

Calendar No. 831110TH CONGRESS
2^D SESSION**S. 3182****[Report No. 110-397]**

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 SENATE OF THE UNITED STATES

JUNE 23, 2008

Ms. MIKULSKI, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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
2 DEPARTMENT OF COMMERCE
3 INTERNATIONAL TRADE ADMINISTRATION
4 OPERATIONS AND ADMINISTRATION

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

1 cle; obtaining insurance on official motor vehicles; and
2 rental of tie lines, \$429,870,000, to remain available until
3 September 30, 2010, of which \$9,439,000 is to be derived
4 from fees to be retained and used by the International
5 Trade Administration, notwithstanding 31 U.S.C. 3302:
6 *Provided*, That \$48,592,000 shall be for Manufacturing
7 and Services; \$42,332,000 shall be for Market Access and
8 Compliance; \$66,357,000 shall be for the Import Adminis-
9 tration; \$237,739,000 shall be for the United States and
10 Foreign Commercial Service; and \$25,411,000 shall be for
11 Executive Direction and Administration: *Provided further*,
12 That of the amount provided under this heading,
13 \$1,400,000 shall be for making grants for the promotion
14 of trade and the enhancement of the textile industry only
15 in accordance with the terms and conditions specified for
16 such grants in the report accompanying this Act: *Provided*
17 *further*, That the provisions of the first sentence of section
18 105(f) and all of section 108(c) of the Mutual Educational
19 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)
20 and 2458(c)) shall apply in carrying out these activities
21 without regard to section 5412 of the Omnibus Trade and
22 Competitiveness Act of 1988 (15 U.S.C. 4912); and that
23 for the purpose of this Act, contributions under the provi-
24 sions of the Mutual Educational and Cultural Exchange
25 Act of 1961 shall include payment for assessments for

1 services provided as part of these activities: *Provided fur-*
2 *ther*, That negotiations shall be conducted within the
3 World Trade Organization to recognize the right of mem-
4 bers to distribute monies collected from antidumping and
5 countervailing duties: *Provided further*, That negotiations
6 shall be conducted within the World Trade Organization
7 consistent with the negotiating objectives contained in the
8 Trade Act of 2002, Public Law 107–210.

9 BUREAU OF INDUSTRY AND SECURITY

10 OPERATIONS AND ADMINISTRATION

11 For necessary expenses for export administration and
12 national security activities of the Department of Com-
13 merce, including costs associated with the performance of
14 export administration field activities both domestically and
15 abroad; full medical coverage for dependent members of
16 immediate families of employees stationed overseas; em-
17 ployment of Americans and aliens by contract for services
18 abroad; payment of tort claims, in the manner authorized
19 in the first paragraph of 28 U.S.C. 2672 when such claims
20 arise in foreign countries; not to exceed \$15,000 for offi-
21 cial representation expenses abroad; awards of compensa-
22 tion to informers under the Export Administration Act of
23 1979, and as authorized by 22 U.S.C. 401(b); and pur-
24 chase of passenger motor vehicles for official use and
25 motor vehicles for law enforcement use with special re-

1 quirement vehicles eligible for purchase without regard to
2 any price limitation otherwise established by law,
3 \$83,676,000, to remain available until expended, of which
4 \$14,767,000 shall be for inspections and other activities
5 related to national security: *Provided*, That the provisions
6 of the first sentence of section 105(f) and all of section
7 108(c) of the Mutual Educational and Cultural Exchange
8 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
9 in carrying out these activities: *Provided further*, That
10 payments and contributions collected and accepted for ma-
11 terials or services provided as part of such activities may
12 be retained for use in covering the cost of such activities,
13 and for providing information to the public with respect
14 to the export administration and national security activi-
15 ties of the Department of Commerce and other export con-
16 trol programs of the United States and other govern-
17 ments.

18 ECONOMIC DEVELOPMENT ADMINISTRATION

19 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

20 For grants for economic development assistance as
21 provided by the Public Works and Economic Development
22 Act of 1965, and for trade adjustment assistance,
23 \$200,000,000, to remain available until expended.

24 SALARIES AND EXPENSES

25 For necessary expenses of administering the eco-
26 nomic development assistance programs as provided for by

1 law, \$32,800,000: *Provided*, That these funds may be used
2 to monitor projects approved pursuant to title I of the
3 Public Works Employment Act of 1976, title II of the
4 Trade Act of 1974, and the Community Emergency
5 Drought Relief Act of 1977.

6 MINORITY BUSINESS DEVELOPMENT AGENCY

7 MINORITY BUSINESS DEVELOPMENT

8 For necessary expenses of the Department of Com-
9 merce in fostering, promoting, and developing minority
10 business enterprise, including expenses of grants, con-
11 tracts, and other agreements with public or private organi-
12 zations, \$29,000,000.

13 ECONOMIC AND STATISTICAL ANALYSIS

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, of eco-
16 nomic and statistical analysis programs of the Department
17 of Commerce, \$90,621,000, to remain available until Sep-
18 tember 30, 2010.

19 BUREAU OF THE CENSUS

20 SALARIES AND EXPENSES

21 For expenses necessary for collecting, compiling, ana-
22 lyzing, preparing, and publishing statistics, provided for
23 by law, \$238,740,000.

24 PERIODIC CENSUSES AND PROGRAMS

25 For necessary expenses to collect and publish statis-
26 tics for periodic censuses and programs provided for by

1 law, \$2,912,262,000, to remain available until expended:
2 *Provided*, That none of the funds provided in this or any
3 other Act for any fiscal year may be used for the collection
4 of census data on race identification that does not include
5 “some other race” as a category: *Provided further*, That
6 from amounts provided herein, funds may be used for ad-
7 ditional promotion outreach and marketing activities.

8 NATIONAL TELECOMMUNICATIONS AND INFORMATION
9 ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses, as provided for by law, of
12 the National Telecommunications and Information Ad-
13 ministration (NTIA), \$19,218,000, to remain available
14 until September 30, 2010: *Provided*, That, notwith-
15 standing 31 U.S.C. 1535(d), the Secretary of Commerce
16 shall charge Federal agencies for costs incurred in spec-
17 trum management, analysis, and operations, and related
18 services and such fees shall be retained and used as offset-
19 ting collections for costs of such spectrum services, to re-
20 main available until expended: *Provided further*, That the
21 Secretary of Commerce is authorized to retain and use as
22 offsetting collections all funds transferred, or previously
23 transferred, from other Government agencies for all costs
24 incurred in telecommunications research, engineering, and
25 related activities by the Institute for Telecommunication

1 Sciences of NTIA, in furtherance of its assigned functions
2 under this paragraph, and such funds received from other
3 Government agencies shall remain available until ex-
4 pended.

5 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
6 AND CONSTRUCTION

7 For the administration of grants, authorized by sec-
8 tion 392 of the Communications Act of 1934,
9 \$20,000,000, to remain available until expended as au-
10 thorized by section 391 of the Act: *Provided*, That not to
11 exceed \$2,000,000 shall be available for program adminis-
12 tration as authorized by section 391 of the Act: *Provided*
13 *further*, That, notwithstanding the provisions of section
14 391 of the Act, the prior year unobligated balances may
15 be made available for grants for projects for which appli-
16 cations have been submitted and approved during any fis-
17 cal year.

18 TECHNOLOGY OPPORTUNITIES PROGRAM

19 For construction grants authorized by section 392 of
20 the Communications Act of 1934, as amended,
21 \$20,000,000, to remain available until expended: *Pro-*
22 *vided*, That funds provided under this heading shall be for
23 competitive grants for the construction of broadband serv-
24 ices and networks.

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Patent
4 and Trademark Office (USPTO) provided for by law, in-
5 cluding defense of suits instituted against the Under Sec-
6 retary of Commerce for Intellectual Property and Director
7 of the United States Patent and Trademark Office,
8 \$2,074,773,000, to remain available until expended: *Pro-*
9 *vided*, That the sum herein appropriated from the general
10 fund shall be reduced as offsetting collections assessed and
11 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
12 and 376 are received during fiscal year 2009, so as to re-
13 sult in a fiscal year 2009 appropriation from the general
14 fund estimated at \$0: *Provided further*, That during fiscal
15 year 2009, should the total amount of offsetting fee collec-
16 tions be less than \$2,074,773,000, this amount shall be
17 reduced accordingly: *Provided further*, That any amount
18 received in excess of \$2,074,773,000 in fiscal year 2009,
19 in an amount up to \$100,000,000, shall remain available
20 until expended: *Provided further*, That of the amounts pro-
21 vided to the USPTO within this account, \$10,000,000
22 shall not become available for obligation until the Director
23 of the USPTO has completed a comprehensive review of
24 the assumptions behind the patent examiner expectancy
25 goals and adopted a revised set of expectancy goals for

1 patent examination: *Provided further*, That not less than
2 1,116 full-time equivalents, 1,139 positions and
3 \$246,977,000 shall be for the examination of trademark
4 applications; and not less than 9,607 full-time equivalents,
5 10,179 positions and \$1,827,796,000 shall be for the ex-
6 amination and searching of patent applications: *Provided*
7 *further*, That \$1,000,000 may be transferred to “Depart-
8 mental Management”, “Salaries and Expenses” for activi-
9 ties associated with the National Intellectual Property
10 Law Enforcement Coordination Council: *Provided further*,
11 That any deviation from the full-time equivalent, position,
12 and funding designations set forth in the preceding pro-
13 visos shall be subject to the procedures set forth in section
14 505 of this Act: *Provided further*, That \$2,000,000 shall
15 be transferred to Office of Inspector General for activities
16 associated with carrying out investigations related to the
17 USPTO: *Provided further*, That from amounts provided
18 herein, not to exceed \$1,000 shall be made available in
19 fiscal year 2009 for official reception and representation
20 expenses: *Provided further*, That in fiscal year 2009, from
21 the amounts made available for “Salaries and Expenses”
22 for the USPTO, the amounts necessary to pay: (1) the
23 difference between the percentage of basic pay contributed
24 by the USPTO and employees under section 8334(a) of
25 title 5, United States Code, and the normal cost percent-

1 age (as defined by section 8331(17) of that title) of basic
2 pay, of employees subject to subchapter III of chapter 83
3 of that title; and (2) the present value of the otherwise
4 unfunded accruing costs, as determined by the Office of
5 Personnel Management, of post-retirement life insurance
6 and post-retirement health benefits coverage for all
7 USPTO employees, shall be transferred to the Civil Serv-
8 ice Retirement and Disability Fund, the Employees Life
9 Insurance Fund, and the Employees Health Benefits
10 Fund, as appropriate, and shall be available for the au-
11 thorized purposes of those accounts: *Provided further*,
12 That sections 801, 802, and 803 of division B, Public Law
13 108–447 shall remain in effect during fiscal year 2009:
14 *Provided further*, That the Director may, this year, reduce
15 by regulation fees payable for documents in patent and
16 trademark matters, in connection with the filing of docu-
17 ments filed electronically in a form prescribed by the Di-
18 rector.

19 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
20 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

21 For necessary expenses of the National Institute of
22 Standards and Technology, \$489,499,000, to remain
23 available until expended, of which not to exceed
24 \$12,300,000 may be transferred to the “Working Capital
25 Fund”: *Provided*, That of the amount provided under this

1 heading, \$3,000,000 shall be for making grants for re-
2 search to enhance measurements and standards only in
3 accordance with the terms and conditions specified for
4 such grants in the report accompanying this Act: *Provided*
5 *further*, That not to exceed \$5,000 shall be for official re-
6 ception and representation expenses.

7 INDUSTRIAL TECHNOLOGY SERVICES

8 For necessary expenses of the Hollings Manufac-
9 turing Extension Partnership of the National Institute of
10 Standards and Technology, \$110,000,000, to remain
11 available until expended.

12 In addition, for necessary expenses of the Technology
13 Innovation Program of the National Institute of Stand-
14 ards and Technology, \$65,000,000, to remain available
15 until expended: *Provided*, That of the \$71,200,000 pro-
16 vided for in direct obligations under this heading,
17 \$65,000,000 is appropriated from the general fund and
18 \$6,200,000 is derived from recoveries of prior year obliga-
19 tions.

20 CONSTRUCTION OF RESEARCH FACILITIES

21 For construction of new research facilities, including
22 architectural and engineering design, and for renovation
23 and maintenance of existing facilities including agency
24 recreational and welfare facilities, not otherwise provided
25 for the National Institute of Standards and Technology,
26 as authorized by 15 U.S.C. 278c–278e, \$149,000,000, to

1 remain available until expended: *Provided*, That of the
2 amount provided under this heading, \$44,000,000 shall be
3 for making grants for construction of facilities only in ac-
4 cordance with the terms and conditions specified for such
5 grants in the report accompanying this Act: *Provided fur-*
6 *ther*, That the Secretary of Commerce shall include in the
7 budget justification materials that the Secretary submits
8 to Congress in support of the Department of Commerce
9 budget (as submitted with the budget of the President
10 under section 1105(a) of title 31, United States Code) an
11 estimate for each National Institute of Standards and
12 Technology construction project having a total multi-year
13 program cost of more than \$5,000,000 and simultaneously
14 the budget justification materials shall include an estimate
15 of the budgetary requirements for each such project for
16 each of the five subsequent fiscal years.

