self-help

1 and information technology; and \$2,849,000 is for grants
2 to offset losses due to census adjustments.

3 ADMINISTRATIVE PROVISION—LEGAL SERVICES

4 CORPORATION

5 None of the funds appropriated in this Act to the
6 Legal Services Corporation shall be expended for any pur-
7 pose prohibited or limited by, or contrary to any of the
8 provisions of, sections 501, 502, 503, 504, 505, and 506
9 of Public Law 105–119, and all funds appropriated in this
10 Act to the Legal Services Corporation shall be subject to
11 the same terms and conditions set forth in such sections,
12 except that all references in sections 502 and 503 to 1997
13 and 1998 shall be deemed to refer instead to 2004 and
14 2005, respectively, and except that section 501(a)(1) of
15 Public Law 104–134 (110 Stat. 1321–51, et seq.) shall
16 not apply to the use of the \$3,131,000 to address loss
17 of funding due to Census-based reallocations.

18 MARINE MAMMAL COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Marine Mammal Com-
21 mission as authorized by title II of Public Law 92–522,
22 \$1,890,000.

23 NATIONAL VETERANS BUSINESS DEVELOPMENT

24 CORPORATION

25 For necessary expenses of the National Veterans
26 Business Development Corporation as authorized under

1 section 33(a) of the Small Business Act, \$2,000,000, to
2 remain available until expended.

3 SECURITIES AND EXCHANGE COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Securities and Ex-
6 change Commission, including services as authorized by
7 5 U.S.C. 3109, the rental of space (to include multiple
8 year leases) in the District of Columbia and elsewhere, and
9 not to exceed \$3,000 for official reception and representa-
10 tion expenses, \$913,000,000; of which not to exceed
11 \$13,000 may be used toward funding a permanent secre-
12 tariat for the International Organization of Securities
13 Commissions; and of which not to exceed \$100,000 shall
14 be available for expenses for consultations and meetings
15 hosted by the Commission with foreign governmental and
16 other regulatory officials, members of their delegations,
17 appropriate representatives and staff to exchange views
18 concerning developments relating to securities matters, de-
19 velopment and implementation of cooperation agreements
20 concerning securities matters and provision of technical
21 assistance for the development of foreign securities mar-
22 kets, such expenses to include necessary logistic and ad-
23 ministrative expenses and the expenses of Commission
24 staff and foreign invitees in attendance at such consulta-
25 tions and meetings including: (1) such incidental expenses

1 as meals taken in the course of such attendance; (2) any
2 travel and transportation to or from such meetings; and
3 (3) any other related lodging or subsistence: *Provided*,
4 That fees and charges authorized by sections 6(b) of the
5 Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and
6 13(e), 14(g) and 31 of the Securities Exchange Act of
7 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be cred-
8 ited to this account as offsetting collections: *Provided fur-*
9 *ther*, That not to exceed \$913,000,000 of such offsetting
10 collections shall be available until expended for necessary
11 expenses of this account: *Provided further*, That
12 \$20,000,000 shall be derived from prior year unobligated
13 balances from funds previously appropriated to the Securi-
14 ties and Exchange Commission: *Provided further*, That the
15 total amount appropriated under this heading from the
16 general fund for fiscal year 2005 shall be reduced as such
17 offsetting fees are received so as to result in a final total
18 fiscal year 2005 appropriation from the general fund esti-
19 mated at not more than \$0.

20 Not later than April 14, 2005, the Securities and Ex-
21 change Commission shall submit a report to the Com-
22 mittee on Appropriations of the Senate and the Committee
23 on Appropriations of the House of Representatives that
24 provides a justification for final rules issued by the Com-
25 mission on June 30, 2004 (amending title 17, Code of

1 Federal Regulations, Parts 239, 240, and 274), requiring
 2 that the chair of the board of directors of a mutual fund
 3 be an independent director: *Provided*, That such report
 4 shall analyze whether mutual funds chaired by disin-
 5 terested directors perform better, have lower expenses, or
 6 have better compliance records than mutual funds chaired
 7 by interested directors: *Provided further*, That the Securi-
 8 ties and Exchange Commission shall act upon the rec-
 9 ommendations of such report not later than January 1,
 10 2006.

11 SMALL BUSINESS ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses, not otherwise provided for,
 14 of the Small Business Administration as authorized by
 15 Public Law 106-554, including hire of passenger motor
 16 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
 17 not to exceed \$3,500 for official reception and representa-
 18 tion expenses, \$357,684,000: *Provided*, That the Adminis-
 19 trator is authorized to charge fees to cover the cost of pub-
 20 lications developed by the Small Business Administration,
 21 and certain loan servicing activities: *Provided further*,
 22 That, notwithstanding 31 U.S.C. 3302, revenues received
 23 from all such activities shall be credited to this account,
 24 to be available for carrying out these purposes without fur-
 25 ther appropriations: *Provided further*, That \$88,000,000

1 shall be available to fund grants for performance in fiscal
 2 year 2005 or fiscal year 2006 as authorized: *Provided fur-*
 3 *ther*, That the Small Business Administration is author-
 4 ized to award grants under the Women’s Business Center
 5 Sustainability Pilot Program established by section 4(a)
 6 of Public Law 106–165 (15 U.S.C. 656(l)): *Provided fur-*
 7 *ther*, That, of the funds provided in the Consolidated Ap-
 8 propriations Act, 2004, Public Law 108–199, section 2,
 9 division B, title V, 118 Stat. 91 under the heading “Small
 10 Business Administration Salaries and Expenses”, for nec-
 11 essary expenses, \$3,675,500 shall remain available until
 12 expended for awards of Women’s Business Centers sus-
 13 tainability grants, as authorized by this Act: *Provided fur-*
 14 *ther*, That, of the amounts provided for Women’s Business
 15 Centers, not less than 48 percent shall be available to con-
 16 tinue Women’s Business Centers in sustainability status.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
 19 General in carrying out the provisions of the Inspector
 20 General Act of 1978, \$13,014,000.

21 SURETY BOND GUARANTEES REVOLVING FUND

22 For additional capital for the Surety Bond Guar-
 23 tees Revolving Fund, authorized by the Small Business
 24 Investment Act, as amended, \$11,400,000, to remain
 25 available until expended.

1 BUSINESS LOANS PROGRAM ACCOUNT

2 For the cost of guaranteed loans, \$71,910,000, as au-
3 thorized by 15 U.S.C. 631 note, of which \$45,000,000
4 shall remain available until September 30, 2006: *Provided*,
5 That such costs, including the cost of modifying such
6 loans, shall be as defined in section 502 of the Congres-
7 sional Budget Act of 1974: *Provided further*, That subject
8 to section 502 of the Congressional Budget Act of 1974,
9 during fiscal year 2005 commitments to guarantee loans
10 under section 503 of the Small Business Investment Act
11 of 1958, shall not exceed \$5,000,000,000: *Provided fur-*
12 *ther*, That during fiscal year 2005 commitments for gen-
13 eral business loans authorized under section 7(a) of the
14 Small Business Act, shall not exceed \$14,500,000,000:
15 *Provided further*, That during fiscal year 2005 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, shall not exceed the levels estab-
19 lished by section 20(i)(1)(C) of the Small Business Act.

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

24 DISASTER LOANS PROGRAM ACCOUNT

25 For the cost of direct loans authorized by section 7(b)
26 of the Small Business Act, \$65,000,000, to remain avail-

1 able until expended: *Provided*, That such costs, including
2 the cost of modifying such loans, shall be as defined in
3 section 502 of the Congressional Budget Act of 1974.

