

## Calendar No. 137

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1st Session }

SENATE

{ REPORT  
{ 109-88

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### DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2006

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JUNE 23, 2005.—Ordered to be printed

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

### REPORT

[To accompany H.R. 2862]

The Committee on Appropriations to which was referred the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, reports the bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, to the Senate with an amendment, and with an amendment to the title, and recommends that the bill, as amended, do pass. The Committee on Appropriations shall address appropriations for the Department of State and Related Agencies for fiscal year 2006 under a separate bill. Appropriations for said agencies are not assumed in the table below.

#### *Total obligational authority, fiscal year 2006*

Total of bill as reported to the Senate .....	\$52,357,161,000
Amount of 2005 appropriations .....	52,014,314,000
Amount of 2006 budget estimate .....	54,366,388,000
Amount of House allowance .....	51,678,177,000
Bill as recommended to Senate compared to—	
2005 appropriations .....	+ 342,847,000
2006 budget estimate .....	– 2,009,227,000
House allowance .....	+ 678,984,000

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#### PURPOSE AND SCOPE OF THE BILL

This bill makes appropriations for the Departments of Commerce and Justice, science, and related agencies for fiscal year 2006.

The Commerce, Justice, Science, and Related Agencies appropriations bill is the principal source of financial resources to support the Departments of Justice and Commerce, including the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, the National Science Foundation, and a number of independent agencies and commissions, including the Office of the United States Trade Representative, the Securities and Exchange Commission, the Small Business Administration, the Federal Trade Commission, and the Federal Communications Commission.

In February 2005, the Senate Committee on Appropriations underwent a reorganization that collapsed the number of subcommittees from 13 to 12. The Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies became the Subcommittee on Commerce, Justice, Science, and Related Agencies. Appropriations for the operations of the Department of State were transferred to the Subcommittee on Foreign Operations, now the Subcommittee on State, Foreign Operations, and Related Agencies, and appropriations for the Federal judiciary were transferred to the Subcommittee on Transportation and Treasury and Independent Agencies, now the Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies. Appropriations for the National Aeronautics and Space Administration, the National Science Foundation, and the Office of Science and Technology Policy within the Executive Office of the President were transferred to the subcommittee formerly known as Commerce, Justice, State, the Judiciary and Related Agencies, now Commerce, Justice, Science, and Related Agencies.

The bill remains 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 remains a source of support for Federal law enforcement, and grant assistance to State and local law enforcement agencies throughout the United States. The Committee notes with disappointment the elimination of many State and local law enforcement assistance programs in the President's budget submission for fiscal year 2006. The bill remains the principal source of support for the Department of Commerce and the Nation's lead civilian ocean and atmosphere research, science, and service agency, the National Oceanic and Atmospheric Administration [NOAA]. The Committee is intensely disappointed by the nearly 9 percent reduction from the fiscal year 2005 enacted level proposed for NOAA this year. The bill is now the principal source of resources for aeronautics research and space exploration. Finally,

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 and Justice, Science, and Related Agencies appropriations bill, as was its predecessor, is among the most diverse of the 12 appropriations bills that provide for the discretionary funding of the Federal Government. The bill provides for pay of personnel, operations and maintenance, grants and contracts, research and development, procurement, and construction at 27 different agencies and departments (including 2 Cabinet agencies), bureaus, and commissions.

#### SUMMARY OF THE BILL

The total amount of new budget authority recommended by the Committee for this bill in fiscal year 2006 is \$48,875,000,000, including \$229,000,000 in mandatory appropriations. The amount of discretionary budget authority as defined by the Budget Act is \$48,646,000,000.

The total amount of new budget authority represents an increase of \$875,476,000 compared with the fiscal year 2005 enacted level and a decrease of \$2,052,227,000 compared with the budget request. The recommendation does not include \$3,710,000,000 for the Strengthening America's Communities Initiative, as proposed in the budget request.

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

#### REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

Section 505 of this Act (section 605 of previous Commerce, Justice, State, the judiciary, and Related Agencies Appropriations Acts) 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 or, in the absence of direction from the Committees on Appropriations, from the specific purposes provided for in the President's budget request. 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 505, and were initiated in the early 1990's to provide additional flexibility to the agencies supported by the bill.

Section 505 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.

The reprogramming process is based on comity between the Appropriations Committee and the executive branch. The Commerce, Justice, Science, and Related Agencies appropriations bill provides specific program guidance through the statement accompanying this Act 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 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 branch shall 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. In some instances, 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 some agencies have not complied with reprogramming procedures and have proceeded with reprogrammings without securing the Committee's approval. Therefore, the bill eliminates a number of flexibilities and authorities afforded those agencies in past years. 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 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 LIAISONS

The Committee again prefers to channel most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations of the departments and agencies funded in the accompanying bill, 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 2006: Subcommittee on Commerce and Justice, Science, and Related Agencies:				
Mandatory .....	229	229	241	<sup>1</sup> 241
Discretionary .....	48,646	48,646	49,575	<sup>1</sup> 49,254
Projection of outlays associated with the recommendation:				
2006 .....				<sup>2</sup> 29,665
2007 .....				13,599
2008 .....				3,970
2009 .....				1,755
2010 and future years .....				749
Financial assistance to State and local governments for 2006 .....	NA	2,858	NA	578

<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 \$21,202,485,000 for the Department of Justice [DOJ]. The recommendation is \$568,399,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations and \$602,025,000 above the budget request. The Committee has made funding for combating and prosecuting terrorism, intelligence capabilities enhancements, and critical information technology and infrastructure investments the centerpiece of the fiscal year 2006 Department of Justice appropriations bill.

Throughout this title, the Committee recommends funding for mandatory personnel expenses, including the 2.3 percent pay raise proposed for fiscal year 2006, annualization of the fiscal year 2005 pay raises and increases, and annualization of the fiscal year 2004 increases and positions, unless otherwise provided below.

*Proposed Fiscal Year 2006 Adjustments and Reductions.*—The Committee recommends all proposed decreases and adjustments to base and offsets contained in the budget request, 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 2005 decision units and account structures, unless otherwise specified in prior years or in the following recommendation.

### GENERAL ADMINISTRATION

#### SALARIES AND EXPENSES

Appropriations, 2005 .....	\$122,443,000
Budget estimate, 2006 .....	161,407,000
House allowance .....	126,956,000
Committee recommendation .....	125,936,000

The Committee recommends an appropriation of \$125,936,000. The recommendation is \$3,493,000 above the fiscal year 2005 funding level and \$35,471,000 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 September 11, 2001, particularly in the terms of the number of Foreign Intelligence Surveillance Act [FISA] applications the office must prepare and process. FISA is used by the Government as a tool to obtain foreign intelligence for fighting terrorism and for countering espionage activities directed against the United States. Although many of the details are classified, the FISA has, since September 11, 2001, become an indispensable and

critical legal tool enabling collection of actionable intelligence to protect the United States and its citizens from another terrorist attack. To meet its increased FISA workload, OIPR has been forced in the past 2 years to rely on a significant number of temporary detailees from other Justice Department components to augment its permanent attorney staff, a solution that is expensive and inefficient. Staffing shortfalls in OIPR have required the FBI to prioritize the requests and determine which lower priority cases must remain pending until resources are available to address them. Increased resources for additional staff and technology support will allow OIPR to keep up with the pace of its current workload as well as process lower priority FISA requests more quickly and generally increase the ability of the Government to utilize FISA optimally as a collection tool consistent with the statute and the Constitution. The Committee recommendation therefore includes an additional \$6,809,000 for OIPR to continue the significant staffing expansion begun in fiscal year 2005.

*Report on Centralized Services and E-Gov Savings.*—The Attorney General shall provide a report to the Committees on Appropriations, no later than 30 days after the date of enactment of this Act and quarterly thereafter, on all administrative, E-Gov, and centralized training service charges to all components of the Department of Justice [DOJ]. The report shall include: (1) how costs are derived; (2) the specific activities paid for; (3) the savings achieved by having a centralized service or E-Gov implementation; (4) all data used to compute savings; (5) how often the charges are administered; (6) a breakout of all centralized services rolled into the General Administration account or any other account, as well as in each bureau's budgets. All future budget submissions to the Committees on Appropriations shall include this detailed breakout.

*Security and Emergency Planning.*—The Committee recommendation provides \$186,000 and one position to enhance the Department-Wide Continuity of Operations Plan.

*Attorney Hiring and Diversity.*—To support the Department's hiring and diversity policies for Departmental attorneys, the Committee recommendation provides \$700,000 for an automated attorney hiring personnel system and \$50,000 for the Department's Attorney Student Loan Repayment Program.

*Transfer From the Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF].*—The Committee denies the proposed transfer of positions and resources from the ATF to the Justice Management Division. These positions are better managed within the Bureau's overall workforce. The Committee recommendation does include language transferring from the DOJ's Office of Legislative Affairs \$500,000 and two personnel to the ATF's Office of Legislative Affairs. This will allow these employees to gain practical experience that will help the DOJ better understand and support the mission of their law enforcement agencies in the future.

*ATF Fees.*—The Committee is concerned about the budget proposal to increase fees to cover existing base programs of the ATF. Implementation of this fee by the legislative and executive branches presents significant obstacles. The Committee understands that it would take the Department 18 to 24 months to implement the rule necessary to collect this fee. Funds to support



these base operations therefore would not materialize in fiscal year 2006. Future fee proposals of this nature will be evaluated and applied against the resources of the General Administration account of the DOJ.

*Election Crimes.*—The Committee is concerned about the high number of persistent accusations of election crimes in recent elections and a lack of prosecutions by the Justice Department. The Committee directs the Attorney General to report, within 90 days of enactment of this Act, on the number of cases being pursued by the DOJ related to election crimes, and the number of attorneys dedicated full time to prosecuting such crimes. The Committee encourages the Department to devote more attention and resources to this issue, which is critical to public confidence in the integrity of the election process.

*Privacy Assessment.*—The Committee has recommended \$500,000 to direct a third party privacy assessment of the DOJ. DOJ is the repository of large amounts of personal information, much of it related to counterterrorism initiatives. With this comes the responsibility of managing and protecting this personal information. The party chosen to undertake this third party assessment should have knowledge of all applicable privacy laws, including the Privacy Act of 1974 (Public Law 93–579), the E-Government Act of 2002 (Public Law 107–347), the privacy provisions of the 2004 Omnibus Appropriations Act (Public Law 108–199), and related Office of Management and Budget regulations. This assessment should provide the framework for implementation of a comprehensive privacy program across the Department.

*Reducing the Number of Alien Absconders.*—The Committee recognizes the importance of reducing the rate of aliens who do not comply with Orders of Removal, known as absconders. However, the ability to address this situation is not fully within the control of one Federal department. Both the Department of Homeland Security [DHS] and DOJ must work closely together to achieve this goal. The Committee directs DOJ, in conjunction with DHS, to study the existing apprehension, detention, appeal, and removal policies and procedures. The Committee requests DHS and DOJ to jointly submit a report by February 18, 2006, on the efforts each Department will take to reduce the absconder rate, including proposed changes to existing policies, procedures, and laws to further assist in reducing the absconder population.

*Radiation Exposure Compensation.*—The Committee is cognizant of the recent National Academy of Sciences [NAS] report on the coverage of affected populations by the Radiation Exposure Compensation Act (Public Law 108–375). The Committee directs the DOJ to report to the Committee on what administrative actions the Department can and should take in responding appropriately to the NAS report, and to submit any appropriate legislative recommendations to the Committee and to the appropriate authorizing committees by October 1, 2005.

*Executive Aircraft Use.*—The Committee directs that, within 90 days of enactment of this Act, DOJ shall submit a report to the Committees on Appropriations that identifies the cost and use of executive aircraft for senior official transport. The report should

also address whether fractional aircraft ownership is a more cost-effective method.

JUSTICE INFORMATION SHARING TECHNOLOGY

Appropriations, 2005 .....	
Budget estimate, 2006 .....	\$181,490,000
House allowance .....	135,000,000
Committee recommendation .....	135,000,000

The Committee recommends an appropriation of \$135,000,000. The recommendation is \$135,000,000 above the fiscal year 2005 funding level and \$46,490,000 below the budget request. This account has been newly-created in this appropriations Act.

The Justice Information Sharing Technology account [JIST] provides more control to the Department Chief Information Officer [DCIO] to ensure that investments in information technology [IT] are well planned and aligned with the Department’s overall IT strategy and enterprise architecture. JIST helps ensure that all Department of Justice [DOJ] components build systems that are interoperable with shared components and not stovepiped systems that become obsolete once operational. While the Committee is supportive of IT enhancements and the creation of systems that work across agencies and Departments, it also is concerned that the DCIO has control of less than 10 percent of DOJ’s requested \$2,700,000,000 in IT expenditures.

The recommendation includes \$10,000,000 for the Law Enforcement Information Sharing Project [LEISP]. Prior to the expenditure of any of these funds, DOJ shall provide to the Committee the logical architecture that identifies the select data sources, the data source adapters, as well as a list of the duplicative functions that will be eliminated by, and the savings realized from, the proposed streamlined process. The recommendation includes \$13,000,000 for systems engineering, design, and a detailed implementation plan for the Database Applications for N-DEX and R-DEX projects. The recommendation does not include the \$14,470,000 requested for deployment. The implementation plan shall include delivery milestones and a cost schedule. Once completed, the Committee directs the new Investment Review Board, discussed below, to review and approve the specifications, design, and plan. The recommendation includes \$14,962,000 for Secure Communications and \$15,548,000 for the Justice Consolidated Office Network [JCON], which will allow for the continued deployment of standardized office automation infrastructure with centralized management and coordination across the Department. The recommendation includes \$5,000,000 for Case Management Common Solution [CMCS] which will set up a program management office to oversee the engineering and deployment of the common systems related to case litigation.

*Unified Financial Management System.*—Funding for a Unified Financial Management System should reside in the JIST account rather than in the General Administration account. The Committee recognizes the need to develop a Department-wide financial management system to make financial reporting and program performance more timely, and accurate. The recommendation includes \$10,000,000 to begin deployment of a unified system.

The Committee is disappointed with the quality of the budget justification materials provided for many of the initiatives in this account and encourages the DCIO to provide greater detail in future presentations.

*Information Technology Governance Board.*—Given the Department’s recent high profile information technology failures and the large amount of resources devoted to these programs, the Committee directs the Department to set up an Investment Review Board to be headed by the Deputy Attorney General to oversee the development of all critical IT infrastructure acquisitions and improvements. The Investment Review Board shall: (1) review the completeness of the initial business case and cost justification which defines the success criteria for the project (success criteria is defined as the scope, cost, schedule, and quality); (2) ensure the creation of project performance metrics to measure compliance with the success criteria at project milestones; (3) oversee and approve the creation of system architectures; (4) oversee the completeness of the specifications; (5) ensure the creation of meaningful operations metrics for performance, security and reliability.

The Attorney General shall, within 90 days of enactment of this Act, submit to the Committee on Appropriations for approval a plan that includes the organization and membership of the Board, the criteria establishing which IT projects will trigger the Board’s oversight, a listing of IT projects the Board will review in this fiscal year, and the operating agreement which defines how the Board governs. To ensure that the taxpayers receive positive return on their investment, the Committee directs that the DOJ Inspector General shall have a permanent non-voting seat on the Board.

NARROWBAND COMMUNICATIONS

Appropriations, 2005 .....	\$98,664,000
Budget estimate, 2006 .....	128,701,000
House allowance .....	110,000,000
Committee recommendation .....	90,000,000

The Committee recommends an appropriation of \$90,000,000. The recommendation is \$8,664,000 below the fiscal year 2005 funding level and \$38,701,000 below the budget request.

This account centrally funds development, acquisition, deployment, and operation and maintenance of the Justice Department’s narrowband wireless communications network.

The Committee is encouraged by the recent success of the Seattle-Blaine Washington Pilot, and the implementation of a plan built upon the lessons learned in that pilot. That plan, if implemented successfully, will provide a tactical communications capability supporting Federal law enforcement and homeland security personnel and their expanded or refined mission requirements, not the least of which is communications interoperability. An integrated wireless network will serve as the day to day tactical communications network for the Department, replacing an outdated and antiquated legacy system. Public Law 102-538 requires all Justice components operating land mobile radio systems in the VHF band to convert to narrowband. Given that this program is still in the early stages of deployment, the amount of funding provided will be sufficient. Should additional funding be necessary to

meet this deadline, however, the Committee will consider the use of existing resources, subject to section 505 of this Act for this purpose.

ADMINISTRATIVE REVIEW AND APPEALS

Appropriations, 2005 .....	\$201,241,000
Budget estimate, 2006 .....	216,286,000
House allowance .....	215,685,000
Committee recommendation .....	216,286,000

The Committee recommends an appropriation of \$216,286,000. The recommendation is \$15,045,000 above the fiscal year 2005 funding level and identical to the budget request.

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.

The Department of Homeland Security's [DHS] increased immigration enforcement activities, in addition to significant increases in DHS agents, investigators, detention bed spaces, and advanced surveillance on the border, has resulted in an increase in the detention and removal of large numbers of criminal and other illegal aliens. The Committee expects this trend to continue. The success of more active and new DHS assets results in large workload increases to EOIR's immigration court and appellate caseloads. The Committee therefore supports the large funding increase requested by the Department.

DETENTION TRUSTEE

Appropriations, 2005 .....	\$874,160,000
Supplemental appropriations, 2005 .....	184,000,000
Budget estimate, 2006 .....	1,222,000,000
House allowance .....	1,222,000,000
Committee recommendation .....	1,222,000,000

The Committee recommends an appropriation of \$1,222,000,000. The recommendation is \$347,840,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations and identical to the budget request.

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 will consider the use of existing resources should additional funding be required, subject to Section 505 of this Act.

The Committee directs the Detention Trustee to report to the Committee on a quarterly basis the number of individuals in the detention trustee system, the projected number of individuals, and the annualized costs that are associated with them.

*Efficiency.*—The Committee reiterates its position that any construction, planning, supporting, or contracting of new detention fa-

cilities is not an allowable use of funds provided under this account and directs the Detention Trustee to withdraw any solicitations for such activities.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2005 .....	\$62,960,000
Budget estimate, 2006 .....	67,431,000
House allowance .....	66,801,000
Committee recommendation .....	70,431,000

The Committee recommends an appropriation of \$70,431,000. The recommendation is \$7,471,000 above the fiscal year 2005 funding level and \$3,000,000 above the budget request.

The Office of Inspector General [OIG] has jurisdiction over employees in the Department of Justice [DOJ]; Federal Bureau of Investigation [FBI]; Drug Enforcement Administration [DEA]; Federal Bureau of Prisons; United States Marshals Service [USMS]; Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF]; United States Attorneys Offices; and other offices, boards and divisions. The OIG investigates alleged violations of criminal and civil law, fraud, waste, and abuse, as well as ethical standards arising from the conduct of Department employees in their numerous and diverse activities.

*Virtual Case File and Sentinel Oversight.*—The Committee continues to be concerned about the FBI’s failed efforts to upgrade its information technology [IT] infrastructure. In particular, the Committee is troubled by the FBI’s failure to replace its antiquated paper-based case management system with an electronic case management system. Reviews by the OIG found that the FBI failed to create and deploy the Virtual Case File [VCF] after spending more than 3 years and \$170,000,000. The VCF was intended to be the backbone of the FBI’s IT systems, with VCF case data shared electronically throughout the FBI to enable easy association of case information for analysis. In addition to the \$170,000,000 spent in the failed effort to implement VCF, the FBI’s inability to develop a workable automated case management system has resulted in the FBI’s continued lack of the critical tools necessary to maximize its criminal investigative and national security missions. In light of this failure, there are legitimate questions about the FBI’s ability to successfully develop IT in a timely and cost efficient manner. In particular, the Committee is concerned about the FBI’s efforts to develop Sentinel, the successor case management system to the VCF. In addition, the Committee is mindful of the approximately \$2,500,000,000 the DOJ spends annually on various IT projects, an amount representing approximately 11 percent of the total Department budget. Therefore, the Committee has provided the OIG with a program increase of \$3,000,000 for staff and necessary contractors to conduct ongoing oversight of the investment in, and development of, the Department’s IT systems. The Committee directs the OIG to provide periodic reports on the progress of the FBI’s Sentinel project, including assessments of its enterprise architecture, project scope, and contracting practices to help ensure that key milestones are met, that the project stays within its projected budget, and that the system will do what is promised when implemented.

The Committee directs the OIG to compile and present to the Committee all research, plans, studies, and evaluations that the Department has produced, or is in the process of producing, concerning its IT systems, needs, plans, and initiatives. It is imperative that the Committee know the depth and scope of the problems DOJ has experienced in the formulation of its IT plans so that it can make informed decisions about the DOJ's IT requests in fiscal year 2006 and beyond.

The Committee directs the OIG to review and assess how well the investigations conducted by the DEA Mobile Enforcement Teams, FBI Safe Street Investigations, the USMS Fugitive Task Forces, and ATF Violent Crimes Impact Teams were coordinated. In light of extremely limited resources, the activities and investigations of these agencies must be coordinated in order to ensure that these agencies are not wasting resources or manpower performing overlapping or similar roles and missions. Resources must be leveraged and efficiencies maximized through coordination of agencies' efforts.

The Committee continues to be supportive of the OIG and the critical role this office provides in overseeing the DOJ. The Committee will entertain requests for additional funding should it become necessary during the fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$10,496,000
Budget estimate, 2006 .....	11,300,000
House allowance .....	11,200,000
Committee recommendation .....	11,000,000

The Committee recommends an appropriation of \$11,000,000. The recommendation is \$504,000 above the fiscal year 2005 funding level and \$300,000 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.

The Committee has provided \$176,000 to expand the Commission's contribution to the administration of permanent supervised release cases in the District of Columbia.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2005 .....	\$625,722,000
Budget estimate, 2006 .....	679,661,000
House allowance .....	665,821,000
Committee recommendation .....	648,245,000

The Committee recommends an appropriation of \$648,245,000. The recommendation is \$22,523,000 above the fiscal year 2005 funding level and \$31,416,000 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 .....	8,399
Tax Division .....	81,548
Criminal Division .....	143,692
Civil Division .....	192,481
Environment and Natural Resources Division .....	94,387
Office of Legal Counsel .....	5,900
Civil Rights Division .....	110,457
INTERPOL USNCB .....	11,000
Office of Dispute Resolution .....	381
Total .....	648,245

During fiscal year 2005, the Committee denied a reprogramming request to transfer 32 attorney positions from the Legal Activities Offices to the United States Attorneys [USAs]. The budget request assumes the transfer of 100 additional positions from Legal Activities to the USAs. The Committee denies the budget request to transfer these positions to the United States Attorney Offices [USAOs], and instead has provided additional funds in the Legal Activities account. These divisions provide expertise to the entire Federal Government and to all 93 of the USAOs. To disperse these critical resources permanently to the field may provide a short-term gain in resources and expertise to a particular field office, but the long-term loss of the institutional knowledge and resources across the entire Federal Government is inadvisable. If the Department wishes to provide resources to the USAOs, it should request them directly through the regular appropriations process and not reduce resources from a critical function to fund another function. During the last year, the Committee has increased the Legal Activities office by as much as 132 positions and has provided \$3,787,000 in additional resources to support these personnel. The Committee directs that these new resources be dedicated to counterterrorism, intelligence, immigration litigation, spent nuclear fuel cases, and tribal trust fund litigation.

To ensure that these critical positions are filled in a timely manner, the Committee directs that within 30 days of enactment of this Act, and every 30 days thereafter, the Solicitor General shall submit a report to the Committee that provides a hiring plan, the number of vacancies by division, and the efforts undertaken to fill those vacancies.

The Committee directs that, within 120 days of enactment of this Act, the Criminal Division's Counterterrorism Section shall submit to the Committees a detailed report of their review of Terrorism Enterprise Investigations, particularly as they relate to domestic-based terrorist groups.

*Crimes Against Children.*—The Committee recommendation provides an additional \$1,500,000 for the criminal division to target,

prosecute, and seize the assets of those who commit crimes against the youngest and most vulnerable members of our society.

Should additional resources be needed in this account, the Committee would encourage the Department to seek a reprogramming under the authorities provided by section 505 of this Act.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

Appropriations, 2005 .....	\$6,249,000
Budget estimate, 2006 .....	6,333,000
House allowance .....	6,333,000
Committee recommendation .....	6,333,000

The Committee recommends a reimbursement of \$6,333,000 for legal costs. The recommendation is \$84,000 above the fiscal year 2005 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 (Public Law 99-660).

ANTITRUST DIVISION

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$138,259,000
Budget estimate, 2006 .....	144,451,000
House allowance .....	144,451,000
Committee recommendation .....	144,451,000

The Committee recommends an appropriation of \$144,451,000. The recommendation is \$6,192,000 above the fiscal year 2005 funding level and identical to 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.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$1,526,849,000
Budget estimate, 2006 .....	1,626,146,000
House allowance .....	1,626,146,000
Committee recommendation .....	1,572,654,000

The Committee recommends an appropriation of \$1,572,654,000. The recommendation is \$45,805,000 above the fiscal year 2005 funding level and \$53,492,000 below the budget request. The recommendation includes the proposed administration salary increases and denies the transfer of \$86,000 to the Office of Dispute Resolution.

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 past years, the Committee directs the U.S. Attorneys to focus their efforts on those crimes where the unique resources, expertise, or jurisdiction of the Federal Government can be most effective. The



Committee directs that the resources provided be directed to the highest priorities of the USAs.

*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 505 of this Act. EOUSA shall report to the Committee on Appropriations not later than April 30, 2006, on the number, type, and location of copyright prosecutions undertaken in the preceding year.

UNITED STATES TRUSTEE SYSTEM FUND

Appropriations, 2005 .....	\$173,602,000
Budget estimate, 2006 .....	222,577,000
House allowance .....	214,402,000
Committee recommendation .....	214,402,000

The Committee recommends an appropriation of \$214,402,000. The recommendation is \$40,800,000 above the fiscal year 2005 funding level and \$8,175,000 below the budget request.

The United States Trustee Program, authorized by 28 U.S.C. 581 et. seq., is the component of the Justice Department with responsibility for protecting the integrity of the bankruptcy system by overseeing case administration and litigating to enforce the bankruptcy laws. In fiscal year 2006, the U.S. Trustee Program will participate in an estimated 1.5 million business and consumer bankruptcy case filings. To carry out its duties in these cases under the Bankruptcy Code (title 11) and title 28 of the United States Code, the U.S. Trustee Program is organized into three levels: the Executive Office for United States Trustees in Washington, DC; United States Trustees in 21 regions whose geographic jurisdiction is established by statute; and 95 field offices, which cover 150 court sites and 280 other administrative hearing locations.

With the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Public Law 109–8, the U.S. Trustee Program will implement and enforce 6 key features of the Act: Means Testing; Credit Counseling; Debtor Education; Small Business Chapter 11 Provisions; Debtor Audits; and Data Collection, Evaluation, and Reports.

The Committee recommendation 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.

The Committee understands that representatives of the Administrative Office of the U.S. Courts and the Department of Justice have been exploring the use of data-enabled forms, or “smart forms”, that will reduce the amount of manual review necessary to implement the Bankruptcy Abuse Prevention and Consumer Protection Act, streamline internal business and case management

processes, and enhance statistical reporting capabilities. The Committee supports these efforts and encourages the continued use of IT to leverage resources of all participants in the Federal judicial system.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

Appropriations, 2005 .....	\$1,203,000
Budget estimate, 2006 .....	1,270,000
House allowance .....	1,220,000
Committee recommendation .....	1,270,000

The Committee recommends an appropriation of \$1,270,000. The recommendation is \$67,000 above the fiscal year 2005 funding level and identical to the budget request. The recommendation 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.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$747,598,000
Supplemental appropriations, 2005 .....	11,935,000
Budget estimate, 2006 .....	790,255,000
House allowance .....	800,255,000
Committee recommendation .....	776,199,000

The Committee recommends an appropriation of \$776,199,000. The recommendation is \$28,601,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$14,056,000 below 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 is concerned that workloads in local USMS offices exceed current staffing levels, raising questions regarding the distribution of funds to local offices, current restrictions on overtime pay, and staffing levels. The Committee directs the USMS to submit a report no later than March 31, 2006, detailing how funds are allocated to local USMS offices, how full time equivalents and other positions are distributed among these offices, and all policies regarding restrictions on overtime pay.

The recommendation does not support the Marshal's proposal to collapse its current decision units.

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.

*Protection of the Judicial Process.*—The Committee recommends an appropriation of \$586,481,000 for the protection of the judicial process. The recommendation is \$22,375,000 above the fiscal year 2005 funding level and is identical to the budget request. Recent events prove the need for increased judicial security. The Committee notes that \$11,935,000 was provided in the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005” (Public Law 109–13) for increased judicial security outside of courthouse facilities to better detect, assess, and respond to threats and inappropriate communications made to judges.

*Hazardous Response Unit [HRU].*—Last year, the Committee directed the transfer of the HRU to the Special Operations Group [SOG]. SOG has the expertise to handle the HRU mission. A separate and duplicative HRU unit is unnecessary. The Committee instructs the USMS to complete this transfer by assigning all HRU positions to SOG both administratively and geographically. All former HRU positions, which have been filled by the date of enactment of this Act, shall be stationed at the Tactical Operations Center at Camp Beauregard, Louisiana. No further HRU positions shall be filled and the HRU program shall be terminated.

*Courthouse Security Equipment.*—This subaccount funds security equipment, telephone systems, and cabling. The Committee recommendation provides \$13,130,000 for courthouse security equipment. Each year hereafter, not less than this level of funding shall recur for USMS courthouse security equipment and Central Courthouse Management Group positions. The Committee has included bill language requiring that out-year budget estimates for courthouse security equipment be submitted by the Attorney General for fiscal year 2007 and each year thereafter as part of the annual budget submission process for all USMS courthouse security equipment needs.

The recommendation will outfit courthouses in the following locations:

USMS COURTHOUSE SECURITY EQUIPMENT

[In thousands of dollars]

	Committee recommendation
Detainee Facilities:	
Washington, DC .....	85
Savannah, GA .....	965
Cape Girardeau, MO .....	80
Yuma, AZ .....	100
Victoria, TX .....	309
Lafayette, IN .....	150
Redding, PA .....	480
Columbus, OH .....	200
Cedar Rapids, IA .....	200
Manhattan (Old Foley Square), NY .....	168
Gulf Coast Regional Fugitive Task Force .....	305
Subtotal, detainee facilities .....	3,042
Nationwide Security Maintenance .....	4,800
Nationwide Security Repair .....	800
Nationwide Security Engineering Services .....	700
Occupational Health and Safety .....	1,982

USMS COURTHOUSE SECURITY EQUIPMENT—Continued  
[In thousands of dollars]

	Committee recommendation
Information Classified Security Program .....	806
Detention Locks and Hardware Maintenance .....	1,000
TOTAL, USMS Security Equipment .....	13,130

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

*Fugitive Apprehensions.*—The USMS is authorized to locate and apprehend Federal, State, and local fugitives both within and outside of the United States. The Committee has long supported the exceptional fugitive apprehension efforts of the USMS. The Committee notes that while much public attention has been focused on the USMS's responsibility to protect the lives of judges and their families, it is also the USMS's responsibility to protect members of the public from proven life-threatening fugitives. Of the total funds provided for the USMS, the Committee recommendation includes the following increases:

- \$2,400,000 for the 5 existing Regional Fugitive Task Forces for training, State and local overtime, equipment, communications, vehicles, contractor support and supplies and to support District Fugitive Task Forces;
- \$2,200,000 for the existing 5 Regional Fugitive Task Forces for a total of 15 new positions;
- \$500,000 for the Analytical Support Unit for additional commercial database services;
- \$210,000 for the Analytical Support Unit for 2 additional analysts and support personnel;
- \$3,100,000 for the Technical Operations Group for equipment, maintenance and increased circuit costs; and
- \$900,000 for the Technical Operations Group for 6 new positions.

