

1 DIVISION B—COMMERCE, JUSTICE, SCIENCE,
2 AND RELATED AGENCIES APPROPRIATIONS
3 ACT, 2008

4 TITLE I

5 DEPARTMENT OF COMMERCE

6 INTERNATIONAL TRADE ADMINISTRATION

7 OPERATIONS AND ADMINISTRATION

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

1 foreign countries; not to exceed \$327,000 for official rep-
2 resentation expenses abroad; purchase of passenger motor
3 vehicles for official use abroad, not to exceed \$45,000 per
4 vehicle; obtaining insurance on official motor vehicles; and
5 rental of tie lines, \$413,172,000, to remain available until
6 September 30, 2009, of which \$8,000,000 is to be derived
7 from fees to be retained and used by the International
8 Trade Administration, notwithstanding 31 U.S.C. 3302:
9 *Provided*, That \$40,520,923 shall be for Manufacturing
10 and Services; \$41,384,054 shall be for Market Access and
11 Compliance; \$62,712,833 shall be for the Import Adminis-
12 tration of which \$5,900,000 shall be for the Office of
13 China Compliance; \$236,945,290 shall be for the United
14 States and Foreign Commercial Service; and \$25,146,400
15 shall be for Executive Direction and Administration: *Pro-*
16 *vided further*, That the provisions of the first sentence of
17 section 105(f) and all of section 108(c) of the Mutual Edu-
18 cational and Cultural Exchange Act of 1961 (22 U.S.C.
19 2455(f) and 2458(c)) shall apply in carrying out these ac-
20 tivities without regard to section 5412 of the Omnibus
21 Trade and Competitiveness Act of 1988 (15 U.S.C. 4912);
22 and that for the purpose of this Act, contributions under
23 the provisions of the Mutual Educational and Cultural Ex-
24 change Act of 1961 shall include payment for assessments
25 for services provided as part of these activities: *Provided*

1 *further*, That the International Trade Administration shall
2 be exempt from the requirements of Circular A-25 (or any
3 successor administrative regulation or policy) issued by
4 the Office of Management and Budget: *Provided further*,
5 That negotiations shall be conducted within the World
6 Trade Organization to recognize the right of members to
7 distribute monies collected from antidumping and counter-
8 vailing duties: *Provided further*, That negotiations shall be
9 conducted within the World Trade Organization consistent
10 with the negotiating objectives contained in the Trade Act
11 of 2002, Public Law 107-210.

12 BUREAU OF INDUSTRY AND SECURITY

13 OPERATIONS AND ADMINISTRATION

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

1 1979, and as authorized by 22 U.S.C. 401(b); and pur-
2 chase of passenger motor vehicles for official use and
3 motor vehicles for law enforcement use with special re-
4 quirement vehicles eligible for purchase without regard to
5 any price limitation otherwise established by law,
6 \$72,855,000, to remain available until expended, of which
7 \$13,627,000 shall be for inspections and other activities
8 related to national security: *Provided*, That the provisions
9 of the first sentence of section 105(f) and all of section
10 108(c) of the Mutual Educational and Cultural Exchange
11 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
12 in carrying out these activities: *Provided further*, That
13 payments and contributions collected and accepted for ma-
14 terials or services provided as part of such activities may
15 be retained for use in covering the cost of such activities,
16 and for providing information to the public with respect
17 to the export administration and national security activi-
18 ties of the Department of Commerce and other export con-
19 trol programs of the United States and other govern-
20 ments.

21 ECONOMIC DEVELOPMENT ADMINISTRATION

22 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

23 For grants for economic development assistance as
24 provided by the Public Works and Economic Development

1 Act of 1965, and for trade adjustment assistance,
2 \$249,100,000, to remain available until expended.

3 SALARIES AND EXPENSES

4 For necessary expenses of administering the eco-
5 nomic development assistance programs as provided for by
6 law, \$30,832,000: *Provided*, That these funds may be used
7 to monitor projects approved pursuant to title I of the
8 Public Works Employment Act of 1976, title II of the
9 Trade Act of 1974, and the Community Emergency
10 Drought Relief Act of 1977.

11 MINORITY BUSINESS DEVELOPMENT AGENCY

12 MINORITY BUSINESS DEVELOPMENT

13 For necessary expenses of the Department of Com-
14 merce in fostering, promoting, and developing minority
15 business enterprise, including expenses of grants, con-
16 tracts, and other agreements with public or private organi-
17 zations, \$28,623,000.

18 ECONOMIC AND STATISTICAL ANALYSIS

19 SALARIES AND EXPENSES

20 For necessary expenses, as authorized by law, of eco-
21 nomic and statistical analysis programs of the Department
22 of Commerce, \$81,075,000, to remain available until Sep-
23 tember 30, 2009.

1 BUREAU OF THE CENSUS

2 SALARIES AND EXPENSES

3 For expenses necessary for collecting, compiling, ana-
4 lyzing, preparing, and publishing statistics, provided for
5 by law, \$202,838,000.

6 PERIODIC CENSUSES AND PROGRAMS

7 For necessary expenses to collect and publish statis-
8 tics for periodic censuses and programs provided for by
9 law, \$1,027,406,000, to remain available until September
10 30, 2009: *Provided*, That none of the funds provided in
11 this or any other Act for any fiscal year may be used for
12 the collection of census data on race identification that
13 does not include "some other race" as a category.

14 NATIONAL TELECOMMUNICATIONS AND INFORMATION

15 ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses, as provided for by law, of
18 the National Telecommunications and Information Ad-
19 ministration (NTIA), \$17,466,000, to remain available
20 until September 30, 2009: *Provided*, That, notwith-
21 standing 31 U.S.C. 1535(d), the Secretary of Commerce
22 shall charge Federal agencies for costs incurred in spec-
23 trum management, analysis, and operations, and related
24 services and such fees shall be retained and used as offset-
25 ting collections for costs of such spectrum services, to re-
26 main available until expended: *Provided further*, That the

1 Secretary of Commerce is authorized to retain and use as
2 offsetting collections all funds transferred, or previously
3 transferred, from other Government agencies for all costs
4 incurred in telecommunications research, engineering, and
5 related activities by the Institute for Telecommunication
6 Sciences of NTIA, in furtherance of its assigned functions
7 under this paragraph, and such funds received from other
8 Government agencies shall remain available until ex-
9 pended.

10 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
11 AND CONSTRUCTION

12 For the administration of grants authorized by sec-
13 tion 392 of the Communications Act of 1934,
14 \$18,800,000, to remain available until expended as au-
15 thorized by section 391 of the Act: *Provided*, That not to
16 exceed \$2,000,000 shall be available for program adminis-
17 tration as authorized by section 391 of the Act: *Provided*
18 *further*, That, notwithstanding the provisions of section
19 391 of the Act, the prior year unobligated balances may
20 be made available for grants for projects for which appli-
21 cations have been submitted and approved during any fis-
22 cal year.

23 UNITED STATES PATENT AND TRADEMARK OFFICE
24 SALARIES AND EXPENSES

25 For necessary expenses of the United States Patent
26 and Trademark Office provided for by law, including de-

1 fense of suits instituted against the Under Secretary of
2 Commerce for Intellectual Property and Director of the
3 United States Patent and Trademark Office,
4 \$1,915,500,000, to remain available until expended: *Pro-*
5 *vided*, That the sum herein appropriated from the general
6 fund shall be reduced as offsetting collections assessed and
7 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
8 and 376 are received during fiscal year 2008, so as to re-
9 sult in a fiscal year 2008 appropriation from the general
10 fund estimated at \$0: *Provided further*, That during fiscal
11 year 2008, should the total amount of offsetting fee collec-
12 tions be less than \$1,915,500,000, this amount shall be
13 reduced accordingly: *Provided further*, That any amount
14 received in excess of \$1,915,500,000 in fiscal year 2008,
15 in an amount up to \$100,000,000, shall remain available
16 until expended: *Provided further*, That not less than 1,020
17 full-time equivalents, 1,082 positions and \$214,150,000
18 shall be for the examination of trademark applications;
19 and not less than 8,522 full-time equivalents, 9,000 posi-
20 tions and \$1,701,402,000 shall be for the examination and
21 searching of patent applications: *Provided further*, That
22 not less than \$16,015,000 shall be for training of per-
23 sonnel: *Provided further*, That \$1,000,000 may be trans-
24 ferred to "Departmental Management", "Salaries and Ex-
25 penses" for activities associated with the National Intellec-

1 tual Property Law Enforcement Coordination Council:
2 *Provided further*, That any deviation from the full-time
3 equivalent, position, and funding designations set forth in
4 the preceding provisos shall be subject to the procedures
5 set forth in section 505 of this Act: *Provided further*, That
6 from amounts provided herein, not to exceed \$1,000 shall
7 be made available in fiscal year 2008 for official reception
8 and representation expenses: *Provided further*, That in fis-
9 cal year 2008, from the amounts made available for “Sala-
10 ries and Expenses” for the United States Patent and
11 Trademark Office (PTO), the amounts necessary to pay:
12 (1) the difference between the percentage of basic pay con-
13 tributed by the PTO and employees under section 8334(a)
14 of title 5, United States Code, and the normal cost per-
15 centage (as defined by section 8331(17) of that title) of
16 basic pay, of employees subject to subchapter III of chap-
17 ter 83 of that title; and (2) the present value of the other-
18 wise unfunded accruing costs, as determined by the Office
19 of Personnel Management, of post-retirement life insur-
20 ance and post-retirement health benefits coverage for all
21 PTO employees, shall be transferred to the Civil Service
22 Retirement and Disability Fund, the Employees Life In-
23 surance Fund, and the Employees Health Benefits Fund,
24 as appropriate, and shall be available for the authorized
25 purposes of those accounts: *Provided further*, That sec-

1 tions 801, 802, and 803 of division B, Public Law 108–
2 447 shall remain in effect during fiscal year 2008: *Pro-*
3 *vided further*, That the Director may reduce patent filing
4 fees payable in 2008 for documents filed electronically
5 consistent with Federal regulation.

6 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
7 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

8 For necessary expenses of the National Institute of
9 Standards and Technology, \$440,517,000, to remain
10 available until expended, of which not to exceed
11 \$6,580,000 may be transferred to the “Working Capital
12 Fund”: *Provided*, That not to exceed \$5,000 shall be for
13 official reception and representation expenses.

14 INDUSTRIAL TECHNOLOGY SERVICES

15 For necessary expenses of the Hollings Manufac-
16 turing Extension Partnership of the National Institute of
17 Standards and Technology, \$89,640,000, to remain avail-
18 able until expended.

19 In addition, for necessary expenses of the Technology
20 Innovation Program of the National Institute of Stand-
21 ards and Technology, \$65,200,000, to remain available
22 until expended: *Provided*, That of the \$70,200,000 pro-
23 vided for in direct obligations under this heading,
24 \$65,200,000 is appropriated from the general fund and

1 \$5,000,000 is derived from recoveries of prior year obliga-
2 tions from the Advanced Technology Program.

3 CONSTRUCTION OF RESEARCH FACILITIES

4 For construction of new research facilities, including
5 architectural and engineering design, and for renovation
6 and maintenance of existing facilities including agency
7 recreational and welfare facilities, not otherwise provided
8 for the National Institute of Standards and Technology,
9 as authorized by 15 U.S.C. 278c-278e, \$160,490,000, to
10 remain available until expended, of which \$30,080,000 is
11 for a competitive construction grant program for research
12 science buildings: *Provided*, That the Secretary of Com-
13 merce shall include in the budget justification materials
14 that the Secretary submits to Congress in support of the
15 Department of Commerce budget (as submitted with the
16 budget of the President under section 1105(a) of title 31,
17 United States Code) an estimate for each National Insti-
18 tute of Standards and Technology construction project
19 having a total multi-year program cost of more than
20 \$5,000,000 and simultaneously the budget justification
21 materials shall include an estimate of the budgetary re-
22 quirements for each such project for each of the five subse-
23 quent fiscal years: *Provided further*, That notwithstanding
24 any other provision of law, of the amount made available
25 for construction of research facilities, \$7,332,000 shall be

1 for the University of Mississippi Medical Center Bio-
2 technology Research Park; \$7,332,000 shall be for the
3 Mississippi State University Research, Technology and
4 Economic Development Park; \$1,598,000 shall be for the
5 University of Southern Mississippi Innovation and Com-
6 mercialization Park Infrastructure and Building Con-
7 struction and Equipage; \$5,000,000 shall be for the Ala-
8 bama State University Life Sciences Building; and
9 \$30,000,000 shall be for laboratory and research space at
10 the University of South Alabama Engineering and Science
11 Center.

12 NATIONAL OCEANIC AND ATMOSPHERIC
13 ADMINISTRATION
14 OPERATIONS, RESEARCH, AND FACILITIES
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of activities authorized by law
17 for the National Oceanic and Atmospheric Administration,
18 including maintenance, operation, and hire of aircraft and
19 vessels; grants, contracts, or other payments to nonprofit
20 organizations for the purposes of conducting activities
21 pursuant to cooperative agreements; and relocation of fa-
22 cilities, \$2,856,277,000, to remain available until Sep-
23 tember 30, 2009, except for funds provided for cooperative
24 enforcement, which shall remain available until September
25 30, 2010: *Provided*, That fees and donations received by

1 the National Ocean Service for the management of na-
2 tional marine sanctuaries may be retained and used for
3 the salaries and expenses associated with those activities,
4 notwithstanding 31 U.S.C. 3302: *Provided further*, That
5 in addition, \$3,000,000 shall be derived by transfer from
6 the fund entitled "Coastal Zone Management" and in ad-
7 dition \$77,000,000 shall be derived by transfer from the
8 fund entitled "Promote and Develop Fishery Products and
9 Research Pertaining to American Fisheries": *Provided*
10 *further*, That of the \$2,941,277,000 provided for in direct
11 obligations under this heading \$2,856,277,000 is appro-
12 priated from the general fund, \$80,000,000 is provided
13 by transfer, and \$5,000,000 is derived from recoveries of
14 prior year obligations: *Provided further*, That of the funds
15 provided under this heading, \$235,000 is made available
16 until expended subject to procedures set forth in section
17 209 of Public Law 108-447: *Provided further*, That the
18 total amount available for the National Oceanic and At-
19 mospheric Administration corporate services administra-
20 tive support costs shall not exceed \$206,484,000: *Provided*
21 *further*, That payments of funds made available under this
22 heading to the Department of Commerce Working Capital
23 Fund including Department of Commerce General Coun-
24 sel legal services shall not exceed \$34,164,000: *Provided*
25 *further*, That any deviation from the amounts designated

1 for specific activities in the report accompanying this Act,
2 or any use of deobligated balances of funds provided under
3 this heading in previous years, shall be subject to the pro-
4 cedures set forth in section 505 of this Act: *Provided fur-*
5 *ther*, That grants to States pursuant to sections 306 and
6 306A of the Coastal Zone Management Act of 1972, as
7 amended, shall not exceed \$2,000,000, unless funds pro-
8 vided for “Coastal Zone Management Grants” exceed
9 funds provided in the previous fiscal year: *Provided fur-*
10 *ther*, That if funds provided for “Coastal Zone Manage-
11 ment Grants” exceed funds provided in the previous fiscal
12 year, then no State shall receive more than 5 percent or
13 less than 1 percent of the additional funds: *Provided fur-*
14 *ther*, That the Administrator of the National Oceanic and
15 Atmospheric Administration may engage in formal and in-
16 formal education activities, including primary and sec-
17 ondary education, related to the agency’s mission goals:
18 *Provided further*, That in accordance with section 215 of
19 Public Law 107–372 the number of officers in the NOAA
20 Commissioned Officer Corps shall increase to 321: *Pro-*
21 *vided further*, That of the funds provided, \$13,395,000 is
22 provided for the alleviation of economic impacts associated
23 with Framework 42 on the Massachusetts groundfish fish-
24 ery.

