

Union Calendar No. 593

110TH CONGRESS
2^D SESSION

H. R. 7322

[Report No. 110-919]

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2008

Mr. MOLLOHAN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2009, 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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, and for other pur-
6 poses, namely:

1 TITLE I—DEPARTMENT OF COMMERCE
2 INTERNATIONAL TRADE ADMINISTRATION
3 OPERATIONS AND ADMINISTRATION

4 For necessary expenses for international trade activi-
5 ties of the Department of Commerce provided for by law,
6 and for engaging in trade promotional activities abroad,
7 including expenses of grants and cooperative agreements
8 for the purpose of promoting exports of United States
9 firms, without regard to 44 U.S.C. 3702 and 3703; full
10 medical coverage for dependent members of immediate
11 families of employees stationed overseas and employees
12 temporarily posted overseas; travel and transportation of
13 employees of the International Trade Administration be-
14 tween two points abroad, without regard to 49 U.S.C.
15 40118; employment of Americans and aliens by contract
16 for services; rental of space abroad for periods not exceed-
17 ing 10 years, and expenses of alteration, repair, or im-
18 provement; purchase or construction of temporary de-
19 mountable exhibition structures for use abroad; payment
20 of tort claims, in the manner authorized in the first para-
21 graph of 28 U.S.C. 2672 when such claims arise in foreign
22 countries; not to exceed \$327,000 for official representa-
23 tion expenses abroad; purchase of passenger motor vehi-
24 cles for official use abroad, not to exceed \$45,000 per vehi-
25 cle; obtaining insurance on official motor vehicles; and

1 rental of tie lines, \$434,870,000, to remain available until
2 September 30, 2010, of which \$9,439,000 is to be derived
3 from fees to be retained and used by the International
4 Trade Administration, notwithstanding 31 U.S.C. 3302:
5 *Provided*, That not less than \$48,592,000 shall be for
6 Manufacturing and Services; not less than \$42,332,000
7 shall be for Market Access and Compliance; not less than
8 \$66,357,000 shall be for the Import Administration of
9 which \$5,900,000 shall be for the Office of China Compli-
10 ance; not less than \$237,739,000 shall be for the United
11 States and Foreign Commercial Service; and not less than
12 \$25,411,000 shall be for Executive Direction and Admin-
13 istration: *Provided further*, That the provisions of the first
14 sentence of section 105(f) and all of section 108(c) of the
15 Mutual Educational and Cultural Exchange Act of 1961
16 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying
17 out these activities without regard to section 5412 of the
18 Omnibus Trade and Competitiveness Act of 1988 (15
19 U.S.C. 4912); and that for the purpose of this Act, con-
20 tributions under the provisions of the Mutual Educational
21 and Cultural Exchange Act of 1961 shall include payment
22 for assessments for services provided as part of these ac-
23 tivities: *Provided further*, That the International Trade
24 Administration shall be exempt from the requirements of
25 Circular A-25 (or any successor administrative regulation

1 or policy) issued by the Office of Management and Budg-
2 et: *Provided further*, That negotiations shall be conducted
3 within the World Trade Organization to recognize the
4 right of members to distribute monies collected from anti-
5 dumping and countervailing duties: *Provided further*, That
6 negotiations shall be conducted within the World Trade
7 Organization consistent with the negotiating objectives
8 contained in the Trade Act of 2002, Public Law 107–210:
9 *Provided further*, That of the funds made available under
10 this heading, \$3,000,000 shall be used for the projects,
11 and in the amounts, specified in the table titled “Congres-
12 sionally-designated Items” in the report of the Committee
13 on Appropriations of the House of Representatives to ac-
14 company this Act.

15 BUREAU OF INDUSTRY AND SECURITY

16 OPERATIONS AND ADMINISTRATION

17 For necessary expenses for export administration and
18 national security activities of the Department of Com-
19 merce, including costs associated with the performance of
20 export administration field activities both domestically and
21 abroad; full medical coverage for dependent members of
22 immediate families of employees stationed overseas; em-
23 ployment of Americans and aliens by contract for services
24 abroad; payment of tort claims, in the manner authorized
25 in the first paragraph of 28 U.S.C. 2672 when such claims

1 arise in foreign countries; not to exceed \$15,000 for offi-
2 cial representation expenses abroad; awards of compensa-
3 tion to informers under the Export Administration Act of
4 1979, and as authorized by 22 U.S.C. 401(b); and pur-
5 chase of passenger motor vehicles for official use and
6 motor vehicles for law enforcement use with special re-
7 quirement vehicles eligible for purchase without regard to
8 any price limitation otherwise established by law,
9 \$83,676,000, to remain available until expended, of which
10 \$14,767,000 shall be for inspections and other activities
11 related to national security: *Provided*, That the provisions
12 of the first sentence of section 105(f) and all of section
13 108(c) of the Mutual Educational and Cultural Exchange
14 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
15 in carrying out these activities: *Provided further*, That
16 payments and contributions collected and accepted for ma-
17 terials or services provided as part of such activities may
18 be retained for use in covering the cost of such activities,
19 and for providing information to the public with respect
20 to the export administration and national security activi-
21 ties of the Department of Commerce and other export con-
22 trol programs of the United States and other govern-
23 ments.

1 ECONOMIC DEVELOPMENT ADMINISTRATION

2 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

3 For grants for economic development assistance as
4 provided by the Public Works and Economic Development
5 Act of 1965, and for trade adjustment assistance,
6 \$250,000,000, to remain available until expended.

7 SALARIES AND EXPENSES

8 For necessary expenses of administering the eco-
9 nomic development assistance programs as provided for by
10 law, \$32,800,000: *Provided*, That these funds may be used
11 to monitor projects approved pursuant to title I of the
12 Public Works Employment Act of 1976, title II of the
13 Trade Act of 1974, and the Community Emergency
14 Drought Relief Act of 1977.

15 MINORITY BUSINESS DEVELOPMENT AGENCY

16 MINORITY BUSINESS DEVELOPMENT

17 For necessary expenses of the Department of Com-
18 merce in fostering, promoting, and developing minority
19 business enterprise, including expenses of grants, con-
20 tracts, and other agreements with public or private organi-
21 zations, \$31,500,000, of which \$525,000 shall be used for
22 the projects, and in the amounts, specified in the table
23 titled “Congressionally-designated Items” in the report of
24 the Committee on Appropriations of the House of Rep-
25 resentatives to accompany this Act.

1 ECONOMIC AND STATISTICAL ANALYSIS

2 SALARIES AND EXPENSES

3 For necessary expenses, as authorized by law, of eco-
4 nomic and statistical analysis programs of the Department
5 of Commerce, \$89,121,000, to remain available until Sep-
6 tember 30, 2010.

7 BUREAU OF THE CENSUS

8 SALARIES AND EXPENSES

9 For expenses necessary for collecting, compiling, ana-
10 lyzing, preparing, and publishing statistics, provided for
11 by law, \$238,740,000.

12 PERIODIC CENSUSES AND PROGRAMS

13 For necessary expenses to collect and publish statis-
14 ties for periodic censuses and programs provided for by
15 law, \$2,365,882,000, to remain available until September
16 30, 2010: *Provided*, That none of the funds provided in
17 this or any other Act for any fiscal year may be used for
18 the collection of census data on race identification that
19 does not include “some other race” as a category: *Pro-*
20 *vided further*, from amounts provided herein, funds may
21 be used for additional promotion, outreach, and marketing
22 activities: *Provided further*, That none of the funds made
23 available in this Act shall be used for the conduct of
24 sweepstakes in the 2010 Decennial Census.

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), \$19,218,000, to remain available
7 until September 30, 2010: *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.

1 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
2 AND CONSTRUCTION

3 For the administration of grants, authorized by sec-
4 tion 392 of the Communications Act of 1934,
5 \$21,728,000, to remain available until expended as au-
6 thorized by section 391 of the Act: *Provided*, That not to
7 exceed \$2,000,000 shall be available for program adminis-
8 tration as authorized by section 391 of the Act: *Provided*
9 *further*, That, notwithstanding the provisions of section
10 391 of the Act, the prior year unobligated balances may
11 be made available for grants for projects for which appli-
12 cations have been submitted and approved during any fis-
13 cal year.

14 UNITED STATES PATENT AND TRADEMARK OFFICE
15 SALARIES AND EXPENSES

16 For necessary expenses of the United States Patent
17 and Trademark Office (USPTO) provided for by law, in-
18 cluding defense of suits instituted against the Under Sec-
19 retary of Commerce for Intellectual Property and Director
20 of the United States Patent and Trademark Office,
21 \$2,087,000,000, to remain available until expended: *Pro-*
22 *vided*, That the sum herein appropriated from the general
23 fund shall be reduced as offsetting collections assessed and
24 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
25 and 376 are received during fiscal year 2009, so as to re-

1 sult in a fiscal year 2009 appropriation from the general
2 fund estimated at \$0: *Provided further*, That during fiscal
3 year 2009, should the total amount of offsetting fee collec-
4 tions be less than \$2,087,000,000, this amount shall be
5 reduced accordingly: *Provided further*, That any amount
6 received in excess of \$2,087,000,000 in fiscal year 2009,
7 in an amount up to \$100,000,000, shall remain available
8 until expended: *Provided further*, That \$1,021,000 may be
9 transferred to “Departmental Management”, “Salaries
10 and Expenses” for activities associated with the National
11 Intellectual Property Law Enforcement Coordination
12 Council: *Provided further*, That from amounts provided
13 herein, not to exceed \$1,000 shall be made available in
14 fiscal year 2009 for official reception and representation
15 expenses: *Provided further*, That in fiscal year 2009 from
16 the amounts made available for “Salaries and Expenses”
17 for the USPTO, the amounts necessary to pay: (1) the
18 difference between the percentage of basic pay contributed
19 by the USPTO and employees under section 8334(a) of
20 title 5, United States Code, and the normal cost percent-
21 age (as defined by section 8331(17) of that title) of basic
22 pay, of employees subject to subchapter III of chapter 83
23 of that title; and (2) the present value of the otherwise
24 unfunded accruing costs, as determined by the Office of
25 Personnel Management, of post-retirement life insurance

1 and post-retirement health benefits coverage for all
2 USPTO employees, shall be transferred to the Civil Serv-
3 ice Retirement and Disability Fund, the Employees Life
4 Insurance Fund, and the Employees Health Benefits
5 Fund, as appropriate, and shall be available for the au-
6 thorized purposes of those accounts: *Provided further*,
7 That sections 801, 802, and 803 of division B, Public Law
8 108–447 shall remain in effect during fiscal year 2009:
9 *Provided further*, That the Director may, this year, reduce
10 by regulation fees payable for documents in patent and
11 trademark matters, in connection with the filing of docu-
12 ments filed electronically in a form prescribed by the Di-
13 rector: *Provided further*, That from the amounts provided
14 herein, no less than \$4,000,000 shall be available only for
15 the USPTO contribution in a cooperative or joint agree-
16 ment or agreements with a non profit organization or or-
17 ganizations, successfully audited within the previous year,
18 and with previous experience in such programs, to conduct
19 policy studies, including studies relating to activities of
20 United Nations Specialized agencies and other inter-
21 national organizations, as well as conferences and other
22 development programs, in support of fair international
23 protection of intellectual property rights.

1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

3 For necessary expenses of the National Institute of
4 Standards and Technology, \$500,660,000, to remain
5 available until expended, of which not to exceed
6 \$6,100,000 may be transferred to the “Working Capital
7 Fund”: *Provided*, That not to exceed \$5,000 shall be for
8 official reception and representation expenses.

9 INDUSTRIAL TECHNOLOGY SERVICES

10 For necessary expenses of the Hollings Manufac-
11 turing Extension Partnership of the National Institute of
12 Standards and Technology, \$122,000,000, to remain
13 available until expended.

14 In addition, for necessary expenses of the Technology
15 Innovation Program of the National Institute of Stand-
16 ards and Technology, \$65,200,000, to remain available
17 until expended.

18 CONSTRUCTION OF RESEARCH FACILITIES

19 For construction of new research facilities, including
20 architectural and engineering design, and for renovation
21 and maintenance of existing facilities, not otherwise pro-
22 vided for the National Institute of Standards and Tech-
23 nology, as authorized by 15 U.S.C. 278c–278e,
24 \$129,000,000, to remain available until expended, of
25 which \$30,000,000 is for a competitive construction grant

1 program for research science buildings: *Provided*, That the
2 Secretary of Commerce shall include in the budget jus-
3 tification materials that the Secretary submits to Congress
4 in support of the Department of Commerce budget (as
5 submitted with the budget of the President under section
6 1105(a) of title 31, United States Code) an estimate for
7 each National Institute of Standards and Technology con-
8 struction project having a total multi-year program cost
9 of more than \$5,000,000 and simultaneously the budget
10 justification materials shall include an estimate of the
11 budgetary requirements for each such project for each of
12 the five subsequent fiscal years.