Over the past few years, the Committee has established and funded regional task forces in New York City, Los Angeles, Chicago, Atlanta, and Washington, DC. These task forces are dedicated full-time to the pursuit of the most dangerous fugitives and operated as regional task forces administered by headquarters. The Committee notes the absence of such a task force in the Gulf of Mexico region. To address this gap in fugitive apprehension coverage, the Committee instructs the USMS to establish a new Gulf Coast Regional Fugitive Task Force to be headquartered in Birmingham, AL. The Committee recommendation includes \$8,851,000 for the establishment of this new Task Force. These funds are in addition to funds provided under Courthouse Security Equipment and USMS Construction. Of the funds provided under this section for the establishment of this Task Force, \$4,998,000 is provided to support 37 new positions (22 of which shall be based in Alabama) and 19 full-time equivalent positions, and \$3,528,000 is provided for other start-up and operational costs.

*Interagency Crime and Drug Enforcement.*—A total of \$2,072,000 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]. However, this funding would be better spent on base salaries and expenses for USMS for fugitive apprehension. The recommendation therefore provides the requested increase for this purpose.

*High Threat Events.*—The Committee supports the use of existing resources to meet the needs of high threat events, subject to section 505 of this Act.

CONSTRUCTION

Appropriations, 2005 .....	\$5,657,000
Budget estimate, 2006 .....	
House allowance .....	
Committee recommendation .....	12,000,000

The Committee recommends an appropriation of \$12,000,000. The recommendation is \$6,343,000 above the fiscal year 2005 funding level and \$12,000,000 above the budget request.

The recommendation provides funding for construction in space controlled, occupied, or utilized by the USMS in United States courthouses and Federal buildings, including but not limited to the creation, renovation, and expansion of prisoner movement areas, elevators, sallyports, staff offices, and other law enforcement and court security support space. As in prior years, the Committee's intent is to provide for all construction activity to support the mission of the USMS in protection of the Federal judiciary and other law enforcement activities. The Committee understands that, due to the inherent nature of construction, slippages may occur in the construction schedule. As in the past, funds may be directed to other locations as needed. However, USMS is directed to notify the Committee of such slippages and of the plans to redirect such funds prior to the expenditure of those funds in accordance with section 505 of this Act.

The Committee has included bill language requiring that out-year budget estimates for construction projects be submitted by the Attorney General for fiscal year 2007 and each year thereafter as part of the annual budget justification materials for each USMS courthouse construction, relocation, and furniture need.

Under this account, the Committee recommendation includes \$2,925,000 for the establishment of the Gulf Coast Regional Fugitive Task Force. These funds will support the rent and/or construction of office space in five locations, a local area network and high speed communications link, and office furnishings.

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:	
Washington, DC .....	15
Cape Girardeau, MO .....	25

## USMS CONSTRUCTION—Continued

[In thousands of dollars]

	Committee recommendation
Yuma, AZ .....	100
Durham, NC .....	1,250
Victoria, TX .....	4
Lafayette, IN .....	750
Redding, PA .....	1,100
Columbus, OH .....	575
Manhattan (Old Foley Square), NY .....	1,175
Wilmington, NC .....	5
Tulsa, OK .....	675
Norfolk, VA .....	275
Cincinnati, OH .....	500
Harrisburg, PA .....	685
Honolulu, HI .....	400
Philadelphia (Byrne), PA .....	54
Gulf Coast Regional Fugitive Task Force .....	2,925
Subtotal, construction .....	10,513
Architectural and Engineering Services .....	956
Minor repair construction .....	531
TOTAL, USMS Construction .....	12,000

The Committee considers this recommendation 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 table.

## FEES AND EXPENSES OF WITNESSES

Appropriations, 2005 .....	\$177,585,000
Budget estimate, 2006 .....	168,000,000
House allowance .....	168,000,000
Committee recommendation .....	168,000,000

The Committee recommends an appropriation of \$168,000,000. The recommendation is \$9,585,000 below the fiscal year 2005 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.

## SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

Appropriations, 2005 .....	\$9,535,000
Budget estimate, 2006 .....	9,759,000
House allowance .....	9,659,000
Committee recommendation .....	9,659,000

The Committee recommends an appropriation of \$9,659,000. The recommendation is \$124,000 above the fiscal year 2005 funding level and \$100,000 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, 2005 .....	\$21,469,000
Supplemental appropriations, 2005 .....	- 40,000,000
Budget estimate, 2006 .....	21,468,000
House allowance .....	21,468,000
Committee recommendation .....	21,468,000

The Committee recommends an appropriation of \$21,468,000. The recommendation is \$1,000,000 below the fiscal year 2005 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.

## INTERAGENCY DRUG ENFORCEMENT

Appropriations, 2005 .....	\$553,539,000
Budget estimate, 2006 .....	661,940,000
House allowance .....	506,940,000
Committee recommendation .....	440,197,000

The Committee recommends an appropriation of \$440,197,000. The recommendation is \$113,342,000 below the fiscal year 2005 fund level and \$221,743,000 below the budget request. This amount represents the Justice portion of the fiscal year 2005 enacted level.

In the aftermath of the September 11, 2001, terrorist attacks against the United States, the Federal Government reorganized in an effort to more efficiently carry out its varied missions. In the area of counterterrorism, in particular, the Government made a number of changes and combined or consolidated agencies with similar missions to reduce redundancy and increase effectiveness. In this era of limited resources, these same objectives should be applied to the area of drug law enforcement.

The Organized Crime Drug Enforcement Task Force [OCDETF] program was initiated in the early 1980's to enhance inter-agency cooperation and coordination in drug investigations and prosecutions. Now, over 20 years later, the landscape is much different than when OCDETF was first created. Interagency cooperation is now routine and a funding mechanism to force cooperation is unnecessary. Furthermore, several traditional OCDETF partners have shifted their focus to counterterrorism work, leaving the Drug Enforcement Administration [DEA] as the leader of our drug investigations. DEA currently participates in over 90 percent of all OCDETF investigations, and is the lead or co-lead agency in over 80 percent of the investigations.

It is time to place the responsibility for the entire OCDETF program, including the Drug Fusion Center, within DEA. Placing the OCDETF program within DEA will ensure greater coordination, reduce unnecessary bureaucracy, and streamline management of drug enforcement investigations. Further, the Committee directs

the personnel of the Executive Office for OCDETF to report to the Administrator of the DEA, or their designee.

The Committee expects that the efficiencies created by merging these two organizations should easily generate the savings necessary to cover any shortfall. The recommendation does not provide funding for the Department of Homeland Security or the Department of Treasury to participate in the OCDETF program, as those resources (\$87,652,000) were provided directly to those agencies in their budget requests. While the Committee supports the High Intensity Drug Trafficking Areas [HIDTA] program the recommendation does not transfer the HIDTA program to the OCDETF account as proposed in the budget.

The Committee denies all programmatic increases and denies all requests to transfer funds from other law enforcement operations. The reality of scarce resources requires the Committee to allocate those resources to the highest priority threats. The leaders of the OCDETF partner agencies should have the flexibility to determine how to meet their critical mission requirements. Should partner agencies determine that their OCDETF related activities are a high enough priority, then the Committee would encourage those agencies to reallocate resources accordingly.

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

#### INTERAGENCY DRUG ENFORCEMENT

[In thousands of dollars]

	Committee recommendation
Investigations:	
Alcohol, Tobacco, Firearms and Explosives .....	11,228
Drug Enforcement Administration .....	179,115
United States Marshals Service .....	6,670
Federal Bureau of Investigation .....	115,859
Subtotal, investigations .....	312,872
Prosecutions:	
Criminal Division .....	2,702
Tax Division .....	975
United States Attorneys .....	118,083
Subtotal, prosecutions .....	121,760
Administrative Support: Executive Office .....	5,565
Total, Interagency Drug Enforcement .....	440,197

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

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

Appropriations, 2005 .....	\$5,135,506,000
Supplemental appropriations, 2005 .....	73,991,000
Budget estimate, 2006 .....	5,691,132,000
House allowance .....	5,761,237,000
Committee recommendation .....	5,295,513,000



The Committee recommends an appropriation of \$5,295,513,000. The recommendation is \$160,007,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations and \$395,619,000 below the budget request.

The Federal Bureau of Investigation [FBI] has made significant strides in its efforts to transform itself from an agency whose primary mission was investigating crimes to one whose top priority is preventing terrorism. However, more can be done. Over the past 5 years, the FBI's budget has grown by \$2,000,000,000. Despite this astounding 66 percent budget increase, the FBI still has not permanently realigned its workforce to reflect its new priority missions and resource utilization trends.

In addition, the Bureau continues to struggle with hiring, training, equipping, and retaining talent. These deficiencies were recently highlighted in reports by the Department of Justice Office of Inspector General as well as the National Academy of Public Administration. The Committee therefore targets funding increases on programs that can strengthen and leverage the FBI's existing workforce rather than on increases that continue to fund this unmanageable and unsustainable growth.

The recommendation includes an increase of \$161,578,000 for adjustments to base to support the FBI's current operating level as well as the proposed cost-savings initiatives and offsets. The Committee does not include the administration's proposal to transfer \$50,000,000 from this account to the Organized Crime and Drug Enforcement Task Forces account or the accompanying proposal to reduce the FBI's direct budget for the criminal program by \$67,000,000. This funding is instead redirected towards other priority increases as discussed in detail below.

The Committee supports the FBI's proposal to eliminate lower-priority missions, enabling the Bureau to request additional enhancements for other programs. While 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.

*Virtual Case File.*—The public failure of the FBI's software development efforts leaves unfulfilled the need of FBI agents for capabilities comparable to those found in any private company. This failure highlighted, once again, that the FBI did not have the information technology [IT] strength to properly manage, much less develop, software. For Trilogy and the Virtual Case File [VCF], the FBI used a succession of industry experts to bolster its in-house talent and disaster still ensued, in large part because leadership trumped their judgments and decisions to the detriment of the program. Now, the FBI is planning to seek a reprogramming of \$90,000,000 to begin another software development program, a successor to VCF, dubbed Sentinel. The Committee is understandably hesitant to charge so quickly down this path again.

The FBI has made certain notable improvements. First, the FBI brought in a skilled Chief Information Officer [CIO] and granted him the authority and independence to effectively oversee IT, including Sentinel, throughout the FBI. Second, under the CIO's leadership, Sentinel has thus far been designed and seems to ad-

dress many of the problems that led to VCF's failure, such as independent verification of requirements and cost estimates, phased in development and deployment, and commercial off-the-shelf rather than custom software. Cost estimates for full deployment, however, are still unknown.

To ensure success, the FBI must have program management "bench strength" before Sentinel moves forward. An additional \$7,000,000 is therefore included to enhance the Office of the CIO. The Committee also expects the FBI to use the enhanced pay authorities provided in fiscal year 2005, as well as the new authority provided this year regarding the Senior Executive Service, to enhance and stabilize the Office of the CIO. Of the \$90,000,000 in FBI funds identified to initiate Sentinel, \$73,502,000 is rescinded, but may be transferred back to the FBI out of funds available to the Committee to develop Sentinel when cost estimates are known and program management is in place.

*Secure Networks.*—For the FBI to effectively perform its intelligence mission, the FBI must be able to communicate and share sensitive and classified information internally as well as with other intelligence and law enforcement agencies. The Committee is concerned that only one-third of FBI employees have access to the Internet through the FBI's sensitive but unclassified network [SBUNet]. The recommendation therefore includes an additional \$7,679,000 for SBUNet and \$20,000,000 for the Top Secret/Sensitive Compartmented Information Operational Network.

*Law Enforcement On-line.*—The FBI has the ability to share critical information and tools through the Law Enforcement Online [LEO] program. LEO is a 24/7 on-line, real-time, controlled-access electronic communication tool and data repository. LEO delivers secure electronic communications services and distance learning tools to Federal, State and local law enforcement and public safety communities nationwide. Within existing resources, the Committee includes an additional \$8,000,000 to upgrade the LEO network with cost effective solutions to accommodate law enforcement user and content growth, and to conduct annual security audits, reviews, and technology assessments to ensure LEO remains compatible with emerging technologies and customers needs.

*Training.*—Training is one of the most critical tools for FBI's transformation. While the FBI has enhanced its counterterrorism and intelligence training programs for agents and analysts, problems remain. The FBI does not have the capacity to train its newly hired agents, analysts, and support personnel and cannot ensure that its analysts are adequately trained before being assigned to the field. The Committee expects the FBI to better coordinate the timing of hiring with the availability of training.

To enhance the training program and training capacity, the recommendation includes the requested increases of \$5,197,000 for intelligence training, \$2,500,000 for national security training, and \$15,000,000 for necessary renovations at the FBI Academy. In addition, the Committee recommends an additional \$15,108,000 under a separate account to construct a new regional intelligence and training center.

*Directorate of Intelligence.*—The fiscal year 2005 Appropriations Act (Public Law 108-447) and the Intelligence Reform and Ter-

rorism Act of 2004 (Public Law 108–458) created the Directorate of Intelligence within the FBI to have clear and broad authority over all FBI intelligence-related functions. To be successful, the Directorate of Intelligence must have strong program development and intelligence training of agents and analysts. The Committee recommendation therefore includes the requested increase of \$11,920,000 to develop policies and guidance for intelligence collection, analysis, and dissemination, a strong intelligence curriculum, and software to support the FBI’s collection management and dissemination strategy. In addition, the \$5,197,000 increase recommended for intelligence training and the \$15,108,000 increase recommended for a regional intelligence and training center discussed above will strengthen the FBI’s intelligence training capability by enhancing basic, specialized, and advanced intelligence training, as well as regional training and training for State and local law enforcement agencies.

*Cyber Investigations.*—Cyber investigations have been deemed an FBI top priority mission by the FBI and by this Committee. As such, the Committee was surprised to learn the FBI imposed funding decreases on the Cyber Division, particularly to the Special Technologies and Applications Section [STAS], disproportionate to its mission priority and impact on counterterrorism efforts. STAS’ current funding level is \$35,000,000 below that intended by this Committee. The Committee directs the FBI to restore the intended funding levels to STAS and submit a report to the Committees on Appropriations no later than November 15, 2005, that includes base funding, appropriated increases, and actual funding levels for STAS for fiscal years 2001 to 2006. In addition, the report shall include a detailed account of every funding decrease imposed on STAS and the justification for those decreases.

Field offices have suffered from these cuts as well. Funding previously provided for cyber crime task forces has been withheld, lessening the impact the FBI can have on these investigations. The Committee therefore directs the FBI to establish a cyber crime task force in Birmingham, AL. The FBI shall report back to the Committee on its progress within 60 days of the enactment of this Act.

The recommendation provides an increase of \$2,690,000 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 and 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.

*Child Exploitation and Obscenity Investigations.*—In coordination with the Department of Justice Criminal Division’s Child Exploitation and Obscenity Section [CEOS] and the National Center for Missing and Exploited Children [NCMEC], the FBI has implemented the “Innocent Lost” initiative, which is intended to address the growing problem of domestic child prostitution. The FBI provides the investigative aspect of the initiative, while DOJ–CEOS

commits the prosecutorial resources and the NCMEC provides training for the participating field offices. The recommendation includes an additional \$1,604,000 to more aggressively identify, investigate, and prosecute crimes of this nature.

*Language Services.*—Language translation is a critical component for the FBI's intelligence, counterterrorism, counterintelligence, and other programs. Funding requirements for this program, however, have been inconsistent. The Committee has provided significant funding increases only to have them non-recurred in the subsequent fiscal year. The Committee directs the FBI to develop a plan to stabilize funding for this program and submit a reprogramming of existing resources once its true requirements are known, subject to section 505 of this Act.

*Legal Attaché Offices.*—The Committee is aware of the important role of the FBI's Legal Attaché [Legat] offices, particularly in 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 or expand existing offices that better meet the FBI's priority missions, subject to section 505 of this Act.

Requested increases of \$1,905,000 are recommended to enhance information technology infrastructure at existing Legat offices to ensure the sharing of data between headquarters, field offices, other Legats, and other foreign and domestic law enforcement entities.

*Criminal Justice Information Services Division.*—The Committee recommendation includes \$395,700,000, including fee collections, for the Criminal Justice Information Services Division [CJIS]. 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.*—Last year, the Committee directed the Department to submit a report 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. The Committee has yet to receive this report. Since the Department has been unable to deliver this report in a timely fashion, the Committee now directs the FBI to submit this report within 90 days of the enactment of this Act. In the meantime, the Committee recommends the requested increase of \$16,808,000 for the Next Generation IAFIS project which will improve the speed and accuracy of IAFIS, expand the data available in the system, and improve its latent print capabilities.

*Hazardous Devices School.*—The Hazardous Devices School [HDS] trains bomb technicians from around the world to locate, identify, render safe, and dispose of improvised explosive devices, as well as learn to use specialized equipment and protective clothing needed for the safe disposal of explosive materials. To ensure HDS has leading edge technology to match this critical mission, the recommendation includes \$5,125,000 within existing resources to develop, produce, and deploy a simulated training module that will enhance its training program, subject to section 505 of this Act.

*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 505 of this Act.

*End Strength.*—The Committee notes that the fiscal year 2006 budget request includes a substantial number of “hollow” work years. Once again, the FBI will be unable to reconcile its actual budget with artificial manpower levels. The Committee therefore strikes previous bill language that includes these artificial levels and directs the Bureau to eliminate all of the hollow work years from its books to avoid another year of budget shortfalls. The FBI shall report back to the Committee on its adjusted end strength not later than November 1, 2006.

#### CONSTRUCTION

Appropriations, 2005 .....	\$10,106,000
Budget estimate, 2006 .....	10,105,000
House allowance .....	20,105,000
Committee recommendation .....	25,213,000

The Committee recommends an appropriation of \$25,213,000 for Federal Bureau of Investigation [FBI] construction. The recommendation is \$15,107,000 above the fiscal year 2005 funding level and \$15,108,000 above the budget request. Of this amount, \$5,105,000 shall be for general operations and maintenance of FBI facilities, \$5,000,000 shall be for a chemical and biological evidence handling and storage facility to be co-located with comparable facilities in existence for sampling, handling, and receipt of hazardous material by the Department of the Army, and \$15,108,000 shall be for the planning, design, and construction of a regional intelligence and training center at Redstone Arsenal.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

Appropriations, 2005 .....	\$1,631,182,000
Budget estimate, 2006 .....	1,694,156,000
Supplemental appropriations, 2005 .....	7,648,000
House allowance .....	1,706,173,000
Committee recommendation .....	1,649,142,000

The Committee recommends an appropriation of \$1,649,142,000. The recommendation is \$17,960,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$45,014,000 below the budget request. The recommendation includes \$201,673,000 for Drug Enforcement Administration’s [DEA] Drug Diversion Control Fee Account. The recommendation is \$47,457,000 above the fiscal year 2005 funding level and \$3,107,000 above the budget request.

Within the amounts provided, the Committee recommends a reduction of \$19,054,000, as requested by DEA, for a transfer of pro-

grams from the “Salaries and Expenses” account to the “Diversion Control Fee Account.” In addition, the Committee has included a reduction of \$2,501,000, as requested by DEA, relating to anticipated savings from e-Training and e-Travel initiatives. The Committee has also included the efficiencies identified by DEA totaling \$4,520,000 for improving management systems. Finally, the Committee has included the reductions proposed by DEA in the following areas: elimination of the demand reduction program (\$9,297,000); elimination of the purchase of vehicles for State and local task forces (\$1,264,000); and the reduction of the mobile enforcement team program (\$29,103,000).

*Air Assets.*—DEA’s mission is to disrupt and dismantle the major drug trafficking organizations responsible for supplying the bulk of illegal drugs that enter the United States. The Committee strongly supports this mission, but is concerned about the serious lack of air assets available to DEA agents stationed in key transit countries. To be most effective in these locations, DEA must be able to react quickly to traffickers’ movements to intercept and deny large shipments of drugs bound for the United States. Due to other pressing demands, the air assets of the Defense Department and other law enforcement agencies are not generally available for DEA’s use, leaving DEA unable to respond to important enforcement opportunities. The Committee directs the DEA to provide a report by April 1, 2006, on the availability of air assets, both its own and those of other agencies, to meet its demands for squad-size deployments of DEA agents in key transit zone countries.

*Overseas Rightsizing.*—The Committee recommendation includes an additional \$9,705,000, above the fiscal year 2005 funding level to support the annualized costs associated with reallocating positions from domestic to foreign units. DEA’s reorganization efforts or “rightsizing” have reallocated 17 positions from one foreign location to another and 63 positions from DEA domestic offices to various foreign offices where mission requirements, workload, and changes in global trafficking patterns call for an enhanced response. This realignment will enable DEA to establish additional task forces in Bogota, Colombia, Mexico City and Cartagena, Mexico, to address the growing and immediate threat posed to the United States by heroin trafficking and money laundering organizations in the region.

*Operation Containment.*—The Committee recommendation includes an additional 17 positions and \$4,221,000, above the fiscal year 2005 funding level to establish base funding for DEA’s presence in Afghanistan. These funds will provide for the training and mentoring of Afghan counter-narcotics police officers. Afghanistan produces up to 87 percent of the world’s illicit opium and these additional resources will assist DEA in its efforts to prevent Afghanistan from becoming a major supplier of illicit drugs to the United States. Resources and manpower are also provided for combating Southeast Asian heroin trafficking, as well as providing continued support to the Sensitive Intelligence Units in Uzbekistan, Kyrgyzstan, and Tajikistan.

*Foreign Advisory Support Teams.*—The Committee recommendation provides an additional \$2,000,000 for Foreign Advisory Support Teams to train Narcotics Interdiction Units in Afghanistan

and support Afghanistan's efforts in destroying clandestine drug labs and seizing precursor chemicals, opium, and opiate stockpiles.

*Central Asia and the Middle East.*—The Committee recommendation provides an additional 9 positions and \$2,059,000 for enhanced staffing levels for the Afghanistan enhancement initiative in the Kabul Country Office. This funding is to allow for closer coordination with the United States military in the region, and continuing training efforts in support of the Government of Afghanistan's narcotics enforcement capabilities. The Committee is aware of a lack of reliable transportation in this region and therefore has provided \$1,041,000 to begin the establishment of an aviation capability that will support the mission-critical needs of the agents in the field. If additional resources are necessary, the Committee would encourage DEA to seek a reprogramming under the authorities provided by section 505 of this Act.

*Intelligence Sharing.*—DEA's ability to gather, analyze, and share intelligence information with other law enforcement entities is critical to our efforts to combat the illicit drug trade. To support these efforts, the Committee recommendation provides \$7,003,000 above the fiscal year 2005 funding level. The Committee has provided, within this amount, two additional positions as well as \$2,003,000 to update the Narcotics and Dangerous Drugs Information System. Further, the Committee has provided \$4,000,000 and up to 26 positions for DEA's Speedway Program which synthesizes data on drug trafficking organizations and makes it available to all agencies that participate at DEA's Special Operations Division. This program enhancement will increase the intelligence analysis capability of the Speedway Program, and will allow substantial new data sources to be added, ensuring that the program remains a source of cutting-edge investigative information. Finally, the Committee has provided 8 positions and \$1,000,000 to enhance DEA's ability to conduct investigations of illicit drug sales via the Internet.

*Priority Targeting.*—The Committee has included \$5,000,000 to fund DEA's priority targeting initiative. The Committee has provided these critical resources in an effort to strengthen DEA's investigations of drug trafficking and money-laundering priority target organizations. DEA must increase its current efforts to refocus resources on the highest threat drug organizations, cartels, or individuals that represent the greatest threat to the United States. Within this amount, the Committee recommends \$4,000,000 for up to 55 additional special agent positions and for expenses relating to wiretapping and equipment and other operational expenses.

*Methamphetamine.*—The recommendation includes, under the Office of Justice Programs, \$20,000,000 for DEA to assist State and local law enforcement with removal and disposal of hazardous materials at clandestine methamphetamine labs and to support a container program that includes training, technical assistance, and the purchase of equipment to assist in the removal and storage of hazardous materials.

*Diversion Control Fee Account.*—In fiscal year 2005, at the request of the administration, the Congress transferred funding responsibility for the Chemical Control Program from DEA's Salaries and Expenses appropriation to the Diversion Control Fee Account.

To allow for an orderly transfer of the funding responsibility between the two accounts, only a portion of the Chemical Control program (\$15,773,000) was transferred to the Fee Account in fiscal year 2005. The remainder of the program (\$8,726,000) is transferred in the fiscal year 2006 budget. The Committee recommendation therefore, includes \$201,673,000, which is \$3,107,000 above the budget request, for the Diversion Control Fee Account. This account provides for regulatory guidance and support to over 1 million legitimate handlers of controlled substances. The Committee has included funding for the Diversion Control Enforcement Initiative, as proposed in the budget.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$878,465,000
Supplemental appropriations, 2005 .....	4,000,000
Budget estimate, 2006 .....	923,613,000
House allowance .....	923,613,000
Committee recommendation .....	923,700,000

The Committee recommends an appropriation of \$923,700,000. The recommendation is \$45,235,000 above the fiscal year 2005 funding level and \$87,000 above the budget request. The recommendation does not include the fee that was assumed in the request. Without this fee, the recommendation is \$120,087,000 above the budget request.

The mission of the Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF] is to reduce violent crime, prevent terrorism, and protect the public. ATF reduces the criminal use of firearms and illegal firearms trafficking, and assists other Federal, State, and local law enforcement agencies in reducing crime and violence. ATF investigates bombing and arson incidents and provides for public safety by reducing the criminal misuse of explosives, trafficking in explosives, combating acts of arson and arson-for-profit schemes, and removing safety hazards caused by improper and unsafe storage of explosive materials. ATF enforces the Contraband Cigarette Trafficking Act which addresses the diversion of cigarette taxes often involving multi-million dollar trafficking plots, some of which have been traced to international terrorists. Should ATF identify additional funding needs, the Committee would entertain reprogramming under the authorities provided by section 505 of this Act.

*Proposed Fees to Fund Existing Law Enforcement Operations.*—The Committee is disappointed by the Department's proposal of a \$120,000,000 legislative fee on the explosives industry and a permit fee on users to fund existing base operations and programs of the ATF. The Committee understands the legislative proposal for the fee has yet to be transmitted to Congress and that if this fee were enacted today, it would take 2 years to put the regulatory structure in place before any funds could be collected. The Committee finds it is irresponsible to budget for ongoing fiscal year 2006 law enforcement operations with funds that do not exist. These types of creative financing schemes create significant prob-



lems for the Committee and could ultimately lead to a disruption to the Department's law enforcement programs.

*Program Offsets.*—The Committee recommendation has assumed the \$966,000 in savings proposed by the budget request for e-travel and administrative training.

*Violent Crime Impact Teams.*—Violent Crime Impact Teams [VCIT] were established to support the President's Project Safe Neighborhoods initiative. VCITs target armed violence in specific localities with high rates of crime involving firearms. The Committee is pleased that preliminary statistics show that, during the 6 month period of the VCIT pilot, firearms-related homicides in targeted areas dropped an average of 17 percent. To build upon these early successes, the Committee recommendation provides an additional \$25,300,000 to expand law enforcement VCITs to 25 cities with the highest levels of violent firearms related crime. These resources will assist ATF, along with Federal, State and local law enforcement agencies and prosecutors to identify the most violent criminals such as violent gang members, armed career criminals, armed drug traffickers and illegal firearms traffickers and removing them from our Nation's streets.

*Transfers Related to the Department of Justice [DOJ], Office of Legislative Affairs.*—The Committee denies the transfer of \$500,000 and two personnel to the Department's Office of Legislative Affairs. These resources can be better utilized by the Bureau. The Committee has instead transferred from DOJ Office of Legislative Affairs \$500,000 and two personnel. These employees will be able to acquire practical experience, develop relationships, and develop an appreciation for the work of the Department's Bureaus. This will help the Department better support the mission of its law enforcement agencies in the future.

*Terrorist Explosives Device Analytical Center.*—The Committee provides \$6,000,000 for ATF to establish a base of funding for the Terrorist Explosives Device Analytical Center [TEDAC]. In fiscal year 2004, the DOJ and the Department of Defense established the TEDAC. It was created to coordinate and manage a unified national effort to gather and technically and forensically exploit terrorist improvised explosive devices [IEDs] mainly from Iraq and Afghanistan. TEDAC augments the U.S. Government's intelligence capabilities in dealing with IEDs. This funding shall be used to hire agents and other personnel to work at the TEDAC. The Committee is concerned about the staffing imbalances and disparate degrees of resource contribution and management between the two agencies participating at the TEDAC. If the Department continues to add seven agents from the Federal Bureau of Investigations [FBI] for every two agents from the ATF, the direction and management of the activities and mission of TEDAC will naturally fall to the FBI by sheer volume of manpower and control. The Committee hopes that future funding requests for personnel and management of this joint effort will be more balanced between these two law enforcement agencies. The Committee continues to be concerned about the serious lack of information that the TEDAC has provided to the Federal agents in the field as well as State and local law enforcement. The DOJ shall submit a report to the Committee no later than 30 days after enactment of this Act, that iden-

tifies: (1) the number of IEDs recovered and submitted to the TEDAC; (2) the dates the devices were recovered and sent to the TEDAC; (3) the dates the devices were technically and forensically exploited; (4) the number of completed examinations; (5) the dates the results of examination were disseminated to State and local first responders and; (6) a detailed summary of the information provided in those reports.

*Undercover Operations.*—The Committee is concerned about a lack of attention to funding and support for undercover operations, especially as they relate to overtime pay, monies used to conduct straw purchases and overall support for the agents who perform this dangerous mission. The Committee directs the ATF to submit a report no later than March 31, 2006, detailing how funds are allocated to local ATF offices, how full time equivalents and other positions are distributed among these offices, all policies regarding restrictions on overtime pay, and all policies related to support of undercover operations.