17 NATIONAL OCEANIC AND ATMOSPHERIC

18 ADMINISTRATION

19 OPERATIONS, RESEARCH, AND FACILITIES

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses of activities authorized by law
22 for the National Oceanic and Atmospheric Administration,
23 including maintenance, operation, and hire of aircraft and
24 vessels; grants, contracts, or other payments to nonprofit
25 organizations for the purposes of conducting activities
26 pursuant to cooperative agreements; and relocation of fa-

1 cilities, \$3,051,911,000, to remain available until Sep-
2 tember 30, 2010, except for funds provided for cooperative
3 enforcement, which shall remain available until September
4 30, 2011: *Provided*, That fees and donations received by
5 the National Ocean Service for the management of na-
6 tional marine sanctuaries may be retained and used for
7 the salaries and expenses associated with those activities,
8 notwithstanding 31 U.S.C. 3302: *Provided further*, That
9 in addition, \$3,000,000 shall be derived by transfer from
10 the fund entitled “Coastal Zone Management” and in ad-
11 dition \$79,000,000 shall be derived by transfer from the
12 fund entitled “Promote and Develop Fishery Products and
13 Research Pertaining to American Fisheries”: *Provided*
14 *further*, That of the \$3,149,911,000 provided for in direct
15 obligations under this heading \$3,051,911,000 is appro-
16 priated from the general fund, \$82,000,000 is provided
17 by transfer, and \$16,000,000 is derived from recoveries
18 of prior year obligations: *Provided further*, That the total
19 amount available for the National Oceanic and Atmos-
20 pheric Administration corporate services administrative
21 support costs shall not exceed \$217,338,000: *Provided fur-*
22 *ther*, That payments of funds made available under this
23 heading to the Department of Commerce Working Capital
24 Fund including Department of Commerce General Coun-
25 sel legal services shall not exceed \$36,583,000: *Provided*

1 *further*, That of the amount provided under this heading,
2 \$107,805,000 shall be for making grants for research,
3 education, and other activities related to understanding
4 and protecting the environment only in accordance with
5 the terms and conditions specified for such grants in the
6 report accompanying this Act: *Provided further*, That any
7 deviation from the amounts designated for specific activi-
8 ties in the report accompanying this Act, or any use of
9 deobligated balances of funds provided under this heading
10 in previous years, shall be subject to the procedures set
11 forth in section 505 of this Act: *Provided further*, That
12 in allocating grants under sections 306 and 306A of the
13 Coastal Zone Management Act of 1972, as amended, no
14 coastal State shall receive more than 5 percent or less
15 than 1 percent of increased funds appropriated over the
16 previous fiscal year: *Provided further*, That funds for
17 “Coastal Zone Management Grants” in excess of
18 \$70,000,000 may be allocated on a competitive basis de-
19 veloped in consultation with eligible States: *Provided fur-*
20 *ther*, That in accordance with section 215 of Public Law
21 107–372 the number of officers in the NOAA Commis-
22 sioned Officer Corps shall increase to 321.

23 In addition, for necessary retired pay expenses under
24 the Retired Serviceman’s Family Protection and Survivor
25 Benefits Plan, and for payments for the medical care of

1 retired personnel and their dependents under the Depend-
2 ents Medical Care Act (10 U.S.C. ch. 55), such sums as
3 may be necessary.

4 PROCUREMENT, ACQUISITION AND CONSTRUCTION

5 For procurement, acquisition and construction of
6 capital assets, including alteration and modification costs,
7 of the National Oceanic and Atmospheric Administration,
8 \$1,258,010,000, to remain available until September 30,
9 2011, except funds provided for construction of facilities
10 which shall remain available until expended: *Provided*,
11 That of the amount provided under this heading,
12 \$23,850,000 shall be for making grants for research, edu-
13 cation, and other activities related to understanding and
14 protecting the environment only in accordance with the
15 terms and conditions specified for such grants in the re-
16 port accompanying this Act: *Provided further*, That of the
17 amounts provided for the National Polar-orbiting Oper-
18 ational Environmental Satellite System, funds shall only
19 be made available on a dollar-for-dollar matching basis
20 with funds provided for the same purpose by the Depart-
21 ment of Defense: *Provided further*, That except to the ex-
22 tent expressly prohibited by any other law, the Depart-
23 ment of Defense may delegate procurement functions re-
24 lated to the National Polar-orbiting Operational Environ-
25 mental Satellite System to officials of the Department of
26 Commerce pursuant to section 2311 of title 10, United

1 States Code: *Provided further*, That any deviation from
2 the amounts designated for specific activities in the report
3 accompanying this Act, or any use of deobligated balances
4 of funds provided under this heading in previous years,
5 shall be subject to the procedures set forth in section 505
6 of this Act.

7 PACIFIC COASTAL SALMON RECOVERY

8 For necessary expenses associated with the restora-
9 tion of Pacific salmon populations, \$90,000,000, to re-
10 main available until September 30, 2010: *Provided*, That
11 of the funds provided herein the Secretary of Commerce
12 may issue grants to the States of Washington, Oregon,
13 Idaho, Nevada, California, and Alaska, and Federally-rec-
14 ognized tribes of the Columbia River and Pacific Coast
15 for projects necessary for restoration of salmon and
16 steelhead populations that are listed as threatened or en-
17 dangered, or identified by a State as at-risk to be so-listed,
18 for maintaining populations necessary for exercise of tribal
19 treaty fishing rights or native subsistence fishing, or for
20 conservation of Pacific coastal salmon and steelhead habi-
21 tat, based on guidelines to be developed by the Secretary
22 of Commerce, or for salmon enhancement projects or other
23 projects, consistent with a Memorandum of Under-
24 standing between a State and the National Marine Fish-
25 eries Service: *Provided further*, That funds disbursed to
26 States shall be subject to a matching requirement of funds

1 or documented in-kind contributions of at least 33 percent
2 of the Federal funds.

3 FISHERIES DISASTER MITIGATION FUND

4 For necessary expenses associated with mitigation of
5 fishery disasters, \$50,000,000, to remain available until
6 expended: *Provided*, That funds shall be used for miti-
7 gating the effects of commercial fishery failures and fish-
8 ery resource disasters, as well as alleviating the impacts
9 of regulations on commercial fishing industries.

10 COASTAL ZONE MANAGEMENT FUND

11 (INCLUDING TRANSFER OF FUNDS)

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

17 FISHERIES FINANCE PROGRAM ACCOUNT

18 Subject to section 502 of the Congressional Budget
19 Act of 1974, during fiscal year 2009, obligations of direct
20 loans may not exceed \$8,000,000 for Individual Fishing
21 Quota loans and not to exceed \$59,000,000 for traditional
22 direct loans as authorized by the Merchant Marine Act
23 of 1936: *Provided*, That none of the funds made available
24 under this heading may be used for direct loans for any
25 new fishing vessel that will increase the harvesting capac-
26 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 \$5,000 for official entertainment,
6 \$44,083,000.

7 HERBERT C. HOOVER BUILDING RENOVATION AND

8 MODERNIZATION

9 For expenses necessary, including blast windows, for
10 the renovation and modernization of the Herbert C. Hoo-
11 ver Building, \$7,367,000, to remain available until ex-
12 pended.

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978 (5 U.S.C. App.), \$24,766,000.

17 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 101. During the current fiscal year, applicable
20 appropriations and funds made available to the Depart-
21 ment of Commerce by this Act shall be available for the
22 activities specified in the Act of October 26, 1949 (15
23 U.S.C. 1514), to the extent and in the manner prescribed
24 by the Act, and, notwithstanding 31 U.S.C. 3324, may
25 be used for advanced payments not otherwise authorized
26 only upon the certification of officials designated by the

1 Secretary of Commerce that such payments are in the
2 public interest.

3 SEC. 102. During the current fiscal year, appropria-
4 tions made available to the Department of Commerce by
5 this Act for salaries and expenses shall be available for
6 hire of passenger motor vehicles as authorized by 31
7 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
8 3109; and uniforms or allowances therefor, as authorized
9 by law (5 U.S.C. 5901–5902).

10 SEC. 103. Not to exceed 5 percent of any appropria-
11 tion made available for the current fiscal year for the De-
12 partment of Commerce in this Act may be transferred be-
13 tween such appropriations, but no such appropriation shall
14 be increased by more than 10 percent by any such trans-
15 fers: *Provided*, That any transfer pursuant to this section
16 shall be treated as a reprogramming of funds under sec-
17 tion 505 of this Act and shall not be available for obliga-
18 tion or expenditure except in compliance with the proce-
19 dures set forth in that section: *Provided further*, That the
20 Secretary of Commerce shall notify the Committees on Ap-
21 propriations at least 15 days in advance of the acquisition
22 or disposal of any capital asset (including land, structures,
23 and equipment) not specifically provided for in this Act
24 or any other law appropriating funds for the Department
25 of Commerce: *Provided further*, That for the National Oce-

1 anic and Atmospheric Administration this section shall
2 provide for transfers among appropriations made only to
3 the National Oceanic and Atmospheric Administration
4 and such appropriations may not be transferred and re-
5 programmed to other Department of Commerce bureaus
6 and appropriation accounts.

7 SEC. 104. Any costs incurred by a department or
8 agency funded under this title resulting from personnel
9 actions taken in response to funding reductions included
10 in this title or from actions taken for the care and protec-
11 tion of loan collateral or grant property shall be absorbed
12 within the total budgetary resources available to such de-
13 partment or agency: *Provided*, That the authority to trans-
14 fer funds between appropriations accounts as may be nec-
15 essary to carry out this section is provided in addition to
16 authorities included elsewhere in this Act: *Provided fur-*
17 *ther*, That use of funds to carry out this section shall be
18 treated as a reprogramming of funds under section 505
19 of this Act and shall not be available for obligation or ex-
20 penditure except in compliance with the procedures set
21 forth in that section.

22 SEC. 105. Hereafter, notwithstanding any other pro-
23 vision of law, no funds appropriated under this Act or any
24 other Act shall be used to register, issue, transfer, or en-
25 force any trademark of the phrase “Last Best Place”.

1 SEC. 106. The Secretary of Commerce is permitted
2 to prescribe and enforce standards or regulations affecting
3 safety and health in the context of scientific and occupa-
4 tional diving within the National Oceanic and Atmospheric
5 Administration.

6 SEC. 107. Notwithstanding 31 U.S.C. 3302, the Sec-
7 retary of Commerce is authorized to collect and retain fees
8 for conferences provided, and may use such funds to pay
9 for expenses of such conferences.

10 SEC. 108. The requirements set forth by section 112
11 of division B of Public Law 110–161 are hereby adopted
12 by reference.

13 SEC. 109. Notwithstanding any other law, the Sec-
14 retary may furnish services (including but not limited to
15 utilities, telecommunications, and security services) nec-
16 essary to support the operation, maintenance, and im-
17 provement of space that persons, firms or organizations
18 are authorized pursuant to the Public Buildings Coopera-
19 tive Use Act of 1976 or other authority to use or occupy
20 in the Herbert C. Hoover Building, Washington, D.C., or
21 other buildings the maintenance, operation, and protection
22 of which has been delegated to the Secretary from the Ad-
23 ministrator of General Services pursuant to the Federal
24 Property and Administrative Services Act of 1949, as
25 amended, on a reimbursable or non-reimbursable basis.

1 Amounts received as reimbursement for services provided
2 under this section or the authority under which the use
3 or occupancy of the space is authorized, up to \$200,000,
4 shall be credited to the appropriation or fund which ini-
5 tially bears the costs of such services.

6 SEC. 110. Of the amounts made available under sec-
7 tion 213 of Public Law 108–199 for a New England lob-
8 ster fishing capacity reduction program shall be available
9 for transfer by the National Oceanic and Atmospheric Ad-
10 ministration from the Fisheries Finance Program Account
11 to the Operations, Research and Facilities appropriation,
12 to remain available until expended, for the Southern New
13 England Cooperative Research Initiative for cooperative
14 research, marine debris removal, and gear modification for
15 conservation in Rhode Island.

