

In the House of Representatives, U. S.,

December 17, 2007.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2764) entitled “An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes”, with the following

HOUSE AMENDMENTS TO SENATE AMENDMENT:

(1) Page 1 of the Senate engrossed amendment, strike line 1 and all that follows through the end of line 2 on page 227, and insert the following:

1*SECTION 1. SHORT TITLE.*

2*This Act may be cited as the “Consolidated Appropriations Act, 2008”.*

4*SEC. 2. TABLE OF CONTENTS.*

5*The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

Sec. 4. Explanatory statement.

Sec. 5. Emergency designations.

Sec. 6. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Agricultural Programs

Title II—Conservation Programs

Title III—Rural Development Programs

Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

*DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED
 AGENCIES APPROPRIATIONS ACT, 2008*

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related Agencies
Title V—General Provisions
Title VI—Rescissions

*DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED
 AGENCIES APPROPRIATIONS ACT, 2008*

Title I—Department of Defense—Civil: Department of the Army
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

*DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT
 APPROPRIATIONS ACT, 2008*

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies
Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

*DIVISION E—DEPARTMENT OF HOMELAND SECURITY
 APPROPRIATIONS ACT, 2008*

Title I—Department of Homeland Security
Title II—Security, Enforcement, and Investigations
Title III—Protection, Preparedness, Response, and Recovery
Title IV—Research and Development, Training, and Services
Title V—General Provisions
Title VI—Border Infrastructure and Technology Modernization

*DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
 RELATED AGENCIES APPROPRIATIONS ACT, 2008*

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions

Title V—Wildfire Suppression Emergency Appropriations

DIVISION G—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

Title VI—National Commission on Children and Disasters

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2008

Title I—Legislative Branch Appropriations

Title II—General Provisions

DIVISION I—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related Agencies

Title IV—General Provisions

DIVISION J—DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008

Title I—Department of State and Related Agencies

Title II—Export and Investment Assistance

Title III—Bilateral Economic Assistance

Title IV—Military Assistance

Title V—Multilateral Economic Assistance

Title VI—General Provisions

DIVISION K—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related Agencies

Title IV—General Provisions This Act

1 SEC. 3. REFERENCES.

2 *Except as expressly provided otherwise, any reference*
 3 *to “this Act” contained in any division of this Act shall*
 4 *be treated as referring only to the provisions of that divi-*
 5 *sion.*

1 **SEC. 4. EXPLANATORY STATEMENT.**

2 *The explanatory statement regarding the consolidated*
3 *appropriations amendment of the House of Representatives*
4 *to the amendment of the Senate to H.R. 2764, printed in*
5 *the House section of the Congressional Record on or about*
6 *December 17, 2007 by the Chairman of the Committee on*
7 *Appropriations of the House, shall have the same effect with*
8 *respect to the allocation of funds and implementation of di-*
9 *visions A through K of this Act as if it were a joint explana-*
10 *tory statement of a committee of conference.*

11 **SEC. 5. EMERGENCY DESIGNATIONS.**

12 *Any designation in any division of this Act referring*
13 *to this section is a designation of an amount as an emer-*
14 *gency requirement and necessary to meet emergency needs*
15 *pursuant to subsections (a) and (b) of section 204 of S. Con.*
16 *Res. 21 (110th Congress), the concurrent resolution on the*
17 *budget for fiscal year 2008.*

18 **SEC. 6. STATEMENT OF APPROPRIATIONS.**

19 *The following sums in this Act are appropriated, out*
20 *of any money in the Treasury not otherwise appropriated,*
21 *for the fiscal year ending September 30, 2008.*

1 *DIVISION A—AGRICULTURE RURAL DEVELOP-*
2 *MENT, FOOD AND DRUG ADMINISTRATION,*
3 *AND RELATED AGENCIES APPROPRIATIONS*
4 *ACT, 2008*

5 *TITLE I*

6 *AGRICULTURAL PROGRAMS*

7 *PRODUCTION, PROCESSING AND MARKETING*

8 *OFFICE OF THE SECRETARY*

9 *For necessary expenses of the Office of the Secretary*
10 *of Agriculture, \$5,097,000: Provided, That not to exceed*
11 *\$11,000 of this amount shall be available for official recep-*
12 *tion and representation expenses, not otherwise provided*
13 *for, as determined by the Secretary.*

14 *EXECUTIVE OPERATIONS*

15 *OFFICE OF THE CHIEF ECONOMIST*

16 *For necessary expenses of the Office of the Chief Econo-*
17 *mist, including economic analysis, risk assessment, cost-*
18 *benefit analysis, energy and new uses, and the functions*
19 *of the World Agricultural Outlook Board, as authorized by*
20 *the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g),*
21 *\$10,487,000.*

22 *NATIONAL APPEALS DIVISION*

23 *For necessary expenses of the National Appeals Divi-*
24 *sion, \$14,466,000.*

1 *cover the costs of additional, new, or replacement space* 15
2 *days after notice thereof is transmitted to the Appropria-*
3 *tions Committees of both Houses of Congress.*

4 *HAZARDOUS MATERIALS MANAGEMENT*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For necessary expenses of the Department of Agri-*
7 *culture, to comply with the Comprehensive Environmental*
8 *Response, Compensation, and Liability Act (42 U.S.C.*
9 *9601 et seq.) and the Resource Conservation and Recovery*
10 *Act (42 U.S.C. 6901 et seq.), \$4,886,000, to remain avail-*
11 *able until expended: Provided, That appropriations and*
12 *funds available herein to the Department for Hazardous*
13 *Materials Management may be transferred to any agency*
14 *of the Department for its use in meeting all requirements*
15 *pursuant to the above Acts on Federal and non-Federal*
16 *lands.*

17 *DEPARTMENTAL ADMINISTRATION*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *For Departmental Administration, \$23,144,000, to*
20 *provide for necessary expenses for management support*
21 *services to offices of the Department and for general admin-*
22 *istration, security, repairs and alterations, and other mis-*
23 *cellaneous supplies and expenses not otherwise provided for*
24 *and necessary for the practical and efficient work of the*
25 *Department: Provided, That this appropriation shall be re-*

1 *imbursed from applicable appropriations in this Act for*
2 *travel expenses incident to the holding of hearings as re-*
3 *quired by 5 U.S.C. 551–558.*

4 *OFFICE OF THE ASSISTANT SECRETARY FOR*
5 *CONGRESSIONAL RELATIONS*
6 *(INCLUDING TRANSFERS OF FUNDS)*

7 *For necessary expenses of the Office of the Assistant*
8 *Secretary for Congressional Relations to carry out the pro-*
9 *grams funded by this Act, including programs involving*
10 *intergovernmental affairs and liaison within the executive*
11 *branch, \$3,795,000: Provided, That these funds may be*
12 *transferred to agencies of the Department of Agriculture*
13 *funded by this Act to maintain personnel at the agency*
14 *level: Provided further, That no funds made available by*
15 *this appropriation may be obligated after 30 days from the*
16 *date of enactment of this Act, unless the Secretary has noti-*
17 *fied the Committees on Appropriations of both Houses of*
18 *Congress on the allocation of these funds by USDA agency:*
19 *Provided further, That no other funds appropriated to the*
20 *Department by this Act shall be available to the Depart-*
21 *ment for support of activities of congressional relations.*

22 *OFFICE OF COMMUNICATIONS*

23 *For necessary expenses of the Office of Communica-*
24 *tions to carry out services relating to the coordination of*
25 *programs involving public affairs, for the dissemination of*

1 *agricultural information, and the coordination of informa-*
2 *tion, work, and programs authorized by Congress in the De-*
3 *partment, \$9,338,000.*

4 *OFFICE OF INSPECTOR GENERAL*

5 *For necessary expenses of the Office of Inspector Gen-*
6 *eral, including employment pursuant to the Inspector Gen-*
7 *eral Act of 1978, \$80,052,000, including such sums as may*
8 *be necessary for contracting and other arrangements with*
9 *public agencies and private persons pursuant to section*
10 *6(a)(9) of the Inspector General Act of 1978, and including*
11 *not to exceed \$125,000 for certain confidential operational*
12 *expenses, including the payment of informants, to be ex-*
13 *pendent under the direction of the Inspector General pursu-*
14 *ant to Public Law 95-452 and section 1337 of Public Law*
15 *97-98.*

16 *OFFICE OF THE GENERAL COUNSEL*

17 *For necessary expenses of the Office of the General*
18 *Counsel, \$39,227,000.*

19 *OFFICE OF THE UNDER SECRETARY FOR RESEARCH,*

20 *EDUCATION AND ECONOMICS*

21 *For necessary expenses of the Office of the Under Sec-*
22 *retary for Research, Education and Economics to admin-*
23 *ister the laws enacted by the Congress for the Economic Re-*
24 *search Service, the National Agricultural Statistics Service,*
25 *the Agricultural Research Service, and the Cooperative*

1 *State Research, Education, and Extension Service,*
2 *\$596,000.*

3 *ECONOMIC RESEARCH SERVICE*

4 *For necessary expenses of the Economic Research Serv-*
5 *ice in conducting economic research and analysis,*
6 *\$77,943,000.*

7 *NATIONAL AGRICULTURAL STATISTICS SERVICE*

8 *For necessary expenses of the National Agricultural*
9 *Statistics Service in conducting statistical reporting and*
10 *service work, \$163,355,000, of which up to \$52,351,000*
11 *shall be available until expended for the Census of Agri-*
12 *culture.*

13 *AGRICULTURAL RESEARCH SERVICE*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses to enable the Agricultural Re-*
16 *search Service to perform agricultural research and dem-*
17 *onstration relating to production, utilization, marketing,*
18 *and distribution (not otherwise provided for); home econom-*
19 *ics or nutrition and consumer use including the acquisition,*
20 *preservation, and dissemination of agricultural informa-*
21 *tion; and for acquisition of lands by donation, exchange,*
22 *or purchase at a nominal cost not to exceed \$100, and for*
23 *land exchanges where the lands exchanged shall be of equal*
24 *value or shall be equalized by a payment of money to the*
25 *grantor which shall not exceed 25 percent of the total value*

1 *of the land or interests transferred out of Federal ownership,*
2 *\$1,128,944,000: Provided, That appropriations hereunder*
3 *shall be available for the operation and maintenance of air-*
4 *craft and the purchase of not to exceed one for replacement*
5 *only: Provided further, That appropriations hereunder shall*
6 *be available pursuant to 7 U.S.C. 2250 for the construction,*
7 *alteration, and repair of buildings and improvements, but*
8 *unless otherwise provided, the cost of constructing any one*
9 *building shall not exceed \$375,000, except for headhouses*
10 *or greenhouses which shall each be limited to \$1,200,000,*
11 *and except for 10 buildings to be constructed or improved*
12 *at a cost not to exceed \$750,000 each, and the cost of alter-*
13 *ing any one building during the fiscal year shall not exceed*
14 *10 percent of the current replacement value of the building*
15 *or \$375,000, whichever is greater: Provided further, That*
16 *the limitations on alterations contained in this Act shall*
17 *not apply to modernization or replacement of existing fa-*
18 *cilities at Beltsville, Maryland: Provided further, That ap-*
19 *propriations hereunder shall be available for granting ease-*
20 *ments at the Beltsville Agricultural Research Center: Pro-*
21 *vided further, That the foregoing limitations shall not apply*
22 *to replacement of buildings needed to carry out the Act of*
23 *April 24, 1948 (21 U.S.C. 113a): Provided further, That*
24 *funds may be received from any State, other political sub-*
25 *division, organization, or individual for the purpose of es-*

1 *tablishing or operating any research facility or research*
2 *project of the Agricultural Research Service, as authorized*
3 *by law: Provided further, That hereafter none of the funds*
4 *appropriated under this heading shall be available to carry*
5 *out research related to the production, processing, or mar-*
6 *keting of tobacco or tobacco products.*

7 *BUILDINGS AND FACILITIES*

8 *For acquisition of land, construction, repair, improve-*
9 *ment, extension, alteration, and purchase of fixed equip-*
10 *ment or facilities as necessary to carry out the agricultural*
11 *research programs of the Department of Agriculture, where*
12 *not otherwise provided, \$47,082,000, to remain available*
13 *until expended.*

14 *COOPERATIVE STATE RESEARCH, EDUCATION, AND*
15 *EXTENSION SERVICE*

16 *RESEARCH AND EDUCATION ACTIVITIES*

17 *For payments to agricultural experiment stations, for*
18 *cooperative forestry and other research, for facilities, and*
19 *for other expenses, \$672,997,000, as follows: to carry out*
20 *the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-*
21 *i), \$197,192,000; for grants for cooperative forestry research*
22 *(16 U.S.C. 582a through a-7), \$24,966,000; for payments*
23 *to eligible institutions (7 U.S.C. 3222), \$41,340,000, pro-*
24 *vided that each institution receives no less than \$1,000,000;*
25 *for special grants for agricultural research (7 U.S.C.*
26 *450i(c)), \$92,422,000, of which \$2,095,000 shall be for*

1 grants pursuant to 7 U.S.C. 3155; for competitive grants
2 for agricultural research on improved pest control (7 U.S.C.
3 450i(c)), \$15,421,000; for competitive research grants (7
4 U.S.C. 450i(b)), \$192,229,000; for the support of animal
5 health and disease programs (7 U.S.C. 3195), \$5,006,000;
6 for supplemental and alternative crops and products (7
7 U.S.C. 3319d), \$825,000; for grants for research pursuant
8 to the Critical Agricultural Materials Act (7 U.S.C. 178
9 et seq.), \$1,091,000, to remain available until expended; for
10 the 1994 research grants program for 1994 institutions pur-
11 suant to section 536 of Public Law 103-382 (7 U.S.C. 301
12 note), \$1,544,000, to remain available until expended; for
13 rangeland research grants (7 U.S.C. 3333), \$990,000; for
14 higher education graduate fellowship grants (7 U.S.C.
15 3152(b)(6)), \$3,701,000, to remain available until expended
16 (7 U.S.C. 2209b); for a program pursuant to section 1415A
17 of the National Agricultural Research, Extension, and
18 Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$875,000,
19 to remain available until expended; for higher education
20 challenge grants (7 U.S.C. 3152(b)(1)), \$5,423,000; for a
21 higher education multicultural scholars program (7 U.S.C.
22 3152(b)(5)), \$988,000, to remain available until expended
23 (7 U.S.C. 2209b); for an education grants program for His-
24 panic-serving Institutions (7 U.S.C. 3241), \$6,089,000; for
25 competitive grants for the purpose of carrying out all provi-

1 sions of 7 U.S.C. 3242 (section 759 of Public Law 106–
2 78) to individual eligible institutions or consortia of eligible
3 institutions in Alaska and in Hawaii, with funds awarded
4 equally to each of the States of Alaska and Hawaii,
5 \$3,218,000; for a secondary agriculture education program
6 and 2-year post-secondary education (7 U.S.C. 3152(j)),
7 \$990,000; for aquaculture grants (7 U.S.C. 3322),
8 \$3,956,000; for sustainable agriculture research and edu-
9 cation (7 U.S.C. 5811), \$14,500,000; for a program of ca-
10 pacity building grants (7 U.S.C. 3152(b)(4)) to institutions
11 eligible to receive funds under 7 U.S.C. 3221 and 3222,
12 \$13,688,000, to remain available until expended (7 U.S.C.
13 2209b); for payments to the 1994 Institutions pursuant to
14 section 534(a)(1) of Public Law 103–382, \$3,342,000; for
15 resident instruction grants for insular areas under section
16 1491 of the National Agricultural Research, Extension, and
17 Teaching Policy Act of 1977 (7 U.S.C. 3363), \$750,000; and
18 for necessary expenses of Research and Education Activi-
19 ties, \$42,451,000, of which \$2,723,000 for the Research,
20 Education, and Economics Information System and
21 \$2,151,000 for the Electronic Grants Information System,
22 are to remain available until expended: Provided, That
23 hereafter none of the funds appropriated under this heading
24 shall be available to carry out research related to the pro-
25 duction, processing, or marketing of tobacco or tobacco

1 *products: Provided further, That hereafter this paragraph*
2 *shall not apply to research on the medical, biotechnological,*
3 *food, and industrial uses of tobacco.*

4 *NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND*

5 *For the Native American Institutions Endowment*
6 *Fund authorized by Public Law 103–382 (7 U.S.C. 301*
7 *note), \$11,880,000, to remain available until expended.*

8 *EXTENSION ACTIVITIES*

9 *For payments to States, the District of Columbia,*
10 *Puerto Rico, Guam, the Virgin Islands, Micronesia, North-*
11 *ern Marianas, and American Samoa, \$456,460,000, as fol-*
12 *lows: payments for cooperative extension work under the*
13 *Smith-Lever Act, to be distributed under sections 3(b) and*
14 *3(c) of said Act, and under section 208(c) of Public Law*
15 *93–471, for retirement and employees’ compensation costs*
16 *for extension agents, \$276,596,000; payments for extension*
17 *work at the 1994 Institutions under the Smith-Lever Act*
18 *(7 U.S.C. 343(b)(3)), \$3,321,000; payments for the nutri-*
19 *tion and family education program for low-income areas*
20 *under section 3(d) of the Act, \$66,019,000; payments for*
21 *the pest management program under section 3(d) of the Act,*
22 *\$9,860,000; payments for the farm safety program under*
23 *section 3(d) of the Act, \$4,759,000; payments for New Tech-*
24 *nologies for Ag Extension under Section 3(d) of the Act,*
25 *\$1,485,000; payments to upgrade research, extension, and*
26 *teaching facilities at institutions eligible to receive funds*

1 *under 7 U.S.C. 3221 and 3222, \$17,389,000, to remain*
2 *available until expended; payments for youth-at-risk pro-*
3 *grams under section 3(d) of the Smith-Lever Act,*
4 *\$8,024,000; for youth farm safety education and certifi-*
5 *cation extension grants, to be awarded competitively under*
6 *section 3(d) of the Act, \$467,000; payments for carrying*
7 *out the provisions of the Renewable Resources Extension Act*
8 *of 1978 (16 U.S.C. 1671 et seq.), \$4,036,000; payments for*
9 *the federally-recognized Tribes Extension Program under*
10 *section 3(d) of the Smith-Lever Act, \$3,000,000; payments*
11 *for sustainable agriculture programs under section 3(d) of*
12 *the Act, \$4,600,000; payments for rural health and safety*
13 *education as authorized by section 502(i) of Public Law*
14 *92-419 (7 U.S.C. 2662(i)), \$1,750,000; payments for coop-*
15 *erative extension work by eligible institutions (7 U.S.C.*
16 *3221), \$36,103,000, provided that each institution receives*
17 *no less than \$1,000,000; for grants to youth organizations*
18 *pursuant to section 7630 of title 7, United States Code,*
19 *\$1,750,000; and for necessary expenses of Extension Activi-*
20 *ties, \$17,301,000.*

21 *INTEGRATED ACTIVITIES*

22 *For the integrated research, education, and extension*
23 *grants programs, including necessary administrative ex-*
24 *penses, \$56,244,000, as follows: for competitive grants pro-*
25 *grams authorized under section 406 of the Agricultural Re-*
26 *search, Extension, and Education Reform Act of 1998 (7*

1 *U.S.C. 7626), \$42,286,000, including \$12,738,000 for the*
2 *water quality program, \$14,699,000 for the food safety pro-*
3 *gram, \$4,125,000 for the regional pest management centers*
4 *program, \$4,419,000 for the Food Quality Protection Act*
5 *risk mitigation program for major food crop systems,*
6 *\$1,375,000 for the crops affected by Food Quality Protection*
7 *Act implementation, \$3,075,000 for the methyl bromide*
8 *transition program, and \$1,855,000 for the organic transi-*
9 *tion program; for a competitive international science and*
10 *education grants program authorized under section 1459A*
11 *of the National Agricultural Research, Extension, and*
12 *Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain*
13 *available until expended, \$2,000,000; for grants programs*
14 *authorized under section 2(c)(1)(B) of Public Law 89–106,*
15 *as amended, \$737,000, to remain available until September*
16 *30, 2009, for the critical issues program; \$1,321,000 for the*
17 *regional rural development centers program; and*
18 *\$9,900,000 for the Food and Agriculture Defense Initiative*
19 *authorized under section 1484 of the National Agricultural*
20 *Research, Extension, and Teaching Act of 1977, to remain*
21 *available until September 30, 2009.*

22 *OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS*

23 *For grants and contracts pursuant to section 2501 of*
24 *the Food, Agriculture, Conservation, and Trade Act of 1990*
25 *(7 U.S.C. 2279), \$6,440,000, to remain available until ex-*
26 *pended.*

1 *OFFICE OF THE UNDER SECRETARY FOR MARKETING AND*
2 *REGULATORY PROGRAMS*

3 *For necessary expenses of the Office of the Under Sec-*
4 *retary for Marketing and Regulatory Programs to admin-*
5 *ister programs under the laws enacted by the Congress for*
6 *the Animal and Plant Health Inspection Service; the Agri-*
7 *cultural Marketing Service; and the Grain Inspection,*
8 *Packers and Stockyards Administration; \$721,000.*

9 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*

10 *SALARIES AND EXPENSES*

11 *(INCLUDING TRANSFERS OF FUNDS)*

12 *For expenses, not otherwise provided for, necessary to*
13 *prevent, control, and eradicate pests and plant and animal*
14 *diseases; to carry out inspection, quarantine, and regu-*
15 *latory activities; and to protect the environment, as author-*
16 *ized by law, including up to \$30,000 for representation al-*
17 *lowances and for expenses pursuant to the Foreign Service*
18 *Act of 1980 (22 U.S.C. 4085), \$873,754,000, of which*
19 *\$1,000,000 shall be available for the control of outbreaks*
20 *of insects, plant diseases, animal diseases and for control*
21 *of pest animals and birds to the extent necessary to meet*
22 *emergency conditions; of which \$37,269,000 shall be used*
23 *for the cotton pests program for cost share purposes or for*
24 *debt retirement for active eradication zones; of which*
25 *\$9,750,000 shall be available for a National Animal Identi-*
26 *fication program; of which \$51,725,000 shall be used to con-*

1 *duct a surveillance and preparedness program for highly*
2 *pathogenic avian influenza: Provided, That no funds shall*
3 *be used to formulate or administer a brucellosis eradication*
4 *program for the current fiscal year that does not require*
5 *minimum matching by the States of at least 40 percent:*
6 *Provided further, That this appropriation shall be available*
7 *for the operation and maintenance of aircraft and the pur-*
8 *chase of not to exceed four, of which two shall be for replace-*
9 *ment only: Provided further, That, in addition, in emer-*
10 *gencies which threaten any segment of the agricultural pro-*
11 *duction industry of this country, the Secretary may trans-*
12 *fer from other appropriations or funds available to the*
13 *agencies or corporations of the Department such sums as*
14 *may be deemed necessary, to be available only in such emer-*
15 *gencies for the arrest and eradication of contagious or infec-*
16 *tious disease or pests of animals, poultry, or plants, and*
17 *for expenses in accordance with sections 10411 and 10417*
18 *of the Animal Health Protection Act (7 U.S.C. 8310 and*
19 *8316) and sections 431 and 442 of the Plant Protection Act*
20 *(7 U.S.C. 7751 and 7772), and any unexpended balances*
21 *of funds transferred for such emergency purposes in the pre-*
22 *ceding fiscal year shall be merged with such transferred*
23 *amounts: Provided further, That appropriations hereunder*
24 *shall be available pursuant to law (7 U.S.C. 2250) for the*
25 *repair and alteration of leased buildings and improve-*

1 ments, but unless otherwise provided the cost of altering any
2 one building during the fiscal year shall not exceed 10 per-
3 cent of the current replacement value of the building.

4 In fiscal year 2008, the agency is authorized to collect
5 fees to cover the total costs of providing technical assistance,
6 goods, or services requested by States, other political sub-
7 divisions, domestic and international organizations, foreign
8 governments, or individuals, provided that such fees are
9 structured such that any entity's liability for such fees is
10 reasonably based on the technical assistance, goods, or serv-
11 ices provided to the entity by the agency, and such fees shall
12 be credited to this account, to remain available until ex-
13 pended, without further appropriation, for providing such
14 assistance, goods, or services.

15 *AGRICULTURAL MARKETING SERVICE*

16 *MARKETING SERVICES*

17 For necessary expenses to carry out services related to
18 consumer protection, agricultural marketing and distribu-
19 tion, transportation, and regulatory programs, as author-
20 ized by law, and for administration and coordination of
21 payments to States, \$76,862,000, including funds for the
22 wholesale market development program for the design and
23 development of wholesale and farmer market facilities for
24 the major metropolitan areas of the country: Provided, That
25 this appropriation shall be available pursuant to law (7

1 *U.S.C. 2250) for the alteration and repair of buildings and*
2 *improvements, but the cost of altering any one building*
3 *during the fiscal year shall not exceed 10 percent of the cur-*
4 *rent replacement value of the building.*

5 *Fees may be collected for the cost of standardization*
6 *activities, as established by regulation pursuant to law (31*
7 *U.S.C. 9701).*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES*

9 *Not to exceed \$61,233,000 (from fees collected) shall be*
10 *obligated during the current fiscal year for administrative*
11 *expenses: Provided, That if crop size is understated and/*
12 *or other uncontrollable events occur, the agency may exceed*
13 *this limitation by up to 10 percent with notification to the*
14 *Committees on Appropriations of both Houses of Congress.*

15 *FUNDS FOR STRENGTHENING MARKETS, INCOME, AND*

16 *SUPPLY (SECTION 32)*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *Funds available under section 32 of the Act of August*
19 *24, 1935 (7 U.S.C. 612c), shall be used only for commodity*
20 *program expenses as authorized therein, and other related*
21 *operating expenses, including not less than \$10,000,000 for*
22 *replacement of a system to support commodity purchases,*
23 *except for: (1) transfers to the Department of Commerce as*
24 *authorized by the Fish and Wildlife Act of August 8, 1956;*
25 *(2) transfers otherwise provided in this Act; and (3) not*
26 *more than \$16,798,000 for formulation and administration*

1 *of marketing agreements and orders pursuant to the Agri-*
 2 *cultural Marketing Agreement Act of 1937 and the Agricul-*
 3 *tural Act of 1961.*

4 *PAYMENTS TO STATES AND POSSESSIONS*

5 *For payments to departments of agriculture, bureaus*
 6 *and departments of markets, and similar agencies for mar-*
 7 *keting activities under section 204(b) of the Agricultural*
 8 *Marketing Act of 1946 (7 U.S.C. 1623(b)), \$11,709,000, of*
 9 *which not less than \$1,875,000 shall be used to make a*
 10 *grant under this heading: Provided, That of the amount*
 11 *provided under this heading, \$8,500,000, to remain avail-*
 12 *able until expended, is for specialty crop block grants au-*
 13 *thorized under section 101 of the Specialty Crops Competi-*
 14 *tiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621*
 15 *note), of which not to exceed five percent may be available*
 16 *for administrative expenses.*

17 *GRAIN INSPECTION, PACKERS AND STOCKYARDS*

18 *ADMINISTRATION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses to carry out the provisions of*
 21 *the United States Grain Standards Act, for the administra-*
 22 *tion of the Packers and Stockyards Act, for certifying proce-*
 23 *dures used to protect purchasers of farm products, and the*
 24 *standardization activities related to grain under the Agri-*
 25 *cultural Marketing Act of 1946, \$38,785,000: Provided,*
 26 *That this appropriation shall be available pursuant to law*

1 *(7 U.S.C. 2250) for the alteration and repair of buildings*
2 *and improvements, but the cost of altering any one building*
3 *during the fiscal year shall not exceed 10 percent of the cur-*
4 *rent replacement value of the building.*

5 *LIMITATION ON INSPECTION AND WEIGHING SERVICES*

6 *EXPENSES*

7 *Not to exceed \$42,463,000 (from fees collected) shall be*
8 *obligated during the current fiscal year for inspection and*
9 *weighing services: Provided, That if grain export activities*
10 *require additional supervision and oversight, or other un-*
11 *controllable factors occur, this limitation may be exceeded*
12 *by up to 10 percent with notification to the Committees*
13 *on Appropriations of both Houses of Congress.*

14 *OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY*

15 *For necessary expenses of the Office of the Under Sec-*
16 *retary for Food Safety to administer the laws enacted by*
17 *the Congress for the Food Safety and Inspection Service,*
18 *\$600,000.*

19 *FOOD SAFETY AND INSPECTION SERVICE*

20 *For necessary expenses to carry out services authorized*
21 *by the Federal Meat Inspection Act, the Poultry Products*
22 *Inspection Act, and the Egg Products Inspection Act, in-*
23 *cluding not to exceed \$50,000 for representation allowances*
24 *and for expenses pursuant to section 8 of the Act approved*
25 *August 3, 1956 (7 U.S.C. 1766), \$930,120,000, of which no*
26 *less than \$829,807,000 shall be available for Federal food*

1 *safety inspection; and in addition, \$1,000,000 may be cred-*
2 *ited to this account from fees collected for the cost of labora-*
3 *tory accreditation as authorized by section 1327 of the*
4 *Food, Agriculture, Conservation and Trade Act of 1990 (7*
5 *U.S.C. 138f): Provided, That no fewer than 83 full time*
6 *equivalent positions above the fiscal year 2002 level shall*
7 *be employed during fiscal year 2008 for purposes dedicated*
8 *solely to inspections and enforcement related to the Humane*
9 *Methods of Slaughter Act: Provided further, That of the*
10 *amount available under this heading, \$3,000,000 shall be*
11 *obligated to maintain the Humane Animal Tracking Sys-*
12 *tem as part of the Public Health Data Communication In-*
13 *frastructure System: Provided further, That not to exceed*
14 *\$650,000 is for construction of a laboratory sample receiv-*
15 *ing facility: Provided further, That this appropriation shall*
16 *be available pursuant to law (7 U.S.C. 2250) for the alter-*
17 *ation and repair of buildings and improvements, but the*
18 *cost of altering any one building during the fiscal year shall*
19 *not exceed 10 percent of the current replacement value of*
20 *the building.*

21 *OFFICE OF THE UNDER SECRETARY FOR FARM AND*

22 *FOREIGN AGRICULTURAL SERVICES*

23 *For necessary expenses of the Office of the Under Sec-*
24 *retary for Farm and Foreign Agricultural Services to ad-*
25 *minister the laws enacted by Congress for the Farm Service*

1 *Agency, the Foreign Agricultural Service, the Risk Manage-*
2 *ment Agency, and the Commodity Credit Corporation,*
3 *\$632,000.*

4 *FARM SERVICE AGENCY*

5 *SALARIES AND EXPENSES*

6 *(INCLUDING TRANSFERS OF FUNDS)*

7 *For necessary expenses for carrying out the adminis-*
8 *tration and implementation of programs administered by*
9 *the Farm Service Agency, \$1,134,045,000: Provided, That*
10 *the Secretary is authorized to use the services, facilities, and*
11 *authorities (but not the funds) of the Commodity Credit*
12 *Corporation to make program payments for all programs*
13 *administered by the Agency: Provided further, That other*
14 *funds made available to the Agency for authorized activities*
15 *may be advanced to and merged with this account: Provided*
16 *further, That none of the funds made available by this Act*
17 *may be used to pay the salary or expenses of any officer*
18 *or employee of the Department of Agriculture to close or*
19 *relocate any county or field office of the Farm Service Agen-*
20 *cy (other than a county or field office that had zero employ-*
21 *ees as of February 7, 2007), or to develop, submit, consider,*
22 *or approve any plan for any such closure or relocation be-*
23 *fore enactment of an omnibus authorization law to provide*
24 *for the continuation of agricultural programs for fiscal*
25 *years after 2007.*

1 *land acquisition loans (25 U.S.C. 488), and boll weevil*
2 *loans (7 U.S.C. 1989), to be available from funds in the*
3 *Agricultural Credit Insurance Fund, as follows: farm own-*
4 *ership loans, \$1,471,257,000, of which \$1,247,400,000 shall*
5 *be for unsubsidized guaranteed loans and \$223,857,000*
6 *shall be for direct loans; operating loans, \$1,875,686,000,*
7 *of which \$1,024,650,000 shall be for unsubsidized guaran-*
8 *teed loans, \$271,886,000 shall be for subsidized guaranteed*
9 *loans and \$579,150,000 shall be for direct loans; Indian*
10 *tribe land acquisition loans, \$3,960,000; and for boll weevil*
11 *eradication program loans, \$100,000,000: Provided, That*
12 *the Secretary shall deem the pink bollworm to be a boll wee-*
13 *vil for the purpose of boll weevil eradication program loans.*

14 *For the cost of direct and guaranteed loans, including*
15 *the cost of modifying loans as defined in section 502 of the*
16 *Congressional Budget Act of 1974, as follows: farm owner-*
17 *ship loans, \$14,952,000, of which \$4,990,000 shall be for*
18 *unsubsidized guaranteed loans, and \$9,962,000 shall be for*
19 *direct loans; operating loans, \$134,561,000, of which*
20 *\$24,797,000 shall be for unsubsidized guaranteed loans,*
21 *\$36,270,000 shall be for subsidized guaranteed loans, and*
22 *\$73,494,000 shall be for direct loans; and Indian tribe land*
23 *acquisition loans, \$125,000.*

24 *In addition, for administrative expenses necessary to*
25 *carry out the direct and guaranteed loan programs,*

1 \$311,229,000, of which \$303,309,000 shall be transferred to
2 and merged with the appropriation for “Farm Service
3 Agency, Salaries and Expenses”.

4 Funds appropriated by this Act to the Agricultural
5 Credit Insurance Program Account for farm ownership and
6 operating direct loans and guaranteed loans may be trans-
7 ferred among these programs: Provided, That the Commit-
8 tees on Appropriations of both Houses of Congress are noti-
9 fied at least 15 days in advance of any transfer.

10 RISK MANAGEMENT AGENCY

11 For administrative and operating expenses, as author-
12 ized by section 226A of the Department of Agriculture Reor-
13 ganization Act of 1994 (7 U.S.C. 6933), \$76,658,000: Pro-
14 vided, That not more than \$11,166,000 of the funds made
15 available under section 522(e) of the Federal Crop Insur-
16 ance Act (7 U.S.C. 1522(e)) may be used for program com-
17 pliance and integrity purposes, including the data mining
18 project, and for the Common Information Management Sys-
19 tem: Provided further, That not to exceed \$1,000 shall be
20 available for official reception and representation expenses,
21 as authorized by 7 U.S.C. 1506(i).

