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SENATE

{ REPORT  
{ 108-344

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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE  
JUDICIARY, AND RELATED AGENCIES APPROPRIATION  
BILL, 2005

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SEPTEMBER 15, 2004.—Ordered to be printed

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Mr. GREGG, from the Committee on Appropriations,  
submitted the following

### REPORT

[To accompany S. 2809]

The Committee on Appropriations reports the bill (S. 2809) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, reports favorably thereon and recommends that the bill do pass.

*Amount in new budget (obligational) authority*

Total bill as reported to Senate .....	\$43,467,214,000
Amount of appropriations, 2004 .....	41,423,940,000
Amount of budget estimates, 2005, as amended ...	43,194,495,000
The bill as reported to the Senate:	
Above the appropriations for 2004 .....	2,043,274,000
Above the estimates for 2005 .....	272,719,000

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#### PURPOSE OF THE BILL

This bill makes appropriations for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies for the fiscal year 2005.

The Commerce, Justice, and State, the Judiciary and Related Agencies appropriations bill is the principal source of financial resources to support three Cabinet Departments, the Federal Judiciary including the Supreme Court, and a number of independent agencies and commissions including the Office of the U.S. Trade Representative, the Securities and Exchange Commission, the Small Business Administration and the Federal Communications Commission.

This bill is a principal source of support for Federal programs to combat terrorism, including the intelligence, counterterrorism, and national security programs of the Federal Bureau of Investigation. The bill is the principal source of support for Federal law enforcement, the judicial system, and grant assistance to State and local law enforcement agencies throughout the United States. The Commerce, Justice, and State, the Judiciary and Related Agencies appropriations bill supports the Department of Commerce and the Nation's lead civilian ocean and atmosphere research, science, and service agency, the National Oceanic and Atmospheric Administration. The bill is the principal source of resources for international operations such as the staffing, operations, and maintenance and construction of U.S. diplomatic missions overseas, as well as assessed contributions for the United Nations and international organizations, and international peacekeeping. The bill supports a number of independent agencies and commissions, and has a key leadership role in supporting technology, innovation, and the stability of United States financial markets.

The Commerce, Justice, and State, the Judiciary and Related Agencies bill is one of the most diverse of the 13 appropriations bills that provide for the discretionary funding of the Federal Government. It is a bill that provides for pay of personnel, operation and maintenance, grants and contracts, research and development, procurement, and construction. The bill provides almost all aspects of support for the organizations and programs under its jurisdiction.

#### SUMMARY OF THE BILL

The total amount of new budget authority recommended by the Committee for this bill in fiscal year 2005 is \$40,494,815,000. The amount of discretionary budget authority as defined by the Budget Act is \$39,792,000,000.

The total amount of new budget authority represents an increase of \$2,295,236,000 compared with fiscal year 2004 and an increase of \$239,066,000 compared with the Budget Request.

The Committee recommended bill is within the Committee's section 302(b) allocation for the Commerce, Justice, and State, the Judiciary and Related Agencies bill. The Committee has made difficult but necessary tradeoffs to fashion a bill that is within these limits.

The following paragraphs highlight major themes in this bill:

#### COMBATING TERRORISM

Combating terrorism has long been a centerpiece of the Commerce, Justice, and State, the Judiciary and Related Agencies bill, although the Committee's focus intensified in the wake of the Oklahoma City bombings in 1995. The Committee has established and/or supported a number of new initiatives within the Department of Justice [DOJ] and other agencies in this bill, many of which are commensurate with and preceded the recent recommendations included in the 9/11 Commission Report.

Within DOJ, the Committee in 1998 directed the Department to establish an interagency plan for combating terrorism. The "Five Year Plan", as it was referred to, served as a cornerstone of the Nation's strategy for combating terrorism. The Committee also established the Office for Domestic Preparedness [ODP], a "one-stop-shop" for first responders to obtain information and Federal assistance on preparing for and responding to terrorism. Within ODP, the Committee created two specific programs: (1) the National Domestic Preparedness Consortium, which featured 5 first responder training centers, each specializing in a different type of threat scenario, and (2) a permanent national terrorism exercise program (called TOPOFF to signify the participation of top officials). The TOPOFF exercise series has been an overwhelming success, and TOPOFF III is scheduled to take place in April 2005. From the time it was established until 2001, ODP grew from a \$5,000,000 grant program to a \$250,000,000 grant program for first responders.

Also in 1998, the Committee attempted to strengthen the Federal Bureau of Investigation [FBI] by improving aspects of the FBI's hiring system to attract experienced professionals for certain highly-competitive specialty positions. Specifically, the Committee provided the FBI Director with the authority to design and implement over a 3-year period a new system of pay, classification, and personnel management for non-Special Agent intelligence, scientific, technical, engineering and medical positions. At that time, however, the FBI did not act on the new authority and it lapsed at the end of the 3-year period. The 9/11 Commission Report recommends similar enhancements to the FBI's recruiting, hiring, and selection of agents and analysts with skills in intelligence, international relations, language, and technology and highlights the need to improve the training and career opportunities for intelligence analysts and officers.

In May 2001, the Committee organized a series of hearings on the Federal Government's ability to prevent, prepare for, and respond to terrorism. The goal of the hearings was to establish a baseline of information about the role each Federal agency played in combating terrorism. The most important finding of the hearings was that the United States did not have a single national leader

charged with coordinating the efforts of all of the relevant Federal agencies. The second most important finding was that the United States did not have one comprehensive, dynamic national strategy outlining these agencies' responsibilities.

The Committee's July 2001, report concluded that an effective, comprehensive national strategy required, first and foremost, a person with the knowledge and breadth of experience to develop the strategy and the authority and resources to implement it. To this end, the report recommended a new position within the highest levels of the Justice Department, a Deputy Attorney General for Combating Terrorism [DAG-CT]. This person would have been responsible for establishing the policies, objectives and priorities of the Federal Government with respect to combating terrorism. One advantage of creating a DAG-CT position was that it would not require any new infrastructure, but would instead draw upon the existing resources of an established agency. Startup time and cost, as compared to other proposals being discussed at the time, would have been greatly minimized.

The concept of a DAG-CT was quickly overtaken by the events of September 11, the creation of the Office of Homeland Security at the White House, followed by the creation of the Department of Homeland Security. The Committee notes with interest that the 9/11 Commission Report recommends the creation of a similar position, the National Intelligence Director [NID], to oversee and coordinate intelligence and counterterrorism operational planning throughout the intelligence and law enforcement communities.

Since the terrorist attacks of September 11, 2001, the Committee has aggressively worked to provide all of the agencies funded in this bill with the necessary resources to meet their intelligence, counterterrorism, and related missions. For fiscal year 2005, the Committee has taken the recommendations of the 9/11 Commission under advisement in supporting existing and new intelligence and counterterrorism initiatives, providing significant funding increases for such efforts.

The Committee's efforts to protect the United States from terrorism begin, necessarily, overseas. The recommendation therefore provides increases for all terrorism and security functions under the Department of State account. The recommendation includes significant increases for the Department of State's public diplomacy programs. These programs fight terrorism at its roots by explaining United States policy decisions to foreign publics and by informing foreign publics about American culture and values. For the second year in a row, the recommendation has included appropriated funds for the hiring of consular officers above attrition. Consular officers face the monumental task of preventing terrorists from entering the United States, while at the same time permitting those who seek to come to the United States for business, study, tourism, or cultural exchange to enter with a minimum amount of hassle. Finally, the recommendation includes funds for the Department of State to continue its participation in the international component of the TOPOFF III terrorism exercise.

Those efforts continue, both overseas and domestically, within DOJ. The Committee provides funding increases for all intelligence and counterterrorism-related efforts within DOJ, which focus on

the prevention, investigation, and prosecution of acts of terrorism. Additional funding includes \$503,468,000 for the FBI's intelligence, counterterrorism, and supporting programs; \$100,000,000 for State and local interoperable communications systems; \$11,000,000 for State and local anti-terrorism training; \$6,594,000 to process Foreign Intelligence Surveillance Act applications; and \$7,200,000 for counterterrorism prosecutions.

The Committee has increased overall funding for the FBI by 52 percent since fiscal year 2000. These funding increases have enabled the FBI's Counterterrorism Program to grow by 99 percent in total personnel, with a 101 percent increase in total funding since the terrorist attacks on September 11, 2001. Even with these funding increases and the transfer of 480 Special Agents to the Counterterrorism Division [CTD], the counterterrorism workload continues to exceed the CTD permanent workforce. Last year, the Committee directed the FBI to permanently transfer additional personnel to CTD to address this workload and eliminate the FBI's practice of temporarily assigning personnel to handle the FBI's top priority mission. This direction, however, was challenged and ultimately not successful.

The Committee remains concerned that CTD does not have the permanent workforce necessary to ensure all terrorism leads are thoroughly investigated. The resistance to shift resources to counterterrorism is not new. The 9/11 Commission Report found that even though the FBI recognized terrorism as a major threat, and designated "national and economic security" as the FBI's top priority in 1998, the FBI did not shift resources accordingly. The Committee does not want the FBI to make the same mistake again. Accordingly, the Committee again directs the FBI to permanently transfer the necessary personnel to CTD to meet its counterterrorism workload.

The Committee has supported the significant and fundamental changes made within the FBI since September 11, 2001, but remains concerned over the FBI's ability to institutionally shift its focus to counterterrorism. The 9/11 Commission Report similarly states, "[d]espite having found acceptance of the Director's clear message that counterterrorism is now the FBI's top priority, 2 years after 9/11 we also found gaps between some of the announced reforms and the reality in the field. We are concerned that management in the field offices still can allocate people and resources to local concerns that diverge from the national security mission. This system could revert to a focus on lower-priority criminal justice cases over national security requirements." The Committee directs the FBI to submit a plan to the Committees on Appropriations, not later than March 20, 2005, that ensures the FBI's national priorities match the priorities and operations in all of the FBI's field offices and resident agencies.

The Committee has also supported the creation and funding of fusion centers to ensure the coordinated collection and dissemination of information, which is consistent with the recommendations proposed in the 9/11 Report. In particular, the Committee has supported the creation of the Terrorist Threat Integration Center [TTIC], which serves as the central hub for terrorist threat-related information, providing TTIC with over \$171,000,000; the Terrorist

Screening Center [TSC], which coordinates and consolidates terrorist watchlists from all Federal agencies, providing \$20,600,000 since its creation; and the Foreign Terrorist Tracking Task Force [FTTTF], which denies terrorists entry into the United States, as well as locates, detains, prosecutes, or deports terrorists that have already entered the country, providing \$60,300,000 since its creation.

Last year, and again this year, the Committee breaks out funding from the FBI's salaries and expenses account for these fusion centers. The Committee's vision to fund and establish a separate account for TTIC, FTTTF, and TSC supports the 9/11 Commission recommendations to centralize the collection, analysis, and dissemination of information.

#### PROTECTING AMERICA'S CHILDREN

The Commerce, Justice, and State, the Judiciary and Related Agencies appropriations bill is a natural home to programs that enable the Nation to build a safety net for our children. Programs that address problems such as Internet safety, child abduction, and child pornography have been critical in protecting children from some of the most malevolent predators. Training and education of law enforcement officers in child safety issues has led to better coordination of services to the most vulnerable children. Ensuring the future of our children begins with creating an environment in which children can thrive in educational and social settings. The Safe School Initiative and School Resource Officers have enhanced the physical security of schools through the promotion of positive relationships between law enforcement and youths. This, coupled with anti-drug initiatives, gang reduction programs, and after school programs, has cast the safety net even wider, resulting in greater opportunities for America's at-risk youth. The threat to American children does not end at U.S. borders, however, and the Committee has taken steps during the past 3 years to provide for safety enhancements of international schools attended by American children. In addition, the Committee has supported efforts by Federal agencies to prevent international child abductions. In one instance, the Committee mandated a change in Department of State passport issuance policies which has already proven an effective tool in preventing international child abductions.

#### INVESTING IN INFRASTRUCTURE

The Committee recommended bill provides over \$7,000,000,000 for infrastructure investments. Included are investments in construction of embassies and laboratories, the acquisition of ships, aircraft, and satellites for environmental monitoring, the development and procurement of equipment and technology (including computers and information technologies) for use by the agencies under the jurisdiction of the Commerce, Justice, and State, the Judiciary and Related Agencies Subcommittee. In a number of cases, the bill provides funding for partnerships with universities, cooperative agreement partners, and States to provide infrastructure support. For example, State law enforcement agencies across the Nation receive support for forensic laboratory and communications

technology through the recommended appropriations in Title I of this bill.

Far too often infrastructure requirements are not given sufficient priority in the budgets submitted by agencies to Congress. Often, agencies' plant and equipment needs are requested at levels far lower than what is required to ensure their upkeep through a reasonable replacement schedule. The Committee has in a number of areas increased funding for maintenance and repair. The Committee has necessarily added construction of facilities in a number of mission agencies, such as the National Oceanic and Atmospheric Administration, since the current primary method of Federal building investment through the General Services Administration appears to largely ignore the needs of fisheries and research laboratories across the Nation.

Infrastructure appropriations are long-term investments in the agencies funded within this bill. Unfortunately, budgetary constraints often require these investments to be made on an incremental basis rather than adhering to full funding, thus requiring several years to "bank" funds to proceed with a construction project or to construct a research vessel. This procedure often leads to the accumulation of unobligated balances until a project's full cost is financed.

Infrastructure investments are intrinsically linked to productivity and marshalling talent of the Federal workforce. The programs provided for in the Committee recommendation are intended to improve the ability of Federal employees—from researchers to law enforcement agents—to do their jobs more effectively. The investment in supercomputing for weather services, for example, has significantly improved the accuracy of forecasts. Supercomputers, new modeling techniques, and better data assimilation techniques to take advantage of these models, are making exponential gains not only in weather applications, but also in climate and ocean forecasting. It is also leveraging the investment made in observational systems whether satellites, radars, or ocean sensors.

Investing in infrastructure is investing in the future. The significant investments made by the Committee ensure that agencies and programs in this bill are able to perform their service to the American people for years to come. For example, investments in earth remote sensing satellites mean that these satellites will be available to provide atmospheric and oceanic data, climatic data, and search and rescue services for the American people and international community at least 5 years into the future.

The Committee's infrastructure investments provide for improving the safety of State Department and other United States employees overseas. The recommendation includes \$816,000,000 for new construction of 14 diplomatic posts overseas. The bill also supports the administration's effort to eliminate the backlog of security improvements and new construction requirements for the 187 most vulnerable overseas posts within the next 14 years instead of 26 years. The Committee strongly endorses the administration's capital cost sharing policy that promotes "right-sizing" of agency presence overseas and provides that agencies, including the State Department, contribute their fair share toward the cost of occupying United States diplomatic facilities overseas. Cost sharing will put



an end to the practice of treating overseas secure buildings as a “free good.” The Committee notes that, domestically, Federal agencies are expected to pay rent for square footage occupied.

The Committee notes that improvements can be made not only in the budgeting for Federal infrastructure, but also in program management and oversight to ensure that these investments are developed and delivered at cost, on budget, and on schedule. Basic systems acquisition management can be improved. This is especially true with respect to information technology systems. Improvements have been made government-wide through the creation of Department and Agency Chief Information Officer [CIO] organizations pursuant to the Klinger-Cohen Act. Nevertheless, there are far too many examples of agencies that do not set requirements and lock in specifications before contracting to build a system, and find themselves having spent significant financial resources in return for information systems that simply do not meet functional needs. The Federal Bureau of Investigation [FBI] has had a particularly poor track record of developing information technology that meets cost, schedule, and performance. The Trilogy/Virtual Case File system, under a cost-plus contract, continues to be plagued by cost overruns and an inability to meet the Bureau’s requirements. The Committee is pleased that the Director of the FBI and FBI’s CIO have made fixing this system and its program management a priority. To assist the FBI in the furtherance of its goals and ensure that the taxpayers are not asked to provide unlimited resources, the Committee bill includes a multi-year cost cap of \$600,000,000 for the Trilogy system. The Department of State, conversely, has achieved a particularly impressive track record, having built state of the art, global sensitive but unclassified [SBU] and classified networks from the ground up. The National Oceanic and Atmospheric Administration [NOAA], which 8 years ago encountered great difficulty developing new weather information technology systems, turned the corner and has done an outstanding job developing and acquiring these forecasting tools and advanced supercomputers on cost and schedule.

#### PROTECTING AMERICAN INTELLECTUAL PROPERTY

The protection of American intellectual property is essential to United States economic growth. It is estimated that 50 percent of United States exports now depend on some form of intellectual property protection, compared to less than 10 percent 50 years ago. United States companies lose an estimated \$200,000,000,000 to \$250,000,000,000 to counterfeiting and piracy each year. Companies’ ability to profit from their intellectual property is critical to their growth and, in turn, the health of the United States economy. There is widespread concern—and the Committee agrees—that not enough is being done to combat the counterfeiting and piracy of American intellectual property.

This bill takes steps to significantly augment two agencies’ capabilities for addressing the challenges associated with protecting American intellectual property overseas. First, it provides a separate appropriation—for the first time ever—for the National Intellectual Property Law Enforcement Coordination Council [NIPLECC]. The NIPLECC is an interagency body created in 1999

that is tasked with coordinating domestic and international intellectual property law enforcement. Funding for NIPLECC, as well as legislation clarifying its mission and authorities, is included under Title II of this Act. The Committee also recommends language tasking NIPLECC with developing a strategy for protecting United States intellectual property overseas, and coordinating the implementation of this strategy by other Federal agencies. The establishment of NIPLECC as a force for intellectual property protection is an unprecedented and necessary step towards better coordination of this Nation's efforts to protect its intellectual property.

In addition to this new initiative, the bill provides funding for the United States Patent and Trademark Office to increase efforts to protect American intellectual property overseas. It also creates and funds the position of Chief Negotiator for Intellectual Property Enforcement within the Office of the United States Trade Representative and the Office of International Intellectual Property Enforcement within the Department of State. The creation of these two new offices will raise the stature of this problem within these two Federal agencies and will lay the foundation for these agencies to augment their monitoring and enforcement efforts in the coming years.

All of the intellectual property initiatives discussed above are described in greater detail in the relevant headings of this statement.

#### OCEAN COMMISSION INITIATIVE

The Committee has consistently supported oceanic and atmospheric programs each year. The oceans and atmosphere affect almost all aspects of life on earth. The oceans retain and transport heat and they drive climate and weather. The oceans provide the United States with transportation corridors upon which most trade occurs. The oceans provide us with food, pharmaceuticals, minerals and food. The oceans are a major resource for recreation and tourism, and improve quality of life.

Yet, our Nation maintains only a sparse observational network to measure changes in the ocean vis-à-vis that which it maintains in the atmosphere. Our coastal observational network remains inadequate. We are only beginning to fully model and understand the impact of the oceans on driving seasonal and long-term climate changes. Fisherman and other ocean industries often complain about the inaccuracy of marine weather and wave forecasts. While our Nation plans for interplanetary missions of discovery in space, much remains to be discovered here on our own planet. As much as 95 percent of the ocean floor remains unexplored, and with each ocean exploration mission, new geographic features and life forms are being discovered for the first time. United States' laws require the prudent management and conservation of fishery stocks and protection of special animals, like marine mammals and sea turtles; yet much needs to be learned about these animals and their population stocks.

It is imperative, even in a time of tight budgets, to invest in programs that research, monitor, and preserve our oceans and their resources. Investments in the oceans expand our knowledge and help improve environmental education for our Nation's youth. They are investments in our Nation's future.

The Committee commends the work of the recent U.S. Commission on Ocean Policy and notes that the Commission reinforced the National Oceanic and Atmospheric Administration's [NOAA] role as the lead Federal civilian agency for the oceans.

The Committee recommendation includes a new initiative within NOAA that addresses a number of policy and program changes recommended by the United States Commission on Ocean Policy, which released its draft report in April 2004. In total the Committee has provided over \$454,000,000 for this initiative, an increase of \$205,874,000 above the fiscal year 2004 funding level and \$239,075,000 above the budget request. Included are increased resources to support the following programs that were highlighted by the Commission: (1) an integrated coastal and ocean observing system; (2) the Ocean Health Initiative; (3) the National Sea Grant program; (4) a NOAA K-12 education initiative and the Minority Serving Institution program; (5) ocean exploration and undersea research; (6) marine debris; (7) international fisheries treaty negotiation and compliance; (8) a marine mammal initiative; (9) satellite oceanography and transition of NASA remote sensing research and development into NOAA operational satellites; (10) shiptime (days at sea) and vessel maintenance/safety improvements; and (11) construction of new NOAA vessels, equipment and technology to support research, hydrography and fisheries surveys.

#### REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

Section 605 of this Act provides procedures for the reprogramming of funds. To reprogram is to change the use of funds from the specific purposes provided for in the Act and the accompanying statement. Each title of the bill also has traditionally included separate provisions that define permissible transfers of resources between appropriation accounts. These transfer authority provisions are also pursuant to section 605, and were initiated in the early 1990's to provide additional flexibility to the agencies supported by the Commerce, Justice and State, the Judiciary and Related Agencies bill.

Section 605 provides that the chairmen of the Committees on Appropriations be notified by letter at least 15 days prior to the reprogramming of funds in excess of a dollar threshold or 10 percent of the overall funding level for a program, whichever is less, between programs and activities. This provision also restates a number of other instances where proposed agency actions require the submission of a reprogramming, including providing funds or personnel for any project that has been denied or restricted, reorganizations, contracting, etc. To account for inflation over a number of years, for fiscal year 2005 the Committee recommends increasing this threshold from \$500,000 to \$1,000,000.

The reprogramming process is based on comity between the Appropriations Committee, the executive branch, as well as with the judicial branch. The Commerce, Justice, and State, the Judiciary and Related Agencies appropriations bill provides specific program guidance through the explanatory statement and tables accompanying the bill. The process is intended to provide some flexibility to meet changing circumstances and emergency requirements, if there is agreement between the executive or judicial branch and

the legislative branch that such a change is warranted. Reprogramming procedures provide a means for the affected branches to agree on adjustments, if necessary, during a fiscal year, or to ensure that the Committees are kept apprised in instances where non-appropriated resources are used to meet program requirements, such as fee collections and unobligated balances that were not considered in the development of the appropriations legislation.

In the absence of comity and respect for the prerogatives of the Appropriations Committees and Congress in general, the Committee has no choice but to put specific program limitations and detail in legislation. Under these circumstances, programs, projects, and activities become absolutes and the executive and judicial branches lose the ability to propose changes in the use of appropriations through the reprogramming process between programs, projects, and activities without seeking legislative action.

The reprogramming process, in general, works well and ensures that the public's interests are protected. The Committee is concerned, however, the executive branch often establishes a cumbersome, bureaucratic process resulting in significant delays before reprogramming proposals are transmitted to Congress. The executive branch should set cycle times for ensuring the rapid consideration and transmittal of reprogramming proposals. For example, with Department of Commerce bureaus, it can take over 6 months from when a bureau proposes a reprogramming action and when approval is received from the Office of Management and Budget [OMB] and notification is transmitted to Congress. This bureaucratic delay has led to unacceptable situations where agencies already have obligated funds before Congress has been consulted. Such "after the fact" reprogrammings will not be tolerated: they undercut the basic premise upon which appropriations law is founded.

Unfortunately, the Committee is aware that the Department of State and the Bureau of Prisons within the Department of Justice have not complied with reprogramming procedures and have proceeded with reprogrammings without securing the Committee's agreement. Therefore, the Committee recommended bill eliminates a number of flexibilities and authorities afforded those agencies in past years, including transfer authority. The Committee regrets the necessity of this action. However, in the absence of comity, the Committee is required to take additional actions to ensure that funds are only spent for the purposes appropriated.

#### NON-CAREER PERSONNEL REDUCTIONS-IN-FORCE

The Committee directs each department, commission, or agency to provide their current number of political appointees and the number as of October 1, 2004. These amounts should be broken out by pay level. This report should be provided to the Committees on Appropriations no later than December 1, 2004. Also, the Committee shall be notified when the number of political appointees rises above 10 percent from either of the previous 2 years or when five or more political appointees are added in a given year. The Committee should be notified 30 days before either of these situations occurs. Similar notification should be provided when the same

number of personnel positions is converted from political appointments to civil service positions.

In addition, the Committee directs departments or agencies funded in the accompanying bill that are planning to conduct a reduction in force [RIF] to notify the Committee by letter 30 days in advance of the date of the proposed personnel action. Also, the Committee directs that any items which are subject to interpretation will be reported.

*Appropriations Liaison.*—The Committee again prefers to channel most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations, but reserves the right to call upon any individual or organization in any agency under its jurisdiction. The Committee continues to stress the natural affinity between agency financial management organizations and the Appropriations Committee, which makes a close working relationship imperative.

BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC. 308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount of bill	Committee allocation	Amount of bill
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the Budget Resolution for 2005: Subcommittee on Commerce, Justice, and State, the Judiciary, and Related Agencies:				
Discretionary .....	39,792	39,792	40,440	<sup>1</sup> 40,119
Mandatory .....	704	704	705	<sup>1</sup> 705
Projection of outlays associated with the recommendation:				
2005 .....				<sup>2</sup> 28,940
2006 .....				7,326
2007 .....				2,534
2008 .....				1,537
2009 and future years .....				917
Financial assistance to State and local governments for 2005 .....	NA	3,430	NA	3,127

<sup>1</sup> Includes outlays from prior-year budget authority.

<sup>2</sup> Excludes outlays from prior-year budget authority.

NA: Not applicable.

## TITLE I—DEPARTMENT OF JUSTICE

The Committee recommends a total of \$20,389,055,000 for the Department of Justice [DOJ]. The recommendation is \$618,465,000 above the fiscal year 2004 funding level and \$444,316,000 above the budget request. The Committee has made funding for combating and prosecuting terrorism, as well as critical information technology and infrastructure investments, the centerpiece of the fiscal year 2005 appropriations bill.

Throughout this title, the Committee recommends funding for mandatory personnel expenses, including the 1.5 percent pay raise, annualization of the fiscal year 2004 pay raises and increases, annualization of the fiscal year 2003 increases and positions, including the fiscal year 2003 wartime supplemental, Federal Health Insurance Premiums, as well as the proposed decreases to the adjustments to base, funding for the Capital Security Cost Sharing Program, and proposed offsets, unless otherwise provided below.

*Budget Restructuring Proposals.*—The Committee remains concerned with the Department's repeated proposal to consolidate existing decision units. All accounts within the DOJ, therefore, shall continue to use their fiscal year 2004 decision units and account structures, unless otherwise specified in the following recommendation.

*Department Coordination.*—The Committee continues to believe the DOJ must clearly define the roles of its law enforcement agencies to ensure they are not duplicating efforts, particularly in the areas of drugs, explosives, guns, gangs, and fugitive apprehension.

Last year, the conferees expressed particular concern over the duplication of fugitive apprehension efforts and directed the DOJ to submit a comprehensive report to the Committees on Appropriations describing all fugitive apprehension activities and identifying opportunities to consolidate those activities under the one agency that is best trained and equipped for fugitive apprehension. The Committee has yet to receive this report. As a result of Public Law 106-544, the Committee is aware that DOJ has directed the United States Marshals Service [USMS] to serve as the lead agency for the establishment and operation of all task forces focused on the apprehension of Federal, State, and local fugitives. Because of the USMS' statutory authority to apprehend Federal, State, and local violent fugitives, the process for the Unlawful Flight statutes is generally unnecessary in accomplishing this mission. The Committee therefore directs the Attorney General to transfer jurisdiction of fugitive cases that fall under Unlawful Flight statutes to the USMS during this fiscal year, and directs that the USMS be the only Federal law enforcement agency within DOJ to establish or operate task forces whose purpose includes fugitive apprehension, although other Federal law enforcement agencies are encouraged to participate where their staffing resources are adequate to do so.

*Allocation of Attorneys.*—The Committee is concerned about a Department proposal to transfer attorney positions from the litigating divisions to the U.S. Attorneys offices. The Committee notes that the number of Assistant U.S. Attorneys has significantly increased over the last decade and it is unclear to the Committee that there is an immediate need for additional attorneys within those offices. In addition, to address the wide disparity in caseload between those offices, the Committee has already given the Executive Office of the U.S. Attorneys [EOUSA] significant flexibility to address its resource allocation process. In fiscal year 2002, the Committee waived all previous congressional guidance to the U.S. Attorneys, giving EOUSA the authority to distribute manpower and funding among the district offices for the purposes, and to the places, it felt best served the interests of the American people.

The Committee is also concerned that the Department did not make this request in the context of the President’s fiscal year 2005 budget submission, and that this proposal is inconsistent with that submission. In particular, the Committee is disappointed that the Department did not earlier notify the Committee of excess or unnecessary attorney positions that the Department is now identifying within the litigation divisions.

Accordingly, the Committee directs the Attorney General to submit to the Committees on Appropriations a detailed study that includes: the current workload, as shown by case hours and number of cases per attorney in each district office and in the legal divisions; the number of attorney full time equivalents allocated to each district office and the litigating divisions each year from fiscal year 2001 through fiscal year 2005; the criteria the Department would employ to allocate additional attorney slots; the criteria used by the Department to determine which attorney positions are excess or unnecessary to the mission of the litigating divisions; the specific role each additional attorney slot would play in the district; and a crosswalk showing the proposed allocation of the attorney slots from each legal division to each district.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$105,564,000
Budget estimate, 2005 .....	186,551,000
Committee recommendation .....	141,466,000

The Committee recommends an appropriation of \$141,466,000. The recommendation is \$35,902,000 above the fiscal year 2004 funding level and \$45,085,000 below the budget request.

This account funds the development of policy objectives and the overall management of the Department of Justice.

*Office of Intelligence Policy and Review.*—The workload of the Office of Intelligence Policy and Review [OIPR] has increased significantly since the terrorist attacks on September 11, 2001, particularly in terms of the number of Foreign Intelligence Surveillance Act [FISA] applications the office processes. To ensure OIPR has the necessary resources to meet its growing FISA caseload and, at the same time, continue its vigorous oversight and compliance reviews of the Federal Bureau of Investigation’s [FBI] foreign intel-

ligence and counterintelligence investigations, the Committee recommendation includes an additional \$6,594,000 for OIPR.

*Financial Management System.*—The Committee is aware of the importance of developing a Department-wide financial system to make financial reporting and program performance more timely, accurate, and accessible. The Committee provides an additional \$11,000,000 for a Unified Financial Management System, and will consider the use of additional existing resources for this project, subject to section 605 of this Act.

*Corporate Fraud.*—The fiscal year 2004 Appropriations Act directed the Department of Justice to submit to the Committees on Appropriations a report providing the status of joint efforts to combat corporate corruption. Additionally, the FBI was directed to report to the Committees on Appropriations with information about the resources it would take to produce a corporate crime report similar to the FBI’s Crime in the United States report. It has been brought to the Committee’s attention that DOJ plans to consolidate these reports. However, no report has yet been transmitted to the Committees on Appropriations. The Department is directed to submit the consolidated report within 30 days of the enactment of this Act.

*Information Technology Enhancements.*—The Committee has long supported information technology investments at the Department of Justice and was encouraged by the significant funding increases requested for the Office of the Chief Information Officer [CIO] this year. The Committee recommendation provides an additional \$14,132,000 for the highest priority projects of the CIO, and will consider a reprogramming for additional funding for the CIO, subject to section 605 of this Act. The Committee directs the CIO to evaluate commercially-proven enterprise data warehousing and analytic systems and to provide a report to the Committee summarizing the findings on this technology’s applicability to the counterterrorism mission not later than March 31, 2005.

*Public Affairs.*—Since September 11, 2001, there has been an increased level of public concern and attention to the issues handled by the Department of Justice. The Committee therefore provides an additional \$100,000 for the Office of Public Affairs to enhance the Department’s ability to respond to the public.

JOINT AUTOMATED BOOKING SYSTEM

Appropriations, 2004 .....	\$18,974,000
Budget estimate, 2005 .....	20,309,000
Committee recommendation .....	20,185,000

The Committee recommends an appropriation of \$20,185,000. The recommendation is \$1,211,000 above the fiscal year 2004 funding level and \$124,000 below the budget request.

This account centrally funds development, acquisition, and deployment of the Joint Automated Booking System [JABS].

JABS incentive funds are to be distributed to the component or components making the best progress in installing and operating the system.

JABS automates the collection of fingerprint, photographic, and biographical data during the booking process and provides a mechanism to rapidly and positively identify an individual based on a



fingerprint submission to the FBI's Integrated Automated Fingerprint Identification System. The JABS booking submissions also provide "real-time" updating of the FBI's criminal master files that are available to all Federal, State, and local law enforcement agencies.

JABS has proven to be one of the most successful programs at the Department. The Committee provides an additional \$1,200,000 for a core JABS upgrade to accommodate projected transaction volume increases related to the continued deployment of JABS.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED  
AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

Appropriations, 2004 .....	\$5,046,000
Budget estimate, 2005 .....	5,054,000
Committee recommendation .....	5,054,000

The Committee recommends an appropriation of \$5,054,000 for the Automated Biometric Identification System/Integrated Automated Fingerprint Identification System [IDENT/IAFIS]. The recommendation is \$8,000 above the fiscal year 2004 funding level and identical to the budget request.

A Department of Justice Inspector General report entitled "IDENT/IAFIS: The Batres Case and the Status of the Integration Project" issued in March, 2004, provides extensive and compelling details on the critical need to integrate existing biometric databases. The 9/11 Commission also recognized that protecting against and preparing for terrorist attacks required screening people with biometric identifiers across agencies and governments. The Department of Homeland Security [DHS] and the Department of State [DOS] are in the process of developing US VISIT, a new visa tracking system, and enrolling thousands of visitors to the United States into a new biometric database.

Before DOS or DHS allow any foreign national entry into the country, or when DHS encounters an alien that has attempted an illegal entry, U.S. officials need to know for certain the individual's background and status, including whether there are outstanding warrants, convictions, or other evidence that would permit denying them entry. At the same time, in order for Federal, State and local law enforcement agencies to effectively fight crime, they need to be able to access fingerprint records of visitors and immigration law violators. That crucial information will be contained in 2 separate databases: DHS's IDENT, which contains 6 million fingerprint records of repeat immigration offenders and deported aliens and also includes DHS's US VISIT, which contains 2 million fingerprint records of visitors and will grow dramatically in the coming years; and FBI's IAFIS, which contains 46,500,000 fingerprint records of terrorists, wanted individuals, and persons arrested/convicted of serious crimes.

The Committee first directed DOJ to develop a plan to integrate IDENT and IAFIS so the systems could access each other's information 5 years ago. Since then, DOJ has developed stop-gap measures to provide DHS and DOS access to IAFIS's fingerprint records. Those measures, however, do not provide full interoperability of the systems, or real time information, and have yet to be fully deployed. Further, no measures have been taken to enable Federal,

State and local law enforcement agencies to retrieve the proper level of information out of the IDENT/US VISIT database.

The Committee directs DOJ and DOS, in coordination with DHS, to jointly submit to the Committees on Appropriations, not later than February 8, 2005, a plan that details the specific steps the Departments will take to achieve full interoperability between IDENT, US VISIT, and IAFIS. The plan should also identify the funding sources and amounts needed for interoperability, a timetable for its accomplishment, as well as the impact complete interoperability will have on the existing IAFIS system. The Committee also expects DOJ to implement the recommendations of Office of Inspector General's March report on IDENT/IAFIS, and continues to encourage the Department to work closely with DOS and DHS.

LEGAL ACTIVITIES OFFICE AUTOMATION

Appropriations, 2004 .....	\$26,749,000
Budget estimate, 2005 .....	80,510,000
Committee recommendation .....	70,502,000

The Committee recommends an appropriation of \$70,502,000. The recommendation is \$43,753,000 above the fiscal year 2004 funding level, \$10,008,000 below the budget request.

This account centrally funds acquisition, deployment, and maintenance of Legal Activities Office Automation [LAOA] systems, the largest components of which are the Justice Consolidated Network [JCN] and the Justice Consolidated Office Network [JCON].

LAOA is the computer modernization program for many of the Department's management, litigating, and law enforcement components, including the Antitrust Division, the U.S. Attorneys, the U.S. Marshals Service, the U.S. Trustees, the Executive Office for Immigration Review, the Community Relations Service, the offices funded through the "General Administration" and "General Legal Activities" accounts, the Bureau of Prisons, the Office of Justice Programs, and most recently, the U.S. Parole Commission. These components make up approximately 71,000 Department employees, all of whom will be end users of LAOA.

The Committee has pushed hard in previous years to increase the funds for, and widen the scope of, JCN and JCON to maximize the benefits of a common computer system across components. This year, the Committee recommendation includes an additional \$43,760,000 to build a funding base that is not dependent on outside or one-time funding sources. The Committee supports the use of existing resources should additional funding be necessary, subject to Section 605 of this Act.

NARROWBAND COMMUNICATIONS

Appropriations, 2004 .....	\$102,085,000
Budget estimate, 2005 .....	101,971,000
Committee recommendation .....	68,021,000.

The Committee recommends an appropriation of \$68,021,000. The recommendation is \$34,064,000 below the fiscal year 2004 funding level and \$33,950,000 below the budget request. The Committee is satisfied that there is sufficient carryover balances available in fiscal year 2005 for this account.

This account centrally funds development, acquisition, deployment, and operation and maintenance of the Justice Department's narrowband wireless communications network. By law, all Justice components operating Land Mobile Radio systems in the VHF band must convert by January 1, 2005. Should additional funding be necessary to meet this deadline, the Committee will consider the use of existing resources, subject to section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

Appropriations, 2004 .....	\$191,494,000
Budget estimate, 2005 .....	202,518,000
Committee recommendation .....	205,411,000

The Committee recommends an appropriation of \$205,411,000. The recommendation is \$13,917,000 above the fiscal year 2004 funding level, \$2,893,000 above the budget request, and includes funding for the annualization costs associated with filling immigration judge vacancies.

The Executive Office for Immigration Review [EOIR] includes the Board of Immigration Appeals [BIA], immigration judges, and administrative law judges who decide through administrative hearings whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged. This account also funds the Office of the Pardon Attorney which receives, investigates, and considers petitions for all forms of executive clemency.

Immigration enforcement initiatives within the Department of Homeland Security have significantly increased EOIR's caseload. In fiscal year 2005, EOIR is expecting an estimated 30,000 additional new cases brought before the immigration courts, and an estimated 4,000 additional appeals filed before BIA. The Committee therefore includes an additional \$1,690,000 for EOIR to address this growing caseload.

DETENTION TRUSTEE

Appropriations, 2004 .....	\$805,530,000
Budget estimate, 2005 .....	938,810,000
Committee recommendation .....	885,994,000

The Committee recommends an appropriation of \$885,994,000. The recommendation is \$80,464,000 above the fiscal year 2004 funding level, \$52,816,000 below the budget request, and includes the jail day rate increase.

The Detention Trustee oversees Federal detainees.

The Committee is concerned about the Department of Justice's ability to anticipate the true funding needs for this account and directs the Detention Trustee to continue efforts to improve its current formulas. The Committee provides an additional \$67,456,000 to address detention needs and will consider the use of existing resources should additional funding be required, subject to Section 605 of this Act.

*Efficiency.*—The Committee reiterates its position that any construction, planning, supporting, or contracting of new detention facilities is not an allowable use of funds provided under this account and directs the Detention Trustee to withdraw any solicitations for such activities.

## OFFICE ON VIOLENCE AGAINST WOMEN

Appropriations, 2004 .....	\$383,551,000
Budget estimate, 2005 .....	362,477,000
Committee recommendation .....	410,000,000

The Committee recommends an appropriation of \$410,000,000. The recommendation is \$26,449,000 above the fiscal year 2004 funding level and \$47,523,000 above the budget request.

The Committee commends the Director of the Office of Violence Against Women for leveraging resources to assess and address the critical needs of domestic violence victims.

Funding for these programs were previously appropriated under the Office of Justice Programs, State and Local Law Enforcement assistance account. Grants provided under this recommendation are for the following programs:

## VIOLENCE AGAINST WOMEN ACT PROGRAMS

[In thousands of dollars]

	Committee recommendation
General formula grants .....	175,705
National Institute of Justice .....	[5,000]
OJJDP-Safe Start Program .....	[10,000]
Transitional Housing Assistance .....	[10,000]
Grants to encourage arrest policies .....	64,503
Rural domestic violence .....	39,685
Legal Assistance Program .....	39,740
Campus Violence Program .....	9,935
Elder Abuse, Neglect, and Exploitation .....	4,968
Safe Haven Program .....	14,903
Education and Training to Assist Disabled Female Victims .....	7,451
Stalker Database Expansion .....	2,981
Training programs .....	4,957
Court appointed special advocates [CASA] .....	11,897
Training for judicial personnel .....	2,281
Grants for televised testimony .....	994
Management and Administration .....	30,000
<b>Total, VAWA programs .....</b>	<b>410,000</b>

Within the funds appropriated, no less than \$175,705,000 shall be used for general formula grants to the States. The fiscal year 2005 funding will be used to develop and implement effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, strengthen programs addressing stalking, and provide much needed victim's services. This includes specialized domestic violence court advocates who obtain protection orders. In addition, programs should be strengthened to encourage reporting of domestic violence by providing assurances that law enforcement and attorney support systems would be available. This funding is to be distributed to States to significantly enhance the availability of services, prosecutors, and law-enforcement officials to women and children who are subjected to domestic violence. Within the amount provided, \$950,000 shall be for a domestic violence protection unit in Alaska to enforce a zero tolerance policy for domestic violence. Within the amounts provided, \$750,000 shall be directed for the Sexual Assault Response Team for the Municipality of Anchorage, Alaska. Within the amounts provided, \$750,000 shall

be provided for the Victims of Justice in Alaska. Within the amounts provided, \$2,400,000 shall be directed for the Anchorage Domestic Violence Prevention Project and \$2,700,000 shall be for the Sexual Assault/Domestic Violence Prosecution Unit for the State of Alaska.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2004 .....	\$60,200,000
Budget estimate, 2005 .....	63,813,000
Committee recommendation .....	63,187,000

The Committee recommends an appropriation of \$63,187,000. The recommendation is \$2,987,000 above the fiscal year 2004 funding level and \$626,000 below the budget request.

The Committee is aware of the critical role the Office of Inspector General [OIG] plays with oversight at the Department. The OIG has completed a number of major reviews, including the FBI's management of its information technology investments, the FBI's counterterrorism program, the status of IDENT/IAFIS, the FBI's efforts to improve the sharing of intelligence and other information, the Hanssen espionage case, and the DEA's control of the diversion of controlled pharmaceuticals. Currently, the OIG has a number of ongoing reviews, including an examination of the FBI's Legal Attache program, the FBI's DNA Laboratory, the FBI's reprioritization efforts since September 11, 2001, terrorism task forces, and the recent espionage case in Los Angeles involving FBI agents and an alleged Chinese double agent.

The Committee supports the significant role the OIG plays at the Department and will entertain requests for additional resources for OIG should they become necessary during the fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$10,498,000
Budget estimate, 2005 .....	10,650,000
Committee recommendation .....	10,638,000

The Committee recommends an appropriation of \$10,638,000. The recommendation is \$140,000 above the fiscal year 2004 funding level and \$12,000 below the budget request.

The Commission is an independent body within the Department of Justice which makes decisions regarding requests for parole and supervision of Federal prisoners.

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2004 .....	\$629,004,000
Budget estimate, 2005 .....	657,135,000
Committee recommendation .....	623,364,000

The Committee recommends an appropriation of \$623,364,000. The recommendation is \$5,640,000 below the fiscal year 2004 funding level and \$33,771,000 below the budget request.

This appropriation funds the establishment of litigation policy, conduct of litigation, and various other legal responsibilities, through the Office of the Solicitor General, the Tax Division, the Criminal Division, the Civil Division, the Environmental and Natural Resources Division, the Civil Rights Division, the Office of Legal Counsel, and Interpol.

The Committee recommendations, by Division, are displayed in the following table:

LEGAL DIVISIONS  
[In thousands of dollars]

Office of the Solicitor General .....	8,538
Tax Division .....	77,444
Criminal Division .....	133,334
Civil Division .....	192,218
Environment and Natural Resources Division .....	85,570
Office of Legal Counsel .....	6,023
Civil Rights Division .....	107,994
INTERPOL USNCB .....	11,906
Office of Dispute Resolution .....	337
Total .....	623,364

*Office of the Solicitor General.*—The Committee recommendation provides the budget request for the Office of the Solicitor General [OSG], including an additional \$293,000 to address the OSG’s increasing workloads and accomplish its critical mission of representing the interests of the United States in the Supreme Court.

*National Security Initiatives.*—The Committee recommendation includes additional funding for all requested national security initiatives within the divisions, including \$1,167,000 for the Criminal Division for litigation related to counterterrorism, terrorist financing, and alien smuggling; \$856,000 for the Civil Division for counterterrorism litigation; and \$594,000 for the Environment and Natural Resources Division’s Hazardous Material Initiative.

*Immigration Litigation.*—Enhanced enforcement for existing and new laws affecting aliens, as well as the streamlining of Board of Immigration Appeal cases, have resulted in an unprecedented workload for the Office of Immigration Litigation. Therefore, the Committee recommendation includes an additional \$3,500,000 to address this increasing caseload.

*Tribal Trust Fund Litigation.*—The Committee includes an additional \$7,004,000 for the tribal trust fund litigation.

*Interpol.*—The Committee is impressed by the significant network the United States National Central Bureau [USNCB] has developed within the United States. To support that network, the Committee recommendation includes an additional \$98,000 to automate domestic law enforcement’s connection to USNCB’s databases. The Committee also directs the Department of Justice to submit a report to the Committee on Appropriations not later than April 10, 2005, on proposals to leverage USNCB’s network as a means to effectively share national security related information with State and local law enforcement agencies.

*Office of Legal Counsel.*—The Committee recommendation provides the budget request for the Office of Legal Counsel, including

an additional \$165,000 to conduct legal reviews and update a series of national emergency materials that are critically important in the event of a nationwide catastrophe or national security emergency.

The Committee recommendation includes bill language to transfer \$106,000 to the Department of State for the Capital Security Cost Sharing Initiative to provide for safe and secure facilities for overseas.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

Appropriations, 2004 .....	\$3,985,000
Budget estimate, 2005 .....	6,333,000
Committee recommendation .....	6,333,000

The Committee recommends a reimbursement of \$6,333,000 for legal costs. The recommendation is \$2,348,000 above the fiscal year 2004 funding level and identical to the budget request.

This account covers Justice Department expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986.

ANTITRUST DIVISION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$132,911,000
Budget estimate, 2005 .....	136,463,000
Committee recommendation .....	138,763,000

The Committee recommendation assumes a total of \$138,763,000 in budget (obligational) authority. The recommendation is \$5,852,000 above the fiscal year 2004 funding level and \$2,300,000 above the budget request.

The Antitrust Division investigates potential violations of Federal antitrust laws, represents the interests of the United States in cases brought under these laws, acts on antitrust cases before the Supreme Court, and reviews decisions of regulatory commissions relating to antitrust law.

The Committee recommendation includes an additional \$2,300,000 to ensure the Division has the necessary resources to meet its mission of vigorously enforcing our Nation's antitrust laws.

UNITED STATES ATTORNEYS

To ensure that limited Federal drug law enforcement resources are applied effectively, the Committee recommendation transfers the funding and management of the Interagency Drug Enforcement [IDE] program to the U.S. Attorneys [USA]. The IDE Executive Assistant Director shall report to the Director of the Executive Office of U.S. Attorneys [EOUSA], and shall be at the same level in the organizational structure as the Deputy Directors of EOUSA.

Total funding for U.S. Attorneys is \$1,827,563,000, including \$1,532,154,000 for Salaries and Expenses and \$295,409,000 for IDE.

## SALARIES AND EXPENSES

Appropriations, 2004 .....	\$1,510,193,000
Budget estimate, 2005 .....	1,547,519,000
Committee recommendation .....	1,532,154,000

The Committee recommends an appropriation of \$1,532,154,000. The recommendation is \$21,961,000 above the fiscal year 2004 funding level, \$15,365,000 below the budget request, and includes the proposed administration salary increases.

This account supports the Executive Office for U.S. Attorneys and the 94 U.S. Attorneys offices throughout the United States and its territories. The U.S. Attorneys serve as the principal litigators for the U.S. Government for criminal and civil matters. As in the past, Committee recommendation focuses the efforts of the U.S. Attorneys on those crimes where the unique resources, expertise, or jurisdiction of the Federal Government can, or must, be most effective.

*Terrorism Prevention and Criminal Prosecutions.*—To balance the influx of counterterrorism cases and referrals from law enforcement agencies, the Committee recommendation includes an additional \$5,762,000 for terrorism prevention and criminal prosecutions.

*Project Seahawk.*—The Committee recommendation includes \$5,000,000 for the continuation of Project Seahawk, a pilot project to enhance intermodal security and law enforcement within our Nation's coastal cities. The pilot will provide a national model for cities that experience heavy volumes of intermodal traffic by establishing a streamlined process to address criminal activity that may compromise or impede the movement of intermodal traffic within the U.S. Project Seahawk shall continue to be coordinated under the U.S. Attorneys and include Federal, State, and local law enforcement.

*Legal Education.*—The Committee recommendation provides \$18,266,000 for legal education and distance learning at the National Advocacy Center [NAC] as requested by the Administration. NAC State and local training funds are provided under the Office of Justice Programs.

*Violent Crime Task Forces.*—The Committee recommendation includes \$1,500,000 to continue and expand task force activities associated with Operation Streetsweeper.

*Cybercrime and Intellectual Property Enforcement.*—The Committee recommendation includes \$10,000,000 within available resources for the continued pursuit of Federal copyright law violations and software counterfeiting crimes, subject to Section 605 of this Act. EOUSA shall report to the Committee on Appropriations not later than April 30, 2005, on the number, type, and location of copyright prosecutions undertaken in the preceding year.

*Visa and Passport Fraud.*—The Committee is concerned that USA offices are failing to prosecute, or are slow to prosecute, cases of passport and visa fraud referred by the Department of State. It is critical that USA offices make visa and passport fraud cases a high priority because these particular types of fraud are usually part of a larger crime, such as terrorism; trafficking in women, children, and narcotics; and child molestation and abductions.



EOUSA is therefore directed to report to the Committee, no later than May 1, 2005, on the number of visa and passport fraud cases that are referred to and prosecuted by USA offices. For each referral, the report shall include the date on which the case was referred, the status of the case, and a justification for any referrals not pursued for prosecution.

INTERAGENCY DRUG ENFORCEMENT

Appropriations, 2004 .....	\$550,609,000
Budget estimate, 2005 .....	580,632,000
Committee recommendation .....	295,409,000

The Committee recommends an appropriation of \$295,409,000. The recommendation is \$255,200,000 below the fiscal year 2004 funding level and \$285,223,000 below the budget request.

The Interagency Drug Enforcement Program, through its 9 regional task forces, utilizes the combined resources and expertise of its 11 member Federal agencies, in cooperation with State and local investigators and prosecutors, to target and disband major narcotics trafficking and money laundering organizations.

Last year, the Committee expressly stated that funding would not be provided for non-Justice agencies in subsequent years under this account. Even so, the budget submission for fiscal year 2005 again requested funding for non-Justice agencies. While the Committee is aware of the significant role these agencies play with this effort, the Committee does not have the resources necessary to support other agencies. Accordingly, the recommendation provides funding, equal to that provided last year, for Justice agencies for their participation with the Organized Crime and Drug Enforcement Task Forces [OCDETF]. However, funding previously provided under this account for FBI's participation in OCDETF has been transferred to the FBI to expand and enhance the FBI's Joint Terrorism Task Forces, which are a critical component of the bureau's counterterrorism mission and the Nation's ability to detect and prevent terrorist acts.

The Committee recommendations, by agency, are displayed in the following table:

INTERAGENCY DRUG ENFORCEMENT

[In thousands of dollars]

	Committee recommendation
<b>Investigations:</b>	
Alcohol, Tobacco, Firearms and Explosives .....	11,363
Drug Enforcement Administration .....	172,971
United States Marshals Service .....	2,125
Subtotal, investigations .....	186,459
<b>Prosecutions:</b>	
Criminal Division .....	2,688
Tax Division .....	984
United States Attorneys .....	99,557
Subtotal, prosecutions .....	103,229

## INTERAGENCY DRUG ENFORCEMENT—Continued

[In thousands of dollars]

	Committee recommendation
Administrative Support:	
Executive Office .....	5,721
Total, Interagency Drug Enforcement .....	295,409

The Committee expects to be consulted prior to any deviation from the above plan.

## UNITED STATES TRUSTEE SYSTEM FUND

Appropriations, 2004 .....	\$166,157,000
Budget estimate, 2005 .....	174,355,000
Committee recommendation .....	174,355,000

The Committee recommends a total of \$174,355,000 in budget authority. The recommendation is \$8,198,000 above the fiscal year 2004 funding level and identical to the budget request.

The U.S. Trustee system provides administrative support to expeditiously move bankruptcy cases through the bankruptcy process and ensures accountability of private trustees appointed to administer bankruptcy estates.

The Committee recommendation includes not less than \$750,000 for the Bankruptcy Training Center at the National Advocacy Center, in support of the Trustees' continuing education program.

The Committee recommendation also includes \$2,000,000 for information technology [IT] infrastructure improvements, such as enhancements to IT security, bandwidth, and the Automated Case Management System. To ensure these improvements are consistent with the Department's overall IT approach and architecture, the Committee directs the U.S. Trustee to consult with the Office of the Chief Information Officer prior to the obligation of any of these funds.

## FOREIGN CLAIMS SETTLEMENT COMMISSION

Appropriations, 2004 .....	\$1,193,000
Budget estimate, 2005 .....	1,220,000
Committee recommendation .....	1,220,000

The Committee recommends an appropriation of \$1,220,000. The recommendation is \$27,000 above the fiscal year 2004 funding level, identical to the budget request, and fully provides for the adjudication of claims against: Germany relating to World War II; Cuba relating to the Castro regime; and Iraq relating to the U.S.S. *Stark* incident and Desert Shield/Storm.

The Foreign Claims Settlement Commission settles claims of American citizens arising from nationalization, expropriation, or other takings of their properties and interests by foreign governments.

## FEES AND EXPENSES OF WITNESSES

Appropriations, 2004 .....	\$156,145,000
Budget estimate, 2005 .....	177,585,000
Committee recommendation .....	177,585,000

The Committee recommends an appropriation of \$177,585,000. The recommendation is \$21,440,000 above the fiscal year 2004 funding level and identical to the budget request.

This account provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses. These funds are also used for mental competency examinations as well as witness and informant protection.

#### COMMUNITY RELATIONS SERVICE

Appropriations, 2004 .....	\$9,426,000
Budget estimate, 2005 .....	9,833,000
Committee recommendation .....	9,494,000

The Committee recommends an appropriation of \$9,494,000. The recommendation is \$68,000 above the fiscal year 2004 funding level and \$339,000 below the budget request.

The Community Relations Service provides assistance to communities and persons in the prevention and resolution of disagreements relating to perceived discriminatory practices.

#### ASSETS FORFEITURE FUND

Appropriations, 2004 .....	\$21,530,000
Budget estimate, 2005 .....	21,759,000
Committee recommendation .....	21,759,000

The Committee recommends an appropriation of \$21,759,000. The recommendation is \$229,000 above the fiscal year 2004 funding level and identical to the budget request.