4 In addition, for administrative expenses to carry out
5 the direct loan program, \$113,909,000, which may be
6 transferred to and merged with appropriations for Salaries
7 and Expenses, of which \$500,000 is for the Office of In-
8 spector General of the Small Business Administration for
9 audits and reviews of disaster loans and the disaster loan
10 program and shall be transferred to and merged with ap-
11 propriations for the Office of Inspector General; of which
12 \$105,409,000 is for direct administrative expenses of loan
13 making and servicing to carry out the direct loan program;
14 and of which \$8,000,000 is for indirect administrative ex-
15 penses and may be transferred to and merged with funds
16 in the Salaries and Expenses appropriations account: *Pro-*
17 *vided*, That any amount in excess of \$8,000,000 to be
18 transferred to and merged with appropriations for Salaries
19 and Expenses for indirect administrative expenses shall be
20 treated as a reprogramming of funds under section 605
21 of this Act and shall not be available for obligation or ex-
22 penditure except in compliance with the procedures set
23 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 as authorized by the State Justice Institute Authorization
 17 Act of 1992 (Public Law 102–572), \$3,000,000: *Provided*,
 18 That not to exceed \$2,500 shall be available for official
 19 reception and representation expenses.

20 UNITED STATES-CHINA ECONOMIC AND SECURITY

21 REVIEW COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the United States-China
 24 Economic and Security Review Commission, \$2,300,000,

1 including not more than \$5,000 for the purpose of official
 2 representation, to remain available until expended.

3 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY
 4 GROUP

5 SALARIES AND EXPENSES

6 For necessary expenses of the United States Senate-
 7 China Interparliamentary Group, as authorized under
 8 Section 153 of the Consolidated Appropriations Act, 2004
 9 (22 U.S.C. 276n; Public Law 108–199; 118 Stat. 448),
 10 \$100,000, to remain available until expended.

11 TITLE VI—GENERAL PROVISIONS

12 (INCLUDING RESCISSIONS)

13 SEC. 601. The Departments of Commerce, Justice,
 14 and State, the Judiciary and the Small Business Adminis-
 15 tration shall provide to the Committees on Appropriations
 16 of the Senate and of the House of Representatives a quar-
 17 terly accounting of the cumulative balances of any unobli-
 18 gated funds that were made available to any such agency
 19 in any previous appropriations Act.

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

23 SEC. 603. The expenditure of any appropriation
 24 under this Act for any consulting service through procure-
 25 ment contract, pursuant to 5 U.S.C. 3109, shall be limited

1 to those contracts where such expenditures are a matter
2 of public record and available for public inspection, except
3 where otherwise provided under existing law, or under ex-
4 isting Executive order issued pursuant to existing law.

5 SEC. 604. If any provision of this Act or the applica-
6 tion of such provision to any person or circumstances shall
7 be held invalid, the remainder of the Act and the applica-
8 tion of each provision to persons or circumstances other
9 than those as to which it is held invalid shall not be af-
10 fected thereby.

11 SEC. 605. (a) None of the funds provided under this
12 Act, or provided under previous appropriations Acts to the
13 agencies funded by this Act that remain available for obli-
14 gation or expenditure in fiscal year 2005, or provided from
15 any accounts in the Treasury of the United States derived
16 by the collection of fees available to the agencies funded
17 by this Act, shall be available for obligation or expenditure
18 through a reprogramming of funds that: (1) creates new
19 programs; (2) eliminates a program, project, or activity;
20 (3) increases funds or personnel by any means for any
21 project or activity for which funds have been denied or
22 restricted; (4) relocates an office or employees; (5) reorga-
23 nizes or renames offices; (6) reorganizes programs or ac-
24 tivities; or (7) contracts out or privatizes any functions
25 or activities presently performed by Federal employees;

1 unless the Appropriations Committees of both Houses of
2 Congress are notified 15 days in advance of such re-
3 programming of funds.

4 (b) None of the funds provided under this Act, or
5 provided under previous appropriations Acts to the agen-
6 cies funded by this Act that remain available for obligation
7 or expenditure in fiscal year 2005, or provided from any
8 accounts in the Treasury of the United States derived by
9 the collection of fees available to the agencies funded by
10 this Act, shall be available for obligation or expenditure
11 for activities, programs, or projects through a reprogram-
12 ming of funds in excess of \$1,000,000 or 10 percent,
13 whichever is less, that: (1) augments existing programs,
14 projects (including construction projects), or activities; (2)
15 reduces by 10 percent funding for any existing program,
16 project, or activity, or numbers of personnel by 10 percent
17 as approved by Congress; or (3) results from any general
18 savings from a reduction in personnel which would result
19 in a change in existing programs, activities, or projects
20 as approved by Congress; unless the Appropriations Com-
21 mittees of both Houses of Congress are notified 15 days
22 in advance of such reprogramming of funds: *Provided*,
23 That transfers may not be made from “Buildings and Fa-
24 cilities, Federal Prison System” to any other Department
25 of Justice account.

1 SEC. 606. Hereafter, none of the funds made avail-
2 able in this Act or any other Act may be used for the
3 construction, repair (other than emergency repair), over-
4 haul, conversion, or modernization of vessels for the Na-
5 tional Oceanic and Atmospheric Administration in ship-
6 yards located outside of the United States.

7 SEC. 607. If it has been finally determined by a court
8 or Federal agency that any person intentionally affixed a
9 label bearing a “Made in America” inscription, or any in-
10 scription with the same meaning, to any product sold in
11 or shipped to the United States that is not made in the
12 United States, the person shall be ineligible to receive any
13 contract or subcontract made with funds made available
14 in this Act, pursuant to the debarment, suspension, and
15 ineligibility procedures described in sections 9.400 through
16 9.409 of title 48, Code of Federal Regulations.

17 SEC. 608. None of the funds appropriated or other-
18 wise made available by this Act or any other Act may be
19 used to implement, enforce, or otherwise abide by the
20 Memorandum of Agreement signed by the Federal Trade
21 Commission and the Antitrust Division of the Department
22 of Justice on March 5, 2002.

23 SEC. 609. None of the funds made available by this
24 Act may be used for any United Nations undertaking
25 when it is made known to the Federal official having au-

1 thority to obligate or expend such funds that: (1) the
2 United Nations undertaking is a peacekeeping mission; (2)
3 such undertaking will involve United States Armed Forces
4 under the command or operational control of a foreign na-
5 tional; and (3) the President's military advisors have not
6 submitted to the President a recommendation that such
7 involvement is in the national security interests of the
8 United States and the President has not submitted to the
9 Congress such a recommendation.

10 SEC. 610. (a) None of the funds appropriated or oth-
11 erwise made available by this Act shall be expended for
12 any purpose for which appropriations are prohibited by
13 section 609 of the Departments of Commerce, Justice, and
14 State, the Judiciary, and Related Agencies Appropriations
15 Act, 1999.

16 (b) The requirements in subparagraphs (A) and (B)
17 of section 609 of that Act shall continue to apply during
18 fiscal year 2005.

19 SEC. 611. Any costs incurred by a department or
20 agency funded under this Act resulting from personnel ac-
21 tions taken in response to funding reductions included in
22 this Act shall be absorbed within the total budgetary re-
23 sources available to such department or agency: *Provided,*
24 That the authority to transfer funds between appropria-
25 tions accounts as may be necessary to carry out this sec-

1 tion is provided in addition to authorities included else-
2 where in this Act: *Provided further*, That use of funds to
3 carry out this section shall be treated as a reprogramming
4 of funds under section 605 of this Act and shall not be
5 available for obligation or expenditure except in compli-
6 ance with the procedures set forth in that section.

7 SEC. 612. Of the funds appropriated in this Act
8 under the heading “Office of Justice Programs—State
9 and Local Law Enforcement Assistance”, not more than
10 90 percent of the amount to be awarded to an entity under
11 the Local Law Enforcement Block Grant shall be made
12 available to such an entity when it is made known to the
13 Federal official having authority to obligate or expend
14 such funds that the entity that employs a public safety
15 officer (as such term is defined in section 1204 of title
16 I of the Omnibus Crime Control and Safe Streets Act of
17 1968) does not provide such a public safety officer who
18 retires or is separated from service due to injury suffered
19 as the direct and proximate result of a personal injury
20 sustained in the line of duty while responding to an emer-
21 gency situation or a hot pursuit (as such terms are defined
22 by State law) with the same or better level of health insur-
23 ance benefits at the time of retirement or separation as
24 they received while on duty.

