

In the Senate of the United States,

September 15, 2005.

Resolved, That the bill from the House of Representatives (H.R. 2862) entitled “An Act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2006, and for other pur-*
- 4 *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, \$116,936,000, of which not to exceed*
6 *\$3,317,000 is for the Facilities Program 2000, to remain*
7 *available until expended: Provided, That not to exceed 45*
8 *permanent positions and 46 full-time equivalent workyears*
9 *and \$11,821,000 shall be expended for the Department*
10 *Leadership Program exclusive of augmentation that oc-*
11 *curred in these offices in fiscal year 2005: Provided further,*
12 *That not to exceed 24 permanent positions, 19 full-time*
13 *equivalent workyears and \$2,980,000 shall be expended for*
14 *the Office of Legislative Affairs: Provided further, That not*
15 *to exceed 17 permanent positions, 22 full-time equivalent*
16 *workyears and \$2,470,000 shall be expended for the Office*
17 *of Public Affairs: Provided further, That the Offices of Leg-*
18 *islative Affairs and Public Affairs may utilize, on a non-*
19 *reimbursable basis details of career employees within the*
20 *ceilings provided for the Office of Legislative Affairs and*
21 *the Office of Public Affairs: Provided further, That not less*
22 *than \$500,000 shall be used to contract with an inde-*
23 *pendent party to carry out a privacy assessment.*

24 *JUSTICE INFORMATION SHARING TECHNOLOGY*

25 *For necessary expenses for information sharing tech-*
26 *nology, including planning, development, deployment and*

1 *Departmental direction, \$135,000,000, to remain available*
2 *until expended: Provided, That, of the funds available*
3 *\$10,000,000 is for the unified financial management system*
4 *to be administered by the United Financial Management*
5 *System Executive Council: Provided further, That of the*
6 *funds provided, \$20,000,000 is unavailable for obligation*
7 *until the Department Chief Information Officer submits the*
8 *plan described in section 111 of this title.*

9 *NARROWBAND COMMUNICATIONS*

10 *For necessary expenses for the costs of conversion to*
11 *narrowband communications, including the cost for oper-*
12 *ations and maintenance of Land Mobile Radio legacy sys-*
13 *tems, \$90,000,000, to remain available until September 30,*
14 *2007: Provided, That the Attorney General shall transfer*
15 *to the “Narrowband Communications” account all funds*
16 *made available to the Department of Justice for the pur-*
17 *chase of portable and mobile radios: Provided further, That*
18 *any transfer made into or out of this account shall be sub-*
19 *ject to section 505 of this Act.*

20 *ADMINISTRATIVE REVIEW AND APPEALS*

21 *For expenses necessary for the administration of par-*
22 *don and clemency petitions and immigration-related activi-*
23 *ties, \$216,286,000.*

24 *DETENTION TRUSTEE*

25 *For necessary expenses of the Federal Detention Trust-*
26 *ee, \$1,222,000,000, to remain available until expended: Pro-*

1 *vided, That the Trustee shall be responsible for managing*
 2 *the Justice Prisoner and Alien Transportation System and*
 3 *for overseeing housing related to such detention: Provided*
 4 *further, That any unobligated balances available in prior*
 5 *years from the funds appropriated under the heading “Fed-*
 6 *eral Prisoner Detention” shall be transferred to and merged*
 7 *with the appropriation under the heading “Detention*
 8 *Trustee” and shall be available until expended.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *For necessary expenses of the Office of Inspector Gen-*
 11 *eral, \$70,431,000, including not to exceed \$10,000 to meet*
 12 *unforeseen emergencies of a confidential character.*

13 *UNITED STATES PAROLE COMMISSION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the United States Parole*
 16 *Commission as authorized by law, \$11,000,000.*

17 *LEGAL ACTIVITIES*

18 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For expenses necessary for the legal activities of the*
 21 *Department of Justice, not otherwise provided for, includ-*
 22 *ing not to exceed \$20,000 for expenses of collecting evidence,*
 23 *to be expended under the direction of, and to be accounted*
 24 *for solely under the certificate of, the Attorney General; and*
 25 *rent of private or Government-owned space in the District*
 26 *of Columbia, \$648,245,000, of which not to exceed*

1 \$10,000,000 for litigation support contracts shall remain
2 available until expended: Provided, That of the total
3 amount appropriated, not to exceed \$1,000 shall be avail-
4 able to the United States National Central Bureau,
5 INTERPOL, for official reception and representation ex-
6 penses: Provided further, That notwithstanding any other
7 provision of law, upon a determination by the Attorney
8 General that emergent circumstances require additional
9 funding for litigation activities of the Civil Division, the
10 Attorney General may transfer such amounts to “Salaries
11 and Expenses, General Legal Activities” from available ap-
12 propriations for the current fiscal year for the Department
13 of Justice, as may be necessary to respond to such cir-
14 cumstances: Provided further, That any transfer pursuant
15 to the previous proviso shall be treated as a reprogramming
16 under section 505 of this Act and shall not be available for
17 obligation or expenditure except in compliance with the
18 procedures set forth in that section.

19 *In addition, for reimbursement of expenses of the De-*
20 *partment of Justice associated with processing cases under*
21 *the National Childhood Vaccine Injury Act of 1986, not to*
22 *exceed \$6,333,000, to be appropriated from the Vaccine In-*
23 *jury Compensation Trust Fund.*

24 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

25 *For expenses necessary for the enforcement of antitrust*
26 *and kindred laws, \$144,451,000, to remain available until*

1 *expended: Provided, That, notwithstanding any other provi-*
2 *sion of law, not to exceed \$116,000,000 of offsetting collec-*
3 *tions derived from fees collected for premerger notification*
4 *filings under the Hart-Scott-Rodino Antitrust Improve-*
5 *ments Act of 1976 (15 U.S.C. 18a), regardless of the year*
6 *of collection, shall be retained and used for necessary ex-*
7 *penses in this appropriation, and shall remain available*
8 *until expended: Provided further, That the sum herein ap-*
9 *propriated from the general fund shall be reduced as such*
10 *offsetting collections are received during fiscal year 2006,*
11 *so as to result in a final fiscal year 2006 appropriation*
12 *from the general fund estimated at not more than*
13 *\$28,451,000.*

14 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

15 *For necessary expenses of the Offices of the United*
16 *States Attorneys, including inter-governmental and cooper-*
17 *ative agreements, \$1,572,654,000; of which not to exceed*
18 *\$2,500,000 shall be available until September 30, 2007, for:*
19 *(1) training personnel in debt collection; (2) locating debt-*
20 *ors and their property; (3) paying the net costs of selling*
21 *property; and (4) tracking debts owed to the United States*
22 *Government: Provided, That of the total amount appro-*
23 *priated, not to exceed \$8,000 shall be available for official*
24 *reception and representation expenses: Provided further,*
25 *That not to exceed \$20,000,000 shall remain available until*
26 *expended: Provided further, That not to exceed \$2,500,000*

1 *for the operation of the National Advocacy Center shall re-*
2 *main available until expended: Provided further, That, in*
3 *addition to reimbursable full-time equivalent workyears*
4 *available to the Offices of the United States Attorneys, not*
5 *to exceed 10,465 positions and 10,451 full-time equivalent*
6 *workyears shall be supported from the funds appropriated*
7 *in this Act for the United States Attorneys: Provided fur-*
8 *ther, That of the funds made available under this heading,*
9 *\$1,500,000 shall only be available to continue “Operation*
10 *Streetsweeper”.*

11 *UNITED STATES TRUSTEE SYSTEM FUND*

12 *For necessary expenses of the United States Trustee*
13 *Program, as authorized, \$214,402,000, to remain available*
14 *until expended and to be derived from the United States*
15 *Trustee System Fund: Provided, That, notwithstanding any*
16 *other provision of law, deposits to the Fund shall be avail-*
17 *able in such amounts as may be necessary to pay refunds*
18 *due depositors: Provided further, That, notwithstanding*
19 *any other provision of law, \$214,402,000 of offsetting collec-*
20 *tions pursuant to 28 U.S.C. 589a(b) shall be retained and*
21 *used for necessary expenses in this appropriation and re-*
22 *main available until expended: Provided further, That the*
23 *sum herein appropriated from the Fund shall be reduced*
24 *as such offsetting collections are received during fiscal year*
25 *2006, so as to result in a final fiscal year 2006 appropria-*
26 *tion from the Fund estimated at \$0.*

1 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*

2 *COMMISSION*

3 *For expenses necessary to carry out the activities of*
4 *the Foreign Claims Settlement Commission, including serv-*
5 *ices as authorized by 5 U.S.C. 3109, \$1,270,000.*

6 *UNITED STATES MARSHALS SERVICE*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the United States Marshals*
9 *Service, \$764,199,000; of which not to exceed \$6,000 shall*
10 *be available for official reception and representation ex-*
11 *penses; of which \$4,000,000 for information technology sys-*
12 *tems shall remain available until expended; and of which*
13 *not less than \$13,130,000 shall be available for the costs*
14 *of courthouse security equipment, including furnishings, re-*
15 *locations, and telephone systems and cabling, and shall re-*
16 *main available until September 30, 2007: Provided, That*
17 *beginning in fiscal year 2007 and for each fiscal year there-*
18 *after, the Attorney General shall include in the budget jus-*
19 *tification materials that the Attorney General submits to*
20 *Congress in support of the Department of Justice budget*
21 *(as submitted with the budget of the President under section*
22 *1105(a) of title 31, 10 United States Code) an estimate for*
23 *each United States Marshals Service courthouse security*
24 *project and an estimate of the budgetary requirements for*
25 *each such project for each of the five subsequent fiscal years:*

1 *Provided further, That, in addition to reimbursable full-*
2 *time equivalent workyears available to the United States*
3 *Marshals Service, not to exceed 4,657 positions and 4,515*
4 *full-time equivalent workyears shall be supported from the*
5 *funds appropriated in this Act for the United States Mar-*
6 *shals Service.*

7 *CONSTRUCTION*

8 *For construction in space controlled, occupied or uti-*
9 *lized by the United States Marshals Service in United*
10 *States courthouses and Federal buildings, \$12,000,000, to*
11 *remain available until expended: Provided, That beginning*
12 *in fiscal year 2007 and for each fiscal year thereafter, the*
13 *Attorney General shall include in the budget justification*
14 *materials that the Attorney General submits to Congress in*
15 *support of the Department of Justice budget (as submitted*
16 *with the budget of the President under section 1105(a) of*
17 *title 31, 10 United States Code) an estimate for each con-*
18 *struction project of United States Marshals Service in*
19 *United States courthouses and Federal buildings and an*
20 *estimate of the budgetary requirements for each such project*
21 *for each of the five subsequent fiscal years.*

22 *FEES AND EXPENSES OF WITNESSES*

23 *For fees and expenses of witnesses, for expenses of con-*
24 *tracts for the procurement and supervision of expert wit-*
25 *nesses, for private counsel expenses, including advances,*
26 *\$168,000,000, to remain available until expended: Pro-*

1 *vided, That not to exceed \$8,000,000 may be made available*
2 *for construction of buildings for protected witness safesites:*
3 *Provided further, That not to exceed \$1,000,000 may be*
4 *made available for the purchase and maintenance of ar-*
5 *mored vehicles for transportation of protected witnesses;*
6 *and of which not to exceed \$7,000,000 may be made avail-*
7 *able for the purchase, installation, and maintenance and*
8 *upgrade of secure telecommunications equipment and a se-*
9 *cure automated information network to store and retrieve*
10 *the identities and locations of protected witnesses.*

11 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*

12 *For the necessary expenses of the Community Rela-*
13 *tions Service, \$9,659,000: Provided, That notwithstanding*
14 *any other provision of law, upon a determination by the*
15 *Attorney General that emergent circumstances require addi-*
16 *tional funding for conflict resolution and violence preven-*
17 *tion activities of the Community Relations Service, the At-*
18 *torney General may transfer such amounts to the Commu-*
19 *nity Relations Service, from available appropriations for*
20 *the current fiscal year for the Department of Justice, as*
21 *may be necessary to respond to such circumstances: Pro-*
22 *vided further, That any transfer pursuant to the previous*
23 *proviso shall be treated as a reprogramming under section*
24 *505 of this Act and shall not be available for obligation*
25 *or expenditure except in compliance with the procedures set*
26 *forth in that section.*

1 *ASSETS FORFEITURE FUND*

2 *For expenses authorized by 28 U.S.C. 524(c)(1)(B),*
3 *(F), and (G), \$21,468,000, to be derived from the Depart-*
4 *ment of Justice Assets Forfeiture Fund.*

5 *INTERAGENCY LAW ENFORCEMENT*6 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

7 *For necessary expenses for the identification, inves-*
8 *tigation, and prosecution of individuals associated with the*
9 *most significant drug trafficking and affiliated money*
10 *laundering organizations not otherwise provided for, to in-*
11 *clude intergovernmental agreements with State and local*
12 *law enforcement agencies engaged in the investigation and*
13 *prosecution of individuals involved in organized crime drug*
14 *trafficking, \$440,197,000, of which \$50,000,000 shall re-*
15 *main available until expended: Provided, That all funds*
16 *appropriated under this heading shall be managed and exe-*
17 *cuted by the Administrator of the Drug Enforcement Ad-*
18 *ministration and all employees of the Executive Office for*
19 *the Organized Crime and Drug Enforcement Task Forces*
20 *shall report directly to said Administrator within 60 days*
21 *of enactment of this Act: Provided further, That any*
22 *amounts obligated from appropriations under this heading*
23 *may be used under authorities available to the organiza-*
24 *tions reimbursed from this appropriation: Provided further,*
25 *That of the funds provided under this heading, \$5,000,000*

1 *may be expended for hiring officers in the Southwest United*
2 *States dedicated to the investigation of manufacturers of*
3 *fraudulent Federal identity documents, Federal travel docu-*
4 *ments, or documents allowing access to Federal programs:*
5 *Provided further, That any unobligated balances remaining*
6 *available at the end of the fiscal year shall be available to*
7 *the Administrator of the Drug Enforcement Administration*
8 *for reallocation among participating organizations in suc-*
9 *ceeding fiscal years, subject to the reprogramming proce-*
10 *dures set forth in section 505 of this Act.*

11 *FEDERAL BUREAU OF INVESTIGATION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Federal Bureau of Inves-*
14 *tigation for detection, investigation, and prosecution of*
15 *crimes against the United States; including purchase for*
16 *police-type use of not to exceed 3,868 passenger motor vehi-*
17 *cles, of which 3,039 will be for replacement only; and not*
18 *to exceed \$70,000 to meet unforeseen emergencies of a con-*
19 *fidential character pursuant to 28 U.S.C. 530C,*
20 *\$5,295,513,000; of which not to exceed \$150,000,000 shall*
21 *remain available until expended; of which \$1,600,000,000*
22 *shall be for counterterrorism investigations, foreign counter-*
23 *intelligence, and other activities related to our national se-*
24 *curity; of which \$152,546,000 shall be for national security*
25 *infrastructure; of which not less than \$1,200,000 shall be*

1 *for the Federal Bureau of Investigation for processing of*
2 *background checks for petitions and applications pending*
3 *before U.S. Citizenship and Immigration Services; and of*
4 *which not to exceed \$20,000,000 is authorized to be made*
5 *available for making advances for expenses arising out of*
6 *contractual or reimbursable agreements with State and*
7 *local law enforcement agencies while engaged in cooperative*
8 *activities related to violent crime, terrorism, organized*
9 *crime, cybercrime, and drug investigations: Provided, That*
10 *not to exceed \$200,000 shall be available for official recep-*
11 *tion and representation expenses.*

12 *CONSTRUCTION*

13 *For necessary expenses to construct or acquire build-*
14 *ings and sites by purchase, or as otherwise authorized by*
15 *law (including equipment for such buildings); conversion*
16 *and extension of federally-owned buildings; and prelimi-*
17 *nary planning and design of projects; \$25,213,000, to re-*
18 *main available until expended: Provided, That \$15,108,000*
19 *shall be available for the planning, design, and construction*
20 *of a regional analytical training center in Redstone Arse-*
21 *nal: Provided further, That \$5,000,000 shall be available*
22 *for a chemical and biological evidence handling and storage*
23 *facility to be co-located with comparable facilities in exist-*
24 *ence for sample, handling and receipt of hazardous material*
25 *by the Department of the Army.*

1 *DRUG ENFORCEMENT ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Drug Enforcement Ad-*
4 *ministration, including not to exceed \$70,000 to meet un-*
5 *foreseen emergencies of a confidential character pursuant*
6 *to 28 U.S.C. 530C; expenses for conducting drug education*
7 *and training programs, including travel and related ex-*
8 *penses for participants in such programs and the distribu-*
9 *tion of items of token value that promote the goals of such*
10 *programs; and purchase of not to exceed 1,043 passenger*
11 *motor vehicles, of which 937 will be for replacement only,*
12 *for police-type use, \$1,649,142,000; of which not to exceed*
13 *\$75,000,000 shall remain available until expended; and of*
14 *which not to exceed \$100,000 shall be available for official*
15 *reception and representation expenses: Provided, That, in*
16 *addition to reimbursable full-time equivalent workyears*
17 *available to the Drug Enforcement Administration, not to*
18 *exceed 8,371 positions and 8,270 full-time equivalent*
19 *workyears shall be supported from the funds appropriated*
20 *in this Act for the Drug Enforcement Administration.*

21 *BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*22 *EXPLOSIVES*23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the Bureau of Alcohol, To-*
25 *bacco, Firearms and Explosives, including the purchase of*

1 *not to exceed 822 vehicles for police-type use, of which 650*
2 *shall be for replacement only; not to exceed \$40,000 for offi-*
3 *cial reception and representation expenses; for training of*
4 *State and local law enforcement agencies with or without*
5 *reimbursement, including training in connection with the*
6 *training and acquisition of canines for explosives and fire*
7 *accelerants detection; and for provision of laboratory assist-*
8 *ance to State and local law enforcement agencies, with or*
9 *without reimbursement, \$923,700,000, of which not to ex-*
10 *ceed \$1,000,000 shall be available for the payment of attor-*
11 *neys' fees as provided by 18 U.S.C. 924(d)(2); and of which*
12 *\$10,000,000 shall remain available until expended: Pro-*
13 *vided, That no funds appropriated herein shall be available*
14 *for salaries or administrative expenses in connection with*
15 *consolidating or centralizing, within the Department of*
16 *Justice, the records, or any portion thereof, of acquisition*
17 *and disposition of firearms maintained by Federal firearms*
18 *licensees: Provided further, That no funds appropriated*
19 *herein shall be used to pay administrative expenses or the*
20 *compensation of any officer or employee of the United*
21 *States to implement an amendment or amendments to 27*
22 *CFR 178.118 or to change the definition of "Curios or rel-*
23 *ics" in 27 CFR 178.11 or remove any item from ATF Pub-*
24 *lication 5300.11 as it existed on January 1, 1994: Provided*
25 *further, That none of the funds appropriated herein shall*

1 *be available to investigate or act upon applications for relief*
2 *from Federal firearms disabilities under 18 U.S.C. 925(c):*
3 *Provided further, That such funds shall be available to in-*
4 *vestigate and act upon applications filed by corporations*
5 *for relief from Federal firearms disabilities under section*
6 *925(c) of title 18, United States Code: Provided further,*
7 *That no funds made available by this or any other Act may*
8 *be used to transfer the functions, missions, or activities of*
9 *the Bureau of Alcohol, Tobacco, Firearms and Explosives*
10 *to other agencies or Departments in fiscal year 2006: Pro-*
11 *vided further, That no funds appropriated under this or*
12 *any other Act with respect to any fiscal year may be used*
13 *to disclose part or all of the contents of the Firearms Trace*
14 *System database maintained by the National Trace Center*
15 *of the Bureau of Alcohol, Tobacco, Firearms and Explosives*
16 *or any information required to be kept by licensees pursu-*
17 *ant to section 923(g) of title 18, United States Code, or re-*
18 *quired to be reported pursuant to paragraphs (3) and (7)*
19 *of such section 923(g), to anyone other than a Federal,*
20 *State, or local law enforcement agency or a prosecutor solely*
21 *in connection with and for use in a bona fide criminal in-*
22 *vestigation or prosecution and then only such information*
23 *as pertains to the geographic jurisdiction of the law enforce-*
24 *ment agency requesting the disclosure and not for use in*
25 *any civil action or proceeding other than an action or pro-*

1 *ceeding commenced by the Bureau of Alcohol, Tobacco, Fire-*
2 *arms and Explosives, or a review of such an action or pro-*
3 *ceeding, to enforce the provisions of chapter 44 of such title,*
4 *and all such data shall be immune from legal process and*
5 *shall not be subject to subpoena or other discovery in any*
6 *civil action in a State or Federal court or in any adminis-*
7 *trative proceeding other than a proceeding commenced by*
8 *the Bureau of Alcohol, Tobacco, Firearms and Explosives*
9 *to enforce the provisions of that chapter, or a review of such*
10 *an action or proceeding; except that this proviso shall not*
11 *be construed to prevent the disclosure of statistical informa-*
12 *tion concerning total production, importation, and expor-*
13 *tation by each licensed importer (as defined in section*
14 *921(a)(9) of such title) and licensed manufacturer (as de-*
15 *finied in section 921(a)(10) of such title): Provided further,*
16 *That no funds made available by this or any other Act shall*
17 *be expended to promulgate or implement any rule requiring*
18 *a physical inventory of any business licensed under section*
19 *923 of title 18, United States Code: Provided further, That*
20 *no funds under this Act may be used to electronically re-*
21 *trieve information gathered pursuant to 18 U.S.C.*
22 *923(g)(4) by name or any personal identification code: Pro-*
23 *vided further, That no funds authorized or made available*
24 *under this or any other Act may be used to deny any appli-*
25 *cation for a license under section 923 of title 18, United*

1 *States Code, or renewal of such a license due to a lack of*
2 *business activity, provided that the applicant is otherwise*
3 *eligible to receive such a license, and is eligible to report*
4 *business income or to claim an income tax deduction for*
5 *business expenses under the Internal Revenue Code of 1986:*
6 *Provided further, That of the amount provided under this*
7 *heading, \$5,000,000, to remain available until expended,*
8 *shall be for the expenses necessary for site selection, architec-*
9 *tural design, site preparation and the development of a total*
10 *cost estimate for the construction of a permanent site for*
11 *the National Center for Explosives Training and Research:*
12 *Provided further, That any funds remaining shall be ap-*
13 *plied to the construction of the Center: Provided further,*
14 *That the Director of the ATF, when considering site selec-*
15 *tion shall consider a site collocated with other law enforce-*
16 *ment and Federal government entities that provide similar*
17 *training and research.*

18 *FEDERAL PRISON SYSTEM*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary of the Federal Prison System*
21 *for the administration, operation, and maintenance of Fed-*
22 *eral penal and correctional institutions, including purchase*
23 *(not to exceed 768, of which 701 are for replacement only)*
24 *and hire of law enforcement and passenger motor vehicles,*
25 *and for the provision of technical assistance and advice on*

1 *corrections related issues to foreign governments,*
2 *\$4,889,649,000: Provided, That the Attorney General may*
3 *transfer to the Health Resources and Services Administra-*
4 *tion such amounts as may be necessary for direct expendi-*
5 *tures by that Administration for medical relief for inmates*
6 *of Federal penal and correctional institutions: Provided*
7 *further, That the Director of the Federal Prison System,*
8 *where necessary, may enter into contracts with a fiscal*
9 *agent/fiscal intermediary claims processor to determine the*
10 *amounts payable to persons who, on behalf of the Federal*
11 *Prison System, furnish health services to individuals com-*
12 *mitted to the custody of the Federal Prison System: Pro-*
13 *vided further, That not to exceed \$6,000 shall be available*
14 *for official reception and representation expenses: Provided*
15 *further, That not to exceed \$85,017,000 shall remain avail-*
16 *able for prison activations until September 30, 2007: Pro-*
17 *vided further, That, of the amounts provided for Contract*
18 *Confinement, not to exceed \$20,000,000 shall remain avail-*
19 *able until expended to make payments in advance for*
20 *grants, contracts and reimbursable agreements, and other*
21 *expenses authorized by section 501(c) of the Refugee Edu-*
22 *cation Assistance Act of 1980, for the care and security in*
23 *the United States of Cuban and Haitian entrants: Provided*
24 *further, That the Director of the Federal Prison System*
25 *may accept donated property and services relating to the*

