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108TH CONGRESS }
2d Session } HOUSE OF REPRESENTATIVES { REPORT
108-576

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS
BILL, FISCAL YEAR 2005

JULY 1, 2004.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4754]

The Committee on Appropriations submits the following report in
explanation of the accompanying bill making appropriations for the
Departments of Commerce, Justice, and State, the Judiciary, and
related agencies for the fiscal year ending September 30, 2005.

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Hall of Fame and Inventure Place, and with the International Intellectual Property Institute at no less than the levels in fiscal year 2004.

The Committee reminds the PTO that any changes from the funding distribution provided in the bill and report, including carryover balances, are subject to the reprogramming procedures set forth in section 605 of this Act.

In addition, PTO is directed to submit to the Committee, not later than three months after the enactment of this Act, a spending plan that incorporates any carryover balances from previous fiscal years and any changes to the patent or trademark fee structure.

Telework.—The Committee commends PTO for its successful telework program. The Committee understands that 110 trademark examining attorneys, or 44 percent of the examining corps, are working from home. Further, the Committee understands that PTO will have nearly 30 other trademark professionals in a telework program by the end of Fiscal Year 2004. Further, the Committee lauds the efforts of the patent examiners and the PTO to increase the number of teleworking patent examining attorneys to 150, or 60 percent of the patent examiner workforce.

The PTO is charged with administering the patent and trademark laws of the United States. PTO examines patent applications, grants patent protection for qualified inventions, and disseminates technological information disclosed in patents. The PTO also examines trademark applications and provides Federal registration to owners of qualified trademarks. The PTO advises the Office of the United States Trade Representative on enforcement issues in connection with free trade agreements and participates in consultations with numerous foreign governments on a broad range of issues related to the enforcement of intellectual property rights.

SCIENCE AND TECHNOLOGY

The Committee recommendation includes \$3,689,517,000 in direct appropriations for the Science and Technology programs of the Department of Commerce, including the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration, which is \$639,331,000 below the current year, and \$213,744,000 below the request.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

The recommendation includes \$6,547,000 for necessary expenses of the Under Secretary for Technology Policy and the Office of Technology Policy, which is \$204,000 above the current year level and \$1,747,000 below the request. The Committee understands the Office is conducting an assessment of the extent and implications of workforce globalization in certain sectors of our economy. The Committee continues its direction included in the Statement of Managers accompanying the Fiscal Year 2004 Appropriations Act regarding business strategies and practices, as well as education and training programs in countries such as Japan, China, and India. The Committee expects the final report to be provided to the Committee no later than June 30, 2004.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee includes \$524,970,000 for the National Institute of Standards and Technology (NIST) for fiscal year 2005, which is \$96,524,000 below the current year and \$3,501,000 above the request.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The Committee recommendation includes \$375,838,000 for the Scientific and Technical Research and Services (core programs) of the National Institute of Standards and Technology, which is \$35,095,000 above the current year, and \$47,030,000 below the request.

The Committee recommendation includes \$338,657,000 and 1,831 positions to support the full base operating costs of the core NIST programs, as requested. In addition, the Committee recommendation includes programmatic increases totaling \$37,181,000 for this account. The Committee expects NIST to prioritize funding for programs associated with standards and guidelines relating to the national security of the United States, including efforts relating to biometric and cyber security and programs relating to improvements to the nation's manufacturing and services sectors. The Committee strongly urges NIST to give priority consideration to Help America Vote Act outreach to the election community; expediting work on a new voting standards accreditation program; and its work with the Technical Guidelines Development Committee working with the Election Assistance Commission. NIST is directed to provide in advance of the fiscal year 2006 hearings a report detailing what steps must be taken to bring its activities in line with the timetable established by the Act. Further, the Committee directs NIST to provide all necessary equipment for the Advanced Measurement Laboratory in Gaithersburg, Maryland.

The Committee directs the Secretary to submit a spending plan for fiscal year 2005 to the Committee no later than November 15, 2004.

The recommendation continues funding of \$2,400,000 for a telework project and \$6,500,000 for a critical infrastructure program, both of which received similar funding in fiscal year 2004.

INDUSTRIAL TECHNOLOGY SERVICES

The Committee recommendation includes \$106,000,000 for the Industrial Technology Services appropriation of the National Institute of Standards and Technology, which is \$110,480,000 below the current year level and \$66,810,000 above the request.

Manufacturing Extension Partnership (MEP) Program.—Recent economic downturns have had a devastating effect on the manufacturing sector. In an effort to ameliorate some of these effects, the Committee recommendation includes \$106,000,000 for this program in fiscal year 2005, which is \$66,810,000 above the request and the current year. Federal support for the MEP program, combined with State and private sector funding, have translated into more jobs, more tax revenue, more exports, and a more secure supply source of consumer and defense goods.

The Committee directs NIST to provide assistance to an applicant under the MEP program only if the applicant agrees to make

available to the public on request their audited statements, annual budgets, and minutes of meetings and agrees to provide the public with reasonable notice of, and an opportunity to attend, their meetings. The Committee further directs NIST to provide assistance to an applicant under the MEP program only after the applicant files appropriate Federal financial disclosure statements.

Advanced Technology Program.—The Committee adopts the President’s request, and does not include funding for this program.

CONSTRUCTION OF RESEARCH FACILITIES

The Committee recommendation includes \$43,132,000 for the construction and major renovations of the NIST campuses at Boulder, Colorado, and Gaithersburg, Maryland.

The Committee directs NIST to submit a quarterly report to the Committee on the progress of all construction projects, beginning with the second quarter of fiscal year 2005.

This account supports all NIST activities by providing state of the art facilities necessary to carry out the NIST mission.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommendation includes a total program level of \$2,337,000,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of the National Oceanic and Atmospheric Administration (NOAA). This total funding level includes \$2,245,000,000 in direct appropriations, a transfer of \$79,000,000 from balances in the “Promote and Develop Fishery Products and Research Pertaining to American Fisheries” account, and \$13,000,000 in deobligated balances of prior year appropriations. The direct appropriation of \$2,245,000,000 is \$398,251,000 below the fiscal year 2004 level and \$135,841,000 below the request. The recommended funding level for NOAA terminates many one-time, non-recurring projects, as requested by the Administration, and further reflects the deferral of funding for some programs. The Committee notes that requested funding levels, especially for oceans and fisheries programs, are significantly below fiscal year 2004 enacted levels. The recommendation reflects the need to defer lower priority programs in light of scarce discretionary resources and extraordinary requirements above the requested funding levels in other critical areas within the bill. As in fiscal year 2004, the recommendation does not include language to transfer \$3,000,000 from prior year receipts relating to the coastal zone management program.

Language is included in the bill specifying the total amount of direct obligations available for each of the NOAA line offices and other related activities funded through this account. Language is continued from fiscal year 2004 prohibiting the application of any general administrative charge against assigned activities under NOAA, and new language is included to limit the total amount provided for NOAA corporate services administrative overhead to \$173,600,000. The Committee notes that line office personnel and overhead costs will be funded from the totals provided for each re-