1 SEC. 613. None of the funds provided by this Act
2 shall be available to promote the sale or export of tobacco
3 or tobacco products, or to seek the reduction or removal
4 by any foreign country of restrictions on the marketing
5 of tobacco or tobacco products, except for restrictions
6 which are not applied equally to all tobacco or tobacco
7 products of the same type.

8 SEC. 614. (a) None of the funds appropriated or oth-
9 erwise made available by this Act shall be expended for
10 any purpose for which appropriations are prohibited by
11 section 616 of the Departments of Commerce, Justice, and
12 State, the Judiciary, and Related Agencies Appropriations
13 Act, 1999.

14 (b) The requirements in subsections (b) and (c) of
15 section 616 of that Act shall continue to apply during fis-
16 cal year 2005.

17 SEC. 615. Notwithstanding any other provision of
18 law, amounts deposited or available in the Fund estab-
19 lished under 42 U.S.C. 10601 in any fiscal year in excess
20 of \$625,000,000 shall not be available for obligation until
21 the following fiscal year.

22 SEC. 616. None of the funds appropriated or other-
23 wise made available to the Department of State shall be
24 available for the purpose of granting either immigrant or
25 nonimmigrant visas, or both, consistent with the deter-

1 mination of the Secretary of State under section 243(d)
2 of the Immigration and Nationality Act, to citizens, sub-
3 jects, nationals, or residents of countries that the Sec-
4 retary of Homeland Security has determined deny or un-
5 reasonably delay accepting the return of citizens, subjects,
6 nationals, or residents under that section.

7 SEC. 617. Of the amounts made available under the
8 heading “Small Business Administration, Salaries and
9 Expenses”, \$1,300,000 shall be available for the Adelante
10 Development Center, Inc.; \$500,000 shall be available for
11 the Advanced Polymer Processing Institute; \$150,000
12 shall be available for the Alaska Procurement Technical
13 Assistance Center; \$1,200,000 shall be available to estab-
14 lish a Small Business Development Center in Wrangell,
15 Alaska; \$50,000 shall be available for the Badlands South
16 Central Enterprise Facilitation; \$500,000 shall be avail-
17 able for the Benton County Business Enterprise Center;
18 \$1,000,000 shall be available for Black Hills Central Res-
19 ervations in Rapid City, South Dakota, for tourism pro-
20 motion; \$100,000 shall be available for Black Hills Com-
21 munity Economic Development, Inc.; \$500,000 shall be
22 available for the Center for Applied Research and Eco-
23 nomic Development at the University of Southern Indiana;
24 \$1,000,000 shall be available for the Center for Biobased
25 Technology Commercialization; \$1,000,000 shall be avail-

1 able for the Center for Emerging Technologies; \$216,100
2 shall be available for the Center for Entrepreneurship and
3 Technology at the Nevada Commission for Economic De-
4 velopment; \$200,000 shall be available for the Central
5 Connecticut State University Institute of Technology and
6 Business Development; \$600,000 shall be available for the
7 Des Moines Higher Education Pappajohn Center;
8 \$600,000 shall be available for the East Central Indiana
9 Business Incubator at Ball State University; \$200,000
10 shall be available for the Entrepreneurial Venture Assist-
11 ance Demonstration Project at the Iowa Department of
12 Economic Development; \$300,000 shall be available for
13 the Entrepreneurship Academy at Mississippi Valley State
14 University; \$100,000 shall be available for Genesis of In-
15 novation; \$200,000 shall be available for the Idaho Virtual
16 Incubator at Lewis-Clark State College for an E-Com-
17 merce Certification program; \$1,000,000 shall be available
18 for the Industrial Outreach Service at Mississippi State
19 University; \$4,500,000 shall be available for the Innova-
20 tion and Commercialization Center at the University of
21 Southern Mississippi; \$300,000 shall be available for the
22 Kennebec Valley Council of Governments' Business Devel-
23 opment Program; \$300,000 shall be available for the
24 Knoxville College Small Business Incubator Program;
25 \$500,000 shall be available for the Louisiana State Uni-

1 versity Law School's Latin American Commercial Law
 2 Program; \$350,000 shall be available for the Manufac-
 3 turing Process Improvement for Shipbuilding Project;
 4 \$800,000 shall be available for the Minority Business De-
 5 velopment Center at Alcorn State University; \$250,000
 6 shall be available for the Mississippi Delta Technology
 7 Council; \$1,000,000 shall be available for the Mississippi
 8 Technology Alliance; \$200,000 shall be available for the
 9 Montana Department of Commerce for a State govern-
 10 ment information sharing initiative; \$1,000,000 shall be
 11 available for the Myrtle Beach International Trade and
 12 Convention Center; \$1,000,000 shall be available for the
 13 New Product Development and Commercialization Center
 14 for Rural Manufacturers; \$1,000,000 shall be available for
 15 Operation Safe Commerce; \$200,000 shall be available for
 16 the Rural Information Technology Jobs Initiative at
 17 Washington State University; \$2,000,000 shall be avail-
 18 able for the School of Community Economic Development
 19 at the University of Southern New Hampshire; \$400,000
 20 shall be available for the Southern University Founda-
 21 tion's Martin Luther King Initiative; \$400,000 shall be
 22 available for Technology 2020; \$1,580,000 shall be avail-
 23 able for the Technology Venture Center/InvestNet Part-
 24 nership for Alaska and Montana; \$800,000 shall be avail-
 25 able for the Textile Marking System; \$500,000 shall be

1 available for the Towson University International Busi-
2 ness Incubator; \$2,000,000 shall be available for the Tuck
3 School of Business/MBDA Partnership; \$500,000 shall be
4 available for the University of Colorado Nanotechnology
5 and Characterization Facility; \$8,000,000 shall be avail-
6 able for the University of South Carolina Thomas Cooper
7 Library; \$200,000 shall be available for the Women's
8 Business Development Center in Stamford, Connecticut;
9 and \$300,000 shall be available for the World Trade Cen-
10 ter of Greater Philadelphia.

11 SEC. 618. None of the funds appropriated pursuant
12 to this Act or any other provision of law may be used for:
13 (1) the implementation of any tax or fee in connection
14 with the implementation of 18 U.S.C. 922(t); and (2) any
15 system to implement 18 U.S.C. 922(t) that does not re-
16 quire and result in the destruction of any identifying infor-
17 mation submitted by or on behalf of any person who has
18 been determined not to be prohibited from owning a fire-
19 arm.

20 SEC. 619. All disaster loans issued in Alaska shall
21 be administered by the Small Business Administration and
22 shall not be sold during fiscal year 2005.

23 SEC. 620. None of the funds made available in this
24 Act may be transferred to any department, agency, or in-
25 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-
2 vided in, this Act or any other appropriations Act.

3 SEC. 621. The Secretary of Commerce shall represent
4 the United States Government in negotiating and moni-
5 toring international agreements regarding fisheries, ma-
6 rine mammals, or sea turtles: *Provided*, That the Sec-
7 retary of Commerce shall be responsible for the develop-
8 ment and interdepartmental coordination of the policies
9 of the United States with respect to the international ne-
10 gotiations and agreements referred to in this section.

11 SEC. 622. None of the funds made available in this
12 Act may be used in violation of section 212(a)(10)(C) of
13 the Immigration and Nationality Act.