This account provides funds to supplement existing resources to cover additional investigative expenses of the Federal Bureau of Investigation, Drug Enforcement Administration, and U.S. Marshals Service, such as awards for information, purchase of evidence, equipping of conveyances, and investigative expenses leading to seizure. Funds for these activities are provided from receipts deposited in the assets forfeiture fund resulting from the forfeiture of assets. Expenses related to the management and disposal of assets are also provided from the assets forfeiture fund by a permanent indefinite appropriation.

#### UNITED STATES MARSHALS SERVICE

##### SALARIES AND EXPENSES/CONSTRUCTION

Appropriations, 2004 .....	\$726,121,000
Budget estimate, 2005 .....	743,441,000
Committee recommendation .....	744,725,000

The Committee recommends an appropriation of \$744,725,000. The recommendation is \$18,604,000 above the fiscal year 2004 funding level and \$1,284,000 above the budget request.

The core missions of the U.S. Marshals Service [USMS] include the apprehension of fugitives, protection of the Federal judiciary, protection of witnesses, execution of warrants and court orders, and the custody and transportation of accused and unsentenced prisoners.

The Committee recommendation does not support the Marshal's proposal to collapse its current decision units. Based on the details provided herein, the Committee directs the USMS to provide a spend plan by prior year decision units to the Committees on Appropriations not later than 30 days after enactment of this Act.

The Committee notes that in previous years, funding allocated for specific activities has not been released in a timely fashion preventing operational units from initiating action before the end of the fiscal year. The USMS is strongly encouraged to expedite the release of these appropriated funds to ensure that the funds can be used for their intended purposes.

*Courthouse Security Equipment.*—This subaccount funds security equipment, telephone systems, and cabling. The Committee recommendation provides \$13,130,000 for courthouse security equipment and \$4,189,000 for 36 existing and 2 new positions for the Central Courthouse Management Group [CCMG]. Each year hereafter, not less than this level of funding shall recur for USMS courthouse security equipment and CCMG positions. The USMS shall submit a list of projects for such funding to the Committees on Appropriations not later than 30 days after the enactment of this Act.

The funding provided will outfit courthouses in the following locations:

#### USMS COURTHOUSE SECURITY EQUIPMENT

[In thousands of dollars]

	Committee recommendation
Detainee Facilities:	
Grand Junction, CO .....	20
Springfield, IL .....	320
Fort Worth, TX .....	185
Fort Wayne, IN .....	75
Raleigh, NC .....	125
Victoria, TX .....	260
Fort Smith, AR .....	350
Bangor, ME .....	450
Kalamazoo, MI .....	300
Newport News, VA .....	25
Montgomery, AL .....	200
Newark, NJ .....	250
Roswell, NM .....	25
Prescott, AZ .....	100
Greensboro, NC .....	35
Davenport, IA .....	75
Evansville, IN .....	75
Subtotal, detainee facilities .....	2,870
Minor Repairs .....	687
Security Equipment Maintenance .....	4,800
Security Engineering Services .....	700
Safety Program .....	3,100
Information Security, Personnel, Equipment, and Related Costs (Physical) .....	806
2006 National Security Survey .....	167
Total, USMS Security Equipment .....	13,130

The Committee expects to be consulted prior to any deviation from the above plan.

*Fugitive Apprehensions.*—The Committee has long supported the exceptional fugitive apprehension efforts of the USMS. For years, the Committee has provided increases in non-personnel expenses for those efforts, with the expectation that the USMS would match those increases with the necessary personnel to meet this mission. USMS, however, has repeatedly fought providing full base resources, the appropriated increases, and the necessary personnel for these programs. To prevent USMS from ignoring congressional intent again, this year the Committee recommendation provides full funding, including base resources and personnel expenses, for the fugitive apprehension programs as discussed in detail below.

*Regional Fugitive Task Forces.*—Over the past few years, the Committee has established and funded regional task forces in New York City, Los Angeles, Chicago, and Atlanta. Last year, the Committee established a fifth regional task force in the Washington, DC metropolitan area. These task forces shall be dedicated full-time to the pursuit of the most dangerous fugitives and operated as regional task forces administered by headquarters. The Committee recommendation includes \$22,918,000 for the following: (1) \$8,300,000 for base funding for the five existing task forces; (2) \$4,674,000 for base funding to fully annualize the 36 existing task force personnel; (3) \$5,664,000 and 41 positions for criminal investigators and support personnel to fully staff the five existing task forces; and (4) \$4,280,000 and 16 positions for salary, vehicles and equipment costs to create an additional task force. A total of \$2,000,000 of this increase shall be available for equipment, supplies and contracts for the new task force and in support of district task forces.

Of this amount, \$4,320,000 was requested under the Interagency Crime and Drug Enforcement account to increase the USMS participation in the Organized Crime and Drug Enforcement Task Forces [OCDETF]. The Committee, however, believes this funding would be better spent on a new regional task force which can work OCDETF as well as other fugitive apprehension cases, and therefore provides that increase herein.

*Technical Operations Group.*—The Technical Operations Group [TOG] provides surveillance, tracking and communications support necessary for the regional and district fugitive task forces to meet their missions. The Committee recommendation includes \$19,210,000 for TOG, including base resources for 53 positions, six new positions to support the new task forces, and training and equipment, including funding for surveillance vans and light aircraft, bucket trucks, a central signal collection system, secure communications equipment, various tracking systems, and night vision equipment. The Committee notes that two additional ESU positions are funded through the regional fugitive task forces.

*International Fugitives.*—The Committee recommendation includes \$7,762,000 for the international fugitive program, which includes base resources for six positions as well as non-personnel expenses to support the three existing offices in the Dominican Republic, Jamaica, and Mexico, funding for two new positions and non-personnel expenses to address the growing caseload in Mexico, and four new positions and non-personnel costs associated with

opening one new foreign office in the country with the greatest need.

*Analytical Support Unit.*—The Committee recommendation includes \$4,000,000 (excluding a \$500,000 transfer from the Justice Detainee Information System) to improve and maintain the Warrant Information Network and to continue subscriptions to various government and private networks and on-line services. The Committee recommendation also includes an additional \$449,000 for six positions for the analytical support unit to focus on analysis related to fugitive apprehensions.

*Special Operations Group.*—The Committee recommendation includes \$3,756,000 for the Special Operations Group, including \$2,835,000 in base resources, and an additional \$1,000,000 for position upgrades, equipment, and training.

*Base Resources.*—To ensure that critical accounts are not diverted, the Committee recommendation directs the USMS to provide the following base resources: \$150,000 for travel, supplies, contract services, and equipment for domestic investigations; \$150,000 for contract services for special deputations; \$50,000 for travel, supplies, contract support, training, and equipment for international investigations; \$159,000 for travel, supplies, and equipment for Interpol in Lyon, France, and Washington, DC; \$2,600,000 for support of the extradition program; \$500,000 for general support, the 15 Most Wanted, and major cases programs; and \$550,000 to establish a sufficient base for non-drug confidential source payments.

*Vehicles.*—To ensure the USMS properly manages its fleet, the Committee recommendation includes \$15,379,000 in base resources for vehicle purchases. This shall be treated as a permanent increase to the base. None of these vehicles are to be assigned to headquarters.

*Witness Security Program.*—The Committee recommendation includes \$1,922,000 to provide additional investigators to handle the increasing complexity and volume of protection services for witness and their families.

*Information Technology.*—The Committee recommendation includes \$1,478,000 for information technology [IT] upgrades, including \$478,000 for information technology security, and \$1,000,000 for the highest priority technology needs. The Committee directs USMS to submit a report to the Committees on Appropriations not later than March 1, 2005, on IT needs throughout USMS and a plan to address those needs, including funding requirements.

*Hazardous Response Unit.*—The Committee is aware that after September 11, 2001, the USMS determined a need for and activated, staffed, equipped, and trained a new unit, the Hazardous Response Unit [HRU]. However, the Committee has not received any requests for increases in funding to sustain this unit. Rather, the Committee believes resources have been diverted from core missions of the USMS to initiate a patch work approach to this new program activity. Under this model, HRU will not have sufficient resources to be fully operational and USMS programs will suffer. Until the USMS submits a plan to authorize and appropriate significant new funding for this activity, the Committee recommends the USMS establish a single, national Hazardous Response Coordinator to serve as a liaison to the many other Federal,

State, and local HRU units already performing these functions throughout the country. This will allow for all other personnel currently dedicated to this activity to return to the critical core missions of the USMS.

*High Threat Events.*—The Committee supports the use of existing resources to meet the needs of high threat events, subject to Section 605 of this Act.

*Construction.*—This subaccount includes \$10,096,000 for construction, relocations, and furniture at existing courthouses. Each year hereafter, not less than this level of funding shall recur for USMS construction and the USMS shall submit a list of projects for such funding to the Committees on Appropriations not later than 30 days after the date of enactment of this Act.

The Committee is aware that a national survey of Federal courthouses revealed that 95 percent of prisoner holding and transit facilities have serious security deficiencies. Of 392 courthouses surveyed: 84 percent lack enough courtroom holding cells; 78 percent do not have secure prison elevators; 74 percent do not have enclosed sallyports; 72 percent lack enough interview rooms; 57 percent do not have adequate cellblock space; and 38 percent lack cameras, monitors, and alarms.

The Committee is intent on remedying courthouse deficiencies overlooked by USMS for years before a tragedy occurs. The Committee recommendations, by project, are displayed in the following table:

USMS CONSTRUCTION

[In thousands of dollars]

	Committee recommendation
Construction:	
Grand Junction, CO .....	420
Springfield, IL .....	630
Fort Worth, TX .....	1,200
Fort Wayne, IN .....	150
Raleigh, NC .....	505
Sioux Falls, SD .....	400
Victoria, TX .....	10
Bangor, ME .....	880
Kalamazoo, MI .....	300
Newport News, VA .....	10
Montgomery, AL .....	30
Newark, NJ .....	400
Roswell, NM .....	400
Santa Fe, NM .....	600
Greensboro, NC .....	535
Evansville, IN .....	500
Lynchburg, VA .....	10
Eugene, OR .....	25
Springfield, MA .....	410
Los Angeles, CA [ESU] .....	392
Miami, FL .....	50
Washington, DC .....	50
Manhattan, NY .....	250
Chicago, IL [ESU] .....	452
Subtotal, construction .....	8,609
Minor repairs .....	531

USMS CONSTRUCTION—Continued  
[In thousands of dollars]

	Committee recommendation
Security specialist consultants/construction engineers .....	956
Total, USMS Construction .....	10,096

The Committee considers this an important step in reducing the backlog of critical security-related projects. As with courthouse security equipment, the Committee expects to be consulted prior to any deviation from the above plan.

FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES/CONSTRUCTION  
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2004 .....	\$4,518,743,000
Budget estimate, 2005 .....	5,058,921,000
Committee recommendation .....	4,990,728,000

The Committee recommends an appropriation of \$4,990,728,000. Combined with funding provided under the “Foreign Terrorist Tracking Task Force/Terrorist Threat Integration Center/Terrorist Screening Center” account, the recommendation is \$520,799,000 above the fiscal year 2004 funding level and \$3,723,000 below the budget request.

The 9/11 Commission Report provides a comprehensive review of the Federal Bureau of Investigation [FBI] along with a number of recommendations to improve the FBI’s intelligence and counterterrorism operations. The Committee has long been aware of and attempted to address many of the issues raised in the 9/11 Report.

This year, the Committee recommendation includes significant funding increases for the FBI’s intelligence and counterterrorism programs; breaks out funding from FBI’s salaries and expenses account for separate fusion centers, including the Terrorist Threat Integration Center [TTIC], the Foreign Terrorist Tracking Task Force [FTTTF], and the Terrorist Screening Center [TSC], which the 9/11 Commission Report recommends become part of the National Counterterrorism Center [NCTC]; and grows the Joint Terrorism Task Forces [JTTF] which take the lead in coordinating intelligence and counterterrorism information with headquarters and other Federal, State, and local law enforcement agencies. Also consistent with the 9/11 Commission Report, the Committee has repeatedly supported efforts by the FBI to centralize its intelligence, counterterrorism and counterintelligence programs at headquarters.

In addition, the Committee is aware that the 9/11 Commission recommends the FBI align its budget structure with its four main programs—intelligence, counterterrorism and counterintelligence, criminal, and criminal justice services—to improve transparency on program costs, management of resources, and protection of the intelligence program. As the Committee is not yet aware of the full



impact this change could have on the FBI, the Committee wants to review the proposal further. Therefore, based on the details provided herein, the Committee directs the FBI to provide a spend plan by prior year and proposed decision units to the Committees on Appropriations not later than 30 days after enactment of this Act.

*Workforce Allocation.*—Last year, the Committee recommendation directed the FBI to realign its resources to properly reflect the FBI's priority mission of counterterrorism. The Director's priorities clearly state that protecting America from terrorist attacks is the Bureau's highest priority. However, FBI's permanent assignment of agents does not seem to reflect this agency priority. For example, the Counterterrorism Division's [CTD] caseload exceeds CTD's workforce. Rather than transferring the permanent personnel and resources to CTD, the FBI has temporarily assigned personnel from other divisions, with the apparent expectation that those personnel would return to their originating divisions when the CTD work subsided or when the FBI received enough increases in funding to support its counterterrorism workload as well as that of its secondary missions. For 2 years following the September 11, 2001 terrorist attacks, the FBI temporarily assigned between 433 and 5,362 agents to CTD. Even with the significant enhancements provided to the FBI, the FBI still projects the need to temporarily assign 522 agents from other divisions to CTD in fiscal year 2004. The Committee has long believed that, first and foremost, the FBI should provide all necessary resources to its number one priority mission—counterterrorism—and should permanently assign the necessary personnel to CTD to meet that mission. The Committee again directs the FBI to permanently transfer the necessary personnel to CTD to meet its counterterrorism workload.

The Committee supports, however, the FBI's proposal this year to eliminate 2 lower-priority missions that fall within the jurisdiction of other agencies, enabling the Bureau to request additional enhancements for counterterrorism. While the Committee believes redirecting resources would be more effective than eliminating existing positions to create new ones (similar to the FBI's practice of cutting base programs only to request those cuts again as program increases), the Committee adopts the proposal. In addition, the Committee directs the FBI to submit a report to the Committees on Appropriations not later than March 30, 2005, listing missions of the FBI that fall within the jurisdiction of other Federal, State, and local law enforcement agencies, particularly those within DOJ, such as drugs, guns, explosives, gangs, and fugitives.

While supporting the significant and fundamental changes made within the FBI since September 11, 2001, the 9/11 Commission Report also raises concern about the FBI's ability to institutionally shift its focus to counterterrorism. The 9/11 Commission Report states, "[d]espite having found acceptance of the Director's clear message that counterterrorism is now the FBI's top priority, 2 years after 9/11 we also found gaps between some of the announced reforms and the reality in the field. We are concerned that management in the field offices still can allocate people and resources to local concerns that diverge from the national security mission. This system could revert to a focus on lower-priority criminal justice

cases over national security requirements.”. The Committee shares this concern and directs the FBI to submit a plan to the Committees on Appropriations, not later than March 20, 2005, that ensures FBI’s national priorities match the priorities and operations in all of the FBI’s field offices and resident agencies.

*Intelligence, Counterterrorism and Supporting Program Increases.*—The Committee recommendation includes \$1,756,109,000 for the FBI’s intelligence, counterterrorism and supporting programs, which is \$503,468,000 above the fiscal year 2004 funding level and \$134,788,000 above the budget request. Funding supports \$125,336,000 for all requested mandatory increases as adjusted by the FBI, and \$378,132,000 for program increases, including \$64,470,000 under a separate heading for the relocation of a portion of the Counterterrorism Division to the Terrorist Threat Integration Center and for the Terrorist Screening Center. Program increases include the following:

INTELLIGENCE, COUNTERTERRORISM AND SUPPORTING PROGRAM INCREASES

[In thousands of dollars]

Joint Terrorism Task Forces .....	134,788
Office of Intelligence .....	13,400
CT Headquarters Program Support .....	13,023
Computer Intrusion Program & Cyber Intelligence .....	24,683
Special Technologies & Application Section .....	27,249
Security Improvements .....	18,822
CT Field Investigations .....	38,131
Language Services .....	12,838
TS/SCI LAN Field .....	12,000
Electronic Surveillance Data Management System .....	3,500
Tactical Operations Support Center .....	2,000
Telecommunications Interception Collection Technology Unit .....	1,500
CT Construction .....	5,893
Replacement Vehicles .....	5,835
Subtotal .....	313,662

The Committee understands these program increases will not only support counterterrorism but also counterintelligence and other priority missions at the FBI.

*Office of Intelligence.*—The Committee commends the FBI for its efforts to enhance its intelligence processes, including creating the Office of Intelligence, separating that office from the Counterterrorism Division, and providing an Executive Assistant Director for Intelligence to oversee the office and institutionalize intelligence processes throughout the FBI. The Committee provides \$13,400,000 for the Office of Intelligence and directs the FBI to transfer existing resources to the office should additional resources be necessary, subject to section 605 of this Act.

*Joint Terrorism Task Forces.*—The Committee recommendation includes \$159,988,000 for the Joint Terrorism Task Forces [JTTF], including \$25,200,000 in base resources and an increase of \$134,788,000 to establish 12 new JTTFs, as well as expand and provide the necessary training, equipment, and infrastructure to meet the day-to-day needs of the existing task forces. This funding previously supported FBI’s participation in the Organized Crime

and Drug Enforcement Task Force [OCDETF] and has been redirected to support FBI's top priority mission of counterterrorism.

*Cyber Investigations.*—Of the increases provided for the counterterrorism program, \$51,932,000 supports cyber investigations. Of that amount, \$27,249,000 is for the Strategic Technologies & Application Section [STAS] to reduce the current backlog for technical analysis, sustain the expected level of effort required to handle the growing workload, respond to major cases and tasks, and stand up research and development capabilities to ensure the section can sustain its technical analysis capabilities in light of the rapidly evolving IT environment; and \$24,683,000 is for the Computer Intrusion Program and Cyber Intelligence to aggressively pursue computer intrusion matters and enable the FBI to develop a Cyber Intelligence and Action Program, including an Analysis Group to conduct a broad analysis of intelligence and investigative data.

In addition, the recommendation provides an increase of \$3,000,000 for the Innocent Images National Initiative [IINI] to expand field training programs, strengthen interagency partnerships with law enforcement partners, and provide increased operational support to the field. IINI is an intelligence-driven, proactive, multi-agency investigative initiative to combat the proliferation of child pornography/child sexual exploitation facilitated by an online computer. The IINI provides centralized coordination and analysis of case information that by its very nature is national and international in scope, requiring unprecedented coordination throughout the FBI, as well as with State, local, and international governments.

To enhance IINI's efforts, the Committee directs the FBI to consider emerging technologies that may help prevent and prosecute crimes against children and child exploitation through the internet, such as software to troll online venues and record evidentiary materials.

*Terrorist Financing.*—The 9/11 Commission Report indicated the funding sources for the 9/11 terrorist attacks remains largely unknown. The Committee recognizes that the Terrorism Financing Operations Section [TFOS] is a critical component of the FBI's counterterrorism program. TFOS tracks financial transactions and exploits financial information to identify terrorist cells, predict terrorist planning, and prevent potential terrorist acts. The Committee is aware of available software that seeks to track financial data streams and, in real time, may automatically notify analysts when designated transactions occur in the financial accounts of suspected terrorists. The FBI is directed to evaluate such software and report back to the Committee on its findings.

*Language Services.*—Language translation is a critical component for the FBI's intelligence counterterrorism and counterintelligence programs. As such, the Committee has provided an additional \$12,838,000 for the language translation program.

The Committee is aware of recent allegations of substandard wiretap translations as well as compromised information in the FBI's language translation program, either of which would have a detrimental impact on the FBI's counterterrorism and counterintelligence programs as well as national security in general. Therefore,

the Committee directs the FBI to submit a report, no later than April 15, 2005, outlining policies within the program that ensure such translations are of the highest quality and that classified information remains secure.

*Legal Attache Offices.*—The Committee is aware of the important role of the FBI's Legal Attache [Legat] offices, particularly with receiving and pursuing investigative leads in support of the war on terrorism. The Committee supports redirecting existing resources within the Legat program to create new offices that better meet the FBI's priority missions, subject to Section 605 of this Act.

*Counterintelligence Program.*—The United States is facing more complex threats to its people, information, and technology than ever before. Traditional notions of counterintelligence that focus on hostile intelligence services and theft of highly classified national defense information do not begin to cover the full range of threats that confront our most critical national interests. The United States is facing a growing challenge from non-traditional threats, including non-state actors, and there is a host of new sophisticated technologies and tools being deployed against the United States. In response, the FBI has centralized and strengthened its counterintelligence program. Centralization will ensure that the FBI has clear strategic objectives and is engaged in a cooperative and collaborative effort with other members of the Intelligence Community. The Committee has provided a number of increases that support the Counterintelligence Program, including funding for the Office of Intelligence, language services, TS/SCI LAN, and replacement vehicles. The Committee supports additional funding for this critical program and recommends the redirection of available resources from lower priority missions for that purpose, subject to Section 605 of this Act.

*Technology Investments.*—The Committee is aware that the FBI is in the process of creating an Office of the Chief Information Officer [CIO] to restructure, expand, and ultimately improve the information technology [IT] organization within the FBI. The recommendation includes \$30,000,000 within available resources to establish four new offices: (1) Office of Policy and Planning; (2) Office of Program Management; (3) Office of Systems development; and (4) Office of IT Operations, including funding for space, equipment, personnel, and related requirements, subject to Section 605 of this Act.

Within the resources provided, the Committee expects the Office of the CIO to support the Aurora effort, including the development of an enterprise architecture and a system integration and testing process that insures individual projects blend into a unified and functioning whole. While the Committee recognizes the CIO has already made improvements to FBI's IT management and programs, the Committee does not want to repeat past mistakes. Therefore, the Committee directs the Government Accountability Office [GAO] to review the bureau's management of its enterprise architecture effort, including its use of effective contractual controls and its approach to contractor tracking and oversight. In addition, the Committee directs GAO to review whether FBI's approach to developing its enterprise architecture is consistent with established best practices.

*Trilogy.*—The FBI's technology modernization program, Trilogy, including the Virtual Case File [VCF], has suffered a series of set backs since its inception. Trilogy has been plagued by cost growth, scheduling delays, management turnover and changes, and slow technical progress. Program costs are currently \$224,100,000 or 59 percent over the original cost estimate of \$379,800,000 and are expected to rise. Full Site Capability, completion of the hardware side of Trilogy, was delayed 6 months (21 months from the accelerated schedule) at a cost of \$22,900,000. Requirements and a schedule for VCF, the software side of Trilogy, are still being defined even though the original completion date was June 2004 and the accelerated completion date was January 2004.

The Committee recognizes that the FBI Director and the FBI's recently appointed CIO have made significant improvements since December 2003. FBI now has a clear line of command and accountability within program management. That management has frozen program requirements and, perhaps most significantly, has finally agreed to move from a "flash cutover" conversion, in which VCF would be rolled out to all users simultaneously, to an incremental deployment, which allows for a gradual and therefore smarter transition from the FBI's existing Automated Case Support [ACS] system.

Understanding the critical role Trilogy has and will play within FBI's operations, the Committee has provided over \$581,000,000 for the program over the past several years. To ensure discipline in the program, the Committee has recommended bill language establishing a total program cost cap at \$600,000,000, which should be more than sufficient to complete deployment of the system. The Committee directs the FBI to continue providing quarterly briefings and reports on Trilogy to the Committees on Appropriations.

*FBI DNA Laboratory.*—A May 2004, Department of Justice Inspector General [IG] Report entitled "The FBI DNA Laboratory: A Review of Protocol and Practice Vulnerabilities," found deficiencies in procedures at the FBI's DNA laboratory that could result in intentional or inadvertently compromised test results. The review followed the FBI's discovery 2 years ago that a lab biologist failed to create control samples, invalidating her DNA casework. The Report concluded that the work of lab staff members is not subjected to sufficient scrutiny by superiors and recommended training and management changes. The Committee directs the FBI to submit a follow-up report to the Committees on Appropriations detailing steps taken to meet the IG recommendations, including changes to training, management, and policies within the lab.

*Criminal Justice Information Services Division.*—The Committee recommendation includes \$379,952,000, including fee collections, for the Criminal Justice Information Services Division [CJIS]. The Committee does not adopt the FBI's proposal to reduce CJIS IT system maintenance budgets by \$3,000,000.

In December 2001, the FBI developed a technology refreshment plan for all CJIS systems to upgrade system architecture to ensure that the system does not become antiquated. The improvements include updating hardware and software systems that are approaching obsolescence. As in previous years, under no circumstances is the FBI to divert funding collected through the CJIS user fee for

any purpose other than CJIS, its refreshment plan, or a subsequent modernization plan for the current facility.

*Automated Biometric Identification System / Integrated Automated Fingerprint Identification System.*—The Committee recommendation includes an additional \$16,000,000 to support the integration of the Department of Homeland Security's [DHS] Automated Biometric Identification System [IDENT] and the FBI's Integrated Automated Fingerprint Identification System [IAFIS]. DHS is scheduled to deploy versions of IDENT/IAFIS at 477 Border Patrol Station and Inspection Port of Entry sites. Funding would upgrade, expand, and integrate IDENT/IAFIS system requirements and provide additional staffing to process the more than 20,000 transactions-per-day anticipated from the additional workload. The Committee believes IDENT/IAFIS should be a top priority for the Department of Justice, as discussed in a separate part of this recommendation, and directs the Department to submit a report to the Committees on Appropriations not later than April 5, 2005, on the existing capacity of IAFIS, the expected impact US VISIT may have on the system, and any additional costs necessary to increase IAFIS's capacity to meet that impact.

*User Fee.*—The Committee does not adopt the administration budget proposal to charge State and local law enforcement a fee for forensic analysis, training, and crime scene support, and is disappointed that the administration proposed to offset funding increases by increasing the funding burden on State and local law enforcement.

*Intellectual Property Rights.*—Industrial espionage, by both erstwhile friends and obvious foes, has become the growth industry in the counterintelligence world. The struggle for domination among major powers is now played out in largely economic terms. Ideas and innovation are the sinews of national strength. Within available resources, \$5,000,000 shall be available to combat industrial espionage and other threats to the intellectual property rights of manufacturers and researchers in the United States, subject to Section 605 of this Act.

*Records Management.*—The Committee is aware of the October 2002 site assessment that has been conducted for a proposed FBI Central Records Complex [CRC]. However, the Committee notes that the site-assessment report does not make a formal recommendation on the most appropriate location for the CRC, nor does it provide adequate information to determine the most suitable site for such a facility, particularly with regard to cost. Therefore, the Committee directs the FBI to undertake a comprehensive site-selection process to evaluate locations for a central records facility in low-cost regions within the Mid-Atlantic area. In conducting its assessment, the Department is instructed to take into special account existing FBI facilities on government-owned property for additional cost savings and economies of scale. In addition, the Committee directs that the study include the steps, procedures, and findings for the site selection; the cost estimate for building a new facility; a plan for funding the facility; and an expenditure plan for the \$10,000,000 that was included in the fiscal year 2004 Omnibus Appropriations bill for records management activities. Further, the Committee directs the FBI to evaluate locations for a

separate backup facility for the Criminal Justice Information Services Division [CJIS]. The Committee directs the FBI to provide the Appropriations Committee with a site-selection report for the Central Records Complex and separate CJIS backup facility no later than March 1, 2005.

*Construction.*—The recommendation includes a total of \$16,376,000 for construction, including \$1,242,000 in base resources for general operations and maintenance of FBI facilities, as well as an additional \$15,134,000, including \$5,893,000 credited to CT construction, for necessary renovations and operations and maintenance costs of the FBI Academy complex.

*Aviation Support.*—The Committee recommendation includes, within available resources, \$10,000,000 for the use of helicopters and other aviation needs, subject to Section 605 of this Act.

The Committee recommendation includes bill language changes to transfer \$2,863,000 to the Department of State for the Capital Security Cost Sharing Initiative to provide for safe and secure facilities for overseas, to cap the cost of FBI’s technology modernization program to ensure there is sufficient funding to research and develop emerging technologies, and to release funding provided in fiscal year 2004 for the aviation program.

FOREIGN TERRORIST TRACKING TASK FORCE/TERRORIST THREAT  
INTEGRATION CENTER/TERRORIST SCREENING CENTER

Appropriations, 2004 .....	\$60,949,000
Budget estimate, 2005 .....	56,349,000
Committee recommendation .....	120,819,000

The Committee recommends an appropriation of \$120,819,000. The recommendation is \$64,470,000 above the budget request.

This account funds the Foreign Terrorist Tracking Task Force [FTTTF], the Terrorist Threat Integration Center [TTIC], and the Terrorist Screening Center [TSC].

*FTTTF.*—The FTTTF is an independent, inter-agency data fusion operation working in cooperation with the FBI, but is not and shall not be a part of the FBI. The FTTTF stood up on an ad hoc basis after the terrorist attacks on September 11, 2001, and is charged with denying terrorists entry into the United States and locating, detaining, prosecuting, and deporting terrorists that have already entered the country. The FTTTF’s advanced networking capabilities are intended to eliminate the barriers that had led to past communications and information-sharing failures. Besides heavy Justice Department participation, Treasury, State, DOD, CIA, NSA, HHS, SSA, and OPM all have staff onboard.

The Committee recommendation includes \$56,349,000 for FTTTF. The Committee directs FTTTF to submit a report to the Committees on Appropriations not later than March 2, 2005, on FTTTF’s current roles and responsibilities, particularly in relation to the Terrorist Screening Center and TTIC.

*TTIC.*—TTIC is an independent agency that coordinates strategic analysis of threats based on intelligence from the FBI, CIA, DHS, DOD, and a number of other agencies. Analysts from each agency work side-by-side in one location to piece together the big picture of threats to the United States and our interests. TTIC analysts synthesize government-wide information regarding current ter-

rorist threats and produce the Presidential Terrorism Threat Report for the President. The FBI personnel at TTIC are part of the Office of Intelligence and work closely with analysts at Headquarters, who in turn develop appropriate collection tasking and pass them to appropriation Field Intelligence Groups [FIG] at each of the 56 field offices.

The Committee recommendation includes \$35,470,000 for the costs of co-locating a portion of the FBI's Counterterrorism Division at a facility with the CIA's Counterterrorist Center [CTC] and TTIC. The FBI shall submit a report to the Committees on Appropriations not later than February 15, 2004, on the number and nature of the personnel moving to this facility, a status report of the co-location, plans for any future moves to this facility, as well as plans for the vacated space in headquarters and the impact that vacated space will have on the FBI's "space crisis."

*TSC.*—The recommendation includes \$29,000,000 for nonpersonnel expenses related to TSC. TSC is a multi-agency effort with the primary purpose of coordinating and consolidating information on known or suspected terrorists from TTIC, the FBI, and other Federal agencies into a single database. The database will be used to screen for terrorists as part of certain activities, such as the review of visa applications. TSC is staffed by members from FBI, CIA, the Department of State, the Department of Homeland Security, and other Government agencies.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2004 .....	\$1,584,477,000
Budget estimate, 2005 .....	1,661,503,000
Committee recommendation .....	1,645,027,000

The Committee recommends an appropriation of \$1,645,027,000. The recommendation is \$60,550,000 above the fiscal year 2004 funding level and \$16,476,000 below the budget request.

The Committee has expressed concern over the proposal to collapse decision units throughout the Department because of the significant latitude DOJ would gain in moving funding from one program to another. The Department claims, however, the proposed consolidation would significantly improve their business operations without hampering Congressional reporting and accountability. The Committee is willing to consider the proposal. Accordingly, the Committee adopts the Drug Enforcement Administration's [DEA] proposal to consolidate its decision units from ten to three as a pilot for the rest of the Department. Based on the details provided herein, the Committee directs DEA to provide a spend plan by the proposed 3 decision units to the Committees on Appropriations not less than 30 days after enactment of this Act. To measure the impact of this change, DEA is directed to provide quarterly reports to the Committees on Appropriations of its obligations by prior year as well as proposed decision units.

*Priority Targeting.*—The Committee commends DEA's efforts to focus on disrupting and dismantling priority targets that represent



the “Most Wanted” drug supply and money laundering organizations believed to be primarily responsible for the Nation’s illicit drug supply. To further such efforts, the Committee recommendation includes an additional \$18,108,000 for 97 additional positions for key investigative and infrastructure enhancements, including: \$3,000,000 for the Special Operations Division; \$4,047,000 and 3 positions for Investigative Technology Support; \$1,173,000 and 9 positions for Computer Forensics Support; \$1,000,000 for Aviation Support; and \$8,888,000 for 85 positions for investigative and administration support.

*Concord.*—Like other Federal law enforcement agencies, DEA has 60 separate information technology [IT] systems that must be mined separately for information, which is time intensive and inefficient. DEA, however, has found a reasonable solution. Since 1997, DEA has used base funding to determine the IT needs of field agents and support staff and to develop a prototype solution, which has since been named “Concord”. Concord will upgrade DEA’s applications and create one web browser to access all data. DEA has followed standard business practices by piloting the program and incrementally delivering solutions. The Committee commends DEA’s efforts and includes an additional \$8,530,000 for Concord to develop and deploy software programs and enhance the infrastructure to support a number of business functions, including case investigation, investigation support, evidence management, and information technology support.

*El Paso Intelligence Center.*—The El Paso Intelligence Center [EPIC] Information System [EIS] is a database system comprised of tactical intelligence information from 25 distinct Federal, State, and commercial databases. Law enforcement officers, however, must go through a call center rather than access that information directly. Through EPIC’s Open Connectivity Project, Federal, State, and local law enforcement officers will be able to send queries to EPIC via a secure internet connection and receive responses almost instantly. The Committee recommendation includes an additional \$4,837,000 to standardize and upgrade EIS technology infrastructure to convert EIS to a web-based infrastructure to allow direct, timely, and secure Internet access to this information.

*Proposed Offsets.*—The Committee recommendation includes the administration’s proposed offsets for the Riverine Program, the transfer of the Drug and Chemical Diversion Control Decision Unit, and the annualization of the pay raise. The Committee recommendation does not adopt the proposal to charge the District of Columbia Metropolitan Police Department [MPD] for forensic services, and is disappointed that the administration proposed to offset funding increases by increasing the funding burden on State and local law enforcement.

*International Training.*—In the past, DEA’s international counter-narcotics training for foreign narcotics law enforcement officers has been funded through a Memorandum of Understanding with the Department of State. The Committee encourages DEA to work with the Department of State to resolve any concerns regarding reimbursements for this program.

The Committee supports DEA’s request for an additional mobile training team in support of the Sensitive Investigative Unit pro-

gram and directs DEA to provide existing overseas resources for that purpose, subject to Section 605 of this Act.

*Demand Reduction Program/Integrated Drug Enforcement Assistance.*—Through the Demand Reduction Program and Integrated Drug Enforcement Assistance [IDEA], the DEA provides outreach to local communities to ensure effective programs are in place to enhance enforcement and prevention. The agency’s Demand Reduction Program is unique in that it does not conduct research or disburse grants. Rather, the program provides a Demand Reduction Coordinator to work directly with local communities, offering support in the development of drug prevention and education programs. Similarly, IDEA is a coordinated anti-drug initiative that combines law enforcement with long-term community follow-up to reduce drug demand. The plan involves assisting local communities with the formation of a coalition designed to reduce demand through prevention, education and treatment. The Committee acknowledges the success of the Demand Reduction Program and the IDEA initiative and recommends \$8,891,000 for these two programs.

*Drug Diversion Control Fee Account.*—The Committee has provided \$154,216,000 for DEA’s Drug Diversion Control Fee Account [DCFA]. The recommendation is \$35,655,000 over the fiscal year 2004 funding level and equal to the request. Of that amount, \$11,711,000 is to improve and modernize customer service and e-commerce; \$3,482,000 is for the Internet Online Investigations Project; \$659,000 is to enhance DEA’s ability to respond to the regulated community and improve the management and financial accountability of resources; and \$15,773,000 supports the Drug and Chemical Diversion Control Decision Unit, previously funded under salaries and expenses, to simplify financial management issues and ensure a stable source of funding for the Program.

The Committee recommendation includes bill language changes to transfer \$10,153,000 to the Department of State for the Capital Security Cost Sharing Initiative to provide for safe and secure facilities for overseas, increase representational funds to properly support DEA’s international and domestic cooperative activities, provide greater flexibility for programs that are multi-year in nature, and enable DEA to use unobligated balances for a Clandestine Laboratory Training Facility.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$827,289,000
Budget estimate, 2005 .....	868,857,000
Committee recommendation .....	890,357,000

The Committee recommends an appropriation of \$890,357,000. The recommendation is \$63,068,000 above the fiscal year 2004 funding level and \$21,500,000 above the budget request. The recommendation does not include the proposed rescission of \$1,500,000.

The ATF is responsible for enforcing Federal laws relating to alcohol, tobacco, firearms, explosives, and arson and regulations relating to firearms, explosives and arson.

*Safe Explosives Act.*—The Homeland Security Act of 2002 includes a provision, known as the Safe Explosives Act, that amends Title XI of the Organized Crime Control Act of 1970. The Safe Explosives Act requires that all persons who wish to obtain explosives, even for limited use, must obtain a Federal license or permit and restricts the ability of felons and other prohibited persons from receiving or possessing explosive materials. The Act also increases qualifications for licensing and permits to include fingerprints, photographs, and identifying information to conduct criminal history background checks on all applicants. As the law enforcement agency with the most training and experience with explosives, ATF is charged with implementing and enforcing this Act.

There has been a large increase in the criminal misuse of explosives, much of which has led to or resulted in acts of terrorism. Therefore, the Committee recommendation includes \$17,113,000 for the creation and operation of four specialized explosives groups. These groups shall be strategically located throughout the United States based on a thorough threat and workload assessment conducted by the Bureau. These groups will be responsible for investigating the misuse and trafficking of explosives, increasing inspection efforts for high-risk explosives licensees, and increasing forensic support to explosives investigations with the goal of proactively preventing explosives crimes and acts of terrorism.

*Project Safe Neighborhood/Youth Crime Interdiction Initiative.*—The Committee recommendation includes \$16,182,000 to enhance the Project Safe Neighborhood/Youth Gun Crime Interdiction Initiative [YCGII]. This additional funding will allow the program to expand to 20 additional cities.

*Access 2000 Program.*—The Committee is aware that the Access 2000 program was initiated by ATF to improve the efficiency of and reduce the costs associated with firearms tracing incurred by Federal Firearms Licensees [FFLs]. ATF and FFL importers, manufacturers, and wholesalers form a partnership in this effort. FFLs take their data from their mainframe computer and import the data into a stand-alone server provided by the ATF. The National Tracing Center [NTC] is connected to this server remotely by secure dial-up and obtains information on a firearm that is subject to a firearms trace. The Committee supports this program, which reduces administrative burdens from the FFL and allows the ATF around the clock access to the records. The ATF currently has 36 Access 2000 partners. This Committee encourages the ATF to place more emphasis on this program and expand the number of partners to the greatest extent possible.

*Special Response Teams.*—The Committee is aware of the extremely important role Special Response Teams [SRT] play in the enforcement of our Nation's laws. The Bureau has four teams organized throughout the United States. Due to the personnel limitations within the Bureau, the four SRTs are predominately made up of special agents that maintain a full case load on the street and train to maintain the highly specialized skills required to qualify for an SRT position. The Committee lauds these special agents and the extraordinary dedication to the mission of the ATF they display in order to ensure these teams are effective, safe, and successful. The Committee also acknowledges the outstanding service the

unique human scent/tactical K-9 program has provided in support of the Special Response Teams. The Committee urges the ATF to train at least two additional K-9s so as to equip each SRT with full time support.

The Committee recommendation includes new bill language transferring \$106,000 to the Department of State for the Capital Security Cost Sharing Initiative to provide for safe and secure United States diplomatic facilities overseas.

*Conversion of Records.*—The Committee recognizes the need for the ATF to begin converting tens of thousands of existing Federal firearms dealer out-of-business records from film to digital images at the ATF National Tracing Center [NTC]. Once the out-of-business records are fully converted, the search time for these records will be reduced to an average of 5 minutes per search from the current average of 45 minutes per search. This significant time savings will ultimately reduce overall costs and increase efficiency at the NTC. Therefore, the Committee recommendation includes \$4,200,000 for the ATF to hire additional contract personnel to begin this conversion.

#### FEDERAL PRISON SYSTEM

The Committee recommends a total of \$4,820,089,000 for the Federal Prison System [BOP]. The recommendation is \$8,868,000 above the fiscal year 2004 funding level and \$110,428,000 above the budget request.

#### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$4,414,313,000
Budget estimate, 2005 .....	4,706,232,000
Committee recommendation .....	4,627,696,000

The Committee recommends an appropriation of \$4,627,696,000. The recommendation is \$213,383,000 above the fiscal year 2004 funding level and \$78,536,000 below the budget request. This recommendation shall be expended in the following manner:

#### SALARIES AND EXPENSES

[In thousands of dollars]

Inmate Care and Programs .....	1,703,235
Institution Security and Administration .....	2,168,212
Contract Confinement .....	586,948
Management and Administration .....	169,301
Total, Salaries and Expenses .....	4,627,696

*Activation of New Prison Facilities.*—The Committee recommendation includes funding for the activation of 12 new facilities, which will add 13,952 beds. This Committee defines “activation” as open and receiving prisoners.

#### ACTIVATION OF NEW PRISON FACILITIES

[In thousands of dollars]

Victorville, CA FCI (1,152 beds) .....	35,055
Williamsburg, SC FCI (1,280 beds) .....	34,456
Forrest City, AR FCI (1,152 beds) .....	32,892

## ACTIVATION OF NEW PRISON FACILITIES—Continued

[In thousands of dollars]

Canaan, PA USP (1,088 beds) .....	35,299
Hazelton, WV USP (1,088 beds) .....	41,000
Herlong/Sierra, CA FCI (1,280 beds) .....	34,833
Yazoo City, MS FCI (1,152 beds) .....	51,297
Bennettsville, SC FCI (1,280 beds) .....	43,158
Terre Haute, IN USP (960 beds) .....	35,043
Coleman, FL USP (960 beds) .....	23,509
Beckley, WV FCI (1,280 beds) .....	41,000
Gilmer, WV FCI (1,280 beds) .....	41,000
Total, Activations (13,952 beds) .....	448,542

The Committee directs the Bureau of Prisons to move forward with the Mid-Atlantic prison at Hazelton, West Virginia, for which \$5,000,000 was made available in the fiscal year 2001 Omnibus Act for site investigation and planning activities.

*Female Inmates.*—The Committee understands the BOP is working on a long-term plan for housing female inmates which has been requested previously. The BOP shall report the details of this plan to the Committees on Appropriations within 30 days of enactment of this Act.

The Committee commends the BOP on its work to address and prevent sexual misconduct. With funds provided in earlier appropriations Acts, the National Institute of Corrections has made useful progress in providing training and technical support to correctional systems throughout the country to eliminate staff sexual misconduct with inmates, training in investigating cases, and training “trainers” in order that employees at every level will be more aware of, and better prepared to deal with, these cases. The Committee directs the BOP to continue these efforts and to report to the Committee by March 31, 2005 on progress made in this area.

*Bed Space Requirements.*—The Committee has provided an increase of \$8,000,000 for meeting bed space demands through the use of private sector contract confinement.

*Joint Bureau of Prison/Judiciary Pilot Program.*—To promote fiscal best practices through cost efficient rededication of government resources, the Bureau of Prisons shall implement a pilot program in the Southern District of Florida which would allow the Federal Public Defender to transfer government computers to the local detention facility for use by indigent defendants to review electronic discovery. These computers will be dedicated to indigent defense matters according to schedules and protocols developed by the staff of the local facility in consultation with the Federal Defender and the District Court’s Criminal Justice Act Selection Committee.

*Medical Records System.*—The Committee is aware that the Bureau of Prisons uses an antiquated non-digitized medical records system that suffers from a lack of continuity of information as prisoners are transferred among various facilities. The Committee requests the Department to examine the costs, benefits, risks, and potential savings from improving their medical record system, including an analysis of using commercially available software. The

Committee directs the Department to issue a report on their findings no later than 90 days after the enactment of this bill.

BUILDINGS AND FACILITIES

Appropriations, 2004 .....	\$393,515,000
Budget estimate, 2005 .....	.....
Committee recommendation .....	189,000,000

The Committee recommends a total of \$189,000,000 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners. The recommendation is \$204,515,000 below the fiscal year 2004 funding level and \$189,000,000 above the budget request.

The Committee continues to strongly support the BOP’s construction program, which is designed to provide sufficient inmate beds to manage overcrowding in facilities and maintain them in a safe and secure manner for staff, inmates and surrounding communities.

The Committee recommendation includes funding for facilities with prior year funding as follows:

BUILDINGS AND FACILITIES  
[In thousands of dollars]

Mendota, CA .....	52
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The Committee denies the decreases to activations and new construction as proposed in the fiscal year 2005 budget request. The Committee reiterates the direction in the conference report to the fiscal year 2004 Appropriations Act that, “No funds appropriated for the Federal Prison System in this or prior Appropriations Acts for the construction of new facilities may be rescinded or cancelled.” The BOP shall move forward with all current projects as planned. The BOP shall comply with this direction in all future budget submissions. Bill language is included clarifying that the BOP may not transfer Building and Facilities appropriations to cover Salaries and Expenses costs.

FEDERAL PRISON INDUSTRIES, INCORPORATED  
(LIMITATION ON ADMINISTRATIVE EXPENSES)

Appropriations, 2004 .....	\$3,393,000
Budget estimate, 2005 .....	3,429,000
Committee recommendation .....	3,393,000

This Committee recommends a limitation on administrative expenses of \$3,393,000 for the Federal Prison Industries, Inc. The recommendation is identical to the fiscal year 2004 funding level and \$36,000 below the budget request.

The Committee continues to strongly support Federal Prison Industries [UNICOR] and recognizes its importance in the efficient and safe management of Federal prisons. UNICOR provides prison inmates with the opportunity to learn important work habits, participate in meaningful employment which keeps them productively occupied during work hours, and develop improved job skills which

reduces recidivism. The Committee also recognizes the necessity for UNICOR to grow as the inmate population increases.

OFFICE OF JUSTICE PROGRAMS

Appropriations, 2004 .....	\$3,114,907,000
Budget estimate, 2005 .....	1,763,865,000
Committee recommendation .....	2,575,332,000

The Committee recommends an appropriation of \$2,575,332,000 for the Office of Justice Programs [OJP]. The recommendation is \$811,467,000 above the budget request.

The Committee continues to be concerned with the merger of the Byrne Grant program and Local Law Enforcement Block Grant program at a significantly reduced funding level.

JUSTICE ASSISTANCE

Appropriations, 2004 .....	\$188,124,000
Budget estimate, 2005 .....	1,710,664,000
Committee recommendation .....	210,875,000

The Committee recommends an appropriation of \$210,875,000. The recommendation is \$22,751,000 above the fiscal year 2004 funding level and \$1,499,789,000 below the budget request.

The Committee recommendations are displayed in the following table:

JUSTICE ASSISTANCE  
[In thousands of dollars]

	Committee recommendation
National Institute of Justice .....	63,350
Office of Science and Technology .....	[20,000]
The National Law Enforcement and Corrections Technology Centers .....	[21,000]
Social Science Research and Evaluation .....	[10,000]
Counterterrorism Research and Development .....	[7,000]
Bureau of Justice Statistics .....	40,125
Missing Children .....	42,400
Regional Information Sharing System .....	40,000
Management and Administration .....	25,000
<b>Total, Justice Assistance .....</b>	<b>210,875</b>

*National Institute of Justice.*—The Committee is concerned with National Institute of Justice’s [NIJ] current staffing levels. The Committee understands the current staffing level is 75 of the 84 authorized. The Committee directs NIJ to submit monthly staffing reports, as well as a management plan for the hiring and retention of staff, within 90 days of the enactment of this Act.

*Office of Science and Technology.*—The Committee continues to support the efforts of the leadership of the NIJ’s Office of Science and Technology [OS&T] and the continuing partnership that OS&T has developed with the National Institute of Standards and Technology [NIST]. To implement the mission of OS&T, the Committee recommends \$20,000,000 for OS&T, of which \$3,000,000 is provided for the Advanced Generation of Interoperability for Law Enforcement [AGILE].

*Counterterrorism Research and Development.*—The Committee recommends \$7,000,000 for counterterrorism research and development. The Committee understands that NIJ is collaborating with many partners, including technical working groups and other Federal agencies. The Committee directs NIJ to submit a spending plan to the Committees on Appropriations, within 90 days of the enactment of this Act.

*National Law Enforcement and Corrections Technology Centers.*—The National Law Enforcement and Corrections Technology Centers [NLECTC] have served a vital role for State, and local law enforcement and corrections communities by responding to the needs of the justice community through transferring, introducing, and implementing technologies; assisting in the development and dissemination of guidelines and technological standards; and providing technology assistance, information, and support for law enforcement, corrections, and criminal justice purposes. The Committee continues to strongly support the NLECTC system run by the NIJ and therefore recommends \$21,000,000 to continue its efforts. Of the amount provided, the Committee directs that funds be distributed to the Centers in the following manner:

THE NATIONAL LAW ENFORCEMENT AND CORRECTIONS TECHNOLOGY CENTERS  
[In thousands of dollars]

	Amount
Northeast Regional Center .....	3,000
Southeast Regional Center .....	3,000
Rocky Mountain Regional Center .....	3,000
Western Regional Center .....	3,000
National Center .....	3,000
Northwest Center .....	3,000
Technology Specialty Centers .....	3,000
Total, Regional and Specialty Centers .....	21,000

The Committee understands NIJ has proposed a management plan which realigns NLECTC activities to reflect the research and development cycle used throughout the Federal Government and NIJ. The proposed goal of this management plan is to provide a greater role in: (1) developing operational requirements for technology development programs; (2) testing and evaluating technology solutions against operational requirements and for effectiveness in practice; and (3) supporting the adoption of emerging technologies by law enforcement, corrections, and forensic science practitioners. NIJ is directed to submit to the Committees on Appropriations this new management plan within 60 days of the enactment of this Act. Further, NIJ is not to implement any changes outlined in the plan until the plan has been submitted to and reviewed by the Committees on Appropriations.

In addition to the above activities, within the amounts provided, NIJ is to provide grants for the following projects:

- \$4,500,000 for the National Crime Prevention Council (McGruff Program); and
- \$850,000 for the Mistral Security Non-Toxic Drug Detention and Identification Aerosol Technology.



*Bureau of Justice Statistics.*—The Committee recommends an appropriation of \$32,125,000 for the Bureau of Justice Statistics [BJS] which is identical to the fiscal year 2004 appropriation. Of the funds provided for BJS, \$2,000,000 shall be utilized for the National Crime Victimization Survey [NCVS] conversion. This funding supports the continuation of converting the NCVS from primarily a paper and pencil [PAPI] operation to a fully automated data collection operation.

*Victim Notification System.*—The Committee understands that the Crime Victims Fund provides \$5,000,000 for the Executive Office of the United States Attorneys to operate a Victim Notification System for crimes being prosecuted by the Federal Government. The Committee recommends \$8,000,000 for the Bureau of Justice Assistance to launch a new grant program for States automated victim notification programs. No funding can be utilized from the Victims Assistance Program for this initiative and funds provided under this heading require a 50 percent match from State, local, or private sources.

*Missing Children Program.*—The issue of child exploitation has been raised to the forefront of the national conscience due to the strings of child pornography and missing children cases that have been highlighted in the media over the last few months. The Committee continues to strongly support the Missing and Exploited Children Program run by the Bureau of Justice Assistance. The Committee recommends \$42,400,000 to continue and expand efforts to protect the Nation's children, especially in the areas of locating missing children, and to address the growing wave of child sexual exploitation found on the Internet.

Within the amounts provided, the Committee recommends the following:

(1) \$12,500,000 for the Internet Crimes Against Children [ICAC] Task Forces. Policing of cyberspace presents new and unique challenges for American law enforcement. Cyberspace is an arena where traditional boundaries are ignored and the usual constraints of time, place, and distance lose their controlling influence. The Committee strongly supports the efforts of the ICAC Task Forces in encouraging communities to adopt multidisciplinary, multi-jurisdictional responses to Internet crimes against children. Further, the Committee commends the level of commitment to these task forces by the Administrator of the Office of Juvenile Justice and Delinquency Prevention;

(2) \$26,900,000 for the National Center for Missing and Exploited Children [NCMEC]. The NCMEC is the clearinghouse and national resource center regarding the issue of missing and exploited children. Of the funds appropriated for the NCMEC, \$1,000,000 is for NCMEC's Lost Child Alert Technology Resource [LOCATER] program; \$2,250,000 is for NCMEC's NETSMARTZ program; \$1,650,000 is for the expansion and enhancement of the Child Recognition and Identification System [CRIS]; and \$2,000,000 is for NCMEC's Team Adam initiative; and

(3) \$3,000,000 for the Jimmy Ryce Law Enforcement Training Center.

*Regional Information Sharing System.*—The Committee recommends an appropriation of \$40,000,000. The Committee strongly

supports the Regional Information Sharing System’s [RISS] leadership role in implementing the National Criminal Intelligence Sharing Plan. In particular, the Committee is pleased with RISS’s efforts in promoting collaboration between Federal, State, and local agencies through information sharing, especially in the exchange of antiterrorism information. Furthermore, the Committee commends support provided by BJA for RISS.

*Management and Administration.*—The Committee recommends an appropriation of \$25,000,000 for the management and administration of OJP’s programs. This appropriation reflects a \$10,000,000 reduction due to the transfer of the Office of Violence Against Women [OVW] out of OJP.

The Committee directs OJP to submit a financial plan to the Committees on Appropriations outlining their reimbursable agreement with OVW within 60 days of the enactment of this Act.

The Committee understands that OJP processes Office of Domestic Preparedness [ODP] grants. The Committee directs OJP to submit a report to the Committees on Appropriations regarding the administrative charges it collects from ODP as well as those collected from the processing of grants for any other agency outside of the Department of Justice, no later than 60 days after the enactment of this Act. Also, the Committee directs OJP to submit a financial plan to the Committees on Appropriations, within 60 days of the enactment of this Act, outlining the level of funding individual programs will be contributing for management and administration.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Appropriations, 2004 .....	\$1,335,971,000
Budget estimate, 2005 .....	
Committee recommendation .....	1,117,919,000

The Committee recommends an appropriation of \$1,117,919,000. The recommendation is \$1,117,919,000 above the budget request.

The Committee recommendations are displayed in the following table:

STATE AND LOCAL LAW ENFORCEMENT

[In thousands of dollars]

	Committee recommendation
Local Law Enforcement Block Grant .....	150,000
Boys and Girls Clubs .....	[85,000]
Law Enforcement Technology .....	[10,000]
State Criminal Alien Assistance Program .....	250,000
Southwest Border Prosecutor Initiative .....	[30,000]
Indian Assistance .....	18,000
Byrne Grants:	
Formula .....	500,000
Discretionary .....	117,969
Drug Courts .....	40,000
Residential Substance Abuse Treatment .....	25,000
Safe Return Program .....	850
Law Enforcement Family Support Programs .....	2,000
Senior Citizens Against Marketing Scams .....	2,000
Motor Vehicle Theft Prevention .....	100
State and Local Training .....	1,000

## STATE AND LOCAL LAW ENFORCEMENT—Continued

[In thousands of dollars]

	Committee recommendation
State and Local Anti-Terrorism Training [SLATT] .....	11,000
Total, State and Local Law Enforcement Assistance .....	1,117,919

*Indian Country Grants.*—The recommendation provides \$18,000,000 for Indian Country grants. As in past years, the Committee acknowledges the success that the Comprehensive Indian Resources for Community Law Enforcement [CIRCLE] initiative is having and urges the Department to continue to work on ways to expand CIRCLE.