13 NATIONAL OCEANIC AND ATMOSPHERIC

14 ADMINISTRATION

15 OPERATIONS, RESEARCH, AND FACILITIES

16 For necessary expenses of activities authorized by law
17 for the National Oceanic and Atmospheric Administration,
18 including maintenance, operation, and hire of aircraft and
19 vessels; grants, contracts, or other payments to nonprofit
20 organizations for the purposes of conducting activities
21 pursuant to cooperative agreements; and relocation of fa-
22 cilities, \$2,979,325,000, to remain available until Sep-
23 tember 30, 2010, except for funds provided for cooperative
24 enforcement, which shall remain available until September
25 30, 2011: *Provided*, That fees and donations received by

1 the National Ocean Service for the management of na-
2 tional marine sanctuaries may be retained and used for
3 the salaries and expenses associated with those activities,
4 notwithstanding 31 U.S.C. 3302: *Provided further*, That
5 in addition, \$3,000,000 shall be derived by transfer from
6 the fund entitled “Coastal Zone Management” and in ad-
7 dition \$79,000,000 shall be derived by transfer from the
8 fund entitled “Promote and Develop Fishery Products and
9 Research Pertaining to American Fisheries”: *Provided*
10 *further*, That of the \$3,072,325,000 provided for in direct
11 obligations under this heading \$2,979,325,000 is appro-
12 priated from the general fund, \$82,000,000 is provided
13 by transfer, and \$11,000,000 is derived from recoveries
14 of prior year obligations: *Provided further*, That of the
15 funds made available under this heading \$44,415,000
16 shall be used for the projects, and in the amounts, speci-
17 fied in the table titled “Congressionally-designated Items”
18 in the report of the Committee on Appropriations of the
19 House of Representatives to accompany this Act: *Provided*
20 *further*, That any deviation from the amounts designated
21 for specific activities in the report accompanying this Act,
22 or any use of deobligated balances of funds provided under
23 this heading in previous years, shall be subject to the pro-
24 cedures set forth in section 505 of this Act: *Provided fur-*
25 *ther*, That the Administrator of the National Oceanic and

1 Atmospheric Administration may engage in formal and in-
2 formal education activities, including primary and sec-
3 ondary education, related to the agency's mission goals:
4 *Provided further*, That in accordance with section 215 of
5 Public Law 107-372 the number of officers in the NOAA
6 Commissioned Officer Corps shall increase to 321.

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

13 PROCUREMENT, ACQUISITION AND CONSTRUCTION

14 For procurement, acquisition and construction of
15 capital assets, including alteration and modification costs,
16 of the National Oceanic and Atmospheric Administration,
17 \$1,212,315,000, to remain available until September 30,
18 2011, except funds provided for construction of facilities
19 which shall remain available until expended: *Provided*,
20 That of the \$1,214,315,000 provided for in direct obliga-
21 tions under this heading \$1,212,315,000 is appropriated
22 from the general fund and \$2,000,000 is provided from
23 recoveries of prior year obligations: *Provided further*, That
24 of the amounts provided for the National Polar-orbiting
25 Operational Environmental Satellite System, funds shall

1 only be made available on a dollar-for-dollar matching
2 basis with funds provided for the same purpose by the De-
3 partment of Defense: *Provided further*, That except to the
4 extent expressly prohibited by any other law, the Depart-
5 ment of Defense may delegate procurement functions re-
6 lated to the National Polar-orbiting Operational Environ-
7 mental Satellite System to officials of the Department of
8 Commerce pursuant to section 2311 of title 10, United
9 States Code: *Provided further*, That any deviation from
10 the amounts designated for specific activities in the report
11 accompanying this Act, or any use of deobligated balances
12 of funds provided under this heading in previous years,
13 shall be subject to the procedures set forth in section 505
14 of this Act.

15 PACIFIC COASTAL SALMON RECOVERY

16 For necessary expenses associated with the restora-
17 tion of Pacific salmon populations, \$65,000,000, to re-
18 main available until September 30, 2010: *Provided*, That
19 of the funds provided herein the Secretary of Commerce
20 may issue grants to the States of Washington, Oregon,
21 Idaho, California, and Alaska, and Federally-recognized
22 tribes of the Columbia River and Pacific Coast for projects
23 necessary for restoration of salmon and steelhead popu-
24 lations that are listed as threatened or endangered, or
25 identified by a State as at-risk to be so-listed, for main-

1 taining populations necessary for exercise of tribal treaty
2 fishing rights or native subsistence fishing, or for con-
3 servation of Pacific coastal salmon and steelhead habitat,
4 based on guidelines to be developed by the Secretary of
5 Commerce: *Provided further*, That funds disbursed to
6 States shall be subject to a matching requirement of funds
7 or documented in-kind contributions of at least thirty-
8 three percent of the Federal funds.

9 COASTAL ZONE MANAGEMENT FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 Of amounts collected pursuant to section 308 of the
12 Coastal Zone Management Act of 1972 (16 U.S.C.
13 1456a), not to exceed \$3,000,000 shall be transferred to
14 the “Operations, Research, and Facilities” account to off-
15 set the costs of implementing such Act.

16 FISHERIES FINANCE PROGRAM ACCOUNT

17 Subject to section 502 of the Congressional Budget
18 Act of 1974, during fiscal year 2009, obligations of direct
19 loans may not exceed \$8,000,000 for Individual Fishing
20 Quota loans and not to exceed \$59,000,000 for traditional
21 direct loans as authorized by the Merchant Marine Act
22 of 1936: *Provided*, That none of the funds made available
23 under this heading may be used for direct loans for any
24 new fishing vessel that will increase the harvesting capac-
25 ity in any United States fishery.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For expenses necessary for the departmental manage-
4 ment of the Department of Commerce provided for by law,
5 including not to exceed \$1,000 for official entertainment,
6 \$45,000,000: *Provided*, That the Secretary, within 120
7 days of enactment of this Act, shall provide a report to
8 the Committees on Appropriations that audits and evalu-
9 ates all decision documents and expenditures by the Bu-
10 reau of the Census as they relate to the 2010 Census: *Pro-*
11 *vided further*, That of the amounts provided to the Sec-
12 retary within this account, \$10,000,000 shall not become
13 available for obligation until the Secretary certifies to the
14 Committees on Appropriations that the Bureau of the
15 Census has followed and met all standards and best prac-
16 tices, and all Office of Management and Budget guidelines
17 related to information technology projects and contract
18 management.

19 HERBERT C. HOOVER BUILDING RENOVATION AND

20 MODERNIZATION

21 For expenses necessary, including blast windows, for
22 the renovation and modernization of the Herbert C. Hoo-
23 ver Building, \$7,367,000, to remain available until ex-
24 pended.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.), \$26,926,000.

5 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 101. During the current fiscal year, applicable
8 appropriations and funds made available to the Depart-
9 ment of Commerce by this Act shall be available for the
10 activities specified in the Act of October 26, 1949 (15
11 U.S.C. 1514), to the extent and in the manner prescribed
12 by the Act, and, notwithstanding 31 U.S.C. 3324, may
13 be used for advanced payments not otherwise authorized
14 only upon the certification of officials designated by the
15 Secretary of Commerce that such payments are in the
16 public interest.

17 SEC. 102. During the current fiscal year, appropria-
18 tions made available to the Department of Commerce by
19 this Act for salaries and expenses shall be available for
20 hire of passenger motor vehicles as authorized by 31
21 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
22 3109; and uniforms or allowances therefor, as authorized
23 by law (5 U.S.C. 5901–5902).

24 SEC. 103. Not to exceed 5 percent of any appropria-
25 tion made available for the current fiscal year for the De-

1 partment of Commerce in this Act may be transferred be-
2 tween such appropriations, but no such appropriation shall
3 be increased by more than 10 percent by any such trans-
4 fers: *Provided*, That any transfer pursuant to this section
5 shall be treated as a reprogramming of funds under sec-
6 tion 505 of this Act and shall not be available for obliga-
7 tion or expenditure except in compliance with the proce-
8 dures set forth in that section: *Provided further*, That the
9 Secretary of Commerce shall notify the Committees on Ap-
10 propriations at least 15 days in advance of the acquisition
11 or disposal of any capital asset (including land, structures,
12 and equipment) not specifically provided for in this Act
13 or any other law appropriating funds for the Department
14 of Commerce: *Provided further*, That for the National Oce-
15 anic and Atmospheric Administration this section shall
16 provide for transfers among appropriations made only to
17 the National Oceanic and Atmospheric Administration
18 and such appropriations may not be transferred and re-
19 programmed to other Department of Commerce bureaus
20 and appropriation accounts.

21 SEC. 104. Any costs incurred by a department or
22 agency funded under this title resulting from personnel
23 actions taken in response to funding reductions included
24 in this title or from actions taken for the care and protec-
25 tion of loan collateral or grant property shall be absorbed

1 within the total budgetary resources available to such de-
2 partment or agency: *Provided*, That the authority to trans-
3 fer funds between appropriations accounts as may be nec-
4 essary to carry out this section is provided in addition to
5 authorities included elsewhere in this Act: *Provided fur-*
6 *ther*, That use of funds to carry out this section shall be
7 treated as a reprogramming of funds under section 505
8 of this Act and shall not be available for obligation or ex-
9 penditure except in compliance with the procedures set
10 forth in that section.

11 SEC. 105. Notwithstanding any other provision of
12 law, no funds appropriated under this Act shall be used
13 to register, issue, transfer, or enforce any trademark of
14 the phrase “Last Best Place”.

15 SEC. 106. Notwithstanding the requirements of sub-
16 section 4703(d), the personnel management demonstra-
17 tion project established by the Department of Commerce
18 pursuant to 5 U.S.C. 4703 may be expanded to involve
19 more than 5,000 individuals, and is extended indefinitely.

20 SEC. 107. The Secretary of Commerce is permitted
21 to prescribe and enforce standards or regulations affecting
22 safety and health in the context of scientific and occupa-
23 tional diving within the National Oceanic and Atmospheric
24 Administration.

1 SEC. 108. Notwithstanding any other law, the Sec-
2 retary may furnish services (including but not limited to
3 utilities, telecommunications, and security services) nec-
4 essary to support the operation, maintenance, and im-
5 provement of space that persons, firms or organizations
6 are authorized pursuant to the Public Buildings Coopera-
7 tive Use Act of 1976 or other authority to use or occupy
8 in the Herbert C. Hoover Building, Washington, D.C., or
9 other buildings, the maintenance, operation, and protec-
10 tion of which has been delegated to the Secretary from
11 the Administrator of General Services pursuant to the
12 Federal Property and Administrative Services Act of
13 1949, as amended, on a reimbursable or non-reimbursable
14 basis. Amounts received as reimbursement for services
15 provided under this section or the authority under which
16 the use or occupancy of the space is authorized, up to
17 \$200,000, shall be credited to the appropriation or fund
18 which initially bears the costs of such services.

19 This title may be cited as the “Department of Com-
20 merce Appropriations Act, 2009”.

21 TITLE II—DEPARTMENT OF JUSTICE

22 GENERAL ADMINISTRATION

23 SALARIES AND EXPENSES

24 For expenses necessary for the administration of the
25 Department of Justice, \$105,805,000, of which not to ex-

1 ceed \$4,000,000 for security and construction of Depart-
2 ment of Justice facilities shall remain available until ex-
3 pended: *Provided*, That the Attorney General is authorized
4 to transfer funds appropriated within General Administra-
5 tion to any office in this account: *Provided further*, That
6 no appropriations for any office within General Adminis-
7 tration shall be increased or decreased by more than 5
8 percent by all such transfers: *Provided further*, That
9 \$13,213,000 is for Department Leadership; \$7,834,000 is
10 for Intergovernmental Relations/External Affairs;
11 \$12,254,000 is for Executive Support/Professional Re-
12 sponsibility; and \$72,504,000 is for the Justice Manage-
13 ment Division: *Provided further*, That any change in fund-
14 ing greater than 5 percent shall be submitted for approval
15 to the House and Senate Committees on Appropriations
16 consistent with the terms of section 505 of this Act: *Pro-*
17 *vided further*, That this transfer authority is in addition
18 to transfers authorized under section 505 of this Act.

19 JUSTICE INFORMATION SHARING TECHNOLOGY

20 For necessary expenses for information sharing tech-
21 nology, including planning, development, deployment and
22 departmental direction, \$93,868,000, to remain available
23 until expended, of which not less than \$21,000,000 is for
24 the unified financial management system.

1 TACTICAL LAW ENFORCEMENT WIRELESS
2 COMMUNICATIONS

3 For the costs of developing and implementing a na-
4 tion-wide Integrated Wireless Network supporting Federal
5 law enforcement, and for the costs of operations and main-
6 tenance of existing Land Mobile Radio legacy systems,
7 \$185,000,000, to remain available until September 30,
8 2010: *Provided*, That the Attorney General shall transfer
9 to this account all funds made available to the Department
10 of Justice for the purchase of portable and mobile radios:
11 *Provided further*, That any transfer made under the pre-
12 ceding proviso shall be subject to section 505 of this Act.

13 ADMINISTRATIVE REVIEW AND APPEALS

14 For expenses necessary for the administration of par-
15 don and clemency petitions and immigration-related activi-
16 ties, \$268,791,000, of which \$4,000,000 shall be derived
17 by transfer from the Executive Office for Immigration Re-
18 view fees deposited in the “Immigration Examinations
19 Fee” account.

20 DETENTION TRUSTEE

21 For necessary expenses of the Federal Detention
22 Trustee, \$1,289,053,000, to remain available until ex-
23 pended: *Provided*, That the Trustee shall be responsible
24 for managing the Justice Prisoner and Alien Transpor-
25 tation System: *Provided further*, That not to exceed

1 \$5,000,000 shall be considered “funds appropriated for
2 State and local law enforcement assistance” pursuant to
3 18 U.S.C. 4013(b).

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General, \$75,681,000, including not to exceed \$10,000 to
7 meet unforeseen emergencies of a confidential character.