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

7 PROCUREMENT, ACQUISITION AND CONSTRUCTION

8 For procurement, acquisition and construction of
9 capital assets, including alteration and modification costs,
10 of the National Oceanic and Atmospheric Administration,
11 \$979,207,000, to remain available until September 30,
12 2010, except funds provided for construction of facilities
13 which shall remain available until expended: *Provided,*
14 That of the amounts provided for the National Polar-or-
15 biting Operational Environmental Satellite System, funds
16 shall only be made available on a dollar-for-dollar match-
17 ing basis with funds provided for the same purpose by the
18 Department of Defense: *Provided further,* That except to
19 the extent expressly prohibited by any other law, the De-
20 partment of Defense may delegate procurement functions
21 related to the National Polar-orbiting Operational Envi-
22 ronmental Satellite System to officials of the Department
23 of Commerce pursuant to section 2311 of title 10, United
24 States Code: *Provided further,* That any deviation from the
25 amounts designated for specific activities in the report ac-
26 companying this Act, or any use of deobligated balances

1 of funds provided under this heading in previous years,
2 shall be subject to the procedures set forth in section 505
3 of this Act.

4 PACIFIC COASTAL SALMON RECOVERY

5 For necessary expenses associated with the restora-
6 tion of Pacific salmon populations, \$67,000,000, to re-
7 main available until September 30, 2009.

8 COASTAL ZONE MANAGEMENT FUND

9 (INCLUDING TRANSFER OF FUNDS)

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

15 FISHERIES FINANCE PROGRAM ACCOUNT

16 Subject to section 502 of the Congressional Budget
17 Act of 1974, during fiscal year 2008, obligations of direct
18 loans may not exceed \$8,000,000 for Individual Fishing
19 Quota loans and not to exceed \$59,000,000 for traditional
20 direct loans as authorized by the Merchant Marine Act
21 of 1936: *Provided*, That none of the funds made available
22 under this heading may be used for direct loans for any
23 new fishing vessel that will increase the harvesting capac-
24 ity in any United States fishery.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For expenses necessary for the departmental manage-
4 ment of the Department of Commerce provided for by law,
5 including not to exceed \$5,000 for official entertainment,
6 \$44,294,000: *Provided*, That the Secretary, within 120
7 days of enactment of this Act, shall provide a report to
8 the Committees on Appropriations that audits and evalu-
9 ates all decision documents and expenditures by the Bu-
10 reau of the Census as they relate to the 2010 Census: *Pro-*
11 *vided further*, That of the amounts provided to the Sec-
12 retary within this account, \$10,000,000 shall not become
13 available for obligation until the Secretary certifies to the
14 Committees on Appropriations that the Bureau of the
15 Census has followed, and met all best practices, and all
16 Office of Management and Budget guidelines related to
17 information technology projects.

18 HCHB RENOVATION AND MODERNIZATION

19 For expenses necessary for the renovation and mod-
20 ernization of the Herbert C. Hoover Building, \$3,722,000,
21 to remain available until expended.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978 (5 U.S.C. App.), \$22,020,000.

1 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE
2 (INCLUDING TRANSFER OF FUNDS)

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

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

20 SEC. 103. Not to exceed 5 percent of any appropria-
21 tion made available for the current fiscal year for the De-
22 partment of Commerce in this Act may be transferred be-
23 tween such appropriations, but no such appropriation shall
24 be increased by more than 10 percent by any such trans-
25 fers: *Provided*, That any transfer pursuant to this section

1 shall be treated as a reprogramming of funds under sec-
2 tion 505 of this Act and shall not be available for obliga-
3 tion or expenditure except in compliance with the proce-
4 dures set forth in that section: *Provided further*, That the
5 Secretary of Commerce shall notify the Committees on Ap-
6 propriations at least 15 days in advance of the acquisition
7 or disposal of any capital asset (including land, structures,
8 and equipment) not specifically provided for in this Act
9 or any other law appropriating funds for the Department
10 of Commerce: *Provided further*, That for the National Oce-
11 anic and Atmospheric Administration this section shall
12 provide for transfers among appropriations made only to
13 the National Oceanic and Atmospheric Administration
14 and such appropriations may not be transferred and re-
15 programmed to other Department of Commerce bureaus
16 and appropriation accounts.

17 SEC. 104. Any costs incurred by a department or
18 agency funded under this title resulting from personnel
19 actions taken in response to funding reductions included
20 in this title or from actions taken for the care and protec-
21 tion of loan collateral or grant property shall be absorbed
22 within the total budgetary resources available to such de-
23 partment or agency: *Provided*, That the authority to trans-
24 fer funds between appropriations accounts as may be nec-
25 essary to carry out this section is provided in addition to

1 authorities included elsewhere in this Act: *Provided fur-*
2 *ther*, That use of funds to carry out this section shall be
3 treated as a reprogramming of funds under section 505
4 of this Act and shall not be available for obligation or ex-
5 penditure except in compliance with the procedures set
6 forth in that section.

7 SEC. 105. (a) Section 101(k) of the Emergency Steel
8 Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is
9 amended by striking “2007” and inserting “2009”.

10 (b) Paragraphs (1) and (2) of section 101(b) of the
11 Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C.
12 1841 note) are each amended by striking “in 1998” and
13 inserting “since 1998”.

14 (c) Subparagraph (C) of section 101(c)(3) of the
15 Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C.
16 1841 note) is amended by striking “, in 1998” and insert-
17 ing “in 1998, and thereafter,”.

18 (d) The Emergency Steel Loan Guarantee Act of
19 1999 (15 U.S.C. 1841 note) is amended by adding at the
20 end the following:

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

22 “(a) In addition to funds made available under sec-
23 tion 101(j) of the Emergency Steel Loan Guarantee Act
24 of 1999 (15 U.S.C. 1841 note), up to \$1,000,000 in funds
25 made available under section 101(f) of such Act may be

1 used for salaries and administrative expenses to admin-
2 ister the Emergency Steel Loan Guarantee Program.

3 “(b) Funds made available for salaries and adminis-
4 trative expenses to administer the Emergency Steel Loan
5 Guarantee Program shall remain available until ex-
6 pended.”.

7 SEC. 106. Hereafter, notwithstanding any other pro-
8 vision of law, no funds appropriated under this Act shall
9 be used to register, issue, transfer, or enforce any trade-
10 mark of the phrase “Last Best Place”.

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

16 SEC. 108. Notwithstanding the requirements of sub-
17 section 4703(d), the personnel management demonstra-
18 tion project established by the Department of Commerce
19 pursuant to 5 U.S.C. 4703 may be expanded to involve
20 more than 5,000 individuals, and is extended indefinitely.

21 SEC. 109. Section 212(b) of the National Technical
22 Information Act of 1988 (15 U.S.C. 3704b) is amended
23 by striking “Under Secretary of Commerce for Tech-
24 nology” and inserting “Director of the National Institute
25 of Standards and Technology”.

1 SEC. 110. The Secretary of Commerce is permitted
2 to prescribe and enforce standards or regulations affecting
3 safety and health in the context of scientific and occupa-
4 tional diving within the National Oceanic and Atmospheric
5 Administration.

6 SEC. 111. (a) The Secretary of Commerce is author-
7 ized to provide compensation to fishery participants who
8 will be displaced by the 2011 fishery closure resulting from
9 the creation by Presidential proclamation of the
10 Papahānaumokuākea Marine National Monument.

11 (b) The Secretary shall promulgate regulations for
12 the voluntary capacity reduction program that:

13 (1) identifies eligible participants as those indi-
14 viduals holding commercial Federal fishing permits
15 for either lobster or bottomfish in the designated wa-
16 ters within the Papahānaumokuākea Marine Na-
17 tional Monument;

18 (2) provides a mechanism to compensate eligible
19 participants for no more than the economic value of
20 their permits;

21 (3) at the option of each eligible permit holder,
22 provides an optional mechanism for additional com-
23 pensation based on the value of the fishing vessel
24 and gear of such participants who so elect to receive
25 these additional funds, provided that the commercial

1 fishing vessels of such participants will not be used
2 for fishing.

3 (c) There is authorized to be appropriated to the Na-
4 tional Oceanic and Atmospheric Administration's National
5 Marine Fisheries Service, \$6,697,500 for fiscal year 2008.

6 (d) Nothing in this section is intended to enlarge or
7 diminish Federal or State title, jurisdiction, or authority
8 with respect to the waters of the Northwestern Hawaiian
9 Islands or the tidal or submerged lands under any provi-
10 sion of State or Federal law.

11 SEC. 112. (a) For purposes of this section—

12 (1) the term "Under Secretary" means Under
13 Secretary of Commerce for Oceans and Atmosphere;

14 (2) the term "appropriate congressional com-
15 mittees" means—

16 (A) the Committee on Appropriations and
17 the Committee on Commerce, Science, and
18 Transportation of the Senate; and

19 (B) the Committee on Appropriations and
20 the Committee on Science and Technology of
21 the House of Representatives;

22 (3) the term "satellite" means the satellites
23 proposed to be acquired for the National Oceanic
24 and Atmospheric Administration, other than the Na-

1 tional Polar-orbiting Operational Environmental Sat-
2 ellite System (NPOESS);

3 (4) the term “development” means the phase of
4 a program following the formulation phase and be-
5 ginning with the approval to proceed to implementa-
6 tion, as defined in NOAA Administrative Order
7 216–108, Department of Commerce Administrative
8 Order 208–3, and NASA’s Procedural Requirements
9 7120.5c, dated March 22, 2005;

10 (5) the term “development cost” means the
11 total of all costs, including construction of facilities
12 and civil servant costs, from the period beginning
13 with the approval to proceed to implementation
14 through the achievement of operational readiness,
15 without regard to funding source or management
16 control, for the life of the program;

17 (6) the term “life-cycle cost” means the total of
18 the direct, indirect, recurring, and nonrecurring
19 costs, including the construction of facilities and civil
20 servant costs, and other related expenses incurred or
21 estimated to be incurred in the design, development,
22 verification, production, operation, maintenance,
23 support, and retirement of a program over its
24 planned lifespan, without regard to funding source
25 or management control;

1 (7) the term “major program” means an activ-
2 ity approved to proceed to implementation that has
3 an estimated life-cycle cost of more than
4 \$250,000,000;

5 (8) the term “baseline” means the program as
6 set following contract award and critical design re-
7 view of the space and ground systems.

8 (b)(1) NOAA shall not enter into a contract for devel-
9 opment of a major program, unless the Under Secretary
10 determines that—

11 (A) the technical, cost, and schedule risks of
12 the program are clearly identified and the program
13 has developed a plan to manage those risks;

14 (B) the technologies required for the program
15 have been demonstrated in a relevant laboratory or
16 test environment;

17 (C) the program complies with all relevant poli-
18 cies, regulations, and directives of NOAA and the
19 Department of Commerce;

20 (D) the program has demonstrated a high like-
21 lihood of accomplishing its intended goals; and

22 (E) the acquisition of satellites for use in the
23 program represents a good value to accomplishing
24 NOAA’s mission.

1 (2) The Under Secretary shall transmit a report de-
2 scribing the basis for the determination required under
3 paragraph (1) to the appropriate congressional committees
4 at least 30 days before entering into a contract for devel-
5 opment under a major program.

6 (3) The Under Secretary may not delegate the deter-
7 mination requirement under this subsection, except in
8 cases in which the Under Secretary has a conflict of inter-
9 est.

10 (c)(1) Annually, at the same time as the President's
11 annual budget submission to the Congress, the Under Sec-
12 retary shall transmit to the appropriate congressional
13 committees a report that includes the information required
14 by this section for the satellite development program for
15 which NOAA proposes to expend funds in the subsequent
16 fiscal year. The report under this paragraph shall be
17 known as the Major Program Annual Report.

18 (2) The first Major Program Annual Report for
19 NOAA's satellite development program shall include a
20 Baseline Report that shall, at a minimum, include—

21 (A) the purposes of the program and key tech-
22 nical characteristics necessary to fulfill those pur-
23 poses;

24 (B) an estimate of the life-cycle cost for the
25 program, with a detailed breakout of the develop-

1 ment cost, program reserves, and an estimate of the
2 annual costs until development is completed;

3 (C) the schedule for development, including key
4 program milestones;

5 (D) the plan for mitigating technical, cost, and
6 schedule risks identified in accordance with sub-
7 section (b)(1)(A); and

8 (E) the name of the person responsible for
9 making notifications under subsection (d), who shall
10 be an individual whose primary responsibility is
11 overseeing the program.

12 (3) For the major program for which a Baseline Re-
13 port has been submitted, subsequent Major Program An-
14 nual Reports shall describe any changes to the information
15 that had been provided in the Baseline Report, and the
16 reasons for those changes.

17 (d)(1) The individual identified under subsection
18 (c)(2)(E) shall immediately notify the Under Secretary
19 any time that individual has reasonable cause to believe
20 that, for the major program for which he or she is respon-
21 sible the development cost of the program has exceeded
22 the estimate provided in the Baseline Report of the pro-
23 gram by 20 percent or more.

24 (2) Not later than 30 days after the notification re-
25 quired under paragraph (1), the individual identified

1 under subsection (c)(2)(E) shall transmit to the Under
2 Secretary a written notification explaining the reasons for
3 the change in the cost of the program for which notifica-
4 tion was provided under paragraph (1).

5 (3) Not later than 15 days after the Under Secretary
6 receives a written notification under paragraph (2), the
7 Under Secretary shall transmit the notification to the ap-
8 propriate congressional committees.

9 (e) Not later than 30 days after receiving a written
10 notification under subsection (d)(2), the Under Secretary
11 shall determine whether the development cost of the pro-
12 gram has exceeded the estimate provided in the Baseline
13 Report of the program by 20 percent or more. If the deter-
14 mination is affirmative, the Under Secretary shall—

15 (1) transmit to the appropriate congressional
16 committees, not later than 15 days after making the
17 determination, a report that includes—

18 (A) a description of the increase in cost
19 and a detailed explanation for the increase;

20 (B) a description of actions taken or pro-
21 posed to be taken in response to the cost in-
22 crease; and

23 (C) a description of any impacts the cost
24 increase, or the actions described under sub-

1 paragraph (B), will have on any other program
2 within NOAA.

3 (2) if the Under Secretary intends to continue
4 with the program, promptly initiate an analysis of
5 the program, which shall include, at a minimum—

6 (A) the projected cost and schedule for
7 completing the program if current requirements
8 of the program are not modified;

9 (B) the projected cost and the schedule for
10 completing the program after instituting the ac-
11 tions described under paragraph (1)(B); and

12 (C) a description of, and the projected cost
13 and schedule for, a broad range of alternatives
14 to the program. NOAA shall complete an anal-
15 ysis initiated under paragraph (2) not later
16 than 6 months after the Under Secretary makes
17 a determination under this subsection. The
18 Under Secretary shall transmit the analysis to
19 the appropriate congressional committees not
20 later than 30 days after its completion.