Within the amount provided, the Committee directs that a grant be provided for the following prison construction project:

- \$400,000 to the Sisseton Wahpeton Sioux Tribe, Agency Village, South Dakota for the planning and design of a new detention facility.

*Edward Byrne Grants to States.*—Within the amount provided for Byrne discretionary grants, the Committee expects the Bureau of Justice Assistance to review the following proposals and provide grants if warranted:

- \$700,000 for the Alabama Bureau of Investigation's Missing Children's Program;
- \$1,000,000 for the Alaska Native Justice Center restorative justice programs;
- \$2,000,000 for the Alaskan Rural Prosecution Unit;
- \$1,100,000 for the Alcohol Interdiction in Alaska for bootlegging crimes;
- \$500,000 for the Arkansas Wireless Information Network;
- \$400,000 for the Arlington, VA, County Sheriff's Office for a pilot program to test a geo-location network;
- \$1,500,000 for the Baltimore City Operation Safe Streets;
- \$350,000 for the Biloxi, MS, Police Department Technical Bomb Squad;
- \$300,000 for the Oglala Sioux Tribe judicial system in Pine Ridge, SD;
- \$250,000 for the Carbon County Drug Enforcement, UT;
- \$950,000 for the Chicago Project for Violence Prevention to expand Ceasefire;
- \$500,000 for the Center for Behavioral Health Research [CABHR] Jail Initiative, WI;
- \$750,000 for the Center on Domestic Violence at CU—Denver, CO;
- \$700,000 for the Charleston, SC, County Visual Technologies;
- \$150,000 for the technology and equipment for the Cheyenne River Sioux Tribe Police Department in Eagle Butte, SD;
- \$2,000,000 for the Child Safe Personalized Weapon, New Jersey's Institute of Technology;
- \$2,800,000 for the City of North Charleston, SC, Law Enforcement Training Center;
- \$230,000 for the City of Philadelphia's Operation Safe Streets;

- \$100,000 for the City of Xenia, OH, Police Division Internet Child Protection Unit;
- \$3,900,000 for the Consolidated Advanced Technology Laboratory at UNH;
- \$1,000,000 for the Dispute Resolution program at Faulkner University, AL;
- \$300,000 for the Family Re-Entry, Inc., prisoner reentry pilot program in Bridgeport, CT;
- \$750,000 for the Fort Bend and Harris County, TX, Anti-Drug Initiative;
- \$500,000 for the further testing and evaluation of TACSCAN system;
- \$150,000 for the Hampshire County, MA, Triad;
- \$550,000 for the Henderson Emergency Operations Center, NV;
- \$765,000 for the Highway Interdiction Team, IA;
- \$890,000 for the Holyoke Community College, information security system;
- \$650,000 for the National Center for Victims of Crime and INFOLINK;
- \$250,000 for the Pacific Institute for Research and Evaluation [PIRE];
- \$10,000,000 for the Institute for Security Technology Studies, NH;
- \$1,500,000 for the Center for Task Force Training;
- \$2,250,000 for the Jackson, MS, Public Safety Automated Technologies—Equipment;
- \$500,000 for the Kansas City Swope Parkway, MO;
- \$500,000 for the University of Nebraska at Kearney Polygraph Credibility Project;
- \$400,000 for the Leadership Institute in Judicial Education, University of Memphis;
- \$1,250,000 for the Clearwater Economic Development Association, ID, for the Idaho-Montana Lewis and Clark Bicentennial Bi-State Safety Project;
- \$1,000,000 for the Mental Health Courts;
- \$1,200,000 for the Methamphetamine Jail Treatment, IA;
- \$100,000 for the Millerstown Borough Police Department, Perry County, PA;
- \$950,000 for the Milwaukee Co., WI Judicial Oversight Demonstration Initiative;
- \$500,000 for the Milwaukee, WI, Community Partners;
- \$700,000 for the Alabama Bureau of Investigation's Missing Children Program;
- \$1,000,000 for the Mississippi State University—Computer Crime Prosecution Initiative;
- \$200,000 for the Montana Family Drug Court and Juvenile Drug Courts;
- \$4,750,000 for the National Advocacy Center/National District Attorneys Association;
- \$150,000 for the National Association of Promoting Success;
- \$2,000,000 for the Southeast National Law Enforcement and Technology Center for incident mapping and analysis program;

- \$3,300,000 for the Monterey County, California, Street Violence and Anti-gang Project;
- \$3,000,000 for the National Fatherhood Initiative;
- \$180,000 for the National Megan’s Law Helpline;
- \$150,000 for the Native Americans Into Law Program;
- \$650,000 for the New Hampshire Cyber Crime Initiative;
- \$500,000 for the New School University’s Institute for Legislative Drafting;
- \$1,000,000 for the National Child Protection Training;
- \$51,000 for the NH Dept of Safety evidence storage expansion;
- \$250,000 for the NH Police Standards and Training distance learning expansion;
- \$425,000 for the Oglala Sioux Tribe Judicial System operations;
- \$1,500,000 for Operation Streetsweeper;
- \$500,000 for the New Orleans District Attorney’s Office for system upgrades;
- \$250,000 for the Partners for Downtown Progress, AK;
- \$150,000 for the Phoenix House Treatment Center, MA;
- \$350,000 for the Turtle Mountain Community College, ND, Project Peacemaker;
- \$3,000,000 for the Public Private Ventures, of which \$1,000,000 is for the National Center on Neighborhood Enterprise, of which up to 5 percent may be used by Public Private for the purpose of enhanced Accountability and rigorous evaluation of the Violence Free Zone project;
- \$500,000 for the Reducing Family Violence through Workplace Interventions, University of Arkansas;
- \$500,000 for the Rhode Island Family Treatment Drug Court program;
- \$1,000,000 for the Ridgeland Police Department radios and equipment;
- \$750,000 for the Rosebud Sioux Tribe, SD, Judicial System operations;
- \$850,000 for the San Diego, CA, Crisis Intervention Response Teams;
- \$2,000,000 for SEARCH Technical Assistance;
- \$14,593,000 for the South Carolina Judicial Department case docket system;
- \$200,000 for the South Central Alaska Search and Rescue Training Project for the Alaska Police Department;
- \$200,000 for the South Dakota Network Against Family Violence & Sexual Assault;
- \$210,000 for the Alaska Statewide DARE coordinator and implementation of new DARE curriculum;
- \$150,000 for equipment for the Tchula, MS, Police Department;
- \$640,400 for technology improvements at NH Department of Motor Vehicles;
- \$4,000,000 for the continuation of the J-ONE information sharing system in NH;
- \$900,000 for the Texas Medical Center in Houston, TX, Emergency Operations Center;
- \$400,000 for the Bodega Association of NYC;
- \$2,000,000 for the Tools for Tolerance Program, NY;

- \$750,000 for the University of Connecticut Breaking the Cycle of Behavioral Health Problems and Crime study;
- \$65,000 for the University of Delaware Center for Drug and Alcohol Studies to conduct a statewide survey of delinquent and high risk behaviors;
- \$1,500,000 for the University of Kentucky Rural Drug Prosecution Assistance Project;
- \$700,000 for the University of Louisville Effects of Collaboration Team Intervention on Child Well Being;
- \$3,300,000 for the University of Mississippi National Center for Justice and the Rule of Law;
- \$500,000 for the University of Mississippi TechLaw to offer police online training;
- \$1,000,000 for the Gulf Coast, LA, Computer Forensic Laboratory;
- \$50,000 for the UNLV Boyd School of Law Immigration Clinic;
- \$50,000 for the UNR Grant Sawyer Center for Justice Studies;
- \$500,000 for the USC Center for Prosecutorial Ethics;
- \$400,000 for the Institutional Security Program and the University of Southern Mississippi;
- \$275,000 for the University of Southern Mississippi’s Rural Law Enforcement Training Initiative;
- \$200,000 for the Violent Crimes Fugitive Task Force, MT;
- \$2,750,000 for the Washington Public Building Mapping System;
- \$1,000,000 for the Washington State Department of Corrections Electronic Fingerprint Criminal Background Check;
- \$1,500,000 for the Worcester Polytechnic Institute, MA, for the development of law enforcement technologies;
- \$2,000,000 for the Richland County Sheriff’s Office Carolina Regional Fugitive Task Force;
- \$28,900 for the Mineral County, Nevada, Sheriffs Office;
- \$400,000 for the City of Pascagula, MS for law enforcement technology; and
- \$250,000 for the City of Richton for the police department.

*Drug Courts.*—The Committee recommends an appropriation of \$40,000,000. The Committee notes that localities can also access funding for drug courts from the Local Law Enforcement Block Grants.

WEED AND SEED PROGRAM

Appropriations, 2004 .....	\$57,926,000
Budget estimate, 2005 .....	53,265,000
Committee recommendation .....	62,000,000

The Committee recommends an appropriation of \$62,000,000. The recommendation is \$4,074,000 above the fiscal year 2004 funding level and \$8,735,000 above the budget request. Of the funds appropriated for Weed and Seed, \$2,000,000 shall be directed for comprehensive community development training and technical assistance.

COMMUNITY ORIENTED POLICING SERVICES

Appropriations, 2004 .....	\$748,324,000
Budget estimate, 2005 .....	43,618,000
Committee recommendation .....	755,969,000

The Committee recommends an appropriation of \$755,969,000. The recommendation is \$7,645,000 above the fiscal year 2004 funding level and \$712,351,000 above the budget request.

The Committee is concerned by the Department of Justice's continued attempts to diminish the ability of the Community Oriented Policing Services [COPS] office to accomplish its mission. The mission of the COPS office is to advance community policing practices within law enforcement agencies and to significantly improve public safety in neighborhoods throughout the country through partnerships with communities, policing agencies, and other public and private organizations. Additionally, local law enforcement plays a critical role in preventing and responding to terrorist threats. Since its creation, the COPS office has assisted local law enforcement agencies by providing grants, training and technical assistance that not only ensure public safety from traditional crime but also better enables law enforcement officers to address the growing threat from terrorist organizations.

Of particular concern to the Committee is the Department's continued insistence on understaffing the COPS office and the significant negative impact this inadequate staffing level can have on services as a result. The Committee understands that the current staffing level is only 152 of the 235 authorized (65 percent manning). The Committee also understands that the office needs a minimum of 200 personnel to maintain the current quality services the States have come to expect from this office. Therefore, the Committee directs the COPS office to develop a plan to relieve this personnel shortage and report back to the Committees on Appropriations no later than 60 days after the enactment of this Act.

The Committee recommendations are displayed in the following table:

COMMUNITY ORIENTED POLICING SERVICES

[In thousands of dollars]

	Committee recommendation
Public Safety and Community Policing Programs .....	315,000
Hiring .....	[180,000]
Training and Technical Assistance .....	[20,000]
Bullet Proof Vest Grant Program .....	[25,000]
Indian Country .....	[20,000]
Meth Hot Spots .....	[55,000]
Police Corps .....	[15,000]
Crime Fighting Technology Programs .....	365,969
Law Enforcement Technology Program .....	[110,969]
Interoperable Communications Technology Program .....	[100,000]
Crime Identification Technology Act .....	[35,000]
DNA Backlog Elimination/Crime Lab Improvement Program .....	[120,000]
Prosecution Assistance .....	15,000
Gun Violence Reduction .....	[15,000]
Community Crime Prevention .....	25,000
Offender Re-entry Program .....	[5,000]
Safe Schools Initiative .....	[5,000]
Police Integrity Program .....	[15,000]

COMMUNITY ORIENTED POLICING SERVICES—Continued  
 [In thousands of dollars]

	Committee recommendation
Management and Administration .....	35,000
Total, Community Oriented Policing Services .....	755,969

The Committee expects to be consulted prior to any deviation from the above plan.

PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

*Hiring Program.*—The recommendation includes \$180,000,000, of which \$90,000,000 is for the hiring of school resource officers.

*Bullet-proof Vests Grant Program.*—Of the \$25,000,000 provided, such sums as may be necessary are for NIST's Office of Law Enforcement Standards [OLES] to continue supporting the ballistic resistant and stab resistant material compliance testing programs, as well as for other technical support related to public safety weapons and protective systems.

*Indian Country.*—The Committee recommends that 5 percent of the COPS funds be provided directly to tribal judicial systems to assist Tribal Courts with the caseload associated with increased arrests as a result of more stringent tribal law enforcement.

*Methamphetamine Enforcement and Clean-Up.*—The Committee recommends \$55,000,000 for State and local law enforcement programs to combat methamphetamine production and distribution, to target drug "hot spots", and to remove and dispose of hazardous materials at clandestine methamphetamine labs. The Committee recommendation includes \$10,000,000 to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. Within the amounts provided, the Department is expected to review, in consultation with DEA, the following proposals, provide grants if warranted, and report to the Committees on its intentions:

- \$300,000 for the Anhydrous Ammonia Nurse Tank Locks in IA;
- \$3,000,000 for the California Methamphetamine Strategy [CALMS];
- \$400,000 for the Clackamas Meth Initiative: Community Prosecution in OR;
- \$200,000 for the Combined Ozarks Multi-Jurisdictional Enforcement Team [COMET] in MO;
- \$6,000,000 for the Comprehensive Methamphetamine Response in HI;
- \$60,000 for the Coos and Curry Co. METH Reduction, OR;
- \$300,000 for the COPS Methamphetamine Drug Hot Spots Program in AR;
- \$1,500,000 for the Five County Northern UT Methamphetamine Project;
- \$1,000,000 for the Wisconsin I Methamphetamine Law Enforcement Initiative;
- \$125,000 for the Jackson County Methamphetamine Clean-Up in MS;



- \$400,000 for the Jackson County Mississippi Sheriff's Department—Narcotics Task Force/Technology;
- \$375,000 for the Jefferson County, Colorado, Methamphetamine Interdiction & Response;
- \$350,000 for the Kansas Methamphetamine Prevention Project;
- \$500,000 for the Louisiana Methamphetamine Task Force;
- \$500,000 for the Louisiana, New Orleans Methamphetamine Task Force;
- \$1,500,000 for the Maricopa County Arizona Meth Funding;
- \$375,000 for the Methamphetamine Addiction in MT;
- \$1,500,000 for the Methamphetamine Clandestine Lab Task Force in IA;
- \$100,000 for Methamphetamine Education and Training for the Arkansas Law Enforcement Community;
- \$500,000 for Methamphetamine Enforcement, Indiana State Police;
- \$1,500,000 for the Methamphetamine Montana Initiative;
- \$2,000,000 for the Methamphetamine Task Force in East TN;
- \$600,000 for the Minnehaha County Sheriff for the South Dakota Sheriffs Meth Relief Task Force;
- \$1,000,000 for the Minot State University Rural Methamphetamine Education Demonstration Project in North Dakota;
- \$1,250,000 for the Mississippi Bureau of Narcotics—Methamphetamine Enforcement;
- \$1,875,000 for the MoSmart Board, MO;
- \$250,000 for the North Carolina Attorney General Office Meth Program;
- \$500,000 for the North Carolina U.S. District Attorneys Meth;
- \$2,390,000 for the State of Minnesota's Methamphetamine Hot Spots Initiative;
- \$1,100,000 for the Statewide Drug Enforcement and Lab Equipment in NE;
- \$2,500,000 for the Vermont Drug Task Force;
- \$2,000,000 for the Washington State Methamphetamine Initiative; and
- \$26,000 for the Wright County Drug Mobile Command.

#### CRIME-FIGHTING TECHNOLOGIES PROGRAMS

*Law Enforcement Technology Program.*—Within the amount provided, the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$500,000 for the Alachua County/City of Gainesville, FL, Enforcement Communications Upgrade;
- \$500,000 for the Andover, KS, police technology equipment;
- \$200,000 for the Arkansas Crime Information Center, Project Safe-Source;
- \$2,000,000 for the Arkansas State Police Automated Fingerprint Identification System;
- \$100,000 for the Bellows Falls, VT, Police Technology Grant;
- \$500,000 for the Bismarck ND, Memorial Training Complex;
- \$100,000 for the Borough of Waynesboro, Franklin County, PA;
- \$200,000 for the Boulder City, NV, Wireless Communications Canopy;

- \$500,000 for the Burlington, VT, Police Technology Grant;
- \$1,750,000 for the Camden County, NJ, Law Enforcement Technology;
- \$600,000 for the Cheyenne River Sioux Tribe, SD, technology and equipment upgrade of tribal justice system;
- \$500,000 for the town of Babylon, NY, Law Enforcement Wide area network and Geographic Information Systems;
- \$100,000 for the City of Elizabeth, NJ, Law Enforcement Communication Interoperability Enhancement;
- \$880,000 for the City of Radcliff Law Enforcement Equipment, KY;
- \$1,000,000 for the City of Reading, PA, Integrated Geographic Information System;
- \$900,000 for the City of Rockville, MD, COPS Technology Grant;
- \$250,000 for the City of St. Joseph and Heartland Health Law Enforcement Communication System, MO;
- \$150,000 for the Clarion County, PA, Geographic Information System;
- \$300,000 for the Communications Upgrades, City of Indianapolis;
- \$1,000,000 for the continuation of digital radio conversion, NH;
- \$300,000 for the Boone County, IL Sheriff's Department for law enforcement technology;
- \$960,000 for the Corpus Christi Radio Communications and Security Equipment, TX;
- \$750,000 for the Criminal Information Sharing Alliance Network/Idaho State Police;
- \$1,000,000 for the Delaware State Police, Automatic Fingerprint Identification System;
- \$150,000 for the Derry Township, PA, Police Department;
- \$200,000 for the Doña Ana County, NM, Command Post Vehicle;
- \$250,000 for the Otsego County, NY, 911 Digital Upgrade;
- \$500,000 for the Downriver Mutual Aid communications equipment, MI;
- \$1,000,000 for the ECU Center for Excellence—Criminal Justice, OK;
- \$1,000,000 for the El Paso, TX, Interoperability;
- \$1,000,000 for the emergency communications capability upgrades in Stamford, CT;
- \$100,000 for the enforcement of crime identification assistance for the City of Kodiak, AK;
- \$1,000,000 for the Extend Radio System, WY;
- \$1,000,000 for the Fargo, ND, Interoperable Communications System;
- \$200,000 for the Greenville County, SC, Communications Interoperability System;
- \$250,000 for the Hopkinsville-Christian County—Pennyrile Narcotics Task Force Partnership Equipment, KY;
- \$1,172,000 for the Hudson County, NJ, Law Enforcement Technology;
- \$225,000 for the Huntington Beach, CA, Emergency Operations Equipment;

- \$350,000 for the Huntsville, AL, Police Department Equipment Upgrades;
- \$100,000 for the In-Car Video Deployment, City of Martin, TN;
- \$400,000 for the Interagency Communications in GA;
- \$4,000,000 for the Interagency Communications Interoperability System [ICIS] in CA;
- \$500,000 for the Internet Scale Event and Attack Generation Environment at ISU;
- \$1,000,000 for the Iowa State Patrol TraCS software;
- \$205,000 for the Jasper County, SC, Technology Upgrades;
- \$475,000 for the Jefferson County Commission, AL for video conferencing equipment for the Jefferson County Criminal Justice Center;
- \$240,000 for the Jefferson County, CO, COPLINK;
- \$1,600,000 for the Johnson County, KS, Sheriff's Office;
- \$176,000 for the Kansas Attorney General, Equipment;
- \$148,000 for the Kansas Bureau of Investigation, Mobile Data Terminals;
- \$600,000 for the Keene State College/UNH public safety management system;
- \$2,500,000 for the Land Mobile Radio migration for a multi-agency communications network in AK;
- \$1,750,000 for the Land Mobile Radio site infrastructure equipment and portable radios for the Kenai Peninsula Borough, AK;
- \$1,750,000 for the Land Mobile Radio/Public Safety Communications for Anchorage Infrastructure, AK;
- \$480,000 for the Las Cruces, NM, Communications Infrastructure;
- \$1,500,000 for the Las Vegas, NV, Metropolitan Police Department Communications System;
- \$3,000,000 for the Southeast National Law Enforcement Technology Center for the Low Country Information Technology Improvement Project Phase III;
- \$500,000 for the Las Vegas, NV, Metro Police Department—Identity Theft Center;
- \$2,500,000 for the Louisville Kentucky Metrosafe Program;
- \$1,000,000 for the Lubbock Police Technology Upgrades, TX;
- \$1,000,000 for the Macomb County, MI, Wireless voice communications system;
- \$1,000,000 for the Massachusetts Law Enforcement Technology and Training Support Center;
- \$1,750,000 for the Matanuska Susitna Borough Emergency Response Radio Network, AK;
- \$160,000 for the Mayfield Police Department Equipment, KY;
- \$1,000,000 for the Mecklenburg County, NC, Criminal Justice Information System;
- \$750,000 for the Miami-Dade County, FL, Law Enforcement Technology Enhancements;
- \$100,000 for the Middlebury, VT, Police Technology Grant;
- \$1,500,000 for the Midwest Forensics Resource Center, IA;
- \$500,000 for the Milwaukee Police Department Mobile Two-Finger ID System, WI;

- \$1,450,000 for the Mobile computers for Wasilla Police squad cars, AK;
- \$386,250 for the Montana Supreme Court Video Conferencing;
- \$1,400,000 for the Montgomery County, MD, Police Department for National Capital Region Criminal Identification System Update;
- \$500,000 for the New Castle County, DE, Police Department, for an upgraded records management system;
- \$375,000 for the Newport, RI, Area Interoperable Surveillance Network;
- \$900,000 for the North East Minnesota Enforcement and Safety Information System [NEMESIS];
- \$425,000 for the Oglala Sioux Tribe, South Dakota—technology & equipment;
- \$750,000 for the Orleans Parish Information Sharing and Integrated System Project, New Orleans;
- \$200,000 for the Osceola County, FL, Unified Public Safety Communications Center;
- \$500,000 for the Pasco County, FL, Sheriffs Office Communications Technology Upgrade;
- \$2,000,000 for the Pierce County, WA, Police Rapid Mobile Response Network;
- \$200,000 for the Providence, RI, Police Department Technology;
- \$300,000 for drug impairment pupillometer technology in IL;
- \$1,250,000 for the Records Interoperability through CATlab in NH;
- \$2,250,000 for the Regional Law Enforcement Communications System, City of Memphis and Shelby County;
- \$900,000 for the Rural Utah Law Enforcement Tech Program;
- \$1,000,000 for the San Joaquin County, CA, Emergency Operations Communications Center;
- \$100,000 for the Simpson County 911 Center, KY;
- \$200,000 for the Smithfield, RI, Police Department Emergency Management Operation Center;
- \$350,000 for the Snohomish County, WA, Sheriff Palm AFIS System;
- \$1,000,000 for the Solano County, CA, Radio Interoperability Project;
- \$3,760,000 for the South Carolina Judicial Department Case Docket System;
- \$500,000 for the South Dakota Sheriffs' Association and South Dakota Police Chiefs' Association;
- \$1,500,000 for the Southaven Police Department—radios/equipment in MS;
- \$1,000,000 for the Southeast National Law Enforcement and Technology Center for the deployment of shot spotter technology;
- \$1,000,000 for the St. Clair County, Michigan, Sheriff's Department Communications towers and equipment upgrades;
- \$2,000,000 for the State of New Mexico State Police;
- \$3,000,000 for the State of South Dakota/Division of Criminal Investigation;

- \$1,000,000 for the Statewide Computer Aided Dispatch [CAD] System, NE, State Patrol;
- \$3,000,000 for the statewide implementation of public safety technology through University of New Hampshire;
- \$250,000 for the Technology Upgrades for the Williamson County, IL, Sheriff's Department;
- \$90,000 for the Town of Brookfield Police Department Technology Upgrades, WI;
- \$400,000 for the Town of North Hempstead, NY, Police Department 311 Communication Management System;
- \$265,000 for the Training Academy Driver Simulator for the State of Alaska;
- \$2,000,000 for the Training Village Public Safety Officer in the State of Alaska;
- \$1,000,000 for the VeriTracks Georgia;
- \$500,000 for Voice Viewer Technologies and Law Enforcement in WY;
- \$60,000 for the Westchester County, NY, Police Department Interagency Radio Interconnect;
- \$2,000,000 for the Western Forensic Science and Law Enforcement Training Center in CO;
- \$500,000 for the Wilmington, Delaware Police Department for radio and dispatch system upgrades;
- \$400,000 for the Wireless High Speed Network for Prince George's County, MD;
- \$750,000 for the Yazoo City, MS, Police Department;
- \$2,500,000 for the State of Colorado digital trunkid radio system;
- \$4,000,000 for the Southeast National Law Enforcement Technology Center for the Backscatter and high-energy technology transmission x-ray technology; and
- \$155,000 for the Churchill County, Nevada Sheriff's Office Interoperability Communication Project.

*COPS Interoperable Communications Technology Program.*—The Committee recommends \$100,000,000 to continue COPS Interoperable Communications Technology Program, being designed and implemented by the COPS office, in consultation with NIJ's OS&T, as well as BJA. The Committee commends the COPS office for its coordination with other Federal agencies dealing with public safety interoperability. The Committee believes coordination of Federal efforts is critical to ensure our Nation's safety and a necessity to not fall victim to the pitfalls of the past.

The Committee strongly supports the need for minimum standards for law enforcement communications technology. Therefore, OS&T should continue to assist COPS in incorporating existing minimum standards into the formulation of this grant program. The Committee also provides, within available amounts, \$5,000,000 to be transferred to NIST to continue the efforts of OLES regarding the development of a comprehensive suite of minimum standards for law enforcement communications.

The Committee commends the Institute for Telecommunication Sciences [ITS] in Boulder, Colorado, for all their efforts and contributions to the public safety communications statement of re-

quirements. Their contributions were critical in addressing the many issues plaguing public safety organizations for decades.

*Interoperable Standards.*—Over a decade ago, APCO Project 25 was established through a joint effort of Public Safety First Responders, U.S. Industry, and elements of the Federal Government to provide the public safety community with interoperable, spectrally-efficient, economically-priced, digital radios capable of providing a variety of operationally required functions and features, including backward compatibility with existing analog land mobile radios.

The Project 25 suite of Standards, being developed with the technical assistance of the Telecommunications Industry Association [TIA] Standards Committee TR-8, is intended to satisfy defined user needs, allow multiple vendors to manufacturer some or all components of the Project 25 system at their discretion, and to ensure that components produced by many sources will interoperate.

The timely completion of the Project 25 standards for all of the relevant communications systems equipment is essential to the public safety community. The Committee is concerned that the functional standards that specify key Project 25 system interfaces (such as the Inter-RF Subsystem Interface [ISSI], Console Interface, and the Fixed Station Interface) have not been developed or approved, as well as the standards that define how the interfaces should be tested and evaluated.

The Committee encourages the Office of Law Enforcement Standards [OLEs] of the National Institute of Standards and Technology to work with the Advanced Generation of Interoperability for Law Enforcement [AGILE] within the National Institute of Justice and the Wireless Public SAFETY Interoperability COMMUNICATIONS [SAFECOM] Program, SAFECOM Program within the Department of Homeland Security to consider the issuance of interim standards that can be used to specify the required functionality and testing validation characteristics.

*Crime Identification Technology Act.*—The Committee recommends \$35,000,000 to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105-251, of which \$5,000,000 is to be transferred to the NIJ to develop technologies to improve school safety.

Within the overall amounts recommended, the OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$2,750,000 for the Harrison County Public Safety Automated Systems in MS;
- \$950,000 for the City of St. Paul/Ramsey County co-location of public safety equipment in MN;
- \$1,483,500 for the North Carolina Supreme Court Security;
- \$1,000,000 for the MAGIC Pegasus Project for the Jefferson County Sheriff in AL;
- \$616,500 for the Case and Document Management in MT;
- \$225,000 for the Marion County, MS, Sheriff's Department—Equipment;
- \$300,000 for the Pascagoula, MS, Police Department—Equipment;

- \$2,500,000 for the Alaska Court System Information Network;
- \$525,000 for the Marshall University Computer Forensics in WV;
- \$4,000,000 for the Marshall University Forensic Science DNA Lab in WV;
- \$4,000,000 for the West Virginia University Forensic Science Initiative;
- \$600,000 for the Vermont Incident Based Reporting System; and
- \$11,050,000 for the South Carolina Judicial Department case document system.

*DNA Backlog Elimination.*—Within the amount provided, \$20,000,000 is available for Paul Coverdell Forensics Sciences Improvement grants.

Within the overall amounts recommended for the DNA Backlog Elimination Programs, OJP should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$1,000,000 for the Brown University Nanotechnology DNA Sequencing in RI;
- \$56,250 for the Crime Scene Analysis, Delaware County, IN;
- \$225,000 for the Crime scene examination enhancement for the State of Alaska;
- \$200,000 for the DNA Education and Training for Arkansas Law Enforcement Community;
- \$750,000 for the El Paso Regional Lab in TX;
- \$1,000,000 for the Equipment and Planning for the Vermont Forensics Laboratory;
- \$1,000,000 for the Forensic DNA Analysis Lab at North Dakota University;
- \$500,000 for the Forensic Science Lab at the University of Baltimore, MD;
- \$355,000 for the Fulton County District Attorney's Cold Case Unit in IL;
- \$819,000 for the Greater Columbus Area Crime Fighting AFIS Project in OH;
- \$475,000 for the Greenville Tech Forensic/DNS Laboratory in SC;
- \$1,000,000 for the Honolulu PD Crime Lab in HI;
- \$400,000 for the Marion County Meth Forensic Lab Enhancement in OR;
- \$1,000,000 for the Mississippi Crime Lab to Address Forensic Backlog;
- \$454,554 for the Northwest Ohio Regional Information System AFIS;
- \$500,000 for the Ohio BCI Laboratory System Improvement Project;
- \$1,250,000 for the Ohio BCI Palmprint AFIS Program;
- \$625,000 for the Pikes Peak Metro Crime Lab DNA Laboratory in CO;
- \$1,000,000 for the Southeast Missouri State University;
- \$750,000 for the Texas Tech Forensic Science Institute;
- \$1,000,000 for the Fox Valley Technical College [FVTC] DNA Training Initiative in WI;

- \$500,000 for the University of Alabama at Birmingham Forensic Science Education and Training program;
- \$852,500 for the Utah Valley State College Forensic Science Program;
- \$650,000 for the Weber State University’s Criminal Justice Program in UT; and
- \$250,000 for the Sam Houston State University, Texas, Center for Forensic Sciences.

COMMUNITY CRIME PREVENTION

*Safe Schools Initiative.*—The Committee recommends \$5,000,000 for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address the threat of terrorism, crime, disorder, gangs, and drug activities.

Within the amount provided, the COPS office should examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

- \$750,000 for the Alaska Community in Schools Mentoring Program;
- \$370,000 for the Granite School District Anti-Violence Project in UT;
- \$126,000 for the HOPE for Henderson Juvenile Justice in KY;
- \$200,000 for the Martin Luther King, Jr. Center for Non-Violence in PA;
- \$500,000 for the School-Based Violence Prevention and Mentoring in IL; and
- \$1,250,000 for the Schools and Communities Coming Together in MT.

*Management and Administration.*—Within the recommended appropriation, the Committee recommends \$35,000,000 for Management and Administration [M&A] of all COPS programs.

JUVENILE JUSTICE PROGRAMS

Appropriations, 2004 .....	\$348,989,000
Budget estimate, 2005 .....	362,477,000
Committee recommendation .....	360,000,000

The Committee recommends an appropriation of \$360,000,000. The recommendation is \$11,011,000 above the fiscal year 2004 funding level and \$2,477,000 below the budget request.

The Committee recommendations are displayed in the following table:

JUVENILE JUSTICE  
[In thousands of dollars]

	Committee recommendation
Concentration of Federal efforts .....	3,000
Formula Grants (Part B) .....	85,000
Discretionary Grants (Part C) .....	5,000
Research, Evaluation, TA and Training (Part D) .....	10,000
Developing New Initiatives (Part E) .....	80,000
Juvenile Mentoring Program (JUMP) (Part G) .....	15,000



## JUVENILE JUSTICE—Continued

[In thousands of dollars]

	Committee recommendation
At Risk Children Program (Title V) .....	87,000
Tribal Youth .....	[10,000]
Big Brother/Big Sister .....	[7,000]
Enforcing Underage Drinking Laws Program .....	[25,000]
Gang Prevention .....	[25,000]
Project Sentry .....	15,000
Secure Our Schools Act .....	10,000
Project Childsafe .....	5,000
Victims of Child Abuse Act .....	15,000
Juvenile Accountability Block Grants .....	30,000
Total, Juvenile Justice .....	360,000

The Committee expects to be consulted prior to any deviation from the above plan.

Within the amounts provided for Part E discretionary grants and all of the other funds provided under Juvenile Justice programs, the Committee directs Office of Juvenile Justice and Delinquency Prevention [OJJDP] to provide the following grants:

- \$900,000 for the Aces for Kids program in SC;
- \$750,000 for the Alabama Council on Substance Abuse-NCADD;
- \$2,000,000 for the Alaska Child Advocacy Center for a child abuse investigation program;
- \$600,000 for the Alaska Children's Trust child abuse prevention program;
- \$750,000 for the Alaska Mentoring Demonstration Project for a statewide at-risk youth mentoring program;
- \$1,000,000 for the Alaska Youth Courts;
- \$500,000 for the Amistad America youth development programs aboard Freedom Schooner Amistad in CT;
- \$1,000,000 for the An Achievable Dream in VA;
- \$2,000,000 for the Anaheim Learning Center in CA;
- \$55,000 for the Bonnie Brae—National Conference on Residential Outcomes in NJ;
- \$600,000 for the Brookdale Community College for Project OPTI-MIST in NJ;
- \$3,000,000 for the Cal Ripken, Sr., Foundation;
- \$100,000 for the Child Protection Program/Nez Perce Tribe, Lapwai, ID;
- \$602,000 for the Child Support Enforcement Incentives in AK;
- \$700,000 for the Children & Families First of DE;
- \$150,000 for the Children in Crisis in SC;
- \$750,000 for the City of Charlotte Gang of One Pilot Program in NC;
- \$100,000 for the Clinton County, Pennsylvania Action Team Against Drugs;
- \$200,000 for the Colton Police Activities League [PAL] Program in CA;
- \$200,000 for the Computer Corp Skills and Knowledge Acquired Toward Enhancing Success in NV;
- \$325,000 for the Court Teams for Maltreated Infants and Toddlers;

- \$1,500,000 for the Crimes Against Children Research Center at the University of New Hampshire;
- \$500,000 for the Dakota Boys Ranch Mentoring Program in ND;
- \$500,000 for the Daniel Webster Boy Scout Council, outdoor education;
- \$500,000 for the Drug Endangered Children program in IA;
- \$60,000 for the Eau Claire County Restorative Justice Program in WI;
- \$4,000,000 for the Eisenhower Foundation youth safe havens;
- \$750,000 for the Families and Schools Together [FAST] in Wisconsin;
- \$3,000,000 for the Life Skills Training Program in Saint Augustine, FL;
- \$400,000 for the Generations of Hope program in IL;
- \$2,000,000 for the Girl Scouts Beyond Bars and PAVE programs;
- \$1,500,000 for the Girls and Boys Town USA;
- \$3,000,000 for the Hawaii Rural Youth Outreach Program;
- \$100,000 for the Horizons for Youth program in IL;
- \$1,240,000 for the Iowa Mentor Center for a rural mentoring program in partnership with Big Brothers Big Sisters;
- \$550,000 for the Jackson, MS, Juvenile Justice & Delinquency Prevention Program;
- \$5,000,000 for the Junior Achievement;
- \$400,000 for the Juvenile Fire Setters Prevention Program;
- \$1,135,000 for the Juvenile Justice Information System in HI;
- \$100,000 for the Juvenile Justice Program Enhancement in UT;
- \$150,000 for the Juvenile Justice Work Program in UT;
- \$1,900,000 for the Law-related education;
- \$300,000 for the Lea County Juvenile Correction Facility in NM;
- \$128,000 for the Lonesome Pine Office on Youth in VA;
- \$3,000,000 for the Los Angeles Community Law Enforcement and Recovery Program [CLEAR];
- \$600,000 for the Louisiana Children's Advocacy Centers;
- \$100,000 to the Louisiana Center Against Poverty for the Save Our Sons and Daughters Program;
- \$2,000,000 for the Low Country Children's Center in SC;
- \$350,000 for the Marion Co. Children of Incarcerated Parents Initiative in OR;
- \$300,000 for the Milwaukee Summer Stars program in WI;
- \$500,000 for the MO Juvenile Justice Labs;
- \$225,000 for the Morning Star Ranch, Florence, KS;
- \$2,000,000 for the National Council of Juvenile and Family Court Judges;
- \$125,000 for the Native American Liaison at the Child and Family Intervention Center in Billings, MT;
- \$250,000 for the Nevada Child Seekers;
- \$100,000 for the New Hampshire Expansion of the Go Girl Go program;
- \$425,000 for the New Mexico Police Athletic League;
- \$250,000 for the Omaha Out-of-School/After School Program In NE;
- \$300,000 for the Our Club Program in AR;
- \$750,000 for the Outdoor Education Center project, Harpers Ferry, WV;

- \$300,000 for the Washington County Youth Service Bureau, VT;
- \$950,000 for the Rhode Island Court Truancy Court Program;
- \$100,000 for the S.A.F.E. House Domestic Violence Counseling Center in NV;
- \$500,000 for the San Jose, B.E.S.T At-Risk Youth and Anti-Gang Program in CA;
- \$200,000 for the South Dakota Community Foundation;
- \$350,000 for the State of New Mexico—Juvenile Offenders;
- \$1,250,000 for the Teens, Crime and the Community;
- \$250,000 for St. John’s University School of Law Child Advocacy Clinic, NY;
- \$250,000 for the University of Southern Mississippi—Citizenship and Justice Academy;
- \$350,000 for the USM Family Network Partnership Program;
- \$1,000,000 for the Western Kentucky University Spotlight Youth Program;
- \$750,000 for the Winona State University Child Protection/Training Center in Minnesota;
- \$750,000 for the Women In Support of the Million Man March in Newark, NJ;
- \$1,500,000 for the Youth Advocates Programs in SC;
- \$1,000,000 for the Youth Violence Prevention Research in AL;
- \$325,000 for the Zero to Three—Court Teams for Maltreated Infants and Toddlers in NJ;
- \$1,500,000 for the “I Have a Dream” Foundation; and
- \$200,000 for the Fort Worth Comin’ Up Gang Violence Prevention, TX.

*Enforcing the Underage Drinking Laws Program.*—Within the funds provided in the At Risk Children Program (Title V), the Committee provides \$25,000,000 for grants to assist States in enforcing underage drinking laws.

*Victims of Child Abuse Act.*—The Committee recommends \$15,000,000 for the various programs authorized under the Victims of Child Abuse Act [VOCA]. Within the funds provided, \$9,000,000 shall be for Regional Child Advocacy Centers Programs.

#### PUBLIC SAFETY OFFICERS BENEFITS

Appropriations, 2004 .....	\$52,022,000
Budget estimate, 2005 .....	55,464,000
Committee recommendation .....	68,615,000

The Committee recommends an appropriation of \$68,615,000. The recommendation is \$16,593,000 above the fiscal year 2004 funding level and \$13,151,000 above the budget request. The recommendation provides \$63,000,000 for all mandatory funding for death benefits under the Public Safety Officers Benefits Program. This program provides a lump-sum death benefit payment to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty. In addition, \$3,615,000 is provided to pay for disability benefits to public safety officers who are permanently disabled in the line of duty. Further, \$2,795,000 is available for the program which provides payments for education purposes to the dependents of Federal, State, and local public safe-

ty officers who are killed or permanently disabled in the line of duty.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee recommends the following general provisions:

Section 101 makes up to \$60,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Section 102 prohibits the use of funds in this title to pay for an abortion except where the life of the mother would be in danger.

Section 103 prohibits the use of funds in this title to require a person to perform or facilitate an abortion.

Section 104 requires female prisoners to be escorted when off prison grounds.

Section 105 allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 106 includes language regarding additional funding for Project Seahawk.

Section 107 includes language regarding additional funding for San Juan, Puerto Rico.

Section 108 makes permanent a Personnel Management Demonstration Project.

Section 109 provides authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives to use confiscated funds during undercover operations.

Section 110 amends Title 31 of the United States Code to provide protection for the Bureau of Alcohol, Tobacco, Firearms and Explosives Director.

Section 111 requires the Bureau of Prisons to execute their financial plan as reflected in this report.

Section 112 directs the Bureau of Prisons to work with the Federal Public Defender on a pilot program.

Section 113 limits the placement of maximum or high security prisoners to appropriately secure facilities.

Section 114 restricts Federal prisoner access to certain amenities.

Section 115 restricts funding for the construction or leasing of a building for an interim Federal Bureau of Investigation Central Records Complex until the approval of a permanent site-selection report.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommends a total of \$6,919,139,000 for the Office of the United States Trade Representative, the International Trade Commission, the National Intellectual Property Law Enforcement Coordination Council, and the Department of Commerce. The recommendation is \$976,360,000 above the fiscal year 2004 funding level and \$861,150,000 above the budget request.

TRADE AND INFRASTRUCTURE DEVELOPMENT  
RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
SALARIES AND EXPENSES

Appropriations, 2004 .....	\$41,552,000
Budget estimate, 2005 .....	39,552,000
Committee recommendation .....	41,552,000

The Committee recommends an appropriation of \$41,552,000 for the Office of the United States Trade Representative [USTR]. The recommendation is identical to the fiscal year 2004 funding level and \$2,000,000 above the budget request. In addition, the Committee transfers \$5,000,000 from a separate heading in this bill for activities relating to intellectual property protection and enforcement, bringing the total amount available to USTR to \$46,552,000.

The USTR is responsible for developing and coordinating United States international trade, commodity, and direct investment policy, and leading negotiations with other countries on such matters. Its areas of responsibility include all matters relating to the World Trade Organization, including implementation of the Uruguay Round of multilateral trade agreements; trade, commodity, and direct investment matters dealt with by certain international institutions; industrial, agricultural and services trade policy; and trade-related intellectual property protection and environmental issues.

The foreign policy agenda of the United States is increasingly influenced by economic and trade issues. This is due largely to the growth of the global market economy and the pursuit of open markets and free trade. Regardless of the cause, trade negotiations and market access for American goods and services now represent an integral component of United States' relations with other countries. The Office of the USTR has become, and will remain for the foreseeable future, an integral component and essential interagency coordinator in the development of trade policy and American diplomacy abroad. The Committee recommended funding level acknowledges this important role.

*Chief Negotiator for Intellectual Property Enforcement.*—The bill includes language establishing a new position of Chief Negotiator for Intellectual Property Enforcement. This position shall be responsible for Intellectual Property issues in all trade agreements. In addition, this position will be the USTR representative on the National Intellectual Property Law Enforcement Coordination Council [NIPLECC]. Within the funds made available for the USTR, \$5,000,000 is for the creation, operations, and activities of the Office of the Chief Negotiator for Intellectual Property Enforcement.

*World Trade Organization.*—The Committee is aware of the World Trade Organization [WTO] Appellate Body’s January 16, 2003, ruling regarding the Continued Dumping and Subsidy Offset Act. The Committee directs USTR, in consultation with the Department of Commerce, to continue to negotiate within the WTO to seek express recognition of the existing right of WTO Members to distribute monies collected from antidumping and countervailing duties. The agency shall consult with and provide regular reports, every 60 days, to the Committees on Appropriations.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT  
COORDINATION COUNCIL

Appropriations, 2004 .....	.....
Budget estimate, 2005 .....	.....
Committee recommendation .....	\$20,000,000

The Committee recommends an appropriation of \$20,000,000. The recommendation is \$20,000,000 above the fiscal year 2004 funding level and \$20,000,000 above the budget request.

The mission of the National Intellectual Property Law Enforcement Coordination Council [NIPLECC] is to coordinate domestic and international intellectual property law enforcement among Federal and foreign entities. NIPLECC is comprised of representatives of all Federal agencies with responsibility for protecting intellectual property and enforcing intellectual property law. NIPLECC submits an annual report on its activities, has developed a database of intellectual property training programs available to developing nations, and runs a public awareness campaign on piracy and counterfeiting. It also develops legislative suggestions to improve intellectual property laws relating to enforcement.

The recommendation includes language providing that the NIPLECC shall establish policies, objectives, and priorities concerning international intellectual property enforcement and shall promulgate a strategy for protecting American intellectual property overseas and shall update such strategy annually. It shall coordinate and oversee implementation of these policies, objectives, and priorities by agencies with responsibility for protecting intellectual property and enforcing intellectual property law. Within the amounts provided under this heading, \$5,000,000 is for the salaries and expenses and other support costs of the NIPLECC.

The recommendation also includes language providing for the creation of a Coordinator for International Intellectual Property Enforcement (“the Coordinator”) to head NIPLECC. The Coordinator shall be appointed by the President.

Within the amounts provided under this heading, \$9,000,000 is for NIPLECC to conduct programs that enhance the enforcement of international intellectual property law and of requirements under international agreements relating to intellectual property. Within 90 days of enactment of this Act, the Coordinator shall submit to the Committees on Appropriations a spending plan for this amount. If within 90 days of enactment the President has not appointed a Coordinator, then the co-chairs of the NIPLECC shall submit such a spending plan.

The recommendation includes language providing for a transfer of \$5,000,000 to the Office of the United States Trade Representative to establish a position of Chief Negotiator for Intellectual Property Enforcement and \$1,000,000 to the Department of State to establish the Office of International Intellectual Property Protection and Enforcement.

INTERNATIONAL TRADE COMMISSION  
SALARIES AND EXPENSES

Appropriations, 2004 .....	\$57,682,000
Budget estimate, 2005 .....	61,700,000
Committee recommendation .....	61,700,000

The Committee recommends an appropriation of \$61,700,000. The recommendation is \$4,018,000 above the fiscal year 2004 funding level and identical to the budget request.

The International Trade Commission [ITC] is an independent, quasi-judicial agency responsible for conducting trade-related investigations, providing Congress and the President with independent technical advice relating to United States international trade policy, and performing other statutory responsibilities such as quasi-judicial determinations on trade matters filed with the Commission.

DEPARTMENT OF COMMERCE  
INTERNATIONAL TRADE ADMINISTRATION  
OPERATIONS AND ADMINISTRATION

Appropriations, 2004 .....	\$378,102,000
Budget estimate, 2005 .....	393,513,000
Committee recommendation .....	393,513,000

The Committee recommends an appropriation of \$393,513,000. The recommendation is \$15,411,000 above the fiscal year 2004 funding level and identical to the budget request.

The Committee recommendations, by function, are displayed in the following table:

ITA FUNDING  
[In thousands of dollars]

	Amount
Trade development .....	49,509
Market access and compliance .....	41,087
Import Administration .....	71,044
U.S. and Foreign Commercial Service .....	213,865

ITA FUNDING—Continued  
[In thousands of dollars]

	Amount
Administration/Executive Direction .....	26,008
Offsetting Fee Collections .....	(8,000)
Total ITA .....	393,513

*Trade Development.*—The Committee recommends an appropriation of \$49,509,000 for Trade Development. The recommendation includes \$10,000,000 for the National Textile Center, \$3,000,000 for the Textile/Clothing Technology Corporation, and \$500,000 for the Kansas City Smart Port.

*Market Access and Compliance.*—The Committee recommends an appropriation of \$41,087,000 for Market Access and Compliance.

The Committee recommends \$2,000,000 within available funds for ITA to continue to place and maintain support for compliance officers in China, Japan, and the European Union, and other key markets so that they can detect and swiftly address compliance problems United States companies face in these markets.

Full funding is recommended for the BISNIS program.

*Import Administration.*—The Committee recommends an appropriation of \$71,044,000. The recommendation includes \$2,000,000 for the Import Administration to continue to place and maintain overseas enforcement officers, and to monitor compliance with the World Trade Organization and other international commitments on antidumping and subsidies.

The Committee recommendation includes \$4,500,000 for the Import Administration to monitor import data and customs flows for surges in key markets and sectors, such as steel and lumber, and take immediate action when such surges are detected. Such action should include using resources to expedite unfair trade cases so United States-based companies can receive relief at the earliest possible date. In addition, the Import Administration must vigorously monitor foreign subsidies so that action can be taken if the subsidies violate trade agreements.

*United States and Foreign Commercial Service [US&FCS].*—The Committee recommends an appropriation of \$213,865,000.

The Committee supports the Commercial Service's work on the Appalachian-Turkish Trade Project, a project to promote opportunities to expand trade, encourage business interests, stimulate foreign studies, and build a lasting and mutually meaningful relationship between the Appalachian States and the Republic of Turkey, as well as the neighboring regions, such as Greece. The Committee expects US&FCS to support the project.

The Committee recommendation includes new bill language transferring \$4,539,000 to the Department of State for the Capital Security Cost Sharing Initiative to provide for safe and secure United States diplomatic facilities overseas. This is identical to the budget request.

*Clean Energy Technology Exports.*—The Committee expects the Department of Commerce to continue to fully participate in and contribute to the Clean Energy Technology Exports [CETE] Initiative, a nine-agency approach to help open international energy



markets and aid with the export of a range of United States clean energy technologies.

*Administration and Executive Direction.*—The Committee recommends an appropriation of \$26,008,000.

Any changes to the funding levels provided for in this bill and report, including carryover balances, are subject to the standard reprogramming procedures set forth in section 605 of this Act.

*World Trade Organization.*—The Committee is aware of the World Trade Organization [WTO] Appellate Body's January 16, 2003, ruling regarding the Continued Dumping and Subsidy Offset Act. The Committee directs the Department of Commerce, in consultation with the Office of the U.S. Trade Representative, to continue to negotiate within the WTO to seek express recognition of the existing right of WTO Members to distribute monies collected from antidumping and countervailing duties. The agency shall consult with and provide regular reports, every 60 days, to the Committees on Appropriations.

#### BUREAU OF INDUSTRY AND SECURITY

##### OPERATIONS AND ADMINISTRATION

Appropriations, 2004 .....	\$67,486,000
Budget estimate, 2005 .....	76,516,000
Committee recommendation .....	70,872,000

The Committee recommends an appropriation of \$70,872,000. The recommendation is \$3,386,000 above the fiscal year 2004 funding level and \$5,644,000 below the budget request.

The Bureau of Industry and Security [BIS] is the principal agency involved in the development, implementation, and enforcement of export controls for dual-use technologies. The Export Enforcement Division detects, prevents, investigates, and assists in the sanctioning of illegal dual-use exports.

Within the amount provided under this heading, \$32,877,000 is for export administration, \$33,995,000 is for export enforcement, and \$4,000,000 is for management and policy coordination.

The Committees on Appropriations recently approved a Department of Commerce reprogramming request from BIS allowing them to broaden the scope of activities for inspections and other activities related to national security. This reprogramming was approved with the assurance that these new activities were not previously funded by other agencies. The Committee directs that the Director of BIS ensure that no funds provided in the accompanying Act will be used for activities funded by other agencies in previous budgets and report this to the Committees on Appropriations no later than 45 days after enactment of the accompanying Act.

##### ECONOMIC DEVELOPMENT ADMINISTRATION

Appropriations, 2004 .....	\$315,327,000
Budget estimate, 2005 .....	320,327,000
Committee recommendation .....	315,483,000

The Committee recommends an appropriation of \$315,483,000. The recommendation is \$156,000 above the fiscal year 2004 funding level and \$4,844,000 below the budget request.

The Economic Development Administration [EDA] provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development. Funding amounts for the two appropriations accounts under this heading are displayed below.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Appropriations, 2004 .....	\$285,083,000
Budget estimate, 2005 .....	289,762,000
Committee recommendation .....	285,083,000

The Committee recommends an appropriation of \$285,083,000. The recommendation is identical to the fiscal year 2004 funding level and \$4,679,000 below the budget request.

The Committee recommendation provides funding of \$199,100,000 for public works grants (Title I), \$22,667,000 for planning assistance, \$8,300,000 for trade adjustment assistance, \$45,731,000 for economic adjustment grants (Title IX), \$8,790,000 for technical assistance, and \$495,000 for research.

The Committee is aware of several proposals for economic development or adjustment assistance and strongly urges EDA to consider applications for the following proposals within applicable procedures and guidelines and provide a grant, if warranted: Colorado Hispanic Business Information Clearing House and Entrepreneurial Development; Textile Clothing Technology [TC<sup>2</sup>] Size USA; OK Development Center for Rural Manufacturers; Utah State University Innovation Campus Infrastructure Expansion; MO Women's Employment Network Dimensions Program; University of Kentucky Product Development; Montana State University Big Sky Initiative; Montana Tech Economic Development Center; MT Kootenai River Broadband Cooperative; University of Montana Tech Enterprise Center; Boulder Conference Center Feasibility Study; Wrangell, AK, Marine Manufacturing Center; WA Sastop Development Park; WA Squalicum Waterway; Atlanta, GA, Civic Center; Arcadia, ME, Ice Arena Construction Project; Northern Maine Tourism and Recreation Resource Center; Idaho Business Clusters and Rural Economic Development Project analysis; Idaho Comprehensive Economic Planning, Nez Perce Tribe; Idaho Food Processing Assistance for Rural Economic Development; Eastern Idaho Fairgrounds Multi-Purpose Events Center; North American Free Trade Youth Summit; Dayton, Ohio Development Coalition Revolving Mezzanine Fund; Columbus, Ohio College of Art & Design—Design, Technology, Art and Research Labs; Ohio MEMS Association Microsystems Application Technology Center; Ohio Instruments, Control, and Electronics, Cleveland State University; OH Radio Frequency Identification Technology—Development Research Corporation; Jackson County, NC, Economic Development; NC Piedmont Triad Research Park; UT Indigenous Community Enterprise Youth Development Account Program; University of Texas Arlington Texas Manufacturing Center; University of Nebraska—Kearney McCook Work Ethic Camp Assessment; Oklahoma International Trade Association Center; Ole Miss Innovation and Outreach Center; World Trade Center of Greater Philadelphia; Huntingdon College, AL, Adult Degree Completion Initiative; Troy State, AL University Center for International Trade and Business; Tilamook

County, OR, Digester Rail Transportation; Mill Creek, OR, Industrial and Employment Center; Benton County, OR, North Riverfront River Access; Jackson County, OR, SOU Center for Excellence for Regional Development; Lawrence County, PA, Millennium Park; City College of San Francisco Welcome Back Project; Digester Rail Transportation, OR; Electronic Permitting [E-Permits], OR; Honomalino Irrigation Cooperative Project, HI; Ascension Parish Infrastructure Funding, LA; InterTech Science Park Infrastructure and Land Acquisition Initiative; Mobile Workforce Development Laboratory, OR; Mott Community College Workforce Development Institute for Simulation Technology; North Dakota State University Research and Technology Park; Newport Childcare Center, OR; Riveria Activity Center, OR; Sawyer International Airport Building Improvements; Southern Oregon University Center of Excellence for Regional Development; and York College Campus Technology Enhancement Project.

The Committee expects EDA to continue its efforts to assist communities impacted by economic dislocations relating to industry downswings as well as to assist communities impacted by downturns due to environmental concerns. This includes the timber, steel, and coal industries; communities impacted by United States-Canadian trade-related issues; communities in New England, the mid-Atlantic, Hawaii, and Alaska impacted by fisheries regulations; and communities in the Southeast impacted by downturns due to the North American Free Trade Agreement [NAFTA].