8 UNITED STATES PAROLE COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the United States Parole
11 Commission as authorized, \$12,570,000.

12 LEGAL ACTIVITIES

13 GENERAL LEGAL ACTIVITIES, SALARIES AND EXPENSES

14 For expenses necessary for the legal activities of the
15 Department of Justice, not otherwise provided for, includ-
16 ing not to exceed \$20,000 for expenses of collecting evi-
17 dence, to be expended under the direction of, and to be
18 accounted for solely under the certificate of, the Attorney
19 General; and rent of private or Government-owned space
20 in the District of Columbia, \$804,007,000, of which not
21 to exceed \$10,000,000 for litigation support contracts
22 shall remain available until expended: *Provided*, That of
23 the total amount appropriated, not to exceed \$1,000 shall
24 be available to the United States National Central Bu-
25 reau, INTERPOL, for official reception and representa-

1 tion expenses: *Provided further*, That notwithstanding sec-
2 tion 205 of this Act, upon a determination by the Attorney
3 General that emergent circumstances require additional
4 funding for litigation activities of the Civil Division, the
5 Attorney General may transfer such amounts to “Salaries
6 and Expenses, General Legal Activities” from available
7 appropriations for the current fiscal year for the Depart-
8 ment of Justice, as may be necessary to respond to such
9 circumstances: *Provided further*, That any transfer pursu-
10 ant to the previous proviso shall be treated as a re-
11 programming under section 505 of this Act and shall not
12 be available for obligation or expenditure except in compli-
13 ance with the procedures set forth in that section: *Pro-*
14 *vided further*, That of the amount appropriated, such sums
15 as may be necessary shall be available to reimburse the
16 Office of Personnel Management for salaries and expenses
17 associated with the federal observer program under section
18 8 of the Voting Rights Act (42 U.S.C. 1973f): *Provided*
19 *further*, That of the amounts provided under this heading
20 for the federal observer program \$3,390,000 shall remain
21 available until expended.

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

1 not to exceed \$7,833,000, to be appropriated from the
2 Vaccine Injury Compensation Trust Fund.

3 ANTITRUST DIVISION, SALARIES AND EXPENSES

4 For expenses necessary for the enforcement of anti-
5 trust and kindred laws, \$157,788,000, to remain available
6 until expended: *Provided*, That notwithstanding any other
7 provision of law, fees collected for premerger notification
8 filings under the Hart-Scott-Rodino Antitrust Improve-
9 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
10 of collection (and estimated to be \$157,788,000 in fiscal
11 year 2009), shall be retained and used for necessary ex-
12 penses in this appropriation, and shall remain available
13 until expended: *Provided further*, That the sum herein ap-
14 propriated from the general fund shall be reduced as such
15 offsetting collections are received during fiscal year 2009,
16 so as to result in a final fiscal year 2009 appropriation
17 from the general fund estimated at \$0.

18 UNITED STATES ATTORNEYS, SALARIES AND EXPENSES

19 For necessary expenses of the Offices of the United
20 States Attorneys, including inter-governmental and coop-
21 erative agreements, \$1,836,336,000: *Provided*, That of the
22 total amount appropriated, not to exceed \$8,000 shall be
23 available for official reception and representation ex-
24 penses: *Provided further*, That not to exceed \$20,000,000
25 shall remain available until expended: *Provided further*,

1 That of the amount provided under this heading, not less
2 than \$33,600,000 shall be used for salaries and expenses
3 for assistant U.S. Attorneys to carry out section 704 of
4 the Adam Walsh Child Protection and Safety Act of 2006
5 (Public Law 109–248) concerning the prosecution of of-
6 fenses relating to the sexual exploitation of children.

7 UNITED STATES TRUSTEE SYSTEM FUND

8 For necessary expenses of the United States Trustee
9 Program, as authorized, \$217,416,000, to remain avail-
10 able until expended and to be derived from the United
11 States Trustee System Fund: *Provided*, That notwith-
12 standing any other provision of law, deposits to the Fund
13 shall be available in such amounts as may be necessary
14 to pay refunds due depositors: *Provided further*, That, not-
15 withstanding any other provision of law, \$160,000,000 of
16 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
17 be retained and used for necessary expenses in this appro-
18 priation and shall remain available until expended: *Pro-*
19 *vided further*, That the sum herein appropriated from the
20 Fund shall be reduced as such offsetting collections are
21 received during fiscal year 2009, so as to result in a final
22 fiscal year 2009 appropriation from the Fund estimated
23 at \$52,416,000.

1 FOREIGN CLAIMS SETTLEMENT COMMISSION, SALARIES
2 AND EXPENSES

3 For expenses necessary to carry out the activities of
4 the Foreign Claims Settlement Commission, including
5 services as authorized by section 3109 of title 5, United
6 States Code, \$1,823,000.

7 FEES AND EXPENSES OF WITNESSES

8 For fees and expenses of witnesses, for expenses of
9 contracts for the procurement and supervision of expert
10 witnesses, for private counsel expenses, including ad-
11 vances, and for expenses of foreign counsel, \$168,300,000,
12 to remain available until expended: *Provided*, That not to
13 exceed \$10,000,000 may be made available for construc-
14 tion of buildings for protected witness safesites: *Provided*
15 *further*, That not to exceed \$3,000,000 may be made avail-
16 able for the purchase and maintenance of armored and
17 other vehicles for witness security caravans: *Provided fur-*
18 *ther*, That not to exceed \$9,000,000 may be made avail-
19 able for the purchase, installation, maintenance, and up-
20 grade of secure telecommunications equipment and a se-
21 cure automated information network to store and retrieve
22 the identities and locations of protected witnesses.

1 \$6,000 shall be available for official reception and rep-
2 resentation expenses; of which not to exceed \$4,000,000
3 shall remain available until expended for information tech-
4 nology systems; and of which not less than \$12,625,000
5 shall be available for the costs of courthouse security
6 equipment, including furnishings, relocations, and tele-
7 phone systems and cabling, and shall remain available
8 until expended.

9 CONSTRUCTION

10 For construction in space controlled, occupied or uti-
11 lized by the United States Marshals Service for prisoner
12 holding and related support, \$4,000,000, to remain avail-
13 able until expended.

14 NATIONAL SECURITY DIVISION

15 SALARIES AND EXPENSES

16 For expenses necessary to carry out the activities of
17 the National Security Division, \$83,789,000; of which not
18 to exceed \$5,000,000 for information technology systems
19 shall remain available until expended: *Provided*, That not-
20 withstanding section 205 of this Act, upon a determina-
21 tion by the Attorney General that emergent circumstances
22 require additional funding for the activities of the National
23 Security Division, the Attorney General may transfer such
24 amounts to this heading from available appropriations for
25 the current fiscal year for the Department of Justice, as

1 may be necessary to respond to such circumstances: *Pro-*
2 *vided further*, That any transfer pursuant to the previous
3 proviso shall be treated as a reprogramming under section
4 505 of this Act and shall not be available for obligation
5 or expenditure except in compliance with the procedures
6 set forth in that section.

7 INTERAGENCY LAW ENFORCEMENT

8 INTERAGENCY CRIME AND DRUG ENFORCEMENT

9 For necessary expenses for the identification, inves-
10 tigation, and prosecution of individuals associated with the
11 most significant drug trafficking and affiliated money
12 laundering organizations not otherwise provided for, to in-
13 clude inter-governmental agreements with State and local
14 law enforcement agencies engaged in the investigation and
15 prosecution of individuals involved in organized crime drug
16 trafficking, \$521,938,000, of which \$50,000,000 shall re-
17 main available until expended: *Provided*, That any
18 amounts obligated from appropriations under this heading
19 may be used under authorities available to the organiza-
20 tions reimbursed from this appropriation: *Provided fur-*
21 *ther*, That prior year unobligated balances available within
22 this account may be used for the continued operations of
23 the Organized Crime Drug Enforcement Task Force pro-
24 gram Fusion Center: *Provided further*, That any action
25 pursuant to the previous proviso shall be treated as a re-

1 programming under section 505 of this Act and shall not
2 be available for obligation or expenditure except in compli-
3 ance with the procedures set forth in that section.

4 FEDERAL BUREAU OF INVESTIGATION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Bureau of In-
7 vestigation for detection, investigation, and prosecution of
8 crimes against the United States; \$7,065,100,000; of
9 which not to exceed \$150,000,000 shall remain available
10 until expended; and of which \$3,754,985,000 shall be for
11 counterterrorism investigations, foreign counterintel-
12 ligence, and other activities related to national security:
13 *Provided*, That not to exceed \$205,000 shall be available
14 for official reception and representation expenses.

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; \$42,991,000, to re-
21 main available until expended.

22 DRUG ENFORCEMENT ADMINISTRATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Drug Enforcement Ad-
25 ministration, including not to exceed \$70,000 to meet un-

1 foreseen emergencies of a confidential character pursuant
2 to 28 U.S.C. 530C; and expenses for conducting drug edu-
3 cation and training programs, including travel and related
4 expenses for participants in such programs and the dis-
5 tribution of items of token value that promote the goals
6 of such programs, \$1,939,084,000; of which not to exceed
7 \$75,000,000 shall remain available until expended; and of
8 which not to exceed \$100,000 shall be available for official
9 reception and representation expenses.

10 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
11 EXPLOSIVES
12 SALARIES AND EXPENSES

13 For necessary expenses of the Bureau of Alcohol, To-
14 bacco, Firearms and Explosives, not to exceed \$40,000 for
15 official reception and representation expenses; for training
16 of State and local law enforcement agencies with or with-
17 out reimbursement, including training in connection with
18 the training and acquisition of canines for explosives and
19 fire accelerants detection; and for provision of laboratory
20 assistance to State and local law enforcement agencies,
21 with or without reimbursement, \$1,054,215,000, of which
22 not to exceed \$1,000,000 shall be available for the pay-
23 ment of attorneys' fees as provided by section 924(d)(2)
24 of title 18, United States Code; and of which \$10,000,000
25 shall remain available until expended: *Provided*, That no

1 funds appropriated herein shall be available for salaries
2 or administrative expenses in connection with consoli-
3 dating or centralizing, within the Department of Justice,
4 the records, or any portion thereof, of acquisition and dis-
5 position of firearms maintained by Federal firearms li-
6 censees: *Provided further*, That no funds appropriated
7 herein shall be used to pay administrative expenses or the
8 compensation of any officer or employee of the United
9 States to implement an amendment or amendments to 27
10 CFR 478.118 or to change the definition of “Curios or
11 relics” in 27 CFR 478.11 or remove any item from ATF
12 Publication 5300.11 as it existed on January 1, 1994:
13 *Provided further*, That none of the funds appropriated
14 herein shall be available to investigate or act upon applica-
15 tions for relief from Federal firearms disabilities under 18
16 U.S.C. 925(c): *Provided further*, That such funds shall be
17 available to investigate and act upon applications filed by
18 corporations for relief from Federal firearms disabilities
19 under section 925(c) of title 18, United States Code: *Pro-*
20 *vided further*, That no funds made available by this or any
21 other Act may be used to transfer the functions, missions,
22 or activities of the Bureau of Alcohol, Tobacco, Firearms
23 and Explosives to other agencies or Departments in fiscal
24 year 2009: *Provided further*, That, beginning in fiscal year
25 2009 and thereafter, no funds appropriated under this or

1 any other Act may be used to disclose part or all of the
2 contents of the Firearms Trace System database main-
3 tained by the National Trace Center of the Bureau of Al-
4 cohol, Tobacco, Firearms and Explosives or any informa-
5 tion required to be kept by licensees pursuant to section
6 923(g) of title 18, United States Code, or required to be
7 reported pursuant to paragraphs (3) and (7) of such sec-
8 tion 923(g), except to: (1) a Federal, State, local, tribal,
9 or foreign law enforcement agency, or a Federal, State,
10 or local prosecutor, solely in connection with and for use
11 in a criminal investigation or prosecution; or (2) a Federal
12 agency for a national security or intelligence purpose; and
13 all such data shall be immune from legal process, shall
14 not be subject to subpoena or other discovery, shall be in-
15 admissible in evidence, and shall not be used, relied on,
16 or disclosed in any manner, nor shall testimony or other
17 evidence be permitted based on the data, in a civil action
18 in any State (including the District of Columbia) or Fed-
19 eral court or in an administrative proceeding other than
20 a proceeding commenced by the Bureau of Alcohol, To-
21 bacco, Firearms and Explosives to enforce the provisions
22 of chapter 44 of such title, or a review of such an action
23 or proceeding; except that this proviso shall not be con-
24 strued to prevent: (A) the disclosure of statistical informa-
25 tion concerning total production, importation, and expor-

1 tation by each licensed importer (as defined in section
2 921(a)(9) of such title) and licensed manufacturer (as de-
3 fined in section 921(1)(10) of such title); (B) the sharing
4 or exchange of such information among and between Fed-
5 eral, State, local, or foreign law enforcement agencies,
6 Federal, State, or local prosecutors, and Federal national
7 security, intelligence, or counterterrorism officials; or (C)
8 the publication of annual statistical reports on products
9 regulated by the Bureau of Alcohol, Tobacco, Firearms
10 and Explosives, including total production, importation,
11 and exportation by each licensed importer (as so defined)
12 and licensed manufacturer (as so defined), or statistical
13 aggregate data regarding firearms traffickers and traf-
14 ficking channels, or firearms misuse, felons, and traf-
15 ficking investigations: *Provided further*, That no funds
16 made available by this or any other Act shall be expended
17 to promulgate or implement any rule requiring a physical
18 inventory of any business licensed under section 923 of
19 title 18, United States Code: *Provided further*, That no
20 funds under this Act may be used to electronically retrieve
21 information gathered pursuant to 18 U.S.C. 923(g)(4) by
22 name or any personal identification code: *Provided further*,
23 That no funds authorized or made available under this or
24 any other Act may be used to deny any application for
25 a license under section 923 of title 18, United States Code,

1 or renewal of such a license due to a lack of business activ-
2 ity, provided that the applicant is otherwise eligible to re-
3 ceive such a license, and is eligible to report business in-
4 come or to claim an income tax deduction for business ex-
5 penses under the Internal Revenue Code of 1986.