14 SEC. 623. (a) Except as provided in subsection (b),
15 a project to construct a diplomatic facility of the United
16 States may not include office space or other accommoda-
17 tions for an employee of a department or agency of the
18 United States if the Secretary of State determines that
19 such department or agency has not provided to the De-
20 partment of State the full amount of funding required by
21 subsection (e) of section 604 of the Secure Embassy Con-
22 struction and Counterterrorism Act of 1999 (as enacted
23 into law by section 1000(a)(7) of Public Law 106–113 and
24 contained in appendix G of that Act; 113 Stat. 1501A–
25 453), as added by section 413 of this Act.

1 (b) Notwithstanding the prohibition in subsection (a),
2 a project to construct a diplomatic facility of the United
3 States may include office space or other accommodations
4 for members of the Marine Corps.

5 SEC. 624. (a) The Federal Bureau of Investigation,
6 the Department of Homeland Security, and the Depart-
7 ment of State shall jointly conduct a thorough study of
8 all matters relating to the efficiency and effectiveness of
9 the interagency process used to review applications for
10 nonimmigrant visas issued under section 221(a)(1)(B) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1201(a)(1)(B)). The Federal Bureau of Investigation, the
13 Department of Homeland Security, and the Department
14 of State shall, in conducting this study, develop rec-
15 ommendations on—

16 (1) clearance procedures for nonimmigrant
17 visas that should be eliminated;

18 (2) such procedures that should be continued;

19 (3) the appropriate Federal agencies or depart-
20 ments or entities that should participate in each
21 such procedure; and

22 (4) legislation that could be enacted to increase
23 the efficiency and effectiveness of such procedures.

24 (b) Not later than 1 year after the date of enactment
25 of this Act, the Federal Bureau of Investigation, the De-

1 partment of Homeland Security, and the Department of
2 State shall jointly submit a report to the Committees on
3 Appropriations of the Senate and House of Representa-
4 tives which shall contain a detailed statement of the find-
5 ings and conclusions of the study referred to in subsection
6 (a), together with recommendations for such legislation
7 and administrative actions as the Federal Bureau of In-
8 vestigation, the Department of Homeland Security, and
9 the Department of State consider appropriate. The report
10 may be submitted in a classified and unclassified form.

11 SEC. 625. None of the funds made available in this
12 Act may be used for a United States contribution to any
13 specialized agency, body, or commission of the United Na-
14 tions that is chaired or presided over by a representative
15 of a country, if the Secretary of State has determined
16 under section 6(j)(1)(A) of the Export Administration Act
17 of 1979 (50 U.S.C. App. 2405(j)(1)(A)) that the govern-
18 ment of such country has provided support for acts of
19 international terrorism.

20 SEC. 626. None of the funds made available in this
21 Act shall be used in any way whatsoever to support or
22 justify the use of torture by any official or contract em-
23 ployee of the United States Government.

24 SEC. 627. That of the unobligated balances available
25 in the Working Capital Fund under the heading, “Depart-

1 ment of Justice, General Administration”, \$44,000,000
 2 shall be rescinded.

3 SEC. 628. Of the unobligated balances available
 4 under the heading, “Department of Justice, Legal Activi-
 5 ties, Asset Forfeiture Fund”, \$30,000,000 are rescinded.

6 SEC. 629. That of the unobligated balances under the
 7 heading, “Department of Justice”, \$98,125,000 are re-
 8 scinded, none of which shall be rescinded from the bal-
 9 ances under the heading, “Office of Justice Programs”,
 10 or the heading, “Community Oriented Policing Services”.

11 SEC. 630. CONTROLLED SUBSTANCES ACT AND RE-
 12 LATED ACTS. (a) DIVERSION CONTROL PROGRAM.—Sec-
 13 tion 111(b) of Public Law 102–395 (21 U.S.C. 886a) is
 14 amended—

15 (1) by redesignating paragraphs (1) through
 16 (5) as subparagraphs (A) through (E), and indent-
 17 ing accordingly;

18 (2) in subparagraph (B), as redesignated, by
 19 striking “program.” and inserting “program. Such
 20 reimbursements shall be made without distin-
 21 guishing between expenses related to controlled sub-
 22 stance activities and expenses related to chemical ac-
 23 tivities.”;

24 (3) by striking “There is established” and in-
 25 serting the following:

1 “(1) IN GENERAL.—There is established”; and
2 (4) by adding at the end the following:

3 “(2) DEFINITIONS.—In this section:

4 “(A) DIVERSION CONTROL PROGRAM.—
5 The term ‘diversion control program’ means the
6 controlled substance and chemical diversion
7 control activities of the Drug Enforcement Ad-
8 ministration that are carried out by the Office
9 of Diversion Control and field diversion ele-
10 ments of that agency.

11 “(B) CONTROLLED SUBSTANCE AND
12 CHEMICAL DIVERSION CONTROL ACTIVITIES.—
13 The term ‘controlled substance and chemical di-
14 version control activities’ means those activities
15 related to the registration and control of the
16 manufacture, distribution, and dispensing of
17 controlled substances and listed chemicals.”.

18 (b) RULES AND REGULATIONS.—Section 301 of the
19 Controlled Substances Act (21 U.S.C. 821) is amended
20 by striking “the registration and control of regulated” and
21 all that follows through the period, and inserting “listed
22 chemicals.”

23 (c) IMPORTERS AND EXPORTERS OF CONTROLLED
24 SUBSTANCES.—Section 1088(f) of the Controlled Sub-

1 stances Import and Export Act (21 U.S.C. 958(f)) is
2 amended—

3 (1) by inserting “and control” after “the reg-
4 istration”; and

5 (2) by striking “list I chemicals under this sec-
6 tion.” and inserting “listed chemicals.”.

7 SEC. 631. UNIVERSAL SERVICE SUPPORT. None of
8 the funds appropriated by this Act may be used by the
9 Federal Communications Commission to modify, amend,
10 or change its rules or regulations for universal service sup-
11 port payments to implement the February 27, 2004 rec-
12 ommendations of the Federal-State Joint Board on Uni-
13 versal Service regarding single connection or primary line
14 restrictions on universal service support payments.

15 SEC. 632. The unobligated balance of the amount ap-
16 propriated by title V of the Departments of Commerce,
17 Justice, and State, the Judiciary, and Related Agencies
18 Appropriations Act, 2002 (Public Law 107–77; 115 Stat.
19 798) for necessary expenses of the United States-Canada
20 Alaska Rail Commission shall be transferred as a direct
21 lump-sum payment to the University of Alaska.

22 TITLE VII—PATENT AND TRADEMARK FEES

23 SECTION. 701. FEES FOR PATENT SERVICES.

24 (a) GENERAL PATENT FEES.—During fiscal year
25 2005, subsection (a) of section 41 of title 35, United

1 States Code, shall be administered as though that sub-
2 section reads as follows:

3 “(a) GENERAL FEES.—The Director shall charge the
4 following fees:

5 “(1) FILING AND BASIC NATIONAL FEES.—

6 “(A) On filing each application for an
7 original patent, except for design, plant, or pro-
8 visional applications, \$300.

9 “(B) On filing each application for an
10 original design patent, \$200.

11 “(C) On filing each application for an
12 original plant patent, \$200.

13 “(D) On filing each provisional application
14 for an original patent, \$200.

15 “(E) On filing each application for the re-
16 issue of a patent, \$300.

17 “(F) The basic national fee for each inter-
18 national application filed under the treaty de-
19 fined in section 351(a) of this title entering the
20 national stage under section 371 of this title,
21 \$300.

22 “(G) In addition, excluding any sequence
23 listing or computer program listing filed in an
24 electronic medium as prescribed by the Direc-
25 tor, for any application the specification and

drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), \$250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

“(2) EXCESS CLAIMS FEES.—In addition to the fee specified in paragraph (1)—

“(A) on filing or on presentation at any other time, \$200 for each claim in independent form in excess of 3;

“(B) on filing or on presentation at any other time, \$50 for each claim (whether dependent or independent) in excess of 20; and

“(C) for each application containing a multiple dependent claim, \$360.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as pre-

scribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

“(3) EXAMINATION FEES.—

“(A) For examination of each application for an original patent, except for design, plant, provisional, or international applications, \$200.