*Headquarters Shortfall.*—The Committee is aware of a possible \$11,200,000 shortfall relating to the ATF headquarters project. Limited resources prevent the Committee from addressing this problem at this time. However, the Committee encourages the Department to submit a budget amendment to address this issue.

*National Center for Explosives Training and Research.*—The Committee has provided an additional \$5,000,000 for site selection, architectural design, site preparation and a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research. In considering site selection, the ATF shall consider a site co-located with other law enforcement and Federal Government entities that provide similar training and research. The dynamic of these collective resources will provide a unique opportunity to leverage assets, knowledge, and expertise in the field, providing Federal, State and local law enforcement explosives expertise at a single location.

*Conversion of Records.*—The Committee recognizes the need for ATF to complete the conversion of 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, search time for these records will be reduced significantly. The Committee recommendation includes \$4,200,000 for the ATF to hire additional contract personnel to continue the conversion and integration of records.

#### FEDERAL PRISON SYSTEM

The Committee recommends a total of \$5,115,126,000 for the Federal Prison System, or Bureau of Prisons [BOP]. The recommendation is \$359,401,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$360,000 above the budget request.

## SALARIES AND EXPENSES

Appropriations, 2005 .....	\$4,565,884,000
Supplemental appropriations, 2005 .....	5,500,000
Budget estimate, 2006 .....	4,895,649,000
House allowance .....	4,895,649,000
Committee recommendation .....	4,889,649,000

The Committee recommends an appropriation of \$4,889,649,000. The recommendation is \$323,765,000 above the fiscal year 2005 funding level and \$6,000,000 below the budget request. The recommendation includes the proposed cost-savings initiatives. The recommendation shall be expended in the following manner:

## SALARIES AND EXPENSES

[In thousands of dollars]

Inmate Care and Programs .....	1,789,523
Institution Security and Administration .....	2,276,037
Contract Confinement .....	641,867
Management and Administration .....	182,222
Total, Salaries and Expenses .....	4,889,649

*Inmate Population.*—The Committee recommends an additional \$37,194,000 to cover the costs of the increasing prison population. BOP projects that a total of 4,269 inmates will be absorbed in the BOP's existing facilities this fiscal year.

*Activations and Expansions.*—The Committee recommendation includes funding for the activation of three new facilities and two expanded facilities, which will increase BOP's capacity by 3,114 beds. The Committee defines "activation" as open and receiving prisoners.

## ACTIVATION OF NEW PRISON FACILITIES

[In thousands of dollars]

Activation of New Prison Facilities:	
USP Tucson, AZ (1,088 beds) .....	37,647
FCI Butner, NC (1,152 beds) .....	29,190
Hazelton, WV Secure Women's Facility (512 beds) .....	10,297
Activation of Expanded Prison Facilities:	
USP Florence, CO Special Housing Unit (50 beds, no new capacity) .....	1,242
Sandstone, MN Housing unit expansion (362 beds) .....	6,641
Total, Activations (3,114 beds) .....	85,017

The Committee expects BOP to adhere to the activation schedule included in BOP's budget submission. BOP shall notify the Committees on Appropriations of any deviations to this schedule.

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 the "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 re-

port to the Committee by March 31, 2006 on progress made in this area.

*Contract Confinement.*—The Committee recommendation includes \$641,867,000 for the contractual costs associated with housing inmates. This amount includes the requested increase of \$19,838,000 to meet low security and female bed space demands through the use of private sector contract confinement. BOP is directed to meet bedspace needs using State, local, and existing or new private prison capacity that meet BOP’s standards.

*National Center for Missing and Exploited Children Coordination.*—The Committee directs the BOP to examine the public information that it maintains regarding inmates that currently reside within the Federal correctional system and make it available, when appropriate, to the National Center for Missing and Exploited Children [NCMEC]. The Committee directs the BOP, with the National Institute of Corrections, to educate State prison institutions of its efforts to assist NCMEC through its membership in the Association of State Correctional Administrators and provide an opportunity for NCMEC to meet with the Association for potential outreach to the State prisons for inmate sharing purposes.

*Residential Re-entry Program.*—The Committee supports BOP’s efforts to establish a Residential Re-entry Program at six institutions that will build partnerships with faith based and community organizations. The Committee expects BOP to work with these organizations to develop such programs and will support the use of available existing resources for such efforts, subject to section 505 of this Act.

BUILDINGS AND FACILITIES

Appropriations, 2005 .....	\$186,475,000
Supplemental appropriations, 2005 .....	18,600,000
Budget estimate, 2006 .....	170,112,000
House allowance .....	70,112,000
Committee recommendation .....	222,112,000

The Committee recommends a total of \$222,112,000 for the construction, modernization, maintenance, and repair of prison and detention facilities housing Federal prisoners. The recommendation is \$35,637,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$52,000,000 above the budget request.

The Committee continues to strongly support the Bureau of Prison’s [BOP] 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 remains concerned that while the prison population grows, the Department of Justice continues to submit budget requests with proposed rescissions of prison construction funds. The Committee recommendation therefore does not include the proposed offset of \$314,000,000 for funding already appropriated for medium security facilities, the Federal Correctional Institution [FCI] Mid-Atlantic and the FCI Berlin, NH. The recommendation also restores \$52,000,000 for the FCI Mendota, CA, provides an additional \$15,000,000 for site planning and further development of a medium or high security facility or

facilities at FCI Yazoo City, MS, and an additional \$15,000,000 for site planning and further development of another medium or high security facility or facilities in the Aliceville, AL area.

The Committee reiterates the direction in the conference reports accompanying the fiscal years 2004 and 2005 appropriations Acts to discontinue the practice of submitting budget requests with proposed rescissions of prison construction funds. The BOP shall move forward with all current projects as planned. The BOP shall comply with this direction in all future budget submissions.

The Committee directs BOP to submit a report on its capacity needs, based on the projected prison population for each year from fiscal year 2006 to fiscal year 2016. BOP shall also provide a report on the costs, efficiencies, and economies of scale that would result from the construction of additional facilities on the site of existing facilities. In addition, BOP shall provide a report comparing the costs of housing geriatric prisoners with serious medical conditions in existing facilities to housing them in specialized facilities designed for geriatric prisoners with serious medical conditions. These three reports shall be submitted to the Committee no later than February 1, 2006.

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, 2005 .....	\$3,366,000
Budget estimate, 2006 .....	3,365,000
House allowance .....	3,365,000
Committee recommendation .....	3,365,000

This Committee recommends a limitation on administrative expenses of \$3,365,000 for the Federal Prison Industries, Inc. The recommendation is \$1,000 below the fiscal year 2005 funding level and identical to the budget request.

OFFICE ON VIOLENCE AGAINST WOMEN

Appropriations, 2005 .....	\$382,103,000
Budget estimate, 2006 .....	362,997,000
House allowance .....	387,497,000
Committee recommendation .....	362,997,000

The Committee recommends an appropriation of \$362,997,000. The recommendation is \$19,106,000 below the fiscal year 2005 funding level and identical to the budget request.

The Committee has transferred programs in this account that are administered by the Office of Justice Programs [OJP] to the OJP account so there is a clear delineation of control and responsibility by each office. The Committee recommendation provides \$2,670,000 above the fiscal year 2005 level for the programs administered by this office. The Committee directs that OJP coordinate with the Director of the Office on Violence Against Women in the administration of the transferred programs.

The Office on Violence Against Women provides Federal leadership in developing the Nation's capacity to reduce violence against

women, administer justice for and strengthen services to all victims of domestic violence, sexual assault, and stalking.

The table below displays the Committee recommendations for the programs under this office.

VIOLENCE AGAINST WOMEN ACT [VAWA] PROGRAMS  
[In thousands of dollars]

	Fiscal year 2006 recommendation <sup>1</sup>
STOP .....	187,308
NJ .....	[5,200]
JJ Safe Start .....	[10,000]
Transitional Housing .....	[15,000]
Grants to Encourage Arrest Policies .....	62,660
Rural Domestic Violence Grants .....	39,166
Violent Crimes on Campus .....	9,054
Legal Assist. For Victims .....	39,220
Disabled Women .....	4,540
Safe Havens for Kids Pilot .....	13,894
Educ. Violence Against Women with Disabilities .....	7,155
<b>TOTAL</b> .....	<b>362,997</b>

<sup>1</sup> Recommendation combines all VAWA programs administered by Director of the Office of Violence Against Women in one account and transfers programs administered by the Office of Justice Programs to that account.

Within the funds appropriated, \$187,308,000 is for general formula grants to the States. The fiscal year 2006 recommendation will allow jurisdictions to implement mandatory pro-arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, support coordination of State victim services, assist Native victims in Indian Country, and provide secure settings and specialized procedures for visitation and exchange of children in families experiencing domestic violence. The recommendation supports increasing access to comprehensive legal services for victims, providing short term housing assistance and support services for domestic violence victims and education and training to end violence against and abuse of women with disabilities.

In addition, programs should be strengthened to encourage reporting of domestic violence by providing assurances that law enforcement and attorney support systems will 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.

OFFICE OF JUSTICE PROGRAMS

Appropriations, 2005 .....	\$2,993,104,000
Budget estimate, 2006 .....	1,569,255,000
House allowance .....	2,205,479,000
Committee recommendation .....	2,287,665,000

The Committee recommends an appropriation of \$2,287,665,000 for the Office of Justice Programs [OJP]. The recommendation is \$323,336,000 below the fiscal year 2005 funding level and \$1,081,407,000 above the budget request. As in fiscal year 2005, the Office on Violence Against Women is funded under a separate heading under this title.

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. The budget request again proposes the merger of all programs administered by OJP under the Justice Assistance Grants heading. The Committee recommendation does not adopt this consolidation and retains the account structure used in previous fiscal years.

JUSTICE ASSISTANCE

Appropriations, 2005 .....	\$224,856,000
Budget estimate, 2006 .....	1,203,477,000
House allowance .....	227,466,000
Committee recommendation .....	221,000,000

The Committee recommends an appropriation of \$221,000,000. The recommendation is \$3,856,000 below the fiscal year 2005 funding level and \$982,477,000 below the budget request.

The Committee recommendations are displayed in the following table:

JUSTICE ASSISTANCE  
[In thousands of dollars]

	Fiscal year 2006 recommendation
National Institute of Justice .....	54,000
Office of Science and Technology .....	(20,000)
The National Law Enforcement and Corrections Technology Centers .....	(20,000)
Social Science .....	(10,000)
Counterterrorism Research and Development .....	(4,000)
Bureau of Justice Statistics .....	34,110
Missing and Exploited Children Program .....	48,000
Regional Information Sharing System .....	40,000
VAWA transfers .....	23,039
Court Appointed Special Advocate Program .....	(11,846)
Child Abuse Training for Judicial Personnel .....	(2,287)
Televised Testimony .....	(986)
Improved Stalking and Domestic Violence Databases .....	(2,962)
Training Programs to Assist Probation and Parole Officers .....	(4,958)
Victim Notification .....	9,000
Management and Administration .....	12,851
<b>Total Justice Assistance .....</b>	<b>221,000</b>

*Violence Against Women Transfer.*—The Committee recommendation provides \$23,039,000 for programs that previously were appropriated to the Office on Violence Against Women, but were administered by OJP. The recommendation therefore transfers the appropriations to the agency that administers the program. The Committee directs OJP to continue to coordinate with the Director of the Office on Violence Against Women to administer the transferred programs.

*National Institute of Justice [NIJ].*—The Committee recommendation provides \$54,000,000 for the NIJ. NIJ’s mission is to advance scientific research, development, and evaluation to advance the administration of justice and public safety. The Committee directs that prior to the obligation of any funds, NIJ submit a spend plan on how resources will be allocated.

The fiscal year 1997 Appropriations Act (Public Law 104–208) directed the NIJ to conduct a comprehensive comparison of the privately-operated Taft Correctional Institution in Taft, CA, and BOP-operated facilities. A report on NIJ's findings was expected to be completed in 2002. It is now 3 years later and the report has yet to be finalized. The Committee finds this delay unacceptable and directs NIJ to provide a copy of the final report to the Committee within 90 days of the enactment of this Act.

*Office of Science and Technology [OS&T].*—The Committee continues to support the efforts of the leadership of the NIJ's 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.

*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 \$20,000,000 to continue its efforts. Of the amount provided, the Committee directs that funds be distributed equally to the Centers.

*Counterterrorism Research and Development.*—The Committee recommendation provides \$4,000,000 for Counterterrorism Research and Development. These funds will, among other things, assess criminal enterprises to determine whether they are linked to terrorist organizations, evaluate technology and tools that will assist State and local law enforcement with incident management, and research how the Internet is misused to support terrorism.

*Information Sharing Systems Available to Federal, State, and Local Law Enforcement.*—The proliferation of information sharing services available to Federal, State, and local law enforcement is expanding rapidly. To ensure that these efforts are coordinated, cost efficient, and not duplicative of each other, the Committee directs that within 90 days of enactment of this Act the NLECTC shall provide a report to the Committee that reviews the numerous information technology sharing services available to law enforcement and provide recommendations on methods to ensure coordination and functionality to provide comprehensive services to law enforcement.

*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 BJA. The Committee recommends \$48,000,000 to continue to 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 facilitated by the Internet.

The Committee commends the Department of Justice [DOJ] for the creation of a nationwide database that informs parents of where child predators reside. However, the Committee remains concerned about the failure of convicted child molesters to register with State and local law enforcement agencies when they move into a jurisdiction, as required by the laws of many States. According to the National Center for Missing and Exploited Children [NCMEC], more than 100,000 convicted sex offenders have failed to register. The wide disparity among the State programs in both registration and notification procedures permits sex offenders to forum shop to get around reporting. The Attorney General is directed to report to the Committee, within 90 days of enactment of this Act on suggested legislative changes necessary to address the gaps and loopholes that may exist in the current State registration and reporting systems.

The funding recommendations for the Missing and Exploited Children Program are displayed in the following table:

MISSING CHILDREN PROGRAM  
[In thousands of dollars]

	Committee recommendation
NCMEC .....	24,000
Jimmy Ryce .....	3,000
Internet Crimes .....	15,500
Missing Children Office .....	1,500
Amber .....	4,000
Total .....	48,000

*Regional Information Sharing System.*—The Committee recommends an appropriation of \$40,000,000 for the Regional Information Sharing System [RISS]. The Committee supports RISS and its role in implementing the National Criminal Intelligence Sharing Plan. The RISS program maintains six regionally based information networks that provide for the automated exchange of crime and terrorism information between Federal, State, and local agencies. The Committee is concerned that funding is being provided to multiple systems that may be providing similar services to State and local agencies. The Committee encourages these systems to work together and build a comprehensive joint approach to assisting law enforcement.

*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. This program provides victims of domestic violence and other violent crimes access to information about the custody status of offenders. The Committee recommends an additional \$9,000,000 within this account for the Bureau of Justice Assistance [BJA] to continue automated victim notification programs. No funding may be utilized from within the Victims Assistance Program for this ini-

tiative and funds provided under this heading shall require a 50 percent match from State, local, and private sources.

*Management and Administration.*—The Committee recommends an appropriation of \$12,581,000 for the administration and management of OJP programs. This amount is equal to the budget request. The Committee directs that any action taken by OJP relating to Circular A–76 shall be subject to the requirements of section 505 of this Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Appropriations, 2005 .....	\$1,278,204,000
Budget estimate, 2006 .....	
House allowance .....	1,001,296,000
Committee recommendation .....	1,078,350,000

The Committee recommends an appropriation of \$1,078,350,000. The recommendation is \$199,854,000 below the fiscal year 2005 funding level and \$1,078,350,000 above the budget request.

The Committee recommendations are displayed in the following table:

STATE AND LOCAL LAW ENFORCEMENT

[In thousands of dollars]

	Fiscal year 2006 recommendation
Justice Assistance Grants .....	625,000
Boys and Girls Clubs .....	[85,000]
National Institute of Justice .....	[10,000]
Indian Assistance Programs .....	15,000
Tribal Prison Construction .....	[2,000]
Tribal Courts .....	[8,000]
Alcohol and Substance Abuse .....	[5,000]
State Criminal Alien Assistance Program .....	200,000
SW Border Prosecutors .....	[30,000]
Byrne Discretionary .....	177,000
Drug Courts .....	25,000
Marketing Scams Against Senior Citizens .....	1,000
Missing Alzheimers .....	850
Assistance for Victims of Trafficking .....	2,000
Prison Rape Prevention .....	1,500
State Prison Drug Treatment .....	15,000
National Criminal Intelligence Sharing Plan .....	6,000
Capital Litigation .....	1,000
Justice For All .....	4,000
State and Local Antiterrorism Training [SLATT] .....	5,000
<b>Total .....</b>	<b>1,078,350</b>

*Indian Country Grants.*—The recommendation provides \$15,000,000 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.

*Southwest Border Prosecutors.*—The Committee recommends \$30,000,000 to provide for funding assistance to State and local law enforcement agencies along the Southwest border, to offset the costs of processing, detaining, and prosecuting drug and other cases referred from Federal arrests of Federal investigations.

*Drug Courts.*—The Committee recommends an appropriation of \$25,000,000. The Committee notes that localities can also access funding for drug courts from the Local Law Enforcement Block Grants.

*National Criminal Intelligence Sharing Plan.*—The Committee recommends \$6,000,000 to continue development of an intelligence sharing initiative.

*Justice For All Act.*—The Committee recommends \$4,000,000 to begin to implement the provisions of the Justice For All Act (Public Law 108–405). The Committee directs that any grants provided by this program relating to Victims Assistance shall be provided pursuant to 103 (b)(3) and (4) of the Justice for All Act. The Committee directs that any grants provided by this program relating to Post-Conviction DNA Testing shall be provided pursuant to sections 412 and 413 of Public Law 108–405, The Justice for All Act. The Committee is disappointed that the budget request provided no funding to support enforcement of crime victims’ rights.

*Marketing Scams Against the Elderly.*—The Committee recommends \$1,000,000 to continue efforts to thwart fraudulent telemarketers who prey on senior citizens.

*Capital Litigation.*—The Committee recommends \$1,000,000 for Capital Litigation Improvement Grants, as authorized in the Justice For All Act. The Committee directs that any grants provided for Capital Litigation Improvements, shall be provided pursuant to section 426 of the Justice For All Act, Public Law 108–405.

WEED AND SEED PROGRAM

Appropriations, 2005 .....	\$61,172,000
Budget estimate, 2006 .....	.....
House allowance .....	50,000,000
Committee recommendation .....	50,280,000

The Committee recommends an appropriation of \$50,280,000. The recommendation is \$10,892,000 below the fiscal year 2005 funding level and \$50,280,000 above the budget request.

COMMUNITY ORIENTED POLICING SERVICES

Appropriations, 2005 .....	\$598,346,000
Budget estimate, 2006 .....	2,781,000
House allowance .....	520,057,000
Committee recommendation .....	515,087,000

The Committee recommends an appropriation of \$515,087,000. The recommendation is \$83,259,000 below the fiscal year 2005 funding level and \$512,306,000 above the budget request.

Local law enforcement plays a critical role in preventing and responding to terrorist threats. Since its creation, the Community Oriented Policing Services [COPS] office has assisted State and 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.

The Committee recommendations are displayed in the following table:

## COMMUNITY ORIENTED POLICING SERVICES

[In thousands of dollars]

	Fiscal year 2006 recommendation
Hiring .....	2,000
Training and Technical Assistance .....	14,000
Bullet Proof Vests .....	27,000
Tribal Law Enforcement .....	20,000
Meth Hot Spots .....	60,100
DEA Transfer .....	[20,000]
Police Corps .....	10,000
Law Enforcement Technologies .....	137,000
Interoperable Communications .....	37,500
Criminal Records Upgrade .....	20,000
DNA Initiative .....	89,500
Coverdell Forensics Science Improvement .....	22,000
Crime Identification Technology .....	30,000
Safe Schools Technologies .....	[5,000]
Offender Reentry .....	3,000
Safe Schools Initiative .....	5,000
Police Integrity Grants .....	7,500
Management and Administration .....	30,487
<b>TOTAL</b> .....	<b>515,087</b>

Any deviations from the above plan are subject to the reprogramming requirements of section 505.

## PUBLIC SAFETY AND COMMUNITY POLICING PROGRAMS

*Hiring Program.*—The recommendation includes \$2,000,000 for the hiring of school resource officers.

*Bullet-proof Vests Grant Program.*—Of the \$27,000,000 recommended, such sums as may be necessary are for the National Institute of Standards and Technology's [NIST] 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 5.1 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 \$60,100,000 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 \$20,000,000 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.

## CRIME-FIGHTING TECHNOLOGIES PROGRAMS

*COPS Interoperable Communications Technology Program.*—The Committee recommends \$37,500,000 to continue the COPS Interoperable Communications Technology Program, being designed and implemented by the COPS office, in consultation with the National

Institute of Justice's Office of Science and Technology [OS&T], as well as the Bureau of Justice Assistance. The Committee commends the COPS office for its coordination with other Federal agencies in taking on the challenging issue of public safety interoperability. Coordination of Federal efforts is critical to this effort.

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. As in past years, the Committee 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 requirements. Their contributions were critical in addressing the many issues plaguing public safety organizations for decades.

*Interoperable Standards.*—The inability to apply open standards to communications equipment purchased under the COPS Interoperable Communications Grant Program, as well as other Federal grant programs continues to be of great concern to the Committee. In fiscal year 2005, the Committee directed OLES, working with the National Institute of Justice's CommTech Program and SAFECOM within the Department of Homeland Security, to consider, in the absence of published P25 standards, the issuance of interim standards that could be used to specify the required functionality and testing validation for an Inter-RF-Subsystem Interface [ISSI], Console Interface, and Fixed Station Interface for land mobile radio systems. The Committee directs that within 30 days of the enactment of this Act, OLES shall submit a report to the Committee detailing the process by which interim standards will be identified, as well as a timeline for issuance this fiscal year. The Committee also directs that, within this report, OLES identify a process to ensure that equipment procured using Federal grant dollars complies with the requirements of the identified standard(s). At a minimum, the Office of Interoperability and Compatibility [OIC] within the Department of Homeland Security should consider working with NIST and DOJ to require that all grant dollars for interoperable communication be used for Project 25 compliant equipment that meet the requirements of a conformity assessment program.

*Crime Identification Technology Act.*—The Committee recommends \$30,000,000 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.

*DNA and Forensics Initiative.*—The Committee recommends \$89,500,000 to assist in forensics and DNA. Within the amounts provided, OJP may apply up to 5 percent of the total funds to support the continuation of the development of standards and Standard Reference Materials at the NIST OLES, to maintain quality and proficiency within Federal, State, and local crime laboratory facilities.

The Committee has reviewed the Bureau of Justice Statistics [BJS] Census of Publicly Funded Forensic Crime Laboratories and the NIJ "Status and Needs of Forensic Science Services: A Report to Congress". The report identifies that the backlog in forensic science labs is not limited to DNA. In fact, these studies demonstrate a disturbing trend of increased cases and increased backlog in all disciplines of forensic science.

According to the BJS Census, a typical lab finished the year with a backlog of about 650 requests, which was an increase of 73 percent from 2001 and 73 percent of the total backlogged requests at year end 2002 were attributable to controlled substances (46 percent), latent prints (17 percent), and DNA analysis (10 percent). Further, the study concluded that only 2 percent of all new requests were in the area of DNA analysis. The budget request proposes to allocate 100 percent of the Federal funds for forensic science to DNA even though it represents only 2 percent of the workload identified in the study. Further, these data do not include the Nation's medical examiners and coroners who are responsible for investigating all homicides.

Based on the study's findings, the budget should allocate funds to all disciplines as opposed to just one. The results of these studies are indicative of a larger problem within the forensic science and legal community: the absence of data. While a great deal of analysis exists of the requirements in the discipline of DNA, there exists little to no analysis of the remaining needs of the community outside of the area of DNA. Therefore, within the funds provided for the DNA and Forensics Initiative the Committee directs the Attorney General to provide \$1,500,000 to the National Academy of Sciences to create an independent Forensic Science Committee. This Committee shall include members of the forensics community representing operational crime laboratories, medical examiners, and coroners; legal experts; and other scientists as determined appropriate. The National Academy of Sciences Committee shall: (1) assess the present and future resource needs of the forensic science community, to include State and local crime labs, medical examiners, and coroners; (2) make recommendations for maximizing the use of forensic technologies and techniques to solve crimes, investigate deaths, and protect the public; (3) identify potential scientific advances that may assist law enforcement in using forensic technologies and techniques to protect the public; (4) make recommendations for programs that will increase the number of qualified forensic scientists and medical examiners available to work in public crime laboratories; (5) disseminate best practices and guidelines concerning the collection and analysis of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes, investigate deaths, and protect the public; (6) examine the role of the forensic community in the homeland security mission; (7) interoperability of Automated Fingerprint Information Systems; and (8) examine additional issues pertaining to forensic science as determined by the Committee. The National Academy shall issue its report to the Committees on Appropriations no later than June 1, 2006.

*Paul Coverdell Forensic Sciences Improvement Grants.*—The Committee recommendation provides \$22,000,000 for the Paul Coverdell Forensic Sciences Improvement Grants.

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.

*Management and Administration.*—Within the recommended appropriation, the Committee recommends \$30,500,000 for Management and Administration [M&A] of all COPS programs.

JUVENILE JUSTICE PROGRAMS

Appropriations, 2005 .....	\$379,045,000
Budget estimate, 2006 .....	333,712,000
House allowance .....	333,712,000
Committee recommendation .....	350,000,000

The Committee recommends an appropriation of \$350,000,000. The recommendation is \$29,045,000 below the fiscal year 2005 funding level and \$350,000,000 above the budget request.

The Committee recommendations are displayed in the following table:

JUVENILE JUSTICE  
[In thousands of dollars]

	Committee recommendation
Concentration of Federal Efforts (Part A) .....	1,000
Formula Grants (Part B) .....	82,000
Discretionary Grants (Part C) .....	5,000
Research, Evaluation, TA and Training (Part D) .....	8,000
Developing New Initiatives (Part E) .....	75,000
Juvenile Mentoring Program (JUMP) (Part G) .....	15,000
At Risk Children Program (Title V) .....	80,000
Tribal Youth .....	[10,000]
Big Brother/Big Sister .....	[7,000]
Enforcing Underage Drinking Laws Program .....	[25,000]
Gang Prevention .....	[25,000]
Secure Our Schools Act .....	15,000
Project Childsafe .....	5,000
Victims of Child Abuse Act .....	15,000
Juvenile Accountability Block Grants .....	49,000
<b>Total, Juvenile Justice .....</b>	<b>350,000</b>

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

*Accountability Based Sanctions for Juveniles.*—The purpose of the accountability based sanctions is to ensure that juvenile offenders face uniform and consistent consequences and punishment that correspond to the seriousness of each offender’s current offense, history, and special treatment or training needs. The Committee recommends \$82,000,000 to be available for expenses authorized by Part B of title II of the Act, including training and technical assistance to help small, non-profit organizations with the Federal

grants process. Within this amount, \$26,000,000 is for the purpose of providing additional formula grants under Part B to States that provide assurances to the Administrator that the State has in effect policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent.

*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] (Public Law 101–647). Within the funds provided, \$4,000,000 shall be for Regional Child Advocacy Centers Programs. The Regional Children’s Advocacy Centers [RCACs] were established through the Victims of Child Abuse Act to provide information, consultation, training, and technical assistance to communities, and to help establish child-focused programs that facilitate and support coordination among agencies responding to child abuse. The RCACs and the National Children’s Alliance [NCA] have identified several joint initiatives which include: developing centers in under-served areas; support and development of Tribal CACs; constituent involvement; marketing; and public awareness. In working on these initiatives, the RCACs have created programs such as the National Training Academy, which trains professionals and multi-disciplinary teams investigating child abuse, and the telemedicine pilot project, which assists remote areas in investigating child abuse.

PUBLIC SAFETY OFFICERS BENEFITS

Appropriations, 2005 .....	\$69,378,000
Budget estimate, 2006 .....	64,000,000
House allowance .....	72,948,000
Committee recommendation .....	72,948,000

The Committee recommends an appropriation of \$72,948,000. The recommendation is \$3,570,000 above the fiscal year 2005 funding level and \$8,948,000 above the budget request. The budget request proposed to consolidate this account within Justice Assistance.

The recommendation provides \$64,000,000 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, \$4,884,000 is provided to pay for disability benefits to public safety officers who are permanently disabled in the line of duty. Further, \$4,064,000 is available for the program which provides payments for education purposes to the dependents of Federal, State, and local public safety 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. The provision also prohibits transfers of funds from the Bureau of Prisons Buildings and Facilities account unless the President certifies that such a transfer is necessary to the national security interests of the United States and also subjects any such transfers to section 505 of this Act.

Section 106 makes permanent a personnel management demonstration project.

Section 107 provides authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives to use confiscated funds during undercover operations.

Section 108 requires the Bureau of Prisons to execute their financial plan as reflected in this report.

Section 109 limits the placement of maximum or high security prisoners to appropriately secure facilities.

Section 110 restricts Federal prisoner access to certain amenities.

Section 111 provides for the creation of an investment review board.

Section 112 enhances the ability of the Federal Bureau of Investigation and the Drug Enforcement Administration to recruit qualified candidates for critical positions.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommends a total of \$1,866,311,000 for the Office of the United States Trade Representative, the International Trade Commission, and the Department of Commerce, excluding Science agencies, which are addressed under a separate title in this Act. The recommendation is \$156,696,000 below the fiscal year 2005 funding level and \$3,570,384,000 below the budget request. The significant difference between the recommendation and the requested funding level is explained by the Committee's rejection of the proposal to consolidate multiple Federal community development grant programs into a single program, called the Strengthening America's Communities Initiative. Without this \$3,710,000,000 request, the Committee recommendation for the Department of Commerce, non-science agencies, is \$139,616,000 below the budget request.

TRADE AND INFRASTRUCTURE DEVELOPMENT  
RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
SALARIES AND EXPENSES

Appropriations, 2005 .....	\$40,997,000
Budget estimate, 2006 .....	38,779,000
House allowance .....	44,779,000
Committee recommendation .....	40,997,000

The Committee recommends an appropriation of \$40,997,000 for the Office of the United States Trade Representative [USTR]. The recommendation is identical to the fiscal year 2005 funding level and \$2,218,000 above the budget request.

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 fore-

seeable 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.*—In fiscal year 2005, the Committee directed the creation of this position within USTR. The Committee directs USTR to report on the impact of this position no later than November 1, 2005.

*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 (Public Law 106–387). 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 anti-dumping and countervailing duties. The agency shall consult with and provide regular reports to the Committees on Appropriations on this matter every 60 days.

In addition, the Committee directs that negotiations be conducted within the WTO consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210, to maintain strong U.S. trade remedies laws, prevent overreaching by WTO Panels and the WTO Appellate Body, and prevent the creation of obligations never negotiated or agreed to by the United States.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$60,876,000
Budget estimate, 2006 .....	65,278,000
House allowance .....	62,752,000
Committee recommendation .....	62,752,000

The Committee recommends an appropriation of \$62,752,000. The recommendation is \$1,876,000 above the fiscal year 2005 funding level, \$2,526,000 below the budget request. The International Trade Commission [ITC] submitted a revised budget request to the Committee on Appropriations. The recommendation is \$224,000 above this revised budget request.