21 (f) For the purposes of determining whether cost of
22 the Geostationary Operational Environmental Satellite
23 Program exceeds 20 percent more than the baseline under
24 this section, the estimate of the total life-cycle cost for
25 GOES-R shall be the estimate provided with the NOAA

1 Fiscal Year 2008 Presidential Budget justification (page
2 513).

3 SEC. 113. (a) The Secretary of Commerce may—

4 (1) develop, maintain, and make public a list of
5 vessels and vessel owners engaged in illegal, unre-
6 ported, or unregulated fishing, including vessels or
7 vessel owners identified by an international fishery
8 management organization, whether or not the
9 United States is a party to the agreement estab-
10 lishing such organization; and

11 (2) take appropriate action against listed ves-
12 sels and vessel owners, including action against fish,
13 fish parts, or fish products from such vessels, in ac-
14 cordance with applicable United States law and con-
15 sistent with applicable international law, including
16 principles, rights, and obligations established in ap-
17 plicable international fishery management and trade
18 agreements.

19 (b) Action taken by the Secretary under subsection
20 (a)(2) that include measures to restrict use of or access
21 to ports or port services shall apply to all ports of the
22 United States and its territories.

23 (c) The Secretary may promulgate regulations to im-
24 plement this section.

1 SEC. 114. (a) Of the amounts provided for the “Na-
2 tional Oceanic and Atmospheric Administration, Oper-
3 ations, Research and Facilities”, \$5,856,600 shall be for
4 necessary expenses in support of an agreement between
5 the Administrator of the National Oceanic and Atmos-
6 pheric Administration and the National Academy of
7 Sciences under which the National Academy of Sciences
8 shall establish the Climate Change Study Committee to
9 investigate and study the serious and sweeping issues re-
10 lating to global climate change and make recommenda-
11 tions regarding what steps must be taken and what strate-
12 gies must be adopted in response to global climate change,
13 including the science and technology challenges thereof.

14 (b) The agreement shall provide for: establishment of
15 and appointment of members to the Climate Change
16 Study Committee by the National Academy of Sciences;
17 organization by the National Academy of Sciences of a
18 Summit on Global Climate Change to help define the pa-
19 rameters of the study, not to exceed 3 days in length and
20 to be attended by preeminent experts on global climate
21 change selected by the National Academy of Sciences; and
22 issuance of a report by the Climate Change Study Com-
23 mittee not later than 2 years after the date the Climate
24 Change Study Committee is first convened, containing its
25 findings, conclusions, and recommendations. Of such

1 amount, \$856,600 shall be for the Summit on Global Cli-
2 mate Change and \$5,000,000 shall be for the other activi-
3 ties of the Climate Change Study Committee.

4 This title may be cited as the "Department of Com-
5 merce Appropriations Act, 2008".

6 TITLE II

7 DEPARTMENT OF JUSTICE

8 GENERAL ADMINISTRATION

9 SALARIES AND EXPENSES

10 For expenses necessary for the administration of the
11 Department of Justice, \$97,832,000, of which not to ex-
12 ceed \$3,317,000 is for security and construction of De-
13 partment of Justice facilities, to remain available until ex-
14 pended: *Provided*, That the Attorney General is authorized
15 to transfer funds appropriated within General Administra-
16 tion to any office in this account: *Provided further*, That
17 no appropriations for any office within General Adminis-
18 tration shall be increased or decreased by more than 5
19 percent by all such transfers: *Provided further*, That
20 \$12,221,000 is for Department Leadership; \$7,383,000 is
21 for Intergovernmental Relations/External Affairs;
22 \$11,402,000 is for Executive Support/Professional Re-
23 sponsibility; and \$66,826,000 is for the Justice Manage-
24 ment Division: *Provided further*, That any change in fund-
25 ing greater than 5 percent shall be submitted for approval

1 to the House and Senate Committees on Appropriations
2 consistent with the terms of section 505 of this Act: *Pro-*
3 *vided further*, That this transfer authority is in addition
4 to transfers authorized under section 505 of this Act.

5 JUSTICE INFORMATION SHARING TECHNOLOGY

6 For necessary expenses for information sharing tech-
7 nology, including planning, development, deployment and
8 departmental direction, \$85,540,000, to remain available
9 until expended, of which not less than \$19,740,000 is for
10 the unified financial management system.

11 TACTICAL LAW ENFORCEMENT WIRELESS

12 COMMUNICATIONS

13 For the costs of developing and implementing a na-
14 tion-wide Integrated Wireless Network supporting Federal
15 law enforcement, and for the costs of operations and main-
16 tenance of existing Land Mobile Radio legacy systems,
17 \$74,260,000, to remain available until September 30,
18 2009: *Provided*, That the Attorney General shall transfer
19 to this account all funds made available to the Department
20 of Justice for the purchase of portable and mobile radios:
21 *Provided further*, That any transfer made under the pre-
22 ceding proviso shall be subject to section 505 of this Act.

23 ADMINISTRATIVE REVIEW AND APPEALS

24 For expenses necessary for the administration of par-
25 don and clemency petitions and immigration-related activi-
26 ties, \$232,649,000, of which \$4,000,000 shall be derived

1 by transfer from the Executive Office for Immigration Re-
2 view fees deposited in the "Immigration Examinations
3 Fee" account: *Provided*, That \$3,760,000 shall be ex-
4 pended on the Executive Office for Immigration Review's
5 Legal Orientation Programs.

6 For an additional amount for "Administrative Review
7 and Appeals", \$8,000,000 shall be for border security and
8 immigration enforcement along the Southwest border:
9 *Provided*, That the amount provided by this paragraph is
10 designated as described in section 5 (in the matter pre-
11 ceding division A of this consolidated Act).

12 DETENTION TRUSTEE

13 For necessary expenses of the Federal Detention
14 Trustee, \$1,225,920,000, to remain available until ex-
15 pended: *Provided*, That the Trustee shall be responsible
16 for managing the Justice Prisoner and Alien Transpor-
17 tation System: *Provided further*, That not to exceed
18 \$5,000,000 shall be considered "funds appropriated for
19 State and local law enforcement assistance" pursuant to
20 18 U.S.C. 4013(b).

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General, \$70,603,000, including not to exceed \$10,000 to
24 meet unforeseen emergencies of a confidential character:
25 *Provided*, That within 200 days of enactment of this Act,
26 the Inspector General shall conduct an audit and issue a

1 report to the Committees on Appropriations of all ex-
2 penses of the legislative and public affairs offices at each
3 location of the Justice Department, its bureaus and agen-
4 cies, including but not limited to every field office and
5 headquarters component; the audit shall include any and
6 all expenses related to these activities.

7 UNITED STATES PAROLE COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Parole
10 Commission as authorized, \$11,462,000.

11 LEGAL ACTIVITIES

12 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

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, \$735,549,000, of which not
20 to exceed \$10,000,000 for litigation support contracts
21 shall remain available until expended: *Provided*, That of
22 the total amount appropriated, not to exceed \$1,000 shall
23 be available to the United States National Central Bu-
24 reau, INTERPOL, for official reception and representa-
25 tion expenses: *Provided further*, That notwithstanding sec-

1 tion 205 of this Act, upon a determination by the Attorney
2 General that emergent circumstances require additional
3 funding for litigation activities of the Civil Division, the
4 Attorney General may transfer such amounts to “Salaries
5 and Expenses, General Legal Activities” from available
6 appropriations for the current fiscal year for the Depart-
7 ment of Justice, as may be necessary to respond to such
8 circumstances: *Provided further*, That any transfer pursu-
9 ant to the previous proviso shall be treated as a re-
10 programming under section 505 of this Act and shall not
11 be available for obligation or expenditure except in compli-
12 ance with the procedures set forth in that section.

13 For an additional amount for “Legal Activities, Gen-
14 eral Legal Activities”, \$10,000,000 shall be for border se-
15 curity and immigration enforcement along the Southwest
16 border: *Provided*, That the amount provided by this para-
17 graph is designated as described in section 5 (in the mat-
18 ter preceding division A of this consolidated Act).

19 In addition, for reimbursement of expenses of the De-
20 partment of Justice associated with processing cases
21 under the National Childhood Vaccine Injury Act of 1986,
22 not to exceed \$6,833,000, to be appropriated from the
23 Vaccine Injury Compensation Trust Fund.

24 SALARIES AND EXPENSES, ANTITRUST DIVISION

25 For expenses necessary for the enforcement of anti-
26 trust and kindred laws, \$147,819,000, to remain available

1 until expended: *Provided*, That, notwithstanding any other
2 provision of law, fees collected for premerger notification
3 filings under the Hart-Scott-Rodino Antitrust Improve-
4 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
5 of collection (and estimated to be \$139,000,000 in fiscal
6 year 2008), shall be retained and used for necessary ex-
7 penses in this appropriation, and shall remain available
8 until expended: *Provided further*, That the sum herein ap-
9 propriated from the general fund shall be reduced as such
10 offsetting collections are received during fiscal year 2008,
11 so as to result in a final fiscal year 2008 appropriation
12 from the general fund estimated at \$8,819,000.

13 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

14 For necessary expenses of the Offices of the United
15 States Attorneys, including inter-governmental and coop-
16 erative agreements, \$1,747,822,000: *Provided*, That of the
17 total amount appropriated, not to exceed \$8,000 shall be
18 available for official reception and representation ex-
19 penses: *Provided further*, That not to exceed \$20,000,000
20 shall remain available until expended: *Provided further*,
21 That of the amount provided under this heading,
22 \$5,000,000 shall be used for salaries and expenses for hir-
23 ing assistant U.S. Attorneys to carry out section 704 of
24 the Adam Walsh Child Protection and Safety Act of 2006
25 (Public Law 109-248) concerning the prosecution of of-
26 fenses relating to the sexual exploitation of children.

1 For an additional amount for “Salaries and Ex-
2 penses, United States Attorneys”, \$7,000,000 shall be for
3 border security and immigration enforcement along the
4 Southwest border: *Provided*, That the amount provided by
5 this paragraph is designated as described in section 5 (in
6 the matter preceding division A of this consolidated Act).

7 UNITED STATES TRUSTEE SYSTEM FUND

8 For necessary expenses of the United States Trustee
9 Program, as authorized, \$209,763,000, of which
10 \$20,000,000 shall be from prior year unobligated balances
11 from funds previously appropriated, to remain available
12 until expended and to be derived from the United States
13 Trustee System Fund: *Provided*, That, notwithstanding
14 any other provision of law, deposits to the Fund shall be
15 available in such amounts as may be necessary to pay re-
16 funds due depositors: *Provided further*, That, notwith-
17 standing any other provision of law, \$184,000,000 of off-
18 setting collections pursuant to 28 U.S.C. 589a(b) shall be
19 retained and used for necessary expenses in this appro-
20 priation and shall remain available until expended: *Pro-*
21 *vided further*, That the sum herein appropriated from the
22 Fund shall be reduced as such offsetting collections are
23 received during fiscal year 2008, so as to result in a final
24 fiscal year 2008 appropriation from the Fund estimated
25 at \$763,000.

1 SALARIES AND EXPENSES, FOREIGN CLAIMS

2 SETTLEMENT COMMISSION

3 For expenses necessary to carry out the activities of
4 the Foreign Claims Settlement Commission, including
5 services as authorized by section 3109 of title 5, United
6 States Code, \$1,606,000.

7 UNITED STATES MARSHALS SERVICE

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Mar-
10 shals Service, \$849,219,000; of which not to exceed
11 \$6,000 shall be available for official reception and rep-
12 resentation expenses; of which not to exceed \$4,000,000
13 shall be for information technology systems and shall re-
14 main available until expended; and of which not less than
15 \$11,653,000 shall be available for the costs of courthouse
16 security equipment, including furnishings, relocations, and
17 telephone systems and cabling, and shall remain available
18 until expended.

19 For an additional amount for “United States Mar-
20 shals Service, Salaries and Expenses”, \$15,000,000 shall
21 be for border security and immigration enforcement along
22 the Southwest border: *Provided*, That the amount pro-
23 vided by this paragraph is designated as described in sec-
24 tion 5 (in the matter preceding division A of this consoli-
25 dated Act).

1 CONSTRUCTION

2 For construction in space controlled, occupied or uti-
3 lized by the United States Marshals Service for prisoner
4 holding and related support, \$2,304,000, to remain avail-
5 able until expended.

6 FEES AND EXPENSES OF WITNESSES

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

22 SALARIES AND EXPENSES, COMMUNITY RELATIONS

23 SERVICE

24 For necessary expenses of the Community Relations
25 Service, \$9,794,000: *Provided*, That notwithstanding sec-
26 tion 205 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 28 U.S.C. 524(c)(1)(B),
15 (F), and (G), \$20,990,000, to be derived from the Depart-
16 ment of Justice Assets Forfeiture Fund.

17 NATIONAL SECURITY DIVISION

18 SALARIES AND EXPENSES

19 For expenses necessary to carry out the activities of
20 the National Security Division, \$73,373,000; of which not
21 to exceed \$5,000,000 for information technology systems
22 shall remain available until expended: *Provided*, That not-
23 withstanding section 205 of this Act, upon a determina-
24 tion by the Attorney General that emergent circumstances
25 require additional funding for the activities of the National
26 Security Division, the Attorney General may transfer such

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

9 INTERAGENCY LAW ENFORCEMENT

10 INTERAGENCY CRIME AND DRUG ENFORCEMENT

11 For necessary expenses for the identification, inves-
12 tigation, and prosecution of individuals associated with the
13 most significant drug trafficking and affiliated money
14 laundering organizations not otherwise provided for, to in-
15 clude inter-governmental agreements with State and local
16 law enforcement agencies engaged in the investigation and
17 prosecution of individuals involved in organized crime drug
18 trafficking, \$497,935,000, of which \$50,000,000 shall re-
19 main available until expended: *Provided*, That any
20 amounts obligated from appropriations under this heading
21 may be used under authorities available to the organiza-
22 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; \$6,349,950,000; 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 in 2008 for expenses associated with the celebration
14 of the 100th anniversary of the Federal Bureau of Inves-
15 tigation.

16 For an additional amount for “Federal Bureau of In-
17 vestigation, Salaries and Expenses”, \$143,539,000 to ad-
18 dress emerging threats in counterterrorism and cyber se-
19 curity: *Provided*, That the amount provided by this para-
20 graph is designated as described in section 5 (in the mat-
21 ter preceding division A of this consolidated Act).

22 CONSTRUCTION

23 For necessary expenses to construct or acquire build-
24 ings and sites by purchase, or as otherwise authorized by
25 law (including equipment for such buildings); conversion
26 and extension of federally-owned buildings; and prelimi-

1 nary planning and design of projects; \$164,200,000, to
2 remain available until expended.

3 DRUG ENFORCEMENT ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Drug Enforcement Ad-
6 ministration, including not to exceed \$70,000 to meet un-
7 foreseen emergencies of a confidential character pursuant
8 to 28 U.S.C. 530C; and expenses for conducting drug edu-
9 cation and training programs, including travel and related
10 expenses for participants in such programs and the dis-
11 tribution of items of token value that promote the goals
12 of such programs, \$1,855,569,000; of which not to exceed
13 \$75,000,000 shall remain available until expended; and of
14 which not to exceed \$100,000 shall be available for official
15 reception and representation expenses.

16 For an additional amount for "Drug Enforcement
17 Administration, Salaries and Expenses", \$2,000,000 for
18 a communications intercept initiative in Afghanistan: *Pro-*
19 *vided*, That the amount provided by this paragraph is des-
20 ignated as described in section 5 (in the matter preceding
21 division A of this consolidated Act).

