

108TH CONGRESS  
2D SESSION

# H. R. 4754

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IN THE SENATE OF THE UNITED STATES

JULY 9, 2004

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2005, and for other pur-  
4 poses, namely:

5 TITLE I—DEPARTMENT OF JUSTICE

6 GENERAL ADMINISTRATION

7 SALARIES AND EXPENSES

8 For expenses necessary for the administration of the  
9 Department of Justice, \$124,906,000 (reduced by  
10 \$27,000,000) (reduced by \$50,000), of which not to ex-  
11 ceed \$3,317,000 is for the Facilities Program 2000, to  
12 remain available until expended: *Provided*, That not to ex-  
13 ceed 45 permanent positions and 46 full-time equivalent  
14 workyears and \$11,078,000 (reduced by \$50,000) shall be  
15 expended for the Department Leadership Program exclu-  
16 sive of augmentation that occurred in these offices in fiscal  
17 year 2004: *Provided further*, That not to exceed 26 perma-  
18 nent positions, 21 full-time equivalent workyears and  
19 \$3,305,000 shall be expended for the Office of Legislative  
20 Affairs: *Provided further*, That not to exceed 15 perma-  
21 nent positions, 20 full-time equivalent workyears and  
22 \$1,990,000 shall be expended for the Office of Public Af-  
23 fairs: *Provided further*, That the latter two aforementioned  
24 offices may utilize non-reimbursable details of career em-

1 ployees within the caps described in the preceding two pro-  
2 visos.

3 JOINT AUTOMATED BOOKING SYSTEM

4 For expenses necessary for the nationwide deploy-  
5 ment of a Joint Automated Booking System including  
6 automated capability to transmit fingerprint and image  
7 data, \$20,000,000, to remain available until September  
8 30, 2006.

9 INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION  
10 SYSTEM

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

16 LEGAL ACTIVITIES OFFICE AUTOMATION

17 For necessary expenses related to the design, develop-  
18 ment, engineering, acquisition, and implementation of of-  
19 fice automation systems for the organizations funded  
20 under the headings “Salaries and Expenses, General  
21 Legal Activities”, and “General Administration, Salaries  
22 and Expenses”, and the United States Attorneys, the  
23 United States Marshals Service, the Antitrust Division,  
24 the United States Trustee Program, the Executive Office  
25 for Immigration Review, the Community Relations Serv-  
26 ice, the Bureau of Prisons, the Office of Justice Programs,

1 and the United States Parole Commission, \$50,000,000  
2 (reduced by \$33,251,000), to remain available until Sep-  
3 tember 30, 2006.

#### 4 NARROWBAND COMMUNICATIONS

5 For the costs of conversion to narrowband commu-  
6 nications, including the cost for operation and mainte-  
7 nance of Land Mobile Radio legacy systems,  
8 \$100,000,000, to remain available until September 30,  
9 2006: *Provided*, That the Attorney General shall transfer  
10 to the “Narrowband Communications” account all funds  
11 made available to the Department of Justice for the pur-  
12 chase of portable and mobile radios: *Provided further*,  
13 That any transfer made under the preceding proviso shall  
14 be subject to section 605 of this Act.

#### 15 ADMINISTRATIVE REVIEW AND APPEALS

16 For expenses necessary for the administration of par-  
17 don and clemency petitions and immigration-related activi-  
18 ties, \$202,518,000.

#### 19 DETENTION TRUSTEE

20 For necessary expenses of the Federal Detention  
21 Trustee, \$938,810,000, to remain available until ex-  
22 pended: *Provided*, That the Trustee shall be responsible  
23 for managing the Justice Prisoner and Alien Transpor-  
24 tation System and for overseeing housing related to such  
25 detention: *Provided further*, That any unobligated balances  
26 available in prior years from the funds appropriated under

1 the heading “Federal Prisoner Detention” shall be trans-  
2 ferred to and merged with the appropriation under the  
3 heading “Detention Trustee” and shall be available until  
4 expended. *Provided further*, That the Trustee, working in  
5 consultation with the Bureau of Prisons, shall submit a  
6 plan for collecting information related to evaluating the  
7 health and safety of Federal prisoners in non-Federal in-  
8 stitutions no later than 180 days following the enactment  
9 of this Act.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector  
12 General, \$63,813,000, including not to exceed \$10,000 to  
13 meet unforeseen emergencies of a confidential character.

14 UNITED STATES PAROLE COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the United States Parole  
17 Commission as authorized, \$10,650,000.

18 LEGAL ACTIVITIES

19 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

20 For expenses necessary for the legal activities of the  
21 Department of Justice, not otherwise provided for, includ-  
22 ing not to exceed \$20,000 for expenses of collecting evi-  
23 dence, to be expended under the direction of, and to be  
24 accounted for solely under the certificate of, the Attorney  
25 General; and rent of private or Government-owned space  
26 in the District of Columbia, \$639,314,000, of which not

1 to exceed \$10,000,000 for litigation support contracts  
2 shall remain available until expended: *Provided*, That none  
3 of the funds made available in this Act shall be used in  
4 any way whatsoever to support or justify the use of torture  
5 by any official or contract employee of the United States  
6 Government: *Provided further*, That of the total amount  
7 appropriated, not to exceed \$1,000 shall be available to  
8 the United States National Central Bureau, INTERPOL,  
9 for official reception and representation expenses: *Pro-*  
10 *vided further*, That notwithstanding any other provision of  
11 law, upon a determination by the Attorney General that  
12 emergent circumstances require additional funding for liti-  
13 gation activities of the Civil Division, the Attorney General  
14 may transfer such amounts to “Salaries and Expenses,  
15 General Legal Activities” from available appropriations  
16 for the current fiscal year for the Department of Justice,  
17 as may be necessary to respond to such circumstances:  
18 *Provided further*, That any transfer pursuant to the pre-  
19 vious proviso shall be treated as a reprogramming under  
20 section 605 of this Act and shall not be available for obli-  
21 gation or expenditure except in compliance with the proce-  
22 dures set forth in that section.

23       In addition, for reimbursement of expenses of the De-  
24 partment of Justice associated with processing cases  
25 under the National Childhood Vaccine Injury Act of 1986,

1 not to exceed \$6,333,000, to be appropriated from the  
2 Vaccine Injury Compensation Trust Fund.

3 SALARIES AND EXPENSES, ANTITRUST DIVISION

4 For expenses necessary for the enforcement of anti-  
5 trust and kindred laws, \$135,463,000, to remain available  
6 until expended: *Provided*, That, notwithstanding any other  
7 provision of law, not to exceed \$101,000,000 of offsetting  
8 collections derived from fees collected for premerger notifi-  
9 cation filings under the Hart-Scott-Rodino Antitrust Im-  
10 provements Act of 1976 (15 U.S.C. 18a), regardless of  
11 the year of collection, shall be retained and used for nec-  
12 essary expenses in this appropriation, and shall remain  
13 available until expended: *Provided further*, That the sum  
14 herein appropriated from the general fund shall be re-  
15 duced as such offsetting collections are received during fis-  
16 cal year 2005, so as to result in a final fiscal year 2005  
17 appropriation from the general fund estimated at not more  
18 than \$34,463,000.

19 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

20 For necessary expenses of the Offices of the United  
21 States Attorneys, including inter-governmental and coop-  
22 erative agreements, \$1,535,000,000; of which not to ex-  
23 ceed \$2,500,000 shall be available until September 30,  
24 2006, for: (1) training personnel in debt collection; (2) lo-  
25 cating debtors and their property; (3) paying the net costs  
26 of selling property; and (4) tracking debts owed to the

1 United States Government: *Provided*, That of the total  
2 amount appropriated, not to exceed \$8,000 shall be avail-  
3 able for official reception and representation expenses:  
4 *Provided further*, That not to exceed \$10,000,000 of those  
5 funds available for automated litigation support contracts  
6 shall remain available until expended: *Provided further*,  
7 That, in addition to reimbursable full-time equivalent  
8 workyears available to the Offices of the United States At-  
9 torneys, not to exceed 10,238 positions and 10,361 full-  
10 time equivalent workyears shall be supported from the  
11 funds appropriated in this Act for the United States At-  
12 torneys.

13 UNITED STATES TRUSTEE SYSTEM FUND

14 For necessary expenses of the United States Trustee  
15 Program, as authorized, \$172,850,000, to remain avail-  
16 able until expended and to be derived from the United  
17 States Trustee System Fund: *Provided*, That, notwith-  
18 standing any other provision of law, deposits to the Fund  
19 shall be available in such amounts as may be necessary  
20 to pay refunds due depositors: *Provided further*, That, not-  
21 withstanding any other provision of law, \$172,850,000 of  
22 offsetting collections pursuant to 28 U.S.C. 589a(b) shall  
23 be retained and used for necessary expenses in this appro-  
24 priation and remain available until expended: *Provided*  
25 *further*, That the sum herein appropriated from the Fund  
26 shall be reduced as such offsetting collections are received



1 during fiscal year 2005, so as to result in a final fiscal  
2 year 2005 appropriation from the Fund estimated at \$0.

3 SALARIES AND EXPENSES, FOREIGN CLAIMS

4 SETTLEMENT COMMISSION

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

8 SALARIES AND EXPENSES, UNITED STATES MARSHALS

9 SERVICE

10 For necessary expenses of the United States Mar-  
11 shals Service, \$752,070,000; of which \$17,472,000 shall  
12 be available for 106 supervisory deputy marshal positions  
13 for courthouse security; of which not to exceed \$6,000  
14 shall be available for official reception and representation  
15 expenses; and of which \$4,000,000 for information tech-  
16 nology systems shall remain available until expended; of  
17 which not less than \$8,221,000 shall be available for the  
18 costs of courthouse security equipment, including fur-  
19 nishings, relocations, and telephone systems and cabling,  
20 and shall remain available until September 30, 2006: *Pro-*  
21 *vided*, That, in addition to reimbursable full-time equiva-  
22 lent workyears available to the United States Marshals  
23 Service, not to exceed 4,578 positions and 4,404 full-time  
24 equivalent workyears shall be supported from the funds  
25 appropriated in this Act for the United States Marshals  
26 Service.

## 1 CONSTRUCTION

2 For construction of United States Marshals Service  
3 prisoner-holding space in United States courthouses and  
4 Federal buildings, \$1,371,000, to remain available until  
5 expended.

## 6 FEES AND EXPENSES OF WITNESSES

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

## 21 SALARIES AND EXPENSES, COMMUNITY RELATIONS

## 22 SERVICE

23 For necessary expenses of the Community Relations  
24 Service, \$9,833,000: *Provided*, That notwithstanding any  
25 other provision of law, upon a determination by the Attor-  
26 ney General that emergent circumstances require addi-

1 tional funding for conflict resolution and violence preven-  
 2 tion activities of the Community Relations Service, the At-  
 3 torney General may transfer such amounts to the Commu-  
 4 nity Relations Service, from available appropriations for  
 5 the current fiscal year for the Department of Justice, as  
 6 may be necessary to respond to such circumstances: *Pro-*  
 7 *vided further*, That any transfer pursuant to the previous  
 8 proviso shall be treated as a reprogramming under section  
 9 605 of this Act and shall not be available for obligation  
 10 or expenditure except in compliance with the procedures  
 11 set forth in that section.

#### 12 ASSETS FORFEITURE FUND

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

#### 16 PAYMENT TO RADIATION EXPOSURE COMPENSATION

#### 17 TRUST FUND

18 In addition to amounts appropriated by subsection  
 19 3(e) of the Radiation Exposure Compensation Act (42  
 20 U.S. Code 2210 note), \$72,000,000 for payment to the  
 21 Radiation Exposure Compensation Trust Fund, to remain  
 22 available until expended.

#### 23 INTERAGENCY LAW ENFORCEMENT

#### 24 INTERAGENCY CRIME AND DRUG ENFORCEMENT

25 For necessary expenses for the identification, inves-  
 26 tigation, and prosecution of individuals associated with the

1 most significant drug trafficking and affiliated money  
2 laundering organizations not otherwise provided for, to in-  
3 clude inter-governmental agreements with State and local  
4 law enforcement agencies engaged in the investigation and  
5 prosecution of individuals involved in organized crime drug  
6 trafficking, \$561,033,000, of which \$50,000,000 shall re-  
7 main available until expended: *Provided*, That any  
8 amounts obligated from appropriations under this heading  
9 may be used under authorities available to the organiza-  
10 tions reimbursed from this appropriation.

11           FEDERAL BUREAU OF INVESTIGATION

12                   SALARIES AND EXPENSES

13       For necessary expenses of the Federal Bureau of In-  
14 vestigation for detection, investigation, and prosecution of  
15 crimes against the United States; including purchase for  
16 police-type use of not to exceed 2,988 passenger motor ve-  
17 hicles, of which 2,619 will be for replacement only; and  
18 not to exceed \$70,000 to meet unforeseen emergencies of  
19 a confidential character pursuant to 28 U.S.C. 530C,  
20 \$5,205,028,000; of which not to exceed \$150,000,000  
21 shall remain available until expended; of which  
22 \$916,000,000 shall be for counterterrorism investigations,  
23 foreign counterintelligence, and other activities related to  
24 our national security; of which \$56,349,000 shall be for  
25 the operations, equipment, and facilities of the Foreign

1 Terrorist Tracking Task Force; and of which not to exceed  
2 \$20,000,000 is authorized to be made available for making  
3 advances for expenses arising out of contractual or reim-  
4 bursable agreements with State and local law enforcement  
5 agencies while engaged in cooperative activities related to  
6 violent crime, terrorism, organized crime, gang-related  
7 crime, cybercrime, and drug investigations: *Provided*, That  
8 not to exceed \$200,000 shall be available for official recep-  
9 tion and representation expenses: *Provided further*, That,  
10 in addition to reimbursable full-time equivalent workyears  
11 available to the Federal Bureau of Investigation, not to  
12 exceed 30,078 positions and 29,102 full-time equivalent  
13 workyears shall be supported from the funds appropriated  
14 in this Act for the Federal Bureau of Investigation.

15 CONSTRUCTION

16 For necessary expenses to construct or acquire build-  
17 ings and sites by purchase, or as otherwise authorized by  
18 law (including equipment for such buildings); conversion  
19 and extension of Federally-owned buildings; and prelimi-  
20 nary planning and design of projects; \$10,242,000, to re-  
21 main available until expended: *Provided*, That \$9,000,000  
22 shall be available to lease a records management facility,  
23 including equipment and relocation expenses, in Frederick  
24 County, Virginia.

## 1 DRUG ENFORCEMENT ADMINISTRATION

## 2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-  
4 ministration, including not to exceed \$70,000 to meet un-  
5 foreseen emergencies of a confidential character pursuant  
6 to 28 U.S.C. 530C; expenses for conducting drug edu-  
7 cation and training programs, including travel and related  
8 expenses for participants in such programs and the dis-  
9 tribution of items of token value that promote the goals  
10 of such programs; and purchase of not to exceed 1,461  
11 passenger motor vehicles, of which 1,346 will be for re-  
12 placement only, for police-type use, \$1,661,503,000; of  
13 which not to exceed \$75,000,000 shall remain available  
14 until expended; and of which not to exceed \$100,000 shall  
15 be available for official reception and representation ex-  
16 penses: *Provided*, That, in addition to reimbursable full-  
17 time equivalent workyears available to the Drug Enforce-  
18 ment Administration, not to exceed 8,440 positions and  
19 8,289 full-time equivalent workyears shall be supported  
20 from the funds appropriated in this Act for the Drug En-  
21 forcement Administration: *Provided further*, That not to  
22 exceed \$8,100,000 from prior year unobligated balances  
23 shall be available for the design, construction and owner-  
24 ship of a clandestine laboratory training facility and shall  
25 remain available until expended.