1 *operation of the prison card program from a not-for-profit*
2 *entity which has operated such program in the past not-*
3 *withstanding the fact that such not-for-profit entity fur-*
4 *nishes services under contracts to the Federal Prison System*
5 *relating to the operation of pre-release services, halfway*
6 *houses or other custodial facilities.*

7 *BUILDINGS AND FACILITIES*

8 *For planning, acquisition of sites and construction of*
9 *new facilities; purchase and acquisition of facilities and re-*
10 *modeling, and equipping of such facilities for penal and*
11 *correctional use, including all necessary expenses incident*
12 *thereto, by contract or force account; and constructing, re-*
13 *modeling, and equipping necessary buildings and facilities*
14 *at existing penal and correctional institutions, including*
15 *all necessary expenses incident thereto, by contract or force*
16 *account, \$222,112,000, to remain available until expended,*
17 *of which not to exceed \$14,000,000 shall be available to con-*
18 *struct areas for inmate work programs, and of which*
19 *\$5,000,000 should be for site planning and development of*
20 *a Federal Correctional Institution in the Mid-Atlantic re-*
21 *gion: Provided, That labor of United States prisoners may*
22 *be used for work performed under this appropriation.*

23 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

24 *The Federal Prison Industries, Incorporated, is hereby*
25 *authorized to make such expenditures, within the limits of*
26 *funds and borrowing authority available, and in accord*

1 *with the law, and to make such contracts and commitments,*
2 *without regard to fiscal year limitations as provided by sec-*
3 *tion 9104 of title 31, United States Code, as may be nec-*
4 *essary in carrying out the program set forth in the budget*
5 *for the current fiscal year for such corporation, including*
6 *purchase (not to exceed five for replacement only) and hire*
7 *of passenger motor vehicles.*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*
9 *PRISON INDUSTRIES, INCORPORATED*

10 *Not to exceed \$3,365,000 of the funds of the corporation*
11 *shall be available for its administrative expenses, and for*
12 *services as authorized by 5 U.S.C. 3109, to be computed*
13 *on an accrual basis to be determined in accordance with*
14 *the corporation's current prescribed accounting system, and*
15 *such amounts shall be exclusive of depreciation, payment*
16 *of claims, and expenditures which such accounting system*
17 *requires to be capitalized or charged to cost of commodities*
18 *acquired or produced, including selling and shipping ex-*
19 *penses, and expenses in connection with acquisition, con-*
20 *struction, operation, maintenance, improvement, protec-*
21 *tion, or disposition of facilities and other property belong-*
22 *ing to the corporation or in which it has an interest.*

1 *OFFICE ON VIOLENCE AGAINST WOMEN*
2 *VIOLENCE AGAINST WOMEN PREVENTION AND*
3 *PROSECUTION PROGRAMS*

4 *For grants, contracts, cooperative agreements, and*
5 *other assistance for the prevention and prosecution of vio-*
6 *lence against women as authorized by the Omnibus Crime*
7 *Control and Safe Streets Act of 1968 (“the 1968 Act”); the*
8 *Violent Crime Control and Law Enforcement Act of 1994*
9 *(Public Law 103–322) (“the 1994 Act”); the Prosecutorial*
10 *Remedies and Other Tools to End the Exploitation of Chil-*
11 *dren Today Act of 2003 (Public Law 108–21); the Juvenile*
12 *Justice and Delinquency Prevention Act of 1974 (“the 1974*
13 *Act”); and the Victims of Trafficking and Violence Protec-*
14 *tion Act of 2000 (Public Law 106–386); \$371,997,000, to*
15 *remain available until expended: Provided, That except as*
16 *otherwise provided by law, not to exceed three percent of*
17 *funds made available under this heading may be used for*
18 *expenses related to evaluation, training and technical as-*
19 *sistance: Provided further, That of the amounts provided—*
20 *(1) \$187,308,000 for grants to combat violence*
21 *against women as authorized by part T of the 1968*
22 *Act, of which:*
23 *(A) \$5,200,000 shall be for the National In-*
24 *stitute of Justice for research and evaluation of*
25 *violence against women;*

1 (B) \$10,000,000 shall be for the Office of
2 *Juvenile Justice and Delinquency Prevention for*
3 *the Safe Start Program, as authorized by the Ju-*
4 *venile Justice and Delinquency Act of 1974 Act;*
5 *and*

6 (C) \$15,000,000 shall be for transitional
7 *housing assistance grants for victims of domestic*
8 *violence, stalking or sexual assault as authorized*
9 *by Public Law 108–21;*

10 (2) \$62,660,000 for grants to encourage arrest
11 *policies as authorized by part U of the 1968 Act;*

12 (3) \$39,166,000 for rural domestic violence and
13 *child abuse enforcement assistance grants, as author-*
14 *ized by section 40295(a) of the 1994 Act;*

15 (4) \$9,054,000 to reduce violent crimes against
16 *women on campus, as authorized by section 1108(a)*
17 *of Public Law 106–386;*

18 (5) \$39,220,000 for legal assistance for victims,
19 *as authorized by section 1201(c) of Public Law 106–*
20 *386;*

21 (6) \$4,540,000 for enhancing protection for older
22 *and disabled women from domestic violence and sex-*
23 *ual assault, as authorized by section 40802 of the*
24 *1994 Act;*

1 *dren Today Act of 2003 (Public Law 108–21), and with*
2 *the Victims of Crime Act of 1984, as amended,*
3 *\$221,000,000, to remain available until expended: Pro-*
4 *vided, That of the amount provided—*

5 (1) *\$4,958,000 for training programs as author-*
6 *ized by section 40152 of the 1994 Act, and for related*
7 *local demonstration projects;*

8 (2) *\$986,000 for grants for televised testimony,*
9 *as authorized by Part N of the 1968 Act;*

10 (3) *\$2,962,000 for grants to improve the stalking*
11 *and domestic violence databases, as authorized by sec-*
12 *tion 40602(a) of the 1994 Act;*

13 (4) *\$5,287,000 for child abuse training programs*
14 *for judicial personnel and practitioners, as authorized*
15 *by section 222 of the 1990 Act;*

16 (5) *\$11,846,000 for the court-appointed special*
17 *advocate program, as authorized by section 217 of the*
18 *1990 Act.*

19 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

20 *For grants, contracts, cooperative agreements, and*
21 *other assistance authorized by the Violent Crime Control*
22 *and Law Enforcement Act of 1994 (Public Law 103–322)*
23 *(“the 1994 Act”); the Omnibus Crime Control and Safe*
24 *Streets Act of 1968 (“the 1968 Act”); and the Victims of*
25 *Trafficking and Violence Protection Act of 2000 (Public*
26 *Law 106–386); and other programs; \$1,353,350,000 of*

1 *which in addition to amounts provided by the following*
 2 *table \$275,000,000 shall be available for Justice Assistance*
 3 *Grants to be offset by reducing appropriations in this title*
 4 *by a total of \$275,000,000 to come from activities as follows:*
 5 *\$43,000,000 from travel and transportation of persons;*
 6 *\$3,000,000 from transportation of things; \$27,000,000 from*
 7 *communications, utilities, and miscellaneous charges;*
 8 *\$6,000,000 from printing and reproduction; and*
 9 *\$196,000,000 from other services (including amounts for*
 10 *administrative costs which shall be transferred to and*
 11 *merged with the “Justice Assistance” account): Provided,*
 12 *That funding provided under this heading shall remain*
 13 *available until expended: Provided further, That funds pro-*
 14 *vided under this heading shall be distributed in the manner*
 15 *described in the following table:*

<i>Program</i>	<i>Amount</i>
<i>Justice Assistance Grants</i>	<i>\$530,000,000</i>
<i>Boys and Girls Clubs</i>	<i>\$85,000,000</i>
<i>National Institute of Justice</i>	<i>\$10,000,000</i>
<i>Indian Assistance Programs</i>	<i>\$15,000,000</i>
<i>State Criminal Alien Assistance Programs</i>	<i>\$170,000,000</i>
<i>SW Border Prosecutors</i>	<i>\$30,000,000</i>
<i>Byrne Grants (discretionary)</i>	<i>\$177,000,000</i>
<i>Drug Courts</i>	<i>\$25,000,000</i>
<i>Marketing Scams Against Senior Citizens</i>	<i>\$1,000,000</i>
<i>Missing Alzheimer’s Disease Patient Alert Program</i>	<i>\$850,000</i>
<i>Assistance for Victims of Trafficking</i>	<i>\$2,000,000</i>
<i>Prison Rape Prevention</i>	<i>\$1,500,000</i>
<i>State Prison Drug Treatment</i>	<i>\$15,000,000</i>
<i>National Criminal Intelligence Sharing Plan</i>	<i>\$6,000,000</i>
<i>Capital Litigation</i>	<i>\$1,000,000</i>
<i>Justice For All</i>	<i>\$4,000,000</i>
<i>State and Local Anti-Terrorism Training</i>	<i>\$5,000,000:</i>

16 *Provided further, That, if a unit of local government uses*
 17 *any of the funds made available under this title to increase*

1 *the number of law enforcement officers, the unit of local gov-*
2 *ernment will achieve a net gain in the number of law en-*
3 *forcement officers who perform nonadministrative public*
4 *safety service.*

5 *WEED AND SEED PROGRAM FUND*

6 *For necessary expenses, including salaries and related*
7 *expenses of the Executive Office for Weed and Seed, to im-*
8 *plement “Weed and Seed” program activities, \$50,280,000,*
9 *to remain available until September 30, 2007, for inter-*
10 *governmental agreements, including grants, cooperative*
11 *agreements, and contracts, with State and local law enforce-*
12 *ment agencies, non-profit organizations, and agencies of*
13 *local government engaged in the investigation and prosecu-*
14 *tion of violent crimes and drug offenses in “Weed and Seed”*
15 *designated communities, and for either reimbursements or*
16 *transfers to appropriation accounts of the Department of*
17 *Justice and other Federal agencies which shall be specified*
18 *by the Attorney General to execute the “Weed and Seed”*
19 *program strategy: Provided, That funds designated by Con-*
20 *gress through language for other Department of Justice ap-*
21 *propriation accounts for “Weed and Seed” program activi-*
22 *ties shall be managed and executed by the Attorney General*
23 *through the Executive Office for Weed and Seed: Provided*
24 *further, That the Attorney General may direct the use of*
25 *other Department of Justice funds and personnel in support*
26 *of “Weed and Seed” program activities only after the Attor-*

1 *ney General notifies the Committees on Appropriations of*
2 *the House of Representatives and the Senate in accordance*
3 *with section 505 of this Act: Provided further, That of the*
4 *funds appropriated for the Executive Office for Weed and*
5 *Seed, \$2,000,000 shall be directed for comprehensive com-*
6 *munity development training and technical assistance.*

7 *COMMUNITY ORIENTED POLICING SERVICES*

8 *For activities authorized by the Violent Crime Control*
9 *and Law Enforcement Act of 1994 (Public Law 103–322)*
10 *(including administrative costs), \$534,987,000, of which*
11 *\$19,900,000 shall be offset by reducing appropriations in*
12 *this title for Department of Justice supplies and materials*
13 *by a total of \$19,900,000, to remain available until ex-*
14 *pendent: Provided, That funds that become available as a*
15 *result of deobligations from prior year balances may not*
16 *be obligated except in accordance with section 505 of this*
17 *Act: Provided further, That of the funds under this heading,*
18 *not to exceed \$2,575,000 shall be available for the Office*
19 *of Justice Programs for reimbursable services associated*
20 *with programs administered by the Community Oriented*
21 *Policing Services Office: Provided further, That section*
22 *1703(b) and (c) of the Omnibus Crime Control and Safe*
23 *Streets Act of 1968 (“the 1968 Act”) shall not apply to non-*
24 *hiring grants made pursuant to part Q of title I thereof*
25 *(42 U.S.C. 3796dd et seq.): Provided further, That funds*

1 *provided under this heading shall be distributed in the*
 2 *manner described in the following table:*

<i>Program</i>	<i>Amount</i>
<i>Hiring</i>	<i>\$2,000,000</i>
<i>Training and Technical Assistance</i>	<i>\$14,000,000</i>
<i>Bullet Proof Vests</i>	<i>\$27,000,000</i>
<i>Tribal Law Enforcement</i>	<i>\$20,000,000</i>
<i>Methamphetamine Hot Spots</i>	<i>\$80,000,000</i>
<i>Police Corps</i>	<i>\$10,000,000</i>
<i>Law Enforce Technologies (projects)</i>	<i>\$137,000,000</i>
<i>Interoperable Communications</i>	<i>\$37,500,000</i>
<i>Criminal Records Upgrade</i>	<i>\$20,000,000</i>
<i>DNA Initiative</i>	<i>\$89,500,000</i>
<i>Coverdell Forensics Science Improvements</i>	<i>\$22,000,000</i>
<i>Crime Identification Technology</i>	<i>\$30,000,000</i>
<i>Offender Reentry</i>	<i>\$3,000,000</i>
<i>Safe Schools Initiative</i>	<i>\$5,000,000</i>
<i>Police Integrity</i>	<i>\$7,500,000</i>
<i>Management and Administration</i>	<i>\$30,487,000.</i>

3 *JUVENILE JUSTICE PROGRAMS*

4 *For grants, contracts, cooperative agreements, and*
 5 *other assistance authorized by the Juvenile Justice and De-*
 6 *linquency Prevention Act of 1974 (“the Act”) and other ju-*
 7 *venile justice programs, including salaries and expenses in*
 8 *connection therewith to be transferred to and merged with*
 9 *the appropriations for Justice Assistance, \$352,000,000 of*
 10 *which \$2,000,000 shall be for grants for methamphetamine*
 11 *prevention education programs in elementary and sec-*
 12 *ondary schools to be offset by a reduction of \$2,000,000 in*
 13 *the Drug Enforcement Agency salaries and expenses in this*
 14 *Act, to remain available until expended: Provided, That*
 15 *funds provided under this heading shall be distributed in*
 16 *the manner described in the following table:*

<i>Program</i>	<i>Amount</i>
<i>Part A, Concentration of Federal Efforts</i>	<i>\$1,000,000</i>
<i>Part B, Formula Grants</i>	<i>\$82,000,000</i>

<i>Program</i>	<i>Amount</i>
<i>Part C, Discretionary Grants</i>	\$5,000,000
<i>Part D, Research, Evaluation, TA and Training</i>	\$8,000,000
<i>Part E, Developing New Initiatives</i>	\$75,000,000
<i>Part G, Juvenile Mentoring Program (JUMP)</i>	\$15,000,000
<i>Title V, At Risk Children Programs</i>	\$20,000,000
<i>Title V, Tribal Youth</i>	\$10,000,000
<i>Title V, Gang Prevention</i>	\$25,000,000
<i>Title V, Prevention of Underage Drinking</i>	\$25,000,000
<i>Secure Our Schools Act</i>	\$15,000,000
<i>Project Childsafe</i>	\$5,000,000
<i>Juvenile Accountability Block Grants</i>	\$49,000,000
<i>Victims of Child Abuse Act</i>	\$15,000,000.

1 *PUBLIC SAFETY OFFICERS BENEFITS*

2 *To remain available until expended, for payments au-*
3 *thorized by part L of title I of the Omnibus Crime Control*
4 *and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended,*
5 *such sums as are necessary, as authorized by section 6093*
6 *of Public Law 100–690 (102 Stat. 4339–4340); and*
7 *\$4,884,000, to remain available until expended for pay-*
8 *ments as authorized by section 1201(b) of said Act; and*
9 *\$4,064,000 for educational assistance, as authorized by sec-*
10 *tion 1212 of the 1968 Act.*

11 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

12 *SEC. 101. In addition to amounts otherwise made*
13 *available in this title for official reception and representa-*
14 *tion expenses, a total of not to exceed \$60,000 from funds*
15 *appropriated to the Department of Justice in this title shall*
16 *be available to the Attorney General for official reception*
17 *and representation expenses.*

18 *SEC. 102. None of the funds appropriated by this title*
19 *shall be available to pay for an abortion, except where the*

1 *life of the mother would be endangered if the fetus were car-*
2 *ried to term, or in the case of rape: Provided, That should*
3 *this prohibition be declared unconstitutional by a court of*
4 *competent jurisdiction, this section shall be null and void.*

5 *SEC. 103. None of the funds appropriated under this*
6 *title shall be used to require any person to perform, or fa-*
7 *cilitate in any way the performance of, any abortion.*

8 *SEC. 104. Nothing in the preceding section shall re-*
9 *move the obligation of the Director of the Bureau of Prisons*
10 *to provide escort services necessary for a female inmate to*
11 *receive such service outside the Federal facility: Provided,*
12 *That nothing in this section in any way diminishes the*
13 *effect of section 103 intended to address the philosophical*
14 *beliefs of individual employees of the Bureau of Prisons.*

15 *SEC. 105. Not to exceed 5 percent of any appropriation*
16 *made available for the current fiscal year for the Depart-*
17 *ment of Justice in this Act may be transferred between such*
18 *appropriations, but no such appropriation, except as other-*
19 *wise specifically provided, shall be increased by more than*
20 *10 percent by any such transfers: Provided, That any trans-*
21 *fer pursuant to this section shall be treated as a reprogram-*
22 *ming of funds under section 505 of this Act and shall not*
23 *be available for obligation except in compliance with the*
24 *procedures set forth in that section: Provided further, That*
25 *none of the funds appropriated to "Buildings and Facili-*

1 ties, *Federal Prison System*” in this or any other Act may
2 be transferred to “*Salaries and Expenses, Federal Prison*
3 *System*”, or any other Department of Justice account, un-
4 less the President certifies that such a transfer is necessary
5 to the national security interests of the United States, and
6 such authority shall not be delegated, and shall be subject
7 to section 505 of this Act.

8 *SEC. 106. The Attorney General is authorized to make*
9 *permanent the Personnel Management Demonstration*
10 *Project transferred to the Attorney General pursuant to sec-*
11 *tion 1115 of the Homeland Security Act of 2002, Public*
12 *Law 107–296 (6 U.S.C. 533) without limitation on the*
13 *number of employees or the positions covered.*

14 *SEC. 107. Notwithstanding any other provision of law,*
15 *Public Law 102–395 section 102(b) shall extend to the Bu-*
16 *reau of Alcohol, Tobacco, Firearms and Explosives in the*
17 *conduct of undercover investigative operations and shall*
18 *apply without fiscal year limitation with respect to any*
19 *undercover investigative operation initiated by the Bureau*
20 *of Alcohol, Tobacco, Firearms and Explosives that is nec-*
21 *essary for the detection and prosecution of crimes against*
22 *the United States.*

23 *SEC. 108. Funds appropriated by this Act for the Fed-*
24 *eral Prisons System shall be in the amounts and accounts*
25 *specified in the report accompanying this Act: Provided,*

1 *That within 30 days of enactment of this Act, the Bureau*
2 *of Prisons will submit a comprehensive financial plan for*
3 *the Federal Prison System to the Committees on Appropria-*
4 *tions: Provided further, That no funds appropriated for the*
5 *Federal Prison System in this or any other Appropriations*
6 *Act for the construction of new facilities may be rescinded,*
7 *cancelled, or used for any other purpose.*

8 *SEC. 109. None of the funds made available to the De-*
9 *partment of Justice in this Act may be used for the purpose*
10 *of transporting an individual who is a prisoner pursuant*
11 *to conviction for crime under State or Federal law and is*
12 *classified as a maximum or high security prisoner, other*
13 *than to a prison or other facility certified by the Federal*
14 *Bureau of Prisons as appropriately secure for housing such*
15 *a prisoner.*

16 *SEC. 110. (a) None of the funds appropriated by this*
17 *Act may be used by Federal prisons to purchase cable tele-*
18 *vision services, to rent or purchase videocassettes, video-*
19 *cassette recorders, or other audiovisual or electronic equip-*
20 *ment used primarily for recreational purposes.*

21 *(b) The preceding sentence does not preclude the rent-*
22 *ing, maintenance, or purchase of audiovisual or electronic*
23 *equipment for inmate training, religious, or educational*
24 *programs.*

1 *SEC. 111. Within the funds provided under “Justice*
2 *Information Sharing Technology”, the Attorney General*
3 *shall establish an investment review board, which the Dep-*
4 *uty Attorney General shall head: Provided, That within 90*
5 *days of enactment of this Act, the Department shall submit*
6 *a plan that outlines the governance structure and member-*
7 *ship of the board: Provided further, That the Department*
8 *shall submit to the Committee on Appropriations of the*
9 *Senate and the Committee on Appropriations of the House*
10 *of Representatives, within 90 days of enactment of this Act,*
11 *the project criteria that will trigger the board’s oversight,*
12 *to include a listing of all projects to be reviewed during*
13 *fiscal year 2006.*

14 *SEC. 112. Section 3151(b) of title 5, United States*
15 *Code, is amended by—*

- 16 (1) *striking paragraph (2)(A) and (B);*
17 (2) *in paragraph (1) by striking “(1)”;* and
18 (3) *redesignating subparagraphs (A) and (B) as*
19 *paragraphs (1) and (2), respectively.*

20 *SEC. 113. Within the funds provided for the Drug En-*
21 *forcement Agency, the Attorney General shall establish a*
22 *Methamphetamine Task Force within the Drug Enforce-*
23 *ment Agency which shall be responsible for improving and*
24 *targeting the Federal Government’s policies with respect to*
25 *the production and trafficking of methamphetamine: Pro-*

1 *vided, That within 90 days of enactment of this Act, the*
2 *Drug Enforcement Agency shall submit a plan that outlines*
3 *the governance structure and membership of the task force:*
4 *Provided further, That within 120 days the Drug Enforce-*
5 *ment Agency shall establish the task force and submit to*
6 *the Committee on Appropriations of the Senate and the*
7 *Committee on Appropriations of the House of Representa-*
8 *tives the membership of the task force and powers estab-*
9 *lished for the task force.*

10 *SEC. 114. Section 7(d)(3)(A) of the Prison Rape*
11 *Elimination Act of 2003 (42 U.S.C. 15606) is amended by*
12 *striking “2 years” and inserting “3 years”.*

13 *SEC. 115. The Attorney General may waive the match-*
14 *ing requirement for the purchase of bulletproof vests of the*
15 *Bulletproof Vest Partnership Grant Act of 1998 for any law*
16 *enforcement agency that purchased defective Zylon-based*
17 *body armor with Federal funds pursuant to such Act be-*
18 *tween October 1, 1998, and September 30, 2005, and seeks*
19 *to replace that Zylon-based body armor, provided that the*
20 *law enforcement agency can present documentation to prove*
21 *the purchase of Zylon-based body armor with funds award-*
22 *ed to it under such Act.*

23 *This title may be cited as the “Department of Justice*
24 *Appropriations Act, 2006”.*