22 CORPORATIONS

23 The following corporations and agencies are hereby au-
24 thorized to make expenditures, within the limits of funds
25 and borrowing authority available to each such corporation

1 *or agency and in accord with law, and to make contracts*
2 *and commitments without regard to fiscal year limitations*
3 *as provided by section 104 of the Government Corporation*
4 *Control Act as may be necessary in carrying out the pro-*
5 *grams set forth in the budget for the current fiscal year for*
6 *such corporation or agency, except as hereinafter provided.*

7 *FEDERAL CROP INSURANCE CORPORATION FUND*

8 *For payments as authorized by section 516 of the Fed-*
9 *eral Crop Insurance Act (7 U.S.C. 1516), such sums as may*
10 *be necessary, to remain available until expended.*

11 *COMMODITY CREDIT CORPORATION FUND*

12 *REIMBURSEMENT FOR NET REALIZED LOSSES*

13 *For the current fiscal year, such sums as may be nec-*
14 *essary to reimburse the Commodity Credit Corporation for*
15 *net realized losses sustained, but not previously reimbursed,*
16 *pursuant to section 2 of the Act of August 17, 1961 (15*
17 *U.S.C. 713a–11): Provided, That of the funds available to*
18 *the Commodity Credit Corporation under section 11 of the*
19 *Commodity Credit Corporation Charter Act (15 U.S.C.*
20 *714i) for the conduct of its business with the Foreign Agri-*
21 *cultural Service, up to \$5,000,000 may be transferred to*
22 *and used by the Foreign Agricultural Service for informa-*
23 *tion resource management activities of the Foreign Agricul-*
24 *tural Service that are not related to Commodity Credit Cor-*
25 *poration business.*

1 *HAZARDOUS WASTE MANAGEMENT*

2 *(LIMITATION ON EXPENSES)*

3 *For the current fiscal year, the Commodity Credit Cor-*
4 *poration shall not expend more than \$5,000,000 for site in-*
5 *vestigation and cleanup expenses, and operations and*
6 *maintenance expenses to comply with the requirement of*
7 *section 107(g) of the Comprehensive Environmental Re-*
8 *sponse, Compensation, and Liability Act (42 U.S.C.*
9 *9607(g)), and section 6001 of the Resource Conservation*
10 *and Recovery Act (42 U.S.C. 6961).*

11 *TITLE II*

12 *CONSERVATION PROGRAMS*

13 *OFFICE OF THE UNDER SECRETARY FOR NATURAL*

14 *RESOURCES AND ENVIRONMENT*

15 *For necessary expenses of the Office of the Under Sec-*
16 *retary for Natural Resources and Environment to admin-*
17 *ister the laws enacted by the Congress for the Forest Service*
18 *and the Natural Resources Conservation Service, \$742,000.*

19 *NATURAL RESOURCES CONSERVATION SERVICE*

20 *CONSERVATION OPERATIONS*

21 *For necessary expenses for carrying out the provisions*
22 *of the Act of April 27, 1935 (16 U.S.C. 590a-f), including*
23 *preparation of conservation plans and establishment of*
24 *measures to conserve soil and water (including farm irriga-*
25 *tion and land drainage and such special measures for soil*
26 *and water management as may be necessary to prevent*

1 *floods and the siltation of reservoirs and to control agricul-*
2 *tural related pollutants); operation of conservation plant*
3 *materials centers; classification and mapping of soil; dis-*
4 *semination of information; acquisition of lands, water, and*
5 *interests therein for use in the plant materials program by*
6 *donation, exchange, or purchase at a nominal cost not to*
7 *exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C.*
8 *428a); purchase and erection or alteration or improvement*
9 *of permanent and temporary buildings; and operation and*
10 *maintenance of aircraft, \$840,326,000, to remain available*
11 *until September 30, 2009: Provided, That appropriations*
12 *hereunder shall be available pursuant to 7 U.S.C. 2250 for*
13 *construction and improvement of buildings and public im-*
14 *provements at plant materials centers, except that the cost*
15 *of alterations and improvements to other buildings and*
16 *other public improvements shall not exceed \$250,000: Pro-*
17 *vided further, That when buildings or other structures are*
18 *erected on non-Federal land, that the right to use such land*
19 *is obtained as provided in 7 U.S.C. 2250a: Provided fur-*
20 *ther, That this appropriation shall be available for tech-*
21 *nical assistance and related expenses to carry out programs*
22 *authorized by section 202(c) of title II of the Colorado River*
23 *Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)):*
24 *Provided further, That qualified local engineers may be*

1 temporarily employed at per diem rates to perform the tech-
2 nical planning work of the Service.

3 WATERSHED AND FLOOD PREVENTION OPERATIONS

4 For necessary expenses to carry out preventive meas-
5 ures, including but not limited to research, engineering op-
6 erations, methods of cultivation, the growing of vegetation,
7 rehabilitation of existing works and changes in use of land,
8 in accordance with the Watershed Protection and Flood
9 Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the
10 provisions of the Act of April 27, 1935 (16 U.S.C. 590a–
11 f), and in accordance with the provisions of laws relating
12 to the activities of the Department, \$30,000,000, to remain
13 available until expended: Provided, That not to exceed
14 \$15,500,000 of this appropriation shall be available for
15 technical assistance.

16 WATERSHED REHABILITATION PROGRAM

17 For necessary expenses to carry out rehabilitation of
18 structural measures, in accordance with section 14 of the
19 Watershed Protection and Flood Prevention Act (16 U.S.C.
20 1012), and in accordance with the provisions of laws relat-
21 ing to the activities of the Department, \$20,000,000, to re-
22 main available until expended.

23 RESOURCE CONSERVATION AND DEVELOPMENT

24 For necessary expenses in planning and carrying out
25 projects for resource conservation and development and for
26 sound land use pursuant to the provisions of sections 31

1 *and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C.*
 2 *1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16*
 3 *U.S.C. 590a–f); and subtitle H of title XV of the Agriculture*
 4 *and Food Act of 1981 (16 U.S.C. 3451–3461), \$51,088,000,*
 5 *to remain available until expended: Provided, That not to*
 6 *exceed \$3,073,000 shall be available for national head-*
 7 *quarters activities.*

8 *HEALTHY FORESTS RESERVE PROGRAM*

9 *For necessary expenses to carry out the Healthy For-*
 10 *ests Reserve Program authorized under title V of Public*
 11 *Law 108–148 (16 U.S.C. 6571–6578), \$2,000,000, to re-*
 12 *main available until expended.*

13 *TITLE III*

14 *RURAL DEVELOPMENT PROGRAMS*

15 *OFFICE OF THE UNDER SECRETARY FOR RURAL*

16 *DEVELOPMENT*

17 *For necessary salaries and expenses of the Office of the*
 18 *Under Secretary for Rural Development to administer pro-*
 19 *grams under the laws enacted by the Congress for the Rural*
 20 *Housing Service, the Rural Business-Cooperative Service,*
 21 *and the Rural Utilities Service, \$632,000.*

22 *RURAL DEVELOPMENT SALARIES AND EXPENSES*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For necessary expenses for carrying out the adminis-*
 25 *tration and implementation of programs in the Rural De-*
 26 *velopment mission area, including activities with institu-*

1 *tions concerning the development and operation of agricul-*
 2 *tural cooperatives; and for cooperative agreements;*
 3 *\$169,998,000: Provided, That notwithstanding any other*
 4 *provision of law, funds appropriated under this section*
 5 *may be used for advertising and promotional activities that*
 6 *support the Rural Development mission area: Provided fur-*
 7 *ther, That not more than \$10,000 may be expended to pro-*
 8 *vide modest nonmonetary awards to non-USDA employees:*
 9 *Provided further, That any balances available from prior*
 10 *years for the Rural Utilities Service, Rural Housing Serv-*
 11 *ice, and the Rural Business-Cooperative Service salaries*
 12 *and expenses accounts shall be transferred to and merged*
 13 *with this appropriation.*

14 *RURAL HOUSING SERVICE*

15 *RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For gross obligations for the principal amount of di-*
 18 *rect and guaranteed loans as authorized by title V of the*
 19 *Housing Act of 1949, to be available from funds in the rural*
 20 *housing insurance fund, as follows: \$5,349,391,000 for loans*
 21 *to section 502 borrowers, of which \$1,129,391,000 shall be*
 22 *for direct loans, and of which \$4,220,000,000 shall be for*
 23 *unsubsidized guaranteed loans; \$34,652,000 for section 504*
 24 *housing repair loans; \$70,000,000 for section 515 rental*
 25 *housing; \$130,000,000 for section 538 guaranteed multi-*
 26 *family housing loans; \$5,045,000 for section 524 site loans;*

1 \$11,485,000 for credit sales of acquired property, of which
2 up to \$1,485,000 may be for multi-family credit sales; and
3 \$5,000,000 for section 523 self-help housing land develop-
4 ment loans.

5 For the cost of direct and guaranteed loans, including
6 the cost of modifying loans, as defined in section 502 of
7 the Congressional Budget Act of 1974, as follows: section
8 502 loans, \$156,224,000, of which \$105,824,000 shall be for
9 direct loans, and of which \$50,400,000, to remain available
10 until expended, shall be for unsubsidized guaranteed loans;
11 section 504 housing repair loans, \$9,796,000; repair, reha-
12 bilitation, and new construction of section 515 rental hous-
13 ing, \$29,827,000; section 538 multi-family housing guaran-
14 teed loans, \$12,220,000; credit sales of acquired property,
15 \$552,000; and section 523 self-help housing and develop-
16 ment loans, \$142,000: Provided, That of the total amount
17 appropriated in this paragraph, \$2,500,000 shall be avail-
18 able through June 30, 2008, for authorized empowerment
19 zones and enterprise communities and communities des-
20 ignated by the Secretary of Agriculture as Rural Economic
21 Area Partnership Zones: Provided further, That any funds
22 under this paragraph initially allocated by the Secretary
23 for housing projects in the State of Alaska that are not obli-
24 gated by September 30, 2008, shall be carried over until
25 September 30, 2009, and made available for such housing

1 *projects only in the State of Alaska: Provided further, That*
2 *any unobligated balances for a demonstration program for*
3 *the preservation and revitalization of the section 515 multi-*
4 *family rental housing properties as authorized by Public*
5 *Law 109–97 shall be transferred to and merged with the*
6 *“Rural Housing Service, Multi-family Housing Revitaliza-*
7 *tion Program Account”.*

8 *In addition, for administrative expenses necessary to*
9 *carry out the direct and guaranteed loan programs,*
10 *\$452,927,000, which shall be transferred to and merged*
11 *with the appropriation for “Rural Development, Salaries*
12 *and Expenses”.*

13 *RENTAL ASSISTANCE PROGRAM*

14 *For rental assistance agreements entered into or re-*
15 *newed pursuant to the authority under section 521(a)(2)*
16 *or agreements entered into in lieu of debt forgiveness or*
17 *payments for eligible households as authorized by section*
18 *502(c)(5)(D) of the Housing Act of 1949, \$482,090,000, to*
19 *remain available through September 30, 2009; and, in ad-*
20 *dition, such sums as may be necessary, as authorized by*
21 *section 521(c) of the Act, to liquidate debt incurred prior*
22 *to fiscal year 1992 to carry out the rental assistance pro-*
23 *gram under section 521(a)(2) of the Act: Provided, That*
24 *of this amount, up to \$6,000,000 shall be available for debt*
25 *forgiveness or payments for eligible households as authorized*
26 *by section 502(c)(5)(D) of the Act, and not to exceed*

1 \$50,000 per project for advances to nonprofit organizations
2 or public agencies to cover direct costs (other than purchase
3 price) incurred in purchasing projects pursuant to section
4 502(c)(5)(C) of the Act: Provided further, That agreements
5 entered into or renewed during the current fiscal year shall
6 be funded for a one-year period: Provided further, That any
7 unexpended balances remaining at the end of such one-year
8 agreements may be transferred and used for the purposes
9 of any debt reduction; maintenance, repair, or rehabilita-
10 tion of any existing projects; preservation; and rental as-
11 sistance activities authorized under title V of the Act: Pro-
12 vided further, That rental assistance provided under agree-
13 ments entered into prior to fiscal year 2008 for a farm labor
14 multi-family housing project financed under section 514 or
15 516 of the Act may not be recaptured for use in another
16 project until such assistance has remained unused for a pe-
17 riod of 12 consecutive months, if such project has a waiting
18 list of tenants seeking such assistance or the project has
19 rental assistance eligible tenants who are not receiving such
20 assistance: Provided further, That such recaptured rental
21 assistance shall, to the extent practicable, be applied to an-
22 other farm labor multi-family housing project financed
23 under section 514 or 516 of the Act.

1 *the Secretary of the Department of Housing and Urban De-*
2 *velopment (including the ability to pay administrative*
3 *costs related to delivery of the voucher funds): Provided fur-*
4 *ther, That if the Secretary determines that the amount*
5 *made available for vouchers in this or any other Act is not*
6 *needed for vouchers, the Secretary may use such funds for*
7 *the demonstration programs for the preservation and revi-*
8 *talization of multi-family rental housing properties de-*
9 *scribed in this paragraph: Provided further, That of the*
10 *funds made available under this heading, \$3,000,000 shall*
11 *be available for the cost of loans to private non-profit orga-*
12 *nizations, or such non-profit organizations' affiliate loan*
13 *funds and State and local housing finance agencies, to*
14 *carry out a housing demonstration program to provide re-*
15 *volving loans for the preservation of low-income multi-fam-*
16 *ily housing projects: Provided further, That loans under*
17 *such demonstration program shall have an interest rate of*
18 *not more than 1 percent direct loan to the recipient: Pro-*
19 *vided further, That the Secretary may defer the interest and*
20 *principal payment to the Rural Housing Service for up to*
21 *3 years and the term of such loans shall not exceed 30 years:*
22 *Provided further, That of the funds made available under*
23 *this heading, \$20,000,000 shall be available for a dem-*
24 *onstration program for the preservation and revitalization*
25 *of the section 514, 515, and 516 multi-family rental housing*

1 *properties to restructure existing USDA multi-family hous-*
2 *ing loans, as the Secretary deems appropriate, expressly for*
3 *the purposes of ensuring the project has sufficient resources*
4 *to preserve the project for the purpose of providing safe and*
5 *affordable housing for low-income residents and farm labor-*
6 *ers including reducing or eliminating interest; deferring*
7 *loan payments, subordinating, reducing or reamortizing*
8 *loan debt; and other financial assistance including ad-*
9 *vances and incentives required by the Secretary: Provided*
10 *further, That if the Secretary determines that additional*
11 *funds for vouchers described in this paragraph are needed,*
12 *funds for the preservation and revitalization demonstration*
13 *program may be used for such vouchers: Provided further,*
14 *That if Congress enacts legislation to permanently author-*
15 *ize a section 515 multi-family rental housing loan restruc-*
16 *turing program similar to the demonstration program de-*
17 *scribed herein, the Secretary may use funds made available*
18 *for the demonstration program under this heading to carry*
19 *out such legislation with the prior approval of the Commit-*
20 *tees on Appropriations of both Houses of Congress.*

21 *MUTUAL AND SELF-HELP HOUSING GRANTS*

22 *For grants and contracts pursuant to section*
23 *523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c),*
24 *\$39,000,000, to remain available until expended: Provided,*
25 *That of the total amount appropriated, \$1,000,000 shall be*
26 *available through June 30, 2008, for authorized empower-*

1 *ment zones and enterprise communities and communities*
 2 *designated by the Secretary of Agriculture as Rural Eco-*
 3 *nomic Area Partnership Zones.*

4 *RURAL HOUSING ASSISTANCE GRANTS*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For grants and contracts for very low-income housing*
 7 *repair, supervisory and technical assistance, compensation*
 8 *for construction defects, and rural housing preservation*
 9 *made by the Rural Housing Service, as authorized by 42*
 10 *U.S.C. 1474, 1479(c), 1490e, and 1490m, \$39,000,000, to*
 11 *remain available until expended: Provided, That of the total*
 12 *amount appropriated, \$1,200,000 shall be available through*
 13 *June 30, 2008, for authorized empowerment zones and en-*
 14 *terprise communities and communities designated by the*
 15 *Secretary of Agriculture as Rural Economic Area Partner-*
 16 *ship Zones: Provided further, That any balances to carry*
 17 *out a housing demonstration program to provide revolving*
 18 *loans for the preservation of low-income multi-family hous-*
 19 *ing projects as authorized in Public Law 108–447 and Pub-*
 20 *lic Law 109–97 shall be transferred to and merged with*
 21 *the “Rural Housing Service, Multi-family Housing Revital-*
 22 *ization Program Account”.*

23 *FARM LABOR PROGRAM ACCOUNT*

24 *For the cost of direct loans, grants, and contracts, as*
 25 *authorized by 42 U.S.C. 1484 and 1486, \$22,000,000, to*
 26 *remain available until expended, for direct farm labor hous-*

1 *ing loans and domestic farm labor housing grants and con-*
2 *tracts.*

3 *RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT*

4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For the cost of direct loans, loan guarantees, and*
6 *grants for rural community facilities programs as author-*
7 *ized by section 306 and described in section 381E(d)(1) of*
8 *the Consolidated Farm and Rural Development Act,*
9 *\$68,952,000, to remain available until expended: Provided,*
10 *That \$6,300,000 of the amount appropriated under this*
11 *heading shall be available for a Rural Community Develop-*
12 *ment Initiative: Provided further, That such funds shall be*
13 *used solely to develop the capacity and ability of private,*
14 *nonprofit community-based housing and community devel-*
15 *opment organizations, low-income rural communities, and*
16 *Federally Recognized Native American Tribes to undertake*
17 *projects to improve housing, community facilities, commu-*
18 *nity and economic development projects in rural areas: Pro-*
19 *vided further, That such funds shall be made available to*
20 *qualified private, nonprofit and public intermediary orga-*
21 *nizations proposing to carry out a program of financial*
22 *and technical assistance: Provided further, That such inter-*
23 *mediary organizations shall provide matching funds from*
24 *other sources, including Federal funds for related activities,*
25 *in an amount not less than funds provided: Provided fur-*
26 *ther, That \$14,000,000 of the amount appropriated under*

1 *this heading shall be to provide grants for facilities in rural*
2 *communities with extreme unemployment and severe eco-*
3 *nomie depression (Public Law 106–387), with up to 5 per-*
4 *cent for administration and capacity building in the State*
5 *rural development offices: Provided further, That*
6 *\$4,000,000 of the amount appropriated under this heading*
7 *shall be available for community facilities grants to tribal*
8 *colleges, as authorized by section 306(a)(19) of such Act:*
9 *Provided further, That not to exceed \$1,000,000 of the*
10 *amount appropriated under this heading shall be available*
11 *through June 30, 2008, for authorized empowerment zones*
12 *and enterprise communities and communities designated by*
13 *the Secretary of Agriculture as Rural Economic Area Part-*
14 *nership Zones for the rural community programs described*
15 *in section 381E(d)(1) of the Consolidated Farm and Rural*
16 *Development Act: Provided further, That section 381E–H*
17 *and 381N of the Consolidated Farm and Rural Develop-*
18 *ment Act are not applicable to the funds made available*
19 *under this heading: Provided further, That any prior bal-*
20 *ances in the Rural Development, Rural Community Ad-*
21 *vancement Program account for programs authorized by*
22 *section 306 and described in section 381E(d)(1) of such Act*
23 *be transferred and merged with this account and any other*
24 *prior balances from the Rural Development, Rural Commu-*

1 *nity Advancement Program account that the Secretary de-*
2 *termines is appropriate to transfer.*

3 *RURAL BUSINESS—COOPERATIVE SERVICE*

4 *RURAL BUSINESS PROGRAM ACCOUNT*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For the cost of direct loans, loan guarantees, and*
7 *grants, for the rural business development programs author-*
8 *ized by sections 306 and 310B and described in section*
9 *310B(f) and 381E(d)(3) of the Consolidated Farm and*
10 *Rural Development Act, \$87,700,000, to remain available*
11 *until expended: Provided, That of the amount appropriated*
12 *under this heading, not to exceed \$500,000 shall be made*
13 *available for a grant to a qualified national organization*
14 *to provide technical assistance for rural transportation in*
15 *order to promote economic development and \$3,000,000*
16 *shall be for grants to the Delta Regional Authority (7*
17 *U.S.C. 1921 et seq.) for any Rural Community Advance-*
18 *ment Program purpose as described in section 381E(d) of*
19 *the Consolidated Farm and Rural Development Act, of*
20 *which not more than 5 percent may be used for administra-*
21 *tive expenses: Provided further, That \$4,000,000 of the*
22 *amount appropriated under this heading shall be for busi-*
23 *ness grants to benefit Federally Recognized Native Amer-*
24 *ican Tribes, including \$250,000 for a grant to a qualified*
25 *national organization to provide technical assistance for*
26 *rural transportation in order to promote economic develop-*

1 *ment: Provided further, That not to exceed \$8,300,000 of*
2 *the amount appropriated under this heading shall be avail-*
3 *able through June 30, 2008, for authorized empowerment*
4 *zones and enterprise communities and communities des-*
5 *ignated by the Secretary of Agriculture as Rural Economic*
6 *Area Partnership Zones for the rural business and coopera-*
7 *tive development programs described in section 381E(d)(3)*
8 *of the Consolidated Farm and Rural Development Act: Pro-*
9 *vided further, That section 381E–H and 381N of the Con-*
10 *solidated Farm and Rural Development Act are not appli-*
11 *cable to funds made available under this heading: Provided*
12 *further, That any prior balances in the Rural Development,*
13 *Rural Community Advancement Program account for pro-*
14 *grams authorized by sections 306 and 310B and described*
15 *in section 310B(f) and 381E(d)(3) of such Act be trans-*
16 *ferred and merged with this account and any other prior*
17 *balances from the Rural Development, Rural Community*
18 *Advancement Program account that the Secretary deter-*
19 *mines is appropriate to transfer.*

20 *RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the principal amount of direct loans, as authorized*
23 *by the Rural Development Loan Fund (42 U.S.C. 9812(a)),*
24 *\$33,772,000.*

25 *For the cost of direct loans, \$14,485,000, as authorized*
26 *by the Rural Development Loan Fund (42 U.S.C. 9812(a)),*

1 of which \$1,724,000 shall be available through June 30,
2 2008, for Federally Recognized Native American Tribes and
3 of which \$3,449,000 shall be available through June 30,
4 2008, for Mississippi Delta Region counties (as determined
5 in accordance with Public Law 100-460): Provided, That
6 such costs, including the cost of modifying such loans, shall
7 be as defined in section 502 of the Congressional Budget
8 Act of 1974: Provided further, That of the total amount ap-
9 propriated, \$880,000 shall be available through June 30,
10 2008, for the cost of direct loans for authorized empower-
11 ment zones and enterprise communities and communities
12 designated by the Secretary of Agriculture as Rural Eco-
13 nomic Area Partnership Zones.

14 In addition, for administrative expenses to carry out
15 the direct loan programs, \$4,774,000 shall be transferred
16 to and merged with the appropriation for “Rural Develop-
17 ment, Salaries and Expenses”.

18 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

19 ACCOUNT

20 (INCLUDING RESCISSION OF FUNDS)

21 For the principal amount of direct loans, as authorized
22 under section 313 of the Rural Electrification Act, for the
23 purpose of promoting rural economic development and job
24 creation projects, \$33,077,000.

25 Of the funds derived from interest on the cushion of
26 credit payments, as authorized by section 313 of the Rural

1 *Electrification Act of 1936, \$34,000,000 shall not be obli-*
2 *gated and \$34,000,000 are rescinded.*

3 *RURAL COOPERATIVE DEVELOPMENT GRANTS*

4 *For rural cooperative development grants authorized*
5 *under section 310B(e) of the Consolidated Farm and Rural*
6 *Development Act (7 U.S.C. 1932), \$28,023,000, of which*
7 *\$495,000 shall be for a cooperative research agreement with*
8 *a qualified academic institution to conduct research on the*
9 *national economic impact of all types of cooperatives; and*
10 *of which \$2,600,000 shall be for cooperative agreements for*
11 *the appropriate technology transfer for rural areas pro-*
12 *gram: Provided, That not to exceed \$1,473,000 shall be for*
13 *cooperatives or associations of cooperatives whose primary*
14 *focus is to provide assistance to small, minority producers*
15 *and whose governing board and/or membership is com-*
16 *prised of at least 75 percent minority; and of which*
17 *\$19,000,000, to remain available until expended, shall be*
18 *for value-added agricultural product market development*
19 *grants, as authorized by section 6401 of the Farm Security*
20 *and Rural Investment Act of 2002 (7 U.S.C. 1621 note).*

21 *RURAL EMPOWERMENT ZONES AND ENTERPRISE*

22 *COMMUNITIES GRANTS*

23 *For grants in connection with empowerment zones and*
24 *enterprise communities, \$8,187,000, to remain available*
25 *until expended, for designated rural empowerment zones*
26 *and rural enterprise communities, as authorized by the*

1 *Taxpayer Relief Act of 1997 and the Omnibus Consolidated*
2 *and Emergency Supplemental Appropriations Act, 1999*
3 *(Public Law 105–277): Provided, That the funds provided*
4 *under this paragraph shall be made available to empower-*
5 *ment zones and enterprise communities in a manner and*
6 *with the same priorities such funds were made available*
7 *during the 2007 fiscal year.*

8 *RENEWABLE ENERGY PROGRAM*

9 *For the cost of a program of direct loans, loan guaran-*
10 *tees, and grants, under the same terms and conditions as*
11 *authorized by section 9006 of the Farm Security and Rural*
12 *Investment Act of 2002 (7 U.S.C. 8106), \$36,000,000: Pro-*
13 *vided, That the cost of direct loans and loan guarantees,*
14 *including the cost of modifying such loans, shall be as de-*
15 *finied in section 502 of the Congressional Budget Act of*
16 *1974.*

17 *RURAL UTILITIES SERVICE*

18 *RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT*

19 *(INCLUDING TRANSFERS OF FUNDS)*

20 *For the cost of direct loans, loan guarantees, and*
21 *grants for the rural water, waste water, waste disposal, and*
22 *solid waste management programs authorized by sections*
23 *306, 306A, 306C, 306D, and 310B and described in sections*
24 *306C(a)(2), 306D, and 381E(d)(2) of the Consolidated*
25 *Farm and Rural Development Act, \$562,565,000, to remain*
26 *available until expended, of which not to exceed \$500,000*

1 shall be available for the rural utilities program described
2 in section 306(a)(2)(B) of such Act, and of which not to
3 exceed \$1,000,000 shall be available for the rural utilities
4 program described in section 306E of such Act: Provided,
5 That \$65,000,000 of the amount appropriated under this
6 heading shall be for water and waste disposal systems
7 grants authorized by 306C(a)(2)(B) and 306D of the Con-
8 solidated Farm and Rural Development Act and Native
9 Americans authorized by 306C(a)(1): Provided further,
10 That the Secretary shall allocate the funds described in the
11 previous proviso in a manner consistent with the historical
12 allocation for such populations under these authorities: Pro-
13 vided further, That not to exceed \$18,500,000 of the amount
14 appropriated under this heading shall be for technical as-
15 sistance grants for rural water and waste systems pursuant
16 to section 306(a)(14) of such Act, unless the Secretary
17 makes a determination of extreme need, of which \$5,600,000
18 shall be made available for a grant to a qualified non-profit
19 multi-state regional technical assistance organization, with
20 experience in working with small communities on water
21 and waste water problems, the principal purpose of such
22 grant shall be to assist rural communities with populations
23 of 3,300 or less, in improving the planning, financing, de-
24 velopment, operation, and management of water and waste
25 water systems, and of which not less than \$800,000 shall

1 *be for a qualified national Native American organization*
2 *to provide technical assistance for rural water systems for*
3 *tribal communities: Provided further, That not to exceed*
4 *\$13,750,000 of the amount appropriated under this heading*
5 *shall be for contracting with qualified national organiza-*
6 *tions for a circuit rider program to provide technical assist-*
7 *ance for rural water systems: Provided further, That not*
8 *to exceed \$12,700,000 of the amount appropriated under*
9 *this heading shall be available through June 30, 2008, for*
10 *authorized empowerment zones and enterprise communities*
11 *and communities designated by the Secretary of Agriculture*
12 *as Rural Economic Area Partnership Zones for the rural*
13 *utilities programs described in section 381E(d)(2) of such*
14 *Act: Provided further, That \$20,000,000 of the amount ap-*
15 *propriated under this heading shall be transferred to, and*
16 *merged with, the Rural Utilities Service, High Energy Cost*
17 *Grants Account to provide grants authorized under section*
18 *19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a):*
19 *Provided further, That any prior year balances for high cost*
20 *energy grants authorized by section 19 of the Rural Elec-*
21 *trification Act of 1936 (7 U.S.C. 901(19)) shall be trans-*
22 *ferred to and merged with the Rural Utilities Service, High*
23 *Energy Costs Grants Account: Provided further, That sec-*
24 *tion 381E–H and 381N of the Consolidated Farm and*
25 *Rural Development Act are not applicable to the funds*

1 *made available under this heading: Provided further, That*
 2 *any prior balances in the Rural Development, Rural Com-*
 3 *munity Advancement Program account programs author-*
 4 *ized by sections 306, 306A, 306C, 306D, and 310B and de-*
 5 *scribed in sections 306C(a)(2), 306D, and 381E(d)(2) of*
 6 *such Act be transferred and merged with this account and*
 7 *any other prior balances from the Rural Development,*
 8 *Rural Community Advancement Program account that the*
 9 *Secretary determines is appropriate to transfer.*

10 *RURAL ELECTRIFICATION AND TELECOMMUNICATIONS*

11 *LOANS PROGRAM ACCOUNT*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *The principal amount of direct and guaranteed loans*
 14 *as authorized by section 305 of the Rural Electrification*
 15 *Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 per-*
 16 *cent rural electrification loans, \$100,000,000; loans made*
 17 *pursuant to section 306 of that Act, rural electric,*
 18 *\$6,500,000,000; guaranteed underwriting loans pursuant to*
 19 *section 313A, \$500,000,000; 5 percent rural telecommuni-*
 20 *cations loans, \$145,000,000; cost of money rural tele-*
 21 *communications loans, \$250,000,000; and for loans made*
 22 *pursuant to section 306 of that Act, rural telecommuni-*
 23 *cations loans, \$295,000,000.*

24 *For the cost, as defined in section 502 of the Congres-*
 25 *sional Budget Act of 1974, including the cost of modifying*
 26 *loans, of direct and guaranteed loans authorized by sections*

1 305 and 306 of the Rural Electrification Act of 1936 (7
2 U.S.C. 935 and 936), as follows: cost of rural electric loans,
3 \$120,000, and the cost of telecommunications loans,
4 \$3,620,000: Provided, That notwithstanding section
5 305(d)(2) of the Rural Electrification Act of 1936, borrower
6 interest rates may exceed 7 percent per year.

7 In addition, for administrative expenses necessary to
8 carry out the direct and guaranteed loan programs,
9 \$38,623,000 which shall be transferred to and merged with
10 the appropriation for “Rural Development, Salaries and
11 Expenses”.

12 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
13 PROGRAM

14 For the principal amount of broadband telecommuni-
15 cation loans, \$300,000,000.

16 For grants for telemedicine and distance learning serv-
17 ices in rural areas, as authorized by 7 U.S.C. 950aaa et
18 seq., \$35,000,000, to remain available until expended: Pro-
19 vided, That \$5,000,000 shall be made available to convert
20 analog to digital operation those noncommercial edu-
21 cational television broadcast stations that serve rural areas
22 and are qualified for Community Service Grants by the
23 Corporation for Public Broadcasting under section 396(k)
24 of the Communications Act of 1934, including associated
25 translators and repeaters, regardless of the location of their
26 main transmitter, studio-to-transmitter links, and equip-

1 *ment to allow local control over digital content and pro-*
2 *gramming through the use of high-definition broadcast,*
3 *multi-casting and datacasting technologies.*

4 *For the cost of broadband loans, as authorized by 7*
5 *U.S.C. 901 et seq., \$6,450,000, to remain available until*
6 *expended: Provided, That the cost of direct loans shall be*
7 *as defined in section 502 of the Congressional Budget Act*
8 *of 1974.*

9 *In addition, \$13,500,000, to remain available until ex-*
10 *pended, for a grant program to finance broadband trans-*
11 *mission in rural areas eligible for Distance Learning and*
12 *Telemedicine Program benefits authorized by 7 U.S.C.*
13 *950aaa.*

14 *TITLE IV*

15 *DOMESTIC FOOD PROGRAMS*

16 *OFFICE OF THE UNDER SECRETARY FOR FOOD,*

17 *NUTRITION AND CONSUMER SERVICES*

18 *For necessary expenses of the Office of the Under Sec-*
19 *retary for Food, Nutrition and Consumer Services to ad-*
20 *minister the laws enacted by the Congress for the Food and*
21 *Nutrition Service, \$597,000.*

22 *FOOD AND NUTRITION SERVICE*

23 *CHILD NUTRITION PROGRAMS*

24 *(INCLUDING TRANSFERS OF FUNDS)*

25 *For necessary expenses to carry out the Richard B.*
26 *Russell National School Lunch Act (42 U.S.C. 1751 et seq.),*

1 *except section 21, and the Child Nutrition Act of 1966 (42*
2 *U.S.C. 1771 et seq.), except sections 17 and 21;*
3 *\$13,901,513,000, to remain available through September*
4 *30, 2009, of which \$7,647,965,000 is hereby appropriated*
5 *and \$6,253,548,000 shall be derived by transfer from funds*
6 *available under section 32 of the Act of August 24, 1935*
7 *(7 U.S.C. 612c): Provided, That up to \$5,505,000 shall be*
8 *available for independent verification of school food service*
9 *claims.*

10 *SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR*
11 *WOMEN, INFANTS, AND CHILDREN (WIC)*

12 *For necessary expenses to carry out the special supple-*
13 *mental nutrition program as authorized by section 17 of*
14 *the Child Nutrition Act of 1966 (42 U.S.C. 1786),*
15 *\$6,020,000,000, to remain available through September 30,*
16 *2009, of which such sums as are necessary to restore the*
17 *contingency reserve to \$150,000,000 shall be placed in re-*
18 *serve, to remain available until expended, to be allocated*
19 *as the Secretary deems necessary, notwithstanding section*
20 *17(i) of such Act, to support participation should cost or*
21 *participation exceed budget estimates: Provided, That of the*
22 *total amount available, the Secretary shall obligate not less*
23 *than \$15,000,000 for a breastfeeding support initiative in*
24 *addition to the activities specified in section 17(h)(3)(A):*
25 *Provided further, That only the provisions of section*
26 *17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effec-*

1 *tive in 2008; including \$14,000,000 for the purposes speci-*
2 *fied in section 17(h)(10)(B)(i) and \$30,000,000 for the pur-*
3 *poses specified in section 17(h)(10)(B)(ii): Provided further,*
4 *That funds made available for the purposes specified in sec-*
5 *tion 17(h)(10)(B)(ii) shall only be made available upon de-*
6 *termination by the Secretary that funds are available to*
7 *meet caseload requirements without the use of the contin-*
8 *gency reserve funds after the date of enactment of this Act:*
9 *Provided further, That none of the funds in this Act shall*
10 *be available to pay administrative expenses of WIC clinics*
11 *except those that have an announced policy of prohibiting*
12 *smoking within the space used to carry out the program:*
13 *Provided further, That none of the funds provided in this*
14 *account shall be available for the purchase of infant formula*
15 *except in accordance with the cost containment and com-*
16 *petitive bidding requirements specified in section 17 of such*
17 *Act: Provided further, That none of the funds provided shall*
18 *be available for activities that are not fully reimbursed by*
19 *other Federal Government departments or agencies unless*
20 *authorized by section 17 of such Act: Provided further, That*
21 *of the amount provided under this paragraph, \$400,000,000*
22 *is designated as described in section 5 (in the matter pre-*
23 *ceding division A of this consolidated Act).*

24 *FOOD STAMP PROGRAM*

25 *For necessary expenses to carry out the Food Stamp*
26 *Act (7 U.S.C. 2011 et seq.), \$39,782,723,000, of which*

1 \$3,000,000,000 to remain available through September 30,
2 2009, shall be placed in reserve for use only in such
3 amounts and at such times as may become necessary to
4 carry out program operations: Provided, That funds pro-
5 vided herein shall be expended in accordance with section
6 16 of the Food Stamp Act: Provided further, That this ap-
7 propriation shall be subject to any work registration or
8 workfare requirements as may be required by law: Provided
9 further, That funds made available for Employment and
10 Training under this heading shall remain available until
11 expended, as authorized by section 16(h)(1) of the Food
12 Stamp Act: Provided further, That notwithstanding section
13 5(d) of the Food Stamp Act of 1977, any additional pay-
14 ment received under chapter 5 of title 37, United States
15 Code, by a member of the United States Armed Forces de-
16 ployed to a designated combat zone shall be excluded from
17 household income for the duration of the member's deploy-
18 ment if the additional pay is the result of deployment to
19 or while serving in a combat zone, and it was not received
20 immediately prior to serving in the combat zone: Provided
21 further, That funds made available under this heading may
22 be used to enter into contracts and employ staff to conduct
23 studies, evaluations, or to conduct activities related to food
24 stamp program integrity provided that such activities are
25 authorized by the Food Stamp Act.