1       BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
2                               EXPLOSIVES  
3                               SALARIES AND EXPENSES

4       For necessary expenses of the Bureau of Alcohol, To-  
5   bacco, Firearms and Explosives, including the purchase of  
6   not to exceed 822 vehicles for police-type use, of which  
7   650 shall be for replacement only; not to exceed \$18,000  
8   for official reception and representation expenses; for  
9   training of State and local law enforcement agencies with  
10   or without reimbursement, including training in connec-  
11   tion with the training and acquisition of canines for explo-  
12   sives and fire accelerants detection; and for provision of  
13   laboratory assistance to State and local law enforcement  
14   agencies, with or without reimbursement, \$870,357,000,  
15   of which not to exceed \$1,000,000 shall be available for  
16   the payment of attorneys' fees as provided by 18 U.S.C.  
17   924(d)(2); and of which \$10,000,000 shall remain avail-  
18   able until expended: *Provided*, That no funds appropriated  
19   herein shall be available for salaries or administrative ex-  
20   penses in connection with consolidating or centralizing,  
21   within the Department of Justice, the records, or any por-  
22   tion thereof, of acquisition and disposition of firearms  
23   maintained by Federal firearms licensees: *Provided fur-*  
24   *ther*, That no funds appropriated herein shall be used to  
25   pay administrative expenses or the compensation of any

1 officer or employee of the United States to implement an  
2 amendment or amendments to 27 CFR 178.118 or to  
3 change the definition of “Curios or relics” in 27 CFR  
4 178.11 or remove any item from ATF Publication  
5 5300.11 as it existed on January 1, 1994: *Provided fur-*  
6 *ther*, That none of the funds appropriated herein shall be  
7 available to investigate or act upon applications for relief  
8 from Federal firearms disabilities under 18 U.S.C. 925(c):  
9 *Provided further*, That such funds shall be available to in-  
10 vestigate and act upon applications filed by corporations  
11 for relief from Federal firearms disabilities under section  
12 925(c) of title 18, United States Code: *Provided further*,  
13 That no funds made available by this or any other Act  
14 may be used to transfer the functions, missions, or activi-  
15 ties of the Bureau of Alcohol, Tobacco, Firearms and Ex-  
16 plosives to other agencies or Departments in fiscal year  
17 2005: *Provided further*, That no funds appropriated under  
18 this or any other Act with respect to any fiscal year may  
19 be used to disclose part or all of the contents of the Fire-  
20 arms Trace System database maintained by the National  
21 Trace Center of the Bureau of Alcohol, Tobacco, Fire-  
22 arms, and Explosives or any information required to be  
23 kept by licensees pursuant to section 923(g) of title 18,  
24 United States Code, or required to be reported pursuant  
25 to paragraphs (3) and (7) of such section 923(g), to any-



1 one other than a Federal, State, or local law enforcement  
2 agency or a prosecutor solely in connection with and for  
3 use in a bona fide criminal investigation or prosecution  
4 and then only such information as pertains to the geo-  
5 graphic jurisdiction of the law enforcement agency re-  
6 questing the disclosure and not for use in any civil action  
7 or proceeding other than an action or proceeding com-  
8 menced by the Bureau of Alcohol, Tobacco, Firearms, and  
9 Explosives, or a review of such an action or proceeding,  
10 to enforce the provisions of chapter 44 of such title, and  
11 all such data shall be immune from legal process and shall  
12 not be subject to subpoena or other discovery in any civil  
13 action in a State or Federal court or in any administrative  
14 proceeding other than a proceeding commenced by the Bu-  
15 reau of Alcohol, Tobacco, Firearms, and Explosives to en-  
16 force the provisions of that chapter, or a review of such  
17 an action or proceeding; except that this proviso shall not  
18 be construed to prevent the disclosure of statistical infor-  
19 mation concerning total production, importation, and ex-  
20 portation by each licensed importer (as defined in section  
21 921(a)(9) of such title) and licensed manufacturer (as de-  
22 fined in section 921(a)(10) of such title): *Provided further*,  
23 That no funds made available by this or any other Act  
24 shall be expended to promulgate or implement any rule  
25 requiring a physical inventory of any business licensed

1 under section 923 of title 18, United States Code: *Pro-*  
2 *vided further*, That no funds under this Act may be used  
3 to electronically retrieve information gathered pursuant to  
4 18 U.S.C. 923(g)(4) by name or any personal identifica-  
5 tion code: *Provided further*, That no funds authorized or  
6 made available under this or any other Act may be used  
7 to deny any application for a license under section 923  
8 of title 18, United States Code, or renewal of such a li-  
9 cense due to a lack of business activity, provided that the  
10 applicant is otherwise eligible to receive such a license, and  
11 is eligible to report business income or to claim an income  
12 tax deduction for business expenses under the Internal  
13 Revenue Code of 1986.

14 FEDERAL PRISON SYSTEM

15 SALARIES AND EXPENSES

16 For expenses necessary for the administration, oper-  
17 ation, and maintenance of Federal penal and correctional  
18 institutions, including purchase (not to exceed 780, of  
19 which 649 are for replacement only) and hire of law en-  
20 forcement and passenger motor vehicles, and for the provi-  
21 sion of technical assistance and advice on corrections re-  
22 lated issues to foreign governments, \$4,567,232,000: *Pro-*  
23 *vided*, That the Attorney General may transfer to the  
24 Health Resources and Services Administration such  
25 amounts as may be necessary for direct expenditures by

1 that Administration for medical relief for inmates of Fed-  
2 eral penal and correctional institutions: *Provided further*,  
3 That the Director of the Federal Prison System, where  
4 necessary, may enter into contracts with a fiscal agent/  
5 fiscal intermediary claims processor to determine the  
6 amounts payable to persons who, on behalf of the Federal  
7 Prison System, furnish health services to individuals com-  
8 mitted to the custody of the Federal Prison System: *Pro-*  
9 *vided further*, That not to exceed \$6,000 shall be available  
10 for official reception and representation expenses: *Pro-*  
11 *vided further*, That not to exceed \$50,000,000 shall re-  
12 main available until September 30, 2006: *Provided further*,  
13 That, of the amounts provided for Contract Confinement,  
14 not to exceed \$20,000,000 shall remain available until ex-  
15 pended to make payments in advance for grants, contracts  
16 and reimbursable agreements, and other expenses author-  
17 ized by section 501(c) of the Refugee Education Assist-  
18 ance Act of 1980, for the care and security in the United  
19 States of Cuban and Haitian entrants: *Provided further*,  
20 That the Director of the Federal Prison System may ac-  
21 cept donated property and services relating to the oper-  
22 ation of the prison card program from a not-for-profit en-  
23 tity which has operated such program in the past notwith-  
24 standing the fact that such not-for-profit entity furnishes  
25 services under contracts to the Federal Prison System re-

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

3 BUILDINGS AND FACILITIES

4 For planning, acquisition of sites and construction of  
5 new facilities; purchase and acquisition of facilities and re-  
6 modeling, and equipping of such facilities for penal and  
7 correctional use, including all necessary expenses incident  
8 thereto, by contract or force account; and constructing,  
9 remodeling, and equipping necessary buildings and facili-  
10 ties at existing penal and correctional institutions, includ-  
11 ing all necessary expenses incident thereto, by contract or  
12 force account, \$189,000,000, to remain available until ex-  
13 pended, of which not to exceed \$14,000,000 shall be avail-  
14 able to construct areas for inmate work programs: *Pro-*  
15 *vided*, That labor of United States prisoners may be used  
16 for work performed under this appropriation: *Provided*  
17 *further*, That not to exceed 10 percent of the funds appro-  
18 priated to “Buildings and Facilities” in this or any other  
19 Act may be transferred to “Salaries and Expenses”, Fed-  
20 eral Prison System, upon notification by the Attorney  
21 General to the Committees on Appropriations of the  
22 House of Representatives and the Senate in compliance  
23 with provisions set forth in section 605 of this Act.

24 FEDERAL PRISON INDUSTRIES, INCORPORATED

25 The Federal Prison Industries, Incorporated, is here-  
26 by authorized to make such expenditures, within the limits

1 of funds and borrowing authority available, and in accord  
2 with the law, and to make such contracts and commit-  
3 ments, without regard to fiscal year limitations as pro-  
4 vided by section 9104 of title 31, United States Code, as  
5 may be necessary in carrying out the program set forth  
6 in the budget for the current fiscal year for such corpora-  
7 tion, including purchase (not to exceed five for replace-  
8 ment only) and hire of passenger motor vehicles.

9       LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL  
10                   PRISON INDUSTRIES, INCORPORATED

11       Not to exceed \$3,429,000 of the funds of the corpora-  
12 tion shall be available for its administrative expenses, and  
13 for services as authorized by 5 U.S.C. 3109, to be com-  
14 puted on an accrual basis to be determined in accordance  
15 with the corporation's current prescribed accounting sys-  
16 tem, and such amounts shall be exclusive of depreciation,  
17 payment of claims, and expenditures which such account-  
18 ing system requires to be capitalized or charged to cost  
19 of commodities acquired or produced, including selling and  
20 shipping expenses, and expenses in connection with acqui-  
21 sition, construction, operation, maintenance, improvement,  
22 protection, or disposition of facilities and other property  
23 belonging to the corporation or in which it has an interest.

## OFFICE OF JUSTICE PROGRAMS

## JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children’s Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), and the Victims of Crime Act of 1984, \$217,000,000, to remain available until expended.

## STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; \$1,255,037,000 (including amounts for administrative costs, which shall be transferred to and merged with the “Justice Assistance” account): *Provided*, That funding provided under this heading shall remain available until expended, as follows—

- (1) \$634,000,000 for the Edward Byrne Memorial Justice Assistance Grant program pursuant to the amendments made by section 201 of H.R. 3036

1 of the 108th Congress, as passed by the House of  
2 Representatives on March 30, 2004 (except that the  
3 special rules for Puerto Rico established pursuant to  
4 such amendments shall not apply for purposes of  
5 this Act), of which—

6 (A) \$80,000,000 shall be for Boys and  
7 Girls Clubs in public housing facilities and  
8 other areas in cooperation with State and local  
9 law enforcement, as authorized by section 401  
10 of Public Law 104–294 (42 U.S.C. 13751  
11 note);

12 (B) \$15,000,000 shall be available for the  
13 National Institute of Justice in assisting units  
14 of local government to identify, select, develop,  
15 modernize, and purchase new technologies for  
16 use by law enforcement, of which not to exceed  
17 \$1,000,000 shall be for use by the Bureau of  
18 Justice Statistics to collect data necessary for  
19 carrying out this program; and

20 (C) \$5,000,000 for USA Freedom Corps  
21 activities;

22 (2) \$325,000,000 for the State Criminal Alien  
23 Assistance Program, as authorized by section 242(j)  
24 of the Immigration and Nationality Act;

1           (3) \$15,000,000 for assistance to Indian tribes,  
2       of which—

3           (A) \$2,000,000 shall be available for  
4       grants under section 20109(a)(2) of subtitle A  
5       of title II of the 1994 Act;

6           (B) \$8,000,000 shall be available for the  
7       Tribal Courts Initiative; and

8           (C) \$5,000,000 shall be available for dem-  
9       onstration projects on alcohol and crime in In-  
10      dian Country;

11          (4) \$110,000,000 for discretionary grants au-  
12      thorized by subpart 2 of part E, of title I of the  
13      1968 Act, notwithstanding the provisions of section  
14      511 of said Act;

15          (5) \$10,000,000 for victim services programs  
16      for victims of trafficking, as authorized by section  
17      107(b)(2) of Public Law 106–386;

18          (6) \$883,000 for the Missing Alzheimer’s Dis-  
19      ease Patient Alert Program, as authorized by section  
20      240001(c) of the 1994 Act;

21          (7) \$50,000,000 for Drug Courts, as authorized  
22      by Part EE of the 1968 Act;

23          (8) \$1,979,000 for public awareness programs  
24      addressing marketing scams aimed at senior citi-



1 zens, as authorized by section 250005(3) of the  
2 1994 Act;

3 (9) \$10,000,000 for a prescription drug moni-  
4 toring program;

5 (10) \$52,175,000 for prison rape prevention  
6 and prosecution programs as authorized by the Pris-  
7 on Rape Elimination Act of 2003 (Public Law 108–  
8 79), of which \$2,175,000 shall be transferred to the  
9 National Prison Rape Reduction Commission for au-  
10 thorized activities;

11 (11) \$35,000,000 for grants for residential sub-  
12 stance abuse treatment for State prisoners, as au-  
13 thorized by part S of the 1968 Act;

14 (12) \$10,000,000 for a program to improve  
15 State and local law enforcement intelligence capabili-  
16 ties including training to ensure that constitutional  
17 rights, civil liberties, civil rights, and privacy inter-  
18 ests are protected throughout the intelligence proc-  
19 ess; and

20 (13) \$1,000,000 for a State and local law en-  
21 forcement hate crimes training and technical assist-  
22 ance program:

23 *Provided*, That, if a unit of local government uses any of  
24 the funds made available under this title to increase the  
25 number of law enforcement officers, the unit of local gov-

1 ernment will achieve a net gain in the number of law en-  
2 forcement officers who perform nonadministrative public  
3 safety service.

4 WEED AND SEED PROGRAM FUND

5 For necessary expenses to implement “Weed and  
6 Seed” program activities, \$51,169,000, to remain avail-  
7 able until expended, for inter-governmental agreements,  
8 including grants, cooperative agreements, and contracts,  
9 with State and local law enforcement agencies, non-profit  
10 organizations, and agencies of local government engaged  
11 in the investigation and prosecution of violent and gang-  
12 related crimes and drug offenses in “Weed and Seed” des-  
13 ignated communities, and for either reimbursements or  
14 transfers to appropriation accounts of the Department of  
15 Justice and other Federal agencies which shall be specified  
16 by the Attorney General to execute the “Weed and Seed”  
17 program strategy: *Provided*, That funds designated by  
18 Congress through language for other Department of Jus-  
19 tice appropriation accounts for “Weed and Seed” program  
20 activities shall be managed and executed by the Attorney  
21 General through the Executive Office for Weed and Seed:  
22 *Provided further*, That the Attorney General may direct  
23 the use of other Department of Justice funds and per-  
24 sonnel in support of “Weed and Seed” program activities  
25 only after the Attorney General notifies the Committees

1 on Appropriations of the House of Representatives and the  
2 Senate in accordance with section 605 of this Act.