16 SEC. 111. Section (d)(2)(A) of title 16 U.S.C. 3645
17 is amended by inserting “Nevada,” after “Idaho,”.

18 SEC. 112. With the consent of the President, the Sec-
19 retary of Commerce shall represent the United States Gov-
20 ernment in negotiating and monitoring international
21 agreements regarding fisheries, marine mammals, or sea
22 turtles: *Provided*, That the Secretary of Commerce shall
23 be responsible for the development and interdepartmental
24 coordination of the policies of the United States with re-

1 spect to the international negotiations and agreements re-
2 ferred to in this section.

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

5 TITLE II

6 DEPARTMENT OF JUSTICE

7 GENERAL ADMINISTRATION

8 SALARIES AND EXPENSES

9 For expenses necessary for the administration of the
10 Department of Justice, \$85,000,000, of which not to ex-
11 ceed \$4,000,000 is for security and construction of De-
12 partment of Justice facilities, to remain available until ex-
13 pended: *Provided*, That the Attorney General is authorized
14 to transfer funds appropriated within General Administra-
15 tion to any office in this account: *Provided further*, That
16 no appropriations for any office within General Adminis-
17 tration shall be increased or decreased by more than 5
18 percent by all such transfers: *Provided further*, That
19 \$10,000,000 is for Department Leadership; \$7,664,000 is
20 for Intergovernmental Relations/External Affairs;
21 \$11,832,000 is for Executive Support/Professional Re-
22 sponsibility; and \$55,404,000 is for the Justice Manage-
23 ment Division: *Provided further*, That notice of any change
24 in funding greater than 5 percent shall be submitted for
25 approval to the House and Senate Committees on Appro-

1 priations consistent with the terms of section 505 of this
2 Act: *Provided further*, That this transfer authority is in
3 addition to transfers authorized under section 505 of this
4 Act.

5 JUSTICE INFORMATION SHARING TECHNOLOGY

6 For necessary expenses for information sharing tech-
7 nology, including planning, development, deployment and
8 departmental direction, \$86,000,000, to remain available
9 until expended, of which not less than \$21,000,000 is for
10 the unified financial management system.

11 TACTICAL LAW ENFORCEMENT WIRELESS

12 COMMUNICATIONS

13 For the costs of developing and implementing a na-
14 tion-wide Integrated Wireless Network supporting Federal
15 law enforcement, and for the costs of operations and main-
16 tenance of existing Land Mobile Radio legacy systems,
17 \$121,651,000, to remain available until expended: *Pro-*
18 *vided*, That the Attorney General shall transfer to this ac-
19 count all funds made available to the Department of Jus-
20 tice for the purchase of portable and mobile radios: *Pro-*
21 *vided further*, That any transfer made under the preceding
22 proviso shall be subject to section 505 of this Act.

23 ADMINISTRATIVE REVIEW AND APPEALS

24 For expenses necessary for the administration of par-
25 don and clemency petitions and immigration-related activi-
26 ties, \$268,791,000, of which \$4,000,000 shall be derived

1 by transfer from the Executive Office for Immigration Re-
2 view fees deposited in the “Immigration Examinations
3 Fee” account: *Provided*, That \$4,000,000 shall be ex-
4 pended on the Executive Office for Immigration Review’s
5 Legal Orientation Programs.

6 DETENTION TRUSTEE

7 For necessary expenses of the Federal Detention
8 Trustee, \$1,295,319,000, to remain available until ex-
9 pended: *Provided*, That the Trustee shall be responsible
10 for managing the Justice Prisoner and Alien Transpor-
11 tation System: *Provided further*, That not to exceed
12 \$5,000,000 shall be considered “funds appropriated for
13 State and local law enforcement assistance” pursuant to
14 18 U.S.C. 4013(b).

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General, \$75,681,000, including not to exceed \$10,000 to
18 meet unforeseen emergencies of a confidential character:
19 *Provided*, That within 200 days of enactment of this Act,
20 the Inspector General shall conduct an audit and issue a
21 report to the Committees on Appropriations of all ex-
22 penses of the legislative and public affairs offices at each
23 location of the Justice Department, its bureaus and agen-
24 cies, including but not limited to every field office and
25 headquarters component; the audit shall include any and
26 all expenses related to these activities.

1 UNITED STATES PAROLE COMMISSION

2 SALARIES AND EXPENSES

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

5 LEGAL ACTIVITIES

6 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

7 For expenses necessary for the legal activities of the
8 Department of Justice, not otherwise provided for, includ-
9 ing not to exceed \$20,000 for expenses of collecting evi-
10 dence, to be expended under the direction of, and to be
11 accounted for solely under the certificate of, the Attorney
12 General; and rent of private or Government-owned space
13 in the District of Columbia, \$804,007,000, of which not
14 to exceed \$10,000,000 for litigation support contracts
15 shall remain available until expended: *Provided*, That of
16 the total amount appropriated, not to exceed \$10,000 shall
17 be available to the United States National Central Bu-
18 reau, INTERPOL, for official reception and representa-
19 tion expenses: *Provided further*, That notwithstanding sec-
20 tion 205 of this Act, upon a determination by the Attorney
21 General that emergent circumstances require additional
22 funding for litigation activities of the Civil Division, the
23 Attorney General may transfer such amounts to “Salaries
24 and Expenses, General Legal Activities” from available
25 appropriations for the current fiscal year for the Depart-

1 ment of Justice, as may be necessary to respond to such
2 circumstances: *Provided further*, That any transfer pursu-
3 ant to the previous proviso shall be treated as a re-
4 programming under section 505 of this Act and shall not
5 be available for obligation or expenditure except in compli-
6 ance with the procedures set forth in that section: *Pro-*
7 *vided further*, That of the amount appropriated, such sums
8 as may be necessary shall be available to reimburse the
9 Office of Personnel Management for salaries and expenses
10 associated with the Federal observer program under sec-
11 tion 8 of the Voting Rights Act (42 U.S.C. 1973f): *Pro-*
12 *vided further*, That of the amounts provided under this
13 heading for the Federal observer program \$3,390,000
14 shall remain available until expended.

15 In addition, for reimbursement of expenses of the De-
16 partment of Justice associated with processing cases
17 under the National Childhood Vaccine Injury Act of 1986,
18 not to exceed \$7,833,000, to be appropriated from the
19 Vaccine Injury Compensation Trust Fund.

20 SALARIES AND EXPENSES, ANTITRUST DIVISION

21 For expenses necessary for the enforcement of anti-
22 trust and kindred laws, \$150,591,000, to remain available
23 until expended: *Provided*, That notwithstanding any other
24 provision of law, fees collected for premerger notification
25 filings under the Hart-Scott-Rodino Antitrust Improve-
26 ments Act of 1976 (15 U.S.C. 18a), regardless of the year

1 of collection (and estimated to be \$150,591,000 in fiscal
2 year 2009), shall be retained and used for necessary ex-
3 penses in this appropriation, and shall remain available
4 until expended: *Provided further*, That the sum herein ap-
5 propriated from the general fund shall be reduced as such
6 offsetting collections are received during fiscal year 2009,
7 so as to result in a final fiscal year 2009 appropriation
8 from the general fund estimated at \$0.

9 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

10 For necessary expenses of the Offices of the United
11 States Attorneys, including inter-governmental and coop-
12 erative agreements, \$1,831,336,000: *Provided*, That of the
13 total amount appropriated, not to exceed \$8,000 shall be
14 available for official reception and representation ex-
15 penses: *Provided further*, That not to exceed \$25,000,000
16 shall remain available until expended.

17 UNITED STATES TRUSTEE SYSTEM FUND

18 For necessary expenses of the United States Trustee
19 Program, as authorized, \$217,416,000, to remain avail-
20 able until expended and to be derived from the United
21 States Trustee System Fund: *Provided*, That notwith-
22 standing any other provision of law, deposits to the Fund
23 shall be available in such amounts as may be necessary
24 to pay refunds due depositors: *Provided further*, That, not-
25 withstanding any other provision of law, \$160,000,000 of
26 offsetting collections pursuant to 28 U.S.C. 589a(b) shall

1 be retained and used for necessary expenses in this appro-
 2 priation and shall remain available until expended: *Pro-*
 3 *vided further*, That the sum herein appropriated from the
 4 Fund shall be reduced as such offsetting collections are
 5 received during fiscal year 2009, so as to result in a final
 6 fiscal year 2009 appropriation from the Fund estimated
 7 at \$52,416,000.

8 SALARIES AND EXPENSES, FOREIGN CLAIMS

9 SETTLEMENT COMMISSION

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

14 FEES AND EXPENSES OF WITNESSES

15 For fees and expenses of witnesses, for expenses of
 16 contracts for the procurement and supervision of expert
 17 witnesses, for private counsel expenses, including ad-
 18 vances, and for expenses of foreign counsel, \$168,300,000,
 19 to remain available until expended: *Provided*, That, not
 20 to exceed \$10,000,000 may be made available for con-
 21 struction of buildings for protected witness safesites: *Pro-*
 22 *vided further*, That not to exceed \$3,000,000 may be made
 23 available for the purchase and maintenance of armored
 24 and other vehicles for witness security caravans: *Provided*
 25 *further*, That not to exceed \$9,000,000 may be made avail-
 26 able for the purchase, installation, maintenance, and up-

1 grade of secure telecommunications equipment and a se-
2 cure automated information network to store and retrieve
3 the identities and locations of protected witnesses.

4 SALARIES AND EXPENSES, COMMUNITY RELATIONS

5 SERVICE

6 For necessary expenses of the Community Relations
7 Service, \$9,873,000: *Provided*, That notwithstanding sec-
8 tion 205 of this Act, upon a determination by the Attorney
9 General that emergent circumstances require additional
10 funding for conflict resolution and violence prevention ac-
11 tivities of the Community Relations Service, the Attorney
12 General may transfer such amounts to the Community Re-
13 lations Service, from available appropriations for the cur-
14 rent fiscal year for the Department of Justice, as may be
15 necessary to respond to such circumstances: *Provided fur-*
16 *ther*, That any transfer pursuant to the previous proviso
17 shall be treated as a reprogramming under section 505
18 of this Act and shall not be available for obligation or ex-
19 penditure except in compliance with the procedures set
20 forth in that section.

21 ASSETS FORFEITURE FUND

22 For expenses authorized by 28 U.S.C. 524(e)(1)(B),
23 (F), and (G), \$20,990,000, to be derived from the Depart-
24 ment of Justice Assets Forfeiture Fund.

1 UNITED STATES MARSHALS SERVICE
2 SALARIES AND EXPENSES

3 For necessary expenses of the United States Mar-
4 shals Service, \$968,117,000; of which not to exceed
5 \$30,000 shall be available for official reception and rep-
6 resentation expenses; of which not to exceed \$4,000,000,
7 including transfers from prior year unobligated balances,
8 shall be for information technology systems and shall re-
9 main available until expended; and of which not less than
10 \$12,625,000 shall be available for the costs of courthouse
11 security equipment, including furnishings, relocations, and
12 telephone systems and cabling, and shall remain available
13 until expended; and of which not less than \$2,304,000
14 shall be available until expended for construction in space
15 controlled, occupied or utilized by the United States Mar-
16 shals Service for prisoner holding and related support
17 space.

18 NATIONAL SECURITY DIVISION
19 SALARIES AND EXPENSES

20 For expenses necessary to carry out the activities of
21 the National Security Division, \$83,789,000; of which not
22 to exceed \$5,000,000 for information technology systems
23 shall remain available until expended: *Provided*, That not-
24 withstanding section 205 of this Act, upon a determina-
25 tion by the Attorney General that emergent circumstances

1 require additional funding for the activities of the National
2 Security Division, the Attorney General may transfer such
3 amounts to this heading from available appropriations for
4 the current fiscal year for the Department of Justice, as
5 may be necessary to respond to such circumstances: *Pro-*
6 *vided further*, That any transfer pursuant to the previous
7 proviso shall be treated as a reprogramming under section
8 505 of this Act and shall not be available for obligation
9 or expenditure except in compliance with the procedures
10 set forth in that section.

11 INTERAGENCY LAW ENFORCEMENT

12 INTERAGENCY CRIME AND DRUG ENFORCEMENT

13 For necessary expenses for the identification, inves-
14 tigation, and prosecution of individuals associated with the
15 most significant drug trafficking and affiliated money
16 laundering organizations not otherwise provided for, to in-
17 clude inter-governmental agreements with State and local
18 law enforcement agencies engaged in the investigation and
19 prosecution of individuals involved in organized crime drug
20 trafficking, \$511,741,000, of which \$50,000,000 shall re-
21 main available until expended: *Provided*, That any
22 amounts obligated from appropriations under this heading
23 may be used under authorities available to the organiza-
24 tions reimbursed from this appropriation.

1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Bureau of In-
4 vestigation for detection, investigation, and prosecution of
5 crimes against the United States; \$7,085,140,000; of
6 which not to exceed \$150,000,000 shall remain available
7 until expended; and of which \$2,725,450,000 shall be for
8 counterterrorism investigations, foreign counterintel-
9 ligence, and other activities related to national security:
10 *Provided*, That not to exceed \$205,000 shall be available
11 for official reception and representation expenses.