6 FEDERAL PRISON SYSTEM

7 SALARIES AND EXPENSES

8 For necessary expenses of the Federal Prison System
9 for the administration, operation, and maintenance of
10 Federal penal and correctional institutions, including pur-
11 chase (not to exceed 810, of which 766 are for replacement
12 only) and hire of law enforcement and passenger motor
13 vehicles, and for the provision of technical assistance and
14 advice on corrections related issues to foreign govern-
15 ments, \$5,595,754,000: *Provided*, That the Attorney Gen-
16 eral may transfer to the Health Resources and Services
17 Administration such amounts as may be necessary for di-
18 rect expenditures by that Administration for medical relief
19 for inmates of Federal penal and correctional institutions:
20 *Provided further*, That the Director of the Federal Prison
21 System, where necessary, may enter into contracts with
22 a fiscal agent or fiscal intermediary claims processor to
23 determine the amounts payable to persons who, on behalf
24 of the Federal Prison System, furnish health services to
25 individuals committed to the custody of the Federal Prison

1 System: *Provided further*, That not to exceed \$6,000 shall
2 be available for official reception and representation ex-
3 penses: *Provided further*, That not to exceed \$50,000,000
4 shall remain available for necessary operations until Sep-
5 tember 30, 2010: *Provided further*, That, of the amounts
6 provided for contract confinement, not to exceed
7 \$20,000,000 shall remain available until expended to
8 make payments in advance for grants, contracts and reim-
9 bursable agreements, and other expenses authorized by
10 section 501(c) of the Refugee Education Assistance Act
11 of 1980 (8 U.S.C. 1522 note), for the care and security
12 in the United States of Cuban and Haitian entrants: *Pro-*
13 *vided further*, That the Director of the Federal Prison Sys-
14 tem may accept donated property and services relating to
15 the operation of the prison card program from a not-for-
16 profit entity which has operated such program in the past
17 notwithstanding the fact that such not-for-profit entity
18 furnishes services under contracts to the Federal Prison
19 System relating to the operation of pre-release services,
20 halfway houses, or other custodial facilities.

21 BUILDINGS AND FACILITIES

22 For planning, acquisition of sites and construction of
23 new facilities; purchase and acquisition of facilities and re-
24 modeling, and equipping of such facilities for penal and
25 correctional use, including all necessary expenses incident

1 thereto, by contract or force account; and constructing,
2 remodeling, and equipping necessary buildings and facili-
3 ties at existing penal and correctional institutions, includ-
4 ing all necessary expenses incident thereto, by contract or
5 force account, \$135,807,000, to remain available until ex-
6 pended, of which not less than \$110,627,000 shall be
7 available only for modernization, maintenance and repair,
8 and of which not to exceed \$14,000,000 shall be available
9 to construct areas for inmate work programs: *Provided*,
10 That labor of United States prisoners may be used for
11 work performed under this appropriation.

12 FEDERAL PRISON INDUSTRIES, INCORPORATED

13 The Federal Prison Industries, Incorporated, is here-
14 by authorized to make such expenditures, within the limits
15 of funds and borrowing authority available, and in accord
16 with the law, and to make such contracts and commit-
17 ments, without regard to fiscal year limitations as pro-
18 vided by section 9104 of title 31, United States Code, as
19 may be necessary in carrying out the program set forth
20 in the budget for the current fiscal year for such corpora-
21 tion, including purchase (not to exceed five for replace-
22 ment only) and hire of passenger motor vehicles.

1 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
2 PRISON INDUSTRIES, INCORPORATED

3 Not to exceed \$2,328,000 of the funds of the Federal
4 Prison Industries, Incorporated shall be available for its
5 administrative expenses, and for services as authorized by
6 section 3109 of title 5, United States Code, to be com-
7 puted on an accrual basis to be determined in accordance
8 with the corporation's current prescribed accounting sys-
9 tem, and such amounts shall be exclusive of depreciation,
10 payment of claims, and expenditures which such account-
11 ing system requires to be capitalized or charged to cost
12 of commodities acquired or produced, including selling and
13 shipping expenses, and expenses in connection with acqui-
14 sition, construction, operation, maintenance, improvement,
15 protection, or disposition of facilities and other property
16 belonging to the corporation or in which it has an interest.

17 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

18 OFFICE ON VIOLENCE AGAINST WOMEN

19 VIOLENCE AGAINST WOMEN PREVENTION AND
20 PROSECUTION PROGRAMS

21 For grants, contracts, cooperative agreements, and
22 other assistance for the prevention and prosecution of vio-
23 lence against women, as authorized by the Omnibus Crime
24 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
25 et seq.) ("the 1968 Act"); the Violent Crime Control and

1 Law Enforcement Act of 1994 (Public Law 103–322)
2 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
3 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
4 torial Remedies and Other Tools to end the Exploitation
5 of Children Today Act of 2003 (Public Law 108–21); the
6 Juvenile Justice and Delinquency Prevention Act of 1974
7 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
8 of Trafficking and Violence Protection Act of 2000 (Public
9 Law 106–386) (“the 2000 Act”); and the Violence
10 Against Women and Department of Justice Reauthoriza-
11 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
12 and for related victims services, \$435,000,000, to remain
13 available until expended: *Provided*, That except as other-
14 wise provided by law, not to exceed 3 percent of funds
15 made available under this heading may be used for ex-
16 penses related to evaluation, training, and technical assist-
17 ance: *Provided further*, That of the amount provided—

18 (1) \$15,000,000 for the court-appointed special
19 advocate program, as authorized by section 217 of
20 the 1990 Act;

21 (2) \$3,000,000 for child abuse training pro-
22 grams for judicial personnel and practitioners, as
23 authorized by section 222 of the 1990 Act;

1 (3) \$200,000,000 for grants to combat violence
2 against women, as authorized by part T of the 1968
3 Act, of which—

4 (A) \$20,000,000 shall be for transitional
5 housing assistance grants for victims of domes-
6 tic violence, stalking or sexual assault as au-
7 thorized by section 40299 of the 1994 Act; and

8 (B) \$2,000,000 shall be for the National
9 Institute of Justice for research and evaluation
10 of violence against women and related issues
11 addressed by grant programs of the Office on
12 Violence Against Women;

13 (4) \$60,000,000 for grants to encourage arrest
14 policies as authorized by part U of the 1968 Act;

15 (5) \$15,000,000 for sexual assault victims as-
16 sistance, as authorized by section 202 of the 2005
17 Act;

18 (6) \$41,000,000 for rural domestic violence and
19 child abuse enforcement assistance grants, as au-
20 thorized by section 40295 of the 1994 Act;

21 (7) \$3,000,000 for training programs as au-
22 thorized by section 40152 of the 1994 Act, and for
23 related local demonstration projects;

1 (8) \$3,000,000 for grants to improve the stalk-
2 ing and domestic violence databases, as authorized
3 by section 40602 of the 1994 Act;

4 (9) \$10,000,000 for grants to reduce violent
5 crimes against women on campus, as authorized by
6 section 304 of the 2005 Act;

7 (10) \$41,000,000 for legal assistance for vic-
8 tims, as authorized by section 1201 of the 2000 Act;

9 (11) \$5,000,000 for enhancing protection for
10 older and disabled women from domestic violence
11 and sexual assault, as authorized by section 40802
12 of the 1994 Act;

13 (12) \$15,000,000 for the safe havens for chil-
14 dren program, as authorized by section 1301 of the
15 2000 Act;

16 (13) \$7,000,000 for education and training to
17 end violence against and abuse of women with dis-
18 abilities, as authorized by section 1402 of the 2000
19 Act;

20 (14) \$3,000,000 for an engaging men and
21 youth in prevention program, as authorized by the
22 2005 Act;

23 (15) \$1,000,000 for analysis and research on
24 violence against Indian women, as authorized by sec-
25 tion 904 of the 2005 Act;

1 (16) \$1,000,000 for tracking of violence against
2 Indian women, as authorized by section 905 of the
3 2005 Act;

4 (17) \$5,000,000 for services to advocate and
5 respond to youth, as authorized by section 401 of
6 the 2005 Act;

7 (18) \$3,000,000 for grants to assist children
8 and youth exposed to violence, as authorized by sec-
9 tion 303 of the 2005 Act;

10 (19) \$3,000,000 for the court training and im-
11 provements program, as authorized by section 105
12 of the 2005 Act; and

13 (20) \$1,000,000 for the National Resource
14 Center on Workplace Responses to assist victims of
15 domestic violence, as authorized by section 41501 of
16 the 1994 Act.

17 OFFICE OF JUSTICE PROGRAMS

18 JUSTICE ASSISTANCE

19 For grants, contracts, cooperative agreements, and
20 other assistance authorized by title I of the Omnibus
21 Crime Control and Safe Streets Act of 1968; the Missing
22 Children's Assistance Act (42 U.S.C. 5771 et seq.); the
23 Prosecutorial Remedies and Other Tools to end the Ex-
24 ploitation of Children Today Act of 2003 (Public Law
25 108-21); the Justice for All Act of 2004 (Public Law

1 108–405); the Violence Against Women and Department
2 of Justice Reauthorization Act of 2005 (Public Law 109–
3 162); the Victims of Child Abuse Act of 1990 (Public Law
4 101–647); the Victims of Crime Act of 1984 (Public Law
5 98–473); the Adam Walsh Child Protection and Safety
6 Act of 2006 (Public Law 109–248); subtitle D of title II
7 of the Homeland Security Act of 2002 (Public Law 107–
8 296), which may include research and development;
9 \$95,000,000, to remain available until expended, as fol-
10 lows:

11 (1) \$50,000,000 for criminal justice statistics
12 programs, pursuant to part C of the 1968 Act, of
13 which \$26,000,000 is for the National Crime Victim-
14 ization Survey;

15 (2) \$45,000,000 for research, development, and
16 evaluation programs, pursuant to part B of the
17 1968 Act:

18 *Provided*, That grants under subparagraphs
19 (1)(A) and (B) of Public Law 98–473 are issued
20 pursuant to rules or guidelines that generally estab-
21 lish a publicly-announced, competitive process.

22 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE
23 (INCLUDING TRANSFER OF FUNDS)

24 For grants, contracts, cooperative agreements, and
25 other assistance authorized by the Violent Crime Control

1 and Law Enforcement Act of 1994 (Public Law 103–322)
2 (“the 1994 Act”); the Omnibus Crime Control and Safe
3 Streets Act of 1968 (“the 1968 Act”); the Justice for All
4 Act of 2004 (Public Law 108–405); the Victims of Child
5 Abuse Act of 1990 (Public Law 101–647) (“the 1990
6 Act”); the Trafficking Victims Protection Reauthorization
7 Act of 2005 (Public Law 109–164); the Violence Against
8 Women and Department of Justice Reauthorization Act
9 of 2005 (Public Law 109–162); the Adam Walsh Child
10 Protection and Safety Act of 2006 (Public Law 109–248);
11 and the Victims of Trafficking and Violence Protection
12 Act of 2000 (Public Law 106–386); and other programs
13 (including the State Wide Automated Victims Notification
14 Program); \$1,277,000,000 to remain available until ex-
15 pended as follows:

16 (1) \$550,000,000 for the Edward Byrne Memo-
17 rial Justice Assistance Grant program as authorized
18 by subpart 1 of part E of title I of the 1968 Act,
19 (except that section 1001(c), and the special rules
20 for Puerto Rico under section 505(g), of the 1968
21 Act, shall not apply for purposes of this Act), of
22 which \$5,000,000 is for use by the National Insti-
23 tute of Justice in assisting units of local government
24 to identify, select, develop, modernize, and purchase
25 new technologies for use by law enforcement and

1 \$5,000,000 is for a program to improve State and
2 local law enforcement intelligence capabilities includ-
3 ing antiterrorism training and training to ensure
4 that constitutional rights, civil liberties, civil rights,
5 and privacy interests are protected throughout the
6 intelligence process;

7 (2) \$420,000,000 for the State Criminal Alien
8 Assistance Program, as authorized by section
9 241(i)(5) of the Immigration and Nationality Act (8
10 U.S.C. 1231(i)(5));

11 (3) \$35,000,000 for the Southwest Border
12 Prosecutor Initiative to reimburse State, county,
13 parish, tribal, or municipal governments for costs as-
14 sociated with the prosecution of criminal cases de-
15 clined by local offices of the United States Attor-
16 neys;

17 (4) \$122,000,000 for discretionary grants to
18 improve the functioning of the criminal justice sys-
19 tem and to assist victims of crime (other than com-
20 pensation), which shall be used for the projects, and
21 in the amounts, specified in the table titled “Con-
22 gressionally-designated Items” in the report of the
23 Committee on Appropriations of the House of Rep-
24 resentatives to accompany this Act;

1 (5) \$30,000,000 for competitive grants to im-
2 prove the functioning of the criminal justice system
3 and to assist victims of crime (other than compensa-
4 tion);

5 (6) \$1,500,000 for the Missing Alzheimer’s Dis-
6 ease Patient Alert Program, as authorized by section
7 240001(c) of the 1994 Act;

8 (7) \$10,000,000 for victim services programs
9 for victims of trafficking, as authorized by section
10 107(b)(2) of Public Law 106–386 and for programs
11 authorized under Public Law 109–164;

12 (8) \$40,000,000 for Drug Courts, as authorized
13 by section 1001(25)(A) of title I of the 1968 Act;

14 (9) \$7,000,000 for a prescription drug moni-
15 toring program;

16 (10) \$12,500,000 for prison rape prevention
17 and prosecution and other programs, as authorized
18 by the Prison Rape Elimination Act of 2003 (Public
19 Law 108–79);

20 (11) \$10,000,000 for grants for Residential
21 Substance Abuse Treatment for State Prisoners, as
22 authorized by part S of the 1968 Act;

23 (12) \$1,000,000 for the Capital Litigation Im-
24 provement Grant Program as authorized by section
25 426 of Public Law 108–405; and

1 (13) \$10,000,000 for mental health courts and
2 adult and juvenile collaboration program grants, as
3 authorized by parts V and HH of title I of the 1968
4 Act:

5 (14) \$10,000,000 for the Statewide Automated
6 Victims Notification Program; and

7 (15) \$18,000,000 for economic, high technology
8 and Internet crime prevention grants:

9 *Provided*, That, if a unit of local government uses any of
10 the funds made available under this heading to increase
11 the number of law enforcement officers, the unit of local
12 government will achieve a net gain in the number of law
13 enforcement officers who perform nonadministrative pub-
14 lic safety service.