3 COMMUNITY ORIENTED POLICING SERVICES

4 For activities authorized by the Violent Crime Con-  
5 trol and Law Enforcement Act of 1994 (Public Law 103–  
6 322) (including administrative costs), \$686,702,000, to  
7 remain available until expended: *Provided*, That funds  
8 that become available as a result of deobligations from  
9 prior year balances may not be obligated except in accord-  
10 ance with section 605 of this Act: *Provided further*, That  
11 section 1703(b) and (c) of the Omnibus Crime Control and  
12 Safe Streets Act of 1968 (“the 1968 Act”) shall not apply  
13 to non-hiring grants made pursuant to part Q of title I  
14 thereof (42 U.S.C. 3796dd et seq.). Of the amounts pro-  
15 vided—

16 (1) \$113,000,000 is for law enforcement en-  
17 hancement grants pursuant to the amendments  
18 made by section 253 of H.R. 3036 of the 108th  
19 Congress, as passed by the House of Representatives  
20 on March 30, 2004;

21 (2) \$25,000,000 is for the matching grant pro-  
22 gram for law enforcement armor vests as authorized  
23 by section 2501 of part Y of the 1968 Act: *Provided*,  
24 That not to exceed 2 percent of such funds shall be  
25 available to the Office of Justice Programs for test-

1       ing of and research relating to law enforcement  
2       armor vests;

3           (3) \$60,000,000 is for policing initiatives to  
4       combat methamphetamine production and traf-  
5       ficking and to enhance policing initiatives in “drug  
6       hot spots”;

7           (4) \$20,000,000 is for Police Corps education  
8       and training: *Provided*, That the out-year program  
9       costs of new recruits shall be fully funded from  
10      funds currently available;

11          (5) \$130,000,000 is for a law enforcement tech-  
12      nology program;

13          (6) \$50,000,000 is for grants to upgrade crimi-  
14      nal records, as authorized under the Crime Identi-  
15      fication Technology Act of 1998 (42 U.S.C. 14601);

16          (7) \$175,788,000 is for a DNA analysis and  
17      backlog reduction program;

18          (8) \$40,000,000 is for the Southwest Border  
19      Prosecutor Initiative to reimburse State, county,  
20      parish, tribal, or municipal governments only for  
21      costs associated with the prosecution of criminal  
22      cases declined by local United States Attorneys of-  
23      fices;

24          (9) \$15,000,000 is for an offender re-entry pro-  
25      gram, as authorized by Public Law 107–273;

1           (10) \$30,000,000 is for Project Safe Neighbor-  
2       hoods to reduce gun violence, and gang and drug-re-  
3       lated crime; and

4           (11) not to exceed \$27,914,000 is for program  
5       management and administration.

6       VIOLENCE AGAINST WOMEN PREVENTION AND  
7                               PROSECUTION PROGRAMS

8       For grants, contracts, cooperative agreements, and  
9       other assistance for the prevention and prosecution of vio-  
10      lence against women as authorized by the Omnibus Crime  
11      Control and Safe Streets Act of 1968 (“the 1968 Act”);  
12      the Violent Crime Control and Law Enforcement Act of  
13      1994 (Public Law 103–322) (“the 1994 Act”); the Vic-  
14      tims of Child Abuse Act of 1990 (“the 1990 Act”); the  
15      Prosecutorial Remedies and Other Tools to end the Ex-  
16      ploitation of Children Today Act of 2003 (Public Law  
17      108–21); the Juvenile Justice and Delinquency Prevention  
18      Act of 1974 (“the 1974 Act”); and the Victims of Traf-  
19      ficking and Violence Protection Act of 2000 (Public Law  
20      106–386); \$383,551,000 to remain available until ex-  
21      pended, as follows—

22           (1) \$11,484,000 for the court appointed special  
23      advocate program, as authorized by section 217 of  
24      the 1990 Act;

1           (2) \$1,925,000 for child abuse training pro-  
2           grams for judicial personnel and practitioners, as  
3           authorized by section 222 of the 1990 Act;

4           (3) \$983,000 for grants for televised testimony,  
5           as authorized by Part N of the 1968 Act;

6           (4) \$176,747,000 for grants to combat violence  
7           against women, as authorized by part T of the 1968  
8           Act, of which—

9                   (A) \$5,200,000 shall be for the National  
10           Institute of Justice for research and evaluation;

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

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

19           (5) \$62,479,000 for grants to encourage arrest  
20           policies as authorized by part U of the 1968 Act;

21           (6) \$38,274,000 for rural domestic violence and  
22           child abuse enforcement assistance grants, as au-  
23           thorized by section 40295 of the 1994 Act;

1           (7) \$4,415,000 for training programs as au-  
2           thorized by section 40152 of the 1994 Act, and for  
3           related local demonstration projects;

4           (8) \$2,950,000 for grants to improve the stalk-  
5           ing and domestic violence databases, as authorized  
6           by section 40602 of the 1994 Act;

7           (9) \$9,175,000 to reduce violent crimes against  
8           women on campus, as authorized by section 1108(a)  
9           of Public Law 106–386;

10          (10) \$39,322,000 for legal assistance for vic-  
11          tims, as authorized by section 1201 of Public Law  
12          106–386;

13          (11) \$4,458,000 for enhancing protection for  
14          older and disabled women from domestic violence  
15          and sexual assault as authorized by section 40802 of  
16          the 1994 Act;

17          (12) \$14,078,000 for the safe havens for chil-  
18          dren pilot program as authorized by section 1301 of  
19          Public Law 106–386;

20          (13) \$6,922,000 for education and training to  
21          end violence against and abuse of women with dis-  
22          abilities, as authorized by section 1402 of Public  
23          Law 106–386; and

24          (14) \$10,339,000 for management and admin-  
25          istration not elsewhere specified.

## JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (“the Act”), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$349,000,000, to remain available until expended, as follows—

(1) \$350,000 for concentration of Federal efforts, as authorized by section 204 of the Act;

(2) \$84,000,000 for State and local programs authorized by section 221 of the Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) \$70,000,000 for demonstration projects, as authorized by sections 261 and 262 of the Act;

(4) \$80,000,000 for delinquency prevention, as authorized by section 505 of the Act, of which—

(A) \$10,000,000 shall be for the Tribal Youth Program;

(B) \$20,000,000 shall be for a gang resistance education and training program to be administered by the Bureau of Justice Assistance



1 and to be coordinated with the Bureau of Alco-  
2 hol, Tobacco, Firearms and Explosives and the  
3 Office of Juvenile Justice and Delinquency Pre-  
4 vention; and

5 (C) \$25,000,000 shall be for grants of  
6 \$360,000 to each State and \$6,640,000 shall be  
7 available for discretionary grants to States, for  
8 programs and activities to enforce State laws  
9 prohibiting the sale of alcoholic beverages to  
10 minors or the purchase or consumption of alco-  
11 holic beverages by minors, prevention and re-  
12 duction of consumption of alcoholic beverages  
13 by minors, and for technical assistance and  
14 training;

15 (5) \$10,000,000 for Project Childsafe;

16 (6) \$20,000,000 for the Secure Our Schools  
17 Act as authorized by Public Law 106–386;

18 (7) \$10,650,000 for Project Sentry to reduce  
19 youth gun violence, and gang and drug-related  
20 crime;

21 (8) \$14,000,000 for programs authorized by  
22 the Victims of Child Abuse Act of 1990; and

23 (9) \$60,000,000 for the Juvenile Accountability  
24 Block Grants program as authorized by Public Law  
25 107–273 and Guam shall be considered a State:

1 *Provided*, That not more than 10 percent of each amount  
 2 in this section may be used for research, evaluation, and  
 3 statistics activities designed to benefit the programs or ac-  
 4 tivities authorized, and not more than 2 percent of each  
 5 amount may be used for training and technical assistance.

6 PUBLIC SAFETY OFFICERS BENEFITS

7 To remain available until expended, for payments au-  
 8 thorized by part L of title I of the Omnibus Crime Control  
 9 and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums  
 10 as are necessary, as authorized by section 6093 of Public  
 11 Law 100–690 (102 Stat. 4339–4340) (increased by  
 12 \$50,000); and \$3,615,000, to remain available until ex-  
 13 pended for payments as authorized by section 1201(b) of  
 14 said Act; and \$2,795,000 for educational assistance, as  
 15 authorized by section 1212 of the 1968 Act.

16 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

17 SEC. 101. In addition to amounts otherwise made  
 18 available in this title for official reception and representa-  
 19 tion expenses, a total of not to exceed \$60,000 from funds  
 20 appropriated to the Department of Justice in this title  
 21 shall be available to the Attorney General for official re-  
 22 ception and representation expenses.

23 SEC. 102. None of the funds appropriated by this  
 24 title shall be available to pay for an abortion, except where  
 25 the life of the mother would be endangered if the fetus  
 26 were carried to term, or in the case of rape: *Provided*,

1 That should this prohibition be declared unconstitutional  
2 by a court of competent jurisdiction, this section shall be  
3 null and void.

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

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

15 SEC. 105. Authorities contained in the 21st Century  
16 Department of Justice Appropriations Authorization Act  
17 (Public Law 107–273) shall remain in effect until the ef-  
18 fective date of a subsequent Department of Justice appro-  
19 priations authorization Act.

20 SEC. 106. Not to exceed 5 percent of any appropria-  
21 tion made available for the current fiscal year for the De-  
22 partment of Justice in this Act may be transferred be-  
23 tween such appropriations, but no such appropriation, ex-  
24 cept as otherwise specifically provided, shall be increased  
25 by more than 10 percent by any such transfers: *Provided*,

1 That any transfer pursuant to this section shall be treated  
2 as a reprogramming of funds under section 605 of this  
3 Act and shall not be available for obligation except in com-  
4 pliance with the procedures set forth in that section.

5 SEC. 107. Section 114 of Public Law 107–77 shall  
6 remain in effect during fiscal year 2005.

7 SEC. 108. The Attorney General is authorized to ex-  
8 tend through September 30, 2006, the Personnel Manage-  
9 ment Demonstration Project transferred to the Attorney  
10 General pursuant to section 1115 of the Homeland Secu-  
11 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533).

12 SEC. 109. (a) None of the funds made available in  
13 this Act may be used by the Drug Enforcement Adminis-  
14 tration to establish a procurement quota following the ap-  
15 proval of a new drug application or an abbreviated new  
16 drug application for a controlled substance.

17 (b) The limitation established in subsection (a) shall  
18 not apply until 180 days after enactment of this Act.

19 SEC. 110. The limitation established in the preceding  
20 section shall not apply to any new drug application or ab-  
21 breviated new drug application for which the Drug En-  
22 forcement Administration has reviewed and provided pub-  
23 lic comments on labeling, promotion, risk management  
24 plans, and any other documents.

1       SEC. 111. (a) Section 8335(b) of title 5, United  
2 States Code, is amended—

3           (1) by striking “(b)” and inserting “(b)(1)”;  
4       and

5           (2) by adding at the end the following:

6       “(2) In the case of employees of the Federal Bureau  
7 of Investigation, the second sentence of paragraph (1)  
8 shall be applied by substituting ‘65 years of age’ for ‘60  
9 years of age’. The authority to grant exemptions in ac-  
10 cordance with the preceding sentence shall cease to be  
11 available after December 31, 2009.”.

12       (b) Section 8425(b) of title 5, United States Code,  
13 is amended—

14           (1) by striking “(b)” and inserting “(b)(1)”;  
15       and

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

17       “(2) In the case of employees of the Federal Bureau  
18 of Investigation, the second sentence of paragraph (1)  
19 shall be applied by substituting ‘65 years of age’ for ‘60  
20 years of age’. The authority to grant exemptions in ac-  
21 cordance with the preceding sentence shall cease to be  
22 available after December 31, 2009.”.

23       SEC. 112. (a) Subchapter IV of chapter 57 of title  
24 5, United States Code, is amended by adding at the end  
25 the following:

1 **“§ 5759. Retention and relocation bonuses for the**  
2 **Federal Bureau of Investigation**

3 “(a) **AUTHORITY.**—The Director of the Federal Bu-  
4 reau of Investigation, after consultation with the Director  
5 of the Office of Personnel Management, may pay, on a  
6 case-by-case basis, a bonus under this section to an em-  
7 ployee of the Bureau if—

8 “(1)(A) the unusually high or unique qualifica-  
9 tions of the employee or a special need of the Bu-  
10 reau for the employee’s services makes it essential to  
11 retain the employee; and

12 “(B) the Director of the Federal Bureau of In-  
13 vestigation determines that, in the absence of such  
14 a bonus, the employee would be likely to leave—

15 “(i) the Federal service; or

16 “(ii) for a different position in the Federal  
17 service; or

18 “(2) the individual is transferred to a different  
19 geographic area with a higher cost of living (as de-  
20 termined by the Director of the Federal Bureau of  
21 Investigation).

22 “(b) **SERVICE AGREEMENT.**—Payment of a bonus  
23 under this section is contingent upon the employee enter-  
24 ing into a written service agreement with the Bureau to  
25 complete a period of service with the Bureau. Such agree-  
26 ment shall include—

7       “(c) LIMITATION ON AUTHORITY.—A bonus paid  
8   under this section may not exceed 50 percent of the em-  
9   ployee’s basic pay.

12           “(e) TERMINATION OF AUTHORITY.—The authority  
13 to grant bonuses under this section shall cease to be avail-  
14 able after December 31, 2009.”.

“5759. Retention and relocation bonuses for the Federal Bureau of Investigation.”.

**HR 4754 RFS**

1 “SUBCHAPTER VII—RETENTION OF RETIRED  
2 SPECIALIZED EMPLOYEES AT THE FED-  
3 ERAL BUREAU OF INVESTIGATION

4 **“§ 3598. Federal Bureau of Investigation Reserve**  
5 **Service**

6 “(a) ESTABLISHMENT.—The Director of the Federal  
7 Bureau of Investigation may provide for the establishment  
8 and training of a Federal Bureau of Investigation Reserve  
9 Service (hereinafter in this section referred to as the ‘FBI  
10 Reserve Service’) for temporary reemployment of employ-  
11 ees in the Bureau during periods of emergency, as deter-  
12 mined by the Director.

13 “(b) MEMBERSHIP.—Membership in the FBI Re-  
14 serve Service shall be limited to individuals who previously  
15 served as full-time employees of the Bureau.

16 “(c) ANNUITANTS.—If an annuitant receiving an an-  
17 nuity from the Civil Service Retirement and Disability  
18 Fund becomes temporarily reemployed pursuant to this  
19 section, such annuity shall not be discontinued thereby.  
20 An annuitant so reemployed shall not be considered an  
21 employee for the purposes of chapter 83 or 84.

22 “(d) NO IMPACT ON BUREAU PERSONNEL CEIL-  
23 ING.—FBI Reserve Service members reemployed on a  
24 temporary basis pursuant to this section shall not count  
25 against any personnel ceiling applicable to the Bureau.



1       “(e) EXPENSES.—The Director may provide mem-  
 2       bers of the FBI Reserve Service transportation and per  
 3       diem in lieu of subsistence, in accordance with applicable  
 4       provisions of this title, for the purpose of participating in  
 5       any training that relates to service as a member of the  
 6       FBI Reserve Service.

7       “(f) LIMITATION ON MEMBERSHIP.—Membership of  
 8       the FBI Reserve Service is not to exceed 500 members  
 9       at any given time.”.