1 *further, That of the funds made available under section*
 2 *27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et*
 3 *seq.), the Secretary may use up to \$10,000,000 for costs as-*
 4 *sociated with the distribution of commodities.*

5 *NUTRITION PROGRAMS ADMINISTRATION*

6 *For necessary administrative expenses of the Food and*
 7 *Nutrition Service, \$142,727,000, of which \$2,475,000 is for*
 8 *the purpose of providing Bill Emerson and Mickey Leland*
 9 *Hunger Fellowships, through the Congressional Hunger*
 10 *Center.*

11 *TITLE V*

12 *FOREIGN ASSISTANCE AND RELATED PROGRAMS*

13 *FOREIGN AGRICULTURAL SERVICE*

14 *SALARIES AND EXPENSES*

15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For necessary expenses of the Foreign Agricultural*
 17 *Service, including carrying out title VI of the Agricultural*
 18 *Act of 1954 (7 U.S.C. 1761–1768), market development ac-*
 19 *tivities abroad, and for enabling the Secretary to coordinate*
 20 *and integrate activities of the Department in connection*
 21 *with foreign agricultural work, including not to exceed*
 22 *\$158,000 for representation allowances and for expenses*
 23 *pursuant to section 8 of the Act approved August 3, 1956*
 24 *(7 U.S.C. 1766), \$159,470,000: Provided, That the Service*
 25 *may utilize advances of funds, or reimburse this appropria-*
 26 *tion for expenditures made on behalf of Federal agencies,*

1 *public and private organizations and institutions under*
 2 *agreements executed pursuant to the agricultural food pro-*
 3 *duction assistance programs (7 U.S.C. 1737) and the for-*
 4 *ign assistance programs of the United States Agency for*
 5 *International Development: Provided further, That funds*
 6 *made available for the cost of agreements under title I of*
 7 *the Agricultural Trade Development and Assistance Act of*
 8 *1954 and for title I ocean freight differential may be used*
 9 *interchangeably between the two accounts with prior notice*
 10 *to the Committees on Appropriations of both Houses of Con-*
 11 *gress.*

12 *PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR*
 13 *PROGRESS PROGRAM ACCOUNT*
 14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For administrative expenses to carry out the credit*
 16 *program of title I, Public Law 83-480 and the Food for*
 17 *Progress Act of 1985, \$2,680,000, to be transferred to and*
 18 *merged with the appropriation for "Farm Service Agency,*
 19 *Salaries and Expenses".*

20 *PUBLIC LAW 480 TITLE II GRANTS*

21 *For expenses during the current fiscal year, not other-*
 22 *wise recoverable, and unrecovered prior years' costs, includ-*
 23 *ing interest thereon, under the Agricultural Trade Develop-*
 24 *ment and Assistance Act of 1954, for commodities supplied*
 25 *in connection with dispositions abroad under title II of said*
 26 *Act, \$1,219,400,000, to remain available until expended.*

1 COMMODITY CREDIT CORPORATION EXPORT LOANS

2 PROGRAM ACCOUNT

3 (INCLUDING TRANSFERS OF FUNDS)

4 *For administrative expenses to carry out the Com-*
5 *modity Credit Corporation's export guarantee program,*
6 *GSM 102 and GSM 103, \$5,328,000; to cover common over-*
7 *head expenses as permitted by section 11 of the Commodity*
8 *Credit Corporation Charter Act and in conformity with the*
9 *Federal Credit Reform Act of 1990, of which \$4,985,000*
10 *may be transferred to and merged with the appropriation*
11 *for "Foreign Agricultural Service, Salaries and Expenses",*
12 *and of which \$343,000 may be transferred to and merged*
13 *with the appropriation for "Farm Service Agency, Salaries*
14 *and Expenses".*

15 MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION

16 AND CHILD NUTRITION PROGRAM GRANTS

17 *For necessary expenses to carry out the provisions of*
18 *section 3107 of the Farm Security and Rural Investment*
19 *Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain*
20 *available until expended: Provided, That the Commodity*
21 *Credit Corporation is authorized to provide the services, fa-*
22 *cilities, and authorities for the purpose of implementing*
23 *such section, subject to reimbursement from amounts pro-*
24 *vided herein.*

1 rived from medical device user fees authorized by 21 U.S.C.
2 379j, and shall be credited to this account and remain
3 available until expended; and \$13,696,000 shall be derived
4 from animal drug user fees authorized by 21 U.S.C. 379j,
5 and shall be credited to this account and remain available
6 until expended: Provided further, That fees derived from
7 prescription drug, medical device, and animal drug assess-
8 ments received during fiscal year 2008, including any such
9 fees assessed prior to the current fiscal year but credited
10 during the current year, shall be subject to the fiscal year
11 2008 limitation: Provided further, That none of these funds
12 shall be used to develop, establish, or operate any program
13 of user fees authorized by 31 U.S.C. 9701: Provided further,
14 That of the total amount appropriated: (1) \$513,461,000
15 shall be for the Center for Food Safety and Applied Nutri-
16 tion and related field activities in the Office of Regulatory
17 Affairs; (2) \$682,759,000 shall be for the Center for Drug
18 Evaluation and Research and related field activities in the
19 Office of Regulatory Affairs, of which no less than
20 \$41,900,000 shall be available for the Office of Generic
21 Drugs; (3) \$236,985,000 shall be for the Center for Biologics
22 Evaluation and Research and for related field activities in
23 the Office of Regulatory Affairs; (4) \$109,244,000 shall be
24 for the Center for Veterinary Medicine and for related field
25 activities in the Office of Regulatory Affairs; (5)

1 \$267,284,000 shall be for the Center for Devices and Radio-
2 logical Health and for related field activities in the Office
3 of Regulatory Affairs; (6) \$44,316,000 shall be for the Na-
4 tional Center for Toxicological Research; (7) not to exceed
5 \$99,922,000 shall be for Rent and Related activities, of
6 which \$38,808,000 is for White Oak Consolidation, other
7 than the amounts paid to the General Services Administra-
8 tion for rent; (8) not to exceed \$160,094,000 shall be for
9 payments to the General Services Administration for rent;
10 and (9) \$133,896,000 shall be for other activities, including
11 the Office of the Commissioner; the Office of Scientific and
12 Medical Programs; the Office of Policy, Planning and Pre-
13 paredness; the Office of International and Special Pro-
14 grams; the Office of Operations; and central services for
15 these offices: Provided further, That of the amounts made
16 available under this heading, \$28,000,000 for the Center for
17 Food Safety and Applied Nutrition and related field activi-
18 ties in the Office of Regulatory Affairs shall be available
19 from July 1, 2008, to September 30, 2009, for implementa-
20 tion of a comprehensive food safety performance plan: Pro-
21 vided further, That none of the funds made available under
22 this heading shall be used to transfer funds under section
23 770(n) of the Federal Food, Drug, and Cosmetic Act (21
24 U.S.C. 379dd): Provided further, That funds may be trans-
25 ferred from one specified activity to another with the prior

1 *approval of the Committees on Appropriations of both*
2 *Houses of Congress.*

3 *In addition, mammography user fees authorized by 42*
4 *U.S.C. 263b may be credited to this account, to remain*
5 *available until expended.*

6 *In addition, export certification user fees authorized*
7 *by 21 U.S.C. 381 may be credited to this account, to remain*
8 *available until expended.*

9 *BUILDINGS AND FACILITIES*

10 *For plans, construction, repair, improvement, exten-*
11 *sion, alteration, and purchase of fixed equipment or facili-*
12 *ties of or used by the Food and Drug Administration, where*
13 *not otherwise provided, \$2,450,000, to remain available*
14 *until expended.*

15 *INDEPENDENT AGENCIES*

16 *COMMODITY FUTURES TRADING COMMISSION*

17 *For necessary expenses to carry out the provisions of*
18 *the Commodity Exchange Act (7 U.S.C. 1 et seq.), including*
19 *the purchase and hire of passenger motor vehicles, and the*
20 *rental of space (to include multiple year leases) in the Dis-*
21 *trict of Columbia and elsewhere, \$112,050,000, including*
22 *not to exceed \$3,000 for official reception and representa-*
23 *tion expenses.*

1 *FARM CREDIT ADMINISTRATION*
2 *LIMITATION ON ADMINISTRATIVE EXPENSES*

3 *Not to exceed \$46,000,000 (from assessments collected*
4 *from farm credit institutions and from the Federal Agricul-*
5 *tural Mortgage Corporation) shall be obligated during the*
6 *current fiscal year for administrative expenses as author-*
7 *ized under 12 U.S.C. 2249: Provided, That this limitation*
8 *shall not apply to expenses associated with receiverships.*

9 *TITLE VII*
10 *GENERAL PROVISIONS*

11 *(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)*

12 *SEC. 701. Within the unit limit of cost fixed by law,*
13 *appropriations and authorizations made for the Depart-*
14 *ment of Agriculture for the current fiscal year under this*
15 *Act shall be available for the purchase, in addition to those*
16 *specifically provided for, of not to exceed 182 passenger*
17 *motor vehicles, of which 142 shall be for replacement only,*
18 *and for the hire of such vehicles.*

19 *SEC. 702. New obligational authority provided for the*
20 *following appropriation items in this Act shall remain*
21 *available until expended: Animal and Plant Health Inspec-*
22 *tion Service, the contingency fund to meet emergency condi-*
23 *tions, information technology infrastructure, fruit fly pro-*
24 *gram, emerging plant pests, cotton pests program, avian*
25 *influenza programs, grasshopper program, up to \$9,750,000*

1 *in animal health monitoring and surveillance for the ani-*
2 *mal identification system, up to \$1,500,000 in the scrapie*
3 *program for indemnities, up to \$3,000,000 in the emergency*
4 *management systems program for the vaccine bank, up to*
5 *\$1,000,000 for wildlife services methods development, up to*
6 *\$1,000,000 of the wildlife services operations program for*
7 *aviation safety, and up to 25 percent of the screwworm pro-*
8 *gram; Food Safety and Inspection Service, Public Health*
9 *Data Communication Infrastructure System; Cooperative*
10 *State Research, Education, and Extension Service, funds*
11 *for competitive research grants (7 U.S.C. 450i(b)), funds*
12 *for the Research, Education, and Economics Information*
13 *System, and funds for the Native American Institutions*
14 *Endowment Fund; Farm Service Agency, salaries and ex-*
15 *penses funds made available to county committees; Foreign*
16 *Agricultural Service, middle-income country training pro-*
17 *gram, and up to \$2,000,000 of the Foreign Agricultural*
18 *Service appropriation solely for the purpose of offsetting*
19 *fluctuations in international currency exchange rates, sub-*
20 *ject to documentation by the Foreign Agricultural Service.*

21 *SEC. 703. The Secretary of Agriculture may transfer*
22 *unobligated balances of discretionary funds appropriated*
23 *by this Act or other available unobligated discretionary bal-*
24 *ances of the Department of Agriculture to the Working Cap-*
25 *ital Fund for the acquisition of plant and capital equip-*

1 *ment necessary for the financial management moderniza-*
2 *tion initiative and the delivery of financial, administrative,*
3 *and information technology services of primary benefit to*
4 *the agencies of the Department of Agriculture: Provided,*
5 *That none of the funds made available by this Act or any*
6 *other Act shall be transferred to the Working Capital Fund*
7 *without the prior approval of the agency administrator:*
8 *Provided further, That none of the funds transferred to the*
9 *Working Capital Fund pursuant to this section shall be*
10 *available for obligation without the prior approval of the*
11 *Committees on Appropriations of both Houses of Congress:*
12 *Provided further, That none of the funds appropriated by*
13 *this Act or made available to the Department's Working*
14 *Capital Fund shall be available for obligation or expendi-*
15 *ture to make any changes to the Department's National Fi-*
16 *nance Center without prior approval of the Committees on*
17 *Appropriations of both Houses of Congress as required by*
18 *section 713 of this Act.*

19 *SEC. 704. No part of any appropriation contained in*
20 *this Act shall remain available for obligation beyond the*
21 *current fiscal year unless expressly so provided herein.*

22 *SEC. 705. No funds appropriated by this Act may be*
23 *used to pay negotiated indirect cost rates on cooperative*
24 *agreements or similar arrangements between the United*
25 *States Department of Agriculture and nonprofit institu-*

1 tions in excess of 10 percent of the total direct cost of the
2 agreement when the purpose of such cooperative arrange-
3 ments is to carry out programs of mutual interest between
4 the two parties. This does not preclude appropriate pay-
5 ment of indirect costs on grants and contracts with such
6 institutions when such indirect costs are computed on a
7 similar basis for all agencies for which appropriations are
8 provided in this Act.

9 SEC. 706. None of the funds in this Act shall be avail-
10 able to pay indirect costs charged against competitive agri-
11 cultural research, education, or extension grant awards
12 issued by the Cooperative State Research, Education, and
13 Extension Service that exceed 20 percent of total Federal
14 funds provided under each award: Provided, That notwith-
15 standing section 1462 of the National Agricultural Re-
16 search, Extension, and Teaching Policy Act of 1977 (7
17 U.S.C. 3310), funds provided by this Act for grants award-
18 ed competitively by the Cooperative State Research, Edu-
19 cation, and Extension Service shall be available to pay full
20 allowable indirect costs for each grant awarded under sec-
21 tion 9 of the Small Business Act (15 U.S.C. 638).

22 SEC. 707. Appropriations to the Department of Agri-
23 culture for the cost of direct and guaranteed loans made
24 available in the current fiscal year shall remain available
25 until expended to disburse obligations made in the current

1 *fiscal year for the following accounts: the Rural Develop-*
2 *ment Loan Fund program account, the Rural Electrifica-*
3 *tion and Telecommunication Loans program account, and*
4 *the Rural Housing Insurance Fund program account.*

5 *SEC. 708. Of the funds made available by this Act, not*
6 *more than \$1,800,000 shall be used to cover necessary ex-*
7 *penses of activities related to all advisory committees, pan-*
8 *els, commissions, and task forces of the Department of Agri-*
9 *culture, except for panels used to comply with negotiated*
10 *rule makings and panels used to evaluate competitively*
11 *awarded grants.*

12 *SEC. 709. None of the funds appropriated by this Act*
13 *may be used to carry out section 410 of the Federal Meat*
14 *Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry*
15 *Products Inspection Act (21 U.S.C. 471).*

16 *SEC. 710. No employee of the Department of Agri-*
17 *culture may be detailed or assigned from an agency or office*
18 *funded by this Act to any other agency or office of the De-*
19 *partment for more than 30 days unless the individual's em-*
20 *ploying agency or office is fully reimbursed by the receiving*
21 *agency or office for the salary and expenses of the employee*
22 *for the period of assignment.*

23 *SEC. 711. None of the funds appropriated or otherwise*
24 *made available to the Department of Agriculture or the*
25 *Food and Drug Administration shall be used to transmit*

1 *or otherwise make available to any non-Department of Ag-*
2 *riculture or non-Department of Health and Human Serv-*
3 *ices employee questions or responses to questions that are*
4 *a result of information requested for the appropriations*
5 *hearing process.*

6 *SEC. 712. None of the funds made available to the De-*
7 *partment of Agriculture by this Act may be used to acquire*
8 *new information technology systems or significant up-*
9 *grades, as determined by the Office of the Chief Information*
10 *Officer, without the approval of the Chief Information Offi-*
11 *cer and the concurrence of the Executive Information Tech-*
12 *nology Investment Review Board: Provided, That notwith-*
13 *standing any other provision of law, none of the funds ap-*
14 *propriated or otherwise made available by this Act may be*
15 *transferred to the Office of the Chief Information Officer*
16 *without the prior approval of the Committees on Appro-*
17 *priations of both Houses of Congress: Provided further, That*
18 *none of the funds available to the Department of Agriculture*
19 *for information technology shall be obligated for projects*
20 *over \$25,000 prior to receipt of written approval by the*
21 *Chief Information Officer.*

22 *SEC. 713. (a) None of the funds provided by this Act,*
23 *or provided by previous Appropriations Acts to the agencies*
24 *funded by this Act that remain available for obligation or*
25 *expenditure in the current fiscal year, or provided from any*

1 *accounts in the Treasury of the United States derived by*
2 *the collection of fees available to the agencies funded by this*
3 *Act, shall be available for obligation or expenditure through*
4 *a reprogramming of funds which—*

5 *(1) creates new programs;*

6 *(2) eliminates a program, project, or activity;*

7 *(3) increases funds or personnel by any means*
8 *for any project or activity for which funds have been*
9 *denied or restricted;*

10 *(4) relocates an office or employees;*

11 *(5) reorganizes offices, programs, or activities; or*

12 *(6) contracts out or privatizes any functions or*
13 *activities presently performed by Federal employees;*
14 *unless the Committees on Appropriations of both*
15 *Houses of Congress are notified 15 days in advance*
16 *of such reprogramming of funds.*

17 *(b) None of the funds provided by this Act, or provided*
18 *by previous Appropriations Acts to the agencies funded by*
19 *this Act that remain available for obligation or expenditure*
20 *in the current fiscal year, or provided from any accounts*
21 *in the Treasury of the United States derived by the collec-*
22 *tion of fees available to the agencies funded by this Act,*
23 *shall be available for obligation or expenditure for activi-*
24 *ties, programs, or projects through a reprogramming of*
25 *funds in excess of \$500,000 or 10 percent, which-ever is less,*

1 *that: (1) augments existing programs, projects, or activities;*
2 *(2) reduces by 10 percent funding for any existing program,*
3 *project, or activity, or numbers of personnel by 10 percent*
4 *as approved by Congress; or (3) results from any general*
5 *savings from a reduction in personnel which would result*
6 *in a change in existing programs, activities, or projects as*
7 *approved by Congress; unless the Committees on Appropria-*
8 *tions of both Houses of Congress are notified 15 days in*
9 *advance of such reprogramming of funds.*

10 *(c) The Secretary of Agriculture, the Secretary of*
11 *Health and Human Services, or the Chairman of the Com-*
12 *modity Futures Trading Commission shall notify the Com-*
13 *mittees on Appropriations of both Houses of Congress before*
14 *implementing a program or activity not carried out during*
15 *the previous fiscal year unless the program or activity is*
16 *funded by this Act or specifically funded by any other Act.*

17 *SEC. 714. None of the funds appropriated by this or*
18 *any other Act shall be used to pay the salaries and expenses*
19 *of personnel who prepare or submit appropriations lan-*
20 *guage as part of the President's Budget submission to the*
21 *Congress of the United States for programs under the juris-*
22 *isdiction of the Appropriations Subcommittees on Agri-*
23 *culture, Rural Development, Food and Drug Administra-*
24 *tion, and Related Agencies that assumes revenues or reflects*
25 *a reduction from the previous year due to user fees pro-*

1 *posals that have not been enacted into law prior to the sub-*
2 *mission of the Budget unless such Budget submission identi-*
3 *fies which additional spending reductions should occur in*
4 *the event the user fees proposals are not enacted prior to*
5 *the date of the convening of a committee of conference for*
6 *the fiscal year 2009 appropriations Act.*

7 *SEC. 715. Notwithstanding any other provision of law,*
8 *the Natural Resources Conservation Service shall provide*
9 *financial and technical assistance—*

10 *(1) from funds available for the Watershed and*
11 *Flood Prevention Operations program for the Pocasset*
12 *River Floodplain Management Project in the State of*
13 *Rhode Island;*

14 *(2) through the Watershed and Flood Prevention*
15 *Operations program to carry out the East Locust*
16 *Creek Watershed Plan Revision in Missouri, includ-*
17 *ing up to 100 percent of the engineering assistance*
18 *and 75 percent cost share for construction cost of site*
19 *RW1;*

20 *(3) through the Watershed Flood Prevention Op-*
21 *erations program to carry out the Little Otter Creek*
22 *Watershed project. The sponsoring local organization*
23 *may obtain land rights by perpetual easements; and*

24 *(4) through the Watershed and Flood Prevention*
25 *Operations program to the McDowell Grove Dam*

1 *Flood Plain/Wetlands Restoration Project in DuPage*
2 *County, Illinois.*

3 *SEC. 716. None of the funds made available by this*
4 *or any other Act may be used to close or relocate a Rural*
5 *Development office unless or until the Secretary of Agri-*
6 *culture determines the cost effectiveness and/or enhancement*
7 *of program delivery: Provided, That not later than 60 days*
8 *before the date of the proposed closure or relocation, the Sec-*
9 *retary notifies the Committees on Appropriation of the*
10 *House and Senate, and the members of Congress from the*
11 *State in which the office is located of the proposed closure*
12 *or relocation and provides a report that describes the jus-*
13 *tifications for such closures and relocations.*

14 *SEC. 717. None of the funds made available to the Food*
15 *and Drug Administration by this Act shall be used to close*
16 *or relocate, or to plan to close or relocate, the Food and*
17 *Drug Administration Division of Pharmaceutical Analysis*
18 *in St. Louis, Missouri, outside the city or county limits*
19 *of St. Louis, Missouri.*

20 *SEC. 718. Notwithstanding any other provision of law,*
21 *of the funds made available in this Act for competitive re-*
22 *search grants (7 U.S.C. 450i(b)), the Secretary may use up*
23 *to 26 percent of the amount provided to carry out a com-*
24 *petitive grants program under the same terms and condi-*
25 *tions as those provided in section 401 of the Agricultural*

1 *Research, Extension, and Education Reform Act of 1998*
2 *(7 U.S.C. 7621).*

3 *SEC. 719. None of the funds appropriated or otherwise*
4 *made available by this or any other Act shall be used to*
5 *pay the salaries and expenses of personnel to carry out an*
6 *environmental quality incentives program authorized by*
7 *chapter 4 of subtitle D of title XII of the Food Security*
8 *Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of*
9 *\$1,000,000,000.*

10 *SEC. 720. None of the funds made available in fiscal*
11 *year 2008 or preceding fiscal years for programs authorized*
12 *under the Agricultural Trade Development and Assistance*
13 *Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000*
14 *shall be used to reimburse the Commodity Credit Corpora-*
15 *tion for the release of eligible commodities under section*
16 *302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act*
17 *(7 U.S.C. 1736f-1): Provided, That any such funds made*
18 *available to reimburse the Commodity Credit Corporation*
19 *shall only be used pursuant to section 302(b)(2)(B)(i) of*
20 *the Bill Emerson Humanitarian Trust Act.*

21 *SEC. 721. No funds shall be used to pay salaries and*
22 *expenses of the Department of Agriculture to carry out or*
23 *administer the program authorized by section 14(h)(1) of*
24 *the Watershed Protection and Flood Prevention Act (16*
25 *U.S.C. 1012(h)(1)).*

1 *SEC. 722. Notwithstanding subsections (c) and (e)(2)*
2 *of section 313A of the Rural Electrification Act (7 U.S.C.*
3 *940c(c) and (e)(2)) in implementing section 313A of that*
4 *Act, the Secretary shall, with the consent of the lender,*
5 *structure the schedule for payment of the annual fee, not*
6 *to exceed an average of 30 basis points per year for the*
7 *term of the loan, to ensure that sufficient funds are avail-*
8 *able to pay the subsidy costs for note guarantees under that*
9 *section.*

10 *SEC. 723. None of the funds made available by this*
11 *Act may be used to issue a final rule in furtherance of,*
12 *or otherwise implement, the proposed rule on cost-sharing*
13 *for animal and plant health emergency programs of the*
14 *Animal and Plant Health Inspection Service published on*
15 *July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).*

16 *SEC. 724. There is hereby appropriated \$437,000, to*
17 *remain available until expended, for the Denali Commis-*
18 *sion to address deficiencies in solid waste disposal sites*
19 *which threaten to contaminate rural drinking water sup-*
20 *plies.*

21 *SEC. 725. Funds made available under section 1240I*
22 *and section 1241(a) of the Food Security Act of 1985 in*
23 *the current fiscal year shall remain available until ex-*
24 *pended to disburse obligations made in the current fiscal*
25 *year. Funds made available under section 524(b) of the Fed-*

1 eral Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years
2 2004, 2005, 2006, 2007, and 2008 shall remain available
3 until expended to disburse obligations made in fiscal years
4 2004, 2005, 2006, 2007, and 2008 respectively, and except
5 for fiscal year 2008 funds, are not available for new obliga-
6 tions.

7 *SEC. 726. None of the funds provided in this Act may*
8 *be used for salaries and expenses to draft or implement any*
9 *regulation or rule insofar as it would require recertification*
10 *of rural status for each electric and telecommunications bor-*
11 *rower for the Rural Electrification and Telecommunication*
12 *Loans program.*

13 *SEC. 727. Unless otherwise authorized by existing law,*
14 *none of the funds provided in this Act, may be used by an*
15 *executive branch agency to produce any prepackaged news*
16 *story intended for broadcast or distribution in the United*
17 *States unless the story includes a clear notification within*
18 *the text or audio of the prepackaged news story that the*
19 *prepackaged news story was prepared or funded by that ex-*
20 *ecutive branch agency.*

21 *SEC. 728. Notwithstanding any other provision of law,*
22 *any former RUS borrower that has repaid or prepaid an*
23 *insured, direct or guaranteed loan under the Rural Elec-*
24 *trification Act, or any not-for-profit utility that is eligible*
25 *to receive an insured or direct loan under such Act, shall*

1 *be eligible for assistance under Section 313(b)(2)(B) of such*
2 *Act in the same manner as a borrower under such Act.*

3 *SEC. 729. Notwithstanding any other provision of law,*
4 *the Secretary of Agriculture is authorized to make funding*
5 *and other assistance available through the emergency water-*
6 *shed protection program under section 403 of the Agricul-*
7 *tural Credit Act of 1978 (16 U.S.C. 2203) to repair and*
8 *prevent damage to non-Federal land in watersheds that*
9 *have been impaired by fires initiated by the Federal Gov-*
10 *ernment and shall waive cost sharing requirements for the*
11 *funding and assistance.*

12 *SEC. 730. None of the funds made available in this*
13 *Act may be used to study, complete a study of, or enter*
14 *into a contract with a private party to carry out, without*
15 *specific authorization in a subsequent Act of Congress, a*
16 *competitive sourcing activity of the Secretary of Agri-*
17 *culture, including support personnel of the Department of*
18 *Agriculture, relating to rural development or farm loan*
19 *programs.*

20 *SEC. 731. Of the amount available for Estimated Fu-*
21 *ture Needs under section 32 of the Act of August 24, 1935,*
22 *\$184,000,000 are hereby rescinded: Provided, That in addi-*
23 *tion, of the unobligated balances under section 32 of the Act*
24 *of August 24, 1935, \$500,000,000 are hereby rescinded.*

1 *SEC. 732. Of the appropriations available for pay-*
2 *ments for the nutrition and family education program for*
3 *low-income areas under section 3(d) of the Smith-Lever Act*
4 *(7 U.S.C. 343(d)), if the payment allocation pursuant to*
5 *section 1425(c) of the National Agricultural Research, Ex-*
6 *tension, and Teaching Policy Act of 1977 (7 U.S.C.*
7 *3175(c)) would be less than \$100,000 for any institution*
8 *eligible under section 3(d)(2) of the Smith-Lever Act, the*
9 *Secretary shall adjust payment allocations under section*
10 *1425(c) of the National Agricultural Research, Extension,*
11 *and Teaching Policy Act of 1977 to ensure that each insti-*
12 *tution receives a payment of not less than \$100,000.*

13 *SEC. 733. None of the funds made available in this*
14 *Act may be used to establish or implement a rule allowing*
15 *poultry products to be imported into the United States from*
16 *the People's Republic of China.*

17 *SEC. 734. There is hereby appropriated \$3,750,000, to*
18 *remain available until expended, for a grant to the Na-*
19 *tional Center for Natural Products Research for construc-*
20 *tion or renovation to carry out the research objectives of*
21 *the natural products research grant issued by the Food and*
22 *Drug Administration.*

23 *SEC. 735. There is hereby appropriated \$150,000, to*
24 *remain available until expended, for the planning and de-*

1 *sign of construction of an agriculture pest facility in the*
2 *State of Hawaii.*

3 *SEC. 736. None of the funds made available to the De-*
4 *partment of Agriculture in this Act may be used to imple-*
5 *ment the risk-based inspection program in the 30 prototype*
6 *locations announced on February 22, 2007, by the Under*
7 *Secretary for Food Safety, or at any other locations, until*
8 *the USDA Office of Inspector General has provided its find-*
9 *ings to the Food Safety and Inspection Service and the*
10 *Committees on Appropriations of the House of Representa-*
11 *tives and the Senate on the data used in support of the*
12 *development and design of the risk-based inspection pro-*
13 *gram and FSIS has addressed and resolved issues identified*
14 *by OIG.*

15 *SEC. 737. The Secretary of Agriculture shall continue*
16 *the Water and Waste Systems Direct Loan Program under*
17 *the authority and conditions (including the fees, borrower*
18 *interest rate, and the President's economic assumptions for*
19 *the 2008 Fiscal Year, as of June 1, 2007) provided by the*
20 *“Continuing Appropriations Resolution, 2007”.*

21 *SEC. 738. (a) Section 13(b) of the Richard B. Russell*
22 *National School Lunch Act (42 U.S.C. 1761(b)) is amend-*
23 *ed—*

24 *(1) in paragraph (1)—*

25 *(A) by striking subparagraph (A);*

1 (B) by redesignating subparagraphs (B)
2 through (D) as subparagraphs (A) through (C),
3 respectively;

4 (C) in subparagraph (A) (as redesignated
5 by subparagraph (B)), striking “(B)” and all
6 that follows through “shall not exceed” and in-
7 serting the following:

8 “(A) *IN GENERAL.*—Subject to subpara-
9 graph (B) and in addition to amounts made
10 available under paragraph (3), payments to
11 service institutions shall be”;

12 (D) in subparagraph (B) (as redesignated
13 by subparagraph (B)), by striking “subpara-
14 graph (B)” and inserting “subparagraph (A)”;
15 and

16 (E) in subparagraph (C) (as redesignated
17 by subparagraph (B)), by striking “(A), (B),
18 and (C)” and inserting “(A) and (B)”;

19 (2) in the second sentence of paragraph (3), by
20 striking “full amount of State approved” and all that
21 follows through “maximum allowable”.

22 (b) *CONFORMING AMENDMENT.*—Section 18 of the
23 *Richard B. Russell National School Lunch Act* (42 U.S.C.
24 1769) is amended—

25 (1) by striking subsection (f); and

1 (2) by redesignating subsection (g) through (k)
2 as subsections (f) through (j), respectively.

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section take effect on January 1 of the first full calendar*
5 *year following the date of enactment of this Act.*

6 *SEC. 739. There is hereby appropriated \$9,900,000, to*
7 *remain available until September 30, 2009, which, in con-*
8 *junction with all unobligated balances available to the Sec-*
9 *retary under section 18(g) of the Richard B. Russell Na-*
10 *tional School Lunch Act (42 U.S.C. 1769(g)) shall be used*
11 *to continue the Fresh Fruit and Vegetable Program (42*
12 *U.S.C. 1769(g)) in all currently participating States and*
13 *expand the program to all the contiguous States and, Alas-*
14 *ka, Hawaii and the District of Columbia not currently*
15 *served by the authorized program: Provided, That of funds*
16 *available under this section, not to exceed 5 percent may*
17 *be available for Federal administrative costs, as determined*
18 *by the Secretary of Agriculture: Provided further, That for*
19 *the purposes of this section, “currently participating*
20 *States” shall be defined as those authorized to participate*
21 *under section 18(g) of the Richard B. Russell National*
22 *School Lunch Act (42 U.S.C. 1769(g)) as well as those au-*
23 *thorized to participate under section 779 of Public Law*
24 *109–97: Provided further, That implementation of the pro-*
25 *gram in new States shall begin with school year 2008/2009.*

1 *SEC. 740. Section 704 of the Department of Agri-*
2 *culture Organic Act of 1944 (7 U.S.C. 2258) is amended*
3 *by striking the first proviso.*

4 *SEC. 741. None of the funds made available in this*
5 *Act may be used to pay the salaries or expenses of personnel*
6 *to—*

7 (1) *inspect horses under section 3 of the Federal*
8 *Meat Inspection Act (21 U.S.C. 603);*

9 (2) *inspect horses under section 903 of the Fed-*
10 *eral Agriculture Improvement and Reform Act of*
11 *1996 (7 U.S.C. 1901 note; Public Law 104-127); or*

12 (3) *implement or enforce section 352.19 of title*
13 *9, Code of Federal Regulations.*

14 *SEC. 742. There is hereby appropriated \$800,000 to*
15 *the Farm Service Agency to carry out a pilot program to*
16 *demonstrate the use of new technologies that increase the*
17 *rate of growth of re-forested hardwood trees on private non-*
18 *industrial forests lands, enrolling lands on the coast of the*
19 *Gulf of Mexico that were damaged by Hurricane Katrina*
20 *in 2005.*

21 *SEC. 743. (a) Sections 9001(a) and 9002 of the U.S.*
22 *Troop Readiness, Veterans' Care, Katrina Recovery, and*
23 *Iraq Accountability Appropriations Act, 2007 (Public Law*
24 *110-28; 121 Stat. 211, 214) are amended by striking “Feb-*

1 ruary 28, 2007” each place it occurs and inserting “Decem-
2 ber 31, 2007”.

3 (b) There is hereby appropriated \$20,000,000 for the
4 “Farm Service Agency, Salaries and Expenses”.

5 (c) Each amount provided by this section is designated
6 as described in section 5 (in the matter preceding division
7 A of this consolidated Act).

8 SEC. 744. Section 17(r)(5) of the Richard B. Russell
9 National School Lunch Act (42 U.S.C. 1766(r)(5)) is
10 amended—

11 (1) by striking “seven” and inserting “eight”;

12 (2) by striking “five” and inserting “six”; and

13 (3) by inserting “West Virginia,” after the first
14 instance of “States shall be”.

15 SEC. 745. Hereafter, notwithstanding any other provi-
16 sion of law, of the funds made available for the Commodity
17 Assistance Program under division B of Public Law 109-
18 148, Emergency Supplemental Appropriations to Address
19 Hurricanes in the Gulf of Mexico and Pandemic Influenza,
20 2006, all unexpended funds shall be made available to sup-
21 port normal program operations of the Commodity Supple-
22 mental Food Program under the Agriculture and Consumer
23 Protection Act of 1973 and of the Emergency Food Assist-
24 ance Program under the Emergency Food Assistance Act
25 of 1983: Provided, That any commodities purchased with

1 *funds made available under Public Law 109–148 and re-*
2 *maining undistributed shall be used to support normal pro-*
3 *gram operations under the authorities cited in this section.*

4 *SEC. 746. Notwithstanding any other provision of law,*
5 *and until receipt of the decennial Census for the year 2010,*
6 *the Secretary of Agriculture shall consider—*

7 *(1) the City of Alamo, Texas; the City of Mer-*
8 *cedes, Texas; the City of Weslaco, Texas; the City of*
9 *Donna, Texas; the City of La Feria, Texas; and the*
10 *City of Northampton, Massachusetts, (including indi-*
11 *viduals and entities with projects within the cities) el-*
12 *igible for loans and grants funded through the Rural*
13 *Business Program account;*

14 *(2) the City of Bainbridge Island, Washington;*
15 *the City of Keene, New Hampshire; and the City of*
16 *Havelock, North Carolina, (including individuals and*
17 *entities with projects within the cities) eligible for*
18 *loans and grants funded through the Rural Commu-*
19 *nity Facilities Program account;*

20 *(3) the City of Freeport, Illinois; Kitsap County*
21 *(except the City of Bremerton), Washington; the City*
22 *of Atascadero, California; and the City of Paso*
23 *Robles, California, (including individuals and enti-*
24 *ties with projects within the cities) eligible for loans*
25 *and grants funded through the Rural Housing Insur-*

1 *ance Fund Program account and the Rural Housing*
2 *Assistance Grants account;*

3 (4) *the City of Canton, Mississippi, (including*
4 *individuals and entities with projects within the cit-*
5 *ies) eligible for loans and grants funded through the*
6 *Rural Water and Waste Disposal Program account;*

7 (5) *the City of Parsons, Kansas; the Town of*
8 *Boone, North Carolina; the City of Henderson, North*
9 *Carolina; and the City of Lenoir, North Carolina, to*
10 *be rural areas for the purposes of eligibility for loans*
11 *and grants funded through the Rural Water and*
12 *Waste Disposal Program account;*

13 (6) *the City of Lansing, Kansas, a rural area for*
14 *purposes of eligibility for Rural Housing Service pro-*
15 *grams, and the City of Leavenworth, Kansas, and the*
16 *City of Lansing, Kansas, as separate geographic enti-*
17 *ties for purposes of Rural Development grants and*
18 *loans;*

19 (7) *the City of Binghamton, New York, for the*
20 *purpose of upgrading a trunk line for waste transport*
21 *to the Town of Conklin, New York, (including indi-*
22 *viduals and entities with projects within the cities) el-*
23 *igible for loans and grants funded through the Rural*
24 *Water and Waste Disposal Program account;*

1 (8) *the County of Lexington, South Carolina,*
2 *shall be considered to be a rural area for the purposes*
3 *of financing a farmers' market under the Business*
4 *and Industry Loan Guarantee Program in a local*
5 *area that has rural characteristics as determined by*
6 *the Secretary; and*

7 (9) *the service areas being acquired by Mid-Kan-*
8 *sas Electric Cooperative, except for the City of Dodge*
9 *City, Kansas, shall be considered eligible for financ-*
10 *ing under the Rural Electrification Act of 1936, as*
11 *amended.*

12 *SEC. 747. None of the funds made available in this*
13 *Act may be used—*

14 (1) *to terminate any of the 13 field laboratories*
15 *that are operated by the Food and Drug Administra-*
16 *tion as of January 1, 2007, or 20 District Offices, or*
17 *any of the inspection or compliance functions of any*
18 *of the 20 District Offices, of the Food and Drug Ad-*
19 *ministration functioning as of January 1, 2007; or*

20 (2) *to consolidate any such laboratory with any*
21 *other laboratory, or any such District Office, or any*
22 *of the inspection or compliance functions of any Dis-*
23 *trict Office, with any other District Office.*

24 *SEC. 748. Hereafter, the Secretary may use funds*
25 *made available in chapter 1 of division B of Public Law*

1 109–148 for direct and guaranteed loans under title V of
2 the Housing Act of 1949, to make or guarantee loans, as
3 authorized under such Act, to finance housing and repairs
4 to housing in rural areas affected by hurricanes that oc-
5 curred during the 2005 calendar year.