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 REPRESENTATIVE*
6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Office of the United*
8 *States Trade Representative, including the hire of passenger*
9 *motor vehicles and the employment of experts and consult-*
10 *ants as authorized by 5 U.S.C. 3109, \$40,997,000, of which*
11 *\$1,000,000 shall remain available until expended: Provided,*
12 *That not to exceed \$124,000 shall be available for official*
13 *reception and representation expenses: Provided further,*
14 *That not less than \$2,000,000 provided under this heading*
15 *shall be for expenses authorized by 19 U.S.C. 2451 and*
16 *1677b(c): Provided further, That negotiations shall be con-*
17 *ducted within the World Trade Organization to recognize*
18 *the right of members to distribute monies collected from*
19 *antidumping and countervailing duties: Provided further,*
20 *That negotiations shall be conducted within the World*
21 *Trade Organization consistent with the negotiating objec-*
22 *tives contained in the Trade Act of 2002, Public Law 107–*
23 *210.*

1 *INTERNATIONAL TRADE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the International Trade*
4 *Commission, including hire of passenger motor vehicles,*
5 *and services as authorized by 5 U.S.C. 3109, and not to*
6 *exceed \$2,500 for official reception and representation ex-*
7 *penses, \$62,752,000, to remain available until expended.*

8 *DEPARTMENT OF COMMERCE*9 *INTERNATIONAL TRADE ADMINISTRATION*10 *OPERATIONS AND ADMINISTRATION*

11 *For necessary expenses for international trade activi-*
12 *ties of the Department of Commerce provided for by law,*
13 *and for engaging in trade promotional activities abroad,*
14 *including expenses of grants and cooperative agreements for*
15 *the purpose of promoting exports of United States firms,*
16 *without regard to 44 U.S.C. 3702 and 3703; full medical*
17 *coverage for dependent members of immediate families of*
18 *employees stationed overseas and employees temporarily*
19 *posted overseas; travel and transportation of employees of*
20 *the United States and Foreign Commercial Service between*
21 *two points abroad, without regard to 49 U.S.C. 40118; em-*
22 *ployment of Americans and aliens by contract for services;*
23 *rental of space abroad for periods not exceeding 10 years,*
24 *and expenses of alteration, repair, or improvement; pur-*
25 *chase or construction of temporary demountable exhibition*

1 *structures for use abroad; payment of tort claims, in the*
2 *manner authorized in the first paragraph of 28 U.S.C. 2672*
3 *when such claims arise in foreign countries; not to exceed*
4 *\$327,000 for official representation expenses abroad; pur-*
5 *chase of passenger motor vehicles for official use abroad, not*
6 *to exceed \$45,000 per vehicle; obtaining insurance on offi-*
7 *cial motor vehicles; and rental of tie lines, \$404,625,000,*
8 *to remain available until expended, of which \$8,000,000 is*
9 *to be derived from fees to be retained and used by the Inter-*
10 *national Trade Administration, notwithstanding 31 U.S.C.*
11 *3302: Provided, That \$48,134,000 shall be for Manufac-*
12 *turing and Services; \$39,815,000 shall be for Market Access*
13 *and Compliance; \$64,134,000 shall be for the Import Ad-*
14 *ministration; \$231,722,000 shall be for Trade Promotion*
15 *and the United States and Foreign Commercial Service;*
16 *and \$25,820,000 shall be for Executive Direction and Ad-*
17 *ministration: Provided further, That negotiations shall be*
18 *conducted within the World Trade Organization to recog-*
19 *nize the right of members to distribute monies collected from*
20 *antidumping and countervailing duties: Provided further,*
21 *That the provisions of the first sentence of section 105(f)*
22 *and all of section 108(c) of the Mutual Educational and*
23 *Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and*
24 *2458(c)) shall apply in carrying out these activities without*
25 *regard to section 5412 of the Omnibus Trade and Competi-*

1 *tiveness Act of 1988 (15 U.S.C. 4912); and that for the pur-*
2 *pose of this Act, contributions under the provisions of the*
3 *Mutual Educational and Cultural Exchange Act of 1961*
4 *shall include payment for assessments for services provided*
5 *as part of these activities: Provided further, That the Inter-*
6 *national Trade Administration shall be exempt from the re-*
7 *quirements of Circular A-25 (or any successor administra-*
8 *tive regulation or policy) issued by the Office of Manage-*
9 *ment and Budget: Provided further, That negotiations shall*
10 *be conducted within the World Trade Organization con-*
11 *sistent with the negotiating objectives contained in the*
12 *Trade Act of 2002, Public Law 107-210.*

13 *BUREAU OF INDUSTRY AND SECURITY*

14 *OPERATIONS AND ADMINISTRATION*

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

1 *informers under the Export Administration Act of 1979,*
2 *and as authorized by 22 U.S.C. 401(b); and purchase of*
3 *passenger motor vehicles for official use and motor vehicles*
4 *for law enforcement use with special requirement vehicles*
5 *eligible for purchase without regard to any price limitation*
6 *otherwise established by law, \$77,000,000, to remain avail-*
7 *able until expended, of which \$7,200,000 shall be for inspec-*
8 *tions and other activities related to national security: Pro-*
9 *vided, That the provisions of the first sentence of section*
10 *105(f) and all of section 108(c) of the Mutual Educational*
11 *and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and*
12 *2458(c)) shall apply in carrying out these activities: Pro-*
13 *vided further, That payments and contributions collected*
14 *and accepted for materials or services provided as part of*
15 *such activities may be retained for use in covering the cost*
16 *of such activities, and for providing information to the pub-*
17 *lic with respect to the export administration and national*
18 *security activities of the Department of Commerce and other*
19 *export control programs of the United States and other gov-*
20 *ernments.*

21 *ECONOMIC DEVELOPMENT ADMINISTRATION*

22 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

23 *For grants for economic development assistance as pro-*
24 *vided by the Public Works and Economic Development Act*
25 *of 1965, and for trade adjustment assistance, \$483,985,000,*

1 *to remain available until expended: Provided, That*
2 *\$200,000,000 shall be for assistance described in section*
3 *209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is des-*
4 *ignated as an emergency requirement pursuant to section*
5 *402 of H. Con. Res. 95 (109th Congress).*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of administering the economic*
8 *development assistance programs as provided for by law,*
9 *\$40,939,000: Provided, That \$10,000,000 shall be for sala-*
10 *ries and expenses of carrying out section 209(c)(2) of the*
11 *Public Works and Economic Development Act of 1965 (42*
12 *U.S.C. 3149(c)(2)) and is designated as an emergency re-*
13 *quirement pursuant to section 402 of H. Con. Res. 95*
14 *(109th Congress): Provided further, That these funds may*
15 *be used to monitor projects approved pursuant to title I*
16 *of the Public Works Employment Act of 1976, title II of*
17 *the Trade Act of 1974, and the Community Emergency*
18 *Drought Relief Act of 1977.*

19 *MINORITY BUSINESS DEVELOPMENT AGENCY*

20 *MINORITY BUSINESS DEVELOPMENT*

21 *For necessary expenses of the Department of Commerce*
22 *in fostering, promoting, and developing minority business*
23 *enterprise, including expenses of grants, contracts, and*
24 *other agreements with public or private organizations,*
25 *\$30,727,000.*

1 *ECONOMIC AND INFORMATION INFRASTRUCTURE*2 *ECONOMIC AND STATISTICAL ANALYSIS*3 *SALARIES AND EXPENSES*

4 *For necessary expenses, as authorized by law, of eco-*
5 *nomic and statistical analysis programs of the Department*
6 *of Commerce, \$81,283,000, to remain available until Sep-*
7 *tember 30, 2006.*

8 *BUREAU OF THE CENSUS*9 *SALARIES AND EXPENSES*

10 *For expenses necessary for collecting, compiling, ana-*
11 *lyzing, preparing, and publishing statistics, provided for by*
12 *law, \$183,029,000.*

13 *PERIODIC CENSUSES AND PROGRAMS*

14 *For necessary expenses related to the 2010 decennial*
15 *census, \$390,000,000, to remain available until September*
16 *30, 2006.*

17 *In addition, for expenses to collect and publish statis-*
18 *tics for other periodic censuses and programs provided for*
19 *by law, \$154,356,000, to remain available until September*
20 *30, 2006.*

21 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*22 *ADMINISTRATION*23 *SALARIES AND EXPENSES*

24 *For necessary expenses, as provided for by law, of the*
25 *National Telecommunications and Information Adminis-*
26 *tration (NTIA), \$20,255,000, to remain available until*

1 *September 30, 2007: Provided, That, notwithstanding 31*
2 *U.S.C. 1535(d), the Secretary of Commerce shall charge*
3 *Federal agencies for costs incurred in spectrum manage-*
4 *ment, analysis, and operations, and related services and*
5 *such fees shall be retained and used as offsetting collections*
6 *for costs of such spectrum services, to remain available until*
7 *expended: Provided further, That the Secretary of Com-*
8 *merce is authorized to retain and use as offsetting collec-*
9 *tions all funds transferred, or previously transferred, from*
10 *other Government agencies for all costs incurred in tele-*
11 *communications research, engineering, and related activi-*
12 *ties by the Institute for Telecommunication Sciences of*
13 *NTIA, in furtherance of its assigned functions under this*
14 *paragraph, and such funds received from other Government*
15 *agencies shall remain available until expended.*

16 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*
17 *CONSTRUCTION*

18 *For the administration of grants authorized by section*
19 *392 of the Communications Act of 1934, \$22,000,000, to*
20 *remain available until expended as authorized by section*
21 *391 of the Act: Provided, That not to exceed \$2,000,000 shall*
22 *be available for program administration as authorized by*
23 *section 391 of the Act: Provided further, That, notwith-*
24 *standing the provisions of section 391 of the Act, the prior*
25 *year unobligated balances may be made available for grants*

1 *for projects for which applications have been submitted and*
2 *approved during any fiscal year.*

3 *INFORMATION INFRASTRUCTURE GRANTS*

4 *For grants authorized by section 392 of the Commu-*
5 *nications Act of 1934, \$15,000,000, to remain available*
6 *until expended as authorized by section 391 of the Act: Pro-*
7 *vided, That not to exceed \$3,000,000 shall be available for*
8 *program administration and other support activities as au-*
9 *thorized by section 391: Provided further, That, of the funds*
10 *appropriated herein, not to exceed 5 percent may be avail-*
11 *able for telecommunications research activities for projects*
12 *related directly to the development of a national informa-*
13 *tion infrastructure: Provided further, That, notwith-*
14 *standing the requirements of sections 392(a) and 392(c) of*
15 *the Act, these funds may be used for the planning and con-*
16 *struction of telecommunications networks for the provision*
17 *of educational, health care, or public information: Provided*
18 *further, That, notwithstanding any other provision of law,*
19 *no entity that receives telecommunications services at pref-*
20 *erential rates under section 254(h) of the Act (47 U.S.C.*
21 *254(h)) or receives assistance under the regional informa-*
22 *tion sharing systems grant program of the Department of*
23 *Justice under part M of title I of the Omnibus Crime Con-*
24 *trol and Safe Streets Act of 1968 (42 U.S.C. 3796h) may*
25 *use funds under a grant under this heading to cover any*

1 *costs of the entity that would otherwise be covered by such*
2 *preferential rates or such assistance, as the case may be.*

3 *UNITED STATES PATENT AND TRADEMARK OFFICE*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the United States Patent and*
6 *Trademark Office provided for by law, including defense*
7 *of suits instituted against the Under Secretary of Commerce*
8 *for Intellectual Property and Director of the United States*
9 *Patent and Trademark Office, \$1,703,300,000, to remain*
10 *available until expended: Provided, That the sum herein ap-*
11 *propriated from the general fund shall be reduced as offset-*
12 *ting collections assessed and collected pursuant to 15 U.S.C.*
13 *1113 and 35 U.S.C. 41 and 376 are received during fiscal*
14 *year 2006, so as to result in a fiscal year 2006 appropria-*
15 *tion from the general fund estimated at \$0: Provided fur-*
16 *ther, That during fiscal year 2006, should the total amount*
17 *of offsetting fee collections be less than \$1,703,300,000, this*
18 *amount shall be reduced accordingly: Provided further,*
19 *That from amounts provided herein, not to exceed \$1,000*
20 *shall be made available in fiscal year 2006 for official recep-*
21 *tion and representation expenses: Provided further, That of*
22 *amounts made available under this heading, \$500,000 is*
23 *only for the National Intellectual Property Law Enforce-*
24 *ment Coordinating Council: Provided further, That in fiscal*
25 *year 2006 and hereafter, from the amounts made available*

1 for “Salaries and Expenses” for the United States Patent
2 and Trademark Office (PTO), the amounts necessary to
3 pay: (1) the difference between the percentage of basic pay
4 contributed by the PTO and employees under section
5 8334(a) of title 5, United States Code, and the normal cost
6 percentage (as defined by section 8331(17) of that title) of
7 basic pay, of employees subject to subchapter III of chapter
8 83 of that title; and (2) the present value of the otherwise
9 unfunded accruing costs, as determined by the Office of Per-
10 sonnel Management, of post-retirement life insurance and
11 postretirement health benefits coverage for all PTO employ-
12 ees, shall be transferred to the Civil Service Retirement and
13 Disability Fund, the Employees Life Insurance Fund, and
14 the Employees Health Benefits Fund, as appropriate, and
15 shall be available for the authorized purposes of those ac-
16 counts.

17 *OTHER*

18 *DEPARTMENTAL MANAGEMENT*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the departmental manage-*
21 *ment of the Department of Commerce and the Technology*
22 *Administration provided for by law, including not to exceed*
23 *\$5,000 for official entertainment, \$49,605,000: Provided,*
24 *That not to exceed 9 full-time equivalents and \$1,181,000*

1 *shall be expended for the legislative affairs function of the*
2 *Department.*

3 *UNITED STATES TRAVEL AND TOURISM PROMOTION*

4 *For necessary expenses of the United States Travel and*
5 *Tourism Promotion Program, as authorized by section 210*
6 *of Public Law 108–7, for programs promoting travel to the*
7 *United States including grants, contracts, cooperative*
8 *agreements and related costs, \$5,000,000, to remain avail-*
9 *able until September 30, 2007.*

10 *OFFICE OF THE INSPECTOR GENERAL*

11 *For necessary expenses of the Office of Inspector Gen-*
12 *eral in carrying out the provisions of the Inspector General*
13 *Act of 1978 (5 U.S.C. App.), \$22,758,000.*

14 *GENERAL PROVISIONS, DEPARTMENT OF COMMERCE*

15 *SEC. 201. During the current fiscal year, applicable*
16 *appropriations and funds made available to the Depart-*
17 *ment of Commerce by this Act shall be available for the*
18 *activities specified in the Act of October 26, 1949 (15 U.S.C.*
19 *1514), to the extent and in the manner prescribed by the*
20 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*
21 *advanced payments not otherwise authorized only upon the*
22 *certification of officials designated by the Secretary of Com-*
23 *merce that such payments are in the public interest.*

24 *SEC. 202. During the current fiscal year, appropria-*
25 *tions made available to the Department of Commerce by*
26 *this Act for salaries and expenses shall be available for hire*

1 of passenger motor vehicles as authorized by 31 U.S.C. 1343
2 and 1344; services as authorized by 5 U.S.C. 3109; and uni-
3 forms or allowances therefore, as authorized by law (5
4 U.S.C. 5901–5902).

5 *SEC. 203. Any costs incurred by a department or agen-*
6 *cy funded under this title resulting from personnel actions*
7 *taken in response to funding reductions included in this*
8 *title or from actions taken for the care and protection of*
9 *loan collateral or grant property shall be absorbed within*
10 *the total budgetary resources available to such department*
11 *or agency: Provided, That the authority to transfer funds*
12 *between appropriations accounts as may be necessary to*
13 *carry out this section is provided in addition to authorities*
14 *included elsewhere in this Act: Provided further, That use*
15 *of funds to carry out this section shall be treated as a re-*
16 *programming of funds under section 505 of this Act and*
17 *shall not be available for obligation or expenditure except*
18 *in compliance with the procedures set forth in that section.*

19 *SEC. 204. Funds made available for salaries and ad-*
20 *ministrative expenses to administer the Emergency Steel*
21 *Loan Guarantee Program in section 211(b) of Public Law*
22 *108–199 shall remain available until expended: Provided,*
23 *That section 101(k) of the Emergency Steel Loan Guarantee*
24 *Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is*
25 *amended by striking “2005” and inserting “2007”.*

1 *SEC. 205. Not to exceed 5 percent of any appropriation*
2 *made available for the current fiscal year for the Depart-*
3 *ment of Commerce in this Act may be transferred between*
4 *such appropriations, but no such appropriation shall be in-*
5 *creased by more than 10 percent by any such transfers: Pro-*
6 *vided, That any transfer pursuant to this section shall be*
7 *treated as a reprogramming of funds under section 505 of*
8 *this Act and shall not be available for obligation or expendi-*
9 *ture except in compliance with the procedures set forth in*
10 *that section: Provided further, That the Secretary of Com-*
11 *merce shall notify the Committees on Appropriations at*
12 *least 15 days in advance of the acquisition or disposal of*
13 *any capital asset (including land, structures, and equip-*
14 *ment) not specifically provided for in this or any Depart-*
15 *ments of Commerce, Justice, and State, the Judiciary, and*
16 *Related Agencies Appropriations Act: Provided further,*
17 *That for the National Oceanic and Atmospheric Adminis-*
18 *tration this section shall provide for transfers among appro-*
19 *priations made only to the National Oceanic and Atmos-*
20 *pheric Administration and such appropriations may not*
21 *be transferred and reprogrammed to other Department of*
22 *Commerce bureaus and appropriation accounts.*

23 *SEC. 206. Notwithstanding any other provision of this*
24 *Act, no funds appropriated under this Act shall be used to*

1 register, issue, transfer, or enforce any trademark of the
2 phrase “*Last Best Place*”.

3 *SEC. 207. TECHNOLOGY AND OPPORTUNITIES PRO-*
4 *GRAM. (a) Of the total amount appropriated in this Act*
5 *for the Technology and Opportunities Program, that*
6 *amount shall be increased by \$5,000,000, which shall be*
7 *made available for the grants authorized under title I of*
8 *the ENHANCE 911 Act of 2004 (Public Law 108–494; 118*
9 *Stat. 3986).*

10 *(b) Amounts appropriated under this Act for the De-*
11 *partmental Management of the Department of Commerce*
12 *are reduced by \$5,000,000.*

13 *This title may be cited as the “Department of Com-*
14 *merce and Related Agencies Appropriations Act, 2006”.*

15 *TITLE III—SCIENCE*

16 *DEPARTMENT OF COMMERCE*

17 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

18 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

19 *For necessary expenses of the National Institute of*
20 *Standards and Technology, \$399,869,000, to remain avail-*
21 *able until expended, of which not to exceed \$3,000,000 may*
22 *be transferred to the “Working Capital Fund”: Provided,*
23 *That from amounts provided herein, not to exceed \$5,000*
24 *shall be made available in fiscal year 2006 for official recep-*
25 *tion and representation expenses.*

1 *INDUSTRIAL TECHNOLOGY SERVICES*

2 *For necessary expenses of the Hollings Manufacturing*
3 *Extension Partnership of the National Institute of Stand-*
4 *ards and Technology, \$106,000,000, to remain available*
5 *until expended.*

6 *In addition, for necessary expenses of the Advanced*
7 *Technology Program of the National Institute of Standards*
8 *and Technology, \$140,000,000, to remain available until*
9 *expended, of which \$60,000,000 shall be expended for the*
10 *award of new grants before September 30, 2006.*

11 *CONSTRUCTION OF RESEARCH FACILITIES*

12 *For construction of new research facilities, including*
13 *architectural and engineering design, and for renovation*
14 *and maintenance of existing facilities, not otherwise pro-*
15 *vided for the National Institute of Standards and Tech-*
16 *nology, as authorized by 15 U.S.C. 278c–278e,*
17 *\$198,631,000, to remain available until expended: Pro-*
18 *vided, That beginning in fiscal year 2007 and for each fis-*
19 *cal year thereafter, the Secretary of Commerce shall include*
20 *in the budget justification materials that the Secretary sub-*
21 *mits to Congress in support of the Department of Commerce*
22 *budget (as submitted with the budget of the President under*
23 *section 1105(a) of title 31, 10 United States Code) an esti-*
24 *mate for each National Institute of Standards and Tech-*
25 *nology construction project having a total multiyear pro-*
26 *gram cost of more than \$5,000,000 and simultaneously the*

1 *budget justification materials shall include an estimate of*
2 *the budgetary requirements for each such project for each*
3 *of the five subsequent fiscal years.*

4 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
5 *OPERATIONS, RESEARCH, AND FACILITIES*
6 *(INCLUDING TRANSFERS OF FUNDS)*

7 *For necessary expenses of activities authorized by law*
8 *for the National Oceanic and Atmospheric Administration,*
9 *including maintenance, operation, and hire of aircraft and*
10 *vessels; grants, contracts, or other payments to nonprofit*
11 *organizations for the purposes of conducting activities pur-*
12 *suant to cooperative agreements; relocation of facilities,*
13 *\$3,199,983,000, to remain available until September 30,*
14 *2007, except for funds provided for cooperative enforcement*
15 *which shall remain available until September 30, 2008:*
16 *Provided, That in addition, \$3,000,000 shall be derived by*
17 *transfer from the fund entitled “Coastal Zone Management”*
18 *and in addition \$62,000,000 shall be derived by transfer*
19 *from the fund entitled “Promote and Develop Fishery Prod-*
20 *ucts and Research Pertaining to American Fisheries”: Pro-*
21 *vided further, That fees and donations received for the man-*
22 *agement of the national marine sanctuaries may be re-*
23 *tained and used for the salaries and expenses associated*
24 *with those activities, notwithstanding 31 U.S.C. 3302: Pro-*
25 *vided further, That grants to States pursuant to sections*
26 *306 and 306A of the Coastal Zone Management Act of 1972,*

1 *as amended, shall not exceed \$2,000,000, unless funds pro-*
2 *vided for “Coastal Zone Management Grants” exceed funds*
3 *provided in the previous fiscal year: Provided further, That*
4 *if funds provided for “Coastal Zone Management Grants”*
5 *exceed funds provided in the previous fiscal year, then no*
6 *State shall receive more than 5 percent or less than 1 per-*
7 *cent of the additional funds: Provided further, That, of the*
8 *\$3,264,983,000 provided for in direct obligations under this*
9 *heading, \$610,462,000 shall be for the National Ocean Serv-*
10 *ice, \$763,783,000 shall be for the National Marine Fisheries*
11 *Service, \$470,109,000 shall be for Oceanic and Atmospheric*
12 *Research, \$772,762,000 shall be for the National Weather*
13 *Service, \$180,412,000 shall be for the National Environ-*
14 *mental Satellite, Data, and Information Service, and*
15 *\$402,455,000 shall be for Program Support: Provided fur-*
16 *ther, That payments of funds made available under this*
17 *heading to the Department of Commerce Working Capital*
18 *Fund including Department of Commerce General Counsel*
19 *legal services shall not exceed \$40,693,000: Provided further,*
20 *That the personnel management demonstration project es-*
21 *tablished at the National Oceanic and Atmospheric Admin-*
22 *istration pursuant to 5 U.S.C. 4703 may be expanded by*
23 *3,500 full-time positions to include up to 6,925 full time*
24 *positions and may be extended indefinitely: Provided fur-*
25 *ther, That none of the funds in this Act may be used for*

1 *the National Oceanic and Atmospheric Administration to*
2 *implement the Department of Commerce's E-Government*
3 *initiatives: Provided further, That, notwithstanding any*
4 *other provision of law, the authorities provided to National*
5 *Aeronautics and Space Administration pursuant to 42*
6 *U.S.C. 2473 shall be available to the National Oceanic and*
7 *Atmospheric Administration in the furtherance of its oce-*
8 *anic, atmospheric and space mission and programs: Pro-*
9 *vided further, That the obligated balance of such sums shall*
10 *remain available through September 30, 2012 for liqui-*
11 *dating obligations made in fiscal years 2004 and 2005.*