10       (b) The analysis for chapter 35 of title 5, United  
 11       States Code, is amended by adding at the end the fol-  
 12       lowing:

“SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT  
 THE FEDERAL BUREAU OF INVESTIGATION

“3598. Federal Bureau of Investigation reserve service.”.

13       SEC. 114. Section 5377(a)(2) of title 5, United States  
 14       Code, is amended—

15               (1) by striking “and” at the end of subpara-  
 16       graph (E);

17               (2) by striking the period at the end of sub-  
 18       paragraph (F) and inserting “; and”; and

19               (3) by inserting after subparagraph (F) the fol-  
 20       lowing:

21               “(G) a position at the Federal Bureau of  
 22       Investigation, the primary duties and respon-  
 23       sibilities of which relate to intelligence functions

1 (as determined by the Director of the Federal  
2 Bureau of Investigation).”.

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

5 TITLE II—DEPARTMENT OF COMMERCE AND  
6 RELATED AGENCIES

7 TRADE AND INFRASTRUCTURE DEVELOPMENT  
8 RELATED AGENCIES

9 OFFICE OF THE UNITED STATES TRADE  
10 REPRESENTATIVE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the United  
13 States Trade Representative, including the hire of pas-  
14 senger motor vehicles and the employment of experts and  
15 consultants as authorized by 5 U.S.C. 3109, \$41,552,000,  
16 of which \$1,000,000 shall remain available until expended:  
17 *Provided*, That not to exceed \$124,000 shall be available  
18 for official reception and representation expenses: *Pro-*  
19 *vided further*, That not less than \$2,000,000 provided  
20 under this heading shall be for expenses authorized by 19  
21 U.S.C. 2451 and 1677b(c).

22 INTERNATIONAL TRADE COMMISSION  
23 SALARIES AND EXPENSES

24 For necessary expenses of the International Trade  
25 Commission, including hire of passenger motor vehicles,

1 and services as authorized by 5 U.S.C. 3109, and not to  
2 exceed \$2,500 for official reception and representation ex-  
3 penses, \$61,700,000, to remain available until expended.

4 DEPARTMENT OF COMMERCE

5 INTERNATIONAL TRADE ADMINISTRATION

6 OPERATIONS AND ADMINISTRATION

7 For necessary expenses for international trade activi-  
8 ties of the Department of Commerce provided for by law,  
9 and for engaging in trade promotional activities abroad,  
10 including expenses of grants and cooperative agreements  
11 for the purpose of promoting exports of United States  
12 firms, without regard to 44 U.S.C. 3702 and 3703; full  
13 medical coverage for dependent members of immediate  
14 families of employees stationed overseas and employees  
15 temporarily posted overseas; travel and transportation of  
16 employees of the United States and Foreign Commercial  
17 Service between two points abroad, without regard to 49  
18 U.S.C. 40118; employment of Americans and aliens by  
19 contract for services; rental of space abroad for periods  
20 not exceeding 10 years, and expenses of alteration, repair,  
21 or improvement; purchase or construction of temporary  
22 demountable exhibition structures for use abroad; pay-  
23 ment of tort claims, in the manner authorized in the first  
24 paragraph of 28 U.S.C. 2672 when such claims arise in  
25 foreign countries; not to exceed \$327,000 for official rep-

1 representation expenses abroad; purchase of passenger motor  
2 vehicles for official use abroad, not to exceed \$30,000 per  
3 vehicle; obtaining insurance on official motor vehicles; and  
4 rental of tie lines, \$401,513,000, to remain available until  
5 expended, of which \$8,000,000 is to be derived from fees  
6 to be retained and used by the International Trade Admin-  
7 istration, notwithstanding 31 U.S.C. 3302: *Provided*, That  
8 \$47,509,000 shall be for Manufacturing and Services;  
9 \$39,087,000 shall be for Market Access and Compliance;  
10 \$58,044,000 shall be for the Import Administration of  
11 which not less than \$3,000,000 is for the Office of China  
12 Compliance; \$230,864,000 shall be for the United States  
13 and Foreign Commercial Service of which \$1,500,000 is  
14 for the Advocacy Center, \$2,500,000 is for the Trade In-  
15 formation Center, and \$2,100,000 is for a China and Mid-  
16 dle East Business Center; and \$26,009,000 shall be for  
17 Executive Direction and Administration: *Provided further*,  
18 That the provisions of the first sentence of section 105(f)  
19 and all of section 108(c) of the Mutual Educational and  
20 Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
21 2458(c)) shall apply in carrying out these activities with-  
22 out regard to section 5412 of the Omnibus Trade and  
23 Competitiveness Act of 1988 (15 U.S.C. 4912); and that  
24 for the purpose of this Act, contributions under the provi-  
25 sions of the Mutual Educational and Cultural Exchange

1 Act of 1961 shall include payment for assessments for  
2 services provided as part of these activities.

3 BUREAU OF INDUSTRY AND SECURITY

4 OPERATIONS AND ADMINISTRATION

5 For necessary expenses for export administration and  
6 national security activities of the Department of Com-  
7 merce, including costs associated with the performance of  
8 export administration field activities both domestically and  
9 abroad; full medical coverage for dependent members of  
10 immediate families of employees stationed overseas; em-  
11 ployment of Americans and aliens by contract for services  
12 abroad; payment of tort claims, in the manner authorized  
13 in the first paragraph of 28 U.S.C. 2672 when such claims  
14 arise in foreign countries; not to exceed \$15,000 for offi-  
15 cial representation expenses abroad; awards of compensa-  
16 tion to informers under the Export Administration Act of  
17 1979, and as authorized by 22 U.S.C. 401(b); and pur-  
18 chase of passenger motor vehicles for official use and  
19 motor vehicles for law enforcement use with special re-  
20 quirement vehicles eligible for purchase without regard to  
21 any price limitation otherwise established by law,  
22 \$68,393,000, to remain available until September 30,  
23 2006, of which \$7,128,000 shall be for inspections and  
24 other activities related to national security: *Provided*, That  
25 the provisions of the first sentence of section 105(f) and

1 all of section 108(c) of the Mutual Educational and Cul-  
2 tural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
3 2458(c)) shall apply in carrying out these activities: *Pro-*  
4 *vided further*, That payments and contributions collected  
5 and accepted for materials or services provided as part of  
6 such activities may be retained for use in covering the cost  
7 of such activities, and for providing information to the  
8 public with respect to the export administration and na-  
9 tional security activities of the Department of Commerce  
10 and other export control programs of the United States  
11 and other governments.

12 ECONOMIC DEVELOPMENT ADMINISTRATION

13 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

14 For grants for economic development assistance as  
15 provided by the Public Works and Economic Development  
16 Act of 1965, and for trade adjustment assistance,  
17 \$289,762,000, to remain available until expended.

18 SALARIES AND EXPENSES

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

## 1 MINORITY BUSINESS DEVELOPMENT AGENCY

## 2 MINORITY BUSINESS DEVELOPMENT

3 For necessary expenses of the Department of Com-  
4 merce in fostering, promoting, and developing minority  
5 business enterprise, including expenses of grants, con-  
6 tracts, and other agreements with public or private organi-  
7 zations, \$28,899,000.

## 8 ECONOMIC AND INFORMATION INFRASTRUCTURE

## 9 ECONOMIC AND STATISTICAL ANALYSIS

## 10 SALARIES AND EXPENSES

11 For necessary expenses, as authorized by law, of eco-  
12 nomic and statistical analysis programs of the Department  
13 of Commerce, \$78,211,000, to remain available until Sep-  
14 tember 30, 2006, of which \$2,000,000 is for a grant to  
15 the National Academy of Public Administration to study  
16 impacts of off-shoring on the economy and workforce of  
17 the United States.

## 18 BUREAU OF THE CENSUS

## 19 SALARIES AND EXPENSES

20 For expenses necessary for collecting, compiling, ana-  
21 lyzing, preparing, and publishing statistics, provided for  
22 by law, \$202,765,000.

## 23 PERIODIC CENSUSES AND PROGRAMS

24 For necessary expenses related to the 2010 decennial  
25 census, \$399,976,000, to remain available until September  
26 30, 2006: *Provided*, That, of the total amount available

1 related to the 2010 decennial census, \$173,806,000 is for  
2 the Re-engineered Design Process for the Short-Form  
3 Only Census, \$146,009,000 is for the American Commu-  
4 nity Survey, and \$80,161,000 is for the Master Address  
5 File/Topologically Integrated Geographic Encoding and  
6 Referencing (MAF/TIGER) system.

7       In addition, for expenses to collect and publish statis-  
8 tics for other periodic censuses and programs provided for  
9 by law, \$171,140,000, to remain available until September  
10 30, 2006, of which \$73,473,000 is for economic statistics  
11 programs and \$97,667,000 is for demographic statistics  
12 programs: *Provided*, That regarding construction of a fa-  
13 cility at the Suitland Federal Center, quarterly reports re-  
14 garding the expenditure of funds and project planning, de-  
15 sign and cost decisions shall be provided by the Bureau,  
16 in cooperation with the General Services Administration,  
17 to the Committees on Appropriations of the Senate and  
18 the House of Representatives: *Provided further*, That none  
19 of the funds provided in this or any other Act under the  
20 heading “Bureau of the Census, Periodic Censuses and  
21 Programs” shall be used to fund the construction and ten-  
22 ant build-out costs of a facility at the Suitland Federal  
23 Center.



1 NATIONAL TELECOMMUNICATIONS AND INFORMATION  
2 ADMINISTRATION  
3 SALARIES AND EXPENSES

4 For necessary expenses, as provided for by law, of  
5 the National Telecommunications and Information Ad-  
6 ministration (NTIA), \$15,282,000, to remain available  
7 until September 30, 2006: *Provided*, That, notwith-  
8 standing 31 U.S.C. 1535(d), the Secretary of Commerce  
9 shall charge Federal agencies for costs incurred in spec-  
10 trum management, analysis, and operations, and related  
11 services and such fees shall be retained and used as offset-  
12 ting collections for costs of such spectrum services, to re-  
13 main available until expended: *Provided further*, That the  
14 Secretary of Commerce is authorized to retain and use as  
15 offsetting collections all funds transferred, or previously  
16 transferred, from other Government agencies for all costs  
17 incurred in telecommunications research, engineering, and  
18 related activities by the Institute for Telecommunication  
19 Sciences of NTIA, in furtherance of its assigned functions  
20 under this paragraph, and such funds received from other  
21 Government agencies shall remain available until ex-  
22 pended.

23 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
24 AND CONSTRUCTION

25 For the administration of grants authorized by sec-  
26 tion 392 of the Communications Act of 1934, \$2,538,000,

1 to remain available until expended as authorized by sec-  
 2 tion 391 of the Act: *Provided*, That, notwithstanding the  
 3 provisions of section 391 of the Act, the prior year unobli-  
 4 gated balances may be made available for grants for  
 5 projects for which applications have been submitted and  
 6 approved during any fiscal year.

7 INFORMATION INFRASTRUCTURE GRANTS

8 For the administration of prior year grants, recov-  
 9 eries and unobligated balances of funds previously appro-  
 10 priated for grants are available only for the administration  
 11 of all open grants until their expiration.

12 UNITED STATES PATENT AND TRADEMARK OFFICE

13 SALARIES AND EXPENSES

14 For necessary expenses of the United States Patent  
 15 and Trademark Office provided for by law, including de-  
 16 fense of suits instituted against the Under Secretary of  
 17 Commerce for Intellectual Property and Director of the  
 18 United States Patent and Trademark Office,  
 19 \$1,314,653,000, which shall be derived from offsetting  
 20 collections assessed and collected pursuant to 15 U.S.C.  
 21 1113 and 35 U.S.C. 41 and 376, and shall be retained  
 22 and used for necessary expenses in this appropriation:  
 23 *Provided*, That the sum herein appropriated from the gen-  
 24 eral fund shall be reduced as such offsetting collections  
 25 are received during fiscal year 2005, so as to result in  
 26 a fiscal year 2005 appropriation from the general fund

1 estimated at \$0: *Provided further*, That during fiscal year  
2 2005, should the total amount of offsetting fee collections  
3 be less than \$1,314,653,000, this amount shall be reduced  
4 accordingly: *Provided further*, That not less than 584 full-  
5 time equivalents, 602 positions and \$78,450,000 shall be  
6 for the examination of trademark applications; and not  
7 less than 5,435 full-time equivalents, 5,848 positions and  
8 \$866,007,000 shall be for the examination and searching  
9 of patent applications: *Provided further*, That not more  
10 than 264 full-time equivalents, 271 positions and  
11 \$36,861,000 shall be for the Office of the General Coun-  
12 sel: *Provided further*, That from amounts provided herein,  
13 not to exceed \$1,000 shall be made available in fiscal year  
14 2005 for official reception and representation expenses:  
15 *Provided further*, That, notwithstanding section 1353 of  
16 title 31, United States Code, no employee of the United  
17 States Patent and Trademark Office may accept payment  
18 or reimbursement from a non-Federal entity for travel,  
19 subsistence, or related expenses for the purpose of ena-  
20 bling an employee to attend and participate in a conven-  
21 tion, conference, or meeting when the entity offering pay-  
22 ment or reimbursement is a person or corporation subject  
23 to regulation by the Office, or represents a person or cor-  
24 poration subject to regulation by the Office, unless the  
25 person or corporation is an organization exempt from tax-

1 ation pursuant to section 501(c)(3) of the Internal Rev-  
2 enue Code of 1986.

3       Upon enactment of authorization to increase fees col-  
4 lected pursuant to 35 U.S.C. 41, any resulting increased  
5 receipts may be collected and credited to this account as  
6 offsetting collections: *Provided*, That not to exceed  
7 \$218,754,000 derived from such offsetting collections  
8 shall be available until expended for authorized purposes:  
9 *Provided further*, That not less than 58 full-time equiva-  
10 lents, 72 positions and \$5,551,000 shall be for the exam-  
11 ination of trademark applications; and not less than 378  
12 full-time equivalents, 709 positions and \$106,986,000  
13 shall be for the examination and searching of patent appli-  
14 cations: *Provided further*, That not more than 20 full-time  
15 equivalents, 20 positions and \$4,955,000 shall be for the  
16 Office of the General Counsel: *Provided further*, That the  
17 total amount appropriated from fees collected in fiscal  
18 year 2005, including such increased fees, shall not exceed  
19 \$1,533,407,000: *Provided further*, That in fiscal year  
20 2005, from the amounts made available for “Salaries and  
21 Expenses” for the United States Patent and Trademark  
22 Office (PTO), the amounts necessary to pay (1) the dif-  
23 ference between the percentage of basic pay contributed  
24 by the PTO and employees under section 8334(a) of title  
25 5, United States Code, and the normal cost percentage

1 (as defined by section 8331(17) of that title) of basic pay,  
 2 of employees subject to subchapter III of chapter 83 of  
 3 that title; and (2) the present value of the otherwise un-  
 4 funded accruing costs, as determined by the Office of Per-  
 5 sonnel Management, of post-retirement life insurance and  
 6 post-retirement health benefits coverage for all PTO em-  
 7 ployees, shall be transferred to the Civil Service Retire-  
 8 ment and Disability Fund, the Employees Life Insurance  
 9 Fund, and the Employees Health Benefits Fund, as ap-  
 10 propriate, and shall be available for the authorized pur-  
 11 poses of those accounts.