The 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, 2005 .....	\$388,257,000
Budget estimate, 2006 .....	395,925,000
House allowance .....	393,925,000
Committee recommendation .....	401,625,000

The Committee recommends an appropriation of \$401,625,000. The recommendation is \$13,368,000 above the fiscal year 2005 funding level and \$5,700,000 above the budget request.

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

ITA FUNDING  
[In thousands of dollars]

	Amount
Manufacturing and Services .....	48,134
Market Access and Compliance .....	39,815
Import Administration .....	64,134
Trade Promotion and U.S. and Foreign Commercial Service .....	231,722
Executive Direction and Administration .....	25,820
Offsetting Fee Collections .....	(8,000)
<b>Total ITA .....</b>	<b>401,625</b>

*Manufacturing and Services.*—The Committee recommends an appropriation of \$48,134,000 for Trade Development. The Committee does not recommend the proposed offset of \$700,000 because such cost savings cannot be realized this fiscal year. The Committee directs the Department of Commerce to submit quarterly reports to the Committees on Appropriations on actual savings resulting from streamlining and consolidation efforts.

*Market Access and Compliance.*—The Committee recommends an appropriation of \$39,815,000 for Market Access and Compliance.

*Import Administration.*—The Committee recommends an appropriation of \$64,134,000. 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.

*Trade Promotion and United States and Foreign Commercial Service [USFCS].*—The Committee recommends an appropriation of \$231,722,000.

The Committee is aware of the Business Information Service of the Newly Independent States [BISNIS] program's success in producing a high level of export and investment results. The BISNIS program is authorized and encouraged to develop alternative sources of funding to leverage existing resources. Funding for this program should be offset via fees, charges, collections, recoveries and carryover as appropriate and as consistent with the resources of U.S. small and medium-sized businesses, acknowledging the difficulty involved in doing business in Eurasian markets. Furthermore, BISNIS is required to submit an operating plan and strategy for fiscal year 2006 and beyond by March 1, 2006.

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.

Within the funding provided for ITA, \$13,000,000 shall be for the National Textile Center, \$3,500,000 shall be for the Textile/Clothing Technology Corporation, \$1,500,000 shall be for the Textile Marking System, \$1,500,000 shall be for Auburn University for advanced research and development of novel polymetrics, and \$5,000,000 shall be for the Travel and Tourism Promotion Advisory Board.

*Offsetting Fee Collections.*—The Committee recommendation does not include the proposed \$5,000,000 increase in offsetting fee collections. Implementing this increase would significantly impair ITA’s ability to provide trade assistance to small businesses.

*Executive Direction and Administration.*—The Committee recommends an appropriation of \$25,820,000.

Any changes to the funding levels provided for in this bill and report, including carryover balances, are subject to the standard re-programming procedures set forth in section 505 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.

In addition, the Committee directs that negotiations be conducted within the WTO consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210, to maintain strong U.S. trade remedies laws, prevent overreaching by WTO Panels and the WTO Appellate Body, and prevent the creation of obligations never negotiated or agreed to by the United States.

BUREAU OF INDUSTRY AND SECURITY  
OPERATIONS AND ADMINISTRATION

Appropriations, 2005 .....	\$67,480,000
Budget estimate, 2006 .....	77,000,000
House allowance .....	77,000,000
Committee recommendation .....	77,000,000

The Committee recommends an appropriation of \$77,000,000. The recommendation is \$9,520,000 above the fiscal year 2005 funding level and identical to 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, \$37,842,000 is for export administration, \$32,508,000 is for export enforcement, and \$6,650,000 is for management and policy coordination.

To ensure BIS has the necessary resources to reduce security threats, ensure America’s technological preeminence, and improve

the recruiting and retention of qualified personnel, increases are included as follows: \$1,710,000 for the Targeted Export Enforcement Initiative; \$2,581,000 for the Advanced Technologies Initiative; \$1,050,000 for the Enhanced Deemed Exports Control Initiative; and \$1,572,000 for the Human Capital Initiative.

ECONOMIC DEVELOPMENT ADMINISTRATION

Appropriations, 2005 .....	\$284,060,000
Budget estimate, 2006 .....	26,584,000
House allowance .....	227,569,000
Committee recommendation .....	314,924,000

The Committee recommends an appropriation of \$314,924,000. The recommendation is \$30,864,000 above the fiscal year 2005 funding level and \$288,340,000 above the budget request. The recommendation does not include funding for the Strengthening America's Communities Initiative and has restored the appropriation for the Economic Development Administration [EDA] to previous years' level.

The 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, 2005 .....	\$253,985,000
Budget estimate, 2006 .....	
House allowance .....	200,985,000
Committee recommendation .....	283,985,000

The Committee recommends an appropriation of \$283,985,000. The recommendation is \$30,000,000 above the fiscal year 2005 funding level and \$283,985,000 above the budget request.

The Committee recommendation provides funding of \$181,718,000 for public works grants (Title I), \$27,000,000 for planning assistance, \$16,000,000 for trade adjustment assistance, \$49,527,000 for economic adjustment grants (Title IX), \$9,200,000 for technical assistance, and \$540,000 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: the Gateway Economic Development District's business creation and expansion program for Broadwater, Lewis and Clark, and Meagher Counties in Montana; the Mississippi Blues Delta Quarter; the Development Projects, Inc. in Dayton, Ohio Tech Town; the expansion of Penn Eagle Industrial Park, Pennsylvania; the Detroit Economic Growth Business Attraction Program; the Wisconsin Security Research Consortium, a collaboration between the University of Wisconsin System and the Wisconsin Technology Council; the One-Stop Permitting Portal; the Ogontz Avenue Revitalization Corporation for a neighborhood redevelopment project in Philadelphia, Pennsylvania; the Rural Enterprises of Oklahoma to expand the International Trade Assistance Center; the Oklahoma State University Rural Product Manufacturers for the New Product Development and Commercialization Center; the Phase III implementation of the

Manufacturing Training and Technology Center clean room at the University of New Mexico; the Mescalero Apache Tribe fish hatchery rehabilitation project in New Mexico; and the Inland Northwest Regional GigaPop Network Connectivity.

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].

*Rightsizing.*—The Committee is aware of the exceptionally large geographic area served by the Hawaii Economic Development Administration office and urges the EDA to provide sufficient resources and personnel to the Honolulu field office to enable the State director to provide more in-depth attention to the more promising applications seeking economic development assistance.

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$30,075,000
Budget estimate, 2006 .....	26,584,000
House allowance .....	26,584,000
Committee recommendation .....	30,939,000

The Committee recommends an appropriation of \$30,939,000. The recommendation is \$864,000 above the fiscal year 2005 funding level and \$4,355,000 above the budget request.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Appropriations, 2005 .....	\$29,500,000
Budget estimate, 2006 .....	30,727,000
House allowance .....	30,024,000
Committee recommendation .....	30,727,000

The Committee recommends an appropriation of \$30,727,000. The recommendation is \$1,227,000 above the fiscal year 2005 appropriation and identical to the budget request.

The recommendation includes the requested increases of \$203,000 for the Minority Business Development Agency [MBDA] to enhance the delivery of data to minority-owned businesses and \$500,000 for the expansion of the Asian Americans and Pacific Islanders Commission.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$78,931,000
Budget estimate, 2006 .....	85,277,000
House allowance .....	80,304,000
Committee recommendation .....	81,283,000

The Committee recommends an appropriation of \$81,283,000. The recommendation is \$2,352,000 above the fiscal year 2005 funding level and \$3,994,000 below the budget request. The recommendation represents a 3 percent increase over the prior year enacted level.

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.

#### BUREAU OF THE CENSUS

Appropriations, 2005 .....	\$744,748,000
Budget estimate, 2006 .....	877,385,000
House allowance .....	832,237,000
Committee recommendation .....	727,385,000

The Committee recommends an appropriation of \$727,385,000. The recommendation is \$17,413,000 below the fiscal year 2005 funding level and \$150,000,000 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, 2005 .....	\$196,110,000
Budget estimate, 2006 .....	220,029,000
House allowance .....	208,029,000
Committee recommendation .....	183,029,000

The Committee recommends an appropriation of \$183,029,000. The recommendation is \$13,081,000 below the fiscal year 2005 funding level and \$37,000,000 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, 2005 .....	\$548,688,000
Budget estimate, 2006 .....	657,356,000
House allowance .....	624,208,000
Committee recommendation .....	544,356,000

The Committee recommends an appropriation of \$544,356,000. The recommendation is \$4,332,000 below the fiscal year 2005 funding level and \$113,000,000 below the budget request.

This account provides for the constitutionally-mandated decennial census and other programs which are cyclical in nature. Addi-



tionally, individual surveys are conducted for other Federal agencies on a reimbursable basis.

The Committee recommends \$390,000,000 for the 2010 Decennial Census under the Demographic Statistics Program, of which not less than \$79,800,000 shall be for the Master Address File/Topologically Integrated Geographic Encoding and Referencing [MAF/TIGER] System. The Committee is fully supportive of the efforts being made to make the 2010 Census as accurate and as cost effective as possible. To the extent possible, funds have been provided to ensure that current activities related to the 2010 Census are able to continue.

The Census is encouraged to continue its efforts to minimize the number of personal visits for non-response follow-up for Census programs. This activity is very costly and if response rates through other means can be increased, it will provide substantial cost savings in both the ongoing American Community Survey and the 2010 Census.

NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION

Appropriations, 2005 .....	\$38,678,000
Budget estimate, 2006 .....	23,450,000
House allowance .....	19,716,000
Committee recommendation .....	57,255,000

The Committee recommends an appropriation of \$57,255,000. The recommendation is \$18,577,000 above the fiscal year 2005 funding level and \$33,805,000 above the budget request.

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$17,200,000
Budget estimate, 2006 .....	21,450,000
House allowance .....	17,716,000
Committee recommendation .....	20,255,000

The Committee recommends an appropriation of \$20,255,000. The recommendation is \$3,055,000 above the fiscal year 2005 funding level and \$1,195,000 below the budget request.

The recommendation includes an additional \$100,000 for a new annual membership fee of the Internet Corporation for Assigned Names and Numbers [ICANN]/Governmental Advisory Committee [GAC] and an additional \$2,087,000 for interference temperature and noise research to determine acceptable interference levels with the goal of increasing spectrum efficiencies.

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 is aware that at least an additional \$37,116,000 will be available for NTIA in fiscal year 2006 through reimbursements from other agencies for the costs of providing spectrum management, analysis, and research services. Should additional funding be necessary for these critical efforts, the Committee will consider a reprogramming of existing resources.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND  
CONSTRUCTION

Appropriations, 2005 .....	\$21,478,000
Budget estimate, 2006 .....	2,000,000
House allowance .....	2,000,000
Committee recommendation .....	22,000,000

The Committee recommends an appropriation of \$22,000,000. The recommendation is \$522,000 above the fiscal year 2005 funding level and \$20,000,000 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, 2005 .....	\$15,000,000
Budget estimate, 2006 .....	15,000,000
House allowance .....	15,000,000
Committee recommendation .....	15,000,000

The Committee recommends an appropriation of \$15,000,000. The recommendation is \$15,000,000 above both the fiscal year 2005 funding level and the budget request.

For the last 3 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. Last year, due to funding constraints, the Committee agreed not to include funding for new grants. However, there are great numbers of Americans that could benefit from the TOP program. The Committee therefore again 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, 2005 .....	\$1,544,754,000
Budget estimate, 2006 .....	1,703,300,000
House allowance .....	1,703,300,000
Committee recommendation .....	1,703,300,000

The Committee recommends total budgetary resources of \$1,703,300,000. The recommendation is \$158,546,000 above the fiscal year 2005 funding level and identical to the budget request.

In fiscal year 2005, the Committee increased the amount of fees the United States Patent and Trademark Office [USPTO] could col-

lect by \$208,754,000. The recommendation for fiscal year 2006 provides another substantial increase for USPTO. These additional funds will allow USPTO to continue implementation of 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. Moreover, the Committee is aware that the Office of Inspector General [OIG] issued another report in June 2004, raising concerns with USPTO's hiring practices. Previous OIG reviews of the USPTO's Office of Human Resources uncovered substantial mismanagement of personnel records and called for improvement in the recruitment and retention of patent examiners. In addition to specifically examining USPTO's adherence to federally-mandated merit system principles in hiring, the OIG's June report highlighted USPTO's lack of official hiring policies and human resource procedures. The Committee directs USPTO to submit a detailed account of its efforts to implement the recommendations contained in the June 2004, OIG report no later than November 30, 2005.

*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] (Public Law 106–113), the USPTO is directed to advise the President and all Federal agencies on National and international intellectual property policy issues. The agency is author-

ized 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 finds that our Federal efforts are inadequate. The recommendation therefore includes \$500,000 for the National Intellectual Property Law Enforcement Coordination Council [NIPLECC]. Funding of \$2,000,000 was provided in fiscal year 2005 for NIPLECC under a separate heading. The Committee is aware that much of this funding remains unspent. The USPTO is directed to report to the Committees on Appropriations on the progress of NIPLECC no later than November 1, 2005. It is the responsibility of the USPTO and the Department of Justice [DOJ], the Co-Chairs of the NIPLECC, to execute the Committee's directives concerning the NIPLECC. The Committee holds USPTO and DOJ responsible for making this effort work.

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 505 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 2006. 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 2006 will allow the agency to continue to support the objectives laid out in the Twenty-First Century Strategic Plan.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$47,466,000
Budget estimate, 2006 .....	53,532,000
House allowance .....	47,466,000
Committee recommendation .....	49,605,000

The Committee recommends an appropriation of \$49,605,000 for Departmental Management Salaries and Expenses and the Technology Administration. The recommendation is \$2,139,000 above the fiscal year 2005 funding level and \$3,927,000 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.

Within the funds provided for Departmental Management, no more than \$1,181,000 and nine full time equivalents are provided for the Office of Legislative Affairs [OLA] within the Office of the Secretary. The Committee is concerned about the OLA's failure to provide critical information to the Committee in a timely manner.

The streamlining of this office will necessitate greater coordination within the OLA.

*Security Enhancements.*—The Committee is aware that the Department of Commerce is planning security improvements at the Boulder, Colorado, facility and directs the Department to consult with the Committee prior to proceeding. No funding shall be redirected from other proposed construction projects at Boulder for this purpose.

*Commerce Information Technology Solutions.*—The Committee commends the administration for its commitment to small business with the establishment of the Commerce Information Technology Solutions [COMMITTS] acquisition vehicle. The Committee agrees with the goal of this program, to provide critical information technology solutions through the use of all categories of small businesses, including disadvantaged, 8(a), women-owned, veteran-owned, service-disabled, and HUBZone entities. However, the Committee is troubled by a provision of the procurement’s current guidelines that permit incumbent contractors who have graduated from a particular size category of small business to bid against smaller firms that still qualify for the smaller category of classification. This “bid down” approach gives larger entities an unfair competitive advantage and is not an acquisition strategy espoused by other Federal agencies. As a result, the Committee expects the Department to alter the terms that govern COMMITTS to eliminate this acquisition anomaly and to report back to the Committee on this change not later than January 15, 2006.

OFFICE OF THE INSPECTOR GENERAL

Appropriations, 2005 .....	\$21,371,000
Budget estimate, 2006 .....	22,758,000
House allowance .....	22,758,000
Committee recommendation .....	22,758,000

The Committee recommends an appropriation of \$22,758,000. The recommendation is \$1,387,000 above the fiscal year 2005 funding level and identical to 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 that any cost resulting from personnel actions shall be absorbed by the affected Department or Agency.

Section 204 extends the availability of appropriations pursuant to section 211(b) of Public Law 108–199.

Section 205 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.

TITLE III—SCIENCE  
DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Appropriations, 2005 .....	\$699,225,000
Budget estimate, 2006 .....	531,965,000
House allowance .....	548,744,000
Committee recommendation .....	844,500,000

The Committee recommends an appropriation of \$844,500,000. The recommendation is \$145,275,000 above the fiscal year 2005 funding level and \$312,535,000 above the budget request.

The recommendation provides that up to \$3,000,000 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.

A description of each NIST account and the corresponding Committee recommendation follows in the subsequent three headings.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Appropriations, 2005 .....	\$378,764,000
Budget estimate, 2006 .....	426,267,000
House allowance .....	397,744,000
Committee recommendation .....	399,869,000

The Committee recommends an appropriation of \$399,869,000. The recommendation is \$21,105,000 above the fiscal year 2005 funding level and \$26,398,000 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 .....	50,833
Manufacturing Engineering .....	22,423
Chemical Science and Technology .....	54,443
Physics .....	42,706
Materials Science and Engineering .....	33,500
Building and Fire Research .....	22,321
Computer Science and Applied Mathematics .....	65,425
Technology Assistance .....	16,134
National Quality Program .....	7,154
Research Support Activities .....	47,018
National Research Facilities .....	37,912

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES—Continued  
 [In thousands of dollars]

	Committee recommendation
Total, STRS .....	399,869

Within the funds made available for Electronics and Electrical Engineering, \$7,000,000 is for the Office of Law Enforcement Standards [OLES].

Within the funds made available for Research Support Activities, \$16,028,000 is for the Building Competence for Advanced Measurements Program, \$1,027,000 is for the For Inspiration and Recognition of Science and Technology Program, \$10,678,000 is for the Postdoctoral Research Associates Program, \$1,503,000 is for the Nanoparticle Risk Impact and Assessment Program, and \$612,000 is for the Operation Safe Commerce Program.

INDUSTRIAL TECHNOLOGY SERVICES

Appropriations, 2005 .....	\$247,943,000
Budget estimate, 2006 .....	46,800,000
House allowance .....	106,000,000
Committee recommendation .....	246,000,000

The Committee recommends an appropriation of \$246,000,000. The recommendation is \$1,943,000 below the fiscal year 2005 funding level and \$199,200,000 above the budget request.

*Hollings Manufacturing Extension Programs [MEP].*—The Committee recommends an appropriation of \$106,000,000 to fully fund all MEP centers. MEP supports a network of locally-run centers that provide technical advice and consultative services to small manufacturing companies in all 50 States and Puerto Rico. Many of these firms lack the technical knowledge and experience to implement cutting edge technologies and cost saving processes, which places them at risk from foreign competition. The MEP, since its inception, has consistently been the one program that small manufacturers could look to for assistance. Whether it is assisting with quality standards, implementing Y2K solutions, or providing strategic planning, the MEP has delivered the services needed by small manufacturers. Based on a sampling of clients surveyed in fiscal year 2004, MEP clients indicated that the assistance they received resulted in increased sales of \$1,500,000,000; retained sales of \$2,600,000,000; cost savings of \$686,000,000; and the creation and retention of 50,315 jobs. These economic impacts justify the full funding of the MEP.

*Advanced Technology Program [ATP].*—The Committee recommends an appropriation of \$140,000,000. Within the amounts made available, \$60,000,000 is to be used to fund new awards. ATP is an industry-led, highly competitive, and cost-shared program that allows U.S. companies to develop the next generation of breakthrough technologies. These innovations enable revolutionary products, cutting-edge industrial manufacturing processes, and creative new services for the world's markets. Independent studies have shown that ATP is delivering on its mission. In a sampling of just 6 percent of the ATP projects, the sampled projects returned \$17,000,000,000 in net economic benefits, approximately an eight-

fold return on investment. The ATP program is critical to ensuring that U.S. industries capture market share in the facing of growing global competition, particularly in the fields of science and technology.

#### CONSTRUCTION OF RESEARCH FACILITIES

Appropriations, 2005 .....	\$72,518,000
Budget estimate, 2006 .....	58,898,000
House allowance .....	45,000,000
Committee recommendation .....	198,631,000

The Committee recommends an appropriation of \$198,631,000. The recommendation is \$126,113,000 above the fiscal year 2005 funding level and \$139,733,000 above the budget request.

The recommendation funds the highest priority safety, capacity, maintenance, and repair projects at the National Institute of Standards and Technology [NIST]. Of the amounts provided: \$4,000,000 is to enable the relocation of staff from the leased NIST North building back to the main Gaithersburg, Maryland, campus; \$9,400,000 is for the final phase of construction of the Boulder, Colorado, Central Utility Plant; \$4,000,000 is for the design and renovation of Building 4 in Boulder to facilitate the relocation of the Instrument Shops from Wing 3 of Building 1; \$6,500,000 is for Phase I of the Building 1 renovation design which includes construction documentation and Architectural and Engineering Post Construction Award Service [PCAS] for the renovation of Wings 3 and 4; \$4,000,000 is for the Institute for Security Technology Studies; and \$10,100,000 is for Phase II of the Building 1 renovation design which includes construction documents and construction management for the remaining wings and spine of Building 1 in Boulder. Funding for the latter will allow economies of scale to be achieved in procuring construction support and design services. In addition, \$35,000,000 is provided for ongoing Safety, Capacity, Maintenance, and Major Repairs projects at the Gaithersburg and Boulder facilities.

The Committee has included bill language requiring that out-year budget estimates be submitted by the Secretary of Commerce for fiscal year 2007 and each year thereafter as part of the annual budget justification materials for each construction project supported by the NIST appropriations.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### (INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2005 .....	\$3,887,227,000
Supplemental appropriations, 2005 .....	37,940,000
Budget estimate, 2006 .....	3,581,219,000
House allowance .....	3,429,000,000
Committee recommendation .....	4,476,000,000

The Committee recommends an appropriation of \$4,476,000,000 for the National Oceanic and Atmospheric Administration [NOAA]. Of this amount, transfers total \$62,040,000. The recommendation is \$588,773,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$894,781,000 above the budget request.



The Committee recommendation disapproves the budget request, which proposes to terminate or significantly reduce nearly \$600,000,000 from programs ranging from climate change to marine mammal management to infrastructure support. The Committee notes the Department's continued pursuit of reductions to NOAA's enacted funding levels, and failure to protest when reductions are recommended for budget savings or political leverage. NOAA comprises approximately 65 percent of the Department of Commerce's [DOC] budget. In a recent Statement of Administration Policy, the DOC devoted one sentence to the proposed \$150,000,000 reduction to the budget request for NOAA in fiscal year 2006, whereas the Department devoted four paragraphs to reductions to its other bureaus, which comprise 35 percent of its budget. The Committee finds that NOAA is not well served by the DOC. The Committee notes that the budgets of other science agencies funded under this Act, including the National Science Foundation and the National Aeronautics and Space Administration (both independent agencies), thrive. The Committee fails to understand why science dedicated to understanding this planet and its oceans and atmosphere is less important than science dedicated to the understanding of other planets, for example. The DOC's strengths lie in the fields of business and trade. The DOC is demonstrably ill equipped to comprehend the intricacies of NOAA's scientific mission. The Committee continues to question whether NOAA would be better able to serve the American people as an independent agency.

#### 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 \$666,181,000, \$147,147,000 above the fiscal year 2005 funding level, and \$309,513,000 above the budget request, to support a number of the NOAA programs highlighted by the Commission's report. The Committee notes that following the release of the Ocean Commission's report, the budget request cut NOAA's Commission-endorsed programs by at least \$162,366,000. The Committee encourages NOAA to give more consideration to the Commission-endorsed programs in its fiscal year 2007 budget request. NOAA is directed to provide the Committee with a report no later than March 1, 2006. This report shall detail the requested increases in fiscal year 2007 over fiscal year 2006 enacted levels for all Commission-endorsed programs. 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 .....	109,680
Ocean Health Initiative .....	20,000
Sustainable Marine Aquaculture .....	18,622
National Sea Grant Program .....	72,175
NOAA Education Initiative .....	36,150
Coral Reef Protection .....	28,237
Ocean Exploration/Undersea Research .....	48,000
Marine Debris .....	6,450
Cooperative Fishery Research .....	21,750
Marine Mammal Initiative .....	5,000
Coastal and Estuarine Habitat Conservation/Restoration .....	123,435
Satellite Oceanography .....	4,000
Ship Operations & Maintenance .....	110,228
Shipbuilding/Equipment and Technology .....	62,454
<b>Total Ocean Commission Initiative .....</b>	<b>666,181</b>

## OPERATIONS, RESEARCH, AND FACILITIES

Appropriations, 2005 .....	\$2,769,572,000
Supplemental appropriations, 2005 .....	23,970,000
Budget estimate, 2006 .....	2,531,168,000
House allowance .....	2,447,000,000
Committee recommendation .....	3,202,983,000

The Committee recommends an appropriation of \$3,202,983,000. The recommendation is \$433,411,000 above the fiscal year 2005 funding level, excluding supplemental appropriations, and \$671,815,000 above the budget request.

## NOAA NATIONAL OCEAN SERVICE

The Committee recommends an appropriation of \$610,462,000 for the National Ocean Service [NOS]. NOS programs provide scientific, technical, and management expertise to promote safe navigation; assess the health of coastal and marine resources; respond to natural and human-induced threats; and preserve the coastal ocean and global environments.

Committee recommendations are displayed in the following table:

## NOAA NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Fiscal year 2006 Committee recommendation
Navigation Services:	
Mapping & Charting:	
Mapping & Charting Base .....	43,995
Joint Hydrographic Center .....	7,500
Electronic Navigational Charts .....	6,190
Shoreline Mapping .....	2,448
Dune System Assessment and Shoreline Change Analysis .....	500
Payment to OMAO .....	3,058
Address Survey Backlog/Contracts .....	20,450
EEZ Outer Continental Shelf Ocean Bottom Claims .....	2,200
Alaska Surveys .....	3,500
MS/LA Digital Coast .....	1,000
Coastal Environmental Mapping Consortium .....	1,000

## NOAA NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Vessel Time Charter .....	11,850
River Studies .....	750
Subtotal, Mapping and Charting .....	104,441
Geodesy:	
Geodesy Base .....	20,219
National Spatial Reference System .....	1,971
Height Modernization Regional Expansion—NGS Implementation .....	233
Height Modernization Regional Expansion—NC .....	933
Height Modernization Regional Expansion—CA .....	933
Height Modernization Regional Expansion—TX .....	1,600
Height Modernization Regional Expansion—SC .....	467
Height Modernization Study—MS .....	600
Digital Earth Model—MS .....	3,000
Subtotal, Geodesy .....	29,956
Tide & Current Data:	
Tide & Current Data Base .....	21,000
National Water Level Observation Network .....	4,500
PORTS .....	3,000
Alaska Current & Tide Data .....	1,500
Subtotal, Tide & Current Data .....	30,000
Total, Navigation Services .....	164,397
Ocean Resources Conservation and Assessment:	
Ocean Assessment Program (OAP):	
Ocean Assessment Program Base .....	22,000
Coastal Storms .....	2,500
Cook Inlet Coastal Monitoring and Habitat .....	1,000
Coastal Services Center .....	23,000
Pacific Coastal Services Center .....	4,500
Coastal Change Analysis .....	500
Lake Pontchartrain .....	2,000
Louisiana Long Term Estuary Assessment .....	1,000
CREST .....	1,000
CI-CORE .....	2,500
Aquatic Research Consortium .....	2,500
Coop Institute for Coastal and Estuarine Enviro Tech (CICEET) .....	6,800
Hawaii Coral Reef Initiative .....	1,500
Coral Reef Programs .....	26,000
National Fish and Wildlife Foundation—NFWF .....	1,500
Ocean Health Initiative .....	20,000
White Water to Blue Water Ecosystem .....	1,000
National Maritime Center .....	2,000
Lake Erie Monitoring .....	500
Subtotal, Ocean Assessment Program (OAP) .....	121,800
Integrated Ocean Observing System:	
NOAA ICOOS .....	15,000
Coastal Observation Technology System .....	2,177
Coastal Ocean Research & Monitoring Program .....	2,473
NOAA/UNH Joint Ocean Observing Technology Center .....	4,000
Alaska Ocean Observing System .....	2,000
Gulf of Maine Observing System .....	2,000
Long Island Sound Observing System .....	1,000
Central Gulf of Mexico Observing System .....	2,000

## NOAA NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
So Cal Coastal Ocean Observing System (Scripps) .....	1,500
Alliance for Coastal Technologies .....	3,000
Center for Coastal Ocean Observation and Analysis .....	2,500
UNCW Coastal Ocean Research and Monitoring .....	2,500
Wallops Ocean Observation Project .....	2,000
Coastal Ocean Monitoring Network for West Florida .....	750
Oregon Ocean Observing .....	2,000
SURA Coastal Ocean Observing System .....	2,500
Subtotal, Integrated Ocean Observing System .....	47,400
Response and Restoration:	
Response and Restoration Base .....	15,843
Estuary Restoration Program .....	1,200
Damage Assessment Program .....	6,705
Mitigating Coastal Development Impacts .....	1,000
Marine Debris .....	5,000
Marine Debris Removal—Alaska .....	1,450
Center for Marine Spill Response .....	3,000
Pribilof Islands Cleanup and Economic Development .....	7,000
Subtotal, Response and Restoration .....	41,198
National Centers for Coastal Ocean Science (NCCOS):	
NCCOS Headquarters .....	5,000
Extramural Research .....	15,500
Center for Coastal Environmental Health & Biomolecular Rsch .....	15,000
Oxford Cooperative Lab .....	4,500
Ctr for Coastal Fisheries Habitat Research .....	6,504
Center for Coastal Monitoring & Assessment .....	5,735
Center for Sponsored Coastal Ocean Research .....	3,700
Marine Env Health Research Lab—MEHRL .....	4,000
Subtotal, National Centers for Coastal Ocean Science .....	59,939
Total, Ocean Resources Conservation and Assessment .....	270,337
Ocean and Coastal Management:	
Coastal Management:	
CZM Grants .....	70,500
CZM Program Administration .....	7,328
National Estuarine Research Reserve System .....	20,000
Baldwin Educational Program .....	1,000
Marine Protected Areas .....	3,000
Subtotal, Coastal Management .....	101,828
Ocean Management:	
Marine Sanctuary Program Base .....	51,000
Northeast Hawaiian Islands Rsrch/HI Institute of Marine Biology .....	2,250
USS Monitor Artifacts .....	500
Northwest Straits Citizens Advisory Commission .....	1,400
Subtotal, Ocean Management .....	55,150
Total, Ocean and Coastal Management .....	156,978

*Integrated Coastal and Ocean Observations.*—The United States Commission on Ocean Policy's report documents the enormous national benefits of 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.

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 recommendation provides \$109,680,000 for development, management, deployment, and operation of a true national Integrated Coastal and Ocean Observing System. The Committee notes that NOAA National Ocean Service has the lead for creating this capability, but this challenge will involve the combined capabilities of all NOAA components especially the Office of Oceanic and Atmospheric Research and the National Weather Service.