15 JUVENILE JUSTICE PROGRAMS

16 For grants, contracts, cooperative agreements, and
17 other assistance authorized by the Juvenile Justice and
18 Delinquency Prevention Act of 1974 (“the 1974 Act”) the
19 Omnibus Crime Control and Safe Streets Act of 1968
20 (“the 1968 Act”); the Violence Against Women and De-
21 partment of Justice Reauthorization Act of 2005 (Public
22 Law 109–162); the Missing Children’s Assistance Act (42
23 U.S.C. 5771 et seq.); the Prosecutorial Remedies and
24 Other Tools to end the Exploitation of Children Today Act
25 of 2003 (Public Law 108–21); the Victims of Child Abuse

1 Act of 1990 (Public Law 101–647); the Adam Walsh
2 Child Protection and Safety Act of 2006 (Public Law
3 109–248) and other juvenile justice programs,
4 \$431,000,000, to remain available until expended as fol-
5 lows:

6 (1) \$75,000,000 for programs authorized by
7 section 221 of the 1974 Act, and for training and
8 technical assistance to assist small, non-profit orga-
9 nizations with the Federal grants process;

10 (2) \$75,000,000 for grants and projects, as au-
11 thorized by sections 261 and 262 of the 1974 Act,
12 which shall be used for the projects, and in the
13 amounts, specified in the table titled “Congression-
14 ally-designated Items” in the report of the Com-
15 mittee on Appropriations of the House of Represent-
16 atives to accompany this Act;

17 (3) \$100,000,000 for youth mentoring grants;

18 (4) \$40,000,000 for delinquency prevention, as
19 authorized by section 505 of the 1974 Act, of which,
20 pursuant to sections 261 and 262 thereof—

21 (A) \$25,000,000 shall be for the Tribal
22 Youth Program;

23 (B) \$15,000,000 shall be for a gang resist-
24 ance education and training program;

1 (5) \$23,000,000 for programs authorized by
2 the Victims of Child Abuse Act of 1990;

3 (6) \$55,000,000 for the Juvenile Accountability
4 Block Grants program as authorized by part R of
5 the 1968 Act and Guam shall be considered a State:
6 *Provided*, That not more than 10 percent of each
7 amount may be used for research, evaluation, and
8 statistics activities designed to benefit the programs
9 or activities authorized: *Provided further*, That not
10 more than 2 percent of each amount may be used
11 for training and technical assistance: *Provided fur-*
12 *ther*, That the previous two provisos shall not apply
13 to grants and projects authorized by sections 261
14 and 262 of the 1974 Act; and

15 (7) \$63,000,000 for the Missing Children Pro-
16 gram authorized by section 407 of the 1974 Act.

17 PUBLIC SAFETY OFFICER BENEFITS

18 For payments and expenses authorized by part L of
19 title I of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (42 U.S.C. 3796), such sums as are necessary,
21 as authorized by section 6093 of Public Law 100–690
22 (102 Stat. 4339–4340) (including amounts for adminis-
23 trative costs, which amounts shall be paid to the “Salaries
24 and Expenses” account), to remain available until ex-
25 pended; and \$5,000,000 for payments authorized by sec-

1 tion 1201(b) of such Act; and \$4,100,000 for educational
2 assistance, as authorized by section 1212 of such Act.

3 COMMUNITY ORIENTED POLICING SERVICES

4 (INCLUDING TRANSFER OF FUNDS)

5 For activities authorized by the Violent Crime Con-
6 trol and Law Enforcement Act of 1994 (Public Law 103-
7 322); the Omnibus Crime Control and Safe Streets Act
8 of 1968 (“the 1968 Act”); the Violence Against Women
9 and Department of Justice Reauthorization Act of 2005
10 (Public Law 109-162); subtitle D of title II of the Home-
11 land Security Act of 2002 (Public Law 107-296), which
12 may include research and development; and the USA PA-
13 TRIOT Improvement and Reauthorization Act of 2005
14 (Public Law 109-177); the Second Chance Act of 2007
15 (Public Law 110-199); the NICS Improvement Amend-
16 ments Act of 2007 (Public Law 110-180), \$627,000,000,
17 to remain available until expended: *Provided*, That of the
18 funds under this heading, not to exceed \$2,575,000 shall
19 be available for the Office of Justice Programs for reim-
20 bursable services associated with programs administered
21 by the Community Oriented Policing Services Office: *Pro-*
22 *vided further*, That any balances made available through
23 prior year deobligations shall only be available in accord-
24 ance with section 505 of this Act. Of the amount provided

1 (which shall be by transfer, for programs administered by
2 the Office of Justice Programs)—

3 (1) \$25,000,000 is for the matching grant pro-
4 gram for armor vests for law enforcement officers,
5 as authorized by section 2501 of the 1968 Act;

6 (2) \$35,000,000 is for grants to entities de-
7 scribed in section 1701 of the 1968 Act, to address
8 public safety and methamphetamine manufacturing,
9 sale, and use in hot spots as authorized by section
10 754 of Public Law 109–177 and for other anti-
11 methamphetamine-related activities, which shall be
12 used for the projects, and in the amounts, specified
13 in the table titled “Congressionally-designated
14 Items” in the report of the Committee on Appropria-
15 tions of the House of Representatives to accompany
16 this Act;

17 (3) \$145,000,000 is for a law enforcement tech-
18 nologies and interoperable communications program,
19 and related law enforcement and public safety equip-
20 ment, which shall be used for the projects, and in
21 the amounts, specified in the table titled “Congres-
22 sionally-designated Items” in the report of the Com-
23 mittee on Appropriations of the House of Represent-
24 atives to accompany this Act;

1 (4) \$45,000,000 is for offender re-entry pro-
2 grams, as authorized under section 101 and 211 of
3 the Second Chance Act of 2007 (Public Law 110–
4 199), of which \$35,000,000 is for grants for adult
5 and juvenile offender state and local reentry dem-
6 onstration projects, and \$10,000,000 is for grants
7 for mentoring and transitional services;

8 (5) \$15,000,000 is for grants to assist States
9 and tribal governments as authorized by the NICS
10 Improvements Amendments Act of 2007 (Public
11 Law 110–180);

12 (6) \$10,000,000 is for grants to upgrade crimi-
13 nal records, as authorized under the Crime Identifi-
14 cation Technology Act of 1998 (42 U.S.C. 14601);

15 (7) \$153,000,000 is for DNA related and foren-
16 sic programs and activities as follows:

17 (A) \$150,000,000 for a DNA analysis and
18 capacity enhancement program and for other
19 local, state, and Federal forensic activities in-
20 cluding the purposes of section 2 of the DNA
21 Analysis Backlog Elimination Act of 2000, as
22 amended by the Debbie Smith Act of 2004, and
23 further amended by Public Law 109–162; and

24 (B) \$3,000,000 for the purposes described
25 in the Kirk Bloodsworth Post-Conviction DNA

1 Testing Program (Public Law 108–405, section
2 412): *Provided*, That unobligated funds appro-
3 priated in fiscal years 2006 and 2007 for
4 grants as authorized under sections 412 and
5 413 of the foregoing public law are hereby
6 made available, instead, for the purposes here
7 specified;

8 (8) \$20,000,000 is for improving tribal law en-
9 forcement, including equipment and training;

10 (9) \$25,000,000 is for assistance to Indian
11 tribes, of which—

12 (A) \$12,000,000 shall be available for
13 grants under section 20109 of subtitle A of title
14 II of the 1994 Act;

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

17 (C) \$5,000,000 shall be available for tribal
18 alcohol and substance reduction assistance
19 grants;

20 (10) \$15,000,000 is for programs to reduce gun
21 crime and gang violence;

22 (11) \$4,000,000 is for training and technical
23 assistance;

24 (12) \$40,000,000 is for grants under section
25 1701 of title I of the 1968 Act (42 U.S.C. 3796dd)

1 for the hiring and rehiring of additional career law
2 enforcement officers under part Q of such title not-
3 withstanding subsection (i) of such section;

4 (13) \$10,000,000 is for sex offender manage-
5 ment assistance as authorized by the Adam Walsh
6 Child Protection and Safety Act of 2006 (Public
7 Law 109–248), the Violence Against Women and
8 Department of Justice Reauthorization Act of 2005
9 (Public Law 109–162), and the Violent Crime Con-
10 trol Act of 1994 (Public Law 103–322), of which
11 \$1,000,000 is for the National Sex Offender Public
12 Registry;

13 (14) \$20,000,000 is for expenses authorized by
14 part AA of the 1968 Act (Secure our Schools);

15 (15) \$45,000,000 is for the Regional Informa-
16 tion Sharing System, pursuant to part M of the
17 1968 Act;

18 (16) \$15,000,000 is for the Office of Weed and
19 Seed Strategies, as authorized by section 103 of the
20 1968 Act, as amended by section 1121 of Public
21 Law 109–162; and

22 (17) \$5,000,000 is for grants for the review of
23 wrongful prosecutions.

1 SALARIES AND EXPENSES

2 For necessary expenses for management and admin-
3 istration of programs within the Office on Violence
4 Against Women, the Office on Justice Programs and the
5 Community Oriented Policing Services Office,
6 \$195,000,000, of which not to exceed \$14,000,000 shall
7 be available for the Office on Violence Against Women;
8 not to exceed \$130,000,000 shall be available for the Of-
9 fice of Justice Programs; not to exceed \$30,000,000 shall
10 be available for the Community Oriented Policing Services
11 Office; and notwithstanding section 1158 of Public Law
12 109–162, not to exceed \$21,000,000 shall be available for
13 authorized activities of the Office of Audit, Assessment,
14 and Management.

15 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

16 SEC. 201. In addition to amounts otherwise made
17 available in this title for official reception and representa-
18 tion expenses, a total of not to exceed \$50,000 from funds
19 appropriated to the Department of Justice in this title
20 shall be available to the Attorney General for official re-
21 ception and representation expenses.

22 SEC. 202. None of the funds appropriated by this
23 title shall be available to pay for an abortion, except where
24 the life of the mother would be endangered if the fetus
25 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. 203. 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. 204. 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 203 intended to address the phil-
13 osophical beliefs of individual employees of the Bureau of
14 Prisons.

15 SEC. 205. Not to exceed 5 percent of any appropria-
16 tion made available for the current fiscal year for the De-
17 partment of Justice in this Act may be transferred be-
18 tween such appropriations, but no such appropriation, ex-
19 cept as otherwise specifically provided, shall be increased
20 by more than 10 percent by any such transfers: *Provided*,
21 That any transfer pursuant to this section shall be treated
22 as a reprogramming of funds under section 505 of this
23 Act and shall not be available for obligation except in com-
24 pliance with the procedures set forth in that section.

1 SEC. 206. The Attorney General is authorized to ex-
2 tend through September 30, 2010, the Personnel Manage-
3 ment Demonstration Project transferred to the Attorney
4 General pursuant to section 1115 of the Homeland Secu-
5 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533)
6 without limitation on the number of employees or the posi-
7 tions covered.

8 SEC. 207. Notwithstanding any other provision of
9 law, Public Law 102–395 section 102(b) shall extend to
10 the Bureau of Alcohol, Tobacco, Firearms and Explosives
11 in the conduct of undercover investigative operations and
12 shall apply without fiscal year limitation with respect to
13 any undercover investigative operation initiated by the Bu-
14 reau of Alcohol, Tobacco, Firearms and Explosives that
15 is necessary for the detection and prosecution of crimes
16 against the United States.

17 SEC. 208. None of the funds made available to the
18 Department of Justice in this Act may be used for the
19 purpose of transporting an individual who is a prisoner
20 pursuant to conviction for crime under State or Federal
21 law and is classified as a maximum or high security pris-
22 oner, other than to a prison or other facility certified by
23 the Federal Bureau of Prisons as appropriately secure for
24 housing such a prisoner.