## 12 SCIENCE AND TECHNOLOGY

### 13 TECHNOLOGY ADMINISTRATION

#### 14 SALARIES AND EXPENSES

15 For necessary expenses for the Under Secretary for  
 16 Technology Office of Technology Policy, \$6,547,000.

### 17 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

#### 18 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

19 For necessary expenses of the National Institute of  
 20 Standards and Technology, \$375,838,000, to remain  
 21 available until expended, of which not to exceed  
 22 \$8,982,000 may be transferred to the “Working Capital  
 23 Fund”.

#### 24 INDUSTRIAL TECHNOLOGY SERVICES

25 For necessary expenses of the Manufacturing Exten-  
 26 sion Partnership of the National Institute of Standards

1 and Technology, \$106,000,000, to remain available until  
2 expended.

3 CONSTRUCTION OF RESEARCH FACILITIES

4 For construction of new research facilities, including  
5 architectural and engineering design, and for renovation  
6 and maintenance of existing facilities, not otherwise pro-  
7 vided for the National Institute of Standards and Tech-  
8 nology, as authorized by 15 U.S.C. 278c–278e,  
9 \$43,132,000, to remain available until expended.

10 NATIONAL OCEANIC AND ATMOSPHERIC

11 ADMINISTRATION

12 OPERATIONS, RESEARCH, AND FACILITIES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of activities authorized by law  
15 for the National Oceanic and Atmospheric Administration,  
16 including maintenance, operation, and hire of aircraft;  
17 grants, contracts, or other payments to nonprofit organi-  
18 zations for the purposes of conducting activities pursuant  
19 to cooperative agreements; and relocation of facilities as  
20 authorized, \$2,245,000,000, to remain available until Sep-  
21 tember 30, 2006: *Provided*, That fees and donations re-  
22 ceived by the National Ocean Service for the management  
23 of the national marine sanctuaries may be retained and  
24 used for the salaries and expenses associated with those  
25 activities, notwithstanding 31 U.S.C. 3302: *Provided fur-*  
26 *ther*, That, in addition, \$79,000,000 shall be derived by

1 transfer from the fund entitled “Promote and Develop  
2 Fishery Products and Research Pertaining to American  
3 Fisheries”: *Provided further*, That, of the \$2,337,000,000  
4 provided for in direct obligations under this heading (of  
5 which \$2,245,000,000 is appropriated from the General  
6 Fund, \$79,000,000 is provided by transfer, and  
7 \$13,000,000 is derived from deobligations from prior  
8 years), \$351,000,000 shall be for the National Ocean  
9 Service, \$525,700,000 shall be for the National Marine  
10 Fisheries Service, \$318,500,000 shall be for Oceanic and  
11 Atmospheric Research, \$698,700,000 shall be for the Na-  
12 tional Weather Service, \$139,500,000 shall be for the Na-  
13 tional Environmental Satellite, Data, and Information  
14 Service, and \$303,600,000 shall be for Program Support:  
15 *Provided further*, That no general administrative charge  
16 shall be applied against an assigned activity included in  
17 this Act or the report accompanying this Act: *Provided*  
18 *further*, That the total amount available for National Oce-  
19 anic and Atmospheric Administration corporate services  
20 administrative support costs shall not exceed  
21 \$173,600,000: *Provided further*, That any deviation from  
22 the amounts designated for specific activities in the report  
23 accompanying this Act, or any use of deobligated balances  
24 of funds provided under this heading in previous years

1 shall be subject to the procedures set forth in section 605  
2 of this Act.

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

9 PROCUREMENT, ACQUISITION AND CONSTRUCTION

10 For procurement, acquisition and construction of  
11 capital assets, including alteration and modification costs,  
12 of the National Oceanic and Atmospheric Administration,  
13 \$840,000,000 to remain available until September 30,  
14 2007: *Provided*, That of the amounts provided for the Na-  
15 tional Polar-orbiting Operational Environmental Satellite  
16 System, funds shall only be made available on a dollar for  
17 dollar matching basis with funds provided for the same  
18 purpose by the Department of Defense: *Provided further*,  
19 That any use of deobligated balances of funds provided  
20 under this heading in previous years shall be subject to  
21 the procedures set forth in section 605 of this Act: *Pro-*  
22 *vided further*, That none of the funds provided in this Act  
23 or any other Act under the heading "National Oceanic and  
24 Atmospheric Administration, Procurement, Acquisition  
25 and Construction" shall be used to fund the General Serv-



ices Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with conservation and habitat restoration of Pacific salmon populations listed as endangered or threatened, \$80,000,000.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed \$30,000,000 for traditional loan programs, fishing capacity reduction programs, individual fishing quotas, aquaculture facilities, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished fishery, and the purchase of assets sold at foreclosure instituted by the Secretary: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

## DEPARTMENTAL MANAGEMENT

## SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$52,109,000 (reduced by \$50,000) (increased by \$50,000): *Provided*, That not to exceed 12 full-time equivalents and \$1,621,000 shall be expended for the legislative affairs function of the Department.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$22,249,000.

## GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by

1 this Act for salaries and expenses shall be available for  
2 hire of passenger motor vehicles as authorized by 31  
3 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.  
4 3109; and uniforms or allowances therefore, as authorized  
5 by law (5 U.S.C. 5901–5902).

6       SEC. 203. Not to exceed 5 percent of any appropria-  
7 tion made available for the current fiscal year for the De-  
8 partment of Commerce in this Act may be transferred be-  
9 tween such appropriations, but no such appropriation shall  
10 be increased by more than 10 percent by any such trans-  
11 fers: *Provided*, That any transfer pursuant to this section  
12 shall be treated as a reprogramming of funds under sec-  
13 tion 605 of this Act and shall not be available for obliga-  
14 tion or expenditure except in compliance with the proce-  
15 dures set forth in that section: *Provided further*, That the  
16 Secretary of Commerce shall notify the Committees on Ap-  
17 propriations at least 15 days in advance of the acquisition  
18 or disposal of any capital asset (including land, structures,  
19 and equipment) not specifically provided for in this or any  
20 other Departments of Commerce, Justice, and State, the  
21 Judiciary, and Related Agencies Appropriations Act.

22       SEC. 204. Any costs incurred by a department or  
23 agency funded under this title resulting from personnel  
24 actions taken in response to funding reductions included  
25 in this title or from actions taken for the care and protec-

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

12 SEC. 205. Hereafter, none of the funds made avail-  
13 able by this or any other Act for the Department of Com-  
14 merce shall be available to reimburse the Unemployment  
15 Trust Fund or any other fund or account of the Treasury  
16 to pay for any expenses authorized by section 8501 of title  
17 5, United States Code, for services performed by individ-  
18 uals appointed to temporary positions within the Bureau  
19 of the Census for purposes relating to the decennial cen-  
20 suses of population.

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

1 TITLE III—THE JUDICIARY  
2 SUPREME COURT OF THE UNITED STATES  
3 SALARIES AND EXPENSES

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

14 CARE OF THE BUILDING AND GROUNDS  
15 For such expenditures as may be necessary to enable  
16 the Architect of the Capitol to carry out the duties im-  
17 posed upon the Architect by the Act approved May 7,  
18 1934 (40 U.S.C. 13a–13b), \$9,979,000, which shall re-  
19 main available until expended.

20 UNITED STATES COURT OF APPEALS FOR THE FEDERAL  
21 CIRCUIT

22 SALARIES AND EXPENSES

23 For salaries of the chief judge, judges, and other offi-  
24 cers and employees, and for necessary expenses of the  
25 court, as authorized by law, \$22,936,000.

1     UNITED STATES COURT OF INTERNATIONAL TRADE  
2                             SALARIES AND EXPENSES

3         For salaries of the chief judge and eight judges, sala-  
4     ries of the officers and employees of the court, services,  
5     and necessary expenses of the court, as authorized by law,  
6     \$14,888,000.

7     COURTS OF APPEALS, DISTRICT COURTS, AND OTHER  
8                             JUDICIAL SERVICES  
9                             SALARIES AND EXPENSES

10        For the salaries of circuit and district judges (includ-  
11     ing judges of the territorial courts of the United States),  
12     justices and judges retired from office or from regular ac-  
13     tive service, judges of the United States Court of Federal  
14     Claims, bankruptcy judges, magistrate judges, and all  
15     other officers and employees of the Federal Judiciary not  
16     otherwise specifically provided for, and necessary expenses  
17     of the courts, as authorized by law, \$4,177,244,000 (in-  
18     cluding the purchase of firearms and ammunition); of  
19     which not to exceed \$27,817,000 shall remain available  
20     until expended for space alteration projects and for fur-  
21     niture and furnishings related to new space alteration and  
22     construction projects.

23        In addition, for expenses of the United States Court  
24     of Federal Claims associated with processing cases under  
25     the National Childhood Vaccine Injury Act of 1986, not

1 to exceed \$3,471,000, to be appropriated from the Vaccine  
2 Injury Compensation Trust Fund.

3 DEFENDER SERVICES

4 For the operation of Federal Defender organizations;  
5 the compensation and reimbursement of expenses of attor-  
6 neys appointed to represent persons under the Criminal  
7 Justice Act of 1964; the compensation and reimbursement  
8 of expenses of persons furnishing investigative, expert and  
9 other services under the Criminal Justice Act of 1964 (18  
10 U.S.C. 3006A(e)); the compensation (in accordance with  
11 Criminal Justice Act maximums) and reimbursement of  
12 expenses of attorneys appointed to assist the court in  
13 criminal cases where the defendant has waived representa-  
14 tion by counsel; the compensation and reimbursement of  
15 travel expenses of guardians ad litem acting on behalf of  
16 financially eligible minor or incompetent offenders in con-  
17 nection with transfers from the United States to foreign  
18 countries with which the United States has a treaty for  
19 the execution of penal sentences; the compensation of at-  
20 torneys appointed to represent jurors in civil actions for  
21 the protection of their employment, as authorized by 28  
22 U.S.C. 1875(d); and for necessary training and general  
23 administrative expenses, \$676,469,000, to remain avail-  
24 able until expended.

## FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$62,800,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

## COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Department of Homeland Security, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$379,580,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly



1 or transferred to the United States Marshals Service,  
2 which shall be responsible for administering the Judicial  
3 Facility Security Program consistent with standards or  
4 guidelines agreed to by the Director of the Administrative  
5 Office of the United States Courts and the Attorney Gen-  
6 eral.

7 ADMINISTRATIVE OFFICE OF THE UNITED STATES

8 COURTS

9 SALARIES AND EXPENSES

10 For necessary expenses of the Administrative Office  
11 of the United States Courts as authorized by law, includ-  
12 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-  
13 senger motor vehicle as authorized by 31 U.S.C. 1343(b),  
14 advertising and rent in the District of Columbia and else-  
15 where, \$68,635,000, of which not to exceed \$8,500 is au-  
16 thorized for official reception and representation expenses.

17 FEDERAL JUDICIAL CENTER

18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Judicial Cen-  
20 ter, as authorized by Public Law 90–219, \$21,737,000;  
21 of which \$1,800,000 shall remain available through Sep-  
22 tember 30, 2006, to provide education and training to  
23 Federal court personnel; and of which not to exceed  
24 \$1,000 is authorized for official reception and representa-  
25 tion expenses.

## 1 JUDICIAL RETIREMENT FUNDS

## 2 PAYMENT TO JUDICIARY TRUST FUNDS

3 For payment to the Judicial Officers' Retirement  
4 Fund, as authorized by 28 U.S.C. 377(o), \$32,000,000;  
5 to the Judicial Survivors' Annuities Fund, as authorized  
6 by 28 U.S.C. 376(c), \$2,000,000; and to the United  
7 States Court of Federal Claims Judges' Retirement Fund,  
8 as authorized by 28 U.S.C. 178(l), \$2,700,000.

## 9 UNITED STATES SENTENCING COMMISSION

## 10 SALARIES AND EXPENSES

11 For the salaries and expenses necessary to carry out  
12 the provisions of chapter 58 of title 28, United States  
13 Code, \$13,304,000, of which not to exceed \$1,000 is au-  
14 thorized for official reception and representation expenses.

## 15 GENERAL PROVISIONS—THE JUDICIARY

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

19 SEC. 302. Not to exceed 5 percent of any appropria-  
20 tion made available for the current fiscal year for the Judi-  
21 ciary in this Act may be transferred between such approp-  
22 riations, but no such appropriation, except “Courts of  
23 Appeals, District Courts, and Other Judicial Services, De-  
24 fender Services” and “Courts of Appeals, District Courts,  
25 and Other Judicial Services, Fees of Jurors and Commis-

1 sioners’’, shall be increased by more than 10 percent by  
2 any such transfers: *Provided*, That any transfer pursuant  
3 to this section shall be treated as a reprogramming of  
4 funds under section 605 of this Act and shall not be avail-  
5 able for obligation or expenditure except in compliance  
6 with the procedures set forth in that section.

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

16 This title may be cited as the ‘‘Judiciary Appropria-  
17 tions Act, 2005’’.

18 TITLE IV—DEPARTMENT OF STATE AND

19 RELATED AGENCY

20 DEPARTMENT OF STATE

21 ADMINISTRATION OF FOREIGN AFFAIRS

22 DIPLOMATIC AND CONSULAR PROGRAMS

23 For necessary expenses of the Department of State  
24 and the Foreign Service not otherwise provided for, includ-  
25 ing employment, without regard to civil service and classi-

1 fication laws, of persons on a temporary basis (not to ex-  
2 ceed \$700,000 of this appropriation), as authorized by  
3 section 801 of the United States Information and Edu-  
4 cational Exchange Act of 1948; representation to certain  
5 international organizations in which the United States  
6 participates pursuant to treaties ratified pursuant to the  
7 advice and consent of the Senate or specific Acts of Con-  
8 gress; arms control, nonproliferation and disarmament ac-  
9 tivities as authorized; acquisition by exchange or purchase  
10 of passenger motor vehicles as authorized by law; and for  
11 expenses of general administration, \$3,580,000,000 (re-  
12 duced by \$25,000) (increased by \$25,000): *Provided*, That  
13 not to exceed 71 permanent positions and \$8,649,000  
14 shall be expended for the Bureau of Legislative Affairs:  
15 *Provided further*, That, of the amount made available  
16 under this heading, not to exceed \$4,000,000 may be  
17 transferred to, and merged with, funds in the “Emer-  
18 gencies in the Diplomatic and Consular Service” appro-  
19 priations account, to be available only for emergency evac-  
20 uations and terrorism rewards: *Provided further*, That, of  
21 the amount made available under this heading,  
22 \$319,994,000 shall be available only for public diplomacy  
23 international information programs: *Provided further*,  
24 That of the amount made available under this heading,  
25 \$3,000,000 shall be available only for the operations of

1 the Office on Right-Sizing the United States Government  
2 Overseas Presence: *Provided further*, That funds available  
3 under this heading may be available for a United States  
4 Government interagency task force to examine, coordinate  
5 and oversee United States participation in the United Na-  
6 tions headquarters renovation project: *Provided further*,  
7 That no funds may be obligated or expended for proc-  
8 essing licenses for the export of satellites of United States  
9 origin (including commercial satellites and satellite compo-  
10 nents) to the People's Republic of China unless, at least  
11 15 days in advance, the Committees on Appropriations of  
12 the House of Representatives and the Senate are notified  
13 of such proposed action.