The Committee notes that the number of regional ocean observing programs is increasing and that these programs are maturing. The Committee is encouraged by recent efforts of some of these regional organizations to establish a federation and seek competitive funds. Integrating these regional systems into a system of systems is fundamental to the broader concept of the Integrated Ocean Observing System.

NOAA NATIONAL MARINE FISHERIES SERVICE

The Committee recommends an appropriation of \$763,783,000 for the National Marine Fisheries Service [NMFS]. NMFS programs provide for the management and conservation of the Nation’s living marine resources and their environment, including fish stocks, marine mammals, and endangered species. Using science-based conservation, management, and restoration activities, these resources can benefit the Nation on a sustained basis. NMFS seeks to build sustainable fisheries, recover protected species, and sustain healthy coastal ecosystems and the communities that depend on them.

Committee recommendations are displayed in the following table:

NOAA NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Fiscal year 2006 Committee recommendation
Marine Mammals, Marine Turtles, and Marine Protected Species:	
Protected Resources Research and Management Programs:	
Marine Mammals, Sea Turtles & Other Species/Endangered Species Act (ESA) .....	27,928
Conservation and Recovery with States .....	1,000
National Fish & Wildlife Foundation (NFWF) Species Mgmt (PSM) .....	1,000
Protected Species Stock Assessments and Mortality Estimation .....	2,000

NOAA NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES—  
Continued  
[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Subtotal, Protected Resources Research & Management Programs .....	31,928
Mammals:	
Marine Mammal Protection (MMP)/NMFS Activities .....	8,000
Marine Mammal Initiative .....	5,000
North Pacific Fixed Gear Research .....	150
Prescott Grant Program .....	4,000
MS Center for Marine Education and Research .....	5,000
Shedd Marine Mammals .....	250
Alaska Native Marine Mammal Co-management: Harbour Seals .....	150
North Pacific Southern Resident Orca Population (PSM) .....	1,500
Recovery of Endangered Large Whales .....	1,000
Right Whale Activities (ESA) .....	10,000
Right Whale: Cooperative State Plans .....	2,000
Bottlenose Dolphins .....	2,000
Bottlenose Dolphins: Institute for Marine Mammal Studies .....	2,500
Dolphin Encirclement .....	3,260
Dolphins/Yellowfin Tuna Research .....	235
Hawaiian Monk Seals .....	825
Alaska Seals & Sea Lions: Endangered Species Act .....	850
Subtotal, Mammals .....	46,720
Sea Turtles & Other Protected Species:	
Endangered Species Act .....	5,826
Hawaiian Sea Turtles .....	7,800
Rancho Nuevo Sea Turtles .....	350
Southeastern Sea Turtles .....	300
Endangered Species Act—Fish, Crustaceans, Mollusks .....	8,153
Subtotal, Sea Turtles & Other Protected Species .....	22,429
Atlantic Salmon:	
ESA Recovery and Research .....	3,086
Recovery Plan .....	450
Research .....	699
State of Maine Salmon Recovery (PSM) .....	1,646
Subtotal, Atlantic Salmon .....	5,881
Pacific Salmon:	
ESA Recovery and Research .....	51,192
ESA—Columbia River Biological Opinion (BIOP) Implementation .....	15,100
Endangered Species Studies .....	300
Western Alaska Salmon Stock Identification .....	2,500
Subtotal, Pacific Salmon .....	69,092
Total, Marine Mammals, Marine Turtles, and Marine Protected Species .....	176,050
Fisheries Research and Management:	
Core Fisheries Programs:	
Fisheries Research and Management Programs .....	127,831
Economics and Social Sciences Research .....	9,618
Fisheries Statistics .....	12,771
Fisheries Oceanography .....	1,000
Interjurisdictional Fisheries Grants .....	2,590
National Standard 8 .....	1,000
Reduce Fishing Impacts on Essential Fish Habitat (EFH) .....	500
Anadromous Grants .....	2,100

NOAA NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES—  
Continued  
[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Product Quality and Safety .....	6,724
Subtotal, Core Fisheries Programs .....	164,134
Stock Assessments:	
Expand Annual Stock Assessments—Improve Data Collection .....	23,397
Strengthen Living Marine Resource Monitoring .....	2,000
Subtotal, Stock Assessments .....	25,397
Salmon Management Activities:	
Columbia River Hatcheries .....	16,522
Columbia River Hatchery Reform .....	500
Pacific Salmon Treaty .....	8,000
Chinook Salmon Management .....	150
Chinook Salmon Research at Auke Bay .....	300
Subtotal, Salmon Management Activities .....	25,472
Regional Councils and Fisheries Commissions:	
Regional Councils .....	16,500
International Fisheries Commissions .....	400
Interstate Fish Commissions: 3 Commissions .....	750
Interstate Fish Commissions: Atlantic Cooperative Management .....	9,250
Subtotal, Regional Councils and Fisheries Commissions .....	26,900
Fish Information Networks:	
Atlantic States Marine Fisheries Commission .....	2,000
Alaska Fisheries Information Network (AKFIN) .....	3,200
Pacific Coastal Fisheries Information Network (PACFIN) .....	3,000
Recreational Fishery Information Network (RECFIN) .....	3,445
RECFIN—SC .....	500
Marine Fisheries Initiative (MARFIN): NMFS Activities .....	2,400
Marine Fisheries Initiative (MARFIN): NE Activities .....	250
Marine Fisheries Initiative (MARFIN): Red Snapper .....	750
Gulf Fisheries Information Network (GULF FIN) .....	4,250
National Fisheries Information System .....	2,500
Subtotal, Fish Information Networks .....	22,295
Survey and Monitoring Projects:	
Bluefin Tuna Tagging .....	850
Bluefish/Striped Bass .....	692
Bluefish/Striped Bass: Chesapeake Bay .....	700
Bluefish/Striped Bass: Rutgers .....	790
Gulf of Maine Groundfish Survey .....	519
New England Stock Depletion .....	1,000
Red Snapper Monitoring and Research .....	5,000
West Coast Groundfish .....	5,220
Alaskan Groundfish Surveys: Calibration Studies .....	240
Atlantic Herring and Mackerel .....	200
Chesapeake Bay Multi-Species Management .....	500
Management of George's Bank .....	441
Subtotal, Survey and Monitoring Projects .....	16,152
Other fisheries-related projects:	
Reducing Bycatch .....	2,800
Charleston Bump .....	250

NOAA NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES—  
Continued  
[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Hawaii Fisheries Development .....	750
Groundline Exchange Pilot Program .....	2,000
Gulf Shrimp Bycatch and Reduction Research .....	1,000
Hawaii Seafood Safety and Inspections .....	1,500
Hawaii Stock Enhancement Program (Oceanic Institute) .....	500
Large Pelagics Research Program .....	3,000
Horseshoe Crab Research (HCRC) .....	650
Lobster Sampling .....	150
Scallop Fishery Assessment (MFI) .....	1,900
Southern Shrimp Fishing Effort Research .....	2,300
Virginia Fisheries Trawl Survey .....	500
Subtotal, Other fisheries-related projects .....	17,300
Total, Fisheries Research and Management .....	297,650
Enforcement & Observers:	
Enforcement & Surveillance:	
Driftnet Act Implementation .....	1,200
NMFS Activities (Science & Technology Driftnet Act) .....	1,692
Enforcement & Surveillance .....	24,268
Cooperative Agreements with States .....	17,711
Vessel Monitoring System .....	9,300
Subtotal, Enforcement & Surveillance .....	54,171
Observers/Training:	
Atlantic Coast Observers .....	3,348
East Coast Observers .....	350
Hawaii Longline Observer Program .....	4,000
N. Pacific Marine Resources Observers/N.Pacific Observer Program .....	2,500
NE Groundfish Observers .....	5,500
National Observer Program .....	3,000
S. Atlantic/Gulf Shrimp Observers .....	800
West Coast Observers .....	5,000
Subtotal, Observers/Training .....	24,498
Total, Enforcement & Observers/Training .....	78,669
Habitat Conservation & Restoration:	
Sustainable Habitat Management:	
Habitat Conservation .....	17,800
Blue Crab Advanced Research Consortium .....	5,000
Non-Native Oyster Chesapeake Bay Program—VA .....	2,000
Refine EFH Designations .....	100
Subtotal, Sustainable Habitat Management .....	24,900
Fisheries Habitat Restoration:	
Connecticut River Partnership .....	400
Atlantic Salmon/Penobscot River Habitat Restoration .....	2,500
Community-Based Restoration Grants .....	20,000
Mobile Bay Oyster Recovery .....	2,500
Chesapeake Bay Oyster Restoration (VIMS) .....	2,000
Chesapeake Bay Oyster Restoration (MD) .....	4,000
Lower Elwha River Habitat Restoration .....	280
Merrimack River fish habitat/land conservation .....	500
Great Lakes Restoration Program .....	1,500



NOAA NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES—  
Continued  
[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Subtotal, Fisheries Habitat Restoration .....	33,680
Total, Habitat Conservation & Restoration .....	58,580
AK Composite Research and Development Program .....	55,000
Other Activities Supporting Fisheries:	
Cooperative Research:	
Cooperative Research—North Pacific Research Board .....	2,000
National Cooperative Research .....	2,750
NE Cooperative Research .....	3,750
New England Lobster Fishery Research .....	3,000
Northeast Consortium .....	5,000
SE Cooperative Research .....	4,250
West Coast Groundfish Cooperative Research .....	1,000
Subtotal, Cooperative Research .....	21,750
Other Programs:	
Antarctic Research .....	1,468
Chesapeake Bay Studies .....	3,500
Climate Regimes & Ecosystem Productivity .....	2,000
Computer Hardware and Software .....	3,383
Information Analyses & Dissemination .....	18,328
Marine Resources Monitoring, Assessment & Prediction Prgm (MarMap) .....	1,250
National Environmental Policy Act (NEPA) .....	8,000
NMFS Facilities Maintenance .....	4,000
Southeast Area Monitoring & Assessment Program (SEAMAP) .....	1,385
Subtotal, Other Programs .....	43,314
Other projects:	
Consortium for Fisheries & Wildlife Conflict Resolution .....	800
Joint Institute for Marine and Atmospheric Research (JIMAR), HI .....	2,500
New England Multi-Species Survey (SMAST) .....	3,000
Payment to OMAO .....	770
Science Consortium on Ocean Research (SCORE)—NH/FL/WA .....	1,000
Pacific Island Regional Office/Pacific Islands Fisheries Science Center .....	5,000
NW Fisheries Science Center Groundfish Team .....	1,700
Subtotal, Other projects .....	14,770
Total, Other Activities Supporting Fisheries .....	79,834

*Columbia River Hatcheries.*—The Committee continues its interest in efforts to reform hatchery operations in the Columbia River Basin. The Committee directs the NMFS to work with the Northwest Power and Conservation Council, the United States Fish and Wildlife Service, State agencies, and tribes to reform hatchery programs by replicating the Puget Sound and Coastal Washington Hatchery Reform Project.

*Hawaiian Hatcheries.*—The Committee recommends \$750,000 for the Oceanic Institute to administer the Hawaii Fisheries Development Program to perfect the transfer of hatchery technology to the aquaculture industry and \$500,000 for the Oceanic Institute to administer the Hawaii Stock Enhancement Program to perfect the transfer of hatchery technology to the aquaculture industry.

*By-catch Reduction.*—The Committee recommends \$1,000,000 for research related to the improvement of shrimp by-catch reduction tools. The Committee is concerned with the efficacy of shrimp by-catch reduction tools currently in use and understands that goals for reductions in by-catch, such as juvenile red snapper, have not been met to date. The NMFS is directed to submit a report to the Committee no later than April 30, 2006, that details the tools currently in use and their efficacy for reducing by-catch, any ongoing efforts to further reduce by-catch as well as any measurable accomplishments towards reduction to date. The Committee believes that efforts to reduce by-catch are imperative and the report should therefore also include specific goals for reductions in by-catch and outline NMFS' specific plans for achieving their reduction goals.

*AK Composite Research and Development Program.*—The Committee recommends funding for the AK Composite Research and Development Program for Alaska Fisheries and Marine Mammals. Alaska's commercial fishing industry is a primary employer, providing 47 percent of private sector jobs, and is second only to the oil industry in generating revenue to the State. Two of the Nation's top three fishing ports, in terms of highest dollar value for commercial landings, are in Alaska. In 2003, Dutch Harbor-Unalaska moved the most fish of any port—908.7 million pounds for a total dollar value of \$156,900,000. Kodiak, Alaska, was not far behind generating \$81,500,000 for 262.9 million pounds of fish landed.

The amount and dollar value of fishery resources taken from the waters off Alaska are only half the story. The science, research, and management of these living marine resources provide for sustainable and abundance-based harvests. The North Pacific has no fisheries listed as endangered, in part due to the constant monitoring and research that this funding provides. Alaska's fisheries management requires data and research on over 900,000 square miles of ocean within the Exclusive Economic Zone off Alaska's coast. These funds are critical to provide data collection, analysis and further resource development of these fisheries in order to provide continued economic opportunity for the State of Alaska and its numerous coastal communities. NOAA is directed to provide the Committee with a spending plan for the funds provided under the AK Composite Research and Development Program no later than 30 days after the date of enactment of this Act.

#### NOAA OCEANIC AND ATMOSPHERIC RESEARCH

The Committee recommends an appropriation of \$470,109,000 for Oceanic and Atmospheric Research [OAR]. OAR programs provide the environmental research and technology needed to improve NOAA weather and air quality warnings and forecasts, climate predictions, and marine services. To accomplish these goals, OAR supports a network of scientists in its Federal research laboratories, universities, and joint institutes and partnership programs.

Committee recommendations are displayed in the following table:

## NOAA OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH AND FACILITIES

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Climate Research:	
Laboratories & Joint Institutes .....	51,000
Climate Observations & Services:	
Climate and Global Change .....	67,000
Climate Research & Observations .....	10,264
Climate Operations .....	895
Climate Data & Information .....	3,313
Arctic Research Program (SEARCH) .....	3,000
Climate Change Research Initiative .....	41,455
Subtotal, Climate Observations & Services .....	125,927
Partnership Programs:	
East Tennessee Ozone Study .....	300
Climate Research (UAH) .....	1,000
Drought Research Study .....	1,000
Coastal Vulnerability to Climate Change .....	1,500
Center for Urban Environmental Research .....	1,000
Advanced Study Institute for Environmental Prediction .....	1,500
Abrupt Climate Change Research .....	1,000
Subtotal, Partnership Programs .....	7,300
Total, Climate Research .....	184,227
Weather & Air Quality Research:	
Laboratories & Joint Institutes .....	40,200
Weather & Air Quality Research Programs:	
Targeted Wind Sensing .....	2,000
Coordinate NASA—NOAA Severe Storm R&D .....	2,000
Tornado Severe Storm Research/Phased Array Radar .....	6,000
Subtotal, Weather & Air Quality Research Programs .....	10,000
Partnership Programs:	
Central CA Air Quality Study .....	375
Great Plains Center for Atmosphere and Human Health .....	1,000
Urbanet .....	6,000
New England Air Quality Study .....	3,000
NE Center for Atmospheric Science and Policy .....	1,500
AIRMAP .....	5,000
High Altitude Air Study .....	350
Risk Reduction in Weather Forecasts .....	2,000
Reducing Wind-Induced Damages from Storms .....	1,000
Remote Sensing Research (ISU/BCAL) .....	500
STORM (U. of N. Iowa) .....	650
Subtotal, Partnership Programs .....	21,375
Total, Weather & Air Quality Research .....	71,575
Ocean, Coastal, & Great Lakes Research:	
Laboratories & Joint Institutes:	
Laboratories & Joint Institutes .....	23,073
Payment to OMAO .....	110
Subtotal, Laboratories & Joint Institutes .....	23,183
National Sea Grant College Program:	
National Sea Grant College Program Base .....	66,675
Fish Extension .....	1,500

NOAA OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH AND FACILITIES—  
Continued  
[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Aquatic Nuisance Species/Zebra Mussel Research .....	1,000
Gulf of Mexico Oyster Initiative .....	1,000
National Sea Grant Law Center .....	1,000
Oyster Disease Research .....	1,000
Subtotal, National Sea Grant College Program .....	72,175
Exploration and Undersea Research:	
National Undersea Research Program (NURP) .....	12,500
National Institute for Undersea Science and Technology .....	5,000
Ocean Exploration .....	30,000
Exploration Autonomous Underwater Vehicle .....	500
Subtotal, Exploration and Undersea Research .....	48,000
Invasive Species Programs:	
NISA/Ballast Water Demonstrations .....	3,500
NISA/Alaska .....	1,500
Invasive Milfoil .....	250
Ballast Water Treatment Technology .....	2,000
HI Micronesia Invasive Species Program .....	500
Aquatic Invasive Species Program .....	2,502
Subtotal, Invasive Species Programs .....	10,252
Aquaculture:	
Marine Aquaculture Program .....	4,622
Atlantic Marine Aquaculture Center (CINEMAR) .....	2,000
Pacific Tropical Ornamental Aquaculture .....	500
US Marine Shrimp Farming Program .....	6,000
Center for Aquaculture Development .....	1,000
West Alabama Shrimp Aquaculture Program .....	500
Subtotal, Aquaculture .....	14,622
Partnership Programs:	
Arctic Research .....	3,000
Atmospheric Dispersion Forecasting .....	1,500
Urban Coastal Institute .....	500
Gulf of Maine Council .....	1,000
Lake Champlain Emerging Threats .....	500
Lake Champlain Research Consortium .....	350
Center for the Environment .....	800
Bio-screening Technology for Imported Seafood .....	1,000
Subtotal, Other Partnership Programs .....	8,650
Total, Ocean, Coastal, and Great Lakes Research .....	176,882
Integrated Ocean Observing System:	
ARGO .....	10,300
TAU & PIRATA Arrays .....	3,000
Total, Integrated Ocean Observing System .....	13,300
High Performance Computing Initiatives .....	13,000

*Laboratories and Joint Institutes.*—Of the funds provided for Laboratories and Joint Institutes, the Committee recommends

\$9,000,000 to establish the NOAA Joint Institute for the Northern Gulf of Mexico.

*National Sea Grant Program.*—The Committee is concerned that resources for technological assistance to seafood businesses and university researchers have declined over the past two decades and encourages the NOAA National Sea Grant Program to expand and enhance its seafood technology capabilities.

*Integrated Ocean Observing System.*—The Committee has included the ARGO, TAU, and PIRATA arrays under the heading, “Integrated Ocean Observing System”. These arrays provide a broad range of data that is fundamental to numerous research disciplines, not only climate change. The Committee encourages NOAA to consider ways to make these arrays as multi-purpose as possible.

*National Undersea Research Program.*—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 NURP centers, including the Hawaiian and Pacific Center and the West Coast and Polar Regions Center.

#### NOAA NATIONAL WEATHER SERVICE

The Committee recommends an appropriation of \$772,762,000 for the NOAA National Weather Service [NWS]. NWS programs provide timely and accurate meteorologic, hydrologic, and oceanographic warnings and forecasts to ensure the safety of the population, mitigate property losses, and improve the economic productivity of the Nation. NWS is also responsible for issuing operational climate forecasts for the United States.

Committee recommendations are displayed in the following table:

#### NOAA NATIONAL WEATHER SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Observations, Forecasts, and Communications:	
Local Warnings and Forecasts:	
Local Warnings and Forecasts Base .....	524,830
Tsunami Hazard Mitigation (moved from OAR) .....	2,291
Tsunami Warning & Environmental Obs for AK (TWEAK) .....	2,000
Strengthen U.S. Tsunami Warning Network .....	5,680
Air Quality Forecasting .....	4,500
Sustain Cooperative Observer Network .....	1,890
Coastal & Inland Hurricane Monitoring & Prediction Program .....	1,500
Coastal Weather Monitoring for Catastrophic Events .....	475
Susquehanna River Basin Flood System .....	2,000
NOAA Profiler Network .....	2,900
NC Flood Plain Mapping Pilot .....	600
Pacific Island Compact .....	3,500
Space Environment Center .....	7,000
USWRP—US Weather Research Program—THORPEX .....	6,500
Western Kentucky Environmental Monitoring Network .....	1,000
Vermont Northeast Weather & Wind Data Integration .....	220
Payment to OMAO .....	523
Subtotal, Local Warnings and Forecasts .....	567,409
Integrated Ocean Observing System:	
National Data Buoy Center .....	23,240

## NOAA NATIONAL WEATHER SERVICE OPERATIONS, RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Re-engineering & Design of Tsunami Detection Buoys .....	1,000
Next Generation Buoy Research .....	500
Sea Level Monitoring & Tide Gage Network .....	240
Subtotal, Integrated Ocean Observing System .....	24,980
Operations and Research:	
Advanced Hydrological Prediction Services .....	6,098
Aviation Weather .....	3,000
WFO Maintenance .....	7,390
Central Forecast Guidance .....	47,772
Subtotal, Operations and Research .....	64,260
Weather Radio & Communications:	
Weather Radio Transmitters Base .....	2,320
NOAA Weather Radio Transmitters—MS .....	200
NOAA Weather Radio Receivers—AL .....	50
Hurricane & Tornado Broadcast Campaign .....	1,500
Subtotal, Weather Radio & Communications .....	4,070
Total, Observations, Forecasts, and Communications .....	660,719
Systems Operation & Maintenance:	
NEXRAD .....	43,367
ASOS .....	8,593
AWIPS .....	37,541
NWSTG Backup—CIP .....	3,042
Total, Systems Operation & Maintenance .....	92,543

*Flood Forecast.*—The Committee recommends \$2,000,000 for the Susquehanna Flood Forecast and Warning System, which is critical to protecting lives and property. Of this increase, \$1,500,000 is for system operations and \$500,000 is for needed capital improvements to existing infrastructure.

*Tsunami Preparedness, Warnings, and Forecasts.*—The Committee recommends full funding. Within the recommended amount, \$10,000,000 is for tsunami specific activities, including hazard mitigation, community preparedness, and warning systems. The Committee recommends an additional \$109,680,000 for an Integrated Ocean Observing system, which includes funding for tsunami detection buoys. The Committee remains concerned that funds should not be spent on single purpose observing systems. The Committee has recommended funding for the National Data Buoy Center to re-engineer buoys which support not only tsunami detection, but also a broader Integrated Ocean Observing System.

*Tsunami Modeling.*—The Committee recognizes the value of modeling technology capable of forecasting in real time the behavior of tsunami waves as they leave deep waters and approach the shore line, and encourages NOAA to explore the feasibility of developing such models.

*Weather Radar.*—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.

*Integrated Ocean Observation System [ICOOS].*—As noted earlier in this statement, while most of the ICOOS initiative is funded under the NOAA National Ocean Service, NOAA’s Weather Service will play a major role in the development and deployment of this initiative. The NOAA National Ocean Service will work with the NOAA National Data Buoy Center in upgrading existing “marine weather buoys” and re-engineering tsunami detection buoys to be full environmental observation systems that observe marine conditions both above and below the surface of the ocean.

NOAA NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND  
INFORMATION SERVICE

The Committee recommends an appropriation of \$180,412,000 for National Environmental Satellite, Data, and Information Service [NESDIS]. NESDIS programs operate environmental polar-orbiting and geostationary satellites and collect and archive global environmental data and information for distribution to users in commerce, industry, agriculture, science and engineering, the general public, and Federal, State, and local agencies.

Committee recommendations are displayed in the following table:

NOAA NATIONAL ENVIRONMENTAL SATELLITE, DATA & INFORMATION SERVICE OPERATIONS,  
RESEARCH, AND FACILITIES

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
<b>Environmental Satellite Observing Systems:</b>	
Satellite Command and Control base .....	37,011
NSOF Operations .....	7,581
Product Processing and Distribution .....	27,628
Product Development, Readiness & Application .....	17,224
Product Development, Readiness & Application (Ocean Remote Sensing) .....	3,980
Coral Reef Monitoring .....	737
Joint Center/Accelerate Use of Satellites .....	3,291
Research to Ops/NOAA–NASA Partnerships .....	4,000
Global Wind Demo .....	3,700
Interagency Global Positioning System Executive Board Secretarial (IGEB) .....	250
Commercial Remote Sensing Licensing & Enforcement .....	1,244
Remote Sensing Center .....	2,000
Office of Space Commercialization .....	600
Total, Environmental Satellite Observing Systems .....	109,246
<b>NOAA’s Data Centers &amp; Information Services:</b>	
<b>Archive, Access &amp; Assessment:</b>	
Archive, Access & Assessment .....	33,640
Maryland .....	5,500
GOES Data Archive Project .....	1,200
Payment to OMAO .....	366
Subtotal, Archive, Access & Assessment .....	40,706
<b>Data &amp; Climate Centers:</b>	
Coastal Data Development .....	4,576
Regional Climate Centers .....	2,500
International Pacific Research Center (U of H) .....	2,000

NOAA NATIONAL ENVIRONMENTAL SATELLITE, DATA & INFORMATION SERVICE OPERATIONS,  
RESEARCH, AND FACILITIES—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Integrated Environmental Applications & Information Center .....	3,000
Environmental Data Systems Modernization .....	9,384
Subtotal, Data & Climate Centers .....	21,460
Total, NOAA's Data Centers & Information Services .....	62,166

NOAA-WIDE PROGRAM SUPPORT

The Committee recommends an appropriation of \$402,455,000 for NOAA-wide program support. These programs provide for overall NOAA management, including staffing of the Under Secretary's office and services to NOAA and DOC field offices through the regional Administrative Support Centers. These programs also support NOAA's Education Office consistent with the recommendations of the Ocean Commission. The Facilities sub-activity provides for repair and maintenance to existing facilities; facilities planning and design; and environmental compliance. The Office of Marine and Aviation Operations provides aircraft and marine data acquisition, repair, and maintenance of the existing fleet, planning of future modernization, and technical and management support for NOAA-wide activities through the NOAA Commissioned Corps.

Committee recommendations are displayed in the following table:

NOAA WIDE PROGRAM SUPPORT OPERATIONS, RESEARCH AND FACILITIES

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
<b>Corporate Services:</b>	
Under Secretary and Associate Offices Base .....	29,229
NOAA Wide Corporate Services & Agency Management .....	43,662
CBS (Formally CAMS) .....	11,000
Office of the Chief Admin. Officer Facilities Staff (CAO) .....	1,500
Office of Chief Financial Officer (CFO) .....	1,500
Office of Workforce Management .....	123
Payment to the DOC Working Capital Fund .....	40,693
Payment to the Business Management Fund .....	64,101
IT Security .....	4,050
Total, Corporate Services .....	195,858
<b>NOAA Education Program:</b>	
NOAA Education Program/Education Initiative .....	10,000
Ocean Science Bowl .....	1,000
JASON Education and Outreach .....	2,500
BWET Chesapeake Bay .....	3,500
BWET Hawaii .....	1,500
Educational Partnership Program/Minority Serving Institutions (EPPMSI) .....	14,400
Hawaii Humpback Education Program .....	1,750
Gulf Coast Exploreum .....	1,000
Narragansett Bay Marine Education (Save the Bay) .....	500



## NOAA WIDE PROGRAM SUPPORT OPERATIONS, RESEARCH AND FACILITIES—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Total, NOAA Education Program .....	36,150
Facilities:	
NOAA Facilities Management & Construction and Safety .....	13,431
Boulder Facilities Operations .....	4,564
Environmental Compliance & Safety .....	4,087
Total, Facilities .....	22,082
Marine Operations & Maintenance:	
Aircraft Services .....	18,625
Marine Data Acquisition .....	95,065
Future Healthcare Benefits for Current Officers .....	2,012
Ocean Exploration and NOAA Corps Pay Differential .....	1,500
Fleet Planning and Maintenance .....	15,163
Total, Marine Operations & Maintenance .....	132,365

*Under Secretary and Associate Offices.*—The Committee recommendation includes the transfer of 74 full time equivalents to the Office of General Counsel.

The Committee encourages NOAA to consider restructuring the offices of the Under Secretary to provide greater communication between the Public Affairs Office and the Office of Legislative Affairs. The Committee has noted a pattern of communication failures between these offices. Other agencies, such as the National Science Foundation, have developed a prudent structure whereby the Public Affairs Office is housed within the Office of Legislative Affairs. The Committee encourages NOAA to consider such a model.

*Program, Planning, and Integration.*—The Committee has provided funding for Program, Planning, and Integration under NOAA-wide Corporate Services and Agency Management.

*E-Government.*—The Committee recommendation does not include funding to implement E-Government initiatives.

*Working Capital Fund.*—The Committee has continued to recommend appropriations for NOAA and Commerce Department corporate costs under “NOAA-wide Program Support”. The Committee disapproves of the practice of allocating, or “tithing”, corporate costs across programs, projects, and activities.

*Marine Operations and Maintenance.*—The Committee has provided substantial funding over the last several years for NOAA to update and expand its fleet at a significant fixed cost to the taxpayer. Congress intended that the modernization of the fleet would result in taxpayer benefits in the way of improved nautical charts, better managed fisheries, and ocean exploration discoveries. However, these benefits cannot be realized if funding is not provided to operate these ships. The Committee notes that the fiscal year 2006 budget request does not fully fund NOAA’s operating days at sea. The Committee provided funding for the construction and acquisition of these ships to conduct research and operations not to keep the ships tied to the docks. The Committee strongly encourages NOAA to request full funding for ship time operating days in the

fiscal year 2007 request. Furthermore, NOAA is directed to provide a report to the Committee no later than March 1, 2006, detailing the number of operating days requested in the fiscal year 2007 budget for each ship. Of the funds provided for Marine Data Acquisition and Fleet Planning and Maintenance, an additional \$10,400,000 is recommended to fully fund all of NOAA's shiptime and maintenance needs. Under these headings, \$3,600,000 is recommended for the BIGELOW; \$7,200,000 is recommended for the FAIRWEATHER; \$5,000,000 is recommended for the HIALAKAI; \$4,900,000 is recommended for the OSCAR DYSON; and \$7,200,000 is recommended for University NOLS.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

Appropriations, 2005 .....	\$1,039,365,000
Supplemental appropriations, 2005 .....	13,970,000
Budget estimate, 2006 .....	965,051,000
House allowance .....	936,000,000
Committee recommendation .....	1,195,017,000

The Committee recommends an appropriation of \$1,195,017,000. The recommendation is \$1,555,652 above the fiscal year 2005 funding level, excluding supplemental appropriations, and \$229,966,000 above the budget request.