12 *In addition, for necessary retired pay expenses under*
13 *the Retired Serviceman's Family Protection and Survivor*
14 *Benefits Plan, and for payments for medical care of retired*
15 *personnel and their dependents under the Dependents Med-*
16 *ical Care Act (10 U.S.C. ch. 55), such sums as may be nec-*
17 *essary.*

18 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

19 *For procurement, acquisition and construction of cap-*
20 *ital assets, including alteration and modification costs, of*
21 *the National Oceanic and Atmospheric Administration,*
22 *\$1,195,017,000, to remain available until September 30,*
23 *2008, except funds provided for construction of facilities*
24 *which shall remain available until expended: Provided,*
25 *That funds provided under this heading for the National*
26 *Polar-orbiting Operational Environmental Satellite System*

1 *shall only be made available on a dollar for dollar matching*
2 *basis with funds provided for the same purpose by the De-*
3 *partment of Defense: Provided further, That except to the*
4 *extent expressly prohibited by any other law, the Depart-*
5 *ment of Defense may delegate procurement functions related*
6 *to the National Polar-orbiting Operational Environmental*
7 *Satellite System to officials of the Department of Commerce*
8 *pursuant to section 2311 of title 10, United States Code:*
9 *Provided further, That beginning in fiscal year 2006 and*
10 *for each fiscal year thereafter, the Secretary of Commerce*
11 *shall include in the budget justification materials that the*
12 *Secretary submits to Congress in support of the Department*
13 *of Commerce budget (as submitted with the budget of the*
14 *President under section 1105(a) of title 31, 10 United*
15 *States Code) an estimate for each National Oceanic and*
16 *Atmospheric Administration procurement, acquisition and*
17 *construction program having a total multiyear program*
18 *cost of more than \$5,000,000 and an estimate of the budg-*
19 *etary requirements for each such program for each of the*
20 *five subsequent fiscal years.*

21 *PACIFIC COASTAL SALMON RECOVERY*

22 *For necessary expenses associated with the restoration*
23 *of Pacific salmon populations, \$90,000,000 to remain*
24 *available under September 30, 2007.*

1 *COASTAL ZONE MANAGEMENT FUND*

2 *Of amounts collected pursuant to section 308 of the*
3 *Coastal Zone Management Act of 1972 (16 U.S.C. 1456a),*
4 *not to exceed \$3,000,000 shall be transferred to the “Oper-*
5 *ations, Research and Facilities” account to offset the costs*
6 *of implementing such Act.*

7 *FISHERIES FINANCE PROGRAM ACCOUNT*

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

22 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*23 *SCIENCE, AERONAUTICS, AND EXPLORATION*24 *(INCLUDING TRANSFERS OF FUNDS)*

25 *For necessary expenses, not otherwise provided for, in*
26 *the conduct and support of science, aeronautics and explo-*

1 *ration research and development activities, including re-*
2 *search, development, operations, support and services;*
3 *maintenance; construction of facilities including repair, re-*
4 *habilitation, revitalization, and modification of facilities,*
5 *construction of new facilities and additions to existing fa-*
6 *cilities, facility planning and design, and restoration, and*
7 *acquisition or condemnation of real property, as authorized*
8 *by law; environmental compliance and restoration; space*
9 *flight, spacecraft control and communications activities in-*
10 *cluding operations, production, and services; program man-*
11 *agement; personnel and related costs, including uniforms*
12 *or allowances therefor, as authorized by 5 U.S.C. 5901–*
13 *5902; travel expenses; purchase and hire of passenger motor*
14 *vehicles; not to exceed \$35,000 for official reception and rep-*
15 *resentation expenses; and purchase, lease, charter, mainte-*
16 *nance and operation of mission and administrative air-*
17 *craft, \$9,761,000,000, to remain available until September*
18 *30, 2007, of which amounts as determined by the Adminis-*
19 *trator for salaries and benefits; training, travel and*
20 *awards; facility and related costs; information technology*
21 *services; science, engineering, fabricating and testing serv-*
22 *ices; and other administrative services may be transferred*
23 *to “Exploration Capabilities” in accordance with section*
24 *312(b) of the National Aeronautics and Space Act of 1958,*
25 *as amended by Public Law 106–377: Provided, That within*

1 *the amounts provided under this heading, \$250,000,000*
2 *shall be for a Hubble servicing mission, \$371,600,000 for*
3 *the Webb Space Telescope to be launched no later than 2013,*
4 *\$1,120,100,000 shall be for Constellation systems, and*
5 *\$132,930,000 shall be for other related exploration, science,*
6 *and aeronautics activities.*

7 *EXPLORATION CAPABILITIES*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary expenses, not otherwise provided for, in*
10 *the conduct and support of exploration capabilities research*
11 *and development activities, including research, develop-*
12 *ment, operations, support and services; maintenance; con-*
13 *struction of facilities including repair, rehabilitation, revi-*
14 *talization and modification of facilities, construction of new*
15 *facilities and additions to existing facilities, facility plan-*
16 *ning and design, and acquisition or condemnation of real*
17 *property, as authorized by law; environmental compliance*
18 *and restoration; space flight, spacecraft control and commu-*
19 *nications activities including operations, production, and*
20 *services; program management; personnel and related costs,*
21 *including uniforms or allowances therefor, as authorized by*
22 *5 U.S.C. 5901–5902; travel expenses; purchase and hire of*
23 *passenger motor vehicles; not to exceed \$35,000 for official*
24 *reception and representation expenses; and purchase, lease,*
25 *charter, maintenance and operation of mission and admin-*
26 *istrative aircraft, \$6,603,000,000, to remain available until*

1 *September 30, 2007, of which amounts as determined by*
2 *the Administrator for salaries and benefits; training, travel*
3 *and awards; facility and related costs; information tech-*
4 *nology services; science, engineering, fabricating and testing*
5 *services; and other administrative services may be trans-*
6 *ferred to “Science, Aeronautics, and Exploration” in ac-*
7 *cordance with section 312(b) of the National Aeronautics*
8 *and Space Act of 1958, as amended by Public Law 106–*
9 *377.*

10 *OFFICE OF INSPECTOR GENERAL*

11 *For necessary expenses of the Office of Inspector Gen-*
12 *eral in carrying out the Inspector General Act of 1978, as*
13 *amended, \$32,400,000, to remain available until September*
14 *30, 2007.*

15 *ADMINISTRATIVE PROVISIONS*

16 *Notwithstanding the limitation on the availability of*
17 *funds appropriated for “Science, aeronautics, and explo-*
18 *ration”, or “Exploration capabilities” by this appropria-*
19 *tions Act, when any activity has been initiated by the in-*
20 *currence of obligations for construction of facilities or envi-*
21 *ronmental compliance and restoration activities as author-*
22 *ized by law, such amount available for such activity shall*
23 *remain available until expended. This provision does not*
24 *apply to the amounts appropriated for minor institutional*
25 *revitalization and construction of facilities, and institu-*
26 *tional facility planning and design.*

1 *Notwithstanding the limitation on the availability of*
2 *funds appropriated for “Science, Aeronautics, and Explo-*
3 *ration”, or “Exploration capabilities” by this appropria-*
4 *tions Act, the amounts appropriated for construction of fa-*
5 *cilities shall remain available until September 30, 2008.*

6 *Funds for announced prizes otherwise authorized shall*
7 *remain available, without fiscal year limitation, until the*
8 *prize is claimed or the offer is withdrawn. Funding shall*
9 *not be made available for Centennial Challenges unless au-*
10 *thorized.*

11 *The unexpired balances of prior appropriations to Na-*
12 *tional Aeronautics and Space Administration for activities*
13 *for which funds are provided under this Act may be trans-*
14 *ferred to the new account established for the appropriation*
15 *that provides such activity under this Act. Balances so*
16 *transferred may be merged with funds in the newly estab-*
17 *lished account and thereafter may be accounted for as one*
18 *fund under the same terms and conditions.*

19 *NATIONAL SCIENCE FOUNDATION*

20 *RESEARCH AND RELATED ACTIVITIES*

21 *For necessary expenses in carrying out the National*
22 *Science Foundation Act of 1950, as amended (42 U.S.C.*
23 *1861–1875), and the Act to establish a National Medal of*
24 *Science (42 U.S.C. 1880–1881); services as authorized by*
25 *5 U.S.C. 3109; maintenance and operation of aircraft and*

1 *purchase of flight services for research support; acquisition*
2 *of aircraft; and authorized travel; \$4,345,213,000, of which*
3 *at least \$386,930,000 shall remain available until expended*
4 *for Polar research and operations support, of which up to*
5 *\$58,000,000 shall be used for the procurement of polar ice*
6 *breaking services from the U.S. Coast Guard, and that in*
7 *the event that the U.S. Coast Guard is unable to provide*
8 *said ice breaking services, then the National Science Foun-*
9 *ation shall procure such services from alternative sources,*
10 *and for reimbursement to other Federal agencies for oper-*
11 *ational and science support and logistical and other related*
12 *activities for the United States Antarctic program; the bal-*
13 *ance to remain available until September 30, 2006: Pro-*
14 *vided, That receipts for scientific support services and ma-*
15 *terials furnished by the National Research Centers and*
16 *other National Science Foundation supported research fa-*
17 *cilities may be credited to this appropriation: Provided fur-*
18 *ther, That to the extent that the amount appropriated is*
19 *less than the total amount authorized to be appropriated*
20 *for included program activities, all amounts, including*
21 *floors and ceilings, specified in the authorizing Act for those*
22 *program activities or their subactivities shall be reduced*
23 *proportionally.*

1 3109; hire of passenger motor vehicles; not to exceed \$9,000
2 for official reception and representation expenses; uniforms
3 or allowances therefor, as authorized by 5 U.S.C. 5901–
4 5902; rental of conference rooms in the District of Colum-
5 bia; and reimbursement of the General Services Adminis-
6 tration for security guard services; \$229,896,000: Provided,
7 That contracts may be entered into under “Salaries and
8 expenses” in fiscal year 2006 for maintenance and oper-
9 ation of facilities, and for other services, to be provided dur-
10 ing the next fiscal year.

11 OFFICE OF THE NATIONAL SCIENCE BOARD

12 For necessary expenses (including payment of salaries,
13 authorized travel, hire of passenger motor vehicles, the rent-
14 al of conference rooms in the District of Columbia, and the
15 employment of experts and consultants under section 3109
16 of title 5, United States Code) involved in carrying out sec-
17 tion 4 of the National Science Foundation Act of 1950 (42
18 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et
19 seq.), \$4,000,000: Provided, That not more than \$9,000
20 shall be available for official reception and representation
21 expenses.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector Gen-
24 eral as authorized by the Inspector General Act of 1978,
25 as amended, \$11,500,000, to remain available until Sep-
26 tember 30, 2006.

1 *EXECUTIVE OFFICE OF THE PRESIDENT*2 *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

3 *For necessary expenses of the Office of Science and*
4 *Technology Policy, in carrying out the purposes of the Na-*
5 *tional Science and Technology Policy, Organization, and*
6 *Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of*
7 *passenger motor vehicles, and services as authorized by 5*
8 *U.S.C. 3109, not to exceed \$2,500 for official reception and*
9 *representation expenses, and rental of conference rooms in*
10 *the District of Columbia, \$5,564,000.*

11 *GENERAL PROVISIONS—SCIENCE*12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 301. Notwithstanding any other provision of law,*
14 *of the amounts made available elsewhere in this title to the*
15 *“National Institute of Standards and Technology, Con-*
16 *struction of Research Facilities”, \$8,000,000 is for a cooper-*
17 *ative agreement with the Medical University of South Caro-*
18 *lina; \$20,000,000 is for the National Formulation Science*
19 *Laboratory at the University of Southern Mississippi;*
20 *\$20,000,000 is for the University of Mississippi Research*
21 *Park; \$5,000,000 is for the Alabama State University*
22 *Science and Education Building; \$8,000,000 is for Tusca-*
23 *loosa, Alabama, revitalization; \$20,000,000 is for the Bio-*
24 *medical Research Center at the University of Alabama at*
25 *Birmingham; and \$30,000,000 is for the University of Ala-*

1 *bama for the design and construction of the Science and*
2 *Engineering Center.*

3 *SEC. 302. Of the amount available from the fund enti-*
4 *tled “Promote and Develop Fishery Products and Research*
5 *Pertaining to American Fisheries”, \$10,000,000 shall be*
6 *provided to the Alaska Fisheries Marketing Board,*
7 *\$5,000,000 shall be available to the Southern Shrimp Alli-*
8 *ance for its “Wild American Shrimp Marketing Program”.*

9 *SEC. 303. Of the amounts made available under the*
10 *heading “Procurement, Acquisition and Construction, Na-*
11 *tional Oceanic and Atmospheric Administration”,*
12 *\$12,000,000 shall be transferred to the National Aeronautics*
13 *and Space Administration for the planning, design, and*
14 *construction of Building 3203, and for the planning and*
15 *design of Buildings 3205 and 3216.*

16 *SEC. 304. Notwithstanding any other provision of this*
17 *Act, of the amounts made available in this title under the*
18 *heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*
19 *TRATION” and under the subheading “OPERATIONS, RE-*
20 *SEARCH, AND FACILITIES”, not less than \$5,800,000 shall*
21 *be made available for the National Hurricane Center and*
22 *that such amount may be used to employ individuals in*
23 *43 full-time equivalent positions at the National Hurricane*
24 *Center.*

1 *SEC. 305. Of the amounts made available under the*
2 *heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-*
3 *TRATION” and the subheading “OPERATIONS, RESEARCH,*
4 *AND FACILITIES”, sufficient funds may be provided to im-*
5 *plement the Harmful Algal Bloom and Hypoxia Amend-*
6 *ments Act of 2004 (title I of Public Law 108–456; 16 U.S.C.*
7 *1451 note).*

8 *SEC. 306. It is the sense of Congress that the U.S.*
9 *Coral Reef Task Force should join with its Federal and*
10 *State partners to provide an appropriate level of financial*
11 *and technical support to make the 11th International Coral*
12 *Reef Symposium a successful event.*

13 *SEC. 307. Of the amounts appropriated or otherwise*
14 *made available by this title under the heading “NATIONAL*
15 *AERONAUTICS AND SPACE ADMINISTRATION”, \$859,300,000*
16 *shall be available for aeronautics research and development*
17 *programs of the National Aeronautics and Space Adminis-*
18 *tration. Of the amount available under this section in excess*
19 *of \$852,300,000, not more than 50 percent of such excess*
20 *amount may be derived from any particular account of the*
21 *National Aeronautics and Space Administration.*

22 *This title may be cited as the “Science Appropriations*
23 *Act, 2006”.*

1 *TITLE IV—RELATED AGENCIES*2 *COMMISSION ON CIVIL RIGHTS*3 *SALARIES AND EXPENSES*

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

16 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Equal Employment Op-*
19 *portunity Commission as authorized by title VII of the*
20 *Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634),*
21 *the Americans with Disabilities Act of 1990, and the Civil*
22 *Rights Act of 1991, including services as authorized by 5*
23 *U.S.C. 3109; hire of passenger motor vehicles as authorized*
24 *by 31 U.S.C. 1343(b); non-monetary awards to private citi-*
25 *zens; and not to exceed \$33,000,000 for payments to State*

1 *and local enforcement agencies for services to the Commis-*
2 *sion pursuant to title VII of the Civil Rights Act of 1964,*
3 *sections 6 and 14 of the Age Discrimination in Employ-*
4 *ment Act, the Americans with Disabilities Act of 1990, and*
5 *the Civil Rights Act of 1991, \$331,228,000: Provided, That*
6 *the Commission is authorized to make available for official*
7 *reception and representation expenses not to exceed \$2,500*
8 *from available funds: Provided further, That the Commis-*
9 *sion may take no action to implement any workforce repo-*
10 *sitioning, restructuring, or reorganization until such time*
11 *as the Committees on Appropriations have been notified of*
12 *such proposals, in accordance with the reprogramming pro-*
13 *visions of section 505 of this Act.*

14 *FEDERAL COMMUNICATIONS COMMISSION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Federal Communications*
17 *Commission, as authorized by law, including uniforms and*
18 *allowances therefor, as authorized by 5 U.S.C. 5901–5902;*
19 *not to exceed \$9,900,000 for land and structure; not to ex-*
20 *ceed \$500,000 for improvement and care of grounds and*
21 *repair to buildings; not to exceed \$4,000 for official recep-*
22 *tion and representation expenses; purchase and hire of*
23 *motor vehicles; special counsel fees; and services as author-*
24 *ized by 5 U.S.C. 3109, \$297,370,000: Provided, That*
25 *\$296,370,000 of offsetting collections shall be assessed and*

1 collected pursuant to section 9 of title I of the Communica-
2 tions Act of 1934, shall be retained and used for necessary
3 expenses in this appropriation, and shall remain available
4 until expended: Provided further, That the sum herein ap-
5 propriated shall be reduced as such offsetting collections are
6 received during fiscal year 2006 so as to result in a final
7 fiscal year 2006 appropriation estimated at \$1,000,000:
8 Provided further, That any offsetting collections received in
9 excess of \$296,370,000 in fiscal year 2006 shall remain
10 available until expended, but shall not be available for obli-
11 gation until October 1, 2006: Provided further, That not-
12 withstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use
13 of a competitive bidding system that may be retained and
14 made available for obligation shall not exceed \$85,000,000
15 for fiscal year 2006.

16 *FEDERAL TRADE COMMISSION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Federal Trade Commis-*
19 *sion, including uniforms or allowances therefor, as author-*
20 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*
21 *U.S.C. 3109; hire of passenger motor vehicles; and not to*
22 *exceed \$2,000 for official reception and representation ex-*
23 *penses, \$211,000,000, to remain available until expended:*
24 *Provided, That not to exceed \$300,000 shall be available*
25 *for use to contract with a person or persons for collection*

1 *services in accordance with the terms of 31 U.S.C. 3718:*
2 *Provided further, That, notwithstanding any other provi-*
3 *sion of law, not to exceed \$116,000,000 of offsetting collec-*
4 *tions derived from fees collected for premerger notification*
5 *filings under the Hart-Scott-Rodino Antitrust Improve-*
6 *ments Act of 1976 (15 U.S.C. 18a), regardless of the year*
7 *of collection, shall be retained and used for necessary ex-*
8 *penses in this appropriation: Provided further, That, not-*
9 *withstanding any other provision of law, \$23,000,000 in*
10 *offsetting collections derived from fees sufficient to imple-*
11 *ment and enforce the Telemarketing Sales Rule, promul-*
12 *gated under the Telephone Consumer Fraud and Abuse Pre-*
13 *vention Act (15 U.S.C. 6101 et seq.), shall be credited to*
14 *this account, and be retained and used for necessary ex-*
15 *penses in this appropriation: Provided further, That the*
16 *sum herein appropriated from the general fund shall be re-*
17 *duced as such offsetting collections are received during fiscal*
18 *year 2006, so as to result in a final fiscal year 2006 appro-*
19 *priation from the general fund estimated at not more than*
20 *\$72,000,000: Provided further, That none of the funds made*
21 *available to the Federal Trade Commission may be used*
22 *to enforce subsection (e) of section 43 of the Federal Deposit*
23 *Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the*
24 *Federal Deposit Insurance Corporation Improvement Act*
25 *of 1991 (12 U.S.C. 1831t note): Provided further, That here-*

1 *after no funds appropriated in this or any other Act shall*
2 *be expended to remove the Federal Trade Commission from*
3 *its headquarters building, the Federal Trade Commission*
4 *Building, located at 600 Pennsylvania Avenue, Northwest,*
5 *Washington, DC; to render such building appropriate for*
6 *occupation by another Federal agency or other organization*
7 *or division thereof; or to locate any such agency, organiza-*
8 *tion, or division in said building.*

9 *LEGAL SERVICES CORPORATION*

10 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

11 *For payment to the Legal Services Corporation to*
12 *carry out the purposes of the Legal Services Corporation*
13 *Act of 1974, \$358,527,000, of which \$346,251,000 is for*
14 *basic field programs and required independent audits (of*
15 *which \$8,000,000 is for basic field programs providing legal*
16 *assistance to victims of Hurricane Katrina).*

17 *Notwithstanding any other provisions in the Act, the*
18 *sums appropriated for the Department of Justice are re-*
19 *duced by \$37,000,000. This reduction is to be taken by the*
20 *Attorney General from accounts receiving an increase in*
21 *travel and transportation of persons as specified in the*
22 *President's Fiscal Year 2006 Budget Submittal to Congress*
23 *pursuant to 31 U.S.C. section 1105 and which are in excess*
24 *of the fiscal year 2005 level; \$2,600,000 is for the Office*
25 *of Inspector General, of which such amounts as may be nec-*

1 *essary may be used to conduct additional audits of recipi-*
2 *ents; \$13,900,000 is for management and administration;*
3 *\$3,400,000 is for client self-help and information tech-*
4 *nology; and \$2,849,000 is for grants to offset losses due to*
5 *census adjustments.*

6 *ADMINISTRATIVE PROVISION—LEGAL SERVICES*

7 *CORPORATION*

8 *None of the funds appropriated in this Act to the Legal*
9 *Services Corporation shall be expended for any purpose pro-*
10 *hibited or limited by, or contrary to any of the provisions*
11 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*
12 *105–119, and all funds appropriated in this Act to the*
13 *Legal Services Corporation shall be subject to the same*
14 *terms and conditions set forth in such sections, except that*
15 *all references in sections 502 and 503 to 1997 and 1998*
16 *shall be deemed to refer instead to 2005 and 2006, respec-*
17 *tively, and except that section 501(a)(1) of Public Law 104–*
18 *134 (110 Stat. 1321–51, et seq.) shall not apply to the use*
19 *of the \$1,775,000 to address loss of funding due to Census-*
20 *based reallocations.*

21 *MARINE MAMMAL COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Marine Mammal Com-*
24 *mission as authorized by title II of Public Law 92–522,*
25 *\$2,000,000.*

1 *logistic and administrative expenses and the expenses of*
2 *Commission staff and foreign invitees in attendance at such*
3 *consultations and meetings including: (1) such incidental*
4 *expenses as meals taken in the course of such attendance;*
5 *(2) any travel and transportation to or from such meetings;*
6 *and (3) any other related lodging or subsistence: Provided,*
7 *That fees and charges authorized by sections 6(b) of the Se-*
8 *curities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e),*
9 *14(g) and 31 of the Securities Exchange Act of 1934 (15*
10 *U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this*
11 *account as offsetting collections: Provided further, That not*
12 *to exceed \$863,117,000 of such offsetting collections shall be*
13 *available until expended for necessary expenses of this ac-*
14 *count: Provided further, That \$25,000,000 shall be derived*
15 *from prior year unobligated balances from funds previously*
16 *appropriated to the Securities and Exchange Commission:*
17 *Provided further, That the total amount appropriated*
18 *under this heading from the general fund for fiscal year*
19 *2006 shall be reduced as such offsetting fees are received*
20 *so as to result in a final total fiscal year 2006 appropria-*
21 *tion from the general fund estimated at not more than \$0.*

22 *SMALL BUSINESS ADMINISTRATION*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses, not otherwise provided for, of*
25 *the Small Business Administration as authorized by Public*

1 *Law 106–554, including hire of passenger motor vehicles*
2 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*
3 *ceed \$3,500 for official reception and representation ex-*
4 *penses, \$336,084,000: Provided, That the Administrator is*
5 *authorized to charge fees to cover the cost of publications*
6 *developed by the Small Business Administration, and cer-*
7 *tain loan servicing activities: Provided further, That, not-*
8 *withstanding 31 U.S.C. 3302, revenues received from all*
9 *such activities shall be credited to this account, to be avail-*
10 *able for carrying out these purposes without further appro-*
11 *priations: Provided further, That \$89,000,000 shall be*
12 *available to fund grants for performance in fiscal year 2006*
13 *or fiscal year 2007 as authorized: Provided further, That*
14 *the Small Business Administration is authorized to award*
15 *grants under the Women’s Business Center Sustainability*
16 *Pilot Program established by section 4(a) of Public Law*
17 *106–165 (15 U.S.C. 656(l)): Provided further, That, of the*
18 *amounts provided for Women’s Business Centers, not less*
19 *than 48 percent shall be available to continue Women’s*
20 *Business Centers in sustainability status.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *For necessary expenses of the Office of Inspector Gen-*
23 *eral in carrying out the provisions of the Inspector General*
24 *Act of 1978, \$14,500,000.*