14 In addition, not to exceed \$1,426,000 shall be derived  
15 from fees collected from other executive agencies for lease  
16 or use of facilities located at the International Center in  
17 accordance with section 4 of the International Center Act;  
18 in addition, as authorized by section 5 of such Act,  
19 \$490,000, to be derived from the reserve authorized by  
20 that section, to be used for the purposes set out in that  
21 section; in addition, as authorized by section 810 of the  
22 United States Information and Educational Exchange  
23 Act, not to exceed \$6,000,000, to remain available until  
24 expended, may be credited to this appropriation from fees  
25 or other payments received from English teaching, library,

1 motion pictures, and publication programs and from fees  
2 from educational advising and counseling and exchange  
3 visitor programs; and, in addition, not to exceed \$15,000,  
4 which shall be derived from reimbursements, surcharges,  
5 and fees for use of Blair House facilities.

6 In addition, for the costs of worldwide security up-  
7 grades, \$658,701,000, to remain available until expended.

8 In addition, for the costs of worldwide OpenNet and  
9 classified connectivity infrastructure, \$40,000,000, to re-  
10 main available until expended.

11 CAPITAL INVESTMENT FUND

12 For necessary expenses of the Capital Investment  
13 Fund, \$100,000,000, to remain available until expended,  
14 as authorized: *Provided*, That section 135(e) of Public  
15 Law 103–236 shall not apply to funds available under this  
16 heading.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector  
19 General, \$30,435,000, notwithstanding section 209(a)(1)  
20 of the Foreign Service Act of 1980 (Public Law 96–465),  
21 as it relates to post inspections.

22 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

23 For expenses of educational and cultural exchange  
24 programs, as authorized, \$345,346,000, to remain avail-  
25 able until expended: *Provided*, That not to exceed  
26 \$2,000,000, to remain available until expended, may be

1 credited to this appropriation from fees or other payments  
2 received from or in connection with English teaching, edu-  
3 cational advising and counseling programs, and exchange  
4 visitor programs as authorized.

5 REPRESENTATION ALLOWANCES

6 For representation allowances as authorized,  
7 \$8,640,000.

8 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

9 For expenses, not otherwise provided, to enable the  
10 Secretary of State to provide for extraordinary protective  
11 services, as authorized, \$9,894,000, to remain available  
12 until September 30, 2006.

13 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

14 For necessary expenses for carrying out the Foreign  
15 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-  
16 serving, maintaining, repairing, and planning for buildings  
17 that are owned or directly leased by the Department of  
18 State, renovating, in addition to funds otherwise available,  
19 the Harry S Truman Building, and carrying out the Dip-  
20 lomatic Security Construction Program as authorized,  
21 \$611,680,000, to remain available until expended as au-  
22 thorized, of which not to exceed \$25,000 may be used for  
23 domestic and overseas representation as authorized: *Pro-*  
24 *vided*, That none of the funds appropriated in this para-  
25 graph shall be available for acquisition of furniture, fur-

1 nishings, or generators for other departments and agen-  
2 cies.

3 In addition, for the costs of worldwide security up-  
4 grades, acquisition, and construction as authorized,  
5 \$912,320,000, to remain available until expended.

6 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR  
7 SERVICE

8 For expenses necessary to enable the Secretary of  
9 State to meet unforeseen emergencies arising in the Diplo-  
10 matic and Consular Service, \$7,000,000, to remain avail-  
11 able until expended as authorized, of which not to exceed  
12 \$1,000,000 may be transferred to and merged with the  
13 Repatriation Loans Program Account, subject to the same  
14 terms and conditions.

15 REPATRIATION LOANS PROGRAM ACCOUNT

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

24 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

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



1 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND  
2 DISABILITY FUND

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

5 INTERNATIONAL ORGANIZATIONS

6 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

7 For expenses, not otherwise provided for, necessary  
8 to meet annual obligations of membership in international  
9 multilateral organizations, pursuant to treaties ratified  
10 pursuant to the advice and consent of the Senate, conven-  
11 tions or specific Acts of Congress, \$1,194,210,000, of  
12 which up to \$6,000,000 may be used for the cost of a  
13 direct loan to the United Nations for the cost of ren-  
14 ovating its headquarters in New York: *Provided further*,  
15 That such costs, including the cost of modifying such loan,  
16 shall be as defined in section 502 of the Congressional  
17 Budget Act of 1974: *Provided further*, That these funds  
18 are available to subsidize total loan principal of up to  
19 \$1,200,000,000: *Provided further*, That any payment of  
20 arrearages under this title shall be directed toward special  
21 activities that are mutually agreed upon by the United  
22 States and the respective international organization: *Pro-*  
23 *vided further*, That none of the funds appropriated in this  
24 paragraph shall be available for a United States contribu-  
25 tion to an international organization for the United States

1 share of interest costs made known to the United States  
2 Government by such organization for loans incurred on  
3 or after October 1, 1984, through external borrowings, ex-  
4 cept that such restriction shall not apply to loans to the  
5 United Nations for renovation of its headquarters.

6 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

7 ACTIVITIES

8 For necessary expenses to pay assessed and other ex-  
9 penses of international peacekeeping activities directed to  
10 the maintenance or restoration of international peace and  
11 security, \$650,000,000: *Provided*, That none of the funds  
12 made available under this Act shall be obligated or ex-  
13 pended for any new or expanded United Nations peace-  
14 keeping mission unless, at least 15 days in advance of vot-  
15 ing for the new or expanded mission in the United Nations  
16 Security Council (or in an emergency as far in advance  
17 as is practicable): (1) the Committees on Appropriations  
18 of the House of Representatives and the Senate and other  
19 appropriate committees of the Congress are notified of the  
20 estimated cost and length of the mission, the vital national  
21 interest that will be served, and the planned exit strategy;  
22 and (2) a reprogramming of funds pursuant to section 605  
23 of this Act is submitted, and the procedures therein fol-  
24 lowed, setting forth the source of funds that will be used  
25 to pay for the cost of the new or expanded mission: *Pro-*  
26 *vided further*, That funds shall be available for peace-

1 keeping expenses only upon a certification by the Sec-  
2 retary of State to the appropriate committees of the Con-  
3 gress that American manufacturers and suppliers are  
4 being given opportunities to provide equipment, services,  
5 and material for United Nations peacekeeping activities  
6 equal to those being given to foreign manufacturers and  
7 suppliers: *Provided further*, That none of the funds made  
8 available under this heading are available to pay the  
9 United States share of the cost of court monitoring that  
10 is part of any United Nations peacekeeping mission.

11 INTERNATIONAL COMMISSIONS

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

15 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

16 UNITED STATES AND MEXICO

17 For necessary expenses for the United States Section  
18 of the International Boundary and Water Commission,  
19 United States and Mexico, and to comply with laws appli-  
20 cable to the United States Section, including not to exceed  
21 \$6,000 for representation; as follows:

22 SALARIES AND EXPENSES

23 For salaries and expenses, not otherwise provided for,  
24 \$26,800,000.

## 1 CONSTRUCTION

2 For detailed plan preparation and construction of au-  
3 thorized projects, \$4,475,000, to remain available until ex-  
4 pended, as authorized.

## 5 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

6 For necessary expenses, not otherwise provided, for  
7 the International Joint Commission and the International  
8 Boundary Commission, United States and Canada, as au-  
9 thorized by treaties between the United States and Can-  
10 ada or Great Britain, and for the Border Environment  
11 Cooperation Commission as authorized by Public Law  
12 103–182, \$9,356,000, of which not to exceed \$9,000 shall  
13 be available for representation expenses incurred by the  
14 International Joint Commission.

## 15 INTERNATIONAL FISHERIES COMMISSIONS

16 For necessary expenses for international fisheries  
17 commissions, not otherwise provided for, as authorized by  
18 law, \$19,097,000: *Provided*, That the United States' share  
19 of such expenses may be advanced to the respective com-  
20 missions pursuant to 31 U.S.C. 3324.

## 21 OTHER

## 22 PAYMENT TO THE ASIA FOUNDATION

23 For a grant to the Asia Foundation, as authorized  
24 by the Asia Foundation Act (22 U.S.C. 4402),  
25 \$13,000,000, to remain available until expended, as au-  
26 thorized.

## 1 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

2 For necessary expenses of Eisenhower Exchange Fel-  
3 lowships, Incorporated, as authorized by sections 4 and  
4 5 of the Eisenhower Exchange Fellowship Act of 1990 (20  
5 U.S.C. 5204–5205), all interest and earnings accruing to  
6 the Eisenhower Exchange Fellowship Program Trust  
7 Fund on or before September 30, 2005, to remain avail-  
8 able until expended: *Provided*, That none of the funds ap-  
9 propriated herein shall be used to pay any salary or other  
10 compensation, or to enter into any contract providing for  
11 the payment thereof, in excess of the rate authorized by  
12 5 U.S.C. 5376; or for purposes which are not in accord-  
13 ance with OMB Circulars A–110 (Uniform Administrative  
14 Requirements) and A–122 (Cost Principles for Non-profit  
15 Organizations), including the restrictions on compensation  
16 for personal services.

## 17 ISRAELI ARAB SCHOLARSHIP PROGRAM

18 For necessary expenses of the Israeli Arab Scholar-  
19 ship Program as authorized by section 214 of the Foreign  
20 Relations Authorization Act, Fiscal Years 1992 and 1993  
21 (22 U.S.C. 2452), all interest and earnings accruing to  
22 the Israeli Arab Scholarship Fund on or before September  
23 30, 2005, to remain available until expended.

## 24 EAST-WEST CENTER

25 To enable the Secretary of State to provide for car-  
26 rying out the provisions of the Center for Cultural and

1 Technical Interchange Between East and West Act of  
 2 1960, by grant to the Center for Cultural and Technical  
 3 Interchange Between East and West in the State of Ha-  
 4 waii, \$5,000,000: *Provided*, That none of the funds appro-  
 5 priated herein shall be used to pay any salary, or enter  
 6 into any contract providing for the payment thereof, in  
 7 excess of the rate authorized by 5 U.S.C. 5376.

8 NATIONAL ENDOWMENT FOR DEMOCRACY

9 For grants made by the Department of State to the  
 10 National Endowment for Democracy as authorized by the  
 11 National Endowment for Democracy Act, \$51,000,000  
 12 (reduced by \$10,421,000) to remain available until ex-  
 13 pended.

14 RELATED AGENCY

15 BROADCASTING BOARD OF GOVERNORS

16 INTERNATIONAL BROADCASTING OPERATIONS

17 For expenses necessary to enable the Broadcasting  
 18 Board of Governors, as authorized, to carry out inter-  
 19 national communication activities, including the purchase,  
 20 installation, rent, and improvement of facilities for radio  
 21 and television transmission and reception to Cuba, and to  
 22 make and supervise grants to the Middle East Television  
 23 Network, including Radio Sawa, for radio and television  
 24 broadcasting to the Middle East, \$601,740,000; of which  
 25 \$6,000,000 shall remain available until expended, not to  
 26 exceed \$16,000 may be used for official receptions within

1 the United States as authorized, not to exceed \$35,000  
2 may be used for representation abroad as authorized, and  
3 not to exceed \$39,000 may be used for official reception  
4 and representation expenses of Radio Free Europe/Radio  
5 Liberty; and in addition, notwithstanding any other provi-  
6 sion of law, not to exceed \$2,000,000 in receipts from ad-  
7 vertising and revenue from business ventures, not to ex-  
8 ceed \$500,000 in receipts from cooperating international  
9 organizations, and not to exceed \$1,000,000 in receipts  
10 from privatization efforts of the Voice of America and the  
11 International Broadcasting Bureau, to remain available  
12 until expended for carrying out authorized purposes.

13 BROADCASTING CAPITAL IMPROVEMENTS

14 For the purchase, rent, construction, and improve-  
15 ment of facilities for radio transmission and reception, and  
16 purchase and installation of necessary equipment for radio  
17 and television transmission and reception as authorized,  
18 \$8,560,000, to remain available until expended, as author-  
19 ized.

20 GENERAL PROVISIONS—DEPARTMENT OF STATE AND  
21 RELATED AGENCY

22 SEC. 401. Funds appropriated under this title shall  
23 be available, except as otherwise provided, for allowances  
24 and differentials as authorized by subchapter 59 of title  
25 5, United States Code; for services as authorized by 5

1 U.S.C. 3109; and for hire of passenger transportation pur-  
2 suant to 31 U.S.C. 1343(b).

3 SEC. 402. Not to exceed 5 percent of any appropria-  
4 tion made available for the current fiscal year for the De-  
5 partment of State in this Act may be transferred between  
6 such appropriations, but no such appropriation, except as  
7 otherwise specifically provided, shall be increased by more  
8 than 10 percent by any such transfers: *Provided*, That not  
9 to exceed 5 percent of any appropriation made available  
10 for the current fiscal year for the Broadcasting Board of  
11 Governors in this Act may be transferred between such  
12 appropriations, but no such appropriation, except as oth-  
13 erwise specifically provided, shall be increased by more  
14 than 10 percent by any such transfers: *Provided further*,  
15 That any transfer pursuant to this section shall be treated  
16 as a reprogramming of funds under section 605 of this  
17 Act and shall not be available for obligation or expenditure  
18 except in compliance with the procedures set forth in that  
19 section.

20 SEC. 403. None of the funds made available in this  
21 Act may be used by the Department of State or the Broad-  
22 casting Board of Governors to provide equipment, tech-  
23 nical support, consulting services, or any other form of  
24 assistance to the Palestinian Broadcasting Corporation.



1       SEC. 404. (a) The Senior Policy Operating Group on  
2   Trafficking in Persons, established under section 406 of  
3   division B of Public Law 108–7 to coordinate agency ac-  
4   tivities regarding policies (including grants and grant poli-  
5   cies) involving the international trafficking in persons,  
6   shall coordinate all such policies related to the activities  
7   of traffickers and victims of severe forms of trafficking.

8       (b) None of the funds provided in this or any other  
9   Act shall be expended to perform functions that duplicate  
10   coordinating responsibilities of the Operating Group.

11      (c) The Operating Group shall continue to report only  
12   to the authorities that appointed them pursuant to section  
13   406 of division B of Public Law 108–7.

14      SEC. 405. (a) Subsection (b) of section 36 of the  
15   State Department Basic Authorities Act of 1956 (22  
16   U.S.C. 2708) is amended—

17           (1) in paragraph (5) by striking “or” at the  
18   end;

19           (2) in paragraph (6) by striking the period and  
20   inserting “; or”; and

21           (3) by adding at the end the following new  
22   paragraph:

23           “(7) the disruption of financial mechanisms of  
24   a foreign terrorist organization, including the use by

1 the organization of illicit narcotics production or  
2 international narcotics trafficking—

3 “(A) to finance acts of international ter-  
4 rorism; or

5 “(B) to sustain or support any terrorist or-  
6 ganization.”.