“(B) For examination of each application for an original design patent, \$130.

“(C) For examination of each application for an original plant patent, \$160.

“(D) For examination of the national stage of each international application, \$200.

“(E) For examination of each application for the reissue of a patent, \$600.

“(4) ISSUE FEES.—

“(A) For issuing each original patent, except for design or plant patents, \$1,400.

“(B) For issuing each original design patent, \$800.

“(C) For issuing each original plant patent, \$1,100.

1 “(D) For issuing each reissue patent,
2 \$1,400.

3 “(5) DISCLAIMER FEE.—On filing each dis-
4 claimer, \$130.

5 “(6) APPEAL FEES.—

6 “(A) On filing an appeal from the exam-
7 iner to the Board of Patent Appeals and Inter-
8 ferences, \$500.

9 “(B) In addition, on filing a brief in sup-
10 port of the appeal, \$500, and on requesting an
11 oral hearing in the appeal before the Board of
12 Patent Appeals and Interferences, \$1,000.

13 “(7) REVIVAL FEES.—On filing each petition
14 for the revival of an unintentionally abandoned ap-
15 plication for a patent, for the unintentionally delayed
16 payment of the fee for issuing each patent, or for an
17 unintentionally delayed response by the patent owner
18 in any reexamination proceeding, \$1,500, unless the
19 petition is filed under section 133 or 151 of this
20 title, in which case the fee shall be \$500.

21 “(8) EXTENSION FEES.—For petitions for 1-
22 month extensions of time to take actions required by
23 the Director in an application—

24 “(A) on filing a first petition, \$120;

25 “(B) on filing a second petition, \$330; and

1 “(C) on filing a third or subsequent peti-
2 tion, \$570.”.

3 (b) PATENT MAINTENANCE FEES.—During fiscal
4 year 2005, subsection (b) of Section 41 of title 35, United
5 States Code, shall be administered as though that sub-
6 section reads as follows:

7 “(b) MAINTENANCE FEES.—The Director shall
8 charge the following fees for maintaining in force all pat-
9 ents based on applications filed on or after December 12,
10 1980:

11 “(1) 3 years and 6 months after grant, \$900.

12 “(2) 7 years and 6 months after grant, \$2,300.

13 “(3) 11 years and 6 months after grant,
14 \$3,800.

15 (c) PATENT SEARCH FEES.—During fiscal year
16 2005, subsection (d) of section 41 of title 35, United
17 States Code, shall be administered as though that sub-
18 section reads as follows:

19 “(d) PATENT SEARCH AND OTHER FEES.—

20 “(1) PATENT SEARCH FEES.—

21 “(A) The Director shall charge a fee for
22 the search of each application for a patent, ex-
23 cept for provisional applications. The Director
24 shall establish the fees charged under this para-
25 graph to recover an amount not to exceed the

1 estimated average cost to the Office of search-
2 ing applications for patent either by acquiring
3 a search report from a qualified search author-
4 ity, or by causing a search by Office personnel
5 to be made, of each application for patent. For
6 the 3-year period beginning on October 1, 2004,
7 the fee for a search by a qualified search au-
8 thority of a patent application described in
9 clause (i), (iv), or (v) of subparagraph (B) may
10 not exceed \$500, of a patent application de-
11 scribed in clause (ii) of subparagraph (B) may
12 not exceed \$100, and of a patent application
13 described in clause (iii) of subparagraph (B)
14 may not exceed \$300. The Director may not in-
15 crease any such fee by more than 20 percent in
16 each of the next three 1-year periods, and the
17 Director may not increase any such fee there-
18 after.

19 “(B) For purposes of determining the fees
20 to be established under this paragraph, the cost
21 to the Office of causing a search of an applica-
22 tion to be made by Office personnel shall be
23 deemed to be—

1 “(i) \$500 for each application for an
2 original patent, except for design, plant,
3 provisional, or international applications;

4 “(ii) \$100 for each application for an
5 original design patent;

6 “(iii) \$300 for each application for an
7 original plant patent;

8 “(iv) \$500 for the national stage of
9 each international application; and

10 “(v) \$500 for each application for the
11 reissue of a patent.

12 “(C) The provisions of section 111(a)(3) of
13 this title relating to the payment of the fee for
14 filing the application shall apply to the payment
15 of the fee specified in this paragraph with re-
16 spect to an application filed under section
17 111(a) of this title. The provisions of section
18 371(d) of this title relating to the payment of
19 the national fee shall apply to the payment of
20 the fee specified in this paragraph with respect
21 to an international application.

22 “(D) The Director may by regulation pro-
23 vide for a refund of any part of the fee specified
24 in this paragraph for any applicant who files a
25 written declaration of express abandonment as

1 prescribed by the Director before an examina-
2 tion has been made of the application under
3 section 131 of this title, and for any applicant
4 who provides a search report that meets the
5 conditions prescribed by the Director.

6 “(2) OTHER FEES.—The Director shall estab-
7 lish fees for all other processing, services, or mate-
8 rials relating to patents not specified in this section
9 to recover the estimated average cost to the Office
10 of such processing, services, or materials, except that
11 the Director shall charge the following fees for the
12 following services:

13 “(A) For recording a document affecting
14 title, \$40 per property.

15 “(B) For each photocopy, \$.25 per page.

16 “(C) For each black and white copy of a
17 patent, \$3.

18 The yearly fee for providing a library specified in
19 section 12 of this title with uncertified printed copies
20 of the specifications and drawings for all patents in
21 that year shall be \$50.”.

22 (d) ADJUSTMENTS.—During fiscal year 2005, sub-
23 section (f) of section 41 of title 35, United States Code,
24 shall apply to the fees established under the amendments
25 made by this section.

1 (e) FEES FOR SMALL ENTITIES.—During fiscal year
 2 2005, subsection (h) of section 41 of title 35, United
 3 States Code, shall be administered as though that sub-
 4 section is amended—

5 (1) in paragraph (1), by striking “Fees charged
 6 under subsection (a) or (b)” and inserting “Subject
 7 to paragraph (3), fees charged under subsections
 8 (a), (b), and (d)(1)”; and

9 (2) by adding at the end the following new
 10 paragraph:

11 “(3) The fee charged under subsection
 12 (a)(1)(A) shall be reduced by 75 percent with re-
 13 spect to its application to any entity to which para-
 14 graph (1) applies, if the application is filed by elec-
 15 tronic means as prescribed by the Director.”.

16 **SEC. 702. ADJUSTMENT OF TRADEMARK FEES.**

17 (a) FEE FOR FILING APPLICATION.—During fiscal
 18 year 2005, under such conditions as may be prescribed
 19 by the Director, the fee under section 31(a) of the Trade-
 20 mark Act of 1946 (15 U.S.C. 1113(a)) for: (a) the filing
 21 of a paper application for the registration of a trademark
 22 shall be \$375; (b) the filing of an electronic application
 23 shall be \$325; and (c) the filing of an electronic applica-
 24 tion meeting certain additional requirements prescribed by
 25 the Director shall be \$275. During fiscal year 2005, the

1 provisions of the second and third sentences of section
 2 31(a) of the Trademark Act of 1946 shall apply to the
 3 fees established under this section.

4 (b) REFERENCE TO TRADEMARK ACT OF 1946.—For
 5 purposes of this section, the “Trademark Act of 1946”
 6 refers to the Act entitled “An Act to provide for the reg-
 7 istration and protection of trademarks used in commerce,
 8 to carry out the provisions of certain international conven-
 9 tions, and for other purposes.”, approved July 5, 1946 (15
 10 U.S.C. 1051 et seq.).