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$30,244,000
Budget estimate, 2005 .....	30,565,000
Committee recommendation .....	30,400,000

The Committee recommends an appropriation of \$30,400,000. The recommendation is \$156,000 above the fiscal year 2004 funding level and \$165,000 below the budget request.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Appropriations, 2004 .....	\$28,556,000
Budget estimate, 2005 .....	34,461,000
Committee recommendation .....	31,555,000

The Committee recommends an appropriation of \$31,555,000. The recommendation is \$2,999,000 above the fiscal year 2004 appropriation and \$2,906,000 below the budget request.

Within amounts made available under this heading, \$1,000,000 is for the Minority Business Development Agency to establish a national database of minority-owned businesses and to gather data on Federal procurement opportunities for minority-owned businesses. Also, within amounts made available under this heading, \$500,000 is for the Initiative on Asian Americans and Pacific Islanders.

## ECONOMIC AND INFORMATION INFRASTRUCTURE

## ECONOMIC AND STATISTICAL ANALYSIS

## SALARIES AND EXPENSES

Appropriations, 2004 .....	\$74,211,000
Budget estimate, 2005 .....	88,400,000
Committee recommendation .....	81,764,000

The Committee recommends an appropriation of \$81,764,000. The recommendation is \$7,553,000 above the fiscal year 2004 funding level and \$6,636,000 below the budget request.

Economic and Statistical Analysis [ESA] encompasses the collection, tabulation, and publication of a wide variety of economic, demographic, and social statistics and provides support to the Secretary of Commerce and other Government officials in interpreting the state of the economy and developing economic policy. The Bureau of Economic Analysis [BEA] and the Under Secretary for Economic Affairs are funded within this account.

The Committee recommends \$75,362,000 for BEA and \$6,402,000 for program support, as requested. The recommendation will allow the BEA to improve the accuracy of its reports by replacing extrapolated data with real-time monthly data from retail outlets. This will provide data users more current economic measures to make better informed business, monetary, and fiscal decisions. In addition, the recommendation will allow the BEA to conduct quarterly surveys to gather more frequent and comprehensive data for the Nation's largest and most volatile industries. The Committee acknowledges that the BEA needs to accomplish these new initiatives in order to remain adaptive to the dynamic United States economy.

## BUREAU OF THE CENSUS

Appropriations, 2004 .....	\$624,225,000
Budget estimate, 2005 .....	828,596,000
Committee recommendation .....	605,768,000

The Committee recommends an appropriation of \$605,768,000. The recommendation is \$18,457,000 below the fiscal year 2004 funding level and \$222,828,000 below the budget request. The Committee's recommendations for the Census Bureau accounts are described in more detail in the following paragraphs.

## SALARIES AND EXPENSES

Appropriations, 2004 .....	\$192,761,000
Budget estimate, 2005 .....	220,425,000
Committee recommendation .....	174,304,000

The Committee recommends an appropriation of \$174,304,000. The recommendation is \$18,457,000 below the fiscal year 2004 funding level and \$46,121,000 below the budget request. This account provides for the salaries and expenses associated with the statistical programs of the Bureau of the Census, including measurement of the Nation's economy and the demographic characteristics of the population. These programs are intended to provide a broad base of economic, demographic, and social information used

for decision-making by governments, private organizations, and individuals.

The Committee has provided funding for the key programs of the Census Bureau. The Committee is particularly concerned that reports on manufacturing and general economic and foreign trade statistics are maintained and issued on a timely basis.

#### PERIODIC CENSUSES AND PROGRAMS

Appropriations, 2004 .....	\$431,464,000
Budget estimate, 2005 .....	608,171,000
Committee recommendation .....	431,464,000

The Committee recommends an appropriation of \$431,464,000. The recommendation is identical to the fiscal year 2004 funding level and \$176,707,000 below the budget request.

This account provides for the constitutionally-mandated decennial census, quinquennial censuses, and other programs which are cyclical in nature. Additionally, individual surveys are conducted for other Federal agencies on a reimbursable basis.

The Committee recommends \$250,611,000 for the 2010 Decennial Census under the Demographic Statistics Program, of which not less than \$82,310,000 shall be for the Master Address File/Topologically Integrated Geographic Encoding and Referencing [MAF/TIGER] System.

For other programs under this account, the Committee recommends \$180,853,000.

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Appropriations, 2004 .....	\$51,061,000
Budget estimate, 2005 .....	21,407,000
Committee recommendation .....	58,194,000

The Committee recommends an appropriation of \$58,194,000. The Committee recommendation is \$7,133,000 above the fiscal year 2004 funding level and \$33,555,000 above the budget request.

#### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$14,450,000
Budget estimate, 2005 .....	22,101,000
Committee recommendation .....	21,583,000

The Committee recommends an appropriation of \$21,583,000. The recommendation is \$7,133,000 above the fiscal year 2004 funding level and \$518,000 below the budget request.

The Committee retains language from previous years allowing the Secretary of Commerce to collect reimbursements from other Federal agencies for a portion of the cost of coordination of spectrum management, analysis, and operations. The Committee directs the NTIA to leverage these funds to establish a paperless system for spectrum issue resolution, certification, satellite coordination, and frequency authorization.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND  
CONSTRUCTION

Appropriations, 2004 .....	\$21,769,000
Budget estimate, 2005 .....	2,538,000
Committee recommendation .....	21,769,000

The Committee recommends an appropriation of \$21,769,000. The recommendation is identical to the fiscal year 2004 funding level and \$19,231,000 above the budget request. The Public Telecommunications Facilities Planning and Construction [PTFPC] program awards competitive grants that help public broadcasting stations, State and local governments, Indian tribes, and nonprofit organizations construct facilities to bring educational and cultural programming to the American public using broadcasting and non-broadcasting telecommunications technologies. The primary focus of the PTFPC program has been assisting public broadcasters in making the transition from analog to digital broadcasting.

INFORMATION INFRASTRUCTURE GRANTS

Appropriations, 2004 .....	\$14,842,000
Budget estimate, 2005 .....	14,842,000
Committee recommendation .....	14,842,000

The Committee recommends an appropriation of \$14,842,000. The recommendation is identical to the fiscal year 2004 funding level and \$14,842,000 above the budget request. The Committee directs the NTIA to limit eligibility for this program.

For the last 2 fiscal years, the Administration has slated the Technology Opportunities Program [TOP] for elimination. The reason for the elimination, according to the Department, is that the program has fulfilled its mission. However, there are great numbers of Americans that could benefit from the TOP program. The Committee therefore recommends continued funding for this program.

The Regional Information Sharing System [RISS] program under the Department of Justice provides technology support funding for law enforcement entities. The Committee recommendation therefore prohibits law enforcement entities eligible to receive funding under the RISS program from applying for TOP funds. The Committee expects NTIA to give preference to applications from consortia for which no other funding source exists.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$1,222,460,000
Budget estimate, 2005 .....	1,523,407,000
Committee recommendation .....	1,544,754,000

The Committee recommends total budgetary resources of \$1,544,754,000. The recommendation is \$322,294,000 above the fiscal year 2004 funding level and \$21,347,000 above the budget request.

The recommendation includes language that raises the amount of fees the United States Patent and Trademark Office [USPTO] may collect by \$208,754,000. These additional funds are necessary for

USPTO to fully implement the Twenty-First Century Strategic Plan and to put an end to the pendency problems that have plagued the agency for so long, as discussed later in this section.

The USPTO is charged with administering the patent and trademark laws of the United States. USPTO examines patent applications, grants patent protection for qualified inventions, and disseminates technological information disclosed in patents. USPTO also examines trademark applications and provides Federal registration to owners of qualified trademarks. The USPTO is subject to the policy direction of the Secretary of Commerce, but the agency has independent control of its budget, expenditures, personnel, procurement and other administrative and management functions. Patent laws administered by the USPTO encourage invention, innovation, and investment. The USPTO plays a critical role in promoting the continued development of intellectual property in this country. For established companies, new patents improve competitiveness, increase productivity, help bring new products and services to market, and create jobs.

In fiscal year 2002, the Committee directed the USPTO to develop a 5-year strategic plan. The USPTO answered this directive with the Twenty-First Century Strategic Plan, which was submitted to Congress in June, 2002. With the submission of the Twenty-First Century Strategic Plan, the USPTO requested to increase fees by more than \$200,000,000 and to increase its operating budget by 28 percent. The request for such budget increases rests on the assumption that substantial additional funding is necessary to enhance the quality of patent and trademark examining and reduce pendency. The Committee has questioned—and continues to question—the assumption that the USPTO's past failure to attain these objectives was the result of inadequate funding and that future ability to attain these objectives is dependent upon the hiring of hundreds, if not thousands, of additional personnel. Time will tell.

*Intellectual Property.*—In addition to the examination and issuance of patents and trademarks, USPTO works to protect and promote the protection of American intellectual property domestically and overseas. Under the American Inventors Protection Act of 1999 [AIPA], the USPTO is directed to advise the President and all Federal agencies on National and international intellectual property policy issues. The agency is authorized by AIPA to provide guidance, conduct programs and studies, and otherwise interact with foreign intellectual property offices and international intergovernmental organizations on matters involving the protection of intellectual property. The Committee conducted hearings on the United States' Federal efforts to combat piracy and counterfeiting of American intellectual property in April 2004. As discussed in the opening section of this statement, the Committee has found our Federal efforts to be inadequate. The recommendation therefore includes \$20,000,000 for USPTO to increase its efforts to ensure that governments in developing and least developed countries are establishing regulatory and enforcement mechanisms in order to meet their international obligations relating to the protection of intellectual property, and to assist them in these efforts. This funding

shall also be for USPTO to augment its compliance monitoring activities and capabilities overseas.

Within the amount made available for USPTO, \$990,000 is for a grant to the Whittimore School of Business for an intellectual property rights pilot project.

Any deviations from the funding distribution provided for in this Act and in its accompanying statement, including carryover, are subject to the standard reprogramming procedures set forth in section 605 of this Act. In addition, 60 days after the date of enactment of this Act, the USPTO shall submit to the Committee a spending plan for fiscal year 2005. This spending plan should incorporate all carryover balances from previous fiscal years, describe any changes to the patent or trademark fee structure, and demonstrate how funding available to the USPTO in fiscal year 2005 will allow the agency to achieve the objectives laid out in the Twenty-First Century Strategic Plan.

## SCIENCE AND TECHNOLOGY

### TECHNOLOGY ADMINISTRATION

#### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$6,343,000
Budget estimate, 2005 .....	8,294,000
Committee recommendation .....	6,407,000

The Committee recommends an appropriation of \$6,407,000. The recommendation is \$64,000 above the fiscal year 2004 funding level and \$1,887,000 below the budget request. The recommendation does not provide funding for the Interagency Global Positioning System Executive Board Secretariat or the Office of Space Commercialization because the Committee recommendation includes funding for these offices under the National Oceanic and Atmospheric Administration where similar activities relating to their mission are funded.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Appropriations, 2004 .....	\$621,494,000
Budget estimate, 2005 .....	521,469,000
Committee recommendation .....	784,963,000

The Committee recommends an appropriation of \$784,963,000. The recommendation is \$163,469,000 above the fiscal year 2004 funding level and \$263,494,000 above the budget request. The recommendation provides that up to \$14,800,000 may be transferred from the Scientific and Technical Research and Services account to the Working Capital Fund, which the National Institute of Standards and Technology [NIST] uses to purchase equipment for its laboratories.

In light of budgetary issues and recent reductions-in-force, NIST is directed to consult the Committees on Appropriations before proceeding with further implementation of competitive outsourcing.

A description of each NIST account and the corresponding Committee recommendation follows:



## SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Appropriations, 2004 .....	\$340,743,000
Budget estimate, 2005 .....	422,868,000
Committee recommendation .....	383,892,000

The Committee recommends an appropriation of \$383,892,000. The recommendation is \$43,149,000 above the fiscal year 2004 funding level and \$38,976,000 below the budget request. The recommendation provides the maximum funding deemed prudent for this account to insure that NIST meets its mission.

The Committee's recommendations are displayed in the following table with specific increases described:

## SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

[In thousands of dollars]

	Committee recommendation
Electronics and Electrical Engineering .....	49,191
Manufacturing Engineering .....	23,584
Chemical Science and Technology .....	43,542
Physics .....	41,515
Materials Science and Engineering .....	60,424
Building and Fire Research .....	21,594
Computer Science and Applied Mathematics .....	65,660
Technology Assistance .....	15,445
National Quality Program .....	5,400
Research Support Activities .....	57,537
Total, STRS .....	383,892

Within the funds made available for Electronics and Electrical Engineering, \$7,000,000 is for the Office of Law Enforcement Standards [OLEs], of which \$4,000,000 is to fund the highest priority homeland security research projects. Projects managed by OLES are to be coordinated with the Department of Justice and the Department of Homeland Security. In addition, \$1,000,000 is for the nanoelectronics initiative which supports the development of semiconductor technologies.

Within the funds made available for Manufacturing Engineering, \$2,000,000 is for the nanomanufacturing initiative enabling critical infrastructural measurements and standards for the developing nanotechnology industry.

Within the funds made available for Physics, \$3,000,000 is for quantum computing. The Committee strongly supports NIST's Nobel Laureates' efforts in this area. The Committee believes their leadership could provide a revolutionary breakthrough in computing technology just as the transistor did over 50 years ago.

Within the funds made available for Materials Science and Engineering, \$6,000,000 is provided for upgrades to the National Center for Neutron Research in order to meet the increasing demands for this national scientific resource.

Within the funds made available for Building and Fire Research, \$2,000,000 is for measurements and standards for advanced fire fighting technologies. Numerous innovative technologies are becoming available for the Nation's fire departments. Unfortunately, there are few standard test methods able to assess the performance

of these instruments. These devices represent a significant investment for the limited budgets of most fire departments. The current lack of test methodology forces fire departments to evaluate the performance based on “word of mouth” and manufacturer literature.

Within the funds made available for Computer Science and Applied Mathematics, \$2,800,000 is for NIST’s efforts in support of the Technical Guidelines Development Committee, as established under the Help America Vote Act, Public Law 107–252. Additionally, the Committee acknowledges NIST’s support of the US VISIT program and other biometric programs at the State and Justice Departments. As such, \$2,000,000 is provided to allow NIST to begin testing the accuracy of multimodal systems, develop guidelines for testing single finger and slap fingerprint segmentation methods, and determining the influence of multiple images on the accuracy of facial biometrics. The Nation’s critical infrastructure is at constant risk due to inadequate security which is subject to exploitation, including the critical systems of the Federal Government. As such, NIST’s Computer Security Division has been given important authorities and responsibilities by the Congress to conduct its mission of developing Federal standards, security guidelines, security checklists and associated methods and techniques for securing information systems, specifically Federal non-classified systems. These responsibilities are derived from the Federal Information Security Management Act and the Cyber Security Research and Development Act. Unfortunately, this important mission has not received the funding it requires. To begin to address this deficiency, the Committee recommendation includes \$10,000,000 to develop the standards, guidelines, security specifications, testing methods, checklists, and testing and scanning tools necessary to protect the Nation’s cyberspace.

Within the funding for Research Support, an increase of \$1,533,000 is provided to the Competence program, \$11,000,000 is provided to transfer to the NIST Working Capital Fund to purchase equipment for the Advanced Measurement Laboratory, and \$10,000,000 is provided for Business Systems.

*Chemical Science and Technology Study.*—The Committee understands that the current methods of bulk asbestos analysis were designed to segregate commercial asbestos products containing more than 1 percent asbestos and may be inadequate for determining low concentrations of asbestos that occur in the natural environment. The Committee is aware of private-sector interest in developing a mass-based method that is accurate to the 0.1-1 WT percent levels and which will segregate asbestos from non-asbestos particles on mine-grade samples of amphiboles and a method for distinguishing asbestos and non-asbestos particles in airborne filter samples. The Committee directs NIST to provide to the Committee not later than January 31, 2005, a determination on whether developing such a methodology is necessary, and if so, the process, cost, and timetable for developing this methodology.

## INDUSTRIAL TECHNOLOGY SERVICES

Appropriations, 2004 .....	\$216,480,000
Budget estimate, 2005 .....	39,190,000
Committee recommendation .....	315,000,000

The Committee recommends an appropriation of \$315,000,000. The recommendation is \$98,520,000 above the fiscal year 2004 funding level and \$275,810,000 above the budget request.

*Manufacturing Extension Programs [MEP].*—The Committee recommends an appropriation of \$112,000,000 to fully fund all MEP centers. The recommendation is \$72,393,000 above the fiscal year 2004 funding level and \$72,900,000 above the budget request. The Committee also recommends bill language prohibiting the Secretary of Commerce from recompeting any existing Manufacturing Extension Center prior to 2007.

The Committee is aware of recent data indicating that in 2003 alone, MEP clients who had completed projects within the prior 12 months reported increased sales of \$953,000,000; retained sales of \$1,840,000,000; benefited from \$681,000,000 in cost savings; and created or retained 35,028 jobs. Meanwhile, as a result of the growing loss of American manufacturing jobs in the last year, the Commerce Department has proposed, over the past several months, a hodge-podge of small new programs to assist manufacturers, yet has provided very little support to the MEP center system which has a proven record. The Committee believes that fully funding the MEP centers is the most economical and prudent means of assisting small manufacturers that want to remain in the United States hiring American workers, and also want to stay competitive in the global market place.

Of the funds recommended, \$6,000,000 is provided to ensure small and rural States receive necessary manufacturing assistance and services. The Committee has reviewed the Department of Commerce's report "Manufacturing in America" recommendations and is concerned that it is reorganizing the MEP program around a regional approach. The Committee recognizes that the original concept of 12 regional centers for MEP is not the best model to address the needs of small and medium-sized manufacturers. The Committee supported MEP's expansion in order to equalize services to all types of manufactures across the country. The Committee directs the Undersecretary of Technology Administration and NIST to provide the necessary coverage for small and medium-sized manufacturers. In addition, the Committee is concerned about the ability of small and rural States to provide adequate "matching" funds. The Committee directs MEP to develop a program which will provide additional assistance to small and rural States and report back to the Committees on Appropriations by December 31, 2004, with an implementation plan.

*Advanced Technology Program [ATP].*—The Committee recommends an appropriation of \$203,000,000. This recommendation is \$23,825,000 above the fiscal year 2004 funding level and \$203,000,000 above the budget request. The amount, when combined with \$8,500,000 in prior year deobligations and carryover, will fully fund ATP awards. Within the amounts made available \$60,700,000 is to be used to fund new awards.

## CONSTRUCTION OF RESEARCH FACILITIES

Appropriations, 2004 .....	\$64,271,000
Budget estimate, 2005 .....	59,411,000
Committee recommendation .....	86,071,000

The Committee recommends an appropriation of \$86,071,000. The recommendation is \$21,800,000 above the fiscal year 2004 funding level and \$26,660,000 above the budget request. The recommendation funds the highest priority safety, capacity, maintenance, and repair projects at NIST. Of the amounts provided, \$12,000,000 is for the next phase of the Central Utility Plant, \$3,800,000 is for the first phase of renovation of Building 1, and \$3,600,000 is to fully fund the renovation of Building 4 at the Boulder, CO, Laboratory, thus enabling the machine shop to be relocated from valuable scientific space. The Committee does not recommend funding for the NIST North relocation. The Committee has yet to receive the updated facilities report required by last year's appropriation, which would have provided detailed justification for the need of this relocation. The Committee has, however, received adequate and detailed information on the current state of disrepair of the Boulder Laboratory and renovation plans for that facility. The Committee understands the renovations in Boulder to be NIST's highest priority projects and recommends that NIST address these facilities. Additionally, within the amounts provided, \$19,171,000 is for safety, capacity, maintenance, and major repairs. This funding is to be used to address the high priority "backlog" maintenance projects, such as asbestos abatement, site alarm system installation, environmental compliance, and necessary repairs needed in the Congressional Affairs Office.

Language is provided which will allow NIST to utilize the depreciation and use surcharge it collects from outside sources toward the repair and maintenance of its facilities. This surcharge is collected pursuant to OMB Circular A-25 and is currently returned to the Treasury's General Fund. OMB allows agencies to propose other uses of the funding collected, as such, NIST has proposed and had this language approved as part of its legislative proposal. Since this proposal is directly related to the appropriations of this account the Committee has included the proposed language in the bill.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## (INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2004 .....	\$3,701,011,000
Budget estimate, 2005 .....	3,373,498,000
Committee recommendation .....	4,141,793,000

The Committee recommends an appropriation of \$4,141,793,000 for the National Oceanic and Atmospheric Administration [NOAA]. Of this amount, transfers total \$60,000,000. The recommendation is \$440,782,000 above the fiscal year 2004 funding level and \$768,295,000 above the budget request. The Committee recommendation disapproves the budget request which proposes to terminate or significantly reduce almost \$700,000,000 from pro-

grams ranging from climate change to marine mammal management to infrastructure support.

#### OCEAN COMMISSION INITIATIVE

NOAA is the Nation's lead civilian agency in science, service and stewardship for the Earth's oceans and atmosphere. The agency's importance was recently highlighted by the United States Commission on Ocean Policy, the most comprehensive review of ocean policy and programs in over 35 years. The Committee's recommendations clearly highlight NOAA's diverse and important programs, and call for the agency and its programs to be strengthened and significantly expanded.

The Committee's recommended funding levels enhance and improve a number of programs endorsed by the Commission. In total, the Committee has recommended \$454,297,000, an increase above fiscal year 2004 funding level of \$205,874,000 and \$239,075,000 above the budget request to support a number of the NOAA programs highlighted by the Commission's report. The Committee recommendations are provided in the following table:

#### COMMITTEE NOAA OCEAN COMMISSION INITIATIVE

[In thousands of dollars]

	Committee recommendation
Integrated Coastal & Ocean Observation System .....	74,650
Ocean Health Initiative .....	20,000
National Sea Grant Program .....	73,906
NOAA Education Initiative .....	21,907
Ocean Exploration/Undersea Research .....	49,983
Marine Debris .....	7,500
International Fisheries Treaties/Negotiations and Compliance .....	5,000
Marine Mammal Initiative .....	12,000
Satellite Oceanography/Transition NASA Research Into Operations .....	10,000
Vessel Days at Sea/Ship Maintenance .....	115,351
Shipbuilding/Equipment and Technology .....	64,000
<b>Total Ocean Commission Initiative .....</b>	<b>454,297</b>

*Integrated Coastal and Ocean Observations.*—The United States Commission on Ocean Policy's report documents the enormous national benefits from deploying an operational ocean measurement and forecasting capability. The United States maintains a robust and effective meteorological observing and modeling capability for the atmosphere, but it largely lacks the same capability for the marine environment. Ocean and coastal observations and forecasting has not been a priority for the United States in the past, for example a current network of data buoys maintained by NOAA anchored offshore America's coasts primarily measure the atmosphere and are commonly referred to as marine "weather" buoys.

A true integrated system must coordinate and consolidate data from stationary and drifting buoys, ships, satellites, tide gauges, and other platforms, develop computer models, and provide quality controlled data products on a real-time basis. The Commission's report notes the many physical, chemical, and biological variables that an integrated system needs to measure on an operational basis. In short, the United States needs to significantly improve its

ability to measure and forecast the oceans and especially the coastal oceans and environment. NOAA needs to provide an oceans service for the Nation in the same way it has for years provided a weather service.

The Committee commends the efforts that NOAA has made to integrate various observational systems, and bring together various Federal agencies and diverse regional systems that often were deployed for research rather than operations. In recognition that it is the only civilian Federal agency with the technical expertise, background, and mission, the U.S. Commission on Ocean Policy tasked NOAA as the lead agency for development and deployment of a true National Integrated Coastal and Ocean Observing System.

The Committee recommendation provides \$74,650,000 for development, management, deployment, and operation of a true national Integrated Coastal and Ocean Observing System, an increase of \$47,649,000 above fiscal year 2004 appropriated levels. The Committee notes that NOAA Oceans and Coasts/National Ocean Service has the lead for creating this capability, but this challenge will involve the combined capabilities of all NOAA components. The Committee recommendation includes procurement and operating funds, and support for regional partners. The Committee recommendation includes \$13,000,000 for conversion of NOAA marine "weather buoys" to carry and operate oceanographic sensors, and directs that this be a joint effort between the NOAA Oceans and Coasts and the National Data Buoy Center. Of the \$32,000,000 provided under the "ICOOS" line items in NOAA Oceans and Coasts, not less than \$2,000,000 is for coastal and ocean supercomputer models developed jointly with the National Centers for Environmental Prediction, Environmental Modeling Center.

The NOAA ICOOS amounts in the accompanying NOAA table are for development of Federal capacity and are for deployment of an operational system. This \$32,000,000 is exclusive of support the Committee has provided for specific regional and university based systems, which also are depicted in the accompanying detail table.

*Oceans and Human Health.*—The Ocean Commission report acknowledges that the need to better understand the relationship between oceans and human health is growing in scientific and societal importance. Oceans and human health research spans topics ranging from development of marine pharmaceuticals, understanding causes and effects of harmful algal blooms [HABs] and seafood contamination, to the relationship of climate change on coastal and human health. While the Committee has provided funding during the past 2 years for an ocean and human health initiative, recent Senate-passed legislation (S. 1218, the Oceans and Human Health Act) and the draft report of the United States Commission on Ocean Policy have both validated the Committee's efforts and recognized the need for additional Federal investment and focus in this area. Specifically, the Commission recommended that Congress establish and fund a national, multi-agency Oceans and Human Health Initiative that would include support at NOAA and other research agencies for expanded multidisciplinary research on oceans and human health, such as development of new compounds, expanded research in marine microbiology and virology, and methods for monitoring and identifying pathogens and

chemical toxins in ocean water and seafood. The Commission recommended a doubling of Federal ocean and human health program funding to \$28,000,000. The Committee has adopted this recommendation with respect to NOAA, doubling the investment in the NOAA Oceans and Human Health Initiative from \$10,000,000 in fiscal year 2004 to \$20,000,000 in fiscal year 2005.

*Ocean Exploration.*—The United States Commission on Ocean Policy calls for a significant expansion of NOAA's Ocean Exploration [OE] Program. The Commission's position on Ocean Exploration is quite similar to that put forward by the President's Panel on Ocean Exploration issued in the fall of 2000.

On virtually every OE mission, scientists are discovering new geographic features, resources and lifeforms. While the United States space program ponders whether water exists on other planets, it is clear that this planet is over 70 percent ocean, and much of it remains to be explored. The Ocean Commission and others estimate that 95 percent of the world's ocean floor remains unexplored. As the Commission's report noted:

"Given the importance of the ocean in human history and in regulating climate change, guaranteeing food security, providing energy resources, and enabling worldwide commerce, it is astounding that we still know so little about it. This is due primarily to the lack of a long-term, large-scale commitment to ocean exploration. The ocean and its depths need to be systematically explored to serve the interests of the Nation and humankind."

NOAA has operated an undersea research program focused on several university centers since the early 1980's. Beginning in 2000, NOAA undertook a new Ocean Exploration initiative that was intended to make competitive grant awards and to join with new external partners in the exploration of the seas. The OE initiative specifically focused on discovery-based submersible missions, and from the beginning it made educational outreach a central focus of the program. The Committee recommendation supports the Commission's report and provides \$49,983,000 for NOAA Ocean Exploration, an increase of \$18,800,000 above current fiscal year 2004 levels, and \$27,845,000 above the fiscal year 2005 budget request. Of the total recommendation, \$30,983,000 is provided for the NOAA Ocean Exploration initiative and \$19,000,000 is provided for the National Undersea Research Program (including the National Institute for Undersea Science and Technology). In addition to the preceding amounts, \$2,000,000 is recommended for days at sea as well as initial staffing of the new dedicated NOAA Ocean Exploration Vessel.

*Marine Debris.*—The Committee has long been aware of the need to address the pervasive problem of marine debris, which includes a wide variety of objects generated by human activities—from plastics and cigarette butts to vessel cargo and derelict fishing gear. The dire threats posed by marine debris to marine life, the marine environment and navigation safety are compounded by the persistent nature of these objects. While the long-term solution is prevention, the near term approach must focus on identification, removal, and reduction of these materials, and develop effective prevention strategies. In recent years, the Committee has provided funds targeted to a unique and remote ecosystem where debris

from distant shores and vessels have had deadly effects on endangered marine mammal and bird species, as well as corals: the Northwestern Hawaiian Islands [NWHI]. The NOAA-led program for the NWHI cleanup was comprised of Federal, State, local, and nongovernmental entities and has been hailed as a national model for marine debris removal and recycling (fishing nets provided co-generated energy to local households). With concern over the oceans increasing, the problem of marine debris is now at the forefront of national concern, occupying an entire chapter of the Preliminary report of the United States Commission on Ocean Policy, and the sole focus of legislation recently introduced in the Senate. The Committee recommendation includes \$7,500,000 for NOAA to undertake a national effort focused on identifying, removing, reducing and preventing the occurrence of marine debris, as recommended by the United States Commission on Ocean Policy, with priority given to identifying and reducing impacts on endangered, threatened or protected species and sensitive habitats in United States waters. The Committee directs the NOAA Administrator to work with Federal, State, and local partners, including nongovernmental entities in developing such a program, and seek to increase the ranged and effectiveness of the program through public/private matching.

*NOAA Education Initiative.*—The United States Commission on Ocean Policy report and the recent National Science and Technology Council report “Science for the 21st Century” highlight and endorse the important role that Federal mission agencies have in education, especially in promoting science, math, and environmental education for K–12 students. The Commission noted: “Although not all ocean-related Federal agencies have a specific education mission, most have made efforts to reach out to students, teachers, and the public to inform them about ocean issues, sometimes by adding ocean-related components to larger science and environmental education efforts.”

NOAA along with National Aeronautics and Space Administration [NASA] and the National Science Foundation [NSF] plays a critically important role in promoting education and environmental literacy. NOAA operates the respected Sea Grant University program, and has developed outstanding outreach and education programs in the Ocean Exploration, Marine Sanctuaries, National Estuarine Research Reserve, and Minority Serving Institution programs. Probably most impressive has been grass roots efforts by NOAA employees/offices around the Nation. For example, the NOAA National Weather Service forecast office in Cheyenne, WY, developed the successful Women in Science program that gained statewide recognition. The NOAA Fisheries Southeast Regional Office and NOMAO Aviation Operations Center have created environmental excellence education programs in Pinellas County, FL. NOAA offices and employees around the Nation have made similar efforts, and have made a tremendous impact. NOAA also has effectively involved external partners, such as the National Aquarium in Baltimore and the National Marine Sanctuary Foundation, in outreach and education programs for America’s youth, including economically disadvantaged students. In 2003, with congressional



approval, NOAA created an Office of Education in recognition that more can and should be done.

The Committee recommendation includes increased funding to further NOAA's educational outreach and results-oriented approach. Funding for the Sea Grant program is recommended at \$73,906,000, an increase of \$11,278,000 above fiscal year 2004 and \$16,448,000 above the budget request. Funding for the Minority Serving Institution [MSI] program is recommended at \$17,407,000, an increase of \$2,407,000 above fiscal year 2004 and the budget request. The Committee commends the MSI program and directs that it have not less than six FTE allocated and filled. The Committee recommends that NOAA create an additional center of excellence and seek to improve geographic and ethnic diversity in its MSI program (no centers are currently located west of the Mississippi River).

The Committee recommends an increase of \$10,000,000 for the NOAA Office of Education to provide innovative K-12 environmental education outreach programs that involve local NOAA offices and partnerships. The Committee expects that NOAA will inform the House and Senate Committees on Appropriations not later than February 1, 2005, on how it allocated these program funds and the specific initiatives undertaken. As part of its overall NOAA education initiative, the Committee also has included \$1,000,000 to support the Ocean Science Bowl, \$2,500,000 for the JASON program, \$3,500,000 for BWET programs, and \$500,000 for the Save Narragansett Bay education program. Finally, the Committee has included bill language clarifying NOAA's important role in elementary and secondary education.

*Satellite Oceanography/Transitioning Research to Operations.*—The United States Commission on Ocean Policy, National Academy of Sciences, and others have pointed to the United States' poor record on transitioning remote sensing research and development into operational Earth-observing satellites. NASA is charged with Research and Development while NOAA is charged with flying operational satellites to acquire data on the Earth, the Earth's atmosphere, and oceans. Little of the sensor technology developed by NASA has been picked up by NOAA, and NOAA's budget requests to Congress have been conspicuously absent requests to even acquire and process data from NASA satellites, such as ocean winds from scatterometers, exact sea level and wave height from altimeters, as well as other oceanic measurements such as coastal ocean color. As noted by the U.S. Commission on Ocean Policy, it is NOAA's mission to fly operational satellites, including ocean remote sensing technology, and to provide data continuity.

As a solution, the United States Commission on Ocean Policy recommended transferring NASA's Earth environmental observing satellites and budget to NOAA. The Committee has not taken action on this recommendation which will be referred to and reviewed by the Executive Branch. However, the Committee believes that the underlying inability of the NOAA budget request to address technology transition is indeed an issue that must be addressed. OMB needs to fairly and consistently review earth remote sensing programs across all Federal agencies. The Committee recommendation includes \$10,000,000 to provide NOAA the capability to transi-

tion NASA remote sensed ocean measurements into operational products for the user community and support for NOAA/NASA ocean remote sensing partnerships.

*Marine Mammal Initiative.*—The Committee notes that there have been over 25 significant and unexpected die-offs of marine mammal populations in the last 15 months, including over 700 dead bottlenose dolphins washing up on the mid-Atlantic coastline, over 600 dead gray whales along their migratory route between Mexico and Alaska, and dozens of California sea lions suffering from seizures and ultimately dying on a public beach. In over 40 percent of the cases, the NOAA Fisheries' Office of Protected Resources could not make a determination of the cause of the mortality. In many instances, a determination could not be made simply because of the lack of funding necessary to reach the scene in time to do the necessary investigations and research. The need for better response by the agency, and the necessary funding for that response has not gone unnoticed. A number of reports from expert bodies, beginning with the "1999 Kammer Report", and as recently as the draft report of the United States Commission on Ocean Policy, have pointed to the urgent need to address a variety of immediate threats to marine mammals. The Committee has thus provided \$12,000,000 for a marine mammal initiative. Of the funding provided for this initiative, the Committee recommendation includes \$4,000,000 as emergency funding to be used by the NOAA Fisheries' Office of Protected Resources to address new or emerging needs associated with marine mammal injury or mortality, including unusual mortality events. Of the funding provided, the Committee recommendation also includes \$7,000,000 to address the most critical marine mammal information and protection needs, including stock assessments, recovery plans, and bycatch reduction efforts. Finally, the Committee recognizes that the Office of Protected Resources is already short handed, and for the new initiative to take effect, additional personnel are needed. So of the funding provided for the Marine Mammal initiative, the Committee recommendation includes \$1,000,000 for permitting functions of the Office of Protected Resources for hiring of additional full time equivalents. The Committee expects NOAA to continue to request funding for these additional FTEs in their fiscal year 2006 budget submission.

#### NOAA MANAGEMENT AND FINANCIAL ISSUES

The Committee takes note of the many management and budgetary reforms that NOAA has undertaken. The agency has successfully developed and deployed a modern financial accounting system, "CAMS," and has received clean financial audits for the past 7 years. The Committee recommendation includes funding for continued CAMS software builds/functionality and system improvements.

The Committee strongly supports the priority the NOAA Administrator has assigned to grant administration and believes that grant processing cycle times can be and must be reduced. A prompt and transparent grant review and award system is essential to an agency that prides itself on considering external partners part of the NOAA team. Bill language is included so that the only area for

which additional corporate costs may be assessed (above the fiscal year 2004 baseline) is improvements in grant processing cycle times—reducing the time required from application to award.

The Committee notes that a new NOAA strategic plan was created in 2002/2003 with significant input from diverse NOAA constituent groups around the Nation. NOAA's current leadership has sought to create a unified NOAA through cross-cutting strategic goals and matrix management techniques similar to that used in the private sector. To that end, the Committee endorses the use of NOAA names for traditional line offices, such as "NOAA Research" and "NOAA Fisheries," along with more traditional organizational titles. The Committee's recommendation endorses many cross-cutting reforms as reflected in the allocations for such organizations as the Planning, and Programming Integration [PPI] line office and NOAA Chief Financial Officer's organization. Bill language is recommended for the first time to move toward a programmatic allocation of NOAA's budget through the five NOAA strategic goals: Ecosystem Forecasting and Management; Climate; Weather and Water; Commerce and Transportation; and NOAA-Wide programs. For the first time, the accompanying tables display program, project and activities by both line office and strategic goal.

The United States Commission on Ocean Policy strongly supported NOAA's role as the lead civilian agency for the oceans, but also clearly noted that NOAA's organization needs significant reform and greater integration. NOAA's Oceans, Fisheries, Weather, Research, and Satellite "line offices" must be transformed into an integrated, effective whole working on behalf of the American people. The Committee would entertain a NOAA budget submission for fiscal year 2006 that is more programmatic and aligned with NOAA's strategic plan and strategic goals. The Agency should be reorganized to reflect environmental science and services as they are understood in 2004, not 1970.

The Committee also recommends that the administration provide a realistic budget submission for NOAA that is in line with annual appropriated levels and baselines, rather than fictitious OMB planning ceilings that have no relation to reality and, if enacted, would devastate the agency's service to the American people. The Committee recommends that the Director of OMB positively respond to the recommendations of the United States Commission on Ocean Policy, especially the Commission's criticisms of OMB's inconsistent policy and organizational approach to evaluating the Nation's natural resource, science, and space programs.

The Committee has continued to provide direct appropriations for NOAA and Commerce Department corporate costs under "NOAA-wide Program Support" as was included for the first time in the fiscal year 2004 Omnibus Appropriations Act. The Committee has disapproved again the practice of allocating or tithing corporate costs across programs, projects, and activities. The appropriations in the various organizational accounts are accordingly adjusted to reflect the direct appropriation in lieu of the budget which included amounts in various programs across the agency.

The recommended appropriations and accompanying tables restore the convention of including salaries and expenses (Object Classes 11–13) as an integral component of program costs. The

Committee's recommendation has provided for the cost of living adjustment and adjustments to base as proposed in the budget request in order to support NOAA's outstanding workforce, its greatest asset. The recommendation includes an increase of \$470,000 for information technology systems used by the CFO and CAO organizations. The hardware and software used by these NOAA support, or "enabling functions" lags behind the rest of NOAA. Finally, the Committee recommendation allows for five appropriation line items at NOAA headquarters, instead of separate small appropriations for each staff office as was allocated in fiscal year 2004. The Committee appreciates that as leader of an agency of 12,500 employees and \$4,000,000,000, the NOAA Administrator should be accorded greater flexibility in determining how NOAA headquarters should be structured and resourced. Similarly, the Committee recommends that NOAA, the Office of the Secretary of Commerce, and OMB review carefully the discussion in this report's introduction titled "Reprogrammings, Reorganizations, and Relocations." The Committee notes that the long standing flexibilities provided in the reprogramming process cannot function when it requires 5 or 6 months for a NOAA reprogramming to clear Commerce and OMB and finally be transmitted to Congress.

The Committee rejects with prejudice the budget proposal to cut \$15,000,000 across NOAA programs for "deobligations." The Committee notes just 4 years ago NOAA leadership implored the Committee to eliminate these unwarranted and unrealized deobligations because they amounted to nothing more than general reductions across all NOAA programs and had a significant negative impact on program areas such as the weather service. The Committee notes that these savings, should any materialize, should be applied to meet unfunded pay raise requirements.

The Committee has included bill language allowing NOAA to expand and make permanent the personnel management demonstration project pursuant to the Civil Service Reform Act. The Committee action provides NOAA with the same authorities as those already extended to the National Institute of Standards and Technology. Some parts of NOAA, such as NOAA Fisheries, have not been able to extend the current program, while other parts of NOAA have not been able to use this merit based system that promotes productivity and performance; the "NOAA Pay Demo" has been popular with both managers and employees. The Committee's recommended language would enable the National Ocean Service, NOAA headquarters, NOAA Finance and Administration and the CIO office to be under the demonstration program in their entirety. It allows organizations such as NOAA Fisheries to have more of their organizations under a single personnel system. The Committee expects that NOAA would not propose to extend the demonstration program to any organization covered by a collective bargaining agreement, including the Weather Service.

The Committee has included bill language allowing the same flexibilities accorded to NASA in the promotion of its space programs to be extended to NOAA in the promotion of its oceanic, atmospheric, and space programs. The Commerce Department's Office of General Counsel regularly contests NOAA's ability to partner with industry and educational groups in the same manner as

NASA does as a standard means of doing business. The Committee recommendation should allow NOAA programs to be treated in a similar and fair manner.

The Committee recommendation has combined NOAA's two major appropriations accounts "Operations, Research and Facilities" and "Procurement, Acquisition and Construction" as was the case before the late 1990s. The new consolidated account "Operations, Research, Facilities and Systems Acquisition" more clearly reflects the cost of NOAA environmental programs and it should provide greater flexibility to the Administrator in meeting requirements.

The Committee supports NOAA's efforts to align financial and administrative activities along functional services. For example, all NOAA workforce/human resource personnel and activities should be under the direction of the Director of Workforce Management/Human Resources. Such fundamental management improvements should proceed and should not require reprogramming approval. The Committee also understands that NOAA is examining its regional administrative structure and may propose future consolidations and realignment. The Committee notes that any such restructuring or significant downsizing would be subject to section 605 procedures.

*Infrastructure and Efficient Operations.*—The fiscal year 2005 budget request regrettably represents a retrenchment in the effort to rebuild and invest in NOAA's science and service infrastructure. Unlike past years, funds are not requested to continue the construction of facilities like the NOAA Pacific Regional Facility. Newly constructed or refurbished vessels like the OSCAR DYSON and the HIALALAKAI are budgeted to operate for only 80 to 100 days at sea. This procedure leaves the taxpayers with most of the fixed costs, but without the benefit of the new platforms. Fishery and bathymetric surveys, coral reef monitoring, and marine debris removal requirements go unmet under the administration's budget while NOAA ships and their crews would remain in port.

The Committee recommendation significantly amends the budget proposal with respect to NOAA's infrastructure and fleet assets; the Committee continues to take the lead in providing for efficient use of the fleet and for providing safety improvements and mission equipment for NOAA ships and aircraft. The Committee recommendation funds ships to operate at customary OPTEMPO levels and fully supports the NOAA Office of Marine and Aviation Operations and the NOAA Corps, the United State's Seventh Uniformed Service. Maintenance and safety equipment for both aircraft and ships has been increased above the budget request. The recommendation includes \$4,000,000 in instrument upgrades for the G-IV high altitude hurricane reconnaissance aircraft have been provided so doppler radar and related meteorological instruments can be procured and installed. In addition, \$18,000,000 in facility maintenance funds have been consolidated and increased so that these resources benefit all NOAA activities and facilities across the Nation, not only weather offices. The Committee recommendation restores \$10,000,000 for the Small Waterplane Area Twin Hull Vessel [SWATH] which will conduct hydrographic operations in the Northeast and the Committee has programmed funding to provide

the vessel with capability to perform essential fish habitat [EFH] mapping. Similarly, \$3,000,000 is included to provide the FAIRWEATHER in the North Pacific with additional hydrographic launches, technology and EFH capability, thus greatly improving the efficiency and capability of this restored fleet asset. The recommendation includes \$34,000,000 to complete construction of the third NOAA Fisheries Research Vessel. The Committee recommendation includes \$5,000,000 for long lead procurement of the fourth NOAA Fisheries Research Vessel. In fiscal year 2006, the Committee expects the Commerce Department/NOAA to submit a budget that fully funds the balance for construction of the fourth Vessel.

*Acquisition Program Out-Year Budget Estimates.*—For over 30 years the President’s budget for NOAA included out-year estimates for each NOAA major acquisition program. Since NOAA satellites and other procurements, shipbuilding and construction are requested and appropriated on an “incremental” or annual basis, it is essential that Congress and the taxpayers understand the total costs of program proposals and decisions. Three years ago, the Office of Management and Budget unilaterally decided to change this long-standing practice. For example, the fiscal year 2005 budget requests the Committee to make a significant commitment to the GOES R program, yet only fiscal year 2005 financial requirements are displayed for this multi-year program.

It would be impossible for the Senate or House Defense Appropriations Subcommittees to make informed decisions on acquisition programs without knowing out-year costs for RDT&E, Procurement and Military Construction programs. (OMB still allows such information to be submitted for Defense Department acquisition programs.) This requirement is just as true with respect to the Commerce, Justice, and State, the Judiciary and Related Agencies Subcommittee evaluating NOAA Programs. Accordingly, the Committee has included bill language requiring that out-year budget estimates be submitted by the Secretary of Commerce for fiscal year 2006 and each year thereafter as part of the annual budget justification materials each major procurement, acquisition and construction program supported by NOAA appropriations.

*Satellite Acquisition Progress Reports.*—The Committee recommendation fully funds NOAA geostationary or “GOES” and polar-orbiting or “POES” satellite programs. The difference between the recommendation and the budget request merely reflects the consolidation of NOAA corporate costs as a direct appropriation instead of allocating program wide costs across various programs, projects and activities. The recommendation also, for the first time, allocates satellite system costs across NOAA strategic goals. With the GOES R program moving into development and the NPOESS program now in procurement, the Committee expects Commerce/NOAA to provide quarterly progress reports on these programs to the House and Senate Committees on Appropriations. The Committee expects NOAA to provide standard program management tracking data and financial data. With respect to the NPOESS program, this analysis should be provided by major payload sensors so that the Committee can ensure that the NPOESS program is staying within cost and schedule.

*Fleet Modernization.*—In 1991 NOAA drafted and submitted a fleet modernization program to Congress. In the 13 years since that plan, NOAA has been able to construct (or begin construction) three new state of the art Fishery Research Vessels [FRV]. The Committee recommendation provides long lead procurement for the fourth ship and the Committee expects that this fourth FRV will be requested and fully funded in fiscal year 2006. NOAA has also been able to acquire a number of former Navy vessels, seven of which were 224 foot CLASS III T-AGOS ships. (The Fiscal Year 2005 Senate Department of Defense Appropriations Act includes \$18,000,000 to convert an additional T-AGOS to be a dedicated NOAA Ocean Exploration Vessel). Through creativity and tenacity, NOAA and, in particular, the Office of Marine and Aviation Operations, have been able to kluge together a modernization program, meet research and operational needs, and maintain safety at sea and in the air.

The Committee understands that during the past 1½ years NOAA has undertaken examination of its vessel and aircraft fleets to determine future missions, requirements and capabilities. The Committee is concerned that hydrography, coastal research, fisheries, marine mammal, essential fish habitat, oceanic and atmospheric research and other requirements may continue to go unmet given NOAA's current procurement and contracting plans. Until now, the ocean exploration program requirements for shiptime appear to have been ignored by NOAA. NOAA's P-3 hurricane research/reconnaissance aircraft are approaching 30 years of age and it is not clear how that mission will continue to be met in future years.

The Committee requests that NOAA provide a ship and aircraft fleet modernization plan to the Committees on Appropriations, as well as relevant authorization committees. The report should document requirements in terms of days at sea and flying hours by functional mission area, and it should consider both Government and private sector assets (including the UNOLS academic fleet). It should also provide notional service life estimates for NOAA's current fleet of ships and aircraft. The report should cover the use of new technologies and platforms such as AUV's and UAV's. This report should be submitted to the Congress immediately upon enactment of this Act. To reduce OMB interference in NOAA's ability to meet this congressional requirement and to minimize bureaucratic delays, the report need not include exact financial or fiscal year cost estimates.

OPERATIONS, RESEARCH, FACILITIES AND SYSTEMS ACQUISITION

Appropriations, 2004 <sup>1</sup> .....	\$3,622,959,000
Budget estimate, 2005 <sup>1</sup> .....	3,279,351,000
Committee recommendation .....	4,052,646,000

<sup>1</sup>For fiscal year 2004 and the fiscal year 2005 budget estimate, these amounts are the total of NOAA ORF and PAC accounts, which are merged under the Committee recommendation.

The Committee recommends an appropriation of \$4,052,646,000. The recommendation is \$1,409,395,000 above the fiscal year 2004 funding level and \$1,671,805,000 above the budget request. Committee recommendation's by strategic goal and by specific line offices are displayed in the following table:

## NOAA OPERATIONS, RESEARCH, FACILITIES AND SYSTEMS ACQUISITION

[In thousands of dollars]

	Committee recommendation
By Line Office Organization:	
NOAA Ocean and Coasts/National Ocean Service .....	737,559
NOAA Fisheries/National Marine Fisheries Service .....	733,544
NOAA Research/Office of Oceanic and Atmospheric Research .....	479,385
NOAA's National Weather Service .....	807,336
NOAA Satellites/National Environmental Satellite and Data Information Services .....	912,865
NOAA Planning, Programming and Integration .....	4,000
NOAA-Wide Program Support .....	437,957
Total Operations, Research, and Facilities (less transfers) .....	4,052,646
By Strategic Goals:	
NOAA Ecosystems Forecasting and Management .....	1,548,498
NOAA Ocean Exploration .....	56,983
NOAA Climate Programs .....	408,181
NOAA Weather and Water Programs .....	1,362,704
NOAA Commerce and Transportation Programs .....	287,402
NOAA-Wide Programs .....	448,878
Total Operations, Research, and Facilities (less transfers) .....	4,052,646

## NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE

The Committee recommends an appropriation of \$738,559,000 for NOAA Oceans and Coasts/National Ocean Service [NOS]. Committee recommendations are displayed in the following table:

## NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	Navigation Services:	
	Mapping & Charting:	
CT	Mapping & Charting Base (incl \$2,000 fiscal year 2002 Supp) .....	40,488
CT	Coastal Mapping .....	535
CT	Joint Hydrographic Center (JHC) .....	4,300
CT	JHC—Bathymetric Study .....	2,000
CT	JHC—Development of EFH Technologies .....	1,500
CT	Marine Modeling & Geospatial Technology .....	1,146
CT	Hydrographic Surveys .....	1,339
CT	Electronic Navigation Charts .....	4,300
CT	Nautical Charting .....	6,500
CT	Navigational Services .....	1,885
CT	Shoreline Mapping .....	2,448
CT	Chesapeake Bay .....	1,000
CT	Aerial .....	1,000
CT	Address Survey Backlog/Contracts .....	19,935
CT	EEZ Outer Continental Shelf Ocean Bottom Claims .....	2,226
CT	Gulf of Alaska .....	2,500
CT	North Pacific .....	1,000
CT	North Pacific Maritime Boundary Line .....	2,000
CT	MS/LA Digital Coast .....	1,000
CT	Vessel Time Charter .....	2,202
	Subtotal, Mapping and Charting .....	99,304
	Geodesy:	
CT	Geodesy Base .....	22,480



## NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
CT	National Spatial Reference System .....	2,000
CT	Height Modernization Study—NGS Implementation .....	250
CT	Height Modernization Study NC .....	993
CT	Height Modernization TX .....	1,000
CT	Height Modernization Study—MS .....	600
CT	Geodetic Survey—CA .....	1,000
CT	Geodetic Survey—LA .....	497
CT	Geodetic Survey—So. Carolina .....	500
	Subtotal, Geodesy .....	29,320
	Tide & Current Data:	
CT	Tide & Current Data Base .....	20,965
CT	National Water Level Observation Network .....	3,000
CT	PORTS .....	2,981
CT	Alaska Current & Tide Data .....	1,500
	Subtotal, Tide & Current Data .....	28,446
	Total, Navigation Services .....	157,070
	Ocean Resources Conservation and Assessment:	
	Ocean Assessment Program (OAP):	
ECO	Ocean Assessment Program Base .....	46,159
ECO	Coastal Observation Technology System .....	2,177
ECO	Coastal Ocean Research & Monitoring Program .....	2,473
ECO	NOAA ICOOS .....	17,000
ECO	NOAA/UNH Joint Ocean Observing Technology Center .....	5,000
ECO	Alaska Ocean Observing System .....	2,500
ECO	Gulf of Maine Observing System .....	2,000
ECO	Long Island Sound Observing System .....	1,000
ECO	Central Gulf of Mexico Observing System (USM) .....	2,000
ECO	So Cal Coastal Ocean Observing System (Scripps) .....	2,000
ECO	Alliance for Coastal Technologies .....	3,000
ECO	Center for Coastal Ocean Observation and Analysis .....	2,500
ECO	Carolina Coastal Ocean Observing and Prediction System .....	2,500
ECO	Wallops Ocean Observation Project .....	2,000
WW	Coastal Storms .....	2,653
ECO	Cook Inlet Coastal Monitoring and Habitat .....	1,000
ECO	Coastal Services Center .....	23,000
ECO	Pacific Coastal Services Center .....	2,250
ECO	Seacoast Science Center .....	1,000
ECO	E.E. Just Environmental Inst .....	750
ECO	Coastal Change Analysis .....	500
ECO	CREST .....	500
ECO	CI-CORE .....	2,500
ECO	Aquatic Research Consortium IMS .....	2,500
ECO	Coop Institute for Coastal and Estuarine Enviro Tech .....	6,800
ECO	Hawaii Coral Reef Initiative .....	1,500
ECO	Nat'l Coral Reef Initiative—Florida .....	1,000
ECO	Coral Reef Programs .....	25,462
ECO	National Fish and Wildlife Foundation—NFWF .....	1,490
ECO	South Florida Ecosystem .....	900
	Subtotal, Ocean Assessment Program (OAP) .....	166,114
	Response and Restoration:	
ECO	Response and Restoration Base .....	15,843
ECO	Estuary Restoration Program .....	1,200
ECO	Damage Assessment Program .....	2,282
ECO	Coastal Protection and Restoration Project .....	1,500

## NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
ECO	Marine Debris .....	7,500
ECO	AK Coastline Marine Debris—Marine Conservation Alliance .....	1,500
ECO	Marine Debris Removal—SC .....	200
ECO	Hazardous Materials Response Program .....	1,619
CT	Center for Marine Spill Response Project .....	2,000
ECO	Pribilof Islands Cleanup and Economic Development .....	10,000
	Subtotal, Response and Restoration .....	43,644
	Subtotal, Estuarine and Coastal Assessment .....	209,758
	National Centers for Coastal Ocean Science (NCCOS):	
ECO	Center for Coastal Environmental Health & Biomolecular Rsch .....	15,000
ECO	Extramural Research .....	4,000
ECO	High salinity estuaries (Baruch Inst) .....	1,000
ECO	Oxford, MD .....	4,500
ECO	Extramural Research .....	2,000
ECO	Ctr for Coastal Fisheries Habitat Research .....	5,750
ECO	Extramural Research .....	2,000
ECO	Center for Coastal Monitoring & Assessment .....	6,000
ECO	Extramural Research .....	2,000
ECO	Center for Sponsored Coastal Ocean Research .....	3,700
ECO	Coastal Ocean Research Grants (HAB/Pfisteria/GLOBEC) .....	5,500
ECO	NCCOS Headquarters .....	5,000
ECO	Marine Env Health Research Lab—MEHRL .....	4,000
	Subtotal, NCCOS .....	60,450
	Total, Ocean Resources Conserv. & Assess .....	270,208
	Ocean and Coastal Management:	
	Coastal Management:	
ECO	CZM Grants .....	70,500
ECO	CZM Program Administration .....	6,912
ECO	National Estuarine Research Reserve System .....	16,400
ECO	Marine Protected Areas .....	3,776
	Subtotal, Coastal Management .....	97,588
	Ocean Management:	
	Marine Sanctuary Program:	
ECO	Marine Sanctuary Program Operations .....	51,000
ECO	Marine Sanctuary Foundation/Ocean Activity Fund .....	5,000
ECO	Northwest Hawaiian Islands Research/HI Institute of Marine Biology .....	1,500
ECO	Northwest Straits Citizens Advisory Commission .....	750
	Subtotal, Ocean Management .....	58,250
	Total, Ocean and Coastal Management .....	155,838
CT	Payment to NOMAO .....	2,793
	Land Acquisition, Systems and Construction:	
	Coastal and Estuarine Land Conservation Program:	
ECO	Seacoast, NH .....	2,500
ECO	Maury Island, WA .....	2,000
ECO	Orange Beach (Robinson Island) AL .....	1,000
ECO	Wolf River Corridor, MS .....	2,000
ECO	Flats East Riverfront Park, Ohio .....	2,000
ECO	Mentor Marsh Lake County, Ohio .....	1,500
ECO	East Sandusky Bay Preserve, Ohio .....	1,500

## NOAA OCEANS AND COASTS/NATIONAL OCEAN SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
ECO	Bayou Liberty Watershed Wetlands Conservation, LA .....	950
ECO	Louisiana Dept. of Wildlife and Fisheries, LA .....	3,000
ECO	Armand Bayou and Genoa-Red Bluff, TX .....	600
ECO	Port Aransas Nature Preserve Wetlands Protections Proj, TX .....	3,000
ECO	Hawaii CELP .....	3,000
ECO	West River, MD .....	1,000
ECO	Other MD Chesapeake Bay CELP Projects .....	7,000
ECO	Dos Peublos, CA .....	3,000
ECO	Tonner Canyon, CA .....	500
ECO	Southwest Alaska Conservation .....	1,000
ECO	Cypress Island, WA .....	1,750
ECO	National CELP Program .....	15,950
	Subtotal, Coastal and Estuarine Land Conservation Program .....	53,250
	NERRS Acquisition/Construction:	
ECO	National Estuarine Rsrch Reserve Construction & Land Acq (NERRS) .....	10,000
ECO	Elkhorn Slough, CA .....	4,000
	Subtotal NERRS Acquisition/Construction .....	14,000
	Section 2 (FWCA) Coastal/Estuarine Land Acquisition:	
ECO	Bonneau Ferry, SC .....	20,000
ECO	Great Bay Partnership .....	8,000
	Subtotal Section 2 (FWCA) Coastal/Estuarine Land Acquisition .....	28,000
	Subtotal NERRS & Section 2 Acquisitions .....	42,000
	Marine Sanctuaries Construction/Acquisition:	
ECO	Marine Sanctuaries Construction Base .....	6,000
ECO	Channel Islands National Marine Sanctuary .....	5,000
ECO	Thunder Bay NMS Exhibit .....	1,000
	Subtotal, Marine Sanctuary Construction/Acquisition .....	12,000
	Other NOS Construction/Acquisition:	
ECO	Bigelow Lab for Ocean Science (ME) .....	1,500
ECO	NOAA ICOOS Observing System (Procurement) .....	15,000
ECO	Convert NOAA Weather Buoys with NDBC .....	10,000
ECO	Coastal Services Center Facility Expansion .....	4,000
ECO	Gulf Coast Lab at Cedar Point (USM) .....	1,500
ECO	DownEast Institute For Marine Research (ME) .....	1,000
ALL	Pier Romeo Hardening (Charleston) .....	2,400
ECO	Marine Environmental Health Research Laboratory Enhancement & Equip .....	8,000
ECO	National Aquarium Partnership (Facilities & Equipment) .....	1,000
	Subtotal, Other NOS Construction/Acquisition .....	44,400
	Total, Land Acquisition, Systems and Construction .....	151,650
	Total, NOAA Oceans and Coasts .....	737,559

NOAA Strategic Goals:  
 ECO—Ecosystem Forecasting and Management.  
 OE—Ocean Exploration.  
 WW—Weather and Water Programs.  
 CT—Commerce and Transportation.  
 C—Climate Programs.  
 ALL—NOAA-wide Programs.