1 *SURETY BOND GUARANTEES REVOLVING FUND*

2 *For additional capital for the Surety Bond Guarantees*
3 *Revolving Fund, authorized by the Small Business Invest-*
4 *ment Act, as amended, \$3,000,000, to remain available*
5 *until expended.*

6 *BUSINESS LOANS PROGRAM ACCOUNT*7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For the cost of guaranteed loans, \$2,000,000, as au-*
9 *thorized by 15 U.S.C. 631 note, to remain available until*
10 *September 30, 2006: Provided, That such costs, including*
11 *the cost of modifying such loans, shall be as defined in sec-*
12 *tion 502 of the Congressional Budget Act of 1974: Provided*
13 *further, That subject to section 502 of the Congressional*
14 *Budget Act of 1974, during fiscal year 2006 commitments*
15 *to guarantee loans under section 503 of the Small Business*
16 *Investment Act of 1958, shall not exceed the levels estab-*
17 *lished under 20(e)(1)(B)(ii) of the Small Business Act: Pro-*
18 *vided further, That during fiscal year 2006 commitments*
19 *for general business loans authorized under section 7(a) of*
20 *the Small Business Act, shall not exceed the levels estab-*
21 *lished under 20(e)(1)(B)(i) of the Small Business Act: Pro-*
22 *vided further, That during fiscal year 2006 commitments*
23 *to guarantee loans for debentures and participating securi-*
24 *ties under section 303(b) of the Small Business Investment*
25 *Act of 1958, shall not exceed the levels established by section*
26 *20(i)(1)(C) of the Small Business Act.*

1 *this Act and shall not be available for obligation or expendi-*
2 *ture except in compliance with the procedures set forth in*
3 *that section.*

4 *ADMINISTRATIVE PROVISION—SMALL BUSINESS*

5 *ADMINISTRATION*

6 *Not to exceed 5 percent of any appropriation made*
7 *available for the current fiscal year for the Small Business*
8 *Administration in this Act may be transferred between such*
9 *appropriations, but no such appropriation shall be in-*
10 *creased by more than 10 percent by any such transfers: Pro-*
11 *vided, That any transfer pursuant to this paragraph shall*
12 *be treated as a reprogramming of funds under section 505*
13 *of this Act and shall not be available for obligation or ex-*
14 *penditure except in compliance with the procedures set forth*
15 *in that section.*

16 *STATE JUSTICE INSTITUTE*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the State Justice Institute,*
19 *as authorized by the State Justice Institute Authorization*
20 *Act of 1992 (Public Law 102–572), \$5,000,000: Provided,*
21 *That not to exceed \$2,500 shall be available for official re-*
22 *ception and representation expenses.*

23 *TITLE V—GENERAL PROVISIONS*

24 *SEC. 501. The Departments of Commerce and Justice,*
25 *the National Aeronautics and Space Administration, the*
26 *Federal Communications Commission, the Securities and*

1 *Exchange Commission, and the Small Business Adminis-*
2 *tration shall provide to the Committees on Appropriations*
3 *of the Senate and of the House of Representatives a quar-*
4 *terly accounting of the cumulative balances of any unobli-*
5 *gated funds that were made available to any such agency*
6 *in any previous appropriations Act.*

7 *SEC. 502. No part of any appropriation contained in*
8 *this Act shall remain available for obligation beyond the*
9 *current fiscal year unless expressly so provided herein.*

10 *SEC. 503. The expenditure of any appropriation under*
11 *this Act for any consulting service through procurement*
12 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
13 *those contracts where such expenditures are a matter of pub-*
14 *lic record and available for public inspection, except where*
15 *otherwise provided under existing law, or under existing*
16 *Executive order issued pursuant to existing law.*

17 *SEC. 504. If any provision of this Act or the applica-*
18 *tion of such provision to any person or circumstances shall*
19 *be held invalid, the remainder of the Act and the applica-*
20 *tion of each provision to persons or circumstances other*
21 *than those as to which it is held invalid shall not be affected*
22 *thereby.*

23 *SEC. 505. (a) None of the funds provided under this*
24 *Act, or provided under previous appropriations Acts to the*
25 *agencies funded by this Act that remain available for obli-*

1 *gation or expenditure in fiscal year 2006, or provided from*
2 *any accounts in the Treasury of the United States derived*
3 *by the collection of fees available to the agencies funded by*
4 *this Act, shall be available for obligation or expenditure*
5 *through a reprogramming of funds that: (1) creates new*
6 *programs; (2) eliminates a program, project, or activity;*
7 *(3) increases funds or personnel by any means for any*
8 *project or activity for which funds have been denied or re-*
9 *stricted; (4) relocates an office or employees; (5) reorganizes*
10 *or renames offices; (6) reorganizes programs or activities;*
11 *or (7) contracts out or privatizes any functions or activities*
12 *presently performed by Federal employees; unless the Ap-*
13 *propriations Committees of both Houses of Congress are no-*
14 *tified 15 days in advance of such reprogramming of funds.*

15 *(b) None of the funds provided under this Act, or pro-*
16 *vided under previous appropriations Acts to the agencies*
17 *funded by this Act that remain available for obligation or*
18 *expenditure in fiscal year 2006, or provided from any ac-*
19 *counts in the Treasury of the United States derived by the*
20 *collection of fees available to the agencies funded by this*
21 *Act, shall be available for obligation or expenditure for ac-*
22 *tivities, programs, or projects through a reprogramming of*
23 *funds in excess of \$1,000,000 or 10 percent, whichever is*
24 *less, that: (1) augments existing programs, projects (includ-*
25 *ing construction projects), or activities; (2) reduces by 10*

1 *percent funding for any existing program, project, or activ-*
2 *ity, or numbers of personnel by 10 percent as approved by*
3 *Congress; or (3) results from any general savings from a*
4 *reduction in personnel which would result in a change in*
5 *existing programs, activities, or projects as approved by*
6 *Congress; unless the Appropriations Committees of both*
7 *Houses of Congress are notified 15 days in advance of such*
8 *reprogramming of funds: Provided, That transfers may not*
9 *be made from “Buildings and Facilities, Federal Prison*
10 *System” to any other Department of Justice account.*

11 *SEC. 506. Hereafter, none of the funds made available*
12 *in this Act or any other Act may be used for the construc-*
13 *tion, repair (other than emergency repair), overhaul, con-*
14 *version, or modernization of vessels for the National Oce-*
15 *anic and Atmospheric Administration in shipyards located*
16 *outside of the United States.*

17 *SEC. 507. If it has been finally determined by a court*
18 *or Federal agency that any person intentionally affixed a*
19 *label bearing a “Made in America” inscription, or any in-*
20 *scription with the same meaning, to any product sold in*
21 *or shipped to the United States that is not made in the*
22 *United States, the person shall be ineligible to receive any*
23 *contract or subcontract made with funds made available in*
24 *this Act, pursuant to the debarment, suspension, and ineli-*

1 *gibility procedures described in sections 9.400 through*
2 *9.409 of title 48, Code of Federal Regulations.*

3 *SEC. 508. None of the funds appropriated or otherwise*
4 *made available by this Act or any other Act may be used*
5 *to implement, enforce, or otherwise abide by the Memo-*
6 *randum of Agreement signed by the Federal Trade Commis-*
7 *sion and the Antitrust Division of the Department of Jus-*
8 *tice on March 5, 2002.*

9 *SEC. 509. Section 704 of the Public Works and Eco-*
10 *nomie Development Act of 1965 (42 U.S.C. 3234) shall not*
11 *apply to any funds made available by this Act or an*
12 *amendment made by this Act.*

13 *SEC. 510. Any costs incurred by a department or agen-*
14 *cy funded under this Act resulting from personnel actions*
15 *taken in response to funding reductions included in this*
16 *Act shall be absorbed within the total budgetary resources*
17 *available to such department or agency: Provided, That the*
18 *authority to transfer funds between appropriations ac-*
19 *counts as may be necessary to carry out this section is pro-*
20 *vided in addition to authorities included elsewhere in this*
21 *Act: Provided further, That use of funds to carry out this*
22 *section shall be treated as a reprogramming of funds under*
23 *section 505 of this Act and shall not be available for obliga-*
24 *tion or expenditure except in compliance with the proce-*
25 *dures set forth in that section.*

1 *SEC. 511. Of the funds appropriated in this Act under*
2 *the heading “Office of Justice Programs—State and Local*
3 *Law Enforcement Assistance”, not more than 90 percent*
4 *of the amount to be awarded to an entity under the Local*
5 *Law Enforcement Block Grant shall be made available to*
6 *such an entity when it is made known to the Federal official*
7 *having authority to obligate or expend such funds that the*
8 *entity that employs a public safety officer (as such term*
9 *is defined in section 1204 of title I of the Omnibus Crime*
10 *Control and Safe Streets Act of 1968) does not provide such*
11 *a public safety officer who retires or is separated from serv-*
12 *ice due to injury suffered as the direct and proximate result*
13 *of a personal injury sustained in the line of duty while re-*
14 *sponding to an emergency situation or a hot pursuit (as*
15 *such terms are defined by State law) with the same or better*
16 *level of health insurance benefits at the time of retirement*
17 *or separation as they received while on duty.*

18 *SEC. 512. None of the funds provided by this Act shall*
19 *be available to promote the sale or export of tobacco or to-*
20 *bacco products, or to seek the reduction or removal by any*
21 *foreign country of restrictions on the marketing of tobacco*
22 *or tobacco products, except for restrictions which are not*
23 *applied equally to all tobacco or tobacco products of the*
24 *same type.*

1 *SEC. 513. Notwithstanding any other provision of law,*
2 *amounts deposited or available in the Fund established*
3 *under 42 U.S.C. 10601 in any fiscal year in excess of*
4 *\$625,000,000 shall not be available for obligation until the*
5 *following fiscal year.*

6 *SEC. 514. Of the amounts made available under the*
7 *heading “Small Business Administration, Salaries and Ex-*
8 *penses”, \$50,000,000 shall be available for programs de-*
9 *scribed in the statement accompanying this Act.*

10 *SEC. 515. None of the funds appropriated pursuant*
11 *to this Act or any other provision of law may be used for—*

12 *(1) the implementation of any tax or fee in con-*
13 *nection with the implementation of subsection 922(t)*
14 *of title 18, United States Code; and*

15 *(2) any system to implement subsection 922(t) of*
16 *title 18, United States Code, that does not require and*
17 *result in the destruction of any identifying informa-*
18 *tion submitted by or on behalf of any person who has*
19 *been determined not to be prohibited from possessing*
20 *or receiving a firearm no more than 24 hours after*
21 *the system advises a Federal firearms licensee that*
22 *possession or receipt of a firearm by the prospective*
23 *transferee would not violate subsection (g) or (n) of*
24 *section 922 of title 18, United States Code, or State*
25 *law.*

1 *SEC. 516. All disaster loans issued in Alaska or North*
2 *Dakota shall be administered by the Small Business Ad-*
3 *ministration and shall not be sold during fiscal year 2006.*

4 *SEC. 517. None of the funds made available in this*
5 *Act may be transferred to any department, agency, or in-*
6 *strumentality of the United States Government, except pur-*
7 *suant to a transfer made by, or transfer authority provided*
8 *in, this Act or any other appropriations Act.*

9 *SEC. 518. The Secretary of Commerce shall represent*
10 *the United States Government in negotiating and moni-*
11 *toring international agreements regarding fisheries, marine*
12 *mammals, or sea turtles: Provided, That the Secretary of*
13 *Commerce shall be responsible for the development and*
14 *interdepartmental coordination of the policies of the United*
15 *States with respect to the international negotiations and*
16 *agreements referred to in this section.*

17 *SEC. 519. Any funds provided in this Act used to im-*
18 *plement E-Government Initiatives shall be subject to the*
19 *procedures set forth in section 505 of this Act.*

20 *SEC. 520. UNIVERSAL SERVICE SUPPORT. None of the*
21 *funds appropriated by this Act may be used by the Federal*
22 *Communications Commission to modify, amend, or change*
23 *its rules or regulations for universal service support pay-*
24 *ments to implement the February 27, 2004 recommenda-*
25 *tions of the Federal-State Joint Board on Universal Service*

1 *regarding single connection or primary line restrictions on*
2 *universal service support payments.*

3 *SEC. 521. (a) Tracing studies conducted by the Bureau*
4 *of Alcohol, Tobacco, Firearms and Explosives are released*
5 *without adequate disclaimers regarding the limitations of*
6 *the data.*

7 *(b) The Bureau of Alcohol, Tobacco, Firearms and Ex-*
8 *plosives shall include in all such data releases, language*
9 *similar to the following that would make clear that trace*
10 *data cannot be used to draw broad conclusions about fire-*
11 *arms-related crime:*

12 *(1) Firearm traces are designed to assist law en-*
13 *forcement authorities in conducting investigations by*
14 *tracking the sale and possession of specific firearms.*
15 *Law enforcement agencies may request firearms traces*
16 *for any reason, and those reasons are not necessarily*
17 *reported to the Federal Government. Not all firearms*
18 *used in crime are traced and not all firearms traced*
19 *are used in crime.*

20 *(2) Firearms selected for tracing are not chosen*
21 *for purposes of determining which types, makes or*
22 *models of firearms are used for illicit purposes. The*
23 *firearms selected do not constitute a random sample*
24 *and should not be considered representative of the*
25 *larger universe of all firearms used by criminals, or*

1 *any subset of that universe. Firearms are normally*
2 *traced to the first retail seller, and sources reported*
3 *for firearms traced do not necessarily represent the*
4 *sources or methods by which firearms in general are*
5 *acquired for use in crime.*

6 *SEC. 522. (a) For the period beginning on October 1,*
7 *2005, and ending on April 1, 2006, none of the funds made*
8 *available by this or any other Act may be used to pay the*
9 *salaries or expenses of any employee of any agency or office*
10 *to implement any change to part 302, 303, 306, or 318 of*
11 *title 13, Code of Federal Regulations (as in effect on Decem-*
12 *ber 14, 1999), pursuant to the interim final rule published*
13 *August 11, 2005 (70 Fed. Reg. 47002; relating to the imple-*
14 *mentation of, and regulatory revision under, the Economic*
15 *Development Reauthorization Act (Public Law 108–373;*
16 *118 Stat. 1756)).*

17 *(b) Notwithstanding the interim final rule described*
18 *in subsection (a), the public comment period with respect*
19 *to parts 302, 303, 306, and 318 of title 13, Code of Federal*
20 *Regulations, shall be not less than 30 days.*

21 *SEC. 523. SENSE OF THE SENATE.—(a) FINDINGS.—*
22 *The Senate finds the following:*

23 *(1) In a time of national catastrophe, it is the*
24 *responsibility of Congress and the Executive Branch*

1 *to take quick and decisive action to help those in*
2 *need.*

3 (2) *The size, scope, and complexity of Hurricane*
4 *Katrina are unprecedented, and the emergency re-*
5 *sponse and long-term recovery efforts will be extensive*
6 *and require significant resources.*

7 (3) *It is the responsibility of Congress and the*
8 *Executive Branch to ensure the financial stability of*
9 *the nation by being good stewards of Americans'*
10 *hard-earned tax dollars.*

11 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
12 *ate that any funding directive contained in this Act, or its*
13 *accompanying report, that is not specifically authorized in*
14 *any Federal law as of the date of enactment of this section,*
15 *or Act or resolution passed by the Senate during the 1st*
16 *Session of the 109th Congress prior to such date, or pro-*
17 *posed in pursuance to an estimate submitted in accordance*
18 *with law, that is for the benefit of an identifiable program,*
19 *project, activity, entity, or jurisdiction and is not directly*
20 *related to the impact of Hurricane Katrina, may be redi-*
21 *rected to recovery efforts if the appropriate head of an agen-*
22 *cy or department determines, after consultation with appro-*
23 *priate Congressional Committees, that the funding directive*
24 *is not of national significance or is not in the public inter-*
25 *est.*

1 *SEC. 524. (a) It is the sense of Congress that all au-*
2 *thorities with jurisdiction, including the Federal Bureau of*
3 *Investigation and other entities within the Department of*
4 *Justice, should—*

5 *(1) expeditiously investigate unsolved civil rights*
6 *murders, due to the amount of time that has passed*
7 *since the murders and the age of potential witnesses;*
8 *and*

9 *(2) provide all the resources necessary to ensure*
10 *timely and thorough investigations in the cases in-*
11 *volved.*

12 *(b) In this section:*

13 *(1) The term “Chief” means the Chief of the Sec-*
14 *tion.*

15 *(2) The term “criminal civil rights statutes”*
16 *means—*

17 *(A) section 241 of title 18, United States*
18 *Code (relating to conspiracy against rights);*

19 *(B) section 242 of title 18, United States*
20 *Code (relating to deprivation of rights under*
21 *color of law);*

22 *(C) section 245 of title 18, United States*
23 *Code (relating to federally protected activities);*

1 (D) sections 1581 and 1584 of title 18,
2 United States Code (relating to involuntary ser-
3 vitude and peonage);

4 (E) section 901 of the Fair Housing Act (42
5 U.S.C. 3631); and

6 (F) any other Federal law that—

7 (i) was in effect on or before December
8 31, 1969; and

9 (ii) the Criminal Section of the Civil
10 Rights Division of the Department of Jus-
11 tice enforced, prior to the date of enactment
12 of this Act.

13 (3) The term “Section” (except when used as
14 part of the term “Criminal Section”) means the Un-
15 solved Crimes Section established under subsection
16 (c).

17 (c)(1) There is established in the Civil Rights Division
18 of the Department of Justice an Unsolved Crimes Section.
19 The Section shall be headed by a Chief of the Section.

20 (2)(A) Notwithstanding any other provision of Federal
21 law, the Chief shall be responsible for investigating and
22 prosecuting violations of criminal civil rights statutes, in
23 each case in which a complaint alleges that such a
24 violation—

1 (i) occurred not later than December 31, 1969;

2 and

3 (ii) resulted in a death.

4 (B) After investigating a complaint under subpara-
5 graph (A), if the Chief determines that an alleged practice
6 that is a violation of a criminal civil rights statute occurred
7 in a State, or political subdivision of a State, that has a
8 State or local law prohibiting the practice alleged and es-
9 tablishing or authorizing a State or local official to grant
10 or seek relief from such practice or to institute criminal
11 proceedings with respect to the practice on receiving notice
12 of the practice, the Chief shall consult with the State or
13 local official regarding the appropriate venue for the case
14 involved.

15 (C) After investigating a complaint under subpara-
16 graph (A), the Chief shall refer the complaint to the Crimi-
17 nal Section of the Civil Rights Division, if the Chief deter-
18 mines that the subject of the complaint has violated a crimi-
19 nal civil rights statute in the case involved but the violation
20 does not meet the requirements of clause (i) or (ii) of sub-
21 paragraph (A).

22 (3)(A) The Chief shall annually conduct a study of the
23 cases under the jurisdiction of the Chief and, in conducting
24 the study, shall determine the cases—

1 (i) for which the Chief has sufficient evidence to
2 prosecute violations of criminal civil rights statutes;
3 and

4 (ii) for which the Chief has insufficient evidence
5 to prosecute those violations.

6 (B) Not later than September 30 of 2006 and of each
7 subsequent year, the Chief shall prepare and submit to Con-
8 gress a report containing the results of the study conducted
9 under subparagraph (A), including a description of the
10 cases described in subparagraph (A)(ii).

11 (4)(A) There is authorized to be appropriated to carry
12 out this subsection \$5,000,000 for fiscal year 2006 and each
13 subsequent fiscal year.

14 (B) Any funds appropriated under this paragraph
15 shall consist of additional appropriations for the activities
16 described in this subsection, rather than funds made avail-
17 able through reductions in the appropriations authorized
18 for other enforcement activities of the Department of Jus-
19 tice.

20 SEC. 525. Of the funds appropriated to the Federal
21 Trade Commission by this Act, not less than \$1,000,000
22 shall be used by the Commission to conduct an immediate
23 investigation into nationwide gasoline prices in the after-
24 math of Hurricane Katrina; Provided, That the investiga-
25 tion shall include (1) any evidence of price-gouging by com-

1 *panies with total United States wholesale sales of gasoline*
2 *and petroleum distillates for calendar 2004 in excess of*
3 *\$500,000,000 and by any retail distributor of gasoline and*
4 *petroleum distillates against which multiple formal com-*
5 *plaints (that identify the location of a particular retail dis-*
6 *tributor and provide contact information for the complain-*
7 *ant) of price-gouging were filed in August or September,*
8 *2005, with a Federal or State consumer protection agency,*
9 *(2) a comparison of, and an explanation of the reasons for*
10 *changes in, profit levels of such companies during the 12-*
11 *month period ending on August 31, 2005, and their profit*
12 *levels for the month of September, 2005, including informa-*
13 *tion for particular companies on a basis that does not per-*
14 *mit the identification of any company to which the infor-*
15 *mation relates, (3) a summary of tax expenditures (as de-*
16 *finied in section 3(3) of the Congressional Budget and Im-*
17 *poundment Control Act of 1974 (2 U.S.C. 622(3)) for such*
18 *companies, (4) the effects of increased gasoline prices and*
19 *gasoline price-gouging on economic activity in the United*
20 *States, and (5) the overall cost of increased gasoline prices*
21 *and gasoline price-gouging to the economy, including the*
22 *impact on consumers' purchasing power in both declared*
23 *State and National disaster areas and elsewhere; Provided*
24 *further, That, in conducting its investigation, the Commis-*
25 *sion shall treat as evidence of price-gouging any finding*

1 *that the average price of gasoline available for sale to the*
2 *public in September, 2005, or thereafter in a market area*
3 *located in an area designated as a State or National dis-*
4 *aster area because of Hurricane Katrina, or in any other*
5 *area where price-gouging complaints have been filed because*
6 *of Hurricane Katrina with a Federal or State consumer*
7 *protection agency, exceeded the average price of such gaso-*
8 *line in that area for the month of August, 2005, unless the*
9 *Commission finds substantial evidence that the increase is*
10 *substantially attributable to additional costs in connection*
11 *with the production, transportation, delivery, and sale of*
12 *gasoline in that area or to national or international market*
13 *trends; Provided further, That in any areas of markets in*
14 *which the Commission determines price increases are due*
15 *to factors other than the additional costs, it shall also notify*
16 *the appropriate State agency of its findings; Provided fur-*
17 *ther, That the Commission shall provide information on the*
18 *progress of the investigation to the Senate and House Ap-*
19 *propriations Committees, the Senate Committee on Com-*
20 *merce, Science, and Transportation, and the House of Rep-*
21 *resentatives Committee on Energy and Commerce every 30*
22 *days after the date of enactment of this Act, shall provide*
23 *those Committees a written interim report 90 days after*
24 *such date, and shall transmit a final report to those Com-*
25 *mittees, together with its findings and recommendations, no*

1 *later than 180 days after the date of enactment of this Act;*
 2 *Provided further, That the Commission shall transmit rec-*
 3 *ommendations, based on its findings, to the Congress for*
 4 *any legislation necessary to protect consumers from gasoline*
 5 *price-gouging in both State and National disaster areas*
 6 *and elsewhere; Provided further, That chapter 35 of title*
 7 *44, United States Code, does not apply to the collection of*
 8 *information for the investigation required by this section;*
 9 *Provided further, That if, during the investigation, the*
 10 *Commission obtains evidence that a person may have vio-*
 11 *lated a criminal law, the Commission may transmit that*
 12 *evidence to appropriate Federal or State authorities; and*
 13 *Provided further, That nothing in this section affects any*
 14 *other authority of the Commission to disclose information.*

15 *HURRICANE KATRINA ASSISTANCE VOUCHERS*

16 *SEC. 526. HURRICANE KATRINA EMERGENCY ASSIST-*
 17 *ANCE VOUCHERS.—(a) SHORT TITLE.—This section may*
 18 *be cited as the “Helping to House the Victims of Hurricane*
 19 *Katrina Act of 2005”.*

20 *(b) HURRICANE KATRINA EMERGENCY ASSISTANCE*
 21 *VOUCHERS.—Section 8(o) of the United States Housing Act*
 22 *of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the*
 23 *end the following:*

24 *“(20) HURRICANE KATRINA EMERGENCY ASSIST-*
 25 *ANCE VOUCHERS.—*

1 “(A) *IN GENERAL.*—During the 6-month pe-
2 riod beginning on the date of enactment of the
3 *Helping to House the Victims of Hurricane*
4 *Katrina Act of 2005*, the Secretary shall provide
5 temporary rental assistance to any individual or
6 family, if—

7 “(i) the individual or family resides,
8 or resided on August 29, 2005, in any area
9 that is subject to a declaration by the Presi-
10 dent of a major disaster or emergency under
11 the *Robert T. Stafford Disaster Relief and*
12 *Emergency Assistance Act (42 U.S.C. 5121*
13 *et seq.)* in connection with *Hurricane*
14 *Katrina*; and

15 “(ii) the residence of the individual or
16 family became uninhabitable or inaccessible
17 as result of that major disaster or emer-
18 gency.