1 SEC. 209. (a) None of the funds appropriated by this
2 Act may be used by Federal prisons to purchase cable tele-
3 vision services, to rent or purchase videocassettes, video-
4 cassette recorders, or other audiovisual or electronic equip-
5 ment used primarily for recreational purposes.

6 (b) The preceding sentence does not preclude the
7 renting, maintenance, or purchase of audiovisual or elec-
8 tronic equipment for inmate training, religious, or edu-
9 cational programs.

10 SEC. 210. None of the funds made available under
11 this title shall be obligated or expended for Sentinel, or
12 for any other major new or enhanced information tech-
13 nology program having total estimated development costs
14 in excess of \$100,000,000, unless the Deputy Attorney
15 General and the investment review board certify to the
16 Committees on Appropriations that the information tech-
17 nology program has appropriate program management
18 and contractor oversight mechanisms in place, and that
19 the program is compatible with the enterprise architecture
20 of the Department of Justice.

21 SEC. 211. Any deviation from the amounts des-
22 ignated for specific activities in this Act and accompanying
23 report, or any use of deobligated balances of funds pro-
24 vided under this title in previous years, shall be subject
25 to the procedures set forth in section 505 of this Act.

1 SEC. 212. None of the funds appropriated by this Act
2 may be used to plan for, begin, continue, finish, process,
3 or approve a public-private competition under the Office
4 of Management and Budget Circular A-76 or any suc-
5 cessor administrative regulation, directive, or policy for
6 work performed by employees of the Bureau of Prisons
7 or of Federal Prison Industries, Incorporated.

8 SEC. 213. Notwithstanding any other provision of
9 law, no funds shall be available for the salary, benefits,
10 or expenses of any United States Attorney assigned dual
11 or additional responsibilities by the Attorney General or
12 his designee that exempt that United States Attorney
13 from the residency requirements of 28 U.S.C. 545.

14 SEC. 214. None of the funds appropriated in this or
15 any other Act shall be obligated for the initiation of a fu-
16 ture phase of the Federal Bureau of Investigation's Sen-
17 tinel program until the Attorney General certifies to the
18 Committees on Appropriations that existing phases cur-
19 rently under contract for development or fielding have
20 completed a majority of the work for that phase under
21 the performance measurement baseline validated by the
22 integrated baseline review conducted in 2008: *Provided*,
23 That this restriction does not apply to planning and design
24 activities for future phases: *Provided further*, That the Bu-

1 reau will notify the Committees on Appropriations of any
2 significant changes to the baseline.

3 SEC. 215. The Attorney General, and the head of any
4 entity in the Department of Justice, in making grants in
5 the exercise of authority under any discretionary grant
6 program shall—

7 (1) Conduct a peer review process, and

8 (2) adhere strictly to the peer review rankings
9 made.

10 This title may be cited as the “Department of Justice
11 Appropriations Act, 2009”.

12 TITLE III—SCIENCE

13 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

14 For necessary expenses of the Office of Science and
15 Technology Policy, in carrying out the purposes of the Na-
16 tional Science and Technology Policy, Organization, and
17 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
18 passenger motor vehicles, and services as authorized by
19 5 U.S.C. 3109, not to exceed \$2,500 for official reception
20 and representation expenses, and rental of conference
21 rooms in the District of Columbia, \$5,303,000.

22 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

23 SCIENCE

24 For necessary expenses, not otherwise provided for,
25 in the conduct and support of science research and devel-

1 opment activities, including research, development, oper-
2 ations, support, and services; maintenance; construction of
3 facilities including repair, rehabilitation, revitalization,
4 and modification of facilities, construction of new facilities
5 and additions to existing facilities, facility planning and
6 design, and restoration, and acquisition or condemnation
7 of real property, as authorized by law; environmental com-
8 pliance and restoration; space flight, spacecraft control,
9 and communications activities; program management; per-
10 sonnel and related costs, including uniforms or allowances
11 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
12 penses; purchase and hire of passenger motor vehicles; and
13 purchase, lease, charter, maintenance, and operation of
14 mission and administrative aircraft, \$4,518,019,000 to re-
15 main available until September 30, 2010.

16 AERONAUTICS

17 For necessary expenses, not otherwise provided for,
18 in the conduct and support of aeronautics research and
19 development activities, including research, development,
20 operations, support, and services; maintenance; construc-
21 tion of facilities including repair, rehabilitation, revitaliza-
22 tion, and modification of facilities, construction of new fa-
23 cilities and additions to existing facilities, facility planning
24 and design, and restoration, and acquisition or condemna-
25 tion of real property, as authorized by law; environmental

1 compliance and restoration; space flight, spacecraft con-
2 trol, and communications activities; program manage-
3 ment; personnel and related costs, including uniforms or
4 allowances therefor, as authorized by 5 U.S.C. 5901–
5 5902; travel expenses; purchase and hire of passenger
6 motor vehicles; and purchase, lease, charter, maintenance,
7 and operation of mission and administrative aircraft,
8 \$515,000,000 to remain available until September 30,
9 2010.

10

EXPLORATION

11 For necessary expenses, not otherwise provided for,
12 in the conduct and support of exploration research and
13 development activities, including research, development,
14 operations, support, and services; maintenance; construc-
15 tion of facilities including repair, rehabilitation, revitaliza-
16 tion, and modification of facilities, construction of new fa-
17 cilities and additions to existing facilities, facility planning
18 and design, and restoration, and acquisition or condemna-
19 tion of real property, as authorized by law; environmental
20 compliance and restoration; space flight, spacecraft con-
21 trol, and communications activities; program manage-
22 ment, personnel and related costs, including uniforms or
23 allowances therefor, as authorized by 5 U.S.C. 5901–
24 5902; travel expenses; purchase and hire of passenger
25 motor vehicles; and purchase, lease, charter, maintenance,

1 and operation of mission and administrative aircraft,
2 \$3,505,686,000 to remain available until September 30,
3 2010.

4 SPACE OPERATIONS

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of space operations research
7 and development activities, including research, develop-
8 ment, operations, support and services; space flight, space-
9 craft control and communications activities including oper-
10 ations, production, and services; maintenance; construc-
11 tion of facilities including repair, rehabilitation, revitaliza-
12 tion and modification of facilities, construction of new fa-
13 cilities and additions to existing facilities, facility planning
14 and design, and restoration, and acquisition or condemna-
15 tion of real property, as authorized by law; environmental
16 compliance and restoration; program management; per-
17 sonnel and related costs, including uniforms or allowances
18 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
19 penses; purchase and hire of passenger motor vehicles; and
20 purchase, lease, charter, maintenance and operation of
21 mission and administrative aircraft, \$5,764,710,000, to
22 remain available until September 30, 2010. *Provided,*
23 That of the amounts provided under this heading,
24 \$2,981,724,000 shall be for Space Shuttle operations, pro-
25 duction, research, development, and support,

1 \$2,060,162,000 shall be for International Space Station
2 operations, production, research, development, and sup-
3 port, and \$722,824,000 shall be for Space and Flight sup-
4 port: *Provided*, That amounts provided herein shall include
5 necessary expenses for all baseline Space Shuttle flights
6 listed in the flight manifest as of May 22, 2008, and Utili-
7 zation flights ULF-4 and ULF-5, which shall henceforth
8 be considered baseline flights, and which shall be flown
9 prior to the retirement of the Space shuttle to continue
10 safe operations of the International Space Station: *Pro-*
11 *vided further*, That the Administrator shall certify to Con-
12 gress prior to the flights of Utilization flight ULF-4 and
13 ULF-5 that each mission is necessary and can be safely
14 conducted.

15 EDUCATION

16 For necessary expenses, not otherwise provided for,
17 in carrying out aerospace and aeronautical education re-
18 search and development activities, including research, de-
19 velopment, operations, support, and services; program
20 management; personnel and related costs, uniforms or al-
21 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
22 travel expenses; purchase and hire of passenger motor ve-
23 hicles; and purchase, lease, charter, maintenance, and op-
24 eration of mission and administrative aircraft,

1 \$187,200,000, to remain available until September 30,
2 2010.

3 CROSS-AGENCY SUPPORT PROGRAMS

4 For necessary expenses, not otherwise provided for,
5 in the conduct and support of science, aeronautics, explo-
6 ration, space operations and education research and devel-
7 opment activities, including research, development, oper-
8 ations, support, and services; maintenance; construction of
9 facilities including repair, rehabilitation, revitalization,
10 and modification of facilities, construction of new facilities
11 and additions to existing facilities, facility planning and
12 design, and restoration, and acquisition or condemnation
13 of real property, as authorized by law; environmental com-
14 pliance and restoration; space flight, spacecraft control,
15 and communications activities; program management; per-
16 sonnel and related costs, including uniforms or allowances
17 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
18 penses; purchase and hire of passenger motor vehicles; not
19 to exceed \$35,000 for official reception and representation
20 expenses; and purchase, lease, charter, maintenance, and
21 operation of mission and administrative aircraft,
22 \$3,244,752,000, to remain available until September 30,
23 2010: *Provided*, That not less than \$38,347,000 shall be
24 available for independent verification and validation activi-
25 ties, of which \$5,000,000 shall be available for competitive

1 research solicitations to develop new tools in verification
2 and validation systems, and \$33,347,000 shall be available
3 for operations of the independent verification and valida-
4 tion center: *Provided further*, That within the amounts ap-
5 propriated \$30,000,000 shall be used for the projects, and
6 in the amounts, specified in the table titled “Congression-
7 ally-designated Items” in the report of the Committee on
8 Appropriations of the House of Representatives to accom-
9 pany this Act.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General in carrying out the Inspector General Act of 1978,
13 \$33,600,000, to remain available until September 30,
14 2010.

15 ADMINISTRATIVE PROVISIONS

16 Notwithstanding the limitation on the duration of
17 availability of funds appropriated to the National Aero-
18 nautics and Space Administration for any account under
19 this title except for “Office of Inspector General,” when
20 any activity has been initiated by the incurrence of obliga-
21 tions for construction of facilities or environmental compli-
22 ance and restoration activities as authorized by law, such
23 amount available for such activity shall remain available
24 until expended. This provision does not apply to the
25 amounts appropriated for institutional minor revitaliza-

1 tion and minor construction of facilities, and institutional
2 facility planning and design.

3 Notwithstanding the limitation on the availability of
4 funds appropriated by this appropriations Act to the Na-
5 tional Aeronautics and Space Administration for an ac-
6 count under this title except for “Office of Inspector Gen-
7 eral,” the amounts appropriated for construction of facili-
8 ties shall remain available until September 30, 2011.

9 Funds for announced prizes otherwise authorized
10 shall remain available, without fiscal year limitation, until
11 the prize is claimed or the offer is withdrawn.

12 Not to exceed 5 percent of any appropriation made
13 available for the current fiscal year for the National Aero-
14 nautics and Space Administration in this Act may be
15 transferred between such appropriations, but no such ap-
16 propriation, except as otherwise specifically provided, shall
17 be increased by more than 10 percent by any such trans-
18 fers. Any transfer pursuant to this provision shall be treat-
19 ed as a reprogramming of funds under section 505 of this
20 Act and shall not be available for obligation except in com-
21 pliance with the procedures set forth in that section.

22 Notwithstanding any other provision of law, no funds
23 shall be used to implement any Reduction-in-Force or
24 other involuntary separations (except for cause) by the

1 National Aeronautics and Space Administration prior to
2 September 30, 2009.

3 The unexpired balances of the Science, Aeronautics,
4 and Exploration account, for activities for which funds are
5 provided under this Act, may be transferred to the new
6 accounts established in this Act that provide such activity.
7 Balances so transferred shall be merged with the funds
8 in the newly established accounts, but shall be available
9 under the same terms, conditions and period of time as
10 previously appropriated.

11 The Administrator of NASA shall, not later than No-
12 vember 1, 2008, submit to the appropriate committees of
13 Congress a report that delineates by fiscal year, mission
14 directorate and object class the full costs necessary for
15 Space Shuttle retirement and transition activities for fis-
16 cal years 2006 through 2015 that includes, but is not lim-
17 ited to, the following:

18 (1) the costs for environmental compliance and
19 remediation;

20 (2) the gross and net proceeds from exchange
21 sales of excess Space Shuttle equipment;

22 (3) the costs to maintain required facilities at
23 Kennedy Space Center during the gap in human
24 space flight;

1 (4) the costs associated with preservation of
2 historic properties;

3 (5) the costs of workforce transition; and

4 (6) other costs related to Space Shuttle retire-
5 ment and transition.

6 None of the funds provided in this Act shall be avail-
7 able for the salaries and expenses of more than 48 full-
8 time equivalent non-career positions in the National Aero-
9 nautics and Space Administration: *Provided*, That none of
10 the personnel covered by this provision may be assigned
11 on temporary detail outside the National Aeronautics and
12 Space Administration.