6 SEC. 749. Of the unobligated balances provided pursu-
7 ant to section 16(h)(1)(A) of the Food Stamp Act of 1977,
8 \$10,500,000 is hereby rescinded.

9 SEC. 750. Of the unobligated balances available in the
10 Child and Adult Care Food Program for the purpose of con-
11 ducting audits of participating institutions as provided for
12 under section 796 of Public Law 109–97, \$3,500,000 is
13 hereby rescinded.

14 **SEC. 751. EXTENSION OF AGRICULTURAL PROGRAMS.**

15 (a) *EXTENSION.*—Except as otherwise provided in this
16 Act and notwithstanding any other provision of law, the
17 authorities provided under the Farm Security and Rural
18 Investment Act of 2002 (Public Law 107–171; 7 U.S.C.
19 7901 et seq.) and each amendment made by that Act (and
20 for mandatory programs at such funding levels), as in effect
21 on September 30, 2007, shall continue, and the Secretary
22 of Agriculture shall carry out the authorities, until March
23 15, 2008.

24 (b) *CONSERVATION PROGRAMS.*—

1 (1) *FARMLAND PROTECTION PROGRAM.*—Not-
2 withstanding any other provision of law, the Sec-
3 retary of Agriculture (referred to in this subsection as
4 the “Secretary”) shall continue the farmland protec-
5 tion program established under subchapter B of chap-
6 ter 2 of subtitle D of title XII of the Food Security
7 Act of 1985 (16 U.S.C. 3838h et seq.) at a funding
8 level of \$97,000,000 per year.

9 (2) *GROUND AND SURFACE WATER CONSERVA-*
10 *TION.*—Notwithstanding any other provision of law,
11 the Secretary shall continue the ground and surface
12 water conservation program established under section
13 1240I of the Food Security Act of 1985 (16 U.S.C.
14 3839aa-9) at a funding level of \$60,000,000 per year.

15 (3) *WILDLIFE HABITAT INCENTIVES PROGRAM.*—
16 Notwithstanding any other provision of law, the Sec-
17 retary shall continue the wildlife habitat incentive
18 program established under section 1240N of the Food
19 Security Act of 1985 (16 U.S.C. 3839bb-1) at a fund-
20 ing level of \$85,000,000 per year.

21 (c) *EXCEPTIONS.*—This section does not apply with re-
22 spect to—

23 (1) *section 1307(a)(6) of the Farm Security and*
24 *Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6));*

1 (2) *section 524(b) of the Federal Crop Insurance*
2 *Act (7 U.S.C. 1524(b));*

3 (3) *section 25 of the Food Stamp Act of 1977 (7*
4 *U.S.C. 2034);*

5 (4) *title VI of the Rural Electrification Act of*
6 *1936 (7 U.S.C. 950bb et seq.);*

7 (5) *section 231 of the Agricultural Risk Protec-*
8 *tion Act of 2000 (7 U.S.C. 1621 note; Public Law*
9 *106–224);*

10 (6) *section 9002 of the Farm Security and Rural*
11 *Investment Act of 2002 (7 U.S.C. 8102);*

12 (7) *section 9004 of the Farm Security and Rural*
13 *Investment Act of 2002 (7 U.S.C. 8104);*

14 (8) *section 9006 of the Farm Security and Rural*
15 *Investment Act of 2002 (7 U.S.C. 8106); and*

16 (9) *subtitles A through C of title I of the Farm*
17 *Security and Rural Investment Act of 2002 (7 U.S.C.*
18 *7911 et seq.), with respect to the 2008 crops (other*
19 *than the 2008 crop of a loan commodity described in*
20 *paragraph (11), (12), or (13) of section 1202(b) of the*
21 *Farm Security and Rural Investment Act of 2002 (7*
22 *U.S.C. 7932(b)).*

23 SEC. 752. (a) *Except as provided in subsection (c),*
24 *there is hereby rescinded an amount equal to 0.7 percent*

1 *of the budget authority provided for fiscal year 2008 for*
2 *any discretionary account in division A of this Act.*

3 *(b) Any rescission made by subsection (a) shall be ap-*
4 *plied proportionately—*

5 *(1) to each discretionary account and each item*
6 *of budget authority described in subsection (a); and*

7 *(2) within each such account and item, to each*
8 *program, project, and activity (with programs,*
9 *projects, and activities as delineated in the appro-*
10 *propriation Act, accompanying reports, or explanatory*
11 *statement for the relevant fiscal year covering such*
12 *account or item).*

13 *(c) The rescission in subsection (a) shall not apply to*
14 *budget authority appropriated or otherwise made available*
15 *by this Act in the following amounts in the following activi-*
16 *ties or accounts:*

17 *(1) \$6,020,000,000 provided for the Special Sup-*
18 *plemental Nutrition Program for Women, Infants,*
19 *and Children (WIC) in the Department of Agriculture*
20 *in division A.*

21 *(2) \$930,120,000 provided for the Food Safety*
22 *and Inspection Service in the Department of Agri-*
23 *culture in division A.*

1 *without regard to 44 U.S.C. 3702 and 3703; full medical*
2 *coverage for dependent members of immediate families of*
3 *employees stationed overseas and employees temporarily*
4 *posted overseas; travel and transportation of employees of*
5 *the United States and Foreign Commercial Service between*
6 *two points abroad, without regard to 49 U.S.C. 40118; em-*
7 *ployment of Americans and aliens by contract for services;*
8 *rental of space abroad for periods not exceeding 10 years,*
9 *and expenses of alteration, repair, or improvement; pur-*
10 *chase or construction of temporary demountable exhibition*
11 *structures for use abroad; payment of tort claims, in the*
12 *manner authorized in the first paragraph of 28 U.S.C. 2672*
13 *when such claims arise in foreign countries; not to exceed*
14 *\$327,000 for official representation expenses abroad; pur-*
15 *chase of passenger motor vehicles for official use abroad, not*
16 *to exceed \$45,000 per vehicle; obtaining insurance on offi-*
17 *cial motor vehicles; and rental of tie lines, \$413,172,000,*
18 *to remain available until September 30, 2009, of which*
19 *\$8,000,000 is to be derived from fees to be retained and used*
20 *by the International Trade Administration, notwith-*
21 *standing 31 U.S.C. 3302: Provided, That \$40,520,923 shall*
22 *be for Manufacturing and Services; \$41,384,054 shall be for*
23 *Market Access and Compliance; \$62,712,833 shall be for the*
24 *Import Administration of which \$5,900,000 shall be for the*
25 *Office of China Compliance; \$236,945,290 shall be for the*

1 *United States and Foreign Commercial Service; and*
2 *\$25,146,400 shall be for Executive Direction and Adminis-*
3 *tration: Provided further, That the provisions of the first*
4 *sentence of section 105(f) and all of section 108(c) of the*
5 *Mutual Educational and Cultural Exchange Act of 1961*
6 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*
7 *out these activities without regard to section 5412 of the*
8 *Omnibus Trade and Competitiveness Act of 1988 (15*
9 *U.S.C. 4912); and that for the purpose of this Act, contribu-*
10 *tions under the provisions of the Mutual Educational and*
11 *Cultural Exchange Act of 1961 shall include payment for*
12 *assessments for services provided as part of these activities:*
13 *Provided further, That the International Trade Adminis-*
14 *tration shall be exempt from the requirements of Circular*
15 *A-25 (or any successor administrative regulation or policy)*
16 *issued by the Office of Management and Budget: Provided*
17 *further, That negotiations shall be conducted within the*
18 *World Trade Organization to recognize the right of members*
19 *to distribute monies collected from antidumping and coun-*
20 *tervailing duties: Provided further, That negotiations shall*
21 *be conducted within the World Trade Organization con-*
22 *sistent with the negotiating objectives contained in the*
23 *Trade Act of 2002, Public Law 107-210.*

1 *BUREAU OF INDUSTRY AND SECURITY*2 *OPERATIONS AND ADMINISTRATION*

3 *For necessary expenses for export administration and*
4 *national security activities of the Department of Commerce,*
5 *including costs associated with the performance of export*
6 *administration field activities both domestically and*
7 *abroad; full medical coverage for dependent members of im-*
8 *mediate families of employees stationed overseas; employ-*
9 *ment of Americans and aliens by contract for services*
10 *abroad; payment of tort claims, in the manner authorized*
11 *in the first paragraph of 28 U.S.C. 2672 when such claims*
12 *arise in foreign countries; not to exceed \$15,000 for official*
13 *representation expenses abroad; awards of compensation to*
14 *informers under the Export Administration Act of 1979,*
15 *and as authorized by 22 U.S.C. 401(b); and purchase of*
16 *passenger motor vehicles for official use and motor vehicles*
17 *for law enforcement use with special requirement vehicles*
18 *eligible for purchase without regard to any price limitation*
19 *otherwise established by law, \$72,855,000, to remain avail-*
20 *able until expended, of which \$13,627,000 shall be for in-*
21 *spection and other activities related to national security:*
22 *Provided, That the provisions of the first sentence of section*
23 *105(f) and all of section 108(c) of the Mutual Educational*
24 *and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and*
25 *2458(c)) shall apply in carrying out these activities: Pro-*

1 *vided further, That payments and contributions collected*
2 *and accepted for materials or services provided as part of*
3 *such activities may be retained for use in covering the cost*
4 *of such activities, and for providing information to the pub-*
5 *lic with respect to the export administration and national*
6 *security activities of the Department of Commerce and other*
7 *export control programs of the United States and other gov-*
8 *ernments.*

9 *ECONOMIC DEVELOPMENT ADMINISTRATION*

10 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

11 *For grants for economic development assistance as pro-*
12 *vided by the Public Works and Economic Development Act*
13 *of 1965, and for trade adjustment assistance, \$249,100,000,*
14 *to remain available until expended.*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of administering the economic*
17 *development assistance programs as provided for by law,*
18 *\$30,832,000: Provided, That these funds may be used to*
19 *monitor projects approved pursuant to title I of the Public*
20 *Works Employment Act of 1976, title II of the Trade Act*
21 *of 1974, and the Community Emergency Drought Relief Act*
22 *of 1977.*

1 *MINORITY BUSINESS DEVELOPMENT AGENCY*2 *MINORITY BUSINESS DEVELOPMENT*

3 *For necessary expenses of the Department of Commerce*
4 *in fostering, promoting, and developing minority business*
5 *enterprise, including expenses of grants, contracts, and*
6 *other agreements with public or private organizations,*
7 *\$28,623,000.*

8 *ECONOMIC AND STATISTICAL ANALYSIS*9 *SALARIES AND EXPENSES*

10 *For necessary expenses, as authorized by law, of eco-*
11 *nomie and statistical analysis programs of the Department*
12 *of Commerce, \$81,075,000, to remain available until Sep-*
13 *tember 30, 2009.*

14 *BUREAU OF THE CENSUS*15 *SALARIES AND EXPENSES*

16 *For expenses necessary for collecting, compiling, ana-*
17 *lyzing, preparing, and publishing statistics, provided for by*
18 *law, \$202,838,000.*

19 *PERIODIC CENSUSES AND PROGRAMS*

20 *For necessary expenses to collect and publish statistics*
21 *for periodic censuses and programs provided for by law,*
22 *\$1,027,406,000, to remain available until September 30,*
23 *2009: Provided, That none of the funds provided in this*
24 *or any other Act for any fiscal year may be used for the*
25 *collection of census data on race identification that does not*
26 *include “some other race” as a category.*

1 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*2 *ADMINISTRATION*3 *SALARIES AND EXPENSES*

4 *For necessary expenses, as provided for by law, of the*
5 *National Telecommunications and Information Adminis-*
6 *tration (NTIA), \$17,466,000, to remain available until*
7 *September 30, 2009: Provided, That, notwithstanding 31*
8 *U.S.C. 1535(d), the Secretary of Commerce shall charge*
9 *Federal agencies for costs incurred in spectrum manage-*
10 *ment, analysis, and operations, and related services and*
11 *such fees shall be retained and used as offsetting collections*
12 *for costs of such spectrum services, to remain available until*
13 *expended: Provided further, That the Secretary of Com-*
14 *merce is authorized to retain and use as offsetting collec-*
15 *tions all funds transferred, or previously transferred, from*
16 *other Government agencies for all costs incurred in tele-*
17 *communications research, engineering, and related activi-*
18 *ties by the Institute for Telecommunication Sciences of*
19 *NTIA, in furtherance of its assigned functions under this*
20 *paragraph, and such funds received from other Government*
21 *agencies shall remain available until expended.*

22 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*23 *CONSTRUCTION*

24 *For the administration of grants authorized by section*
25 *392 of the Communications Act of 1934, \$18,800,000, to*
26 *remain available until expended as authorized by section*

1 391 of the Act: Provided, That not to exceed \$2,000,000 shall
2 be available for program administration as authorized by
3 section 391 of the Act: Provided further, That, notwith-
4 standing the provisions of section 391 of the Act, the prior
5 year unobligated balances may be made available for grants
6 for projects for which applications have been submitted and
7 approved during any fiscal year.

8 *UNITED STATES PATENT AND TRADEMARK OFFICE*

9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the United States Patent and*
11 *Trademark Office provided for by law, including defense*
12 *of suits instituted against the Under Secretary of Commerce*
13 *for Intellectual Property and Director of the United States*
14 *Patent and Trademark Office, \$1,915,500,000, to remain*
15 *available until expended: Provided, That the sum herein ap-*
16 *propriated from the general fund shall be reduced as offset-*
17 *ting collections assessed and collected pursuant to 15 U.S.C.*
18 *1113 and 35 U.S.C. 41 and 376 are received during fiscal*
19 *year 2008, so as to result in a fiscal year 2008 appropria-*
20 *tion from the general fund estimated at \$0: Provided fur-*
21 *ther, That during fiscal year 2008, should the total amount*
22 *of offsetting fee collections be less than \$1,915,500,000, this*
23 *amount shall be reduced accordingly: Provided further,*
24 *That any amount received in excess of \$1,915,500,000 in*
25 *fiscal year 2008, in an amount up to \$100,000,000, shall*

1 *remain available until expended: Provided further, That*
2 *not less than 1,020 full-time equivalents, 1,082 positions*
3 *and \$214,150,000 shall be for the examination of trademark*
4 *applications; and not less than 8,522 full-time equivalents,*
5 *9,000 positions and \$1,701,402,000 shall be for the exam-*
6 *ination and searching of patent applications: Provided fur-*
7 *ther, That not less than \$16,015,000 shall be for training*
8 *of personnel: Provided further, That \$1,000,000 may be*
9 *transferred to “Departmental Management”, “Salaries and*
10 *Expenses” for activities associated with the National Intel-*
11 *lectual Property Law Enforcement Coordination Council:*
12 *Provided further, That any deviation from the full-time*
13 *equivalent, position, and funding designations set forth in*
14 *the preceding provisos shall be subject to the procedures set*
15 *forth in section 505 of this Act: Provided further, That from*
16 *amounts provided herein, not to exceed \$1,000 shall be made*
17 *available in fiscal year 2008 for official reception and rep-*
18 *resentation expenses: Provided further, That in fiscal year*
19 *2008, from the amounts made available for “Salaries and*
20 *Expenses” for the United States Patent and Trademark Of-*
21 *fice (PTO), the amounts necessary to pay: (1) the difference*
22 *between the percentage of basic pay contributed by the PTO*
23 *and employees under section 8334(a) of title 5, United*
24 *States Code, and the normal cost percentage (as defined by*
25 *section 8331(17) of that title) of basic pay, of employees*

1 *subject to subchapter III of chapter 83 of that title; and*
2 *(2) the present value of the otherwise unfunded accruing*
3 *costs, as determined by the Office of Personnel Management,*
4 *of post-retirement life insurance and post-retirement health*
5 *benefits coverage for all PTO employees, shall be transferred*
6 *to the Civil Service Retirement and Disability Fund, the*
7 *Employees Life Insurance Fund, and the Employees Health*
8 *Benefits Fund, as appropriate, and shall be available for*
9 *the authorized purposes of those accounts: Provided further,*
10 *That sections 801, 802, and 803 of division B, Public Law*
11 *108–447 shall remain in effect during fiscal year 2008: Pro-*
12 *vided further, That the Director may reduce patent filing*
13 *fees payable in 2008 for documents filed electronically con-*
14 *sistent with Federal regulation.*

15 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
16 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

17 *For necessary expenses of the National Institute of*
18 *Standards and Technology, \$440,517,000, to remain avail-*
19 *able until expended, of which not to exceed \$6,580,000 may*
20 *be transferred to the “Working Capital Fund”: Provided,*
21 *That not to exceed \$5,000 shall be for official reception and*
22 *representation expenses.*

23 *INDUSTRIAL TECHNOLOGY SERVICES*

24 *For necessary expenses of the Hollings Manufacturing*
25 *Extension Partnership of the National Institute of Stand-*

1 ards and Technology, \$89,640,000, to remain available
2 until expended.

3 *In addition, for necessary expenses of the Technology*
4 *Innovation Program of the National Institute of Standards*
5 *and Technology, \$65,200,000, to remain available until ex-*
6 *pended: Provided, That of the \$70,200,000 provided for in*
7 *direct obligations under this heading, \$65,200,000 is appro-*
8 *priated from the general fund and \$5,000,000 is derived*
9 *from recoveries of prior year obligations from the Advanced*
10 *Technology Program.*

11 *CONSTRUCTION OF RESEARCH FACILITIES*

12 *For construction of new research facilities, including*
13 *architectural and engineering design, and for renovation*
14 *and maintenance of existing facilities including agency rec-*
15 *reational and welfare facilities, not otherwise provided for*
16 *the National Institute of Standards and Technology, as au-*
17 *thorized by 15 U.S.C. 278c–278e, \$160,490,000, to remain*
18 *available until expended, of which \$30,080,000 is for a com-*
19 *petitive construction grant program for research science*
20 *buildings: Provided, That the Secretary of Commerce shall*
21 *include in the budget justification materials that the Sec-*
22 *retary submits to Congress in support of the Department*
23 *of Commerce budget (as submitted with the budget of the*
24 *President under section 1105(a) of title 31, United States*
25 *Code) an estimate for each National Institute of Standards*

1 *and Technology construction project having a total multi-*
2 *year program cost of more than \$5,000,000 and simulta-*
3 *neously the budget justification materials shall include an*
4 *estimate of the budgetary requirements for each such project*
5 *for each of the five subsequent fiscal years: Provided further,*
6 *That notwithstanding any other provision of law, of the*
7 *amount made available for construction of research facili-*
8 *ties, \$7,332,000 shall be for the University of Mississippi*
9 *Medical Center Biotechnology Research Park; \$7,332,000*
10 *shall be for the Mississippi State University Research, Tech-*
11 *nology and Economic Development Park; \$1,598,000 shall*
12 *be for the University of Southern Mississippi Innovation*
13 *and Commercialization Park Infrastructure and Building*
14 *Construction and Equipage; \$5,000,000 shall be for the Ala-*
15 *bama State University Life Sciences Building; and*
16 *\$30,000,000 shall be for laboratory and research space at*
17 *the University of South Alabama Engineering and Science*
18 *Center.*

19 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
20 *OPERATIONS, RESEARCH, AND FACILITIES*
21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For necessary expenses of activities authorized by law*
23 *for the National Oceanic and Atmospheric Administration,*
24 *including maintenance, operation, and hire of aircraft and*
25 *vessels; grants, contracts, or other payments to nonprofit*

1 organizations for the purposes of conducting activities pur-
2 suant to cooperative agreements; and relocation of facilities,
3 \$2,856,277,000, to remain available until September 30,
4 2009, except for funds provided for cooperative enforcement,
5 which shall remain available until September 30, 2010:
6 Provided, That fees and donations received by the National
7 Ocean Service for the management of national marine sanc-
8 tuaries may be retained and used for the salaries and ex-
9 penses associated with those activities, notwithstanding 31
10 U.S.C. 3302: Provided further, That in addition,
11 \$3,000,000 shall be derived by transfer from the fund enti-
12 tled "Coastal Zone Management" and in addition
13 \$77,000,000 shall be derived by transfer from the fund enti-
14 tled "Promote and Develop Fishery Products and Research
15 Pertaining to American Fisheries": Provided further, That
16 of the \$2,941,277,000 provided for in direct obligations
17 under this heading \$2,856,277,000 is appropriated from the
18 general fund, \$80,000,000 is provided by transfer, and
19 \$5,000,000 is derived from recoveries of prior year obliga-
20 tions: Provided further, That of the funds provided under
21 this heading, \$235,000 is made available until expended
22 subject to procedures set forth in section 209 of Public Law
23 108-447: Provided further, That the total amount available
24 for the National Oceanic and Atmospheric Administration
25 corporate services administrative support costs shall not ex-

1 *ceed \$206,484,000: Provided further, That payments of*
2 *funds made available under this heading to the Department*
3 *of Commerce Working Capital Fund including Department*
4 *of Commerce General Counsel legal services shall not exceed*
5 *\$34,164,000: Provided further, That any deviation from the*
6 *amounts designated for specific activities in the report ac-*
7 *companying this Act, or any use of deobligated balances of*
8 *funds provided under this heading in previous years, shall*
9 *be subject to the procedures set forth in section 505 of this*
10 *Act: Provided further, That grants to States pursuant to*
11 *sections 306 and 306A of the Coastal Zone Management Act*
12 *of 1972, as amended, shall not exceed \$2,000,000, unless*
13 *funds provided for “Coastal Zone Management Grants” ex-*
14 *ceed funds provided in the previous fiscal year: Provided*
15 *further, That if funds provided for “Coastal Zone Manage-*
16 *ment Grants” exceed funds provided in the previous fiscal*
17 *year, then no State shall receive more than 5 percent or*
18 *less than 1 percent of the additional funds: Provided fur-*
19 *ther, That the Administrator of the National Oceanic and*
20 *Atmospheric Administration may engage in formal and in-*
21 *formal education activities, including primary and sec-*
22 *ondary education, related to the agency’s mission goals:*
23 *Provided further, That in accordance with section 215 of*
24 *Public Law 107–372 the number of officers in the NOAA*
25 *Commissioned Officer Corps shall increase to 321: Provided*

1 *further, That of the funds provided, \$13,395,000 is provided*
2 *for the alleviation of economic impacts associated with*
3 *Framework 42 on the Massachusetts groundfish fishery.*

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

10 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

11 *For procurement, acquisition and construction of cap-*
12 *ital assets, including alteration and modification costs, of*
13 *the National Oceanic and Atmospheric Administration,*
14 *\$979,207,000, to remain available until September 30,*
15 *2010, except funds provided for construction of facilities*
16 *which shall remain available until expended: Provided,*
17 *That of the amounts provided for the National Polar-orbit-*
18 *ing Operational Environmental Satellite System, funds*
19 *shall only be made available on a dollar-for-dollar matching*
20 *basis with funds provided for the same purpose by the De-*
21 *partment of Defense: Provided further, That except to the*
22 *extent expressly prohibited by any other law, the Depart-*
23 *ment of Defense may delegate procurement functions related*
24 *to the National Polar-orbiting Operational Environmental*
25 *Satellite System to officials of the Department of Commerce*
26 *pursuant to section 2311 of title 10, United States Code:*

1 *Provided further, That any deviation from the amounts des-*
2 *ignated for specific activities in the report accompanying*
3 *this Act, or any use of deobligated balances of funds pro-*
4 *vided under this heading in previous years, shall be subject*
5 *to the procedures set forth in section 505 of this Act.*

6 *PACIFIC COASTAL SALMON RECOVERY*

7 *For necessary expenses associated with the restoration*
8 *of Pacific salmon populations, \$67,000,000, to remain*
9 *available until September 30, 2009.*

10 *COASTAL ZONE MANAGEMENT FUND*

11 *(INCLUDING TRANSFER OF FUNDS)*

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

17 *FISHERIES FINANCE PROGRAM ACCOUNT*

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

1 *DEPARTMENTAL MANAGEMENT*2 *SALARIES AND EXPENSES*

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

18 *HCHB RENOVATION AND MODERNIZATION*

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

22 *OFFICE OF INSPECTOR GENERAL*

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

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

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

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

19 *SEC. 103. Not to exceed 5 percent of any appropriation*
20 *made available for the current fiscal year for the Depart-*
21 *ment of Commerce in this Act may be transferred between*
22 *such appropriations, but no such appropriation shall be in-*
23 *creased by more than 10 percent by any such transfers: Pro-*
24 *vided, That any transfer pursuant to this section shall be*
25 *treated as a reprogramming of funds under section 505 of*

1 *this Act and shall not be available for obligation or expendi-*
2 *ture except in compliance with the procedures set forth in*
3 *that section: Provided further, That the Secretary of Com-*
4 *merce shall notify the Committees on Appropriations at*
5 *least 15 days in advance of the acquisition or disposal of*
6 *any capital asset (including land, structures, and equip-*
7 *ment) not specifically provided for in this Act or any other*
8 *law appropriating funds for the Department of Commerce:*
9 *Provided further, That for the National Oceanic and Atmos-*
10 *pheric Administration this section shall provide for trans-*
11 *fers among appropriations made only to the National Oce-*
12 *anic and Atmospheric Administration and such appropri-*
13 *ations may not be transferred and reprogrammed to other*
14 *Department of Commerce bureaus and appropriation ac-*
15 *counts.*

16 *SEC. 104. Any costs incurred by a department or agen-*
17 *cy funded under this title resulting from personnel actions*
18 *taken in response to funding reductions included in this*
19 *title or from actions taken for the care and protection of*
20 *loan collateral or grant property shall be absorbed within*
21 *the total budgetary resources available to such department*
22 *or agency: Provided, That the authority to transfer funds*
23 *between appropriations accounts as may be necessary to*
24 *carry out this section is provided in addition to authorities*
25 *included elsewhere in this Act: Provided further, That use*

1 *of funds to carry out this section shall be treated as a re-*
2 *programming of funds under section 505 of this Act and*
3 *shall not be available for obligation or expenditure except*
4 *in compliance with the procedures set forth in that section.*

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

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

12 *(c) Subparagraph (C) of section 101(c)(3) of the Emer-*
13 *gency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841*
14 *note) is amended by striking “, in 1998” and inserting “in*
15 *1998, and thereafter,”.*

16 *(d) The Emergency Steel Loan Guarantee Act of 1999*
17 *(15 U.S.C. 1841 note) is amended by adding at the end*
18 *the following:*

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

20 *“(a) In addition to funds made available under section*
21 *101(j) of the Emergency Steel Loan Guarantee Act of 1999*
22 *(15 U.S.C. 1841 note), up to \$1,000,000 in funds made*
23 *available under section 101(f) of such Act may be used for*
24 *salaries and administrative expenses to administer the*
25 *Emergency Steel Loan Guarantee Program.*

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

5 SEC. 106. Hereafter, notwithstanding any other provi-
6 sion of law, no funds appropriated under this Act shall be
7 used to register, issue, transfer, or enforce any trademark
8 of the phrase “Last Best Place”.

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

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

19 SEC. 109. Section 212(b) of the National Technical In-
20 formation Act of 1988 (15 U.S.C. 3704b) is amended by
21 striking “Under Secretary of Commerce for Technology”
22 and inserting “Director of the National Institute of Stand-
23 ards and Technology”.

24 SEC. 110. The Secretary of Commerce is permitted to
25 prescribe and enforce standards or regulations affecting

1 *safety and health in the context of scientific and occupa-*
2 *tional diving within the National Oceanic and Atmospheric*
3 *Administration.*

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

9 *(b) The Secretary shall promulgate regulations for the*
10 *voluntary capacity reduction program that:*

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

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

19 *(3) at the option of each eligible permit holder,*
20 *provides an optional mechanism for additional com-*
21 *penetration based on the value of the fishing vessel and*
22 *gear of such participants who so elect to receive these*
23 *additional funds, provided that the commercial fish-*
24 *ing vessels of such participants will not be used for*
25 *fishing.*

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

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

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

10 (1) *the term “Under Secretary” means Under*
11 *Secretary of Commerce for Oceans and Atmosphere;*

12 (2) *the term “appropriate congressional commit-*
13 *tees” means—*

14 (A) *the Committee on Appropriations and*
15 *the Committee on Commerce, Science, and*
16 *Transportation of the Senate; and*

17 (B) *the Committee on Appropriations and*
18 *the Committee on Science and Technology of the*
19 *House of Representatives;*

20 (3) *the term “satellite” means the satellites pro-*
21 *posed to be acquired for the National Oceanic and At-*
22 *mospheric Administration, other than the National*
23 *Polar-orbiting Operational Environmental Satellite*
24 *System (NPOESS);*

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

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

15 (6) the term “life-cycle cost” means the total of
16 the direct, indirect, recurring, and nonrecurring costs,
17 including the construction of facilities and civil serv-
18 ant costs, and other related expenses incurred or esti-
19 mated to be incurred in the design, development,
20 verification, production, operation, maintenance, sup-
21 port, and retirement of a program over its planned
22 lifespan, without regard to funding source or manage-
23 ment control;

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

4 (8) *the term “baseline” means the program as set*
5 *following contract award and critical design review of*
6 *the space and ground systems.*

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

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

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

16 (C) *the program complies with all relevant poli-*
17 *cies, regulations, and directives of NOAA and the De-*
18 *partment of Commerce;*

19 (D) *the program has demonstrated a high likeli-*
20 *hood of accomplishing its intended goals; and*

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

24 (2) *The Under Secretary shall transmit a report de-*
25 *scribing the basis for the determination required under*

1 *paragraph (1) to the appropriate congressional committees*
2 *at least 30 days before entering into a contract for develop-*
3 *ment under a major program.*

4 *(3) The Under Secretary may not delegate the deter-*
5 *mination requirement under this subsection, except in cases*
6 *in which the Under Secretary has a conflict of interest.*

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

15 *(2) The first Major Program Annual Report for*
16 *NOAA's satellite development program shall include a Base-*
17 *line Report that shall, at a minimum, include—*

18 *(A) the purposes of the program and key tech-*
19 *anical characteristics necessary to fulfill those pur-*
20 *poses;*

21 *(B) an estimate of the life-cycle cost for the pro-*
22 *gram, with a detailed breakout of the development*
23 *cost, program reserves, and an estimate of the annual*
24 *costs until development is completed;*

1 (C) the schedule for development, including key
2 program milestones;

3 (D) the plan for mitigating technical, cost, and
4 schedule risks identified in accordance with subsection
5 (b)(1)(A); and

6 (E) the name of the person responsible for mak-
7 ing notifications under subsection (d), who shall be
8 an individual whose primary responsibility is over-
9 seeing the program.

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

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

22 (2) Not later than 30 days after the notification re-
23 quired under paragraph (1), the individual identified
24 under subsection (c)(2)(E) shall transmit to the Under Sec-
25 retary a written notification explaining the reasons for the

1 *change in the cost of the program for which notification*
2 *was provided under paragraph (1).*

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

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

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

16 (A) *a description of the increase in cost and*
17 *a detailed explanation for the increase;*

18 (B) *a description of actions taken or pro-*
19 *posed to be taken in response to the cost increase;*
20 *and*

21 (C) *a description of any impacts the cost*
22 *increase, or the actions described under subpara-*
23 *graph (B), will have on any other program with-*
24 *in NOAA.*

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

4 (A) the projected cost and schedule for com-
5 pleting the program if current requirements of
6 the program are not modified;

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

10 (C) a description of, and the projected cost
11 and schedule for, a broad range of alternatives to
12 the program. NOAA shall complete an analysis
13 initiated under paragraph (2) not later than 6
14 months after the Under Secretary makes a deter-
15 mination under this subsection. The Under Sec-
16 retary shall transmit the analysis to the appro-
17 priate congressional committees not later than
18 30 days after its completion.

19 (f) For the purposes of determining whether cost of the
20 Geostationary Operational Environmental Satellite Pro-
21 gram exceeds 20 percent more than the baseline under this
22 section, the estimate of the total life-cycle cost for GOES-
23 R shall be the estimate provided with the NOAA Fiscal Year
24 2008 Presidential Budget justification (page 513).