7 (b) Subsection (e)(1) of such section is amended—

8 (1) by striking “\$5,000,000” and inserting  
9 “\$25,000,000”;

10 (2) by striking the second period at the end;  
11 and

12 (3) by adding at the end the following new sen-  
13 tence: “Without first making such determination,  
14 the Secretary may authorize a reward of up to twice  
15 the amount specified in this paragraph for the cap-  
16 ture or information leading to the capture of a lead-  
17 er of a foreign terrorist organization.”.

18 (c) Subsection (e) of such section is amended by add-  
19 ing at the end the following new paragraph:

20 “(6) FORMS OF REWARD PAYMENT.—The Sec-  
21 retary may make a reward under this section in the  
22 form of money, a nonmonetary item (including such  
23 items as automotive vehicles), or a combination  
24 thereof.”.

25 (d) Such section is amended—

1           (1) by redesignating subsections (i) and (j) as  
2           subsections (j) and (k), respectively; and

3           (2) by inserting after subsection (h) the fol-  
4           lowing new subsection:

5           “(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

6           “(1) SURVEYS CONDUCTED.—For the purpose  
7           of more effectively disseminating information about  
8           the rewards program, the Secretary may use the re-  
9           sources of the rewards program to conduct media  
10          surveys, including analyses of media markets, means  
11          of communication, and levels of literacy, in countries  
12          determined by the Secretary to be associated with  
13          acts of international terrorism.

14          “(2) CREATION AND PURCHASE OF ADVERTISE-  
15          MENTS.—The Secretary may use the resources of  
16          the rewards program to create advertisements to dis-  
17          seminate information about the rewards program.  
18          The Secretary may base the content of such adver-  
19          tisements on the findings of the surveys conducted  
20          under paragraph (1). The Secretary may purchase  
21          radio or television time, newspaper space, or make  
22          use of any other means of advertisement, as appro-  
23          priate.”.

24          (e) Not later than 90 days after the date of the enact-  
25          ment of this Act, the Secretary of State shall submit to

1 the Committees on Appropriations of the House of Rep-  
 2 resentatives and of the Senate, the Committee on Inter-  
 3 national Relations of the House of Representatives and  
 4 the Committee on Foreign Relations of the Senate a plan  
 5 to maximize awareness of the reward available under sec-  
 6 tion 36 of the State Department Basic Authorities Act  
 7 of 1956 (22 U.S.C. 2708 et seq.) for the capture or infor-  
 8 mation leading to the capture of a leader of a foreign ter-  
 9 rorist organization who may be in Pakistan or Afghani-  
 10 stan. The Secretary may use the resources of the rewards  
 11 program to prepare the plan.

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

## 14 TITLE V—RELATED AGENCIES

### 15 ANTITRUST MODERNIZATION COMMISSION

#### 16 SALARIES AND EXPENSES

17 For necessary expenses of the Antitrust Moderniza-  
 18 tion Commission, as authorized by Public Law 107–273,  
 19 \$1,200,000, to remain available until expended.

### 20 COMMISSION FOR THE PRESERVATION OF AMERICA’S

#### 21 HERITAGE ABROAD

#### 22 SALARIES AND EXPENSES

23 For expenses for the Commission for the Preservation  
 24 of America’s Heritage Abroad, \$499,000, as authorized by  
 25 section 1303 of Public Law 99–83.

## 1 COMMISSION ON CIVIL RIGHTS

## 2 SALARIES AND EXPENSES

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

## 15 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

## 16 SALARIES AND EXPENSES

17 For necessary expenses for the United States Com-  
18 mission on International Religious Freedom, as authorized  
19 by title II of the International Religious Freedom Act of  
20 1998 (Public Law 105–292), \$3,000,000, to remain avail-  
21 able until expended.

4       For necessary expenses of the Commission on Secu-  
5   rity and Cooperation in Europe, as authorized by Public  
6   Law 94-304, \$1,831,000, to remain available until ex-  
7   pended as authorized by section 3 of Public Law 99-7.

8 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
9 PEOPLE'S REPUBLIC OF CHINA  
10 SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$1,900,000, including not more than \$3,000 for the purpose of official representation, to remain available until expended: *Provided*, That \$100,000 shall be for the Political Prisoner Database.

17        EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
18                    SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to pri-

1 vate citizens; and not to exceed \$33,000,000 for payments  
 2 to State and local enforcement agencies for services to the  
 3 Commission pursuant to title VII of the Civil Rights Act  
 4 of 1964, sections 6 and 14 of the Age Discrimination in  
 5 Employment Act, the Americans with Disabilities Act of  
 6 1990, and the Civil Rights Act of 1991, \$334,944,000:  
 7 *Provided*, That the Commission is authorized to make  
 8 available for official reception and representation expenses  
 9 not to exceed \$2,500 from available funds: *Provided fur-*  
 10 *ther*, That the Commission may take no action to imple-  
 11 ment any workforce repositioning, restructuring, or reor-  
 12 ganization until such time as the Committee has been noti-  
 13 fied of such proposals, in accordance with the reprogram-  
 14 ming provisions of section 605 of this Act.

## 15 FEDERAL COMMUNICATIONS COMMISSION

### 16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Communica-  
 18 tions Commission, as authorized by law, including uni-  
 19 forms and allowances therefor, as authorized by 5 U.S.C.  
 20 5901–5902; not to exceed \$600,000 for land and struc-  
 21 ture; not to exceed \$500,000 for improvement and care  
 22 of grounds and repair to buildings; not to exceed \$4,000  
 23 for official reception and representation expenses; pur-  
 24 chase and hire of motor vehicles; special counsel fees; and  
 25 services as authorized by 5 U.S.C. 3109, \$279,851,000:

1 *Provided*, That \$272,958,000 of offsetting collections shall  
 2 be assessed and collected pursuant to section 9 of title I  
 3 of the Communications Act of 1934, shall be retained and  
 4 used for necessary expenses in this appropriation, and  
 5 shall remain available until expended: *Provided further*,  
 6 That the sum herein appropriated shall be reduced as such  
 7 offsetting collections are received during fiscal year 2005  
 8 so as to result in a final fiscal year 2005 appropriation  
 9 estimated at \$6,893,000: *Provided further*, That any off-  
 10 setting collections received in excess of \$272,958,000 in  
 11 fiscal year 2005 shall remain available until expended, but  
 12 shall not be available for obligation until October 1, 2005.

### 13 FEDERAL TRADE COMMISSION

#### 14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Trade Com-  
 16 mission, including uniforms or allowances therefor, as au-  
 17 thorized by 5 U.S.C. 5901–5902; services as authorized  
 18 by 5 U.S.C. 3109; hire of passenger motor vehicles; and  
 19 not to exceed \$2,000 for official reception and representa-  
 20 tion expenses, \$203,430,000, to remain available until ex-  
 21 pended: *Provided*, That not to exceed \$300,000 shall be  
 22 available for use to contract with a person or persons for  
 23 collection services in accordance with the terms of 31  
 24 U.S.C. 3718: *Provided further*, That, notwithstanding any  
 25 other provision of law, not to exceed \$101,000,000 of off-



1 setting collections derived from fees collected for  
2 premerger notification filings under the Hart-Scott-Ro-  
3 dino Antitrust Improvements Act of 1976 (15 U.S.C.  
4 18a), regardless of the year of collection, shall be retained  
5 and used for necessary expenses in this appropriation:  
6 *Provided further*, That \$21,901,000 in offsetting collec-  
7 tions derived from fees sufficient to implement and enforce  
8 the Telemarketing Sales Rule, promulgated under the  
9 Telephone Consumer Fraud and Abuse Prevention Act  
10 (15 U.S.C. 6101 et seq.), shall be credited to this account,  
11 and be retained and used for necessary expenses in this  
12 appropriation: *Provided further*, That the sum herein ap-  
13 propriated from the general fund shall be reduced as such  
14 offsetting collections are received during fiscal year 2005,  
15 so as to result in a final fiscal year 2005 appropriation  
16 from the general fund estimated at not more than  
17 \$80,529,000: *Provided further*, That none of the funds  
18 made available to the Federal Trade Commission may be  
19 used to implement or enforce subsections (a), (e), or  
20 (f)(2)(B) of section 43 of the Federal Deposit Insurance  
21 Act (12 U.S.C. 1831t) or section 151(b) of the Federal  
22 Deposit Insurance Corporation Improvement Act of 1991  
23 (12 U.S.C. 1831t note).

## 1                   HELP COMMISSION

## 2                   SALARIES AND EXPENSES

3           For necessary expenses of the HELP Commission,  
4 \$1,000,000, to remain available until expended.

## 5                   LEGAL SERVICES CORPORATION

## 6           PAYMENT TO THE LEGAL SERVICES CORPORATION

7           For payment to the Legal Services Corporation to  
8 carry out the purposes of the Legal Services Corporation  
9 Act of 1974, \$335,282,000, of which \$316,604,000 is for  
10 basic field programs and required independent audits;  
11 \$2,573,000 is for the Office of Inspector General, of which  
12 such amounts as may be necessary may be used to conduct  
13 additional audits of recipients; \$13,160,000 is for manage-  
14 ment and administration; and \$2,945,000 is for client self-  
15 help and information technology: *Provided*, That not to ex-  
16 ceed \$1,000,000 from amounts previously appropriated  
17 under this heading may be used for a student loan repay-  
18 ment pilot program.

## 19           ADMINISTRATIVE PROVISION—LEGAL SERVICES

## 20                   CORPORATION

21           None of the funds appropriated in this Act to the  
22 Legal Services Corporation shall be expended for any pur-  
23 pose prohibited or limited by, or contrary to any of the  
24 provisions of, sections 501, 502, 503, 504, 505, and 506  
25 of Public Law 105–119, and all funds appropriated in this  
26 Act to the Legal Services Corporation shall be subject to

1 the same terms and conditions set forth in such sections,  
2 except that all references in sections 502 and 503 to 1997  
3 and 1998 shall be deemed to refer instead to 2004 and  
4 2005, respectively.

5 MARINE MAMMAL COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Marine Mammal Com-  
8 mission as authorized by title II of Public Law 92-522,  
9 \$1,890,000.

10 NATIONAL VETERANS BUSINESS DEVELOPMENT

11 CORPORATION

12 For necessary expenses of the National Veterans  
13 Business Development Corporation as authorized under  
14 section 33(a) of the Small Business Act, \$2,000,000, to  
15 remain available until expended.

16 SECURITIES AND EXCHANGE COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Securities and Ex-  
19 change Commission, including services as authorized by  
20 5 U.S.C. 3109, the rental of space (to include multiple  
21 year leases) in the District of Columbia and elsewhere, and  
22 not to exceed \$3,000 for official reception and representa-  
23 tion expenses, \$913,000,000, to remain available until ex-  
24 pended; of which not to exceed \$10,000 may be used to-  
25 ward funding a permanent secretariat for the Inter-

1 national Organization of Securities Commissions; and of  
2 which not to exceed \$100,000 shall be available for ex-  
3 penses for consultations and meetings hosted by the Com-  
4 mission with foreign governmental and other regulatory  
5 officials, members of their delegations, appropriate rep-  
6 resentatives and staff to exchange views concerning devel-  
7 opments relating to securities matters, development and  
8 implementation of cooperation agreements concerning se-  
9 curities matters and provision of technical assistance for  
10 the development of foreign securities markets, such ex-  
11 penses to include necessary logistic and administrative ex-  
12 penses and the expenses of Commission staff and foreign  
13 invitees in attendance at such consultations and meetings  
14 including: (1) such incidental expenses as meals taken in  
15 the course of such attendance; (2) any travel and trans-  
16 portation to or from such meetings; and (3) any other re-  
17 lated lodging or subsistence: *Provided*, That fees and  
18 charges authorized by sections 6(b) of the Securities Ex-  
19 change Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g)  
20 and 31 of the Securities Exchange Act of 1934 (15 U.S.C.  
21 78m(e), 78n(g), and 78ee), shall be credited to this ac-  
22 count as offsetting collections: *Provided further*, That not  
23 to exceed \$893,000,000 of such offsetting collections shall  
24 be available until expended for necessary expenses of this  
25 account: *Provided further*, That \$20,000,000 shall be de-

1 rived from prior year unobligated balances from funds pre-  
2 viously appropriated to the Securities and Exchange Com-  
3 mission: *Provided further*, That the total amount appro-  
4 priated under this heading from the general fund for fiscal  
5 year 2005 shall be reduced as such offsetting fees are re-  
6 ceived so as to result in a final total fiscal year 2005 ap-  
7 propriation from the general fund estimated at not more  
8 than \$0.

9 SMALL BUSINESS ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses, not otherwise provided for,  
12 of the Small Business Administration as authorized by  
13 Public Law 106–554, including hire of passenger motor  
14 vehicles as authorized by 31 U.S.C. 1343 and 1344, and  
15 not to exceed \$3,500 for official reception and representa-  
16 tion expenses, \$322,322,000 (reduced by \$8,460,000) of  
17 which \$13,000,000 shall be available for microloan tech-  
18 nical assistance, and of which \$1,000,000 shall be trans-  
19 ferred to and merged with appropriations for ‘Business  
20 Loans Program Account’ and shall remain available until  
21 expended for the cost of direct loans (increased by  
22 \$1,500,000): *Provided*, That the Administrator is author-  
23 ized to charge fees to cover the cost of publications devel-  
24 oped by the Small Business Administration, and certain  
25 loan servicing activities: *Provided further*, That, notwith-

1 standing 31 U.S.C. 3302, revenues received from all such  
2 activities shall be credited to this account, to be available  
3 for carrying out these purposes without further appropria-  
4 tions.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector  
7 General in carrying out the provisions of the Inspector  
8 General Act of 1978, \$14,500,000.

9 SURETY BOND GUARANTEES REVOLVING FUND

10 For additional capital for the Surety Bond Guar-  
11 tees Revolving Fund, authorized by the Small Business  
12 Investment Act, as amended, \$11,400,000 (reduced by  
13 1,500,000), to remain available until expended.

14 BUSINESS LOANS PROGRAM ACCOUNT

15 Subject to section 502 of the Congressional Budget  
16 Act of 1974, during fiscal year 2005 commitments to  
17 guarantee loans under section 503 of the Small Business  
18 Investment Act of 1958, shall not exceed \$4,500,000,000:  
19 *Provided further*, That during fiscal year 2005 commit-  
20 ments for general business loans authorized under section  
21 7(a) of the Small Business Act, shall not exceed  
22 \$12,500,000,000: *Provided further*, That during fiscal  
23 year 2005 commitments to guarantee loans for debentures  
24 and participating securities under section 303(b) of the  
25 Small Business Investment Act of 1958, shall not exceed  
26 the levels established by section 20(i)(1)(C) of the Small

1 Business Act: *Provided further*, That during fiscal year  
2 2005 guarantees of trust certificates authorized by section  
3 5(g) of the Small Business Act shall not exceed a principal  
4 amount of \$10,000,000,000.

5 In addition, for administrative expenses to carry out  
6 the direct and guaranteed loan programs, \$128,000,000  
7 (increased by \$79,132,000), which may be transferred to  
8 and merged with the appropriations for Salaries and Ex-  
9 penses.