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

4 For necessary expenses of the Bureau of Alcohol, To-
5 bacco, Firearms and Explosives, including the purchase of
6 not to exceed 822 vehicles for police-type use, of which
7 650 shall be for replacement only; not to exceed \$40,000
8 for official reception and representation expenses; for
9 training of State and local law enforcement agencies with
10 or without reimbursement, including training in connec-
11 tion with the training and acquisition of canines for explo-
12 sives and fire accelerants detection; and for provision of
13 laboratory assistance to State and local law enforcement
14 agencies, with or without reimbursement, \$984,097,000,
15 of which not to exceed \$1,000,000 shall be available for
16 the payment of attorneys' fees as provided by section
17 924(d)(2) of title 18, United States Code; and of which
18 \$10,000,000 shall remain available until expended: *Pro-*
19 *vided*, That no funds appropriated herein shall be available
20 for salaries or administrative expenses in connection with
21 consolidating or centralizing, within the Department of
22 Justice, the records, or any portion thereof, of acquisition
23 and disposition of firearms maintained by Federal fire-
24 arms licensees: *Provided further*, That no funds appro-
25 priated herein shall be used to pay administrative expenses

1 or the compensation of any officer or employee of the
2 United States to implement an amendment or amend-
3 ments to 27 CFR 178.118 or to change the definition of
4 “Curios or relics” in 27 CFR 178.11 or remove any item
5 from ATF Publication 5300.11 as it existed on January
6 1, 1994: *Provided further*, That none of the funds appro-
7 priated herein shall be available to investigate or act upon
8 applications for relief from Federal firearms disabilities
9 under 18 U.S.C. 925(c): *Provided further*, That such funds
10 shall be available to investigate and act upon applications
11 filed by corporations for relief from Federal firearms dis-
12 abilities under section 925(c) of title 18, United States
13 Code: *Provided further*, That no funds made available by
14 this or any other Act may be used to transfer the func-
15 tions, missions, or activities of the Bureau of Alcohol, To-
16 bacco, Firearms and Explosives to other agencies or De-
17 partments in fiscal year 2008: *Provided further*, That, be-
18 ginning in fiscal year 2008 and thereafter, no funds ap-
19 propriated under this or any other Act may be used to
20 disclose part or all of the contents of the Firearms Trace
21 System database maintained by the National Trace Center
22 of the Bureau of Alcohol, Tobacco, Firearms and Explo-
23 sives or any information required to be kept by licensees
24 pursuant to section 923(g) of title 18, United States Code,
25 or required to be reported pursuant to paragraphs (3) and

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

1 officials; or (C) the publication of annual statistical re-
2 ports on products regulated by the Bureau of Alcohol, To-
3 bacco, Firearms and Explosives, including total produc-
4 tion, importation, and exportation by each licensed im-
5 porter (as so defined) and licensed manufacturer (as so
6 defined), or statistical aggregate data regarding firearms
7 traffickers and trafficking channels, or firearms misuse,
8 felons, and trafficking investigations: *Provided further,*
9 That no funds made available by this or any other Act
10 shall be expended to promulgate or implement any rule
11 requiring a physical inventory of any business licensed
12 under section 923 of title 18, United States Code: *Pro-*
13 *vided further,* That no funds under this Act may be used
14 to electronically retrieve information gathered pursuant to
15 18 U.S.C. 923(g)(4) by name or any personal identifica-
16 tion code: *Provided further,* That no funds authorized or
17 made available under this or any other Act may be used
18 to deny any application for a license under section 923
19 of title 18, United States Code, or renewal of such a li-
20 cense due to a lack of business activity, provided that the
21 applicant is otherwise eligible to receive such a license, and
22 is eligible to report business income or to claim an income
23 tax deduction for business expenses under the Internal
24 Revenue Code of 1986.

1 CONSTRUCTION

2 For necessary expenses to construct or acquire build-
3 ings and sites by purchase, or as otherwise authorized by
4 law (including equipment for such buildings); conversion
5 and extension of federally-owned buildings; and prelimi-
6 nary planning and design or projects; \$23,500,000, to re-
7 main available until expended.

8 FEDERAL PRISON SYSTEM

9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Prison System
11 for the administration, operation, and maintenance of
12 Federal penal and correctional institutions, including pur-
13 chase (not to exceed 669, of which 642 are for replacement
14 only) and hire of law enforcement and passenger motor
15 vehicles, and for the provision of technical assistance and
16 advice on corrections related issues to foreign govern-
17 ments, \$5,050,440,000: *Provided*, That the Attorney Gen-
18 eral may transfer to the Health Resources and Services
19 Administration such amounts as may be necessary for di-
20 rect expenditures by that Administration for medical relief
21 for inmates of Federal penal and correctional institutions:
22 *Provided further*, That the Director of the Federal Prison
23 System, where necessary, may enter into contracts with
24 a fiscal agent or fiscal intermediary claims processor to
25 determine the amounts payable to persons who, on behalf

1 of the Federal Prison System, furnish health services to
2 individuals committed to the custody of the Federal Prison
3 System: *Provided further*, That not to exceed \$6,000 shall
4 be available for official reception and representation ex-
5 penses: *Provided further*, That not to exceed \$50,000,000
6 shall remain available for necessary operations until Sep-
7 tember 30, 2009: *Provided further*, That, of the amounts
8 provided for contract confinement, not to exceed
9 \$20,000,000 shall remain available until expended to
10 make payments in advance for grants, contracts and reim-
11 bursable agreements, and other expenses authorized by
12 section 501(e) of the Refugee Education Assistance Act
13 of 1980 (8 U.S.C. 1522 note), for the care and security
14 in the United States of Cuban and Haitian entrants: *Pro-*
15 *vided further*, That the Director of the Federal Prison Sys-
16 tem may accept donated property and services relating to
17 the operation of the prison card program from a not-for-
18 profit entity which has operated such program in the past
19 notwithstanding the fact that such not-for-profit entity
20 furnishes services under contracts to the Federal Prison
21 System relating to the operation of pre-release services,
22 halfway houses, or other custodial facilities.

23

BUILDINGS AND FACILITIES

24

For planning, acquisition of sites and construction of
25 new facilities; purchase and acquisition of facilities and re-

1 modeling, and equipping of such facilities for penal and
2 correctional use, including all necessary expenses incident
3 thereto, by contract or force account; and constructing,
4 remodeling, and equipping necessary buildings and facili-
5 ties at existing penal and correctional institutions, includ-
6 ing all necessary expenses incident thereto, by contract or
7 force account, \$372,720,000, to remain available until ex-
8 pended, of which not to exceed \$14,000,000 shall be avail-
9 able to construct areas for inmate work programs: *Pro-*
10 *vided*, That labor of United States prisoners may be used
11 for work performed under this appropriation.

12 FEDERAL PRISON INDUSTRIES, INCORPORATED

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

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

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

17 OFFICE ON VIOLENCE AGAINST WOMEN
18 VIOLENCE AGAINST WOMEN PREVENTION AND
19 PROSECUTION PROGRAMS

20 For grants, contracts, cooperative agreements, and
21 other assistance for the prevention and prosecution of vio-
22 lence against women, as authorized by the Omnibus Crime
23 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
24 et seq.) ("the 1968 Act"); the Violent Crime Control and
25 Law Enforcement Act of 1994 (Public Law 103-322)

1 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
2 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
3 torial Remedies and Other Tools to end the Exploitation
4 of Children Today Act of 2003 (Public Law 108–21); the
5 Juvenile Justice and Delinquency Prevention Act of 1974
6 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
7 of Trafficking and Violence Protection Act of 2000 (Public
8 Law 106–386) (“the 2000 Act”); and the Violence
9 Against Women and Department of Justice Reauthoriza-
10 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
11 \$400,000,000, including amounts for administrative costs,
12 to remain available until expended: *Provided*, That except
13 as otherwise provided by law, not to exceed 3 percent of
14 funds made available under this heading may be used for
15 expenses related to evaluation, training, and technical as-
16 sistance: *Provided further*, That of the amount provided—
17 (1) \$13,160,000 for the court-appointed special
18 advocate program, as authorized by section 217 of
19 the 1990 Act;
20 (2) \$2,350,000 for child abuse training pro-
21 grams for judicial personnel and practitioners, as
22 authorized by section 222 of the 1990 Act;
23 (3) \$183,800,000 for grants to combat violence
24 against women, as authorized by part T of the 1968
25 Act, of which—

1 (A) \$17,390,000 shall be for transitional
2 housing assistance grants for victims of domes-
3 tic violence, stalking or sexual assault as au-
4 thorized by section 40299 of the 1994 Act; and

5 (B) \$1,880,000 shall be for the National
6 Institute of Justice for research and evaluation
7 of violence against women and related issues
8 addressed by grant programs of the Office on
9 Violence Against Women;

10 (4) \$59,220,000 for grants to encourage arrest
11 policies as authorized by part U of the 1968 Act;

12 (5) \$9,400,000 for sexual assault victims assist-
13 ance, as authorized by section 202 of the 2005 Act;

14 (6) \$40,420,000 for rural domestic violence and
15 child abuse enforcement assistance grants, as au-
16 thorized by section 40295 of the 1994 Act;

17 (7) \$3,290,000 for training programs as au-
18 thorized by section 40152 of the 1994 Act, and for
19 related local demonstration projects;

20 (8) \$2,820,000 for grants to improve the stalk-
21 ing and domestic violence databases, as authorized
22 by section 40602 of the 1994 Act;

23 (9) \$9,400,000 for grants to reduce violent
24 crimes against women on campus, as authorized by
25 section 304 of the 2005 Act;

1 (10) \$36,660,000 for legal assistance for vic-
2 tims, as authorized by section 1201 of the 2000 Act;

3 (11) \$4,230,000 for enhancing protection for
4 older and disabled women from domestic violence
5 and sexual assault, as authorized by section 40802
6 of the 1994 Act;

7 (12) \$13,630,000 for the safe havens for chil-
8 dren program, as authorized by section 1301 of the
9 2000 Act;

10 (13) \$6,580,000 for education and training to
11 end violence against and abuse of women with dis-
12 abilities, as authorized by section 1402 of the 2000
13 Act;

14 (14) \$2,820,000 for an engaging men and
15 youth in prevention program, as authorized by the
16 2005 Act;

17 (15) \$940,000 for analysis and research on vio-
18 lence against Indian women, as authorized by sec-
19 tion 904 of the 2005 Act;

20 (16) \$940,000 for tracking of violence against
21 Indian women, as authorized by section 905 of the
22 2005 Act;

23 (17) \$2,820,000 for services to advocate and
24 respond to youth, as authorized by section 401 of
25 the 2005 Act;

1 of 2006 (Public Law 109–248); subtitle D of title II of
2 the Homeland Security Act of 2002 (Public Law 107–
3 296), which may include research and development; and
4 other programs (including Statewide Automated Victims
5 Notification Program); including salaries and expenses in
6 connection therewith, \$196,184,000, to remain available
7 until expended: *Provided*, That grants under subpara-
8 graphs (1)(A) and (B) of Public Law 98–473 are issued
9 pursuant to rules or guidelines that generally establish a
10 publicly-announced, competitive process: *Provided further*,
11 That not to exceed \$127,915,000 shall be expended in
12 total for Office of Justice Programs management and ad-
13 ministration.

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For grants, contracts, cooperative agreements, and
16 other assistance authorized by the Violent Crime Control
17 and Law Enforcement Act of 1994 (Public Law 103–322)
18 (“the 1994 Act”); the Omnibus Crime Control and Safe
19 Streets Act of 1968 (“the 1968 Act”); the Justice for All
20 Act of 2004 (Public Law 108–405); the Victims of Child
21 Abuse Act of 1990 (Public Law 101–647) (“the 1990
22 Act”); the Trafficking Victims Protection Reauthorization
23 Act of 2005 (Public Law 109–164); the Violence Against
24 Women and Department of Justice Reauthorization Act
25 of 2005 (Public Law 109–162); the Adam Walsh Child
26 Protection and Safety Act of 2006 (Public Law 109–248);

1 and the Victims of Trafficking and Violence Protection
2 Act of 2000 (Public Law 106-386); and other programs;
3 \$908,136,000 (including amounts for administrative
4 costs, which shall be transferred to and merged with the
5 “Justice Assistance” account), to remain available until
6 expended as follows:

7 (1) \$170,433,000 for the Edward Byrne Memo-
8 rial Justice Assistance Grant program as authorized
9 by subpart 1 of part E of title I of the 1968 Act,
10 (except that section 1001(c), and the special rules
11 for Puerto Rico under section 505(g), of the 1968
12 Act, shall not apply for purposes of this Act), of
13 which \$2,000,000 is for use by the National Insti-
14 tute of Justice in assisting units of local government
15 to identify, select, develop, modernize, and purchase
16 new technologies for use by law enforcement and
17 \$2,000,000 is for a program to improve State and
18 local law enforcement intelligence capabilities includ-
19 ing antiterrorism training and training to ensure
20 that constitutional rights, civil liberties, civil rights,
21 and privacy interests are protected throughout the
22 intelligence process;

23 (2) \$410,000,000 for the State Criminal Alien
24 Assistance Program, as authorized by section

1 241(i)(5) of the Immigration and Nationality Act (8
2 U.S.C. 1231(i)(5));

3 (3) \$30,080,000 for the Southwest Border
4 Prosecutor Initiative to reimburse State, county,
5 parish, tribal, or municipal governments for costs as-
6 sociated with the prosecution of criminal cases de-
7 clined by local offices of the United States Attor-
8 neys;

9 (4) \$2,820,000 for the Northern Border Pros-
10 ecutor Initiative to reimburse State, county, parish,
11 tribal, or municipal governments for costs associated
12 with the prosecution of criminal cases declined by
13 local offices of the United States Attorneys;

14 (5) \$187,513,000 for discretionary grants to
15 improve the functioning of the criminal justice sys-
16 tem and to assist victims of crime (other than com-
17 pensation);

18 (6) \$16,000,000 for competitive grants to im-
19 prove the functioning of the criminal justice system
20 and to assist victims of crime (other than compensa-
21 tion);

22 (7) \$940,000 for the Missing Alzheimer's Dis-
23 ease Patient Alert Program, as authorized by section
24 240001(c) of the 1994 Act;

1 (8) \$9,400,000 for victim services programs for
2 victims of trafficking, as authorized by section
3 107(b)(2) of Public Law 106–386 and for programs
4 authorized under Public Law 109–164;

5 (9) \$15,200,000 for Drug Courts, as authorized
6 by section 1001(25)(A) of title I of the 1968 Act;

7 (10) \$7,050,000 for a prescription drug moni-
8 toring program;

9 (11) \$17,860,000 for prison rape prevention
10 and prosecution and other programs, as authorized
11 by the Prison Rape Elimination Act of 2003 (Public
12 Law 108–79) including statistics, data, and re-
13 search, of which \$1,692,000 shall be transferred to
14 the National Prison Rape Elimination Commission
15 for authorized activities;

16 (12) \$9,400,000 for grants for Residential Sub-
17 stance Abuse Treatment for State Prisoners, as au-
18 thorized by part S of the 1968 Act;

19 (13) \$22,440,000 for assistance to Indian
20 tribes, of which—

21 (A) \$8,630,000 shall be available for
22 grants under section 20109 of subtitle A of title
23 II of the 1994 Act;

24 (B) \$8,630,000 shall be available for the
25 Tribal Courts Initiative; and

1 (C) \$5,180,000 shall be available for tribal
2 alcohol and substance abuse reduction assist-
3 ance grants;

4 (14) \$2,500,000 for the Capital Litigation Im-
5 provement Grant Program as authorized by section
6 426 of Public Law 108-405; and

7 (15) \$6,500,000 for mental health courts and
8 adult and juvenile collaboration program grants, as
9 authorized by parts V and HH of title I of the 1968
10 Act:

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

17 For an additional amount for "State and Local Law
18 Enforcement Assistance", \$100,000,000 for security and
19 related costs, including overtime, associated with the two
20 principal 2008 Presidential Candidate Nominating Con-
21 ventions, to be divided equally between the conventions:
22 *Provided*, That the amount provided by this paragraph is
23 designated as described in section 5 (in the matter pre-
24 ceding division A of this consolidated Act).