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

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

8 (2) *take appropriate action against listed vessels*
9 *and vessel owners, including action against fish, fish*
10 *parts, or fish products from such vessels, in accord-*
11 *ance with applicable United States law and con-*
12 *sistent with applicable international law, including*
13 *principles, rights, and obligations established in ap-*
14 *plicable international fishery management and trade*
15 *agreements.*

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

20 (c) *The Secretary may promulgate regulations to im-*
21 *plement this section.*

22 SEC. 114. (a) *Of the amounts provided for the “Na-*
23 *tional Oceanic and Atmospheric Administration, Oper-*
24 *ations, Research and Facilities”, \$5,856,600 shall be for*
25 *necessary expenses in support of an agreement between the*

1 *Administrator of the National Oceanic and Atmospheric*
2 *Administration and the National Academy of Sciences*
3 *under which the National Academy of Sciences shall estab-*
4 *lish the Climate Change Study Committee to investigate*
5 *and study the serious and sweeping issues relating to global*
6 *climate change and make recommendations regarding what*
7 *steps must be taken and what strategies must be adopted*
8 *in response to global climate change, including the science*
9 *and technology challenges thereof.*

10 *(b) The agreement shall provide for: establishment of*
11 *and appointment of members to the Climate Change Study*
12 *Committee by the National Academy of Sciences; organiza-*
13 *tion by the National Academy of Sciences of a Summit on*
14 *Global Climate Change to help define the parameters of the*
15 *study, not to exceed 3 days in length and to be attended*
16 *by preeminent experts on global climate change selected by*
17 *the National Academy of Sciences; and issuance of a report*
18 *by the Climate Change Study Committee not later than 2*
19 *years after the date the Climate Change Study Committee*
20 *is first convened, containing its findings, conclusions, and*
21 *recommendations. Of such amount, \$856,600 shall be for*
22 *the Summit on Global Climate Change and \$5,000,000 shall*
23 *be for the other activities of the Climate Change Study Com-*
24 *mittee.*

1 *ity is in addition to transfers authorized under section 505*
2 *of this Act.*

3 *JUSTICE INFORMATION SHARING TECHNOLOGY*

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

9 *TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS*

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

20 *ADMINISTRATIVE REVIEW AND APPEALS*

21 *For expenses necessary for the administration of par-*
22 *don and clemency petitions and immigration-related activi-*
23 *ties, \$232,649,000, of which \$4,000,000 shall be derived by*
24 *transfer from the Executive Office for Immigration Review*
25 *fees deposited in the “Immigration Examinations Fee” ac-*
26 *count: Provided, That \$3,760,000 shall be expended on the*

1 *Executive Office for Immigration Review’s Legal Orienta-*
2 *tion Programs.*

3 *For an additional amount for “Administrative Review*
4 *and Appeals”, \$8,000,000 shall be for border security and*
5 *immigration enforcement along the Southwest border: Pro-*
6 *vided, That the amount provided by this paragraph is des-*
7 *ignated as described in section 5 (in the matter preceding*
8 *division A of this consolidated Act).*

9 *DETENTION TRUSTEE*

10 *For necessary expenses of the Federal Detention Trust-*
11 *ee, \$1,225,920,000, to remain available until expended: Pro-*
12 *vided, That the Trustee shall be responsible for managing*
13 *the Justice Prisoner and Alien Transportation System:*
14 *Provided further, That not to exceed \$5,000,000 shall be*
15 *considered “funds appropriated for State and local law en-*
16 *forcement assistance” pursuant to 18 U.S.C. 4013(b).*

17 *OFFICE OF INSPECTOR GENERAL*

18 *For necessary expenses of the Office of Inspector Gen-*
19 *eral, \$70,603,000, including not to exceed \$10,000 to meet*
20 *unforeseen emergencies of a confidential character: Pro-*
21 *vided, That within 200 days of enactment of this Act, the*
22 *Inspector General shall conduct an audit and issue a report*
23 *to the Committees on Appropriations of all expenses of the*
24 *legislative and public affairs offices at each location of the*
25 *Justice Department, its bureaus and agencies, including*
26 *but not limited to every field office and headquarters com-*

1 *ponent; the audit shall include any and all expenses related*
2 *to these activities.*

3 *UNITED STATES PAROLE COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the United States Parole*
6 *Commission as authorized, \$11,462,000.*

7 *LEGAL ACTIVITIES*

8 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

9 *For expenses necessary for the legal activities of the*
10 *Department of Justice, not otherwise provided for, includ-*
11 *ing not to exceed \$20,000 for expenses of collecting evidence,*
12 *to be expended under the direction of, and to be accounted*
13 *for solely under the certificate of, the Attorney General; and*
14 *rent of private or Government-owned space in the District*
15 *of Columbia, \$735,549,000, of which not to exceed*
16 *\$10,000,000 for litigation support contracts shall remain*
17 *available until expended: Provided, That of the total*
18 *amount appropriated, not to exceed \$1,000 shall be avail-*
19 *able to the United States National Central Bureau,*
20 *INTERPOL, for official reception and representation ex-*
21 *penses: Provided further, That notwithstanding section 205*
22 *of this Act, upon a determination by the Attorney General*
23 *that emergent circumstances require additional funding for*
24 *litigation activities of the Civil Division, the Attorney Gen-*
25 *eral may transfer such amounts to "Salaries and Expenses,*

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

9 *For an additional amount for “Legal Activities, Gen-*
10 *eral Legal Activities”, \$10,000,000 shall be for border secu-*
11 *rity and immigration enforcement along the Southwest bor-*
12 *der: Provided, That the amount provided by this paragraph*
13 *is designated as described in section 5 (in the matter pre-*
14 *ceding division A of this consolidated Act).*

15 *In addition, for reimbursement of expenses of the De-*
16 *partment of Justice associated with processing cases under*
17 *the National Childhood Vaccine Injury Act of 1986, not to*
18 *exceed \$6,833,000, to be appropriated from the Vaccine In-*
19 *jury Compensation Trust Fund.*

20 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

21 *For expenses necessary for the enforcement of antitrust*
22 *and kindred laws, \$147,819,000, to remain available until*
23 *expended: Provided, That, notwithstanding any other provi-*
24 *sion of law, fees collected for premerger notification filings*
25 *under the Hart-Scott-Rodino Antitrust Improvements Act*
26 *of 1976 (15 U.S.C. 18a), regardless of the year of collection*

1 *(and estimated to be \$139,000,000 in fiscal year 2008),*
2 *shall be retained and used for necessary expenses in this*
3 *appropriation, and shall remain available until expended:*
4 *Provided further, That the sum herein appropriated from*
5 *the general fund shall be reduced as such offsetting collec-*
6 *tions are received during fiscal year 2008, so as to result*
7 *in a final fiscal year 2008 appropriation from the general*
8 *fund estimated at \$8,819,000.*

9 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

10 *For necessary expenses of the Offices of the United*
11 *States Attorneys, including inter-governmental and cooper-*
12 *ative agreements, \$1,747,822,000: Provided, That of the*
13 *total amount appropriated, not to exceed \$8,000 shall be*
14 *available for official reception and representation expenses:*
15 *Provided further, That not to exceed \$20,000,000 shall re-*
16 *main available until expended: Provided further, That of*
17 *the amount provided under this heading, \$5,000,000 shall*
18 *be used for salaries and expenses for hiring assistant U.S.*
19 *Attorneys to carry out section 704 of the Adam Walsh Child*
20 *Protection and Safety Act of 2006 (Public Law 109–248)*
21 *concerning the prosecution of offenses relating to the sexual*
22 *exploitation of children.*

23 *For an additional amount for “Salaries and Expenses,*
24 *United States Attorneys”, \$7,000,000 shall be for border se-*
25 *curity and immigration enforcement along the Southwest*
26 *border: Provided, That the amount provided by this para-*

1 *graph is designated as described in section 5 (in the matter*
2 *preceding division A of this consolidated Act).*

3 *UNITED STATES TRUSTEE SYSTEM FUND*

4 *For necessary expenses of the United States Trustee*
5 *Program, as authorized, \$209,763,000, of which*
6 *\$20,000,000 shall be from prior year unobligated balances*
7 *from funds previously appropriated, to remain available*
8 *until expended and to be derived from the United States*
9 *Trustee System Fund: Provided, That, notwithstanding any*
10 *other provision of law, deposits to the Fund shall be avail-*
11 *able in such amounts as may be necessary to pay refunds*
12 *due depositors: Provided further, That, notwithstanding*
13 *any other provision of law, \$184,000,000 of offsetting collec-*
14 *tions pursuant to 28 U.S.C. 589a(b) shall be retained and*
15 *used for necessary expenses in this appropriation and shall*
16 *remain available until expended: Provided further, That the*
17 *sum herein appropriated from the Fund shall be reduced*
18 *as such offsetting collections are received during fiscal year*
19 *2008, so as to result in a final fiscal year 2008 appropria-*
20 *tion from the Fund estimated at \$763,000.*

21 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*

22 *COMMISSION*

23 *For expenses necessary to carry out the activities of*
24 *the Foreign Claims Settlement Commission, including serv-*
25 *ices as authorized by section 3109 of title 5, United States*
26 *Code, \$1,606,000.*

1 UNITED STATES MARSHALS SERVICE

2 SALARIES AND EXPENSES

3 *For necessary expenses of the United States Marshals*
4 *Service, \$849,219,000; of which not to exceed \$6,000 shall*
5 *be available for official reception and representation ex-*
6 *penses; of which not to exceed \$4,000,000 shall be for infor-*
7 *mation technology systems and shall remain available until*
8 *expended; and of which not less than \$11,653,000 shall be*
9 *available for the costs of courthouse security equipment, in-*
10 *cluding furnishings, relocations, and telephone systems and*
11 *cabling, and shall remain available until expended.*

12 *For an additional amount for “United States Mar-*
13 *shals Service, Salaries and Expenses”, \$15,000,000 shall be*
14 *for border security and immigration enforcement along the*
15 *Southwest border: Provided, That the amount provided by*
16 *this paragraph is designated as described in section 5 (in*
17 *the matter preceding division A of this consolidated Act).*

18 CONSTRUCTION

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

23 FEES AND EXPENSES OF WITNESSES

24 *For fees and expenses of witnesses, for expenses of con-*
25 *tracts for the procurement and supervision of expert wit-*
26 *nesses, for private counsel expenses, including advances,*

1 *and for expenses of foreign counsel, \$168,300,000, to remain*
2 *available until expended: Provided, That, not to exceed*
3 *\$10,000,000 may be made available for construction of*
4 *buildings for protected witness safesites: Provided further,*
5 *That not to exceed \$3,000,000 may be made available for*
6 *the purchase and maintenance of armored and other vehi-*
7 *cles for witness security caravans: Provided further, That*
8 *not to exceed \$9,000,000 may be made available for the pur-*
9 *chase, installation, maintenance, and upgrade of secure*
10 *telecommunications equipment and a secure automated in-*
11 *formation network to store and retrieve the identities and*
12 *locations of protected witnesses.*

13 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*

14 *For necessary expenses of the Community Relations*
15 *Service, \$9,794,000: Provided, That notwithstanding sec-*
16 *tion 205 of this Act, upon a determination by the Attorney*
17 *General that emergent circumstances require additional*
18 *funding for conflict resolution and violence prevention ac-*
19 *tivities of the Community Relations Service, the Attorney*
20 *General may transfer such amounts to the Community Re-*
21 *lations Service, from available appropriations for the cur-*
22 *rent fiscal year for the Department of Justice, as may be*
23 *necessary to respond to such circumstances: Provided fur-*
24 *ther, That any transfer pursuant to the previous proviso*
25 *shall be treated as a reprogramming under section 505 of*
26 *this Act and shall not be available for obligation or expendi-*

1 *ture except in compliance with the procedures set forth in*
2 *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 *NATIONAL SECURITY DIVISION*

8 *SALARIES AND EXPENSES*

9 *For expenses necessary to carry out the activities of*
10 *the National Security Division, \$73,373,000; of which not*
11 *to exceed \$5,000,000 for information technology systems*
12 *shall remain available until expended: Provided, That not-*
13 *withstanding section 205 of this Act, upon a determination*
14 *by the Attorney General that emergent circumstances re-*
15 *quire additional funding for the activities of the National*
16 *Security Division, the Attorney General may transfer such*
17 *amounts to this heading from available appropriations for*
18 *the current fiscal year for the Department of Justice, as*
19 *may be necessary to respond to such circumstances: Pro-*
20 *vided further, That any transfer pursuant to the previous*
21 *proviso shall be treated as a reprogramming under section*
22 *505 of this Act and shall not be available for obligation*
23 *or expenditure except in compliance with the procedures set*
24 *forth in that section.*

1 *INTERAGENCY LAW ENFORCEMENT*2 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

3 *For necessary expenses for the identification, inves-*
4 *tigation, and prosecution of individuals associated with the*
5 *most significant drug trafficking and affiliated money*
6 *laundering organizations not otherwise provided for, to in-*
7 *clude inter-governmental agreements with State and local*
8 *law enforcement agencies engaged in the investigation and*
9 *prosecution of individuals involved in organized crime drug*
10 *trafficking, \$497,935,000, of which \$50,000,000 shall re-*
11 *main available until expended: Provided, That any*
12 *amounts obligated from appropriations under this heading*
13 *may be used under authorities available to the organiza-*
14 *tions reimbursed from this appropriation.*

15 *FEDERAL BUREAU OF INVESTIGATION*16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Federal Bureau of Inves-*
18 *tigation for detection, investigation, and prosecution of*
19 *crimes against the United States; \$6,349,950,000; of which*
20 *not to exceed \$150,000,000 shall remain available until ex-*
21 *pended; and of which \$2,308,580,000 shall be for*
22 *counterterrorism investigations, foreign counterintelligence,*
23 *and other activities related to national security: Provided,*
24 *That not to exceed \$205,000 shall be available for official*
25 *reception and representation expenses: Provided further,*

1 *That not to exceed \$170,000 shall be available in 2008 for*
2 *expenses associated with the celebration of the 100th anni-*
3 *versary of the Federal Bureau of Investigation.*

4 *For an additional amount for “Federal Bureau of In-*
5 *vestigation, Salaries and Expenses”, \$143,539,000 to ad-*
6 *dress emerging threats in counterterrorism and cyber secu-*
7 *rity: Provided, That the amount provided by this para-*
8 *graph is designated as described in section 5 (in the matter*
9 *preceding division A of this consolidated Act).*

10 *CONSTRUCTION*

11 *For necessary expenses to construct or acquire build-*
12 *ings and sites by purchase, or as otherwise authorized by*
13 *law (including equipment for such buildings); conversion*
14 *and extension of federally-owned buildings; and prelimi-*
15 *nary planning and design of projects; \$164,200,000, to re-*
16 *main available until expended.*

17 *DRUG ENFORCEMENT ADMINISTRATION*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Drug Enforcement Ad-*
20 *ministration, including not to exceed \$70,000 to meet un-*
21 *foreseen emergencies of a confidential character pursuant*
22 *to 28 U.S.C. 530C; and expenses for conducting drug edu-*
23 *cation and training programs, including travel and related*
24 *expenses for participants in such programs and the dis-*
25 *tribution of items of token value that promote the goals of*
26 *such programs, \$1,855,569,000; of which not to exceed*

1 \$75,000,000 shall remain available until expended; and of
2 which not to exceed \$100,000 shall be available for official
3 reception and representation expenses.

4 For an additional amount for “Drug Enforcement Ad-
5 ministration, Salaries and Expenses”, \$2,000,000 for a
6 communications intercept initiative in Afghanistan: Pro-
7 vided, That the amount provided by this paragraph is des-
8 ignated as described in section 5 (in the matter preceding
9 division A of this consolidated Act).

10 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

11 EXPLOSIVES

12 SALARIES AND EXPENSES

13 For necessary expenses of the Bureau of Alcohol, To-
14 bacco, Firearms and Explosives, including the purchase of
15 not to exceed 822 vehicles for police-type use, of which 650
16 shall be for replacement only; not to exceed \$40,000 for offi-
17 cial reception and representation expenses; for training of
18 State and local law enforcement agencies with or without
19 reimbursement, including training in connection with the
20 training and acquisition of canines for explosives and fire
21 accelerants detection; and for provision of laboratory assist-
22 ance to State and local law enforcement agencies, with or
23 without reimbursement, \$984,097,000, of which not to ex-
24 ceed \$1,000,000 shall be available for the payment of attor-
25 neys’ fees as provided by section 924(d)(2) of title 18,

1 *United States Code; and of which \$10,000,000 shall remain*
2 *available until expended: Provided, That no funds appro-*
3 *priated herein shall be available for salaries or administra-*
4 *tive expenses in connection with consolidating or central-*
5 *izing, within the Department of Justice, the records, or any*
6 *portion thereof, of acquisition and disposition of firearms*
7 *maintained by Federal firearms licensees: Provided further,*
8 *That no funds appropriated herein shall be used to pay ad-*
9 *ministrative expenses or the compensation of any officer or*
10 *employee of the United States to implement an amendment*
11 *or amendments to 27 CFR 178.118 or to change the defini-*
12 *tion of “Curios or relics” in 27 CFR 178.11 or remove any*
13 *item from ATF Publication 5300.11 as it existed on Janu-*
14 *ary 1, 1994: Provided further, That none of the funds ap-*
15 *propriated herein shall be available to investigate or act*
16 *upon applications for relief from Federal firearms disabili-*
17 *ties under 18 U.S.C. 925(c): Provided further, That such*
18 *funds shall be available to investigate and act upon appli-*
19 *cations filed by corporations for relief from Federal fire-*
20 *arms disabilities under section 925(c) of title 18, United*
21 *States Code: Provided further, That no funds made avail-*
22 *able by this or any other Act may be used to transfer the*
23 *functions, missions, or activities of the Bureau of Alcohol,*
24 *Tobacco, Firearms and Explosives to other agencies or De-*
25 *partments in fiscal year 2008: Provided further, That, be-*

1 *ginning in fiscal year 2008 and thereafter, no funds appro-*
2 *priated under this or any other Act may be used to disclose*
3 *part or all of the contents of the Firearms Trace System*
4 *database maintained by the National Trace Center of the*
5 *Bureau of Alcohol, Tobacco, Firearms and Explosives or*
6 *any information required to be kept by licensees pursuant*
7 *to section 923(g) of title 18, United States Code, or required*
8 *to be reported pursuant to paragraphs (3) and (7) of such*
9 *section 923(g), except to: (1) a Federal, State, local, tribal,*
10 *or foreign law enforcement agency, or a Federal, State, or*
11 *local prosecutor, solely in connection with and for use in*
12 *a criminal investigation or prosecution; or (2) a Federal*
13 *agency for a national security or intelligence purpose; and*
14 *all such data shall be immune from legal process, shall not*
15 *be subject to subpoena or other discovery, shall be inadmis-*
16 *sible in evidence, and shall not be used, relied on, or dis-*
17 *closed in any manner, nor shall testimony or other evidence*
18 *be permitted based on the data, in a civil action in any*
19 *State (including the District of Columbia) or Federal court*
20 *or in an administrative proceeding other than a proceeding*
21 *commenced by the Bureau of Alcohol, Tobacco, Firearms*
22 *and Explosives to enforce the provisions of chapter 44 of*
23 *such title, or a review of such an action or proceeding; ex-*
24 *cept that this proviso shall not be construed to prevent: (A)*
25 *the disclosure of statistical information concerning total*

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

1 *of such a license due to a lack of business activity, provided*
2 *that the applicant is otherwise eligible to receive such a li-*
3 *cense, and is eligible to report business income or to claim*
4 *an income tax deduction for business expenses under the*
5 *Internal Revenue Code of 1986.*

6 *CONSTRUCTION*

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

13 *FEDERAL PRISON SYSTEM*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Federal Prison System*
16 *for the administration, operation, and maintenance of Fed-*
17 *eral penal and correctional institutions, including purchase*
18 *(not to exceed 669, of which 642 are for replacement only)*
19 *and hire of law enforcement and passenger motor vehicles,*
20 *and for the provision of technical assistance and advice on*
21 *corrections related issues to foreign governments,*
22 *\$5,050,440,000: Provided, That the Attorney General may*
23 *transfer to the Health Resources and Services Administra-*
24 *tion such amounts as may be necessary for direct expendi-*
25 *tures by that Administration for medical relief for inmates*
26 *of Federal penal and correctional institutions: Provided*

1 *further, That the Director of the Federal Prison System,*
2 *where necessary, may enter into contracts with a fiscal*
3 *agent or fiscal intermediary claims processor to determine*
4 *the amounts payable to persons who, on behalf of the Fed-*
5 *eral Prison System, furnish health services to individuals*
6 *committed to the custody of the Federal Prison System: Pro-*
7 *vided further, That not to exceed \$6,000 shall be available*
8 *for official reception and representation expenses: Provided*
9 *further, That not to exceed \$50,000,000 shall remain avail-*
10 *able for necessary operations until September 30, 2009:*
11 *Provided further, That, of the amounts provided for con-*
12 *tract confinement, not to exceed \$20,000,000 shall remain*
13 *available until expended to make payments in advance for*
14 *grants, contracts and reimbursable agreements, and other*
15 *expenses authorized by section 501(c) of the Refugee Edu-*
16 *cation Assistance Act of 1980 (8 U.S.C. 1522 note), for the*
17 *care and security in the United States of Cuban and Hai-*
18 *tian entrants: Provided further, That the Director of the*
19 *Federal Prison System may accept donated property and*
20 *services relating to the operation of the prison card program*
21 *from a not-for-profit entity which has operated such pro-*
22 *gram in the past notwithstanding the fact that such not-*
23 *for-profit entity furnishes services under contracts to the*
24 *Federal Prison System relating to the operation of pre-re-*
25 *lease services, 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, re-*
7 *modeling, and equipping necessary buildings and facilities*
8 *at existing penal and correctional institutions, including*
9 *all necessary expenses incident thereto, by contract or force*
10 *account, \$372,720,000, to remain available until expended,*
11 *of which not to exceed \$14,000,000 shall be available to con-*
12 *struct areas for inmate work programs: Provided, That*
13 *labor of United States prisoners may be used for work per-*
14 *formed under this appropriation.*

15 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

16 *The Federal Prison Industries, Incorporated, is hereby*
17 *authorized to make such expenditures, within the limits of*
18 *funds and borrowing authority available, and in accord*
19 *with the law, and to make such contracts and commitments,*
20 *without regard to fiscal year limitations as provided by sec-*
21 *tion 9104 of title 31, United States Code, as may be nec-*
22 *essary in carrying out the program set forth in the budget*
23 *for the current fiscal year for such corporation, including*
24 *purchase (not to exceed five for replacement only) and hire*
25 *of passenger motor vehicles.*

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

3 *Not to exceed \$2,328,000 of the funds of the Federal*
4 *Prison Industries, Incorporated shall be available for its ad-*
5 *ministrative expenses, and for services as authorized by sec-*
6 *tion 3109 of title 5, United States Code, to be computed*
7 *on an accrual basis to be determined in accordance with*
8 *the corporation's current prescribed accounting system, and*
9 *such amounts shall be exclusive of depreciation, payment*
10 *of claims, and expenditures which such accounting system*
11 *requires to be capitalized or charged to cost of commodities*
12 *acquired or produced, including selling and shipping ex-*
13 *penses, and expenses in connection with acquisition, con-*
14 *struction, operation, maintenance, improvement, protec-*
15 *tion, or disposition of facilities and other property belong-*
16 *ing to the corporation or in which it has an interest.*

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

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

1 Act”); the *Victims of Child Abuse Act of 1990* (Public Law
2 101–647) (“the 1990 Act”); the *Prosecutorial Remedies and*
3 *Other Tools to end the Exploitation of Children Today Act*
4 *of 2003* (Public Law 108–21); the *Juvenile Justice and De-*
5 *linquency Prevention Act of 1974* (42 U.S.C. 5601 et seq.)
6 (“the 1974 Act”); the *Victims of Trafficking and Violence*
7 *Protection Act of 2000* (Public Law 106–386) (“the 2000
8 Act”); and the *Violence Against Women and Department*
9 *of Justice Reauthorization Act of 2005* (Public Law 109–
10 162) (“the 2005 Act”); \$400,000,000, including amounts for
11 administrative costs, to remain available until expended:
12 Provided, That except as otherwise provided by law, not to
13 exceed 3 percent of funds made available under this heading
14 may be used for expenses related to evaluation, training,
15 and technical assistance: Provided further, That of the
16 amount provided—

17 (1) \$13,160,000 for the court-appointed special
18 advocate program, as authorized by section 217 of the
19 1990 Act;

20 (2) \$2,350,000 for child abuse training programs
21 for judicial personnel and practitioners, as authorized
22 by section 222 of the 1990 Act;

23 (3) \$183,800,000 for grants to combat violence
24 against women, as authorized by part T of the 1968
25 Act, of which—

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

5 (B) \$1,880,000 shall be for the National In-
6 stitute of Justice for research and evaluation of
7 violence against women and related issues ad-
8 dressed by grant programs of the Office on Vio-
9 lence Against Women;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (18) \$2,820,000 for grants to assist children and
2 youth exposed to violence, as authorized by section
3 303 of the 2005 Act;

4 (19) \$2,820,000 for the court training and im-
5 provements program, as authorized by section 105 of
6 the 2005 Act;

7 (20) \$940,000 for grants for televised testimony,
8 as authorized by part N of the 1968 Act; and

9 (21) \$940,000 for the National Resource Center
10 on Workplace Responses to assist victims of domestic
11 violence, as authorized by section 41501 of the 1994
12 Act.

13 OFFICE OF JUSTICE PROGRAMS

14 JUSTICE ASSISTANCE

15 For grants, contracts, cooperative agreements, and
16 other assistance authorized by title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968; the Missing Children's
18 Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial
19 Remedies and Other Tools to end the Exploitation of Chil-
20 dren Today Act of 2003 (Public Law 108-21); the Justice
21 for All Act of 2004 (Public Law 108-405); the Violence
22 Against Women and Department of Justice Reauthorization
23 Act of 2005 (Public Law 109-162); the Victims of Crime
24 Act of 1984 (Public Law 98-473); the Adam Walsh Child
25 Protection and Safety Act of 2006 (Public Law 109-248);

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

13 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

14 *For grants, contracts, cooperative agreements, and*
15 *other assistance authorized by the Violent Crime Control*
16 *and Law Enforcement Act of 1994 (Public Law 103–322)*
17 *(“the 1994 Act”); the Omnibus Crime Control and Safe*
18 *Streets Act of 1968 (“the 1968 Act”); the Justice for All*
19 *Act of 2004 (Public Law 108–405); the Victims of Child*
20 *Abuse Act of 1990 (Public Law 101–647) (“the 1990 Act”);*
21 *the Trafficking Victims Protection Reauthorization Act of*
22 *2005 (Public Law 109–164); the Violence Against Women*
23 *and Department of Justice Reauthorization Act of 2005*
24 *(Public Law 109–162); the Adam Walsh Child Protection*
25 *and Safety Act of 2006 (Public Law 109–248); and the Vic-*
26 *tims of Trafficking and Violence Protection Act of 2000*

1 *(Public Law 106–386); and other programs; \$908,136,000*
2 *(including amounts for administrative costs, which shall be*
3 *transferred to and merged with the “Justice Assistance” ac-*
4 *count), to remain available until expended as follows:*

5 (1) *\$170,433,000 for the Edward Byrne Memo-*
6 *rial Justice Assistance Grant program as authorized*
7 *by subpart 1 of part E of title I of the 1968 Act, (ex-*
8 *cept that section 1001(c), and the special rules for*
9 *Puerto Rico under section 505(g), of the 1968 Act,*
10 *shall not apply for purposes of this Act), of which*
11 *\$2,000,000 is for use by the National Institute of Jus-*
12 *tice in assisting units of local government to identify,*
13 *select, develop, modernize, and purchase new tech-*
14 *nologies for use by law enforcement and \$2,000,000 is*
15 *for a program to improve State and local law enforce-*
16 *ment intelligence capabilities including antiterrorism*
17 *training and training to ensure that constitutional*
18 *rights, civil liberties, civil rights, and privacy inter-*
19 *ests are protected throughout the intelligence process;*

20 (2) *\$410,000,000 for the State Criminal Alien*
21 *Assistance Program, as authorized by section*
22 *241(i)(5) of the Immigration and Nationality Act (8*
23 *U.S.C. 1231(i)(5));*

24 (3) *\$30,080,000 for the Southwest Border Pros-*
25 *ecutor Initiative to reimburse State, county, parish,*

1 *tribal, or municipal governments for costs associated*
2 *with the prosecution of criminal cases declined by*
3 *local offices of the United States Attorneys;*

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

9 (5) *\$187,513,000 for discretionary grants to im-*
10 *prove the functioning of the criminal justice system*
11 *and to assist victims of crime (other than compensa-*
12 *tion);*

13 (6) *\$16,000,000 for competitive grants to im-*
14 *prove the functioning of the criminal justice system*
15 *and to assist victims of crime (other than compensa-*
16 *tion);*

17 (7) *\$940,000 for the Missing Alzheimer's Disease*
18 *Patient Alert Program, as authorized by section*
19 *240001(c) of the 1994 Act;*

20 (8) *\$9,400,000 for victim services programs for*
21 *victims of trafficking, as authorized by section*
22 *107(b)(2) of Public Law 106–386 and for programs*
23 *authorized under Public Law 109–164;*

24 (9) *\$15,200,000 for Drug Courts, as authorized*
25 *by section 1001(25)(A) of title I of the 1968 Act;*

1 (10) \$7,050,000 for a prescription drug moni-
2 toring program;

3 (11) \$17,860,000 for prison rape prevention and
4 prosecution and other programs, as authorized by the
5 *Prison Rape Elimination Act of 2003 (Public Law*
6 *108–79) including statistics, data, and research, of*
7 *which \$1,692,000 shall be transferred to the National*
8 *Prison Rape Elimination Commission for authorized*
9 *activities;*

10 (12) \$9,400,000 for grants for Residential Sub-
11 stance Abuse Treatment for State Prisoners, as au-
12 thorized by part S of the 1968 Act;

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

15 (A) \$8,630,000 shall be available for grants
16 under section 20109 of subtitle A of title II of the
17 1994 Act;

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

20 (C) \$5,180,000 shall be available for tribal
21 alcohol and substance abuse reduction assistance
22 grants;

23 (14) \$2,500,000 for the Capital Litigation Im-
24 provement Grant Program as authorized by section
25 426 of Public Law 108–405; and

1 *COMMUNITY ORIENTED POLICING SERVICES*

2 *For activities authorized by the Violent Crime Control*
3 *and Law Enforcement Act of 1994 (Public Law 103–322);*
4 *the Omnibus Crime Control and Safe Streets Act of 1968*
5 *(“the 1968 Act”); the Violence Against Women and Depart-*
6 *ment of Justice Reauthorization Act of 2005 (Public Law*
7 *109–162); subtitle D of title II of the Homeland Security*
8 *Act of 2002 (Public Law 107–296), which may include re-*
9 *search and development; and the USA PATRIOT Improve-*
10 *ment and Reauthorization Act of 2005 (Public Law 109–*
11 *177) (including administrative costs), \$587,233,000, to re-*
12 *main available until expended: Provided, That of the funds*
13 *under this heading, not to exceed \$2,575,000 shall be avail-*
14 *able for the Office of Justice Programs for reimbursable*
15 *services associated with programs administered by the Com-*
16 *munity Oriented Policing Services Office: Provided further,*
17 *That any balances made available through prior year*
18 *deobligations shall only be available in accordance with sec-*
19 *tion 505 of this Act. Of the amount provided (which shall*
20 *be by transfer, for programs administered by the Office of*
21 *Justice Programs)—*

22 (1) *\$25,850,000 is for the matching grant pro-*
23 *gram for armor vests for law enforcement officers, as*
24 *authorized by section 2501 of the 1968 Act: Provided,*
25 *That \$1,880,000 is transferred directly to the Na-*

1 *tional Institute of Standards and Technology's Office*
2 *of Law Enforcement Standards from the Community*
3 *Oriented Policing Services Office for research, testing,*
4 *and evaluation programs;*

5 (2) *\$61,187,000 is for grants to entities described*
6 *in section 1701 of the 1968 Act, to address public*
7 *safety and methamphetamine manufacturing, sale,*
8 *and use in hot spots as authorized by section 754 of*
9 *Public Law 109-177 and for other anti-*
10 *methamphetamine-related activities;*

11 (3) *\$205,366,000 is for a law enforcement tech-*
12 *nologies and interoperable communications program,*
13 *and related law enforcement and public safety equip-*
14 *ment;*

15 (4) *\$11,750,000 is for an offender re-entry pro-*
16 *gram;*

17 (5) *\$9,400,000 is for grants to upgrade criminal*
18 *records, as authorized under the Crime Identification*
19 *Technology Act of 1998 (42 U.S.C. 14601);*

20 (6) *\$152,272,000 is for DNA related and forensic*
21 *programs and activities as follows:*

22 (A) *\$147,391,000 for a DNA analysis and*
23 *capacity enhancement program including the*
24 *purposes of section 2 of the DNA Analysis Back-*
25 *log Elimination Act of 2000, as amended by the*

1 *Debbie Smith Act of 2004, and further amended*
2 *by Public Law 109–162;*

3 *(B) \$4,881,000 for the purposes described in*
4 *the Kirk Bloodsworth Post-Conviction DNA Test-*
5 *ing Program (Public Law 108–405, section 412):*
6 *Provided, That unobligated funds appropriated*
7 *in fiscal years 2006 and 2007 for grants as au-*
8 *thorized under sections 412 and 413 of the fore-*
9 *going public law are hereby made available, in-*
10 *stead, for the purposes here specified;*

11 *(7) \$15,040,000 is for improving tribal law en-*
12 *forcement, including equipment and training;*

13 *(8) \$20,000,000 is for programs to reduce gun*
14 *crime and gang violence;*

15 *(9) \$3,760,000 is for training and technical as-*
16 *sistance;*

17 *(10) \$18,800,000 is for Paul Coverdell Forensic*
18 *Sciences Improvement Grants under part BB of title*
19 *I of the 1968 Act;*

20 *(11) not to exceed \$28,200,000 is for program*
21 *management and administration;*

22 *(12) \$20,000,000 is for grants under section*
23 *1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for*
24 *the hiring and rehiring of additional career law en-*

1 *forcement officers under part Q of such title notwith-*
2 *standing subsection (i) of such section; and*

3 *(13) \$15,608,000 is for a national grant pro-*
4 *gram the purpose of which is to assist State and local*
5 *law enforcement locate, arrest and prosecute child sex-*
6 *ual predators and exploiters, and to enforce State of-*
7 *fender registration laws described in section 1701(b)*
8 *of the 1968 Act, of which:*

9 *(A) \$4,162,000 is for sex offender manage-*
10 *ment assistance as authorized by the Adam*
11 *Walsh Child Protection and Safety Act of 2006*
12 *(Public Law 109–162), and the Violent Crime*
13 *Control Act of 1994 (Public Law 103–322); and*

14 *(B) \$850,000 is for the National Sex Of-*
15 *fender Public Registry.*

16 *JUVENILE JUSTICE PROGRAMS*

17 *For grants, contracts, cooperative agreements, and*
18 *other assistance authorized by the Juvenile Justice and De-*
19 *linquency Prevention Act of 1974 (“the 1974 Act”), the Om-*
20 *nibus Crime Control and Safe Streets Act of 1968 (“the*
21 *1968 Act”), the Violence Against Women and Department*
22 *of Justice Reauthorization Act of 2005 (Public Law 109–*
23 *162), and other juvenile justice programs, including sala-*
24 *ries and expenses in connection therewith to be transferred*
25 *to and merged with the appropriations for Justice Assist-*

1 *ance, \$383,513,000, to remain available until expended as*
2 *follows:*

3 *(1) \$658,000 for concentration of Federal efforts,*
4 *as authorized by section 204 of the 1974 Act;*

5 *(2) \$74,260,000 for programs authorized by sec-*
6 *tion 221 of the 1974 Act, and for training and tech-*
7 *nical assistance to assist small, non-profit organiza-*
8 *tions with the Federal grants process;*

9 *(3) \$93,835,000 for grants and projects, as au-*
10 *thorized by sections 261 and 262 of the 1974 Act;*

11 *(4) \$70,000,000 for youth mentoring grants;*

12 *(5) \$61,100,000 for delinquency prevention, as*
13 *authorized by section 505 of the 1974 Act, of which,*
14 *pursuant to sections 261 and 262 thereof—*

15 *(A) \$14,100,000 shall be for the Tribal*
16 *Youth Program;*

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

19 *(C) \$25,000,000 shall be for grants of*
20 *\$360,000 to each State and \$4,840,000 shall be*
21 *available for discretionary grants, for programs*
22 *and activities to enforce State laws prohibiting*
23 *the sale of alcoholic beverages to minors or the*
24 *purchase or consumption of alcoholic beverages*
25 *by minors, for prevention and reduction of con-*

1 *sumption of alcoholic beverages by minors, and*
2 *for technical assistance and training;*

3 (6) *\$15,040,000 for expenses authorized by part*
4 *AA of the 1968 Act (Secure Our Schools);*

5 (7) *\$16,920,000 for programs authorized by the*
6 *Victims of Child Abuse Act of 1990; and*

7 (8) *\$51,700,000 for the Juvenile Accountability*
8 *Block Grants program as authorized by part R of the*
9 *1968 Act and Guam shall be considered a State:*

10 *Provided, That not more than 10 percent of each amount*
11 *may be used for research, evaluation, and statistics activi-*
12 *ties designed to benefit the programs or activities author-*
13 *ized: Provided further, That not more than 2 percent of each*
14 *amount may be used for training and technical assistance:*
15 *Provided further, That the previous two provisos shall not*
16 *apply to grants and projects authorized by sections 261 and*
17 *262 of the 1974 Act.*

18 *PUBLIC SAFETY OFFICERS BENEFITS*

19 *For payments and expenses authorized by part L of*
20 *title I of the Omnibus Crime Control and Safe Streets Act*
21 *of 1968 (42 U.S.C. 3796), such sums as are necessary, as*
22 *authorized by section 6093 of Public Law 100–690 (102*
23 *Stat. 4339–4340) (including amounts for administrative*
24 *costs, which amounts shall be paid to the “Justice Assist-*
25 *ance” account), to remain available until expended; and*
26 *\$4,854,000 for payments authorized by section 1201(b) of*

1 *such Act; and \$3,980,000 for educational assistance, as au-*
2 *thorized by section 1212 of such Act: Provided, That, here-*
3 *after, funds available to conduct appeals under section*
4 *1205(c) of the 1968 Act, which includes all claims proc-*
5 *essing, shall be available also for the same under subpart*
6 *2 of such part L and under any statute authorizing pay-*
7 *ment of benefits described under subpart 1 thereof, and for*
8 *appeals from final decisions of the Bureau (under such part*
9 *or any such statute) to the Court of Appeals for the Federal*
10 *Circuit, which shall have exclusive jurisdiction thereof (in-*
11 *cluding those, and any related matters, pending), and for*
12 *expenses of representation of hearing examiners (who shall*
13 *be presumed irrebuttably to enjoy quasi-judicial immunity*
14 *in the discharge of their duties under such part or any such*
15 *statute) in connection with litigation against them arising*
16 *from such discharge.*

17 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

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

24 *SEC. 202. None of the funds appropriated by this title*
25 *shall be available to pay for an abortion, except where the*

1 *life of the mother would be endangered if the fetus were car-*
2 *ried to term, or in the case of rape: Provided, That should*
3 *this prohibition be declared unconstitutional by a court of*
4 *competent jurisdiction, this section shall be null and void.*

