

1 DIVISION B—COMMERCE, JUSTICE, SCIENCE,
2 AND RELATED AGENCIES APPROPRIATIONS
3 ACT, 2009

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 International Trade Administration be-
18 tween two points abroad, without regard to 49 U.S.C.
19 40118; employment of Americans and aliens by contract
20 for services; rental of space abroad for periods not exceed-
21 ing 10 years, and expenses of alteration, repair, or im-
22 provement; purchase or construction of temporary de-
23 mountable exhibition structures for use abroad; payment
24 of tort claims, in the manner authorized in the first para-
25 graph of 28 U.S.C. 2672 when such claims arise in foreign

1 countries; not to exceed \$327,000 for official representa-
2 tion expenses abroad; purchase of passenger motor vehi-
3 cles for official use abroad, not to exceed \$45,000 per vehi-
4 cle; obtaining insurance on official motor vehicles; and
5 rental of tie lines, \$429,870,000, to remain available until
6 September 30, 2010, of which \$9,439,000 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 not less than \$48,592,000 shall be for
10 Manufacturing and Services; not less than \$42,332,000
11 shall be for Market Access and Compliance; not less than
12 \$66,357,000 shall be for the Import Administration of
13 which \$5,900,000 shall be for the Office of China Compli-
14 ance; not less than \$237,739,000 shall be for the United
15 States and Foreign Commercial Service; and not less than
16 \$25,411,000 shall be for Executive Direction and Admin-
17 istration: *Provided further*, That the provisions of the first
18 sentence of section 105(f) and all of section 108(c) of the
19 Mutual Educational and Cultural Exchange Act of 1961
20 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying
21 out these activities without regard to section 5412 of the
22 Omnibus Trade and Competitiveness Act of 1988 (15
23 U.S.C. 4912); and that for the purpose of this Act, con-
24 tributions under the provisions of the Mutual Educational
25 and Cultural Exchange Act of 1961 shall include payment

1 for assessments for services provided as part of these ac-
2 tivities: *Provided further*, That the International Trade
3 Administration shall be exempt from the requirements of
4 Circular A-25 (or any successor administrative regulation
5 or policy) issued by the Office of Management and Budg-
6 et: *Provided further*, That negotiations shall be conducted
7 within the World Trade Organization to recognize the
8 right of members to distribute monies collected from anti-
9 dumping and countervailing duties: *Provided further*, That
10 negotiations shall be conducted within the World Trade
11 Organization consistent with the negotiating objectives
12 contained in the Trade Act of 2002, Public Law 107-210:
13 *Provided further*, That within the amounts appropriated,
14 \$4,400,000 shall be used for the projects, and in the
15 amounts, specified in the explanatory statement described
16 in section 4 (in the matter preceding division A of this
17 consolidated Act).

18 BUREAU OF INDUSTRY AND SECURITY

19 OPERATIONS AND ADMINISTRATION

20 For necessary expenses for export administration and
21 national security activities of the Department of Com-
22 merce, including costs associated with the performance of
23 export administration field activities both domestically and
24 abroad; full medical coverage for dependent members of
25 immediate families of employees stationed overseas; em-

1 ployment of Americans and aliens by contract for services
2 abroad; payment of tort claims, in the manner authorized
3 in the first paragraph of 28 U.S.C. 2672 when such claims
4 arise in foreign countries; not to exceed \$15,000 for offi-
5 cial representation expenses abroad; awards of compensa-
6 tion to informers under the Export Administration Act of
7 1979, and as authorized by 22 U.S.C. 401(b); and pur-
8 chase of passenger motor vehicles for official use and
9 motor vehicles for law enforcement use with special re-
10 quirement vehicles eligible for purchase without regard to
11 any price limitation otherwise established by law,
12 \$83,676,000, to remain available until expended, of which
13 \$14,767,000 shall be for inspections and other activities
14 related to national security: *Provided*, That the provisions
15 of the first sentence of section 105(f) and all of section
16 108(c) of the Mutual Educational and Cultural Exchange
17 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
18 in carrying out these activities: *Provided further*, That
19 payments and contributions collected and accepted for ma-
20 terials or services provided as part of such activities may
21 be retained for use in covering the cost of such activities,
22 and for providing information to the public with respect
23 to the export administration and national security activi-
24 ties of the Department of Commerce and other export con-

1 trol programs of the United States and other govern-
2 ments.

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 For grants for economic development assistance as
6 provided by the Public Works and Economic Development
7 Act of 1965, and for trade adjustment assistance,
8 \$240,000,000, to remain available until expended: *Pro-*
9 *vided*, That of the amounts provided, no more than
10 \$4,000,000 may be transferred to "Economic Develop-
11 ment Administration, Salaries and Expenses" to conduct
12 management oversight and administration of public works
13 grants.

14 SALARIES AND EXPENSES

15 For necessary expenses of administering the eco-
16 nomic development assistance programs as provided for by
17 law, \$32,800,000: *Provided*, That these funds may be used
18 to monitor projects approved pursuant to title I of the
19 Public Works Employment Act of 1976, title II of the
20 Trade Act of 1974, and the Community Emergency
21 Drought Relief Act of 1977.

22 MINORITY BUSINESS DEVELOPMENT AGENCY

23 MINORITY BUSINESS DEVELOPMENT

24 For necessary expenses of the Department of Com-
25 merce in fostering, promoting, and developing minority
26 business enterprise, including expenses of grants, con-

1 tracts, and other agreements with public or private organi-
2 zations, \$29,825,000: *Provided*, That within the amounts
3 appropriated, \$825,000 shall be used for the projects, and
4 in the amounts, specified in the explanatory statement de-
5 scribed in section 4 (in the matter preceding division A
6 of this consolidated Act).

7 ECONOMIC AND STATISTICAL ANALYSIS

8 SALARIES AND EXPENSES

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

13 BUREAU OF THE CENSUS

14 SALARIES AND EXPENSES

15 For expenses necessary for collecting, compiling, ana-
16 lyzing, preparing, and publishing statistics, provided for
17 by law, \$233,588,000.

18 PERIODIC CENSUSES AND PROGRAMS

19 For necessary expenses to collect and publish statis-
20 ties for periodic censuses and programs provided for by
21 law, \$2,906,262,000, to remain available until September
22 30, 2010: *Provided*, That none of the funds provided in
23 this or any other Act for any fiscal year may be used for
24 the collection of census data on race identification that
25 does not include "some other race" as a category: *Pro-*
26 *vided further*, That from amounts provided herein, funds

1 may be used for additional promotion, outreach, and mar-
2 keting activities: *Provided further*, That none of the funds
3 made available in this Act shall be used for the conduct
4 of sweepstakes in the 2010 Decennial Census.

5 NATIONAL TELECOMMUNICATIONS AND INFORMATION

6 ADMINISTRATION

7 SALARIES AND EXPENSES

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

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

3 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
4 AND CONSTRUCTION

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

16 UNITED STATES PATENT AND TRADEMARK OFFICE
17 SALARIES AND EXPENSES

18 For necessary expenses of the United States Patent
19 and Trademark Office (USPTO) provided for by law, in-
20 cluding defense of suits instituted against the Under Sec-
21 retary of Commerce for Intellectual Property and Director
22 of the United States Patent and Trademark Office,
23 \$2,010,100,000, to remain available until expended: *Pro-*
24 *vided*, That the sum herein appropriated from the general
25 fund shall be reduced as offsetting collections assessed and
26 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41

1 and 376 are received during fiscal year 2009, so as to re-
2 sult in a fiscal year 2009 appropriation from the general
3 fund estimated at \$0: *Provided further*, That during fiscal
4 year 2009, should the total amount of offsetting fee collec-
5 tions be less than \$2,010,100,000, this amount shall be
6 reduced accordingly: *Provided further*, That \$750,000 may
7 be transferred to "Departmental Management, Salaries
8 and Expenses" for activities associated with the National
9 Intellectual Property Law Enforcement Coordination
10 Council: *Provided further*, That from amounts provided
11 herein, not to exceed \$1,000 shall be made available in
12 fiscal year 2009 for official reception and representation
13 expenses: *Provided further*, That of the amounts provided
14 to the USPTO within this account, \$5,000,000 shall not
15 become available for obligation until the Director of the
16 USPTO has completed a comprehensive review of the as-
17 sumptions behind the patent examiner expectancy goals
18 and adopted a revised set of expectancy goals for patent
19 examination: *Provided further*, That in fiscal year 2009
20 from the amounts made available for "Salaries and Ex-
21 penses" for the USPTO, the amounts necessary to pay:
22 (1) the difference between the percentage of basic pay con-
23 tributed by the USPTO and employees under section
24 8334(a) of title 5, United States Code, and the normal
25 cost percentage (as defined by section 8331(17) of that

1 title) of basic pay, of employees subject to subchapter III
2 of chapter 83 of that title; and (2) the present value of
3 the otherwise unfunded accruing costs, as determined by
4 the Office of Personnel Management, of post-retirement
5 life insurance and post-retirement health benefits coverage
6 for all USPTO employees, shall be transferred to the Civil
7 Service Retirement and Disability Fund, the Employees
8 Life Insurance Fund, and the Employees Health Benefits
9 Fund, as appropriate, and shall be available for the au-
10 thorized purposes of those accounts: *Provided further,*
11 That sections 801, 802, and 803 of division B, Public Law
12 108-447 shall remain in effect during fiscal year 2009:
13 *Provided further,* That the Director may, this year, reduce
14 by regulation fees payable for documents in patent and
15 trademark matters, in connection with the filing of docu-
16 ments filed electronically in a form prescribed by the Di-
17 rector: *Provided further,* That \$2,000,000 shall be trans-
18 ferred to Office of Inspector General for activities associ-
19 ated with carrying out investigations, related to the (and audits
20 USPTO: *Provided further,* That from the amounts pro-
21 vided herein, no less than \$4,000,000 shall be available
22 only for the USPTO contribution in a cooperative or joint
23 agreement or agreements with a non, profit organization (- hyphen
24 or organizations, successfully audited within the previous
25 year, and with previous experience in such programs, to

1 conduct policy studies, including studies relating to activi-
2 ties of United Nations Specialized agencies and other
3 international organizations, as well as conferences and
4 other development programs, in support of fair inter-
5 national protection of intellectual property rights.

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, \$472,000,000, to remain
10 available until expended, of which not to exceed
11 \$9,000,000 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: *Provided*
14 *further*, That within the amounts appropriated,
15 \$3,000,000 shall be used for the projects, and in the
16 amounts, specified in the explanatory statement described
17 in section 4 (in the matter preceding division A of this
18 consolidated Act).

19 INDUSTRIAL TECHNOLOGY SERVICES

20 For necessary expenses of the Hollings Manufac-
21 turing Extension Partnership of the National Institute of
22 Standards and Technology, \$110,000,000, to remain
23 available until expended. In addition, for necessary ex-
24 penses of the Technology Innovation Program of the Na-
25 tional Institute of Standards and Technology,
26 \$65,000,000, to remain available until expended.

1 CONSTRUCTION OF RESEARCH FACILITIES

2 For construction of new research facilities, including
3 architectural and engineering design, and for renovation
4 and maintenance of existing facilities, not otherwise pro-
5 vided for the National Institute of Standards and Tech-
6 nology, as authorized by 15 U.S.C. 278c-278e,
7 \$172,000,000, to remain available until expended, of
8 which \$30,000,000 is for a competitive construction grant
9 program for research science buildings: *Provided*, That
10 within the amounts appropriated, \$44,000,000 shall be
11 used for the projects, and in the amounts, specified in the
12 explanatory statement described in section 4 (in the mat-
13 ter preceding division A of this consolidated Act): *Provided*
14 *further*, That the Secretary of Commerce shall include in
15 the budget justification materials that the Secretary sub-
16 mits to Congress in support of the Department of Com-
17 merce budget (as submitted with the budget of the Presi-
18 dent under section 1105(a) of title 31, United States
19 Code) an estimate for each National Institute of Stand-
20 ards and Technology construction project having a total
21 multi-year program cost of more than \$5,000,000 and si-
22 multaneously the budget justification materials shall in-
23 clude an estimate of the budgetary requirements for each
24 such project for each of the five subsequent fiscal years.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES
4 (INCLUDING TRANSFERS OF FUNDS)

5 For necessary expenses of activities authorized by law
6 for the National Oceanic and Atmospheric Administration,
7 including maintenance, operation, and hire of aircraft and
8 vessels; grants, contracts, or other payments to nonprofit
9 organizations for the purposes of conducting activities
10 pursuant to cooperative agreements; and relocation of fa-
11 cilities, \$3,045,549,000, to remain available until Sep-
12 tember 30, 2010, except for funds provided for cooperative
13 enforcement, which shall remain available until September
14 30, 2011: *Provided*, That fees and donations received by
15 the National Ocean Service for the management of na-
16 tional marine sanctuaries may be retained and used for
17 the salaries and expenses associated with those activities,
18 notwithstanding 31 U.S.C. 3302: *Provided further*, That
19 in addition, \$3,000,000 shall be derived by transfer from
20 the fund entitled "Coastal Zone Management" and in ad-
21 dition \$79,000,000 shall be derived by transfer from the
22 fund entitled "Promote and Develop Fishery Products and
23 Research Pertaining to American Fisheries": *Provided*
24 *further*, That of the \$3,133,549,000 provided for in direct
25 obligations under this heading \$3,045,549,000 is appro-
26 priated from the general fund, \$82,000,000 is provided

1 by transfer, and \$6,000,000 is derived from recoveries of
2 prior year obligations: *Provided further*, That the total
3 amount available for the National Oceanic and Atmos-
4 pheric Administration corporate services administrative
5 support costs shall not exceed \$226,809,000: *Provided fur-*
6 *ther*, That payments of funds made available under this
7 heading to the Department of Commerce Working Capital
8 Fund including Department of Commerce General Coun-
9 sel legal services shall not exceed \$36,583,000: *Provided*
10 *further*, That within the amounts appropriated,
11 \$129,970,000 shall be used for the projects, and in the
12 amounts, specified in the explanatory statement described
13 in section 4 (in the matter preceding division A of this
14 consolidated Act): *Provided further*, That any deviation
15 from the amounts designated for specific activities in the
16 report accompanying this Act, or any use of deobligated
17 balances of funds provided under this heading in previous
18 years, shall be subject to the procedures set forth in sec-
19 tion 505 of this Act: *Provided further*, That in allocating
20 grants under sections 306 and 306A of the Coastal Zone
21 Management Act of 1972, as amended, no coastal State
22 shall receive more than 5 percent or less than 1 percent
23 of increased funds appropriated over the previous fiscal
24 year: *Provided further*, That the number of authorized offi-
25 cers in the NOAA Commissioned Officer Corps shall re-

1 main at 321 until such time as section 6 of Public Law
2 110-386 takes effect.

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

9 PROCUREMENT, ACQUISITION AND CONSTRUCTION

10 For procurement, acquisition and construction of
11 capital assets, including alteration and modification costs,
12 of the National Oceanic and Atmospheric Administration,
13 \$1,243,647,000, to remain available until September 30,
14 2011, except funds provided for construction of facilities
15 which shall remain available until expended: *Provided*,
16 That of the \$1,245,647,000 provided for in direct obliga-
17 tions under this heading \$1,243,647,000 is appropriated
18 from the general fund and \$2,000,000 is provided from
19 recoveries of prior year obligations: *Provided further*, That
20 of the amounts provided for the National Polar-orbiting
21 Operational Environmental Satellite System, funds shall
22 only be made available on a dollar-for-dollar matching
23 basis with funds provided for the same purpose by the De-
24 partment of Defense: *Provided further*, That except to the
25 extent expressly prohibited by any other law, the Depart-
26 ment of Defense may delegate procurement functions re-

1 lated to the National Polar-orbiting Operational Environ-
2 mental Satellite System to officials of the Department of
3 Commerce pursuant to section 2311 of title 10, United
4 States Code: *Provided further*, That any deviation from
5 the amounts designated for specific activities in the report
6 accompanying this Act, or any use of deobligated balances
7 of funds provided under this heading in previous years,
8 shall be subject to the procedures set forth in section 505
9 of this Act: *Provided further*, That within the amounts ap-
10 propriated, \$29,610,000 shall be used for the projects, and
11 in the amounts, specified in the explanatory statement de-
12 scribed in section 4 (in the matter preceding division A
13 of this consolidated Act).

14 PACIFIC COASTAL SALMON RECOVERY

15 For necessary expenses associated with the restora-
16 tion of Pacific salmon populations, \$80,000,000, to re-
17 main available until September 30, 2010: *Provided*, That
18 of the funds provided herein the Secretary of Commerce
19 may issue grants to the States of Washington, Oregon,
20 Idaho, Nevada, California, and Alaska, and Federally-rec-
21 ognized tribes of the Columbia River and Pacific Coast
22 for projects necessary for restoration of salmon and
23 steelhead populations that are listed as threatened or en-
24 dangered, or identified by a State as at-risk to be so-listed,
25 for maintaining populations necessary for exercise of tribal
26 treaty fishing rights or native subsistence fishing, or for

1 conservation of Pacific coastal salmon and steelhead habi-
2 tat, based on guidelines to be developed by the Secretary
3 of Commerce: *Provided further*, That funds disbursed to
4 States shall be subject to a matching requirement of funds
5 or documented in-kind contributions of at least 33 percent
6 of the Federal funds.

7 COASTAL ZONE MANAGEMENT FUND
8 (INCLUDING TRANSFER OF FUNDS)

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

14 FISHERIES FINANCE PROGRAM ACCOUNT

15 Subject to section 502 of the Congressional Budget
16 Act of 1974, during fiscal year 2009, obligations of direct
17 loans may not exceed \$8,000,000 for Individual Fishing
18 Quota loans and not to exceed \$59,000,000 for traditional
19 direct loans as authorized by the Merchant Marine Act
20 of 1936: *Provided*, That none of the funds made available
21 under this heading may be used for direct loans for any
22 new fishing vessel that will increase the harvesting capac-
23 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 \$53,000,000: *Provided*, That the Secretary, within 120
7 days of enactment of this Act, shall provide a report to
8 the Committees on Appropriations that audits and evalu-
9 ates all decision documents and expenditures by the Bu-
10 reau of the Census as they relate to the 2010 Census: *Pro-*
11 *vided further*, That of the amounts provided to the Sec-
12 retary within this account, \$5,000,000 shall not become
13 available for obligation until the Secretary certifies to the
14 Committees on Appropriations that the Bureau of the
15 Census has followed and met all standards and best prac-
16 tices, and all Office of Management and Budget guidelines
17 related to information technology projects and contract
18 management.

19 HERBERT C. HOOVER BUILDING RENOVATION AND
20 MODERNIZATION

21 For expenses necessary, including blast windows, for
22 the renovation and modernization of the Herbert C. Hoo-
23 ver Building, \$5,000,000, to remain available until ex-
24 pended.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.), \$25,800,000.

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

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

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

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

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

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

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

11 SEC. 105. Hereafter, notwithstanding any other pro-
12 vision of law, no funds appropriated under this Act or any
13 other Act shall be used to register, issue, transfer, or en-
14 force any trademark of the phrase "Last Best Place".

15 SEC. 106. Hereafter, the Secretary of Commerce is
16 permitted to prescribe and enforce standards or regula-
17 tions affecting safety and health in the context of scientific
18 and occupational diving within the National Oceanic and
19 Atmospheric Administration.

20 SEC. 107. The requirements set forth by section 112
21 of division B of Public Law 110-161 are hereby adopted
22 by reference.

23 SEC. 108. Notwithstanding any other law, the Sec-
24 retary may furnish services (including but not limited to
25 utilities, telecommunications, and security services) nec-

1 essary to support the operation, maintenance, and im-
2 provement of space that persons, firms or organizations
3 are authorized pursuant to the Public Buildings Coopera-
4 tive Use Act of 1976 or other authority to use or occupy
5 in the Herbert C. Hoover Building, Washington, D.C., or
6 other buildings, the maintenance, operation, and protec-
7 tion of which has been delegated to the Secretary from
8 the Administrator of General Services pursuant to the
9 Federal Property and Administrative Services Act of
10 1949, as amended, on a reimbursable or non-reimbursable
11 basis. Amounts received as reimbursement for services
12 provided under this section or the authority under which
13 the use or occupancy of the space is authorized, up to
14 \$200,000, shall be credited to the appropriation or fund
15 which initially bears the costs of such services.

16 SEC. 109. The amounts made available under section
17 213 of Public Law 108-199 for a New England lobster
18 fishing capacity reduction program shall be available for
19 transfer by the National Oceanic and Atmospheric Admin-
20 istration from the Fisheries Finance Program Account to
21 the Operations, Research and Facilities appropriation, to
22 remain available until expended, for the Southern New
23 England Cooperative Research Initiative for cooperative
24 research, marine debris removal, and gear modification for
25 conservation in Rhode Island.

1 SEC. 110. Section (d)(2)(A) of title 16 U.S.C. 3645
2 is amended by inserting "Nevada," after "Idaho,".

3 SEC. 111. With the consent of the President, the Sec-
4 retary of Commerce shall represent the United States Gov-
5 ernment in negotiating and monitoring international
6 agreements regarding fisheries, marine mammals, or sea
7 turtles: *Provided*, That the Secretary of Commerce shall
8 be responsible for the development and interdepartmental
9 coordination of the policies of the United States with re-
10 spect to the international negotiations and agreements re-
11 ferred to in this section.

12 This title may be cited as the "Department of Com-
13 merce Appropriations Act, 2009".

14 TITLE II

15 DEPARTMENT OF JUSTICE

16 GENERAL ADMINISTRATION

17 SALARIES AND EXPENSES

18 For expenses necessary for the administration of the
19 Department of Justice, \$105,805,000, of which not to ex-
20 ceed \$4,000,000 for security and construction of Depart-
21 ment of Justice facilities shall remain available until ex-
22 pended: *Provided*, That the Attorney General is authorized
23 to transfer funds appropriated within General Administra-
24 tion to any office in this account: *Provided further*, That
25 \$13,213,000 is for Department Leadership; \$7,834,000 is

1 for Intergovernmental Relations/External Affairs;
2 \$12,254,000 is for Executive Support/Professional Re-
3 sponsibility; and \$72,504,000 is for the Justice Manage-
4 ment Division: *Provided further*, That any change in
5 amounts specified in the ~~previous~~ proviso greater than 5
6 percent shall be submitted for approval to the House and
7 Senate Committees on Appropriations consistent with the
8 terms of section 505 of this Act: *Provided further*, That
9 this transfer authority is in addition to transfers author-
10 ized under section 505 of this Act.

(preceding

11 JUSTICE INFORMATION SHARING TECHNOLOGY

12 For necessary expenses for information sharing tech-
13 nology, including planning, development, deployment and
14 departmental direction, \$80,000,000, to remain available
15 until expended, of which \$7,132,000 is for the unified fi-
16 nancial management system.

17 TACTICAL LAW ENFORCEMENT WIRELESS

18 COMMUNICATIONS

19 For the costs of developing and implementing a na-
20 tion-wide Integrated Wireless Network supporting Federal
21 law enforcement, and for the costs of operations and main-
22 tenance of existing Land Mobile Radio legacy systems,
23 \$185,000,000, to remain available until expended: *Pro-*
24 *vided*, That the Attorney General shall transfer to this ac-
25 count all funds made available to the Department of Jus-
26 tice for the purchase of portable and mobile radios: *Pro-*

1 *vided further*, That any transfer made under the preceding
2 proviso shall be subject to section 505 of this Act.

3 ADMINISTRATIVE REVIEW AND APPEALS

4 For expenses necessary for the administration of par-
5 don and clemency petitions and immigration-related activi-
6 ties, \$270,000,000, of which \$4,000,000 shall be derived
7 by transfer from the Executive Office for Immigration Re-
8 view fees deposited in the "Immigration Examinations
9 Fee" account.

10 DETENTION TRUSTEE

11 For necessary expenses of the Federal Detention
12 Trustee, \$1,295,319,000, to remain available until ex-
13 pended: *Provided*, That the Trustee shall be responsible
14 for managing the Justice Prisoner and Alien Transpor-
15 tation System: *Provided further*, That not to exceed
16 \$5,000,000 shall be considered "funds appropriated for
17 State and local law enforcement assistance" pursuant to
18 18 U.S.C. 4013(b).

19 OFFICE OF INSPECTOR GENERAL

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

23 UNITED STATES PAROLE COMMISSION

24 SALARIES AND EXPENSES

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

1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses necessary for the legal activities of the
5 Department of Justice, not otherwise provided for, includ-
6 ing not to exceed \$20,000 for expenses of collecting evi-
7 dence, to be expended under the direction of, and to be
8 accounted for solely under the certificate of, the Attorney
9 General; and rent of private or Government-owned space
10 in the District of Columbia, \$804,007,000, of which not
11 to exceed \$10,000,000 for litigation support contracts
12 shall remain available until expended: *Provided*, That of
13 the total amount appropriated, not to exceed \$10,000 shall
14 be available to the United States National Central Bu-
15 reau, INTERPOL, for official reception and representa-
16 tion expenses: *Provided further*, That notwithstanding sec-
17 tion 205 of this Act, upon a determination by the Attorney
18 General that emergent circumstances require additional
19 funding for litigation activities of the Civil Division, the
20 Attorney General may transfer such amounts to "Salaries
21 and Expenses, General Legal Activities" from available
22 appropriations for the current fiscal year for the Depart-
23 ment of Justice, as may be necessary to respond to such
24 circumstances: *Provided further*, That any transfer pursu-
25 ant to the previous proviso shall be treated as a re-
26 programming under section 505 of this Act and shall not

1 be available for obligation or expenditure except in compli-
2 ance with the procedures set forth in that section: *Pro-*
3 *vided further*, That of the amount appropriated, such sums
4 as may be necessary shall be available to reimburse the
5 Office of Personnel Management for salaries and expenses
6 associated with the Federal observer program under sec-
7 tion 8 of the Voting Rights Act of 1965 (42 U.S.C.
8 1973f): *Provided further*, That of the amounts provided
9 under this heading for the Federal observer program
10 \$3,390,000 shall remain available until expended, of which
11 \$1,090,000, previously transferred to the Department of
12 Justice by the Office of Personnel Management under sec-
13 tion 126 of division A of Public Law 110-329, shall be
14 transferred back to the Office of Personnel Management
15 by the Department of Justice.

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

21 SALARIES AND EXPENSES, ANTITRUST DIVISION

22 For expenses necessary for the enforcement of anti-
23 trust and kindred laws, \$157,788,000, to remain available
24 until expended: *Provided*, That notwithstanding any other
25 provision of law, fees collected for premerger notification
26 filings under the Hart-Scott-Rodino Antitrust Improve-

1 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
2 of collection (and estimated to be \$157,788,000 in fiscal
3 year 2009), shall be retained and used for necessary ex-
4 penses in this appropriation, and shall remain available
5 until expended: *Provided further*, That the sum herein ap-
6 propriated from the general fund shall be reduced as such
7 offsetting collections are received during fiscal year 2009,
8 so as to result in a final fiscal year 2009 appropriation
9 from the general fund estimated at \$0.

10 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

11 For necessary expenses of the Offices of the United
12 States Attorneys, including inter-governmental and coop-
13 erative agreements, \$1,836,336,000: *Provided*, That of the
14 total amount appropriated, not to exceed \$8,000 shall be
15 available for official reception and representation ex-
16 penses: *Provided further*, That not to exceed \$25,000,000
17 shall remain available until expended: *Provided further*,
18 That of the amount provided under this heading, not less
19 than \$33,600,000 shall be used for salaries and expenses
20 for assistant U.S. Attorneys to carry out section 704 of
21 the Adam Walsh Child Protection and Safety Act of 2006
22 (Public Law 109-248) concerning the prosecution of of-
23 fenses relating to the sexual exploitation of children.

24 UNITED STATES TRUSTEE SYSTEM FUND

25 For necessary expenses of the United States Trustee
26 Program, as authorized, \$217,416,000, to remain avail-

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

15 SALARIES AND EXPENSES, FOREIGN CLAIMS

16 SETTLEMENT COMMISSION

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

21 FEES AND EXPENSES OF WITNESSES

22 For fees and expenses of witnesses, for expenses of
23 contracts for the procurement and supervision of expert
24 witnesses, for private counsel expenses, including ad-
25 vances, and for expenses of foreign counsel, \$168,300,000,
26 to remain available until expended: *Provided*, That not to

1 exceed \$10,000,000 may be made available for construc-
2 tion of buildings for protected witness safesites: *Provided*
3 *further*, That not to exceed \$3,000,000 may be made avail-
4 able for the purchase and maintenance of armored and
5 other vehicles for witness security caravans: *Provided fur-*
6 *ther*, That not to exceed \$9,000,000 may be made avail-
7 able for the purchase, installation, maintenance, and up-
8 grade of secure telecommunications equipment and a se-
9 cure automated information network to store and retrieve
10 the identities and locations of protected witnesses.

11 SALARIES AND EXPENSES, COMMUNITY RELATIONS

12 SERVICE

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

(preceding)

1 penditure except in compliance with the procedures set
2 forth in that section.

3 ASSETS FORFEITURE FUND

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

7 UNITED STATES MARSHALS SERVICE

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Mar-
10 shals Service, \$950,000,000; of which not to exceed
11 \$30,000 shall be available for official reception and rep-
12 resentation expenses; of which not to exceed \$4,000,000
13 shall remain available until expended for information tech-
14 nology systems; and of which not less than \$12,625,000
15 shall be available for the costs of courthouse security
16 equipment, including furnishings, relocations, and tele-
17 phone systems and cabling, and shall remain available
18 until expended.

19 CONSTRUCTION

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

1 NATIONAL SECURITY DIVISION

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the activities of
4 the National Security Division, \$83,789,000; of which not
5 to exceed \$5,000,000 for information technology systems
6 shall remain available until expended: *Provided*, That not-
7 withstanding section 205 of this Act, upon a determina-
8 tion by the Attorney General that emergent circumstances
9 require additional funding for the activities of the National
10 Security Division, the Attorney General may transfer such
11 amounts to this heading from available appropriations for
12 the current fiscal year for the Department of Justice, as
13 may be necessary to respond to such circumstances: *Pro-*
14 *vided further*, That any transfer pursuant to the ~~previous~~ *(preceding*
15 proviso shall be treated as a reprogramming under section
16 505 of this Act and shall not be available for obligation
17 or expenditure except in compliance with the procedures
18 set forth in that section.

19 INTERAGENCY LAW ENFORCEMENT

20 INTERAGENCY CRIME AND DRUG ENFORCEMENT

21 For necessary expenses for the identification, inves-
22 tigation, and prosecution of individuals associated with the
23 most significant drug trafficking and affiliated money
24 laundering organizations not otherwise provided for, to in-
25 clude inter-governmental agreements with State and local

1 law enforcement agencies engaged in the investigation and
2 prosecution of individuals involved in organized crime drug
3 trafficking, \$515,000,000, of which \$50,000,000 shall re-
4 main available until expended: *Provided*, That any
5 amounts obligated from appropriations under this heading
6 may be used under authorities available to the organiza-
7 tions reimbursed from this appropriation.

8 FEDERAL BUREAU OF INVESTIGATION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Bureau of In-
11 vestigation for detection, investigation, and prosecution of
12 crimes against the United States; \$7,065,100,000; of
13 which not to exceed \$150,000,000 shall remain available
14 until expended: *Provided*, That not to exceed \$205,000
15 shall be available for official reception and representation
16 expenses.

17 CONSTRUCTION

18 For necessary expenses to construct or acquire build-
19 ings and sites by purchase, or as otherwise authorized by
20 law (including equipment for such buildings); conversion
21 and extension of federally-owned buildings; and prelimi-
22 nary planning and design of projects; \$153,491,000, to
23 remain available until expended.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-
4 ministration, including not to exceed \$70,000 to meet un-
5 foreseen emergencies of a confidential character pursuant
6 to 28 U.S.C. 530C; and expenses for conducting drug edu-
7 cation and training programs, including travel and related
8 expenses for participants in such programs and the dis-
9 tribution of items of token value that promote the goals
10 of such programs, \$1,939,084,000; of which not to exceed
11 \$75,000,000 shall remain available until expended; and of
12 which not to exceed \$100,000 shall be available for official
13 reception and representation expenses.

14 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

15 EXPLOSIVES

16 SALARIES AND EXPENSES

17 For necessary expenses of the Bureau of Alcohol, To-
18 bacco, Firearms and Explosives, not to exceed \$40,000 for
19 official reception and representation expenses; for training
20 of State and local law enforcement agencies with or with-
21 out reimbursement, including training in connection with
22 the training and acquisition of canines for explosives and
23 fire accelerants detection; and for provision of laboratory
24 assistance to State and local law enforcement agencies,
25 with or without reimbursement, \$1,054,215,000, of which

1 not to exceed \$1,000,000 shall be available for the pay-
2 ment of attorneys' fees as provided by section 924(d)(2)
3 of title 18, United States Code; and of which \$10,000,000
4 shall remain available until expended: *Provided*, That no
5 funds appropriated herein shall be available for salaries
6 or administrative expenses in connection with consoli-
7 dating or centralizing, within the Department of Justice,
8 the records, or any portion thereof, of acquisition and dis-
9 position of firearms maintained by Federal firearms li-
10 censees: *Provided further*, That no funds appropriated
11 herein shall be used to pay administrative expenses or the
12 compensation of any officer or employee of the United
13 States to implement an amendment or amendments to 27
14 CFR 478.118 or to change the definition of "Curios or
15 relics" in 27 CFR 478.11 or remove any item from ATF
16 Publication 5300.11 as it existed on January 1, 1994:
17 *Provided further*, That none of the funds appropriated
18 herein shall be available to investigate or act upon applica-
19 tions for relief from Federal firearms disabilities under 18
20 U.S.C. 925(c): *Provided further*, That such funds shall be
21 available to investigate and act upon applications filed by
22 corporations for relief from Federal firearms disabilities
23 under section 925(c) of title 18, United States Code: *Pro-*
24 *vided further*, That no funds made available by this or any
25 other Act may be used to transfer the functions, missions,

1 or activities of the Bureau of Alcohol, Tobacco, Firearms
2 and Explosives to other agencies or Departments in fiscal
3 year 2009: *Provided further*, That, beginning in fiscal year
4 2009 and thereafter, no funds appropriated under this or
5 any other Act may be used to disclose part or all of the
6 contents of the Firearms Trace System database main-
7 tained by the National Trace Center of the Bureau of Al-
8 cohol, Tobacco, Firearms and Explosives or any informa-
9 tion required to be kept by licensees pursuant to section
10 923(g) of title 18, United States Code, or required to be
11 reported pursuant to paragraphs (3) and (7) of such sec-
12 tion 923(g), except to: (1) a Federal, State, local, tribal,
13 or foreign law enforcement agency, or a Federal, State,
14 or local prosecutor, solely in connection with and for use
15 in a criminal investigation or prosecution; or (2) a Federal
16 agency for a national security or intelligence purpose; and
17 all such data shall be immune from legal process, shall
18 not be subject to subpoena or other discovery, shall be in-
19 admissible in evidence, and shall not be used, relied on,
20 or disclosed in any manner, nor shall testimony or other
21 evidence be permitted based on the data, in a civil action
22 in any State (including the District of Columbia) or Fed-
23 eral court or in an administrative proceeding other than
24 a proceeding commenced by the Bureau of Alcohol, To-
25 bacco, Firearms and Explosives to enforce the provisions

1 of chapter 44 of such title, or a review of such an action
2 or proceeding; except that this proviso shall not be con-
3 strued to prevent: (A) the disclosure of statistical informa-
4 tion concerning total production, importation, and expor-
5 tation by each licensed importer (as defined in section
6 921(a)(9) of such title) and licensed manufacturer (as de-
7 fined in section 921(a)(10) of such title); (B) the sharing
8 or exchange of such information among and between Fed-
9 eral, State, local, or foreign law enforcement agencies,
10 Federal, State, or local prosecutors, and Federal national
11 security, intelligence, or counterterrorism officials; or (C)
12 the publication of annual statistical reports on products
13 regulated by the Bureau of Alcohol, Tobacco, Firearms
14 and Explosives, including total production, importation,
15 and exportation by each licensed importer (as so defined)
16 and licensed manufacturer (as so defined), or statistical
17 aggregate data regarding firearms traffickers and traf-
18 ficking channels, or firearms misuse, felons, and traf-
19 ficking investigations: *Provided further*, That no funds
20 made available by this or any other Act shall be expended
21 to promulgate or implement any rule requiring a physical
22 inventory of any business licensed under section 923 of
23 title 18, United States Code: *Provided further*, That no
24 funds under this Act may be used to electronically retrieve
25 information gathered pursuant to 18 U.S.C. 923(g)(4) by

1 name or any personal identification code: *Provided further*,
2 That no funds authorized or made available under this or
3 any other Act may be used to deny any application for
4 a license under section 923 of title 18, United States Code,
5 or renewal of such a license due to a lack of business activ-
6 ity, provided that the applicant is otherwise eligible to re-
7 ceive such a license, and is eligible to report business in-
8 come or to claim an income tax deduction for business ex-
9 penses under the Internal Revenue Code of 1986.

10 FEDERAL PRISON SYSTEM

11 SALARIES AND EXPENSES

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

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

1 BUILDINGS AND FACILITIES

2 For planning, acquisition of sites and construction of
3 new facilities; purchase and acquisition of facilities and re-
4 modeling, and equipping of such facilities for penal and
5 correctional use, including all necessary expenses incident
6 thereto, by contract or force account; and constructing,
7 remodeling, and equipping necessary buildings and facili-
8 ties at existing penal and correctional institutions, includ-
9 ing all necessary expenses incident thereto, by contract or
10 force account, \$575,807,000, to remain available until ex-
11 pended, of which not less than \$110,627,000 shall be
12 available only for modernization, maintenance and repair,
13 and of which not to exceed \$14,000,000 shall be available
14 to construct areas for inmate work programs: *Provided*,
15 That labor of United States prisoners may be used for
16 work performed under this appropriation.

17 FEDERAL PRISON INDUSTRIES, INCORPORATED

18 The Federal Prison Industries, Incorporated, is here-
19 by authorized to make such expenditures, within the limits
20 of funds and borrowing authority available, and in accord
21 with the law, and to make such contracts and commit-
22 ments, without regard to fiscal year limitations as pro-
23 vided by section 9104 of title 31, United States Code, as
24 may be necessary in carrying out the program set forth
25 in the budget for the current fiscal year for such corpora-

1 tion, including purchase (not to exceed five for replace-
2 ment only) and hire of passenger motor vehicles.

3 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
4 PRISON INDUSTRIES, INCORPORATED

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

19 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

20 OFFICE ON VIOLENCE AGAINST WOMEN

21 VIOLENCE AGAINST WOMEN PREVENTION AND

22 PROSECUTION PROGRAMS

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

1 et seq.) (“the 1968 Act”); the Violent Crime Control and
2 Law Enforcement Act of 1994 (Public Law 103–322)
3 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
4 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
5 torial Remedies and Other Tools to end the Exploitation
6 of Children Today Act of 2003 (Public Law 108–21); the
7 Juvenile Justice and Delinquency Prevention Act of 1974
8 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
9 of Trafficking and Violence Protection Act of 2000 (Public
10 Law 106–386) (“the 2000 Act”); and the Violence
11 Against Women and Department of Justice Reauthoriza-
12 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
13 and for related victims services, \$415,000,000, to remain
14 available until expended: *Provided*, That except as other-
15 wise provided by law, not to exceed 3 percent of funds
16 made available under this heading may be used for ex-
17 penses related to evaluation, training, and technical assist-
18 ance: *Provided further*, That of the amount provided
19 (which shall be by transfer, for programs administered by
20 the Office of Justice Programs)—

21 (1) \$15,000,000 for the court-appointed special
22 advocate program, as authorized by section 217 of
23 the 1990 Act;

1 (2) \$2,500,000 for child abuse training pro-
2 grams for judicial personnel and practitioners, as
3 authorized by section 222 of the 1990 Act;

4 (3) \$190,000,000 for grants to combat violence
5 against women, as authorized by part T of the 1968
6 Act, of which—

7 (A) \$18,000,000 shall be for transitional
8 housing assistance grants for victims of domes-
9 tic violence, stalking or sexual assault as au-
10 thorized by section 40299 of the 1994 Act; and

11 (B) \$1,880,000 shall be for the National
12 Institute of Justice for research and evaluation
13 of violence against women and related issues
14 addressed by grant programs of the Office on
15 Violence Against Women;

16 (4) \$60,000,000 for grants to encourage arrest
17 policies as authorized by part U of the 1968 Act;

18 (5) \$12,000,000 for sexual assault victims as-
19 sistance, as authorized by section 41601 of the 1994
20 Act;

21 (6) \$41,000,000 for rural domestic violence and
22 child abuse enforcement assistance grants, as au-
23 thorized by section 40295 of the 1994 Act;

1 (7) \$3,500,000 for training programs as au-
2 thorized by section 40152 of the 1994 Act, and for
3 related local demonstration projects;

4 (8) \$3,000,000 for grants to improve the stalk-
5 ing and domestic violence databases, as authorized
6 by section 40602 of the 1994 Act;

7 (9) \$9,500,000 for grants to reduce violent
8 crimes against women on campus, as authorized by
9 section 304 of the 2005 Act;

10 (10) \$37,000,000 for legal assistance for vic-
11 tims, as authorized by section 1201 of the 2000 Act;

12 (11) \$4,250,000 for enhanced training and
13 services to end violence against and abuse of women
14 in later life, as authorized by section 40802 of the
15 1994 Act;

16 (12) \$14,000,000 for the safe havens for chil-
17 dren program, as authorized by section 1301 of the
18 2000 Act;

19 (13) \$6,750,000 for education and training to
20 end violence against and abuse of women with dis-
21 abilities, as authorized by section 1402 of the 2000
22 Act;

23 (14) \$3,000,000 for an engaging men and
24 youth in prevention program, as authorized by sec-
25 tion 41305 of the 1994 Act;

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

4 (16) \$1,000,000 for tracking of violence against
5 Indian women, as authorized by section 905 of the
6 2005 Act;

7 (17) \$3,500,000 for services to advocate and
8 respond to youth, as authorized by section 41201 of
9 the 1994 Act;

10 (18) \$3,000,000 for grants to assist children
11 and youth exposed to violence, as authorized by sec-
12 tion 41303 of the 1994 Act;

13 (19) \$3,000,000 for the court training and im-
14 provements program, as authorized by section 41002
15 of the 1994 Act;

16 (20) \$1,000,000 for the National Resource
17 Center on Workplace Responses to assist victims of
18 domestic violence, as authorized by section 41501 of
19 the 1994 Act; and

20 (21) \$1,000,000 for grants for televised testi-
21 mony, as authorized by part N of title I of the 1968
22 Act.

1 OFFICE OF JUSTICE PROGRAMS

2 JUSTICE ASSISTANCE

3 For grants, contracts, cooperative agreements, and
4 other assistance authorized by title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968; the Missing
6 Children's Assistance Act (42 U.S.C. 5771 et seq.); the
7 Prosecutorial Remedies and Other Tools to end the Ex-
8 ploitation of Children Today Act of 2003 (Public Law
9 108-21); the Justice for All Act of 2004 (Public Law
10 108-405); the Violence Against Women and Department
11 of Justice Reauthorization Act of 2005 (Public Law 109-
12 162); the Victims of Child Abuse Act of 1990 (Public Law
13 101-647); the Victims of Crime Act of 1984 (Public Law
14 98-473); the Adam Walsh Child Protection and Safety
15 Act of 2006 (Public Law 109-248); the PROTECT Our
16 Children Act of 2008 (Public Law 110-401); subtitle D
17 of title II of the Homeland Security Act of 2002 (Public
18 Law 107-296), which may include research and develop-
19 ment; and other programs (including the Statewide Auto-
20 mated Victim Notification Program); \$220,000,000, to re-
21 main available until expended, of which:

22 (1) \$45,000,000 is for criminal justice statistics
23 programs, pursuant to part C of the 1968 Act, of
24 which \$26,000,000 is for the National Crime Victim-
25 ization Survey; and

1 (2) \$48,000,000 is for research, development,
2 and evaluation programs:

3 *Provided*, That section 1404(c)(3)(E)(i) of the Victims of
4 Crime Act of 1984, as amended (42 U.S.C. 10603) is
5 amended after “internships” by inserting “and for grants
6 under subparagraphs (1)(A) and (B), pursuant to rules
7 or guidelines that generally establish a publicly-an-
8 nounced, competitive process”.

9 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

10 For grants, contracts, cooperative agreements, and
11 other assistance authorized by the Violent Crime Control
12 and Law Enforcement Act of 1994 (Public Law 103-322)
13 (“the 1994 Act”); the Omnibus Crime Control and Safe
14 Streets Act of 1968 (“the 1968 Act”); the Justice for All
15 Act of 2004 (Public Law 108-405); the Victims of Child
16 Abuse Act of 1990 (Public Law 101-647) (“the 1990
17 Act”); the Trafficking Victims Protection Reauthorization
18 Act of 2005 (Public Law 109-164); the Violence Against
19 Women and Department of Justice Reauthorization Act
20 of 2005 (Public Law 109-162); the Adam Walsh Child
21 Protection and Safety Act of 2006 (Public Law 109-248);
22 and the Victims of Trafficking and Violence Protection
23 Act of 2000 (Public Law 106-386); and other programs;
24 \$1,328,500,000, to remain available until expended as fol-
25 lows:

1 (1) \$546,000,000 for the Edward Byrne Memo-
2 rial Justice Assistance Grant program as authorized
3 by subpart 1 of part E of title I of the 1968 Act,
4 (except that section 1001(c), and the special rules
5 for Puerto Rico under section 505(g), of the 1968
6 Act, shall not apply for purposes of this Act), of
7 which \$5,000,000 is for use by the National Insti-
8 tute of Justice in assisting units of local government
9 to identify, select, develop, modernize, and purchase
10 new technologies for use by law enforcement,
11 \$2,000,000 is for a program to improve State and
12 local law enforcement intelligence capabilities includ-
13 ing antiterrorism training and training to ensure
14 that constitutional rights, civil liberties, civil rights,
15 and privacy interests are protected throughout the
16 intelligence process, ~~and~~ \$7,000,000 is to reimburse
17 State and local law enforcement for security and re-
18 lated costs, including overtime, associated with the
19 extraordinary security required to protect the Presi-
20 dent-elect during the Presidential transition period;

21 (2) \$400,000,000 for the State Criminal Alien
22 Assistance Program, as authorized by section
23 241(i)(5) of the Immigration and Nationality Act (8
24 U.S.C. 1231(i)(5));

insert
48A

and \$20,000,000 is to reimburse State and local governments for extraordinary costs associated with the 2009 Presidential Inauguration;

48A

1 (3) \$31,000,000 for the Southwest Border
2 Prosecutor Initiative to reimburse State, county,
3 parish, tribal, or municipal governments for costs as-
4 sociated with the prosecution of criminal cases de-
5 clined by local offices of the United States Attor-
6 neys;

7 (4) \$3,000,000 for the Northern Border Pros-
8 ecutor Initiative to reimburse State, county, parish,
9 tribal or municipal governments for the costs associ-
10 ated with the prosecution of criminal cases declined
11 by local offices of United States Attorneys;

12 (5) \$178,500,000 for discretionary grants to
13 improve the functioning of the criminal justice sys-
14 tem, to prevent or combat juvenile delinquency, and
15 to assist victims of crime (other than compensation):
16 *Provided*, That within the amounts appropriated,
17 \$178,500,000 shall be used for the projects, and in
18 the amounts specified in the explanatory statement
19 described in section 4 (in the matter preceding divi-
20 sion A of this consolidated Act);

21 (6) \$30,000,000 for competitive grants to im-
22 prove the functioning of the criminal justice system,
23 to prevent or combat juvenile delinquency, and to as-
24 sist victims of crime (other than compensation);

1 (7) \$2,000,000 for the purposes described in
2 the Missing Alzheimer's Disease Patient Alert Pro-
3 gram (section 240001 of the 1994 Act);

4 (8) \$10,000,000 for victim services programs
5 for victims of trafficking, as authorized by section
6 107(b)(2) of Public Law 106-386 and for programs
7 authorized under Public Law 109-164;

8 (9) \$40,000,000 for Drug Courts, as authorized
9 by section 1001(25)(A) of title I of the 1968 Act;

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

12 (11) \$12,500,000 for prison rape prevention
13 and prosecution and other programs, as authorized
14 by the Prison Rape Elimination Act of 2003 (Public
15 Law 108-79);

16 (12) \$10,000,000 for grants for Residential
17 Substance Abuse Treatment for State Prisoners, as
18 authorized by part S of title I of the 1968 Act;

19 (13) \$5,500,000 for the Capital Litigation Im-
20 provement Grant Program, as authorized by section
21 426 of Public Law 108-405, and for grants for
22 wrongful prosecution review;

23 (14) \$10,000,000 for mental health courts and
24 adult and juvenile collaboration program grants, as
25 authorized by parts V and HH of title I of the 1968

1 Act, and the Mentally Ill Offender Treatment and
2 Crime Reduction Reauthorization and Improvement
3 Act of 2008 (Public Law 110-416);

4 (15) \$25,000,000 for assistance to Indian
5 tribes, of which—

6 (A) \$10,000,000 shall be available for
7 grants under section 20109 of subtitle A of title
8 II of the 1994 Act;

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

11 (C) \$6,000,000 shall be available for tribal
12 alcohol and substance abuse reduction assist-
13 ance grants; and

14 (16) \$18,000,000 for economic, high technology
15 and Internet crime prevention grants:

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

22 WEED AND SEED PROGRAM FUND

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

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

3 JUVENILE JUSTICE PROGRAMS

4 For grants, contracts, cooperative agreements, and
5 other assistance authorized by the Juvenile Justice and
6 Delinquency Prevention Act of 1974 ("the 1974 Act"), the
7 Omnibus Crime Control and Safe Streets Act of 1968
8 ("the 1968 Act"), the Violence Against Women and De-
9 partment of Justice Reauthorization Act of 2005 (Public
10 Law 109-162), the Missing Children's Assistance Act (42
11 U.S.C. 5771 et seq.); the Prosecutorial Remedies and
12 Other Tools to end the Exploitation of Children Today Act
13 of 2003 (Public Law 108-21); the Victims of Child Abuse
14 Act of 1990 (Public Law 101-647); the Adam Walsh
15 Child Protection and Safety Act of 2006 (Public Law
16 109-248); the PROTECT Our Children Act of 2008
17 (Public Law 110-401), and other juvenile justice pro-
18 grams, \$374,000,000, to remain available until expended
19 as follows:

20 (1) \$75,000,000 for programs authorized by
21 section 221 of the 1974 Act, and for training and
22 technical assistance to assist small, non-profit orga-
23 nizations with the Federal grants process;

24 (2) \$82,000,000 for grants and projects, as au-
25 thorized by sections 261 and 262 of the 1974 Act:
26 *Provided*, That within the amounts appropriated,

1 \$82,000,000 shall be used for the projects, and in
2 the amounts, specified in the explanatory statement
3 described in section 4 (in the matter preceding divi-
4 sion A of this consolidated Act);

5 (3) \$80,000,000 for youth mentoring grants;

6 (4) \$62,000,000 for delinquency prevention, as
7 authorized by section 505 of the 1974 Act, of which,
8 pursuant to sections 261 and 262 thereof—

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

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

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

22 (5) \$20,000,000 for programs authorized by
23 the Victims of Child Abuse Act of 1990; and

24 (6) \$55,000,000 for the Juvenile Accountability
25 Block Grants program as authorized by part R of

1 title I of the 1968 Act and Guam shall be considered
2 a State:

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

11 PUBLIC SAFETY OFFICER BENEFITS

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

22 COMMUNITY ORIENTED POLICING SERVICES

23 For activities authorized by the Violent Crime Con-
24 trol and Law Enforcement Act of 1994 (Public Law 103-
25 322); the Omnibus Crime Control and Safe Streets Act
26 of 1968 ("the 1968 Act"); the Violence Against Women

1 and Department of Justice Reauthorization Act of 2005
2 (Public Law 109-162); subtitle D of title II of the Home-
3 land Security Act of 2002 (Public Law 107-296), which
4 may include research and development; and the USA PA-
5 TRIOT Improvement and Reauthorization Act of 2005
6 (Public Law 109-177); the Second Chance Act of 2007
7 (Public Law 110-199); the NICS Improvement Amend-
8 ments Act of 2007 (Public Law 110-180); the Adam
9 Walsh Child Protection and Safety Act of 2006 (Public
10 Law 109-248) (the "Adam Walsh Act"); and the Justice
11 for All Act of 2004 (Public Law 108-405), \$550,500,000,
12 to remain available until expended: *Provided*, That any
13 balances made available through prior year deobligations
14 shall only be available in accordance with section 505 of
15 this Act. Of the amount provided (which shall be by trans-
16 fer, for programs administered by the Office of Justice
17 Programs)—

18 (1) \$25,000,000 is for the matching grant pro-
19 gram for armor vests for law enforcement officers,
20 as authorized by section 2501 of title I of the 1968
21 Act: *Provided*, That \$1,500,000 is transferred di-
22 rectly to the National Institute of Standards and
23 Technology's Office of Law Enforcement Standards
24 from the Community Oriented Policing Services Of-
25 fice for research, testing, and evaluation programs:

1 *Provided further*, That section 2501(f) of part Y of
2 title I of the 1968 Act (42 U.S.C. 3796*ll*(f)), is
3 amended by inserting at the end the following:

4 “(3) WAIVER.—The Director may waive in
5 whole or in part, the match requirement of para-
6 graph (1) in the case of fiscal hardship, as deter-
7 mined by the Director.”;

8 (2) \$39,500,000 is for grants to entities de-
9 scribed in section 1701 of title I of the 1968 Act,
10 to address public safety and methamphetamine man-
11 ufacturing, sale, and use in hot spots as authorized
12 by section 754 of Public Law 109–177, and for
13 other anti-methamphetamine-related activities: *Pro-*
14 *vided*, That within the amounts appropriated,
15 \$34,500,000 shall be used for the projects, and in
16 the amounts, specified in the explanatory statement
17 described in section 4 (in the matter preceding divi-
18 sion A of this consolidated Act);

19 (3) \$187,000,000 is for a law enforcement tech-
20 nologies and interoperable communications program,
21 and related law enforcement and public safety equip-
22 ment: *Provided*, That within the amounts appro-
23 priated, \$185,500,000 shall be used for the projects,
24 and in the amounts, specified in the explanatory

1 statement described in section 4 (in the matter pre-
2 ceding division A of this consolidated Act);

3 (4) \$25,000,000 is for offender re-entry pro-
4 grams, as authorized under section 101 and 211 of
5 the Second Chance Act of 2007 (Public Law 110-
6 199), of which \$15,000,000 is for grants for adult
7 and juvenile offender state and local reentry dem-
8 onstration projects, and \$10,000,000 is for grants
9 for mentoring and transitional services;

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

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

17 (7) \$156,000,000 is for DNA related and foren-
18 sic programs and activities as follows:

19 (A) \$151,000,000 for a DNA analysis and
20 capacity enhancement program and for other
21 local, state, and Federal forensic activities in-
22 cluding the purposes of section 2 of the DNA
23 Analysis Backlog Elimination Act of 2000 (the
24 Debbie Smith DNA Backlog Grant Program);
25 and

1 (B) \$5,000,000 for the purposes described
2 in the Kirk Bloodsworth Post-Conviction DNA
3 Testing Program (Public Law 108-405, section
4 412);

5 (8) \$20,000,000 is for improving tribal law en-
6 forcement, including equipment and training;

7 (9) \$15,000,000 is for programs to reduce gun
8 crime and gang violence;

9 (10) \$4,000,000 is for training and technical
10 assistance;

11 (11) \$18,000,000 is for a national grant pro-
12 gram the purpose of which is to assist State and
13 local law enforcement to locate, arrest and prosecute
14 child sexual predators and exploiters, and to enforce
15 sex offender registration laws described in section
16 1701(b) of the 1968 Act, of which:

17 (A) \$5,000,000 is for sex offender manage-
18 ment assistance as authorized by the Adam
19 Walsh Act and the Violent Crime Control Act
20 of 1994 (Public Law 103-322); and

21 (B) \$1,000,000 is for the National Sex Of-
22 fender Public Registry;

23 (12) \$16,000,000 is for expenses authorized by
24 part AA of the 1968 Act (Secure our Schools); and

1 (13) \$25,000,000 is for Paul Coverdell Forensic
2 Science Improvement Grants under part BB of title
3 I of the 1968 Act.

4 SALARIES AND EXPENSES

5 For necessary expenses, not elsewhere specified in
6 this title, for management and administration of programs
7 within the Office on Violence Against Women, the Office
8 of Justice Programs and the Community Oriented Policing
9 Services Office, \$174,000,000, of which not to exceed
10 \$14,000,000 shall be available for the Office on Violence
11 Against Women; not to exceed \$130,000,000 shall be
12 available for the Office of Justice Programs; not to exceed
13 \$30,000,000 shall be available for the Community Ori-
14 ented Policing Services Office: *Provided*, That, notwith-
15 standing section 109 of title I of Public Law 90-351, an
16 additional amount, not to exceed \$21,000,000 shall be
17 available for authorized activities of the Office of Audit,
18 Assessment, and Management: *Provided further*, That the
19 total amount available for management and administra-
20 tion of such programs shall not exceed \$195,000,000.

21 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 SEC. 211. The notification thresholds and procedures
9 set forth in section 505 of this Act shall apply to devi-
10 ations from the amounts designated for specific activities
11 in this Act and accompanying statement, and to any use
12 of deobligated balances of funds provided under this title
13 in previous years.

14 SEC. 212. 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. 213. 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. 214. None of the funds appropriated in this or
4 any other Act shall be obligated for the initiation of a fu-
5 ture phase of the Federal Bureau of Investigation's Sen-
6 tinel program until the Attorney General certifies to the
7 Committees on Appropriations that existing phases cur-
8 rently under contract for development or fielding have
9 completed a majority of the work for that phase under
10 the performance measurement baseline validated by the
11 integrated baseline review conducted in 2008: *Provided*,
12 That this restriction does not apply to planning and design
13 activities for future phases: *Provided further*, That the Bu-
14 reau will notify the Committees on Appropriations of any
15 significant changes to the baseline.

16 SEC. 215. (a) The Attorney General shall submit
17 quarterly reports to the Inspector General of the Depart-
18 ment of Justice regarding the costs and contracting proce-
19 dures relating to each conference held by the Department
20 of Justice during fiscal year 2009 for which the cost to
21 the Government was more than \$20,000.

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

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

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

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

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

7 and

8 (C) a discussion of the methodology used
9 to determine which costs relate to that con-
10 ference; and

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

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

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

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

20 TITLE III

21 SCIENCE

22 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

23 For necessary expenses of the Office of Science and
24 Technology Policy, in carrying out the purposes of the Na-
25 tional Science and Technology Policy, Organization, and

1 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
2 passenger motor vehicles, and services as authorized by
3 5 U.S.C. 3109, not to exceed \$2,500 for official reception
4 and representation expenses, and rental of conference
5 rooms in the District of Columbia, \$5,303,000.

6 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
7 SCIENCE

8 For necessary expenses, not otherwise provided for,
9 in the conduct and support of science research and devel-
10 opment activities, including research, development, oper-
11 ations, support, and services; maintenance; construction of
12 facilities including repair, rehabilitation, revitalization,
13 and modification of facilities, construction of new facilities
14 and additions to existing facilities, facility planning and
15 design, and restoration, and acquisition or condemnation
16 of real property, as authorized by law; environmental com-
17 pliance and restoration; space flight, spacecraft control,
18 and communications activities; program management; per-
19 sonnel and related costs, including uniforms or allowances
20 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
21 penses; purchase and hire of passenger motor vehicles; and
22 purchase, lease, charter, maintenance, and operation of
23 mission and administrative aircraft, \$4,503,019,000 to re-
24 main available until September 30, 2010.

1

AERONAUTICS

2 For necessary expenses, not otherwise provided for,
3 in the conduct and support of aeronautics research and
4 development activities, including research, development,
5 operations, support, and services; maintenance; construc-
6 tion of facilities including repair, rehabilitation, revitaliza-
7 tion, and modification of facilities, construction of new fa-
8 cilities and additions to existing facilities, facility planning
9 and design, and restoration, and acquisition or condemna-
10 tion of real property, as authorized by law; environmental
11 compliance and restoration; space flight, spacecraft con-
12 trol, and communications activities; program manage-
13 ment; personnel and related costs, including uniforms or
14 allowances therefor, as authorized by 5 U.S.C. 5901-
15 5902; travel expenses; purchase and hire of passenger
16 motor vehicles; and purchase, lease, charter, maintenance,
17 and operation of mission and administrative aircraft,
18 \$500,000,000 to remain available until September 30,
19 2010.

20

EXPLORATION

21 For necessary expenses, not otherwise provided for,
22 in the conduct and support of exploration research and
23 development activities, including research, development,
24 operations, support, and services; maintenance; construc-
25 tion of facilities including repair, rehabilitation, revitaliza-

1 tion, and modification of facilities, construction of new fa-
2 cilities and additions to existing facilities, facility planning
3 and design, and restoration, and acquisition or condemna-
4 tion of real property, as authorized by law; environmental
5 compliance and restoration; space flight, spacecraft con-
6 trol, and communications activities; program manage-
7 ment, personnel and related costs, including uniforms or
8 allowances therefor, as authorized by 5 U.S.C. 5901-
9 5902; travel expenses; purchase and hire of passenger
10 motor vehicles; and purchase, lease, charter, maintenance,
11 and operation of mission and administrative aircraft,
12 \$3,505,469,000 to remain available until September 30,
13 2010.

14 SPACE OPERATIONS

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

1 compliance and restoration; program management; per-
2 sonnel and related costs, including uniforms or allowances
3 therefor, as authorized by 5 U.S.C. 5901-5902; travel ex-
4 penses; purchase and hire of passenger motor vehicles; and
5 purchase, lease, charter, maintenance and operation of
6 mission and administrative aircraft, \$5,764,710,000, to
7 remain available until September 30, 2010: *Provided,*
8 That of the amounts provided under this heading,
9 \$2,981,724,000 shall be for Space Shuttle operations, pro-
10 duction, research, development, and support,
11 \$2,060,162,000 shall be for International Space Station
12 operations, production, research, development, and sup-
13 port, and \$722,824,000 shall be for Space and Flight sup-
14 port.

15 EDUCATION

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

1 \$169,200,000, to remain available until September 30,
2 2010.

3 CROSS AGENCY SUPPORT

4 For necessary expenses, not otherwise provided for,
5 in the conduct and support of science, aeronautics, explo-
6 ration, space operations and education research and devel-
7 opment activities, including research, development, oper-
8 ations, support, and services; maintenance; construction of
9 facilities including repair, rehabilitation, revitalization,
10 and modification of facilities, construction of new facilities
11 and additions to existing facilities, facility planning and
12 design, and restoration, and acquisition or condemnation
13 of real property, as authorized by law; environmental com-
14 pliance and restoration; space flight, spacecraft control,
15 and communications activities; program management; per-
16 sonnel and related costs, including uniforms or allowances
17 therefor, as authorized by 5 U.S.C. 5901-5902; travel ex-
18 penses; purchase and hire of passenger motor vehicles; not
19 to exceed \$70,000 for official reception and representation
20 expenses; and purchase, lease, charter, maintenance, and
21 operation of mission and administrative aircraft,
22 \$3,306,387,000, to remain available until September 30,
23 2010: *Provided*, That \$2,024,000,000, together with not
24 more than \$9,000,000 to be derived from receipts pursu-
25 ant to 42 U.S.C. 2459j, shall be available for center man-
26 agement and operations: *Provided further*, That notwith-

1 standing 42 U.S.C. 2459j, proceeds from enhanced use
2 leases that may be made available for obligation for fiscal
3 year 2009 shall not exceed \$9,000,000: *Provided further,*
4 That each annual budget request shall include an annual
5 estimate of gross receipts and collections and proposed use
6 of all funds collected pursuant to 42 U.S.C. 2459j: *Pro-*
7 *vided further,* That not less than \$45,000,000 shall be
8 available for independent verification and validation activi-
9 ties, of which \$5,000,000 shall be available to develop core
10 verification and validation competencies with small busi-
11 nesses, and \$40,000,000 shall be available for operations
12 of the independent verification and validation facility: *Pro-*
13 *vided further,* That within the amounts appropriated
14 \$67,500,000 shall be used for the projects, and in the
15 amounts, specified in the explanatory statement described
16 in section 4 (in the matter preceding division A of this
17 consolidated Act).

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the Inspector General Act of 1978,
21 \$33,600,000, to remain available until September 30,
22 2010.

23 ADMINISTRATIVE PROVISIONS

24 Notwithstanding the limitation on the duration of
25 availability of funds appropriated to the National Aero-
26 nautics and Space Administration for any account in this

1 Act, except for "Office of Inspector General", when any
2 activity has been initiated by the incurrence of obligations
3 for construction of facilities or environmental compliance
4 and restoration activities as authorized by law, such
5 amount available for such activity shall remain available
6 until expended. This provision does not apply to the
7 amounts appropriated for institutional minor revitaliza-
8 tion and minor construction of facilities, and institutional
9 facility planning and design.

10 Notwithstanding the limitation on the availability of
11 funds appropriated to the National Aeronautics and Space
12 Administration for any account in this Act, except for "Of-
13 fice of Inspector General", the amounts appropriated for
14 construction of facilities shall remain available until Sep-
15 tember 30, 2011.

16 Funds for announced prizes otherwise authorized
17 shall remain available, without fiscal year limitation, until
18 the prize is claimed or the offer is withdrawn.

19 Not to exceed 5 percent of any appropriation made
20 available for the current fiscal year for the National Aero-
21 nautics and Space Administration in this Act may be
22 transferred between such appropriations, but no such ap-
23 propriation, except as otherwise specifically provided, shall
24 be increased by more than 10 percent by any such trans-
25 fers. Any transfer pursuant to this provision shall be treat-

1 ed as a reprogramming of funds under section 505 of this
2 Act and shall not be available for obligation except in com-
3 pliance with the procedures set forth in that section.

4 Notwithstanding any other provision of law, no funds
5 shall be used to implement any Reduction in Force or
6 other involuntary separations (except for cause) by the
7 National Aeronautics and Space Administration prior to
8 September 30, 2009.

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

17 For the closeout of all Space Shuttle contracts and
18 associated programs, amounts that have expired but have
19 not been cancelled in the Human Space Flight, Space
20 Flight Capabilities, and Exploration Capabilities appro-
21 priations accounts shall remain available through fiscal
22 year 2015 for the liquidation of valid obligations incurred
23 during the period of fiscal year 2001 through fiscal year
24 2009.

1 Funding designations and minimum funding require-
2 ments contained in any other Act shall not be applicable
3 to funds appropriated by this title for the National Aero-
4 nautics and Space Administration.

5 The Administrator of NASA shall, not later than
6 February 2, 2009, submit to the appropriate committees
7 of Congress a report that delineates by fiscal year, mission
8 directorate and object class the full costs necessary for
9 Space Shuttle retirement and transition activities for fis-
10 cal years 2006 through 2015 that includes, but is not lim-
11 ited to, the following:

12 (1) the costs for environmental compliance and
13 remediation;

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

16 (3) the costs to maintain required facilities at
17 Kennedy Space Center during the gap in human
18 space flight;

19 (4) the costs associated with preservation of
20 historic properties;

21 (5) the costs of workforce transition; and

22 (6) other costs related to Space Shuttle retire-
23 ment and transition.

1 NATIONAL SCIENCE FOUNDATION
2 RESEARCH AND RELATED ACTIVITIES

3 For necessary expenses in carrying out the National
4 Science Foundation Act of 1950, as amended (42 U.S.C.
5 1861–1875), and the Act to establish a National Medal
6 of Science (42 U.S.C. 1880–1881); services as authorized
7 by 5 U.S.C. 3109; maintenance and operation of aircraft
8 and purchase of flight services for research support; acqui-
9 sition of aircraft; and authorized travel; \$5,183,100,000,
10 to remain available until September 30, 2010, of which
11 not to exceed \$540,000,000 shall remain available until
12 expended for polar research and operations support, and
13 for reimbursement to other Federal agencies for oper-
14 ational and science support and logistical and other re-
15 lated activities for the United States Antarctic program:
16 *Provided*, That from funds specified in the fiscal year
17 2009 budget request for icebreaking services, up to
18 \$54,000,000 shall be available for the procurement of
19 polar icebreaking services: *Provided further*, That the Na-
20 tional Science Foundation shall only reimburse the Coast
21 Guard for such sums as are agreed to according to the
22 existing memorandum of agreement: *Provided further*,
23 That receipts for scientific support services and materials
24 furnished by the National Research Centers and other Na-
25 tional Science Foundation supported research facilities

1 may be credited to this appropriation: *Provided further,*
2 That not less than \$133,000,000 shall be available for ac-
3 tivities authorized by section 7002(b)(2)(A)(iv) of Public
4 Law 110-69.

5 MAJOR RESEARCH EQUIPMENT AND FACILITIES

6 CONSTRUCTION

7 For necessary expenses for the acquisition, construc-
8 tion, commissioning, and upgrading of major research
9 equipment, facilities, and other such capital assets pursu-
10 ant to the National Science Foundation Act of 1950, as
11 amended (42 U.S.C. 1861-1875), including authorized
12 travel, \$152,010,000, to remain available until expended. ✓

13 EDUCATION AND HUMAN RESOURCES

14 For necessary expenses in carrying out science and
15 engineering education and human resources programs and
16 activities pursuant to the National Science Foundation
17 Act of 1950, as amended (42 U.S.C. 1861-1875), includ-
18 ing services as authorized by 5 U.S.C. 3109, authorized
19 travel, and rental of conference rooms in the District of
20 Columbia, \$845,260,000, to remain available until Sep-
21 tember 30, 2010: *Provided further,* That not less than
22 \$55,000,000 shall be available until expended for activities
23 authorized by section 7030 of Public Law 110-69.

24 AGENCY OPERATIONS AND AWARD MANAGEMENT

25 For agency operations and award management nec-
26 essary in carrying out the National Science Foundation

1 Act of 1950, as amended (42 U.S.C. 1861–1875); services
2 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
3 hicles; not to exceed \$9,000 for official reception and rep-
4 resentation expenses; uniforms or allowances therefor, as
5 authorized by 5 U.S.C. 5901–5902; rental of conference
6 rooms in the District of Columbia; and reimbursement of
7 the Department of Homeland Security for security guard
8 services; \$294,000,000: *Provided*, That contracts may be
9 entered into under this heading in fiscal year 2009 for
10 maintenance and operation of facilities, and for other serv-
11 ices, to be provided during the next fiscal year.

12 OFFICE OF THE NATIONAL SCIENCE BOARD

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

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General as authorized by the Inspector General Act of
4 1978, as amended, \$12,000,000.

5 This title may be cited as the "Science Appropria-
6 tions Act, 2009".

7 TITLE IV

8 RELATED AGENCIES

9 COMMISSION ON CIVIL RIGHTS

10 SALARIES AND EXPENSES

11 For necessary expenses of the Commission on Civil
12 Rights, including hire of passenger motor vehicles,
13 \$8,800,000: *Provided*, That none of the funds appro-
14 priated in this paragraph shall be used to employ in excess
15 of four full-time individuals under Schedule C of the Ex-
16 cepted Service exclusive of one special assistant for each
17 Commissioner: *Provided further*, That none of the funds
18 appropriated in this paragraph shall be used to reimburse
19 Commissioners for more than 75 billable days, with the
20 exception of the chairperson, who is permitted 125 billable
21 days.

22 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Equal Employment
25 Opportunity Commission as authorized by title VII of the

1 Civil Rights Act of 1964, the Age Discrimination in Em-
2 ployment Act of 1967, the Equal Pay Act of 1963, the
3 Americans with Disabilities Act of 1990, and the Civil
4 Rights Act of 1991, including services as authorized by
5 5 U.S.C. 3109; hire of passenger motor vehicles as author-
6 ized by 31 U.S.C. 1343(b); nonmonetary awards to private
7 citizens; and not to exceed \$26,000,000 for payments to
8 State and local enforcement agencies for authorized serv-
9 ices to the Commission, \$343,925,000: *Provided*, That the
10 Commission is authorized to make available for official re-
11 ception and representation expenses not to exceed \$2,500
12 from available funds: *Provided further*, That the Commis-
13 sion may take no action to implement any workforce repo-
14 sitioning, restructuring, or reorganization until such time
15 as the House and Senate Committees on Appropriations
16 have been notified of such proposals, in accordance with
17 the reprogramming requirements of section 505 of this
18 Act. *Provided further*, That the Chair is authorized to ac-
19 cept and use any gift or donation to carry out the work
20 of the Commission.

21 INTERNATIONAL TRADE COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the International Trade
24 Commission, including hire of passenger motor vehicles,
25 and services as authorized by 5 U.S.C. 3109, and not to

1 exceed \$2,500 for official reception and representation ex-
2 penses, \$75,100,000, to remain available until expended.

3 LEGAL SERVICES CORPORATION

4 PAYMENT TO THE LEGAL SERVICES CORPORATION

5 For payment to the Legal Services Corporation to
6 carry out the purposes of the Legal Services Corporation
7 Act of 1974, \$390,000,000, of which \$365,800,000 is for
8 basic field programs and required independent audits;
9 \$4,200,000 is for the Office of Inspector General, of which
10 such amounts as may be necessary may be used to conduct
11 additional audits of recipients; \$16,000,000 is for manage-
12 ment and administration; \$3,000,000 is for client self-help
13 and information technology; and \$1,000,000 is for loan
14 repayment assistance: *Provided*, That the Legal Services
15 Corporation may continue to provide locality pay to offi-
16 cers and employees at a rate no greater than that provided
17 by the Federal Government to Washington, DC-based em-
18 ployees as authorized by 5 U.S.C. 5304, notwithstanding
19 section 1005(d) of the Legal Services Corporation Act, 42
20 U.S.C. 2996(d).

21 ADMINISTRATIVE PROVISION—LEGAL SERVICES

22 CORPORATION

23 None of the funds appropriated in this Act to the
24 Legal Services Corporation shall be expended for any pur-
25 pose prohibited or limited by, or contrary to any of the

1 provisions of, sections 501, 502, 503, 504, 505, and 506
2 of Public Law 105-119, and all funds appropriated in this
3 Act to the Legal Services Corporation shall be subject to
4 the same terms and conditions set forth in such sections,
5 except that all references in sections 502 and 503 to 1997
6 and 1998 shall be deemed to refer instead to 2008 and
7 2009, respectively.

8 MARINE MAMMAL COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Marine Mammal Com-
11 mission as authorized by title II of Public Law 92-522,
12 \$3,200,000.

13 OFFICE OF THE UNITED STATES TRADE

14 REPRESENTATIVE

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the United
17 States Trade Representative, including the hire of pas-
18 senger motor vehicles and the employment of experts and
19 consultants as authorized by 5 U.S.C. 3109, \$47,272,000,
20 of which \$1,000,000 shall remain available until expended:
21 *Provided*, That not to exceed \$124,000 shall be available
22 for official reception and representation expenses: *Pro-*
23 *vided further*, That negotiations shall be conducted within
24 the World Trade Organization to recognize the right of
25 members to distribute monies collected from antidumping

1 and countervailing duties: *Provided further*, That negotia-
2 tions shall be conducted within the World Trade Organiza-
3 tion consistent with the negotiating objectives contained
4 in the Trade Act of 2002, Public Law 107-210.

5 STATE JUSTICE INSTITUTE

6 SALARIES AND EXPENSES

7 For necessary expenses of the State Justice Institute,
8 as authorized by the State Justice Institute Authorization
9 Act of 1984 (42 U.S.C. 10701 et. seq.) \$4,100,000, of
10 which \$250,000 shall remain available until September 30,
11 2010: *Provided*, That not to exceed \$2,500 shall be avail-
12 able for official reception and representation expenses.

13 TITLE V

14 GENERAL PROVISIONS

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

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

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

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

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

9 SEC. 505. (a) None of the funds provided under this
10 Act, or provided under previous appropriations Acts to the
11 agencies funded by this Act that remain available for obli-
12 gation or expenditure in fiscal year 2009, or provided from
13 any accounts in the Treasury of the United States derived
14 by the collection of fees available to the agencies funded
15 by this Act, shall be available for obligation or expenditure
16 through the reprogramming of funds that:

17 (1) creates or initiates a new program, project or ac-
18 tivity;

19 (2) eliminates a program, project or activity, unless
20 the House and Senate Committees on Appropriations are
21 notified 15 days in advance of such reprogramming of
22 funds;

23 (3) increases funds or personnel by any means for
24 any project or activity for which funds have been denied
25 or restricted by this Act, unless the House and Senate

1 Committees on Appropriations are notified 15 days in ad-
2 vance of such reprogramming of funds;

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

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

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

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

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

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

7 (b) None of the funds in provided under this Act, or
8 provided under previous appropriations Acts to the agen-
9 cies funded by this Act that remain available for obligation
10 or expenditure in fiscal year 2009, or provided from any
11 accounts in the Treasury of the United States derived by
12 the collection of fees available to the agencies funded by
13 this Act, shall be available for obligation or expenditure
14 through the reprogramming of funds after August 1, ex-
15 cept in extraordinary circumstances, and only after the
16 House and Senate Committees on Appropriations are noti-
17 fied 30 days in advance of such reprogramming of funds.

18 SEC. 506. Hereafter, none of the funds made avail-
19 able in this or any other Act may be used to implement,
20 administer, or enforce any guidelines of the Equal Em-
21 ployment Opportunity Commission covering harassment
22 based on religion, when it is made known to the Federal
23 entity or official to which such funds are made available
24 that such guidelines do not differ in any respect from the

1 proposed guidelines published by the Commission on Octo-
2 ber 1, 1993 (58 Fed. Reg. 51266).

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

13 SEC. 508. The Departments of Commerce and Jus-
14 tice, the National Science Foundation, and the National
15 Aeronautics and Space Administration, shall provide to
16 the House and Senate Committees on Appropriations a
17 quarterly accounting of the cumulative balances of any un-
18 obligated funds that were received by such agency during
19 any previous fiscal year.

20 SEC. 509. Any costs incurred by a department or
21 agency funded under this Act resulting from, or to pre-
22 vent, personnel actions taken in response to funding re-
23 ductions included in this Act shall be absorbed within the
24 total budgetary resources available to such department or
25 agency: *Provided*, That the authority to transfer funds be-

1 tween appropriations accounts as may be necessary to
2 carry out this section is provided in addition to authorities
3 included elsewhere in this Act: *Provided further*, That use
4 of funds to carry out this section shall be treated as a
5 reprogramming of funds under section 505 of this Act and
6 shall not be available for obligation or expenditure except
7 in compliance with the procedures set forth in that section.

8 SEC. 510. None of the funds provided by this Act
9 shall be available to promote the sale or export of tobacco
10 or tobacco products, or to seek the reduction or removal
11 by any foreign country of restrictions on the marketing
12 of tobacco or tobacco products, except for restrictions
13 which are not applied equally to all tobacco or tobacco
14 products of the same type.

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

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

20 (2) any system to implement subsection 922(t)
21 of title 18, United States Code, that does not re-
22 quire and result in the destruction of any identifying
23 information submitted by or on behalf of any person
24 who has been determined not to be prohibited from
25 possessing or receiving a firearm no more than 24

1 hours after the system advises a Federal firearms li-
2 censee that possession or receipt of a firearm by the
3 prospective transferee would not violate subsection
4 (g) or (n) of section 922 of title 18, United States
5 Code, or State law.

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

11 SEC. 513. None of the funds made available to the
12 Department of Justice in this Act may be used to discrimi-
13 nate against or denigrate the religious or moral beliefs of
14 students who participate in programs for which financial
15 assistance is provided from those funds, or of the parents
16 or legal guardians of such students.

17 SEC. 514. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government, except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this Act or any other appropriations Act.

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

1 SEC. 516. (a) Tracing studies conducted by the Bu-
2 reau of Alcohol, Tobacco, Firearms and Explosives are re-
3 leased without adequate disclaimers regarding the limita-
4 tions of the data.

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

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

18 (2) Firearms selected for tracing are not chosen
19 for purposes of determining which types, makes, or
20 models of firearms are used for illicit purposes. The
21 firearms selected do not constitute a random sample
22 and should not be considered representative of the
23 larger universe of all firearms used by criminals, or
24 any subset of that universe. Firearms are normally
25 traced to the first retail seller, and sources reported

1 for firearms traced do not necessarily represent the
2 sources or methods by which firearms in general are
3 acquired for use in crime.

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

16 (b) Within 60 days after the date on which an audit
17 described in subsection (a) by an Inspector General is
18 completed, the Secretary, Attorney General, Adminis-
19 trator, Director, or President, as appropriate, shall make
20 the results of the audit available to the public on the Inter-
21 net website maintained by the Department, Administra-
22 tion, Foundation, or Corporation, respectively. The results
23 shall be made available in redacted form to exclude—

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

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

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

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

21 (e) The provisions of the preceding subsections of this
22 section shall take effect 30 days after the date on which
23 the Director of the Office of Management and Budget, in
24 consultation with the Director of the Office of Government
25 Ethics, determines that a uniform set of rules and require-

1 ments, substantially similar to the requirements in such
2 subsections, consistently apply under the executive branch
3 ethics program to all Federal departments, agencies, and
4 entities.

5 SEC. 518. None of the funds appropriated or other-
6 wise made available under this Act may be used to issue
7 patents on claims directed to or encompassing a human
8 organism.

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

13 SEC. 520. (a) Notwithstanding any other provision
14 of law or treaty, none of the funds appropriated or other-
15 wise made available under this Act or any other Act may
16 be expended or obligated by a department, agency, or in-
17 strumentality of the United States to pay administrative
18 expenses or to compensate an officer or employee of the
19 United States in connection with requiring an export li-
20 cense for the export to Canada of components, parts, ac-
21 cessories or attachments for firearms listed in Category
22 I, section 121.1 of title 22, Code of Federal Regulations
23 (International Trafficking in Arms Regulations (ITAR),
24 part 121, as it existed on April 1, 2005) with a total value
25 not exceeding \$500 wholesale in any transaction, provided

1 that the conditions of subsection (b) of this section are
2 met by the exporting party for such articles.

3 (b) The foregoing exemption from obtaining an ex-
4 port license—

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

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

13 (A) fully automatic firearms and compo-
14 nents and parts for such firearms, other than
15 for end use by the Federal Government, or a
16 Provincial or Municipal Government of Canada;

17 (B) barrels, cylinders, receivers (frames) or
18 complete breech mechanisms for any firearm
19 listed in Category I, other than for end use by
20 the Federal Government, or a Provincial or Mu-
21 nicipal Government of Canada; or

22 (C) articles for export from Canada to an-
23 other foreign destination.

24 (c) In accordance with this section, the District Di-
25 rectors of Customs and postmasters shall permit the per-

1 manent or temporary export without a license of any un-
2 classified articles specified in subsection (a) to Canada for
3 end use in Canada or return to the United States, or tem-
4 porary import of Canadian-origin items from Canada for
5 end use in the United States or return to Canada for a
6 Canadian citizen.

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

18 SEC. 521. Notwithstanding any other provision of
19 law, no department, agency, or instrumentality of the
20 United States receiving appropriated funds under this Act
21 or any other Act shall obligate or expend in any way such
22 funds to pay administrative expenses or the compensation
23 of any officer or employee of the United States to deny
24 any application submitted pursuant to 22 U.S.C.
25 2778(b)(1)(B) and qualified pursuant to 27 CFR section

1 478.112 or .113, for a permit to import United States ori-
2 gin "curios or relics" firearms, parts, or ammunition.

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

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

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

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

12 SEC. 523. None of the funds made available in this
13 Act may be used to authorize or issue a national security
14 letter in contravention of any of the following laws author-
15 izing the Federal Bureau of Investigation to issue national
16 security letters: The Right to Financial Privacy Act; The
17 Electronic Communications Privacy Act; The Fair Credit
18 Reporting Act; The National Security Act of 1947; USA
19 PATRIOT Act; and the laws amended by these Acts.

20 SEC. 524. If at any time during any quarter, the pro-
21 gram manager of a project within the jurisdiction of the
22 Departments of Commerce or Justice, the National Aero-
23 nautics and Space Administration, or the National Science
24 Foundation totaling more than \$75,000,000 has reason-
25 able cause to believe that the total program cost has in-

1 creased by 10 percent, the program manager shall imme-
2 diately inform the Secretary, Administrator, or Director.
3 The Secretary, Administrator, or Director shall notify the
4 House and Senate Committees on Appropriations within
5 30 days in writing of such increase, and shall include in
6 such notice: the date on which such determination was
7 made; a statement of the reasons for such increases; the
8 action taken and proposed to be taken to control future
9 cost growth of the project; changes made in the perform-
10 ance or schedule milestones and the degree to which such
11 changes have contributed to the increase in total program
12 costs or procurement costs; new estimates of the total
13 project or procurement costs; and a statement validating
14 that the project's management structure is adequate to
15 control total project or procurement costs.

16 SEC. 525. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for intel-
18 ligence or intelligence related activities are deemed to be
19 specifically authorized by the Congress for purposes of sec-
20 tion 504 of the National Security Act of 1947 (50 U.S.C.
21 414) during fiscal year 2009 until the enactment of the
22 Intelligence Authorization Act for Fiscal Year 2009.

23 SEC. 526. The Departments, agencies, and commis-
24 sions funded under this Act, shall establish and maintain
25 on the homepages of their Internet websites—

LC

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

3 (2) a mechanism on the Offices of Inspectors
4 General website by which individuals may anony-
5 mously report cases of waste, fraud, or abuse with
6 respect to those Departments, agencies, and commis-
7 sions.

8 SEC. 527. None of the funds appropriated or other-
9 wise made available by this Act may be used to enter into
10 a contract in an amount greater than \$5,000,000 or to
11 award a grant in excess of such amount unless the pro-
12 spective contractor or grantee certifies in writing to the
13 agency awarding the contract or grant that, to the best
14 of its knowledge and belief, the contractor or grantee has
15 filed all Federal tax returns required during the three
16 years preceding the certification, has not been convicted
17 of a criminal offense under the Internal Revenue Code of
18 1986, and has not, more than 90 days prior to certifi-
19 cation, been notified of any unpaid Federal tax assessment
20 for which the liability remains unsatisfied, unless the as-
21 sessment is the subject of an installment agreement or
22 offer in compromise that has been approved by the Inter-
23 nal Revenue Service and is not in default, or the assess-
24 ment is the subject of a non-frivolous administrative or
25 judicial proceeding.

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

3 (1) "Economic Development Administration,
4 Economic Development Assistance Programs",
5 \$15,000,000;

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

8 (3) "National Telecommunications and Infor-
9 mation Administration, Salaries and Expenses",
10 \$3,000,000;

11 (4) "National Telecommunications and Infor-
12 mation Administration, Public Telecommunications,
13 Facilities, Planning and Construction", \$1,600,000;
14 and

15 (5) "Bureau of the Census, Periodic Censuses
16 and Programs", \$1,000,000.

17 (b) Of the unobligated balances available to the De-
18 partment of Justice from prior appropriations, the fol-
19 lowing funds are hereby rescinded, not later than Sep-
20 tember 30, 2009, from the following accounts in the speci-
21 fied amounts:

22 (1) "General Administration, Working Capital
23 Fund", \$100,000,000;

24 (2) "Legal Activities, Assets Forfeiture Fund",
25 \$285,000,000;

1 (3) “Office of Justice Programs”,
2 \$100,000,000; and

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

5 (c) Each department affected by the rescissions con-
6 tained in subsections (a) and (b) shall, within 30 days of
7 enactment of this Act, submit to the Committee on Appro-
8 priations of the House of Representatives and the Senate
9 a report specifying the amount of each rescission made
10 pursuant to this section.

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

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

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

22 This division may be cited as the “Commerce, Jus-
23 tice, Science, and Related Agencies Appropriations Act,
24 2009”.