The Committee recommendation includes \$1,000,000 for the Texas A&M University Corpus Christi Height Modernization initia-

tive. The project utilizes geographic information systems and global positioning to update topographic elevation models in Texas.

The Committee notes the outstanding service of the Office of Response and Restoration which regularly provides technical expertise for oil spills and hazardous materials in the marine environment. Office of Response and Restoration employees have been consistently singled out for recognition by the United States Coast Guard, by States, and foreign governments around the world.

The Committee recognizes that Pier Romeo is vacant for much of the year while NOAA ships are out at sea. In an effort to maximize the use of Pier Romeo and to provide a full service to the Federal Government, the Committee directs the NOS Administrator to enter in an Memorandum of Understanding with other Federal agencies in the vicinity of the Coastal Services Center who have expressed an interest in using the pier for other marine and homeland security activities.

Of the funds provided for Marine Sanctuaries, \$1,000,000 is for NOAA to conduct research and provide technical assistance to the Galapagos Islands Marine Reserve in Ecuador. The Galapagos Marine Reserve is one of the world's great areas of biodiversity. However, this unique protected area is threatened by overfishing, including shark fining, and lack of enforcement. NOAA's Marine Sanctuary Program, and the Galapagos Park and Marine Reserve could both benefit by greater collaboration and partnership. In implementing this initiative, NOAA should ensure that its efforts are coordinated with USAID's environmental grant program in Ecuador. The Marine Sanctuary program should report to the Committee on its plan and accomplishments no later than June 2005.

The Committee is aware that there currently exists within the ACE Basin National Estuarine Research Reserve [NERR] a unique, pre-existing commercial operation that raises monkeys solely for medical research at the United States Food and Drug Administration [FDA] and the National Institute of Health [NIH]. This limited purpose operation was in existence prior to the property being added to the ACE NERR, and is dependent upon the continued isolation and natural condition of the site. The Committee is aware of concerns by NOAA about the existence of such an operation within the NERR boundary. However, given the unique nature of this operation, and the important role it plays in both medical research and National security, the Committee directs the Secretary to work with the FDA, NIH, and the South Carolina Department of Natural Resources to ensure that the operation is compatible with the ACE NERR and the mission of the NERR system, and that the arrangement between FDA, NIH, and the South Carolina Department of Natural Resources to raise monkeys for medical research purposes is continued.

*Land Acquisition and Construction.*—The funds included in the Committee recommendation for this account will be used expressly to acquire lands or interests in lands that include significant conservation, recreation, ecological, historical or aesthetic values or to construct interpretive, scientific, or stewardship facilities at the sites. In keeping with the statute, Section 2 (Fish & Wildlife Coordination Act) acquisition projects are not dependent upon receipt of local, State, or private matching funds.

*Coastal and Estuarine Land Conservation Program.*—In addition to NOAA Coastal and Estuarine Land Conservation Program [CELP] acquisitions included in the NOAA ORFSA table accompanying this report, the Committee requests that NOAA evaluate the following CELP projects within resources provided for the national program and provide grants for acquisition if warranted: Coastal Prarie Ranch, CA; San Pablo Watershed, CA; Mill River, CT; Fish Island, MA; Grand Traverse, MI; Town of Webster, NY; White Oak, NC; Manahawkin Marsh, NJ; the Savannah River project; Dresher parcel, RI; and Winnapaug Pond, RI.

## NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE

The Committee recommends an appropriation of \$733,544,000 for NOAA Fisheries/National Marine Fisheries Service [NMFS]. Committee recommendations are displayed in the following table:

## NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE

[In thousands of dollars]

NOAA Strategic Goal	NOAA fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
	Marine Mammals & Sea Turtles:	
ECO	California Sea Lions/Protected Species Management (PSM) .....	750
ECO	Cook Inlet Beluga and Bio Research .....	200
	Dolphins:	
ECO	Bottlenose Dolphins .....	4,000
ECO	MS Inst. For Marine Mammal Studies .....	2,500
ECO	Dolphin Encirclement .....	2,253
ECO	Dolphins/Yellowfin Tuna Research .....	233
ECO	Marine Mammal Protection (MMP)/NMFS Activities .....	7,976
	Marine Mammal Strandings:	
ECO	Alaska Sea Life Center .....	1,000
ECO	MS Center for Marine Education and Research .....	2,000
ECO	Charleston Health and Risk Assessment .....	800
ECO	Marin Headlands Marine Mammal Center .....	2,000
ECO	Shedd Marine Mammals .....	250
ECO	Marine Mammal Initiative .....	12,000
ECO	Prescott Grant Program .....	4,000
ECO	Marine Mammals, Sea Turtles & Other Species/Endangered Species Act (ESA) .....	23,604
ECO	Marine Mammal Commissions Studies (protection/predation) .....	1,207
	Native Marine Mammals:	
ECO	Alaska Eskimo Whaling Commission .....	900
ECO	Participation of AEWC in International Whaling Commission Meetings .....	100
ECO	Alaska Harbour Seals .....	150
ECO	Aleut Pacific Marine Resources Observers .....	125
ECO	Beluga Whale Committee .....	225
ECO	Bowhead Whale Spatial Studies .....	600
ECO	Bristol Bay Native Association .....	50
ECO	National Fish & Wildlife Foundation (NFWF) Species Mgmt (PSM) .....	1,000
ECO	North Pacific Southern Resident Orca Population (PSM) .....	1,500
ECO	Aleut Marine Mammal Commission .....	150
ECO	Right Whale Activities (ESA) .....	10,109
ECO	Cooperative State Plans .....	2,000
	Sea Turtles:	
ECO	ESA .....	5,176
ECO	Hawaiian Sea Turtles .....	7,800
ECO	Southeastern Sea Turtles .....	300
	Seals:	
ECO	Harbor Seals .....	600
ECO	Alaska Native Harbor Seal Commission .....	[600]
ECO	Hawaiian Monk Seals .....	825
ECO	Steller Sea Lions:	

## NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	NOAA fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
ECO	Endangered Species Act .....	850
ECO	Alaska Seals and Steller Sea Lions .....	8,500
ECO	State of Alaska Seals and Steller Sea Lion Programs .....	3,200
ECO	Alaska SeaLife Center Seals and Steller Sea Lion Programs .....	7,000
ECO	N. Pacific Universities MM Consortium (and Harbor Seal Research) .....	2,500
ECO	Recovery Plan:	
ECO	Fisheries Management (North Pacific Council) .....	2,000
ECO	Univ of AK Gulf Apex Predator .....	1,500
ECO	Winter Food Limitation (Pr William Sound Sci Ctr) .....	1,000
ECO	Subtotal, Marine Mammals & Sea Turtles .....	122,933
ECO	Fisheries:	
ECO	Alaska Fisheries Information Network (AKFIN) .....	3,200
ECO	Alaska Groundfish Monitoring:	
ECO	Bering Sea Fishermen's Association Community Development Quota (CDQ) .....	175
ECO	Crab Research NMFS .....	473
ECO	NMFS Activities .....	2,017
ECO	NMFS Field Fishery Monitoring .....	300
ECO	NMFS Rockfish Research .....	334
ECO	Winter Pollock Survey .....	800
ECO	State of AK Rockfish Research .....	1,000
ECO	Alaska Near Shore Fisheries State of Alaska .....	1,000
ECO	Alaskan Groundfish Surveys:	
ECO	Calibration Studies .....	240
ECO	NMFS Activities .....	400
ECO	American Fisheries Act:	
ECO	Implementation .....	3,525
ECO	National Standards 4 and 8 State of Alaska .....	500
ECO	NMFS Activities .....	2,100
ECO	Anadromous Fish Commission—North Pacific .....	750
ECO	Anadromous Grants .....	2,100
ECO	Atlantic Herring and Mackerel .....	198
ECO	Bering Sea Pollock Research .....	936
ECO	Bering Sea and Aleutian Islands non-pollock groundfish fisheries buyback program .....	500
ECO	Bluefish/Striped Bass .....	700
ECO	Rutgers .....	500
ECO	Charleston Bump .....	650
ECO	Billfish Tagging .....	500
ECO	Chesapeake Bay Multi-Species Management .....	500
ECO	Expand Annual Stock Assessments—Improve Data Collection .....	18,900
ECO	California Oceanic Cooperative Fisheries Investigation (CalCOFI) .....	900
ECO	Narragansett Bay (Phase IV) .....	1,000
ECO	Fisheries Statistics .....	12,771
ECO	Atlantic States Marine Fisheries Commission .....	2,000
ECO	Economics & Social Sciences Research .....	4,100
ECO	National Fisheries Information System .....	2,575
ECO	National Standard 8 .....	998
ECO	Fisheries Development Program:	
ECO	Hawaii Fisheries Development (Oceanic Institute) .....	750
ECO	Product Quality and Marketing:	
ECO	Gulf Shrimp .....	2,000
ECO	South Atlantic Shrimp .....	2,000
ECO	Product Quality and Safety/Seafood Inspection .....	6,724
ECO	Fisheries Research and Management Programs .....	124,846
ECO	Gulf Fisheries Information Network (GULF FIN) Data Collection Effort .....	4,500
ECO	Gulf of Maine Groundfish Survey .....	519
ECO	Halibut Data Collection .....	500
ECO	Halibut/Sablefish .....	1,143
ECO	Hawaii Seafood Safety Program .....	1,500
ECO	Hawaii Stock Management Plan (Oceanic Institute) .....	500

## NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	NOAA fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
ECO	Highly Migratory Shark Fishery Research Program (Mote) .....	2,000
ECO	Interjurisdictional Fisheries Grants .....	2,590
	Interstate Fish Commissions:	
ECO	3 Commissions .....	750
ECO	Atlantic Cooperative Management .....	9,250
ECO	Large Pelagics Research Program (UNH) .....	3,000
	Marine Fisheries Initiative (MARFIN):	
ECO	NMFS Activities .....	2,433
ECO	NE Activities .....	250
ECO	Red Snapper .....	750
ECO	New England Stock Depletion .....	1,000
ECO	Management of George's Bank .....	441
ECO	Pacific Coastal Fisheries Information Network (PACFIN) Catch Effort Data .....	2,994
ECO	Recreational Fishery Harvest Monitoring/Rec. Fisheries Info Ntwk (RECFIN) .....	3,445
ECO	RECFIN—SC (inshore recreation species assessment/ tagging) .....	500
ECO	Red Snapper Monitoring and Research .....	5,000
ECO	Reduce Fishing Impacts on Essential Fish Habitat (EFH) .....	500
ECO	Reducing Bycatch .....	3,800
ECO	Regional Councils .....	15,547
	Salmon:	
	Atlantic Salmon:	
ECO	ESA Recovery and Research .....	2,915
ECO	Recovery Plan .....	450
ECO	Research .....	694
ECO	Penobscot River Habitat Restoration .....	2,000
ECO	State of Maine Salmon Recovery (PSM) .....	1,645
	Chinook Salmon:	
ECO	Management .....	150
ECO	Pacific Salmon Treaty—Chinook Salmon Agreement .....	1,844
ECO	Research at Auke Bay .....	300
	Yukon River Chinook Salmon:	
ECO	State of Alaska .....	1,000
ECO	Yukon River Drainage Fisheries Assoc .....	500
	Pacific Salmon:	
	Columbia River:	
ECO	ESA—Columbia River Biological Opinion (BIOP) Implementation .....	5,000
ECO	Endangered Species Studies .....	299
ECO	Facilities (Columbia River Hatcheries) .....	3,365
ECO	Hatcheries and Facilities .....	11,457
ECO	Hatcheries—Monitor, Evaluation and Reform .....	1,700
ECO	Pacific Salmon Treaty .....	8,100
ECO	ESA Recovery and Research .....	51,777
ECO	West Coast Groundfish .....	4,861
ECO	Subtotal, Fish .....	363,931
	Crustaceans & Mollusks:	
ECO	Bering Sea Crab (State of Alaska) .....	1,200
ECO	Blue Crab Research Consortium .....	2,500
ECO	Crab Rationalization NOAA Fisheries .....	1,000
ECO	Chesapeake Bay Oyster Restoration .....	2,000
ECO	Horseshoe Crab Research (HCRC) .....	650
ECO	Lobster Sampling .....	150
ECO	Mobile Bay Oyster Recovery .....	1,000
ECO	Oyster Restoration (Chesapeake—VIMS) .....	2,000
ECO	Seafood Safety Initiative .....	2,000
ECO	Scallop Fishery Assessment (MFI) .....	2,000
ECO	Shrimp Pathogens: South Carolina .....	650
ECO	South Carolina Oyster Recovery .....	1,000
ECO	South Carolina Shrimper Assistance .....	1,000

## NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	NOAA fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
ECO	Subtotal, Crustaceans & Mollusks .....	17,150
	Enforcement & Observers:	
	Enforcement & Surveillance:	
ECO	Driftnet Act Implementation .....	1,199
ECO	Ghostnet—High Seas Driftnet Detection .....	250
ECO	NMFS Activities .....	1,692
ECO	Pacific Rim Fisheries .....	150
ECO	State Participation AK/WA .....	200
ECO	Enforcement & Surveillance .....	23,343
ECO	Cooperative Agreements w/ States .....	17,383
ECO	Vessel Monitoring System .....	4,000
ECO	Subtotal, Enforcement .....	48,217
	Observers/Training:	
ECO	Atlantic Coast Observers .....	3,345
ECO	East Coast Observers .....	350
ECO	Hawaii Longline Observer Program .....	4,000
ECO	N. Pacific Marine Resources Observers .....	1,834
ECO	N. Pacific Observer Program .....	800
ECO	NE Groundfish Court-Ordered Observers .....	9,500
ECO	National Observers Program .....	3,000
ECO	S. Atlantic/Gulf Shrimp Observers .....	800
ECO	West Coast Groundfish Observers .....	5,000
ECO	Subtotal, Observers/Training .....	28,629
ECO	Subtotal, Enforcement and Observers/Training .....	76,846
	Habitat Conservation & Restoration:	
ECO	Connecticut River Partnership .....	400
	Fisheries Habitat Restoration:	
ECO	Bronx River Restoration .....	1,000
ECO	Community-Based Restoration Grants .....	18,619
ECO	Habitat Conservation .....	17,377
ECO	Merrimack River fish habitat/land conservation .....	500
ECO	Refine EFH Designations .....	1,000
ECO	Subtotal, Habitat Conservation & Restoration .....	38,896
	Other Activities Supporting Fisheries:	
ECO	Antarctic Research .....	1,468
ECO	Center for Marine Education and Research MS .....	3,000
ECO	Chesapeake Bay Studies .....	2,000
ECO	Climate Regimes & Ecosystem Productivity .....	1,500
ECO	Computer Hardware and Software—FY 2004 Omnibus Funded in PAC .....	3,383
ECO	Conservation and Recovery with States .....	990
ECO	Consortium for Fisheries & Wildlife Conflict Resolution (UNH/NEA/VIMS) .....	500
	Cooperative Research:	
ECO	Cooperative Marine Education & Research .....	200
ECO	Cooperative Research—North Pacific Research Board .....	3,000
ECO	National Cooperative Research .....	2,750
ECO	NE Cooperative Research .....	3,750
ECO	Northeast Consortium .....	5,000
ECO	SC Cooperative Research .....	2,000
ECO	SE Cooperative Research .....	3,250
ECO	West Coast Groundfish Cooperative Research .....	500
	Ecosystem Management:	
ECO	Gulf of Mexico .....	500
ECO	Middle Atlantic .....	500



## NOAA FISHERIES/NATIONAL MARINE FISHERIES SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	NOAA fisheries/NMFS operations, research, facilities and systems analysis	Fiscal year 2005 Committee recommendation
ECO	New England .....	500
ECO	South Atlantic .....	500
ECO	Endangered Species Act—Fish, Crustaceans, Mollusks .....	5,109
ECO	FMP Extended Jurisdiction, State of Alaska .....	1,200
ECO	Gulf of Alaska Coastal Communities Coalition .....	425
ECO	Hawaiian Community Development .....	500
ECO	Information Analyses & Dissemination .....	17,943
ECO	International Fisheries Treaty Negotiation & Compliance .....	5,000
ECO	Joint Institute for Marine and Atmospheric Research (JIMAR), HI .....	2,500
ECO	Magnuson-Stevens (MSA) Implementation off Alaska .....	7,120
ECO	Marine Environmental Research Institute .....	300
ECO	Marine Resources Monitoring, Assessment & Prediction Prgm (MarMap) .....	1,250
ECO	National Environmental Policy Act (NEPA) .....	3,000
ECO	New England Multispecies Survey (SMAST) .....	3,000
ECO	PAYMENT TO NOMAO .....	700
ECO	SCORE Science Consortium—NH/WA/Mote Marine .....	1,000
ECO	Southeast Area Monitoring & Assessment Program (SEAMAP) .....	1,750
ECO	Pacific Island Region/Center .....	5,000
ECO	NW Fisheries Science Center (Groundfish Team) .....	1,700
ECO	South Carolina Taxonomic Center .....	500
	Subtotal, Other Activities Supporting Fisheries .....	93,288
	Systems Acquisition/Construction:	
ALL	Systems Acq. Computer Hardware & Software .....	3,500
ALL	NOAA Pacific Regional Facility .....	15,000
ALL	Phase III—Galveston Laboratory Renovation .....	2,000
	Subtotal, Construction .....	20,500
	Total, Systems Acquisition and Construction .....	20,500
	Total, NOAA Fisheries .....	733,544

NOAA Strategic Goals:  
 ECO—Ecosystem Forecasting and Management.  
 OE—Ocean Exploration.  
 WW—Weather and Water Programs.  
 CT—Commerce and Transportation.  
 C—Climate Programs.  
 ALL—NOAA-wide Programs.

The Committee believes it is important that sufficient resources are available to NOAA Fisheries, the State of Alaska, and the Alaska research entities to address research demands for species of concern which are either listed or candidate species under the Endangered Species Act, or which are determined to be depleted under the Marine Mammal Protection Act. The Committee has consolidated all Alaska seal and sea lion research programs under a single category, with base funding allocations to each of the research entities currently involved in the North Pacific. The Committee is providing the flexibility for funds to be allocated to the research of any pinniped population as the research demands need. The Committee strongly encourages NOAA Fisheries to take the lead in developing a coordinated Alaska pinniped research program with other grant recipients to avoid duplication and ensure adequate funding for the most pressing research needs.

The Committee recommends \$1,500,000 to address the proliferation of exotic species such as Atlantic salmon in the marine envi-

ronment of the North Pacific. Of this amount, \$750,000 is for the Pacific States Marine Fisheries Commission to prevent the escapement of Atlantic salmon into Alaskan streams and to address other invasive species issues including mitten crab and green crab.

The Committee is pleased with the Fisheries' Service commitment to the Native Hawaiian Observer Program because it is an excellent example of Government and community partnering that leads to community participation in the management of fishery resources. The Committee wants to ensure the continued success of the program, and directs NOAA Fisheries to continue to accept certification from the program as sufficient academic credentials to serve as a biological observer in the Hawaii, Guam, or American Samoan longline fishing industry.

The Committee continues to support sustainable expansion of the Pacific tropical ornamental aquaculture industry and provides \$500,000 for the Economic Development Alliance of Hawaii for this purpose.

The \$250,000 for the Hawaii Marine Invasives Program is exempted from any non-Federal matching requirement.

The Committee is concerned with the National Marine Fisheries Service/NOAA Fisheries disregard for Senate and Conference Committee guidance relating to the expenditure of funds designated for dolphin encirclement research. Consequently, the Committee directs NMFS/NOAA Fisheries to submit to the Committees on Appropriations a spending plan for all funding made available for dolphin encirclement activities. This plan shall be subject to the requirements of section 605 of this Act.

NOAA RESEARCH/OCEANIC AND ATMOSPHERIC RESEARCH

The Committee recommends an appropriation of \$479,385,000 for NOAA Research/Oceanic and Atmospheric Research [OAR].

Committee recommendations are displayed in the following table:

NOAA RESEARCH/OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	Climate Research:	
	Laboratories & Joint Institutes:	
C	Laboratories & Joint Institutes .....	48,233
	Subtotal, Laboratories & Joint Institutes .....	48,233
	Climate & Global Change Program:	
C	Climate and Global Change .....	65,630
C	Accelerating Climate Models—IRI .....	1,441
	Subtotal, Climate & Global Change Program .....	67,071
	Climate Observations & Services:	
C	Climate Reference Network .....	2,907
C	Climate Data & Info and CLASS in PAC .....	960
C	Baseline Observatories .....	2,422
C	Regional Assessments, Education and Outreach .....	1,681
C	Climate Change Assessments .....	620

## NOAA RESEARCH/OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
C	Weather-Climate Connection .....	890
C	Carbon Cycle .....	2,908
C	Ocean Observations/Ocean Systems .....	4,865
C	ARGO .....	7,014
C	Climate Change Research Initiative .....	40,000
	Subtotal, Climate Observations & Services .....	64,267
	Other Partnership Programs:	
WW	East Tennessee Ozone Study .....	300
C	International Pacific Research Center (U of HI) .....	2,000
C	Intl Council for Local Environmental Initiatives .....	500
C	Climate and Environmental Change .....	2,473
C	Abrupt Climate Change Research .....	1,000
C	Arctic Research (Search)/Icebreaker Shiptime .....	4,000
	Subtotal, Other Partnership Programs .....	10,273
	Total, Climate Research .....	189,844
	Weather & Air Quality Research:	
	Laboratories & Joint Institutes:	
WW	Laboratories & Joint Institutes .....	36,230
	Subtotal, Laboratories & Joint Institutes .....	36,230
	U.S. Weather Research Program:	
WW	U.S. Weather Research Program (USWRP) (THORPEX) .....	1,000
WW	Targeted Wind Sensing .....	2,000
	Subtotal, U.S. Weather Research Program .....	3,000
	Other Partnership Programs:	
WW	Tornado Severe Storm Research/Phased Array Radar .....	2,824
WW	New England Air Quality Study .....	2,000
WW	NE Center for Atmospheric Science and Policy .....	1,500
C	Inst. for Study of Earth, Oceans & Space (Air-Map—CCRC) .....	5,000
C	Risk Reduction in Wather Forecasts (MSU) .....	2,500
C	Remote Sensing Research (ISU/BCAL) .....	495
WW	STORM (U. of N. Iowa) .....	650
	Subtotal, Other Partnership Programs .....	14,969
	Total, Weather & Air Quality Research .....	54,199
	Ocean, Coastal, and Great Lakes Research:	
	Laboratories & Joint Institutes:	
ECO	Laboratories & Joint Institutes .....	19,510
	Subtotal, Laboratories & Joint Institutes .....	19,510
	National Sea Grant College Program:	
ECO	National Sea Grant College Program Base (Base) .....	66,675
ECO	Fish Extension .....	2,000
ECO	Aquatic Nuisance Species/Zebra Mussel Research .....	2,981
ECO	Gulf of Mexico Oyster Initiative .....	1,000
ECO	Marine Invasive Species Program .....	250
ECO	Oyster Disease Research .....	1,000

## NOAA RESEARCH/OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	Subtotal, National Sea Grant College Program .....	73,906
	National Undersea Research Program (NURP):	
OE	National Undersea Research Program (NURP) .....	14,000
OE	National Institute for Undersea Science and Technology .....	5,000
	Subtotal, National Undersea Research Program (NURP) .....	19,000
OE	NMNH East Wing (Oceans) .....	5,000
OE	Ocean Exploration .....	30,000
OE	Submersible Micro-technology Research .....	983
	Subtotal, Ocean Exploration .....	35,983
	Other Partnership Programs:	
ECO	Arctic Research .....	2,000
ECO	Aquaculture Education Program—Cedar Point MS .....	2,000
ECO	Gulf of Maine Council .....	1,000
ECO	Institute for Science Technology and Public Policy .....	750
ECO	Atmospheric Dispersion Forecasting/Jackson State Univ .....	1,500
ECO	Lake Champlain Research Consortium .....	550
ECO	NISA/Ballast Water Demonstrations .....	3,431
ECO	NISA/Prevent & Control Invasive Species .....	479
ECO	NISA/Alaska .....	1,500
ECO	NOAA Marine Aquaculture Program .....	1,000
ECO	Ocean Health Initiative .....	20,000
ECO	Cooperative Institute for New England Mari-culture and Fisheries .....	3,000
ECO	NH Center for the Study of Lakes and Ecosystems .....	500
ECO	Pacific Tropical Ornamental Fish .....	500
	Subtotal, Other Partnership Programs .....	38,210
	Total, Ocean, Coastal, and Great Lakes Research .....	186,609
	Information Technology, R&D, and Science Education:	
	Information Technology, R&D, and Science Education (Base):	
ALL	High Performance Computing .....	636
C	High Performance Computing .....	3,054
ECO	High Performance Computing .....	636
WW	High Performance Computing .....	8,399
ALL	Educational Partnership Program/Minority Serving Institutions (EPPMSI) .....	17,407
	Total, Info Tech, R&D, & Science Education .....	30,133
ECO	Payment to NOMAO .....	100
	Systems Acquisition:	
C	Research Supercomputing/ CCRI .....	10,000
	Subtotal, OAR Systems Acquisition .....	10,000

## NOAA RESEARCH/OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
C	Construction:	
	Barrow Artic Research Ctr (Phase I) .....	8,500
	Subtotal, NOAA Research Construction .....	8,500
	Total, Systems Acquisition and Construction .....	18,500
	Total, NOAA Research .....	479,385

NOAA Strategic Goals:  
 ECO—Ecosystem Forecasting and Management.  
 OE—Ocean Exploration.  
 WW—Weather and Water Programs.  
 CT—Commerce and Transportation.  
 C—Climate Programs.  
 ALL—NOAA-wide Programs.

*Ocean, Coastal, and Great Lakes Research.*—Of the amount provided for the National Undersea Research Program [NURP], half of these funds are for East Coast NURP centers and half are for West Coast centers, including the Hawaiian and Pacific Center and the West Coast and Polar Regions Center. The Committee strongly recommends that NURP centers also take part in full and open competitions for the award of Ocean Exploration program funds.

*Climate and Global Change.*—The Committee recommendation assumes that paleoclimatology and abrupt climate change research are funded at not less than the fiscal year 2004 level.

## NOAA'S NATIONAL WEATHER SERVICE

The Committee recommends an appropriation of \$806,336,000 for NOAA's National Weather Service [NWS]. Committee recommendations are displayed in the following table:

## NOAA'S NATIONAL WEATHER SERVICE

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	Local Warnings and Forecasts:	
C	Local Warnings and Forecasts Base .....	8,634
CT	Local Warnings and Forecasts Base .....	21,135
WW	Local Warnings and Forecasts Base .....	504,521
WW	Tsunami Hazard Mitigation (transferred from OAR) .....	4,300
WW	Pacific Ocean Monitoring Buoy Augmentation .....	593
WW	Tsunami Warning & Environmental Obs for AK (TWEAK) .....	2,000
WW	Air Quality Forecasting Pilot Program .....	5,500
CT	Alaska Data Buoys .....	1,500
CT	HI Data Buoys .....	250
C	Sustain Cooperative Observer Network .....	1,870
WW	High Resolution Temperature Forecasting .....	2,000
WW	Red River Basin Institute/Decision Info Network .....	270
WW	New England Weather Technology Initiative .....	600
WW	NOAA Profiler Network .....	4,000
WW	NC Flood Plain Mapping Pilot .....	1,200
WW	Pacific Island Compact .....	3,512
ALL	Facilities Physical Security .....	2,000
C	Space Environment Center .....	201
WW	Space Environment Center .....	4,828

## NOAA'S NATIONAL WEATHER SERVICE—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
WW	USWRP—US Weather Research Program/THORPEX .....	5,562
WW	Vermont Northeast Weather & Wind Data Integration .....	250
	Subtotal, Local Warnings and Forecasts .....	574,726
WW	Advanced Hydrological Prediction Services .....	6,098
CT	Aviation Weather .....	2,500
	Weather Radio Transmitters:	
WW	Weather Radio Transmitters Base .....	2,320
WW	HI Weather Radio Transmitters .....	200
	Subtotal, Weather Radio Transmitters .....	2,520
	Subtotal, Local Warnings and Forecasts .....	585,844
C	Central Forecast Guidance .....	6,669
CT	Central Forecast Guidance .....	6,513
ECO	Central Forecast Guidance .....	33,818
	Subtotal, Central Forecast Guidance .....	47,000
	Total, Operations and Research .....	632,844
	Systems Operation & Maintenance (O&M):	
WW	All Systems Operation and Maintenance .....	90,630
	Total, Systems Operation & Maintenance .....	90,630
ALL	Payment to NOMAO .....	475
	Systems Acquisition:	
WW	ASOS .....	4,675
WW	AWIPS .....	12,894
WW	NEXRAD .....	10,820
WW	NWSTG Legacy Replacement .....	2,512
WW	Radiosonde Network Replacement6 .....	6,376
C	Weather and Climate Supercomputing .....	19,285
WW	Weather and Climate Supercomputing Back-up .....	7,148
WW	Cooperative Observer Network Modernization .....	877
WW	Coastal Global Ocean Observing System .....	3,000
	Subtotal, Systems Acquisition .....	67,587
	Construction:	
ALL	WFO Construction .....	13,500
ALL	NOAA Center for Weather & Climate Prediction .....	2,300
	Subtotal, Construction .....	15,800
	Total, Systems Acquisition and Construction .....	82,387
	Total, NOAA National Weather Service .....	807,336
	GRAND TOTAL NOAA NATIONAL WEATHER SERVICE/NWS .....	807,336

NOAA Strategic Goals:  
 ECO—Ecosystem Forecasting and Management.  
 OE—Ocean Exploration.  
 WW—Weather and Water Programs.  
 CT—Commerce and Transportation.  
 C—Climate Programs.  
 ALL—NOAA-wide Programs.

The Committee notes that Weather Service employees and their families are living in their offices in St. Paul, AK, because no housing is available for rental in that remote community in the Pribilof Islands. The Committee directs NOAA to use funds from the \$13,500,000 recommended for weather forecast office construction or \$13,487,000 provided for fiscal year 2004 to address this problem expeditiously.

The Committee directs that NOAA's National Weather Service continue to operate the weather radar and office in Williston, ND. The Committee notes that there are concerns regarding severe winter weather forecasts for northwestern North Dakota and northeastern Montana and that a study was performed (and independent analysis is ongoing) regarding the radar and forecast coverage.

*Integrated Coastal and Ocean Observation System.*—As noted earlier in the report, while most of the ICOOS initiative is funded under the NOAA Oceans and Coasts line office, NOAA's Weather Service will play a major role in the development and deployment of this initiative. The Committee has provided that not less than \$2,000,000 of the total for ICOOS will be for joint development with the National Centers for Environmental Prediction Environmental Modeling Center to create operational coastal and ocean forecast models. NOAA Oceans and Coasts will work with the NOAA National Data Buoy Center in upgrading existing "marine weather buoys" to be full environmental observation systems that observe marine conditions both above and below the surface of the ocean.

The Committee has on two occasions held hearings in Alaska at which NOAA representatives have testified. These hearings have focused on climate change in the Arctic and impacts, such as the influence of declining sea ice on coastal storms and coastal erosion. In both hearings NOAA witnesses have admitted that the agency's observational network in Alaska is sparse compared with any other State. Accordingly, the Committee has included an increase of \$1,000,000 under the line item "Coastal Global Ocean Observing System" in the attached table. These funds are for procurement of not less than four new coastal marine automated observing systems [C-MAN] to be installed and operated along Alaska's west coast along the Bering and Chukchi Seas. The Committee hopes that these observational improvements will lead to improved forecasts for rural Alaskan communities in these coastal areas.

NOAA SATELLITES & DATA/NATIONAL ENVIRONMENTAL SATELLITE,  
DATA, AND INFORMATION SERVICE

The Committee recommends an appropriation of \$912,865,000 for NOAA Satellites/National Environmental Satellite, Data, and Information Service [NESDIS]. Committee recommendations are displayed in the following table:

NOAA SATELLITES AND DATA/NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION  
SERVICE

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	<b>Environmental Satellite Observing Systems:</b>	
C	Satellite Command and Control .....	3,586
CT	Satellite Command and Control .....	1,076
ECO	Satellite Command and Control .....	3,945
WW	Satellite Command and Control .....	27,253
ALL	NSOF Operations .....	5,898
	Subtotal, Satellite Command and Control .....	41,757
	<b>Product Processing and Distribution:</b>	
C	Product Processing and Distribution .....	2,751
CT	Product Processing and Distribution .....	826
ECO	Product Processing and Distribution .....	3,027
WW	Product Processing and Distribution .....	20,914
	Subtotal, Product Processing and Distribution .....	27,518
	<b>Product Development, Readiness &amp; Application:</b>	
C	Product Development, Readiness & Application .....	1,653
CT	Product Development, Readiness & Application .....	827
ECO	Product Development, Readiness & Application .....	5,826
WW	Product Development, Readiness & Application .....	12,232
WW	Joint Center/Accelerate Use of Satellites .....	3,441
WW	Research to Ops/Satellite Oceanography .....	10,000
WW	Global Wind Demo .....	4,000
	Subtotal, Product Development, Readiness & Application .....	37,979
CT	Commercial Remote Sensing Licensing & Enforcement .....	1,978
	<b>Total, Environmental Satellite Observing Systems .....</b>	<b>109,232</b>
	<b>NOAA's Data Centers &amp; Information Services:</b>	
	<b>Archive, Access &amp; Assessment:</b>	
C	Archive, Access & Assessment .....	31,445
	<b>Archive, Access &amp; Assessment/Climate Database Modernization:</b>	
C	MD .....	5,000
C	Quality Assurance/Quality Control (NC) .....	1,500
C	Office of Space Commercialization .....	600
C	GPS Interagency Board .....	500
C	GOES Data Archive Project .....	2,473
	Subtotal, Archive, Access & Assessment .....	41,518
ECO	Coastal Data Development Center .....	5,513
C	Regional Climate Centers .....	3,000
C	International Pacific Research Ctr (U of H) .....	1,000
C	Environmental Data Systems Modernization .....	10,838
	<b>Total, NOAA's Data Centers &amp; Information Services .....</b>	<b>61,869</b>
C	Payment to NOMAO .....	333
	<b>Systems Acquisition and Construction:</b>	
	<b>Systems Acquisition:</b>	
C	Geostationary Systems .....	6,111
ECO	Geostationary Systems .....	6,111
CT	Geostationary Systems .....	42,775
WW	Geostationary Systems .....	250,541



NOAA SATELLITES AND DATA/NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION  
SERVICE—Continued  
[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee rec- ommendation
	Subtotal, GOES .....	305,537
C	Polar Orbiting Systems—POES .....	19,034
ECO	Polar Orbiting Systems—POES .....	4,230
CT	Polar Orbiting Systems—POES .....	8,460
WW	Polar Orbiting Systems—POES .....	74,022
	Subtotal, POES .....	105,746
C	Polar Orbiting Systems—NPOESS .....	54,882
ECO	Polar Orbiting Systems—NPOESS .....	12,196
CT	Polar Orbiting Systems—NPOESS .....	24,392
WW	Polar Orbiting Systems—NPOESS .....	213,431
	Subtotal, NPOESS .....	304,901
C	EOS & Advanced Polar Data Processing, Distribution & A Archiving Systems .....	1,500
WW	EOS & Advanced Polar Data Processing, Distribution & A Archiving Systems .....	1,500
	Subtotal, EOS .....	3,000
C	CIP—single point of failure .....	280
ECO	CIP—single point of failure .....	84
CT	CIP—single point of failure .....	308
WW	CIP—single point of failure .....	2,128
	Subtotal, CIP .....	2,800
C	Comprehensive Large Array Data Stewardship Sys (CLASS) .....	5,942
	Subtotal, NESDIS Systems Acquisition .....	727,926
	Construction:	
ALL	Satellite CDA Facility .....	2,250
ALL	Suitland Facility/NSOF .....	11,255
	Subtotal, NESDIS Construction .....	13,505
	Total, Systems Acquisition and Construction .....	741,431
	Total, NOAA Satellites & Data .....	912,865

NOAA Strategic Goals:  
 ECO—Ecosystem Forecasting and Management.  
 OE—Ocean Exploration.  
 WW—Weather and Water Programs.  
 CT—Commerce and Transportation.  
 C—Climate Programs.  
 ALL—NOAA-wide Programs.

*Climate Data.*—The Committee urges NOAA to coordinate its climate data management and archival activities for the Western Pacific Region with the ongoing efforts of the University of Hawaii's Asia-Pacific Data-Research Center [APDRC]. The Committee is also concerned with the significant increase in environmental data collection in Hawaii and the western Pacific, and directs NOAA through the National Oceanographic Data Center [NODC], the National Climatic Data Center [NCDC], and the Pacific Services Center [PSC] to submit a report to Congress detailing the region's envi-

ronmental data and information requirements for the establishment of a Pacific Data Center that would address such needs.

NOAA PLANNING, AND PROGRAM INTEGRATION

The Committee recommends an appropriation of \$4,000,000 for Planning, and Program Integration [PPI], the newest NOAA “line office.” The recommendation is \$2,000,000 above the fiscal year 2004 funding level and \$2,000,000 above the budget request.

The PPI organization is responsible for program integration, overseeing cross-cutting, matrix managed programs, and agency strategic planning. The Assistant Administrator and PPI Office were created pursuant to the 2002 NOAA Program Review, a bottom up fundamental review of NOAA’s organization which was based on employee recommendations from NOAA activities around the Nation. The PPI plays a central role in soliciting input from NOAA constituents, and in guiding the future directions of the agency to ensure that NOAA programs are responsive, efficient and modernizing so as to continue to provide the environmental information and products needed by U.S. policymakers and the American public. The PPI line office is the only NOAA line office that has as its mission the program and resource integration of the various NOAA line and program offices around the country. The Assistant Administrator PPI position is held by a career senior executive possessing experience in several NOAA line offices; the office ensures that NOAA leaders and programs focus on overall strategic goals and output measures.

NOAA-WIDE PROGRAM SUPPORT

The Committee recommends an appropriation of \$436,957,000 for NOAA-wide program support. Committee recommendations are displayed in the following table:

NOAA WIDE PROGRAM SUPPORT

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	Corporate Services:	
	Under Secretary and Associate Offices:	
ALL	Under Secretary and Associate Offices Base .....	25,159
	Subtotal, Under Secretary and Assoc. Ofc .....	25,159
	Policy Formulation and Direction:	
ALL	NOAA Wide Corporate Services and Agency Management .....	41,500
ALL	CAMS—Financial Management System .....	15,000
ALL	Payment to the DOC Working Capital Fund .....	39,000
ALL	Payment to the NOAA Business Management Fund .....	58,000
	Subtotal, Policy Formulation and Direction .....	153,500
	Total, Corporate Services .....	178,659
	NOAA Education Programs:	
ALL	NOAA Education Office and Program/Education Initiative .....	11,500
ALL	Ocean Science Bowl .....	1,000
ALL	JASON Education and Outreach .....	2,500
ALL	Bay Watersheds Education & Training Program .....	2,500

## NOAA WIDE PROGRAM SUPPORT—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
ALL	BWET Hawaii .....	1,500
ALL	Narragansett Bay Marine Education (Save the Bay) .....	500
	<b>Total, NOAA Education Programs .....</b>	<b>19,500</b>
	<b>Facilities:</b>	
ALL	NOAA Fac Mgmt & Construction/Backlog Of Maintenance & Repair .....	9,895
ALL	NOAA-wide Facility Maintenance (consolidated) .....	18,000
ALL	Boulder Facilities Operations .....	4,564
ALL	Western Regional Center Operations & Maintenance .....	702
	<b>Subtotal, NOAA Fac Mgmt, Const&amp; Maint .....</b>	<b>33,161</b>
ALL	Environmental Compliance& Safety .....	4,000
	<b>Total, Facilities .....</b>	<b>37,161</b>
	<b>Marine Operations &amp; Maintenance:</b>	
	<b>Marine Services:</b>	
ALL	Marine Services (Data Acquisition) .....	74,774
ALL	NOAA Corp Pay Differential .....	1,000
ALL	NANCY FOSTER Operations Differential .....	550
ALL	FAIRWEATHER Operations .....	5,700
ECO	OSCAR DYSON Operations .....	4,500
OE	Ocean Exploration DAS .....	2,000
ALL	UNOLS (Days at Sea—West Coast) .....	2,500
ALL	HI'IALAKAI Operations .....	4,600
	<b>Subtotal, Marine Services (including base) .....</b>	<b>95,624</b>
	<b>Fleet Planning and Maintenance:</b>	
ALL	Fleet Planning and Maintenance .....	12,485
ALL	NANCY FOSTER Maintenance .....	450
ALL	FAIRWEATHER Maintenance .....	791
ECO	OSCAR DYSON Maintenance .....	400
ALL	HI'IALAKAI Maintenance .....	400
	<b>Subtotal, Fleet Planning and Maintenance .....</b>	<b>14,526</b>
	<b>Total, Marine Operations and Maintenance .....</b>	<b>110,150</b>
	<b>Office of Marine &amp; Aviation Operations:</b>	
	<b>Aviation Operations:</b>	
ALL	NOAA Aircraft Flying Hours and Maintenance .....	18,746
	<b>Total, Aviation Operations .....</b>	<b>18,746</b>
ALL	Future Healthcare Benefits for Current Officers .....	1,941
	<b>Total, Office of Marine &amp; Aviation Operations .....</b>	<b><sup>1</sup>130,837</b>
	<b>NOMAO:</b>	
	<b>Fleet Replacement:</b>	
CT	FAIRWEATHER Hydrographic Launches and EFH Equipment .....	3,000
CT	Small Waterplane Area Twin Hull Vessel (SWATH) & EFH Equipment .....	10,000
ECO	NANCY FOSTER equipment .....	1,800
ECO	Fisheries Research Vessel Replacement #1 .....	5,000
ECO	Fisheries Research Vessel Replacement #3 .....	34,000
ECO	Fisheries Research Vessel #4 Long Lead Procurement .....	5,000
ECO	Sonar for Long Range Fisheries Research .....	6,000

## NOAA WIDE PROGRAM SUPPORT—Continued

[In thousands of dollars]

NOAA Strategic Goal	Fiscal year 2005 operations, research, facilities, and systems acquisition	Fiscal year 2005 Committee recommendation
	Subtotal, OMAO Fleet Replacement .....	64,800
	Aircraft Replacement:	
ALL	G-IV Hurricane Aircraft Instrument Upgrade .....	4,000
ALL	Aircraft Safety and Equipment .....	3,000
	Subtotal, OMAO Aircraft Replacement .....	7,000
	Total, Ship Building, Sys. Acq. & Construction .....	71,800
	Total, NOAA Wide Program Support .....	437,957
	Transfers:	
	Promote & Develop American Fisheries .....	(57,000)
	Coastal Zone Management Fund .....	(3,000)
	Subtotal ORFSA Transfers .....	(60,000)

## NOAA Strategic Goals:

ECO—Ecosystem Forecasting and Management.

OE—Ocean Exploration.

WW—Weather and Water Programs.

CT—Commerce and Transportation.

C—Climate Programs.

ALL—NOAA-wide Programs.

<sup>1</sup> In addition, line office allocations include payments of \$4,401,000 for NOMAO services.

Three years ago, the Committee provided NOAA with a 10 year old Navy vessel to be used for oceanographic research in the Southeast Atlantic region. That vessel, the NANCY FOSTER, has replaced the FERREL, which served NOAA well for 36 years in the same capacity before being decommissioned in November, 2002. The Committee is aware that the South Carolina Department of Natural Resources [SCDNR] has expressed interest in assuming ownership of the FERREL and using the vessel to continue State sponsored research that has been complimentary to NOAA's mission for many years. The Committee directs the NOAA Administrator to transfer the FERREL to the SCDNR or its designee within 90 days of enactment.

The Committee recognizes the outstanding educational outreach for K-12 youth conducted by the NOAA Office of Ocean Exploration. Of the total provided for Ocean Exploration, the Committee recommends that up to \$1,500,000 be used for the Sea Research Foundation's Immersion Project. This prevention initiative uses science-based technologies, working with youth service organizations like the Boys & Girls Clubs, to teach young people, primarily from disadvantaged communities. NOAA Ocean Exploration missions and the telepresence capabilities of the new exploration vessel will be used to promote science education and leadership skills for disadvantaged youth and will build upon the overall programs excellent record of the OE program to date by bringing in new external partners.

PACIFIC COASTAL SALMON RECOVERY FUND

Appropriations, 2004 .....	\$89,052,000
Budget estimate, 2005 .....	100,000,000
Committee recommendation .....	99,000,000

The Committee recommends \$99,000,000 for Pacific Coastal Salmon Recovery Fund. The recommendation is \$9,948,000 above the fiscal year 2004 funding level and \$1,000,000 below the budget request.

Within the funding for this appropriation, the Committee allocates funds as follows:

	Amount
State of Alaska .....	\$26,000,000
State of California .....	14,000,000
State of Idaho .....	6,000,000
State of Oregon .....	14,000,000
State of Washington .....	27,000,000
Columbia River Tribes .....	3,000,000
Pacific Coast Tribes .....	9,000,000

Of the funds provided for the State of Alaska: \$3,500,000 is for the Arctic Yukon-Kuskokwim Sustainable Salmon initiative; \$1,000,000 is for the Cook Inlet Fishing Community Assistance Program; \$500,000 is for the Yukon River Drainage Association; \$3,368,000 is for Fairbanks hatchery facilities; \$250,000 is for an initiative to redefine optimum goals for sockeye, Chinook, and coho stocks; \$2,500,000 is for the NSRAA Hatchery; \$500,000 is for The Natural Tag—TNT project; \$500,000 is for Coffman Cove king salmon; \$1,000,000 is for Cook Inlet fishing assistance Kenai peninsula; \$250,000 is for the State of Alaska to participate in discussions regarding the Columbia River hydro-system and for fisheries revitalization; \$100,000 is for the United Fishermen of Alaska’s subsistence program; \$3,500,000 is to restore salmon fisheries in Anchorage at Ship Creek, Chester Creek, and Campbell Creek, including habitat restoration and facilities; \$500,000 is to restore salmon runs in Resurrection Bay at the Alaska SeaLife Center; \$200,000 to the Southeast Revitalization Association for its fleet stabilization program; \$1,000,000 for the Kenai River; and \$200,000 to restore the Craig watershed.

Of the funds provided for the State of Washington Salmon Recovery Funding Board, \$4,000,000 shall be allocated directly to the Washington State Department of Natural Resources and other State and Federal Agencies for purposes of implementing the State of Washington’s Forest and Fish Report. The funding shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species and Clean Water Acts. Further, \$1,590,000 is for the purchase of mass marking trailers.

FISHERMEN’S CONTINGENCY FUND

Appropriations, 2004 .....	\$956,000
Budget estimate, 2005 .....	956,000
Committee recommendation .....	956,000

The Committee recommends an appropriation of \$956,000 for the fishermen’s contingency fund. The recommendation is \$956,000

above the fiscal year 2004 funding level and identical to the budget request.

The fishermen's contingency fund provides compensation to U.S. fishermen for damage or loss of fishing gear and any resulting loss because of natural or man-made obstructions related to oil and gas exploration, development, and production on the Outer Continental Shelf.

#### FOREIGN FISHING OBSERVER FUND

Appropriations, 2004 .....	
Budget estimate, 2005 .....	\$191,000
Committee recommendation .....	191,000

The Committee recommends an appropriation of \$191,000 for the foreign fishing observer fund. The recommendation is \$191,000 above the fiscal year 2004 funding level and identical to the budget request.

Fees paid into the fund are collected from owners and operators of certain foreign fishing vessels that fish within the U.S. fishery conservation zone. The fund supports salaries of United States observers and program support personnel, other administrative costs, and the cost of data management and analysis.

#### FISHERIES FINANCE PROGRAM ACCOUNT

Appropriations, 2004 .....	\$287,000
Budget estimate, 2005 .....	
Committee recommendation .....	287,000

The Committee recommends an appropriation of \$287,000 in subsidy appropriations for the NOAA Fisheries Finance Program Account. The recommendation is identical to the fiscal year 2004 funding level and \$287,000 below the budget request. The recommendation provides support for the following: \$5,000,000 for Individual Fishing Quota loans; and \$59,000,000 for traditional fisheries finance direct loans, of which \$40,000,000 may be used for direct loans to the United States distant water tuna fleet and \$19,000,000 is for the menhaden fishery.

#### OTHER

##### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$46,791,000
Budget estimate, 2005 .....	56,021,000
Committee recommendation .....	55,550,000

The Committee recommends an appropriation of \$55,550,000 for Departmental Management Salaries and Expenses. The recommendation is \$8,759,000 above the fiscal year 2004 funding level and \$471,000 below the budget request.

Within Departmental Management, the Salaries and Expenses account provides funding for the Secretary, Deputy Secretary, and support staff. Responsibilities involve policy development and implementation affecting United States and international activities as well as establishing internal goals and operations of the Department.

*Security Enhancements.*—The Committee is aware that the Department of Commerce is planning security improvements at the National Oceanic and Atmospheric Administration and National Institute of Science and Technology laboratories in Boulder, CO. The Department may proceed with these security improvements provided that no funds may be used to design, build, or renovate any security improvements in violation of interests granted to the City of Boulder, or without making adequate provisions to preserve sacred and tribal lands and interests of local tribal entities, or without prior written agreement between the Department and the City of Boulder and other parties; as described in the Department’s Memorandum of Understanding with the City of Boulder and other parties, entitled First Amended Memorandum of Agreement (May 8, 1998).

UNITED STATES TRAVEL AND TOURISM PROMOTION ADVISORY BOARD

Appropriations, 2004 .....	
Budget Estimate, 2005 .....	
Committee recommendation .....	\$20,000,000

The Committee recommends an appropriation of \$20,000,000 for the United States Travel and Tourism Promotion Advisory Board. The recommendation is \$20,000,000 above the fiscal year 2004 funding level and \$20,000,000 above the budget request.

The purpose of the United States Travel and Tourism Promotion Advisory Board is to advise the Secretary of Commerce on how best to increase the number of international visitors to the United States and ensure that the share of the United States’ international receipts continues to grow.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2004 .....	\$20,894,000
Budget estimate, 2005 .....	22,249,000
Committee recommendation .....	21,071,000

The Committee recommends an appropriation of \$21,071,000. The recommendation is \$177,000 above the fiscal year 2004 funding level and \$1,178,000 below the budget request.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Section 201 makes Commerce Department funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 202 makes appropriations for salaries and expenses available for the hire of passenger motor vehicles, and for services, uniforms, and allowances as authorized by law.

Section 203 provides the authority to transfer funds between Department of Commerce accounts and within NOAA appropriations. The provision makes transfers subject to the Committee’s standard reprogramming procedures.

Section 204 provides that any cost resulting from personnel actions shall be absorbed by the affected Department or Agency.

Section 205 promotes fish products and research.

Section 206 allows the Secretary to operate a marine laboratory.

Section 207 clarifies section 211(b) of Public Law 108–199.

Section 208 amends 16 U.S.C. 1881 concerning counting of harvested fish.

Section 209 provides for a fishing capacity reduction program for the Alaska Purse Seine Fishery.

Section 210 establishes the position of Coordinator for International Intellectual Property Enforcement.

Section 211 provides for funding within NIST.

Section 212 provides continued authorization for the environmental cleanup of the Pribilof Islands.

Section 213 addresses recent confusion regarding the relationship of a State law addressing the operation of thrillcraft with certain Federal laws. This language does not affect 16 U.S.C. 1535(f), which allows States to enforce laws and regulations more restrictive than Federal laws for endangered or threatened species, including humpback whales.