12 CONSTRUCTION

13 For necessary expenses to construct or acquire build-
14 ings and sites by purchase, or as otherwise authorized by
15 law (including equipment for such buildings); conversion
16 and extension of federally-owned buildings; and prelimi-
17 nary planning and design of projects; \$184,991,000, to
18 remain available until expended.

19 DRUG ENFORCEMENT ADMINISTRATION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Drug Enforcement Ad-
22 ministration, including not to exceed \$70,000 to meet un-
23 foreseen emergencies of a confidential character pursuant
24 to 28 U.S.C. 530C; and expenses for conducting drug edu-
25 cation and training programs, including travel and related
26 expenses for participants in such programs and the dis-

1 tribution of items of token value that promote the goals
2 of such programs, \$1,954,384,000; of which not to exceed
3 \$75,000,000 shall remain available until expended; and of
4 which not to exceed \$100,000 shall be available for official
5 reception and representation expenses.

6 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
7 EXPLOSIVES
8 SALARIES AND EXPENSES

9 For necessary expenses of the Bureau of Alcohol, To-
10 bacco, Firearms and Explosives, including the purchase of
11 not to exceed 822 vehicles for police-type use, of which
12 650 shall be for replacement only; not to exceed \$40,000
13 for official reception and representation expenses; for
14 training of State and local law enforcement agencies with
15 or without reimbursement, including training in connec-
16 tion with the training and acquisition of canines for explo-
17 sives and fire accelerants detection; and for provision of
18 laboratory assistance to State and local law enforcement
19 agencies, with or without reimbursement, \$1,042,814,000,
20 of which not to exceed \$1,000,000 shall be available for
21 the payment of attorneys' fees as provided by section
22 924(d)(2) of title 18, United States Code; and of which
23 not to exceed \$20,000,000 shall remain available until ex-
24 pended: *Provided*, That no funds appropriated herein shall
25 be available for salaries or administrative expenses in con-

1 nection with consolidating or centralizing, within the De-
2 partment of Justice, the records, or any portion thereof,
3 of acquisition and disposition of firearms maintained by
4 Federal firearms licensees: *Provided further*, That no
5 funds appropriated herein shall be used to pay administra-
6 tive expenses or the compensation of any officer or em-
7 ployee of the United States to implement an amendment
8 or amendments to 27 CFR 478.118 or to change the defi-
9 nition of “Curios or relics” in 27 CFR 478.11 or remove
10 any item from ATF Publication 5300.11 as it existed on
11 January 1, 1994: *Provided further*, That none of the funds
12 appropriated herein shall be available to investigate or act
13 upon applications for relief from Federal firearms disabil-
14 ities under 18 U.S.C. 925(c): *Provided further*, That such
15 funds shall be available to investigate and act upon appli-
16 cations filed by corporations for relief from Federal fire-
17 arms disabilities under section 925(c) of title 18, United
18 States Code: *Provided further*, That no funds made avail-
19 able by this or any other Act may be used to transfer the
20 functions, missions, or activities of the Bureau of Alcohol,
21 Tobacco, Firearms and Explosives to other agencies or
22 Departments in fiscal year 2009: *Provided further*, That,
23 beginning in fiscal year 2009 and thereafter, no funds ap-
24 propriated under this or any other Act may be used to
25 disclose part or all of the contents of the Firearms Trace

1 System database maintained by the National Trace Center
2 of the Bureau of Alcohol, Tobacco, Firearms and Explo-
3 sives or any information required to be kept by licensees
4 pursuant to section 923(g) of title 18, United States Code,
5 or required to be reported pursuant to paragraphs (3) and
6 (7) of such section 923(g), except to: (1) a Federal, State,
7 local, tribal, or foreign law enforcement agency, or a Fed-
8 eral, State, or local prosecutor, solely in connection with
9 and for use in a criminal investigation or prosecution; or
10 (2) a Federal agency for a national security or intelligence
11 purpose; and all such data shall be immune from legal
12 process, shall not be subject to subpoena or other dis-
13 covery, shall be inadmissible in evidence, and shall not be
14 used, relied on, or disclosed in any manner, nor shall testi-
15 mony or other evidence be permitted based on the data,
16 in a civil action in any State (including the District of
17 Columbia) or Federal court or in an administrative pro-
18 ceeding other than a proceeding commenced by the Bu-
19 reau of Alcohol, Tobacco, Firearms and Explosives to en-
20 force the provisions of chapter 44 of such title, or a review
21 of such an action or proceeding; except that this proviso
22 shall not be construed to prevent: (A) the disclosure of
23 statistical information concerning total production, impor-
24 tation, and exportation by each licensed importer (as de-
25 fined in section 921(a)(9) of such title) and licensed man-

1 ufacturer (as defined in section 921(a)(10) of such title);
2 (B) the sharing or exchange of such information among
3 and between Federal, State, local, or foreign law enforce-
4 ment agencies, Federal, State, or local prosecutors, and
5 Federal national security, intelligence, or counterterrorism
6 officials; or (C) the publication of annual statistical re-
7 ports on products regulated by the Bureau of Alcohol, To-
8 bacco, Firearms and Explosives, including total produc-
9 tion, importation, and exportation by each licensed im-
10 porter (as so defined) and licensed manufacturer (as so
11 defined), or statistical aggregate data regarding firearms
12 traffickers and trafficking channels, or firearms misuse,
13 felons, and trafficking investigations: *Provided further,*
14 That no funds made available by this or any other Act
15 shall be expended to promulgate or implement any rule
16 requiring a physical inventory of any business licensed
17 under section 923 of title 18, United States Code: *Pro-*
18 *vided further,* That no funds under this Act may be used
19 to electronically retrieve information gathered pursuant to
20 18 U.S.C. 923(g)(4) by name or any personal identifica-
21 tion code: *Provided further,* That no funds authorized or
22 made available under this or any other Act may be used
23 to deny any application for a license under section 923
24 of title 18, United States Code, or renewal of such a li-
25 cense due to a lack of business activity, provided that the

1 applicant is otherwise eligible to receive such a license, and
2 is eligible to report business income or to claim an income
3 tax deduction for business expenses under the Internal
4 Revenue Code of 1986.

5 FEDERAL PRISON SYSTEM

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Prison System
8 for the administration, operation, and maintenance of
9 Federal penal and correctional institutions, including pur-
10 chase (not to exceed 810, of which 766 are for replacement
11 only) and hire of law enforcement and passenger motor
12 vehicles, and for the provision of technical assistance and
13 advice on corrections related issues to foreign govern-
14 ments, \$5,435,754,000: *Provided*, That the Attorney Gen-
15 eral may transfer to the Health Resources and Services
16 Administration such amounts as may be necessary for di-
17 rect expenditures by that Administration for medical relief
18 for inmates of Federal penal and correctional institutions:
19 *Provided further*, That the Director of the Federal Prison
20 System, where necessary, may enter into contracts with
21 a fiscal agent or fiscal intermediary claims processor to
22 determine the amounts payable to persons who, on behalf
23 of the Federal Prison System, furnish health services to
24 individuals committed to the custody of the Federal Prison
25 System: *Provided further*, That not to exceed \$6,000 shall

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

20 BUILDINGS AND FACILITIES

21 For planning, acquisition of sites and construction of
22 new facilities; purchase and acquisition of facilities and re-
23 modeling, and equipping of such facilities for penal and
24 correctional use, including all necessary expenses incident
25 thereto, by contract or force account; and constructing,
26 remodeling, and equipping necessary buildings and facili-

1 ties at existing penal and correctional institutions, includ-
2 ing all necessary expenses incident thereto, by contract or
3 force account, \$535,807,000, to remain available until ex-
4 pended, of which not to exceed \$14,000,000 shall be avail-
5 able to construct areas for inmate work programs: *Pro-*
6 *vided*, That labor of United States prisoners may be used
7 for work performed under this appropriation.

8 FEDERAL PRISON INDUSTRIES, INCORPORATED

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

19 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
20 PRISON INDUSTRIES, INCORPORATED

21 Not to exceed \$2,328,000 of the funds of the Federal
22 Prison Industries, Incorporated shall be available for its
23 administrative expenses, and for services as authorized by
24 section 3109 of title 5, United States Code, to be com-
25 puted on an accrual basis to be determined in accordance
26 with the corporation's current prescribed accounting sys-

1 tem, and such amounts shall be exclusive of depreciation,
2 payment of claims, and expenditures which such account-
3 ing system requires to be capitalized or charged to cost
4 of commodities acquired or produced, including selling and
5 shipping expenses, and expenses in connection with acqui-
6 sition, construction, operation, maintenance, improvement,
7 protection, or disposition of facilities and other property
8 belonging to the corporation or in which it has an interest.

9 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

10 OFFICE ON VIOLENCE AGAINST WOMEN

11 VIOLENCE AGAINST WOMEN PREVENTION AND

12 PROSECUTION PROGRAMS

13 For grants, contracts, cooperative agreements, and
14 other assistance for the prevention and prosecution of vio-
15 lence against women, as authorized by the Omnibus Crime
16 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
17 et seq.) (“the 1968 Act”); the Violent Crime Control and
18 Law Enforcement Act of 1994 (Public Law 103–322)
19 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
20 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
21 torial Remedies and Other Tools to end the Exploitation
22 of Children Today Act of 2003 (Public Law 108–21); the
23 Juvenile Justice and Delinquency Prevention Act of 1974
24 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
25 of Trafficking and Violence Protection Act of 2000 (Public

1 Law 106–386) (“the 2000 Act”); and the Violence
2 Against Women and Department of Justice Reauthoriza-
3 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
4 \$415,000,000, including amounts for administrative costs,
5 to remain available until expended: *Provided*, That except
6 as otherwise provided by law, not to exceed 3 percent of
7 funds made available under this heading may be used for
8 expenses related to evaluation, training, and technical as-
9 sistance: *Provided further*, That of the amount provided—
10 (1) \$15,000,000 for the court-appointed special
11 advocate program, as authorized by section 217 of
12 the 1990 Act;
13 (2) \$2,350,000 for child abuse training pro-
14 grams for judicial personnel and practitioners, as
15 authorized by section 222 of the 1990 Act;
16 (3) \$185,000,000 for grants to combat violence
17 against women, as authorized by part T of the 1968
18 Act, of which—
19 (A) \$17,390,000 shall be for transitional
20 housing assistance grants for victims of domes-
21 tic violence, stalking or sexual assault as au-
22 thorized by section 40299 of the 1994 Act; and
23 (B) \$1,880,000 shall be for the National
24 Institute of Justice for research and evaluation
25 of violence against women and related issues

1 addressed by grant programs of the Office on
2 Violence Against Women;

3 (4) \$59,000,000 for grants to encourage arrest
4 policies as authorized by part U of the 1968 Act;

5 (5) \$12,000,000 for sexual assault victims as-
6 sistance, as authorized by section 202 of the 2005
7 Act;

8 (6) \$42,000,000 for rural domestic violence and
9 child abuse enforcement assistance grants, as au-
10 thorized by section 40295 of the 1994 Act;

11 (7) \$5,000,000 for training programs as au-
12 thorized by section 40152 of the 1994 Act, and for
13 related local demonstration projects;

14 (8) \$3,030,000 for grants to improve the stalk-
15 ing and domestic violence databases, as authorized
16 by section 40602 of the 1994 Act;

17 (9) \$9,400,000 for grants to reduce violent
18 crimes against women on campus, as authorized by
19 section 304 of the 2005 Act;

20 (10) \$42,000,000 for legal assistance for vic-
21 tims, as authorized by section 1201 of the 2000 Act;

22 (11) \$4,500,000 for enhancing protection for
23 older and disabled women from domestic violence
24 and sexual assault, as authorized by section 40802
25 of the 1994 Act;

1 (12) \$14,000,000 for the safe havens for chil-
2 dren program, as authorized by section 1301 of the
3 2000 Act;

4 (13) \$6,580,000 for education and training to
5 end violence against and abuse of women with dis-
6 abilities, as authorized by section 1402 of the 2000
7 Act;

8 (14) \$2,500,000 for an engaging men and
9 youth in prevention program, as authorized by the
10 2005 Act;

11 (15) \$940,000 for analysis and research on vio-
12 lence against Indian women, as authorized by sec-
13 tion 904 of the 2005 Act;

14 (16) \$940,000 for tracking of violence against
15 Indian women, as authorized by section 905 of the
16 2005 Act;

17 (17) \$2,820,000 for services to advocate and
18 respond to youth, as authorized by section 401 of
19 the 2005 Act;

20 (18) \$2,770,000 for grants to assist children
21 and youth exposed to violence, as authorized by sec-
22 tion 303 of the 2005 Act;

23 (19) \$2,820,000 for the court training and im-
24 provements program, as authorized by section 105
25 of the 2005 Act;

1 (20) \$940,000 for grants for televised testi-
2 mony, as authorized by part N of the 1968 Act; and

3 (21) \$940,000 for the National Resource Cen-
4 ter on Workplace Responses to assist victims of do-
5 mestic violence, as authorized by section 41501 of
6 the 1994 Act.

7 OFFICE OF JUSTICE PROGRAMS

8 JUSTICE ASSISTANCE

9 For grants, contracts, cooperative agreements, and
10 other assistance authorized by title I of the Omnibus
11 Crime Control and Safe Streets Act of 1968; the Missing
12 Children's Assistance Act (42 U.S.C. 5771 et seq.); the
13 Prosecutorial Remedies and Other Tools to end the Ex-
14 ploitation of Children Today Act of 2003 (Public Law
15 108–21); the Justice for All Act of 2004 (Public Law
16 108–405); the Violence Against Women and Department
17 of Justice Reauthorization Act of 2005 (Public Law 109–
18 162); the Victims of Crime Act of 1984 (Public Law 98–
19 473); the Adam Walsh Child Protection and Safety Act
20 of 2006 (Public Law 109–248); subtitle D of title II of
21 the Homeland Security Act of 2002 (Public Law 107–
22 296), which may include research and development; and
23 other programs (including Statewide Automated Victims
24 Notification Program); including salaries and expenses in
25 connection therewith, \$240,000,000: *Provided*, That not

1 to exceed \$127,915,000 shall be expended in total for Of-
2 fice of Justice Programs management and administration:
3 *Provided further*, That section 1404(c)(3)(E)(i) of the Vic-
4 tims of Crime Act of 1984, as amended (42 U.S.C. 10603)
5 is amended after “internships” by inserting “and for
6 grants under subparagraphs (1)(A) and (B), pursuant to
7 rules or guidelines that generally establish a publicly-an-
8 nounced, competitive process”.

9 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

10 (INCLUDING TRANSFER OF FUNDS)

11 For grants, contracts, cooperative agreements, and
12 other assistance authorized by the Violent Crime Control
13 and Law Enforcement Act of 1994 (Public Law 103–322)
14 (“the 1994 Act”); the Omnibus Crime Control and Safe
15 Streets Act of 1968 (“the 1968 Act”); the Justice for All
16 Act of 2004 (Public Law 108–405); the Victims of Child
17 Abuse Act of 1990 (Public Law 101–647) (“the 1990
18 Act”); the Trafficking Victims Protection Reauthorization
19 Act of 2005 (Public Law 109–164); the Violence Against
20 Women and Department of Justice Reauthorization Act
21 of 2005 (Public Law 109–162); the Adam Walsh Child
22 Protection and Safety Act of 2006 (Public Law 109–248);
23 the Second Chance Act of 2007 (Public Law 110–199);
24 and the Victims of Trafficking and Violence Protection
25 Act of 2000 (Public Law 106–386); and other programs;
26 \$1,387,000,000 (including amounts for administrative

1 costs, which shall be transferred to and merged with the
2 “Justice Assistance” account), to remain available until
3 expended as follows:

4 (1) \$580,000,000 for the Edward Byrne Memo-
5 rial Justice Assistance Grant program as authorized
6 by subpart 1 of part E of title I of the 1968 Act,
7 (except that section 1001(c), and the special rules
8 for Puerto Rico under section 505(g), of the 1968
9 Act, shall not apply for purposes of this Act), of
10 which \$5,000,000 is for use by the National Insti-
11 tute of Justice in assisting units of local government
12 to identify, select, develop, modernize, and purchase
13 new technologies for use by law enforcement and
14 \$2,000,000 is for a program to improve State and
15 local law enforcement intelligence capabilities includ-
16 ing antiterrorism training and training to ensure
17 that constitutional rights, civil liberties, civil rights,
18 and privacy interests are protected throughout the
19 intelligence process;

20 (2) \$400,000,000 for the State Criminal Alien
21 Assistance Program, as authorized by section
22 241(i)(5) of the Immigration and Nationality Act (8
23 U.S.C. 1231(i)(5)), of which \$25,000,000 is for the
24 Southwest Border Prosecutor Initiative to reimburse
25 State, county, parish, tribal or municipal govern-

1 ments only for the costs associated with the prosecu-
2 tion of criminal cases declined by local United States
3 Attorneys Offices, \$10,000,000 for the Northern
4 Border Prosecutor Initiative to reimburse State,
5 county, parish, tribal or municipal governments only
6 for the costs associated with the prosecution of
7 criminal cases declined by local United States Attor-
8 neys Offices and \$10,000,000 for the Southeast
9 Border Prosecutor Initiative to reimburse State,
10 county, parish, tribal or municipal governments only
11 for the costs associated with the prosecution of
12 criminal cases declined by local United States Attor-
13 neys Offices;

14 (3) \$20,000,000 for grants as authorized by
15 sections 101 and 211 of Public Law 110–199;

16 (4) \$190,000,000 for discretionary grants to
17 improve the functioning of the criminal justice sys-
18 tem and to assist victims of crime (other than com-
19 pensation): *Provided*, That these amounts are for
20 making grants only in accordance with the terms
21 and conditions specified in the report accompanying
22 this Act;

23 (5) \$40,000,000 for competitive grants to im-
24 prove the functioning of the criminal justice system

1 and to assist victims of crime (other than compensa-
2 tion);

3 (6) \$2,000,000 for the purposes described in
4 the Missing Alzheimer's Disease Patient Alert Pro-
5 gram (section 240001(c) of the 1994 Act);

6 (7) \$10,000,000 for victim services programs
7 for victims of trafficking, as authorized by section
8 107(b)(2) of Public Law 106–386 and for programs
9 authorized under Public Law 109–164;

10 (8) \$30,000,000 for Drug Courts, as authorized
11 by section 1001(25)(A) of title I of the 1968 Act;

12 (9) \$3,000,000 for a prescription drug moni-
13 toring program;

14 (10) \$5,000,000 for prison rape prevention and
15 prosecution and other programs, as authorized by
16 the Prison Rape Elimination Act of 2003 (Public
17 Law 108–79) including statistics, data, and re-
18 search, of which \$1,692,000 shall be available to the
19 National Prison Rape Elimination Commission for
20 authorized activities;

21 (11) \$30,000,000 for assistance to Indian
22 tribes, of which—

23 (A) \$15,000,000 shall be available for
24 grants under section 20109 of subtitle A of title
25 II of the 1994 Act;

1 (B) \$9,000,000 shall be available for the
2 Tribal Courts Initiative; and

3 (C) \$6,000,000 shall be available for tribal
4 alcohol and substance abuse reduction assist-
5 ance grants;

6 (12) \$10,000,000 for the Capital Litigation Im-
7 provement Grant Program as authorized by section
8 426 of Public Law 108–405;

9 (13) \$12,000,000 for mental health courts and
10 adult and juvenile collaboration program grants, as
11 authorized by parts V and HH of title I of the 1968
12 Act; and

13 (14) \$10,000,000 for grants for residential sub-
14 stance abuse treatment for State prisoners, as au-
15 thorized by part S of the 1968 Act:

16 *Provided*, That, if a unit of local government uses any of
17 the funds made available under this heading to increase
18 the number of law enforcement officers, the unit of local
19 government will achieve a net gain in the number of law
20 enforcement officers who perform nonadministrative pub-
21 lic safety service.

22 WEED AND SEED

23 For necessary expenses, including salaries and re-
24 lated expenses of the Office of Weed and Seed Strategies,
25 to implement “Weed and Seed” programs activities,
26 \$25,000,000, to remain available until expended as au-

1 thORIZED by section 103 of the Omnibus Crime Control and
2 Safe Street Act of 1968.

3 JUVENILE JUSTICE PROGRAMS
4 (INCLUDING TRANSFER OF FUNDS)

5 For grants, contracts, cooperative agreements, and
6 other assistance authorized by the Juvenile Justice and
7 Delinquency Prevention Act of 1974 (“the 1974 Act”), the
8 Omnibus Crime Control and Safe Streets Act of 1968
9 (“the 1968 Act”), the Violence Against Women and De-
10 partment of Justice Reauthorization Act of 2005 (Public
11 Law 109–162), and other juvenile justice programs, in-
12 cluding salaries and expenses in connection therewith to
13 be transferred to and merged with the appropriations for
14 Justice Assistance, \$400,000,000, to remain available
15 until expended as follows:

16 (1) \$500,000 for concentration of Federal ef-
17 forts, as authorized by section 204 of the 1974 Act;

18 (2) \$74,500,000 for programs authorized by
19 section 221 of the 1974 Act, and for training and
20 technical assistance to assist small, non-profit orga-
21 nizations with the Federal grants process;

22 (3) \$65,000,000 for grants and projects, as au-
23 thorized by sections 261 and 262 of the 1974 Act:

24 *Provided*, That these amounts are for making grants
25 only in accordance with the terms and conditions
26 specified in the report accompanying this Act;

1 (4) \$80,000,000 for youth mentoring grants;

2 (5) \$65,000,000 for delinquency prevention, as
3 authorized by section 505 of the 1974 Act, of which,
4 pursuant to sections 261 and 262 thereof—

5 (A) \$15,000,000 shall be for the Tribal
6 Youth Program;

7 (B) \$10,000,000 shall be for a gang resist-
8 ance education and training program; and

9 (C) \$25,000,000 shall be for grants of
10 \$360,000 to each State and \$4,840,000 shall be
11 available for discretionary grants, for programs
12 and activities to enforce State laws prohibiting
13 the sale of alcoholic beverages to minors or the
14 purchase or consumption of alcoholic beverages
15 by minors, for prevention and reduction of con-
16 sumption of alcoholic beverages by minors, and
17 for technical assistance and training;

18 (6) \$10,000,000 for expenses authorized by
19 part AA of the 1968 Act (Secure Our Schools);

20 (7) \$25,000,000 for programs authorized by
21 the Victims of Child Abuse Act of 1990; and

22 (8) \$80,000,000 for the Juvenile Accountability
23 Block Grants program as authorized by part R of
24 the 1968 Act and Guam shall be considered a State:
25 *Provided*, That not more than 10 percent of each

1 amount may be used for research, evaluation, and
2 statistics activities designed to benefit the programs
3 or activities authorized: *Provided further*, That not
4 more than 2 percent of each amount may be used
5 for training and technical assistance: *Provided fur-*
6 *ther*, That the previous two provisos shall not apply
7 to grants and projects authorized by sections 261
8 and 262 of the 1974 Act.

9 PUBLIC SAFETY OFFICERS BENEFITS

10 For payments and expenses authorized by part L of
11 title I of the Omnibus Crime Control and Safe Streets Act
12 of 1968 (42 U.S.C. 3796), such sums as are necessary,
13 as authorized by section 6093 of Public Law 100–690
14 (102 Stat. 4339–4340) (including amounts for adminis-
15 trative costs, which amounts shall be paid to the “Justice
16 Assistance” account), to remain available until expended;
17 and \$5,000,000 for payments authorized by section
18 1201(b) of such Act; and \$4,100,000 for educational as-
19 sistance, as authorized by section 1212 of such Act.

20 COMMUNITY ORIENTED POLICING SERVICES

21 (INCLUDING TRANSFER OF FUNDS)

22 For activities authorized by the Violent Crime Con-
23 trol and Law Enforcement Act of 1994 (Public Law 103–
24 322); the Omnibus Crime Control and Safe Streets Act
25 of 1968 (“the 1968 Act”); the Violence Against Women
26 and Department of Justice Reauthorization Act of 2005

1 (Public Law 109–162); subtitle D of title II of the Home-
2 land Security Act of 2002 (Public Law 107–296), which
3 may include research and development; and the USA PA-
4 TRIOT Improvement and Reauthorization Act of 2005
5 (Public Law 109–177) (including administrative costs),
6 \$600,000,000, to remain available until expended: *Pro-*
7 *vided*, That of the funds under this heading, not to exceed
8 \$2,575,000 shall be available for the Office of Justice Pro-
9 grams for reimbursable services associated with programs
10 administered by the Community Oriented Policing Serv-
11 ices Office: *Provided further*, That the Attorney General
12 shall waive in whole the matching requirement under sec-
13 tion 1701(g) of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (42 U.S.C. 3796dd(g)) for any grant
15 recipient located in a county or parish in which the Presi-
16 dent declared a major disaster (as that term is defined
17 in section 102 of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C. 5122)) in re-
19 sponse to Hurricane Katrina of 2005 or Hurricane Rita
20 of 2005: *Provided further*, That any balances made avail-
21 able through prior year deobligations shall only be avail-
22 able in accordance with section 505 of this Act. Of the
23 amount provided (which shall be by transfer, for programs
24 administered by the Office of Justice Programs)—

1 (1) \$25,850,000 is for the matching grant pro-
2 gram for armor vests for law enforcement officers,
3 as authorized by section 2501 of the 1968 Act: *Pro-*
4 *vided*, That \$1,880,000 is transferred directly to the
5 National Institute of Standards and Technology’s
6 Office of Law Enforcement Standards from the
7 Community Oriented Policing Services Office for re-
8 search, testing, and evaluation programs: *Provided*
9 *further*, That section 2501(f) of part Y of title I of
10 the Omnibus Crime Control and Safe Streets Act of
11 1968 (42 U.S.C. 3796*ll*(f)) is amended by inserting
12 at the end the following:

13 “(3) WAIVER.—The Director may waive in
14 whole or in part, the requirement of paragraph (1)
15 in the case of fiscal hardship, as determined by the
16 Director.”;

17 (2) \$61,187,000 is for grants to entities de-
18 scribed in section 1701 of the 1968 Act, to address
19 public safety and methamphetamine manufacturing,
20 sale, and use in hot spots as authorized by section
21 754 of Public Law 109–177 and for other anti-
22 methamphetamine-related activities: *Provided*, That
23 these amounts are for making grants only in accord-
24 ance with the terms and conditions specified in the
25 report accompanying this Act;

1 (3) \$110,000,000 is for a law enforcement tech-
2 nologies and interoperable communications program,
3 and related law enforcement and public safety equip-
4 ment: *Provided*, That these amounts are for making
5 grants only in accordance with the terms and condi-
6 tions specified in the report accompanying this Act;

7 (4) \$5,960,000 is for grants to upgrade crimi-
8 nal records, as authorized under the Crime Identifi-
9 cation Technology Act of 1998 (42 U.S.C. 14601);

10 (5) \$180,963,000 is for DNA related and foren-
11 sic programs and activities as follows:

12 (A) \$151,000,000 for a DNA analysis and
13 capacity enhancement program including the
14 purposes of section 2 of the DNA Analysis
15 Backlog Elimination Act of 2000, as amended
16 by the Debbie Smith Act of 2004, and further
17 amended by Public Law 109–162;

18 (B) \$5,000,000 for the purposes described
19 in the Kirk Bloodsworth Post-Conviction DNA
20 Testing Program (Public Law 108–405, section
21 412): *Provided*, That unobligated funds appro-
22 priated in fiscal years 2006 and 2007 for
23 grants as authorized under sections 412 and
24 413 of the foregoing public law are hereby

1 made available, instead, for the purposes here
2 specified;

3 (C) \$10,983,000 to reduce the turn-
4 around-time for the analysis of DNA evidence;

5 (D) \$6,000,000 for DNA Training and
6 Education for Law Enforcement, Correctional
7 Personnel, and Court Officers as authorized by
8 Public 108–405 section 303;

9 (E) \$5,000,000 for DNA Research and
10 Development as authorized by Public Law 108–
11 405 section 305; and

12 (F) \$3,000,000 for the DNA Identification
13 of Missing Persons as authorized by Public Law
14 108–405 section 308;

15 (6) \$15,040,000 is for improving tribal law en-
16 forcement, including equipment and training;

17 (7) \$20,000,000 is for programs to reduce gun
18 crime and gang violence;

19 (8) \$6,000,000 is for training and technical as-
20 sistance;

21 (9) \$40,000,000 is for Paul Coverdell Forensic
22 Sciences Improvement Grants under part BB of title
23 I of the 1968 Act;

24 (10) not to exceed \$30,000,000 is for program
25 management and administration;

1 (11) \$50,000,000 is for grants under section
2 1701 of title I of the 1968 Act (42 U.S.C. 3796dd)
3 for the hiring and rehiring of additional career law
4 enforcement officers under part Q of such title not-
5 withstanding subsection (i) of such section; and

6 (12) \$55,000,000 is for a national grant pro-
7 gram the purpose of which is to assist State and
8 local law enforcement to locate, arrest and prosecute
9 child sexual predators and exploiters, and to enforce
10 State offender registration laws described in section
11 1701(b) of the 1968 Act, of which:

12 (A) \$5,000,000 is for sex offender manage-
13 ment assistance as authorized by the Adam
14 Walsh Child Protection and Safety Act of 2006
15 (Public Law 109–162), and the Violent Crime
16 Control Act of 1994 (Public Law 103–322);
17 and

18 (B) \$2,000,000 is for the National Sex Of-
19 fender Public Registry.

20 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

21 SEC. 201. In addition to amounts otherwise made
22 available in this title for official reception and representa-
23 tion expenses, a total of not to exceed \$50,000 from funds
24 appropriated to the Department of Justice in this title

1 shall be available to the Attorney General for official re-
2 ception and representation expenses.

3 SEC. 202. None of the funds appropriated by this
4 title shall be available to pay for an abortion, except where
5 the life of the mother would be endangered if the fetus
6 were carried to term, or in the case of rape: *Provided*,
7 That should this prohibition be declared unconstitutional
8 by a court of competent jurisdiction, this section shall be
9 null and void.

10 SEC. 203. None of the funds appropriated under this
11 title shall be used to require any person to perform, or
12 facilitate in any way the performance of, any abortion.

13 SEC. 204. Nothing in the preceding section shall re-
14 move the obligation of the Director of the Bureau of Pris-
15 ons to provide escort services necessary for a female in-
16 mate to receive such service outside the Federal facility:
17 *Provided*, That nothing in this section in any way dimin-
18 ishes the effect of section 203 intended to address the phil-
19 osophical beliefs of individual employees of the Bureau of
20 Prisons.

21 SEC. 205. Not to exceed 5 percent of any appropria-
22 tion made available for the current fiscal year for the De-
23 partment of Justice in this Act may be transferred be-
24 tween such appropriations, but no such appropriation, ex-
25 cept as otherwise specifically provided, shall be increased

1 by more than 10 percent by any such transfers: *Provided*,
2 That any transfer pursuant to this section shall be treated
3 as a reprogramming of funds under section 505 of this
4 Act and shall not be available for obligation except in com-
5 pliance with the procedures set forth in that section: *Pro-*
6 *vided further*, That none of the funds appropriated to
7 “Buildings and Facilities, Federal Prison System” in this
8 or any other Act may be transferred to “Salaries and Ex-
9 penses, Federal Prison System”, or any other Department
10 of Justice account, unless the President certifies that such
11 a transfer is necessary to the national security interests
12 of the United States, and such authority shall not be dele-
13 gated, and shall be subject to section 505 of this Act.

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

21 SEC. 207. Notwithstanding any other provision of
22 law, Public Law 102–395 section 102(b) shall extend to
23 the Bureau of Alcohol, Tobacco, Firearms and Explosives
24 in the conduct of undercover investigative operations and
25 shall apply without fiscal year limitation with respect to

1 any undercover investigative operation initiated by the Bu-
2 reau of Alcohol, Tobacco, Firearms and Explosives that
3 is necessary for the detection and prosecution of crimes
4 against the United States.

5 SEC. 208. None of the funds made available to the
6 Department of Justice in this Act may be used for the
7 purpose of transporting an individual who is a prisoner
8 pursuant to conviction for crime under State or Federal
9 law and is classified as a maximum or high security pris-
10 oner, other than to a prison or other facility certified by
11 the Federal Bureau of Prisons as appropriately secure for
12 housing such a prisoner.

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

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

22 SEC. 210. None of the funds made available under
23 this title shall be obligated or expended for Sentinel, or
24 for any other major new or enhanced information tech-
25 nology program having total estimated development costs

1 in excess of \$100,000,000, unless the Deputy Attorney
2 General and the investment review board certify to the
3 Committees on Appropriations that the information tech-
4 nology program has appropriate program management
5 and contractor oversight mechanisms in place, and that
6 the program is compatible with the enterprise architecture
7 of the Department of Justice.

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

13 SEC. 212. None of the funds appropriated by this Act
14 may be used to plan for, begin, continue, finish, process,
15 or approve a public-private competition under the Office
16 of Management and Budget Circular A-76 or any suc-
17 cessor administrative regulation, directive, or policy for
18 work performed by employees of the Bureau of Prisons
19 or of Federal Prison Industries, Incorporated.

20 SEC. 213. Notwithstanding any other provision of
21 law, no funds shall be available for the salary, benefits,
22 or expenses of any United States Attorney assigned dual
23 or additional responsibilities by the Attorney General or
24 his designee that exempt that United States Attorney
25 from the residency requirements of 28 U.S.C. 545.

1 SEC. 214. Of the funds appropriated in this Act for
2 the Federal Bureau of Investigation's Sentinel program,
3 \$25,000,000 shall not be available for obligation until 90
4 days after the Committees on Appropriations receive from
5 the Federal Bureau of Investigation a report on the re-
6 sults of a completed integrated baseline review for Sen-
7 tinel: *Provided*, That the report shall be submitted simul-
8 taneously to the Government Accountability Office: *Pro-*
9 *vided further*, That the Government Accountability Office
10 shall review the Bureau's performance measurement base-
11 line for the Sentinel program and shall submit its findings
12 to the Committees on Appropriations of the Senate and
13 House of Representatives within 60 days of its receipt of
14 the report.

15 SEC. 215. None of the funds appropriated in this or
16 any other Act shall be obligated for the initiation of a fu-
17 ture phase of the Federal Bureau of Investigation's Sen-
18 tinel program until the Attorney General certifies to the
19 Committees on Appropriations that existing phases cur-
20 rently under contract for development or fielding have
21 completed a majority of the work for that phase under
22 the performance measurement baseline validated by the
23 integrated baseline review referred to in section 214 of this
24 Act: *Provided*, That this restriction does not apply to plan-
25 ning and design activities for future phases: *Provided fur-*

1 *ther*, That the Bureau will notify the Committees on Ap-
2 propriations of any significant changes to the baseline.

3 SEC. 216. (a) The Attorney General shall submit
4 quarterly reports to the Inspector General of the Depart-
5 ment of Justice regarding the costs and contracting proce-
6 dures relating to each conference held by the Department
7 of Justice during fiscal year 2008 for which the cost to
8 the Government was more than \$20,000.

9 (b) Each report submitted under subsection (a) shall
10 include, for each conference described in that subsection
11 held during the applicable quarter—

12 (1) a description of the subject of and number
13 of participants attending that conference;

14 (2) a detailed statement of the costs to the Gov-
15 ernment relating to that conference, including—

16 (A) the cost of any food or beverages;

17 (B) the cost of any audio-visual services;

18 and

19 (C) a discussion of the methodology used
20 to determine which costs relate to that con-
21 ference; and

22 (3) a description of the contracting procedures
23 relating to that conference, including—

24 (A) whether contracts were awarded on a
25 competitive basis for that conference; and

1 (B) a discussion of any cost comparison
2 conducted by the Department of Justice in eval-
3 uating potential contractors for that conference.

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

6 TITLE III

7 SCIENCE

8 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

9 For necessary expenses of the Office of Science and
10 Technology Policy, in carrying out the purposes of the Na-
11 tional Science and Technology Policy, Organization, and
12 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
13 passenger motor vehicles, and services as authorized by
14 5 U.S.C. 3109, not to exceed \$2,500 for official reception
15 and representation expenses, and rental of conference
16 rooms in the District of Columbia, \$5,184,000.

17 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

18 SCIENCE

19 For necessary expenses, not otherwise provided for,
20 in the conduct and support of science research and devel-
21 opment activities, including research, development, oper-
22 ations, support, and services; maintenance; construction of
23 facilities including repair, rehabilitation, revitalization,
24 and modification of facilities, construction of new facilities
25 and additions to existing facilities, facility planning and

1 design, and restoration, and acquisition or condemnation
2 of real property, as authorized by law; environmental com-
3 pliance and restoration; space flight, spacecraft control,
4 and communications activities; program management; per-
5 sonnel and related costs, including uniforms or allowances
6 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
7 penses; purchase and hire of passenger motor vehicles; and
8 purchase, lease, charter, maintenance, and operation of
9 mission and administrative aircraft, \$4,522,884,000, to
10 remain available until September 30, 2010.

11 AERONAUTICS

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

1 and operation of mission and administrative aircraft,
2 \$500,000,000, to remain available until September 30,
3 2010.

4 EXPLORATION

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of exploration research and
7 development activities, including research, development,
8 operations, support, and services; maintenance; construc-
9 tion of facilities including repair, rehabilitation, revitaliza-
10 tion, and modification of facilities, construction of new fa-
11 cilities and additions to existing facilities, facility planning
12 and design, and restoration, and acquisition or condemna-
13 tion of real property, as authorized by law; environmental
14 compliance and restoration; space flight, spacecraft con-
15 trol, and communications activities; program manage-
16 ment, personnel and related costs, including uniforms or
17 allowances therefor, as authorized by 5 U.S.C. 5901–
18 5902; travel expenses; purchase and hire of passenger
19 motor vehicles; and purchase, lease, charter, maintenance,
20 and operation of mission and administrative aircraft,
21 \$3,530,490,000, to remain available until September 30,
22 2010.

23 SPACE OPERATIONS

24 For necessary expenses, not otherwise provided for,
25 in the conduct and support of space operations research
26 and development activities, including research, develop-

1 ment, operations, support and services; space flight, space-
2 craft control and communications activities including oper-
3 ations, production, and services; maintenance; construc-
4 tion of facilities including repair, rehabilitation, revitaliza-
5 tion and modification of facilities, construction of new fa-
6 cilities and additions to existing facilities, facility planning
7 and design, and restoration, and acquisition or condemna-
8 tion of real property, as authorized by law; environmental
9 compliance and restoration; 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, \$5,774,710,000, to
15 remain available until September 30, 2010.

16 EDUCATION

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

1 \$130,012,000, to remain available until September 30,
2 2010.

3 CROSS AGENCY SUPPORT

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 \$70,000 for official reception and representation
20 expenses; and purchase, lease, charter, maintenance, and
21 operation of mission and administrative aircraft,
22 \$3,320,404,000, to remain available until September 30,
23 2010: *Provided*, That of the amount provided under this
24 heading, \$80,000,000 shall be for making grants only in
25 accordance with the terms and conditions specified in the
26 report accompanying this Act.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the Inspector General Act of 1978,
4 \$35,500,000, to remain available until September 30,
5 2010.

6 ADMINISTRATIVE PROVISIONS

7 Notwithstanding the limitation on the duration of
8 availability of funds appropriated to the National Aero-
9 nautics and Space Administration for any account in this
10 Act, except for “Office of Inspector General”, when any
11 activity has been initiated by the incurrence of obligations
12 for construction of facilities or environmental compliance
13 and restoration activities as authorized by law, such
14 amount available for such activity shall remain available
15 until expended. This provision does not apply to the
16 amounts appropriated for institutional minor revitaliza-
17 tion and minor construction of facilities, and institutional
18 facility planning and design.

19 Notwithstanding the limitation on the availability of
20 funds appropriated to the National Aeronautics and Space
21 Administration for any account in this Act, except for “Of-
22 fice of Inspector General”, the amounts appropriated for
23 construction of facilities shall remain available until Sep-
24 tember 30, 2011.

25 Funds for announced prizes otherwise authorized
26 shall remain available, without fiscal year limitation, until

1 the prize is claimed or the offer is withdrawn. Funding
2 shall not be made available for Centennial Challenges un-
3 less authorized.

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

14 Notwithstanding any other provision of law, no funds
15 shall be used to implement any Reduction in Force or
16 other involuntary separations (except for cause) by the
17 National Aeronautics and Space Administration prior to
18 September 30, 2009.

19 The unexpired balances of the Science, Aeronautics,
20 and Exploration account, for activities for which funds are
21 provided under this Act, may be transferred to the new
22 accounts established in this Act that provide such activity.
23 Balances so transferred shall be merged with the funds
24 in the newly established accounts, but shall be available

1 under the same terms, conditions and period of time as
2 previously appropriated.

3 For the closeout of all Space Shuttle contracts and
4 associated programs, amounts that have expired but have
5 not been cancelled in the Human Space Flight, Space
6 Flight Capabilities, and Exploration Capabilities appro-
7 priations accounts shall remain available through fiscal
8 year 2015 for the liquidation of valid obligations incurred
9 during the period of fiscal year 2001 through fiscal year
10 2009.

11 NATIONAL SCIENCE FOUNDATION

12 RESEARCH AND RELATED ACTIVITIES

13 For necessary expenses in carrying out the National
14 Science Foundation Act of 1950, as amended (42 U.S.C.
15 1861–1875), and the Act to establish a National Medal
16 of Science (42 U.S.C. 1880–1881); services as authorized
17 by 5 U.S.C. 3109; maintenance and operation of aircraft
18 and purchase of flight services for research support; acqui-
19 sition of aircraft; and authorized travel; \$5,593,990,000,
20 to remain available until September 30, 2010, of which
21 not to exceed \$540,000,000 shall remain available until
22 expended for polar research and operations support, and
23 for reimbursement to other Federal agencies for oper-
24 ational and science support and logistical and other re-
25 lated activities for the United States Antarctic program:

1 *Provided*, That from funds specified in the fiscal year
2 2009 budget request for icebreaking services, up to
3 \$54,000,000 shall be available for the procurement of
4 polar icebreaking services: *Provided further*, That the Na-
5 tional Science Foundation shall only reimburse the Coast
6 Guard for such sums as are agreed to according to the
7 existing memorandum of agreement: *Provided further*,
8 That receipts for scientific support services and materials
9 furnished by the National Research Centers and other Na-
10 tional Science Foundation supported research facilities
11 may be credited to this appropriation.

12 MAJOR RESEARCH EQUIPMENT AND FACILITIES

13 CONSTRUCTION

14 For necessary expenses for the acquisition, construc-
15 tion, commissioning, and upgrading of major research
16 equipment, facilities, and other such capital assets pursu-
17 ant to the National Science Foundation Act of 1950, as
18 amended (42 U.S.C. 1861–1875), including authorized
19 travel, \$152,010,000, to remain available until expended.

20 EDUCATION AND HUMAN RESOURCES

21 For necessary expenses in carrying out science and
22 engineering education and human resources programs and
23 activities pursuant to the National Science Foundation
24 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
25 ing services as authorized by 5 U.S.C. 3109, authorized
26 travel, and rental of conference rooms in the District of

1 Columbia, \$790,410,000, to remain available until Sep-
2 tember 30, 2010.

3 AGENCY OPERATIONS AND AWARD MANAGEMENT

4 For agency operations and award management nec-
5 essary in carrying out the National Science Foundation
6 Act of 1950, as amended (42 U.S.C. 1861–1875); services
7 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
8 hicles; not to exceed \$9,000 for official reception and rep-
9 resentation expenses; uniforms or allowances therefor, as
10 authorized by 5 U.S.C. 5901–5902; rental of conference
11 rooms in the District of Columbia; and reimbursement of
12 the Department of Homeland Security for security guard
13 services; \$300,560,000: *Provided*, That contracts may be
14 entered into under this heading in fiscal year 2009 for
15 maintenance and operation of facilities, and for other serv-
16 ices, to be provided during the next fiscal year.

17 OFFICE OF THE NATIONAL SCIENCE BOARD

18 For necessary expenses (including payment of sala-
19 ries, authorized travel, hire of passenger motor vehicles,
20 the rental of conference rooms in the District of Columbia,
21 and the employment of experts and consultants under sec-
22 tion 3109 of title 5, United States Code) involved in car-
23 rying out section 4 of the National Science Foundation
24 Act of 1950, as amended (42 U.S.C. 1863) and Public
25 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,030,000: *Pro-*

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

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General as authorized by the Inspector General Act of
6 1978, as amended, \$13,100,000, to remain available until
7 September 30, 2010.

8 This title may be cited as the “Science Appropria-
9 tions Act 2009”.

10 TITLE IV

11 RELATED AGENCIES

12 COMMISSION ON CIVIL RIGHTS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Commission on Civil
15 Rights, including hire of passenger motor vehicles,
16 \$8,800,000: *Provided*, That none of the funds appro-
17 priated in this paragraph shall be used to employ in excess
18 of four full-time individuals under Schedule C of the Ex-
19 cepted Service exclusive of one special assistant for each
20 Commissioner: *Provided further*, That none of the funds
21 appropriated in this paragraph shall be used to reimburse
22 Commissioners for more than 75 billable days, with the
23 exception of the chairperson, who is permitted 125 billable
24 days.

1 INTERNATIONAL TRADE COMMISSION

2 SALARIES AND EXPENSES

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

8 LEGAL SERVICES CORPORATION

9 PAYMENT TO THE LEGAL SERVICES CORPORATION

10 For payment to the Legal Services Corporation to
11 carry out the purposes of the Legal Services Corporation
12 Act of 1974, \$390,000,000, of which \$369,000,000 is for
13 basic field programs and required independent audits;
14 \$3,200,000 is for the Office of Inspector General, of which
15 such amounts as may be necessary may be used to conduct
16 additional audits of recipients; \$13,000,000 is for manage-
17 ment and administration; and \$3,800,000 is for client self-
18 help and information technology; and \$1,000,000 is for
19 loan repayment assistance: *Provided*, That the Legal Serv-
20 ices Corporation may continue to provide locality pay to
21 officers and employees at a rate no greater than that pro-
22 vided by the Federal Government to Washington, DC-
23 based employees as authorized by 5 U.S.C. 5304, notwith-
24 standing section 1005(d) of the Legal Services Corpora-
25 tion Act, 42 U.S.C. 2996(d).

1 ADMINISTRATIVE PROVISION—LEGAL SERVICES
2 CORPORATION

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

13 MARINE MAMMAL COMMISSION
14 SALARIES AND EXPENSES

15 For necessary expenses of the Marine Mammal Com-
16 mission as authorized by title II of Public Law 92–522,
17 \$2,400,000.

18 OFFICE OF THE UNITED STATES TRADE
19 REPRESENTATIVE
20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of the United
22 States Trade Representative, including the hire of pas-
23 senger motor vehicles and the employment of experts and
24 consultants as authorized by 5 U.S.C. 3109, \$46,272,000,
25 of which \$1,000,000 shall remain available until expended:

1 *Provided*, That not to exceed \$124,000 shall be available
2 for official reception and representation expenses: *Pro-*
3 *vided further*, That negotiations shall be conducted within
4 the World Trade Organization to recognize the right of
5 members to distribute monies collected from antidumping
6 and countervailing duties: *Provided further*, That negotia-
7 tions shall be conducted within the World Trade Organiza-
8 tion consistent with the negotiating objectives contained
9 in the Trade Act of 2002, Public Law 107–210.

10 STATE JUSTICE INSTITUTE

11 SALARIES AND EXPENSES

12 For necessary expenses of the State Justice Institute,
13 as authorized by the State Justice Institute Authorization
14 Act of 1992 (Public Law 102–572), \$5,000,000: *Provided*,
15 That not to exceed \$2,500 shall be available for official
16 reception and representation expenses.

17 TITLE V

18 GENERAL PROVISIONS

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

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

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

8 SEC. 504. If any provision of this Act or the applica-
9 tion of such provision to any person or circumstances shall
10 be held invalid, the remainder of the Act and the applica-
11 tion of each provision to persons or circumstances other
12 than those as to which it is held invalid shall not be af-
13 fected thereby.

14 SEC. 505. (a) None of the funds provided under this
15 Act, or provided under previous appropriations Acts to the
16 agencies funded by this Act that remain available for obli-
17 gation or expenditure in fiscal year 2009, or provided from
18 any accounts in the Treasury of the United States derived
19 by the collection of fees available to the agencies funded
20 by this Act, shall be available for obligation or expenditure
21 through a reprogramming of funds that: (1) creates new
22 programs; (2) eliminates a program, project, or activity;
23 (3) increases funds or personnel by any means for any
24 project or activity for which funds have been denied or
25 restricted; (4) relocates an office or employees; (5) reorga-

1 nizes or renames offices, programs, or activities; or (6)
2 contracts out or privatizes any functions or activities pres-
3 ently performed by Federal employees; unless the House
4 and Senate Committees on Appropriations are notified 15
5 days in advance of such reprogramming of funds.

6 (b) None of the funds provided under this Act, or
7 provided under previous appropriations Acts to the agen-
8 cies funded by this Act that remain available for obligation
9 or expenditure in fiscal year 2009, or provided from any
10 accounts in the Treasury of the United States derived by
11 the collection of fees available to the agencies funded by
12 this Act, shall be available for obligation or expenditure
13 for activities, programs, or projects through a reprogram-
14 ming of funds in excess of \$500,000 or 10 percent, which-
15 ever is less, that: (1) augments existing programs,
16 projects, or activities; (2) reduces by 10 percent funding
17 for any existing program, project, or activity, or numbers
18 of personnel by 10 percent as approved by Congress; or
19 (3) results from any general savings, including savings
20 from a reduction in personnel, which would result in a
21 change in existing programs, activities, or projects as ap-
22 proved by Congress; unless the House and Senate Com-
23 mittees on Appropriations are notified 15 days in advance
24 of such reprogramming of funds.

1 SEC. 506. Hereafter, none of the funds made avail-
2 able in this or any other Act may be used to implement,
3 administer, or enforce any guidelines of the Equal Em-
4 ployment Opportunity Commission covering harassment
5 based on religion, when it is made known to the Federal
6 entity or official to which such funds are made available
7 that such guidelines do not differ in any respect from the
8 proposed guidelines published by the Commission on Octo-
9 ber 1, 1993 (58 Fed. Reg. 51266).

10 SEC. 507. If it has been finally determined by a court
11 or Federal agency that any person intentionally affixed a
12 label bearing a “Made in America” inscription, or any in-
13 scription with the same meaning, to any product sold in
14 or shipped to the United States that is not made in the
15 United States, the person shall be ineligible to receive any
16 contract or subcontract made with funds made available
17 in this Act, pursuant to the debarment, suspension, and
18 ineligibility procedures described in sections 9.400 through
19 9.409 of title 48, Code of Federal Regulations.

20 SEC. 508. The Departments of Commerce and Jus-
21 tice, the National Science Foundation, and the National
22 Aeronautics and Space Administration, shall provide to
23 the House and Senate Committees on Appropriations a
24 quarterly accounting of the cumulative balances of any un-

1 obligated funds that were received by such agency during
2 any previous fiscal year.

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

16 SEC. 510. None of the funds provided by this Act
17 shall be available to promote the sale or export of tobacco
18 or tobacco products, or to seek the reduction or removal
19 by any foreign country of restrictions on the marketing
20 of tobacco or tobacco products, except for restrictions
21 which are not applied equally to all tobacco or tobacco
22 products of the same type.

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

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

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

15 SEC. 512. Notwithstanding any other provision of
16 law, amounts deposited or available in the Fund estab-
17 lished under 42 U.S.C. 10601 in any fiscal year in excess
18 of \$635,000,000 shall not be available for obligation until
19 the following fiscal year.

20 SEC. 513. None of the funds made available to the
21 Department of Justice in this Act may be used to discrimi-
22 nate against or denigrate the religious or moral beliefs of
23 students who participate in programs for which financial
24 assistance is provided from those funds, or of the parents
25 or legal guardians of such students.

1 SEC. 514. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriations Act.

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

9 SEC. 516. (a) Tracing studies conducted by the Bu-
10 reau of Alcohol, Tobacco, Firearms and Explosives are re-
11 leased without adequate disclaimers regarding the limita-
12 tions of the data.

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

18 (1) Firearm traces are designed to assist law
19 enforcement authorities in conducting investigations
20 by tracking the sale and possession of specific fire-
21 arms. Law enforcement agencies may request fire-
22 arms traces for any reason, and those reasons are
23 not necessarily reported to the Federal Government.
24 Not all firearms used in crime are traced and not all
25 firearms traced are used in crime.

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

12 SEC. 517. (a) The Inspectors General of the Depart-
13 ment of Commerce, the Department of Justice, the Na-
14 tional Aeronautics and Space Administration, the Na-
15 tional Science Foundation, and the Legal Services Cor-
16 poration shall conduct audits, pursuant to the Inspector
17 General Act (5 U.S.C. App.), of grants or contracts for
18 which funds are appropriated by this Act, and shall submit
19 reports to Congress on the progress of such audits, which
20 may include preliminary findings and a description of
21 areas of particular interest, within 180 days after initi-
22 ating such an audit and every 180 days thereafter until
23 any such audit is completed.

24 (b) Within 60 days after the date on which an audit
25 described in subsection (a) by an Inspector General is

1 completed, the Secretary, Attorney General, Adminis-
2 trator, Director, or President, as appropriate, shall make
3 the results of the audit available to the public on the Inter-
4 net website maintained by the Department, Administra-
5 tion, Foundation, or Corporation, respectively. The results
6 shall be made available in redacted form to exclude—

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

9 (2) sensitive personal information for any indi-
10 vidual, the public access to which could be used to
11 commit identity theft or for other inappropriate or
12 unlawful purposes.

13 (c) A grant or contract funded by amounts appro-
14 priated by this Act may not be used for the purpose of
15 defraying the costs of a banquet or conference that is not
16 directly and programmatically related to the purpose for
17 which the grant or contract was awarded, such as a ban-
18 quet or conference held in connection with planning, train-
19 ing, assessment, review, or other routine purposes related
20 to a project funded by the grant or contract.

21 (d) Any person awarded a grant or contract funded
22 by amounts appropriated by this Act shall submit a state-
23 ment to the Secretary of Commerce, the Attorney General,
24 the Administrator, Director, or President, as appropriate,
25 certifying that no funds derived from the grant or contract

1 will be made available through a subcontract or in any
2 other manner to another person who has a financial inter-
3 est in the person awarded the grant or contract.

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

13 SEC. 518. None of the funds appropriated or other-
14 wise made available under this Act may be used to issue
15 patents on claims directed to or encompassing a human
16 organism.

17 SEC. 519. None of the funds made available in this
18 Act shall be used in any way whatsoever to support or
19 justify the use of torture by any official or contract em-
20 ployee of the United States Government.

21 SEC. 520. (a) Notwithstanding any other provision
22 of law or treaty, none of the funds appropriated or other-
23 wise made available under this Act or any other Act may
24 be expended or obligated by a department, agency, or in-
25 strumentality of the United States to pay administrative

1 expenses or to compensate an officer or employee of the
2 United States in connection with requiring an export li-
3 cense for the export to Canada of components, parts, ac-
4 cessories or attachments for firearms listed in Category
5 I, section 121.1 of title 22, Code of Federal Regulations
6 (International Trafficking in Arms Regulations (ITAR),
7 part 121, as it existed on April 1, 2005) with a total value
8 not exceeding \$500 wholesale in any transaction, provided
9 that the conditions of subsection (b) of this section are
10 met by the exporting party for such articles.

11 (b) The foregoing exemption from obtaining an ex-
12 port license—

13 (1) does not exempt an exporter from filing any
14 Shipper's Export Declaration or notification letter
15 required by law, or from being otherwise eligible
16 under the laws of the United States to possess, ship,
17 transport, or export the articles enumerated in sub-
18 section (a); and

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

21 (A) fully automatic firearms and compo-
22 nents and parts for such firearms, other than
23 for end use by the Federal Government, or a
24 Provincial or Municipal Government of Canada;

1 (B) barrels, cylinders, receivers (frames) or
2 complete breech mechanisms for any firearm
3 listed in Category I, other than for end use by
4 the Federal Government, or a Provincial or Mu-
5 nicipal Government of Canada; or

6 (C) articles for export from Canada to an-
7 other foreign destination.

8 (e) In accordance with this section, the District Di-
9 rectors of Customs and postmasters shall permit the per-
10 manent or temporary export without a license of any un-
11 classified articles specified in subsection (a) to Canada for
12 end use in Canada or return to the United States, or tem-
13 porary import of Canadian-origin items from Canada for
14 end use in the United States or return to Canada for a
15 Canadian citizen.

16 (d) The President may require export licenses under
17 this section on a temporary basis if the President deter-
18 mines, upon publication first in the Federal Register, that
19 the Government of Canada has implemented or main-
20 tained inadequate import controls for the articles specified
21 in subsection (a), such that a significant diversion of such
22 articles has and continues to take place for use in inter-
23 national terrorism or in the escalation of a conflict in an-
24 other nation. The President shall terminate the require-

1 ments of a license when reasons for the temporary require-
2 ments have ceased.

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

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

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

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

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

22 SEC. 523. None of the funds made available in this
23 Act may be used to authorize or issue a national security
24 letter in contravention of any of the following laws author-
25 izing the Federal Bureau of Investigation to issue national

1 security letters: The Right to Financial Privacy Act; The
2 Electronic Communications Privacy Act; The Fair Credit
3 Reporting Act; The National Security Act of 1947; USA
4 PATRIOT Act; and the laws amended by these Acts.

5 SEC. 524. If at any time during any quarter, the pro-
6 gram manager of a project within the jurisdiction of the
7 Departments of Commerce or Justice, the National Aero-
8 nautics and Space Administration, or the National Science
9 Foundation totaling more than \$75,000,000 has reason-
10 able cause to believe that the total program cost has in-
11 creased by 10 percent, the program manager shall imme-
12 diately inform the Secretary, Administrator, or Director.
13 The Secretary, Administrator, or Director shall notify the
14 House and Senate Committees on Appropriations within
15 30 days in writing of such increase, and shall include in
16 such notice: the date on which such determination was
17 made; a statement of the reasons for such increases; the
18 action taken and proposed to be taken to control future
19 cost growth of the project; changes made in the perform-
20 ance or schedule milestones and the degree to which such
21 changes have contributed to the increase in total program
22 costs or procurement costs; new estimates of the total
23 project or procurement costs; and a statement validating
24 that the project's management structure is adequate to
25 control total project or procurement costs.

1 SEC. 525. Notwithstanding section 505 of this Act,
2 no funds shall be reprogrammed within or transferred be-
3 tween appropriations after June 30, except in extraor-
4 dinary circumstances.

5 SEC. 526. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for intel-
7 ligence or intelligence related activities are deemed to be
8 specifically authorized by the Congress for purposes of sec-
9 tion 504 of the National Security Act of 1947 (50 U.S.C.
10 414) during fiscal year 2009 until the enactment of the
11 Intelligence Authorization Act for Fiscal Year 2009.

12 SEC. 527. The Departments, agencies, and commis-
13 sions funded under this Act, shall establish and maintain
14 on the homepages of their Internet websites—

15 (1) a direct link to the Internet websites of
16 their Offices of Inspectors General; and

17 (2) a mechanism on the Offices of Inspectors
18 General website by which individuals may anony-
19 mously report cases of waste, fraud, or abuse with
20 respect to those Departments, agencies, and commis-
21 sions.

22 SEC. 528. None of the funds appropriated or other-
23 wise made available by this Act may be used to enter into
24 a contract in an amount greater than \$5,000,000 or to
25 award a grant in excess of such amount unless the pro-

1 spective contractor or grantee certifies in writing to the
2 agency awarding the contract or grant that, to the best
3 of its knowledge and belief, the contractor or grantee has
4 filed all Federal tax returns required during the 3 years
5 preceding the certification, has not been convicted of a
6 criminal offense under the Internal Revenue Code of 1986,
7 and has not, more than 90 days prior to certification, been
8 notified of any unpaid Federal tax assessment for which
9 the liability remains unsatisfied, unless the assessment is
10 the subject of an installment agreement or offer in com-
11 promise that has been approved by the Internal Revenue
12 Service and is not in default, or the assessment is the sub-
13 ject of a non-frivolous administrative or judicial pro-
14 ceeding.

15 SEC. 529. None of the funds appropriated or other-
16 wise made available in this Act may be used in a manner
17 that is inconsistent with the principal negotiating objective
18 of the United States with respect to trade remedy laws
19 to preserve the ability of the United States—

20 (1) to enforce vigorously its trade laws, includ-
21 ing antidumping, countervailing duty, and safeguard
22 laws;

23 (2) to avoid agreements that—

1 (A) lessen the effectiveness of domestic
2 and international disciplines on unfair trade, es-
3 pecially dumping and subsidies; or

4 (B) lessen the effectiveness of domestic
5 and international safeguard provisions, in order
6 to ensure that United States workers, agricul-
7 tural producers, and firms can compete fully on
8 fair terms and enjoy the benefits of reciprocal
9 trade concessions; and

10 (3) to address and remedy market distortions
11 that lead to dumping and subsidization, including
12 overcapacity, cartelization, and market-access bar-
13 riers.

14 SEC. 530. None of the funds made available in this
15 Act may be used to purchase first class or premium airline
16 travel in contravention of sections 301–10.122 through
17 301–10.124 of title 41 of the Code of Federal Regulations.

18 SEC. 531. None of the funds made available in this
19 Act may be used to send or otherwise pay for the attend-
20 ance of more than 50 employees from a Federal depart-
21 ment or agency at any single conference occurring outside
22 the United States.

23 (RESCISSIONS)

24 SEC. 532. (a) Of the unobligated balances available
25 to the Department of Commerce from prior appropria-

1 tions, the following funds are hereby rescinded from the
2 following accounts and programs in the specified amounts:

3 (1) “International Trade Administration, Oper-
4 ations and Administration”, \$2,000,000; and

5 (2) “Economic Development Administration,
6 Economic Development Assistance Programs”,
7 \$15,000,000.

8 (b) Of the unobligated balances available to the De-
9 partment of Justice from prior appropriations, the fol-
10 lowing funds are hereby rescinded from the following ac-
11 counts in the specified amounts:

12 (1) “General Administration, Working Capital
13 Fund”, \$120,911,000;

14 (2) “Legal Activities, Assets Forfeiture Fund”,
15 \$285,000,000;

16 (3) “Office of Justice Programs”,
17 \$100,000,000; and

18 (4) “Community Oriented Policing Services”,
19 \$100,000,000.

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

Calendar No. 831

110TH CONGRESS
2^D SESSION

S. 3182

[Report No. 110-397]

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.

JUNE 23, 2008

Read twice and placed on the calendar