1 WEED AND SEED PROGRAM FUND

2 For necessary expenses, including salaries and re-
3 lated expenses of the Office of Weed and Seed Strategies,
4 to implement "Weed and Seed" program activities,
5 \$32,100,000, to remain available until expended, as au-
6 thorized by section 103 of the Omnibus Crime Control and
7 Safe Streets Act of 1968.

8 COMMUNITY ORIENTED POLICING SERVICES

9 For activities authorized by the Violent Crime Con-
10 trol and Law Enforcement Act of 1994 (Public Law 103-
11 322); the Omnibus Crime Control and Safe Streets Act
12 of 1968 ("the 1968 Act"); the Violence Against Women
13 and Department of Justice Reauthorization Act of 2005
14 (Public Law 109-162); subtitle D of title II of the Home-
15 land Security Act of 2002 (Public Law 107-296), which
16 may include research and development; and the USA PA-
17 TRIOT Improvement and Reauthorization Act of 2005
18 (Public Law 109-177) (including administrative costs),
19 \$587,233,000, to remain available until expended: *Pro-*
20 *vided*, That of the funds under this heading, not to exceed
21 \$2,575,000 shall be available for the Office of Justice Pro-
22 grams for reimbursable services associated with programs
23 administered by the Community Oriented Policing Serv-
24 ices Office: *Provided further*, That any balances made
25 available through prior year deobligations shall only be
26 available in accordance with section 505 of this Act. Of

1 the amount provided (which shall be by transfer, for pro-
2 grams administered by the Office of Justice Programs)—

3 (1) \$25,850,000 is for the matching grant pro-
4 gram for armor vests for law enforcement officers,
5 as authorized by section 2501 of the 1968 Act: *Pro-*
6 *vided*, That \$1,880,000 is transferred directly to the
7 National Institute of Standards and Technology's
8 Office of Law Enforcement Standards from the
9 Community Oriented Policing Services Office for re-
10 search, testing, and evaluation programs;

11 (2) \$61,187,000 is for grants to entities de-
12 scribed in section 1701 of the 1968 Act, to address
13 public safety and methamphetamine manufacturing,
14 sale, and use in hot spots as authorized by section
15 754 of Public Law 109-177 and for other anti-
16 methamphetamine-related activities;

17 (3) \$205,366,000 is for a law enforcement tech-
18 nologies and interoperable communications program,
19 and related law enforcement and public safety equip-
20 ment;

21 (4) \$11,750,000 is for an offender re-entry pro-
22 gram;

23 (5) \$9,400,000 is for grants to upgrade crimi-
24 nal records, as authorized under the Crime Identifi-
25 cation Technology Act of 1998 (42 U.S.C. 14601);

1 (6) \$152,272,000 is for DNA related and foren-
2 sic programs and activities as follows:

3 (A) \$147,391,000 for a DNA analysis and
4 capacity enhancement program including the
5 purposes of section 2 of the DNA Analysis
6 Backlog Elimination Act of 2000, as amended
7 by the Debbie Smith Act of 2004, and further
8 amended by Public Law 109-162;

9 (B) \$4,881,000 for the purposes described
10 in the Kirk Bloodsworth Post-Conviction DNA
11 Testing Program (Public Law 108-405, section
12 412): *Provided*, That unobligated funds appro-
13 priated in fiscal years 2006 and 2007 for
14 grants as authorized under sections 412 and
15 413 of the foregoing public law are hereby
16 made available, instead, for the purposes here
17 specified;

18 (7) \$15,040,000 is for improving tribal law en-
19 forcement, including equipment and training;

20 (8) \$20,000,000 is for programs to reduce gun
21 crime and gang violence;

22 (9) \$3,760,000 is for training and technical as-
23 sistance;

1 (10) \$18,800,000 is for Paul Coverdell Forensic
2 Sciences Improvement Grants under part BB of title
3 I of the 1968 Act;

4 (11) not to exceed \$28,200,000 is for program
5 management and administration;

6 (12) \$20,000,000 is for grants under section
7 1701 of title I of the 1968 Act (42 U.S.C. 3796dd)
8 for the hiring and rehiring of additional career law
9 enforcement officers under part Q of such title not-
10 withstanding subsection (i) of such section; and

11 (13) \$15,608,000 is for a national grant pro-
12 gram the purpose of which is to assist State and
13 local law enforcement locate, arrest and prosecute
14 child sexual predators and exploiters, and to enforce
15 State offender registration laws described in section
16 1701(b) of the 1968 Act, of which:

17 (A) \$4,162,000 is for sex offender manage-
18 ment assistance as authorized by the Adam
19 Walsh Child Protection and Safety Act of 2006
20 (Public Law 109-162), and the Violent Crime
21 Control Act of 1994 (Public Law 103-322);
22 and

23 (B) \$850,000 is for the National Sex Of-
24 fender Public Registry.

1 (A) \$14,100,000 shall be for the Tribal
2 Youth Program;

3 (B) \$18,800,000 shall be for a gang resist-
4 ance education and training program; and

5 (C) \$25,000,000 shall be for grants of
6 \$360,000 to each State and \$4,840,000 shall be
7 available for discretionary grants, for programs
8 and activities to enforce State laws prohibiting
9 the sale of alcoholic beverages to minors or the
10 purchase or consumption of alcoholic beverages
11 by minors, for prevention and reduction of con-
12 sumption of alcoholic beverages by minors, and
13 for technical assistance and training;

14 (6) \$15,040,000 for expenses authorized by
15 part AA of the 1968 Act (Secure Our Schools);

16 (7) \$16,920,000 for programs authorized by
17 the Victims of Child Abuse Act of 1990; and

18 (8) \$51,700,000 for the Juvenile Accountability
19 Block Grants program as authorized by part R of
20 the 1968 Act and Guam shall be considered a State:

21 *Provided*, That not more than 10 percent of each amount
22 may be used for research, evaluation, and statistics activi-
23 ties designed to benefit the programs or activities author-
24 ized: *Provided further*, That not more than 2 percent of
25 each amount may be used for training and technical as-

1 sistance: *Provided further*, That the previous two provisos
2 shall not apply to grants and projects authorized by sec-
3 tions 261 and 262 of the 1974 Act.

4 PUBLIC SAFETY OFFICERS BENEFITS

5 For payments and expenses authorized by part L of
6 title I of the Omnibus Crime Control and Safe Streets Act
7 of 1968 (42 U.S.C. 3796), such sums as are necessary,
8 as authorized by section 6093 of Public Law 100-690
9 (102 Stat. 4339-4340) (including amounts for adminis-
10 trative costs, which amounts shall be paid to the "Justice
11 Assistance" account), to remain available until expended;
12 and \$4,854,000 for payments authorized by section
13 1201(b) of such Act; and \$3,980,000 for educational as-
14 sistance, as authorized by section 1212 of such Act: *Pro-*
15 *vided*, That, hereafter, funds available to conduct appeals
16 under section 1205(c) of the 1968 Act, which includes all
17 claims processing, shall be available also for the same
18 under subpart 2 of such part L and under any statute
19 authorizing payment of benefits described under subpart
20 1 thereof, and for appeals from final decisions of the Bu-
21 reau (under such part or any such statute) to the Court
22 of Appeals for the Federal Circuit, which shall have exclu-
23 sive jurisdiction thereof (including those, and any related
24 matters, pending), and for expenses of representation of
25 hearing examiners (who shall be presumed irrebuttably to
26 enjoy quasi-judicial immunity in the discharge of their du-

1 ties under such part or any such statute) in connection
2 with litigation against them arising from such discharge.

3 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

4 SEC. 201. In addition to amounts otherwise made
5 available in this title for official reception and representa-
6 tion expenses, a total of not to exceed \$50,000 from funds
7 appropriated to the Department of Justice in this title
8 shall be available to the Attorney General for official re-
9 ception and representation expenses.

10 SEC. 202. None of the funds appropriated by this
11 title shall be available to pay for an abortion, except where
12 the life of the mother would be endangered if the fetus
13 were carried to term, or in the case of rape: *Provided,*
14 That should this prohibition be declared unconstitutional
15 by a court of competent jurisdiction, this section shall be
16 null and void.

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

20 SEC. 204. Nothing in the preceding section shall re-
21 move the obligation of the Director of the Bureau of Pris-
22 ons to provide escort services necessary for a female in-
23 mate to receive such service outside the Federal facility:
24 *Provided,* That nothing in this section in any way dimin-
25 ishes the effect of section 203 intended to address the phil-

1 osophical beliefs of individual employees of the Bureau of
2 Prisons.

3 SEC. 205. Not to exceed 5 percent of any appropria-
4 tion made available for the current fiscal year for the De-
5 partment of Justice in this Act may be transferred be-
6 tween such appropriations, but no such appropriation, ex-
7 cept as otherwise specifically provided, shall be increased
8 by more than 10 percent by any such transfers: *Provided,*
9 That any transfer pursuant to this section shall be treated
10 as a reprogramming of funds under section 505 of this
11 Act and shall not be available for obligation except in com-
12 pliance with the procedures set forth in that section: *Pro-*
13 *vided further,* That none of the funds appropriated to
14 “Buildings and Facilities, Federal Prison System” in this
15 or any other Act may be transferred to “Salaries and Ex-
16 penses, Federal Prison System”, or any other Department
17 of Justice account, unless the President certifies that such
18 a transfer is necessary to the national security interests
19 of the United States, and such authority shall not be dele-
20 gated, and shall be subject to section 505 of this Act.

21 SEC. 206. The Attorney General is authorized to ex-
22 tend through September 30, 2009, the Personnel Manage-
23 ment Demonstration Project transferred to the Attorney
24 General pursuant to section 1115 of the Homeland Secu-
25 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533)

1 without limitation on the number of employees or the posi-
2 tions covered.

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

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

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

1 (b) The preceding sentence does not preclude the
2 renting, maintenance, or purchase of audiovisual or elec-
3 tronic equipment for inmate training, religious, or edu-
4 cational programs.

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

16 SEC. 211. Any deviation from the amounts des-
17 igned for specific activities in this Act and accompanying
18 report, or any use of deobligated balances of funds pro-
19 vided under this title in previous years, shall be subject
20 to the procedures set forth in section 505 of this Act.

21 SEC. 212. (a) Section 589a of title 28, United States
22 Code, is amended in subsection (b) by—

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

24 (2) striking the period in paragraph (9) and in-
25 serting “; and”; and

1 (3) adding the following new paragraph:

2 “(10) fines imposed under section 110(l) of title
3 11, United States Code.”.

4 (b) Section 110(l)(4)(A) of title 11, United States
5 Code, is amended to read as follows:

6 “(A) Fines imposed under this subsection in judicial
7 districts served by United States trustees shall be paid to
8 the United States trustees, who shall deposit an amount
9 equal to such fines in the United States Trustee Fund.”.

10 SEC. 213. (a) Section 1930(a) of title 28, United
11 States Code, is amended in paragraph (6) by striking ev-
12 erything after “whichever occurs first.” and inserting in
13 lieu thereof: “The fee shall be \$325 for each quarter in
14 which disbursements total less than \$15,000; \$650 for
15 each quarter in which disbursements total \$15,000 or
16 more but less than \$75,000; \$975 for each quarter in
17 which disbursements total \$75,000 or more but less than
18 \$150,000; \$1,625 for each quarter in which disbursements
19 total \$150,000 or more but less than \$225,000; \$1,950
20 for each quarter in which disbursements total \$225,000
21 or more but less than \$300,000; \$4,875 for each quarter
22 in which disbursements total \$300,000 or more but less
23 than \$1,000,000; \$6,500 for each quarter in which dis-
24 bursements total \$1,000,000 or more but less than
25 \$2,000,000; \$9,750 for each quarter in which disburse-

1 ments total \$2,000,000 or more but less than \$3,000,000;
2 \$10,400 for each quarter in which disbursements total
3 \$3,000,000 or more but less than \$5,000,000; \$13,000
4 for each quarter in which disbursements total \$5,000,000
5 or more but less than \$15,000,000; \$20,000 for each
6 quarter in which disbursements total \$15,000,000 or more
7 but less than \$30,000,000; \$30,000 for each quarter in
8 which disbursements total more than \$30,000,000. The
9 fee shall be payable on the last day of the calendar month
10 following the calendar quarter for which the fee is owed.”.

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

14 SEC. 214. None of the funds appropriated by this Act
15 may be used to plan for, begin, continue, finish, process,
16 or approve a public-private competition under the Office
17 of Management and Budget Circular A-76 or any suc-
18 cessor administrative regulation, directive, or policy for
19 work performed by employees of the Bureau of Prisons
20 or of Federal Prison Industries, Incorporated.

21 SEC. 215. Notwithstanding any other provision of
22 law, no funds shall be available for the salary, benefits,
23 or expenses of any United States Attorney assigned dual
24 or additional responsibilities by the Attorney General or

1 his designee that exempt that United States Attorney
2 from the residency requirements of 28 U.S.C. 545.

3 SEC. 216. Of the funds appropriated in this Act for
4 the Federal Bureau of Investigation's Sentinel program,
5 \$25,000,000 shall not be available for obligation until 60
6 days after the Committees on Appropriations receive from
7 the Federal Bureau of Investigation a report on the re-
8 sults of a completed integrated baseline review for that
9 program: *Provided*, That the report shall be submitted si-
10 multaneously to the Government Accountability Office:
11 *Provided further*, That the Government Accountability Of-
12 fice shall review the Bureau's performance measurement
13 baseline for the Sentinel program and shall submit its
14 findings to the Committees on Appropriations of the Sen-
15 ate and House of Representatives within 60 days of its
16 receipt of the report.

17 SEC. 217. None of the funds appropriated in this or
18 any other Act shall be obligated for the initiation of a fu-
19 ture phase of the Federal Bureau of Investigation's Sen-
20 tinel program until the Attorney General certifies to the
21 Committees on Appropriations that existing phases cur-
22 rently under contract for development or fielding have
23 completed a majority of the work for that phase under
24 the performance measurement baseline validated by the
25 integrated baseline review referred to in section 216 of this

1 Act: *Provided*, That this restriction does not apply to plan-
2 ning and design activities for future phases: *Provided fur-*
3 *ther*, That the Bureau will notify the Committees on Ap-
4 propriations of any significant changes to the baseline.

5 SEC. 218. (a) The Attorney General shall submit
6 quarterly reports to the Inspector General of the Depart-
7 ment of Justice regarding the costs and contracting proce-
8 dures relating to each conference held by the Department
9 of Justice during fiscal year 2008 for which the cost to
10 the Government was more than \$20,000.

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

14 (1) a description of the subject of and number
15 of participants attending that conference;

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

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

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

20 and

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

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

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

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

6 SEC. 219. Notwithstanding any other provision of
7 law, a public or private institution of higher education may
8 offer or provide an officer or employee of any branch of
9 the United States Government or of the District of Colum-
10 bia, who is a current or former student of such institution,
11 financial assistance for the purpose of repaying a student
12 loan or forbearance of student loan repayment, and an of-
13 ficer or employee of any branch of the United States Gov-
14 ernment or of the District of Columbia may seek or receive
15 such assistance or forbearance.