19 “(B) *REGULATIONS.*—Not later than 30
20 days after the date of enactment of the *Helping*
21 *to House the Victims of Hurricane Katrina Act*
22 *of 2005*, the Secretary shall issue final rules to
23 establish the procedures applicable to the
24 issuance of assistance under subparagraph (A).

1 “(C) NOTICE.—*The Secretary, in consulta-*
2 *tion with the Director of the Federal Emergency*
3 *Management Agency and such other agencies as*
4 *the Secretary determines appropriate, shall es-*
5 *tablish procedures for providing notice of the*
6 *availability of assistance under this paragraph*
7 *to individuals or families that may be eligible*
8 *for such assistance.*

9 “(D) AUTHORITY TO CONTRACT WITH PHA’S
10 AND OTHERS.—*The Secretary may contract with*
11 *any State or local government agency or public*
12 *housing agency, or in consultation with any*
13 *State or local government agency, with any other*
14 *entity, to ensure that assistance payments under*
15 *this paragraph are provided in an efficient and*
16 *expeditious manner.*

17 “(E) WAIVER OF ELIGIBILITY REQUIRE-
18 MENTS.—*In providing assistance under this*
19 *paragraph, the Secretary shall waive the require-*
20 *ments under—*

21 “(i) *paragraph (2), relating to tenant*
22 *contributions towards rent, except that any*
23 *such waiver shall expire on an individual’s*
24 *return to work;*

1 “(ii) paragraph (4), relating to the eli-
2 gibility of individuals to receive assistance;

3 “(iii) subsection (k) and paragraph (5)
4 of this subsection, relating to verification of
5 income;

6 “(iv) paragraph (7)(A), relating to the
7 requirement that leases shall be for a term
8 of 1 year;

9 “(v) paragraph (8), relating to initial
10 inspection of housing units by a public
11 housing agency; and

12 “(vi) subsection (r)(1)(B), relating to
13 restrictions on portability.

14 “(F) USE OF FUNDS.—Notwithstanding any
15 other provision of law, funds available for assist-
16 ance under this paragraph—

17 “(i) shall be made available by the Sec-
18 retary to individuals to cover the cost of—

19 “(I) rent;

20 “(II) security and utility deposits;

21 “(III) relocation expenses, includ-
22 ing expenses incurred in relocating
23 back to the major disaster area when
24 such relocation is permitted; and

1 “(IV) *such additional expenses as*
2 *the Secretary determines necessary;*
3 *and*

4 “(ii) *shall be used by the Secretary—*

5 “(I) *for payments to public hous-*
6 *ing agencies, State or local government*
7 *agencies, or other voucher administra-*
8 *tors for vouchers used to assist individ-*
9 *uals or families affected by the major*
10 *disaster or emergency described in this*
11 *paragraph up to their authorized level*
12 *of vouchers, if any such vouchers are*
13 *not otherwise funded; and*

14 “(II) *to provide operating sub-*
15 *sidies to public housing agencies for*
16 *public housing units provided to indi-*
17 *viduals or families affected by the*
18 *major disaster or emergency described*
19 *in this paragraph, if such a subsidy*
20 *was not previously provided for those*
21 *units.*

22 “(G) *PAYMENT STANDARD.—For purposes*
23 *of this paragraph, the payment standard for*
24 *each size of dwelling unit in a market area may*
25 *not exceed 150 percent, or higher if the Secretary*

1 *approves of such increase, of the fair market*
2 *rental established under subsection (c) for the*
3 *same size dwelling unit in the same market area,*
4 *and shall be not less than 90 percent of that fair*
5 *market rental.*

6 “(H) *NONDISCRIMINATION.*—*In selecting in-*
7 *dividuals or families for tenancy, a landlord or*
8 *owner may not exclude or penalize an individual*
9 *or family solely because any portion of the rental*
10 *payment of that individual or family is provided*
11 *under this paragraph.*

12 “(I) *TERMINATION OF ASSISTANCE.*—*Assist-*
13 *ance provided under this paragraph shall—*

14 “(i) *terminate 6 months after the date*
15 *on which such assistance was received; and*

16 “(ii) *extend for an additional 6*
17 *months unless at that time the Secretary*
18 *makes a determination that assistance*
19 *under this paragraph is no longer needed.*

20 “(21) *ASSISTANCE FOR CURRENT VOUCHER RE-*
21 *CIPIENTS AFFECTED BY HURRICANE KATRINA.*—

22 “(A) *IN GENERAL.*—*The Secretary shall*
23 *waive any of the requirements described in*
24 *clauses (i) through (vi) of paragraph (20)(E) for*

1 *any individual or family receiving assistance*
2 *under this section on August 29, 2005, if—*

3 “(i) *the individual or family resides,*
4 *or resided on August 29, 2005, in any area*
5 *that is subject to a declaration by the Presi-*
6 *dent of a major disaster or emergency under*
7 *the Robert T. Stafford Disaster Relief and*
8 *Emergency Assistance Act (42 U.S.C. 5121*
9 *et seq.) in connection with Hurricane*
10 *Katrina; and*

11 “(ii) *the residence of the individual or*
12 *family became uninhabitable or inaccessible*
13 *as result of that major disaster or emer-*
14 *gency.*

15 “(B) *ADDITIONAL USES OF FUNDS.—Not-*
16 *withstanding any other provision of law, the*
17 *Secretary shall provide, as the Secretary deter-*
18 *mines appropriate, supplemental assistance to*
19 *an individual or family receiving assistance*
20 *under this section on August 29, 2005, and meet-*
21 *ing the requirements described in subparagraph*
22 *(A), to assist the individual or family with the*
23 *additional costs of relocating to new housing, in-*
24 *cluding to cover—*

1 “(i) *the additional cost of rent and*
2 *utilities;*

3 “(ii) *security and utility deposits;*

4 “(iii) *relocation expenses, including ex-*
5 *periences incurred in relocating back to the*
6 *major disaster area when such relocation is*
7 *permitted; and*

8 “(iv) *such additional expenses as the*
9 *Secretary determines necessary.*

10 “(C) *PAYMENT STANDARD.—For purposes of*
11 *this paragraph, the payment standard for each*
12 *size of dwelling unit in a market area may not*
13 *exceed 150 percent, or higher if the Secretary ap-*
14 *proves of such increase, of the fair market rental*
15 *established under subsection (c) for the same size*
16 *dwelling unit in the same market area, and shall*
17 *be not less than 90 percent of that fair market*
18 *rental.*

19 “(D) *NONDISCRIMINATION.—A landlord or*
20 *owner may not exclude or penalize an individual*
21 *or family solely because that individual or fam-*
22 *ily is eligible for any waivers or benefits pro-*
23 *vided under this paragraph.*

1 “(E) *TERMINATION OF AUTHORITY.*—The
2 *authority of the Secretary to provide assistance*
3 *under this paragraph shall—*

4 “(i) *apply during the 6-month period*
5 *beginning on the date of enactment of the*
6 *Helping to House the Victims of Hurricane*
7 *Katrina Act of 2005; and*

8 “(ii) *extend for an additional 6*
9 *months after that period, unless if at that*
10 *time the Secretary makes a determination*
11 *that assistance under this paragraph is no*
12 *longer needed.*

13 “(22) *AUTHORITY OF THE SECRETARY TO DI-*
14 *RECTLY ADMINISTER VOUCHERS WHEN PHA’S ARE UN-*
15 *ABLE TO DO SO.*—*If the Secretary determines that a*
16 *public housing agency is unable to implement the*
17 *provisions of this subsection due to the effects of Hur-*
18 *ricane Katrina, the Secretary may—*

19 “(A) *directly administer any voucher pro-*
20 *gram described in paragraphs (1) through (20);*
21 *and*

22 “(B) *perform the functions assigned to a*
23 *public housing agency by this subsection.”.*

24 “(c) *REPORT ON INVENTORY OF AVAILABILITY OF TEM-*
25 *PORARY HOUSING.*—*Not later than 10 days after the date*

1 *of enactment of this Act, the Secretary of Defense, the Ad-*
2 *ministrator of the General Services Administration, the*
3 *Secretary of Agriculture, and such other agency heads as*
4 *the Secretary determines appropriate, shall compile and re-*
5 *port to the Secretary an inventory of Federal civilian and*
6 *defense facilities that can be used—*

7 (1) *to provide emergency housing; or*

8 (2) *as locations for the construction or deploy-*
9 *ment of temporary housing units.*

10 *(d) APPROPRIATION OF FUNDING.—*

11 (1) *IN GENERAL.—There are authorized to be ap-*
12 *propriated and are appropriated \$3,500,000,000 to*
13 *provide assistance under this Act.*

14 (2) *EMERGENCY DESIGNATION.—The amount ap-*
15 *propriated under paragraph (1) is designated as an*
16 *emergency requirement pursuant to section 402 of H.*
17 *Con. Res. 95 (109th Congress).*

18 *TRADE REMEDY LAWS*

19 *SEC. 527. None of the funds appropriated or otherwise*
20 *made available by this Act may be used in a manner that*
21 *is inconsistent with the principle negotiating objective of*
22 *the United States with respect to trade remedy laws to pre-*
23 *serve the ability of the United States—*

24 “(1) *to enforce vigorously its trade laws, includ-*
25 *ing the antidumping, countervailing duty, and safe-*
26 *guard laws;*

1 “(2) to avoid agreements that—

2 “(A) lessen the effectiveness of domestic and
3 international disciplines on unfair trade, espe-
4 cially dumping and subsidies; or

5 “(B) lessen the effectiveness of domestic and
6 international safeguard provisions, in order to
7 ensure that United States workers, agricultural
8 producers, and firms can compete fully on fair
9 terms and enjoy the benefits of reciprocal trade
10 concessions; and

11 “(3) to address and remedy market distortions
12 that lead to dumping and subsidization, including
13 overcapacity, cartelization, and market-access bar-
14 riers.”.

15 WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS

16 SEC. 528. WAIVER OF LICENSING AND CERTIFICATION

17 REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PRO-

18 FESSIONALS.—(a) IN GENERAL.—Notwithstanding any

19 other provision of law, an eligible health professional may

20 provide health-related services under the medicare, med-

21 icaid, or SCHIP program under title XVIII, XIX, or XXI

22 of the Social Security Act (42 U.S.C. 1395 et seq., 1396

23 et seq., and 1397 et seq.) and under Indian Health Service

24 programs, regardless of the licensing or certification laws

25 of the State in which such services are being provided, dur-

26 ing the 90-day period that begins on the date on which eligi-

1 *bility is determined by the State licensing board of the State*
 2 *in which such professional will provide health-related serv-*
 3 *ices under this subsection.*

4 *(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible*
 5 *to provide health-related services in a State during the pe-*
 6 *riod referred to in subsection (a) without State licensure*
 7 *or certification, a health professional shall—*

8 *(1) be a physician, nurse, dentist, pharmacist,*
 9 *mental health professional, or allied health profession,*
 10 *or any other professional determined appropriate by*
 11 *the Secretary of Health and Human Services;*

12 *(2) have a valid license from, or be certified in,*
 13 *at least one of the States affected by Hurricane*
 14 *Katrina, as described in subsection (d), and not be af-*
 15 *firmatively barred from practicing in that State;*

16 *(3) have been evacuated from Louisiana or Mis-*
 17 *issippi as a result of Hurricane Katrina; and*

18 *(4) have applied, prior to March 31, 2006, for a*
 19 *license or certification in the State in which such pro-*
 20 *fessional will provide the health-related services under*
 21 *subsection (a) without State licensure or certification.*

22 *(c) EVIDENCE OF LICENSURE.—*

23 *(1) IN GENERAL.—A State may develop a proc-*
 24 *ess to verify the licensing credentials of a health pro-*
 25 *fessional to which this section applies if the profes-*

1 sional has no official evidence of licensure in his or
2 her possession.

3 (2) *FRAUD.*—An individual who wilfully pro-
4 vides any false or misleading information to a Fed-
5 eral, State, or local official for purposes of being cov-
6 ered under the provisions of this section shall, in ad-
7 dition to any State penalties that may apply, be sub-
8 ject to a fine, as determined appropriate by the Attor-
9 ney General in accordance with title 18, United
10 States Code.

11 (d) *STATES DESCRIBED.*—The States described in this
12 subsection are Louisiana and Mississippi.

13 (e) *LIMITATION.*—A health professional may only elect
14 to utilize the provisions of this section for a single 90-day
15 period.

16 (f) *RULE OF CONSTRUCTION.*—Nothing in this section
17 shall be construed as altering or affecting any procedures
18 adopted by State health professional licensing or certifi-
19 cation boards relating to waivers of licensing and certifi-
20 cation requirements for health professionals affected by
21 Hurricane Katrina.

22 (g) *DEFINITION.*—In this section, the term “health-re-
23 lated services”, as such term is applied to health profes-
24 sional under this section, means services provided by a
25 health professional that are consistent with the scope of

1 *practice of the professional in the State in which such pro-*
 2 *fessional is seeking licensure or certification.*

3 *DISASTER RELIEF*

4 *SEC. 529. SMALL BUSINESS, HOMEOWNERS, AND*
 5 *RENTERS DISASTER RELIEF.—(a) DISASTER LOANS.—*
 6 *Section 7(b) of the Small Business Act (15 U.S.C. 636(b))*
 7 *is amended by inserting immediately after paragraph (3)*
 8 *the following:*

9 *“(4) DISASTER LOANS AFTER HURRICANE*
 10 *KATRINA.—*

11 *“(A) ADDITIONAL LOAN AUTHORITY.—*

12 *“(i) LOANS TO SMALL BUSINESSES.—*

13 *In addition to any other loan authorized by*
 14 *this subsection, the Administrator may*
 15 *make such loans under this subsection (ei-*
 16 *ther directly or in cooperation with banks*
 17 *or other lending institutions through agree-*
 18 *ments to participate on an immediate or*
 19 *deferred basis) as the Administrator deter-*
 20 *mines appropriate to a small business con-*
 21 *cern or small agricultural cooperative that*
 22 *demonstrates a direct adverse economic im-*
 23 *act caused by Hurricane Katrina, based*
 24 *on such criteria as the Administrator may*
 25 *set by rule, regulation, or order.*

1 “(i) *LOANS TO NONPROFITS.*—*In ad-*
2 *dition to any other loan authorized by this*
3 *subsection, the Administrator may make*
4 *such loans under this subsection (either di-*
5 *rectly or in cooperation with banks or other*
6 *lending institutions through agreements to*
7 *participate on an immediate or deferred*
8 *basis) as the Administrator determines ap-*
9 *propriate to a non-profit organization for*
10 *purposes of repairing damage caused by*
11 *Hurricane Katrina or performing other*
12 *hurricane relief services in a damaged area.*

13 “(B) *INCREASED LOAN CAPS.*—

14 “(i) *AGGREGATE LOAN AMOUNTS.*—*Ex-*
15 *cept as provided in clause (i), the aggregate*
16 *loan amount outstanding and committed to*
17 *a qualified borrower in a damaged area*
18 *under this paragraph may not exceed*
19 *\$10,000,000.*

20 “(ii) *WAIVER AUTHORITY.*—*The Ad-*
21 *ministrator may, at the discretion of the*
22 *Administrator, waive the aggregate loan*
23 *amount established under clause (i).*

24 “(C) *DEFERMENT OF DISASTER LOAN PAY-*
25 *MENTS.*—

1 “(i) *IN GENERAL.*—Notwithstanding
2 any other provision of law, payments of
3 principal and interest on a loan to a quali-
4 fied borrower located in a damaged area
5 made under this subsection before, on, or
6 after the date of enactment of this para-
7 graph shall be deferred, and no interest
8 shall accrue with respect to such loan, dur-
9 ing the time period described in clause (ii).

10 “(ii) *TIME PERIOD.*—The time period
11 for purposes of clause (i) shall be 1 year
12 from the later of the date of enactment of
13 this paragraph or the date of issuance of a
14 loan described in clause (i), but may be ex-
15 tended to 2 years from such date, at the dis-
16 cretion of the Administrator.

17 “(iii) *RESUMPTION OF PAYMENTS.*—At
18 the end of the time period described in
19 clause (ii), the payment of periodic install-
20 ments of principal and interest shall be re-
21 quired with respect to such loan, in the
22 same manner and subject to the same terms
23 and conditions as would otherwise be appli-
24 cable to any other loan made under this
25 subsection.

1 “(D) *DEFINITIONS.*—*In this paragraph, the*
2 *following definitions shall apply:*

3 “(i) *DAMAGED AREA.*—*The term ‘dam-*
4 *aged area’ means an area which the Presi-*
5 *dent has designated as a disaster area as a*
6 *result of Hurricane Katrina of August*
7 *2005.*

8 “(ii) *QUALIFIED BORROWER.*—*The*
9 *term ‘qualified borrower’ means a small*
10 *business concern or non-profit*
11 *organization—*

12 “(I) *located in a damaged area;*

13 *or*

14 “(II) *located in a State contig-*
15 *uous to a damaged area that is using,*
16 *or intends to use, a loan made under*
17 *this subsection for purposes of rebuild-*
18 *ing or conducting operations in a*
19 *damaged area.”.*

20 “(b) *DEVELOPMENT COMPANY DEBENTURES.*—*Section*
21 *503 of the Small Business Investment Act of 1958 (15*
22 *U.S.C. 697) is amended by adding at the end the following:*

23 “(j) *DEBENTURES AFTER HURRICANE KATRINA.*—

24 “(1) *AUTHORITY.*—

1 “(A) *IN GENERAL.*—*In addition to any*
2 *other guarantee authorized by this section, the*
3 *Administrator may guarantee the timely pay-*
4 *ment of all principal and interest as scheduled*
5 *on any debenture issued for purposes of rebuild-*
6 *ing or resuming operations in a damaged area,*
7 *as the Administrator determines appropriate.*

8 “(B) *TERMS.*—*The Administrator shall es-*
9 *tablish a fee for a guarantee issued under sub-*
10 *paragraph (A) that is lower than that for other*
11 *guarantees under this section.*

12 “(2) *EXISTING GUARANTEES.*—

13 “(A) *IN GENERAL.*—*Notwithstanding any*
14 *other provision of law, the Administrator may*
15 *temporarily defer payments of principal and in-*
16 *terest on a guarantee made under this section be-*
17 *fore the date of enactment of this subsection to a*
18 *small business concern in a damaged area, in*
19 *any case in which the payments are owed to the*
20 *Administration.*

21 “(B) *PAYMENTS TO OTHER PARTIES.*—*Not-*
22 *withstanding any other provision of law, the Ad-*
23 *ministrator may temporarily make payments of*
24 *principal and interest on a loan made under*
25 *this section before the date of enactment of this*

1 *subsection to a small business concern in a dam-*
2 *aged area, in any case in which the payments*
3 *are owed to a person other than the Administra-*
4 *tion.*

5 “(C) *TERMINATION OF AUTHORITY.*—*The*
6 *authority to defer, or make, payments under this*
7 *paragraph shall terminate 1 year after the date*
8 *of enactment of this subsection.*

9 “(3) *DEFINITIONS.*—*In this subsection, the fol-*
10 *lowing definitions shall apply:*

11 “(A) *DAMAGED AREA.*—*The term ‘damaged*
12 *area’ means an area which the President has*
13 *designated as a disaster area as a result of Hur-*
14 *ricane Katrina of August 2005.*

15 “(B) *QUALIFIED BORROWER.*—*The term*
16 *‘qualified borrower’ means a small business*
17 *concern—*

18 *“(i) located in a damaged area; or*

19 *“(ii) that demonstrates a direct adverse*
20 *economic impact caused by Hurricane*
21 *Katrina, based on such criteria as the Ad-*
22 *ministrator may set by rule, regulation, or*
23 *order.”.*

24 (c) *SMALL BUSINESS EMERGENCY RELIEF.*—

25 (1) *DEFINITIONS.*—*As used in this subsection—*

1 (A) the term “small business concern” has
2 the same meaning as in section 3 of the Small
3 Business Act; and

4 (B) the terms “Administration” and “Ad-
5 ministrator” mean the Small Business Adminis-
6 tration and the Administrator thereof, respec-
7 tively.

8 (2) BUSINESS LOAN PROGRAMS.—Section 20(e)
9 of the Small Business Act (15 U.S.C. 631 note) is
10 amended—

11 (A) by striking “\$25,050,000,000” and in-
12 serting “\$30,550,000,000”; and

13 (B) in paragraph (1)(B)—

14 (i) by striking “\$17,000,000,000” and
15 inserting “\$20,000,000,000”;

16 (ii) by striking “\$7,500,000,000” and
17 inserting “\$10,000,000,000”; and

18 (C) by striking “25,050,000,000” and in-
19 serting “30,550,000,000”.