11 **SEC. 703. EFFECTIVE DATE, APPLICABILITY, AND TRANSI-**
 12 **TIONAL PROVISION.**

13 (a) EFFECTIVE DATE.—Except as otherwise provided
 14 in this title and this section, the provisions of this title
 15 shall take effect on the date of the enactment of this Act.
 16 If this Act takes effect after October 1, 2004, the provi-
 17 sions of this title shall apply only with respect to the re-
 18 maining portion of fiscal year 2005.

19 (b) APPLICABILITY.—

20 (1)(A) Except as provided in subparagraphs
 21 (B) and (C), the provisions of section 701 shall
 22 apply to all patents, whenever granted, and to all
 23 patent applications pending on or filed after the ef-
 24 fective date set forth in subsection (a) of this sec-
 25 tion.

1 (B)(i) Except as provided in clause (ii), sections
2 41(a)(1), 41(a)(3), and 41(d)(1) of title 35, United
3 States Code, as administered as provided in this
4 title, shall apply only to—

5 (I) applications for patents filed under sec-
6 tion 111 of title 35, United States Code, on or
7 after the effective date set forth in subsection
8 (a) of this section, and

9 (II) international applications entering the
10 national stage under section 371 of title 35,
11 United States Code, for which the basic na-
12 tional fee specified in section 41 of title 35,
13 United States Code, was not paid before the ef-
14 fective date set forth in subsection (a) of this
15 section.

16 (ii) Section 41(a)(1)(D) of title 35, United
17 States Code as administered as provided in this title,
18 shall apply only to applications for patent filed
19 under section 111(b) of title 35, United States Code,
20 before, on, or after the effective date set forth in
21 subsection (a) of this section in which the filing fee
22 specified in section 41 of title 35, United States
23 Code, was not paid before the effective date set forth
24 in subsection (a) of this section.

1 (C) Section 41(a)(2) of title 35, United States
2 Code, as administered as provided in this title, shall
3 apply only to the extent that the number of excess
4 claims, after giving effect to any cancellation of
5 claims, is in excess of the number of claims for
6 which the excess claims fee specified in section 41 of
7 title 35, United States Code, was paid before the ef-
8 fective date set forth in subsection (a) of this sec-
9 tion.

10 (2) The provisions of section 702 shall apply to
11 all applications for the registration of a trademark
12 filed or amended on or after the effective date set
13 forth in subsection (a) of this section.

14 (c) TRANSITIONAL PROVISIONS.—

15 (1) SEARCH FEES.—During fiscal year 2005,
16 the Director shall charge—

17 (A) for the search of each application for
18 an original patent, except for design, plant, pro-
19 visional, or international application, \$500;

20 (B) for the search of each application for
21 an original design patent, \$100;

22 (C) for the search of each application for
23 an original plant patent, \$300;

24 (D) for the search of the national stage of
25 each international application, \$500; and

1 (E) for the search of each application for
2 the reissue of a patent, \$500.

3 (2) TIMING OF FEES.—The provisions of sec-
4 tion 111(a)(3) of title 35, United States Code, relat-
5 ing to the payment of the fee for filing the applica-
6 tion shall apply to the payment of the fee specified
7 in paragraph (1) with respect to an application filed
8 under section 111(a) of title 35, United States Code.
9 The provisions of section 371(d) of title 35, United
10 States Code, relating to the payment of the national
11 fee shall apply to the payment of the fee specified
12 in paragraph (1) with respect to an international ap-
13 plication.

14 **SEC. 704. DEFINITION.**

15 In this title, the term “Director” means the Under
16 Secretary of Commerce for Intellectual Property and Di-
17 rector of the United States Patent and Trademark Office.

18 **TITLE VIII—KOBY MANDELL ACT OF 2003**

19 **SECTION 801. SHORT TITLE.**

20 This Act may be cited as the “Koby Mandell Act of
21 2003”.

22 **SEC. 802. FINDINGS.**

23 Congress finds the following:

24 (1) Numerous American citizens have been
25 murdered or maimed by terrorists around the world,

1 including more than 100 murdered since 1968 in
2 terrorist attacks occurring in Israel or in territories
3 administered by Israel or in territories administered
4 by the Palestinian Authority.

5 (2) Some American citizens who have been vic-
6 tims of terrorism overseas, especially those harmed
7 by terrorists operating from areas administered by
8 the Palestinian Authority, have not received from
9 the United States Government services equal to
10 those received by other such victims of overseas ter-
11 rorism.

12 (3) The United States Government has not de-
13 voted adequate efforts or resources to the apprehen-
14 sion of terrorists who have harmed American citi-
15 zens overseas, particularly in cases involving terror-
16 ists operating from areas administered by the Pales-
17 tinian Authority. Monetary rewards for information
18 leading to the capture of terrorists overseas, which
19 the Government advertises in regions where the ter-
20 rorists are believed to be hiding, have not been ad-
21 vertised in areas administered by the Palestinian
22 Authority.

23 (4) This situation is especially grave in the
24 areas administered by the Palestinian Authority, be-
25 cause many terrorists involved in the murders of

1 Americans are walking free there; some of these ter-
 2 rorists have been given positions in the Palestinian
 3 Authority security forces or other official Palestinian
 4 Authority agencies; and a number of schools, streets,
 5 and other public sites have been named in honor of
 6 terrorists who were involved in the murders of
 7 Americans.

8 (5) To remedy these and related problems, an
 9 office should be established within the Department
 10 of Justice for the purpose of ensuring equally vig-
 11 orous efforts to capture all terrorists who have
 12 harmed American citizens overseas and equal treat-
 13 ment for all American victims of overseas terrorism.

14 **SEC. 803. ESTABLISHMENT OF AN OFFICE OF JUSTICE FOR**
 15 **VICTIMS OF OVERSEAS TERRORISM IN THE**
 16 **DEPARTMENT OF JUSTICE.**

17 (a) IN GENERAL.—There is established within the
 18 Department of Justice an Office of Justice for Victims
 19 of Overseas Terrorism (in this Act referred to as the “Of-
 20 fice”) to carry out the following activities:

21 (1) REWARDS FOR JUSTICE.—

22 (A) IN GENERAL.—The Office shall as-
 23 sume responsibility for administration of the
 24 Rewards for Justice program and its website.

1 (B) ADMINISTRATION.—In administering
2 the Rewards for Justice program the Office
3 shall ensure that—

4 (i) rewards are offered to capture all
5 terrorists involved in harming American
6 citizens overseas, regardless of the terror-
7 ists' country of origin or residence;

8 (ii) such rewards are prominently ad-
9 vertised in the mass media and public sites
10 in all countries or regions where such ter-
11 rorists reside;

12 (iii) the names and photographs and
13 suspects in all such cases are included on
14 the website; and

15 (iv) the names of the specific organi-
16 zations claiming responsibility for terrorist
17 attacks mentioned on the site are included
18 in the descriptions of those attacks.

19 (2) NOTIFICATION PROGRAM.—The Office shall
20 establish and administer a program—

21 (A) comparable to the VINE system for
22 notification of crime victims; and

23 (B) that will provide notification for Amer-
24 ican victims of overseas terrorism or their im-
25 mediate family to update them on the status of

1 efforts to capture the terrorists who harmed
2 them.

3 (3) GOVERNMENT REPRESENTATION.—The Of-
4 fice shall send an official United States Government
5 representative to attend the funeral of every Amer-
6 ican victim of terrorism overseas.

7 (4) REPORT.—The Office shall assume respon-
8 sibility for providing twice-annual reports to Con-
9 gress as required by section 805 of the Admiral
10 James W. Nance and Meg Donovan Foreign Rela-
11 tions Authorization Act, Fiscal Years 2000 and
12 2001.