Section 214 establishes the Ernest F. Hollings Scholarship program. The purposes of this undergraduate scholarship program are: (1) to increase undergraduate training in oceanic and atmospheric science, research, technology, and education and foster multidisciplinary training opportunities; (2) to increase public understanding and support for stewardship of the ocean and atmosphere and improve environmental literacy; (3) to recruit and prepare students for public service careers with the National Oceanic and Atmospheric Administration [NOAA] and other natural resource and science agencies at the Federal, State, and local levels of government; and (4) to recruit and prepare students for careers as teachers and educators in oceanic and atmospheric science and to improve scientific and environmental education in the United States. Scholarships shall be awarded competitively in accordance with guidelines issued by the NOAA Administrator and published in the Federal Register. This program will be funded in fiscal year 2005 and annually hereafter by setting aside one-tenth of 1 percent of total amounts made available for NOAA Operations, Research, Facilities and Systems Acquisition.

Establishment and annual operation of this scholarship program honors the legacy of environmental commitment and excellence consistently demonstrated during Senator Ernest F. Hollings almost 60 year career in public service. As a State Legislator, Governor and U.S. Senator, and member and leader of the Senate Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Subcommittee as well as the Commerce, Science and Transportation Committee—Ernest F. Hollings has demonstrated an unwavering commitment to the Nation's oceans, atmosphere, and environmental programs, including improving environmental literacy and education for all Americans.



TITLE III—THE JUDICIARY

The Committee recommends a total of \$5,361,623,000 for the judiciary. The recommendation is \$230,187,000 above the fiscal year 2004 funding level and \$343,003,000 below the budget request.

The funds provided in title III of the accompanying bill are for the operation and maintenance of the U.S. Courts and include the salaries of judges, magistrates, supporting personnel, and other expenses of the Federal Judiciary.

The Committee recommendation supports the Federal Judiciary and recognizes the critical role it plays in our government. An effective and efficient judicial system is a critical component of the overall justice system. The Committee commends the dedication of the judges, judicial officers, court employees, and support staff.

The Committee emphasizes that all judicial operations and requirements operate within the Federal budgetary system and, with the exception of the mandatory judicial accounts, are considered within the definition of domestic discretionary spending. As such, tight budget levels will continue to affect the judiciary in the same manner as they impact all executive branch agencies and programs.

In addition, the judiciary is reminded that Section 605 of the accompanying Act applies to the Third Branch as well as the executive branch.

Steady growth in costs associated with defender services and pay and benefits at a time of limited resources continues to put serious pressure on the judiciary budget. The Committee urges the judiciary to make every effort to contain “mandatory” costs, particularly staff salaries.

The Committee does not support the judiciary’s request for program increases for personnel at a time when the judiciary is planning significant furloughs, layoffs, and early out programs. The Committee recommendation funds programs necessary to maintain current services and retain current employees. As such, the Committee does not support the request for “cafeteria benefits” of \$37,138,000. The Committee urges the Judicial Conference to consider directing all available funds to the local courts to prevent adverse personnel separations instead of attracting new employees.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$54,797,000
Budget estimate, 2005 .....	58,122,000
Committee recommendation .....	58,122,000

The Committee recommends an appropriation of \$58,122,000 for the Justices, their supporting personnel, and the costs of operating the Supreme Court, excluding the care of the building and grounds.

The recommendation is \$3,325,000 above the fiscal year 2004 funding level and identical to the budget request.

*Personnel Increases.*—The Committee understands the Supreme Court's long-term requirements for personnel are a top priority. Therefore, within the funds provided, the Court shall make the personnel adjustments as outlined in the budget request.

#### CARE OF THE BUILDING AND GROUNDS

Appropriations, 2004 .....	\$26,386,000
Budget estimate, 2005 .....	10,579,000
Committee recommendation .....	10,579,000

The Committee recommends an appropriation of \$10,579,000 for personnel and other services related to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol. The recommendation is \$15,807,000 below the fiscal year 2004 funding level and identical to the budget request.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$20,468,000
Budget estimate, 2005 .....	25,007,000
Committee recommendation .....	20,624,000

The Committee recommends an appropriation of \$20,624,000. The recommendation is \$156,000 above the fiscal year 2004 funding level and \$4,383,000 below the budget request.

The Committee does not support funding a Deputy Circuit Executive (\$135,000), as the budget justification has not shown a workload need, in relation to the other circuits, for such a position.

In addition, the Committee does not support the requests for \$246,000 to develop and maintain a disaster recovery plan and \$160,000 for an independent security assessment. By fiscal year 2005, the court should have already prepared such a plan and should consider maintaining it within available resources. Also, the Committee does not support the request for \$845,000 for perimeter barriers since such barriers should be provided by the General Services Administration.

#### U.S. COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$13,938,000
Budget estimate, 2005 .....	15,073,000
Committee recommendation .....	14,060,000

The Committee recommends an appropriation of \$14,060,000. The recommendation is \$122,000 above the fiscal year 2004 funding level and \$1,013,000 below the budget request.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL  
SERVICES

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$3,955,036,000
Budget estimate, 2005 .....	4,320,244,000
Committee recommendation .....	4,131,487,000

The Committee recommends an appropriation of \$4,131,487,000. The recommendation is \$176,451,000 above the fiscal year 2004 funding level and \$188,757,000 below the budget request.

The Committee is not supportive of the request for program increases as stated in the beginning of this title. The Committee is extremely concerned about not furloughing or laying off personnel. The Judicial Conference is urged to reconsider this course of action by making the retention of current personnel a top priority and directing funds to the courts to the greatest extent possible to assist them in this perilous situation.

*Judiciary Information Technology Fund.*—The Committee does not support the full request for the Judiciary Information Technology Funds [JITF] account. The Committee does not support the addition of \$1,699,000 in the JITF request for “new project startup costs” without any explanation or justification or the \$1,663,000 listed as “other projects”. In addition, the Committee does not support the judiciary’s plan to divert any portion of the \$5,300,000 to provide broadband access for court employees who want access to files from locations other than court facilities. This “New Information Technology Upgrades” provides remote capability and should be a lower priority to the courts than retaining personnel.

In addition, the Committee continues to be concerned about the high percentage of operations and maintenance [O&M] costs versus new information technology projects. The Committee is aware that several projects are continuing to add new and/or remaining functionality to products after deployment and treating this cost as O&M in an attempt to keep the reported cost of the project down. Therefore, when submitting the fiscal year 2005 financial plan to the Committees on Appropriations, and each year thereafter, the Administrative Office of the United States Courts [AO] shall include a separate and detailed JITF financial plan that includes all on-going projects and an accounting of O&M costs.

The Committee is aware that the Financial Accounting System for Tomorrow [FAS4T] has successfully completed its deployment throughout the judiciary. This project has had a long history and the Committee is pleased it is now complete. The entire project team should be commended for this valuable addition to the judiciary.

*Edwin L. Nelson Local Initiative Program.*—The conference report accompanying Public Law 108–199, enacted on January 23, 2004, specified \$1,800,000 for the Edwin L. Nelson Local Initiatives Program. This money was intended to be used to: (1) establish and operate a national clearing house; (2) facilitate local court collaboration; (3) expand training at the circuit level; and (4) provide information technology grants to local courts. This program was designed to assist local courts with developing solutions for the unique problems they experience. The grants portion of this pro-

gram is instrumental to efforts to develop these solutions and share them with other courts throughout the country.

Contrary to the intent of the conference report, the AO did not develop a process for local courts to apply for these grants for over 5 months. It was not until this Committee notified the AO on May 17 of its non-compliance that it agreed to notify the courts that they could apply for grants this year. Even with this direction, the courts were not notified until mid-June of this option. However, absent a national process, the Office of Information Technology did identify eight courts to receive grants. The rest of the judiciary will now compete for the remaining funds. By delaying and abbreviating the grants portion of this program, the Office of Information Technology denied local courts the opportunity to properly evaluate their needs and apply for fiscal year 2004 grants.

As specified in the bill language, \$1,300,000 of the amount appropriated for the Judiciary Information Technology Fund shall be set aside for the Edwin L. Nelson Local Initiatives Program, of which not less than \$1,000,000 shall be reserved for local court grants.

Within 30 days of enactment of this Act, the AO will report to the Committee on Appropriations the financial status of this program. This report, at a minimum, will include a list of all courts that have received grants to date, the reason for the grant, and the amount provided. Hereafter, the AO shall submit this information on a quarterly basis.

*Office of Probation and Pretrial Services.*—The Office of Probation and Pretrial Services [OPPS] in the District of Florida Southern has developed an automated “Pre-Sentence Investigative Form” that has saved considerable time and money in their office. The Committee lauds this office for their success in this project. The Committee urges the AO to consider this product as an enhancement to the existing PACTS/ECM project.

In addition, the OPPS in Florida Southern has developed a Pre-Sentence Database that has saved 2–3 clerk positions. This database, in combination with the Automated Pre-Sentence Report will save this office a minimum of \$250,000 per year. The Florida Southern Office of Probation and Pretrial Services is commended for their initiative. This is a great example of how local initiatives can be leveraged either at the national level or shared among other courts to save a considerable amount of money. The Edwin L. Nelson Local Initiative Program was designed for exactly this purpose.

VACCINE INJURY TRUST FUND

Appropriations, 2004 .....	\$3,159,000
Budget estimate, 2005 .....	3,471,000
Committee recommendation .....	3,159,000

The Committee recommends an appropriation of \$3,159,000. The recommendation is identical to the fiscal year 2004 funding level and \$312,000 below the budget request.

DEFENDER SERVICES

Appropriations, 2004 .....	\$598,116,000
Budget estimate, 2005 .....	681,612,000
Committee recommendation .....	648,116,000

The Committee recommends an appropriation of \$648,116,000. The recommendation is \$50,000,000 above the fiscal year 2004 funding level and \$33,496,000 below the budget request.

This account funds the operations of the Federal public defender and community defender organizations and the compensation, reimbursement, and expenses of attorneys appointed to represent persons under the Criminal Justice Act [CJA], as amended.

*Office of Court Administration and Defender Services.*—The Federal Defender’s Office [FDO] in the Southern District of Florida has developed a highly successful program to train, supervise, provide continuing education and mentor public defenders. This has resulted in a high degree of expertise in the Defender’s Office and in the CJA panel attorneys in this district. The Federal Public Defender, the staff attorneys and the administrative staff are to be commended for their professionalism, dedication, and successes while building a program that is a model for the rest of the judiciary. This Committee enthusiastically supports the program this office has built and highly encourages the judiciary to use their complete program as a guide for other FDO’s to follow.

*Criminal Justice Act Panel Attorney Rates.*—CJA panel attorney representations and pay rates have been thoroughly examined by this Committee. As a result, the Committee believes in order to maintain a high quality of panel representations, both the hourly rates and case compensation maximums must be addressed. Within the amounts provided herein, and effective January 1, 2005, this Committee recommends the hourly rates payable to capital case attorneys be increased to \$160 per hour.

In addition, the case compensation maximum amounts presently in effect are creating an unnecessary hardship on panel attorneys, court staff, and judges. Many judges administratively reduce the requested compensation on panel attorney vouchers in order to not exceed the statutory maximum and thereby reduce the administrative burden on chief judges. As a result, many panel attorneys in non-capital cases receive less compensation than they deserve. To make the representation compensation more accurately reflect actual expenses, this Committee increases the maximum compensation limits as outlined in section 304 of the accompanying Act.

FEEES OF JURORS AND COMMISSIONERS

Appropriations, 2004 .....	\$57,213,000
Budget estimate, 2005 .....	62,800,000
Committee recommendation .....	62,800,000

The Committee recommends an appropriation of \$62,800,000. The recommendation is \$5,587,000 above the fiscal year 2004 funding level and reflects the judiciary’s reestimate of fiscal year 2005 requirements.

This account provides for the fees and allowances of grand and petit jurors and for the compensation of land commissioners and jury commissioners.

COURT SECURITY

Appropriations, 2004 .....	\$274,580,000
Budget estimate, 2005 .....	383,282,000
Committee recommendation .....	274,653,000

The Committee recommends an appropriation of \$274,653,000. The recommendation is \$73,000 above the fiscal year 2004 funding level and \$108,629,000 below the budget request.

The Committee is concerned about the security of the United States Courthouses and the safety of all judicial employees and urges the Administrative Office to work closely with the United States Marshals Service to forge an effective and lasting accommodation to achieve this common goal.

The Committee notes the budget request for the judiciary assumes the transfer of security costs of the Federal Protective Service [FPS], previously paid for under the Salaries and Expenses and Defender Services accounts, to the Court Security account. The Committee recommendation does not include this transfer. The Committee is concerned over the size of the increase in FPS costs in fiscal year 2005 and prohibits the expenditure of any additional funds until sufficient justification for the 34 percent increase to the judiciary is provided to the Administrative Office of the United States Courts by the Department of Homeland Security. Once a breakout of the full FPS security costs by Federal agency is provided, the Committee will reconsider both the prohibition on the expenditure of the additional funds and the transfer of these funds to this account.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS  
SALARIES AND EXPENSES

Appropriations, 2004 .....	\$65,305,000
Budget estimate, 2005 .....	72,154,000
Committee recommendation .....	67,249,000

The Committee recommends an appropriation of \$67,249,000. The recommendation is \$1,944,000 above the fiscal year 2004 funding level and \$4,905,000 below the budget request.

The Committee is aware of the cost saving measures the Executive Committee and the Director of the AO have instituted and lauds them for their leadership in this difficult time of reduced and critical resources. The Committee urges them to continue these cost saving procedures and to assist the local courts to the maximum amount possible so as to minimize additional furloughs and reductions of court staff.

The Committee cannot support a request for 6 full time equivalents and \$617,000 for program oversight while the courts are experiencing large scale staff reductions. The Committee urges the AO to consider additional ways to handle the workload with the existing staff.

The AO shall submit a report to the Committees on Appropriations on the Edwin L. Nelson Local Initiatives Program within 30 days of enactment of this Act as outlined above under "Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services" and section 306 of the accompanying Act.

This Committee does not support the request for "cafeteria-style" benefits (\$432,000) for reasons stated in the beginning of this title. The Committee recommends that the AO reconsider this proposal and defer to the Judicial Conference for policy guidance.

The AO is reminded that Section 605 of the accompanying Act applies to the judiciary, and as such, expects the AO to notify the Committees on Appropriations before taking any actions covered by this section.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$21,214,000
Budget estimate, 2005 .....	22,126,000
Committee recommendation .....	21,670,000

The Committee recommends an appropriation of \$21,670,000. The recommendation is \$456,000 above the fiscal year 2004 funding level and \$456,000 below the budget request.

The Federal Judicial Center [FJC] improves the management of Federal judicial dockets and court administration through education for judges and staff and research, evaluation, and planning assistance for the courts and the judicial conference.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

Appropriations, 2004 .....	\$29,000,000
Budget estimate, 2005 .....	36,700,000
Committee recommendation .....	36,700,000

The Committee recommends an appropriation of \$36,700,000 for payments to the Judicial Officers' Retirement Fund and the Claims Court Judges Retirement Fund. The recommendation is \$7,700,000 above the fiscal year 2004 funding level and identical to the budget request.

These funds cover the estimated annuity payments to be made to retired bankruptcy judges and magistrate judges, claims court judges, and spouses and dependent children of deceased judicial officers.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$12,224,000
Budget estimate, 2005 .....	13,456,000
Committee recommendation .....	12,404,000

The Committee recommends an appropriation of \$12,404,000. The recommendation is \$180,000 above the fiscal year 2004 funding level and \$1,052,000 below the budget request.

The purpose of the Commission is to establish, review, and revise sentencing guidelines, policies, and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

#### GENERAL PROVISIONS—THE JUDICIARY

The Committee recommends the following general provisions for the judiciary.

Section 301 allows the judiciary to expend funds for the employment of experts and consultant services.

Section 302 allows the judiciary, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 303 limits official reception and representation expenses incurred by the Judicial Conference of the United States to no more than \$11,000.

Section 304 raises the compensation maximums for CJA panel attorneys.

Section 305 requires the Administrative Office to submit an annual financial plan for the judiciary.

Section 306 requires the AO to submit a report within 30 days on the Edwin L. Nelson Local Initiative Program.

Section 307 allows for a salary adjustment for Justices and judges.



TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY  
DEPARTMENT OF STATE

The Committee recommends a total of \$8,542,108,000 for the Department of State and the Broadcasting Board of Governors. The recommendation is \$201,321,000 below the fiscal year 2004 funding level and \$578,733,000 below the budget request. Security, technology, and infrastructure accounts have received the maximum funding deemed prudent.

ADMINISTRATION OF FOREIGN AFFAIRS  
DIPLOMATIC AND CONSULAR PROGRAMS

Appropriations, 2004 .....	\$4,063,488,000
Supplemental appropriations, 2004 .....	120,500,000
Budget estimate, 2005 .....	4,285,044,000
Committee recommendation .....	4,151,755,000

The Committee recommends an appropriation of \$4,151,755,000. The recommendation is \$32,233,000 below the fiscal year 2004 funding level and \$133,289,000 below the budget request.

Within the amount provided, \$658,701,000, the full amount requested, is for Worldwide Security Upgrades, as described in greater detail later in this section.

This appropriation account provides for the formulation and execution of U.S. foreign policy, including the conduct of diplomatic and consular relations with foreign countries, diplomatic relations with international organizations, and related activities. This account primarily funds the overseas programs and operations of the Department of State.

Within the amount provided, \$175,000 is to support the United States' membership in the Arctic Council and \$40,000 is to support the United States' membership in the Bering Straits Commission. The former includes funds for representation expenses and travel for United States delegates.

The recommendation includes language directing that funding provided under this heading be obligated in accordance with the following table:

DIPLOMATIC & CONSULAR PROGRAMS  
[In thousands of dollars]

	Committee recommendation
Regional Bureaus:	
Bureau of African Affairs .....	246,526
Bureau of East Asian and Pacific Affairs .....	250,618
Bureau of European and Eurasian Affairs .....	536,326
Bureau of Near Eastern Affairs .....	185,128
Bureau of South Asian Affairs .....	80,234

## DIPLOMATIC &amp; CONSULAR PROGRAMS—Continued

[In thousands of dollars]

	Committee recommendation
Bureau of Western Hemisphere Affairs .....	259,462
Bureau of International Organization Affairs .....	56,680
Office of International Conferences .....	3,122
FSN Separation Liability Trust Fund .....	8,361
Subtotal, Regional Bureaus .....	1,626,457
Functional Bureaus:	
Ambassador's Fund for Cultural Preservation .....	4,000
Bureau of Arms Control .....	22,990
Bureau of Consular Affairs .....	3,164
Additional Consular Officers .....	114,712
Counterterrorism Research and Development/Office of the Coordinator for Counterterrorism .....	1,800
Cultural Antiquities Task Force .....	1,000
Bureau of Democracy Human Rights and Labor .....	12,601
Bureau of Diplomatic Security .....	221,108
Diplomatic Telecommunications Service Program Office .....	7,814
Bureau of Economic and Business Affairs .....	29,044
Bureau of Educational and Cultural Affairs (also funded under a separate heading) .....	1,000
Bureau of Information Resource Management .....	148,000
Bureau of Intelligence and Research .....	45,788
Bureau of Non-Proliferation .....	25,178
Bureau of Oceans and Int'l Environmental and Scientific Affairs .....	23,548
Bureau of Political Military Affairs .....	28,955
Bureau of Population, Refugees, and Migration .....	493
Bureau of Public Affairs .....	32,367
Bureau of Verification and Compliance .....	15,329
Subtotal, Functional Bureaus .....	738,891
Management:	
Office of the Secretary .....	62,230
Deputy Secretary for Management and Resources .....	7,698
Office on Right-Sizing the United States Overseas Presence .....	3,000
Bureau of Resource Management .....	97,532
Office of Protocol .....	6,279
Subtotal, Management .....	176,739
Administration:	
Bureau of Administration .....	370,755
Bureau of Human Resources .....	112,265
Bureau of Human Resources—Special Complement .....	65,311
Diplomatic Readiness Initiative—Annualized Costs .....	45,000
Foreign Service Institute .....	106,734
Continuing Overseas Language Training .....	10,000
Bureau of Legislative Affairs .....	7,311
Post Assignment Travel .....	109,000
Subtotal, Administration .....	826,376
Offices:	
Office of Foreign Missions .....	4,222
Office of International Criminal Justice .....	1,152
Office of International Information Programs .....	48,763
Office of Strategic Planning for Public Diplomacy .....	[2,000]
Micro-grants .....	[3,000]
Office of the Coordinator for Reconstruction and Stabilization .....	1,000
Office of the Legal Advisor .....	37,916
Office of the Medical Director .....	29,822

DIPLOMATIC & CONSULAR PROGRAMS—Continued  
[In thousands of dollars]

	Committee recommendation
Subtotal, Offices .....	122,875
Other:	
U.S. Membership in Arctic Council .....	175
U.S. Membership in Bering Straits Commission .....	40
Transfer to DEA for Training Provided .....	1,500
Subtotal, Other .....	1,715
Subtotal, Diplomatic and Consular Programs, Non-Security .....	3,493,053

Some of the Committee recommendations displayed in the table are described in more detail in the following paragraphs.

9/11 COMMISSION REPORT

The 9/11 Commission Report focused overwhelmingly on the efforts of other U.S. foreign affairs and intelligence agencies to combat international terrorism, and specifically efforts to combat the Al Qaeda terrorist network. The 9/11 Commission Report's lack of attention to the role of the Department of State, whether intentional or not, implied that the Department's role was merely to issue travel warnings, grant (or not grant) visas, and make futile attempts to convince the Taliban to hand over Osama bin Laden to the United States or its allies. While these were certainly among the Department's missions prior to September 11, 2001, the 9/11 Commission Report underrepresented the role of the Department of State in the fight against international terrorism. The 9/11 Commission Report missed an opportunity to highlight the United States' failure to fight terror at its roots, a mission that falls squarely under the purview of the Department of State. Through its public diplomacy efforts, the Department of State seeks to preempt and prevent terrorism by countering false or inaccurate information about the United States, our values, and intentions. Such mis- and disinformation is central to the creation and recruitment of terrorists, as highlighted in the 9/11 Commission Report. Moreover, the State Department is the only U.S. agency authorized and equipped to conduct the type of outreach to foreign publics and governments that is crucial to changing these uninformed and, unfortunately, widely-held views.

Despite a lack of attention to Department of State activities, the 9/11 Commission Report's recommendations include activities in which the Department of State will and must take the lead. Such recommendations include: identifying terrorist sanctuaries; securing the help of foreign countries in the war on terror; making a long-term commitment to the security and stability of Afghanistan; building a better relationship with Saudi Arabia; defining the U.S. "message"; defending American ideals abroad vigorously; providing assistance to schools in Muslim countries; developing a coalition strategy against Islamist terrorism; developing, with the Department of Homeland Security, a biometric entry-exit screening sys-

tem for visitors to the United States; and creating better mechanisms for sharing information about terrorists with our allies.

The Department of State is directed to provide to the Committee, within 30 days of enactment of this Act, a detailed response to the conclusions and recommendations of the report issued by the National Commission on the Terrorist Attacks Upon the United States. This report shall include the Department's preliminary plans for implementing some or all of the 9/11 Commission Report's recommendations. This report should also answer the question, raised by the 9/11 Commission Report, of whether the dominance of the regional bureaus within the Department may hinder its combating terrorism mission. This report shall also be made available, in unclassified form, to the public on the Department's website.

#### DEPARTMENT MANAGEMENT

*Reprogrammings.*—In fiscal year 2003, the Department of State undertook two separate reorganizations without submitting reprogramming requests. One such reorganization involved the Bureau of Political Military Affairs and the other involved changing the Office of International Information Programs [IIP] from office-level status to bureau-level status. Consequently, the Committee still does not recognize IIP as a Bureau. In fiscal year 2004, the Department of State submitted a reprogramming request to relocate several full time equivalents [FTEs] from the Bureau of Legislative Affairs to the Bureau of Administration. However, the Department moved ahead with this reorganization without the Committee's approval and without giving the Committee sufficient time to review the request. While the Department's violations of Section 605 were not as flagrant in fiscal year 2004 as they were in fiscal year 2003, some additional guidance is clearly needed. The Committee has included bill language that will mitigate this problem in the future.

*Bureau of International Narcotics and Law Enforcement Affairs.*—The Committee is aware that the Bureau of International Narcotics and Law Enforcement Affairs [INL] remains delinquent on its reimbursement payments to the Drug Enforcement Administration [DEA] for the international counter-narcotics training DEA provides to foreign narcotics law enforcement officers under an agreement with the State Department. The recommendation includes bill language to address this delinquency.

*Financial Operations.*—The Committee commends the Department of State for the significant improvements it has made in its financial operations. In 1994, the Department began the process of streamlining and centralizing its overseas and domestic financial operations in Charleston, South Carolina. From Charleston, the Department pays over 25,000 Americans both domestically and overseas and over 35,000 local national employees in 180 different countries, bi-weekly, in local currencies. The Committee is aware that the Office of Management and Budget is in the process of consolidating payroll operations among the Federal agencies. The Department is directed to report to the Committee on the potential impact of consolidation on the operations of the Charleston Financial Services Center prior to making a commitment to any government-wide payroll consolidation effort. Above all, the Department

must demonstrate to the Committee that consolidation would result in cost-savings to the American taxpayers.

*International Trade.*—Every year, the State Department attempts to pursue international trade activities that fall under the jurisdiction of the Department of Commerce's International Trade Administration, and in particular under the jurisdiction of the United States and Foreign Commercial Service. The State Department's efforts to expand its jurisdiction in this area runs counter to the intent of the Committee, which notes the expansive and intractable foreign policy issues already confronting the Department. As in prior years, no funding is recommended for these activities.

*Clean Energy Technology Exports.*—The Committee expects the Department of State to fully participate in and contribute to the Clean Energy Technology Exports [CETE] Initiative, a nine-agency approach to help open international energy markets and aid with the export of a range of United States clean energy technologies.

*Bureau of African Affairs.*—The recommendation includes \$246,526,000 for the Bureau of African Affairs. Within this amount, \$2,500,000 is for the Office of the Assistant Secretary of African Affairs and \$13,500,000 is for the Office of the Executive Director. The Committee is dissatisfied with the level of support that the Bureau has given to the Special Court for Sierra Leone. The Committee would consider a reprogramming of funds to these offices if the Bureau demonstrates a greater degree of support for, and cooperation with, the Special Court.

*International Conference on North Korean Human Rights.*—The Committee is concerned about human rights violations occurring in North Korea. The recommendation therefore includes, within funds available for the Bureau of East Asian and Pacific Affairs, \$2,000,000 for the costs of an international conference to examine the human rights situation in North Korea. This conference will bring together non-governmental, religious, and student leaders; organizations; and experts on the issue. This conference will provide for an opportunity for networking and information sharing, thereby focusing international attention on North Korea's dismal human rights record.

#### GLOBAL PRESENCE

*Right-Sizing.*—The report accompanying Public Law 108-401 established the Office on Right-Sizing the U.S. Government Overseas Presence ("the Office"). The Office will be responsible for the enterprise architecture for the United States' overseas presence. The Office will lead the effort to develop internal and interagency mechanisms to better coordinate, rationalize, and manage the overall deployment of U.S. Government overseas staff; enforce a uniform rightsizing framework, as defined by the General Accounting Office; link overseas staffing levels to firmly established foreign policy priorities; move forward on regionalization initiatives; and ensure that rightsizing standards are applied systematically to final planning estimates for the staffing and design of all new mission facilities. In carrying out its responsibilities, the office should take into account the equities and missions of other Federal agencies represented overseas. The Office shall report to the Committee each year on June 1 on trends in overseas staffing.

The Department is directed to seek the participation of other relevant Federal agencies in staffing the Office. Within funds made available for Diplomatic and Consular Programs, \$3,000,000 is only for the operations of the Office.

As part of its efforts, the Office will undertake an initiative to review and recommend for right-sizing a representative number of posts, including category 5+ posts, in fiscal year 2005. For the purposes of this review, staffing is defined as all American and foreign national personnel, in all employment categories, whether direct hire or contract, full-or part-time, permanent or temporary.

Chiefs of Mission [COMs] play a central role in right-sizing the U.S. Government overseas presence. The Office shall, in its first June 1 report to the Committee, include recommendations on new ways the Department can support COMs in their right-sizing efforts. The report should include recommendations for any legislative action that the Secretary determines would be helpful in this regard.

The Committee recognizes that the Department's Capital Security Cost Sharing [CSCS] program is an important element in overall government-wide right-sizing efforts and is likewise an Administration policy and priority, and that the Office on Right-Sizing the U.S. Government Overseas Presence and the Bureau of Overseas Buildings Operations [OBO] will have responsibility for planning the staffing of embassies to be constructed in this program, in coordination with all other overseas agencies.

*U.S. Presence in Brazil.*—The Department currently maintains 45 properties and 60 authorized full time permanent U.S. direct-hire positions in Rio de Janeiro. Only 200 miles down the road in São Paulo, the Department maintains 62 properties and another 60 authorized full time permanent U.S. direct-hire positions. The Department recently renovated U.S. Consulate General São Paulo's compound, at a total cost of \$85,700,000. The Committee fully supported this project. It is not fiscally prudent for the U.S. Government to continue to operate these two separate missions. The recommendation therefore includes language directing the Department to close the U.S. Consulate General Rio de Janeiro, and consolidate its operations into the newly refurbished U.S. Consulate General São Paulo. Many new demands are being placed on the Department (in Iraq and Afghanistan, to name only the two most obvious), and the Department must be willing to make tough decisions. While it is a convenience to both Brazilians and Americans for the United States to have a presence in both Rio de Janeiro and São Paulo, it is not a necessity.

#### HUMAN RESOURCES

No funding is recommended for a fourth year of the Department's Diplomatic Readiness Initiative [DRI]. The DRI was supposed to be a 3-year initiative, begun in fiscal year 2002, in which the Department planned to hire a total of 1,158 new Foreign Service Officers [FSOs]. The Committee has provided \$250,000,000 over the last 3 years, which has allowed State to hire 1,069 new Foreign Service Officers [FSOs] above attrition. In addition to the new positions provided under DRI, since fiscal year 2001 the Committee has provided \$55,212,000 for 486 new Diplomatic Security agents above at-

trition and \$59,384,000 for 340 new consular positions above attrition. The recommendation for fiscal year 2005 includes full funding for the 63 Consular Associates Replacements requested under Secure Operations, the 71 additional Diplomatic Security positions requested under Worldwide Security Upgrades, and the 60 Border Security Staff positions requested under the Border Security Program, as discussed in greater detail later in this section. This will result in a total of 194 new State Department personnel above attrition in fiscal year 2005. The Committee reminds the Department that the Committee recommendation for fiscal year 2005 represents the third straight year that the Department has received substantial increases for hiring, while other Federal agencies have faced reductions in force [RIFs].

*Foreign Language Proficiency.*—There is a continued shortage of personnel at the State Department who possess the language skills required for their positions. If our diplomats truly are our “first line of defense” against threats from abroad, then their ability to converse fluently in the languages of the countries to which they are posted is critical to national security. The Committee is pleased, however, with recent policy changes made by the Department to give more weight to foreign language proficiency in decisions concerning the hiring and promotion of Foreign Service Officers. For example, the Department has been targeting recruitment to attract candidates to the Foreign Service who have preexisting language skills, including those with native or “heritage” language skills. Applicants who have additional language skills are given extra points in the hiring process. The Committee directs the Department to report on further changes to its hiring and promotion practices that may be necessary no later than April 14, 2005. The Committee directs the Department to act expeditiously to alter its policies in order to give additional credit for critical languages, such as Arabic.

*Continuing Overseas Language Training.*—Language skills ensure that dependents of Department of State personnel are not overwhelmed by isolation and alienation, resulting in lowered post morale. Within available funds, the Committee recommendation directs that \$10,000,000 shall be available only for continuing language education programs for both employees and dependents at posts worldwide. Language classes should also be open to non-State Department (Federal) employees on a space-available, reimbursable basis.

#### SECURITY

*Worldwide Security Upgrades.*—The Committee recommends an appropriation of \$658,701,000 for Worldwide Security Upgrades. The recommendation is \$18,805,000 above the fiscal year 2004 funding level and identical to the budget request. The recommendation includes inflationary increases for equipment (including technical equipment), information security, and armored vehicle replacement. The recommendation includes the requested funding level for personnel and training, the Department’s chemical/biological program, and maintenance of the Department’s emergency radio networks. The recommendation for perimeter security enhancements is \$1,262,000 above the request.

The Committee recommendations are displayed in the following table:

WORLDWIDE SECURITY UPGRADES

[In thousands of dollars]

	Committee recommendation
Ongoing Security Activities:	
Center for Anti-Terrorism and Security Training .....	23,046
Guards/Worldwide Protection .....	239,125
Physical Security Equipment .....	19,791
Technical Support/Infrastructure .....	63,021
Information/Systems Security .....	53,288
Armored Vehicles Replacement .....	11,026
Personnel/Training .....	158,996
Chemical/Biological Program .....	17,422
Radio Program .....	7,626
Perimeter Security Enhancements .....	44,662
TOPOFF III .....	3,000
Subtotal, Ongoing Security Activities .....	641,003
New Initiatives:	
Additional 71 Security Professionals .....	14,698
Security Management Systems Initiative .....	3,000
Subtotal, New Initiatives .....	17,698
Subtotal, Worldwide Security Upgrades .....	658,701

Some of the Committee recommendations displayed in the table are described in more detail in the following paragraphs.

*TOPOFF III.*—The Committee commends the Office of the Coordinator for Counterterrorism for its continued involvement in the Top Officials [TOPOFF] national domestic counterterrorism exercise series. The Department of State, working in partnership with the Department of Homeland Security, contributes to the design, development, conduct, and evaluation of this exercise. The Committee originally directed the Department of Justice to undertake TOPOFF I in the fiscal year 1999 appropriations bill. In 2003, under the direction of the Committee, TOPOFF expanded to include the participation of Canada, making TOPOFF II the first terrorism exercise of its size to be conducted by the United States in cooperation with another country. Within the amount made available for Worldwide Security Upgrades, \$3,000,000 is for the State Department's participation in TOPOFF III. The Department is directed to report to the Committee on the status of TOPOFF III within 30 days of enactment of this Act.

*Border Security Program.*—The recommendation includes \$836,480,000, the full amount requested, for the Department's border security program. The border security program, funded from Machine Readable Visa [MRV] fees paid by persons seeking non-immigrant visas to the United States, and in part through transfers from the Diplomatic and Consular Programs account, is a critical component of the Department's efforts to assist and protect United States citizens overseas and safeguard the Nation's borders. Disruption of the border security program due to an MRV fee shortfall must be avoided at all costs. The recommendation there-



fore again includes language providing for the automatic transfer of funding from the Diplomatic and Consular Programs account to the account that funds the Department's Border Security Program in the event of continued MRV fee shortfalls in fiscal year 2005.

*Consular Services Fees.*—The recommendation includes language raising the fees the Department of State may collect for passports and immigrant visas.

*Interagency Study on the Visa Clearance Process.*—The Committee agrees with the President that the U.S. Government has no more important mission than protecting the homeland from future terrorist attacks. We must use all legal means at our disposal to identify and halt terrorists who attempt to enter the United States. However, 3 years after September 11, our visa clearance processes remain plagued by gaps and overlap. Gaps give rise to dangerous scenarios where people who wish to do harm to the United States and its citizens may enter this country legally. Overlap leads to the unnecessary expenditure of American tax dollars and unacceptable delays in the adjudication of visas. There has to be a middle ground.

The Committee is concerned in particular about the overlap that exists between the State Department-led clearance processes, such as Visas Condor, which require name checks to be performed by other Federal agencies that are redundant with screening and analysis already performed by such entities as the Terrorist Screening Center [TSC] and the Terrorist Threat Integration Center [TTIC]. These entities were created in the aftermath of September 11 to serve as a centralized repository for all information related to the identity of known or suspected terrorists. The primary mission of these entities is to maintain databases against which applications for nonimmigrant visas are checked. The information contained in these databases serves as the basis for screening performed by the Department of Homeland Security [DHS] and the Department of State to prevent the entry of known or suspected terrorists into the United States. For example, the Federal Bureau of Investigation's [FBI] "hit lists" are fed to the TSC. It is reasonable to question, then, why the Department of State continues to refer visas to the FBI (as part of the Security Advisory Opinion [SAO] process) when the same information is used by TSC to screen the application. The various screening entities (TSC, TTIC, etc.) have been adequately staffed and equipped to produce quick turn around times for visa processing. But these additional and unnecessary steps in the visa clearance process have led to tremendous visa backlogs. In extreme cases, it takes an agency several months to act on a visa application. This delay is unacceptable, and it is taking a toll on Federal programs such as educational and cultural exchanges and on the United States economy.

Enrollment of foreign students in U.S. universities has dropped dramatically since September 11, partly because of the administrative burdens and delays associated with obtaining a student visa. Many students are turning to countries like Canada and the United Kingdom to pursue college and advanced degrees. This trend is disadvantageous for the U.S. economy, to which foreign visitors contribute billions of dollars annually. More worrisome, this trend works directly against the United States' public diplo-

macy goals. One of the most effective ways for the United States to win the “hearts and minds” of foreign publics and governments is for them to travel to the United States. There is no better way for foreigners to gain understanding of American culture and values than to experience the United States for themselves. Our own visa clearance process is working against us in this regard.

A second and related problem with the U.S. visa clearance process is that some agencies appear to be unwilling to give up control of their own independent databases and, in some cases, are even unwilling to provide all of the relevant information to the screening entities. Some agencies have preferred to continue to do “business as usual” even when the old way of doing business no longer makes sense.

The recommendation therefore includes language directing the FBI, DHS, and the Department of State to conduct a thorough study of all matters relating to the efficiency and effectiveness of the interagency process used to review applications for non-immigrant visas. In this study, the FBI, DHS, and the Department of State shall develop recommendations on which visa clearance procedures should be eliminated, which visa clearance procedures should be retained, which Federal agencies or entities should participate in each such procedure, and the specific role these agencies should play in the various visa clearance processes. The purpose of this study shall be to determine which clearances should be eliminated as redundant, which should be eliminated as irrelevant, and which continue to have relevance. The study shall also determine which agencies and/or other Federal entities (such as the screening entities) should be involved in the visa clearance process and which should not. Finally, the study shall determine what information should be provided to the various screening entities by other U.S. agencies. The FBI, DHS, and the Department of State are directed, after the release of the study, to report regularly to the Committee on whether such information is being provided to the various screening entities by the relevant U.S. agencies. The Committee eagerly awaits the FBI’s, DHS’, and Department of State’s report and intends to immediately evaluate and, if warranted, implement its recommendations.

Agencies must commit to a reasonable period of time for providing responses to visa clearance requests. If agencies cannot commit to a reasonable time period, then the Committee will set down time limitations for responses to clearance requests in statute. Whether a visa is ultimately approved or denied, it is in the United States interest to provide visa applicants with a definitive answer in a predictable time frame.

#### PUBLIC DIPLOMACY

Public diplomacy plays a critical role both in addressing the root causes of terrorism and in U.S. foreign relations generally. Despite progress in many other areas, the Department has suffered setbacks with respect to its public diplomacy program, most notably in the high turnover rate it has seen in Undersecretaries for Public Diplomacy and Public Affairs. The Committee urges the administration to consider nominating a career person to the position of Undersecretary of Public Diplomacy and Public Affairs who can

commit to remaining in this position for a period of at least 3 years.

*Public Diplomacy Strategy.*—In 2002, the Committee directed the Department to promulgate a comprehensive, sustained, and dynamic public diplomacy strategy. The first draft strategy, transmitted in September 2002, contained a mere checklist of actions taken by the Department in the area of public diplomacy in response to the September 11 attacks. The second draft strategy, transmitted in February 2003, articulated the goals of the Department's public diplomacy program and organized its public diplomacy initiatives into themes. This document was the most useful public diplomacy planning tool produced by the Department to date, to the credit of the Special Coordinator for Public Diplomacy and Public Affairs. The document, however, was not forward-looking. It did not contain a plan for how the Department's public diplomacy function should evolve to meet emerging priorities and needs. The third draft strategy, transmitted in June 2003, was the first document to provide a solid foundation from which the Department could begin to build the comprehensive, dynamic, and sustained public diplomacy strategy envisioned by the Committee.

The Committee identified 5 ways in which the Strategy submitted in June 2003, should be refined by the Department: (1) the Strategy's proposals needed to be tied to budgetary resources; (2) mechanisms needed to be built into the Strategy that would allow the Department flexibility to shift programs and resources in response to changing world events and U.S. interests; (3) the Strategy needed to provide more guidance on how to coordinate the Department's public diplomacy components; (4) the Strategy needed to contain more "thinking outside the box"; and (5) the Strategy needed to provide for better coordination with the Broadcasting Board of Governors [BBG].

The Department was directed to submit the revised Public Diplomacy Strategy to the Committees on Appropriations by March 1, 2004. The Department submitted an addendum to the June 2003, Strategy on March 2, 2004. This document, while not a resubmission of the Public Diplomacy Strategy as the Committee had directed, addressed several of the Committee's core concerns about the direction of the Department's public diplomacy policy, particularly as it concerns reaching non-elite and non-traditional foreign audiences; "thinking outside the box"; and strategic direction and performance measurement. The Committee is also pleased by the Department's recognition that the Department of Defense and the United States Agency for International Development [USAID] engage in activities with a significant public diplomacy dimension. The Committee applauds the establishment of the State-USAID Joint Policy Council. The document did not address the problem of coordination with BBG and, in fact, perpetuates the problem by noting repeatedly that BBG "is an independent agency" and that BBG should produce an independent report. This is precisely the Committee's point.

Despite these weaknesses—which the Department is directed to rectify—the Committee considers the document submitted on March 2, 2004, together with the document submitted on June 6, 2003, the Department's Public Diplomacy Strategy. The Committee

notes that the Department articulated its public diplomacy goals for the Arab and Muslim world in its October 2003, response to the report by the Diplomacy Advisory Group for the Arab and Muslim World (the “Djerejian Report”). The Committee approves the Department’s Strategy and directs the Department to make this Strategy available to the public. The Committee further directs the Department to update this Strategy annually. Updates should henceforward be provided to the Committee on or before June 1 of each year subsequent to enactment of this Act.

*PD Global Forum.*—The Committee supports the initiative PD Global Forum, which is a web-based discussion site intended to allow horizontal communication between PD professionals. PD Global Forum is intended to foster creativity in public diplomacy. This concept should be taken a step further. Ideas generated in this forum should be organized into a database which PD officers may refer to for ideas for events and activities that would be well-suited for their particular post or budget. The Bureau of Information Resource Management is directed to provide support to the Undersecretary for Public Diplomacy and Public Affairs in executing this directive. The Department is directed to report periodically to the Committee on its progress.

*Micro-grants.*—The Undersecretary [U/S] for Public Diplomacy and Public Affairs is directed to establish a modest grant program under which PD officers, with the approval of their Chiefs of Mission, may apply for funding with which to execute PD projects that represent “outside the box” thinking. Grants may be as small as \$100 or as large as \$100,000. The U/S shall establish a system for disbursing these funds that allows PD officers to apply for and access these funds quickly and with a minimum amount of paperwork. Within amounts made available for public diplomacy activities under Diplomatic and Consular Programs, \$3,000,000 shall be available for this purpose. Projects that receive funding should be logged into the PD Global Forum database described above so that other PD officers can learn of the methodology and outcomes of projects funded with micro-grants for possible application at their own posts. The U/S shall consult with the Committee as the micro-grant program is being developed and shall report to the Committee on a quarterly basis on the Department’s progress towards implementing this program.

*Strategic Planning.*—The fiscal year 2004 Omnibus Appropriations Act recommended the creation of the Office of Strategic Planning for Public Diplomacy [OSP/PD] within the Office of the Undersecretary for Public Diplomacy and Public Affairs. The Department established the Office of Policy, Plans, and Resources [OPPR] within the Office of the Undersecretary for Public Diplomacy and Public Affairs. The establishment of OPRR satisfies the Committee’s requirement. OPRR will provide long-term strategic planning and performance measurement capability for the Department’s public diplomacy programs and will give the U/S the capability to better oversee the allocation of public diplomacy resources and to focus resources on the most urgent needs. The OPRR shall update the Department’s Public Diplomacy Strategy (the Strategy), as described above, overseeing the implementation of the Strategy; and monitor the effectiveness of the Strategy. The OPRR shall also continue to

coordinate and evaluate the Department's public diplomacy efforts as they relate to Arab/Muslim countries. The Arab/Muslim Relations Coordinating Committee [ARCC], a subdivision of OPPR, will continue to ensure that the Strategy effectively confronts the unique challenges faced by the United States in its relations with Arab/Muslim countries. The Committee directs ARCC to participate in the quarterly reports of the OPPR.

*Respecting Other Cultures.*—The recommendation includes \$4,000,000 for the Ambassador's Fund for Cultural Preservation, a significant increase over last year. Nowhere is there a greater need to achieve understanding than in the Middle East. Therefore, with-in amounts available for the Ambassador's Fund for Cultural Preservation, \$1,000,000 is for projects in the Middle East.

The Ambassador's Fund for Cultural Preservation was initiated by the Committee in 2001. The purpose of this program is to provide direct grant support, through U.S. Ambassadors, to less developed countries to assist them in the preservation of forms of cultural expression. Forms of cultural expression may include historic sites and manuscripts, museum collections, and traditional forms of music, dance, and language. Under the program, U.S. Ambassadors serving in less developed countries submit competitive proposals for awards for one-time or recurring projects. Awards are based on the importance of the site, object, or form of expression, the country's need, and the potential of the award to make a meaningful contribution to the society of the country. By taking a leading role in efforts to preserve cultural heritage, the United States shows its respect for other cultures. As one Assistant Secretary of State said, "The Ambassador's Fund demonstrates in measurable ways the U.S.' commitment to understanding and preserving the heritage of others". The Committee considers the Ambassador's Fund for Cultural Preservation a vital component of U.S. public diplomacy.

*Cultural Antiquities Task Force.*—The recommendation includes \$1,000,000 for the continued operations of the Cultural Antiquities Task Force (Task Force). The Commerce, Justice, State and the Judiciary Appropriations Act for fiscal year 2004 directed the Task Force to coordinate Federal and international law enforcement efforts to prevent and track further looting of Iraqi national antiquities and to create a database to assist in recovery and otherwise account for such works. The Committee expects that the Department is currently creating an integrated database which will meet the directive of the conference report, no later than September 30, 2004.

The Committee directs the Department to aggressively develop a process to exclude any applicant from receiving a non-immigrant visa for entry into the United States if such applicant is listed in the database of persons known to have contributed to the looting, damaging, or trafficking of any foreign country's historically or culturally significant works. Further, the Committee directs that all names appearing in the database also appear in the Department's Consular Lookout and Support System [CLASS] database and be made ineligible to receive a United States non-immigrant visa.

In addition to requirements of the Appropriations Act for fiscal year 2004, the Task Force shall coordinate law enforcement efforts both within the United States and internationally to combat the

trade in illegal antiquities, to propose modifications in United States legal provisions to strengthen their effectiveness in controlling and reducing the trade in illegal antiquities, and to initiate an international database of the laws of other nations that deal with cultural antiquities. The Task Force should coordinate closely with the Department's Cultural Property Office and expand the Task Force's mission to preserve and track historically or culturally significant works stolen from other countries, particularly Afghanistan.

Finally, the Committee directs the Department to continue to work to keep cultural heritage issues prominent in postwar reconstruction plans for Iraq and Afghanistan and to assist in recovering historically and culturally significant objects from Iraq and from Afghanistan.

The Committee is aware that the ancient temple area of Babylon in Iraq has been damaged as a result of the operation of a U.S. military base, Camp Alpha, located directly on top of this significant site. The Department of State and Department of Defense had committed to protect archaeological sites and cultural antiquities in Iraq after widespread looting last year. The Committee directs the Department's Cultural Antiquities Task Force to investigate this incident and provide the necessary funding to restore the historic site.

The Secretary shall report to the Committees on Appropriations no later than April 15, 2005, on the Department's progress in protecting historically or culturally significant works, as well as the outcome of recovery of Iraqi national antiquities. This report shall outline the specific steps undertaken by the Task Force and the ways in which the funds are expended. The report shall include the status of recommendations made by the Department in the April 22, 2004 report on the creation of the Cultural Antiquities Task Force. In particular, the Committee is interested in the outcome of planned meetings in the Middle East region of an Interpol Tracking Task Force to discuss the interdiction and recovery of Iraqi cultural property.

#### INTELLECTUAL PROPERTY

The Department of State performs many functions relating to the protection of American intellectual property. It provides training and technical assistance programs to foreign countries to augment their abilities to combat piracy and counterfeiting. It helps verify industry reports, gathers information, assesses foreign governments' abilities and willingness to make progress in the area of protecting intellectual property, and delivers key United States Government communications concerning intellectual property. It uses bilateral diplomacy to urge foreign governments to ratify international intellectual property agreements, to pass intellectual property legislation, to increase domestic and border enforcement of intellectual property, and to extradite pirates and counterfeiters. Finally, the State Department coordinates with other Federal agencies such as the Office of the United States Trade Representative, the Department of Commerce, and the United States Patent and Trademark Office, and the affected industries to develop U.S. policies concerning intellectual property.

The Committee is concerned, however, about the adequacy of the Department's infrastructure for fulfilling its responsibilities for protecting American intellectual property. The recommendation therefore includes bill language establishing the Office of International Intellectual Property Enforcement. The recommendation includes \$1,000,000 for the salaries and expenses and other costs of this office, which is provided through a transfer of funds from the National Intellectual Property Law Enforcement Coordination Council. The Department is directed to submit a comprehensive report on its intellectual property efforts to the Committee concurrent to the Department's annual budget submission to Congress. In addition to describing and evaluating all of the functions performed by the State Department that relate to the protection of intellectual property, the report shall: put forward a plan for the establishment of the Office of International Intellectual Property Enforcement, which shall include the estimated number of full time equivalents to be assigned to the office; describe the office's proposed responsibilities and authorities, including any legislation that may be recommended; and propose a spending plan for the \$1,000,000 and any additional funds that might be necessary for the office to be established and to fulfill its responsibilities.

#### POST-CONFLICT RESPONSE

The Committee is concerned about the lack of capacity within U.S. civilian agencies to effectively prepare for and respond to post-conflict stabilization and reconstruction crises. The recommendation therefore includes \$1,000,000 for the establishment and operations of the Office of the Coordinator for Reconstruction and Stabilization ("the Office") within the Department of State to develop and implement recommendations on how to enhance U.S. capabilities to respond to post-conflict and other complex emergencies. The Office will also provide civilian management of stabilization and reconstruction efforts. The recommendation includes language providing that the Office shall monitor, develop, and coordinate U.S. capabilities to rapidly engage in stabilization and reconstruction activities in response to conflict or civil strife overseas and, if engagement is determined to be in the U.S. interest, identify, mobilize, and manage non-military resources in response to such circumstances. The Office shall be headed by a Coordinator, who shall report to the Secretary of State. The Committee directs the Office to coordinate with relevant bureaus within the State Department, other relevant U.S. agencies, and relevant non-governmental organizations. The Office should be staffed by officials from the State Department and detailees from other civilian agencies.

The Committee directs that not later than 30 days after enactment of this Act, the Department shall submit to the Committee a detailed description of the Office's functions and a description of how the Office will coordinate with other bureaus in the Department and other relevant agencies.

The Committee directs that not later than 1 year after the date of enactment of this Act, the Office shall provide a report to the Committee on the desirability and feasibility of establishing a response entity that can provide assistance in support of stabilization and reconstruction activities overseas in the event of conflict or

civil strife. The report should make recommendations on whether and why such an entity is needed. If the Office determines that such a response entity is necessary, the report should include recommendations on which agency the entity should be established under, or whether the entity should be independent; what the mission and authorities of this entity should be; what the operating budget of this entity should be; how many personnel should participate in this entity and what functions they should perform; what expertise these personnel should have; and the circumstances in which this entity should be deployed. The Office shall submit, for the consideration the relevant authorizing Committees, any legislation that may be necessary to implement the proposed recommendations.

GLOBAL ISSUES

*International Child Abductions.*—The Committee in 2004 directed the Department to require children over the age of 1 year old be present for the adjudication of a United States passport. The Committee believed that this small change in policy would help prevent many cases of international child abductions. The Committee understands that this change in policy went into effect in February, 2004, and is already proving successful. An individual was recently arrested in the Chicago area for attempting to obtain passports for his legitimate U.S.-citizen children using the photos of non-citizen children whom he intended to smuggle into the United States from Latin America. The new policy prevented this individual from succeeding in his scheme. The Committee notes with disappointment that the Department of State, in a letter dated October 16, 2003, objected to the Committee’s directive to the Department requiring it to close this loophole.

The Committee directs the Department to continue to identify ways it can prevent international child abductions from taking place and in particular commends the work of U.S. Embassy Belize for its excellent work in this important area. U.S. Embassy Belize has solved 3 abduction cases in the past 18 months.

*Marine Environmental Issues.*—The Galapagos Islands National Park and Marine Reserve is one of the world’s great natural resources and an area of unequalled biodiversity. The Galapagos marine environment, however, is under threat from overfishing and illegal shark fining and long lining. The Committee recognizes and appreciates the efforts of the U.S. Ambassador in Quito to call this issue to the attention of the Government of Ecuador as well as the USAID mission’s support for conservation efforts. More can and should be done by the Department of State at headquarters through bilateral, regional and international forums to preserve this unique international treasure.

CAPITAL INVESTMENT FUND

Appropriations, 2004 .....	\$79,158,000
Budget estimate, 2005 .....	155,100,000
Committee recommendation .....	52,149,000

The Committee recommends an appropriation of \$52,149,000. The recommendation is \$27,009,000 below the fiscal year 2004 funding level and \$102,951,000 below the budget request. The re-



duction in the fiscal year 2005 appropriation is explained by the creation of a new appropriations account that shall be exclusively for maintaining the Department's worldwide IT infrastructure. The total combined appropriations for the CIF and the new account is equal to the budget request.

The Capital Investment Fund [CIF], plus amounts available from expedited passport fees, comprise the Information Resource Management [IRM] Central Fund. The IRM Central fund allows the Department to develop effective, secure, and integrated Information Technology [IT] and communications systems in support of the Department's mission. The CIF is reserved for new IT investments.

The Committee recommendations, by program area, are displayed in the following table:

IRM CENTRAL FUND  
(In thousands of dollars)

	Committee recommendation
State Messaging and Archive Retrieval Toolset [SMART] .....	32,500
Bandwidth .....	40,000
Infrastructure Initiatives:	
Secure Voice Program .....	600
Public Key Infrastructure .....	7,563
Other IT Infrastructure (anti-virus and other technical security measures, remote dial-in equipment, telephone system upgrades, and communications collaboration tools) .....	10,320
Wide Area Network [WAN]/Thin Client Prototype .....	4,200
Foreign Affairs Information Access:	
Joint Financial Integration State/USAID .....	8,200
Integrated Logistics Management System [ILMS] .....	18,040
Global Financial Management System [GFMS] .....	4,466
Integrated Personnel Management System [IPMS] .....	11,759
Other Applications .....	21,788
Investment Planning/Architecture and Training .....	6,713
Total, IRM Central Fund .....	166,149

Of the funds made available for the IRM Central Fund in fiscal year 2005, \$52,149,000 is from direct appropriations and \$114,000,000 is from expedited passport fees. If fee collections for fiscal year 2005 do not meet projected totals, the Committee directs the Department to transfer the balance of funds from the Diplomatic and Consular Programs account to ensure that all of the Department's IT needs are met, subject to the requirements of Section 605 of this Act.

Providing the Department with state of the art communications, data management, and knowledge management systems has been one of the Committee's top priorities. As a result, the Department's global IT assets are in the best shape they have ever been in. More than 43,000 desktops have been connected to the Internet through OpenNet Plus and 224 posts have been connected through the Classified Connectivity Program system. Work on these two global networks began in 2001 and 2002, respectively, and ended in 2003, on-time and on-budget. In fiscal year 2004, confusion over the purpose of the funds appropriated in the CIF led to the reduction of funding levels for worldwide IT infrastructure. The recommendation therefore splits IT funding into two accounts. The CIF shall continue to provide funding only for new investments in IT and the

new account shall provide funding for the maintenance of the Department's IT infrastructure, including hardware and software refresh and upgrades. This new account, called the "Centralized Information Technology Modernization Program" is funded through direct appropriations in a separate heading under this title.

No funding is recommended for the cost of payroll consolidation until the Department has complied with the Committee's directive on this matter, articulated in the statements accompanying the prior two State Department Appropriations Acts as well as the statement accompanying this Act.

*Public Diplomacy Support.*—The Committee directs the Bureau of Information Resource Management [IRM] to lend its support to the Undersecretary of Public Diplomacy and Public Affairs in developing the information and communication technologies that are necessary for the Department to conduct a global, state of the art public diplomacy program. The IRM Bureau should assist the Undersecretary of Public Diplomacy and Public Affairs in the development of a forward-looking action plan to enhance capabilities such as digital audio and video, overhaul the management of existing public diplomacy knowledge, and develop ever more efficient ways of accessing this knowledge from public diplomacy desktops.

*Centralization.*—The Committee supports the Department's efforts to centralize the management and funding of its IT activities. Centralization ensures that IT solutions are aligned with the Department's mission and business priorities and requirements. The Committee continues to support the Capital Planning and Investment Control Process, the purpose of which is to determine how the Department can best utilize available resources to achieve its IT goals.

*Messaging.*—Within the amounts made available for the Capital Investment Fund, \$32,500,000 is for the State Messaging and Archive Retrieval Toolset [SMART]. SMART will provide Department personnel sophisticated, integrated desktop tools like modern messaging (including cabling), archiving, and information-sharing. It will replace the Department's World War-II vintage cabling system and integrate both the OpenNet e-mail system and the Classified Connectivity Program system. The Committee expects SMART to be fully operational by the end of fiscal year 2006.

*Centralized Management of Information.*—In a time of increased threat to our overseas posts, the ability to store and manage information (particularly classified information) domestically can greatly enhance the security of that information. For the past 2 fiscal years, the Committee provided funding for a pilot program for a technology that will allow the Department to minimize the amount of electronic classified information stored at post and permit computer terminals to be "sanitized" of such information when not in use. The recommendation for fiscal year 2005 includes at least \$4,200,000 for the Department to further develop the virtual Wide Area Network [WAN] (also referred to as the "Thin Client") architecture and prototype. It goes without saying that any technologies deployed by the Department must meet all of the security requirements set forth by DS and by other relevant agencies.

## CENTRALIZED INFORMATION TECHNOLOGY MODERNIZATION PROGRAM

Appropriations, 2004 .....	
Budget Estimate, 2005 .....	
Committee recommendation .....	\$102,951,000

The Committee recommends an appropriation of \$102,951,000. The recommendation is \$102,951,000 above the fiscal year 2004 funding level and \$102,951,000 above the budget request.

The purpose of the Centralized Information Technology Modernization Program [CIMP] is to provide a discrete funding source for life cycle hardware and software refresh and upgrades. This account shall henceforward house the Department's Global Information Technology Modernization [GIT-M] program.

Within the amounts made available under this heading, \$77,671,000 is for global IT modernization and \$25,280,000 is for centrally managed infrastructure.

In times of budget shortfalls, agencies often look first to their information technology [IT] budgets for savings. The result, seen again and again by the Committee, has been that new investments quickly degraded, leading to a costly and inefficient "collapse-crisis-rebuild" cycle for computer and communications networks. The Committee has provided \$681,835,000 during the past 5 years for the development, testing, deployment, operation and maintenance, security, and refreshment of the State Department's IT systems. It is critical that the Department's IT infrastructure be kept current and fully available to support the Department's needs and that it not be allowed to fall back into disrepair.

In the past, the regional bureaus and embassy management teams have been responsible for refreshing and upgrading their own hardware and software. This was one of the main reasons why the Department's IT infrastructure deteriorated so badly, as regional bureaus and embassies intrinsically place a higher priority on programs than on infrastructure. The Committee is aware that, due to the decentralized budgeting of IT infrastructure maintenance costs in the past, considerable funding is built into the fiscal year 2005 Diplomatic and Consular Programs request for this same purpose (primarily in the function 3100 "Personal Property" category). The Committee directs the Department to submit a full accounting of all IT infrastructure maintenance funding available under Diplomatic and Consular Programs (including funding for equipment) and to reprogram these funds to priority missions, such as Public Diplomacy or the reestablishment of a U.S. diplomatic presence in Iraq. The Department is directed to submit this report in conjunction with the baseline Diplomatic and Consular Programs spending plan for fiscal year 2005.

## OFFICE OF INSPECTOR GENERAL

Appropriations, 2004 .....	\$31,370,000
Budget estimate, 2005 .....	30,435,000
Committee recommendation .....	31,435,000

The Committee recommends an appropriation of \$31,435,000. The recommendation is \$65,000 above the fiscal year 2004 funding level and \$1,000,000 above the budget request. This additional funding is provided for the cost of conducting normal audits and in-

vestigations of U.S. diplomatic activities in Iraq not relating to the Iraq Reconstruction Management Office [IRMA] and the Project and Contracting Office [PCO], which shall be under the oversight of the successor organization to the Coalition Provisional Authority's Office of Inspector General.

The recommendation includes language limiting the sources of funding for this office and limiting the number of full time equivalents this office may employ.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Appropriations, 2004 .....	\$316,633,000
Budget estimate, 2005 .....	345,346,000
Committee recommendation .....	360,750,000

The Committee recommends an appropriation of \$360,750,000. The recommendation is \$44,117,000 above the fiscal year 2004 funding level and \$15,404,000 above the budget request.

This account allows the Department of State to support the travel of approximately 8,000 Americans abroad and 17,000 foreign visitors to the United States each year for the purposes of studying, teaching, conducting research, and professional development. The exchange of persons promotes friendly, sympathetic, and peaceful relations between the United States and other countries by fostering mutual understanding and countering anti-American sentiment. Educational and cultural exchanges are a core component of the State Department's public diplomacy program.

The Committee recommendations are displayed, by program, in the following table:

#### EDUCATIONAL AND CULTURAL EXCHANGES

[In thousands of dollars]

	Committee recommendation
<b>Academic Exchanges:</b>	
Fulbright Program .....	155,000
Global Academic Exchanges .....	10,300
Educational Advising and Student Services .....	[3,500]
English Language Programs .....	[6,800]
Special Academic Exchanges .....	32,650
Regional Graduate Fellowships and Junior Faculty Development .....	[25,000]
American Overseas Research Centers .....	[3,500]
South Pacific Exchanges .....	[500]
East Timor Exchanges .....	[500]
Disability Exchange Clearinghouse .....	[500]
George Mitchell Scholarships Program .....	[500]
Dante B. Fascell North-South Center .....	[1,000]
United States-Poland-Israel Exchange .....	[500]
Abraham Lincoln Study Abroad Fellowship Program .....	[500]
Montana Tech Foreign Exchange Program .....	[150]
Subtotal, Academic Exchanges .....	197,950
<b>Professional and Cultural Exchanges:</b>	
International Visitor Program .....	66,714
LEADers in Education .....	[2,000]
Citizen Exchange Program .....	45,536
Partnerships for Learning/Youth Exchange and Study [YES] Program .....	[10,000]
Special Professional and Cultural Exchanges .....	11,550
Mike Mansfield Fellowship Program .....	[1,800]
Irish Institute .....	[1,000]

## EDUCATIONAL AND CULTURAL EXCHANGES—Continued

[In thousands of dollars]

	Committee recommendation
Atlantic Corridor .....	[250]
Youth Science Leadership Institute of the Americas .....	[100]
Africa Workforce Development .....	[400]
Ngwang Choephel Fellows (Tibet) .....	[500]
Institute for Representative Government .....	[500]
Plymouth State College U.S.-Pakistan Educator Development Program .....	[250]
Rule of Law Forum at Southern Methodist University .....	[900]
Special Olympics .....	[1,500]
Northern Forum .....	[500]
Seed Programs .....	[600]
Arctic Winter Games .....	[350]
World Congress on Information Technology .....	[400]
Global Perspectives Project and International Public Television Conference .....	[1,500]
Council of Women World Leaders .....	[500]
Interparliamentary Conference on Human Rights and Religious Freedom .....	[500]
Subtotal, Professional and Cultural Exchanges .....	123,800
Exchanges Support .....	39,000
Total, Educational and Cultural Exchanges .....	360,750

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

*Exchange Visitor Program.*—Within 60 days of enactment of this Act, the Department of State shall issue a report containing information about the number of participants in the Exchange Visitor Program. This report shall include specific information about the number of visitors from each country per program and per identified sponsor. The Committee further expects the Department to develop, in consultation with the sponsor community, a comprehensive 3-year plan that lays out the program's priorities and country-by-country plans for growth and development. This plan should include the Department's strategy for pursuing additional opportunities with underserved countries, whether through bilateral agreements with new countries or otherwise. This plan should also include new programming initiatives designed to reach greater numbers of students.

*Program Regulations.*—The Committee expects the Department of State to update the regulations for the Exchange Visitor Program. Program regulations should provide clear guidance for sponsors about their precise obligations.

*Fulbright Program.*—The Committee recommends an appropriation of \$155,000,000 for the Fulbright Program. The recommendation is \$5,000,000 above the budget request.

The Committee commends the Department for its swift re-establishment of the Fulbright Foreign Student Program with Iraq. The program was reestablished in October 2003, following a 14-year suspension. The Committee understands that planning for the next national recruitment and competition for Fulbright Iraq is complete and that nomination and selection will be complete by the fall of 2004.

The Committee further commends the Department for its re-establishment last year of the Fulbright Program with Afghanistan,

after a 24-year suspension. The Afghan Fulbright Program successfully recruited 18 grantees to participate in the 1 year non-degree program, of which 6 were women. The Committee understands that the number of women applying for the program was not especially high, and notes that one obstacle to women’s participation in the program relates to family concerns about travel without escorts. The Department should continue its efforts to recruit as many women as possible, particularly women who were deprived of opportunities to study under the Taliban era. The Department should work with applicants, their families, and Afghani university officials to develop ways to address family concerns about travel without escorts.

*Seed Programs.*—The Committee continues a program begun in fiscal year 2000 to provide one-time funding to international exchange start-ups. The recommendation includes \$100,000 for each of the following programs: the Middle East Information Portal; the International Writing Program; the Afghanistan Young Leaders Program at the University of Nebraska-Omaha; the Flushing Council on Culture and the Arts’ Partnership Between Queens and Taipei; and the Auschwitz Jewish Center’s Student Scholarship Program. Any remaining funds under the “Seed Programs” category may be designated by the Department of State for promising international exchange start-ups.

*Partnerships for Learning.*—The Committee supports the Partnerships for Learning [P4L] program, which is an overarching theme for exchanges in which resources are shifted from lower priority regions to higher priority ones. Presently, the focus of the P4L program is engagement with the Arab/Muslim world. The Committee understands that, within the funding made available for Educational and Cultural Exchanges, the Department intends to designate \$64,216,000 for the P4L program.

*Working Exchanges.*—The Committee directs the Department of State to work with the Governments of Australia, Canada, and New Zealand to establish bilateral exchange programs that will allow young people from these countries to visit the United States for a period of up to 1 year for purposes of work and travel and vice versa. The United States has long enjoyed close and valuable exchange relationships with Australia, Canada, and New Zealand. The bilateral relationships between the United States and these countries would be further strengthened by expanding opportunities for young people to visit each other’s countries for an extended period. The Committee directs the Department to work within current regulatory frameworks governing exchange visitor programs, and specifically the summer work travel program, administered by the Bureau of Educational and Cultural Affairs. The Committee recognizes the work of the Ministry of Foreign Affairs of the Government of New Zealand in raising the visibility of this promising program, called “Working Holiday Schemes,” within the United States Government.

REPRESENTATION ALLOWANCES

Appropriations, 2004 .....	\$8,905,000
Budget estimate, 2005 .....	8,640,000
Committee recommendation .....	8,640,000

The Committee recommends an appropriation of \$8,640,000. The recommendation is \$265,000 below the fiscal year 2004 funding level and identical to the budget request.

Representation allowances provide reimbursement to Foreign Service officers for expenditures incurred in their official capacities abroad in establishing and maintaining relations with officials of foreign governments and appropriate members of local communities.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

Appropriations, 2004 .....	\$9,894,000
Budget estimate, 2005 .....	9,600,000
Committee recommendation .....	5,000,000

The Committee recommends an appropriation of \$5,000,000. The recommendation is \$4,894,000 below the fiscal year 2004 funding level and \$4,600,000 below the budget request. The recommendation assumes \$441,000 in carryover, bringing the total amount available for this account to \$5,441,000. The Committee provided \$65,500,000 for this account, via transfer from the Emergencies in the Diplomatic and Consular Service account, in Public Law 108-106, the Emergency Supplemental Appropriations Act for fiscal year 2004.

This account reimburses local governments and communities for the extraordinary costs incurred in providing protection for international organizations, foreign missions and officials, and foreign dignitaries under certain circumstances.

The Committee directs that local jurisdictions incurring such costs submit a certified billing for such costs in accordance with program regulations. The Committee also recommends that in those instances where a local jurisdiction will realize a financial benefit from a visit from a foreign dignitary that such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program. The Committee expects the Department to treat such submissions diligently and provide reimbursement to local jurisdictions on a timely basis if claims are fully justified.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

Appropriations, 2004 .....	\$1,376,758,000
Supplemental appropriations, 2004 .....	43,900,000
Budget estimate, 2005 .....	1,539,000,000
Committee recommendation .....	1,376,758,000

The Committee recommends an appropriation of \$1,376,758,000. The recommendation is identical to the fiscal year 2004 funding level and \$162,242,000 below the budget request. The Committee is aware that \$100,049,000 in prior year balances, recoveries, and reimbursements will be available in fiscal year 2005, bringing the total amount available for this account to \$1,476,807,000.

This account allows the Department of State to manage the United States Government's real property assets overseas in order to provide United States diplomatic and consular missions with secure, safe, and functional facilities. These facilities house all United States Government employees overseas, not just State Department personnel. The Department manages over 15,000 residential, office,

and functional properties at 260 diplomatic posts, which are worth an estimated \$12,500,000,000.

The Committee recommendations, by project or program, are displayed in the following table:

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

[In thousands of dollars]

	Committee recommendation
Worldwide Security Upgrades:	
Security Capital Projects .....	763,702
Beirut, Lebanon .....	[111,700]
Belgrade, Serbia and Montenegro .....	[102,000]
Bogota, Colombia, Annex .....	[28,000]
Karachi, Pakistan (design, site acquisition, and preparation) .....	[38,702]
Khartoum, Sudan .....	[58,000]
Moscow, Russia, Annex .....	[80,100]
Mumbai, India .....	[84,900]
Quito, Ecuador .....	[90,000]
Skopje, Macedonia .....	[60,000]
Suva, Fiji .....	[35,000]
Bamako, Mali/Kathmandu, Nepal/Kingston, Jamaica/and Yerevan, Armenia Annexes .....	[75,300]
Other Site Acquisitions and Planning .....	52,000
Compound Security .....	100,000
Security of U.S.-Affiliated Facilities .....	27,000
Consular Workspace Improvement Initiative .....	8,000
Subtotal, Worldwide Security Upgrades .....	950,702
Less Reimbursement from Capital Security Cost Sharing .....	(83,672)
Revised Subtotal, Worldwide Security Upgrades .....	867,030
Non-Security Capital:	
Non-Security Capital .....	8,398
Subtotal, Non-Security Capital .....	8,398
Operations:	
Planning and Development .....	9,000
Real Estate and Property Management .....	6,150
Project Execution .....	87,500
Construction and Commissioning .....	[27,000]
Design and Engineering .....	[22,500]
Security Management .....	[26,000]
Interiors and Furnishings .....	[12,000]
Operations and Maintenance .....	342,880
Leaseholds .....	[100,000]
Buyout of Uneconomic Leases/Opportunity Purchases .....	[35,000]
Maintenance and Repair of Buildings .....	[68,500]
Art in Embassies Program .....	[1,500]
Facilities Rehabilitation and Support System Replacement .....	[57,380]
Facility Management .....	[60,000]
Fire Protection .....	[8,700]
Safety, Health, and Environmental Management .....	[3,700]
Post Communications .....	[8,100]
Information Management and Support .....	26,000
Main State/Domestic Renovations .....	23,000
Subtotal, Operations .....	494,530
Headquarters:	
Salaries, Training, and Other Support Costs .....	6,800
Subtotal, Headquarters .....	6,800



## EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE—Continued

[In thousands of dollars]

	Committee recommendation
Total, Embassy Security Construction and Maintenance .....	1,376,758

Some of the Committee recommendations displayed in the table above are described in more detail in the following paragraphs.

*Baghdad, Iraq.*—The Committee is acutely aware of the significant capital needs facing the Department in Iraq. In addition to the size and cost of this project, the construction of U.S. Embassy Baghdad and its constituent posts will pose security challenges of a magnitude never before faced by the Department of State.

The Committee is concerned that the Department lacks a plan for justifying and securing the necessary funds for this construction project, which will be the largest embassy construction project ever undertaken by the Department. The Committee eagerly anticipates receiving the Department's plan for financing this project. The Committee will review this plan carefully, paying particular attention to the number of personnel the Department intends U.S. Embassy Baghdad to house and the justification for these personnel being stationed in Iraq. The Embassy building should be built to house the number of personnel that will be needed in Baghdad in 10 years, not the number of personnel needed there at present.

The Committee directs that all existing prior year unobligated balances, including any fiscal year 2005 funds that may become available, be dedicated to the construction of U.S. Embassy Baghdad and its constituent posts.

*Capital Security Cost Sharing.*—The recommendation includes language necessary for the Department of State to implement the capital security cost-sharing program, the goal of which is to provide all U.S. Government employees posted overseas secure, modern workspace in as short a period of time as possible.

*Beirut, Lebanon.*—Since it was bombed over 20 years ago, United States Embassy Beirut has had to operate under extremely difficult conditions. The buildings on the compound are unsafe, rusting, and badly deteriorated. The embassy is overcrowded, with people even working in a windowless basement next to old mechanical equipment. Embassy operations are also scattered among several trailers, themselves badly deteriorated, that were set up on the compound 17 years ago. Since Lebanon's civil war ended in 1976, an improved security environment has led to a dramatic expansion of embassy operations and staffing to meet U.S. policy objectives. Conditions conducive to full operations will likely prevail over the next decade and beyond. The Committee recognizes an urgent need to replace the current ad hoc embassy buildings with a modern chancery building. The Committee commends the Department for requesting funding in fiscal year 2005 for this important project and approves the Department's proposal to relocate the embassy to a site that meets security requirements. Within the amount made available for the security capital program, \$111,700,000 is for Beirut.

*Karachi, Pakistan.*—The building presently occupied by the United States Consulate General in Karachi, Pakistan, was built in

1960. Employees of the Consulate General have come under attack on five separate occasions during the last decade. On two such occasions, the Consulate building itself was attacked. The most recent attack occurred in May 2004, when two car bombs exploded near a residence. The Committee deems the Consulate to be in urgent need of reconstruction.

The Committee is aware that this project has been held up due to difficulties in acquiring a suitable site. The Committee urges the Department to take action to overcome such obstacles and to move forward expeditiously with this project. Should prior year or fiscal year 2005 funding become available during the course of the year, the Committee directs the Department to give priority to Karachi.

*Building Size.*—The Committee has recommended, and provided sufficient funding for, a medium-sized embassy building in Khartoum, Sudan, a small-sized embassy building in Skopje, Macedonia, and a super-small-sized embassy building in Suva, Fiji. The Committee approves the building sizes, as proposed, for the 13 other security capital projects for which funding is recommended in the preceding table.

*Brussels, Belgium.*—The Committee urges the Bureau of Overseas Buildings Operations to dedicate the necessary funds for an office space consolidation project at U.S. Embassy Brussels, Belgium.

*Rome, Italy.*—The Committee directs that the United States Mission to the United Nations Agencies for Food and Agriculture move from its current leased facilities in Rome to the newly purchased and renovated “INA Building”. The Committee understands that the Department’s acquisition of the INA building provides an additional 66,000 square feet of space to U.S. Embassy Italy. This is more space than the Embassy can currently use. Because U.S. Embassy Italy now finds itself in the enviable position of having more space than necessary, it only makes sense for the the U.S. Mission to the U.N. Agencies for Food and Agriculture to collocate on the Embassy compound, and specifically in the new INA Building.

*Soft Targets.*—Recent attacks against American housing compounds overseas and places of worship frequented by Americans demonstrate that an inverse relationship exists between the security of our embassies and the security of non-official facilities: as our embassies become more heavily fortified, non-official U.S.-affiliated facilities overseas become more attractive targets to terrorists. In response to the clear need to enhance the Department’s ability to protect these so-called “soft targets”, the Committee in fiscal year 2002 provided \$15,000,000 for this purpose. The recommendation for this initiative for fiscal year 2005 is not less than \$27,000,000. The Committee commends the Department for recognizing and requesting funding for this critical need. While the Department, specifically the Bureau of Overseas Buildings Operations, has been extremely responsive to the Committee’s directives concerning the security of housing and American schools, the Department has yet to submit an overarching strategy for addressing the problem of soft targets. The Committee directs the Bureau of Diplomatic Security to take the lead on developing a comprehensive, sustained strategy for addressing this problem. The strategy

shall be submitted to the Committee for approval no later than June 1, 2005.

The Committee continues to be extremely concerned about the safety of American schools and international schools attended by American children overseas. Accordingly, within the funding provided to address the security vulnerabilities of soft targets, not less than \$10,000,000 is for security enhancements at overseas schools. These funds shall be made available, on the basis of need, to overseas schools that do not receive financial assistance from the Department of State, as well as those that do receive such financial assistance. The Committee understands that the Department is in the process of surveying the security needs of non-grantee schools. The Department is directed to report to the Committee on the results of this survey. It is the goal of the Committee that all international schools attended by American children shall have certain "baseline" security measures in place as soon as practicable.

*Istanbul, Turkey.*—The recommendation includes \$8,000,000, within the funding provided for facilities rehabilitation, for the renovation of and seismic upgrades to the historic Palazzo Corpi building in Istanbul, Turkey. The Committee intends for the building to be used to further United States public diplomacy goals.

*Consular Workspace Improvement Initiative.*—The Department's consular mission is critical to U.S. national security. The quality of consular workspace and the efficiency and accuracy of consular work are directly linked. Consular workspace must be adequately sized and outfitted in order to ensure that the processing of visas and visa applicants takes place in an organized and efficient manner. There is a continuing need for additional consular windows and interview space, enlarged reception and waiting areas, office space, and document storage space, particularly in light of the numerous additional requirements imposed on Consular Affairs in the wake of September 11, 2001. To provide for these critical enhancements, and to improve the overall working environment for Consular Affairs Officers, the Committee in fiscal year 2003 created the Consular Workspace Improvement Initiative. The Committee recommends \$8,000,000 for this initiative in fiscal year 2005, with-in funding made available for Worldwide Security Upgrades. The Department should once again identify posts for consular workspace rehabilitation where errors in visa issuance present the greatest threat to our national security, as determined by the Bureau of Overseas Buildings Operations [OBO] in consultation with the Bureau of Consular Affairs.

*Asset Management Funds.*—The asset management account was established to segregate the proceeds of sale of real property from direct appropriations and reimbursements to the Embassy Security, Construction, and Maintenance account. Asset management funds are used exclusively for the purchase of properties or the construction of facilities overseas. The Committee directs the Department to provide the same level of detail in its budget request for projects requested under the assets management account as those under the capital projects account. As in past years, no new funding is recommended for this account.

*Buyout of Uneconomic Leases.*—High lease costs deplete Department resources. By selectively acquiring properties in cities with

volatile rental markets, the Department can generate significant out-year savings. The Committee recommendation therefore provides \$35,000,000 for opportunity purchases and directs OBO to aggressively pursue opportunities to purchase properties rather than lease, whenever practicable.

*Reprogrammings.*—The Department is directed, under the terms and conditions that follow, to submit for the Committee’s review and approval within 60 days of enactment of this Act only those projects or subaccounts funded under this account, whether from direct appropriations or proceeds of sales, that deviate from the above chart and accompanying direction. Any deviation shall include project-level detail and shall be treated as a reprogramming under section 605 of this Act in the case of any addition greater than \$1,000,000, a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Reprogramming requirements also extend to the “rebaselining” of a given project’s cost estimate, schedule, or scope of work. By focusing the financial plan only on deviations, the Committee expects the Bureau of Overseas Buildings Operations to move projects toward contract obligation promptly after funds are appropriated. Immediate access to funds for projects or activities that are unchanged from the above chart will allow the Department to negotiate contracts and obligate funds more efficiently over the course of the fiscal year.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Appropriations, 2004 .....	\$989,000
Supplemental appropriations, 2004 .....	115,500,000
Budget estimate, 2005 .....	7,000,000
Committee recommendation .....	1,000

The Committee recommends an appropriation of \$1,000. The recommendation is \$988,000 below the fiscal year 2004 funding level and \$6,999,000 below the budget request. A total of \$50,000,000 was appropriated for this account in the fiscal year 2003 emergency supplemental (Public Law 108–11) and \$115,000,000 was appropriated for this account in the fiscal year 2004 emergency supplemental (Public Law 108–106). The Committee notes that at least \$25,000,000 in prior year unobligated balances will be available for this account in fiscal year 2005 due to the capture of Saddam Hussein by the U.S. Military and not as the result of information provided to the United States by any source that would require a payment under the rewards program.

This account provides resources for the Department of State to meet emergency requirements while conducting foreign affairs. The Committee recommendation provides funds for: (1) travel and subsistence expenses for relocation of Americans, U.S. Government employees, and their families from troubled areas to the United States and/or safe-haven posts; (2) allowances granted to State Department employees and their dependents evacuated to the United States for the convenience of the Government; (3) payment of rewards for information concerning terrorists and war criminals; and (4) representation expenses for senior Administration officials.

The recommendation includes language providing that funds that were previously appropriated for a reward for an indicted war

criminal shall be transferred to the U.S.-backed court responsible for trying this individual.

#### REPATRIATION LOANS PROGRAM ACCOUNT

Appropriations, 2004 .....	\$1,205,000
Budget estimate, 2005 .....	1,219,000
Committee recommendation .....	1,219,000

The Committee recommends an appropriation of \$1,219,000. The recommendation is \$14,000 above the fiscal year 2004 funding level and identical to the budget request.

This account provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States. In the past, less than 20 percent of repatriation loans have ever been repaid. The Committee strongly endorses efforts by the Bureau of Consular Affairs to limit assistance only to victims of unforeseen circumstances or travelers whose mental instability presents a risk to themselves or others.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

Appropriations, 2004 .....	\$18,585,000
Budget estimate, 2005 .....	19,482,000
Committee recommendation .....	19,482,000

The Committee recommends an appropriation of \$19,482,000. The recommendation is \$897,000 above the fiscal year 2004 funding level and identical to the budget request.

The Taiwan Relations Act requires that programs concerning Taiwan be carried out by the American Institute in Taiwan [AIT]. The Institute administers programs in the areas of economic and commercial services, cultural affairs, travel services, and logistics. The Department of State contracts with the AIT to carry out these activities.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

Appropriations, 2004 .....	\$134,979,000
Budget estimate, 2005 .....	132,600,000
Committee recommendation .....	132,600,000

The Committee recommends an appropriation of \$132,600,000. The recommendation is \$2,379,000 above the fiscal year 2004 funding level and identical to the budget request.

This appropriation is authorized by the Foreign Service Act of 1980 which provides for an appropriation to the fund in 30 equal annual installments of the amount required for the unfunded liability created by new benefits, new groups of beneficiaries, or increased salaries on which benefits are computed.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Appropriations, 2004 .....	\$999,830,000
Budget estimate, 2005 .....	1,914,210,000
Committee recommendation .....	1,020,830,000

The Committee recommends an appropriation of \$1,020,830,000. The recommendation is \$21,000,000 above the fiscal year 2004 funding level and \$173,380,000 below the budget request.

This account funds payment of the obligations of United States membership in international organizations as authorized by treaties or specific acts of Congress.

Within the amounts provided under this heading, \$70,000,000 is for the International Atomic Energy Agency [IAEA], \$12,700,000 is for the International Civil Aviation Organization [ICAO], \$1,350,000 is for the International Maritime Organization [IMO], \$1,100,000 is for the World Intellectual Property Organization [WIPO], \$60,000,000 is for the Organisation for Economic Cooperation and Development [OECD], \$1,700,000 is for the International Agency for Research on Cancer [IARC], \$500,000 is for the International Coffee Organization [ICO], \$73,000 is for the International Copper Study Group [ICSG], and \$132,000 is for the International Rubber Study Group [IRSG].

The recommendation also includes \$6,000,000 for the subsidy cost of a \$1,200,000,000 loan to the United Nations [U.N.] to finance the renovation of its headquarters complex. None of these funds may be obligated until the Department of State's Bureau of Overseas Buildings Operations [OBO] has provided written assurance to the Committee that the design for the U.N. headquarters renovations (including the new building the United Nations intends to use for swing space, and will eventually own) meet all of the State Department's own security requirements, including those codified in section 606 of Public Law 106-113. Should the United Nations decide not to accept the United States' offer of this low interest loan, the Committee directs that these funds be transferred to the United Nations Education Scientific and Cultural Organization [UNESCO] for educational, scientific, and cultural projects in the Middle East.

None of the funds provided under this heading may be obligated until the Department has submitted, and the Committee has approved, a reprogramming in accordance with section 605 of this Act.

*Oil-For-Food Program.*—The Department of State shall urge the United Nations to make available to Congressional Committees investigating the Oil-for-Food Program all relevant documents, including Office of Internal Oversight Services [OIOS] reports and relevant bank statements. The Department shall also use the voice and vote of the United States to ensure that the Volcker Inquiry be conducted in as rigorous a manner as possible, and to urge that the Volcker Inquiry issue preliminary findings no later than 6 months after the Volcker panel begins its work and a final report not later than 12 months after the Volcker panel begins its work. Such preliminary findings shall include an inventory of documents reviewed, and to be reviewed, and a list of persons and entities under investigation.

*Organization for Economic Cooperation and Development.*—The Committee is aware that the OECD has promoted, and continues to promote, the concept of global tax harmonization. Tax harmonization refers to countries' efforts to tax their citizens' foreign investments in order to discourage investment overseas. Tax harmo-

nization would significantly harm the U.S. economy and undermine U.S. competitiveness. In addition, tax harmonization initiatives over time will erode the United States' fiscal sovereignty. The Committee is opposed to such schemes, whether undertaken by the OECD or the United Nations and does not support the OECD's efforts to blacklist countries for espousing low tax systems and competitive investment climates.

The recommendation includes language stipulating that no payment shall be made to the OECD unless the Secretary of State certifies to the Committee that the OECD is not engaging in activities to promote tax harmonization. The Committee is aware that the OECD is urging low-tax countries (through so-called "commitment letters") to provide information to foreign tax authorities about the investment activity of foreigners in their countries. The recommendation also includes language barring agencies funded under this Act from participating in or cooperating with such efforts, including information exchange agreements that are outside of existing law or bilateral tax treaties to which the United States is a signatory. Officials representing the United States at the OECD, and who serve on various OECD committees and panels, are directed to advocate positions that are consistent with congressional intent, reaffirmed in this Act: the desire to attract capital to the United States outweighs the need to collect information on non-resident alien deposits.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Appropriations, 2004 .....	\$450,056,000
Supplemental appropriations, 2004 .....	245,000,000
Budget estimate, 2005 .....	650,000,000
Committee recommendation .....	574,000,000

The Committee recommends an appropriation of \$574,000,000. The recommendation is \$123,944,000 above the fiscal year 2004 funding level and \$76,000,000 below the budget request. The Committee provided \$245,000,000 in the fiscal year 2004 emergency supplemental for the anticipated costs of a United Nations [U.N.] peacekeeping mission to Liberia.

This account provides funds for the United States' share of the expenses of U.N. peacekeeping operations. The United States currently pays approximately 27 percent of the assessed costs of U.N. peacekeeping operations.

The recommendation includes language adjusting the rate at which the United States pays for the cost of United Nations peacekeeping missions. This adjustment is necessary to allow the United States to fully pay United Nations assessments for peacekeeping.

The United Nations Security Council has approved three new peacekeeping missions during the past year: the U.N. Mission in Liberia, the U.N. Operation in Ivory Coast, and the U.N. Operation in Burundi. The Security Council is expected to approve a mission to Sudan imminently. These new missions will cost the United States more than \$600,000,000 in fiscal year 2005. This is in addition to the approximately \$750,000,000 the United States will be billed for existing missions in fiscal year 2005, some of which have gone on for decades. One such mission, for which U.S. taxpayers have provided a total of \$65,900,000 in assessed contributions dur-

ing its incredible 40 year life span, exists to prevent renewed violence between two European countries.

In light of the explosive growth in the number of peacekeeping missions and the skyrocketing costs of providing troops and logistical support to those missions, the United Nations must identify ways to do more with less funding. The Committee is aware that, in some cases, private companies can carry out effective peacekeeping missions for a fraction of the funding the United Nations requires to carry out the same missions. At a minimum, such companies should be utilized to supplement the number of blue berets and blue helmets which, in these turbulent times, the United Nations is having a difficult time recruiting. The United Nations can no longer afford to ignore the potential cost-savings that private companies with proven records of good service and good behavior offer. The Committee has a responsibility to U.S. taxpayers to ensure that U.N. peacekeeping missions are being carried out in a responsible and cost effective manner.

*Sierra Leone.*—The Committee reiterates its support for the work of the Special Court for Sierra Leone. The purpose of the Special Court for Sierra Leone is to prosecute those who bear the greatest responsibility for the appalling violations of international and Sierra Leonean law and crimes against humanity perpetrated during the conflict in Sierra Leone. The court aims not to punish every crime committed during the war, but rather to prosecute those people who organized and oversaw the atrocities. The war in Sierra Leone featured the mass use of rape as a weapon of terror, the abduction and forced conscription of thousands of children, and the dismemberment and torture of civilians, including children as young as 2 years old. The Committee praises the Special Court for its resolve in indicting and prosecuting the leaders of neighboring countries who actively encouraged the conflict in order to control the output of Sierra Leone’s diamond mines. The foreign leaders who fueled the Sierra Leone conflict from afar by supplying weapons, supplies, and safe havens are just as responsible for the atrocities as those who ordered them carried out. The Committee commends the Special Court’s indictment of one such leader who, more than any other single individual, was responsible for inciting and fueling the Sierra Leone conflict. The Committee is pleased by the Court’s recent determination that this person shall not be afforded head of State immunity.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$25,726,000
Budget estimate, 2005 .....	30,300,000
Committee recommendation .....	27,689,000

The Committee recommends an appropriation of \$27,689,000. The recommendation is \$1,963,000 above the fiscal year 2004 funding level and \$2,611,000 below the budget request.



The Committee directs IBWC to contract out administrative, human resources management, procurement, finance and accounting, payroll, and property functions so that it can meet the increasing demand for IBWC services without having to rely on budget increases. The recommendation includes an increase of \$682,000, the full amount requested for wage and price increases, an increase of \$200,000 for utility costs, and an increase of \$250,000 for United States environmental regulatory compliance and safety activities. The recommendation also includes an increase of \$500,000 for the Lower Rio Grande Flood Control Environmental Commitments, as requested.

The Committee recommendations are displayed in the following table:

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
SALARIES AND EXPENSES  
[In thousands of dollars]

	Amount
Administration .....	6,050
Engineering .....	3,450
Operations and maintenance .....	18,189
Total, International Boundary and Water Commission .....	27,689

None of the funds provided under this heading shall be obligated until the Department has submitted a reprogramming, pursuant to section 605 of this Act, and the Committee has acted upon such reprogramming.

CONSTRUCTION

Appropriations, 2004 .....	\$3,513,000
Budget estimate, 2005 .....	8,545,000
Committee recommendation .....	6,146,000

The Committee recommends an appropriation of \$6,146,000. The recommendation is \$2,633,000 above the fiscal year 2004 funding level and \$2,399,000 below the budget request.

Within the amount provided, \$1,601,000 is for the Boundary-Wide Program, \$4,050,000 is for the Water Quantity Program, and \$495 is for compliance with the Surfriders Consent Decree. Within the amounts provided for the Water Quantity Program, \$1,750,000 is for the Rio Grande Canalization Project and \$1,000,000 is for the Lower Rio Grande Flood Control Project/Levee Rehabilitation.

None of the funds provided under this heading may be obligated until the Department has submitted, and the Committee has approved, a spending plan in accordance with section 605 of this Act.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

Appropriations, 2004 .....	\$8,849,000
Budget estimate, 2005 .....	10,756,000
Committee recommendation .....	10,546,000

The Committee recommends an appropriation of \$10,546,000. The recommendation is \$1,697,000 above the fiscal year 2004 funding level and \$210,000 below the budget request.

This account funds the United States' share of expenses of the International Boundary Commission [IBC], the International Joint Commission [IJC], and the Border Environment Cooperation Commission [BECC].

Within the amount provided, \$800,000 is for the International Boundary Commission, \$7,698,000 is for the International Joint Commission, and \$2,048,000 is for the Border Environment Cooperation Commission. Within the amount provided for the International Joint Commission, \$200,000 is for the Red River Basin Commission.

INTERNATIONAL FISHERIES COMMISSIONS

Appropriations, 2004 .....	\$19,097,000
Budget estimate, 2004 .....	20,800,000
Committee recommendation .....	21,982,000

The Committee recommends an appropriation of \$21,982,000. The recommendation is \$2,885,000 above the fiscal year 2004 funding level and \$1,182,000 above the budget request.

This account funds the U.S. share of the expenses of international fisheries commissions; participation in the International Council for the Exploration of the Sea; participation in the North Pacific Marine Sciences Organization; travel expenses of the U.S. commissioners and their advisors; and salaries of non-Government employees of the Pacific Salmon Commission for days actually worked as commissioners and panel members and alternates.

Within the amount provided under this heading, \$2,100,000 is for the Inter-American Tropical Tuna Commission, \$12,964,000 is for the Great Lakes Fishery Commission [GLFC], \$3,000,000 is for the Pacific Salmon Commission, \$1,800,000 is for the International Pacific Halibut Commission, \$213,000 is for the International Whaling Commission, \$158,000 is for the North Pacific Anadromous Fish Commission, \$165,000 is for the International Commission for the Conservation of Atlantic Tunas, \$177,000 is for the North Pacific Marine Science Organization; \$150,000 is for the Inter-American Sea Turtle Convention Commission, and \$100,000 is for the Expenses of the U.S. Commissioners.

Within the amount provided for the GLFC, \$845,000 is for the eradication of lampreys in Lake Champlain. The GLFC is directed to give priority to States that have provided matching grants when distributing lampricide funds.

None of the funds provided under this heading may be obligated until the Department has submitted, and the Committee has approved, a spending plan in accordance with section 605 of this Act.

OTHER

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

Appropriations, 2004 .....	\$6,926,000
Budget estimate, 2005 .....	
Committee recommendation .....	7,000,000

The Committee recommends an appropriation of \$7,000,000. The recommendation is \$74,000 above the fiscal year 2004 funding level and \$7,000,000 above the budget request. Funds provided to the Center for Middle Eastern-Western Dialogue Trust Fund, when

added to previous years' appropriations, will provide for the operational costs of the Center. The Center is dedicated to facilitating dialogue and peaceful conflict resolution between cultures. Currently a steering committee, led by the Council of American Overseas Research Centers [CAORC], is developing plans for the structures and programs of the Center. The Committee looks forward to the steering committee's report to Congress on the proposed operations of the Center.

The Center shall be overseen by a board which shall include representation by the Undersecretary of State for Public Diplomacy and Public Affairs, as part of a diverse group of members.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

Appropriations, 2004 .....	\$497,000
Budget estimate, 2005 .....	500,000
Committee recommendation .....	500,000

The Committee recommends an appropriation of \$500,000 from interest and earnings in the Eisenhower Exchange Fellowship Program Trust Fund, authorized by the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454). The recommendation is \$3,000 above the fiscal year 2004 funding level and identical to the request.

The Eisenhower Exchange Fellowship Program was created in 1953 to honor President Eisenhower. The Eisenhower Exchange Fellowship Act of 1990 authorized a permanent endowment for the Eisenhower Exchange Fellowship Program and established a trust fund in the United States Treasury for this purpose. A total of \$7,500,000 has been provided to establish a permanent endowment for the program, from which the interest and earnings are appropriated to Eisenhower Exchange Fellowships, Inc.

ISRAELI ARAB SCHOLARSHIP PROGRAM

Appropriations, 2004 .....	\$371,000
Budget estimate, 2005 .....	375,000
Committee recommendation .....	375,000

The Committee recommends an appropriation of \$375,000 from interest and earnings in the Israeli Arab Scholarship Endowment Fund, authorized by Section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138). The recommendation is \$4,000 above the fiscal year 2004 funding level and identical to the budget request.

The Israeli Arab Scholarship Program funds scholarships for Israeli Arabs to attend institutions of higher education in the United States. A permanent endowment of \$4,978,500 was established in 1992 with funds made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990, as amended. The interest from the endowment is credited to the Fund and made available subject to annual appropriations to carry out the scholarship program.

EAST-WEST CENTER

Appropriations, 2004 .....	\$17,692,000
Budget estimate, 2005 .....	13,709,000
Committee recommendation .....	19,500,000

The Committee recommends an appropriation of \$19,500,000. The recommendation is \$1,808,000 above the fiscal year 2004 funding level and \$5,791,000 above the request.

The East-West Center is an educational and research organization established by Congress in 1960 to strengthen understanding and relations between the United States and the countries of the Asia-Pacific region. The Center helps promote the establishment of a stable, peaceful and prosperous Asia-Pacific community in which the United States is a natural and leading partner. The Center carries out its mission through programs of cooperative study, training, and research. Professionals and students from the United States, Asia, and the Pacific study and work together at the East-West Center to better understand issues of common and critical concern and explore mutually beneficial ways of addressing them.

NATIONAL ENDOWMENT FOR DEMOCRACY

Appropriations, 2004 .....	\$39,579,000
Budget estimate, 2005 .....	80,000,000
Committee recommendation .....	50,000,000

The Committee recommends an appropriation of \$50,000,000. The recommendation is \$10,421,000 above the fiscal year 2004 funding level and \$30,000,000 below the budget request.

The National Endowment for Democracy [NED] is a private, non-profit organization created in 1983 to strengthen democratic institutions around the world. NED's mission is to support peaceful and stable transitions to more open political and economic systems characterized by effective governance and legal systems, engaged and responsible civil societies, and open markets. Although NED was first created to help the United States win the cold war, its mission of promoting democracy is still relevant today, particularly in the war against terrorism.

The Committee recommendation includes language which would direct \$10,000,000 of the significant increase in appropriated amounts to NED to the four core institutes to expand programs in the greater Middle East. The Committee has found that the institutes' work to develop democracy through political party training and electoral work in the region has made considerable progress to transition states to a democratic process, particularly in Iraq and in Afghanistan. In addition, the Committee recommendation includes language to establish an annual report to Congress on the use of federally appropriated funds to the NED to ensure the maximum benefit of these resources.

## RELATED AGENCY

## BROADCASTING BOARD OF GOVERNORS

## INTERNATIONAL BROADCASTING OPERATIONS

Appropriations, 2004 .....	\$540,292,000
Supplemental appropriations, 2004 .....	40,000,000
Budget estimate, 2005 .....	533,111,000
Committee recommendation .....	552,240,000

The Committee recommends an appropriation of \$552,240,000. The recommendation is \$11,948,000 above the fiscal year 2004 funding level and \$19,129,000 above the request.

This appropriation account funds the operating and engineering costs of Voice of America [VOA], Radio Free Europe/Radio Liberty [RFE/RL], Radio Free Asia [RFA], the Middle East Television Network [MTN], Worldnet Television, and the Broadcasting Board of Governors. As directed in last year's bill, this account will continue to fund the Office of Cuba Broadcasting.

The Committee recommendation includes new bill language transferring \$302,000 to the Department of State for the Capital Security Cost Sharing Initiative to provide for safe and secure facilities overseas.

The Committee recommendations, by function, are displayed in the following table:

## INTERNATIONAL BROADCASTING OPERATIONS [IBO]

[In thousands of dollars]

	Committee recommendation
International Broadcasting Bureau [IBB]:	
Voice of America [VOA] .....	155,308
Engineering and Technical Services .....	126,145
Agency Direction .....	23,400
Management .....	49,521
Program Support .....	24,994
Subtotal, IBB .....	379,368
Independent Grantee Organizations:	
Radio Free Europe/Radio Liberty .....	71,746
Radio Free Asia .....	28,728
Middle East Television Network/Radio Sawa .....	44,769
Subtotal, Grantees .....	145,243
Cuba Broadcasting .....	27,629
Total, IBO .....	552,240

Some of the Committee recommendations displayed in the table are described in more detail in the following paragraphs.

## INTERNATIONAL BROADCASTING BUREAU

*Voice of America.*—The Committee recommends an appropriation of \$155,308,000 for Voice of America [VOA]. The Committee recognizes that broadcasting to the Middle East and South and Central Asia is critical to the United States-led war on terror. The rec-

ommendation therefore includes \$5,600,000 for VOA's Middle East and Central Asia Division.

*Africa Broadcasting.*—The Committee commends VOA for its progress in developing daily radio and television programming on HIV/AIDS prevention to countries throughout Africa. VOA is directed to continue to report to the Committee on its HIV/AIDS prevention and education related broadcasting activities no later than 90 days after the enactment of this Act.

*Engineering and Technical Services.*—The Committee recommends an appropriation of \$126,145,000 for engineering and technical services. Within this amount, \$3,400,000 is for the Engineering Director.

*Agency Direction.*—The Committee recommends an appropriation of \$23,400,000 for Agency Direction.

*Management.*—The Committee recommends an appropriation of \$49,521,000 for the management of the BBG. The recommendation includes \$3,111,000, the full amount requested, for security.

*Program Support.*—The recommendation includes \$4,140,000 for the BBG's marketing and program placement initiative.

#### GRANTEES

*Radio Free Europe/Radio Liberty.*—The Committee recommends an appropriation of \$71,746,000 for Radio Free Europe/Radio Liberty [RFE/RL]. The recommendation includes \$5,150,000 for Radio Free Afghanistan, \$3,894,000 for Radio Farda, and \$1,194,000 for Radio Free Iraq. Each of these levels is identical to the budget request. The recommendation also includes \$250,000, the full request, for RFE/RL relocation planning.

*Security of Radio Free Europe/Radio Liberty Headquarters.*—Last year, the Committee directed RFE/RL to work with the Department of State's Bureau of Overseas Buildings Operations [OBO] to develop a comprehensive site and cost assessment for relocation of the RFE/RL headquarters, now located in the former Czechoslovak Federal parliament building on Wenceslas Square in Prague, the Czech Republic. The report submitted to the Committee by RFE/RL and OBO outlines several viable future relocation options and concludes that the best overall choice for constructing a new secure facility still would be in Prague.

BBG has recently informed the Committee that RFE/RL would like to begin negotiations in order to sign a pre-lease agreement with one of the Czech site developers identified in the report. The Committee notes that RFE/RL has requested some funding to continue the planning process through fiscal year 2005.

It would be short-sighted, however, for BBG and RFE/RL not to anticipate the substantial future cost of relocation from the current site. The report estimates the costs to be approximately \$19,000,000 a year over a 4-year period. An increase of \$19,000,000 is 25 percent of RFE/RL's total fiscal year 2005 request. A thorough explanation as to how specific relocation costs, as outlined in the report, will be absorbed in future years has yet to be provided. The Committee therefore directs BBG and RFE/RL to compile and submit a strategic funding plan for the intended relocation process no later than February 1, 2005. Until a long-term maintenance cost of

a new building has been contemplated and endorsed by the BBG, no additional funds shall be provided to secure a site for relocation.

*Radio Free Asia.*—The Committee recommends an appropriation of \$28,728,000 for Radio Free Asia [RFA]. Within the funding provided for Broadcasting, \$2,955,000 is for RFA’s Tibetan Service and \$1,289,000 for its Uyghur Service.

*Jamming.*—The Committee has provided funds in prior years to address increased jamming of Radio Free Asia broadcasts. Jamming is intended to stem the flow of truthful and free media to closed societies. The Committee had directed the broadcast services to expand their efforts to counteract the practice of jamming and is pleased to see that services like RFA have successfully begun to create and mass distribute electronic newsletters.

*Middle East Television Network/Radio Sawa.*—The Committee recommends an appropriation of \$44,769,000 for the operations of the Middle East Television Network [MTN] and Radio Sawa. The recommendation is identical to the request. The Committee commends BBG’s expeditious work in integrating and streamlining Radio Sawa and MTN into a single broadcasting entity.

MTN’s Arabic-language satellite television channel, Al Hurra, was launched in February 2004 and is the first U.S. television entity that targets a broad Arabic-speaking audience. The sharp criticism that Al Hurra already has induced suggests that it has, at the very least, captured the attention of its competitors in the saturated Arabic-speaking satellite television market. To separate itself from other news outlets, Al Hurra must clearly demonstrate to its audience that it can provide credible and objective news coverage and analysis. The Committee directs MTN to report on Al Hurra’s coverage, audience, reception and public response in the Arabic-speaking world. The report shall include the findings of an independent and validated public opinion poll.

BROADCASTING TO CUBA

*Radio and Television Marti.*—These programs are dedicated to providing a reliable source of news and information that is accurate and objective, and to the promotion of freedom and democracy in Cuba. The Committee recommends an appropriation of \$27,629,000. The recommendation is identical to the budget request.

BROADCASTING CAPITAL IMPROVEMENTS

Appropriations, 2004 .....	\$11,275,000
Budget estimate, 2005 .....	8,560,000
Committee recommendation .....	8,560,000

The Committee recommends an appropriation of \$8,560,000. The recommendation is \$2,715,000 below the fiscal year 2004 funding level and identical to the budget request. The Committee notes that no funding was requested for new construction projects in fiscal year 2005.

This account funds necessary maintenance, improvements, replacements, and repairs of broadcasting sites; satellite and terrestrial program feeds; and engineering support activities, broadcast facility leases, and land rentals.

The Committee recommendations, by function, are displayed in the following table:

BROADCASTING CAPITAL IMPROVEMENTS [BCI]

[In thousands of dollars]

	Committee recommendation
Maintenance, Improvements, Replace and Repair [MIRR]:	
Continuing Maintenance and Repair .....	4,379
VOA TV .....	773
Security .....	1,608
Subtotal, MIRR .....	6,760
Upgrade of Existing Facilities:	
Greek Agreement .....	1,000
Subtotal, Upgrades .....	1,000
Satellite and Terrestrial Program Feeds .....	800
Total, BCI .....	8,560

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

The Committee recommends the following general provisions:

Section 401 permits funds appropriated to the Department of State in this Act to be available for allowances and differentials, services, and hire of passenger transportation.

Section 402 prohibits fund appropriated to the Department of State in this Act from being used to support the Palestinian Broadcasting Corporation.

Section 403 requires that a consulate or diplomatic facility in Jerusalem be under the supervision of the U.S. Ambassador to Israel.

Section 404 requires government publications to list Jerusalem as the capital of Israel.

Section 405 provides that Israel shall be recorded as the place of birth on registrations of birth, certifications of nationality, and passport applications for U.S. citizens born in Jerusalem.

Section 406 pertains to the State Department's provision of certain information to the Committees on Appropriations.

Section 407 establishes the Office of the Coordinator for Reconstruction and Stabilization.

Section 408 describes the functions of the Office of the Coordinator for Reconstruction and Stabilization.

Section 409 clarifies section 626 of Public Law 107-77, that the Algiers Accord is abrogated for the purposes of providing a cause of action for the Iranian hostages.

Section 410 implements Capital Security Cost Sharing.

Section 411 promotes right-sizing.

Section 412 prohibits U.S. tax dollars from being used to support an international organization's effort to blacklist and penalize countries that encourage foreign investment by adopting low tax systems and competitive investment climates.



It also prohibits funds from being used for international efforts to track or report on the investment income of foreigners in the United States.

Section 413 allows the Department of State and Broadcasting Board of Governors to obligate and expend funds notwithstanding the absence of an authorization for fiscal years 2004–2005.

Section 414 adjusts the peacekeeping cap.

Section 415 updates and conforms the Senior Foreign Service pay system.

Section 416 extends the termination dates for the Advisory Committee on Cultural Diplomacy and the U.S. Advisory Commission on Public Diplomacy.

Section 417 increases the limits applicable to post differentials and danger pay allowances.

Section 418 modifies existing personnel review procedures which require Foreign Service promotion panels to “low rank” 5 percent of every Foreign Service class.

Section 419 clarifies the Department’s authority to enter into settlements of claims of back pay or other grievances brought by personnel in cases where it is appropriate.

Section 420 requires that a provision of law be implemented within 60 days of enactment of this Act.

TITLE V—RELATED AGENCIES

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE  
ABROAD

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$491,000
Budget estimate, 2005 .....	499,000
Committee recommendation .....	491,000

The Committee recommends an appropriation of \$491,000. The recommendation is identical to the fiscal year 2004 funding level and is \$8,000 below the budget request. The purpose of the Commission is to encourage the preservation of cemeteries, monuments, and historic buildings associated with the foreign heritage of the American people.

The recommendation will allow the Commission to fund its administrative expenses through appropriated funds while relying on privately donated funds for the actual purchase and restoration of property.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$9,001,000
Budget estimate, 2005 .....	9,096,000
Committee recommendation .....	9,096,000

The Committee recommends an appropriation of \$9,096,000 for the salaries and expenses of the Commission on Civil Rights. The recommendation is \$95,000 above the fiscal year 2004 funding level and identical to the budget request.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$1,598,000
Budget estimate, 2005 .....	1,831,000
Committee recommendation .....	1,598,000

The Committee recommends an appropriation of \$1,598,000. The recommendation is identical to the fiscal year 2004 funding level and \$233,000 below the budget request.

The Commission was established in 1976 to ensure compliance with the final act of the Conference on Security and Cooperation in Europe with particular regard to provisions dealing with humanitarian affairs.

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

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$1,781,000
Budget estimate, 2005 .....	1,900,000
Committee recommendation .....	1,781,000

The Committee recommends an appropriation of \$1,781,000. The recommendation is identical to the fiscal year 2004 funding level and \$119,000 below the budget request.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$324,944,000
Budget estimate, 2005 .....	350,754,000
Committee recommendation .....	327,511,000

The Committee recommends an appropriation of \$327,511,000. The recommendation is \$2,567,000 above the fiscal year 2004 funding level and \$23,243,000 below the budget request.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$273,947,000
Budget estimate, 2005 .....	292,958,000
Committee recommendation .....	282,346,000

The Committee recommends a total of \$282,346,000 for the salaries and expenses of the Federal Communications Commission [FCC], of which \$281,346,000 is to be derived from the collection of fees. The recommendation is \$8,399,000 above the fiscal year 2004 funding level and \$10,612,000 below the budget request. The recommendation does not transfer more of the cost of supporting the FCC to the General Fund as proposed by the budget request.

The FCC is an independent regulatory agency exercising authority delegated to it by Congress under the Communications Act of 1934 as amended by the Telecommunications Act of 1996. The primary mission of the FCC is to promote competition, innovation, and deregulation in the communications industry. The FCC is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The mandate of the FCC under the Communications Act is to make available to all people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communication service. The FCC performs four major functions to fulfill this charge: spectrum allocation, creating rules to promote fair competition and protect consumers where required by market conditions, authorization of service, and enforcement.

The recommendation includes funding increases that will greatly enhance the FCC's ability to achieve its core objectives. The recommendation includes increases for enforcement bureau monitoring equipment, test equipment, training and uncontrollable cost increases such as the requested cost of living adjustment. The Committee freezes at \$85,000,000 auction proceeds that can be

used for competitive bidding programs. The Committee notes that no auctions are planned in fiscal year 2005.

*Broadcast Television Standards.*—The Committee continues to be concerned about the declining standards of broadcast television and the impact this decline is having on America’s children. Overall sexual content, foul language, and violence have tripled over the past decade. The Committee directs the FCC to continue to report to Congress on the issues associated with resurrecting a broadcast industry code of conduct for content of programming that, if adhered to by the broadcast industry, would protect against the further erosion of broadcasting standards.

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

Appropriations, 2004 .....	\$185,505,000
Budget estimate, 2005 .....	205,430,000
Committee recommendation .....	207,730,000

The Committee recommends an appropriation of \$207,730,000. The recommendation is \$22,225,000 above the fiscal year 2004 funding level and \$2,300,000 above the budget request.

The Federal Trade Commission [FTC] administers a variety of Federal antitrust and consumer protection laws. Activities in the antitrust area include detection and elimination of illegal collusion, anticompetitive mergers, unlawful single-firm conduct, and injurious vertical agreements. The FTC regulates advertising practices, service industry practices, marketing practices, and credit practices as it addresses fraud and other consumer concerns.

The recommendation includes \$10,889,000 for mandatory costs and to continue congressional mandates, including \$2,000,000 for Do-Not-Call enforcement costs and \$1,319,000 for the Consumer Response Center and technology infrastructure. The recommendation also provides an additional \$10,800,000 and 40 additional full time employees to annualize the fiscal year 2004 costs and provide the necessary fiscal year 2005 costs to carry out legislative directives in the Controlling the Assault of Non-Solicited Pornography and Marketing [CAN-SPAM] Act of 2003, the Fair and Accurate Credit Transactions [FACT] Act of 2003, and section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 [FDICIA]. Of the amounts provided, \$101,000,000 is from Hart-Scott-Rodino pre-merger filing fees and \$20,000,000 is from Do-Not-Call fees. The total amount of direct appropriations for this account is therefore \$86,730,000. This represents an increase of \$36,325,000 over the fiscal year 2004 direct appropriation. The Committee notes that this increase is necessary due to a significant drop-off in offsetting fee collection receipts beginning in 2001.

*Child Protection.*—The Federal Trade Commission [FTC] in September 2000, released a report entitled: “Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries”. The report was very critical of the entertainment industry and its persistent and calculated marketing of violent games, movies, and music to children. In response to this report, the entertainment industry has promised to impose tougher

regulations on itself and to voluntarily comply with the report's recommendations. The FTC should continue with and expand upon its efforts in this area. The Committee directs the Commission to continue to engage in consumer research and workshops, underage shopper-retail compliance surveys, and marketing data collection.

*Internet.*—The Federal Trade Commission [FTC] is charged with monitoring compliance with the Children's Online Privacy Protection Act. The recommendation provides the Commission the funding resources it needs to meet the challenges of increased fraud on the Internet. The Committee commends the FTC for recognizing the unique and difficult challenge posed by the Internet, an international phenomenon that lacks borders, to the safety of our children.

*Do-Not-Call Initiative.*—The recommendation includes \$20,000,000 for the Federal Trade Commission's [FTC] Do-Not-Call initiative, of which the entire amount is to be derived from the collection of fees. The Do-Not-Call initiative was launched pursuant to the FTC's amended Telemarketing Sales Rule. The Do-Not-Call initiative will establish a national database of telephone numbers of consumers who choose not to receive telephone solicitations from telemarketers. The Do-Not-Call initiative has received broad support from, and will provide significant benefits to, consumers from all corners of the United States. The recommendation represents an increase of \$1,900,000 above the fiscal year 2004 funding level. This increase will support a range of infrastructure technology improvements that are needed to support the Do-Not-Call initiative. These improvements will allow the FTC to manage the expected large volume of consumer complaints within the Sentinel system and will allow the FTC to share information with its law enforcement partners. Sentinel is a secure website through which the FTC's law enforcement partners access consumer complaint information. Currently, over 700 Federal, State, and local law enforcement partners access Sentinel. With the addition of Do-Not-Call complaint data, the FTC anticipates that a significant number of "new" partners and users, such as public utility companies, will need to use Sentinel to access those data.

The Committee is aware of support for legislation to repeal or suspend implementation of mandatory country of origin labeling for seafood by major industry advocates. The Committee is concerned; however, that illegal pressure tactics are being applied against American fishermen who strongly oppose the repeal effort. The Committee directs the Federal Trade Commission to conduct a prompt investigation into these allegations, and to provide a report to the Committee by no later than January 1, 2005.

Last year, the Committee directed the FTC to conduct a study to determine if uncompetitive or unfair practices, or practices which tend to restrain trade, are being used by companies that provide commercial trucking fleet card programs, and the effects of these practices on the truck stop industry. The FTC was directed to submit this report by July 2004, and the Committee on Appropriations looks forward to reviewing its analysis.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2004 .....	\$335,282,000
Budget estimate, 2005 .....	329,300,000
Committee recommendation .....	335,000,000

The Committee recommends an appropriation of \$335,000,000. The recommendation is \$282,000 below the fiscal year 2004 funding level and \$5,700,000 above the budget request. The Committee recommendation includes \$312,251,000 for basic field programs, to be used for competitively awarded grants and contracts, \$13,900,000 for management and administration, \$3,400,000 for client self-help and information technology, \$2,600,000 for the Office of the Inspector General, and \$2,849,000 for grants to offset losses due to census adjustments.

ADMINISTRATIVE PROVISIONS

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to poor individuals and the restrictions on the use of Legal Services Corporation [LSC] funds.

Grantees must agree not to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) collection of attorney fees; (6) abortion; (7) prisoner litigation; (8) welfare reform; (9) representation of charged drug dealers during eviction proceedings; and (10) solicitation of clients. The exception to the restrictions in a case where there is imminent threat of physical harm to the client or prospective client remains in place.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued along with the provisions on recompetition and debarment.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$1,836,000
Budget estimate, 2005 .....	1,890,000
Committee recommendation .....	1,890,000

The Committee recommends an appropriation of \$1,890,000. The recommendation is \$54,000 above the fiscal year 2004 funding level and identical to the budget request.

NATIONAL VETERANS' BUSINESS DEVELOPMENT CORPORATION

Appropriations, 2004 .....	\$1,979,000
Budget estimate, 2005 .....	2,000,000
Committee recommendation .....	2,000,000

The Committee recommends an appropriation of \$2,000,000. The recommendation is \$21,000 above the fiscal year 2004 funding level and identical to the budget request.

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

Appropriations, 2004 .....	\$811,500,000
Budget estimate, 2005 .....	913,000,000
Committee recommendation .....	913,000,000

The Committee recommends a total budget (obligational) authority of \$913,000,000 for the salaries and expenses of the United States Securities and Exchange Commission [SEC], of which the entire amount is to be derived from the collection of fees. The recommendation is \$101,500,000 above the fiscal year 2004 funding level and identical to the budget request.

The mission of the SEC is to administer and enforce the Federal securities laws in order to protect investors and to maintain fair, honest, and efficient markets. This includes ensuring full disclosure of financial information, regulating the Nation's securities markets, and preventing and policing fraud and malpractice in the securities and financial markets. The strength of the American economy and our Nation's financial markets is dependent upon investors' confidence in the financial disclosures and statements released by publicly-traded companies. The Committee directs the SEC to continue to provide quarterly reports to the Committees on Appropriations on the measures it is taking to restore the public's confidence in the financial markets.

*Staffing and Infrastructure.*—The recommendation supports the continued hiring of the more than 840 new staff recommended by the Sarbanes-Oxley Act of 2002 and approved by the Committee in fiscal 2003, and continues major, multi-year information technology projects. The Committee recognizes the significant challenges the SEC continues to face in filling critical vacancies, such as accountants, and notes the continued competition from the private sector faced by the SEC. The Committee is aware that the SEC is in the process of developing a new strategic plan regarding the addition of new positions. The Committee looks forward to receiving this strategic plan and directs the SEC to submit, in conjunction with this strategic plan, no later than April 15, 2004, a report containing any recommended legislative changes that may be necessary to allow the SEC to hire authorized levels.

*Pay Parity.*—Pay parity is intended to bring the salaries of Securities and Exchange Commission employees in line with those of other Federal financial regulatory agencies. Pay parity will help the SEC recruit and retain highly qualified staff. The Commission's ability to hire retain the necessary number of qualified staff persons is critical to its success in restoring confidence in U.S. financial markets. The recommendation includes sufficient funding for the Commission to continue implementation of the pay parity program authorized in the Investor and Capital Markets Fee Relief Act of 2002.

*Enforcement.*—The Committee directs the Commission to continue to espouse, as its top priority, the investigation and prosecution of financial fraud and reporting cases. The Committee commends the SEC for its heightened enforcement efforts and recent initiatives to protect investors through strengthened corporate disclosure, accounting, and reporting requirements.

*Information Technology [IT].*—Now that the SEC’s basic IT infrastructure needs have been addressed, the SEC must consider what new IT initiatives could significantly enhance its ability to accomplish its mission. Examples of such IT initiatives would be on-line filing of ownership reports or software that would allow securities transactions to be routed directly from clearing brokers to the SEC. The SEC is directed to keep the Committee apprised of new IT initiatives for which it might be considering requesting funding in fiscal year 2006.

*Exercising of Options.*—The Committee remains concerned by instances in which corporate insiders enrich themselves at the expense of stockholders by exercising stock options immediately prior to companies’ financial collapse. The exercising of stock options may even contribute, in some cases, to the bankruptcy of teetering corporations. The SEC is directed to continue to provide to the Committee a monthly report listing the exercising of stock options by corporate officers and directors under section 12 of the Securities and Exchange Act.

*Investor Protection.*—The recommendation includes language requiring the SEC to submit a report containing a justification for the SEC rule adopted in June 2004, requiring the chairman of a mutual fund board to be an independent director. The report should provide a comparison of the amount and types of malfeasance that have occurred in recent years at mutual funds with independent chairman versus those without independent chairmen. The report should also analyze whether mutual funds chaired by disinterested directors perform better, have lower expenses, or have better compliance records than funds chaired by interested directors.

#### SMALL BUSINESS ADMINISTRATION

Appropriations, 2004 .....	\$711,281,000
Budget estimate, 2005 .....	678,400,000
Committee recommendation .....	761,917,000

The Committee recommends an appropriation of \$761,917,000, for the Small Business Administration [SBA]. The recommendation is \$50,636,000 above the fiscal year 2004 funding level and \$83,517,000 above the budget request. Funding is distributed among the SBA appropriation accounts as described below.

#### SALARIES AND EXPENSES

Appropriations, 2004 .....	\$322,322,000
Budget estimate, 2005 .....	326,259,000
Committee recommendation .....	357,684,000

The Committee recommends an appropriation of \$357,684,000. The recommendation is \$35,362,000 above the fiscal year 2004 funding level and \$31,425,000 above the budget request. Within the amount provided, \$2,750,000 is for the 1.5 percent pay raise for Federal employees. Also within the amount provided, \$37,636,000 is for the 8(a) program and \$3,158,000 is for the 7(j) program.



## NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

The Committee recommends an appropriation of \$138,709,000 for the SBA non-credit business assistance programs. The recommendation is \$28,109,000 above the budget request.

The Small Business Administration shall require all of its core technical assistance programs (including the Small Business Development Centers, SCORE, and Womens' Business Centers) to provide training to SBA personnel in implementating and evaluating pilot technical assistance programs, and doing business, in Native American communities.

The Committee recommendations, by program are displayed in the following table:

## NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

[In thousands of dollars]

	Amount
Small Business Development Centers .....	88,000
U.S. Export Assistance Centers .....	1,484
Drug-free Workplace Grants .....	1,000
National Ombudsman .....	500
SCORE .....	5,000
Business Information Centers .....	396
Women's Business Centers .....	12,000
Small Disadvantaged Business .....	[1,500]
Women's Council .....	750
7(j) Technical Assistance .....	1,500
Microloan Technical Assistance .....	15,000
Advocacy Research/Database .....	1,100
Veteran's Business Development Assistance .....	750
SBIR Technical Assistance .....	250
SBIR—FAST .....	2,000
Native American Outreach .....	2,000
PRIME Technical Assistance .....	5,000
HUBZones .....	1,979
<b>Total, Non-credit Business Assistance Program .....</b>	<b>138,709</b>

The recommendation includes \$1,500,000 for the Small Disadvantaged Business Program, which is funded through reimbursements from interagency collections.

The Committee continues to support the Small Business Development Center Program.

The Committee is concerned that HUBZone requirements based solely on census tracts may inadvertently disqualify needy communities in small, rural areas. The Committee urges that the SBA look at alternative ways to evaluate eligibility for HUBZones in rural areas and implement a pilot program for small, rural communities.

The recommendation includes language providing that Women's Business Centers in sustainability status shall receive 48 percent of the total funding provided for Women's Business Centers. Within the amount provided for Women's Business Centers, \$500,000 is provided for the South Carolina Women's Business Center and \$100,000 is provided for the New Hampshire Women's Business Center.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2004 .....	\$12,864,000
Budget estimate, 2005 .....	14,500,000
Committee recommendation .....	13,014,000

The Committee recommends an appropriation of \$13,014,000 for the Office of Inspector General. The recommendation is \$150,000 above the fiscal year 2004 funding level and \$1,486,000 below the budget request. The recommendation includes the 1.5 percent pay raise for Federal employees. The recommendation continues language making \$500,000 available to the Office of Inspector General from funding for the Disaster Loans Program Account.

*Reorganization.*—The Committee recently approved a reorganization requested by the Office of Inspector General [OIG] relating to inspections and evaluations. While the Committee is supportive of the OIG’s efforts to consolidate, the Committee is also supportive of the inspection and evaluation functions and recognizes that these functions have proven to be a valuable tool in correcting problems at the onset rather than after the fact. Therefore, the Committee directs the OIG to continue conducting inspections and evaluations and to report to the Committee monthly on the status of these reports.

SURETY BOND GUARANTEES REVOLVING FUND

Appropriations, 2004 .....	
Budget Estimate, 2005 .....	\$11,400,000
Committee recommendation .....	11,400,000

The Committee recommends an appropriation of \$11,400,000. The recommendation is \$11,400,000 above the fiscal year 2004 funding level and identical to the budget request.

BUSINESS LOANS PROGRAM ACCOUNT

Appropriations, 2004 .....	\$206,842,000
Budget estimate, 2005 .....	129,000,000
Committee recommendation .....	200,910,000

The Committee recommends an appropriation of \$200,910,000. The recommendation is \$5,932,000 below the fiscal year 2004 funding level and \$71,910,000 above the budget request. Of the amount provided, \$129,000,000 is for administrative expenses, which may be transferred to, and merged with, SBA salaries and expenses to cover the common overhead expenses associated with the business loans programs.

The recommendation includes \$70,000,000 for the 7(a) Loan Guaranty Program. At the prior year subsidy rate, this amount will support a program level for 7(a) of \$14,500,000,000. The recommendation also includes \$1,910,000 for the Microloan Direct program.

DISASTER LOANS PROGRAM ACCOUNT

Appropriations, 2004 .....	\$168,756,000
Budget estimate, 2005 .....	197,241,000
Committee recommendation .....	178,909,000

The Committee recommends an appropriation of \$178,909,000. The recommendation is \$10,153,000 above the fiscal year 2004 funding level and \$18,332,000 below the budget request.

Within the amount provided, \$65,000,000 is for direct loan subsidies. The SBA has requested a significant increase for direct loan subsidies in fiscal year 2005. This increase is due to the fact that SBA has adopted a new disaster loan model which more accurately captures the actual program cost. As a result, the baseline subsidy rate for the disaster program has increased. The SBA is urged to seek out emergency funding in the event of a disaster requiring loan assistance.

Also within the amount provided, \$113,909,000 is for administrative expenses. Of this amount, \$750,000 is for the 1.5 percent pay raise for Federal employees.

ADMINISTRATIVE PROVISIONS

The recommendation continues language providing that disaster loans in Alaska shall continue to be managed by the SBA and shall not be sold for processing.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$2,227,000
Budget estimate, 2005 .....	
Committee recommendation .....	3,000,000

The Committee recommends an appropriation of \$3,000,000. The recommendation is \$773,000 above the fiscal year 2004 funding level and \$3,000,000 above the budget request.

The Institute was created in 1984 to further the development and adoption of improved judicial administration in State courts.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW  
COMMISSION

SALARIES AND EXPENSES

Appropriations, 2004 .....	\$1,979,000
Budget estimate, 2005 .....	2,000,000
Committee recommendation .....	2,300,000

The Committee recommends an appropriation of \$2,300,000. The recommendation is \$321,000 above the fiscal year 2004 funding level and \$300,000 above the budget request.

The Commission was established in 2000 to monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China. In 2002, Congress significantly expanded the Commission's charter to focus on nine specific, yet diverse areas, including China's proliferation practices, United States investments into China, and United States-China bilateral agreements on intellectual property rights.

The Committee directs the Commission to consult with the Secretary of Commerce, as appropriate, to research and report back to the Committees on Appropriations regarding the following: (1) China's industrial policies, including "pillar" sectors, technology acqui-

sitions through joint ventures, various forms of subsidization, and the short- and long-term implications of the modernization of those industries for the United States economy, industry, and employees; (2) Exports from China's state enterprises, the types and amounts of subsidies provided, and the longer-term effects of such exports/subsidies on specific United States industries; (3) Various means to compensate losses of United States intellectual property holders created by China's inability to meet its WTO intellectual property commitments; (4) Shifts of research and development from the United States to China, the nature of the 134 major foreign research and development corporate complexes now identified by the People's Republic of China, the prospects for future European Union, Japanese, and United States research and development shifts to China, and the resulting implications to United States capacities; (5) Items on the United States-China Advanced Technology Trade list cross-referenced to the items on the Department of Defense's Critical Technology List, and what part of total United States purchases of these items are imported from China; (6) An analysis of the extent of professional service outsourcing that now exists and is projected from the United States, and the ultimate location of that outsourcing, and quantifications of the longer-term consequences to affected United States professions, such as software engineering; and (7) A survey of business groups on the extent to which United States manufacturers and their supply chains are relocating to China.

The Committee expects this report to be provided to the Committees on Appropriations no later than May 1, 2005.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

Appropriations, 2004 .....	.....
Budget estimate, 2005 .....	.....
Committee recommendation .....	\$100,000

The Committee recommends an appropriation of \$100,000. The recommendation is \$100,000 above the fiscal year 2004 funding level and \$100,000 above the budget request.

## TITLE VI—GENERAL PROVISIONS

The Committee recommends the following general provisions for the departments and agencies funded in the accompanying bill.

Section 601 requires agencies to provide quarterly reports regarding unobligated balances.

Section 602 prohibits any appropriation contained in the Act from remaining available for obligation beyond the current year unless expressly provided.

Section 603 provides that the expenditure of any appropriation contained in the Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection except where otherwise provided under existing law or under existing executive order issued pursuant to existing law.

Section 604 provides for severability should a provision of this Act be found to be unconstitutional.

Section 605(a) stipulates Committee policy concerning the reprogramming of funds. Section 605(a) prohibits the reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates offices or employees; (5) reorganizes offices, programs, or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees—unless the Appropriations Committees of the House and Senate are notified 15 days in advance.

Section 605(b) prohibits a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings due to a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress unless the Appropriations Committees of the House and Senate are notified 15 days in advance.

The recommendation increases the reprogramming threshold to \$1,000,000 as proposed by the budget request, in recognition of inflation.

Section 606 prohibits construction, repair, overhaul, conversion, or modernization of National Oceanic and Atmospheric Administration ships outside of the United States.

Section 607 provides for a penalty for persons found to have falsely mislabeled products.

Section 608 prohibits the use of funds to implement a certain Memorandum of Agreement between the Federal Trade Commission and the Antitrust Division of the Department of Justice.

Section 609 prohibits the use of funds for any United Nations peacekeeping mission that involves United States Armed Forces under the command or operational control of a foreign national unless the President certifies that the involvement is in the national security interest.

Section 610 prohibits use of funds to expand the United States diplomatic presence in Vietnam beyond the level in effect July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Section 611 requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidation within the amounts provided to the agency or department.

Section 612 provides funding for Public Safety Officers under the Local Law Enforcement Block Grant program.

Section 613 limits the availability of funds for tobacco promotion.

Section 614 prohibits funds from being used to issue a visa to any alien involved in extrajudicial and political killings in Haiti and establishes working conditions for plaintiffs in a recently settled Federal lawsuit.

Section 615 delays obligation of some receipts deposited into the Crime Victim Fund.

Section 616 prohibits the use of funds appropriated or otherwise made available to the Departments of State and Justice to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens.

Section 617 provides certain grants.

Section 618 prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993 and prohibits implementation of a background check system that does not require and result in the immediate destruction of certain information.

Section 619 prohibits the Small Business Administration from selling certain disaster loans.

Section 620 limits transfers of funds between agencies.

Section 621 directs the Secretary of Commerce to have lead responsibility for negotiating treaties concerning fisheries, marine mammals, or sea turtles.

Section 622 prohibits funds from being used in violation of the Immigration and Nationality Act.

Section 623 ensures adherence to burden-sharing initiatives codified in this Act.

Section 624 requires the Federal Bureau of Investigation, the Department of Homeland Security, and the Department of State to jointly submit a report.

Section 625 prohibits use of funds for United States contributions to any United Nations body that is chaired by a country that is determined by the Secretary of State to have supported acts of terrorism.

Section 626 prohibits the use of funds to support or justify the use of torture.

Section 627 addresses Department of Justice Working Capital Fund balances.

Section 628 addresses the Asset Forfeiture Fund.

Section 629 addresses Department of Justice unobligated balances.

Section 630 addresses the Drug Enforcement Administration's diversion control program.

Section 631 prohibits the Federal Communications Commission from changing rules governing the Universal Service Fund.

Section 632 concerns unobligated balances.

**TITLE VII—PATENT AND TRADEMARK FEES**

This title further addresses issues relevant to the Committee recommendation.

**TITLE VIII—KOBAYASHI ACT OF 2003**

This title authorizes the Department of Justice to establish an office and program relating to American citizens harmed by terrorism overseas.

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

This title addresses issues relating to the use of anabolic steroids.



COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE  
STANDING RULES OF THE SENATE

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify items of appropriation not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The following appropriations have not been authorized either in whole or in part and fall under this rule:

Title II—Department of Commerce and related agencies: Office of the U.S. Trade Representative, salaries and expenses; International Trade Commission, salaries and expenses; Export Administration, operations and administration; International Trade Administration, operations and administration; economic development assistance programs; Patent and Trademark Office; National Institute of Standards and Technology [NIST], scientific and technical research and services; NIST industrial technology services; NIST construction of research facilities; National Oceanic and Atmospheric Administration [NOAA] operations, research, and facilities; NOAA construction; and Minority Business Development Agency.

Title V—Related agencies: Department of Transportation; Maritime Administration, operations and training; Commission on Civil Rights; Federal Communications Commission (except offsetting fee collections); Legal Services Corporation; and Securities and Exchange Commission.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on September 15, 2004, the Committee ordered reported en bloc S. 2809, an original bill making appropriations for Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, an original bill making appropriations for the Foreign Operations, Export Financing, and related programs for the fiscal year ending September 30, 2005; and S. 2810, an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, each subject to amendment and each subject to the budget allocations, by a recorded vote of 29–0, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Stevens	
Mr. Cochran	
Mr. Specter	
Mr. Domenici	
Mr. Bond	

Mr. McConnell  
Mr. Burns  
Mr. Shelby  
Mr. Gregg  
Mr. Bennett  
Mr. Campbell  
Mr. Craig  
Mrs. Hutchison  
Mr. DeWine  
Mr. Brownback  
Mr. Byrd  
Mr. Inouye  
Mr. Hollings  
Mr. Leahy  
Mr. Harkin  
Ms. Mikulski  
Mr. Reid  
Mr. Kohl  
Mrs. Murray  
Mr. Dorgan  
Mrs. Feinstein  
Mr. Durbin  
Mr. Johnson  
Ms. Landrieu

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Paragraph 12 of the rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include “(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.”

In compliance with this rule, the following changes in existing law proposed to be made by this bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
 FOR FISCAL YEAR 2005  
 [In thousands of dollars]

Item	2004 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropriation	Budget estimate
<b>TITLE I—DEPARTMENT OF JUSTICE</b>					
General Administration					
Salaries and expenses .....	105,564	186,551	141,466	+ 35,902	- 45,085
Intelligence policy and review .....	18,974	20,309	20,185	+ 1,211	- 124
Joint automated booking system .....	5,046	5,054	5,054	+ 8	.....
Automated Biometric Identification System-Integrated Identification system integration .....	26,749	80,510	70,502	+ 43,753	- 10,008
Legal activities office automation .....	102,085	101,971	68,021	- 34,064	- 33,950
Narrowband communications .....	989	.....	.....	- 989	.....
Counterterrorism fund .....	191,494	202,518	205,411	+ 13,917	+ 2,893
Administrative review and appeals .....	805,530	938,810	885,994	+ 80,464	- 52,816
Detention trustee .....	383,551	362,477	410,000	+ 26,449	+ 47,523
Violence against women office .....	60,200	63,813	63,187	+ 2,987	- 626
Office of Inspector General .....	.....	.....	.....	.....	.....
Total, General administration .....	1,700,182	1,962,013	1,869,820	+ 169,638	- 92,193
United States Parole Commission					
Salaries and expenses .....	10,498	10,650	10,638	+ 140	- 12
Legal Activities					
General legal activities:					
Direct appropriation .....	612,029	657,135	623,364	+ 11,335	- 33,771
(Transfer out) .....	1,975	.....	(- 106)	(- 106)	(- 106)
Radiation exposure compensation act .....	15,000	.....	.....	- 1,975	.....
Emergency appropriations (Public Law 108-106) .....	.....	.....	.....	- 15,000	.....
Subtotal .....	629,004	657,135	623,364	- 5,640	- 33,771
Vaccine injury compensation trust fund (permanent) .....	3,985	6,333	6,333	+ 2,348	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2005—Continued

[In thousands of dollars]

Item	2004 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropriation	Budget estimate
Antitrust Division .....	132,911	136,463	138,763	+ 5,852	+ 2,300
Offsetting fee collections—current year .....	-112,000	-101,000	-101,000	+ 11,000	.....
Direct appropriation .....	20,911	35,463	37,763	+ 16,852	+ 2,300
United States Attorneys .....					
Salaries and expenses .....	1,510,193	1,547,519	1,532,154	+ 21,961	- 15,365
Interagency drug enforcement .....	550,609	.....	295,409	- 255,200	+ 295,409
Subtotal, United States Attorneys .....	2,060,802	1,547,519	1,827,563	- 233,239	+ 280,044
United States Trustee System Fund .....	166,157	174,355	174,355	+ 8,198	.....
Offsetting fee collections .....	-158,157	-169,355	-169,355	- 11,198	.....
Interest on U.S. securities .....	- 8,000	- 5,000	- 5,000	+ 3,000	.....
Direct appropriation .....	.....	.....	.....	.....	.....
Foreign Claims Settlement Commission .....	1,193	1,220	1,220	+ 27	.....
Fees and expenses of witnesses .....	156,145	177,585	177,585	+ 21,440	.....
Community Relations Service .....	9,426	9,833	9,494	+ 68	- 339
Assets forfeiture fund .....	21,530	21,759	21,759	+ 229	.....
Payment to radiation exposure compensation trust fund .....	.....	72,000	.....	.....	- 72,000
Total, Legal activities .....	2,902,996	2,528,847	2,705,081	- 197,915	+ 176,234
United States Marshals Service .....					
Salaries and expenses (non-GSE) .....	712,203	742,070	744,725	+ 32,522	+ 2,655
Construction .....	13,918	1,371	.....	- 13,918	- 1,371
Total, United States Marshals Service .....	726,121	743,441	744,725	+ 18,604	+ 1,284

Interagency crime and drug enforcement	580,632			580,632						
Interagency Law Enforcement										
Federal Bureau of Investigation										
Salaries and expenses	4,033,796	4,563,921	3,973,728	-60,068	-590,193					
(Transfer out)			(-2,863)	(-2,863)	(-2,863)					
Counterintelligence and national security	484,947	495,000	1,017,000	+532,053	+522,000					
Direct appropriation	4,518,743	5,058,921	4,990,728	+471,985	-68,193					
Foreign terrorist tracking task force	60,949	56,349	120,819	+59,870	+64,470					
Construction	11,056			-11,056						
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,111,547	+520,799	-3,723					
Drug Enforcement Administration										
Salaries and expenses	1,703,038	1,815,719	1,799,243	+96,205	-16,476					
(Transfer out)			(-10,153)	(-10,153)	(-10,153)					
(By transfer)			(1,500)	(+1,500)	(+1,500)					
Diversion control fund	-118,561	-154,216	-154,216	-35,655						
Subtotal	1,584,477	1,661,503	1,645,027	+60,550	-16,476					
Total, Drug Enforcement Administration	1,584,477	1,661,503	1,645,027	+60,550	-16,476					
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	890,357	+63,068	+20,000					
(Transfer out)			(-106)	(-106)	(-106)					
Rescission		-1,500			+1,500					
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	890,357	+63,068	+21,500					
Federal Prison System										
Salaries and expenses	4,414,313	4,706,232	4,627,696	+213,383	-78,536					
Buildings and facilities	393,515		189,000	-204,515	+189,000					
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,393		-36					
Total, Federal Prison System	4,811,221	4,709,661	4,820,089	+8,868	+110,428					

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2005—Continued

(In thousands of dollars)

Item	2004 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropriation	Budget estimate
Office of Justice Programs					
Justice assistance	188,124	1,710,664	210,875	+ 22,751	- 1,499,789
(By transfer)	(6,632)		(6,632)		(+ 6,632)
Rescission		- 53,471			+ 53,471
Total, Office of Justice Programs	188,124	1,657,193	210,875	+ 22,751	- 1,446,318
State and local law enforcement assistance:					
Local law enforcement block grant	222,633		150,000	- 72,633	+ 150,000
Boys and Girls clubs (earmark)	(79,628)		(85,000)	(+ 5,372)	(+ 85,000)
National Institute of Justice (earmark)	(9,953)		(10,000)	(+ 47)	(+ 10,000)
USA FREEDOM corps (earmark)	(2,967)			(- 2,967)	
Justice assistance grants					
USA FREEDOM corps (earmark)					
Indian assistance	14,842		18,000	+ 3,158	+ 18,000
Tribal prison construction	(1,991)		(1,991)		(+ 1,991)
Indian tribal courts program	(7,963)		(7,963)		(+ 7,963)
Indian grants	(4,977)		(4,977)		(+ 4,977)
State criminal alien assistance program	296,843		250,000	- 46,843	+ 250,000
Southwest border prosecutors	(29,684)		(30,000)	(+ 316)	(+ 30,000)
Cooperative agreement program	1,979			- 1,979	
Byrne grants (formula)	494,739		500,000	+ 5,261	+ 500,000
Byrne grants (discretionary)	157,443		117,969	- 39,474	+ 117,969
Miscellaneous appropriations (Public Law 108-199)	49,705			- 49,705	
Drug courts	38,095		40,000	+ 1,905	+ 40,000
Other crime control programs	3,851		5,950	+ 2,099	+ 5,950
Assistance for victims of trafficking	9,894			- 9,894	
Prescription drug monitoring	6,926			- 6,926	
Prison rape prevention				- 36,784	
State and local anti terrorism training	36,784		11,000	+ 11,000	+ 11,000

State prison drug treatment .....	2,237			25,000	+ 25,000	+ 25,000
Miscellaneous appropriations (Public Law 108-199) .....				- 2,237	- 2,237	
Total, State and local law enforcement .....	1,335,971		1,117,919		- 218,052	+ 1,117,919
Weed and seed program fund .....	57,926		62,000		+ 4,074	+ 62,000
Community oriented policing services:						
COPS enhancement grants .....	118,737		200,000		+ 81,263	+ 200,000
Hiring .....		17,625			+ 263	- 17,625
Training and technical assistance .....	24,737		25,000		+ 263	+ 25,000
Bullet proof vests .....	24,737	20,000	20,000		- 4,737	
Tribal law enforcement .....	53,482	20,000	55,000		+ 1,518	+ 35,000
Meth hot spots .....	14,842		15,000		+ 158	+ 15,000
Police corps .....	156,740		110,969		- 45,771	+ 110,969
COPS technology .....	84,106	1,550	100,000		+ 15,894	+ 98,450
Interoperable communications .....	29,684				- 29,684	
Criminal records upgrade .....	98,948		100,000		+ 1,052	+ 100,000
DNA backlog/crime lab .....	9,894		20,000		+ 10,106	+ 20,000
Paul Coverdell forensics science .....	23,971		35,000		+ 11,029	+ 35,000
Crime identification technology .....	29,684		15,000		- 14,684	+ 15,000
Gun violence reduction .....						
Southwest border prosecutors .....	4,948				+ 52	+ 5,000
Offender reentry .....	4,552		5,000		+ 448	+ 5,000
Safe schools initiative .....	9,894		15,000		+ 5,106	+ 5,000
Police integrity grants .....	29,684	10,000	35,000		+ 5,316	+ 7,086
Management and administration .....		27,914				
Rescission .....		- 53,471				+ 53,471
Total, Community oriented policing services .....	718,640	43,618	755,969		+ 37,329	+ 712,351
Juvenile justice programs .....	348,989		360,000		+ 11,011	+ 360,000
(Transfer out) .....	(- 6,632)		(- 6,632)			(- 6,632)
Public safety officers benefits:						
Death benefits .....	49,054	63,054	63,054		+ 14,000	
Disability and education benefits .....	2,968		6,410		+ 3,442	+ 6,410
Total, Public safety officers benefits program .....	52,022	63,054	69,464		+ 17,442	+ 6,410
Total, Office of Justice Programs .....	2,701,672	1,763,865	2,576,227		- 125,445	+ 812,362

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2005—Continued

[In thousands of dollars]

Item	2004 appropria- tion	Budget estimate	Committee rec- ommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropria- tion	Budget estimate
United States Attorneys (sec. 111) .....	14,842	.....	.....	- 14,842	.....
United States Attorneys (Sec. 107) .....	.....	.....	15,000	+ 15,000	+ 15,000
Local law enforcement block grant (sec. 113) .....	544	.....	544	.....	+ 544
Rescission (sec. 114) .....	- 100,000	.....	.....	+ 100,000	.....
Total, title I, Department of Justice .....	19,770,590	19,944,739	20,389,055	+ 618,465	+ 444,316
Appropriations .....	(19,855,590)	(20,053,181)	(20,389,055)	(+ 533,465)	(+ 335,874)
Emergency appropriations .....	(15,000)	.....	.....	(- 15,000)	.....
Rescission .....	(- 100,000)	(- 108,442)	.....	(+ 100,000)	(+ 108,442)
(Transfer out) .....	(- 6,632)	.....	(- 19,860)	(- 13,228)	(- 19,860)
(By transfer) .....	(6,632)	.....	(8,132)	(+ 1,500)	(+ 8,132)
TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses .....	41,552	39,552	41,552	.....	+ 2,000
(By transfer) .....	.....	.....	(5,000)	(+ 5,000)	(+ 5,000)
National Intellectual Property Law Enforcement Coordinating Council					
Salaries and expenses .....	.....	.....	20,000	+ 20,000	+ 20,000
(Transfer out) .....	.....	.....	(- 5,000)	(- 5,000)	(- 5,000)
(Transfer out) .....	.....	.....	(- 1,000)	(- 1,000)	(- 1,000)
International Trade Commission					
Salaries and expenses .....	57,682	61,700	61,700	+ 4,018	.....



Total, Related agencies .....	99,234	101,252	123,252	+ 24,018	+ 22,000
<b>DEPARTMENT OF COMMERCE</b>					
International Trade Administration					
Operations and administration .....	391,102	401,513	401,513	+ 10,411	.....
(Transfer out) .....	.....	.....	(-4,539)	(-4,539)	(-4,539)
Offsetting fee collections .....	-13,000	-8,000	-8,000	+ 5,000	.....
Direct appropriation .....	378,102	393,513	393,513	+ 15,411	.....
Bureau of Industry and Security					
Operations and administration .....	60,358	76,516	70,872	+ 10,514	- 5,644
CWC enforcement .....	7,128	.....	.....	- 7,128	.....
Total, Bureau of Industry and Security .....	67,486	76,516	70,872	+ 3,386	- 5,644
Economic Development Administration					
Economic development assistance programs .....	285,083	289,762	285,083	.....	- 4,679
Salaries and expenses .....	30,244	30,565	30,400	+ 156	- 165
Total, Economic Development Administration .....	315,327	320,327	315,483	+ 156	- 4,844
Minority Business Development Agency					
Minority business development .....	28,556	34,461	31,555	+ 2,999	- 2,906
Total, Trade and Infrastructure Development .....	888,705	925,069	934,675	+ 45,970	+ 8,606
<b>ECONOMIC AND INFORMATION INFRASTRUCTURE</b>					
Economic and Statistical Analysis					
Bureau of the Census					
Salaries and expenses .....	74,211	88,400	81,764	+ 7,553	- 6,636
Salaries and expenses .....	192,761	220,425	174,304	- 18,457	- 46,121
Periodic censuses and programs .....	431,464	608,171	431,464	.....	- 176,707
Total, Bureau of the Census .....	624,225	828,596	605,768	- 18,457	- 222,828

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2005—Continued

(In thousands of dollars)

Item	2004 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropriation	Budget estimate
<b>National Telecommunications and Information Administration</b>					
Salaries and expenses .....	14,450	22,101	21,583	+ 7,133	- 518
Public telecommunications facilities, planning and construction .....	21,769	2,538	21,769	.....	+ 19,231
Information infrastructure grants .....	14,842	.....	14,842	.....	+ 14,842
Total, National Telecommunications and Information Administration .....	51,061	24,639	58,194	+ 7,133	+ 33,555
<b>United States Patent and Trademark Office</b>					
Current year fee funding .....	1,222,460	1,314,653	1,336,000	+ 113,540	+ 21,347
Spending from new fees (proposed legislation) .....	.....	208,754	208,754	+ 208,754	.....
Total, Patent and Trademark Office .....	1,222,460	1,523,407	1,544,754	+ 322,294	+ 21,347
Offsetting fee collections .....	- 1,222,460	- 1,314,653	- 1,336,000	- 113,540	- 21,347
Total, Economic and Information Infrastructure .....	749,497	1,150,389	954,480	+ 204,983	- 195,909
<b>SCIENCE AND TECHNOLOGY</b>					
<b>Technology Administration</b>					
<b>Office of Technology Policy</b>					
Salaries and expenses .....	6,343	8,294	6,407	+ 64	- 1,887
<b>National Institute of Standards and Technology</b>					
Scientific and technical research and services .....	340,743	413,886	383,892	+ 43,149	- 29,994
(Transfer out) .....	.....	.....	(- 14,800)	(- 14,800)	(- 14,800)
Industrial technology services .....	216,480	39,190	315,000	+ 98,520	+ 275,810
Construction of research facilities .....	64,271	59,411	86,071	+ 21,800	+ 26,660
Working capital fund .....	.....	8,982	.....	.....	- 8,982

			(14,800)	(+ 14,800)	(+ 14,800)
(By transfer) .....					
Total, National Institute of Standards and Technology .....	621,494	521,469	784,963	+ 163,469	+ 263,494
National Oceanic and Atmospheric Administration					
Operations, research, facilities, and systems acquisition .....	2,643,251	2,380,841	4,052,646	+ 1,409,395	+ 1,671,805
(By transfer from Promote and Develop Fund) .....	979,708	898,510	.....	- 979,708	- 898,510
By transfer from Coastal zone management .....	89,052	100,000	99,000	+ 9,948	- 1,000
Deobligations returned .....	- 3,000	- 3,000	- 3,000	.....	.....
Total, Operations, research, facilities and systems acquisition .....	2,643,251	2,380,841	4,052,646	+ 1,409,395	+ 1,671,805
Procurement, acquisition and construction .....	979,708	898,510	.....	- 979,708	- 898,510
Pacific coastal salmon recovery .....	89,052	100,000	99,000	+ 9,948	- 1,000
Coastal zone management fund .....	- 3,000	- 3,000	- 3,000	.....	.....
Fishermen's contingency fund .....	.....	956	956	+ 956	.....
Foreign fishing observer fund .....	.....	191	191	+ 191	.....
Fisheries finance program account .....	- 8,000	- 4,000	- 8,000	.....	- 4,000
Total, National Oceanic and Atmospheric Administration .....	3,701,011	3,373,498	4,141,793	+ 440,782	+ 768,295
Total, Science and Technology .....	4,328,848	3,903,261	4,933,163	+ 604,315	+ 1,029,902
Departmental Management					
Salaries and expenses .....	46,791	56,021	55,550	+ 8,759	- 471
Travel and tourism .....	.....	.....	20,000	+ 20,000	+ 20,000
Office of Inspector General .....	20,894	22,249	21,071	+ 177	- 1,178
Total, Departmental management .....	67,685	78,270	96,621	+ 28,936	+ 18,351
EDA conveyance (sec. 209) .....	989	.....	.....	- 989	.....
Extension of steel loan guarantees (Sec. 211) .....	.....	.....	.....	.....	.....
Procurement, acquisition and construction (sec. 212) .....	6,065	.....	.....	- 6,065	.....
Lobster (sec. 213) .....	495	.....	.....	- 495	.....
Non-pollock west coast groundfish (sec. 214) .....	495	.....	.....	- 495	.....
Alaska Purse Seine (Sec. 209) .....	.....	.....	200	+ 200	+ 200
Total, Department of Commerce .....	5,943,545	5,956,737	6,795,887	+ 852,342	+ 839,150

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2005—Continued

[In thousands of dollars]

Item	2004 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropriation	Budget estimate
Rescission (sec. 215) .....	- 100,000	.....	.....	+ 100,000	.....
Total, title II, Department of Commerce and related agencies .....	5,942,779	6,057,989	6,919,139	+ 976,360	+ 861,150
Appropriations .....	(6,042,779)	(6,057,989)	(6,919,139)	(+ 876,360)	(+ 861,150)
Rescission .....	(- 100,000)	.....	.....	(+ 100,000)	.....
(By transfer) .....	(62,000)	(79,000)	(76,800)	(+ 14,800)	(- 2,200)
(Transfer out) .....	.....	.....	(- 25,339)	(- 25,339)	(- 25,339)
TITLE III—THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices .....	1,896	1,985	1,985	+ 89	.....
Other salaries and expenses .....	52,901	56,137	56,137	+ 3,236	.....
Total, Salaries and expenses .....	54,797	58,122	58,122	+ 3,325	.....
Care of the building and grounds .....	10,480	10,579	10,579	+ 99	.....
Miscellaneous appropriations (Public Law 108-199) .....	15,906	.....	.....	- 15,906	.....
Total, Supreme Court of the United States .....	81,183	68,701	68,701	- 12,482	.....
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges .....	2,237	2,257	2,257	+ 20	.....
Other salaries and expenses .....	18,231	22,750	18,367	+ 136	- 4,383
Total, Salaries and expenses .....	20,468	25,007	20,624	+ 156	- 4,383



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2005—Continued

[In thousands of dollars]

Item	2004 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropriation	Budget estimate
TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,384,013	3,626,343	3,493,053	+109,040	-133,290
(Transfer out)	(-4,000)	(-4,000)	(-5,500)	(-1,500)	(-1,500)
(By transfer)			(1,000)	(+1,000)	(+1,000)
Worldwide security upgrades	639,896	658,701	658,702	+18,806	+1
Worldwide IT infrastructure	39,579			-39,579	
Emergency appropriations (Public Law 108-106)	120,500			-120,500	
Total, Diplomatic and consular programs	4,183,988	4,285,044	4,151,755	-32,233	-133,289
Capital investment fund	79,158	155,100	52,149	-27,009	-102,951
Centralized IT modernization program			102,951	+102,951	+102,951
Office of Inspector General	31,370	30,435	31,435	+65	+1,000
Educational and cultural exchange programs	316,633	345,346	360,750	+44,117	+15,404
Representation allowances	8,905	8,640	8,640	-265	
Protection of foreign missions and officials	9,894	9,600	5,000	-4,894	-4,600
Embassy security, construction, and maintenance	524,423	626,680	509,728	-14,695	-116,952
Worldwide security upgrades	852,335	912,320	867,030	+14,695	-45,290
(By transfer)			(117,767)	(+17,767)	(+17,767)
Emergency appropriations (Public Law 108-106)	43,900			-43,900	
Emergencies in the diplomatic and consular service	989	7,000	1	-988	-6,999
(By transfer)	(4,000)	(4,000)	(4,000)		
(Transfer out)	(-1,000)	(-1,000)	(-1,000)		
Emergency appropriations (Public Law 108-106)	115,500			-115,500	
Repatriation Loans Program Account:					
Direct loans subsidy	605	612	612	+7	
Administrative expenses	600	607	607	+7	

	(1,000)	(1,000)	(1,000)	(1,000)	
(By transfer) .....					.....
Total, Repatriation loans program account .....	1,205	1,219	1,219	+14	.....
Payment to the American Institute in Taiwan .....	18,585	19,482	19,482	+897	.....
Payment to the Foreign Service Retirement and Disability Fund .....	134,979	132,600	132,600	-2,379	.....
Total, Administration of Foreign Affairs .....	6,321,864	6,533,466	6,242,740	-79,124	-290,726
International Organizations					
Contributions to international organizations, current year assessment .....	999,830	1,194,210	1,020,830	+21,000	-173,380
Contributions for international peacekeeping activities, current year .....	450,056	650,000	574,000	+123,944	-76,000
Emergency appropriations (Public Law 108-106) .....	245,000	.....	.....	-245,000	.....
Total, International Organizations and Conferences .....	1,694,886	1,844,210	1,594,830	-100,056	-249,380
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses .....	25,726	30,300	27,689	+1,963	-2,611
Construction .....	3,513	8,545	6,146	+2,633	-2,399
American sections, international commissions .....	8,849	10,756	10,546	+1,697	-210
International fisheries commissions .....	19,097	20,800	21,982	+2,885	+1,182
Total, international commissions .....	57,185	70,401	66,363	+9,178	-4,038
Other					
Payment to the Asia Foundation .....	12,864	8,880	.....	-12,864	-8,880
International Center for Middle Eastern-Western Dialogue .....	6,926	.....	7,000	+74	+7,000
Eisenhower Exchange Fellowship program .....	495	500	500	+5	.....
Israel Arab scholarship program .....	371	375	375	+4	.....
East-West Center .....	17,692	13,709	19,500	+1,808	+5,791
National Endowment for Democracy .....	39,579	80,000	50,000	+10,421	-30,000
Total, Department of State .....	8,151,862	8,551,541	7,981,308	-170,554	-570,233
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations .....	540,292	533,111	552,240	+11,948	+19,129
Emergency appropriations (Public Law 108-106) .....	40,000	.....	.....	-40,000	.....
Broadcasting to Cuba .....	.....	27,629	.....	.....	-27,629

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FOR FISCAL YEAR 2005—Continued

[In thousands of dollars]

Item	2004 appropria- tion	Budget estimate	Committee rec- ommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropria- tion	Budget estimate
Broadcasting capital improvements .....	11,275	8,560	8,560	- 2,715	.....
Total, Broadcasting Board of Governors .....	591,567	569,300	560,800	- 30,767	- 8,500
Total, title IV, Department of State and Related Agency .....	8,743,429	9,120,841	8,542,108	- 201,321	- 578,733
Appropriations .....	(8,178,529)	(9,120,841)	(8,542,108)	(+ 363,579)	(- 578,733)
Emergency appropriations .....	(564,900)	.....	.....	(- 564,900)	.....
(Transfer out) .....	(- 5,000)	(- 5,000)	(- 6,500)	(- 1,500)	(- 1,500)
(By transfer) .....	(5,000)	(5,000)	(23,767)	(+ 18,767)	(+ 18,767)
TITLE V—RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses .....	1,187	1,200	.....	- 1,187	- 1,200
Commission on the Abraham Lincoln Study Abroad Fellowship Program	.....	.....	.....	.....	.....
Salaries and expenses (Public Law 108-199) .....	497	.....	.....	- 497	.....
Commission for the Preservation of America's Heritage Abroad	.....	.....	.....	.....	.....
Salaries and expenses .....	491	499	491	.....	- 8
Commission on Civil Rights	.....	.....	.....	.....	.....
Salaries and expenses .....	9,001	9,096	9,096	+ 95	.....
Commission on International Religious Freedom	.....	.....	.....	.....	.....
Salaries and expenses .....	2,968	3,000	.....	- 2,968	- 3,000
Commission on Security and Cooperation in Europe	.....	.....	.....	.....	.....
Salaries and expenses .....	1,598	1,831	1,598	.....	- 233



Congressional-Executive Commission on the People's Republic of China	1,781	1,900	1,781	.....	- 119
Salaries and expenses					
Equal Employment Opportunity Commission	324,944	350,754	327,511	+ 2,567	- 23,243
Salaries and expenses					
Federal Communications Commission	279,947	292,958	282,346	+ 8,399	- 10,612
Salaries and expenses					
Offsetting fee collections—current year	- 272,958	- 272,958	- 281,346	- 8,388	- 8,388
Direct appropriation	989	20,000	1,000	+ 11	- 19,000
Federal Trade Commission					
Salaries and expenses	185,505	205,430	207,730	+ 22,225	+ 2,300
Offsetting fee collections—current year	- 112,000	- 101,000	- 101,000	+ 11,000	.....
Offsetting fee collections, telephone database	- 23,100	- 20,000	- 20,000	+ 3,100	.....
Direct appropriation	50,405	84,430	86,730	+ 36,325	+ 2,300
HELP Commission					
Salaries and expenses	2,968	.....	.....	- 2,968	.....
Legal Services Corporation					
Payment to the Legal Services Corporation	335,282	329,300	335,000	- 282	+ 5,700
Marine Mammal Commission					
Salaries and expenses	1,836	1,890	1,890	+ 54	.....
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,979	2,000	2,000	+ 21	.....
Securities and Exchange Commission					
Salaries and expenses	811,500	913,000	913,000	+ 101,500	.....
Prior year unobligated balances	- 120,000	- 20,000	- 20,000	+ 100,000	.....
Direct appropriation	691,500	893,000	893,000	+ 201,500	.....
Small Business Administration					
Salaries and expenses	322,322	326,259	357,684	+ 35,362	+ 31,425
Miscellaneous appropriations (Public Law 108-199)	497	.....	.....	- 497	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2004 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2005—Continued

[In thousands of dollars]

Item	2004 appropria- tion	Budget estimate	Committee rec- ommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropria- tion	Budget estimate
Office of Inspector General .....	12,864	14,500	13,014	+ 150	- 1,486
Surety bond guarantees revolving fund .....		11,400	11,400	+ 11,400	
Business Loans Program Account:					
Direct loans subsidy .....	1,890			- 1,890	
Guaranteed loans subsidy .....	78,299		71,910	- 6,389	+ 71,910
Administrative expenses .....	126,653	129,000	129,000	+ 2,347	
Total, Business loans program account .....	206,842	129,000	200,910	- 5,932	+ 71,910
Disaster Loans Program Account:					
Direct loans subsidy .....	55,597	78,887	65,000	+ 9,403	- 13,887
Administrative expenses .....	113,159	118,354	113,909	+ 750	- 4,445
Gainssharing .....					
Total, Disaster loans program account .....	168,756	197,241	178,909	+ 10,153	- 18,332
Total, Small Business Administration .....	711,281	678,400	761,917	+ 50,636	+ 83,517
State Justice Institute					
Salaries and expenses .....	2,227		3,000	+ 773	+ 3,000
United States-China Economic and Security Review Commission					
Salaries and expenses .....	1,979	2,000	2,300	+ 321	+ 300
United States Senate-China Interparliamentary Group					
Salaries and expenses .....			100	+ 100	+ 100
United States Institute of Peace					
Operating expenses .....	17,099	22,099		- 17,099	- 22,099
Emergency supplemental appropriations (Public Law 108-106) .....	10,000			- 10,000	

Total, United States Institute of Peace .....	27,099	22,099	.....	- 27,099	- 22,099
Total, title V, Related agencies .....	2,170,012	2,401,399	2,427,414	+ 257,402	+ 26,015
TITLE VII—RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission) .....	- 67,326	.....	.....	+ 67,326	.....
Counterterrorism fund (rescission) .....	- 40,000	.....	.....	+ 40,000	.....
Legal Activities					
Assets forfeiture fund (rescission) .....	- 61,608	.....	.....	+ 61,608	.....
Federal Prison System					
Buildings and facilities (rescission) .....	- 51,895	.....	.....	+ 51,895	.....
Office of Justice Programs					
State & local law enforcement assistance (rescission) .....	- 21,600	.....	.....	+ 21,600	.....
Community oriented policing services (rescission) .....	- 6,378	.....	.....	+ 6,378	.....
Juvenile justice programs (rescission) .....	- 15,900	.....	.....	+ 15,900	.....
DEPARTMENT OF COMMERCE					
National Oceanic and Atmospheric Administration					
NERRS construction (rescission) .....	- 2,500	.....	.....	+ 2,500	.....
Departmental Management					
Emergency steel guaranteed loan program account (rescission) .....	.....	- 13,000	.....	.....	+ 13,000
Travel and tourism (rescission) .....	- 40,000	.....	.....	+ 40,000	.....
Department of Justice:					
Working capital fund (rescission) (Sec. 627) .....	.....	.....	- 44,000	- 44,000	- 44,000
Asset forfeiture fund (rescission) (Sec. 628) .....	.....	.....	- 30,000	- 30,000	- 30,000
Unobligated balances (rescission) (Sec. 629) .....	.....	.....	- 98,125	- 98,125	- 98,125
Total, title VII, Rescissions .....	- 307,207	- 13,000	- 172,125	+ 135,082	- 159,125
Grand total:					
New budget (obligational) authority .....	41,451,039	43,216,594	43,467,214	+ 2,016,175	+ 250,620
Appropriations .....	(41,368,346)	(43,338,036)	(43,639,339)	(+ 2,270,993)	(+ 301,303)

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[In thousands of dollars]

Item	2004 appropria- tion	Budget estimate	Committee rec- ommendation	Senate Committee recommendation compared with (+ or -)	
				2004 appropria- tion	Budget estimate
Emergency appropriations .....	(589,900)			(- 589,900)	
Contingent emergency appropriations .....					
Rescissions .....	(- 507,207)	(- 121,442)	(- 172,125)	(+ 335,082)	(- 50,683)
(transfer out) .....	(- 11,632)	(- 5,000)	(- 51,699)	(- 40,067)	(- 46,699)
(By transfer) .....	(73,632)	(84,000)	(108,699)	(+ 35,067)	(+ 24,699)

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