20 (3) GRANTS TO STATES DAMAGED BY HURRICANE
21 KATRINA.—There is authorized to be appropriated,
22 and there is appropriated, to the Department of Com-
23 merce \$400,000,000 to provide, through appropriate
24 government agencies in Louisiana, Alabama, Mis-
25 sissippi, Texas, and Florida, to provide bridge grants

1 *and loans to small business concerns located in the*
2 *area which the President has designated as a disaster*
3 *area as a result of Hurricane Katrina, to assist in*
4 *covering costs of such concerns until they are able to*
5 *obtain loans through Administration assistance pro-*
6 *grams or other sources.*

7 (4) *DISASTER LOAN ADDITIONAL AMOUNTS.—In*
8 *addition to any other amounts otherwise appro-*
9 *propriated for such purpose, there is authorized to be ap-*
10 *propriated, and there is appropriated, to the Admin-*
11 *istration \$86,000,000, to make loans under section*
12 *7(b) of the Small Business Act.*

13 (5) *OTHER DISASTER LOANS FOLLOWING HURRI-*
14 *CANE KATRINA.—*

15 (A) *IN GENERAL.—Paragraph (4) of section*
16 *7(b) of the Small Business Act (15 U.S.C.*
17 *636(b)), as added by this Act, is amended by*
18 *adding at the end the following:*

19 “(E) *REFINANCING DISASTER LOANS AFTER*
20 *HURRICANE KATRINA.—*

21 “(i) *IN GENERAL.—Any loan made*
22 *under this subsection that was outstanding*
23 *as to principal or interest on August 24,*
24 *2005, may be refinanced by a small busi-*
25 *ness concern that is located in an area des-*

1 *ignated by the President as a disaster area*
2 *as a result of Hurricane Katrina of 2005*
3 *(in this paragraph referred to as the ‘dis-*
4 *aster area’), and the refinanced amount*
5 *shall be considered to be part of the new*
6 *loan for purposes of this subparagraph.*

7 “(ii) *NO EFFECT ON ELIGIBILITY.—A*
8 *refinancing under clause (i) by a small*
9 *business concern shall be in addition to any*
10 *other loan eligibility for that small business*
11 *concern under this Act.*

12 “(F) *REFINANCING BUSINESS DEBT.—*

13 “(i) *IN GENERAL.—Any business debt*
14 *of a small business concern that was out-*
15 *standing as to principal or interest on Au-*
16 *gust 24, 2005, may be refinanced by the*
17 *small business concern if it is located in the*
18 *disaster area. With respect to a refinancing*
19 *under this clause, payments of principal*
20 *shall be deferred, and interest may accrue,*
21 *during the 1-year period following the date*
22 *of refinancing, and the refinanced amount*
23 *shall be considered to be part of a new loan*
24 *for purposes of this subparagraph.*

1 “(i) *RESUMPTION OF PAYMENTS.*—At
2 the end of the 1-year period described in
3 clause (i), the payment of periodic install-
4 ments of principal and interest shall be re-
5 quired with respect to such loan, in the
6 same manner and subject to the same terms
7 and conditions as would otherwise be appli-
8 cable to any other loan made under this
9 subsection.

10 “(G) *TERMS.*—A loan under subparagraph
11 (E) or (F) shall be made at the same interest
12 rate as economic injury loans under paragraph
13 (2).

14 “(H) *EXTENDED APPLICATION PERIOD.*—
15 Notwithstanding any other provision of law, the
16 Administrator shall accept applications for as-
17 sistance under paragraphs (1) and (4) until one
18 year after the date on which the President des-
19 ignated the area as a disaster area as a result
20 of Hurricane Katrina.

21 “(I) *NO SALE.*—No loan under this sub-
22 section made as a result of Hurricane Katrina
23 may be sold.”.

24 “(B) *CLERICAL AMENDMENTS.*—Section 7(b)
25 of the Small Business Act (15 U.S.C. 636(b)) is

1 *amended in the undesignated matter at the*
2 *end—*

3 *(i) by striking “, (2), and (4)” and in-*
4 *serting “and (2)”;* and

5 *(ii) by striking “, (2), or (4)” and in-*
6 *serting “(2)”.*

7 *(d) ENTREPRENEURIAL DEVELOPMENT.—In addition*
8 *to any other amounts authorized for any fiscal year, there*
9 *are authorized to be appropriated, and there is appro-*
10 *priated, to the Administration, to remain available until*
11 *expended, for fiscal year 2006—*

12 *(1) \$21,000,000, to be used for activities of small*
13 *business development centers pursuant to section 21 of*
14 *the Small Business Act, \$15,000,000 of which shall be*
15 *non-matching funds and used to aid and assist small*
16 *business concerns affected by Hurricane Katrina;*

17 *(2) \$2,000,000, to be used for the SCORE pro-*
18 *gram authorized by section 8(b)(1) of the Small Busi-*
19 *ness Act, for the activities described in section*
20 *8(b)(1)(B)(ii) of that Act, \$1,000,000 of which shall*
21 *be used to aid and assist small business concerns af-*
22 *ected by Hurricane Katrina;*

23 *(3) \$4,500,000, to be used for activities of wom-*
24 *en’s business centers authorized by section 29(b) of the*
25 *Small Business Act and for recipients of a grant*

1 *under section 29(l) of that Act, \$2,500,000 of which*
2 *shall be non-matching funds used to aid and assist*
3 *small business concerns affected by Hurricane*
4 *Katrina, which may also be made available to a*
5 *women’s business center whose 5-year project ended in*
6 *fiscal year 2004;*

7 (4) *\$1,250,000, to be used for activities of the of-*
8 *fice of veteran’s business development pursuant to sec-*
9 *tion 32 of the Small Business Act, \$750,000 of which*
10 *shall be used to aid and assist small business concerns*
11 *affected by Hurricane Katrina; and*

12 (5) *\$5,000,000, to be used for activities of the*
13 *microloan program authorized by clauses (ii) and*
14 *(iii) of section 7(m)(1)(G) of the Small Business Act*
15 *to aid and assist small business concerns adversely af-*
16 *ected by Hurricane Katrina.*

17 (e) *SMALL BUSINESS DEVELOPMENT CENTERS.—Sec-*
18 *tion 21(a)(4) of the Small Business Act (15 U.S.C.*
19 *648(a)(4)) is amended by adding at the end the following:*

20 “(D) *FISCAL YEARS 2005 AND 2006.—For fis-*
21 *cal years 2005 and 2006, the Administrator has*
22 *the authority to waive the maximum amount of*
23 *\$100,000 for grants under paragraph (C)(viii)*
24 *for small business development centers assisting*

1 *small business concerns adversely affected by*
2 *Hurricane Katrina.”.*

3 (f) *HUBZONES.*—Section 3(p)(1) of the *Small Busi-*
4 *ness Act (15 U.S.C. 632(p)(1)) is amended—*

5 (1) *in subparagraph (D), by striking “or”;*

6 (2) *in subparagraph (E), by striking the period*
7 *and inserting “; or”;* and

8 (3) *by adding at the end the following:*

9 *“(F) the Hurricane Katrina disaster area,*
10 *as designated by the Administrator.”.*

11 (g) *OUTREACH PROGRAMS.*—

12 (1) *IN GENERAL.*—*Not later than 90 days after*
13 *the date of enactment of this Act, the Administrator*
14 *of the Small Business Administration shall establish*
15 *a contracting outreach and technical assistance pro-*
16 *gram for small business concerns which have had a*
17 *primary place of business in, or other significant*
18 *presence in the Hurricane Katrina disaster area at*
19 *any time following the 60 days prior to the designa-*
20 *tion of such area by the Administrator.*

21 (2) *ADMINISTRATOR ACTION.*—*The Adminis-*
22 *trator may fulfill the requirement of paragraph (1)*
23 *by acting through—*

24 (A) *the Small Business Administration;*

1 (B) the Federal agency small business offi-
2 cials designated under Section 15(k)(1) of the
3 Small Business Act (15 U.S.C. 644(k)(1)); and

4 (C) any Federal, State, or local government
5 entity, higher education institution, or private
6 nonprofit organization that the Administrator
7 may deem proper, upon conclusion of a memo-
8 randum of understanding or assistance agree-
9 ment, as appropriate, with the Administrator.

10 (h) *SMALL BUSINESS BONDING THRESHOLD.*—Not-
11 withstanding any other provision of law, for all procure-
12 ments related to Hurricane Katrina, the Administrator
13 may, upon such terms and conditions as it may prescribe,
14 guarantee and enter into commitments to guarantee any
15 surety against loss resulting from a breach of the terms of
16 a bid bond, payment bond, performance bond, or bonds an-
17 cillary thereto, by a principal on any total work order or
18 contract amount at the time of bond execution that does
19 not exceed \$10,000,000.

20 (i) *SUPPLEMENTAL EMERGENCY LOANS.*—

21 (1) *IN GENERAL.*—Section 7(a) of the Small
22 Business Act (15 U.S.C. 636(a)) is amended by add-
23 ing at the end the following:

24 “(32) *SUPPLEMENTAL EMERGENCY LOANS AFTER*
25 *HURRICANE KATRINA.*—

1 “(A) *LOAN AUTHORITY.*—*In addition to*
2 *any other loan authorized by this subsection, the*
3 *Administrator shall make such loans under this*
4 *subsection (either directly or in cooperation with*
5 *banks or other lending institutions through*
6 *agreements to participate on an immediate or*
7 *deferred basis) as the Administrator determines*
8 *appropriate to a small business concern ad-*
9 *versely affected by Hurricane Katrina, subject to*
10 *subparagraph (B).*

11 “(B) *OVERSIGHT PROTECTIONS.*—*In mak-*
12 *ing any loan under subparagraph (A)—*

13 “(i) *the borrower shall be made aware*
14 *that such loans are for those adversely af-*
15 *ected by Hurricane Katrina; and*

16 “(ii) *for loans made in cooperation*
17 *with a bank or other lending institution—*

18 “(I) *lenders shall document for the*
19 *Administrator how the borrower was*
20 *adversely affected by Hurricane*
21 *Katrina, whether directly, or indi-*
22 *rectly; and*

23 “(II) *not later than 6 months*
24 *after the date of enactment of this*
25 *paragraph, and every 6 months there-*

1 *after until the date that is 18 months*
2 *after the date of enactment of this*
3 *paragraph, the Comptroller General*
4 *shall make a report regarding such*
5 *loans to the Committee on Small Busi-*
6 *ness and Entrepreneurship of the Sen-*
7 *ate and the Committee on Small Busi-*
8 *ness of the House of Representatives,*
9 *including verification that such loans*
10 *are being used for purposes authorized*
11 *by this paragraph.*

12 “(C) *FEES.*—

13 “(i) *IN GENERAL.*—*Notwithstanding*
14 *any other provision of law, the Adminis-*
15 *trator shall, in lieu of the fee established*
16 *under paragraph (23)(A), collect an annual*
17 *fee of 0.25 percent of the outstanding bal-*
18 *ance of deferred participation loans made*
19 *under this subsection to qualified borrowers*
20 *for a period of 1 year after the date of en-*
21 *actment of this paragraph.*

22 “(ii) *GUARANTEE FEES.*—*Notwith-*
23 *standing any other provision of law, the*
24 *guarantee fee under paragraph (18)(A) for*
25 *a period of 1 year after the date of enact-*

1 *ment of this subparagraph shall be as fol-*
2 *lows:*

3 “(I) *A guarantee fee equal to 1*
4 *percent of the deferred participation*
5 *share of a total loan amount that is*
6 *not more than \$150,000.*

7 “(II) *A guarantee fee equal to 2.5*
8 *percent of the deferred participation*
9 *share of a total loan amount that is*
10 *more than \$150,000, but not more than*
11 *\$700,000.*

12 “(III) *A guarantee fee equal to 3.5*
13 *percent of the deferred participation*
14 *share of a total loan amount that is*
15 *more than \$700,000.”.*

16 (2) *APPROPRIATION.—There is authorized to be*
17 *appropriated, and there is appropriated, \$75,000,000*
18 *to carry out the amendment made by paragraph (1).*

19 (j) *SMALL BUSINESS PARTICIPATION.—In order to fa-*
20 *cilitate the maximum practicable participation of small*
21 *business concerns in activities related to relief and recovery*
22 *from Hurricane Katrina, the Administrator and the head*
23 *of any Federal agency making procurements related to the*
24 *aftermath of Hurricane Katrina, shall set a goal, to be met*
25 *within a reasonable time, of awarding to small business*

1 *concerns not less than 30 percent of amounts expended for*
2 *prime contracts and not less than 40 percent of amounts*
3 *expended for subcontracts on procurements such agency re-*
4 *lated to the aftermath of Hurricane Katrina.*

5 *(k) ENERGY EMERGENCY RELIEF.—*

6 *(1) SMALL BUSINESS AND FARM ENERGY EMER-*
7 *GENCY DISASTER LOAN PROGRAM.—*

8 *(A) SMALL BUSINESS DISASTER LOAN AU-*
9 *THORITY.—Section 7(b) of the Small Business*
10 *Act (15 U.S.C. 636(b)) is amended by inserting*
11 *after paragraph (4), as added by this Act, the*
12 *following:*

13 *“(5)(A) For purposes of this paragraph—*

14 *“(i) the term ‘base price index’ means the*
15 *moving average of the closing unit price on the*
16 *New York Mercantile Exchange for heating oil,*
17 *natural gas, gasoline, or propane for the 10*
18 *days, in each of the most recent 2 preceding*
19 *years, which correspond to the trading days de-*
20 *scribed in clause (ii);*

21 *“(ii) the term ‘current price index’ means*
22 *the moving average of the closing unit price on*
23 *the New York Mercantile Exchange, for the 10*
24 *most recent trading days, for contracts to pur-*
25 *chase heating oil, natural gas, gasoline, or pro-*

1 pane during the subsequent calendar month,
2 commonly known as the ‘front month’;

3 “(iii) the term ‘significant increase’
4 means—

5 “(I) with respect to the price of heating
6 oil, natural gas, gasoline, or propane, any
7 time the current price index exceeds the base
8 price index by not less than 40 percent; and

9 “(II) with respect to the price of ker-
10 osene, any increase which the Adminis-
11 trator, in consultation with the Secretary of
12 Energy, determines to be significant; and

13 “(iv) a small business concern engaged in
14 the heating oil business is eligible for a loan, if
15 the small business concern sells not more than
16 10,000,000 gallons of heating oil per year.

17 “(B) The Administration may make such loans,
18 either directly or in cooperation with banks or other
19 lending institutions through agreements to participate
20 on an immediate or deferred basis, to assist a small
21 business concern that has suffered or that is likely to
22 suffer substantial economic injury on or after Janu-
23 ary 1, 2005, as the result of a significant increase in
24 the price of heating oil, natural gas, gasoline, pro-

1 *pane, or kerosene occurring on or after January 1,*
2 *2005.*

3 *“(C) Any loan or guarantee extended pursuant*
4 *to this paragraph shall be made at the same interest*
5 *rate as economic injury loans under paragraph (2).*

6 *“(D) No loan may be made under this para-*
7 *graph, either directly or in cooperation with banks or*
8 *other lending institutions through agreements to par-*
9 *ticipate on an immediate or deferred basis, if the*
10 *total amount outstanding and committed to the bor-*
11 *rower under this subsection would exceed \$1,500,000,*
12 *unless such borrower constitutes a major source of em-*
13 *ployment in its surrounding area, as determined by*
14 *the Administration, in which case the Administra-*
15 *tion, in its discretion, may waive the \$1,500,000 lim-*
16 *itation.*

17 *“(E) For purposes of assistance under this*
18 *paragraph—*

19 *“(i) a declaration of a disaster area based*
20 *on conditions specified in this paragraph shall*
21 *be required, and shall be made by the President*
22 *or the Administrator; or*

23 *“(ii) if no declaration has been made pursu-*
24 *ant to clause (i), the Governor of a State in*
25 *which a significant increase in the price of heat-*

1 ing oil, natural gas, gasoline, propane, or ker-
2 osene has occurred may certify to the Adminis-
3 tration that small business concerns have suf-
4 fered economic injury as a result of such increase
5 and are in need of financial assistance which is
6 not otherwise available on reasonable terms in
7 that State, and upon receipt of such certifi-
8 cation, the Administration may make such loans
9 as would have been available under this para-
10 graph if a disaster declaration had been issued.

11 “(F) Notwithstanding any other provision of
12 law, loans made under this paragraph may be used
13 by a small business concern described in subpara-
14 graph (B) to convert from the use of heating oil, nat-
15 ural gas, gasoline, propane, or kerosene to a renew-
16 able or alternative energy source, including agri-
17 culture and urban waste, geothermal energy, cogen-
18 eration, solar energy, wind energy, or fuel cells.”.

19 (B) CONFORMING AMENDMENTS.—Section
20 3(k) of the Small Business Act (15 U.S.C.
21 632(k)) is amended—

22 (i) by inserting “, significant increase
23 in the price of heating oil, natural gas, gas-
24 oline, propane, or kerosene” after “civil dis-
25 orders”; and

1 (ii) by inserting “other” before “eco-
2 nomic”.

3 (C) *REPORT.*—Not later than 12 months
4 after the date on which the Administrator of the
5 Small Business Administration issues guidelines
6 under paragraph (3)(A), and annually there-
7 after, the Administrator shall submit to the Com-
8 mittee on Small Business and Entrepreneurship
9 of the Senate and the Committee on Small Busi-
10 ness of the House of Representatives, a report on
11 the effectiveness of the assistance made available
12 under section 7(b)(5) of the Small Business Act,
13 as added by this subsection, including—

14 (i) the number of small business con-
15 cerns that applied for a loan under that sec-
16 tion 7(b)(5) and the number of those that
17 received such loans;

18 (ii) the dollar value of those loans;

19 (iii) the States in which the small
20 business concerns that received such loans
21 are located;

22 (iv) the type of energy that caused the
23 significant increase in the cost for the par-
24 ticipating small business concerns; and

1 (v) recommendations for ways to im-
2 prove the assistance provided under that
3 section 7(b)(5), if any.

4 (D) *EFFECTIVE DATE.*—The amendments
5 made by this paragraph shall apply during the
6 4-year period beginning on the earlier of the date
7 on which guidelines are published by the Admin-
8 istrator of the Small Business Administration
9 under paragraph (3), or 30 days after the date
10 of enactment of this Act, with respect to assist-
11 ance under section 7(b)(5) of the Small Business
12 Act, as added by this paragraph.

13 (2) *FARM ENERGY EMERGENCY RELIEF.*—

14 (A) *IN GENERAL.*—Section 321(a) of the
15 Consolidated Farm and Rural Development Act
16 (7 U.S.C. 1961(a)) is amended—

17 (i) in the first sentence—

18 (I) by striking “operations have”
19 and inserting “operations (i) have”;
20 and

21 (II) by inserting before “: Pro-
22 vided,” the following: “, or (ii)(I) are
23 owned or operated by such an appli-
24 cant that is also a small business con-
25 cern (as defined in section 3 of the

1 *Small Business Act (15 U.S.C. 632)),*
2 *and (II) have suffered or are likely to*
3 *suffer substantial economic injury on*
4 *or after January 1, 2005, as the result*
5 *of a significant increase in energy costs*
6 *or input costs from energy sources oc-*
7 *curing on or after January 1, 2005,*
8 *in connection with an energy emer-*
9 *gency declared by the President or the*
10 *Secretary”;*

11 *(ii) in the third sentence, by inserting*
12 *before the period at the end the following:*
13 *“or by an energy emergency declared by the*
14 *President or the Secretary”;* and

15 *(iii) in the fourth sentence—*

16 *(I) by inserting “or energy emer-*
17 *gency” after “natural disaster” each*
18 *place that term appears; and*

19 *(II) by inserting “or declaration”*
20 *after “emergency designation”.*

21 *(B) FUNDING.—Funds available on the date*
22 *of enactment of this Act for emergency loans*
23 *under subtitle C of the Consolidated Farm and*
24 *Rural Development Act (7 U.S.C. 1961 et seq.)*
25 *shall be available to carry out the amendments*

1 *made by subparagraph (A) to meet the needs re-*
2 *sulting from natural disasters.*

3 (C) *REPORT.*—*Not later than 12 months*
4 *after the date on which the Secretary of Agri-*
5 *culture issues guidelines under paragraph*
6 *(3)(A), and annually thereafter, the Secretary*
7 *shall submit to the Committee on Small Business*
8 *and Entrepreneurship and the Committee on Agri-*
9 *culture, Nutrition, and Forestry of the Senate*
10 *and to the Committee on Small Business and the*
11 *Committee on Agriculture of the House of Rep-*
12 *resentatives, a report that—*

13 (i) *describes the effectiveness of the as-*
14 *sistance made available under section*
15 *321(a) of the Consolidated Farm and Rural*
16 *Development Act (7 U.S.C. 1961(a)), as*
17 *amended by this section; and*

18 (ii) *contains recommendations for*
19 *ways to improve the assistance provided*
20 *under such section 321(a).*

21 (D) *EFFECTIVE DATE.*—*The amendments*
22 *made by this paragraph shall apply during the*
23 *4-year period beginning on the earlier of the date*
24 *on which guidelines are published by the Sec-*
25 *retary of Agriculture under paragraph (3), or 30*

1 *days after the date of enactment of this Act, with*
2 *respect to assistance under section 321(a) of the*
3 *Consolidated Farm and Rural Development Act*
4 *(7 U.S.C. 1961(a)), as amended by this para-*
5 *graph.*

6 (3) *GUIDELINES AND RULEMAKING.—*

7 (A) *GUIDELINES.—Not later than 30 days*
8 *after the date of enactment of this Act, the Ad-*
9 *ministrator of the Small Business Administra-*
10 *tion and the Secretary of Agriculture shall each*
11 *issue guidelines to carry out paragraphs (1) and*
12 *(2), respectively, and the amendments made*
13 *thereby, which guidelines shall become effective*
14 *on the date of their issuance.*

15 (B) *RULEMAKING.—Not later than 30 days*
16 *after the date of enactment of this Act, the Ad-*
17 *ministrator of the Small Business Administra-*
18 *tion, after consultation with the Secretary of En-*
19 *ergy, shall promulgate regulations specifying the*
20 *method for determining a significant increase in*
21 *the price of kerosene under section*
22 *7(b)(5)(A)(iii)(II) of the Small Business Act, as*
23 *added by this Act.*

24 (l) *BUDGETARY TREATMENT OF LOANS AND*
25 *FINANCINGS.—*

1 (1) *IN GENERAL.*—Assistance made available
 2 under any loan made or approved by the Administra-
 3 tion under this section, subsections (a) or (b) of sec-
 4 tion 7 of the Small Business Act (15 U.S.C. 636(a)),
 5 as amended by this section, except for subsection
 6 7(a)(23)(C), or financings made under title V of the
 7 Small Business Investment Act of 1958 (15 U.S.C.
 8 695 et seq.), as amended by this section, on and after
 9 the date of enactment of this Act, shall be treated as
 10 separate programs of the Small Business Administra-
 11 tion for purposes of the Federal Credit Reform Act of
 12 1990 only.

13 (2) *USE OF FUNDS.*—Assistance under this sec-
 14 tion and the amendments made by this section shall
 15 be available effective only to the extent that funds are
 16 made available under appropriations Acts, which
 17 funds shall be utilized to offset the cost (as such term
 18 is defined in section 502 of the Federal Credit Reform
 19 Act of 1990) of such assistance.

20 (m) *EMERGENCY SPENDING.*—Appropriations under
 21 this section are designated as emergency spending, as pro-
 22 vided under section 402 of H. Con. Res. 95 (109th Con-
 23 gress).

24 *ANTIDEFICIENCY ACT*

25 *SEC. 530. EXTENSION OF UNIVERSAL SERVICE FUND*
 26 *EXEMPTION FROM THE ANTIDEFICIENCY ACT.*

1 *business borrowers and by lenders for guar-*
 2 *antees under this subsection, or the sum of*
 3 *such fees plus any amount appropriated to*
 4 *carry out this subsection, as applicable, is*
 5 *more than the amount necessary to equal*
 6 *the cost to the Administration of making*
 7 *such guarantees.”*

8 *SEC. 532. None of the funds made available in this*
 9 *Act may be used to include in any new bilateral or multi-*
 10 *lateral trade agreement the text of—*

11 *(1) paragraph 2 of article 16.7 of the United*
 12 *States-Singapore Free Trade Agreement;*

13 *(2) paragraph 4 of article 17.9 of the United*
 14 *States-Australia Free Trade Agreement; or*

15 *(3) paragraph 4 of article 15.9 of the United*
 16 *States-Morocco Free Trade Agreement.*

17 *TITLE VI—RESCISSIONS*

18 *DEPARTMENT OF JUSTICE*

19 *GENERAL ADMINISTRATION*

20 *COUNTERTERRORISM FUND*

21 *(RESCISSION)*

22 *Of the unobligated balances available under this head-*
 23 *ing, \$11,000,000 are rescinded.*

1 *LEGAL ACTIVITIES*2 *ASSETS FORFEITURE FUND*3 *(RESCISSION)*

4 *Of the unobligated balances available under this head-*
 5 *ing, \$82,000,000 are rescinded.*

6 *FEDERAL BUREAU OF INVESTIGATION*7 *SALARIES AND EXPENSES*8 *(RESCISSION)*

9 *Of the unobligated balances available under this head-*
 10 *ing, \$103,502,000 are rescinded; of which \$30,000,000 shall*
 11 *be from funding for J. Edgar Hoover Federal Bureau of*
 12 *Investigation Building tours; and of which \$73,502,000*
 13 *shall be from funding for the Federal Bureau of Investiga-*
 14 *tion's failed computer modernization program.*

15 ***TITLE VII—***16 ***METHAMPHETAMINES***17 ***SECTION 701. SHORT TITLE.***

18 *This title may be cited as the “Combat Meth Act of*
 19 *2005”.*

20 ***Subtitle A—Amendments to***
 21 ***Controlled Substances Act***

22 ***SEC. 710. PSEUDOEPHEDRINE AND EPHEDRINE AMEND-***
 23 ***MENTS TO CONTROLLED SUBSTANCES ACT.***

24 *(a) ADDITION OF PSEUDOEPHEDRINE AND EPHED-*
 25 *RINE TO SCHEDULE V.—The matter under schedule V in*

1 *section 202(c) of the Controlled Substances Act (21 U.S.C.*
2 *812(c)) is amended by adding at the end the following:*

3 “(6) *Any detectable quantity of pseudoephedrine*
4 *or ephedrine, their salts or optical isomers, or salts of*
5 *optical isomers.*”.