16 SEC. 220. (a) Section 2996(a) of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C.
18 3797cc(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in the matter preceding subparagraph
21 (A), by inserting “, territories, and Indian
22 tribes (as defined in section 2704)” after “to
23 assist States”; and

1 (B) in subparagraph (B), by striking “and
2 local” and inserting “, territorial, Tribal, and
3 local”;

4 (2) in paragraph (2), by inserting “, territories,
5 and Indian tribes” after “make grants to States”;
6 and

7 (3) in paragraph (3)(C), by inserting “, Trib-
8 al,” after “support State”.

9 (b) Section 755(a) of the USA PATRIOT Improve-
10 ment and Reauthorization Act of 2005 (42 U.S.C.
11 3797cc-2(a)) is amended by inserting “, territories, and
12 Indian tribes (as defined in section 2704 of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
14 3797d))” after “make grants to States”.

15 (c) Section 756 of the USA PATRIOT Improvement
16 and Reauthorization Act of 2005 (42 U.S.C. 3797cc-3)
17 is amended—

18 (1) in subsection (a)(2), by inserting “, terri-
19 torial, or Tribal” after “State”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) by inserting “, territorial, or Trib-
23 al” after “State”; and

24 (ii) by striking “and/or” and inserting
25 “or”;

1 (B) in paragraph (2)—

2 (i) by inserting “, territory, Indian
3 tribe,” after “agency of the State”; and

4 (ii) by inserting “, territory, Indian
5 tribe,” after “criminal laws of that State”;

6 and

7 (C) by adding at the end the following:

8 “(C) INDIAN TRIBE.—The term ‘Indian
9 tribe’ has the meaning given the term in section
10 2704 of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3797d).”;

12 (3) in subsection (c)—

13 (A) in paragraph (3), by striking “Indian
14 Tribes” and inserting “Indian tribes”; and

15 (B) in paragraph (4)—

16 (i) in the matter preceding subpara-
17 graph (A)—

18 (I) by striking “State’s”; and

19 (II) by striking “and/or” and in-
20 serting “or”;

21 (ii) in subparagraph (A), by striking
22 “State”;

23 (iii) in subparagraph (C), by inserting
24 “, Indian tribes,” after “involved coun-
25 ties”; and

1 (iv) in subparagraph (D), by inserting
2 “, Tribal” after “Federal, State”.

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

5 TITLE III

6 SCIENCE

7 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

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

16 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

17 SCIENCE, AERONAUTICS AND EXPLORATION

18 For necessary expenses in the conduct and support
19 of science, aeronautics and exploration research and devel-
20 opment activities, including research, development, oper-
21 ations, support and services; maintenance; construction of
22 facilities including repair, rehabilitation, revitalization and
23 modification of facilities, construction of new facilities and
24 additions to existing facilities, facility planning and de-
25 sign, and restoration, and acquisition or condemnation of

1 real property, as authorized by law; environmental compli-
2 ance and restoration; space flight, spacecraft control and
3 communications activities including operations, produc-
4 tion, and services; program management; personnel and
5 related costs, including uniforms or allowances therefor,
6 as authorized by 5 U.S.C. 5901–5902; travel expenses;
7 purchase and hire of passenger motor vehicles; not to ex-
8 ceed \$35,000 for official reception and representation ex-
9 penses; and purchase, lease, charter, maintenance and op-
10 eration of mission and administrative aircraft,
11 \$10,543,100,000, to remain available until September 30,
12 2009: *Provided*, That, of the amounts provided under this
13 heading, \$5,577,310,000 shall be for science,
14 \$625,280,000 shall be for aeronautics research,
15 \$3,842,010,000 shall be for exploration systems, and
16 \$556,400,000 shall be for cross-agency support programs:
17 *Provided further*, That the amounts in the previous proviso
18 shall be reduced by \$57,900,000 in corporate and general
19 administrative expenses and the reduction shall be applied
20 proportionally to each amount therein: *Provided further*,
21 That none of the funds under this heading shall be used
22 for any research, development, or demonstration activities
23 related exclusively to the human exploration of Mars.

1 port: *Provided further*, That amounts funded under this
2 heading shall be reduced by \$32,000,000 in corporate and
3 general administrative expenses and the reduction shall be
4 applied proportionally to each amount therein.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
7 General in carrying out the Inspector General Act of 1978,
8 \$32,600,000, to remain available until September 30,
9 2009.

10 ADMINISTRATIVE PROVISIONS

11 (INCLUDING TRANSFER OF FUNDS)

12 Notwithstanding the limitation on the duration of
13 availability of funds appropriated for "Science, Aero-
14 nautics and Exploration" or "Exploration Capabilities"
15 under this title, when any activity has been initiated by
16 the incurrence of obligations for construction of facilities
17 or environmental compliance and restoration activities as
18 authorized by law, such amount available for such activity
19 shall remain available until expended. This provision does
20 not apply to the amounts appropriated for institutional
21 minor revitalization and minor construction of facilities,
22 and institutional facility planning and design.

23 Notwithstanding the limitation on the availability of
24 funds appropriated for "Science, Aeronautics and Explo-
25 ration" or "Exploration Capabilities" by this appropria-

1 tions Act, the amounts appropriated for construction of
2 facilities shall remain available until September 30, 2010.

3 Funds for announced prizes otherwise authorized
4 shall remain available, without fiscal year limitation, until
5 the prize is claimed or the offer is withdrawn. Funding
6 shall not be made available for Centennial Challenges un-
7 less authorized.

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

18 Notwithstanding any other provision of law, no funds
19 shall be used to implement any Reduction in Force or
20 other involuntary separations (except for cause) by the
21 National Aeronautics and Space Administration prior to
22 September 30, 2008.

23 The Administrator of the National Aeronautics and
24 Space Administration shall prepare a strategy for mini-
25 mizing job losses when the National Aeronautics and

1 Space Administration transitions from the Space Shuttle
2 to a successor human-rated space transport vehicle. This
3 strategy shall include: (1) specific initiatives that the Na-
4 tional Aeronautics and Space Administration has under-
5 taken, or plans to undertake, to maximize the utilization
6 of existing civil service and contractor workforces at each
7 of the affected Centers; (2) efforts to equitably distribute
8 tasks and workload between the Centers to mitigate the
9 brunt of job losses being borne by only certain Centers;
10 (3) new workload, tasks, initiatives, and missions being
11 secured for the affected Centers; and (4) overall projec-
12 tions of future civil service and contractor workforce levels
13 at the affected Centers. The Administrator shall transmit
14 this strategy to Congress not later than 90 days after the
15 date of enactment of this Act. The Administrator shall up-
16 date and transmit to Congress this strategy not less than
17 every six months thereafter until the successor human-
18 rated space transport vehicle is fully operational.

19 For fiscal year 2009 and hereafter, the National Aer-
20 onautics and Space Administration shall provide, at a min-
21 imum, the following information in its annual budget jus-
22 tification:

23 (1) The actual, current, proposed funding level,
24 and estimated budgets for the next five fiscal years

1 by directorate, theme, program, project and activity
2 within each appropriations account.

3 (2) The proposed programmatic and non-pro-
4 grammatic construction of facilities.

5 (3) The budget for headquarters including—

6 (A) the budget by office, and any division
7 thereof, for the actual, current, proposed fund-
8 ing level, and estimated budgets for the next
9 five fiscal years;

10 (B) the travel budget for each office, and
11 any division thereof, for the actual, current, and
12 proposed funding level; and

13 (C) the civil service full time equivalent as-
14 signments per headquarters office, and any divi-
15 sion thereof, including the number of Senior
16 Executive Service, noncareer, detailee, and con-
17 tract personnel per office.

18 (4) Within 14 days of the submission of the
19 budget to the Congress an accompanying volume
20 shall be provided to the Committees on Appropria-
21 tions containing the following information for each
22 center, facility managed by any center, and federally
23 funded research and development center operated on
24 behalf of the National Aeronautics and Space Ad-
25 ministration:

1 (A) the actual, current, proposed funding
2 level, and estimated budgets for the next five
3 fiscal years by directorate, theme, program,
4 project, and activity;

5 (B) The proposed programmatic and non-
6 programmatic construction of facilities;

7 (C) The number of civil service full time
8 equivalent positions per center for each identi-
9 fied fiscal year; and

10 (D) The number of civil service full time
11 equivalent positions considered to be uncovered
12 capacity at each location for each identified fis-
13 cal year.

14 (5) The proposed budget as designated by ob-
15 ject class for each directorate, theme, and program.

16 (6) Sufficient narrative shall be provided to ex-
17 plain the request for each program, project, and ac-
18 tivity, and an explanation for any deviation to pre-
19 viously adopted baselines for all justification mate-
20 rials provided to the Committees.

21 The Administrator of the National Aeronautics and
22 Space Administration shall submit quarterly reports to the
23 Inspector General of the National Aeronautics and Space
24 Administration regarding the costs and contracting proce-
25 dures relating to each conference or meeting, held by the

1 National Aeronautics and Space Administration during
2 fiscal year 2008 for which the cost to the Government was
3 more than \$20,000.

4 Each report submitted shall include, for each con-
5 ference described in that subsection held during the appli-
6 cable quarter—

7 (1) a description of the number of and purpose
8 of participants attending that conference or meeting;

9 (2) a detailed statement of the costs to the Gov-
10 ernment relating to that conference or meeting, in-
11 cluding—

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

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

14 (C) the cost of all related travel; and

15 (D) a discussion of the methodology used
16 to determine which costs relate to that con-
17 ference or meeting; and

18 (3) a description of the contracting procedures
19 relating to that conference or meeting, including—

20 (A) whether contracts were awarded on a
21 competitive basis; and

22 (B) a discussion of any cost comparison
23 conducted by the National Aeronautics and
24 Space Administration in evaluating potential
25 contractors for any conference or meeting.

1 The Administrator of NASA shall, not later than
2 September 30, 2008, submit to the appropriate commit-
3 tees of Congress a report on each conference for which
4 the agency paid travel expenses during fiscal year 2008
5 that includes—

6 (1) the itemized expenses paid by the agency,
7 including travel expenses and any agency expendi-
8 ture to otherwise support the conference;

9 (2) the primary sponsor of the conference;

10 (3) the location of the conference;

11 (4) in the case of a conference for which the
12 agency was the primary sponsor, a statement that—

13 (A) justifies the location selected;

14 (B) demonstrates the cost efficiency of the
15 location;

16 (C) the date of the conference;

17 (D) a brief explanation how the conference
18 advanced the mission of the agency; and

19 (E) the total number of individuals who
20 travel or attendance at the conference was paid
21 for in part or full by the agency.

22 In this provision, the term conference means a meet-
23 ing that—

24 (1) is held for consultation, education, aware-
25 ness, or discussion;

1 (2) includes participants who are not all em-
2 ployees of the same agency;

3 (3) is not held entirely at an agency facility;

4 (4) involves costs associated with travel and
5 lodging for some participants; and

6 (5) is sponsored by 1 or more agencies, 1 or
7 more organizations that are not agencies, or a com-
8 bination of such agencies or organizations.

9 NATIONAL SCIENCE FOUNDATION

10 RESEARCH AND RELATED ACTIVITIES

11 For necessary expenses in carrying out the National
12 Science Foundation Act of 1950, as amended (42 U.S.C.
13 1861–1875), and the Act to establish a National Medal
14 of Science (42 U.S.C. 1880–1881); services as authorized
15 by 5 U.S.C. 3109; maintenance and operation of aircraft
16 and purchase of flight services for research support; acqui-
17 sition of aircraft; and authorized travel; \$4,821,474,000,
18 to remain available until September 30, 2009, of which
19 not to exceed \$510,000,000 shall remain available until
20 expended for polar research and operations support, and
21 for reimbursement to other Federal agencies for oper-
22 ational and science support and logistical and other re-
23 lated activities for the United States Antarctic program:
24 *Provided*, That from funds specified in the fiscal year
25 2008 budget request for icebreaking services, up to

1 \$57,000,000 shall be available for the procurement of
2 polar icebreaking services: *Provided further*, That the Na-
3 tional Science Foundation shall only reimburse the Coast
4 Guard for such sums as are agreed to according to the
5 existing memorandum of agreement: *Provided further*,
6 That \$2,240,000 shall be transferred to the “Office of
7 Science and Technology Policy” for costs associated with
8 the Science and Technology Policy Institute/RaDiUS: *Pro-*
9 *vided further*, That receipts for scientific support services
10 and materials furnished by the National Research Centers
11 and other National Science Foundation supported re-
12 search facilities may be credited to this appropriation.

13 MAJOR RESEARCH EQUIPMENT AND FACILITIES

14 CONSTRUCTION

15 For necessary expenses for the acquisition, construc-
16 tion, commissioning, and upgrading of major research
17 equipment, facilities, and other such capital assets pursu-
18 ant to the National Science Foundation Act of 1950, as
19 amended (42 U.S.C. 1861–1875), including authorized
20 travel, \$220,740,000, to remain available until expended.

21 EDUCATION AND HUMAN RESOURCES

22 For necessary expenses in carrying out science and
23 engineering education and human resources programs and
24 activities pursuant to the National Science Foundation
25 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-

1 ing services as authorized by 5 U.S.C. 3109, authorized
2 travel, and rental of conference rooms in the District of
3 Columbia, \$725,600,000, to remain available until Sep-
4 tember 30, 2009.

5 AGENCY OPERATIONS AND AWARD MANAGEMENT

6 For agency operations and award management nec-
7 essary in carrying out the National Science Foundation
8 Act of 1950, as amended (42 U.S.C. 1861–1875); services
9 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
10 hicles; not to exceed \$9,000 for official reception and rep-
11 resentation expenses; uniforms or allowances therefor, as
12 authorized by 5 U.S.C. 5901–5902; rental of conference
13 rooms in the District of Columbia; and reimbursement of
14 the General Services Administration for security guard
15 services; \$281,790,000: *Provided*, That contracts may be
16 entered into under this heading in fiscal year 2008 for
17 maintenance and operation of facilities, and for other serv-
18 ices, to be provided during the next fiscal year.

19 OFFICE OF THE NATIONAL SCIENCE BOARD

20 For necessary expenses (including payment of sala-
21 ries, authorized travel, hire of passenger motor vehicles,
22 the rental of conference rooms in the District of Columbia,
23 and the employment of experts and consultants under sec-
24 tion 3109 of title 5, United States Code) involved in car-
25 rying out section 4 of the National Science Foundation
26 Act of 1950, as amended (42 U.S.C. 1863) and Public

1 Law 86-209 (42 U.S.C. 1880 et seq.), \$3,969,000: *Pro-*
2 *vided*, That not to exceed \$9,000 shall be available for offi-
3 cial reception and representation expenses.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General as authorized by the Inspector General Act of
7 1978, as amended, \$11,427,000, to remain available until
8 September 30, 2009.

9 This title may be cited as the "Science Appropria-
10 tions Act, 2008".

11 TITLE IV

12 RELATED AGENCIES

13 COMMISSION ON CIVIL RIGHTS

14 SALARIES AND EXPENSES

15 For necessary expenses of the Commission on Civil
16 Rights, including hire of passenger motor vehicles,
17 \$8,460,000: *Provided*, That none of the funds appro-
18 priated in this paragraph shall be used to employ in excess
19 of four full-time individuals under Schedule C of the Ex-
20 cepted Service exclusive of one special assistant for each
21 Commissioner: *Provided further*, That none of the funds
22 appropriated in this paragraph shall be used to reimburse
23 Commissioners for more than 75 billable days, with the
24 exception of the chairperson, who is permitted 125 billable
25 days.