Committee recommendations are displayed in the following table:

NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
NOAA National Ocean Service:	
Coastal and Estuarine Land Protection Program:	
Coastal Ecosystems (Mobile & Baldwin) .....	5,000
Orange Beach .....	800
Moose Mountain .....	1,000
Zeebajojo .....	1,750
Newfields .....	2,000
Winnicut Headwaters .....	1,500
Twelve Oaks .....	900
Marblehead Peninsula .....	900
Alynne Pond .....	2,200
Grand River Big Bend .....	500
Eastern Shore .....	1,125
Jamestown .....	3,000
Sowams Property .....	1,000
Widget Woods .....	750
Ballard Property .....	885
Marvell Property .....	700
Maquoit Bay .....	2,000
South Carolina Coastal Initiative .....	3,000
Babcock Ranch .....	3,000
Chesapeake Bay .....	4,000
Blackbird Creek Reserve .....	1,500
Madeira's Creek .....	2,000
Tuniper's Pond .....	500
Detroit Riverfront West .....	3,000
Potter Creek/Otis Bogs .....	250
Thames River .....	250
Dos Pueblos .....	250
Piedras Blancas .....	250
Henry Property .....	1,250
Herring River .....	500

## NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
Elmer's Island .....	250
Tchefuncte Marsh .....	200
Regis Ranch .....	1,740
Webster Woods .....	500
Commencement Bay .....	1,550
Competitive Grants .....	10,000
Subtotal, Coastal and Estuarine Land Protection Program .....	60,000
NERRS Acquisition/Construction:	
National Estuarine Research Reserve Construction & Land Acquisition .....	12,000
Texas NERR (new) .....	4,435
Subtotal, NERRS Acquisition/Construction .....	16,435
Section 2 (FWCA):	
Great Bay Partnership .....	6,000
Village Point Park Preserve .....	1,000
Subtotal, Section 2 (FWCA) .....	7,000
Marine Sanctuaries Construction/Acquisition:	
Marine Sanctuaries Construction Base .....	7,500
Channel Islands National Marine Sanctuary .....	3,000
Thunder Bay National Marine Sanctuary Exhibit .....	1,000
Flower Garden Banks Patrol Craft .....	3,200
Small Boats .....	5,000
Subtotal, Marine Sanctuary Construction/Acquisition .....	19,700
Other NOS Construction/Acquisition:	
Gulf Coast Marine Aquaculture Laboratory .....	4,000
Down East Institute For Marine Research .....	2,000
Center for Aquatic Resource Management .....	6,000
Pascagoula River Basin Estuarine Center .....	1,500
Oxford Cooperative Lab .....	1,500
Subtotal, Other NOS Construction/Acquisition .....	15,000
Total NOAA National Ocean Service—PAC .....	118,135
NOAA National Marine Fisheries Service:	
Systems Acquisition/Construction:	
Pascagoula Laboratory—Dock Repairs & Harbor Maintenance .....	1,500
Gulf Coast Fisheries & Ocean Research Facility .....	5,000
Barrow Arctic Research Center .....	8,000
Phase III—Galveston Laboratory Renovation .....	2,027
Total, NOAA National Marine Fisheries Service—PAC .....	16,527
NOAA Oceanic and Atmospheric Research:	
Systems Acquisition/Construction:	
Research Supercomputing/CCRI .....	10,611
Total, NOAA Oceanic and Atmospheric Research—PAC .....	10,611
NOAA National Weather Service:	
Systems Acquisition:	
ASOS .....	4,737
AWIPS .....	13,067
NEXRAD .....	8,604

## NOAA PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

	Fiscal year 2006 Committee rec- ommendation
NWSTG Legacy Replacement .....	534
Radiosonde Network Replacement .....	4,472
Weather and Climate Supercomputing .....	19,547
Weather and Climate Supercomputing Back-up .....	7,244
Cooperative Observer Network Modernization .....	4,289
Complete and Sustain NOAA Weather Radio .....	5,650
Subtotal, NWS Systems Acquisition .....	68,144
Construction:	
WFO Construction .....	13,803
NOAA Center for Weather & Climate Prediction (NCEP) .....	8,530
Subtotal, NWS Construction .....	22,333
Total, National Weather Service—PAC .....	90,477
NESDIS:	
Systems Acquisition & Construction:	
Geostationary Systems (GOES) .....	362,225
Polar Orbiting Systems (POES) .....	104,085
LandSat .....	11,000
Polar Orbiting Systems (NPOESS) .....	325,070
EOS & Advanced Polar Data Processing, Distribution & Archiving Systems .....	1,040
CIP—single point of failure .....	2,837
Comprehensive Large Array Data Stewardship System (CLASS) .....	6,628
NPOESS Preparatory Data Exploitation .....	4,500
Satellite CDA Facility .....	2,280
Total, NESDIS—PAC .....	819,665
Program Support:	
Integrated Ocean Observing System:	
NOAA ICOOS Observing Systems (NOS) .....	15,000
Convert NOAA Weather Bouys with NDBC (NOS) .....	4,000
Coastal Global Ocean Observing System (NWS) .....	1,497
Strengthen U.S. Tsunami Warning Network .....	3,480
Subtotal, Integrated Ocean Observing System .....	23,977
Construction:	
NOAA Pacific Regional Facility .....	20,000
Construction .....	12,000
Subtotal, Construction .....	32,000
OMAO Fleet Replacement:	
Small Waterplane Area Twin Hull Vessel (SWATH) .....	4,000
Upgrades: NANCY FOSTER/OSCAR DYSON/HI'IALAKAI/FAIRWEATHER .....	3,254
Fisheries Survey Vessel Replacement #2 .....	2,500
Fisheries Survey Vessel #3 .....	5,500
Fisheries Survey Vessel #4 .....	44,200
AUV Sensors .....	3,000
Subtotal, OMAO Fleet Replacement .....	62,454
Total, Program Support—PAC .....	118,431

*Coastal and Estuarine Land Protection.*—This is the fourth year the Committee has recommended funding for the Coastal and Estu-

arine Land Protection program [CELP]. This program is modeled on the United States Forest Service's Forest Legacy Program. The Committee notes that the success of the Forest Legacy Program is in part due to the vetting process for each land conservation project. The Committee notes that several land conservation projects under the CELP program are not similarly vetted. Therefore, the Committee directs NOAA to assemble a list of projects that are ready and eligible for funding under the CELP program in fiscal year 2007. Such projects shall be identified as priorities under approved State CELP plans, or if a State CELP plan has not been completed, by the State's coastal program. These projects shall then be reviewed and prioritized by the Agency based on appropriate criteria. The Committee further directs that this list be forwarded to the Committee no later than March 1, 2006.

Under the guidelines established for the Coastal and Estuarine Land Conservation Program [CELCP], the Committee directs NOAA to provide \$1,000,000 to a nongovernmental organization to conserve land at Moose Mountain and hold title to land or interests in land in perpetuity. Furthermore, under CELCP Guideline 2.6 C, "silviculture" shall be considered consistent with long-term conservation on Moose Mountain.

*Fish and Wildlife Coordination Act.*—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 of the Fish and Wildlife Coordination Act (The Act of March 10, 1934, Chapter 55), acquisition projects are not dependent upon receipt of State, local, or private matching funds.

*NOAA Ships.*—The Committee recommendation includes funding to complete the construction costs associated with three fishery survey vessels [FSV]. The Committee notes that the National Marine Fisheries Service Data Acquisition Plan of 1988 identified a requirement for 10 acoustically quiet ships to meet its needs for fisheries data collection at sea. Furthermore, Public Law 106-450, the Fishery Survey Vessel Authorization Act of 2000, authorized construction of six acoustically quiet ships. Four of the six ships are needed for deep water data collection and two are needed for shallow water work. NOAA has contracted for, and the Committee has funded, the first four deep water vessels. However, a need remains for the shallow draft fisheries survey vessels. The Committee directs NOAA to begin requirements definition and feasibility studies of a shallow water class of fisheries survey vessels in preparation for construction of the shallow water vessels through a competitive procurement process.

The FSV2, the *BIGELOW*, will become operational during fiscal year 2006. The *BIGELOW* is currently planned for fisheries survey work in New England. NOAA is directed to provide a report to the Committee no later than January 15, 2006, on potential homeports for this vessel in northern New England. In preparation of this report, NOAA should consider all costs associated with each potential homeport, including potential dredging needs, dock rehabilitation and construction, existing deep water terminals, and proximity to

fishery research areas. Funds associated with short- or long-term berthing of this vessel are subject to section 505 of this Act.

*NOAA Aircraft and Unmanned Aerial Vehicles.*—NOAA’s severe weather research and reconnaissance aircraft are required to collect data in hurricanes and winter storms in support of NOAA operational forecasts and warnings. Most of these aircraft are approaching 30 years of age. It is not clear how much longer the present aircraft, avionics, and mission equipment can continue to meet mission needs. NOAA is directed to submit a plan to the Committee no later than May 15, 2006, describing how NOAA will modernize or replace its aging aircraft fleet to meet its severe weather data collection needs in the future. This report should address the utilization of both manned and remotely operated aircraft, and include instrumentation requirements for the next generation severe weather research and reconnaissance aircraft.

The Committee notes that over the past several years the technological maturity of the United States manufactured unmanned aerial vehicles [UAVs] has increased substantially. UAVs offer NOAA a potentially low cost alternative to traditional research and operational missions. The Committee directs NOAA, in consultation with the National Aeronautics and Space Administration, to report to the Committee no later than March 17, 2006, on the potential use of UAVs to operate in the near space environment for a variety of scientific and operational missions. Such missions may include: weather prediction, climate change, global-scale vertical resolution and profiling, atmospheric-ocean-land exchange processes, land surface and ecosystem monitoring, storm tracking, fisheries research, coastal zone imaging and sampling, range safety patrol, launch vehicle tracking and telemetry relay, satellite verification, and ground truth measurements.

PACIFIC COASTAL SALMON RECOVERY FUND

Appropriations, 2005 .....	\$88,798,000
Budget estimate, 2006 .....	90,000,000
House allowance .....	50,000,000
Committee recommendation .....	90,000,000

The Committee recommends \$90,000,000 for the Pacific Coastal Salmon Recovery Fund. The recommendation is \$1,202,000 above the fiscal year 2005 funding level and identical to the budget request.

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

[In thousands of dollars]

	Amount
State of Alaska .....	24,000
State of California .....	13,000
State of Idaho .....	4,500
State of Oregon .....	13,000
State of Washington .....	25,000
Columbia River Tribes .....	2,500
Pacific Coast Tribes .....	8,000

## COASTAL ZONE MANAGEMENT FUND

Appropriations, 2005 .....	\$3,000,000
Budget estimate, 2006 .....	3,000,000
House allowance .....	3,000,000
Committee recommendation .....	3,000,000

The recommendation includes requested language allowing not to exceed \$3,000,000 collected pursuant to the Coastal Zone Management Act to be transferred to the "Operations, Research and Facilities" account to offset the costs of implementing that Act.

## FISHERIES FINANCE PROGRAM ACCOUNT

Appropriations, 2005 .....	\$287,000
Budget estimate, 2006 .....	
House allowance .....	
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 2005 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 \$19,000,000 is for the menhaden fishery.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Appropriations, 2005 .....	\$16,070,400,000
Supplemental appropriations, 2005 .....	126,000,000
Budget estimate, 2006 .....	16,456,400,000
House allowance .....	16,471,050,000
Committee recommendation .....	16,396,400,000

The Committee recommends an appropriation of \$16,396,400,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is \$326,000,000 above the fiscal year 2005 funding level, excluding emergency supplemental appropriations, and \$60,000,000 below the budget request.

The National Aeronautics and Space Administration [NASA] was established by the National Aeronautics and Space Act of 1958 (Public Law 85-568) to conduct space and aeronautical research, development, and flight activities for peaceful purposes designed to maintain U.S. preeminence in aeronautics and space. NASA's unique mission of exploration, discovery, and innovation is intended to preserve the United States' role as both a leader in world aviation and as the pre-eminent space-faring nation. It is NASA's mission to: advance human exploration, use, and development of space; advance and communicate scientific knowledge and understanding of the Earth, the Solar System and the Universe; and research, develop, verify, and transfer advanced aeronautics and space technologies.

The President has announced a vision to return man to the Moon and eventually to Mars. This vision has provided an overall direction and focus for NASA. NASA has had over 18 months to formulate its plans and to begin implementation of this initiative. The Committee hopes that current work by NASA will come to fruition soon, and that the details of how to pursue the exploration vision

will begin to take shape. The Committee is supportive of the vision, but also has reservations about fully moving forward to implement this ambitious undertaking without comprehensive authorization legislation.

The Committee has modified the internal programs within the account structure as proposed in the budget request. The Committee has transferred the appropriate activities to reflect the two accounts of Science, Aeronautics, and Exploration and Exploration Capabilities. The account of the Office of the Inspector General will remain unchanged. These account revisions are being made to accommodate NASA's exploration vision. NASA has made substantial changes to its account structure each year and this has made it difficult to do year-to-year comparisons for funding. The Committee expects NASA to make no changes to the themes within each account or to the programs within each theme in its fiscal year 2007 budget request.

The Committee is extremely disappointed in the lack of detail provided in the fiscal year 2006 congressional budget justification document. Budget justifications are critical to the Committee's ability to make informed decisions concerning the administration's funding and must be submitted in a format with the greatest level of detail possible. In order for the budget justifications to be of value to the Committee, NASA is to present the fiscal year 2007 budget justification with detailed information on the prior year, current year, requested funding levels, and funding levels for the subsequent 4 fiscal years for each program, project, or activity funded within each division and directorate in each account, and provide detailed information on all proposed changes being requested. NASA is directed to submit to the Committee, not later than October 15, 2005, a template for its fiscal year 2007 budget justification document that complies with this direction.

The Committee understands that NASA is undertaking several extensive studies to define the activities and schedule necessary for accomplishing the initial stages of the exploration vision. The Committee commends NASA for the work being done, but notes that the results may not come in time for consideration during the deliberations of fiscal year 2006 appropriations. The Committee is open to considering funding adjustments as details are provided to the Committee.

In past years, NASA has chosen to make major programmatic decisions through the operating plan process. While such changes are allowed, it is not the view of the Committee that this should be a regular occurrence. Instead, such changes should be for minor adjustments as they arise and only in exceptional circumstances should comprehensive changes be made. Such changes disrupt the planning of ongoing activities and create unplanned workforce management difficulties.

NASA's new vision maps out an aggressive role for the United States in both manned and unmanned space exploration. However, the potential out-year costs are substantial and will likely be very difficult to sustain at the estimated levels. In addition, there must be a commitment by NASA to those activities that are already underway. The Shuttle program and the construction of the International Space Station [ISS] continue to be the primary focus of the



Nation's manned space flight activities. Nevertheless, a replacement for the Space Shuttle's manned and heavy lift capabilities must be considered as part of any plan for continued human access to space.

NASA now must lay the groundwork for the successful implementation of the proposed vision. The Committee expects NASA to take steps toward implementing the vision in fiscal year 2006 and to provide year-by-year budgetary and developmental goals related to the vision for the next 5 years, along with 10-year summary budget totals, in the fiscal year 2007 request.

The Committee is concerned that NASA will neglect areas that will only tangentially benefit from, or that do not fit within, the proposed vision. Within the fiscal year 2006 budget request, programs and infrastructure are proposed to be deferred or cancelled in such areas. These programs appear to be the sacrifices for the near-term budgetary resources needed to facilitate the implementation of the Moon/Mars vision.

The new National space policy to proceed with human and robotic exploration of the Moon, Mars, and beyond has profound implications for all of the science conducted by NASA. While the Committee applauds those goals, it is concerned that the strong, balanced science program that has served the Nation so successfully for many years could be left behind instead of being nurtured and sustained. That science program has been based on a set of carefully crafted scientific strategies that are founded on scientific and technical merit, relevance to overall national needs, and broad consultation with the scientific community. NASA is encouraged to look for ways to maintain a balance with the productive science NASA is known for and currently has underway, while taking the steps to fulfill the exploration vision.

Finally, for fiscal year 2006 and each year thereafter, the Committee directs NASA to include the out-year budget impacts in all reprogramming requests. Future operating plans and all resubmissions also shall include a separate accounting of all program/mismission reserves and impacts on estimated carry over funds.

#### SCIENCE, AERONAUTICS, AND EXPLORATION

##### (INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2005 .....	\$7,680,610,000
Supplemental appropriations, 2005 .....	126,000,000
Budget estimate, 2006 .....	9,661,000,000
House allowance .....	9,725,750,000
Committee recommendation .....	9,761,000,000

The Committee recommends an appropriation of \$9,761,000,000 for the Science, Aeronautics, and Exploration account. The recommendation is \$35,250,000 above the fiscal year 2005 funding level and \$100,000,000 above the budget request.

NASA's Science, Aeronautics, and Exploration [SAE] account provides funding for the Science, Exploration Systems, and Aeronautics Research Mission Directorates and Education Programs. The SAE appropriation includes both the direct and the indirect costs of supporting the Mission Directorates and Education Program, and provides for: research; development; operations; salaries and related expenses; design, repair, rehabilitation, and modifica-

tion of facilities and construction of new facilities; maintenance and operation of facilities; and other general and administrative activities supporting SAE programs.

Within this account, the Committee directs NASA not to charge any administrative expenses to congressionally-directed spending on specific projects. These costs should be absorbed within the funding provided in this account. The Committee has provided \$50,000,000 within this account for initiatives terminated in the fiscal year 2006 budget request.

A servicing mission to the Hubble Telescope is a National priority. The National Academy of Sciences affirmed this view in its report to the Agency late last year. The NASA Administrator has echoed this view and announced a formal internal study to determine the feasibility of a shuttle based SM-4 mission once the shuttle fleet is safely returned to flight. The Committee reiterates its strong support for an appropriate servicing mission to Hubble to ensure the continued operation of the telescope into the next decade. Therefore, in preparation for a potential shuttle based servicing mission, the Committee recommends an increase of \$250,000,000 above the budget request for an SM-4 mission to be completed by the end of 2008, pending a final decision by the NASA Administrator.

The Committee recognizes the potential for fulfilling some future planetary exploration, mapping, positioning, and communications requirements at greatly reduced cost through microsattellites. Of the funds recommended for Exploration Systems, \$20,000,000 shall be used for the evaluation of alternative small spacecraft technologies with the potential for dramatically lowering planetary exploration costs. These funds shall be applied to developing low cost payload and satellite bus technology in a pathfinder mission demonstrating high impact exploration technologies. NASA shall work with the Department of Agriculture, the Department of Defense, the National Oceanic and Atmospheric Administration, and other Federal agencies in sharing data collected from this pathfinder mission in order to evaluate small spacecraft technology's potential for fulfilling multi-agency applications.

The Committee supports the independent review of the Discovery 11 selection process and expects a favorable decision in order to proceed with a Discovery 11 new start. The Committee is concerned about potentially escalating costs associated with future Discovery missions. Therefore, for all future Discovery missions following Discovery 11, the Committee caps the Discovery program at not more than \$350,000,000 per mission. Further, the Committee expects NASA to proceed as well with the Discovery 12 announcement of opportunity as quickly as the Discovery 11 selection is resolved. This is to ensure that proceeding with Discovery 11 does not jeopardize Discovery 12's funding.

The Committee recommends the requested level of \$234,000,000 for the Living With A Star [LWS] program. This program is one of NASA's most important space science programs. The Committee expects NASA to issue an announcement of opportunity for the Geospace Radiation Belt Storm Probe no later than July 29, 2005. In addition, the Committee directs NASA to develop a plan to guarantee launch of this Geospace mission and the Solar Dynamic Ob-

servatory [SDO] as close to 1 year of each other as possible, with the Solar Sentinels to follow thereafter within a reasonable time-frame. The Committee remains concerned about SDO's cost growth over time and expects NASA to take steps to manage it so as not to adversely impact the future launch schedules of Geospace and the Solar Sentinels.

The Committee recommends \$78,800,000 for NASA's Solar Terrestrial Probes program, the same as the budget request. Funds provided herein should support an early 2006 launch of Solar Stereo as well as robust funding to commence phase C/D work for the magnetospheric multiscale [MMS] mission, with the expectation that MMS will have a funding profile to launch no later than 2011.

Earth science has been a critical part of the balanced space program long advocated by this Committee. The Committee remains fully committed to a robust Earth science program at NASA notwithstanding the recent headquarters reorganization plan. The Committee expects NASA to remain fully committed to Earth science, with future missions that reflect a serious commitment to Earth science as a vital part of the Nation's space program. The Committee further recommends \$102,837,000 within this account to supplement activities within the areas of earth science and exploration.

The recommendation includes an increase of \$15,000,000 above the budget request for the NASA Earth Science Applications Program. This funding increase will be used to support competitively-selected applications projects. These projects will integrate the results of NASA's earth observing systems and earth system models (using observations and predictions) into decision support tools to serve applications of national priority including, but not limited to: Homeland Security; Coastal Management; Agriculture Efficiency; and Water Management and Disaster Management.

The Committee is encouraged by the efforts of the National Academy of Sciences to devise an earth science decadal survey, as has already been done for the other science disciplines funded by NASA. The Committee expects NASA to have an implementation plan, with new start funding attached, to initiate the highest priority missions from the decadal survey in fiscal year 2007. In addition, the Committee fully expects this implementation profile to have a continuous mixture of small-, medium-, and observatory-class earth science missions that guarantee regular and recurring flight opportunities for the earth science community.

In addition, the Committee notes the continued success of the earth observing data information system [EOSDIS] and the EOSDIS core system [ECS] which has successfully handled record amounts of data for storage and distribution to the scientific community for the EOS mission series. The Committee directs NASA to ensure that the EOSDIS and the ECS remain the operational foundation of the evolutionary ground system to implement all of the new missions funded as a result of the earth science decadal survey.

The Committee notes that over the past several years the technological maturity of U.S. manufactured unmanned aerial vehicles [UAVs] has increased substantially. The Committee believes UAVs

could offer NASA a potentially low cost alternative to traditional earth science research missions, thereby opening up new opportunities for research that do not currently exist. In addition, the use of UAVs offers similar opportunities for NOAA to utilize new, low cost technology that could improve weather and severe storm prediction capabilities. Therefore, the Committee directs the NASA Administrator, in consultation with NOAA, to report to the Committee on the potential use of UAVs to operate in the near space environment for a variety of science and operational missions, including weather prediction, climate change, global-scale vertical resolution and profiling, atmosphere-ocean-land exchange processes, land surface and ecosystem monitoring, storm tracking, coastal zone imaging and sampling, range safety patrol, launch vehicle tracking and telemetry relay, satellite verification, and ground truth measurements. The report shall be completed no later than March 17, 2006.

The Committee recommends the budget request of \$30,900,000 for continued operation of the Independent Verification and Validation [IV&V] Center in Fairmont, WV.

The Committee is concerned with the steady decline in the aeronautics research and technology request. Even more alarming, NASA's budget projections indicate that this trend will continue. Further, the United States faces major foreign competition in the commercial aviation arena. The Committee is committed to the research NASA conducts in aeronautics, and to the benefits, both in terms of safety and economics, that will be made available to the public through NASA-led research.

With U.S. competitiveness under pressure from other countries, it is imperative that NASA honor its historical role in civil and military aeronautics research. The Committee is troubled by the budget request's proposed dismantlement of the Vehicle Systems Program by concentrating its resources on a narrow set of flight demonstrations that have not been the subject of any peer review, whereas the seven major projects of the existing VSP were found by the National Academy to be of good quality a little over 2 years ago. For this reason, NASA is directed to halt any transition to the proposed "four flight project" architecture for the VSP, and instead shall maintain the existing program structure in place, along with its people and facilities. While the Committee supports the establishment of a new national aeronautics policy, any such policy must be guided by the data provided in the recently completed National Institute of Aerospace [NIA] report, "Responding to the Call: Aviation Plan for American Leadership". Any prospective new policy must be driven by scientific merit and industrial need and baseline data for such a policy, and the funding profile flowing from it, should be taken from the NIA report rather than some new collection effort or study.

Based on the success of the X-43 program, the Committee recommends \$25,000,000 to continue the research being conducted on hypersonic engine technologies. The Committee also continues to encourage joint NASA and Air Force cooperation and collaboration in advancement of aeronautics technologies in the National interest.

NASA has a long history of supporting science, technology, engineering, and mathematical education. This support reaches all levels of education from K–12 to graduate level. For NASA to embark on its vision for exploration there must exist a general workforce that is technically skilled as well as a wide range of scientists and engineers for NASA to draw upon. This will require exciting young minds in the areas of science, and then sustaining this excitement through college and beyond. To help accomplish this task, NASA has dedicated funds toward many education activities. Within the education programs provided for within this account, the Committee recommends \$12,000,000 for the NASA Experimental Program to Stimulate Competitive Research [EPSCoR], \$29,550,000 for the National Space Grant College and Fellowship Program (Space Grant), and \$54,233,000 for other education-related activities. The Committee also encourages NASA to continue its cooperative educational programs with the Museum of Natural History and the Hayden Planetarium in New York. The Committee directs, to the extent possible, that education funds within this account address the education needs of women, minorities, and other historically underrepresented groups.

The Committee is prepared to commit funds to the Crew Exploration Vehicle [CEV], but is concerned that the current plans for accelerating the schedule for the CEV could have a dramatic impact in the funding profile of the program. NASA is encouraged to find ways to mitigate the impacts of such a change in fiscal year 2006 funding for the CEV if this becomes necessary.

As NASA begins to consider another manned vehicle program, it must not repeat the mistakes of the Space Station, where poor management and lack of independent oversight resulted in major cost overruns. At this early stage in the development of the CEV, it is essential that these mistakes not happen again.

The Committee acknowledges the desire of NASA to attempt to replicate the efforts of the X-Prize in the proposed Centennial Challenges program. The Committee is concerned that NASA is asking for a lump sum of funds for the Centennial Challenges program and only then will NASA identify the challenges and assign prize levels for completion. In future budget justifications, NASA shall identify the challenges being proposed for prize funding, and the specific amounts to be awarded for each challenge. No funding is recommended for this program. The Committee notes that unexpended balances for this program remain from last year. These balances should be applied to the Centennial Challenges program for fiscal year 2006. Finally, the Committee reiterates that no funds shall be expended for this program until it is authorized.

In accordance with the President's stated expectation of exploration furthering not only U.S. scientific leadership but also our security and economic interests, the Committee directs that the funding for the Research Partnership Centers and the University Research Engineering and Technology Institutes be funded at the same level in fiscal year 2006 as they were in fiscal year 2005. The Committee further directs NASA to provide, as a part of the fiscal year 2007 budget submission, a fully developed plan for developing and funding sustained viable university/industry partnerships in

areas of technology that are critical to the success of the Exploration Vision.

The Committee notes that future launch vehicles and spacecraft will require extensive use of advanced materials beyond anything currently in use. Further developments in fracture control/failure analysis, composites, structural design and testing, and advanced manufacturing are absolutely critical to the future missions of the exploration vision. Developing a fundamental understanding of the extended use of composites in the design of new vehicles and spacecraft will also be critical to the development of any new structural systems. Equally important to NASA's future usage of these materials will be the ability to utilize or develop inspection techniques which are consistent in detection capability with the requirements for variability reduction. For these purposes, the Committee provides an increase of \$30,000,000 to the National Center for Advanced Manufacturing for research to extend the use of advanced components and materials in the design of new vehicles and spacecraft.

The Committee notes that numerous components have been developed for use in the International Space Station [ISS] Environmental Control and Life Support System [ECLSS]. Although these components have performed admirably for short-duration subsystem tests, there is little long-range operational data available. It is important to know how long a subsystem is anticipated to perform or the problems that can be expected should subsystem components fail. Such information will be vital for future lunar habitation modules as part of the exploration vision. The Committee therefore recommends \$10,000,000 for research and development for integrated radiation shielding protection, regenerative environmental control and life support systems, advanced life support air revitalization, and integrated vehicle health management through the ECLSS Life Test program office.

Within the funds provided, the Committee recommends \$20,000,000 for the Propulsion Research Laboratory to perform nuclear thermal propulsion systems development and for other advanced nuclear power propulsion research for application to the exploration vision through the Prometheus Nuclear Systems and Technology program.

Finally, the Committee recognizes the National Remote Sensing and Space Law Center's role as a resource to multiple agencies, providing legal research and outreach on critical space and aviation law issues. The Committee recognizes a growing need for objective and timely space and aviation law support in areas that include deployment and operation of satellites, commercial infrastructure, data policies, intellectual property, privacy, liability, international law, use of imagery as legal evidence, environmental issues, and licensing. As public and private entities continue to expand their presence in space, this research will increase in importance. The Committee therefore directs the NASA to report to the Committee by March 1, 2006, on the need for continued and expanded research into these areas. This report should include guidance on the expansion of the National Remote Sensing and Space Law Center.

## EXPLORATION CAPABILITIES

Appropriations, 2005 .....	\$8,358,443,000
Budget estimate, 2006 .....	6,763,000,000
House allowance .....	6,712,900,000
Committee recommendation .....	6,603,000,000

The Committee recommends an appropriation of \$6,603,000,000. The recommendation is \$1,755,443,000 below the fiscal year 2005 funding level and \$160,000,000 below the President's request for these activities.

NASA's Exploration Capabilities [EC] account provides funding for the Space Operations Mission Directorate. The Space Operations Mission Directorate includes International Space Station [ISS], Space Shuttle Program, and Space and Flight Support. The Committee notes that NASA has chosen to fund certain activities under Science, Aeronautics, and Exploration that were previously funded under this account. As a result, funding in the EC account has been significantly reduced.

The EC appropriation includes both the direct and the indirect costs supporting the Space Operations Mission Directorate, and provides for all of the research; development; operations; salaries and related expenses; design, repair, rehabilitation, and modification of facilities and construction of new facilities; maintenance, and operation of facilities; and other general and administrative activities supporting the EC programs.

There is no higher priority than improving the safety and reliability of the remaining Shuttle orbiters. The Shuttle remains the cornerstone of our Nation's heavy launch capability and is critical to the future of the ISS and scientific research. The future of the ISS, and other U.S. manned space flight missions for the rest of the decade are contingent upon having a working Shuttle fleet that is safe and reliable throughout the remaining years of the shuttle program. The Committee is concerned that as the Shuttle and the Shuttle infrastructure continue to age, further challenges in operating the fleet may arise.

The Committee recommends \$4,530,600,000 for the Shuttle. This is identical to the budget request. The funds provided within this account are dedicated solely to shuttle funding needs.

The Committee reminds NASA that it must request a reprogramming, in writing, to move or alter the purpose of any funds related to the shuttle program, and that NASA must include the out-year impacts on all activities involved in such reprogramming.

Finally, the Committee expects consultation by NASA on all proposed changes to investments in the Shuttle program. These consultations must occur before final decisions are made.

The Committee notes that the ISS continues to operate at a reduced level with future construction not expected to begin until later this year, at the earliest. Despite the ability of international partners to fill the gap created by the grounding of the shuttle fleet, the capabilities of the ISS have been dramatically diminished.

As construction of the ISS resumes, revised plans for the future of the ISS must also be set. If there is to be a redirection of the research to be conducted onboard the ISS, any revision shall be done in consultation with the ISS partners. These partners will be affected by such actions, and their participation to this point has

been crucial. If NASA intends to have international partners for future space exploration, then NASA should be sure not to exclude its current partners in making decisions involving the research direction and construction schedule of the ISS.