5 *SEC. 203. None of the funds appropriated under this*
6 *title shall be used to require any person to perform, or fa-*
7 *cilitate in any way the performance of, any abortion.*

8 *SEC. 204. Nothing in the preceding section shall re-*
9 *move the obligation of the Director of the Bureau of Prisons*
10 *to provide escort services necessary for a female inmate to*
11 *receive such service outside the Federal facility: Provided,*
12 *That nothing in this section in any way diminishes the*
13 *effect of section 203 intended to address the philosophical*
14 *beliefs of individual employees of the Bureau of Prisons.*

15 *SEC. 205. Not to exceed 5 percent of any appropriation*
16 *made available for the current fiscal year for the Depart-*
17 *ment of Justice in this Act may be transferred between such*
18 *appropriations, but no such appropriation, except as other-*
19 *wise specifically provided, shall be increased by more than*
20 *10 percent by any such transfers: Provided, That any trans-*
21 *fer pursuant to this section shall be treated as a reprogram-*
22 *ming of funds under section 505 of this Act and shall not*
23 *be available for obligation except in compliance with the*
24 *procedures set forth in that section: Provided further, That*
25 *none of the funds appropriated to "Buildings and Facili-*

1 *ties, Federal Prison System” in this or any other Act may*
2 *be transferred to “Salaries and Expenses, Federal Prison*
3 *System”, or any other Department of Justice account, un-*
4 *less the President certifies that such a transfer is necessary*
5 *to the national security interests of the United States, and*
6 *such authority shall not be delegated, and shall be subject*
7 *to section 505 of this Act.*

8 *SEC. 206. The Attorney General is authorized to extend*
9 *through September 30, 2009, the Personnel Management*
10 *Demonstration Project transferred to the Attorney General*
11 *pursuant to section 1115 of the Homeland Security Act of*
12 *2002, Public Law 107–296 (6 U.S.C. 533) without limita-*
13 *tion on the number of employees or the positions covered.*

14 *SEC. 207. Notwithstanding any other provision of law,*
15 *Public Law 102–395 section 102(b) shall extend to the Bu-*
16 *reau of Alcohol, Tobacco, Firearms and Explosives in the*
17 *conduct of undercover investigative operations and shall*
18 *apply without fiscal year limitation with respect to any*
19 *undercover investigative operation initiated by the Bureau*
20 *of Alcohol, Tobacco, Firearms and Explosives that is nec-*
21 *essary for the detection and prosecution of crimes against*
22 *the United States.*

23 *SEC. 208. None of the funds made available to the De-*
24 *partment of Justice in this Act may be used for the purpose*
25 *of transporting an individual who is a prisoner pursuant*

1 *to conviction for crime under State or Federal law and is*
2 *classified as a maximum or high security prisoner, other*
3 *than to a prison or other facility certified by the Federal*
4 *Bureau of Prisons as appropriately secure for housing such*
5 *a prisoner.*

6 *SEC. 209. (a) None of the funds appropriated by this*
7 *Act may be used by Federal prisons to purchase cable tele-*
8 *vision services, to rent or purchase videocassettes, video-*
9 *cassette recorders, or other audiovisual or electronic equip-*
10 *ment used primarily for recreational purposes.*

11 *(b) The preceding sentence does not preclude the rent-*
12 *ing, maintenance, or purchase of audiovisual or electronic*
13 *equipment for inmate training, religious, or educational*
14 *programs.*

15 *SEC. 210. None of the funds made available under this*
16 *title shall be obligated or expended for Sentinel, or for any*
17 *other major new or enhanced information technology pro-*
18 *gram having total estimated development costs in excess of*
19 *\$100,000,000, unless the Deputy Attorney General and the*
20 *investment review board certify to the Committees on Ap-*
21 *propriations that the information technology program has*
22 *appropriate program management and contractor oversight*
23 *mechanisms in place, and that the program is compatible*
24 *with the enterprise architecture of the Department of Jus-*
25 *tice.*

1 *SEC. 211. Any deviation from the amounts designated*
2 *for specific activities in this Act and accompanying report,*
3 *or any use of deobligated balances of funds provided under*
4 *this title in previous years, shall be subject to the procedures*
5 *set forth in section 505 of this Act.*

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

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

9 *(2) striking the period in paragraph (9) and in-*
10 *serting “; and”; and*

11 *(3) adding the following new paragraph:*

12 *“(10) fines imposed under section 110(l) of title*
13 *11, United States Code.”.*

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

16 *“(A) Fines imposed under this subsection in judicial*
17 *districts served by United States trustees shall be paid to*
18 *the United States trustees, who shall deposit an amount*
19 *equal to such fines in the United States Trustee Fund.”.*

20 *SEC. 213. (a) Section 1930(a) of title 28, United States*
21 *Code, is amended in paragraph (6) by striking everything*
22 *after “whichever occurs first.” and inserting in lieu thereof:*
23 *“The fee shall be \$325 for each quarter in which disburse-*
24 *ments total less than \$15,000; \$650 for each quarter in*
25 *which disbursements total \$15,000 or more but less than*

1 \$75,000; \$975 for each quarter in which disbursements total
2 \$75,000 or more but less than \$150,000; \$1,625 for each
3 quarter in which disbursements total \$150,000 or more but
4 less than \$225,000; \$1,950 for each quarter in which dis-
5 bursements total \$225,000 or more but less than \$300,000;
6 \$4,875 for each quarter in which disbursements total
7 \$300,000 or more but less than \$1,000,000; \$6,500 for each
8 quarter in which disbursements total \$1,000,000 or more
9 but less than \$2,000,000; \$9,750 for each quarter in which
10 disbursements total \$2,000,000 or more but less than
11 \$3,000,000; \$10,400 for each quarter in which disburse-
12 ments total \$3,000,000 or more but less than \$5,000,000;
13 \$13,000 for each quarter in which disbursements total
14 \$5,000,000 or more but less than \$15,000,000; \$20,000 for
15 each quarter in which disbursements total \$15,000,000 or
16 more but less than \$30,000,000; \$30,000 for each quarter
17 in which disbursements total more than \$30,000,000. The
18 fee shall be payable on the last day of the calendar month
19 following the calendar quarter for which the fee is owed.”.

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

23 SEC. 214. None of the funds appropriated by this Act
24 may be used to plan for, begin, continue, finish, process,
25 or approve a public-private competition under the Office

1 of Management and Budget Circular A-76 or any successor
2 administrative regulation, directive, or policy for work per-
3 formed by employees of the Bureau of Prisons or of Federal
4 Prison Industries, Incorporated.

5 *SEC. 215. Notwithstanding any other provision of law,*
6 *no funds shall be available for the salary, benefits, or ex-*
7 *penses of any United States Attorney assigned dual or addi-*
8 *tional responsibilities by the Attorney General or his des-*
9 *ignee that exempt that United States Attorney from the*
10 *residency requirements of 28 U.S.C. 545.*

11 *SEC. 216. Of the funds appropriated in this Act for*
12 *the Federal Bureau of Investigation's Sentinel program,*
13 *\$25,000,000 shall not be available for obligation until 60*
14 *days after the Committees on Appropriations receive from*
15 *the Federal Bureau of Investigation a report on the results*
16 *of a completed integrated baseline review for that program:*
17 *Provided, That the report shall be submitted simultaneously*
18 *to the Government Accountability Office: Provided further,*
19 *That the Government Accountability Office shall review the*
20 *Bureau's performance measurement baseline for the Sen-*
21 *inel program and shall submit its findings to the Commit-*
22 *tees on Appropriations of the Senate and House of Rep-*
23 *resentatives within 60 days of its receipt of the report.*

24 *SEC. 217. None of the funds appropriated in this or*
25 *any other Act shall be obligated for the initiation of a future*

1 *phase of the Federal Bureau of Investigation's Sentinel pro-*
2 *gram until the Attorney General certifies to the Committees*
3 *on Appropriations that existing phases currently under*
4 *contract for development or fielding have completed a ma-*
5 *jority of the work for that phase under the performance*
6 *measurement baseline validated by the integrated baseline*
7 *review referred to in section 216 of this Act: Provided, That*
8 *this restriction does not apply to planning and design ac-*
9 *tivities for future phases: Provided further, That the Bureau*
10 *will notify the Committees on Appropriations of any sig-*
11 *nificant changes to the baseline.*

12 *SEC. 218. (a) The Attorney General shall submit quar-*
13 *terly reports to the Inspector General of the Department of*
14 *Justice regarding the costs and contracting procedures re-*
15 *lating to each conference held by the Department of Justice*
16 *during fiscal year 2008 for which the cost to the Govern-*
17 *ment was more than \$20,000.*

18 *(b) Each report submitted under subsection (a) shall*
19 *include, for each conference described in that subsection held*
20 *during the applicable quarter—*

21 *(1) a description of the subject of and number of*
22 *participants attending that conference;*

23 *(2) a detailed statement of the costs to the Gov-*
24 *ernment relating to that conference, including—*

25 *(A) the cost of any food or beverages;*

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

2 and

3 (C) a discussion of the methodology used to

4 determine which costs relate to that conference;

5 and

6 (3) a description of the contracting procedures

7 relating to that conference, including—

8 (A) whether contracts were awarded on a

9 competitive basis for that conference; and

10 (B) a discussion of any cost comparison

11 conducted by the Department of Justice in evalu-

12 ating potential contractors for that conference.

13 SEC. 219. Notwithstanding any other provision of law,

14 a public or private institution of higher education may offer

15 or provide an officer or employee of any branch of the

16 United States Government or of the District of Columbia,

17 who is a current or former student of such institution, fi-

18 nancial assistance for the purpose of repaying a student

19 loan or forbearance of student loan repayment, and an offi-

20 cer or employee of any branch of the United States Govern-

21 ment or of the District of Columbia may seek or receive

22 such assistance or forbearance.

23 SEC. 220. (a) Section 2996(a) of the Omnibus Crime

24 Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a))

25 is amended—

1 (1) *in paragraph (1)—*

2 (A) *in the matter preceding subparagraph*
3 (A), *by inserting “, territories, and Indian tribes*
4 *(as defined in section 2704)” after “to assist*
5 *States”; and*

6 (B) *in subparagraph (B), by striking “and*
7 *local” and inserting “, territorial, Tribal, and*
8 *local”;*

9 (2) *in paragraph (2), by inserting “, territories,*
10 *and Indian tribes” after “make grants to States”;*
11 *and*

12 (3) *in paragraph (3)(C), by inserting “, Tribal,”*
13 *after “support State”.*

14 (b) *Section 755(a) of the USA PATRIOT Improvement*
15 *and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a))*
16 *is amended by inserting “, territories, and Indian tribes*
17 *(as defined in section 2704 of the Omnibus Crime Control*
18 *and Safe Streets Act of 1968 (42 U.S.C. 3797d))” after*
19 *“make grants to States”.*

20 (c) *Section 756 of the USA PATRIOT Improvement*
21 *and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is*
22 *amended—*

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

25 (2) *in subsection (b)—*

1 (A) in paragraph (1)—

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

4 (ii) by striking “and/or” and inserting
5 “or”;

6 (B) in paragraph (2)—

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

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

11 and

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

13 “(C) INDIAN TRIBE.—The term ‘Indian
14 tribe’ has the meaning given the term in section
15 2704 of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3797d).”;

17 (3) in subsection (c)—

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

20 (B) in paragraph (4)—

21 (i) in the matter preceding subpara-
22 graph (A)—

23 (I) by striking “State’s”; and

24 (II) by striking “and/or” and in-
25 serting “or”;

1 (ii) in subparagraph (A), by striking
2 “State”;

3 (iii) in subparagraph (C), by inserting
4 “, Indian tribes,” after “involved counties”;
5 and

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

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

10 *TITLE III*

11 *SCIENCE*

12 *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

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

21 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*

22 *SCIENCE, AERONAUTICS AND EXPLORATION*

23 For necessary expenses in the conduct and support of
24 science, aeronautics and exploration research and develop-
25 ment activities, including research, development, oper-

1 ations, support and services; maintenance; construction of
2 facilities including repair, rehabilitation, revitalization
3 and modification of facilities, construction of new facilities
4 and additions to existing facilities, facility planning and
5 design, and restoration, and acquisition or condemnation
6 of real property, as authorized by law; environmental com-
7 pliance and restoration; space flight, spacecraft control and
8 communications activities including operations, produc-
9 tion, and services; program management; personnel and re-
10 lated costs, including uniforms or allowances therefor, as
11 authorized by 5 U.S.C. 5901–5902; travel expenses; pur-
12 chase and hire of passenger motor vehicles; not to exceed
13 \$35,000 for official reception and representation expenses;
14 and purchase, lease, charter, maintenance and operation of
15 mission and administrative aircraft, \$10,543,100,000, to
16 remain available until September 30, 2009: Provided, That,
17 of the amounts provided under this heading, \$5,577,310,000
18 shall be for science, \$625,280,000 shall be for aeronautics
19 research, \$3,842,010,000 shall be for exploration systems,
20 and \$556,400,000 shall be for cross-agency support pro-
21 grams: Provided further, That the amounts in the previous
22 proviso shall be reduced by \$57,900,000 in corporate and
23 general administrative expenses and the reduction shall be
24 applied proportionally to each amount therein: Provided
25 further, That none of the funds under this heading shall

1 *be used for any research, development, or demonstration ac-*
2 *tivities related exclusively to the human exploration of*
3 *Mars.*

4 *EXPLORATION CAPABILITIES*

5 *For necessary expenses in the conduct and support of*
6 *exploration capabilities research and development activi-*
7 *ties, including research, development, operations, support*
8 *and services; space flight, spacecraft control and commu-*
9 *nications activities including operations, production, and*
10 *services; maintenance; construction of facilities including*
11 *repair, rehabilitation, revitalization and modification of fa-*
12 *cilities, construction of new facilities and additions to exist-*
13 *ing facilities, facility planning and design, and restoration,*
14 *and acquisition or condemnation of real property, as au-*
15 *thorized by law; environmental compliance and restoration;*
16 *program management; personnel and related costs, includ-*
17 *ing uniforms or allowances therefor, as authorized by 5*
18 *U.S.C. 5901–5902; travel expenses; purchase and hire of*
19 *passenger motor vehicles; not to exceed \$35,000 for official*
20 *reception and representation expenses; and purchase, lease,*
21 *charter, maintenance and operation of mission and admin-*
22 *istrative aircraft, \$6,733,700,000, to remain available until*
23 *September 30, 2009: Provided, That of the amounts pro-*
24 *vided under this heading, \$4,000,000,000 shall be for Space*
25 *Shuttle operations, production, research, development, and*

1 support and \$2,220,000,000 shall be for International
2 Space Station operations, production, research, develop-
3 ment, and support: Provided further, That amounts funded
4 under this heading shall be reduced by \$32,000,000 in cor-
5 porate and general administrative expenses and the reduc-
6 tion shall be applied proportionally to each amount therein.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector Gen-
9 eral in carrying out the Inspector General Act of 1978,
10 \$32,600,000, to remain available until September 30, 2009.

11 ADMINISTRATIVE PROVISIONS

12 (INCLUDING TRANSFER OF FUNDS)

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

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

1 *tions Act, the amounts appropriated for construction of fa-*
2 *cilities shall remain available until September 30, 2010.*

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

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

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

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

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

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

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

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

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

5 (3) *The budget for headquarters including—*

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

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

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

18 (4) *Within 14 days of the submission of the*
19 *budget to the Congress an accompanying volume shall*
20 *be provided to the Committees on Appropriations con-*
21 *taining the following information for each center, fa-*
22 *cility managed by any center, and federally funded*
23 *research and development center operated on behalf of*
24 *the National Aeronautics and Space Administration:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 *The Administrator of NASA shall, not later than Sep-*
2 *tember 30, 2008, submit to the appropriate committees of*
3 *Congress a report on each conference for which the agency*
4 *paid travel expenses during fiscal year 2008 that in-*
5 *cludes—*

6 (1) *the itemized expenses paid by the agency, in-*
7 *cluding travel expenses and any agency expenditure*
8 *to otherwise support the conference;*

9 (2) *the primary sponsor of the conference;*

10 (3) *the location of the conference;*

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

13 (A) *justifies the location selected;*

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

16 (C) *the date of the conference;*

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

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

22 *In this provision, the term conference means a meeting*
23 *that—*

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

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

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

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

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

9 *NATIONAL SCIENCE FOUNDATION*

10 *RESEARCH AND RELATED ACTIVITIES*

11 *For necessary expenses in carrying out the National*
12 *Science Foundation Act of 1950, as amended (42 U.S.C.*
13 *1861–1875), and the Act to establish a National Medal of*
14 *Science (42 U.S.C. 1880–1881); services as authorized by*
15 *5 U.S.C. 3109; maintenance and operation of aircraft and*
16 *purchase of flight services for research support; acquisition*
17 *of aircraft; and authorized travel; \$4,821,474,000, to re-*
18 *main available until September 30, 2009, of which not to*
19 *exceed \$510,000,000 shall remain available until expended*
20 *for polar research and operations support, and for reim-*
21 *bursement to other Federal agencies for operational and*
22 *science support and logistical and other related activities*
23 *for the United States Antarctic program: Provided, That*
24 *from funds specified in the fiscal year 2008 budget request*
25 *for icebreaking services, up to \$57,000,000 shall be available*

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

12 *MAJOR RESEARCH EQUIPMENT AND FACILITIES*

13 *CONSTRUCTION*

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

20 *EDUCATION AND HUMAN RESOURCES*

21 *For necessary expenses in carrying out science and en-*
22 *gineering education and human resources programs and ac-*
23 *tivities pursuant to the National Science Foundation Act*
24 *of 1950, as amended (42 U.S.C. 1861–1875), including*
25 *services as authorized by 5 U.S.C. 3109, authorized travel,*

1 *and rental of conference rooms in the District of Columbia,*
2 *\$725,600,000, to remain available until September 30,*
3 *2009.*

4 *AGENCY OPERATIONS AND AWARD MANAGEMENT*

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

18 *OFFICE OF THE NATIONAL SCIENCE BOARD*

19 *For necessary expenses (including payment of salaries,*
20 *authorized travel, hire of passenger motor vehicles, the rent-*
21 *al of conference rooms in the District of Columbia, and the*
22 *employment of experts and consultants under section 3109*
23 *of title 5, United States Code) involved in carrying out sec-*
24 *tion 4 of the National Science Foundation Act of 1950, as*
25 *amended (42 U.S.C. 1863) and Public Law 86–209 (42*
26 *U.S.C. 1880 et seq.), \$3,969,000: Provided, That not to ex-*

1 *ceed \$9,000 shall be available for official reception and rep-*
2 *resentation expenses.*

3 *OFFICE OF INSPECTOR GENERAL*

4 *For necessary expenses of the Office of Inspector Gen-*
5 *eral as authorized by the Inspector General Act of 1978,*
6 *as amended, \$11,427,000, to remain available until Sep-*
7 *tember 30, 2009.*

8 *This title may be cited as the “Science Appropriations*
9 *Act, 2008”.*

10 *TITLE IV*

11 *RELATED AGENCIES*

12 *COMMISSION ON CIVIL RIGHTS*

13 *SALARIES AND EXPENSES*

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

1 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Equal Employment Op-*
4 *portunity Commission as authorized by title VII of the*
5 *Civil Rights Act of 1964, the Age Discrimination in Em-*
6 *ployment Act of 1967, the Equal Pay Act of 1963, the Amer-*
7 *icans with Disabilities Act of 1990, and the Civil Rights*
8 *Act of 1991, including services as authorized by 5 U.S.C.*
9 *3109; hire of passenger motor vehicles as authorized by 31*
10 *U.S.C. 1343(b); nonmonetary awards to private citizens;*
11 *and not to exceed \$29,140,000 for payments to State and*
12 *local enforcement agencies for authorized services to the*
13 *Commission, \$329,300,000: Provided, That the Commission*
14 *is authorized to make available for official reception and*
15 *representation expenses not to exceed \$2,500 from available*
16 *funds: Provided further, That the Commission may take no*
17 *action to implement any workforce repositioning, restruc-*
18 *turing, or reorganization until such time as the House and*
19 *Senate Committees on Appropriations have been notified of*
20 *such proposals, in accordance with the reprogramming re-*
21 *quirements of section 505 of this Act.*

22 *INTERNATIONAL TRADE COMMISSION*23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the International Trade*
25 *Commission, including hire of passenger motor vehicles,*

1 *and services as authorized by 5 U.S.C. 3109, and not to*
2 *exceed \$2,500 for official reception and representation ex-*
3 *penses, \$68,400,000, to remain available until expended.*

4 *LEGAL SERVICES CORPORATION*

5 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

6 *For payment to the Legal Services Corporation to*
7 *carry out the purposes of the Legal Services Corporation*
8 *Act of 1974, \$350,490,000, of which \$332,390,000 is for*
9 *basic field programs and required independent audits;*
10 *\$3,000,000 is for the Office of Inspector General, of which*
11 *such amounts as may be necessary may be used to conduct*
12 *additional audits of recipients; \$12,500,000 is for manage-*
13 *ment and administration; \$2,100,000 is for client self-help*
14 *and information technology; and \$500,000 is for loan re-*
15 *payment assistance: Provided, That the Legal Services Cor-*
16 *poration may continue to provide locality pay to officers*
17 *and employees at a rate no greater than that provided by*
18 *the Federal Government to Washington, DC-based employ-*
19 *ees as authorized by 5 United States Code 5304, notwith-*
20 *standing section 1005(d) of the Legal Services Corporation*
21 *Act, 42 United States Code 2996(d).*

22 *ADMINISTRATIVE PROVISION—LEGAL SERVICES*

23 *CORPORATION*

24 *None of the funds appropriated in this Act to the Legal*
25 *Services Corporation shall be expended for any purpose pro-*
26 *hibited or limited by, or contrary to any of the provisions*

1 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*
2 *105–119, and all funds appropriated in this Act to the*
3 *Legal Services Corporation shall be subject to the same*
4 *terms and conditions set forth in such sections, except that*
5 *all references in sections 502 and 503 to 1997 and 1998*
6 *shall be deemed to refer instead to 2007 and 2008, respec-*
7 *tively.*

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 *\$2,820,000.*

13 *NATIONAL VETERANS BUSINESS DEVELOPMENT*

14 *CORPORATION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the National Veterans Busi-*
17 *ness Development Corporation established under section 33*
18 *of the Small Business Act (15 U.S.C. 657c), \$1,410,000, to*
19 *remain available until expended.*

20 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Office of the United*
23 *States Trade Representative, including the hire of passenger*
24 *motor vehicles and the employment of experts and consult-*
25 *ants as authorized by 5 U.S.C. 3109, \$44,120,000, of which*

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

11 *STATE JUSTICE INSTITUTE*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the State Justice Institute,*
14 *as authorized by the State Justice Institute Authorization*
15 *Act of 1992 (Public Law 102–572), \$3,760,000: Provided,*
16 *That not to exceed \$2,500 shall be available for official re-*
17 *ception and representation expenses.*

18 *TITLE V*

19 *GENERAL PROVISIONS*

20 *(INCLUDING TRANSFER OF FUNDS)*

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

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

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

11 *SEC. 504. If any provision of this Act or the applica-*
12 *tion of such provision to any person or circumstances shall*
13 *be held invalid, the remainder of the Act and the applica-*
14 *tion of each provision to persons or circumstances other*
15 *than those as to which it is held invalid shall not be affected*
16 *thereby.*

17 *SEC. 505. (a) None of the funds provided under this*
18 *Act, or provided under previous appropriations Acts to the*
19 *agencies funded by this Act that remain available for obli-*
20 *gation or expenditure in fiscal year 2008, or provided from*
21 *any accounts in the Treasury of the United States derived*
22 *by the collection of fees available to the agencies funded by*
23 *this Act, shall be available for obligation or expenditure*
24 *through a reprogramming of funds that: (1) creates new*
25 *programs; (2) eliminates a program, project, or activity;*

1 (3) increases funds or personnel by any means for any
2 project or activity for which funds have been denied or re-
3 stricted; (4) relocates an office or employees; (5) reorganizes
4 or renames offices, programs, or activities; or (6) contracts
5 out or privatizes any functions or activities presently per-
6 formed by Federal employees; unless the House and Senate
7 Committees on Appropriations are notified 15 days in ad-
8 vance of such reprogramming of funds.

9 (b) None of the funds provided under this Act, or pro-
10 vided under previous appropriations Acts to the agencies
11 funded by this Act that remain available for obligation or
12 expenditure in fiscal year 2008, or provided from any ac-
13 counts in the Treasury of the United States derived by the
14 collection of fees available to the agencies funded by this
15 Act, shall be available for obligation or expenditure for ac-
16 tivities, programs, or projects through a reprogramming of
17 funds in excess of \$500,000 or 10 percent, whichever is less,
18 that: (1) augments existing programs, projects, or activities;
19 (2) reduces by 10 percent funding for any existing program,
20 project, or activity, or numbers of personnel by 10 percent
21 as approved by Congress; or (3) results from any general
22 savings, including savings from a reduction in personnel,
23 which would result in a change in existing programs, ac-
24 tivities, or projects as approved by Congress; unless the

1 *House and Senate Committees on Appropriations are noti-*
2 *fied 15 days in advance of such reprogramming of funds.*

3 *SEC. 506. Hereafter, none of the funds made available*
4 *in this Act or any other Act may be used for the construc-*
5 *tion, repair (other than emergency repair), overhaul, con-*
6 *version, or modernization of vessels for the National Oce-*
7 *anic and Atmospheric Administration in shipyards located*
8 *outside of the United States.*

9 *SEC. 507. Hereafter, none of the funds made available*
10 *in this Act may be used to implement, administer, or en-*
11 *force any guidelines of the Equal Employment Opportunity*
12 *Commission covering harassment based on religion, when*
13 *it is made known to the Federal entity or official to which*
14 *such funds are made available that such guidelines do not*
15 *differ in any respect from the proposed guidelines published*
16 *by the Commission on October 1, 1993 (58 Fed. Reg.*
17 *51266).*

18 *SEC. 508. If it has been finally determined by a court*
19 *or Federal agency that any person intentionally affixed a*
20 *label bearing a “Made in America” inscription, or any in-*
21 *scription with the same meaning, to any product sold in*
22 *or shipped to the United States that is not made in the*
23 *United States, the person shall be ineligible to receive any*
24 *contract or subcontract made with funds made available in*
25 *this Act, pursuant to the debarment, suspension, and ineli-*

1 *gibility procedures described in sections 9.400 through*
2 *9.409 of title 48, Code of Federal Regulations.*

3 *SEC. 509. The Departments of Commerce and Justice,*
4 *the National Science Foundation, and the National Aero-*
5 *navitics and Space Administration, shall provide to the*
6 *House and Senate Committees on Appropriations a quar-*
7 *terly accounting of the cumulative balances of any unobli-*
8 *gated funds that were received by such agency during any*
9 *previous fiscal year.*

10 *SEC. 510. Any costs incurred by a department or agen-*
11 *cy funded under this Act resulting from, or to prevent, per-*
12 *sonnel actions taken in response to funding reductions in-*
13 *cluded in this Act shall be absorbed within the total budg-*
14 *etary resources available to such department or agency:*
15 *Provided, That the authority to transfer funds between ap-*
16 *propriations accounts as may be necessary to carry out this*
17 *section is provided in addition to authorities included else-*
18 *where in this Act: Provided further, That use of funds to*
19 *carry out this section shall be treated as a reprogramming*
20 *of funds under section 505 of this Act and shall not be avail-*
21 *able for obligation or expenditure except in compliance with*
22 *the procedures set forth in that section.*

23 *SEC. 511. None of the funds provided by this Act shall*
24 *be available to promote the sale or export of tobacco or to-*
25 *bacco products, or to seek the reduction or removal by any*

1 *foreign country of restrictions on the marketing of tobacco*
2 *or tobacco products, except for restrictions which are not*
3 *applied equally to all tobacco or tobacco products of the*
4 *same type.*

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

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

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

21 *SEC. 513. Notwithstanding any other provision of law,*
22 *amounts deposited or available in the Fund established*
23 *under 42 U.S.C. 10601 in any fiscal year in excess of*
24 *\$590,000,000 shall not be available for obligation until the*
25 *following fiscal year.*

1 *SEC. 514. None of the funds made available to the De-*
2 *partment of Justice in this Act may be used to discriminate*
3 *against or denigrate the religious or moral beliefs of stu-*
4 *dents who participate in programs for which financial as-*
5 *sistance is provided from those funds, or of the parents or*
6 *legal guardians of such students.*

7 *SEC. 515. None of the funds made available in this*
8 *Act may be transferred to any department, agency, or in-*
9 *strumentality of the United States Government, except pur-*
10 *suant to a transfer made by, or transfer authority provided*
11 *in, this Act or any other appropriations Act.*

12 *SEC. 516. With the consent of the President, the Sec-*
13 *retary of Commerce shall represent the United States Gov-*
14 *ernment in negotiating and monitoring international*
15 *agreements regarding fisheries, marine mammals, or sea*
16 *turtles: Provided, That the Secretary of Commerce shall be*
17 *responsible for the development and interdepartmental co-*
18 *ordination of the policies of the United States with respect*
19 *to the international negotiations and agreements referred*
20 *to in this section.*

21 *SEC. 517. Any funds provided in this Act used to im-*
22 *plement E-Government Initiatives shall be subject to the*
23 *procedures set forth in section 505 of this Act.*

24 *SEC. 518. (a) Tracing studies conducted by the Bureau*
25 *of Alcohol, Tobacco, Firearms and Explosives are released*

1 *without adequate disclaimers regarding the limitations of*
2 *the data.*

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

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

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

1 *sources or methods by which firearms in general are*
2 *acquired for use in crime.*

3 *SEC. 519. (a) The Inspectors General of the Depart-*
4 *ment of Commerce, the Department of Justice, the National*
5 *Aeronautics and Space Administration, and the National*
6 *Science Foundation shall conduct audits, pursuant to the*
7 *Inspector General Act (5 U.S.C. App.), of grants or con-*
8 *tracts for which funds are appropriated by this Act, and*
9 *shall submit reports to Congress on the progress of such au-*
10 *dits, which may include preliminary findings and a de-*
11 *scription of areas of particular interest, within 180 days*
12 *after initiating such an audit and every 180 days thereafter*
13 *until any such audit is completed.*

14 *(b) Within 60 days after the date on which an audit*
15 *described in subsection (a) by an Inspector General is com-*
16 *pleted, the Secretary, Attorney General, Administrator, or*
17 *Director, as appropriate, shall make the results of the audit*
18 *available to the public on the Internet website maintained*
19 *by the Department, Administration, or Foundation, respec-*
20 *tively. The results shall be made available in redacted form*
21 *to exclude—*

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

24 *(2) sensitive personal information for any indi-*
25 *vidual, the public access to which could be used to*

1 *commit identity theft or for other inappropriate or*
2 *unlawful purposes.*

3 *(c) A grant or contract funded by amounts appro-*
4 *priated by this Act may not be used for the purpose of de-*
5 *fraying the costs of a banquet or conference that is not di-*
6 *rectly and programmatically related to the purpose for*
7 *which the grant or contract was awarded, such as a banquet*
8 *or conference held in connection with planning, training,*
9 *assessment, review, or other routine purposes related to a*
10 *project funded by the grant or contract.*

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

19 *(e) The provisions of the preceding subsections of this*
20 *section shall take effect 30 days after the date on which the*
21 *Director of the Office of Management and Budget, in con-*
22 *sultation with the Director of the Office of Government Eth-*
23 *ics, determines that a uniform set of rules and requirements,*
24 *substantially similar to the requirements in such sub-*
25 *sections, consistently apply under the executive branch eth-*

1 ics program to all Federal departments, agencies, and enti-
2 ties.