13 (5) PROFITING FROM CRIMES.—The Office
14 shall work with other United States Government
15 agencies to expand legal restrictions on the ability of
16 murderers to reap profits from books or movies con-
17 cerning their crimes so as to ensure that terrorists
18 who harm American citizens overseas are unable to
19 profit from book or movie sales in the United States.

20 (6) TERRORISTS AS POLICE.—The Office
21 shall—

22 (A) determine if terrorists who have
23 harmed American citizens overseas are serving
24 in their local police or security forces; and

1 (B) if it is found that terrorists who have
2 harmed American citizens overseas are serving
3 in their local police or security forces—

4 (i) alert those United States Govern-
5 ment agencies involved in providing assist-
6 ance, directly or indirectly, to those forces;
7 and

8 (ii) request of those agencies that all
9 such assistance be halted until the afore-
10 mentioned terrorists are removed from
11 their positions.

12 (7) PATTERNS OF PROSECUTION.—The Office
13 shall—

14 (A) undertake a comprehensive assessment
15 of the pattern of United States indictments and
16 prosecution of terrorists who have harmed
17 American citizens overseas, in order to deter-
18 mine the reasons for the absence of indictments
19 of terrorists residing in some regions, such as
20 the territories controlled by the Palestinian Au-
21 thority; and

22 (B) provide the assessment to the Attorney
23 General and to Congress, together with its rec-
24 ommendations.

25 (8) MONITORING.—The Office shall—

1 (A) monitor public actions by governments
2 and regimes overseas pertaining to terrorists
3 who have harmed American citizens, such as
4 the naming of schools, streets, or other public
5 institutions or sites after such terrorists; and

6 (B) in such instances, encourage other
7 United States Government agencies to halt
8 their provision of assistance, directly or indi-
9 rectly, to those institutions.

10 (9) COMPENSATION.—The Office shall initiate
11 negotiations to secure appropriate financial com-
12 pensation for American citizens, or the families of
13 such citizens, who were harmed by organizations
14 that claim responsibility for acts of terrorism against
15 Americans overseas and that subsequently become
16 part of a governing regime with which the United
17 States Government maintains diplomatic or other of-
18 ficial contacts, such as the Palestinian Authority.

19 (10) INCARCERATED TERRORISTS.—The Office
20 shall—

21 (A) monitor the incarceration abroad of
22 terrorists who harmed Americans overseas, to
23 ensure that their conditions of incarceration are
24 reasonably similar to conditions of incarceration
25 in the United States; and

1 (B) in cases where terrorists who have
2 harmed Americans overseas, and are subse-
3 quently released from incarceration abroad, are
4 eligible for further prosecution in the United
5 States, coordinate with other Government agen-
6 cies to seek the transfer of those terrorists to
7 the United States for further prosecution.

8 (11) PERSONA NON GRATA.—The Office shall
9 strive to ensure that all terrorists who have harmed
10 Americans overseas are treated by the United States
11 Government as persona non grata, including steps
12 such as—

13 (A) denying those individuals visas for
14 entry to the United States;

15 (B) urging United States Government
16 agencies to refrain from political and diplomatic
17 contacts with those individuals; and

18 (C) instructing United States embassies
19 and consulates to urge American visitors to
20 those countries to refrain from patronizing
21 businesses that are owned or operated by such
22 individuals.

1 **SEC. 804. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
 3 priated for fiscal year 2003 and each subsequent fiscal
 4 year such sums as may be necessary to carry out this Act.

5 (b) AVAILABILITY.—Amounts appropriated pursuant
 6 to the authorization of appropriations under subsection (a)
 7 are authorized to remain available until expended.

8 **TITLE IX—ANABOLIC STEROID CONTROL ACT**
 9 **OF 2004**

10 **SECTION 901. SHORT TITLE.**

11 This Act may be cited as the “Anabolic Steroid Con-
 12 trol Act of 2004”.

13 **SEC. 902. AMENDMENTS TO THE CONTROLLED SUB-**
 14 **STANCES ACT.**

15 (a) DEFINITIONS.—Section 102 of the Controlled
 16 Substances Act (21 U.S.C. 802) is amended—

17 (1) in paragraph (41)—

18 (A) by realigning the margin so as to align
 19 with paragraph (40); and

20 (B) by striking subparagraph (A) and in-
 21 serting the following:

22 “(A) The term ‘anabolic steroid’ means any drug or
 23 hormonal substance, chemically and pharmacologically re-
 24 lated to testosterone (other than estrogens, progestins,
 25 corticosteroids, and dehydroepiandrosterone), and in-
 26 cludes—

- 1 “(i) androstanediol—
- 2 “(I) $3\beta,17\beta$ -dihydroxy- 5α -androstandiol; and
- 3 “(II) $3\alpha,17\beta$ -dihydroxy- 5α -androstandiol;
- 4 “(ii) androstanedione (5α -androstan-3,17-
- 5 dione);
- 6 “(iii) androstenediol—
- 7 “(I) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-
- 8 5α -androst-1-ene);
- 9 “(II) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-
- 10 5α -androst-1-ene);
- 11 “(III) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-
- 12 androst-4-ene); and
- 13 “(IV) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-
- 14 androst-5-ene);
- 15 “(iv) androstenedione—
- 16 “(I) 1-androstenedione ([5α]-androst-1-en-
- 17 3,17-dione);
- 18 “(II) 4-androstenedione (androst-4-en-
- 19 3,17-dione); and
- 20 “(III) 5-androstenedione (androst-5-en-
- 21 3,17-dione);
- 22 “(v) bolasterone ($7\alpha,17\alpha$ -dimethyl- 17β -
- 23 hydroxyandrost-4-en-3-one);
- 24 “(vi) boldenone (17β -hydroxyandrost-1,4,-diene-
- 25 3-one);

- 1 “(vii) calusterone (7 β ,17 α -dimethyl-17 β -
2 hydroxyandrost-4-en-3-one);
- 3 “(viii) clostebol (4-chloro-17 β -hydroxyandrost-4-
4 en-3-one);
- 5 “(ix) dehydrochloromethyltestosterone (4-
6 chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-
7 one);
- 8 “(x) Δ 1-dihydrotestosterone (a.k.a. ‘1-testos-
9 terone’) (17 β -hydroxy-5 α -androst-1-en-3-one);
- 10 “(xi) 4-dihydrotestosterone (17 β -hydroxy-
11 androstan-3-one);
- 12 “(xii) drostanolone (17 β -hydroxy-2 α -methyl-5 α -
13 androstan-3-one);
- 14 “(xiii) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-
15 4-ene);
- 16 “(xiv) fluoxymesterone (9-fluoro-17 α -methyl-
17 11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 18 “(xv) formebolone (2-formyl-17 α -methyl-
19 11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 20 “(xvi) furazabol (17 α -methyl-17 β -
21 hydroxyandrostano[2,3-c]-furazan);
- 22 “(xvii) 13 β -ethyl-17 α -hydroxygon-4-en-3-one;
- 23 “(xviii) 4-hydroxytestosterone (4,17 β -dihydroxy-
24 androst-4-en-3-one);

- 1 “(xix) 4-hydroxy-19-nortestosterone (4,17 β -
2 dihydroxy-estr-4-en-3-one);
- 3 “(xx) mestanolone (17 α -methyl-17 β -hydroxy-
4 5 α -androstan-3-one);
- 5 “(xxi) mesterolone (1 α -methyl-17 β -hydroxy-
6 [5 α]-androstan-3-one);
- 7 “(xxii) methandienone (17 α -methyl-17 β -
8 hydroxyandrost-1,4-dien-3-one);
- 9 “(xxiii) methandriol (17 α -methyl-3 β ,17 β -
10 dihydroxyandrost-5-ene);
- 11 “(xxiv) methenolone (1-methyl-17 β -hydroxy-5 α -
12 androst-1-en-3-one);
- 13 “(xxv) methyltestosterone (17 α -methyl-17 β -
14 hydroxyandrost-4-en-3-one);
- 15 “(xxvi) mibolerone (7 α ,17 α -dimethyl-17 β -
16 hydroxyestr-4-en-3-one);
- 17 “(xxvii) 17 α -methyl- Δ 1-dihydrotestosterone
18 (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one)
19 (a.k.a. ‘17- α -methyl-1-testosterone’);
- 20 “(xxviii) nandrolone (17 β -hydroxyestr-4-en-3-
21 one);
- 22 “(xxix) norandrostenediol—
23 “(I) 19-nor-4-androstenediol (3 β , 17 β -
24 dihydroxyestr-4-ene);