1 INTERNATIONAL TRADE COMMISSION

2 SALARIES AND EXPENSES

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

8 LEGAL SERVICES CORPORATION

9 PAYMENT TO THE LEGAL SERVICES CORPORATION

10 For payment to the Legal Services Corporation to
11 carry out the purposes of the Legal Services Corporation
12 Act of 1974, \$350,490,000, of which \$332,390,000 is for
13 basic field programs and required independent audits;
14 \$3,000,000 is for the Office of Inspector General, of which
15 such amounts as may be necessary may be used to conduct
16 additional audits of recipients; \$12,500,000 is for manage-
17 ment and administration; \$2,100,000 is for client self-help
18 and information technology; and \$500,000 is for loan re-
19 payment assistance: *Provided*, That the Legal Services
20 Corporation may continue to provide locality pay to offi-
21 cers and employees at a rate no greater than that provided
22 by the Federal Government to Washington, DC-based em-
23 ployees as authorized by 5 United States Code 5304, not-
24 withstanding section 1005(d) of the Legal Services Cor-
25 poration Act, 42 United States Code 2996(d).

1 ADMINISTRATIVE PROVISION—LEGAL SERVICES

2 CORPORATION

3 None of the funds appropriated in this Act to the
4 Legal Services Corporation shall be expended for any pur-
5 pose prohibited or limited by, or contrary to any of the
6 provisions of, sections 501, 502, 503, 504, 505, and 506
7 of Public Law 105–119, and all funds appropriated in this
8 Act to the Legal Services Corporation shall be subject to
9 the same terms and conditions set forth in such sections,
10 except that all references in sections 502 and 503 to 1997
11 and 1998 shall be deemed to refer instead to 2007 and
12 2008, respectively.

13 MARINE MAMMAL COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Marine Mammal Com-
16 mission as authorized by title II of Public Law 92–522,
17 \$2,820,000.

18 NATIONAL VETERANS BUSINESS DEVELOPMENT

19 CORPORATION

20 SALARIES AND EXPENSES

21 For necessary expenses of the National Veterans
22 Business Development Corporation established under sec-
23 tion 33 of the Small Business Act (15 U.S.C. 657c),
24 \$1,410,000, to remain available until expended.

1 OFFICE OF THE UNITED STATES TRADE

2 REPRESENTATIVE

3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of the United
5 States Trade Representative, including the hire of pas-
6 senger motor vehicles and the employment of experts and
7 consultants as authorized by 5 U.S.C. 3109, \$44,120,000,
8 of which \$1,000,000 shall remain available until expended:
9 *Provided*, That not to exceed \$124,000 shall be available
10 for official reception and representation expenses: *Pro-*
11 *vided further*, That negotiations shall be conducted within
12 the World Trade Organization to recognize the right of
13 members to distribute monies collected from antidumping
14 and countervailing duties: *Provided further*, That negotia-
15 tions shall be conducted within the World Trade Organiza-
16 tion consistent with the negotiating objectives contained
17 in the Trade Act of 2002, Public Law 107-210.

18 STATE JUSTICE INSTITUTE

19 SALARIES AND EXPENSES

20 For necessary expenses of the State Justice Institute,
21 as authorized by the State Justice Institute Authorization
22 Act of 1992 (Public Law 102-572), \$3,760,000: *Provided*,
23 That not to exceed \$2,500 shall be available for official
24 reception and representation expenses.

1

TITLE V

2

GENERAL PROVISIONS

3

(INCLUDING TRANSFER OF FUNDS)

4

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

7

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

10

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

17

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

23

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obli-

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1 gation or expenditure in fiscal year 2008, or provided from
2 any accounts in the Treasury of the United States derived
3 by the collection of fees available to the agencies funded
4 by this Act, shall be available for obligation or expenditure
5 through a reprogramming of funds that: (1) creates new
6 programs; (2) eliminates a program, project, or activity;
7 (3) increases funds or personnel by any means for any
8 project or activity for which funds have been denied or
9 restricted; (4) relocates an office or employees; (5) reorga-
10 nizes or renames offices, programs, or activities; or (6)
11 contracts out or privatizes any functions or activities pres-
12 ently performed by Federal employees; unless the House
13 and Senate Committees on Appropriations are notified 15
14 days in advance of such reprogramming of funds.

15 (b) None of the funds provided under this Act, or
16 provided under previous appropriations Acts to the agen-
17 cies funded by this Act that remain available for obligation
18 or expenditure in fiscal year 2008, or provided from any
19 accounts in the Treasury of the United States derived by
20 the collection of fees available to the agencies funded by
21 this Act, shall be available for obligation or expenditure
22 for activities, programs, or projects through a reprogram-
23 ming of funds in excess of \$500,000 or 10 percent, which-
24 ever is less, that: (1) augments existing programs,
25 projects, or activities; (2) reduces by 10 percent funding

1 for any existing program, project, or activity, or numbers
2 of personnel by 10 percent as approved by Congress; or
3 (3) results from any general savings, including savings
4 from a reduction in personnel, which would result in a
5 change in existing programs, activities, or projects as ap-
6 proved by Congress; unless the House and Senate Com-
7 mittees on Appropriations are notified 15 days in advance
8 of such reprogramming of funds.

9 SEC. 506. Hereafter, none of the funds made avail-
10 able in this Act or any other Act may be used for the
11 construction, repair (other than emergency repair), over-
12 haul, conversion, or modernization of vessels for the Na-
13 tional Oceanic and Atmospheric Administration in ship-
14 yards located outside of the United States.

15 SEC. 507. Hereafter, none of the funds made avail-
16 able in this Act may be used to implement, administer,
17 or enforce any guidelines of the Equal Employment Op-
18 portunity Commission covering harassment based on reli-
19 gion, when it is made known to the Federal entity or offi-
20 cial to which such funds are made available that such
21 guidelines do not differ in any respect from the proposed
22 guidelines published by the Commission on October 1,
23 1993 (58 Fed. Reg. 51266).

24 SEC. 508. If it has been finally determined by a court
25 or Federal agency that any person intentionally affixed a

1 label bearing a "Made in America" inscription, or any in-
2 scription with the same meaning, to any product sold in
3 or shipped to the United States that is not made in the
4 United States, the person shall be ineligible to receive any
5 contract or subcontract made with funds made available
6 in this Act, pursuant to the debarment, suspension, and
7 ineligibility procedures described in sections 9.400 through
8 9.409 of title 48, Code of Federal Regulations.

9 SEC. 509. The Departments of Commerce and Jus-
10 tice, the National Science Foundation, and the National
11 Aeronautics and Space Administration, shall provide to
12 the House and Senate Committees on Appropriations a
13 quarterly accounting of the cumulative balances of any un-
14 obligated funds that were received by such agency during
15 any previous fiscal year.

16 SEC. 510. Any costs incurred by a department or
17 agency funded under this Act resulting from, or to pre-
18 vent, personnel actions taken in response to funding re-
19 ductions included in this Act shall be absorbed within the
20 total budgetary resources available to such department or
21 agency: *Provided*, That the authority to transfer funds be-
22 tween appropriations accounts as may be necessary to
23 carry out this section is provided in addition to authorities
24 included elsewhere in this Act: *Provided further*, That use
25 of funds to carry out this section shall be treated as a

1 reprogramming of funds under section 505 of this Act and
2 shall not be available for obligation or expenditure except
3 in compliance with the procedures set forth in that section.

4 SEC. 511. None of the funds provided by this Act
5 shall be available to promote the sale or export of tobacco
6 or tobacco products, or to seek the reduction or removal
7 by any foreign country of restrictions on the marketing
8 of tobacco or tobacco products, except for restrictions
9 which are not applied equally to all tobacco or tobacco
10 products of the same type.

11 SEC. 512. None of the funds appropriated pursuant
12 to this Act or any other provision of law may be used for—

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

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

1 (g) or (n) of section 922 of title 18, United States
2 Code, or State law.

3 SEC. 513. Notwithstanding any other provision of
4 law, amounts deposited or available in the Fund estab-
5 lished under 42 U.S.C. 10601 in any fiscal year in excess
6 of \$590,000,000 shall not be available for obligation until
7 the following fiscal year.

8 SEC. 514. None of the funds made available to the
9 Department of Justice in this Act may be used to discrimi-
10 nate against or denigrate the religious or moral beliefs of
11 students who participate in programs for which financial
12 assistance is provided from those funds, or of the parents
13 or legal guardians of such students.

14 SEC. 515. None of the funds made available in this
15 Act may be transferred to any department, agency, or in-
16 strumentality of the United States Government, except
17 pursuant to a transfer made by, or transfer authority pro-
18 vided in, this Act or any other appropriations Act.

19 SEC. 516. With the consent of the President, the Sec-
20 retary of Commerce shall represent the United States Gov-
21 ernment in negotiating and monitoring international
22 agreements regarding fisheries, marine mammals, or sea
23 turtles: *Provided*, That the Secretary of Commerce shall
24 be responsible for the development and interdepartmental
25 coordination of the policies of the United States with re-

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

3 SEC. 517. Any funds provided in this Act used to im-
4 plement E-Government Initiatives shall be subject to the
5 procedures set forth in section 505 of this Act.

6 SEC. 518. (a) Tracing studies conducted by the Bu-
7 reau of Alcohol, Tobacco, Firearms and Explosives are re-
8 leased without adequate disclaimers regarding the limita-
9 tions of the data.

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

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

23 (2) Firearms selected for tracing are not chosen
24 for purposes of determining which types, makes, or
25 models of firearms are used for illicit purposes. The

1 firearms selected do not constitute a random sample
2 and should not be considered representative of the
3 larger universe of all firearms used by criminals, or
4 any subset of that universe. Firearms are normally
5 traced to the first retail seller, and sources reported
6 for firearms traced do not necessarily represent the
7 sources or methods by which firearms in general are
8 acquired for use in crime.

9 SEC. 519. (a) The Inspectors General of the Depart-
10 ment of Commerce, the Department of Justice, the Na-
11 tional Aeronautics and Space Administration, and the Na-
12 tional Science Foundation shall conduct audits, pursuant
13 to the Inspector General Act (5 U.S.C. App.), of grants
14 or contracts for which funds are appropriated by this Act,
15 and shall submit reports to Congress on the progress of
16 such audits, which may include preliminary findings and
17 a description of areas of particular interest, within 180
18 days after initiating such an audit and every 180 days
19 thereafter until any such audit is completed.

20 (b) Within 60 days after the date on which an audit
21 described in subsection (a) by an Inspector General is
22 completed, the Secretary, Attorney General, Adminis-
23 trator, or Director, as appropriate, shall make the results
24 of the audit available to the public on the Internet website
25 maintained by the Department, Administration, or Foun-

1 dation, respectively. The results shall be made available
2 in redacted form to exclude—

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

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

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

17 (d) Any person awarded a grant or contract funded
18 by amounts appropriated by this Act shall submit a state-
19 ment to the Secretary of Commerce, the Attorney General,
20 the Administrator, or the Director, as appropriate, certi-
21 fying that no funds derived from the grant or contract
22 will be made available through a subcontract or in any
23 other manner to another person who has a financial inter-
24 est in the person awarded the grant or contract.

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

10 SEC. 520. None of the funds appropriated or other-
11 wise made available under this Act may be used to issue
12 patents on claims directed to or encompassing a human
13 organism.

14 SEC. 521. None of the funds made available in this
15 Act shall be used in any way whatsoever to support or
16 justify the use of torture by any official or contract em-
17 ployee of the United States Government.

18 SEC. 522. (a) Notwithstanding any other provision
19 of law or treaty, none of the funds appropriated or other-
20 wise made available under this Act or any other Act may
21 be expended or obligated by a department, agency, or in-
22 strumentality of the United States to pay administrative
23 expenses or to compensate an officer or employee of the
24 United States in connection with requiring an export li-
25 cense for the export to Canada of components, parts, ac-

1 cessories or attachments for firearms listed in Category
2 I, section 121.1 of title 22, Code of Federal Regulations
3 (International Trafficking in Arms Regulations (ITAR),
4 part 121, as it existed on April 1, 2005) with a total value
5 not exceeding \$500 wholesale in any transaction, provided
6 that the conditions of subsection (b) of this section are
7 met by the exporting party for such articles.

8 (b) The foregoing exemption from obtaining an ex-
9 port license—

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

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

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

22 (B) barrels, cylinders, receivers (frames) or
23 complete breech mechanisms for any firearm
24 listed in Category I, other than for end use by

1 the Federal Government, or a Provincial or Mu-
2 nicipal Government of Canada; or

3 (C) articles for export from Canada to an-
4 other foreign destination.

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

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

24 SEC. 523. Notwithstanding any other provision of
25 law, no department, agency, or instrumentality of the

1 United States receiving appropriated funds under this Act
2 or any other Act shall obligate or expend in any way such
3 funds to pay administrative expenses or the compensation
4 of any officer or employee of the United States to deny
5 any application submitted pursuant to 22 U.S.C.
6 2778(b)(1)(B) and qualified pursuant to 27 CFR section
7 478.112 or .113, for a permit to import United States ori-
8 gin “curios or relics” firearms, parts, or ammunition.

9 SEC. 524. None of the funds made available in this
10 Act may be used to include in any new bilateral or multi-
11 lateral trade agreement the text of—

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

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

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

18 SEC. 525. (a)(1) The Administrator of the National
19 Aeronautics and Space Administration shall modify the
20 Administration’s financial management system and per-
21 form all appropriate testing and assurance activities nec-
22 essary for the system to be capable of properly budgeting,
23 accounting for, controlling, and reporting on appropria-
24 tions made to the Administration for fiscal year 2009 and
25 thereafter under the appropriation accounts set out for the

1 Administration in H.R. 3093 of the 110th Congress, as
2 passed the House of Representatives.

3 (2) The Administrator shall transmit to the Com-
4 mittee on Appropriations of the House of Representatives
5 and the Committee on Appropriations of the Senate a
6 written report, on a monthly basis until the certification
7 under paragraph (3) is transmitted, on progress in com-
8 plying with this subsection.

9 (3) Not later than April 1, 2008, the Administrator
10 shall transmit to the Committee on Appropriations of the
11 House of Representatives and the Committee on Appro-
12 priations of the Senate a written certification that the Ad-
13 ministration's financial management system meets the re-
14 quirements of this section.

15 (b) Beginning for the first full month after the date
16 of enactment of this Act, the Administrator shall report
17 in writing to the Committee on Appropriations of the
18 House of Representatives and the Committee on Appro-
19 priations of the Senate, on the 15th business day of each
20 month, financial information on the execution of the Ad-
21 ministration's budget for the preceding month and for the
22 fiscal year to date. Each report under this subsection shall
23 provide information on the Administration's budget, obli-
24 gations incurred, and disbursements made, presented by—

1 (1) mission area (as reflected in the appropria-
2 tion accounts set out for the Administration in H.R.
3 3093 of the 110th Congress, as passed the House of
4 Representatives);

5 (2) program or project;

6 (3) Center; and

7 (4) object class, as well as any other financial
8 information requested by the Committee on Appro-
9 priations of the House of Representatives or the
10 Committee on Appropriations of the Senate.

11 SEC. 526. None of the funds made available in this
12 Act may be used to authorize or issue a national security
13 letter in contravention of any of the following laws author-
14 izing the Federal Bureau of Investigation to issue national
15 security letters: The Right to Financial Privacy Act; The
16 Electronic Communications Privacy Act; The Fair Credit
17 Reporting Act; The National Security Act of 1947; USA
18 PATRIOT Act; and the laws amended by these Acts.

19 SEC. 527. None of the funds appropriated or other-
20 wise made available by this Act may be made available
21 for a public-private competition conducted under Office of
22 Management and Budget Circular A-76 or to convert a
23 function performed by Federal employees to private sector
24 performance without such a competition unless a rep-
25 resentative designated by a majority of the employees en-

1 gaged in the performance of the activity or function for
2 which the public-private competition is conducted or which
3 is to be converted without such a competition is treated
4 as an interested party with respect to such competition
5 or decision to convert to private sector performance for
6 purposes of subchapter V of chapter 35 of title 31, United
7 States Code.

8 SEC. 528. Section 605 of the Harmful Algal Bloom
9 and Hypoxia Research and Control Act of 1998 (16
10 U.S.C. 1451 note) is amended—

11 (1) in the matter preceding paragraph (1) by
12 striking “\$25,500,000 for fiscal year 2008” and in-
13 serting “\$30,000,000 for each of fiscal years 2008
14 through 2010”;

15 (2) in each of paragraphs (1), (2), (3), (4), and
16 (6) by striking “2008” and inserting “2010”; and

17 (3) in paragraph (5) by striking “fiscal year
18 2008” and inserting “each of fiscal years 2008
19 through 2010”.

20 SEC. 529. Effective January 13, 2007, section 303A
21 of the Magnuson-Stevens Fishery Conservation and Man-
22 agement Act (16 U.S.C. 1853a) is amended—

23 (1) by striking “association” in subsection
24 (c)(4)(A)(iii) and inserting “association, among will-
25 ing parties”;

1 (2) by striking paragraph (2) of subsection (i);

2 (3) by striking “(1) IN GENERAL.—” in sub-
3 section (i) and resetting paragraph (1) as a full
4 measure paragraph following “(i) TRANSITION
5 RULES.—”; and

6 (4) by redesignating subparagraphs (A), (B),
7 and (C) of subsection (i)(1) (before its amendment
8 by paragraph (3)) as paragraphs (1), (2), and (3),
9 respectively and resetting them as indented para-
10 graphs 2 ems from the left margin.

11 SEC. 530. If at any time during any quarter, the pro-
12 gram manager of a project within the jurisdiction of the
13 Departments of Commerce or Justice, the National Aero-
14 nautics and Space Administration, or the National Science
15 Foundation totaling more than \$75,000,000 has reason-
16 able cause to believe that the total program cost has in-
17 creased by 10 percent, the program manager shall imme-
18 diately inform the Secretary, Administrator, or Director.
19 The Secretary, Administrator, or Director shall notify the
20 House and Senate Committees on Appropriations within
21 30 days in writing of such increase, and shall include in
22 such notice: the date on which such determination was
23 made; a statement of the reasons for such increases; the
24 action taken and proposed to be taken to control future
25 cost growth of the project; changes made in the perform-

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

7 SEC. 531. Notwithstanding section 505 of this Act,
8 no funds shall be reprogrammed within or transferred be-
9 tween appropriations after June 30, except in extraor-
10 dinary circumstances.

11 SEC. 532. Funds appropriated by this Act, or made
12 available by the transfer of funds in this Act, for intel-
13 ligence or intelligence related activities are deemed to be
14 specifically authorized by the Congress for purposes of sec-
15 tion 504 of the National Security Act of 1947 (50 U.S.C.
16 414) during fiscal year 2008 until the enactment of the
17 Intelligence Authorization Act for Fiscal Year 2008.

18 SEC. 533. (a) Subsection (a) of section 315 of the
19 National Aeronautics and Space Administration Act of
20 1958 (42 U.S.C. 2459j) is amended—

21 (1) by striking “Notwithstanding any other pro-
22 vision of law, the Administrator” and inserting “The
23 Administrator”; and

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

4 (3) by striking “at no more than two (2) Na-
5 tional Aeronautics and Space Administration
6 (NASA) centers”.

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

8 (1) in paragraph (1), by striking “consider-
9 ation” and all that follows through the end of the
10 paragraph and inserting “cash consideration for the
11 lease at fair market value as determined by the Ad-
12 ministrator.”;

13 (2) by striking paragraph (2);

14 (3) by redesignating paragraph (3) as para-
15 graph (2); and

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

18 (A) in subparagraph (B), by striking
19 “maintenance” and all that follows through
20 “centers selected for this demonstration pro-
21 gram” and inserting “capital revitalization and
22 construction projects and improvements of real
23 property assets and related personal property
24 under the jurisdiction of the Administrator”;
25 and

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

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

5 (c) Subsection (e) of such section is amended—

6 (1) by striking “LEASE RESTRICTIONS.—
7 NASA” and inserting the following: “LEASE RE-
8 STRICTIONS.—

9 “(1) NASA”; and

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

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

16 (d) Such section is further amended by adding at the
17 end the following new subsection (f):

18 “(f) SUNSET.—The authority to enter into leases
19 under this section shall expire on the date that is ten years
20 after the date of the enactment of the Commerce, Justice,
21 Science, and Related Agencies Appropriations Act of
22 2008. The expiration under this subsection of authority
23 to enter into leases under this section shall not affect the
24 validity or term of leases or NASA’s retention of proceeds

1 from leases entered into under this section before the date
2 of the expiration of such authority.”.

3 (e) The heading of such section is amended by strik-
4 ing “Enhanced-use lease of real property demonstration”
5 and inserting “Lease of non-excess property”.

6 (f) This section shall become effective on December
7 31, 2008.

8 SEC. 534. The Departments, agencies, and commis-
9 sions funded under this Act, shall establish and maintain
10 on the homepages of their Internet websites—

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

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

18 SEC. 535. None of the funds appropriated or other-
19 wise made available by this Act may be used to enter into
20 a contract in an amount greater than \$5,000,000 or to
21 award a grant in excess of such amount unless the pro-
22 spective contractor or grantee certifies in writing to the
23 agency awarding the contract or grant that, to the best
24 of its knowledge and belief, the contractor or grantee has
25 filed all Federal tax returns required during the three

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

11 SEC. 536. This section may be cited as the “ED 1.0
12 Act”.

13 (a) In this section:

14 (1) The term “Administrator” means the Ad-
15 ministrator of the National Telecommunications and
16 Information Administration.

17 (2) The term “eligible educational institution”
18 means an institution that is—

19 (A) a historically Black college or univer-
20 sity;

21 (B) a Hispanic-serving institution as that
22 term is defined in section 502(a)(5) of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1101a(a)(5));

1 (C) a tribally controlled college or univer-
2 sity as that term is defined in section 2(a)(4)
3 of the Tribally Controlled College or University
4 Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

5 (D) an Alaska Native-serving institution as
6 that term is defined in section 317(b)(2) of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1059d(b)(2)); or

9 (E) a Native Hawaiian-serving institution
10 as that term is defined in section 317(b)(4) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059d(b)(4)).

13 (3) The term “historically Black college or uni-
14 versity” means a part B institution as that term is
15 defined in section 322(2) of the Higher Education
16 Act of 1965 (20 U.S.C. 1061(2)).

17 (b)(1)(A) There is established within the National
18 Telecommunications and Information Administration a
19 pilot program under which the Administrator shall award
20 9 grants to eligible educational institutions to enable the
21 eligible educational institutions to develop digital and wire-
22 less networks for online educational programs of study
23 within the eligible educational institutions. The Adminis-
24 trator shall award not less than 1 grant to each type of

1 eligible educational institution, enumerated under sub-
2 section (a)(2).

3 (B)(i) The Administrator shall award a total of 9
4 grants under this subsection.

5 (ii) The Administrator shall make grant payments
6 under this subsection in the amount of \$500,000.

7 (2)(A) In awarding grants under this subsection the
8 Administrator shall give priority to an eligible educational
9 institution that, according to the most recent data avail-
10 able (including data available from the Bureau of the Cen-
11 sus), serves a county, or other appropriate political sub-
12 division where no counties exist—

13 (i) in which 50 percent of the residents of the
14 county, or other appropriate political subdivision
15 where no counties exist, are members of a racial or
16 ethnic minority;

17 (ii) in which less than 18 percent of the resi-
18 dents of the county, or other appropriate political
19 subdivision where no counties exist, have obtained a
20 baccalaureate degree or a higher education;

21 (iii) that has an unemployment rate of 7 per-
22 cent or greater;

23 (iv) in which 20 percent or more of the resi-
24 dents of the county, or other appropriate political
25 subdivision where no counties exist, live in poverty;

1 (v) that has a negative population growth rate;

2 or

3 (vi) that has a family income of not more than

4 \$32,000.

5 (B) In awarding grants under this subsection the Ad-
6 ministrator shall give the highest priority to an eligible
7 educational institution that meets the greatest number of
8 requirements described in clauses (i) through (vi) of sub-
9 paragraph (A).

10 (3) An eligible educational institution receiving a
11 grant under this subsection may use the grant funds—

12 (A) to acquire equipment, instrumentation, net-
13 working capability, hardware, software, digital net-
14 work technology, wireless technology, or wireless in-
15 frastructure;

16 (B) to develop and provide educational services,
17 including faculty development; or

18 (C) to develop strategic plans for information
19 technology investments.

20 (4) The Administrator shall not require an eligible
21 educational institution to provide matching funds for a
22 grant awarded under this subsection.

23 (5)(A) The Administrator shall consult with the Com-
24 mittee on Appropriations and the Committee on Com-
25 merce, Science, and Transportation of the Senate and the

1 Committee on Appropriations and the Committee on En-
2 ergy and Commerce of the House of Representatives, on
3 a quarterly basis regarding the pilot program assisted
4 under this subsection.

5 (B) Not later than 1 year after the date of enactment
6 of this section, the Administrator shall submit to the com-
7 mittees described in subparagraph (A) a report evaluating
8 the progress of the pilot program assisted under this sub-
9 section.

10 (c) There are authorized to be appropriated to carry
11 out this section \$4,500,000 for each of fiscal years 2008
12 and 2009.

13 (d) The Administrator shall carry out this section
14 only with amounts appropriated in advance specifically to
15 carry out this section.

16 SEC. 537. None of the funds appropriated or other-
17 wise made available in this Act may be used in a manner
18 that is inconsistent with the principal negotiating objective
19 of the United States with respect to trade remedy laws
20 to preserve the ability of the United States—

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

24 (2) to avoid agreements that—

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

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

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

14 SEC. 538. None of the funds made available in this
15 Act may be used to purchase first class or premium airline
16 travel in contravention of sections 301–10.122 through
17 301–10.124 of title 41 of the Code of Federal Regulations.

18 SEC. 539. Section 2301 of the Implementing Rec-
19 ommendations of the 9/11 Commission Act of 2007 (47
20 U.S.C. 901 note) is amended by striking “the ‘Improving
21 Emergency Communications Act of 2007’.” and inserting
22 “the ‘911 Modernization Act’.”.

23 SEC. 540. Section 504(a)(11)(E) of the Omnibus
24 Consolidated Rescissions and Appropriations Act of 1996
25 (Public Law 104–134; 110 Stat. 1321–55) is amended by

1 inserting before “an alien” the following: “a non-
2 immigrant worker admitted to, or permitted to remain in,
3 the United States under section 101(a)(15)(H)(ii)(b) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(15)(H)(ii)(b)) for forestry labor or”.

6 SEC. 541. None of the funds made available in this
7 Act may be used in contravention of section 402(e)(1) of
8 the Illegal Immigration Reform and Immigrant Responsi-
9 bility Act of 1996 (8 U.S.C. 1324a note).

10 SEC. 542. None of the funds in this Act may be used
11 to employ workers described in section 274A(h)(3) of the
12 Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

13 SEC. 543. None of the funds made available in this
14 Act may be used to send or otherwise pay for the attend-
15 ance of more than 50 employees from a Federal depart-
16 ment or agency at any single conference occurring outside
17 the United States.

18 TITLE VI

19 RESCISSIONS

20 DEPARTMENT OF COMMERCE

21 ECONOMIC DEVELOPMENT ADMINISTRATION

22 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

23 (RESCISSION)

24 Of the unobligated balances available under this
25 heading from prior year appropriations, \$5,700,000 are
26 rescinded.

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1 ECONOMIC AND STATISTICAL ANALYSIS

2 SALARIES AND EXPENSES

3 (RESCISSION)

4 Of the unobligated balances available under this
5 heading from prior year appropriations, \$800,000 are re-
6 scinded.

7 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

8 INDUSTRIAL TECHNOLOGY SERVICES

9 (RESCISSION)

10 Of the unobligated balances available under this
11 heading from prior year appropriations, \$18,800,000 are
12 rescinded.

13 NATIONAL OCEANIC AND ATMOSPHERIC

14 ADMINISTRATION

15 (RESCISSION)

16 Of the unobligated balances available in accounts
17 under this heading from prior year appropriations,
18 \$11,372,000 are rescinded.

19 DEPARTMENT OF JUSTICE

20 GENERAL ADMINISTRATION

21 SALARIES AND EXPENSES

22 (RESCISSION)

23 Of the unobligated balances available under this
24 heading, \$7,400,000 are rescinded.

1 JUSTICE INFORMATION SHARING TECHNOLOGY

2 (RESCISSION)

3 Of the unobligated balances available under this
4 heading, \$5,000,000 are rescinded.

5 WORKING CAPITAL FUND

6 (RESCISSION)

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

9 TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

10 (RESCISSION)

11 Of the unobligated balances available under this
12 heading, \$1,300,000 are rescinded.

13 DETENTION TRUSTEE

14 (RESCISSION)

15 Of the unobligated balances available under this
16 heading, \$145,000,000 are rescinded.

17 LEGAL ACTIVITIES

18 ASSETS FORFEITURE FUND

19 (RESCISSION)

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

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1 OFFICE ON VIOLENCE AGAINST WOMEN
2 VIOLENCE AGAINST WOMEN PREVENTION AND
3 PROSECUTION PROGRAMS
4 (RESCISSION)

5 Of the unobligated balances available under this
6 heading from prior year appropriations, \$14,700,000 are
7 rescinded.

8 OFFICE OF JUSTICE PROGRAMS
9 (RESCISSION)

10 Of the unobligated balances available under this
11 heading from prior year appropriations, \$87,500,000 are
12 rescinded, not later than September 30, 2008.

13 COMMUNITY ORIENTED POLICING SERVICES
14 (RESCISSIONS)

15 Of the unobligated balances available under this
16 heading from prior year appropriations, \$87,500,000 are
17 rescinded, not later than September 30, 2008.

18 Of the unobligated funds previously appropriated
19 from the Violent Crime Reduction Trust Fund under this
20 heading, \$10,278,000 are rescinded.

21 NATIONAL AERONAUTICS AND SPACE
22 ADMINISTRATION
23 (RESCISSION)

24 Of the unobligated balances available to the National
25 Aeronautics and Space Administration from prior year ap-
26 propriations, \$192,475,000 are rescinded: *Provided*, That

1 within 30 days after the date of the enactment of this sec-
2 tion the Administrator shall submit to the Committees on
3 Appropriations a report specifying the amount of each re-
4 scission made pursuant to this section.

5 NATIONAL SCIENCE FOUNDATION

6 (RESCISSION)

7 Of the unobligated balances available to the National
8 Science Foundation from prior year appropriations,
9 \$33,000,000 are rescinded: *Provided*, That within 30 days
10 after the date of the enactment of this section the Director
11 shall submit to the Committees on Appropriations a report
12 specifying the amount of each rescission made pursuant
13 to this section.

14 This Act may be cited as the “Commerce, Justice,
15 Science, and Related Agencies Appropriations Act, 2008”.