3 *SEC. 520. None of the funds appropriated or otherwise*
4 *made available under this Act may be used to issue patents*
5 *on claims directed to or encompassing a human organism.*

6 *SEC. 521. None of the funds made available in this*
7 *Act shall be used in any way whatsoever to support or jus-*
8 *tify the use of torture by any official or contract employee*
9 *of the United States Government.*

10 *SEC. 522. (a) Notwithstanding any other provision of*
11 *law or treaty, none of the funds appropriated or otherwise*
12 *made available under this Act or any other Act may be*
13 *expended or obligated by a department, agency, or instru-*
14 *mentality of the United States to pay administrative ex-*
15 *penses or to compensate an officer or employee of the United*
16 *States in connection with requiring an export license for*
17 *the export to Canada of components, parts, accessories or*
18 *attachments for firearms listed in Category I, section 121.1*
19 *of title 22, Code of Federal Regulations (International Traf-*
20 *ficking in Arms Regulations (ITAR), part 121, as it existed*
21 *on April 1, 2005) with a total value not exceeding \$500*
22 *wholesale in any transaction, provided that the conditions*
23 *of subsection (b) of this section are met by the exporting*
24 *party for such articles.*

1 (b) *The foregoing exemption from obtaining an export*
2 *license—*

3 (1) *does not exempt an exporter from filing any*
4 *Shipper's Export Declaration or notification letter re-*
5 *quired by law, or from being otherwise eligible under*
6 *the laws of the United States to possess, ship, trans-*
7 *port, or export the articles enumerated in subsection*
8 *(a); and*

9 (2) *does not permit the export without a license*
10 *of—*

11 (A) *fully automatic firearms and compo-*
12 *nents and parts for such firearms, other than for*
13 *end use by the Federal Government, or a Provin-*
14 *cial or Municipal Government of Canada;*

15 (B) *barrels, cylinders, receivers (frames) or*
16 *complete breech mechanisms for any firearm list-*
17 *ed in Category I, other than for end use by the*
18 *Federal Government, or a Provincial or Munic-*
19 *ipal Government of Canada; or*

20 (C) *articles for export from Canada to an-*
21 *other foreign destination.*

22 (c) *In accordance with this section, the District Direc-*
23 *tors of Customs and postmasters shall permit the permanent*
24 *or temporary export without a license of any unclassified*
25 *articles specified in subsection (a) to Canada for end use*

1 *in Canada or return to the United States, or temporary*
2 *import of Canadian-origin items from Canada for end use*
3 *in the United States or return to Canada for a Canadian*
4 *citizen.*

5 *(d) The President may require export licenses under*
6 *this section on a temporary basis if the President deter-*
7 *mines, upon publication first in the Federal Register, that*
8 *the Government of Canada has implemented or maintained*
9 *inadequate import controls for the articles specified in sub-*
10 *section (a), such that a significant diversion of such articles*
11 *has and continues to take place for use in international*
12 *terrorism or in the escalation of a conflict in another na-*
13 *tion. The President shall terminate the requirements of a*
14 *license when reasons for the temporary requirements have*
15 *ceased.*

16 *SEC. 523. Notwithstanding any other provision of law,*
17 *no department, agency, or instrumentality of the United*
18 *States receiving appropriated funds under this Act or any*
19 *other Act shall obligate or expend in any way such funds*
20 *to pay administrative expenses or the compensation of any*
21 *officer or employee of the United States to deny any appli-*
22 *cation submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and*
23 *qualified pursuant to 27 CFR section 478.112 or .113, for*
24 *a permit to import United States origin “curios or relics”*
25 *firearms, parts, or ammunition.*

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

4 (1) *paragraph 2 of article 16.7 of the United*
5 *States-Singapore Free Trade Agreement;*

6 (2) *paragraph 4 of article 17.9 of the United*
7 *States-Australia Free Trade Agreement; or*

8 (3) *paragraph 4 of article 15.9 of the United*
9 *States-Morocco Free Trade Agreement.*

10 *SEC. 525. (a)(1) The Administrator of the National*
11 *Aeronautics and Space Administration shall modify the*
12 *Administration's financial management system and per-*
13 *form all appropriate testing and assurance activities nec-*
14 *essary for the system to be capable of properly budgeting,*
15 *accounting for, controlling, and reporting on appropria-*
16 *tions made to the Administration for fiscal year 2009 and*
17 *thereafter under the appropriation accounts set out for the*
18 *Administration in H.R. 3093 of the 110th Congress, as*
19 *passed the House of Representatives.*

20 (2) *The Administrator shall transmit to the Committee*
21 *on Appropriations of the House of Representatives and the*
22 *Committee on Appropriations of the Senate a written re-*
23 *port, on a monthly basis until the certification under para-*
24 *graph (3) is transmitted, on progress in complying with*
25 *this subsection.*

1 (3) *Not later than April 1, 2008, the Administrator*
2 *shall transmit to the Committee on Appropriations of the*
3 *House of Representatives and the Committee on Appropria-*
4 *tions of the Senate a written certification that the Adminis-*
5 *tration's financial management system meets the require-*
6 *ments of this section.*

7 (b) *Beginning for the first full month after the date*
8 *of enactment of this Act, the Administrator shall report in*
9 *writing to the Committee on Appropriations of the House*
10 *of Representatives and the Committee on Appropriations of*
11 *the Senate, on the 15th business day of each month, finan-*
12 *cial information on the execution of the Administration's*
13 *budget for the preceding month and for the fiscal year to*
14 *date. Each report under this subsection shall provide infor-*
15 *mation on the Administration's budget, obligations in-*
16 *curred, and disbursements made, presented by—*

17 (1) *mission area (as reflected in the appropria-*
18 *tion accounts set out for the Administration in H.R.*
19 *3093 of the 110th Congress, as passed the House of*
20 *Representatives);*

21 (2) *program or project;*

22 (3) *Center; and*

23 (4) *object class, as well as any other financial*
24 *information requested by the Committee on Appro-*

1 *priations of the House of Representatives or the Com-*
2 *mittee on Appropriations of the Senate.*

3 *SEC. 526. None of the funds made available in this*
4 *Act may be used to authorize or issue a national security*
5 *letter in contravention of any of the following laws author-*
6 *izing the Federal Bureau of Investigation to issue national*
7 *security letters: The Right to Financial Privacy Act; The*
8 *Electronic Communications Privacy Act; The Fair Credit*
9 *Reporting Act; The National Security Act of 1947; USA*
10 *PATRIOT Act; and the laws amended by these Acts.*

11 *SEC. 527. None of the funds appropriated or otherwise*
12 *made available by this Act may be made available for a*
13 *public-private competition conducted under Office of Man-*
14 *agement and Budget Circular A-76 or to convert a function*
15 *performed by Federal employees to private sector perform-*
16 *ance without such a competition unless a representative des-*
17 *ignated by a majority of the employees engaged in the per-*
18 *formance of the activity or function for which the public-*
19 *private competition is conducted or which is to be converted*
20 *without such a competition is treated as an interested party*
21 *with respect to such competition or decision to convert to*
22 *private sector performance for purposes of subchapter V of*
23 *chapter 35 of title 31, United States Code.*

1 *SEC. 528. Section 605 of the Harmful Algal Bloom and*
2 *Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451*
3 *note) is amended—*

4 (1) *in the matter preceding paragraph (1) by*
5 *striking “\$25,500,000 for fiscal year 2008” and in-*
6 *serting “\$30,000,000 for each of fiscal years 2008*
7 *through 2010”;*

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

10 (3) *in paragraph (5) by striking “fiscal year*
11 *2008” and inserting “each of fiscal years 2008*
12 *through 2010”.*

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

16 (1) *by striking “association” in subsection*
17 *(c)(4)(A)(iii) and inserting “association, among will-*
18 *ing parties”;*

19 (2) *by striking paragraph (2) of subsection (i);*

20 (3) *by striking “(1) IN GENERAL.—” in sub-*
21 *section (i) and resetting paragraph (1) as a full*
22 *measure paragraph following “(i) TRANSITION*
23 *RULES.—”;* and

24 (4) *by redesignating subparagraphs (A), (B),*
25 *and (C) of subsection (i)(1) (before its amendment by*

1 *paragraph (3)) as paragraphs (1), (2), and (3), re-*
2 *spectively and resetting them as indented paragraphs*
3 *2 ems from the left margin.*

4 *SEC. 530. If at any time during any quarter, the pro-*
5 *gram manager of a project within the jurisdiction of the*
6 *Departments of Commerce or Justice, the National Aero-*
7 *nautics and Space Administration, or the National Science*
8 *Foundation totaling more than \$75,000,000 has reasonable*
9 *cause to believe that the total program cost has increased*
10 *by 10 percent, the program manager shall immediately in-*
11 *form the Secretary, Administrator, or Director. The Sec-*
12 *retary, Administrator, or Director shall notify the House*
13 *and Senate Committees on Appropriations within 30 days*
14 *in writing of such increase, and shall include in such notice:*
15 *the date on which such determination was made; a state-*
16 *ment of the reasons for such increases; the action taken and*
17 *proposed to be taken to control future cost growth of the*
18 *project; changes made in the performance or schedule mile-*
19 *stones and the degree to which such changes have contrib-*
20 *uted to the increase in total program costs or procurement*
21 *costs; new estimates of the total project or procurement*
22 *costs; and a statement validating that the project's manage-*
23 *ment structure is adequate to control total project or pro-*
24 *curement costs.*

1 *SEC. 531. Notwithstanding section 505 of this Act, no*
2 *funds shall be reprogrammed within or transferred between*
3 *appropriations after June 30, except in extraordinary cir-*
4 *cumstances.*

5 *SEC. 532. Funds appropriated by this Act, or made*
6 *available by the transfer of funds in this Act, for intelligence*
7 *or intelligence related activities are deemed to be specifi-*
8 *cally authorized by the Congress for purposes of section 504*
9 *of the National Security Act of 1947 (50 U.S.C. 414) during*
10 *fiscal year 2008 until the enactment of the Intelligence Au-*
11 *thorization Act for Fiscal Year 2008.*

12 *SEC. 533. (a) Subsection (a) of section 315 of the Na-*
13 *tional Aeronautics and Space Administration Act of 1958*
14 *(42 U.S.C. 2459j) is amended—*

15 *(1) by striking “Notwithstanding any other pro-*
16 *vision of law, the Administrator” and inserting “The*
17 *Administrator”;* and

18 *(2) by striking “any real property” and insert-*
19 *ing “any non-excess real property and related per-*
20 *sonal property”;* and

21 *(3) by striking “at no more than two (2) Na-*
22 *tional Aeronautics and Space Administration*
23 *(NASA) centers”.*

24 *(b) Subsection (b) of such section is amended—*

1 (1) *in paragraph (1), by striking “consider-*
2 *ation” and all that follows through the end of the*
3 *paragraph and inserting “cash consideration for the*
4 *lease at fair market value as determined by the Ad-*
5 *ministrator.”;*

6 (2) *by striking paragraph (2);*

7 (3) *by redesignating paragraph (3) as para-*
8 *graph (2); and*

9 (4) *in paragraph (2), as redesignated by para-*
10 *graph (3) of this subsection—*

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

19 (B) *by adding at the end the following new*
20 *subparagraph:*

21 “(C) *Amounts utilized under subparagraph (B)*
22 *may not be utilized for daily operating costs.”.*

23 (c) *Subsection (e) of such section is amended—*

1 (1) by striking “LEASE RESTRICTIONS.—NASA”
2 and inserting the following: “LEASE RESTRIC-
3 TIONS.—

4 “(1) NASA”; and

5 (2) by adding at the end the following new para-
6 graph:

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

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

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

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

1 (f) *This section shall become effective on December 31,*
2 *2008.*

3 *SEC. 534. The Departments, agencies, and commis-*
4 *sions funded under this Act, shall establish and maintain*
5 *on the homepages of their Internet websites—*

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

8 (2) *a mechanism on the Offices of Inspectors*
9 *General website by which individuals may anony-*
10 *mously report cases of waste, fraud, or abuse with re-*
11 *spect to those Departments, agencies, and commis-*
12 *sions.*

13 *SEC. 535. None of the funds appropriated or otherwise*
14 *made available by this Act may be used to enter into a*
15 *contract in an amount greater than \$5,000,000 or to award*
16 *a grant in excess of such amount unless the prospective con-*
17 *tractor or grantee certifies in writing to the agency award-*
18 *ing the contract or grant that, to the best of its knowledge*
19 *and belief, the contractor or grantee has filed all Federal*
20 *tax returns required during the three years preceding the*
21 *certification, has not been convicted of a criminal offense*
22 *under the Internal Revenue Code of 1986, and has not, more*
23 *than 90 days prior to certification, been notified of any*
24 *unpaid Federal tax assessment for which the liability re-*
25 *mains unsatisfied, unless the assessment is the subject of*

1 *an installment agreement or offer in compromise that has*
2 *been approved by the Internal Revenue Service and is not*
3 *in default, or the assessment is the subject of a non-frivolous*
4 *administrative or judicial proceeding.*

5 *SEC. 536. This section may be cited as the “ED 1.0*
6 *Act”.*

7 *(a) In this section:*

8 *(1) The term “Administrator” means the Admin-*
9 *istrator of the National Telecommunications and In-*
10 *formation Administration.*

11 *(2) The term “eligible educational institution”*
12 *means an institution that is—*

13 *(A) a historically Black college or univer-*
14 *sity;*

15 *(B) a Hispanic-serving institution as that*
16 *term is defined in section 502(a)(5) of the High-*
17 *er Education Act of 1965 (20 U.S.C.*
18 *1101a(a)(5));*

19 *(C) a tribally controlled college or univer-*
20 *sity as that term is defined in section 2(a)(4) of*
21 *the Tribally Controlled College or University As-*
22 *sistance Act of 1978 (25 U.S.C. 1801(a)(4));*

23 *(D) an Alaska Native-serving institution as*
24 *that term is defined in section 317(b)(2) of the*

1 *Higher Education Act of 1965 (20 U.S.C.*
2 *1059d(b)(2)); or*

3 *(E) a Native Hawaiian-serving institution*
4 *as that term is defined in section 317(b)(4) of the*
5 *Higher Education Act of 1965 (20 U.S.C.*
6 *1059d(b)(4)).*

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

11 *(b)(1)(A) There is established within the National*
12 *Telecommunications and Information Administration a*
13 *pilot program under which the Administrator shall award*
14 *9 grants to eligible educational institutions to enable the*
15 *eligible educational institutions to develop digital and wire-*
16 *less networks for online educational programs of study*
17 *within the eligible educational institutions. The Adminis-*
18 *trator shall award not less than 1 grant to each type of*
19 *eligible educational institution, enumerated under sub-*
20 *section (a)(2).*

21 *(B)(i) The Administrator shall award a total of 9*
22 *grants under this subsection.*

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

1 (2)(A) *In awarding grants under this subsection the*
2 *Administrator shall give priority to an eligible educational*
3 *institution that, according to the most recent data available*
4 *(including data available from the Bureau of the Census),*
5 *serves a county, or other appropriate political subdivision*
6 *where no counties exist—*

7 (i) *in which 50 percent of the residents of the*
8 *county, or other appropriate political subdivision*
9 *where no counties exist, are members of a racial or*
10 *ethnic minority;*

11 (ii) *in which less than 18 percent of the residents*
12 *of the county, or other appropriate political subdivi-*
13 *sion where no counties exist, have obtained a bacca-*
14 *laureate degree or a higher education;*

15 (iii) *that has an unemployment rate of 7 percent*
16 *or greater;*

17 (iv) *in which 20 percent or more of the residents*
18 *of the county, or other appropriate political subdivi-*
19 *sion where no counties exist, live in poverty;*

20 (v) *that has a negative population growth rate;*
21 *or*

22 (vi) *that has a family income of not more than*
23 *\$32,000.*

24 (B) *In awarding grants under this subsection the Ad-*
25 *ministrator shall give the highest priority to an eligible edu-*

1 *cational institution that meets the greatest number of re-*
2 *quirements described in clauses (i) through (vi) of subpara-*
3 *graph (A).*

4 *(3) An eligible educational institution receiving a*
5 *grant under this subsection may use the grant funds—*

6 *(A) to acquire equipment, instrumentation, net-*
7 *working capability, hardware, software, digital net-*
8 *work technology, wireless technology, or wireless in-*
9 *frastructure;*

10 *(B) to develop and provide educational services,*
11 *including faculty development; or*

12 *(C) to develop strategic plans for information*
13 *technology investments.*

14 *(4) The Administrator shall not require an eligible*
15 *educational institution to provide matching funds for a*
16 *grant awarded under this subsection.*

17 *(5)(A) The Administrator shall consult with the Com-*
18 *mittee on Appropriations and the Committee on Commerce,*
19 *Science, and Transportation of the Senate and the Com-*
20 *mittee on Appropriations and the Committee on Energy*
21 *and Commerce of the House of Representatives, on a quar-*
22 *terly basis regarding the pilot program assisted under this*
23 *subsection.*

24 *(B) Not later than 1 year after the date of enactment*
25 *of this section, the Administrator shall submit to the com-*

1 *mittees described in subparagraph (A) a report evaluating*
2 *the progress of the pilot program assisted under this sub-*
3 *section.*

4 *(c) There are authorized to be appropriated to carry*
5 *out this section \$4,500,000 for each of fiscal years 2008 and*
6 *2009.*

7 *(d) The Administrator shall carry out this section only*
8 *with amounts appropriated in advance specifically to carry*
9 *out this section.*

10 *SEC. 537. None of the funds appropriated or otherwise*
11 *made available in this Act may be used in a manner that*
12 *is inconsistent with the principal negotiating objective of*
13 *the United States with respect to trade remedy laws to pre-*
14 *serve the ability of the United States—*

15 *(1) to enforce vigorously its trade laws, including*
16 *antidumping, countervailing duty, and safeguard*
17 *laws;*

18 *(2) to avoid agreements that—*

19 *(A) lessen the effectiveness of domestic and*
20 *international disciplines on unfair trade, espe-*
21 *cially dumping and subsidies; or*

22 *(B) lessen the effectiveness of domestic and*
23 *international safeguard provisions, in order to*
24 *ensure that United States workers, agricultural*
25 *producers, and firms can compete fully on fair*

1 *terms and enjoy the benefits of reciprocal trade*
2 *concessions; and*

3 *(3) to address and remedy market distortions*
4 *that lead to dumping and subsidization, including*
5 *overcapacity, cartelization, and market-access bar-*
6 *riers.*

7 *SEC. 538. None of the funds made available in this*
8 *Act may be used to purchase first class or premium airline*
9 *travel in contravention of sections 301–10.122 through 301–*
10 *10.124 of title 41 of the Code of Federal Regulations.*

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

16 *SEC. 540. Section 504(a)(11)(E) of the Omnibus Con-*
17 *solidated Rescissions and Appropriations Act of 1996 (Pub-*
18 *lic Law 104–134; 110 Stat. 1321–55) is amended by insert-*
19 *ing before “an alien” the following: “a nonimmigrant work-*
20 *er admitted to, or permitted to remain in, the United States*
21 *under section 101(a)(15)(H)(ii)(b) of the Immigration and*
22 *Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for for-*
23 *estry labor or”.*

24 *SEC. 541. None of the funds made available in this*
25 *Act may be used in contravention of section 402(e)(1) of*

1 *the Illegal Immigration Reform and Immigrant Responsi-*
2 *bility Act of 1996 (8 U.S.C. 1324a note).*

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

6 *SEC. 543. None of the funds made available in this*
7 *Act may be used to send or otherwise pay for the attendance*
8 *of more than 50 employees from a Federal department or*
9 *agency at any single conference occurring outside the*
10 *United States.*

11 *TITLE VI*

12 *RESCISSIONS*

13 *DEPARTMENT OF COMMERCE*

14 *ECONOMIC DEVELOPMENT ADMINISTRATION*

15 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

16 *(RESCISSION)*

17 *Of the unobligated balances available under this head-*
18 *ing from prior year appropriations, \$5,700,000 are re-*
19 *scinded.*

20 *ECONOMIC AND STATISTICAL ANALYSIS*

21 *SALARIES AND EXPENSES*

22 *(RESCISSION)*

23 *Of the unobligated balances available under this head-*
24 *ing from prior year appropriations, \$800,000 are re-*
25 *scinded.*

1 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*
2 *INDUSTRIAL TECHNOLOGY SERVICES*
3 *(RESCISSION)*

4 *Of the unobligated balances available under this head-*
5 *ing from prior year appropriations, \$18,800,000 are re-*
6 *scinded.*

7 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
8 *(RESCISSION)*

9 *Of the unobligated balances available in accounts*
10 *under this heading from prior year appropriations,*
11 *\$11,372,000 are rescinded.*

12 *DEPARTMENT OF JUSTICE*
13 *GENERAL ADMINISTRATION*
14 *SALARIES AND EXPENSES*
15 *(RESCISSION)*

16 *Of the unobligated balances available under this head-*
17 *ing, \$7,400,000 are rescinded.*

18 *JUSTICE INFORMATION SHARING TECHNOLOGY*
19 *(RESCISSION)*

20 *Of the unobligated balances available under this head-*
21 *ing, \$5,000,000 are rescinded.*

22 *WORKING CAPITAL FUND*
23 *(RESCISSION)*

24 *Of the unobligated balances available under this head-*
25 *ing, \$41,000,000 are rescinded.*

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

3 *This Act may be cited as the “Commerce, Justice,*
4 *Science, and Related Agencies Appropriations Act, 2008”.*

5 *DIVISION C—ENERGY AND WATER DEVELOP-*
6 *MENT AND RELATED AGENCIES APPROPRIA-*
7 *TIONS ACT, 2008*

8 *TITLE I*

9 *CORPS OF ENGINEERS—CIVIL*

10 *DEPARTMENT OF THE ARMY*

11 *CORPS OF ENGINEERS—CIVIL*

12 *The following appropriations shall be expended under*
13 *the direction of the Secretary of the Army and the super-*
14 *vision of the Chief of Engineers for authorized civil func-*
15 *tions of the Department of the Army pertaining to rivers*
16 *and harbors, flood and storm damage reduction, shore pro-*
17 *tection, aquatic ecosystem restoration, and related purposes.*

18 *INVESTIGATIONS*

19 *(INCLUDING RESCISSION OF FUNDS)*

20 *For expenses necessary for the collection and study of*
21 *basic information pertaining to river and harbor, flood and*
22 *storm damage reduction, shore protection, aquatic eco-*
23 *system restoration, and related projects; restudy of author-*
24 *ized projects, miscellaneous investigations; and, when au-*
25 *thorized by law, surveys and detailed studies, and plans*
26 *and specifications of projects prior to construction,*

1 \$167,261,000, to remain available until expended: Pro-
2 vided, That of the funds provided under this heading of
3 Public Law 106-554, \$100,000 are rescinded: Provided fur-
4 ther, That using \$2,952,000 of the funds provided herein,
5 the Secretary of the Army acting through the Chief of Engi-
6 neers shall continue the Louisiana Coastal Protection and
7 Restoration study at full Federal expense: Provided further,
8 That using \$1,968,000 of the funds provided herein, the Sec-
9 retary of the Army acting through the Chief of Engineers
10 shall continue the Coastal Mississippi Hurricane and
11 Storm Damage Reduction study at full Federal expense:
12 Provided further, That funds in the amount of \$461,000
13 are provided to continue environmental studies for the Pine
14 Mountain Dam, Arkansas, project: Provided further, That
15 cost sharing of preconstruction engineering and design shall
16 be as previously applied to this activity.

17 CONSTRUCTION

18 (INCLUDING RESCISSIONS OF FUNDS)

19 For expenses necessary for the construction of river
20 and harbor, flood and storm damage reduction, shore pro-
21 tection, aquatic ecosystem restoration, and related projects
22 authorized by law, including a portion of the expenses for
23 the modifications authorized by section 104 of the Ever-
24 glades National Park Protection and Expansion Act of
25 1989; for conducting detailed studies, and plans and speci-
26 fications, of such projects (including those involving par-

1 *ticipation by States, local governments, or private groups)*
2 *authorized or made eligible for selection by law (but such*
3 *detailed studies, and plans and specifications, shall not con-*
4 *stitute a commitment of the Government to construction);*
5 *\$2,294,029,000, to remain available until expended; of*
6 *which such sums as are necessary to cover the Federal share*
7 *of construction costs for facilities under the Dredged Mate-*
8 *rial Disposal Facilities program shall be derived from the*
9 *Harbor Maintenance Trust Fund as authorized by Public*
10 *Law 104–303; and of which such sums as are necessary*
11 *pursuant to Public Law 99–662 shall be derived from the*
12 *Inland Waterways Trust Fund, to cover one-half of the costs*
13 *of construction and rehabilitation of inland waterways*
14 *projects (including the rehabilitation costs for Lock and*
15 *Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mis-*
16 *issippi River, Iowa; Lock and Dam 24, Mississippi River,*
17 *Illinois and Missouri; Lock 27, Mississippi River, Illinois;*
18 *Markland Locks and Dam, Kentucky and Indiana;*
19 *Emsworth Locks and Dam, Ohio River, Pennsylvania; and*
20 *Lock and Dam 3, Mississippi River, Minnesota) shall be*
21 *derived from the Inland Waterways Trust Fund; and of*
22 *which \$7,380,000 shall be exclusively for projects and ac-*
23 *tivities authorized under section 107 of the River and Har-*
24 *bor Act of 1960; and of which \$4,796,000 shall be exclu-*
25 *sively for projects and activities authorized under section*

1 111 of the River and Harbor Act of 1968; and of which
2 \$4,428,000 shall be exclusively for projects and activities
3 authorized under section 103 of the River and Harbor Act
4 of 1962; and of which \$42,312,000 shall be exclusively for
5 projects and activities authorized under section 205 of the
6 Flood Control Act of 1948; and of which \$9,840,000 shall
7 be exclusively for projects and activities authorized under
8 section 14 of the Flood Control Act of 1946; and of which
9 \$0 shall be exclusively for projects and activities authorized
10 under section 208 of the Flood Control Act of 1954; and
11 of which \$29,520,000 shall be exclusively for projects and
12 activities authorized under section 1135 of the Water Re-
13 sources Development Act of 1986; and of which \$29,520,000
14 shall be exclusively for projects and activities authorized
15 under section 206 of the Water Resources Development Act
16 of 1996; and of which \$5,292,000 shall be exclusively for
17 projects and activities authorized under sections 204 and
18 207 of the Water Resources Development Act of 1992 and
19 section 933 of the Water Resources Development Act of
20 1986: Provided, That the Chief of Engineers is directed to
21 use \$12,792,000 of the funds appropriated herein for the
22 Dallas Floodway Extension, Texas, project, including the
23 Cadillac Heights feature, generally in accordance with the
24 Chief of Engineers report dated December 7, 1999: Provided
25 further, That the Chief of Engineers is directed to use

1 \$1,968,000 of the funds provided herein for the Hawaii
2 Water Management Project: Provided further, That the
3 Chief of Engineers is directed to use \$5,166,000 of the funds
4 appropriated herein for planning, engineering, design or
5 construction of the Grundy, Buchanan County, and
6 Dickenson County, Virginia, elements of the Levisa and
7 Tug Forks of the Big Sandy River and Upper Cumberland
8 River Project: Provided further, That the Chief of Engineers
9 is directed to use \$18,204,000 of the funds appropriated
10 herein to continue planning, engineering, design or con-
11 struction of the Lower Mingo County, Upper Mingo County,
12 Wayne County, McDowell County, West Virginia, elements
13 of the Levisa and Tug Forks of the Big Sandy River and
14 Upper Cumberland River Project: Provided further, That
15 the Secretary of the Army, acting through the Chief of Engi-
16 neers, is directed to use \$4,920,000 of the funds appro-
17 priated herein for the Clover Fork, City of Cumberland,
18 Town of Martin, Pike County (including Levisa Fork and
19 Tug Fork Tributaries), Bell County, Harlan County in ac-
20 cordance with the Draft Detailed Project Report dated Jan-
21 uary 2002, Floyd County, Martin County, Johnson County,
22 and Knox County, Kentucky, detailed project report, ele-
23 ments of the Levisa and Tug Forks of the Big Sandy River
24 and Upper Cumberland River: Provided further, That the
25 Secretary of the Army is directed to use any remaining

1 *available funds from funds appropriated in Public Law*
2 *103–126 (107 Stat. 1315) for carrying out engineering and*
3 *design for the relocation of the comfort and lifeguard sta-*
4 *tions on the Atlantic Coast of New York City from Rock-*
5 *away Inlet to Norton Point, New York, project for construc-*
6 *tion of other features of the project: Provided further, That*
7 *the Secretary of the Army is directed to use any remaining*
8 *available funds from the funds appropriated in Public Law*
9 *107–66 (115 Stat. 488) for increasing the authorized level*
10 *of protection for the Bois Brule Drainage and Levee Dis-*
11 *trict, Missouri, project, to continue design deficiency re-*
12 *pairs on the project: Provided further, That the Chief of En-*
13 *gineers is directed to use \$2,952,000 of the funds provided*
14 *herein to initiate planning and design of a rural health*
15 *care facility on the Fort Berthold Reservation of the Three*
16 *Affiliated Tribes, North Dakota: Provided further, That*
17 *\$1,476,000 of the funds provided herein shall be available*
18 *to continue detailed design including plans and specifica-*
19 *tions, execute a PCA and initiate construction of Phases*
20 *I and II for the Greenbrier River Basin, Marlinton, West*
21 *Virginia, project: Provided further, That the Secretary of*
22 *the Army shall use up to \$5,904,000 including the prior*
23 *unobligated balance of \$4,972,000 from the Devils Lake*
24 *Outlet, North Dakota, project for the North Dakota environ-*
25 *mental infrastructure project: Provided further, That the*

1 *Secretary of the Army shall use the prior year unobligated*
2 *balance of \$1,500,000 from the Waterbury Dam repairs*
3 *project for the Lake Champlain Watershed project: Provided*
4 *further, That of the funds provided under this heading the*
5 *following amounts are rescinded: from Public Law 101–*
6 *101, \$435,000; from Public Law 102–377, \$1,740,000; from*
7 *Public Law 103–126, \$797,000; and from Public Law 105–*
8 *245, \$1,716,000.*

9 *MISSISSIPPI RIVER AND TRIBUTARIES*

10 *For expenses necessary for the flood damage reduction*
11 *program for the Mississippi River alluvial valley below*
12 *Cape Girardeau, Missouri, as authorized by law,*
13 *\$387,402,000, to remain available until expended, of which*
14 *such sums as are necessary to cover the Federal share of*
15 *operation and maintenance costs for inland harbors shall*
16 *be derived from the Harbor Maintenance Trust Fund: Pro-*
17 *vided, That the Chief of Engineers is directed to use*
18 *\$9,840,000 of the funds provided herein for design and real*
19 *estate activities and pump supply elements for the Yazoo*
20 *Basin, Yazoo Backwater Pumping Plant, Mississippi: Pro-*
21 *vided further, That the Secretary of the Army, acting*
22 *through the Chief of Engineers is directed to use \$9,840,000*
23 *appropriated herein for construction of water withdrawal*
24 *features of the Grand Prairie, Arkansas, project.*

1 *tenance activities related to resource protection in the areas*
2 *at which outdoor recreation is available; and of which such*
3 *sums as become available under section 217 of the Water*
4 *Resources Development Act of 1996, Public Law 104–303,*
5 *shall be used to cover the cost of operation and maintenance*
6 *of the dredged material disposal facilities for which fees*
7 *have been collected: Provided, That utilizing funds appro-*
8 *priated herein, for the Intracoastal Waterway, Delaware*
9 *River to Chesapeake Bay, Delaware and Maryland, the*
10 *Chief of Engineers, is directed to reimburse the State of*
11 *Delaware for normal operation and maintenance costs in-*
12 *curring by the State of Delaware for the SR1 Bridge from*
13 *station 58+00 to station 293+00 between October 1, 2007,*
14 *and September 30, 2008: Provided further, That the Sec-*
15 *retary of the Army, acting through the Chief of Engineers,*
16 *is directed to use up to \$350,000 of the funds appropriated*
17 *herein to reimburse the City of Glen Cove, New York, for*
18 *costs associated with the maintenance dredging of Glen Cove*
19 *Creek incurred prior to enactment of this Act.*

20 *REGULATORY PROGRAM*

21 *For expenses necessary for administration of laws per-*
22 *taining to regulation of navigable waters and wetlands,*
23 *\$180,000,000, to remain available until expended.*

24 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

25 *For expenses necessary to clean up contamination*
26 *from sites in the United States resulting from work per-*

1 *formed as part of the Nation's early atomic energy pro-*
2 *gram, \$140,000,000, to remain available until expended.*

3 *EXPENSES*

4 *For expenses necessary for general administration and*
5 *related civil works functions in the headquarters of the*
6 *United States Army Corps of Engineers, the offices of the*
7 *Division Engineers, the Humphreys Engineer Center Sup-*
8 *port Activity, the Institute for Water Resources, the United*
9 *States Army Engineer Research and Development Center,*
10 *and the United States Army Corps of Engineers Finance*
11 *Center, \$175,046,000, to remain available until expended:*
12 *Provided, That no part of any other appropriation pro-*
13 *vided in title I of this Act shall be available to fund the*
14 *civil works activities of the Office of the Chief of Engineers*
15 *or the civil works executive direction and management ac-*
16 *tivities of the division offices.*

17 *OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL*
18 *WORKS)*

19 *For the Office of the Assistant Secretary of the Army*
20 *(Civil Works) as authorized by 10 U.S.C. 3016(b)(3),*
21 *\$4,500,000 is provided.*

22 *ADMINISTRATIVE PROVISION*

23 *Appropriations in this title shall be available for offi-*
24 *cial reception and representation expenses (not to exceed*
25 *\$5,000); and during the current fiscal year the Revolving*
26 *Fund, Corps of Engineers, shall be available for purchase*

1 *(not to exceed 100 for replacement only) and hire of pas-*
2 *senger motor vehicles.*

3 *GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL*

4 *SEC. 101. (a) None of the funds provided in title I*
5 *of this Act, or provided by previous appropriations Acts*
6 *to the agencies or entities funded in title I of this Act that*
7 *remain available for obligation or expenditure in fiscal year*
8 *2008, shall be available for obligation or expenditure*
9 *through a reprogramming of funds that:*

10 *(1) creates or initiates a new program, project,*
11 *or activity;*

12 *(2) eliminates a program, project or activity;*

13 *(3) increases funds or personnel for any pro-*
14 *gram, project or activity for which funds have been*
15 *denied or restricted by this Act, unless prior approval*
16 *is received from the House and Senate Committees on*
17 *Appropriations;*

18 *(4) proposes to use funds directed for a specific*
19 *activity by either the House or the Senate Committees*
20 *on Appropriations for a different purpose, unless*
21 *prior approval is received from the House and Senate*
22 *Committees on Appropriations;*

23 *(5) augments or reduces existing programs,*
24 *projects or activities in excess of the amounts con-*
25 *tained in subsections 6 through 10, unless prior ap-*

1 *proval is received from the House and Senate Com-*
2 *mittees on Appropriations;*

3 (6) *INVESTIGATIONS.—For a base level over*
4 *\$100,000, reprogramming of 25 percent of the base*
5 *amount up to a limit of \$150,000 per project, study*
6 *or activity is allowed: Provided, That for a base level*
7 *less than \$100,000, the reprogramming limit is*
8 *\$25,000; Provided further, That up to \$25,000 may be*
9 *reprogrammed into any continuing study or activity*
10 *that did not receive an appropriation for existing ob-*
11 *ligations and concomitant administrative expenses;*

12 (7) *CONSTRUCTION.—For a base level over*
13 *\$2,000,000, reprogramming of 15 percent of the base*
14 *amount up to a limit of \$3,000,000 per project, study*
15 *or activity is allowed: Provided, That for a base level*
16 *less than \$2,000,000, the reprogramming limit is*
17 *\$300,000: Provided further, That up to \$3,000,000*
18 *may be reprogrammed for settled contractor claims,*
19 *changed conditions, or real estate deficiency judg-*
20 *ments; Provided further, That up to \$300,000 may be*
21 *reprogrammed into any continuing study or activity*
22 *that did not receive an appropriation for existing ob-*
23 *ligations and concomitant administrative expenses;*

24 (8) *OPERATION AND MAINTENANCE.—Unlimited*
25 *reprogramming authority is granted in order for the*

1 *Corps to be able to respond to emergencies: Provided,*
2 *That the Chief of Engineers must notify the House*
3 *and Senate Committees on Appropriations of these*
4 *emergency actions as soon thereafter as practicable:*
5 *Provided further, That for a base level over*
6 *\$1,000,000, reprogramming of 15 percent of the base*
7 *amount up to a limit of \$5,000,000 per project, study*
8 *or activity is allowed: Provided further, That for a*
9 *base level less than \$1,000,000, the reprogramming*
10 *limit is \$150,000: Provided further, That \$150,000*
11 *may be reprogrammed into any continuing study or*
12 *activity that did not receive an appropriation;*

13 (9) *MISSISSIPPI RIVER AND TRIBUTARIES.—The*
14 *same reprogramming guidelines for the Investiga-*
15 *tions, Construction, and Operation and Maintenance*
16 *portions of the Mississippi River and Tributaries Ac-*
17 *count as listed above; and*

18 (10) *FORMERLY UTILIZED SITES REMEDIAL AC-*
19 *TION PROGRAM.—Reprogramming of up to 15 percent*
20 *of the base of the receiving project is permitted.*

21 (b) *CONTINUING AUTHORITIES PROGRAM.—Subsection*
22 *(a)(1) shall not apply to any project or activity funded*
23 *under the continuing authorities program.*

24 (c) *Not later than 60 days after the date of enactment*
25 *of this Act, the Corps of the Engineers shall submit a report*

1 *to the House and Senate Committees on Appropriations to*
2 *establish the baseline for application of reprogramming and*
3 *transfer authorities for the current fiscal year: Provided,*
4 *That the report shall include:*

5 (1) *A table for each appropriation with a sepa-*
6 *rate column to display the President's budget request,*
7 *adjustments made by Congress, adjustments due to*
8 *enacted rescissions, if appropriate, and the fiscal year*
9 *enacted level;*

10 (2) *A delineation in the table for each appro-*
11 *priation both by object class and program, project*
12 *and activity as detailed in the budget appendix for*
13 *the respective appropriations; and*

14 (3) *An identification of items of special congres-*
15 *sional interest: Provided further, That the amount ap-*
16 *propriated for salaries and expenses of the Corps of*
17 *Engineers shall be reduced by \$100,000 per day for*
18 *each day after the required date that the report has*
19 *not been submitted to the Congress.*

20 *SEC. 102. None of the funds made available in this*
21 *title may be used to award any continuing contract or make*
22 *modifications to any existing continuing contract that com-*
23 *mits an amount for a project in excess of the amounts ap-*
24 *propriated for that project that remain unobligated, except*
25 *that such amounts may include any funds that have been*

1 *made available through reprogramming to that project pur-*
2 *suant to section 101 of this Act.*

3 *SEC. 103. None of the funds in this Act, or previous*
4 *Acts, making funds available for Energy and Water Devel-*
5 *opment, shall be used to implement any pending or future*
6 *competitive sourcing actions under OMB Circular A-76 or*
7 *High Performing Organizations for the U.S. Army Corps*
8 *of Engineers.*

9 *SEC. 104. None of the funds appropriated in this or*
10 *any other Act shall be used to demonstrate or implement*
11 *any plans divesting or transferring any Civil Works mis-*
12 *sions, functions, or responsibilities of the United States*
13 *Army Corps of Engineers to other government agencies*
14 *without specific direction in a subsequent Act of Congress.*

15 *SEC. 105. Within 90 days of the date of the Chief of*
16 *Engineers Report on a water resource matter, the Assistant*
17 *Secretary of the Army (Civil Works) shall submit the report*
18 *to the appropriate authorizing and appropriating commit-*
19 *tees of the Congress.*

20 *SEC. 106. WATER REALLOCATION, LAKE CUM-*
21 *BERLAND, KENTUCKY. (a) IN GENERAL.—Subject to sub-*
22 *section (b), none of the funds made available by this Act*
23 *may be used to carry out any water reallocation project*
24 *or component under the Wolf Creek Project, Lake Cum-*
25 *berland, Kentucky, authorized under the Act of June 28,*

1 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946
2 (60 Stat. 636, ch. 595).

3 (b) *EXISTING REALLOCATIONS.*—Subsection (a) shall
4 not apply to any water reallocation for Lake Cumberland,
5 Kentucky, that is carried out subject to an agreement or
6 payment schedule in effect on the date of enactment of this
7 Act.