NASA is reminded that it must provide the Committee with a plan detailing the steps necessary to complete construction of the ISS. This plan may include completion of the ISS by only using the shuttle, or a combination of shuttle and unmanned flights for delivering components to the ISS. The cost implications associated with the revised schedule must be included in the report.

The recommendation does not include the requested amount for crew and cargo services. The Committee notes that the total amount appropriated for fiscal year 2005, \$98,000,000, has not been expended and will be carried over in its entirety into fiscal year 2006. This funding is sufficient for any initial activity that might be initiated for this activity in fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2005 .....	\$31,347,000
Budget estimate, 2006 .....	32,400,000
House allowance .....	32,400,000
Committee recommendation .....	32,400,000

The Committee recommends an appropriation of \$32,400,000. The recommendation is \$1,053,000 above the fiscal year 2005 funding level and identical to the budget request.

The Office of Inspector General [IG] was established by the Inspector General Act of 1978. The Office is responsible for providing agencywide audits and investigative functions to identify and correct management and administrative deficiencies which create conditions for existing or potential instances of fraud, waste, and mismanagement.

The Committee commends the NASA IG's diligence in addressing issues of fraud and abuse.

The Committee also directs the NASA IG to continue its efforts to review NASA's contract procedures and conventions to determine if there are ways to reform the process and reduce the costs of NASA programs and activities. In particular, many NASA contract provisions require NASA to pay for significant cost overruns in cases of program delays. These costs are substantial and, in some cases, may be unwarranted or unnecessary. As a result, implementation of contract reform should be considered a priority as part of any overall restructuring at NASA.

ADMINISTRATIVE PROVISIONS

The Committee recommendation includes a series of provisions, proposed by the administration, which are largely technical in nature, concerning the availability of funds. These provisions have been carried in prior-year appropriations acts.

The Committee has removed the transfer authority that NASA was granted as an extraordinary measure in fiscal year 2005. At the time of enactment of the fiscal year 2005 Omnibus Appropriations Act (Public Law 108-447), NASA and the Committee were in the difficult position of having to prepare funding estimates for the Shuttle fleet for return to flight with very preliminary estimates of



the costs involved. In order to assure proper funding levels for the Shuttle program, extraordinary flexibility for transfers was allowed by the Committee. Now that the Shuttle program has returned to regular funding patterns, the need for comprehensive transfer authority no longer exists. NASA shall abide by the guidelines provided in section 505 of this Act for future requests to reprogram funds.

The Committee is concerned that NASA has not utilized independent cost verification early in the process of estimating costs for its programs and missions or in assessing the appropriate funding levels of sole-source contracts. By not using this tool, NASA cannot be certain that potential contract costs are accurately represented. In allocating resources for current and future needs, effective cost estimation is crucial. NASA is directed to incorporate independent cost verification as part of the process by which contracts are selected. These shall be used as a guide for assessing when costs have exceeded expectations and to help identify projects for termination.

Finally, NASA shall notify the Committee 15 days prior to allocating funds, modifying, or extending existing contracts that are in excess of 15 percent of the original contract value. Within this notification, the contractor, with the concurrence of NASA, shall justify the additional expenditure of funds, and NASA shall identify the source of any additional funds. It is critical that NASA be able to control costs for its activities. The Committee will not look favorably upon the use of contractors that repeatedly have cost overruns unless these cost overruns have been justified.

NATIONAL SCIENCE FOUNDATION

Appropriations, 2005 .....	\$5,472,824,000
Budget estimate, 2006 .....	5,605,000,000
House allowance .....	5,643,370,000
Committee recommendation .....	5,530,959,000

The Committee recommends an appropriation of \$5,530,959,000. The recommendation is \$58,135,000 above the fiscal year 2005 funding level and \$74,041,000 below the budget request.

The National Science Foundation was established as an independent agency by the National Science Foundation Act of 1950 (Public Law 81-507) and is authorized to support research and education programs that promote the progress of science and engineering in the United States. The Foundation supports research and education in all major scientific and engineering disciplines through grants, cooperative agreements, contracts, and other forms of assistance awarded to more than 2,000 colleges and universities, nonprofit organizations, small businesses, and other organizations in all parts of the United States. The Foundation also supports unique, large-scale research facilities and international facilities.

The Committee notes that productivity growth, powered by new knowledge and technological innovation, makes the economic benefits of a comprehensive, fundamental research and education enterprise abundantly clear. New products, processes, entire new industries, and the employment opportunities that result depend upon rapid advances in research and their equally rapid movement into the marketplace. In today's global economy, continued progress in

science and engineering and the transfer of the knowledge developed is vital if the United States is to maintain its competitiveness. NSF is at the leading edge of the research and discoveries that will create the jobs and technologies of the future.

The Committee reiterates its long-standing requirement that NSF request reprogrammings when initiating new programs or activities or reorganizing components. The Committee directs the Foundation to notify the chairman and ranking minority member prior to each reprogramming of funds in excess of \$250,000 between programs, activities, or elements. The Committee expects to be notified of reprogramming actions which involve less than the above-mentioned amount if such actions would have the effect of changing the agency's funding requirements in future years, or if programs or projects specifically cited in the Committee's reports are affected.

To the greatest extent possible, the funding provided to NSF for activities for fiscal year 2006 is not to exceed the requested level except where otherwise recommended by the Committee.

#### RESEARCH AND RELATED ACTIVITIES

Appropriations, 2005 .....	\$4,220,556,000
Budget estimate, 2006 .....	4,333,500,000
House allowance .....	4,310,000,000
Committee recommendation .....	4,345,213,000

The Committee recommends an appropriation of \$4,345,213,000. The recommendation is \$124,657,000 above the fiscal year 2005 funding level and \$11,713,000 above the budget request.

The Research and Related Activities appropriation addresses the Foundation's three strategic goals: people—developing a diverse, internationally competitive and globally-engaged workforce of scientists, engineers, and well-prepared citizens; ideas—enabling discovery across the frontiers of science and engineering, connected to learning, innovation, and service to society; and tools—providing broadly accessible, state-of-the-art science and engineering facilities and shared research and education tools. Research activities will contribute to the achievement of these outcomes through expansion of the knowledge base; integration of research and education; stimulation of knowledge transfer among academia and public and private sectors; and international activities, and will bring the perspectives of many disciplines to bear on complex problems important to the Nation. The Foundation's discipline-oriented Research and Related Activities Account include: Biological Sciences; Computer and Information Science and Engineering; Engineering; Geosciences; Mathematical and Physical Sciences; Social, Behavioral and Economic Sciences; U.S. Polar Research Programs; U.S. Antarctica Logistical Support Activities; and Integrative Activities.

To improve planning and priority-setting for the Foundation and improve the Committee's efforts to understand NSF's long-term budgeting needs, the Committee directs NSF to continue to provide multi-year budgets for all of its multi-disciplinary activities. The Committee is concerned that NSF has taken on more significant initiatives that often require multi-year funding to meet research goals. NSF shall continue to provide the Committee with documentation that identifies these types of initiatives. Accordingly, the

Committee directs NSF to continue to include the funding requirements of all major multi-disciplinary and mid-level activities in future budget requests.

The Committee has provided the budget request of \$386,930,000 for polar research activities. Within this amount, no more than the base funding in the budget submission, as well as an additional \$48,000,000 for ice breaking, as requested by the administration, is provided for icebreaking activities. The Committee has included bill language clarifying that the Director of NSF shall procure polar ice breaking services from the Coast Guard. However, if the Coast Guard is unable to provide ice breaking services, NSF shall procure such services from alternative sources. The Committee expects the Director of NSF, the Commandant of the Coast Guard, the Director of the Office of Management and Budget, and the Director of the Office of Science and Technology Policy to work jointly to ensure that the Coast Guard ice breaking fleet is capable of meeting NSF's future polar ice breaking needs.

The Committee recommends \$100,000,000 for the Plant Genome Research Program. The Committee remains a strong supporter of this important program due to its potential impact on improving economically significant crops. The Committee also recognizes its vast potential in combating hunger in poor countries. Accordingly, the Committee directs the NSF to accelerate funding for this program as authorized under Section 8(3)(c) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368).

NSF has been the lead agency for the National Nanotechnology Initiative, and will continue to contribute to this emerging technology. The Committee recommends the full funding level requested for nanotechnology. This level of funding will allow the Foundation to continue to be the leader for this initiative. NSF is encouraged to make sure that public misconceptions of this field are minimized.

The Committee is concerned that NSF continues to underfund operations for radio astronomy. The operations, maintenance, and development of new instrumentation at the Very Large Array, the Very Long Baseline Array, and the Green Bank Telescope allows these world-class facilities to provide valuable research into the origins of the universe. The Committee recommends \$51,400,000 for the operations of the National Radio Astronomy Observatories.

The Office of International Science and Engineering [OISE] has worked to ensure that U.S. researchers are involved with leading research across the globe. As research becomes more collaborative—with partnerships reaching across nations, the work of this office—identifying research opportunities around the globe—will grow. The Committee supports the fiscal year 2006 funding request for OISE in order to keep U.S. research at the forefront of global science.

The Committee notes that NSF is investing in a multi-year priority area of research in Human and Social Dynamics and recommends \$39,450,000 for this purpose.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriations, 2005 .....	\$173,650,000
Budget estimate, 2006 .....	250,000,000
House allowance .....	193,350,000
Committee recommendation .....	193,350,000

The Committee recommends an appropriation of \$193,350,000. The recommendation is \$19,700,000 above the fiscal year 2005 funding level and \$56,650,000 below the budget request.

The major research equipment and facilities construction appropriation supports the acquisition, procurement, construction, and commissioning of unique national research platforms and facilities as well as major research equipment. Projects supported by this appropriation will push the boundaries of technology and offer significant expansion of opportunities, often in new directions, for the science and engineering community. Preliminary design and development activities, on-going operations, and maintenance costs of the facilities are provided through the research and related activities appropriation account.

The Committee recommends \$49,240,000 for the Atacama Large Millimeter Array [ALMA], \$50,620,000 for EarthScope, \$33,400,000 for the IceCube Neutrino Observatory, and \$57,920,000 for the Scientific Ocean Drilling Vessel.

The Committee has chosen not to fund the Rare Symmetry Violating Processes [RSVP] project. Recent developments have caused unacceptable increases in the program. NSF is directed to apply the \$14,880,000 in remaining fiscal year 2005 funds to the projects funded in fiscal year 2006, which will bring total funding for projects in this account to \$208,230,000. This will allow for full funding of the four projects receiving funds in fiscal year 2006 from the Major Research Equipment and Facilities Construction [MREFC] account.

If the Foundation chooses to alter or descope the RSVP proposal which the National Science Board has already approved, the new project shall begin the process for inclusion as an MREFC project again at the directorate level within the Research and Related Activities account.

EDUCATION AND HUMAN RESOURCES

Appropriations, 2005 .....	\$841,421,000
Budget estimate, 2006 .....	737,000,000
House allowance .....	807,000,000
Committee recommendation .....	747,000,000

The Committee recommends an appropriation of \$747,000,000. The recommendation is \$94,421,000 below the fiscal year 2005 funding level and \$10,000,000 above the budget request.

The education and human resources appropriation supports a comprehensive set of programs across all levels of education in science, technology, engineering and mathematics [STEM]. The appropriation supports activities that unite school districts with institutions of higher learning to improve precollege education. Other precollege activities include the development of the next generation of precollege STEM education leaders; instructional materials; and the STEM instructional workforce. Undergraduate activities support curriculum, laboratory, and instructional improvement; ex-

pand the STEM talent pool; attract STEM participants to teaching; augment advanced technological education at 2-year colleges; and develop dissemination tools. Graduate support is directed to research and teaching fellowships and traineeships and instructional workforce improvement by linking precollege systems with higher education. Programs also seek to broaden the participation of groups underrepresented in the STEM enterprise, build State and regional capacity to compete successfully for research funding, and promote informal science education. Ongoing evaluation efforts and research on learning strengthen the base for these programs.

The Committee strongly encourages NSF to continue support for undergraduate science and engineering education. At a time when enrollment in STEM fields of study continues to decline, it is important that NSF use its position to support students working towards degrees in these areas.

NSF plays a significant role in attracting more of the best and brightest students in the Nation into the science, mathematics, engineering, and technology fields. The Committee urges NSF to work towards increasing the number of women, minorities, and other underrepresented groups to the greatest extent possible.

To address the importance of broadening science and technology participation to minorities, the Committee recommendation includes the amounts in the budget request for the Historically Black Colleges and Universities—Undergraduate Program [HBCU-UP], the Louis Stokes Alliance for Minority Participation program and the HBCU-Research University Science & Technology [THRUST] initiative within the Centers of Research Excellence in Science and Technology [CREST] program. The Committee also supports the budget request for the Tribal Colleges and Universities program. In past years, these programs had been routinely cut, however, NSF has chosen to keep funding these programs near prior year funding levels. The Committee is supportive of this decision and anticipates that further attempts to cut these programs will not occur.

The Committee has included \$100,000,000 for the Experimental Program to Stimulate Competitive Research [EPSCoR], of which at least \$65,000,000 shall be used for the Research Infrastructure Improvement [RII] component supporting research areas aligned with statewide EPSCoR science and technology priorities.

Finally, the Committee rejects the administration's continued request to have the Math and Science Partnership [MSP] program only exist at the Department of Education. Current activities initiated by MSP are only beginning to provide measurable results and have yet to be ready for implementation on a nationwide basis. The MSP program is an important asset in providing improved math and science education by partnering local school districts with faculty of colleges and universities. For this purpose an increase of \$4,000,000 above the budget request is provided to the MSP program to be used to fund activities that are not being addressed by the companion program at the Department of Education.

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$223,200,000
Budget estimate, 2006 .....	269,000,000
House allowance .....	250,000,000
Committee recommendation .....	229,896,000

The Committee recommends an appropriation of \$229,896,000. The recommendation is \$6,696,000 above the fiscal year 2005 funding level and \$39,104,000 below the budget request.

The salaries and expenses appropriation provides funds for staff salaries, benefits, travel, training, rent, advisory and assistance services, communications and utilities expenses, supplies, equipment, and other operating expenses necessary for management of the National Science Foundation's [NSF] research and education activities.

The Committee remains concerned about the Foundation's management and oversight of its large research facilities. The Committee is especially troubled by the lack of staffing resources provided to the Office of the Deputy Director of Large Facility Projects and, accordingly, the Committee directs the Foundation to provide the staffing support necessary for the Deputy Director of no fewer than three FTE's to perform this job effectively. The Committee directs the Foundation to detail in its fiscal year 2006 operating plan the steps taken to provide additional resources for this office.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriations, 2005 .....	\$3,968,000
Budget estimate, 2006 .....	4,000,000
House allowance .....	4,000,000
Committee recommendation .....	4,000,000

The Committee recommends an appropriation of \$4,000,000. The recommendation is \$32,000 above the fiscal year 2005 funding level and identical to the budget request.

The National Science Board is the governing body of the National Science Foundation. The Board is composed of 24 members, appointed by the President and confirmed by the Senate. The Board is also charged with serving as an independent adviser to the President and Congress on policy matters related to science and engineering research and education. By law, the Board establishes the policies of the National Science Foundation, provides oversight of its programs and activities, and approves of its strategic directions and budgets. The Board reviews and approves NSF awards at levels above its delegation of authority to the NSF Director.

Given the increasing oversight responsibilities of the Board, driven by the growth of the Foundation, the Committee wants to ensure the Board continues to carryout effectively its policy-making and oversight responsibilities. The Committee is providing funding to support the operations, activities, training, expenses, and staffing of the Board.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2005 .....	\$10,029,000
Budget estimate, 2006 .....	11,500,000
House allowance .....	11,500,000
Committee recommendation .....	11,500,000

The Committee recommends an appropriation of \$11,500,000. The recommendation is \$1,471,000 above the fiscal year 2005 funding level and identical to the budget request.

The Office of Inspector General appropriation provides audit and investigation functions to identify and correct deficiencies that could create potential instances of fraud, waste, or mismanagement.

The funds provided will allow the OIG to further its efforts in several priority areas that pose the greatest risk to the agency: financial management, acquisition, information technology, human capital, award administration, awardee financial accountability and compliance, and the management of agency programs and projects.

## EXECUTIVE OFFICE OF THE PRESIDENT

### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriations, 2005 .....	\$6,328,000
Budget estimate, 2006 .....	5,564,000
House allowance .....	5,564,000
Committee recommendation .....	5,564,000

The Committee recommends an appropriation of \$5,564,000. The recommendation is \$764,000 below the fiscal year 2005 funding level and identical to the budget request.

The Office of Science and Technology Policy [OSTP] was created by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94–282) and coordinates science and technology policy for the White House. OSTP provides authoritative scientific and technological information, analysis, and advice for the President, for the executive branch, and for Congress; participates in formulation, coordination, and implementation of national and international policies and programs that involve science and technology; maintains and promotes the health and vitality of the U.S. science and technology infrastructure; reviews and analyzes, with the Office of Management and Budget, the research and development budgets for all Federal agencies; and coordinates research and development efforts of the Federal Government to maximize the return on the public's investment in science and technology and to ensure Federal resources are used efficiently and appropriately.

The President's Science Advisor should continue to play an integral role in advising the President on the appropriate balance among and between disciplines and agencies in the Federal R&D portfolio. The Committee also expects the Science Advisor will conduct effective outreach to the science and engineering community and be an active and influential advisor to the President on important public policy issues grounded in science and technology.

The Committee notes that the Government share for R&D funding has declined substantially over the last 15 years. However, industry's dependence on public R&D for innovation remains very high. Nearly three-quarters of U.S. industry patents cite publicly-funded science as the basis for the invention. The Committee is concerned that further reductions in public funding for science and engineering could result in a decrease in the private sector's capacity to innovate.

The Committee is also concerned about the adequacy of this Nation's scientific and technical workforce, and the efforts needed to boost the participation of women and minorities in the science and engineering workforce. The Committee urges OSTP to work with the relevant agencies on the development of policies and in the allocation of resources to address these issues effectively.

The Committee reiterates its long standing interest in improving coordination and cooperation among the various R&D agencies under the auspices of OSTP and the National Science and Technology Council [NSTC]. In a time where there are scarce budgetary dollars available for federally-funded science, it is crucial that coordination of activities across agencies is maximized. It is the role of OSTP to identify such areas and to facilitate and bring about the cooperation of agencies to accomplish the science and technology developmental goals of the Nation.

Recognizing the critical challenges and important opportunities in agricultural research in this new century, the Committee encourages OSTP to assess the merit-based, peer-reviewed basic science to support food and agriculture research across all Federal agencies. The Committee further encourages OSTP to assess future opportunities and avenues for improving merit-based, peer-reviewed basic science to support food and agriculture research and to report their findings to the Committee.

#### GENERAL PROVISIONS—SCIENCE

Section 301 concerns National Institute of Standards and Technology construction.

Section 302 promotes fish products and research.

Section 303 concerns a transfer of funds.



TITLE IV—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$8,975,000
Budget estimate, 2006 .....	9,096,000
House allowance .....	9,096,000
Committee recommendation .....	9,000,000

The Committee recommends an appropriation of \$9,000,000 for the salaries and expenses of the Commission on Civil Rights. The recommendation is \$25,000 above the fiscal year 2005 funding level and \$96,000 below the budget request.

The Committee expresses grave concern over the Commission's insolvency and documented financial mismanagement. In order to meet its fiscal responsibilities, the Commission must continue to focus on enacting significant reform. In this regard, the Committee notes the Commission's unanimous adoption in April 2005, of all policy recommendations contained in the Government Accountability Office's reports of 2005, 2004, 2003, and 1995 as well as the Office of Personnel Management's report of 1997. These recommendations are slated to be fully implemented by mid-January, 2006. The Committee directs the Commission to produce two written reports, due no later than September 30, 2005, and January 31, 2006, outlining in detail the implementation of these recommendations. Additionally, the Committee reminds the Commission to adhere to the policy concerning the reprogramming of funds, outlined in section 505 of this Act.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$326,803,000
Budget estimate, 2006 .....	331,228,000
House allowance .....	331,228,000
Committee recommendation .....	331,228,000

The Committee recommends an appropriation of \$331,228,000. The recommendation is \$4,425,000 above the fiscal year 2005 funding level and identical to the budget request.

The Committee remains concerned over the pending Equal Opportunity Employment Commission [EEOC] repositioning plan and its impact on the Commission's ability to perform its investigations and enforcement duties. The Committee includes bill language that prohibits implementation of any workforce repositioning, restructuring, or reorganization until the Committee has been notified of the proposal, in accordance with section 505 of this Act.

The Committee further directs that the repositioning plan not result in a reduction in salary for any EEOC employee or in a reduc-

tion in the number of officers or employees serving as mediators, investigators, or attorneys at any Commission office except in the case of voluntary reassignment or voluntary separation.

The Commission is directed to submit to the Committee, prior to implementation of any repositioning, restructuring, or reorganization plan, a comprehensive analysis of current investigations and enforcement levels and the full impact of the repositioning plan on all core services. The analysis should be conducted for each district, field, area, and local office. The Committee understands that the EEOC plans to solicit public comment on the proposed plan and expects that this process be thorough and continue until all interested parties have an opportunity to have their comments heard. The Committee also expects the Commission to take into consideration those public comments prior to any vote of the Commissioners on implementation of any repositioning, restructuring, or reorganization plan.

FEDERAL COMMUNICATIONS COMMISSION  
SALARIES AND EXPENSES

Appropriations, 2005 .....	\$281,085,000
Budget estimate, 2006 .....	304,057,000
House allowance .....	289,771,000
Committee recommendation .....	297,370,000

The Committee recommends a total of \$297,370,000 for the salaries and expenses of the Federal Communications Commission [FCC], of which \$296,370,000 is to be derived from the collection of fees. The recommendation is \$16,285,000 above the fiscal year 2005 funding level and \$6,687,000 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 (Public Law 104–104). 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 over the fiscal year 2005 appropriation for the following activities: increases in wages and operating costs, \$5,622,000; a licensing integration initiative, \$1,350,000; and field facilities improvements, \$9,300,000. The recommendation maintains the limitation of \$85,000,000 in auction proceeds that may be used for competitive bidding programs.

The recommendation also includes language allowing the FCC to use Universal Service Fund [USF] funds to provide for the oversight of the USF program, as proposed in the FCC's fiscal year 2005 budget request.

*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, 2005 .....	\$204,327,000
Budget estimate, 2006 .....	211,000,000
House allowance .....	211,000,000
Committee recommendation .....	211,000,000

The Committee recommends an appropriation of \$211,000,000. The recommendation is \$6,673,000 above the fiscal year 2005 funding level and identical to 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.

Of the amounts provided, \$116,000,000 is from Hart-Scott-Rodino pre-merger filing fees and \$23,000,000 is from Do-Not-Call fees. The total amount of direct appropriations for this account is therefore \$72,000,000. This represents a decrease of \$9,426,000 below the fiscal year 2005 direct appropriation. The Committee notes that this change reflects an increase in offsetting fee collection receipts since last year.

*Child Protection.*—The 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 FTC is charged with monitoring compliance with the Children's Online Privacy Protection Act (Public Law 105-277). The recommendation provides the Commission the funding re-

sources 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.

*Childhood Obesity.*—The Committee is concerned about the growing rate of childhood and adolescent obesity and the food industry’s marketing practices for these populations. The Committee directs the FTC to submit a report to the Committee by July 1, 2006, on marketing activities and expenditures of the food industry targeted toward children and adolescents. The report should include an analysis of commercial advertising time on television, radio, and in print media; in-store marketing; direct payments for preferential shelf placement; events; promotions on packaging; all Internet activities; and product placements in television shows, movies, and video games.

*Do-Not-Call Initiative.*—The recommendation includes \$23,000,000 for the FTC Do-Not-Call initiative and implementation of the Telemarketing Sales Rule [TSR], 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 TSR to 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 \$1,099,000 above the fiscal year 2005 funding level.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2005 .....	\$330,803,000
Budget estimate, 2006 .....	318,250,000
House allowance .....	330,803,000
Committee recommendation .....	324,527,000

The Committee recommends an appropriation of \$324,527,000. The recommendation is \$6,276,000 below the fiscal year 2005 funding level and \$6,277,000 above the budget request. The Committee recommendation assumes the requested offsets of \$400,000.

The Committee recommendation includes \$306,568,000 for basic field programs, to be used for competitively-awarded grants and contracts, \$12,588,000 for management and administration, \$1,232,000 for client self-help and information technology, \$2,764,000 for the Office of the Inspector General, and \$1,775,000 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) redis-

tricting; (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, 2005 .....	\$1,865,000
Budget estimate, 2006 .....	1,925,000
House allowance .....	1,865,000
Committee recommendation .....	2,000,000

The Committee recommends an appropriation of \$2,000,000. The recommendation is \$135,000 above the fiscal year 2005 funding level and \$75,000 above the budget request.

NATIONAL VETERANS' BUSINESS DEVELOPMENT CORPORATION

Appropriations, 2005 .....	\$1,973,000
Budget estimate, 2006 .....	.....
House allowance .....	.....
Committee recommendation .....	2,000,000

The Committee recommends an appropriation of \$2,000,000. The recommendation is \$27,000 above the fiscal year 2005 funding level and \$2,000,000 above the budget request.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$901,567,000
Budget estimate, 2006 .....	888,117,000
House allowance .....	888,117,000
Committee recommendation .....	888,117,000

The Committee recommends a total budget (obligational) authority of \$888,117,000 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 \$13,450,000 below the fiscal year 2005 funding level and identical to the budget request.

The mission of the SEC is to administer and enforce 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.*—The Committee supports the continued hiring of the approximately 840 new staff recommended by the Sarbanes-Oxley Act of 2002 (Public Law 107–204) and approved by the Committee in fiscal year 2003. The Committee notes the continued competition for talent from the private sector faced by the SEC. 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 is intended to help the SEC recruit and retain highly qualified staff. The Commission's ability to hire and retain the necessary number of qualified staff persons is critical to its success in restoring confidence in U.S. financial markets.

#### SMALL BUSINESS ADMINISTRATION

Appropriations, 2005 .....	\$571,774,000
Supplemental appropriations, 2005 .....	929,000,000
Budget estimate, 2006 .....	592,994,000
House allowance .....	589,605,000
Committee recommendation .....	621,572,000

The Committee recommends an appropriation of \$621,572,000, for the Small Business Administration [SBA]. The recommendation is \$49,798,000 above the fiscal year 2005 funding level, excluding emergency appropriations, and \$28,578,000 above the budget request. Funding is distributed among the SBA appropriation accounts as described below.

#### SALARIES AND EXPENSES

Appropriations, 2005 .....	\$318,029,000
Budget estimate, 2006 .....	307,159,000
House allowance .....	318,029,000
Committee recommendation .....	336,084,000

The Committee recommends an appropriation of \$336,084,000. The recommendation is \$18,055,000 above the fiscal year 2005 funding level and \$28,925,000 above the budget request. Within the amount provided, full funding is recommended for the 8(a) program, the 7(j) program, and the Office of Women's Business Ownership.

Also, within the amounts made available under this heading, the Committee recommends grants for the following organizations and programs:

- Adelante Development Center, Inc., NM;
- Advanced and Applied Polymer Processing Institute;
- Alaska Small Business Development Center;
- Arrowhead Center at New Mexico State University;
- Big Sky Institute;
- City of Fayette, AL, for an industrial park;
- City of Richland Revitalization Project;
- Columbus College of Art and Design for the Creative Services Development Technology Upgrade;
- Cook Farm Resource Center;
- Corona-Elmhurst Center for Economic Development, NY;
- Entrepreneurial Venture Assistance Demo Project;

- Fort McClellan Joint Powers Authority for the development of Old Fort McClellan;
- Genesis of Innovation organization;
- Great Lakes Business Growth and Development Center at Lorain County Community College;
- Greenville Waterfront Industrial Enhancement Project;
- Houston Community College Multi-Cultural Business Center;
- Idaho Virtual Incubator at Lewis-Clark State College;
- Industrial Outreach Service at Mississippi State University;
- Institute for Technology and Business Development, Connecticut State University;
- International Business Conference at Montana State University-Billings;
- Investnet/Technology Venture Center partnership for Alaska and Montana;
- Knoxville College Small Business Incubator Program;
- LeFleur Lakes Flood Control/Pearl River Watershed project;
- Memphis Bioworks Foundation;
- Mid-Delta Empowerment Zone “Supersite” Industrial Park;
- Mississippi Film Enterprise Zone;
- Mississippi Technology Alliance Economic Development Plan;
- Mitchell Memorial Library for the digitization of special collections;
- Montana State Department of Commerce for an infrastructure enhancement initiative;
- Montana Technology and Innovation Partnership;
- Myrtle Beach International Trade & Convention Center;
- Nanotechnology Economic Development Program at the University of Arkansas at Little Rock;
- Nevada Center for Entrepreneurship and Technology;
- New Mexico Community Development Loan Fund/WESSTCorp. Cooperative;
- New Product Development and Commercialization Center for Rural Manufacturers;
- New Ventures Center;
- Oak Ridge National Laboratory for the Southeastern fiber optic project;
- Pro-Tech Program at the College of Southern Idaho;
- Research & Technology Park, University of Arkansas, Fayetteville, AR;
- Rocky Mountain Global Trade Partnership;
- Sephardic Angel Fund, NYC;
- Small Business Development Centers in Mississippi;
- South Carolina International Center for Automotive Research Park Innovation Center;
- Technology Venture Center, MT;
- TEDCO-Maryland Minority R&D Initiative;
- Thayer School of Engineering for a research and development program;
- Third Frontier Network’s Economic Development Project;
- Toxin Alert Development Project at the University of Southern Mississippi;
- Translational Research Action Boards for a network development program;

- Tuck School of Business/MBDA Partnership;
- University of Vermont Small Enterprise Research Initiative;
- Vermont Center for Emerging Technologies;
- Vermont Employee Ownership Center; and the
- Women’s Entrepreneurship Initiative at the Mississippi University for Women.

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

The Committee recommends an appropriation of \$134,000,000 for the SBA non-credit business assistance programs. The recommendation is \$26,500,000 above the budget request.

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

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

[In thousands of dollars]

	Committee recommendation
Small Business Development Centers .....	89,000
Drug-free Workplace Grants .....	1,000
SCORE .....	5,000
Women’s Business Centers .....	12,000
Women’s Council .....	750
7(j) Technical Assistance .....	1,500
Microloan Technical Assistance .....	15,000
Veteran’s Business Development Assistance .....	750
Native American Outreach .....	2,000
PRIME Technical Assistance .....	5,000
HUBZones .....	2,000
<b>Total, Non-credit Business Assistance Program .....</b>	<b>134,000</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 remains concerned about the indicators used by SBA to evaluate economic distress in making determinations of eligibility for assistance under the HUBZone program. The Committee understands that the current indicators SBA uses may exclude certain economically distressed rural areas, particularly those suffering from high out-migration of people and job loss. The SBA is directed to provide a report, no later than November 1, 2005, to the Committees on Appropriations on the impact of the current indicators on the eligibility of such communities. This report should contain a recommendation as to whether these indicators should be changed and also whether the HUBZone rural designation’s median household income requirement should be changed.