6 **(b) PRESCRIPTIONS.**—*Section 309(c) of the Controlled*
7 *Substances Act (21 U.S.C. 829(c)) is amended—*

8 (1) *by striking “No controlled substance” and in-*
9 *serting the following:*

10 “(1) *IN GENERAL.*—*No controlled substance*”;
11 *and*

12 (2) *by adding at the end the following:*

13 “(2) *RETAIL DISTRIBUTORS AND PHARMACIES.*—
14 *If a controlled substance described in paragraph (6)*
15 *of schedule V is dispensed or sold at retail by a retail*
16 *distributor or a pharmacy, the retail distributor or*
17 *pharmacy shall ensure the following:*

18 “(A) *QUALIFICATIONS OF DISPENSER.*—*The*
19 *substance shall be dispensed or sold at retail only*
20 *by practitioner, pharmacist, or an individual*
21 *under the supervision of a pharmacist as per-*
22 *mitted by the State.*

23 “(B) *REQUIREMENTS FOR PURCHASER.*—
24 *Any person purchasing, receiving, or otherwise*

1 *acquiring any such substance shall, prior to tak-*
2 *ing possession—*

3 “(i) *provide an approved Federal or*
4 *State-issued photo identification or an al-*
5 *ternative form of identification authorized*
6 *by the Attorney General; and*

7 “(ii) *sign or make an entry in a writ-*
8 *ten or electronic log that conforms with the*
9 *regulations under paragraph (4)*
10 *documenting—*

11 “(I) *the date of the transaction;*

12 “(II) *the name of the person; and*

13 “(III) *the name and the amount*
14 *of the controlled substance described in*
15 *paragraph (6) of schedule V purchased,*
16 *received, or otherwise acquired.*

17 “(C) *LIMITATION ON AMOUNT OF PUR-*
18 *CHASE.—No person shall purchase, receive, or*
19 *otherwise acquire more than 7.5 grams of a con-*
20 *trolled substance described in paragraph (6) of*
21 *schedule V within any 30-day period.*

22 “(3) *EXEMPTIONS.—*

23 “(A) *IN GENERAL.—The Attorney General,*
24 *by rule, may exempt a product from paragraph*
25 *(6) of schedule V if the Attorney General deter-*

1 *mines that the product cannot be used in the ille-*
2 *gal manufacture of methamphetamine or any*
3 *other controlled dangerous substance.*

4 “(B) *DIFFERENT FORMULATION.*—

5 “(i) *IN GENERAL.*—*The Attorney Gen-*
6 *eral, upon the application of a manufac-*
7 *turer of a drug product, may exempt a*
8 *product from paragraph (6) of schedule V if*
9 *the Attorney General determines that the*
10 *product has been formulated in such a way*
11 *as to effectively prevent the conversion of the*
12 *active ingredient into methamphetamine.*

13 “(ii) *SENSE OF CONGRESS.*—*It is the*
14 *sense of Congress that the Secretary of*
15 *Health and Human Services should con-*
16 *sider a product under clause (i) to be sub-*
17 *ject to the performance goals established by*
18 *the Commissioner of Food and Drugs for*
19 *priority drugs.*

20 “(C) *SPECIAL EXCEPTIONS.*—*The Attorney*
21 *General, by rule, may authorize the sale of a*
22 *controlled substance described in paragraph (6)*
23 *of schedule V by persons other than a practi-*
24 *tioner, and at a location other than a pharmacy*
25 *if—*

1 “(i) the Attorney General—

2 “(I) determines that the retail fa-
3 cility is located within a commercial
4 service airport, and sells the substance
5 packaged in liquid and liquid filled
6 gelcaps only, each single sales package
7 containing not more than 360 mg, per
8 person, in a 24 hour period; or

9 “(II) has issued an alternate place
10 of sale license to the retail location and
11 has issued an alternate dispenser li-
12 cense to the person authorized to make
13 the sale under subsections (i) and (j) of
14 section 303, respectively;

15 “(ii) the person dispensing the con-
16 trolled substance described in paragraph (6)
17 of schedule V follows the procedures set forth
18 in this Act; and

19 “(iii) the person authorized under sec-
20 tion 303(i) dispensing the controlled sub-
21 stance described in paragraph (6) of sched-
22 ule V provides notification, in writing, of
23 the intention to dispense such substance
24 pursuant to a special exception under this
25 subparagraph to each State and local law

1 *enforcement authority with jurisdiction to*
2 *investigate crimes involving controlled sub-*
3 *stances at such location.*

4 “(D) *PRESCRIPTIONS.*—*The limit described*
5 *in paragraph (2)(C) shall not apply to any*
6 *quantity of such substance dispensed under a*
7 *valid prescription.*

8 “(4) *REGULATIONS.*—

9 “(A) *RULES FOR LOGS.*—

10 “(i) *IN GENERAL.*—*The Attorney Gen-*
11 *eral shall promulgate rules and*
12 *regulations—*

13 “(I) *prescribing the content and*
14 *format of the log required in para-*
15 *graph (2)(B)(ii);*

16 “(II) *establishing the manner in*
17 *which the information in the log re-*
18 *quired in paragraph (2)(B)(ii) shall be*
19 *reported to law enforcement authori-*
20 *ties; and*

21 “(III) *prohibiting accessing,*
22 *using, or sharing the information in*
23 *the log for any purpose other than to*
24 *ensure compliance with this Act or to*

1 *facilitate a product recall necessary to*
2 *protect public health and safety.*

3 “(ii) **MISREPRESENTATION WARN-**
4 **ING.**—*The rules and regulations under*
5 *clause (i) shall require that the log explain*
6 *the potential consequences of false state-*
7 *ments or misrepresentations, including re-*
8 *quiring that the following statement is*
9 *prominently presented: ‘NOTE: PENALTY*
10 **FOR MISREPRESENTATION – Any mis-**
11 *representation (by omission or concealment,*
12 *or by misleading, false, or partial answers*
13 *may result in prosecution pursuant to sec-*
14 *tion 1001 of title 18, United States Code,*
15 *which makes it a criminal offense, punish-*
16 *able by a maximum of 5 years imprison-*
17 *ment, \$10,000 fine, or both, knowingly and*
18 *willfully to make a false statement or rep-*
19 *resentation to any Department or Agency of*
20 *the United States as to any matter within*
21 *the jurisdiction of any Department or Agen-*
22 *cy of the United States.’*

23 “(B) **ALTERNATE IDENTIFICATION.**—*The*
24 *Attorney General shall promulgate rules and reg-*
25 *ulations authorizing the acceptance of an alter-*

1 nate form of identification under paragraph
2 (2)(B)(i) to be used electronically.

3 “(5) *GOOD FAITH PROTECTION.*—A retailer who
4 in good faith releases information maintained under
5 this subsection for purposes of compliance with this
6 Act to a law enforcement or regulatory authority es-
7 tablished pursuant to Federal or State law is immune
8 from civil liability unless the release constitutes gross
9 negligence or intentional, wanton, or willful mis-
10 conduct.”.

11 (c) *ALTERNATE PLACE OF SALES AND DISPENSERS.*—
12 Section 303 of the Controlled Substances Act (21 U.S.C.
13 823) is amended by adding at the end the following:

14 “(i) *ALTERNATE PLACE OF SALES LICENSES.*—

15 “(1) *IN GENERAL.*—The Attorney General shall
16 register an applicant to dispense a controlled sub-
17 stance described in paragraph (6) of schedule V at a
18 location other than a pharmacy if the Attorney Gen-
19 eral determines that such registration is consistent
20 with the public interest.

21 “(2) *CONSIDERATIONS.*—In determining the pub-
22 lic interest, the Attorney General shall consider—

23 “(A) the applicant’s maintenance of effec-
24 tive controls against diversion of the controlled
25 substance described in paragraph (6) of schedule

1 *V into other than legitimate channels equivalent*
2 *to that of a pharmacy;*

3 “(B) *the applicant’s compliance with appli-*
4 *cable State and local law, including holding a*
5 *valid license issued by an appropriate State au-*
6 *thority evidencing compliance with subpara-*
7 *graph (A);*

8 “(C) *the applicant’s prior conviction record*
9 *under Federal and State laws; and*

10 “(D) *such other factors as may be relevant*
11 *to and consistent with the public health and safe-*
12 *ty, including accessibility to rural consumers.*

13 “(3) *STATE LICENSES.—If an applicant under*
14 *paragraph (1) does not have a valid State license as*
15 *described in paragraph (2)(B), the Attorney General*
16 *shall not register the applicant for a license under*
17 *this subsection.*

18 “(j) *ALTERNATE DISPENSER LICENSES.—*

19 “(1) *IN GENERAL.—The Attorney General shall*
20 *register an applicant, other than a practitioner, to*
21 *dispense a controlled substance described in para-*
22 *graph (6) of schedule V at a location other than a*
23 *pharmacy if the Attorney General determines that*
24 *such registration is consistent with the public interest.*

1 “(2) *CONSIDERATIONS.*—*In determining the public*
2 *interest, the Attorney General shall consider—*

3 “(A) *the applicant’s compliance with appli-*
4 *cable State and local law, including holding a li-*
5 *cence issued by an appropriate State authority*
6 *evidencing a degree of suitability to dispense the*
7 *controlled substance described in paragraph (6)*
8 *of schedule V equivalent to that of a practitioner;*

9 “(B) *the applicant’s prior conviction record*
10 *under Federal and State laws; and*

11 “(C) *such other factors as may be relevant*
12 *to and consistent with the public health and safe-*
13 *ty, including accessibility to rural consumers.*

14 “(3) *STATE LICENSES.*—*If an applicant under*
15 *paragraph (1) does not have a valid State license as*
16 *described in paragraph (2)(B), the Attorney General*
17 *shall not register the applicant for a license under*
18 *this subsection.”.*

19 (d) *THEFT PREVENTION.*—*Notwithstanding para-*
20 *graph (6) of schedule V of section 202 of the Controlled Sub-*
21 *stances Act (21 U.S.C. 812), as added by subsection (a),*
22 *persons registered with the Drug Enforcement Administra-*
23 *tion to manufacture or distribute controlled substances shall*
24 *maintain adequate security and provide effective controls*
25 *and procedures to guard against theft and diversion, but*

1 *shall not otherwise be required to meet the meet the storage,*
2 *reporting, recordkeeping, or physical security control re-*
3 *quirements (such as a cage or vault) for controlled sub-*
4 *stances in schedule V containing pseudoephedrine or ephed-*
5 *rine.*

6 (e) *STATE PENALTIES AND PEDIATRIC PRODUCTS.—*

7 *Nothing in this Act shall be construed to—*

8 (1) *prevent a State or political subdivision of a*
9 *State from adopting and enforcing penalties that are*
10 *different from, in addition to, or otherwise not iden-*
11 *tical with, the penalties that apply under the Con-*
12 *trolled Substances Act (28 U.S.C. 801 et seq.); or*

13 (2) *prevent a State or political subdivision of a*
14 *State from permitting the sale of pediatric products*
15 *containing pseudoephedrine or ephedrine, their salts*
16 *or optical isomers, or salts of optical isomers where*
17 *the pediatric product—*

18 (A) *is primarily intended for administra-*
19 *tion, according to label instructions, to children*
20 *under 12 years of age and either—*

21 (i) *in solid dosage form, individual*
22 *dosage units do not exceed 15 milligrams of*
23 *ephedrine or pseudoephedrine; or*

24 (ii) *in liquid form, recommended dos-*
25 *age units, according to label instructions, do*

1 not exceed 15 milligrams of ephedrine or
2 pseudoephedrine per 5 milliliters of liquid
3 product; or

4 (B) is in liquid form—

5 (i) primarily intended for administra-
6 tion to children under 2 years of age;

7 (ii) the recommended dosage of which
8 does not exceed 2 milliliters; and

9 (iii) the total package content is not
10 more than 1 fluid ounce.

11 (f) *EFFECTIVE DATES.*—

12 (1) *ONLY ACTIVE INGREDIENT.*—*This section and*
13 *the amendments made by this section shall take effect*
14 *with regard to any substance in which ephedrine or*
15 *pseudoephedrine is the only active ingredient 90 days*
16 *after the date of enactment of this Act.*

17 (2) *OTHER PRODUCTS.*—*This section and the*
18 *amendments made by this section shall take effect*
19 *with regard to any substance other than a substance*
20 *described in paragraph (1) on January 1, 2007.*

21 **SEC. 711. EMPLOYER SCREENING OF EMPLOYEES WORKING**
22 **WITH CONTROLLED SUBSTANCES.**

23 *Part C of the Controlled Substances Act (21 U.S.C.*
24 *821 et seq.) is amended by adding at the end the following:*

1 “*APPLICANTS AND EMPLOYEES*”

2 “*SEC. 311. Persons registered with the Drug Enforce-*
3 *ment Administration to manufacture, deliver, distribute, or*
4 *dispense controlled substances shall take reasonable steps to*
5 *guard against hiring persons who may, as a result of their*
6 *employment, have access to and become involved in the theft*
7 *and diversion of controlled substances, including, notwith-*
8 *standing State law, asking applicants for employment*
9 *whether they have been convicted of any crime involving*
10 *or related to controlled substances.*”.

11 ***Subtitle B—Education, Prevention,***
12 ***and Treatment***

13 ***SEC. 721. GRANTS FOR SERVICES FOR CHILDREN OF SUB-***
14 ***STANCE ABUSERS.***

15 *Section 519 of the Public Health Service Act (42*
16 *U.S.C. 290bb–25) is amended—*

17 (1) *in subsection (b), by inserting after para-*
18 *graph (8) the following:*

19 “*(9) Development of drug endangered children*
20 *rapid response teams that will intervene on behalf of*
21 *children exposed to methamphetamine as a result of*
22 *residing or being present in a home-based clandestine*
23 *drug laboratory.*”; and

24 (2) *in subsection (o)—*

1 (A) by striking “For the purpose” and in-
2 serting the following:

3 “(1) *IN GENERAL.—For the purpose*”; and

4 (B) by adding at the end the following:

5 “(2) *DRUG ENDANGERED CHILDREN RAPID RE-*
6 *SPONSE TEAMS.—There are authorized to be appro-*
7 *priated \$2,500,000 for each of the fiscal years 2006*
8 *and 2007 to carry out the provisions of subsection*
9 *(b)(9).*”.

10 **SEC. 722. LOCAL GRANTS FOR TREATMENT OF METH-**
11 ***AMPHETAMINE ABUSE AND RELATED CONDI-***
12 ***TIONS.***

13 *Subpart 1 of part B of title V of the Public Health*
14 *Service Act (42 U.S.C. 290bb et seq.) is amended—*

15 (1) by redesignating section 514 that relates to
16 methamphetamine and appears after section 514A as
17 section 514B;

18 (2) in section 514B, as redesignated—

19 (A) by amending subsection (a)(1) to read
20 as follows:

21 “(1) *GRANTS AUTHORIZED.—The Secretary may*
22 *award grants to States, political subdivisions of*
23 *States, American Indian Tribes, and private, non-*
24 *profit entities to provide treatment for methamphet-*
25 *amine abuse.*”;

1 (B) by amending subsection (b) to read as
2 *follows:*

3 “(b) *PRIORITY FOR HIGH NEED STATES.*—*In award-*
4 *ing grants under subsection (a), the Secretary shall give*
5 *priority to entities that will serve rural or urban areas ex-*
6 *periencing an increase in methamphetamine abuse in*
7 *States with addiction rates in excess of the national rate.”;*
8 *and*

9 (C) in subsection (d)(1), by striking “2000”
10 *and all that follows and inserting “2005 and*
11 *such sums as may be necessary for each of fiscal*
12 *years 2006 through 2009”;* and

13 (3) by inserting after section 514B, as redesign-
14 *ated, the following:*

15 **“SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING,**
16 **AND TECHNICAL ASSISTANCE CENTER.**

17 “(a) *PROGRAM AUTHORIZED.*—*The Secretary, acting*
18 *through the Administrator, and in consultation with the*
19 *Director of the National Institutes of Health, shall award*
20 *grants to, or enter into contracts with, public or private,*
21 *nonprofit entities to establish a research, training, and tech-*
22 *nical assistance center to carry out the activities described*
23 *in subsection (d).*

24 “(b) *APPLICATION.*—*A public or private, nonprofit en-*
25 *tity seeking a grant or contract under subsection (a) shall*

1 *submit an application to the Secretary at such time, in*
2 *such manner, and containing such information as the Sec-*
3 *retary may require.*

4 “(c) *CONDITION.—In awarding grants or entering into*
5 *contracts under subsection (a), the Secretary shall ensure*
6 *that not less than 1 of the centers will focus on methamphet-*
7 *amine abuse in rural areas.*

8 “(d) *AUTHORIZED ACTIVITIES.—Each center estab-*
9 *lished under this section shall—*

10 “(1) *engage in research and evaluation of the ef-*
11 *fectiveness of treatment modalities for the treatment of*
12 *methamphetamine abuse;*

13 “(2) *disseminate information to public and pri-*
14 *vate entities on effective treatments for methamphet-*
15 *amine abuse;*

16 “(3) *provide direct technical assistance to States,*
17 *political subdivisions of States, and private entities*
18 *on how to improve the treatment of methamphetamine*
19 *abuse; and*

20 “(4) *provide training on the effects of meth-*
21 *amphetamine use and on effective ways of treating*
22 *methamphetamine abuse to substance abuse treatment*
23 *professionals and community leaders.*

1 “(e) *REPORTS.*—*Each grantee or contractor under this*
2 *section shall annually submit a report to the Administrator*
3 *that contains—*

4 “(1) *a description of the previous year’s activi-*
5 *ties of the center established under this section;*

6 “(2) *effective treatment modalities undertaken by*
7 *the center; and*

8 “(3) *evidence to demonstrate that such treatment*
9 *modalities were successful.*

10 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
11 *authorized to be appropriated to carry out this section*
12 *\$3,000,000 for fiscal year 2006 and such sums as may be*
13 *necessary for each of fiscal years 2007 and 2008.”.*

14 **SEC. 723. METHAMPHETAMINE PRECURSOR MONITORING**
15 **GRANTS.**

16 (a) *GRANTS AUTHORIZED.*—*The Attorney General,*
17 *acting through the Bureau of Justice Assistance, may*
18 *award grants to States to establish methamphetamine pre-*
19 *cursor monitoring programs.*

20 (b) *PURPOSE.*—*The purpose of the grant program es-*
21 *tablished under this section is to—*

22 (1) *prevent the sale of methamphetamine precu-*
23 *sors, such as pseudoephedrine and ephedrine, to indi-*
24 *viduals in quantities so large that the only reasonable*

1 *purpose of the purchase would be to manufacture*
2 *methamphetamine;*

3 (2) *educate businesses that legally sell meth-*
4 *amphetamine precursors of the need to balance the le-*
5 *gitimate need for lawful access to medication with the*
6 *risk that those substances may be used to manufacture*
7 *methamphetamine; and*

8 (3) *recalibrate existing prescription drug moni-*
9 *toring programs designed to track the sale of con-*
10 *trolled substances to also track the sale of*
11 *pseudoephedrine or ephedrine in any amount greater*
12 *than 6 grams.*

13 (c) *USE OF GRANT FUNDS.*—*Grant funds awarded to*
14 *States under this section may be used to—*

15 (1) *implement a methamphetamine precursor*
16 *monitoring program, including hiring personnel and*
17 *purchasing computer hardware and software designed*
18 *to monitor methamphetamine precursor purchases;*

19 (2) *expand existing methamphetamine precursor*
20 *or prescription drug monitoring programs to accom-*
21 *plish the purposes described in subsection (b);*

22 (3) *pay for training and technical assistance for*
23 *law enforcement personnel and employees of busi-*
24 *nesses that lawfully sell substances, which may be*
25 *used as methamphetamine precursors;*

1 (b) *RURAL SET-ASIDE*.—Of amounts made available
2 under subsection (a), \$3,000,000 shall be available only for
3 prosecutors and law enforcement agents for rural commu-
4 nities.

5 **SEC. 725. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
6 **PROGRAM TO INCLUDE PERSONNEL AND**
7 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
8 **TION, AND CLEANUP.**

9 Section 1701(d) of the Omnibus Crime Control and
10 *Safe Streets Act of 1968* (42 U.S.C. 3796dd(d)) is
11 amended—

12 (1) in paragraph (11) by striking “and” at the
13 end;

14 (2) in paragraph (12) by striking the period at
15 the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(13) hire personnel and purchase equipment to
18 assist in the enforcement and prosecution of meth-
19 amphetamine offenses and the cleanup of meth-
20 amphetamine-affected areas.”.

21 **SEC. 726. SPECIAL UNITED STATES ATTORNEYS’ PROGRAM.**

22 (a) *IN GENERAL*.—The Attorney General shall allocate
23 any amounts appropriated pursuant to the authorization
24 under subsection (c) for the hiring and training of special
25 assistant United States attorneys.

1 **(b) USE OF FUNDS.**—*The funds allocated under sub-*
2 *section (a) shall be used to—*

3 (1) *train local prosecutors in techniques used to*
4 *prosecute methamphetamine cases, including the pres-*
5 *entation of evidence related to the manufacture of*
6 *methamphetamine;*

7 (2) *train local prosecutors in Federal and State*
8 *laws involving methamphetamine manufacture or dis-*
9 *tribution;*

10 (3) *cross-designate local prosecutors as special*
11 *assistant United States attorneys; and*

12 (4) *hire additional local prosecutors who—*

13 (A) *with the approval of the United States*
14 *attorney, shall be cross-designated to prosecute*
15 *both Federal and State methamphetamine cases;*

16 (B) *shall be assigned a caseload, whether in*
17 *State court or Federal court, that gives the high-*
18 *est priority to cases in which—*

19 (i) *charges related to methamphet-*
20 *amine manufacture or distribution are sub-*
21 *mitted by law enforcement for consider-*
22 *ation; and*

23 (ii) *the defendant has been previously*
24 *convicted of a crime related to methamphet-*
25 *amine manufacture or distribution.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated \$5,000,000 for each of the*
3 *fiscal years 2006 and 2007 to carry out the provisions of*
4 *this section.*

5 *This Act may be cited as the “Departments of Com-*
6 *merce and Justice, Science, and Related Agencies Appro-*
7 *priations Act, 2006”.*

Amend the title so as to read: “An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.”.

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 2862

AMENDMENTS