10 DISASTER LOANS PROGRAM ACCOUNT

11 For the cost of direct loans authorized by section 7(b)  
12 of the Small Business Act, \$78,887,000, to remain avail-  
13 able until expended: *Provided*, That such costs, including  
14 the cost of modifying such loans, shall be as defined in  
15 section 502 of the Congressional Budget Act of 1974.

16 In addition, for administrative expenses to carry out  
17 the direct loan program, \$117,000,000, which may be  
18 transferred to and merged with appropriations for Salaries  
19 and Expenses, of which \$500,000 is for the Office of In-  
20 spector General of the Small Business Administration for  
21 audits and reviews of disaster loans and the disaster loan  
22 program and shall be transferred to and merged with ap-  
23 propriations for the Office of Inspector General; of which  
24 \$108,000,000 is for direct administrative expenses of loan  
25 making and servicing to carry out the direct loan program  
26 to remain available until expended; and of which

1 \$8,500,000 is for indirect administrative expenses: *Pro-*  
2 *vided*, That any amount in excess of \$8,500,000 to be  
3 transferred to and merged with appropriations for Salaries  
4 and Expenses for indirect administrative expenses shall be  
5 treated as a reprogramming of funds under section 605  
6 of this Act and shall not be available for obligation or ex-  
7 penditure except in compliance with the procedures set  
8 forth in that section.

9 ADMINISTRATIVE PROVISION—SMALL BUSINESS

10 ADMINISTRATION

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

21 STATE JUSTICE INSTITUTE

22 SALARIES AND EXPENSES

23 For necessary expenses of the State Justice Institute,  
24 as authorized by the State Justice Institute Authorization  
25 Act of 1992 (Public Law 102–572), \$2,227,000: *Provided*,



1 That not to exceed \$2,500 shall be available for official  
2 reception and representation expenses.

3 UNITED STATES-CHINA ECONOMIC AND SECURITY  
4 REVIEW COMMISSION  
5 SALARIES AND EXPENSES

6 For necessary expenses of the United States-China  
7 Economic and Security Review Commission, \$3,000,000,  
8 including not more than \$5,000 for the purpose of official  
9 representation.

10 UNITED STATES INSTITUTE OF PEACE  
11 OPERATING EXPENSES

12 For necessary expenses of the United States Institute  
13 of Peace as authorized in the United States Institute of  
14 Peace Act, \$23,000,000.

15 TITLE VI—GENERAL PROVISIONS

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

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

22 SEC. 603. The expenditure of any appropriation  
23 under this Act for any consulting service through procure-  
24 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
25 to those contracts where such expenditures are a matter

1 of public record and available for public inspection, except  
2 where otherwise provided under existing law, or under ex-  
3 isting Executive order issued pursuant to existing law.

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

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

1 Committees of both Houses of Congress are notified 15  
2 days in advance of such reprogramming of funds.

3 (b) None of the funds provided under this Act, or  
4 provided under previous appropriations Acts to the agen-  
5 cies funded by this Act that remain available for obligation  
6 or expenditure in fiscal year 2005, or provided from any  
7 accounts in the Treasury of the United States derived by  
8 the collection of fees available to the agencies funded by  
9 this Act, shall be available for obligation or expenditure  
10 for activities, programs, or projects through a reprogram-  
11 ming of funds in excess of \$500,000 or 10 percent, which-  
12 ever is less, that: (1) augments existing programs, projects  
13 or activities; (2) reduces by 10 percent funding for any  
14 existing program, project, or activity, or numbers of per-  
15 sonnel by 10 percent as approved by Congress; or (3) re-  
16 sults from any general savings, including savings from a  
17 reduction in personnel, which would result in a change in  
18 existing programs, activities, or projects as approved by  
19 Congress; unless the Appropriations Committees of both  
20 Houses of Congress are notified 15 days in advance of  
21 such reprogramming of funds.

22 SEC. 606. None of the funds made available in this  
23 Act may be used for the construction, repair (other than  
24 emergency repair), overhaul, conversion, or modernization  
25 of vessels for the National Oceanic and Atmospheric Ad-

1 ministration in shipyards located outside of the United  
2 States.

3       SEC. 607. None of the funds made available in this  
4 Act may be used to implement, administer, or enforce any  
5 guidelines of the Equal Employment Opportunity Com-  
6 mission covering harassment based on religion, when it is  
7 made known to the Federal entity or official to which such  
8 funds are made available that such guidelines do not differ  
9 in any respect from the proposed guidelines published by  
10 the Commission on October 1, 1993 (58 Fed. Reg.  
11 51266).

12       SEC. 608. None of the funds made available by this  
13 Act may be used for any United Nations undertaking  
14 when it is made known to the Federal official having au-  
15 thority to obligate or expend such funds that: (1) the  
16 United Nations undertaking is a peacekeeping mission; (2)  
17 such undertaking will involve United States Armed Forces  
18 under the command or operational control of a foreign na-  
19 tional; and (3) the President's military advisors have not  
20 submitted to the President a recommendation that such  
21 involvement is in the national security interests of the  
22 United States and the President has not submitted to the  
23 Congress such a recommendation.

24       SEC. 609. The Departments of Commerce, Justice,  
25 and State, the Judiciary, the Securities and Exchange

1 Commission and the Small Business Administration shall  
2 provide to the Committees on Appropriations of the Sen-  
3 ate and of the House of Representatives a quarterly ac-  
4 counting of the cumulative balances of any unobligated  
5 funds that were received by such agency during any pre-  
6 vious fiscal year.

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

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

16       SEC. 611. Any costs incurred by a department or  
17 agency funded under this Act resulting from personnel ac-  
18 tions taken in response to funding reductions included in  
19 this Act shall be absorbed within the total budgetary re-  
20 sources available to such department or agency: *Provided*,  
21 That the authority to transfer funds between appropria-  
22 tions accounts as may be necessary to carry out this sec-  
23 tion is provided in addition to authorities included else-  
24 where in this Act: *Provided further*, That use of funds to  
25 carry out this section shall be treated as a reprogramming

1 of funds under section 605 of this Act and shall not be  
2 available for obligation or expenditure except in compli-  
3 ance with the procedures set forth in that section.

4 SEC. 612. None of the funds provided by this Act  
5 shall be available to promote the sale or export of tobacco  
6 or tobacco products, or to seek the reduction or removal  
7 by any foreign country of restrictions on the marketing  
8 of tobacco or tobacco products, except for restrictions  
9 which are not applied equally to all tobacco or tobacco  
10 products of the same type.

11 SEC. 613. (a) None of the funds appropriated or oth-  
12 erwise made available by this Act shall be expended for  
13 any purpose for which appropriations are prohibited by  
14 section 616 of the Departments of Commerce, Justice, and  
15 State, the Judiciary, and Related Agencies Appropriations  
16 Act, 1999.

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

20 SEC. 614. None of the funds appropriated pursuant  
21 to this Act or any other provision of law may be used for—

22 (1) the implementation of any tax or fee in con-  
23 nection with the implementation of subsection 922(t)  
24 of title 18, United States Code; and

1           (2) any system to implement subsection 922(t)  
2       of title 18, United States Code, that does not re-  
3       quire and result in the destruction of any identifying  
4       information submitted by or on behalf of any person  
5       who has been determined not to be prohibited from  
6       possessing or receiving a firearm no more than 24  
7       hours after the system advises a Federal firearms li-  
8       censee that possession or receipt of a firearm by the  
9       prospective transferee would not violate subsection  
10      (g) or (n) of section 922 of title 18, United States  
11      Code, or State law.

12      SEC. 615. Notwithstanding any other provision of  
13      law, amounts deposited or available in the Fund estab-  
14      lished under 42 U.S.C. 10601 in any fiscal year in excess  
15      of \$650,000,000 shall not be available for obligation until  
16      the following fiscal year.

17      SEC. 616. None of the funds made available to the  
18      Department of Justice in this Act may be used to discrimi-  
19      nate against or denigrate the religious or moral beliefs of  
20      students who participate in programs for which financial  
21      assistance is provided from those funds, or of the parents  
22      or legal guardians of such students.

23      SEC. 617. None of the funds appropriated or other-  
24      wise made available to the Department of State shall be  
25      available for the purpose of granting either immigrant or

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

8       SEC. 618. None of the funds made available to the  
9 Department of Justice in this Act may be used for the  
10 purpose of transporting an individual who is a prisoner  
11 pursuant to conviction for crime under State or Federal  
12 law and is classified as a maximum or high security pris-  
13 oner, other than to a prison or other facility certified by  
14 the Federal Bureau of Prisons as appropriately secure for  
15 housing such a prisoner.

16       SEC. 619. (a) None of the funds appropriated by this  
17 Act may be used by Federal prisons to purchase cable tele-  
18 vision services, to rent or purchase videocassettes, video-  
19 cassette recorders, or other audiovisual or electronic equip-  
20 ment used primarily for recreational purposes.

21       (b) The preceding sentence does not preclude the  
22 renting, maintenance, or purchase of audiovisual or elec-  
23 tronic equipment for inmate training, religious, or edu-  
24 cational programs.



1        SEC. 620. None of the funds made available in this  
2 Act may be transferred to any department, agency, or in-  
3 strumentality of the United States Government, except  
4 pursuant to a transfer made by, or transfer authority pro-  
5 vided in, this Act or any other appropriation Act.

6        SEC. 621. The Departments of Commerce, Justice,  
7 State, the Judiciary, the Securities and Exchange Com-  
8 mission and the Small Business Administration shall, not  
9 later than two months after the date of the enactment of  
10 this Act, certify that telecommuting opportunities are  
11 made available to 100 percent of the eligible workforce:  
12 *Provided*, That, of the total amounts appropriated to the  
13 Departments of Commerce, Justice, State, the Judiciary,  
14 the Securities and Exchange Commission and the Small  
15 Business Administration, \$5,000,000 shall be available  
16 only upon such certification: *Provided further*, That each  
17 Department or agency shall provide quarterly reports to  
18 the Committees on Appropriations on the status of tele-  
19 commuting programs, including the number of Federal  
20 employees eligible for, and participating in, such pro-  
21 grams: *Provided further*, That each Department or agency  
22 shall designate a “Telework Coordinator” to be respon-  
23 sible for overseeing the implementation and operations of  
24 telecommuting programs, and serve as a point of contact  
25 on such programs for the Committees on Appropriations.

1        SEC. 622. (a) Tracing studies conducted by the Bu-  
2        reau of Alcohol, Tobacco, Firearms and Explosives are re-  
3        leased without adequate disclaimers regarding the limita-  
4        tions of the data.

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

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

18            (2) Firearms selected for tracing are not chosen  
19            for purposes of determining which types, makes or  
20            models of firearms are used for illicit purposes. The  
21            firearms selected do not constitute a random sample  
22            and should not be considered representative of the  
23            larger universe of all firearms used by criminals, or  
24            any subset of that universe. Firearms are normally  
25            traced to the first retail seller, and sources reported

1       for firearms traced do not necessarily represent the  
2       sources or methods by which firearms in general are  
3       acquired for use in crime.

4       SEC. 623. None of the funds appropriated or other-  
5       wise made available under this Act may be used to issue  
6       patents on claims directed to or encompassing a human  
7       organism.

8       SEC. 624. None of the funds made available in this  
9       Act may be used to pay expenses for any United States  
10      delegation to the United Nations Human Rights Commis-  
11      sion if such commission is chaired or presided over by a  
12      country, the government of which the Secretary of State  
13      has determined, for purposes of section 6(j)(1) of the Ex-  
14      port Administration Act of 1979 (50 U.S.C. App.  
15      2405(j)(1)), has repeatedly provided support for acts of  
16      international terrorism.

17      SEC. 625. Section 604 of the Secure Embassy Con-  
18      struction and Counterterrorism Act of 1999 (title VI of  
19      division A of H.R. 3427, as enacted by section 1000(a)(7)  
20      of Public Law 106–113) is amended by adding the fol-  
21      lowing new subsection at the end:

22      “(e) CAPITAL SECURITY COST SHARING.—

23              “(1) AUTHORITY.—Notwithstanding any other  
24      provision of law, all agencies with personnel overseas  
25      subject to chief of mission authority pursuant to sec-

1       tion 207 of the Foreign Service Act of 1980 (22  
2       U.S.C. 3927) shall participate and provide funding  
3       in advance for their share of costs of providing new,  
4       safe, secure United States diplomatic facilities, with-  
5       out offsets, on the basis of the total overseas pres-  
6       ence of each agency as determined annually by the  
7       Secretary of State in consultation with such agency.  
8       Amounts advanced by such agencies to the Depart-  
9       ment of State shall be credited to the Embassy Se-  
10      curity, Construction and Maintenance account, and  
11      remain available until expended.

12           “(2) IMPLEMENTATION.—Implementation of  
13      this subsection shall be carried out in a manner that  
14      encourages right-sizing of each agency’s overseas  
15      presence.

16           “(3) EXCLUSION.—For purposes of this sub-  
17      section ‘agency’ does not include the Marine Secu-  
18      rity Guard.”.

19      SEC. 626. It is the sense of the Congress that the  
20      Secretary of State, at the most immediate opportunity,  
21      should—

22           (1) make a determination as to whether recent  
23      events in the Darfur region of Sudan constitute  
24      genocide as defined in the Convention on the Pre-

1       vention and Punishment of the Crime of Genocide;  
2       and

3               (2) support the investigation and prosecution of  
4       war crimes and crimes against humanity committed  
5       in the Darfur region of Sudan.

6                       TITLE VII—RESCISSIONS

7                       DEPARTMENT OF JUSTICE

8                       OFFICE OF JUSTICE PROGRAMS

9       STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

10                               (RESCISSION)

11       Of the unobligated balances available under this  
12 heading, \$20,000,000 are rescinded.

13               COMMUNITY ORIENTED POLICING SERVICES

14                               (RESCISSION)

15       Of the unobligated balances available under this  
16 heading, \$61,000,000 are rescinded.

17                       TITLE VIII—ADDITIONAL GENERAL

18                       PROVISIONS

19       SEC. 801. None of the funds made available in this  
20 Act may be used to implement, administer, or enforce the  
21 amendments made to sections 740.12 of title 15, Code of  
22 Federal Regulations (relating to license exemptions for  
23 gift parcels and humanitarian donations for Cuba), and  
24 740.14 of such title (relating to license exemptions for  
25 baggage taken by individuals for travel to Cuba), as pub-

1 lished in the Federal Register on June 22, 2004 (69 Fed.  
2 Reg. 34565–34567).

3 SEC. 802. None of the funds made available in this  
4 Act may be used in contravention of the provisions of sec-  
5 tion 214(d) of the Foreign Relations Authorization Act,  
6 Fiscal Year 2003 (Public Law 107–228).

7 SEC. 803. None of the funds made available in this  
8 Act may be used in contravention of the provisions of sub-  
9 sections (e) and (f) of section 301 of the United States  
10 Leadership Against HIV/AIDS, Tuberculosis, and Malaria  
11 Act of 2003 (Public Law 108–25; 22 U.S.C. 7631(e) and  
12 (f)).

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

Passed the House of Representatives July 7, 2004.

Attest:

JEFF TRANDAHL,

*Clerk.*