13 NATIONAL SCIENCE FOUNDATION

14 RESEARCH AND RELATED ACTIVITIES

15 For necessary expenses in carrying out the National
16 Science Foundation Act of 1950, as amended (42 U.S.C.
17 1861–1875), and the Act to establish a National Medal
18 of Science (42 U.S.C. 1880–1881); services as authorized
19 by 5 U.S.C. 3109; maintenance and operation of aircraft
20 and purchase of flight services for research support; acqui-
21 sition of aircraft; and authorized travel; \$5,544,140,000,
22 to remain available until September 30, 2010, of which
23 not to exceed \$540,000,000 shall remain available until
24 expended for polar research and operations support, and
25 for reimbursement to other Federal agencies for oper-

1 ational and science support and logistical and other re-
2 lated activities for the United States Antarctic program:
3 *Provided*, That from funds specified in the fiscal year
4 2009 budget request for icebreaking services, up to
5 \$54,000,000 shall be available for the procurement of
6 polar icebreaking services: *Provided further*, That the Na-
7 tional Science Foundation shall only reimburse the Coast
8 Guard for such sums as are agreed to according to the
9 existing memorandum of agreement: *Provided further*,
10 That receipts for scientific support services and materials
11 furnished by the National Research Centers and other Na-
12 tional Science Foundation supported research facilities
13 may be credited to this appropriation: *Provided further*,
14 That not less than \$133,000,000 shall be available for ac-
15 tivities authorized by section 7002(b)(2)(A)(iv) of Public
16 Law 110–69.

17 MAJOR RESEARCH EQUIPMENT AND FACILITIES

18 CONSTRUCTION

19 For necessary expenses for the acquisition, construc-
20 tion, commissioning, and upgrading of major research
21 equipment, facilities, and other such capital assets pursu-
22 ant to the National Science Foundation Act of 1950, as
23 amended (42 U.S.C. 1861–1875), including authorized
24 travel, \$147,510,000, to remain available until expended.

1 EDUCATION AND HUMAN RESOURCES

2 For necessary expenses in carrying out science and
3 engineering education and human resources programs and
4 activities pursuant to the National Science Foundation
5 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
6 ing services as authorized by 5 U.S.C. 3109, authorized
7 travel, and rental of conference rooms in the District of
8 Columbia, \$840,260,000, to remain available until Sep-
9 tember 30, 2010: *Provided further*, That not less than
10 \$50,000,000 shall be available for activities authorized by
11 section 7030 of Public Law 110–69.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For agency operations and award management nec-
14 essary in carrying out the National Science Foundation
15 Act of 1950, as amended (42 U.S.C. 1861–1875); services
16 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
17 hicles; not to exceed \$9,000 for official reception and rep-
18 resentation expenses; uniforms or allowances therefor, as
19 authorized by 5 U.S.C. 5901–5902; rental of conference
20 rooms in the District of Columbia; and reimbursement of
21 the Department of Homeland Security for security guard
22 services; \$305,060,000: *Provided*, That contracts may be
23 entered into under this heading in fiscal year 2009 for
24 maintenance and operation of facilities, and for other serv-
25 ices, to be provided during the next fiscal year.

1 OFFICE OF THE NATIONAL SCIENCE BOARD

2 For necessary expenses (including payment of sala-
3 ries, authorized travel, hire of passenger motor vehicles,
4 the rental of conference rooms in the District of Columbia,
5 and the employment of experts and consultants under sec-
6 tion 3109 of title 5, United States Code) involved in car-
7 rying out section 4 of the National Science Foundation
8 Act of 1950, as amended (42 U.S.C. 1863) and Public
9 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,030,000: *Pro-*
10 *vided*, That not to exceed \$2,500 shall be available for offi-
11 cial reception and representation expenses.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General as authorized by the Inspector General Act of
15 1978, as amended, \$13,100,000.

16 This title may be cited as the “Science Appropria-
17 tions Act, 2009”.

18 TITLE IV—RELATED AGENCIES

19 COMMISSION ON CIVIL RIGHTS

20 SALARIES AND EXPENSES

21 For necessary expenses of the Commission on Civil
22 Rights, including hire of passenger motor vehicles,
23 \$8,800,000: *Provided*, That none of the funds appro-
24 priated in this paragraph shall be used to employ in excess
25 of four full-time individuals under Schedule C of the Ex-

1 cepted Service exclusive of one special assistant for each
2 Commissioner: *Provided further*, That none of the funds
3 appropriated in this paragraph shall be used to reimburse
4 Commissioners for more than 75 billable days, with the
5 exception of the chairperson, who is permitted 125 billable
6 days.

7 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses of the Equal Employment
10 Opportunity Commission as authorized by title VII of the
11 Civil Rights Act of 1964, the Age Discrimination in Em-
12 ployment Act of 1967, the Equal Pay Act of 1963, the
13 Americans with Disabilities Act of 1990, and the Civil
14 Rights Act of 1991, including services as authorized by
15 5 U.S.C. 3109; hire of passenger motor vehicles as author-
16 ized by 31 U.S.C. 1343(b); nonmonetary awards to private
17 citizens; and not to exceed \$28,000,000 for payments to
18 State and local enforcement agencies for authorized serv-
19 ices to the Commission, \$350,425,000: *Provided*, That the
20 Commission is authorized to make available for official re-
21 ception and representation expenses not to exceed \$2,500
22 from available funds: *Provided further*, That the Commis-
23 sion may take no action to implement any workforce repo-
24 sitioning, restructuring, or reorganization until such time
25 as the House and Senate Committees on Appropriations

1 have been notified of such proposals, in accordance with
2 the reprogramming requirements of section 505 of this
3 Act.

4 INTERNATIONAL TRADE COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the International Trade
7 Commission, including hire of passenger motor vehicles,
8 and services as authorized by 5 U.S.C. 3109, and not to
9 exceed \$2,500 for official reception and representation ex-
10 penses, \$75,100,000, to remain available until expended.

11 LEGAL SERVICES CORPORATION

12 PAYMENT TO THE LEGAL SERVICES CORPORATION

13 For payment to the Legal Services Corporation to
14 carry out the purposes of the Legal Services Corporation
15 Act of 1974, \$390,000,000, of which \$366,838,000 is for
16 basic field programs and required independent audits;
17 \$3,162,000 is for the Office of Inspector General, of which
18 such amounts as may be necessary may be used to conduct
19 additional audits of recipients; \$16,000,000 is for manage-
20 ment and administration; \$3,000,000 is for client self-help
21 and information technology; and \$1,000,000 is for loan
22 repayment assistance: *Provided*, That the Legal Services
23 Corporation may continue to provide locality pay to offi-
24 cers and employees at a rate no greater than that provided
25 by the Federal Government to Washington, DC-based em-

1 ployees as authorized by 5 U.S.C. 5304, notwithstanding
2 section 1005(d) of the Legal Services Corporation Act, 42
3 U.S.C. 2996(d).

4 ADMINISTRATIVE PROVISION—LEGAL SERVICES
5 CORPORATION

6 None of the funds appropriated in this Act to the
7 Legal Services Corporation shall be expended for any pur-
8 pose prohibited or limited by, or contrary to any of the
9 provisions of, sections 501, 502, 503, 504, 505, and 506
10 of Public Law 105–119, and all funds appropriated in this
11 Act to the Legal Services Corporation shall be subject to
12 the same terms and conditions set forth in such sections,
13 except that all references in sections 502 and 503 to 1997
14 and 1998 shall be deemed to refer instead to 2008 and
15 2009, respectively.

16 MARINE MAMMAL COMMISSION
17 SALARIES AND EXPENSES

18 For necessary expenses of the Marine Mammal Com-
19 mission as authorized by title II of Public Law 92–522,
20 \$3,200,000.

21 NATIONAL VETERANS BUSINESS DEVELOPMENT
22 CORPORATION
23 SALARIES AND EXPENSES

24 For necessary expenses of the National Veterans
25 Business Development Corporation established under sec-

1 tion 33 of the Small Business Act (15 U.S.C. 657c),
2 \$3,200,000, to remain available until expended.

3 OFFICE OF THE UNITED STATES TRADE

4 REPRESENTATIVE

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of the United
7 States Trade Representative, including the hire of pas-
8 senger motor vehicles and the employment of experts and
9 consultants as authorized by 5 U.S.C. 3109, \$48,272,000,
10 of which \$1,000,000 shall remain available until expended:
11 *Provided*, That not to exceed \$124,000 shall be available
12 for official reception and representation expenses: *Pro-*
13 *vided further*, That negotiations shall be conducted within
14 the World Trade Organization to recognize the right of
15 members to distribute monies collected from antidumping
16 and countervailing duties: *Provided further*, That negotia-
17 tions shall be conducted within the World Trade Organiza-
18 tion consistent with the negotiating objectives contained
19 in the Trade Act of 2002, Public Law 107–210.

20 STATE JUSTICE INSTITUTE

21 SALARIES AND EXPENSES

22 For necessary expenses of the State Justice Institute,
23 as authorized by the State Justice Institute Authorization
24 Act of 1984 (42 U.S.C. 10701 et. seq.) \$4,100,000: *Pro-*

1 *vided*, That not to exceed \$2,500 shall be available for offi-
2 cial reception and representation expenses.

3 TITLE V—GENERAL PROVISIONS

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 501. No part of any appropriation contained in
6 this Act shall be used for publicity or propaganda purposes
7 not authorized by the Congress.

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

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

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

24 SEC. 505. (a) None of the funds provided under this
25 Act, or provided under previous appropriations Acts to the

1 agencies funded by this Act that remain available for obli-
2 gation or expenditure in fiscal year 2009, or provided from
3 any accounts in the Treasury of the United States derived
4 by the collection of fees available to the agencies funded
5 by this Act, shall be available for obligation or expenditure
6 through the reprogramming of funds that:

7 (1) creates or initiates a new program, project or ac-
8 tivity;

9 (2) eliminates a program, project or activity, unless
10 the House and Senate Committees on Appropriations are
11 notified 15 days in advance of such reprogramming of
12 funds;

13 (3) increases funds or personnel by any means for
14 any project or activity for which funds have been denied
15 or restricted by this Act, unless the House and Senate
16 Committees on Appropriations are notified 15 days in ad-
17 vance of such reprogramming of funds;

18 (4) relocates an office or employees, unless the House
19 and Senate Committees on Appropriations are notified 15
20 days in advance of such reprogramming of funds;

21 (5) reorganizes or renames offices, programs or ac-
22 tivities, unless the House and Senate Committees on Ap-
23 propriations are notified 15 days in advance of such re-
24 programming of funds;

1 (6) contracts out or privatizes any functions or activi-
2 ties presently performed by Federal employees, unless the
3 House and Senate Committees on Appropriations are noti-
4 fied 15 days in advance of such reprogramming of funds;

5 (7) proposes to use funds directed for a specific activ-
6 ity by either the House or Senate Committee on Appro-
7 priations for a different purpose, unless the House and
8 Senate Committees on Appropriations are notified 15 days
9 in advance of such reprogramming of funds;

10 (8) augments funds for existing programs, projects
11 or activities in excess of \$500,000 or 10 percent, which-
12 ever is less, or reduces by 10 percent funding for any pro-
13 gram, project or activity, or numbers of personnel by 10
14 percent as approved by Congress, unless the House and
15 Senate Committees on Appropriations are notified 15 days
16 in advance of such reprogramming of funds; or

17 (9) results from any general savings, including sav-
18 ings from a reduction in personnel, which would result in
19 a change in existing programs, projects or activities as ap-
20 proved by Congress, unless the House and Senate Com-
21 mittees on Appropriations are notified 15 days in advance
22 of such reprogramming of funds.

23 (b) None of the funds in provided under this Act, or
24 provided under previous appropriations Acts to the agen-
25 cies funded by this Act that remain available for obligation

1 or expenditure in fiscal year 2009, or provided from any
2 accounts in the Treasury of the United States derived by
3 the collection of fees available to the agencies funded by
4 this Act, shall be available for obligation or expenditure
5 through the reprogramming of funds after August 30, ex-
6 cept in extraordinary circumstances, and only after the
7 House and Senate Committees on Appropriations are noti-
8 fied 30 days in advance of such reprogramming of funds.

9 SEC. 506. None of the funds made available in this
10 Act may be used to implement, administer, or enforce any
11 guidelines of the Equal Employment Opportunity Com-
12 mission covering harassment based on religion, when it is
13 made known to the Federal entity or official to which such
14 funds are made available that such guidelines do not differ
15 in any respect from the proposed guidelines do not differ
16 in any respect from the proposed guidelines published by
17 the Commission on October 1, 1993 (58 Fed. Reg.
18 51266).

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

1 in this Act, pursuant to the debarment, suspension, and
2 ineligibility procedures described in sections 9.400 through
3 9.409 of title 48, Code of Federal Regulations.

4 SEC. 508. The Departments of Commerce and Jus-
5 tice, the National Science Foundation, and the National
6 Aeronautics and Space Administration, shall provide to
7 the House and Senate Committees on Appropriations a
8 quarterly accounting of the cumulative balances of any un-
9 obligated funds that were received by such agency during
10 any previous fiscal year.

11 SEC. 509. Any costs incurred by a department or
12 agency funded under this Act resulting from, or to pre-
13 vent, personnel actions taken in response to funding re-
14 ductions included in this Act shall be absorbed within the
15 total budgetary resources available to such department or
16 agency: *Provided*, That the authority to transfer funds be-
17 tween appropriations accounts as may be necessary to
18 carry out this section is provided in addition to authorities
19 included elsewhere in this Act: *Provided further*, That use
20 of funds to carry out this section shall be treated as a
21 reprogramming of funds under section 505 of this Act and
22 shall not be available for obligation or expenditure except
23 in compliance with the procedures set forth in that section.