1 “(II) 19-nor-4-androstenediol (3α , 17β -
2 dihydroxyestr-4-ene);

3 “(III) 19-nor-5-androstenediol (3β , 17β -
4 dihydroxyestr-5-ene); and

5 “(IV) 19-nor-5-androstenediol (3α , 17β -
6 dihydroxyestr-5-ene);

7 “(xxx) norandrostenedione—

8 “(I) 19-nor-4-androstenedione (estr-4-en-
9 3,17-dione); and

10 “(II) 19-nor-5-androstenedione (estr-5-en-
11 3,17-dione;

12 “(xxxi) norbolethone (13β , 17α -diethyl- 17β -
13 hydroxygon-4-en-3-one);

14 “(xxxii) norclostebol (4-chloro- 17β -hydroxyestr-
15 4-en-3-one);

16 “(xxxiii) norethandrolone (17α -ethyl- 17β -
17 hydroxyestr-4-en-3-one);

18 “(xxxiv) oxandrolone (17α -methyl- 17β -hydroxy-
19 2-oxa-[5α]-androstan-3-one);

20 “(xxxv) oxymesterone (17α -methyl-4, 17β -
21 dihydroxyandrost-4-en-3-one);

22 “(xxxvi) oxymetholone (17α -methyl-2-
23 hydroxymethylene- 17β -hydroxy-[5α]-androstan-3-
24 one);

1 “(xxxvii) stanozolol (17α -methyl- 17α -hydroxy-
2 $[5\alpha]$ -androst-2-eno[3,2-c]-pyrazole);

3 “(xxxviii) stenbolone (17β -hydroxy-2-methyl-
4 $[5\alpha]$ -androst-1-en-3-one);

5 “(xxxix) testolactone (13-hydroxy-3-oxo-13,17-
6 secoandrosta-1,4-dien-17-oic acid lactone);

7 “(xl) testosterone (17β -hydroxyandrost-4-en-3-
8 one);

9 “(xli) tetrahydrogestrinone (13β , 17α -diethyl-
10 17β -hydroxygon-4,9,11-trien-3-one);

11 “(xlii) trenbolone (17β -hydroxyestr-4,9,11-trien-
12 3-one);

13 “(xliii) any salt, ester, or ether of a drug or
14 substance described in this paragraph;

15 “(xliv) methyldienolone (17α -methyl- 17β -
16 hydroxyestra-4,9(10)-dien-3-one);

17 “(xlv) methyltrienolone (17α -methyl- 17β -
18 hydroestra-4,9,11-trien-3-one);

19 “(xlvi) normethandrolone (17α -methyl- 17β -
20 hydroxyestr-4-en-3-one);

21 “(xlvii) 17α -methyl-4-hydroxynandrolone (17α -
22 methyl-4-hydroxy- 17β -hydroxyestr-4-en-3-one);

23 “(xlviii) 17α -methyl- 3β , 17β -dihydroxy- 5α -an-
24 drostane;

1 “(xlv) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -andro-
2 stane; and

3 “(xlv) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-
4 ene.

5 The substances excluded under this subparagraph may at
6 any time be scheduled by the Attorney General in accord-
7 ance with the authority and requirements of subsections
8 (a) through (c) of section 201.”; and

9 (2) in paragraph (44), by inserting “anabolic
10 steroids,” after “marihuana,”.

11 (b) AUTHORITY AND CRITERIA FOR CLASSIFICA-
12 TION.—Section 201(g) of the Controlled Substances Act
13 (21 U.S.C. 811(g)) is amended—

14 (1) in paragraph (1), by striking “substance
15 from a schedule if such substance” and inserting
16 “drug which contains a controlled substance from
17 the application of titles II and III of the Comprehen-
18 sive Drug Abuse Prevention and Control Act (21
19 U.S.C. 802 et seq.) if such drug”; and

20 (2) in paragraph (3), by adding at the end the
21 following:

22 “(C) Upon the recommendation of the Sec-
23 retary of Health and Human Services, a compound,
24 mixture, or preparation which contains any anabolic
25 steroid, which is intended for administration to a

1 human being or an animal, and which, because of its
2 concentration, preparation, formulation or delivery
3 system, does not present any significant potential for
4 abuse.”.

5 (c) ANABOLIC STEROIDS CONTROL ACT.—Section
6 1903 of the Anabolic Steroids Control Act of 1990 (Public
7 Law 101–647) is amended—

8 (1) by striking subsection (a); and

9 (2) by redesignating subsections (b) and (c) as
10 subsections (a) and (b), respectively.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect 90 days after the date of en-
13 actment of this Act.

14 **SEC. 903. SENTENCING COMMISSION GUIDELINES.**

15 The United States Sentencing Commission shall—

16 (1) review the Federal sentencing guidelines
17 with respect to offenses involving anabolic steroids;

18 (2) consider amending the Federal sentencing
19 guidelines to provide for increased penalties with re-
20 spect to offenses involving anabolic steroids in a
21 manner that reflects the seriousness of such offenses
22 and the need to deter anabolic steroid trafficking
23 and use; and

24 (3) take such other action that the Commission
25 considers necessary to carry out this section.

1 **SEC. 904. PREVENTION AND EDUCATION PROGRAMS.**

2 (a) IN GENERAL.—The Secretary of Health and
3 Human Services (referred to in this Act as the “Sec-
4 retary”) shall award grants to public and nonprofit private
5 entities to enable such entities to carry out science-based
6 education programs in elementary and secondary schools
7 to highlight the harmful effects of anabolic steroids.

8 (b) ELIGIBILITY.—

9 (1) APPLICATION.—To be eligible for grants
10 under subsection (a), an entity shall prepare and
11 submit to the Secretary an application at such time,
12 in such manner, and containing such information as
13 the Secretary may require.

14 (2) PREFERENCE.—In awarding grants under
15 subsection (a), the Secretary shall give preference to
16 applicants that intend to use grant funds to carry
17 out programs based on—

18 (A) the Athletes Training and Learning to
19 Avoid Steroids program;

20 (B) the Athletes Targeting Healthy Exer-
21 cise and Nutrition Alternatives program; and

22 (C) other programs determined to be effec-
23 tive by the National Institute on Drug Abuse.

24 (c) USE OF FUNDS.—Amounts received under a
25 grant under subsection (a) shall be used primarily for edu-
26 cation programs that will directly communicate with

1 teachers, principals, coaches, as well as elementary and
2 secondary school children concerning the harmful effects
3 of anabolic steroids.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section,
6 \$15,000,000 for each of fiscal years 2005 through 2010.

7 **SEC. 905. NATIONAL SURVEY ON DRUG USE AND HEALTH.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services shall ensure that the National Survey on
10 Drug Use and Health includes questions concerning the
11 use of anabolic steroids.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section,
14 \$1,000,000 for each of fiscal years 2005 through 2010.

15 This Act may be cited as the “Departments of Com-
16 merce, Justice, and State, the Judiciary, and Related
17 Agencies Appropriations Act, 2005”.

Calendar No. 698

108TH CONGRESS
2D Session

S. 2809

[Report No. 108-344]

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

SEPTEMBER 15, 2004

Read twice and placed on the calendar