The recommendation includes language providing for the continuation of the Women’s Business Centers sustainability centers and language providing that such centers shall receive 48 percent of the total funding provided for Women’s Business Centers.



## OFFICE OF INSPECTOR GENERAL

Appropriations, 2005 .....	\$12,840,000
Budget estimate, 2006 .....	14,500,000
House allowance .....	13,500,000
Committee recommendation .....	14,500,000

The Committee recommends an appropriation of \$14,500,000 for the Office of Inspector General. The recommendation is \$1,660,000 above the fiscal year 2005 funding level and identical to the budget request.

The recommendation contains language making \$1,500,000 available to the Office of Inspector General from funding for the Disaster Loans Program Account. This increase is necessary due to the high volume of disaster loan applications in the wake of last year's three major successive hurricanes.

## SURETY BOND GUARANTEES REVOLVING FUND

Appropriations, 2005 .....	\$2,861,000
Budget Estimate, 2006 .....	3,000,000
House allowance .....	2,861,000
Committee recommendation .....	3,000,000

The Committee recommends an appropriation of \$3,000,000. The recommendation is \$139,000 above the fiscal year 2005 funding level and identical to the budget request.

## BUSINESS LOANS PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

Appropriations, 2005 .....	\$126,396,000
Budget estimate, 2006 .....	129,000,000
House allowance .....	125,961,000
Committee recommendation .....	128,653,000

The Committee recommends an appropriation of \$128,653,000. The recommendation is \$2,257,000 above the fiscal year 2005 funding level and \$347,000 below the budget request.

Of the amount provided, \$126,653,000 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 \$2,000,000 for the Microloan Direct program.

## DISASTER LOANS PROGRAM ACCOUNT

Appropriations, 2005 .....	\$111,648,000
Supplemental appropriations, 2005 .....	929,000,000
Budget estimate, 2006 .....	139,335,000
House allowance .....	129,254,000
Committee recommendation .....	139,335,000

The Committee recommends an appropriation of \$139,335,000. The recommendation is \$27,687,000 above the fiscal year 2005 funding level, not including emergency supplemental appropriations, and identical to the budget request.

Within the amount provided, \$83,335,000 is for direct loan subsidies. The SBA has requested a significant increase for direct loan subsidies in fiscal year 2006. 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. As always, the SBA is urged to seek out emergency funding in the event of a disaster requiring loan assistance.

Also within the amount provided, \$56,000,000 is for administrative expenses.

ADMINISTRATIVE PROVISIONS

The recommendation continues language concerning transfer authority and availability of funds.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

Appropriations, 2005 .....	\$2,578,000
Budget estimate, 2006 .....	
House allowance .....	2,000,000
Committee recommendation .....	5,000,000

The Committee recommends an appropriation of \$5,000,000. The recommendation is \$2,422,000 above the fiscal year 2005 funding level and \$5,000,000 above the budget request.

The Institute was created in 1984 to further the development and adoption of improved judicial administration in State courts.

## TITLE V—GENERAL PROVISIONS

The Committee recommends the following general provisions for the departments and agencies funded in the accompanying bill.

Section 501 requires agencies to provide quarterly reports regarding unobligated balances.

Section 502 prohibits any appropriation contained in the Act from remaining available for obligation beyond the current year unless expressly provided.

Section 503 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 504 provides for severability should a provision of this Act be found to be unconstitutional.

Section 505(a) stipulates Committee policy concerning the reprogramming of funds. Section 505(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; or (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 505(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 in recognition of inflation.

Section 506 prohibits construction, repair, overhaul, conversion, or modernization of National Oceanic and Atmospheric Administration ships outside of the United States.

Section 507 provides for a penalty for persons found to have falsely mislabeled products.

Section 508 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 509 waives a funding limitation.

Section 510 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 511 provides funding for Public Safety Officers under the Local Law Enforcement Block Grant program.

Section 512 limits the availability of funds for tobacco promotion.

Section 513 delays obligation of some receipts deposited into the Crime Victims Fund.

Section 514 provides for the expenditure of funds in accordance with this statement.

Section 515 prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993 (Public Law 103–159) and prohibits implementation of a background check system that does not require and result in the immediate destruction of certain information.

Section 516 prohibits the Small Business Administration from selling certain disaster loans.

Section 517 limits transfers of funds between agencies.

Section 518 directs the Secretary of Commerce to have lead responsibility for negotiating treaties concerning fisheries, marine mammals, or sea turtles.

Section 519 requires that any funds proposed to be used by agencies funded under this Act to implement certain initiatives shall be subject to section 505 of this Act.

Section 520 prohibits the Federal Communications Commission from changing rules governing the Universal Service Fund.

Section 521 requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of tracing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crime.

TITLE VI—RESCISSIONS  
DEPARTMENT OF JUSTICE  
GENERAL ADMINISTRATION  
COUNTERTERRORISM FUND

(RESCISSION)

The recommendation includes a rescission of \$11,000,000 from unobligated balances in this account. Any funding that would be necessary for this purpose should be provided through emergency supplemental appropriations.

LEGAL ACTIVITIES  
ASSETS FORFEITURE FUND

(RESCISSION)

The recommendation includes a rescission of \$82,000,000 from unobligated balances in this account.

FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES

(RESCISSION)

The recommendation includes a rescission of \$120,000,000 from unobligated balances in this account. Of this amount, \$30,000,000 shall be from funding allocated by the Federal Bureau of Investigation [FBI] for tours of the J. Edgar Hoover FBI building. Since September 11, 2001, the FBI has closed all tours of its headquarters building. Yet the FBI has continued to include funding for these tours as part of its base budget. In the 2004 appropriations Act, the Committee directed the FBI to submit a report on reinventing these tours. This report has yet to be submitted and the Committee is unaware of any plans the FBI may have to submit such report or resume these tours. In addition, \$73,502,000 of the \$90,000,000 set aside shall be from funding for the FBI's computer modernization program, Sentinel, which is discussed in detail under a separate account.

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 Committee recommends funding for the following programs or activities that currently lack an authorization for fiscal year 2006, either in whole or in part, and therefore fall under this rule:

Department of Justice:

General Administration:

- Justice Information Sharing Technology;
- Narrowband Communications/Integrated Wireless Network;
- Administrative Review and Appeals;
- Detention Trustee;
- Office of Inspector General;
- U.S. Parole Commission;
- General Legal Activities;
- Vaccine Injury Compensation Trust Fund;
- Antitrust Division;
- U.S. Attorneys;
- Foreign Claims Settlement Commission;
- U.S. Marshals Service;
- Fees and Expenses of Witnesses;
- Community Relations Service;
- Assets Forfeiture Fund;
- Interagency Crime and Drug Enforcement;
- Federal Bureau of Investigation—Salaries and Expenses;
- Federal Bureau of Investigation—Construction;
- Drug Enforcement Administration;
- Bureau of Alcohol, Tobacco, Firearms and Explosives; and
- Federal Prison System.

Violence Against Women Prevention and Prosecution Programs:

- STOP Formula Program;
- Encouraging Arrest Policies;
- Rural Domestic Violence;
- Training Programs for Probation and Pretrial Services;
- Stalking Database;
- Safe Havens;
- Education and Training for Disabled Female Victims;
- Civil Legal Assistance;
- Violence on College Campuses;
- Training Programs for Disabled Women;
- Court Appointed Special Advocates;
- Training for Judicial Personnel; and
- Grants for Televised Testimony.

## Office of Justice Programs:

## Justice Assistance:

- Management and Administration;
- National Institute of Justice;
- Bureau of Justice Statistics;
- Regional Information Sharing System; and
- White Collar Crime Center.

## State and Local Law Enforcement:

- Byrne Memorial Justice Assistance Grants;
- Byrne Discretionary Grants;
- Boys and Girls Clubs;
- State Criminal Alien Assistance Program;
- Southwest Border Prosecutors;
- Victims of Trafficking;
- Drug Courts;
- State Prison Drug Treatment Program;
- Intelligence State and Local Training;
- Prescription Drug Monitoring; and
- Weed and Seed.

## Community Oriented Policing:

- Tribal Law Enforcement;
- Methamphetamine Hot Spots;
- Law Enforcement Interoperability and Technologies;
- Bullet Proof Vests Programs;
- Anti-gang Initiative; and
- Offender Reentry.

## Juvenile Justice:

- Juvenile Mentoring;
- Tribal Youth;
- Alcohol Prevention;
- Gang Prevention;
- Juvenile Accountability Block Grant;
- Victims of Child Abuse Act;
- Secure our Schools Act; and
- Project Childsafe.

## Department of Commerce, Related Agencies:

- Office of the United States Trade Representative; and
- International Trade Commission.

## Department of Commerce:

- International Trade Administration;
- Bureau of Industry and Security;
- National Telecommunications and Information Administration;
- Public Telecommunications Facilities, Planning and Construction;
- National Institute of Standards and Technology; and
- National Oceanic and Atmospheric Administration.

## Science:

- National Aeronautics and Space Administration; and
- National Science Foundation.

## Related Agencies:

- United States Commission on Civil Rights;
- Federal Communications Commission;
- Federal Trade Commission;
- Legal Services Corporation;

- Marine Mammal Commission; 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 June 23, 2005, the Committee ordered reported, en bloc, H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with an amendment in the nature of a substitute, H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with an amendment in the nature of a substitute and an amendment to the title; and the substance of H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, with amendments, each subject to further amendment and subject to the budget allocations, by a recorded vote of 28–0, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Cochran	
Mr. Stevens	
Mr. Specter	
Mr. Domenici	
Mr. Bond	
Mr. McConnell	
Mr. Burns	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mr. Craig	
Mrs. Hutchison	
Mr. DeWine	
Mr. Brownback	
Mr. Allard	
Mr. Byrd	
Mr. Inouye	
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.

**TITLE 5—GOVERNMENT ORGANIZATION AND  
EMPLOYEES**

\* \* \* \* \*

**PART III—EMPLOYEES**

\* \* \* \* \*

**SUBPART B—EMPLOYMENT AND RETENTION**

\* \* \* \* \*

**CHAPTER 31—AUTHORITY FOR EMPLOYMENT**

\* \* \* \* \*

**SUBCHAPTER III—THE FEDERAL BUREAU OF INVESTIGATION  
AND DRUG ENFORCEMENT ADMINISTRATION SENIOR  
EXECUTIVE SERVICE**

\* \* \* \* \*

**§ 3151. The Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service**

(a) \* \* \*

\* \* \* \* \*

(b) **[(1)]** Except as provided in subsection (a), the Attorney General may—

**[(A)]** (1) make applicable to the FBI–DEA Senior Executive Service any of the provisions of this title applicable to applicants for or members of the Senior Executive Service; and

**[(B)]** (2) appoint, promote, and assign individuals to positions established within the FBI–DEA Senior Executive Service without regard to the provisions of this title governing appointments and other personnel actions in the competitive service.

[(2)(A) Notwithstanding any other provision of this section, an individual may not be selected for the FBI-DEA Senior Executive Service unless such individual is a career employee in the civil service.

[(B) For the purpose of subparagraph (A), “career employee in the civil service” shall have such meaning as the Attorney General, in consultation with the Director of the Office of Personnel Management, by regulation prescribes.]

\* \* \* \* \*

**TITLE 15—COMMERCE AND TRADE**

\* \* \* \* \*

**CHAPTER 45—EMERGENCY LOAN GUARANTEES TO BUSINESS ENTERPRISES**

\* \* \* \* \*

NOTE

“CHAPTER 1

“SEC. 101. EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This chapter may be cited as the ‘Emergency Steel Loan Guarantee Act of 1999’.

\* \* \* \* \*

“(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, [2005] 2007.

\* \* \* \* \*

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006  
 [In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
<b>TITLE I—DEPARTMENT OF JUSTICE</b>							
General Administration							
Salaries and expenses .....	122,443	161,407	87,406	125,936	+ 3,493	- 35,471	+ 38,530
Office of Intelligence and Policy Review .....			37,050				- 37,050
Subtotal .....	122,443	161,407	124,456	125,936	+ 3,493	- 35,471	+ 1,480
Joint automated booking system .....	19,915				- 19,915		
Automated Biometric Identification System-Integrated Identification system integration .....	4,987				- 4,987		
Justice information sharing technology .....		181,490	135,000	135,000	+ 135,000	- 46,490	
Legal activities office automation .....	39,969				- 39,969		
Narrowband communications .....	98,664	128,701	70,874	90,000	- 8,664	- 38,701	+ 19,126
Administrative review and appeals .....	201,241	216,286	215,685	216,286	+ 15,045		+ 601
Detention trustee .....	874,160	1,222,000	1,222,000	1,222,000	+ 347,840		
Emergency appropriations (Public Law 109-13) .....	184,000				- 184,000		
Office of Inspector General .....	62,960	67,431	66,801	70,431	+ 7,471	+ 3,000	+ 3,630
Total, General administration .....	1,608,339	1,977,315	1,834,816	1,859,653	+ 251,314	- 117,662	+ 24,837
United States Parole Commission							
Salaries and expenses .....	10,496	11,300	11,200	11,000	+ 504	- 300	- 200
Legal Activities							
General legal activities: Direct appropriation .....	625,722	679,661	665,821	648,245	+ 22,523	- 31,416	- 17,576
Vaccine injury compensation trust fund (permanent) .....	6,249	6,333	6,333	6,333	+ 84		
Antitrust Division .....	138,259	144,451	144,451	144,451	+ 6,192		

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Offsetting fee collections—current year .....	-101,000	-116,000	-116,000	-116,000	-15,000	.....	.....
Direct appropriation .....	37,259	28,451	28,451	28,451	-8,808	.....	.....
United States Attorneys							
Salaries and expenses .....	1,526,849	1,626,146	1,626,146	1,572,654	+45,805	-53,492	-53,492
United States Trustee System Fund .....	173,602	222,577	214,402	214,402	+40,800	-8,175	.....
Offsetting fee collections .....	-168,602	-180,402	-209,402	-209,402	-40,800	-29,000	.....
Interest on U.S. securities .....	-5,000	-5,000	-5,000	-5,000	.....	.....	.....
Direct appropriation .....	.....	37,175	.....	.....	.....	-37,175	.....
Foreign Claims Settlement Commission .....	1,203	1,270	1,220	1,270	+67	.....	+50
United States Marshals Service							
Salaries and expenses (non-GSE) .....	741,941	790,255	800,255	764,199	+22,258	-26,056	-36,056
Emergency appropriations (Public Law 109-13) .....	11,935	.....	.....	.....	-11,935	.....	.....
Construction .....	5,657	.....	.....	12,000	+6,343	+12,000	+12,000
Total, United States Marshals Service .....	759,533	790,255	800,255	776,199	+16,666	-14,056	-24,056
Fees and expenses of witnesses .....	177,585	168,000	168,000	168,000	-9,585	.....	.....
Community Relations Service .....	9,535	9,759	9,659	9,659	+124	-100	.....
Assets forfeiture fund .....	21,469	21,468	21,468	21,468	-1	.....	.....
Emergency appropriations (Public Law 109-13) .....	-40,000	.....	.....	.....	+40,000	.....	.....
Payment to radiation exposure compensation trust fund .....	27,429	.....	.....	.....	-27,429	.....	.....
Total, Legal activities .....	3,152,833	3,368,518	3,327,353	3,232,279	+79,446	-136,239	-95,074

Interagency Law Enforcement	553,539	661,940	506,940	440,197	-113,342	-221,743	-66,743
Interagency crime and drug enforcement							
Federal Bureau of Investigation							
Salaries and expenses	4,132,090	4,091,132	3,452,235	3,695,513	-436,577	-395,619	+243,278
Emergency appropriations (Public Law 109-13)	73,991				-73,991		
Counterintelligence and national security	1,003,416	1,600,000	2,288,897	1,600,000	+596,584		-688,897
Direct appropriation	5,209,497	5,691,132	5,741,132	5,295,513	+86,016	-395,619	-445,619
Construction	10,106	10,105	20,105	25,213	+15,107	+15,108	+5,108
Total, Federal Bureau of Investigation	5,219,603	5,701,237	5,761,237	5,320,726	+101,123	-380,511	-440,511
Drug Enforcement Administration							
Salaries and expenses	1,785,398	1,892,722	1,917,846	1,850,815	+65,417	-41,907	-67,031
Emergency appropriations (Public Law 109-13)	7,648				-7,648		
Diversion control fund	-154,216	-198,566	-201,673	-201,673	-47,457	-3,107	
Total, Drug Enforcement Administration	1,638,830	1,694,156	1,716,173	1,649,142	+10,312	-45,014	-67,031
Bureau of Alcohol, Tobacco and Firearms							
Salaries and expenses	878,465	803,613	923,613	923,700	+45,235	+120,087	+87
Emergency appropriations (Public Law 109-13)	4,000				-4,000		
Legislative proposal		120,000				-120,000	
Total, Bureau of Alcohol, Tobacco and Firearms	882,465	923,613	923,613	923,700	+41,235	+87	+87
Federal Prison System							
Salaries and expenses	4,565,884	4,895,649	4,895,649	4,889,649	+323,765	-6,000	-6,000
Emergency appropriations (Public Law 108-324)	5,500				-5,500		
Buildings and facilities	186,475	170,112	70,112	222,112	+35,637	+52,000	+152,000
Rescission		-314,000				+314,000	
Emergency appropriations (Public Law 108-324)	18,600				-18,600		
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,366	3,365	3,365	3,365	-1		
Total, Federal Prison System	4,779,825	4,755,126	4,969,126	5,115,126	+335,301	+360,000	+146,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Violence against women office .....	382,103	362,997	389,497	362,997	-19,106	-26,500	
Office of Justice Programs .....							
Justice assistance .....	224,856	1,234,977	227,466	221,000	-3,856	-6,466	
Resission .....		-95,500					
Public safety officers benefits, death benefits .....		64,000					
Total, Justice assistance .....	224,856	1,203,477	227,466	221,000	-3,856	-6,466	
State and local law enforcement assistance:							
Justice assistance grants .....	625,531		366,414	625,000	-531	+258,586	
Boys and Girls clubs (earmark) .....	(83,865)		(85,000)	(-85,000)	(-168,865)	(-170,000)	
National Institute of Justice (earmark) .....	(9,866)		(10,000)	(-10,000)	(-19,866)	(-20,000)	
USA FREEDOM corps (earmark) .....	(2,467)				(-2,467)		
Indian assistance .....	17,760			15,000	-2,760	+15,000	
Tribal prison construction .....	(4,933)				(-4,933)		
Indian tribal courts program .....	(7,893)				(-7,893)		
Indian grants .....	(4,933)				(-4,933)		
State criminal alien assistance program .....	300,926		405,000	170,000	-130,926	-235,000	
Southwest border prosecutors .....	29,599		30,000	30,000	+401		
Byrne grants (discretionary) .....	167,756		110,000	177,000	+9,244	+67,000	
Drug courts .....	39,466		40,000	25,000	-14,466	-15,000	
Other crime control programs .....	5,903		871	1,850	-4,053	+979	
Assistance for victims of trafficking .....	9,866		10,000	2,000	-7,866	-8,000	
Prescription drug monitoring .....	9,866		10,000		-9,866	-10,000	
Prison rape prevention .....	36,506		40,000	1,500	-35,006	-38,500	
State prison drug treatment .....	24,666		25,000	15,000	-9,666	-10,000	
Intelligence sharing .....	10,359		10,359	6,000	-4,359	-4,359	
Cannabis eradication .....			11,600			-11,600	
Capital litigation .....			10,000	1,000	+1,000	-9,000	



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Assets forfeiture fund (sec. 109) (rescission) .....		- 62,000				+ 62,000	
Total, title I, Department of Justice .....	20,853,834	20,600,460	21,759,882	21,202,485	+ 348,651	+ 602,025	- 557,397
Appropriations .....	(20,588,160)	(21,186,960)	(21,759,882)	(21,202,485)	(+ 614,325)	(+ 15,525)	(- 557,397)
Rescissions .....		(- 586,500)				(+ 586,500)	
Emergency appropriations .....	(265,674)				(- 265,674)		
TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES							
TRADE AND INFRASTRUCTURE DEVELOPMENT							
RELATED AGENCIES							
Office of the United States Trade Representative							
Salaries and expenses .....	40,997	38,779	44,779	40,997		+ 2,218	- 3,782
National Intellectual Property Law Enforcement Coordinating Council							
Salaries and expenses .....	1,973				- 1,973		
International Trade Commission							
Salaries and expenses .....	60,876	65,278	62,752	62,752	+ 1,876	- 2,526	
Total, Related agencies .....	103,846	104,057	107,531	103,749	- 97	- 308	- 3,782
DEPARTMENT OF COMMERCE							
International Trade Administration							
Operations and administration .....	396,257	408,925	406,925	409,625	+ 13,368	+ 700	+ 2,700
Offsetting fee collections .....	- 8,000	- 13,000	- 13,000	- 8,000		+ 5,000	+ 5,000
Direct appropriation .....	388,257	395,925	393,925	401,625	+ 13,368	+ 5,700	+ 7,700





COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Spending from new fees (proposed legislation) .....	208,754	.....	.....	.....	-208,754	.....	.....
Total, Patent and Trademark Office .....	1,544,754	1,703,300	1,703,300	1,703,300	+158,546	.....	.....
Offsetting fee collections .....	-1,336,000	-1,703,300	-1,703,300	-1,703,300	-367,300	.....	.....
Total, Economic and Information Infrastructure .....	1,071,161	986,112	912,257	865,923	-205,238	-120,189	-46,334
Departmental Management							
Salaries and expenses .....	47,466	53,532	47,466	49,605	+2,139	-3,927	+2,139
Travel and tourism .....	9,866	.....	.....	.....	-9,866	.....	.....
Office of Inspector General .....	21,371	22,758	22,758	22,758	+1,387	.....	.....
HCHB renovation and modernization .....	.....	30,000	.....	.....	.....	-30,000	.....
Steel Loan authorization (Sec. 204) .....	.....	.....	.....	.....	.....	.....	.....
Total, Departmental management .....	78,703	106,290	70,224	72,363	-6,340	-33,927	+2,139
Total, Department of Commerce, Non-Science .....	1,919,161	5,332,638	1,710,999	1,762,562	-156,599	-3,570,076	+51,563
Total, title II, Department of Commerce, Non-Science, and related agencies .....	2,023,007	5,436,695	1,818,530	1,866,311	-156,696	-3,570,384	+47,781
Appropriations .....	(2,023,007)	(5,436,695)	(1,818,530)	(1,866,311)	(-156,696)	(-3,570,384)	(+47,781)
(By transfer) .....	.....	.....	.....	.....	.....	.....	.....
(Transfer out) .....	.....	.....	.....	.....	.....	.....	.....
Total, Department of Commerce & Related Agencies .....	6,653,859	9,554,079	5,752,734	7,186,811	+532,952	-2,367,268	+1,434,077

TITLE III—SCIENCE									
DEPARTMENT OF COMMERCE									
Office of Technology Policy									
Salaries and expenses .....	6,460	4,200	6,460	.....	- 6,460	- 4,200	- 6,460	- 4,200	- 6,460
National Institute of Standards and Technology .....									
Scientific and technical research and services .....	378,764	426,267	397,744	399,869	+21,105	-26,398	+2,125	+2,125	+2,125
(Transfer out) .....	.....	(- 9,000)	(- 1,000)	(3,000)	(+ 3,000)	(+ 12,000)	(+ 4,000)	(+ 4,000)	(+ 4,000)
Industrial technology services .....	247,943	46,800	106,000	246,000	- 1,943	+199,200	+140,000	+199,200	+140,000
Construction of research facilities .....	72,518	58,898	45,000	198,631	+126,113	+139,733	+153,631	+139,733	+153,631
Working capital fund (by transfer) .....	.....	(9,000)	(1,000)	(3,000)	(+ 3,000)	(- 6,000)	(+ 2,000)	(- 6,000)	(+ 2,000)
Total, National Institute of Standards and Technology .....	699,225	531,965	548,744	844,500	+145,275	+312,535	+295,756	+312,535	+295,756
National Oceanic and Atmospheric Administration .....									
Operations, research, and facilities .....	2,766,612	2,528,168	2,394,000	3,199,983	+433,371	+671,815	+805,983	+671,815	+805,983
(By transfer from Promote and Develop Fund) .....	(65,000)	(77,000)	(77,000)	(62,000)	(- 3,000)	(- 15,000)	(- 15,000)	(- 15,000)	(- 15,000)
By transfer from Coastal zone management .....	2,960	3,000	3,000	3,000	+40	.....	.....	.....	.....
Emergency appropriations (Public Law 108-324) .....	16,900	.....	.....	.....	- 16,900	.....	.....	.....	.....
Emergency appropriations (Public Law 109-13) .....	7,070	.....	.....	.....	- 7,070	.....	.....	.....	.....
Total, Operations, research, and facilities .....	2,793,542	2,531,168	2,397,000	3,202,983	+409,441	+671,815	+805,983	+671,815	+805,983
Procurement, acquisition and construction .....	1,039,365	965,051	936,000	1,195,017	+155,652	+229,966	+259,017	+229,966	+259,017
Emergency appropriations (Public Law 109-13) .....	10,170	.....	.....	.....	- 10,170	.....	.....	.....	.....
Emergency appropriations (Public Law 108-324) .....	3,800	.....	.....	.....	- 3,800	.....	.....	.....	.....
Pacific coastal salmon recovery .....	88,798	90,000	50,000	90,000	+1,202	.....	+40,000	.....	+40,000
Coastal zone management fund .....	- 3,000	- 3,000	- 3,000	- 3,000	.....	.....	.....	.....	.....
Fishermen's contingency fund .....	492	.....	.....	.....	- 492	.....	.....	.....	.....
Fisheries finance program account .....	- 8,000	- 2,000	- 1,000	- 9,000	- 1,000	- 7,000	- 8,000	- 7,000	- 8,000
Total, National Oceanic and Atmospheric Administration .....	3,925,167	3,581,219	3,379,000	4,476,000	+550,833	+894,781	+1,097,000	+894,781	+1,097,000
Total, Science and Technology, Department of Commerce .....	4,630,852	4,117,384	3,934,204	5,320,500	+689,648	+1,203,116	+1,386,296	+1,203,116	+1,386,296
National Aeronautics and Space Administration .....									
Science, aeronautics and exploration .....	7,680,610	9,661,000	9,725,750	9,761,000	+2,080,390	+100,000	+35,250	+100,000	+35,250
Emergency appropriations (Public Law 108-324) .....	126,000	.....	.....	.....	- 126,000	.....	.....	.....	.....
Exploration capabilities .....	8,358,443	6,763,000	6,712,900	6,603,000	- 1,755,443	- 160,000	- 109,900	- 160,000	- 109,900

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Office of Inspector General .....	31,347	32,400	32,400	32,400	+1,053	.....	.....
Total, NASA .....	16,196,400	16,456,400	16,471,050	16,396,400	+200,000	-60,000	-74,650
National Science Foundation							
Research and related activities (non-defense) .....	4,153,100	4,265,980	4,310,000	4,277,693	+124,593	+11,713	-32,307
Defense function .....	67,456	67,520	67,520	67,520	+64	.....	.....
Major research equipment and facilities construction .....	173,650	250,000	193,350	193,350	+19,700	-56,650	.....
Education and human resources .....	841,421	737,000	807,000	747,000	-94,421	+10,000	-60,000
Salaries and expenses .....	223,200	269,000	250,000	229,896	+6,696	-39,104	-20,104
National Science Board .....	3,968	4,000	4,000	4,000	+32	.....	.....
Office of Inspector General .....	10,029	11,500	11,500	11,500	+1,471	.....	.....
Total, National Science Foundation .....	5,472,824	5,605,000	5,643,370	5,530,959	+58,135	-74,041	-112,411
Executive Office of the President							
Office of Science and Technology Policy .....	6,328	5,564	5,564	5,564	-764	.....	.....
General Provisions							
Florida grouper (sec. 218) .....	345	.....	.....	.....	-345	.....	.....
Total, title III, Science	26,306,749	26,184,348	26,054,188	27,253,423	+946,674	+1,069,075	+1,199,235
Appropriations .....	(26,160,049)	(26,184,348)	(26,054,188)	(27,253,423)	(+1,093,374)	(+1,069,075)	(+1,199,235)
Emergency appropriations .....	(146,700)	.....	.....	.....	(-146,700)	.....	.....
TITLE IV—RELATED AGENCIES							
Antitrust Modernization Commission							
Salaries and expenses .....	1,172	1,620	1,172	.....	-1,172	-1,620	-1,172



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)		
					2005 appropriation	Budget estimate	House allowance
Business Loans Program Account:							
Direct loans subsidy .....	1,435	.....	1,000	2,000	+ 565	+ 2,000	+ 1,000
Administrative expenses .....	124,961	129,000	204,093	128,653	+ 1,692	- 2,347	- 77,440
Total, Business loans program account .....	126,396	129,000	205,093	128,653	+ 2,257	- 347	- 76,440
Disaster Loans Program Account:							
Direct loans subsidy .....	.....	83,335	79,538	83,335	+ 83,335	.....	+ 3,797
Emergency appropriations (Public Law 108-324) .....	501,000	.....	.....	56,000	- 501,000	.....	.....
Administrative expenses .....	111,648	56,000	49,716	.....	- 55,648	.....	+ 6,284
Emergency appropriations (Public Law 108-324) .....	428,000	.....	.....	.....	- 428,000	.....	.....
Universal Service Fund, OIG .....	.....	.....	.....	.....	.....	.....	.....
Total, Disaster loans program account .....	1,040,648	139,335	129,254	139,335	- 901,313	.....	+ 10,081
Total, Small Business Administration .....	1,500,774	592,994	655,296	621,572	- 879,202	+ 28,578	- 33,724
State Justice Institute							
Salaries and expenses .....	2,578	.....	2,000	5,000	+ 2,422	+ 5,000	+ 3,000
Total, title IV, Related agencies .....	3,101,923	2,195,053	2,267,577	2,231,444	- 870,479	+ 36,391	- 36,133
Appropriations .....	(2,172,923)	(2,195,053)	(2,267,577)	(2,231,444)	(+ 58,521)	(+ 36,391)	(- 36,133)
Emergency appropriations .....	(929,000)	.....	.....	.....	(- 929,000)	.....	.....
TITLE VI—RESCISSIONS							
DEPARTMENT OF JUSTICE							
General Administration							
Working capital fund (rescission) .....	- 60,000	.....	.....	.....	+ 60,000	.....	.....



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2005 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
 FOR FISCAL YEAR 2006—Continued

[In thousands of dollars]

Item	2005 appropriation	Budget estimate	House allowance	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
					2005 appropriation	House allowance
(By transfer) .....	(65,000)	(86,000)	(78,000)	(65,000)	(-21,000)	(-13,000)

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