24 SEC. 510. None of the funds provided by this Act
25 shall be available to promote the sale or export of tobacco

1 or tobacco products, or to seek the reduction or removal
2 by any foreign country of restrictions on the marketing
3 of tobacco or tobacco products, except for restrictions
4 which are not applied equally to all tobacco or tobacco
5 products of the same type.

6 SEC. 511. None of the funds appropriated pursuant
7 to this Act or any other provision of law may be used for—

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

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

22 SEC. 512. None of the funds made available in this
23 Act may be used to pay the salaries and expenses of per-
24 sonnel of the Department of Justice to obligate more than
25 \$650,000,000 during fiscal year 2009 from the fund es-

1 tablished by section 1402 of chapter XIV of title II of
2 Public Law 98–473 (42 U.S.C. 10601).

3 SEC. 513. None of the funds made available to the
4 Department of Justice in this Act may be used to discrimi-
5 nate against or denigrate the religious or moral beliefs of
6 students who participate in programs for which financial
7 assistance is provided from those funds, or of the parents
8 or legal guardians of such students.

9 SEC. 514. None of the funds made available in this
10 Act may be transferred to any department, agency, or in-
11 strumentality of the United States Government, except
12 pursuant to a transfer made by, or transfer authority pro-
13 vided in, this Act or any other appropriations Act.

14 SEC. 515. Any funds provided in this Act used to im-
15 plement E-Government Initiatives shall be subject to the
16 procedures set forth in section 505 of this Act.

17 SEC. 516. (a) Tracing studies conducted by the Bu-
18 reau of Alcohol, Tobacco, Firearms and Explosives are re-
19 leased without adequate disclaimers regarding the limita-
20 tions of the data.

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

1 (1) Firearm traces are designed to assist law
2 enforcement authorities in conducting investigations
3 by tracking the sale and possession of specific fire-
4 arms. Law enforcement agencies may request fire-
5 arms traces for any reason, and those reasons are
6 not necessarily reported to the Federal Government.
7 Not all firearms used in crime are traced and not all
8 firearms traced are used in crime.

9 (2) Firearms selected for tracing are not chosen
10 for purposes of determining which types, makes, or
11 models of firearms are used for illicit purposes. The
12 firearms selected do not constitute a random sample
13 and should not be considered representative of the
14 larger universe of all firearms used by criminals, or
15 any subset of that universe. Firearms are normally
16 traced to the first retail seller, and sources reported
17 for firearms traced do not necessarily represent the
18 sources or methods by which firearms in general are
19 acquired for use in crime.

20 SEC. 517. (a) The Inspectors General of the Depart-
21 ment of Commerce, the Department of Justice, the Na-
22 tional Aeronautics and Space Administration, and the Na-
23 tional Science Foundation shall conduct audits, pursuant
24 to the Inspector General Act (5 U.S.C. App.), of grants
25 or contracts for which funds are appropriated by this Act,

1 and shall submit reports to Congress on the progress of
2 such audits, which may include preliminary findings and
3 a description of areas of particular interest, within 180
4 days after initiating such an audit and every 180 days
5 thereafter until any such audit is completed.

6 (b) Within 60 days after the date on which an audit
7 described in subsection (a) by an Inspector General is
8 completed, the Secretary, Attorney General, Adminis-
9 trator, or Director, as appropriate, shall make the results
10 of the audit available to the public on the Internet website
11 maintained by the Department, Administration, or Foun-
12 dation, respectively. The results shall be made available
13 in redacted form to exclude—

14 (1) any matter described in section 552(b) of
15 title 5, United States Code; and

16 (2) sensitive personal information for any indi-
17 vidual, the public access to which could be used to
18 commit identity theft or for other inappropriate or
19 unlawful purposes.

20 (c) A grant or contract funded by amounts appro-
21 priated by this Act may not be used for the purpose of
22 defraying the costs of a banquet or conference that is not
23 directly and programmatically related to the purpose for
24 which the grant or contract was awarded, such as a ban-
25 quet or conference held in connection with planning, train-

1 ing, assessment, review, or other routine purposes related
2 to a project funded by the grant or contract.

3 (d) Any person awarded a grant or contract funded
4 by amounts appropriated by this Act shall submit a state-
5 ment to the Secretary of Commerce, the Attorney General,
6 the Administrator, or the Director, as appropriate, certi-
7 fying that no funds derived from the grant or contract
8 will be made available through a subcontract or in any
9 other manner to another person who has a financial inter-
10 est in the person awarded the grant or contract.

11 (e) The provisions of the preceding subsections of this
12 section shall take effect 30 days after the date on which
13 the Director of the Office of Management and Budget, in
14 consultation with the Director of the Office of Government
15 Ethics, determines that a uniform set of rules and require-
16 ments, substantially similar to the requirements in such
17 subsections, consistently apply under the executive branch
18 ethics program to all Federal departments, agencies, and
19 entities.

20 SEC. 518. None of the funds appropriated or other-
21 wise made available under this Act may be used to issue
22 patents on claims directed to or encompassing a human
23 organism.

24 SEC. 519. None of the funds made available in this
25 Act shall be used in any way whatsoever to support or

1 justify the use of torture by any official or contract em-
2 ployee of the United States Government.

3 SEC. 520. (a) Notwithstanding any other provision
4 of law or treaty, none of the funds appropriated or other-
5 wise made available under this Act or any other Act may
6 be expended or obligated by a department, agency, or in-
7 strumentality of the United States to pay administrative
8 expenses or to compensate an officer or employee of the
9 United States in connection with requiring an export li-
10 cense for the export to Canada of components, parts, ac-
11 cessories or attachments for firearms listed in Category
12 I, section 121.1 of title 22, Code of Federal Regulations
13 (International Trafficking in Arms Regulations (ITAR),
14 part 121, as it existed on April 1, 2005) with a total value
15 not exceeding \$500 wholesale in any transaction, provided
16 that the conditions of subsection (b) of this section are
17 met by the exporting party for such articles.

18 (b) The foregoing exemption from obtaining an ex-
19 port license—

20 (1) does not exempt an exporter from filing any
21 Shipper's Export Declaration or notification letter
22 required by law, or from being otherwise eligible
23 under the laws of the United States to possess, ship,
24 transport, or export the articles enumerated in sub-
25 section (a); and

1 (2) does not permit the export without a license
2 of—

3 (A) fully automatic firearms and compo-
4 nents and parts for such firearms, other than
5 for end use by the Federal Government, or a
6 Provincial or Municipal Government of Canada;

7 (B) barrels, cylinders, receivers (frames) or
8 complete breech mechanisms for any firearm
9 listed in Category I, other than for end use by
10 the Federal Government, or a Provincial or Mu-
11 nicipal Government of Canada; or

12 (C) articles for export from Canada to an-
13 other foreign destination.

14 (c) In accordance with this section, the District Di-
15 rectors of Customs and postmasters shall permit the per-
16 manent or temporary export without a license of any un-
17 classified articles specified in subsection (a) to Canada for
18 end use in Canada or return to the United States, or tem-
19 porary import of Canadian-origin items from Canada for
20 end use in the United States or return to Canada for a
21 Canadian citizen.

22 (d) The President may require export licenses under
23 this section on a temporary basis if the President deter-
24 mines, upon publication first in the Federal Register, that
25 the Government of Canada has implemented or main-

1 tained inadequate import controls for the articles specified
2 in subsection (a), such that a significant diversion of such
3 articles has and continues to take place for use in inter-
4 national terrorism or in the escalation of a conflict in an-
5 other nation. The President shall terminate the require-
6 ments of a license when reasons for the temporary require-
7 ments have ceased.

8 SEC. 521. Notwithstanding any other provision of
9 law, no department, agency, or instrumentality of the
10 United States receiving appropriated funds under this Act
11 or any other Act shall obligate or expend in any way such
12 funds to pay administrative expenses or the compensation
13 of any officer or employee of the United States to deny
14 any application submitted pursuant to 22 U.S.C.
15 2778(b)(1)(B) and qualified pursuant to 27 CFR section
16 478.112 or .113, for a permit to import United States ori-
17 gin “curios or relics” firearms, parts, or ammunition.

18 SEC. 522. None of the funds made available in this
19 Act may be used to include in any new bilateral or multi-
20 lateral trade agreement the text of—

21 (1) paragraph 2 of article 16.7 of the United
22 States-Singapore Free Trade Agreement;

23 (2) paragraph 4 of article 17.9 of the United
24 States-Australia Free Trade Agreement; or

1 (3) paragraph 4 of article 15.9 of the United
2 States-Morocco Free Trade Agreement.

3 SEC. 523. None of the funds made available in this
4 Act may be used to authorize or issue a national security
5 letter in contravention of any of the following laws author-
6 izing the Federal Bureau of Investigation to issue national
7 security letters: The Right to Financial Privacy Act; The
8 Electronic Communications Privacy Act; The Fair Credit
9 Reporting Act; The National Security Act of 1947; USA
10 PATRIOT Act; and the laws amended by these Acts.

11 SEC. 524. None of the funds made available by this
12 Act may be used to implement the revision of Office of
13 Management and Budget Circular A-76 made on May 29,
14 2003.

15 SEC. 525. If at any time during any quarter, the pro-
16 gram manager of a project within the jurisdiction of the
17 Departments of Commerce or Justice, the National Aero-
18 nautics and Space Administration, or the National Science
19 Foundation totaling more than \$75,000,000 has reason-
20 able cause to believe that the total program cost has in-
21 creased by 10 percent, the program manager shall imme-
22 diately inform the Secretary, Administrator, or Director.
23 The Secretary, Administrator, or Director shall notify the
24 House and Senate Committees on Appropriations within
25 30 days in writing of such increase, and shall include in

1 such notice: the date on which such determination was
2 made; a statement of the reasons for such increases; the
3 action taken and proposed to be taken to control future
4 cost growth of the project; changes made in the perform-
5 ance or schedule milestones and the degree to which such
6 changes have contributed to the increase in total program
7 costs or procurement costs; new estimates of the total
8 project or procurement costs; and a statement validating
9 that the project's management structure is adequate to
10 control total project or procurement costs.

11 SEC. 526. Funds appropriated by this Act, or made
12 available by the transfer of funds in this Act, for intel-
13 ligence or intelligence related activities are deemed to be
14 specifically authorized by the Congress for purposes of sec-
15 tion 504 of the National Security Act of 1947 (50 U.S.C.
16 414) during fiscal year 2009 until the enactment of the
17 Intelligence Authorization Act for fiscal year 2009.

18 SEC. 527. None of the funds appropriated or other-
19 wise made available by this Act may be used to enter into
20 a contract in an amount greater than \$5,000,000 or to
21 award a grant in excess of such amount unless the pro-
22 spective contractor or grantee certifies in writing to the
23 agency awarding the contract or grant that, to the best
24 of its knowledge and belief, the contractor or grantee has
25 filed all Federal tax returns required during the three

1 years preceding the certification, has not been convicted
2 of a criminal offense under the Internal Revenue Code of
3 1986, and has not, more than 90 days prior to certifi-
4 cation, been notified of any unpaid Federal tax assessment
5 for which the liability remains unsatisfied, unless the as-
6 sessment is the subject of an installment agreement or
7 offer in compromise that has been approved by the Inter-
8 nal Revenue Service and is not in default, or the assess-
9 ment is the subject of a non-frivolous administrative or
10 judicial proceeding.

11 (RESCISSIONS)

12 SEC. 528. (a) Of the unobligated balances available
13 to the Department of Commerce from prior appropria-
14 tions, the following funds are hereby rescinded from the
15 following accounts in the specified amounts:

16 (1) Economic Development Administration,
17 \$14,000,000;

18 (2) International Trade Administration,
19 \$2,000,000;

20 (3) National Oceanic and Atmospheric Adminis-
21 tration, Operations, Research, and Facilities,
22 \$4,000,000;

23 (4) National Oceanic and Atmospheric Adminis-
24 tration, Procurement, Acquisition and Construction,
25 \$5,000,000;

1 (5) National Institute of Standards and Tech-
2 nology, Scientific and Technical Research and Serv-
3 ices, \$1,300,000;

4 (6) National Institute of Standards and Tech-
5 nology, Industrial Technology Services, \$7,200,000;

6 (7) National Telecommunications and Informa-
7 tion Administration, Public Telecommunications,
8 Facilities, Planning and Construction \$1,200,000;
9 and

10 (8) Bureau of the Census, \$1,000,000.

11 (b) Of the unobligated balances available to the De-
12 partment of Justice from prior appropriations, the fol-
13 lowing funds are hereby rescinded, not later than Sep-
14 tember 30, 2009, from the following accounts in the speci-
15 fied amounts:

16 (1) Assets Forfeiture Fund, \$285,000,000;

17 (2) Working Capital Fund, \$100,000,000;

18 (3) Office of Justice Programs, \$100,000,000;

19 and

20 (4) Community Oriented Policing Services,
21 \$100,000,000.

22 (c) Each department affected by the rescissions con-
23 tained in subsections (a) and (b) shall, within 30 days of
24 enactment of this Act, submit to the Committee on Appro-
25 priations of the House of Representatives and the Senate

1 a report specifying the amount of each rescission made
2 pursuant to this section.

3 (d) The rescissions contained in this section shall not
4 apply to funds provided in this Act.

5 This Act may be cited as the “Commerce, Justice,
6 Science, and Related Agencies Appropriations Act, 2009”.

Union Calendar No. 593

110TH CONGRESS
2^D SESSION

H. R. 7322

[Report No. 110-919]

A BILL

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2009, and for other purposes.

DECEMBER 10, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed