

Calendar No. 259

110TH CONGRESS
1ST SESSION**S. 1745****[Report No. 110–124]**

Making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2007

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, 2008, 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, 2008, 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 United States and Foreign Commercial
15 Service between two points abroad, without regard to 49
16 U.S.C. 40118; employment of Americans and aliens by
17 contract for services; rental of space abroad for periods
18 not exceeding 10 years, and expenses of alteration, repair,
19 or improvement; purchase or construction of temporary
20 demountable exhibition structures for use abroad; pay-
21 ment of tort claims, in the manner authorized in the first
22 paragraph of 28 U.S.C. 2672 when such claims arise in
23 foreign countries; not to exceed \$327,000 for official rep-
24 resentation expenses abroad; purchase of passenger motor
25 vehicles for official use abroad, not to exceed \$45,000 per

1 vehicle; obtaining insurance on official motor vehicles; and
2 rental of tie lines, \$425,431,000, to remain available until
3 September 30, 2009, of which \$8,000,000 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 \$49,564,000 shall be for Manufacturing
7 and Services; \$44,960,000 shall be for Market Access and
8 Compliance; \$66,601,000 shall be for the Import Adminis-
9 tration; \$229,702,000 shall be for the United States and
10 Foreign Commercial Service; and \$26,604,000 shall be for
11 Executive Direction and Administration: *Provided further*,
12 That the provisions of the first sentence of section 105(f)
13 and all of section 108(c) of the Mutual Educational and
14 Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and
15 2458(c)) shall apply in carrying out these activities with-
16 out regard to section 5412 of the Omnibus Trade and
17 Competitiveness Act of 1988 (15 U.S.C. 4912); and that
18 for the purpose of this Act, contributions under the provi-
19 sions of the Mutual Educational and Cultural Exchange
20 Act of 1961 shall include payment for assessments for
21 services provided as part of these activities: *Provided fur-*
22 *ther*, That the International Trade Administration shall be
23 exempt from the requirements of Circular A-25 (or any
24 successor administrative regulation or policy) issued by
25 the Office of Management and Budget: *Provided further*,

1 That negotiations shall be conducted within the World
2 Trade Organization to recognize the right of members to
3 distribute monies collected from antidumping and counter-
4 vailing duties: *Provided further*, That negotiations shall be
5 conducted within the World Trade Organization consistent
6 with the negotiating objectives contained in the Trade Act
7 of 2002, Public Law 107–210.

8 BUREAU OF INDUSTRY AND SECURITY

9 OPERATIONS AND ADMINISTRATION

10 For necessary expenses for export administration and
11 national security activities of the Department of Com-
12 merce, including costs associated with the performance of
13 export administration field activities both domestically and
14 abroad; full medical coverage for dependent members of
15 immediate families of employees stationed overseas; em-
16 ployment of Americans and aliens by contract for services
17 abroad; payment of tort claims, in the manner authorized
18 in the first paragraph of 28 U.S.C. 2672 when such claims
19 arise in foreign countries; not to exceed \$15,000 for offi-
20 cial representation expenses abroad; awards of compensa-
21 tion to informers under the Export Administration Act of
22 1979, and as authorized by 22 U.S.C. 401(b); and pur-
23 chase of passenger motor vehicles for official use and
24 motor vehicles for law enforcement use with special re-
25 quirement vehicles eligible for purchase without regard to

1 any price limitation otherwise established by law,
 2 \$78,776,000, to remain available until expended, of which
 3 \$14,767,000 shall be for inspections and other activities
 4 related to national security: *Provided*, That the provisions
 5 of the first sentence of section 105(f) and all of section
 6 108(c) of the Mutual Educational and Cultural Exchange
 7 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
 8 in carrying out these activities: *Provided further*, That
 9 payments and contributions collected and accepted for ma-
 10 terials or services provided as part of such activities may
 11 be retained for use in covering the cost of such activities,
 12 and for providing information to the public with respect
 13 to the export administration and national security activi-
 14 ties of the Department of Commerce and other export con-
 15 trol programs of the United States and other govern-
 16 ments.

17 ECONOMIC DEVELOPMENT ADMINISTRATION

18 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

19 For grants for economic development assistance as
 20 provided by the Public Works and Economic Development
 21 Act of 1965, and for trade adjustment assistance,
 22 \$250,000,000, to remain available until expended.

23 SALARIES AND EXPENSES

24 For necessary expenses of administering the eco-
 25 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, \$30,200,000.

13 ECONOMIC AND INFORMATION INFRASTRUCTURE

14 ECONOMIC AND STATISTICAL ANALYSIS

15 SALARIES AND EXPENSES

16 For necessary expenses, as authorized by law, of eco-
 17 nomic and statistical analysis programs of the Department
 18 of Commerce, \$85,000,000, to remain available until Sep-
 19 tember 30, 2009.

20 BUREAU OF THE CENSUS

21 SALARIES AND EXPENSES

22 For expenses necessary for collecting, compiling, ana-
 23 lyzing, preparing, and publishing statistics, provided for
 24 by law, \$226,238,000.

1 PERIODIC CENSUSES AND PROGRAMS

2 For expenses to collect and publish statistics for peri-
3 odic censuses and programs provided for by law,
4 \$1,020,406,000, to remain available until September 30,
5 2009.

6 NATIONAL TELECOMMUNICATIONS AND INFORMATION

7 ADMINISTRATION

8 SALARIES AND EXPENSES

9 For necessary expenses, as provided for by law, of
10 the National Telecommunications and Information Ad-
11 ministration (NTIA), \$18,581,000, to remain available
12 until September 30, 2009: *Provided*, That, notwith-
13 standing 31 U.S.C. 1535(d), the Secretary of Commerce
14 shall charge Federal agencies for costs incurred in spec-
15 trum management, analysis, and operations, and related
16 services and such fees shall be retained and used as offset-
17 ting collections for costs of such spectrum services, to re-
18 main available until expended: *Provided further*, That the
19 Secretary of Commerce is authorized to retain and use as
20 offsetting collections all funds transferred, or previously
21 transferred, from other Government agencies for all costs
22 incurred in telecommunications research, engineering, and
23 related activities by the Institute for Telecommunication
24 Sciences of NTIA, in furtherance of its assigned functions
25 under this paragraph, and such funds received from other

1 Government agencies shall remain available until ex-
 2 pended.

3 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
 4 AND CONSTRUCTION

5 For the administration of grants authorized by sec-
 6 tion 392 of the Communications Act of 1934,
 7 \$20,000,000, to remain available until expended: *Pro-*
 8 *vided*, That not to exceed \$2,000,000 shall be available
 9 for program administration as authorized by section 391
 10 of the Act: *Provided further*, That, notwithstanding the
 11 provisions of section 391 of the Act, the prior year unobli-
 12 gated balances may be made available for grants for
 13 projects for which applications have been submitted and
 14 approved during any fiscal year.

15 TECHNOLOGY OPPORTUNITIES PROGRAM

16 For grants authorized by sections 391 and 392 of the
 17 Communications Act of 1934, as amended, \$10,000,000,
 18 to remain available until expended: *Provided*, That funds
 19 provided under this heading shall be for competitive grants
 20 for the construction of broadband services.

21 UNITED STATES PATENT AND TRADEMARK OFFICE

22 SALARIES AND EXPENSES

23 For necessary expenses of the United States Patent
 24 and Trademark Office provided for by law, including de-
 25 fense of suits instituted against the Under Secretary of
 26 Commerce for Intellectual Property and Director of the

1 United States Patent and Trademark Office,
2 \$1,915,500,000, to remain available until expended: *Pro-*
3 *vided*, That the sum herein appropriated from the general
4 fund shall be reduced as offsetting collections assessed and
5 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
6 and 376 are received during fiscal year 2008, so as to re-
7 sult in a fiscal year 2008 appropriation from the general
8 fund estimated at \$0: *Provided further*, That during fiscal
9 year 2008, should the total amount of offsetting fee collec-
10 tions be less than \$1,915,500,000, this amount shall be
11 reduced accordingly: *Provided further*, That any amount
12 received in excess of \$1,915,500,000 in fiscal year 2008,
13 in an amount up to \$100,000,000, shall remain available
14 until expended: *Provided further*, That not less than 1,020
15 full-time equivalents, 1,082 positions and \$214,150,000
16 shall be for the examination of trademark applications;
17 and not less than 8,522 full-time equivalents, 9,000 posi-
18 tions and \$1,701,402,000 shall be for the examination and
19 searching of patent applications: *Provided further*, That
20 not less than \$18,000,000 shall be for training of per-
21 sonnel: *Provided further*, That any deviation from the full-
22 time equivalent, position, and funding designations set
23 forth in the preceding provisos shall be subject to the pro-
24 cedures set forth in section 505 of this Act: *Provided fur-*
25 *ther*, That from amounts provided herein, not to exceed

1 \$5,000 shall be made available in fiscal year 2008 for offi-
2 cial reception and representation expenses: *Provided fur-*
3 *ther*, That notwithstanding section 1353 of title 31,
4 United States Code, no employee of the United States
5 Patent and Trademark Office may accept payment or re-
6 imbursement from a non-Federal entity for travel, subsist-
7 ence, or related expenses for the purpose of enabling an
8 employee to attend and participate in a convention, con-
9 ference, or meeting when the entity offering payment or
10 reimbursement is a person or corporation subject to regu-
11 lation by the Office, or represents a person or corporation
12 subject to regulation by the Office, unless the person or
13 corporation is an organization exempt from taxation pur-
14 suant to section 501(c)(3) of the Internal Revenue Code
15 of 1986: *Provided further*, That in fiscal year 2008, from
16 the amounts made available for “Salaries and Expenses”
17 for the United States Patent and Trademark Office
18 (PTO), the amounts necessary to pay: (1) the difference
19 between the percentage of basic pay contributed by the
20 PTO and employees under section 8334(a) of title 5,
21 United States Code, and the normal cost percentage (as
22 defined by section 8331(17) of that title) of basic pay, of
23 employees subject to subchapter III of chapter 83 of that
24 title; and (2) the present value of the otherwise unfunded
25 accruing costs, as determined by the Office of Personnel

1 Management, of post-retirement life insurance and post-
 2 retirement health benefits coverage for all PTO employees,
 3 shall be transferred to the Civil Service Retirement and
 4 Disability Fund, the Employees Life Insurance Fund, and
 5 the Employees Health Benefits Fund, as appropriate, and
 6 shall be available for the authorized purposes of those ac-
 7 counts: *Provided further*, That sections 801, 802, and 803
 8 of Division B, Public Law 108–447 shall remain in effect
 9 during fiscal year 2008: *Provided further*, That the Direc-
 10 tor may reduce patent filing fees payable in 2008 for docu-
 11 ments filed electronically consistent with Federal regula-
 12 tion.

13 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
 14 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

15 For necessary expenses of the National Institute of
 16 Standards and Technology, \$502,117,000, to remain
 17 available until expended, of which not to exceed
 18 \$12,500,000 may be transferred to the “Working Capital
 19 Fund”: *Provided*, That not to exceed \$7,500 shall be for
 20 official reception and representation expenses.

21 INDUSTRIAL TECHNOLOGY SERVICES

22 For necessary expenses of the Hollings Manufac-
 23 turing Extension Partnership of the National Institute of
 24 Standards and Technology, \$110,000,000, to remain
 25 available until expended.

1 In addition, for necessary expenses of the Advanced
2 Technology Program of the National Institute of Stand-
3 ards and Technology, \$100,000,000, to remain available
4 until expended, of which not to exceed \$1,500,000 shall
5 be for Institutional Support: *Provided*, That no single ap-
6 plicant awards shall be made to companies with revenues
7 greater than \$1,000,000,000: *Provided further*, That
8 funds shall not support Standards Development pursuant
9 to 15 U.S.C. 278n(h).

10 CONSTRUCTION OF RESEARCH FACILITIES

11 For construction of new research facilities, including
12 architectural and engineering design, and for renovation
13 and maintenance of existing facilities, including agency
14 recreational and welfare facilities, not otherwise provided
15 for the National Institute of Standards and Technology,
16 as authorized by 15 U.S.C. 278c–278e, \$150,900,000, to
17 remain available until expended: *Provided*, That the Sec-
18 retary of Commerce shall include in the budget justifica-
19 tion materials that the Secretary submits to Congress in
20 support of the Department of Commerce budget (as sub-
21 mitted with the budget of the President under section
22 1105(a) of title 31, United States Code) an estimate for
23 each National Institute of Standards and Technology con-
24 struction project having a total multi-year program cost
25 of more than \$5,000,000 and simultaneously the budget

1 justification materials shall include an estimate of the
 2 budgetary requirements for each such project for each of
 3 the five subsequent fiscal years: *Provided further*, That
 4 notwithstanding any other provision of law, of the amount
 5 made available for construction of research facilities,
 6 \$8,000,000 shall be for the University of Mississippi Med-
 7 ical Center Biotechnology Research Park; \$8,000,000
 8 shall be for the Mississippi State University Research,
 9 Technology and Economic Development Park; \$2,000,000
 10 shall be for the University of Southern Mississippi Innova-
 11 tion and Commercialization Park Infrastructure and
 12 Building Construction and Equipage; \$5,000,000 shall be
 13 for the Alabama State University Life Sciences Building;
 14 and \$30,000,000 shall be for laboratory and research
 15 space at the University of South Alabama Engineering
 16 and Science Center.

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

1 pursuant to cooperative agreements; and relocation of fa-
2 cilities, \$3,036,888,000, to remain available until Sep-
3 tember 30, 2008, except for funds provided for cooperative
4 enforcement, which shall remain available until September
5 30, 2009: *Provided*, That fees and donations received by
6 the National Ocean Service for the management of na-
7 tional marine sanctuaries may be retained and used for
8 the salaries and expenses associated with those activities,
9 notwithstanding 31 U.S.C. 3302: *Provided further*, That
10 in addition, \$3,000,000 shall be derived by transfer from
11 the fund entitled “Coastal Zone Management” and in ad-
12 dition \$77,000,000 shall be derived by transfer from the
13 fund entitled “Promote and Develop Fishery Products and
14 Research Pertaining to American Fisheries”: *Provided*
15 *further*, That of the \$3,121,888,000 provided for in direct
16 obligations under this heading \$3,036,888,000 is appro-
17 priated from the general fund, \$80,000,000 is provided
18 by transfer, and \$5,000,000 is derived from recoveries of
19 prior year obligations: *Provided further*, That of the funds
20 provided under this heading, \$250,000 is made available
21 until expended subject to procedures set forth in section
22 209 of Public Law 108–447: *Provided further*, That no
23 general administrative charge shall be applied against an
24 assigned activity included in this Act or the report accom-
25 panying this Act: *Provided further*, That the total amount

1 available for the National Oceanic and Atmospheric Ad-
2 ministration corporate services administrative support
3 costs shall not exceed \$209,179,000: *Provided further,*
4 That payments of funds made available under this heading
5 to the Department of Commerce Working Capital Fund
6 including Department of Commerce General Counsel legal
7 services shall not exceed \$34,425,000: *Provided further,*
8 That any deviation from the amounts designated for spe-
9 cific activities in the report accompanying this Act, or any
10 use of deobligated balances of funds provided under this
11 heading in previous years, shall be subject to the proce-
12 dures set forth in section 505 of this Act: *Provided further,*
13 That grants to States pursuant to sections 306 and 306A
14 of the Coastal Zone Management Act of 1972, as amend-
15 ed, shall not exceed \$2,000,000, unless funds provided for
16 “Coastal Zone Management Grants” exceed funds pro-
17 vided in the previous fiscal year: *Provided further,* That
18 if funds provided for “Coastal Zone Management Grants”
19 exceed funds provided in the previous fiscal year, then no
20 State shall receive more than 5 percent or less than 1 per-
21 cent of the additional funds: *Provided further,* That for
22 fiscal year 2008 and hereafter the Administrator of the
23 National Oceanic and Atmospheric Administration may
24 engage in formal and informal education activities, includ-
25 ing primary and secondary education, related to the agen-

1 cy's mission goals: *Provided further*, That in accordance
 2 with section 215 of Public Law 107-372 the number of
 3 officers in the NOAA Commissioned Officer Corps shall
 4 increase to 321: *Provided further*, That for fiscal year
 5 2009 and hereafter the National Oceanic and Atmospheric
 6 Administration shall submit its budget request to Con-
 7 gress concurrently with its submission to the Office of
 8 Management and Budget: *Provided further*, That of the
 9 funds provided, \$15,000,000 is provided for the alleviation
 10 of economic impacts associated Framework 42 on the
 11 Massachusetts groundfish fishery.

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

18 PROCUREMENT, ACQUISITION AND CONSTRUCTION

19 For procurement, acquisition and construction of
 20 capital assets, including alteration and modification costs,
 21 of the National Oceanic and Atmospheric Administration,
 22 \$1,089,000,000, to remain available until September 30,
 23 2009, except funds provided for construction of facilities
 24 which shall remain available until expended: *Provided*,
 25 That of the amounts provided for the National Polar-or-

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

16 PACIFIC COASTAL SALMON RECOVERY

17 For necessary expenses associated with the restora-
 18 tion of Pacific salmon populations, \$90,000,000.

19 COASTAL ZONE MANAGEMENT FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 Of amounts collected pursuant to section 308 of the
 22 Coastal Zone Management Act of 1972 (16 U.S.C.
 23 1456a), not to exceed \$3,000,000 shall be transferred to
 24 the “Operations, Research, and Facilities” account to off-
 25 set the costs of implementing such Act.

1 FISHERIES FINANCE PROGRAM ACCOUNT

2 Subject to section 502 of the Congressional Budget
3 Act of 1974, during fiscal year 2008, obligations of direct
4 loans may not exceed \$8,000,000 for Individual Fishing
5 Quota loans as authorized by the Merchant Marine Act
6 of 1936.

7 OTHER

8 DEPARTMENTAL MANAGEMENT

9 SALARIES AND EXPENSES

10 For expenses necessary for the departmental manage-
11 ment of the Department of Commerce provided for by law,
12 including not to exceed \$5,000 for official entertainment,
13 \$53,193,000.

14 HCHB RENOVATION AND MODERNIZATION

15 For expenses necessary for the renovation and mod-
16 ernization of the Herbert C. Hoover Building, \$5,100,000,
17 to remain available until expended.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978 (5 U.S.C. App.), \$23,426,000.

22 NATIONAL INTELLECTUAL PROPERTY LAW

23 ENFORCEMENT COORDINATION COUNCIL

24 For necessary expenses of the National Intellectual
25 Property Law Enforcement Coordination Council to co-
26 ordinate domestic and international intellectual property

1 protection and law enforcement relating to intellectual
2 property among Federal and foreign entities, \$1,000,000.

3 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

4 (INCLUDING TRANSFER OF FUNDS)

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

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

22 SEC. 103. Not to exceed 5 percent of any appropria-
23 tion made available for the current fiscal year for the De-
24 partment of Commerce in this Act may be transferred be-
25 tween such appropriations, but no such appropriation shall

1 be increased by more than 10 percent by any such trans-
2 fers: *Provided*, That any transfer pursuant to this section
3 shall be treated as a reprogramming of funds under sec-
4 tion 505 of this Act and shall not be available for obliga-
5 tion or expenditure except in compliance with the proce-
6 dures set forth in that section: *Provided further*, That the
7 Secretary of Commerce shall notify the Senate Committee
8 on Appropriations at least 15 days in advance of the ac-
9 quisition or disposal of any capital asset (including land,
10 structures, and equipment) not specifically provided for in
11 this or any other Departments of Commerce, Justice,
12 Science, and Related Agencies Appropriations Act: *Pro-*
13 *vided further*, That for the National Oceanic and Atmos-
14 pheric Administration this section shall provide for trans-
15 fers among appropriations made only to the National Oce-
16 anic and Atmospheric Administration and such appropria-
17 tions may not be transferred and reprogrammed to other
18 Department of Commerce bureaus and appropriation ac-
19 counts.

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

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

10 SEC. 105. EXTENSION OF GUARANTEE AUTHORITY.

11 (a) IN GENERAL.—Section 101(k) of the Emergency Steel
12 Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is
13 amended by striking “2007” and inserting “2009”.

14 (b) CONFORMING AMENDMENTS.—Paragraphs (1)
15 and (2) of section 101(b) of the Emergency Steel Loan
16 Guarantee Act of 1999 (15 U.S.C. 1841 note) are each
17 amended by striking “in 1998” and inserting “since
18 1998”.

19 (c) DEFINITION OF QUALIFIED STEEL COMPANY.—
20 Subparagraph (C) of section 101(c)(3) of the Emergency
21 Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note)
22 is amended by striking “, in 1998” and inserting “in
23 1998, and thereafter,”.

24 (d) SALARIES AND ADMINISTRATIVE EXPENSES.—
25 The Emergency Steel Loan Guarantee Act of 1999 (15

1 U.S.C. 1841 note) is amended by adding at the end the
2 following:

3 **“SEC. 103. SALARIES AND ADMINISTRATIVE EXPENSES.**

4 “(a) In addition to funds made available under sec-
5 tion 101(j) of the Emergency Steel Loan Guarantee Act
6 of 1999 (15 U.S.C. 1841 note), up to \$1,000,000 in funds
7 made available under section 101(f) of such Act may be
8 used for salaries and administrative expenses to admin-
9 ister the Emergency Steel Loan Guarantee Program.

10 “(b) Funds made available for salaries and adminis-
11 trative expenses to administer the Emergency Steel Loan
12 Guarantee Program shall remain available until ex-
13 pended.”.

14 SEC. 106. Notwithstanding any other provision of
15 law, no funds appropriated under this Act shall be used
16 to register, issue, transfer, or enforce any trademark of
17 the phrase “Last Best Place”.

18 SEC. 107. Section 3315(b) of title 19, United States
19 Code, is amended by inserting “, including food when se-
20 questered,” following “for the establishment and oper-
21 ations of the United States Section and for the payment
22 of the United States share of the expenses”.

23 SEC. 108. Notwithstanding the requirements of sub-
24 section 4703(d), the personnel management demonstra-
25 tion project established by the Department of Commerce

1 pursuant to 5 U.S.C. 4703 may be expanded to involve
2 more than 5,000 individuals, and is extended indefinitely.

3 SEC. 109. (a) The Stevenson-Wydler Technology In-
4 novation Act of 1980 (Public Law 96–480), as amended,
5 is amended by:

6 (1) deleting section 5;

7 (2) deleting paragraphs (1) and (3) of section
8 4; and

9 (3) redesignating paragraphs (2) and (4)
10 through (13) as paragraphs (1) through (11).

11 (b) Section 212(b) of the National Technical Infor-
12 mation Act of 1988 (Public Law 100–519), as amended,
13 is amended by striking “Under Secretary of Commerce for
14 Technology” and inserting “Director of the National Insti-
15 tute of Standards and Technology”.

16 SEC. 110. The Secretary of Commerce is permitted
17 to prescribe and enforce standards or regulations affecting
18 safety and health in the context of scientific and occupa-
19 tional diving within the National Oceanic and Atmospheric
20 Administration.

21 SEC. 111. NOAA PACIFIC REGIONAL CENTER. (a) IN
22 GENERAL.—The National Oceanic and Atmospheric Ad-
23 ministration (NOAA) is authorized to engage in planning,
24 design, acquisition, renovation, construction and related
25 activities to complete NOAA’s Pacific Regional Center on

1 Ford Island, Hawaii, consisting of the following: adaptive
2 re-use and renovation of hangars 175 and 176, and con-
3 struction of a new interconnecting building and other re-
4 lated structures. Funds are hereby authorized to be appro-
5 priated for fiscal years beginning after September 2007
6 for purposes of completing the Center.

7 (b) INCREMENTAL FUNDING.—Of the funds appro-
8 priated elsewhere in this Act, \$20,250,000 are available
9 for obligation and expenditure as an additional increment
10 to funds previously appropriated for the NOAA Pacific
11 Regional Center. These funds may be expended incremen-
12 tally through multiple year contracts for design, construc-
13 tion and related activities for the Center; and remain
14 available until expended.

15 SEC. 112. PAPAĀNAUMOKUĀKEA FISHERY REDUC-
16 TION. (a) IN GENERAL.—The Papahānaumokuākea Ma-
17 rine National Monument was created by Presidential proc-
18 lamation on June 15, 2006 to protect more than 7,000
19 marine and terrestrial species including protection for the
20 habitat for the endangered Hawaiian monk seal, threat-
21 ened Hawaiian green sea turtle and other marine species.
22 The Presidential proclamation will phase out all commer-
23 cial fishing by June 15, 2011. The Secretary of Commerce
24 is authorized to conduct a voluntary capacity reduction

1 program to remove all commercial fishing capacity in the
2 area prior to that date.

3 (b) REGULATIONS.—The Secretary shall promulgate
4 regulations for the voluntary capacity reduction program
5 that:

6 (1) identifies eligible participants as those indi-
7 viduals engaged in commercial fishing in the des-
8 ignated waters within the Papahānaumokuākea Ma-
9 rine National Monument pursuant to a valid com-
10 mercial Federal fishing permit in the 2006 fishing
11 season;

12 (2) provides a mechanism to compensate eligible
13 participants for no more than the economic value of
14 their permits, their vessels or vessel endorsements,
15 and fishing gear;

16 (3) ensures that commercial fishing vessels of
17 eligible participants cannot be used in fishing any-
18 where in the world;

19 (4) for the commercial fishing vessels of eligible
20 participants, ensures

21 (A) that documentation be provided show-
22 ing that such vessel has been scrapped or scut-
23 tled or,

24 (B) that the Secretary of the department
25 in which the Coast Guard is operating places a

1 title restriction on the fishing vessel perma-
2 nently prohibiting and effectively preventing its
3 use in fishing, and

4 (C) that the vessel must remain in Federal
5 documentation and that the Maritime Adminis-
6 tration will prohibit the reflagging of the vessel.

7 (c) AUTHORIZATION.—There is authorized no more
8 than \$7,500,000 and there is appropriated \$7,500,000 of
9 the amount provided in this Act for National Oceanic and
10 Atmospheric Administration’s “Operations, research, and
11 facilities” to implement this program.

12 (d) CLARIFICATION.—Nothing in this section is in-
13 tended to enlarge or diminish Federal or State title, juris-
14 diction, or authority with respect to the waters of the
15 Northwestern Hawaiian Islands or the tidal or submerged
16 lands under any provision of State or Federal law.

17 SEC. 113. NIST BUILDING 1 EXTENSION. Of the
18 funds appropriated elsewhere in this Act, \$28,000,000 are
19 available for obligation and expenditure as an additional
20 increment to funds previously appropriated for this
21 project. These funds may be expended incrementally
22 through multiple year contracts for design, construction
23 and related activities for the Building 1 Extension; and
24 remain available until expended.

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES

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1 thorized under section 505 of this Act: *Provided further*,
 2 That not to exceed \$30,000 shall be available for official
 3 reception and representation expenses.

4 JUSTICE INFORMATION SHARING TECHNOLOGY

5 For necessary expenses for information sharing tech-
 6 nology, including planning, development, deployment and
 7 Departmental direction, \$95,795,000, to remain available
 8 until expended: *Provided*, That, of the funds available, up
 9 to \$21,000,000 is for the unified financial management
 10 system to be administered by the Unified Financial Man-
 11 agement System Executive Council.

12 TACTICAL LAW ENFORCEMENT WIRELESS

13 COMMUNICATIONS

14 For the costs of conversion to narrowband commu-
 15 nications, including the cost for operation and mainte-
 16 nance of Land Mobile Radio legacy systems, \$76,353,000,
 17 to remain available until September 30, 2009: *Provided*,
 18 That the Attorney General shall transfer to this account
 19 all funds made available to the Department of Justice for
 20 the purchase of portable and mobile radios: *Provided fur-*
 21 *ther*, That any transfer made under the preceding proviso
 22 shall be subject to section 505 of this Act: *Provided fur-*
 23 *ther*, That the Attorney General shall transfer to the
 24 “Narrowband Communications/Integrated Wireless Net-
 25 work” account all funds made available in this Act to the
 26 Department of Justice for the purchase of portable and

1 mobile radios and related infrastructure and any transfer
 2 made under this section shall be subject to section 505
 3 of this Act.

4 ADMINISTRATIVE REVIEW AND APPEALS

5 For expenses necessary for the administration of par-
 6 don and clemency petitions and immigration-related activi-
 7 ties, \$251,499,000, of which \$4,000,000 shall be derived
 8 by transfer from the Executive Office for Immigration Re-
 9 view fees deposited in the “Immigration Examinations
 10 Fee” account: *Provided*, That \$4,000,000 shall be ex-
 11 pended on the Executive Office for Immigration Review’s
 12 Legal Orientation Programs.

13 DETENTION TRUSTEE

14 For necessary expenses of the Federal Detention
 15 Trustee, \$1,265,872,000: *Provided*, That the Trustee shall
 16 be responsible for managing the Justice Prisoner and
 17 Alien Transportation System and for overseeing housing
 18 related to such detention: *Provided further*, That any un-
 19 obligated balances available in prior years from the funds
 20 appropriated under the heading “Federal Prisoner Deten-
 21 tion” shall be transferred to and merged with the appro-
 22 priation under the heading “Detention Trustee” and shall
 23 be available until expended: *Provided further*, That funds
 24 not to exceed \$5,000,000 shall be considered “funds ap-
 25 propriated for State and local law enforcement assistance”
 26 pursuant to 18 U.S.C. 4013(b).

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, \$73,700,000, including not to exceed \$10,000 to
4 meet unforeseen emergencies of a confidential character.

5 UNITED STATES PAROLE COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the United States Parole
8 Commission as authorized, \$12,194,000.

9 LEGAL ACTIVITIES

10 GENERAL LEGAL ACTIVITIES

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses necessary for the legal activities of the
14 Department of Justice, not otherwise provided for, includ-
15 ing not to exceed \$20,000 for expenses of collecting evi-
16 dence, to be expended under the direction of, and to be
17 accounted for solely under the certificate of, the Attorney
18 General; and rent of private or Government-owned space
19 in the District of Columbia, \$753,000,000, of which not
20 to exceed \$10,000,000 is for litigation support contracts
21 and shall remain available until expended: *Provided*, That
22 of the total amount appropriated, not to exceed \$1,000
23 shall be available to the United States National Central
24 Bureau, INTERPOL, for official reception and represen-
25 tation expenses: *Provided further*, That notwithstanding
26 section 105 of this Act, upon a determination by the At-

1 torney General that emergent circumstances require addi-
 2 tional funding for litigation activities of the Civil Division,
 3 the Attorney General may transfer such amounts to “Sal-
 4 aries and Expenses, General Legal Activities” from avail-
 5 able appropriations for the current fiscal year for the De-
 6 partment of Justice, as may be necessary to respond to
 7 such circumstances: *Provided further*, That any transfer
 8 pursuant to the previous proviso shall be treated as a re-
 9 programming under section 505 of this Act and shall not
 10 be available for obligation or expenditure except in compli-
 11 ance with the procedures set forth in that section: *Pro-*
 12 *vided further*, That in addition there is hereby appro-
 13 priated \$6,833,000 for reimbursement of expenses of the
 14 Department of Justice associated with processing cases
 15 under the National Childhood Vaccine Injury Act of 1986,
 16 to be appropriated from the Vaccine Injury Compensation
 17 Trust Fund.

18 ANTITRUST DIVISION

19 SALARIES AND EXPENSES

20 For expenses necessary for the enforcement of anti-
 21 trust and kindred laws, \$155,097,000, to remain available
 22 until expended: *Provided*, That, notwithstanding any other
 23 provision of law, not to exceed \$139,000,000 of offsetting
 24 collections derived from fees collected for premerger notifi-
 25 cation filings under the Hart-Scott-Rodino Antitrust Im-
 26 provements Act of 1976 (15 U.S.C. 18a), regardless of

1 the year of collection, shall be retained and used for nec-
 2 essary expenses in this appropriation, and shall remain
 3 available until expended: *Provided further*, That the sum
 4 herein appropriated from the general fund shall be re-
 5 duced as such offsetting collections are received during fis-
 6 cal year 2008, so as to result in a final fiscal year 2008
 7 appropriation from the general fund estimated at not more
 8 than \$16,097,000.

9 UNITED STATES ATTORNEYS

10 SALARIES AND EXPENSES

11 For necessary expenses of the Offices of the United
 12 States Attorneys, including inter-governmental and coop-
 13 erative agreements, \$1,747,822,000: *Provided*, That of the
 14 total amount appropriated, not to exceed \$8,000,000 shall
 15 be available for official reception and representation ex-
 16 penses: *Provided further*, That not to exceed \$20,000,000
 17 shall remain available until expended.

18 UNITED STATES TRUSTEE SYSTEM FUND

19 For necessary expenses of the United States Trustee
 20 Program, as authorized, \$231,899,000, to remain avail-
 21 able until expended and to be derived from the United
 22 States Trustee System Fund: *Provided*, That, notwith-
 23 standing any other provision of law, deposits to the Fund
 24 shall be available in such amounts as may be necessary
 25 to pay refunds due depositors: *Provided further*, That, not-
 26 withstanding any other provision of law, \$184,000,000 of

1 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
 2 be retained and used for necessary expenses in this appro-
 3 priation and shall remain available until expended: *Pro-*
 4 *vided further*, That the sum herein appropriated from the
 5 Fund shall be reduced as such offsetting collections are
 6 received during fiscal year 2008, so as to result in a final
 7 fiscal year 2008 appropriation from the Fund estimated
 8 at \$0.

9 FOREIGN CLAIMS SETTLEMENT COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary to carry out the activities of
 12 the Foreign Claims Settlement Commission, including
 13 services as authorized by section 3109 of title 5, United
 14 States Code, \$1,709,000.

15 UNITED STATES MARSHALS SERVICE

16 SALARIES AND EXPENSES

17 For necessary expenses of the United States Mar-
 18 shals Service, \$896,860,000; of which not to exceed
 19 \$20,000 shall be available for official reception and rep-
 20 resentation expenses; of which not to exceed \$4,000,000
 21 shall be for information technology systems and shall re-
 22 main available until expended: *Provided*, That not less
 23 than \$12,397,000 shall be available for the costs of court-
 24 house security equipment, including furnishings, reloca-
 25 tions, and telephone systems and cabling, and shall remain
 26 available until expended.

1 CONSTRUCTION

2 For construction in space controlled, occupied, or uti-
3 lized by the United States Marshals Service, \$8,015,000,
4 to remain available until expended.

5 FEES AND EXPENSES OF WITNESSES

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

21 COMMUNITY RELATIONS SERVICE

22 SALARIES AND EXPENSES

23 For necessary expenses of the Community Relations
24 Service, \$10,230,000: *Provided*, That notwithstanding sec-
25 tion 105 of this Act, upon a determination by the Attorney

1 General that emergent circumstances require additional
 2 funding for conflict resolution and violence prevention ac-
 3 tivities of the Community Relations Service, the Attorney
 4 General may transfer such amounts to the Community Re-
 5 lations Service, from available appropriations for the cur-
 6 rent fiscal year for the Department of Justice, as may be
 7 necessary to respond to such circumstances: *Provided fur-*
 8 *ther*, That any transfer pursuant to the previous proviso
 9 shall be treated as a reprogramming under section 505
 10 of this Act and shall not be available for obligation or ex-
 11 penditure except in compliance with the procedures set
 12 forth in that section.

13 ASSETS FORFEITURE FUND

14 For expenses authorized by subparagraphs (B), (F),
 15 and (G) of section 524(c)(1) of title 28, United States
 16 Code, \$20,990,000, to be derived from the Department
 17 of Justice Assets Forfeiture Fund.

18 NATIONAL SECURITY DIVISION

19 SALARIES AND EXPENSES

20 For expenses necessary to carry out the activities of
 21 the National Security Division, \$78,056,000; 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 204 of this Act, upon a determina-
 25 tion by the Attorney General that emergent circumstances
 26 require additional funding for the activities of the National

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

10 INTERAGENCY LAW ENFORCEMENT

11 INTERAGENCY CRIME AND DRUG ENFORCEMENT

12 For necessary expenses for the identification, inves-
 13 tigation, and prosecution of individuals associated with the
 14 most significant drug trafficking and affiliated money
 15 laundering organizations not otherwise provided for, to in-
 16 clude inter-governmental agreements with State and local
 17 law enforcement agencies engaged in the investigation and
 18 prosecution of individuals involved in organized crime drug
 19 trafficking, \$509,154,000, of which \$50,000,000 shall re-
 20 main available until expended: *Provided*, That any
 21 amounts obligated from appropriations under this heading
 22 may be used under authorities available to the organiza-
 23 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, \$6,372,250,000; of
6 which not to exceed \$150,000,000 shall remain available
7 until expended; and of which \$2,308,580,000 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: *Pro-*
12 *vided further*, That not to exceed \$170,000 shall be avail-
13 able for expenses associated with the celebration of the
14 100th anniversary of the FBI.

15 CONSTRUCTION

16 For necessary expenses to construct or acquire build-
17 ings and sites by purchase, or as otherwise authorized by
18 law (including equipment for such buildings); conversion
19 and extension of Federally-owned buildings; and prelimi-
20 nary planning and design of projects; \$206,400,000, to
21 remain available until expended: *Provided*, That
22 \$63,700,000 shall be available for Sensitive Compart-
23 mented Information Facilities (SCIFs).

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-
4 ministration, including not to exceed \$70,000,000 to meet
5 unforeseen emergencies of a confidential character pursu-
6 ant to section 530C of title 28, United States Code; ex-
7 penses for conducting drug education and training pro-
8 grams, including travel and related expenses for partici-
9 pants in such programs and the distribution of items of
10 token value that promote the goals of such programs,
11 \$1,854,157,000; of which not to exceed \$75,000,000 shall
12 remain available until expended; and of which not to ex-
13 ceed \$100,000 shall be available for official reception and
14 representation expenses.

15 BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND

16 EXPLOSIVES

17 SALARIES AND EXPENSES

18 For necessary expenses of the Bureau of Alcohol, To-
19 bacco, Firearms, and Explosives, including not to exceed
20 \$50,000 for official reception and representation expenses;
21 for training of State and local law enforcement agencies
22 with or without reimbursement, including training in con-
23 nection with the training and acquisition of canines for
24 explosives and fire accelerants detection; and for provision
25 of laboratory assistance to State and local law enforcement

1 agencies, with or without reimbursement, \$1,013,980,000,
2 of which not to exceed \$1,000,000 shall be available for
3 the payment of attorneys' fees as provided by section
4 924(d)(2) of title 18, United States Code; and of which
5 \$10,000,000 shall remain available until expended: *Pro-*
6 *vided*, That no funds appropriated herein shall be available
7 for salaries or administrative expenses in connection with
8 consolidating or centralizing, within the Department of
9 Justice, the records, or any portion thereof, of acquisition
10 and disposition of firearms maintained by Federal fire-
11 arms licensees: *Provided further*, That no funds appro-
12 priated herein shall be used to pay administrative expenses
13 or the compensation of any officer or employee of the
14 United States to implement an amendment or amend-
15 ments to 27 CFR 178.118 or to change the definition of
16 "curios or relics" in 27 CFR 178.11 or remove any item
17 from ATF Publication 5300.11 as it existed on January
18 1, 1994: *Provided further*, That none of the funds appro-
19 priated herein shall be available to investigate or act upon
20 applications for relief from Federal firearms disabilities
21 under 18 U.S.C. 925(c): *Provided further*, That such funds
22 shall be available to investigate and act upon applications
23 filed by corporations for relief from Federal firearms dis-
24 abilities under section 925(c) of title 18, United States
25 Code: *Provided further*, That no funds made available by

1 this or any other Act may be used to transfer the func-
2 tions, missions, or activities of the Bureau of Alcohol, To-
3 bacco, Firearms, and Explosives to other agencies or De-
4 partments in fiscal year 2008: *Provided further*, That no
5 funds appropriated under this or any other Act with re-
6 spect to any previous fiscal year, fiscal year 2008, and
7 any fiscal year thereafter may be used to disclose all or
8 part of any information received or generated by the Bu-
9 reau of Alcohol, Tobacco, Firearms and Explosives in con-
10 nection with any request to trace a firearm, or information
11 required to be kept by licensees pursuant to 923(g) of title
12 18, United States Code, or required to be reported pursu-
13 ant to paragraphs (3) and (7) of title 18, United States
14 Code, except—

15 (1) to an official of a Federal, State, tribal,
16 local, or foreign law enforcement agency or a Fed-
17 eral, State, or local prosecutor, who certifies that the
18 information is sought solely in connection with and
19 for use in a bona fide criminal investigation or bona
20 fide criminal prosecution, or for national security or
21 intelligence purposes, and will not be used or dis-
22 closed for any other purpose;

23 (2) for use in an action or proceeding com-
24 menced by the Attorney General to enforce the pro-
25 visions of chapter 44 of title 18, United States Code;

1 chapter 53 of title 26, United States Code; chapter
2 3 of the Arms Export Control Act; or a review of
3 such an action or proceeding; or

4 (3) for use in an action or proceeding com-
5 menced by the Secretary of the Treasury to enforce
6 part III of subchapter D of chapter 32 of the Inter-
7 nal Revenue Code of 1986, or a review of such an
8 action or proceeding:

9 *Provided further*, That nothing in the previous proviso
10 shall be construed to prevent the sharing or exchange of
11 such information among and between Federal, State, trib-
12 al, local or foreign law enforcement agencies or Federal,
13 State, or local prosecutors, or national security, intel-
14 ligence, or counterterrorism officials, provided that such
15 information, regardless of its source, is shared, exchanged,
16 or used solely in connection with bona fide criminal inves-
17 tigation or bona fide criminal prosecutions or for national
18 security or intelligence purposes: *Provided further*, That
19 information in the Firearms Trace System database main-
20 tained by the National Trace Center, including all infor-
21 mation received or generated by of the Bureau of Alcohol,
22 Tobacco, Firearms and Explosives shall be immune from
23 legal process, shall not be subject to subpoena or other
24 discovery, shall not be used, relied on, or disclosed in any
25 manner, and, regardless of when disclosed including pre-

1 viously disclosed information, shall not be admissible as
 2 evidence, nor shall testimony or other evidence based on
 3 such data be admissible as evidence, in any civil action
 4 pending on or filed after the effective date of this subpara-
 5 graph in any State or Federal court (including any court
 6 in the District of Columbia), or in any administrative pro-
 7 ceeding other than a proceeding commenced by the Bu-
 8 reau of Alcohol, Tobacco, Firearms and Explosives to en-
 9 force the provisions of chapter 44 of title 18, United
 10 States Code; chapter 53 of title 26, United States Code;
 11 chapter 3 of the Arms Export Control Act; a proceeding
 12 commenced by the Secretary of the Treasury to enforce
 13 part III of subchapter D of chapter 32 of the Internal
 14 Revenue Code of 1986; or judicial review of such actions
 15 or proceedings. This provision shall not be construed to
 16 prevent the disclosure of statistical information concerning
 17 total production, importation, and exportation by each li-
 18 censed importer (as defined in section 921(a)(19) of title
 19 18) and licensed manufacturer (as defined in section
 20 921(a)(10) of title 18): *Provided*, That no funds made
 21 available by this or any other Act shall be expended to
 22 promulgate or implement any rule requiring a physical in-
 23 ventory of any business licensed under section 923 of title
 24 18, United States Code: *Provided further*, That no funds
 25 under this Act may be used to electronically retrieve infor-

1 mation gathered pursuant to 18 U.S.C. 923(g)(4) by
 2 name or any personal identification code: *Provided further*,
 3 That no funds authorized or made available under this or
 4 any other Act may be used to deny any application for
 5 a license under section 923 of title 18, United States Code,
 6 or renewal of such a license due to a lack of business activ-
 7 ity, provided that the applicant is otherwise eligible to re-
 8 ceive such a license, and is eligible to report business in-
 9 come or to claim an income tax deduction for business ex-
 10 penses under the Internal Revenue Code of 1986: *Provided*
 11 *further*, That notwithstanding any other provision of law,
 12 home to work transportation currently allotted to Bureau
 13 of Alcohol, Tobacco, Firearms and Explosives field oper-
 14 ations is extended to headquarters executive Special
 15 Agents and designees.

16 CONSTRUCTION

17 For necessary expenses to construct or acquire build-
 18 ings and sites by purchase, or as otherwise authorized by
 19 law (including equipment for such buildings); conversion
 20 and extension of federally-owned buildings; and prelimi-
 21 nary planning and design or projects; \$35,000,000, to re-
 22 main available until expended.

23 FEDERAL PRISON SYSTEM

24 SALARIES AND EXPENSES

25 For necessary expenses of the Federal Prison System
 26 for the administration, operation, and maintenance of

1 Federal penal and correctional institutions, including pur-
2 chase (not to exceed 640, of which 605 are for replacement
3 only) and hire of law enforcement and passenger motor
4 vehicles, and for the provision of technical assistance and
5 advice on corrections related issues to foreign govern-
6 ments, \$5,151,440,000: *Provided*, That the Attorney Gen-
7 eral may transfer to the Health Resources and Services
8 Administration such amounts as may be necessary for di-
9 rect expenditures by that Administration for medical relief
10 for inmates of Federal penal and correctional institutions:
11 *Provided further*, That the Director of the Federal Prison
12 System, where necessary, may enter into contracts with
13 a fiscal agent or fiscal intermediary claims processor to
14 determine the amounts payable to persons who, on behalf
15 of the Federal Prison System, furnish health services to
16 individuals committed to the custody of the Federal Prison
17 System: *Provided further*, That not to exceed \$6,000 shall
18 be available for official reception and representation ex-
19 penses: *Provided further*, That not to exceed \$50,000,000
20 shall remain available for necessary operations until Sep-
21 tember 30, 2009: *Provided further*, That, of the amounts
22 provided for Contract Confinement, not to exceed
23 \$20,000,000 shall remain available until expended to
24 make payments in advance for grants, contracts and reim-
25 bursable agreements, and other expenses authorized by

1 section 501(c) of the Refugee Education Assistance Act
 2 of 1980 (8 U.S.C. 1522 note), for the care and security
 3 in the United States of Cuban and Haitian entrants: *Pro-*
 4 *vided further*, That the Director of the Federal Prison Sys-
 5 tem may accept donated property and services relating to
 6 the operation of the prison card program from a not-for-
 7 profit entity which has operated such program in the past
 8 notwithstanding the fact that such not-for-profit entity
 9 furnishes services under contracts to the Federal Prison
 10 System relating to the operation of pre-release services,
 11 halfway houses, or other custodial facilities.

12 BUILDINGS AND FACILITIES

13 For planning, acquisition of sites and construction of
 14 new facilities; purchase and acquisition of facilities and re-
 15 modeling, and equipping of such facilities for penal and
 16 correctional use, including all necessary expenses incident
 17 thereto, by contract or force account; and constructing,
 18 remodeling, and equipping necessary buildings and facili-
 19 ties at existing penal and correctional institutions, includ-
 20 ing all necessary expenses incident thereto, by contract or
 21 force account, \$495,000,000, to remain available until ex-
 22 pended, of which not to exceed \$14,000,000 shall be avail-
 23 able to construct areas for inmate work programs: *Pro-*
 24 *vided*, That labor of United States prisoners may be used
 25 for work performed under this appropriation.

1 FEDERAL PRISON INDUSTRIES, INCORPORATED

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

12 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
13 PRISON INDUSTRIES, INCORPORATED

14 Not to exceed \$2,477,000 of the funds of the Federal
15 Prison Industries, Incorporated shall be available for its
16 administrative expenses, and for services as authorized by
17 section 3109 of title 5, United States Code, to be com-
18 puted on an accrual basis to be determined in accordance
19 with the corporation's current prescribed accounting sys-
20 tem, and such amounts shall be exclusive of depreciation,
21 payment of claims, and expenditures which such account-
22 ing system requires to be capitalized or charged to cost
23 of commodities acquired or produced, including selling and
24 shipping expenses, and expenses in connection with acqui-
25 sition, construction, operation, maintenance, improvement,

1 protection, or disposition of facilities and other property
 2 belonging to the corporation or in which it has an interest.

3 OFFICE ON VIOLENCE AGAINST WOMEN
 4 VIOLENCE AGAINST WOMEN PREVENTION AND
 5 PROSECUTION PROGRAMS

6 For grants, contracts, cooperative agreements, and
 7 other assistance for the prevention and prosecution of vio-
 8 lence against women as authorized by the Omnibus Crime
 9 Control and Safe Streets Act of 1968 (42 U.S.C. 4711
 10 et seq.) (“the 1968 Act”); the Violent Crime Control and
 11 Law Enforcement Act of 1994 (Public Law 103–322; 108
 12 Stat. 1796) (“the 1994 Act”); the Prosecutorial Remedies
 13 and Other Tools to End the Exploitation of Children
 14 Today Act of 2003 (Public Law 108–21; 117 Stat. 650);
 15 the Juvenile Justice and Delinquency Prevention Act of
 16 1974 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Vic-
 17 tims of Trafficking and Violence Protection Act of 2000
 18 (Public Law 106–386; 114 Stat. 1464) (“the 2000 Act”);
 19 and the Violence Against Women and Department of Jus-
 20 tice Reauthorization Act of 2005 (Public Law 109–162;
 21 119 Stat. 2960) (“the 2005 Act”); \$390,000,000, includ-
 22 ing amounts for administrative costs, to remain available
 23 until expended: *Provided*, That except as otherwise pro-
 24 vided by law, not to exceed 3 percent of funds made avail-
 25 able under this heading may be used for expenses related

1 to evaluation, training, and technical assistance: *Provided*
2 *further*, That of the amount provided—

3 (1) \$1,500,000 is for grants for televised testi-
4 mony, as authorized by part N of the 1968 Act;

5 (2) \$186,500,000 is for grants to combat vio-
6 lence and violent crimes against women, as author-
7 ized by part T of the 1968 Act, of which—

8 (A) \$2,000,000 shall be for the National
9 Institute of Justice for research and evaluation
10 of violence against women; and

11 (B) \$17,000,000 shall be for transitional
12 housing assistance grants for victims of domes-
13 tic violence, stalking, or sexual assault as au-
14 thorized by section 40299(a) of the 1994 Act;

15 (3) \$55,000,000 is for grants to encourage ar-
16 rest policies as authorized by part U of the 1968
17 Act;

18 (4) \$39,500,000 is for rural domestic violence
19 and child abuse enforcement assistance grants, as
20 authorized by section 40295 of the 1994 Act;

21 (5) \$5,500,000 is for training programs to as-
22 sist probation and parole officers as authorized by
23 section 40152 of the 1994 Act, and for related local
24 demonstration projects;

1 (6) \$3,900,000 is for grants to improve the
2 stalking and domestic violence databases, as author-
3 ized by section 40602 of the 1994 Act;

4 (7) \$10,000,000 to reduce violent crimes
5 against women on campus, as authorized by section
6 304(a) of the 2005 Act;

7 (8) \$46,000,000 is for legal assistance for vic-
8 tims, as authorized by section 1201(c) of the 2000
9 Act;

10 (9) \$4,500,000 is for enhancing protection for
11 older and disabled women from domestic violence
12 and sexual assault, as authorized by section
13 40802(a) of the 1994 Act;

14 (10) \$14,500,000 is for the safe havens for
15 children pilot program, as authorized by section
16 1301(a) of the 2000 Act;

17 (11) \$7,100,000 is for education and training
18 to end violence against and abuse of women with
19 disabilities, as authorized by section 1402(a) of the
20 2000 Act;

21 (12) \$10,000,000 is for sexual assault services,
22 as authorized by section 202 of the 2005 Act;

23 (13) \$2,000,000 is for services to advocate and
24 respond to youth, as authorized by section 401 of
25 the 2005 Act;

1 (14) \$2,000,000 is for grants to assist children
 2 and youth exposed to violence, as authorized by sec-
 3 tion 303 of the 2005 Act;

4 (15) \$1,000,000 is for analysis and research on
 5 violence against Indian women, as authorized by sec-
 6 tion 904 of the 2005 Act; and

7 (16) \$1,000,000 is for tracking of violence
 8 against Indian women, as authorized by section 905
 9 of the 2005 Act.

10 OFFICE OF JUSTICE PROGRAMS

11 JUSTICE ASSISTANCE

12 For grants, contracts, cooperative agreements, and
 13 other assistance authorized by title I of the Omnibus
 14 Crime Control and Safe Streets Act of 1968; the Missing
 15 Children’s Assistance Act (42 U.S.C. 5771 et seq.); in-
 16 cluding salaries and expenses in connection therewith, the
 17 Prosecutorial Remedies and Other Tools to end the Ex-
 18 ploitation of Children Today Act of 2003 (Public Law
 19 108–21); the Justice for All Act of 2004 (Public Law
 20 108–405; 108 Stat. 2260); the Victims of Child Abuse Act
 21 of 1990 (Public Law 101–647; 104 Stat. 4792) (“the
 22 1990 Act”); the Violence Against Women and Department
 23 of Justice Reauthorization Act of 2005 (Public Law 109–
 24 162); and the Victims of Crime Act of 1984 (Public Law
 25 98–473; 98 Stat. 2170), \$240,000,000, to remain avail-

1 able until expended: *Provided*, That grants under subpara-
 2 graphs (1)(A) and (B) of Public Law 98–473 are issued
 3 pursuant to rules or guidelines that generally establish a
 4 publicly-announced, competitive process: *Provided further*,
 5 That not more than \$35,000,000 of balances made avail-
 6 able as a result of prior year deobligations may be obli-
 7 gated for program management and administration: *Pro-*
 8 *vided further*, That any balances made available as a result
 9 of prior year deobligations in excess of \$35,000,000 shall
 10 only be obligated in accordance with section 505 of this
 11 Act: *Provided further*, That amounts under this heading,
 12 or amounts transferred to and merged with this account,
 13 for salaries and expenses are for not less than 590 perma-
 14 nent positions and not less than 600 full-time equivalent
 15 workyears.

16 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

17 For grants, contracts, cooperative agreements, and
 18 other assistance authorized by the Violent Crime Control
 19 and Law Enforcement Act of 1994 (Public Law 103–322)
 20 (“the 1994 Act”); the Omnibus Crime Control and Safe
 21 Streets Act of 1968 (“the 1968 Act”); the Justice for All
 22 Act of 2004 (Public Law 108–405); the Victims of Child
 23 Abuse Act of 1990 (Public Law 101–647; 104 Stat. 9792)
 24 (“the 1990 Act”); the Trafficking Victims Protection Re-
 25 authorization Act of 2005 (Public Law 109–164; 119

1 Stat. 3558); the Violence Against Women and Department
 2 of Justice Reauthorization Act of 2005 (Public Law 109–
 3 162); and the Victims of Trafficking and Violence Protec-
 4 tion Act of 2000 (Public Law 106–386); and other pro-
 5 grams; \$1,400,000,000 (including amounts for adminis-
 6 trative costs, which shall be transferred to and merged
 7 with the “Justice Assistance” account): *Provided*, That
 8 funding provided under this heading shall remain available
 9 until expended, as follows—

10 (1) \$660,000,000 for the Edward Byrne Memo-
 11 rial Justice Assistance Grant Program as authorized
 12 by subpart 1 of part E of title I of the 1968 Act,
 13 as amended by section 1111 of Public Law 109–162,
 14 of which—

15 (A) \$60,000,000 for Boys and Girls Clubs
 16 in public housing facilities and other areas in
 17 cooperation with State and local law enforce-
 18 ment, as authorized by section 401 of the Eco-
 19 nomic Espionage Act of 1996 (42 U.S.C. 13751
 20 note); and

21 (B) \$5,000,000 is for a program to im-
 22 prove State and local law enforcement intel-
 23 ligence capabilities including antiterrorism
 24 training and training to ensure that constitu-
 25 tional rights, civil liberties, civil rights, and pri-

1 vacy interests are protected throughout the in-
2 telligence process;

3 (2) \$400,000,000 for the State Criminal Alien
4 Assistance Program, as authorized by section
5 241(i)(5) of the Immigration and Nationality Act (8
6 U.S.C. 1231(i)(5)), of which \$30,000,000 for the
7 Southwest Border Prosecutor Initiative to reimburse
8 State, county, parish, tribal, or municipal govern-
9 ments only for costs associated with the prosecution
10 of criminal cases declined by local United States At-
11 torneys offices;

12 (3) \$190,000,000 for discretionary grants, not-
13 withstanding the provisions of section 505 of the
14 1968 Act;

15 (4) \$15,000,000 for victim services programs
16 for victims of trafficking, as authorized by section
17 107(b)(2) of Public Law 106–386;

18 (5) \$25,000,000 for Drug Courts, as authorized
19 by section 1001(25)(A) of title I of the 1968 Act;

20 (6) \$10,000,000 for grants for residential sub-
21 stance abuse treatment for State prisoners, as au-
22 thorized by part S of the 1968 Act;

23 (7) \$25,000,000 for the Capital Litigation Im-
24 provement Grant Program as authorized by sections
25 421, 422, and 426 of Public Law 108–405, to be

1 equally divided between the Capital Prosecution Im-
2 provement Grants and Capital Representation Im-
3 provement Grants;

4 (8) \$10,000,000 for mental health courts and
5 adult and juvenile collaboration program grants, as
6 authorized by parts V and HH of title I of the 1968
7 Act;

8 (9) \$2,000,000 for the National Sex Offender
9 Public Registry;

10 (10) \$1,000,000 for the Missing Alzheimer's
11 Disease Patient Alert Program, as authorized by
12 section 240001(c) of Public Law 106–386;

13 (11) \$28,000,000 for assistance to Indian
14 tribes, of which—

15 (A) \$15,000,000 shall be available for
16 grants under section 201109(a)(2) of subtitle A
17 of title II of the 1994 Act;

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

20 (C) \$5,000,000 shall be available for dem-
21 onstration projects on alcohol and crime in In-
22 dian County;

23 (12) \$5,000,000 for prison rape prevention and
24 prosecution programs, as authorized by the Prison
25 Rape Elimination Act of 2003 (Public Law 108–79);

1 (13) \$15,000,000 is for the court appointed ad-
 2 vocate program, as authorized by section 217 of the
 3 1990 Act;

4 (14) \$4,000,000 is for child abuse training pro-
 5 grams for judicial personnel and practitioners, as
 6 authorized by section 222 of the 1990 Act; and

7 (15) \$5,000,000 for prescription drug moni-
 8 toring program:

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

15 WEED AND SEED PROGRAM FUND

16 For necessary expenses, including salaries and re-
 17 lated expenses of the Executive Office for Weed and Seed,
 18 to implement “Weed and Seed” program activities,
 19 \$50,000,000, to remain available until September 30,
 20 2008, for inter-governmental agreements, including
 21 grants, cooperative agreements, and contracts, with State
 22 and local law enforcement agencies, nonprofit organiza-
 23 tions, and agencies of local government engaged in the in-
 24 vestigation and prosecution of violent and gang-related
 25 crimes and drug offenses in “Weed and Seed” designated

1 communities, and for either reimbursements or transfers
 2 to appropriation accounts of the Department of Justice
 3 and other Federal agencies which shall be specified by the
 4 Attorney General to execute the “Weed and Seed” pro-
 5 gram strategy: *Provided*, That funds designated by Con-
 6 gress through language for other Department of Justice
 7 appropriation accounts for “Weed and Seed” program ac-
 8 tivities shall be managed and executed by the Attorney
 9 General through the Executive Office for Weed and Seed:
 10 *Provided further*, That the Attorney General may direct
 11 the use of other Department of Justice funds and per-
 12 sonnel in support of “Weed and Seed” program activities
 13 only after the Attorney General notifies the Senate Com-
 14 mittee on Appropriations in accordance with section 505
 15 of this Act: *Provided further*, That of the funds appro-
 16 priated for the Executive Office for Weed and Seed, not
 17 to exceed \$2,000,000 shall be directed for comprehensive
 18 community development training and technical assistance.

19 COMMUNITY ORIENTED POLICING SERVICES

20 (INCLUDING TRANSFER OF FUNDS)

21 For activities authorized by the Violent Crime Con-
 22 trol and Law Enforcement Act of 1994 (Public Law 103–
 23 322) (including administrative costs), the Omnibus Crime
 24 Control and Safe Streets Act of 1968 (“the 1968 Act”),
 25 the Justice for All Act of 2004 (Public Law 108–405),

1 the Violence Against Women and Department of Justice
2 Reauthorization Act of 2005 (Public Law 109–162), the
3 USA PATRIOT Improvement and Reauthorization Act
4 (Public Law 109–177; 120 Stat. 192) (including adminis-
5 trative costs), the Prosecutorial Remedies and Other Tools
6 to End the Exploitation of Children Today Act of 2003
7 (Public Law 108–21), \$550,000,000, to remain available
8 until expended: *Provided*, That of the funds under this
9 heading, not to exceed \$2,575,000 shall be available for
10 the Office of Justice Programs for any and all reimburs-
11 able services, functions and activities associated with pro-
12 grams administered by the Office of Community Oriented
13 Policing Services including activities authorized by sec-
14 tions 1158 and 1159 of Public Law 109–162: *Provided*
15 *further*, That section 1703(b) and (c) of the 1968 Act shall
16 not apply to non-hiring grants made pursuant to part Q
17 of title I (42 U.S.C. 3796dd et seq.): *Provided further*,
18 That the \$15,000,000 provided to the National Institute
19 of Standards and Technology’s Office of Law Enforcement
20 Standards under this section shall be transferred directly
21 to the National Institute of Standards and Technology’s
22 Office of Law Enforcement Standards from the Commu-
23 nity Oriented Policing Services Office: *Provided further*,
24 That of the amounts provided—

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

4 (2) \$80,000,000 is for policing initiatives to
5 combat illegal methamphetamine production, sale
6 and use in “drug hot spots” as authorized by section
7 754 of Public Law 109–177;

8 (3) \$110,000,000 is for law enforcement tech-
9 nologies;

10 (4) \$5,000,000 is for grants to upgrade crimi-
11 nal records, as authorized under the Crime Identi-
12 fication Technology Act of 1998 (42 U.S.C. 14601);

13 (5) \$10,000,000 is for an offender re-entry pro-
14 gram;

15 (6) \$169,000,000 is for DNA analysis and ca-
16 pacity enhancement program, and for other State,
17 local and Federal forensic activities, of which—

18 (A) \$151,000,000 for the Debbie Smith
19 DNA Backlog Grants as authorized by Public
20 Law 108–405 section 202;

21 (B) \$5,000,000 for the Kirk Bloodsworth
22 Post-Conviction DNA Testing Grant Program
23 as authorized by Public Law 108–405 section
24 412 and section 413;

1 (C) \$6,000,000 for DNA Training and
2 Education for Law Enforcement, Correctional
3 Personnel, and Court Officers as authorized by
4 Public Law 108–405 section 303;

5 (D) \$5,000,000 for DNA Research and
6 Development as authorized by Public Law 108–
7 405 section 305;

8 (E) \$2,000,000 for the DNA Identification
9 of Missing Persons as authorized by Public Law
10 108–405 section 308;

11 (7) \$35,000,000 is for improving tribal law en-
12 forcement, including equipment and training assist-
13 ance to Indian tribes;

14 (8) \$6,000,000 is for training and technical as-
15 sistance;

16 (9) \$40,000,000 is for Paul Coverdell Forensic
17 Sciences Improvement Grants under part BB of title
18 I of the 1968 Act (42 U.S.C. 3797j et seq.);

19 (10) \$5,000,000 is for the National District At-
20 torneys Association to conduct prosecutorial training
21 by the National Advocacy Center;

22 (11) \$55,000,000 is for a national grant pro-
23 gram to arrest and prosecute child predators as au-
24 thorized by section 1701(d) of part Q of title I of

1 the 1968 Act as amended by section 341 of Public
2 Law 108–21; and

3 (12) Funds not to exceed \$11,000,000 is for
4 program management and administration.

5 JUVENILE JUSTICE PROGRAMS

6 For grants, contracts, cooperative agreements, and
7 other assistance authorized by the Juvenile Justice and
8 Delinquency Prevention Act of 1974 (“the 1974 Act”), the
9 Omnibus Crime Control and Safe Streets Act of 1968
10 (“the 1968 Act”), the Violence Against Women and De-
11 partment of Justice Reauthorization Act of 2005 (Public
12 Law 109–162), and other juvenile justice programs, in-
13 cluding salaries and expenses in connection therewith to
14 be transferred to and merged with the appropriations for
15 Justice Assistance, \$340,000,000, to remain available
16 until expended, as follows—

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

19 (2) \$73,000,000 is for State and local programs
20 authorized by section 221 of the 1974 Act, including
21 training and technical assistance to assist small,
22 non-profit organizations with the Federal grants
23 process;

1 (3) \$76,500,000 is for demonstration projects,
2 as authorized by sections 261 and 262 of the 1974
3 Act;

4 (4) \$5,000,000 is for juvenile mentoring pro-
5 grams;

6 (5) \$65,000,000 is for delinquency prevention,
7 as authorized by section 505 of the 1974 Act, of
8 which—

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

11 (B) \$25,000,000 shall be for grants of
12 \$360,000 to each State and \$6,640,000 shall be
13 available for discretionary grants to States, for
14 programs and activities to enforce State laws
15 prohibiting the sale of alcoholic beverages to
16 minors or the purchase or consumption of alco-
17 holic beverages by minors, prevention and re-
18 duction of consumption of alcoholic beverages
19 by minors, and for technical assistance and
20 training;

21 (6) \$10,000,000 is for the Secure Our Schools
22 Act as authorized by part AA of the 1968 Act;

23 (7) \$20,000,000 for programs authorized by
24 the Victims of Child Abuse Act of 1990;

1 (8) \$80,000,000 for the Juvenile Accountability
 2 Block Grants program as authorized by part R of
 3 the 1968 Act and Guam shall be considered a State
 4 for the purpose of that program; and

5 (9) \$10,000,000 shall be for gang resistance
 6 education and training and programs:

7 *Provided*, That not more than 2 percent of each amount
 8 may be used for research, evaluation, and statistics activi-
 9 ties designed to benefit the programs or activities author-
 10 ized: *Provided further*, That not more than 2 percent of
 11 each amount may be used for training and technical as-
 12 sistance: *Provided further*, That the previous two provisos
 13 shall not apply to demonstration projects, as authorized
 14 by sections 261 and 262 of the 1974 Act.

15 PUBLIC SAFETY OFFICERS BENEFITS

16 For payments and expenses authorized by part L of
 17 title I of the Omnibus Crime Control and Safe Streets Act
 18 of 1968 (42 U.S.C. 3796), such sums as are necessary,
 19 as authorized by section 6093 of Public Law 100–690
 20 (102 Stat. 4339–4340) (including amounts for adminis-
 21 trative costs, which amounts shall be paid to the “Justice
 22 Assistance” account), to remain available until expended;
 23 and \$5,000,000 for payments authorized by section
 24 1201(b) of such Act; and \$4,100,000 for educational as-
 25 sistance, as authorized by section 1212 of such Act: *Pro-*
 26 *vided*, That, hereafter, funds available to conduct appeals

1 under section 1205(c) of the 1968 Act, which includes all
2 claims processing, shall be available also for the same
3 under subpart 2 of such part L and under any statute
4 authorizing payment of benefits described under subpart
5 1 thereof, and for appeals from final decisions of the Bu-
6 reau (under such part or any such statute) to the Court
7 of Appeals for the Federal Circuit, which shall have exclu-
8 sive jurisdiction thereof (including those pending), and for
9 expenses of representation of hearing examiners (who shall
10 be presumed irrebuttably to enjoy quasi-judicial immunity
11 in the discharge of their duties under such part or any
12 such statute) in connection with litigation against them
13 arising from such discharge.

14 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

15 SEC. 201. None of the funds appropriated by this
16 title shall be available to pay for an abortion, except where
17 the life of the mother would be endangered if the fetus
18 were carried to term, or in the case of rape: *Provided*,
19 That should this prohibition be declared unconstitutional
20 by a court of competent jurisdiction, this section shall be
21 null and void.

22 SEC. 202. None of the funds appropriated under this
23 title shall be used to require any person to perform, or
24 facilitate in any way the performance of, any abortion.

1 SEC. 203. Nothing in the preceding section shall re-
2 move the obligation of the Director of the Bureau of Pris-
3 ons to provide escort services necessary for a female in-
4 mate to receive such service outside the Federal facility:
5 *Provided*, That nothing in this section in any way dimin-
6 ishes the effect of section 202 intended to address the phil-
7 osophical beliefs of individual employees of the Bureau of
8 Prisons.

9 SEC. 204. Not to exceed 5 percent of any appropria-
10 tion made available for the current fiscal year for the De-
11 partment of Justice in this Act may be transferred be-
12 tween such appropriations, but no such appropriation, ex-
13 cept as otherwise specifically provided, shall be increased
14 by more than 10 percent by any such transfers: *Provided*,
15 That any transfer pursuant to this section shall be treated
16 as a reprogramming of funds under section 505 of this
17 Act and shall not be available for obligation except in com-
18 pliance with the procedures set forth in that section: *Pro-*
19 *vided further*, That none of the funds appropriated to
20 “Buildings and Facilities, Federal Prison System” in this
21 or any other Act may be transferred to “Salaries and Ex-
22 penses, Federal Prison System”, or any other Department
23 of Justice account, unless the President certifies that such
24 a transfer is necessary to the national security interests

1 of the United States, and such authority shall not be dele-
2 gated, and shall be subject to section 505 of this Act.

3 SEC. 205. The Attorney General is authorized to ex-
4 tend through September 30, 2009, the Personnel Manage-
5 ment Demonstration Project transferred to the Attorney
6 General pursuant to section 1115 of the Homeland Secu-
7 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533)
8 without limitation on the number of employees or the posi-
9 tions covered.

10 SEC. 206. Notwithstanding any other provision of
11 law, Public Law 102–395 section 102(b) shall extend to
12 the Bureau of Alcohol, Tobacco, Firearms and Explosives
13 in the conduct of undercover investigative operations and
14 shall apply without fiscal year limitation with respect to
15 any undercover investigative operation initiated by the Bu-
16 reau of Alcohol, Tobacco, Firearms and Explosives that
17 is necessary for the detection and prosecution of crimes
18 against the United States.

19 SEC. 207. None of the funds made available to the
20 Department of Justice in this Act may be used for the
21 purpose of transporting an individual who is a prisoner
22 pursuant to conviction for crime under State or Federal
23 law and is classified as a maximum or high security pris-
24 oner, other than to a prison or other facility certified by

1 the Federal Bureau of Prisons as appropriately secure for
2 housing such a prisoner.

3 SEC. 208. (a) None of the funds appropriated by this
4 Act may be used by Federal prisons to purchase cable tele-
5 vision services, to rent or purchase videocassettes, video-
6 cassette recorders, or other audiovisual or electronic equip-
7 ment used primarily for recreational purposes.

8 (b) Subsection (a) shall not preclude the renting,
9 maintenance, or purchase of audiovisual or electronic
10 equipment for inmate training, religious, or educational
11 programs.

12 SEC. 209. Any deviation from the amounts des-
13 ignated for specific activities in this Act and accompanying
14 report, or any use of deobligated balances of funds pro-
15 vided under this title in previous years, shall be subject
16 to the procedures set forth in section 505 of this Act.

17 SEC. 210. Section 112 of title I as contained in divi-
18 sion B of the Consolidated Appropriations Act, 2004
19 (Public Law 108–199) is amended as follows:

20 (1) by inserting in paragraph (a)(2)(A) “the
21 Commissioner of Health & Social Services for Alas-
22 ka, a representative of an Alaska Native healthcare
23 provider” after “Village Public Safety Officer pro-
24 grams,”;

1 (2) by inserting in paragraph (a)(2)(A) “and a
2 non-voting judge” after “non-voting representative”;
3 and

4 (3) by inserting in paragraph (a)(2)(A) “The
5 Chief Justice of the Alaska Supreme Court may ap-
6 point a non-voting representative of the Alaska Su-
7 preme Court to provide technical support.” at the
8 end of the paragraph.

9 SEC. 211. Section 589a of title 28, United States
10 Code, is amended in subsection (b) by—

11 (1) striking “and” in paragraph (8);

12 (2) striking the period in paragraph (9) and in-
13 serting “; and”; and

14 (3) adding the following new paragraph:

15 “(10) fines imposed under section 110(l)(4)(A)
16 of title 11, United States Code.”.

17 SEC. 212. (a) Section 1930(a) of title 28, United
18 States Code, is amended in paragraph (6) by striking ev-
19 erything after “whichever occurs first.” and inserting in
20 lieu thereof: “The fee shall be \$325 for each quarter in
21 which disbursements total less than \$15,000; \$650 for
22 each quarter in which disbursements total \$15,000 or
23 more but less than \$75,000; \$975 for each quarter in
24 which disbursements total \$75,000 or more but less than
25 \$150,000; \$1,625 for each quarter in which disbursements

1 total \$150,000 or more but less than \$225,000; \$1,950
 2 for each quarter in which disbursements total \$225,000
 3 or more but less than \$300,000; \$4,875 for each quarter
 4 in which disbursements total \$300,000 or more but less
 5 than \$1,000,000; \$6,500 for each quarter in which dis-
 6 bursements total \$1,000,000 or more but less than
 7 \$2,000,000; \$9,750 for each quarter in which disburse-
 8 ments total \$2,000,000 or more but less than \$3,000,000;
 9 \$10,400 for each quarter in which disbursements total
 10 \$3,000,000 or more but less than \$5,000,000; \$13,000
 11 for each quarter in which disbursements total \$5,000,000
 12 or more but less than \$15,000,000; \$20,000 for each
 13 quarter in which disbursements total \$15,000,000 or more
 14 but less than \$30,000,000; \$30,000 for each quarter in
 15 which disbursements total more than \$30,000,000. The
 16 fee shall be payable on the last day of the calendar month
 17 following the calendar quarter for which the fee is owed.”.

18 (b) This section and the amendment made by this
 19 section shall take effect January 1, 2008, or the date of
 20 the enactment of this Act, whichever is later.

21 SEC. 213. Notwithstanding any other provision of
 22 law, during fiscal year 2008, Federal reimbursement to
 23 the District of Columbia for felons newly sentenced by the
 24 District of Columbia Superior Court shall commence no
 25 later than the date of sentencing for such felons; and Fed-

1 eral reimbursement to the District of Columbia for recom-
2 mitted District of Columbia parolees shall commence no
3 later than the date of the commitment of such parolees
4 to prison: *Provided*, That no more than \$8,000,000 shall
5 be made available for such reimbursements from funds
6 made available in this Act.

7 SEC. 214. Notwithstanding any other provision of
8 law, no funds shall be available for the salary, benefits,
9 or expenses of any United States Attorney assigned dual
10 or additional responsibilities by the Attorney General or
11 his designee that exempt that United States Attorney
12 from the residency requirements of 28 U.S.C. 545.

13 SEC. 215. None of the funds made available to the
14 Department of Justice in this Act may be obligated for
15 the Federal Bureau of Investigation's Sentinel procure-
16 ment until the Government Accountability Office has cer-
17 tified to the Senate Committee on Appropriations and the
18 Senate Committee on the Judiciary that a performance
19 measurement baseline has been established and the Fed-
20 eral Bureau of Investigation is using a performance-based
21 management system that complies with the American Na-
22 tional Standards Institute/Electronics Industries Alliance
23 Standard 748-A, as required by Office of Management
24 and Budget Circular A-11, Part 7 to measure achieve-
25 ment of the cost, schedule and performance goals.

1 SEC. 216. None of the funds appropriated in this or
2 any other Act shall be obligated for any work, development
3 or procurement of the Sentinel information technology
4 program phases III or IV until the Government Account-
5 ability Office certifies to the Senate Committee on Appro-
6 priations and the Senate Committee on the Judiciary that
7 the phase under construction has reached 70 percent com-
8 pletion of the planned work and the estimated cost to com-
9 plete the phase does not exceed 35 percent of the budgeted
10 cost for such phase.

11 This title may be cited as the “Department of Justice
12 Appropriations Act, 2008”.

13 TITLE III

14 SCIENCE

15 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

16 For necessary expenses of the Office of Science and
17 Technology Policy, in carrying out the purposes of the Na-
18 tional Science and Technology Policy, Organization, and
19 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
20 passenger motor vehicles, and services as authorized by
21 5 U.S.C. 3109, not to exceed \$2,500 for official reception
22 and representation expenses, and rental of conference
23 rooms in the District of Columbia, \$5,715,000.

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 SCIENCE, AERONAUTICS AND EXPLORATION

3 For necessary expenses in the conduct and support
4 of science, aeronautics and exploration research and devel-
5 opment activities, including research, development, oper-
6 ations, support and services; space flight, spacecraft con-
7 trol and communications activities including operations,
8 production, and services; program management; personnel
9 and related costs, including uniforms or allowances there-
10 for, as authorized by 5 U.S.C. 5901–5902; travel ex-
11 penses; purchase and hire of passenger motor vehicles; not
12 to exceed \$35,000 for official reception and representation
13 expenses; and purchase, lease, charter, maintenance and
14 operation of mission and administrative aircraft,
15 \$10,633,000,000, of which \$119,100,000 shall remain
16 available until expended and \$10,513,900,000 shall re-
17 main available until September 30, 2009: *Provided*, That,
18 of the amounts provided under this heading,
19 \$5,655,110,000 shall be for science, \$554,030,000 shall
20 be for aeronautics research, \$3,972,490,000 shall be for
21 exploration systems, and \$521,380,000 shall be for cross-
22 agency support programs: *Provided further*, That the
23 amounts in the previous proviso shall be reduced by
24 \$70,000,000 in corporate and general administrative ex-
25 penses and the reduction shall be applied proportionally

1 to each amount therein: *Provided further*, That within the
2 amounts provided under this heading, management and
3 operations of National Aeronautics and Atmospheric Ad-
4 ministration centers shall not exceed \$1,150,800,000; cor-
5 porate general and administrative costs shall not exceed
6 \$345,000,000; and institutional investments, including
7 planning, design, maintenance, repair, rehabilitation and
8 modification of existing facilities, construction of new fa-
9 cilities, acquisition and condemnation of real property as
10 authorized by law, and environmental compliance and res-
11 toration shall not exceed \$195,500,000: *Provided further*,
12 That funds provided under this heading shall be available
13 only according to the terms and conditions specified in the
14 committee report of the Senate accompanying this Act.

15 EXPLORATION CAPABILITIES

16 For necessary expenses in the conduct and support
17 of exploration capabilities research and development ac-
18 tivities, including research, development, operations, sup-
19 port and services; space flight, spacecraft control and com-
20 munications activities including operations, production,
21 and services; program management; personnel and related
22 costs, including uniforms or allowances therefor, as au-
23 thorized by 5 U.S.C. 5901–5902; travel expenses; pur-
24 chase and hire of passenger motor vehicles; not to exceed
25 \$35,000 for official reception and representation expenses;

1 and purchase, lease, charter, maintenance and operation
2 of mission and administrative aircraft, \$6,792,000,000, of
3 which \$5,200,000 shall remain available until expended
4 and \$6,786,800,000 shall remain available until Sep-
5 tember 30, 2009: *Provided*, That of the amounts provided
6 under this heading, \$4,007,760,000 shall be for Space
7 Shuttle operations, production, research, development,
8 and support and \$2,238,610,000 shall be for International
9 Space Station operations, production, research, develop-
10 ment, and support: *Provided further*, That within the
11 amounts provided under this heading, management and
12 operations of National Aeronautics and Atmospheric Ad-
13 ministration centers shall not exceed \$862,200,000; cor-
14 porate general and administrative costs shall not exceed
15 \$263,700,000; and institutional investments, including
16 planning, design, maintenance, repair, rehabilitation and
17 modification of existing facilities, construction of new fa-
18 cilities, acquisition and condemnation of real property as
19 authorized by law, and environmental compliance and res-
20 toration shall not exceed \$124,200,000: *Provided further*,
21 That funds provided under this heading shall be available
22 only according to the terms and conditions specified in the
23 committee report of the Senate 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 as amended, \$34,600,000.

5 ADMINISTRATIVE PROVISION

6 For fiscal year 2009 and hereafter, the National Aer-
7 onautics and Space Administration shall provide, at a min-
8 imum, the following information in its annual budget jus-
9 tification:

10 (1) The actual, current, proposed funding level,
11 and estimated budgets for the next five fiscal years
12 by directorate, theme, program, project and activity
13 within each appropriations account.

14 (2) The budget for headquarters including—

15 (A) the budget by office for the actual,
16 current, proposed funding level, and estimated
17 budgets for the next five fiscal years;

18 (B) the travel budget for each office for
19 the actual, current, and proposed funding level;
20 and

21 (C) the civil service full time equivalent as-
22 signments per headquarters office including the
23 number of Senior Executive Service, noncareer,
24 detailee, and contract personnel per office.

25 (3) Concurrent with the submission of the
26 budget to the Congress an accompanying volume

1 shall be provided to the Committee on Appropria-
2 tions containing the following information for each
3 center and federally funded research and develop-
4 ment center operated by the National Aeronautics
5 and Space Administration:

6 (A) the actual, current, proposed funding
7 level, and estimated budgets for the next five
8 fiscal years by directorate, theme, program,
9 project, and activity;

10 (B) The proposed programmatic and non-
11 programmatic construction of facilities;

12 (C) The number of civil service full time
13 equivalent positions per center for each identi-
14 fied fiscal year;

15 (D) The number of civil service full time
16 equivalent positions considered to be uncovered
17 capacity at each location for each identified fis-
18 cal year.

19 (4) Sufficient narrative shall be provided to ex-
20 plain the request for each program, project, and ac-
21 tivity, and an explanation for any deviation to pre-
22 viously adopted baselines for all justification mate-
23 rials provided to the Committee.

1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For necessary expenses in carrying out the National
4 Science Foundation Act of 1950, as amended (42 U.S.C.
5 1861–1875), and the Act to establish a National Medal
6 of Science (42 U.S.C. 1880–1881); services as authorized
7 by 5 U.S.C. 3109; maintenance and operation of aircraft
8 and purchase of flight services for research support; acqui-
9 sition of aircraft; and authorized travel; \$5,156,090,000,
10 to remain available until September 30, 2009, of which
11 not to exceed \$510,000,000 shall remain available until
12 expended for Polar research and operations support, and
13 for reimbursement to other Federal agencies for oper-
14 ational and science support and logistical and other re-
15 lated activities for the United States Antarctic program:
16 *Provided*, That from funds specified in the fiscal year
17 2008 budget request for icebreaking services, up to
18 \$57,000,000 shall be available for the procurement of
19 polar icebreaking services: *Provided further*, That the Na-
20 tional Science Foundation shall only reimburse the Coast
21 Guard for such sums as are agreed to according to the
22 existing memorandum of agreement: *Provided further*,
23 That receipts for scientific support services and materials
24 furnished by the National Research Centers and other Na-

1 tional Science Foundation supported research facilities
2 may be credited to this appropriation.

3 MAJOR RESEARCH EQUIPMENT AND FACILITIES

4 CONSTRUCTION

5 For necessary expenses for the acquisition, construc-
6 tion, commissioning, and upgrading of major research
7 equipment, facilities, and other such capital assets pursu-
8 ant to the National Science Foundation Act of 1950, as
9 amended, including authorized travel, \$244,740,000, to
10 remain available until expended.

11 EDUCATION AND HUMAN RESOURCES

12 For necessary expenses in carrying out science and
13 engineering education and human resources programs and
14 activities pursuant to the National Science Foundation
15 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
16 ing services as authorized by 5 U.S.C. 3109, authorized
17 travel, and rental of conference rooms in the District of
18 Columbia, \$850,600,000, to remain available until Sep-
19 tember 30, 2009.

20 AGENCY OPERATIONS AND AWARD MANAGEMENT

21 For salaries and expenses necessary in carrying out
22 the National Science Foundation Act of 1950, as amended
23 (42 U.S.C. 1861–1875); services authorized by 5 U.S.C.
24 3109; hire of passenger motor vehicles; not to exceed
25 \$9,000 for official reception and representation expenses;

1 uniforms or allowances therefor, as authorized by 5 U.S.C.
 2 5901–5902; rental of conference rooms in the District of
 3 Columbia; and reimbursement of the General Services Ad-
 4 ministration for security guard services; \$285,590,000:
 5 *Provided*, That contracts may be entered into under
 6 “Agency Operations and Award Management” in fiscal
 7 year 2008 for maintenance and operation of facilities, and
 8 for other services, to be provided during the next fiscal
 9 year.

10 OFFICE OF THE NATIONAL SCIENCE BOARD

11 For necessary expenses (including payment of sala-
 12 ries, authorized travel, hire of passenger motor vehicles,
 13 the rental of conference rooms in the District of Columbia,
 14 and the employment of experts and consultants under sec-
 15 tion 3109 of title 5, United States Code) involved in car-
 16 rying out section 4 of the National Science Foundation
 17 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
 18 (42 U.S.C. 1880 et seq.), \$4,030,000: *Provided*, That not
 19 to exceed \$9,000 shall be available for official reception
 20 and representation expenses.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
 23 General as authorized by the Inspector General Act of
 24 1978, as amended, \$12,350,000, to remain available until
 25 September 30, 2009.

RELATED AGENCIES

SALARIES AND EXPENSES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

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

1 ized by 31 U.S.C. 1343(b); non-monetary awards to pri-
 2 vate citizens; and not to exceed \$37,000,000 for payments
 3 to State and local enforcement agencies for services to the
 4 Commission pursuant to title VII of the Civil Rights Act
 5 of 1964, sections 6 and 14 of the Age Discrimination in
 6 Employment Act, the Americans with Disabilities Act of
 7 1990, and the Civil Rights Act of 1991, \$378,000,000:
 8 *Provided*, That funds made available under this heading
 9 shall only be allocated in the manner specified in the re-
 10 port accompanying this Act: *Provided further*, That no
 11 funds made available under this heading may be used to
 12 operate the National Contact Center: *Provided further*,
 13 That the Commission may take no action to implement
 14 any workforce repositioning, restructuring, or reorganiza-
 15 tion until such time as the Senate Committee on Appro-
 16 priations has been notified of such proposals, in accord-
 17 ance with the reprogramming requirements of section 505
 18 of this Act.

19 INTERNATIONAL TRADE COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses of the International Trade
 22 Commission, including hire of passenger motor vehicles,
 23 and services as authorized by 5 U.S.C. 3109, and not to
 24 exceed \$2,500 for official reception and representation ex-
 25 penses, \$68,400,000, to remain available until expended.

1 LEGAL SERVICES CORPORATION

2 PAYMENT TO THE LEGAL SERVICES CORPORATION

3 For payment to the Legal Services Corporation to
4 carry out the purposes of the Legal Services Corporation
5 Act of 1974, \$390,000,000, of which \$373,000,000 is for
6 basic field programs and required independent audits;
7 \$3,200,000 is for the Office of Inspector General, of which
8 such amounts as may be necessary may be used to conduct
9 additional audits of recipients; \$13,800,000 is for manage-
10 ment and administration; \$3,000,000 is for client self-help
11 and information technology: *Provided*, That the Legal
12 Services Corporation may continue to provide locality pay
13 to officers and employees at a rate no greater than that
14 provided by the Federal Government to Washington, DC-
15 based employees as authorized by 5 United States Code
16 5304, notwithstanding section 1005(d) of the Legal Serv-
17 ices Corporation Act, 42 United States Code 2996(d).

18 ADMINISTRATIVE PROVISION—LEGAL SERVICES

19 CORPORATION

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

1 except that all references in sections 502 and 503 to 1997
2 and 1998 shall be deemed to refer instead to 2006 and
3 2007, respectively.

4 MARINE MAMMAL COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Marine Mammal Com-
7 mission as authorized by title II of Public Law 92-522,
8 \$3,000,000.

9 OFFICE OF THE UNITED STATES TRADE

10 REPRESENTATIVE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the United
13 States Trade Representative, including the hire of pas-
14 senger motor vehicles and the employment of experts and
15 consultants as authorized by 5 U.S.C. 3109, \$47,800,000,
16 of which \$1,000,000 shall remain available until expended:
17 *Provided*, That not to exceed \$124,000 shall be available
18 for official reception and representation expenses: *Pro-*
19 *vided further*, That negotiations shall be conducted within
20 the World Trade Organization to recognize the right of
21 members to distribute monies collected from antidumping
22 and countervailing duties: *Provided further*, That negotia-
23 tions shall be conducted within the World Trade Organiza-
24 tion consistent with the negotiating objectives contained
25 in the Trade Act of 2002, Public Law 107-210.

1 STATE JUSTICE INSTITUTE

2 SALARIES AND EXPENSES

3 For necessary expenses of the State Justice Institute,
4 as authorized by the State Justice Institute Authorization
5 Act of 1992 (Public Law 102–572), \$3,500,000: *Provided*,
6 That not to exceed \$2,500 shall be available for official
7 reception and representation expenses.

8 TITLE V

9 GENERAL PROVISIONS

10 SEC. 501. The Departments of Commerce and Jus-
11 tice, the National Science Foundation, and the National
12 Aeronautics and Space Administration shall provide to the
13 Senate Committee on Appropriations a quarterly account-
14 ing of the cumulative balances of any unobligated funds
15 that were made available to any such agency in any pre-
16 vious appropriations Act.

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

20 SEC. 503. The expenditure of any appropriation
21 under this Act for any consulting service through procure-
22 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
23 to those contracts where such expenditures are a matter
24 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-
2 isting Executive order issued pursuant to existing law.

3 SEC. 504. If any provision of this Act or the applica-
4 tion of such provision to any person or circumstances shall
5 be held invalid, the remainder of the Act and the applica-
6 tion of each provision to persons or circumstances other
7 than those as to which it is held invalid shall not be af-
8 fected thereby.

9 SEC. 505. (a) None of the funds provided under this
10 Act, or provided under previous appropriations Acts to the
11 agencies funded by this Act that remain available for obli-
12 gation or expenditure in fiscal year 2008, or provided from
13 any accounts in the Treasury of the United States derived
14 by the collection of fees available to the agencies funded
15 by this Act, shall be available for obligation or expenditure
16 through a reprogramming of funds that: (1) creates new
17 programs; (2) eliminates a program, project, or activity;
18 (3) increases funds or personnel by any means for any
19 project or activity for which funds have been denied or
20 restricted; (4) relocates an office or employees; (5) reorga-
21 nizes or renames offices, programs, or activities; or (6)
22 contracts out or privatizes any functions or activities pres-
23 ently performed by Federal employees; unless the Senate
24 Committee on Appropriations is notified 15 days in ad-
25 vance of such reprogramming of funds.

1 (b) None of the funds provided under this Act, or
2 provided under previous appropriations Acts to the agen-
3 cies funded by this Act that remain available for obligation
4 or expenditure in fiscal year 2008, or provided from any
5 accounts in the Treasury of the United States derived by
6 the collection of fees available to the agencies funded by
7 this Act, shall be available for obligation or expenditure
8 for activities, programs, or projects through a reprogram-
9 ming of funds in excess of \$500,000 or 10 percent, which-
10 ever is less, that: (1) augments existing programs,
11 projects, or activities; (2) reduces by 10 percent funding
12 for any existing program, project, or activity, or numbers
13 of personnel by 10 percent as approved by Congress; or
14 (3) results from any general savings, including savings
15 from a reduction in personnel, which would result in a
16 change in existing programs, activities, or projects as ap-
17 proved by Congress; unless the Senate Committee on Ap-
18 propriations is notified 15 days in advance of such re-
19 programming of funds.

20 SEC. 506. Hereafter, none of the funds made avail-
21 able in this Act or any other Act may be used for the
22 construction, repair (other than emergency repair), over-
23 haul, conversion, or modernization of vessels for the Na-
24 tional Oceanic and Atmospheric Administration in ship-
25 yards located outside of the United States.

1 SEC. 507. If it has been finally determined by a court
2 or Federal agency that any person intentionally affixed a
3 label bearing a “Made in America” inscription, or any in-
4 scription with the same meaning, to any product sold in
5 or shipped to the United States that is not made in the
6 United States, the person shall be ineligible to receive any
7 contract or subcontract made with funds made available
8 in this Act, pursuant to the debarment, suspension, and
9 ineligibility procedures described in sections 9.400 through
10 9.409 of title 48, Code of Federal Regulations.

11 SEC. 508. Any costs incurred by a department or
12 agency funded under this Act resulting from personnel ac-
13 tions taken in response to funding reductions included in
14 this Act shall be absorbed within the total budgetary re-
15 sources available to such department or agency: *Provided*,
16 That the authority to transfer funds between appropria-
17 tions accounts as may be necessary to carry out this sec-
18 tion is provided in addition to authorities included else-
19 where in this Act: *Provided further*, That use of funds to
20 carry out this section shall be treated as a reprogramming
21 of funds under section 505 of this Act and shall not be
22 available for obligation or expenditure except in compli-
23 ance with the procedures set forth in that section.

24 SEC. 509. None of the funds provided by this Act
25 shall be available to promote the sale or export of tobacco

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

6 SEC. 510. None of the funds appropriated pursuant
7 to this Act or any other provision of law may be used for—

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

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

22 SEC. 511. Notwithstanding any other provision of
23 law, amounts deposited or available in the Fund estab-
24 lished under 42 U.S.C. 10601 in any fiscal year in excess

1 of \$625,000,000 shall not be available for obligation until
2 the following fiscal year.

3 SEC. 512. None of the funds made available to the
4 Department of Justice in this Act may be used to discrimi-
5 nate against or denigrate the religious or moral beliefs of
6 students who participate in programs for which financial
7 assistance is provided from those funds, or of the parents
8 or legal guardians of such students.

9 SEC. 513. None of the funds made available in this
10 Act may be transferred to any department, agency, or in-
11 strumentality of the United States Government, except
12 pursuant to a transfer made by, or transfer authority pro-
13 vided in, this Act or any other appropriations Act.

14 SEC. 514. With the consent of the President, the Sec-
15 retary of Commerce shall represent the United States Gov-
16 ernment in negotiating and monitoring international
17 agreements regarding fisheries, marine mammals, or sea
18 turtles: *Provided*, That the Secretary of Commerce shall
19 be responsible for the development and interdepartmental
20 coordination of the policies of the United States with re-
21 spect to the international negotiations and agreements re-
22 ferred to in this section.

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

1 SEC. 516. ACCOUNTABILITY AND TRANSPARENCY OF
2 ACTIVITIES CARRIED OUT WITH FUNDS PROVIDED BY
3 THIS ACT. (a) AUDIT PROGRESS REPORTS.—The Inspec-
4 tors General of the Department of Commerce, the Depart-
5 ment of Justice, the National Aeronautics and Space Ad-
6 ministration, and the National Science Foundation shall
7 conduct audits, pursuant to the Inspector General Act (5
8 U.S.C. App.), of grants or contracts for which funds are
9 appropriated by this Act, and shall submit reports to Con-
10 gress on the progress of such audits, which may include
11 preliminary findings and a description of areas of par-
12 ticular interest, within 180 days after initiating such an
13 audit and every 180 days thereafter until any such audit
14 is completed.

15 (b) AVAILABILITY TO THE PUBLIC.—Within 60 days
16 after the date on which an audit described in subsection
17 (a) by an Inspector General is completed, the Secretary,
18 Attorney General, Administrator, or Director, as appro-
19 priate, shall make the results of the audit available to the
20 public on the Internet website maintained by the Depart-
21 ment, Administration, or Foundation, respectively. The re-
22 sults shall be made available in redacted form to exclude—

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

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

5 (c) PROHIBITED USE OF FUNDS.—A grant or con-
6 tract funded by amounts appropriated by this Act may
7 not be used for the purpose of defraying the costs of a
8 banquet or conference that is not directly and program-
9 matically related to the purpose for which the grant or
10 contract was awarded, such as a banquet or conference
11 held in connection with planning, training, assessment, re-
12 view, or other routine purposes related to a project funded
13 by the grant or contract.

14 (d) CONFLICT OF INTEREST STATEMENT.—Any per-
15 son awarded a grant or contract funded by amounts ap-
16 propriated by this Act shall submit a statement to the Sec-
17 retary of Commerce, the Attorney General, the Adminis-
18 trator, or the Director, as appropriate, certifying that no
19 funds derived from the grant or contract will be made
20 available through a subcontract or in any other manner
21 to another person who has a financial interest in the per-
22 son awarded the grant or contract.

23 (e) APPLICATION TO OTHER FEDERAL GRANTS AND
24 CONTRACTS.—The provisions of the preceding subsections
25 of this section shall take effect 30 days after the date on

1 which the Director of the Office and Management and
2 Budget, in consultation with the Director of the Office of
3 Government Ethics, determines that a uniform set of rules
4 and requirements, substantially similar to the require-
5 ments in such subsections, consistently apply under the
6 executive branch ethics program to all Federal depart-
7 ments, agencies, and entities.

8 SEC. 517. None of the funds appropriated or other-
9 wise made available under this Act may be used to issue
10 patents on claims directed to or encompassing a human
11 organism.

12 SEC. 518. If at any time during any quarter, the pro-
13 gram manager of a project within the jurisdiction of the
14 Departments of Commerce or Justice, the National Aero-
15 nautics and Space Administration, or the National Science
16 Foundation totaling more than \$75,000,000 has reason-
17 able cause to believe that the total program cost has in-
18 creased by 10 percent, the program manager shall imme-
19 diately inform the Secretary, Administrator, or Director.
20 The Secretary, Administrator, or Director shall notify the
21 Senate Committee on Appropriations within 30 days in
22 writing of such increase, and shall include in such notice:
23 the date on which such determination was made; a state-
24 ment of the reasons for such increases; the action taken
25 and proposed to be taken to control future cost growth

1 of the project; changes made in the performance or sched-
2 ule milestones and the degree to which such changes have
3 contributed to the increase in total program costs or pro-
4 curement costs; new estimates of the total project or pro-
5 curement costs; and a statement validating that the
6 project's management structure is adequate to control
7 total project or procurement costs.

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

12 SEC. 520. Notwithstanding section 505 of this Act,
13 no funds shall be reprogrammed within or transferred be-
14 tween appropriations after June 30, except in extraor-
15 dinary circumstances.

16 SEC. 521. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for intel-
18 ligence or intelligence related activities are deemed to be
19 specifically authorized by the Congress for purposes of sec-
20 tion 504 of the National Security Act of 1947 (50 U.S.C.
21 414) during fiscal year 2008 until the enactment of the
22 Intelligence Authorization Act for Fiscal Year 2008.

23 SEC. 522. The Offices of Inspectors General funded
24 under this Act shall forward copies of all audit reports
25 to the Senate Committee on Appropriations immediately

1 after they are issued and immediately make the Com-
2 mittee aware of any review that recommends cancellation
3 of, or modification to, any major acquisition project or
4 grant, or that recommends significant budgetary savings:
5 *Provided*, That the Offices of Inspectors General funded
6 under this Act shall withhold from public distribution for
7 a period of 15 days any final audit or investigation report
8 that was requested by the Senate Committee on Appro-
9 priations.

10 SEC. 523. Hereafter, none of the funds made avail-
11 able by the Congress may be used to implement, admin-
12 ister, or enforce any guidelines of the Equal Employment
13 Opportunity Commission covering harassment based on
14 religion, when it is made known to the Federal entity or
15 official to which such funds are made available that such
16 guidelines do not differ in any respect from the proposed
17 guidelines published by the Commission on October 1,
18 1993 (58 Fed. Reg. 51266).

19 SEC. 524. None of the funds in this Act or prior Acts
20 making appropriations for the Department of Justice may
21 be used to make a grant allocation, a discretionary grant
22 award, or a discretionary contract award that is specified
23 in the report accompanying this Act, or to publicly an-
24 nounce the intention to make such an award, unless the
25 Attorney General, Secretary, Administrator or Director of

1 the appropriate agency or bureau notifies the Senate Com-
 2 mittee on Appropriations, at least three full business days
 3 in advance: *Provided*, That no notification shall involve
 4 funds that are not available for obligation.

5 SEC. 525. None of the funds provided in this Act may
 6 be used to implement an involuntary reduction in force
 7 at any NASA center during fiscal year 2008.

8 SEC. 526. (a) MODIFICATION OF ENHANCED-USE
 9 LEASE AUTHORITY FOR NASA.—Subsection (a) of sec-
 10 tion 315 of the National Aeronautics and Space Adminis-
 11 tration Act of 1958 (42 U.S.C. 2459j) is amended—

12 (1) by striking “Notwithstanding any other pro-
 13 vision of law, the Administrator” and inserting “The
 14 Administrator”; and

15 (2) by striking “any real property” and insert-
 16 ing “any non-excess real property and related per-
 17 sonal property”; and

18 (3) by striking “at no more than two (2) Na-
 19 tional Aeronautics and Space Administration
 20 (NASA) centers”.

21 (b) CONSIDERATION.—Subsection (b) of such section
 22 is amended—

23 (1) in paragraph (1), by striking “consider-
 24 ation” and all that follows through the end of the
 25 paragraph and inserting “cash consideration for the

1 lease at fair market value as determined by the Ad-
2 ministrator.”;

3 (2) by striking paragraph (2);

4 (3) by redesignating paragraph (3) as para-
5 graph (2); and

6 (4) in paragraph (2), as redesignated by para-
7 graph (3) of this subsection—

8 (A) in subparagraph (B), by striking
9 “maintenance” and all that follows through
10 “centers selected for this demonstration pro-
11 gram” and inserting “capital revitalization and
12 construction projects and improvements of real
13 property assets and related personal property
14 under the jurisdiction of the Administrator”;
15 and

16 (B) by adding at the end the following new
17 subparagraph:

18 “(C) Amounts utilized under subparagraph (B)
19 may not be utilized for daily operating costs.”.

20 (c) LEASE RESTRICTIONS.—Subsection (e) of such
21 section is amended—

22 (1) by striking “LEASE RESTRICTIONS.—
23 NASA” and inserting the following: “LEASE RE-
24 STRICTIONS.—

25 “(1) NASA”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) NASA is not authorized to enter into an
4 out-lease under this section unless the Administrator
5 certifies that such out-lease will not have a negative
6 impact on NASA’s mission.”.

7 (d) REPEAL OF PLAN AND REPORTING REQUIRE-
8 MENTS.—Such section is further amended by striking sub-
9 section (f).

10 (e) SUNSET.—Such section is further amended by
11 adding at the end the following new subsection (f):

12 “(f) SUNSET.—The authority to enter into leases
13 under this section shall expire on the date that is ten years
14 after the date of the enactment of the Commerce, Justice,
15 Science, and Related Agencies Appropriations Act of
16 2008. The expiration under this subsection of authority
17 to enter into leases under this section shall not affect the
18 validity or term of leases or NASA’s retention of proceeds
19 from leases entered into under this section before the date
20 of the expiration of such authority.”.

21 (f) CONFORMING AMENDMENT.—The heading of
22 such section is amended by striking “Enhanced-use lease
23 of real property demonstration” and inserting “Lease of
24 non-excess property”.

1 SEC. 527. LIMITATION. (a) IN GENERAL.—None of
 2 the funds made available in this Act shall be used to ini-
 3 tiate or participate in a civil action by or on the behalf
 4 of the Equal Employment Opportunity Commission
 5 against an entity on the grounds that the entity requires
 6 an employee to speak English while engaged in work.

7 (b) EFFECTIVE DATE.—Subsection (a) shall apply
 8 with respect to all civil actions that commence on or after
 9 the date of enactment of this Act.

10

TITLE VI

11

RESCISSIONS

12

DEPARTMENT OF COMMERCE

13

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

14

INDUSTRIAL TECHNOLOGY SERVICES

15

(RESCISSION)

16 Of the unobligated balances available under this
 17 heading, \$10,000,000 are rescinded.

18

DEPARTMENT OF JUSTICE

19

GENERAL ADMINISTRATION

20

WORKING CAPITAL FUND

21

(RESCISSION)

22 Of the unobligated balances available under this
 23 heading, \$41,000,000 are rescinded.

1 DETENTION TRUSTEE

2 (RESCISSION)

3 Of the unobligated balances available under this
4 heading, \$135,000,000 are rescinded.

5 LEGAL ACTIVITIES

6 ASSETS FORFEITURE FUND

7 (RESCISSION)

8 Of the unobligated balances available under this
9 heading, \$240,000,000 are rescinded.

10 OFFICE OF JUSTICE PROGRAMS

11 JUSTICE ASSISTANCE

12 (RESCISSION)

13 Of the unobligated balances available under this
14 heading, \$87,500,000 are rescinded.

15 COMMUNITY ORIENTED POLICING SERVICES

16 (RESCISSION)

17 Of the unobligated balances available under this
18 heading, \$37,500,000 are rescinded.

19 This Act may be cited as the “Departments of Com-
20 merce and Justice, Science, and Related Agencies Appro-
21 priations Act, 2008”.

Calendar No. 259

110TH CONGRESS
1ST Session

S. 1745

[Report No. 110-124]

A BILL

Making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

JUNE 29, 2007

Read twice and placed on the calendar