8 *SEC. 107. Using amounts available in the Revolving*
9 *Fund, the Secretary of the Army is authorized to construct*
10 *a new Environmental Laboratory and improvements to the*
11 *Information Technology Laboratory at the Engineer Re-*
12 *search and Development Center in Vicksburg, Mississippi:*
13 *Provided, That the Secretary shall ensure that the Revolv-*
14 *ing Fund is appropriately reimbursed from appropriations*
15 *of the Corps' benefiting programs by collection each year*
16 *of amounts sufficient to repay the capitalized cost of such*
17 *construction and improvements.*

18 *SEC. 108. Notwithstanding section 729 of the Water*
19 *Resources Development Act of 1986, as amended (33 U.S.C.*
20 *2267a), the Secretary shall credit toward the non-Federal*
21 *share of the cost of the Rio Grande Basin Watershed Study,*
22 *New Mexico, Colorado and Texas, the cost of in-kind serv-*
23 *ices contributed by the New Mexico Interstate Stream Com-*
24 *mission for the Study up to the full amount of the required*
25 *non-Federal share, in accordance with the Agreement be-*

1 *tween the Commission and the Department of the Army*
2 *dated December 3, 2001 as modified on January 14, 2002.*

3 *SEC. 109. Section 121 of the Energy and Water Devel-*
4 *opment Appropriations Act, 2006 (Public Law 109–103;*
5 *119 Stat. 2256) is amended by striking subsection (a) and*
6 *inserting the following:*

7 *“(a) The Secretary of the Army may carry out and*
8 *fund planning studies, watershed surveys and assessments,*
9 *or technical studies at 100 percent Federal expense to ac-*
10 *complish the purposes of the 2003 Biological Opinion de-*
11 *scribed in section 205(b) of the Energy and Water Develop-*
12 *ment Appropriations Act, 2005 (Public Law 108–447; 118*
13 *Stat. 2949) as amended by subsection (b) and the collabo-*
14 *rative program long-term plan. In carrying out a study,*
15 *survey, or assessment under this subsection, the Secretary*
16 *of the Army shall consult with Federal, State, tribal and*
17 *local governmental entities, as well as entities participating*
18 *in the Middle Rio Grande Endangered Species Collabo-*
19 *rative Program referred to in section 205 of this Act: Pro-*
20 *vided, That the Secretary of the Army may also provide*
21 *planning and administrative assistance to the Middle Rio*
22 *Grande Endangered Species Collaborative Program, which*
23 *shall not be subject to cost sharing requirements with non-*
24 *Federal interests.”.*

1 *SEC. 110. The Secretary of the Army, acting through*
2 *the Chief of Engineers, is directed to convey at no cost,*
3 *lands to Tate County School District, Tate County, Mis-*
4 *issippi, the transfer of any real property interests, not to*
5 *exceed 50 acres, at Arkabutla Lake deemed available by the*
6 *Army that is located adjacent to school district property*
7 *in the vicinity of State Highway 306 west of Coldwater,*
8 *Mississippi. Such transfer shall be subject to the reservation*
9 *of any required flowage easements for the operation of*
10 *Arkabutla Lake and which preclude structures for human*
11 *habitation. This property shall be used by the Tate County*
12 *School District for public educational purposes.*

13 *SEC. 111. Section 594 of the Water Resources Develop-*
14 *ment Act of 1999 is amended by striking “~~see. 594. ohio.~~”*
15 *and inserting in lieu thereof “~~see. 594. ohio and north da-~~*
16 *~~kota.~~” and in (a) strike “Ohio.” and insert in lieu thereof*
17 *“Ohio and North Dakota.” and in (b) strike “Ohio,” and*
18 *insert in lieu thereof “Ohio and North Dakota,” and in (h)*
19 *strike “\$240,000,000.” and insert in lieu thereof*
20 *“\$240,000,000 for Ohio and \$100,000,000 for North Da-*
21 *kota.”.*

22 *SEC. 112. The Secretary of the Army, acting through*
23 *the Chief of Engineers, is directed and authorized to conduct*
24 *preconstruction engineering and design activities at full*
25 *Federal expense for the Kahuku Storm Damage Reduction*

1 *Project, Oahu, Hawaii, which includes interior drainage*
2 *and related improvements to be constructed on lands that*
3 *may include Federal land, the cost of the preconstruction,*
4 *engineering, and design activities shall be included in total*
5 *project costs to be cost shared at the rate of 65 percent Fed-*
6 *eral and 35 percent non-Federal, as a part of construction*
7 *and the Decision Document contents shall be limited to a*
8 *design analysis and supporting NEPA documentation for*
9 *drainage improvements.*

10 *SEC. 113. Section 227 of Public Law 104–303 is*
11 *amended in section 5(a) by striking “7”, and inserting*
12 *“12” in lieu thereof.*

13 *SEC. 114. All budget documents and justification ma-*
14 *terials for the Corps of Engineers annual budget submission*
15 *to Congress shall be assembled and presented based on the*
16 *most recent annual appropriations Act: Provided, That new*
17 *budget proposals for fiscal year 2008 and thereafter, shall*
18 *not be integrated into the budget justifications submitted*
19 *to Congress but shall be submitted separately from the budg-*
20 *et justifications documents.*

21 *SEC. 115. The Secretary of the Army acting through*
22 *the Chief of Engineers is directed to plan, design, and con-*
23 *struct a rural health care facility on the Fort Berthold In-*
24 *dian Reservation of the Three Affiliated Tribes, North Da-*
25 *kota, at an estimated Federal cost of \$20,000,000. The Sec-*

1 *retary shall transfer this facility to the Secretary of the In-*
2 *terior for operation and maintenance upon the completion*
3 *of construction.*

4 *SEC. 116. The last sentence of section 215(a) of the*
5 *Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is*
6 *amended by striking “\$5,000,000” and inserting*
7 *“\$7,000,000”.*

8 *SEC. 117. JOHNSON CREEK, ARLINGTON, TEXAS. (a)*
9 *IN GENERAL.—The project for flood damage reduction, en-*
10 *vironmental restoration and recreation, Johnson Creek, Ar-*
11 *lington, Texas, authorized by section 101(b)(14) of the*
12 *Water Resources Development Act of 1999 (113 Stat. 280–*
13 *281) is modified to authorize the Secretary to construct the*
14 *project substantially in accordance with the report entitled*
15 *Johnson Creek: A Vision of Conservation, dated March 30,*
16 *2006, at a total cost of \$80,000,000, with an estimated Fed-*
17 *eral cost of \$52,000,000 and an estimated non-Federal cost*
18 *of \$28,000,000 if the Secretary determines that the project*
19 *is technically sound and environmentally acceptable.*

20 *(b) NON-FEDERAL SHARE.—*

21 *(1) IN GENERAL.—The non-Federal share of the*
22 *cost of the project may be provided in cash or in the*
23 *form of in-kind services or materials.*

24 *(2) CREDIT AND REIMBURSEMENT.—The Sec-*
25 *retary shall credit toward the non-Federal share of*

1 *the cost of the project the cost of planning, design,*
2 *and construction work carried out by the non-Federal*
3 *interest for implementation of the project, if the Sec-*
4 *retary determines that the work is integral to the*
5 *project. Subject to the availability of funds, the non-*
6 *Federal interest shall be reimbursed for costs incurred*
7 *by the non-Federal interest that exceed the non-Fed-*
8 *eral share of project costs.*

9 *(c) CONFORMING AMENDMENT.—Section 134 of the*
10 *Energy and Water Development Appropriations Act, 2006*
11 *(119 Stat. 2264) and section 5143 of the Water Resources*
12 *Development Act of 2007, (Public Law 110–114) are re-*
13 *pealed.*

14 *SEC. 118. The Secretary is authorized and directed to*
15 *reimburse local governments for expenses they have incurred*
16 *in storm-proofing pumping stations, constructing safe*
17 *houses for operators, and other interim flood control meas-*
18 *ures in and around the New Orleans metropolitan area,*
19 *provided the Secretary determines those elements of work*
20 *and related expenses to be integral to the overall plan to*
21 *ensure operability of the stations during hurricanes, storms*
22 *and high water events and the flood control plan for the*
23 *area.*

24 *SEC. 119. Section 219(f) of the Water Resources Devel-*
25 *opment Act of 1992 (Public Law 102–580, 106 Stat. 4835*

1 *et seq.*), as amended, is further amended by striking sub-
2 section “(71) Coronado, California”, in its entirety and in-
3 serting the following:

4 “(71) CORONADO, CALIFORNIA.

5 “(A) \$10,000,000 is authorized for waste-
6 water infrastructure, Coronado, California.

7 “(B) The Federal Share may be in the form
8 of grants or reimbursements of project costs in-
9 curred by the non-Federal sponsor for work per-
10 formed by the non-Federal sponsor before or after
11 the execution of a project cooperation agreement,
12 if the Secretary determines that such work is in-
13 tegral to the project.

14 “(C) The Secretary is authorized to credit
15 towards the non-Federal share of project costs the
16 costs incurred by the non-Federal sponsor for
17 work performed by the non-Federal sponsor be-
18 fore or after the execution of a project coopera-
19 tion agreement, if the Secretary determines that
20 such work is integral to the project.”

21 SEC. 120. NAVAJO RESERVATION, ARIZONA, NEW
22 MEXICO, AND UTAH.—Section 520(b) of the Water Re-
23 sources Development Act of 1999 (Public Law 106–53; 113
24 Stat. 345) is amended by inserting after the second sentence
25 “The local match for the funds appropriated for flood plain

1 *delineation on the Navajo reservation in Arizona, New Mex-*
2 *ico, and Utah may be provided as in-kind services.”.*

3 *SEC. 121. The Secretary of the Army may, under such*
4 *terms and conditions as the Secretary deems appropriate,*
5 *contract with any public or private entity to provide visitor*
6 *reservation services. Any such contract in effect on or after*
7 *October 1, 2004, may provide that the contractor shall be*
8 *permitted to deduct a commission to be fixed by the Sec-*
9 *retary from the amount charged the public for providing*
10 *such services and to remit the net proceeds therefrom to the*
11 *contracting agency.*

12 *SEC. 122. The project for flood control, Redwood River,*
13 *Marshall, Minnesota, authorized by section 401(a) of the*
14 *Water Resources Development Act of 1986 and modified by*
15 *section 4(k) of the Water Resources Development Act of 1988*
16 *is further modified to authorize the Secretary to construct*
17 *the project at a total cost of \$11,863,000, with an estimated*
18 *first Federal cost of \$8,722,000 and an estimated first non-*
19 *Federal cost of \$3,141,000.*

20 *SEC. 123. The project for St. John’s Bayou and New*
21 *Madrid Floodway in the State of Missouri as authorized*
22 *by subsection (d) of the matter under the heading “Lower*
23 *Mississippi River” under section 203 of the Flood Control*
24 *Act of 1954 (68 Stat. 1258) and section 401(a) of the Water*
25 *Resources Development Act of 1986 (100 Stat. 4118), and*

1 *as modified by section 331 of the Water Resources Develop-*
2 *ment Act of 1996 (110 Stat. 3658) as described in the June*
3 *2002 Revised Supplemental Impact Statement, as supple-*
4 *mented by the March 2006 Revised Supplemental Environ-*
5 *mental Impact Statement 2 for this project is economically*
6 *justified: Provided, That the levee closure and gravity struc-*
7 *ture at the south end of the New Madrid Floodway portion*
8 *of the Project are part of the Mississippi River Levee feature*
9 *of the Mississippi River and Tributaries Project and are*
10 *not a separable element of that Project.*

11 *SEC. 124. Funds provided in title V, chapter 3 of Pub-*
12 *lic Law 110–28 under the heading “Construction” may be*
13 *used for restoration of shore protection projects in New Jer-*
14 *sey damaged by the same meteorological events that resulted*
15 *in Presidential Disaster Declaration FEMA–1694–DR.*

16 *SEC. 125. The project for flood control, Cedar Ham-*
17 *mock (Wares Creek), Florida, authorized by section*
18 *101(a)(10) of Public Law 104–303 (110 Stat. 3664), is*
19 *modified to authorize the Secretary to construct the project*
20 *at a total cost of \$42,600,000.*

21 *SEC. 126. Section 156 of Public Law 108–137 is*
22 *amended by inserting “or reimburse” after “non-Federal*
23 *share of the cost of the project” in paragraphs (2) and (3).*

24 *SEC. 127. Notwithstanding any other provision of law,*
25 *the requirements regarding the use of continuing contracts*

1 *under the authority of section 206 of the Water Resources*
2 *Development Act of 1999 (33 U.S.C. 2331) shall apply only*
3 *to projects funded under the Operation and Maintenance*
4 *account and the Operation and Maintenance subaccount of*
5 *the Mississippi River and Tributaries account.*

6 *SEC. 128. Section 3020 of the Water Resources Devel-*
7 *opment Act of 2007, Public Law 110–114, is amended by*
8 *inserting “or after” following the word “before”.*

9 *SEC. 129. Notwithstanding provisions of 42 U.S.C.*
10 *2011 et seq. and 42 U.S.C. 7901 et seq. the U.S. Army*
11 *Corps of Engineers shall have the authority to arrange dis-*
12 *posal of waste materials from the Maywood, New Jersey,*
13 *Formerly Utilized Sites Remedial Action Program*
14 *(FUSRAP) site at off-site facilities permitted to accept such*
15 *waste materials under subtitle C of the Resource Conserva-*
16 *tion and Recovery Act (42 U.S.C. 6921 et seq.). FUSRAP*
17 *waste materials from the Maywood site may be, but shall*
18 *not be required to be, disposed at sites licensed under the*
19 *Atomic Energy Act (42 U.S.C. 2011 et seq.).*

20 *SEC. 130. AMERICAN AND SACRAMENTO RIVERS, CALI-*
21 *FORNIA. Section 101(a)(1)(B) of the Water Resources Devel-*
22 *opment Act of 1996 (Public Law 104–303: 110 Stat. 3662)*
23 *is modified to read as follows:*

24 *“(B) CREDIT TOWARD NON-FEDERAL*
25 *SHARE.—The non-Federal interest shall receive*

1 *credit toward the non-Federal share of project*
2 *costs for expenses that the non-Federal interest*
3 *incurs for design or construction of any author-*
4 *ized project feature, including credit for work*
5 *commenced before the date of execution of a co-*
6 *operation agreement for the affected feature. The*
7 *amount of the credit shall be determined by the*
8 *Secretary.”.*

9 *SEC. 131. WHITE RIVER NAVIGATION TO BATESVILLE,*
10 *ARKANSAS. The project for navigation, White River Naviga-*
11 *tion to Batesville, Arkansas, as authorized in Public Law*
12 *99–662 is amended to extend the project from mile 255,*
13 *near Newport, Arkansas, to approximately mile 296, near*
14 *Batesville, Arkansas; to include a harbor at Batesville, Ar-*
15 *kansas; and environmental restoration within the White*
16 *River Basin including Federally owned lands.*

17 *SEC. 132. LANDFILLS USED FOR CERTAIN WASTE. (a)*
18 *IN GENERAL.—The funding prohibition set forth in section*
19 *103 of the Energy and Water Development Appropriations*
20 *Act, 2006 shall not apply to the construction or expansion*
21 *of any landfill in the Muskingum River watershed if—*

22 *(1) the landfill is used solely for the disposal*
23 *of—*

24 *(A) wastes generated from the combustion or*
25 *gasification of coal,*

1 (B) wastes consisting of byproducts from
2 pollution control technology installed to comply
3 with the Clean Air Act, or

4 (C) both of such types of wastes.

5 (2) the landfill is owned by the waste generator
6 or any affiliated person, and

7 (3) the facility at which the wastes are generated
8 is located in the same watershed as the landfill.

9 (b) DEFINITIONS.—For purposes of this section:

10 (1) The term “affiliated person” means any per-
11 son who, directly or indirectly, owns or controls the
12 waste generator, is owned or controlled by the waste
13 generator, or is under common ownership or control
14 with the waste generator.

15 (2) The term “Muskingum River watershed”
16 shall mean the area within the watershed of the
17 Muskingum River, as delineated by the Secretary of
18 the Army, acting through the Chief of Engineers.

19 SEC. 133. CONVEYANCE TO STORY COUNTY, IOWA. Not
20 later than 180 days after the date of enactment of this Act,
21 the Chief of the Army Corps of Engineers shall convey to
22 Story County, Iowa, without consideration, all rights, title,
23 and interest of the United States in and to a parcel of real
24 property, including any improvements thereon, consisting
25 of approximately 197 acres originally proposed for the

1 *Skunk River Reservoir, located between Ames, Iowa, and*
2 *Story City, Iowa.*

3 *SEC. 134. None of the funds provided herein may be*
4 *used to implement any new water control manuals for the*
5 *Apalachicola-Chattahoochee-Flint and Alabama-Coosa-*
6 *Tallapoosa river systems: Provided, That in updating the*
7 *water control manuals the Secretary of the Army, acting*
8 *through the Chief of Engineers is directed to provide the*
9 *following information by September 30, 2008:*

10 *(1) an estimate of the amount of withdrawals*
11 *from each respective river basin for entities with-*
12 *drawing one million gallons per day or more over the*
13 *preceding 60 months;*

14 *(2) a flow data set for the respective river basin*
15 *updated through the most recently completed calendar*
16 *year;*

17 *(3) an estimated projection of total water usage*
18 *in the respective basins over the next 25 years.*

19 *SEC. 135. Title II, chapter 3 of Public Law 109–234*
20 *under the heading “Construction” is modified by striking*
21 *“construction: Provided,” and inserting in lieu thereof “:*
22 *Provided, That the Secretary of the Army, in implementing*
23 *projects and measures in the New Orleans metropolitan*
24 *area required to achieve certification for participation in*
25 *the National Flood Insurance Program as directed in Pub-*

1 *lic Law 109–234 shall include all authorized features of the*
2 *Southeast Louisiana Flood Control project and related in-*
3 *ternal pumping requirements as integral elements of the*
4 *comprehensive protection system for the area and shall com-*
5 *plete all authorized work for the Southeast Louisiana*
6 *project concurrently and integrally with other area projects:*
7 *Provided further,”.*

8 *SEC. 136. Utilizing funds appropriated under Alaska*
9 *Coastal Erosion or other available funds, the Secretary of*
10 *the Army, acting through the Chief of Engineers, is directed*
11 *to prepare a preliminary action plan for any community*
12 *that requests assistance pursuant to section 117, as con-*
13 *tained in title I, division C of Public Law 108–447: Pro-*
14 *vided, That the preliminary action plan pursuant to this*
15 *authority shall be presented to the Assistant Secretary of*
16 *the Army (Civil Works) and the Alaska Congressional Dele-*
17 *gation not later than 90 days after the initial request from*
18 *the community: Provided further, That the preliminary ac-*
19 *tion plan will recommend the most appropriate course of*
20 *action (relocation or erosion stabilization), including a pre-*
21 *liminary cost estimate and, at a minimum, the first year*
22 *funding requirements: Provided further, That if the Alaska*
23 *District is unable to comply with this reporting require-*
24 *ment, the District shall provide written notification to the*
25 *Assistant Secretary of the Army (Civil Works) and the Alas-*

1 *ka Congressional Delegation within 30 days of the commu-*
2 *nity assistance request explaining why they are unable to*
3 *comply.*

4 *TITLE II*

5 *DEPARTMENT OF THE INTERIOR*

6 *CENTRAL UTAH PROJECT*

7 *CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

8 *For carrying out activities authorized by the Central*
9 *Utah Project Completion Act, \$41,380,000, to remain avail-*
10 *able until expended, of which \$976,000 shall be deposited*
11 *into the Utah Reclamation Mitigation and Conservation*
12 *Account for use by the Utah Reclamation Mitigation and*
13 *Conservation Commission.*

14 *In addition, for necessary expenses incurred in car-*
15 *rying out related responsibilities of the Secretary of the In-*
16 *terior, \$1,620,000, to remain available until expended.*

17 *For fiscal year 2008, the Commission may use an*
18 *amount not to exceed \$1,500,000 for administrative ex-*
19 *penses.*

20 *BUREAU OF RECLAMATION*

21 *The following appropriations shall be expended to exe-*
22 *cute authorized functions of the Bureau of Reclamation:*

23 *WATER AND RELATED RESOURCES*

24 *(INCLUDING TRANSFERS OF FUNDS)*

25 *For management, development, and restoration of*
26 *water and related natural resources and for related activi-*

1 ties, including the operation, maintenance, and rehabilita-
2 tion of reclamation and other facilities, participation in
3 fulfilling related Federal responsibilities to Native Ameri-
4 cans, and related grants to, and cooperative and other
5 agreements with, State and local governments, federally rec-
6 ognized Indian tribes, and others, \$949,882,000, to remain
7 available until expended, of which \$60,258,000 shall be
8 available for transfer to the Upper Colorado River Basin
9 Fund and \$26,787,000 shall be available for transfer to the
10 Lower Colorado River Basin Development Fund; of which
11 such amounts as may be necessary may be advanced to the
12 Colorado River Dam Fund; of which not more than
13 \$500,000 is for high priority projects which shall be carried
14 out by the Youth Conservation Corps, as authorized by 16
15 U.S.C. 1706: Provided, That such transfers may be in-
16 creased or decreased within the overall appropriation under
17 this heading: Provided further, That of the total appro-
18 priated, the amount for program activities that can be fi-
19 nanced by the Reclamation Fund or the Bureau of Rec-
20 lamation special fee account established by 16 U.S.C. 460l-
21 6a(i) shall be derived from that Fund or account: Provided
22 further, That funds contributed under 43 U.S.C. 395 are
23 available until expended for the purposes for which contrib-
24 uted: Provided further, That funds advanced under 43
25 U.S.C. 397a shall be credited to this account and are avail-

1 *able until expended for the same purposes as the sums ap-*
2 *propriated under this heading: Provided further, That*
3 *funds available for expenditure for the Departmental Irri-*
4 *gation Drainage Program may be expended by the Bureau*
5 *of Reclamation for site remediation on a non-reimbursable*
6 *basis: Provided further, That funds provided for the Friant-*
7 *Kern and Madera Canals improvements may be expended*
8 *on a non-reimbursable basis: Provided further, That*
9 *\$2,952,000 of the funds appropriated under this heading*
10 *shall be deposited in the San Gabriel Basin Restoration*
11 *Fund established by section 110 of title I of appendix D*
12 *of Public Law 106–554.*

13 *CENTRAL VALLEY PROJECT RESTORATION FUND*

14 *For carrying out the programs, projects, plans, and*
15 *habitat restoration, improvement, and acquisition provi-*
16 *sions of the Central Valley Project Improvement Act,*
17 *\$59,122,000, to be derived from such sums as may be col-*
18 *lected in the Central Valley Project Restoration Fund pur-*
19 *suant to sections 3407(d), 3404(c)(3), 3405(f), and*
20 *3406(c)(1) of Public Law 102–575, to remain available*
21 *until expended: Provided, That the Bureau of Reclamation*
22 *is directed to assess and collect the full amount of the addi-*
23 *tional mitigation and restoration payments authorized by*
24 *section 3407(d) of Public Law 102–575: Provided further,*
25 *That none of the funds made available under this heading*
26 *may be used for the acquisition or leasing of water for in-*

1 *stream purposes if the water is already committed to in-*
2 *stream purposes by a court adopted decree or order.*

3 *CALIFORNIA BAY-DELTA RESTORATION*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For carrying out activities authorized by the Water*
6 *Supply, Reliability, and Environmental Improvement Act,*
7 *consistent with plans to be approved by the Secretary of*
8 *the Interior, \$40,098,000, to remain available until ex-*
9 *pendent, of which such amounts as may be necessary to*
10 *carry out such activities may be transferred to appropriate*
11 *accounts of other participating Federal agencies to carry*
12 *out authorized purposes: Provided, That funds appro-*
13 *priated herein may be used for the Federal share of the costs*
14 *of CALFED Program management: Provided further, That*
15 *the use of any funds provided to the California Bay-Delta*
16 *Authority for program-wide management and oversight ac-*
17 *tivities shall be subject to the approval of the Secretary of*
18 *the Interior: Provided further, That CALFED implementa-*
19 *tion shall be carried out in a balanced manner with clear*
20 *performance measures demonstrating concurrent progress*
21 *in achieving the goals and objectives of the Program.*

22 *POLICY AND ADMINISTRATION*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For necessary expenses of policy, administration, and*
25 *related functions in the office of the Commissioner, the Den-*
26 *ver office, and offices in the five regions of the Bureau of*

1 *Reclamation, to remain available until expended,*
2 *\$58,811,000, to be derived from the Reclamation Fund and*
3 *be nonreimbursable as provided in 43 U.S.C. 377: Provided,*
4 *That no part of any other appropriation in this Act shall*
5 *be available for activities or functions budgeted as policy*
6 *and administration expenses: Provided further, That, of the*
7 *funds provided under this heading, \$10,000,000 shall be*
8 *transferred to “Water and Related Resources” upon the ex-*
9 *piration of the 60-day period following the date of enact-*
10 *ment of this Act if, during such period, the Secretary of*
11 *the Interior has not submitted to the Committees on Appro-*
12 *priations of the House of Representatives and the Senate*
13 *the Bureau of Reclamation’s five-year budget plan.*

14 *ADMINISTRATIVE PROVISION*

15 *Appropriations for the Bureau of Reclamation shall*
16 *be available for purchase of not to exceed 14 passenger*
17 *motor vehicles, which are for replacement only.*

18 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

19 *SEC. 201. (a) None of the funds appropriated or other-*
20 *wise made available by this Act may be used to determine*
21 *the final point of discharge for the interceptor drain for*
22 *the San Luis Unit until development by the Secretary of*
23 *the Interior and the State of California of a plan, which*
24 *shall conform to the water quality standards of the State*
25 *of California as approved by the Administrator of the Envi-*

1 *ronmental Protection Agency, to minimize any detrimental*
2 *effect of the San Luis drainage waters.*

3 **(b)** *The costs of the Kesterson Reservoir Cleanup Pro-*
4 *gram and the costs of the San Joaquin Valley Drainage*
5 *Program shall be classified by the Secretary of the Interior*
6 *as reimbursable or nonreimbursable and collected until fully*
7 *repaid pursuant to the “Cleanup Program-Alternative Re-*
8 *payment Plan” and the “SJVDP-Alternative Repayment*
9 *Plan” described in the report entitled “Repayment Report,*
10 *Kesterson Reservoir Cleanup Program and San Joaquin*
11 *Valley Drainage Program, February 1995”, prepared by*
12 *the Department of the Interior, Bureau of Reclamation.*
13 *Any future obligations of funds by the United States relat-*
14 *ing to, or providing for, drainage service or drainage stud-*
15 *ies for the San Luis Unit shall be fully reimbursable by*
16 *San Luis Unit beneficiaries of such service or studies pur-*
17 *suant to Federal reclamation law.*

18 **SEC. 202.** *None of the funds appropriated or otherwise*
19 *made available by this or any other Act may be used to*
20 *pay the salaries and expenses of personnel to purchase or*
21 *lease water in the Middle Rio Grande or the Carlsbad*
22 *Projects in New Mexico unless said purchase or lease is in*
23 *compliance with the purchase requirements of section 202*
24 *of Public Law 106–60.*

1 *SEC. 203. Funds under this title for Drought Emer-*
2 *gency Assistance shall be made available primarily for leas-*
3 *ing of water for specified drought related purposes from*
4 *willing lessors, in compliance with existing State laws and*
5 *administered under State water priority allocation.*

6 *SEC. 204. The Secretary of the Interior, acting through*
7 *the Commissioner of the Bureau of Reclamation, is author-*
8 *ized to enter into grants, cooperative agreements, and other*
9 *agreements with irrigation or water districts and States to*
10 *fund up to 50 percent of the cost of planning, designing,*
11 *and constructing improvements that will conserve water,*
12 *increase water use efficiency, or enhance water management*
13 *through measurement or automation, at existing water sup-*
14 *ply projects within the States identified in the Act of June*
15 *17, 1902, as amended, and supplemented: Provided, That*
16 *when such improvements are to federally owned facilities,*
17 *such funds may be provided in advance on a non-reimburs-*
18 *able basis to an entity operating affected transferred works*
19 *or may be deemed non-reimbursable for non-transferred*
20 *works: Provided further, That the calculation of the non-*
21 *Federal contribution shall provide for consideration of the*
22 *value of any in-kind contributions, but shall not include*
23 *funds received from other Federal agencies: Provided fur-*
24 *ther, That the cost of operating and maintaining such im-*
25 *provements shall be the responsibility of the non-Federal en-*

1 *tity: Provided further, That this section shall not supercede*
2 *any existing project-specific funding authority: Provided*
3 *further, That the Secretary is also authorized to enter into*
4 *grants or cooperative agreements with universities or non-*
5 *profit research institutions to fund water use efficiency re-*
6 *search.*

7 *SEC. 205. (a) Section 209 of the Energy and Water*
8 *Development Appropriations Act, 2004 (Public Law 108–*
9 *137; 117 Stat. 1850) is repealed.*

10 *(b) The Secretary of the Interior (referred to in this*
11 *section as the “Secretary”) shall establish an Executive*
12 *Committee of the Middle Rio Grande Endangered Species*
13 *Collaborative Program (referred to in this section as the*
14 *“Executive Committee”) consistent with the bylaws of the*
15 *Middle Rio Grande Endangered Species Collaborative Pro-*
16 *gram adopted on October 2, 2006.*

17 *(c) In compliance with applicable Federal and State*
18 *laws, the Secretary (acting through the Commissioner of*
19 *Reclamation), in collaboration with the Executive Com-*
20 *mittee, may enter into any grants, contracts, cooperative*
21 *agreements, interagency agreements, or other agreements*
22 *that the Secretary determines to be necessary to comply*
23 *with the 2003 Biological Opinion described in section*
24 *205(b) of the Energy and Water Development Appropria-*
25 *tions Act, 2005 (Public Law 108–447; 118 Stat. 2949) as*

1 *amended by section 121(b) of the Energy and Water Devel-*
2 *opment Appropriations Act, 2006 (Public Law 109–103;*
3 *119 Stat. 2256) or in furtherance of the objectives set forth*
4 *in the collaborative program long-term plan.*

5 *(d)(1) The acquisition of water under subsection (c)*
6 *and any administrative costs associated with carrying out*
7 *subsection (c) shall be at full Federal expense.*

8 *(2) Not more than 15 percent of amounts appropriated*
9 *to carry out subsection (c) shall be made available for the*
10 *payment of administrative expenses associated with car-*
11 *rying out that subsection.*

12 *(e)(1) The non-Federal share of activities carried out*
13 *under subsection (c) (other than an activity or a cost de-*
14 *scribed in subsection (d)(1)) shall be 25 percent. The non-*
15 *Federal cost share shall be determined on a programmatic,*
16 *rather than a project-by-project basis.*

17 *(2) The non-Federal share required under paragraph*
18 *(1) may be in the form of in-kind contributions, the value*
19 *of which shall be determined by the Secretary in consulta-*
20 *tion with the executive committee.*

21 *(f) Nothing in this section modifies or expands the dis-*
22 *cretion of the Secretary with respect to operating reservoir*
23 *facilities under the jurisdiction of the Secretary in the Rio*
24 *Grande Valley, New Mexico.*

1 *SEC. 206. In furtherance of section 529 of Public Law*
2 *106–541, the Secretary of the Interior shall continue to par-*
3 *ticipate in implementation of the Project at Las Vegas*
4 *Wash and Lake Mead in accordance with the Plan, and*
5 *may provide grants to the Southern Nevada Water Author-*
6 *ity to carry out the implementation of the Project at Las*
7 *Vegas Wash and Lake Mead in accordance with the Plan:*
8 *Provided, That issuance of any such grants shall not modify*
9 *the cost sharing requirements provided in section 529(b) of*
10 *Public Law 106–541.*

11 *SEC. 207. In carrying out section 2507 of Public Law*
12 *107–171, the Secretary of the Interior, acting through the*
13 *Commissioner of Reclamation, shall use \$2,000,000 to pro-*
14 *vide grants, to be divided equally, to the State of Nevada*
15 *and the State of California to implement the Truckee River*
16 *Settlement Act, Public Law 101–618.*

17 *SEC. 208. (a) Notwithstanding any other provision of*
18 *law, of amounts made available under section 2507 of the*
19 *Farm Security and Rural Investment Act of 2002 (43*
20 *U.S.C. 2211 note; Public Law 107–171), the Secretary of*
21 *the Interior—*

22 *(1) acting through the Commissioner of Rec-*
23 *lamation, shall use—*

24 *(A) subject to subsection (b), \$3,000,000 for*
25 *activities necessary to convey to the State of Ne-*

1 *vada the land known as the “Carson Lake and*
2 *Pasture”, as authorized by section 206(e) of the*
3 *Truckee-Carson-Pyramid Lake Water Rights Set-*
4 *tlement Act (Public Law 101–618: 104 Stat.*
5 *3311);*

6 *(B) \$10,000,000 for the removal of the*
7 *Numana Dam and other obsolete irrigation*
8 *structures located on the Pyramid Lake Paiute*
9 *Reservation for the benefit of the Pyramid Lake*
10 *Paiute Tribe because of their status as Indians;*

11 *(C) in consultation with the Corps of Engi-*
12 *neers, as applicable, \$5,000,000 to study and*
13 *prepare plans for the development and construc-*
14 *tion of a pipeline to convey water from Dixie*
15 *Valley to Churchill County, Nevada;*

16 *(D) \$10,000,000 for—*

17 *(i) design and construction of the*
18 *Derby Dam fish screen to allow passage of*
19 *fish, including the cui-ui and Lahontan*
20 *cutthroat trout; and*

21 *(ii) any improvements to Derby Dam*
22 *necessary to make the fish screen operable;*

23 *(E) \$6,000,000 for the acquisition of not*
24 *more than 4 small hydroelectric power plants*
25 *from the Sierra Pacific Power Company to im-*

1 *prove water allocation and fish passage in the*
2 *Truckee River; and*

3 *(F) \$6,000,000 for Lower Truckee River res-*
4 *toration projects identified by the cities of Reno*
5 *and Sparks, Nevada, and Washoe County, Ne-*
6 *vada;*

7 *(2) shall allocate \$9,000,000 to a nonprofit con-*
8 *servation organization, acting in consultation with*
9 *the Truckee Meadows Water Authority, for—*

10 *(A) the acquisition of land surrounding*
11 *Independence Lake; and*

12 *(B) protection of the native fishery and*
13 *water quality of Independence Lake;*

14 *(3) shall allocate \$1,000,000 to the Summit Lake*
15 *Paiute Tribe to plan and complete restoration efforts*
16 *at the Summit Lake in Northern Washoe County, Ne-*
17 *vada, for the benefit of the Tribe because of their sta-*
18 *tus as Indians;*

19 *(4) shall allocate \$3,000,000 to the Newlands*
20 *Project Water Rights Fund for a Federal-State-Pyr-*
21 *amid Lake Paiute Tribe program, to be administered*
22 *by an entity identified by the 3 applicable parties, for*
23 *the retirement of water rights pursuant to the Truck-*
24 *ee-Carson-Pyramid Lake Water Rights Settlement Act*
25 *(Public Law 101–618: 104 Stat. 3311);*

1 (5) shall allocate \$2,500,000 to the United States
2 *Fish and Wildlife Service to analyze, in cooperation*
3 *and consultation with external experts, the impacts of*
4 *low water flows on reproduction at the Walker Lake*
5 *fishery, including an analysis of methods to prevent*
6 *permanent effects on the fishery from low water flows;*

7 (6) shall allocate \$4,000,000 to the State of Ne-
8 *vada to prepare watershed inventories, with a par-*
9 *ticular focus on the Walker and Carson River Basins;*

10 (7) shall allocate \$5,000,000 for joint planning
11 *and development activities for water, wastewater, and*
12 *sewer facilities by the city of Fernley, Nevada, and*
13 *the Pyramid Lake Paiute Tribe;*

14 (8) shall allocate \$500,000 for the Walker River
15 *Paiute Tribe for legal and professional services in*
16 *support of settling tribal water claims in the Walker*
17 *River Basin and to Walker Lake;*

18 (9) shall allocate \$1,000,000 to the Walker River
19 *Irrigation District—*

20 (A) to plan and implement a weed control
21 *program to improve conveyance efficiency of*
22 *water controlled by the Irrigation District; and*

23 (B) to make improvements to water gauges
24 *controlled by the Irrigation District to enhance*

1 *the water monitoring activities of the Irrigation*
2 *District; and*

3 *(10) shall allocate \$250,000 to Churchill County,*
4 *Nevada, to provide testing of groundwater wells.*

5 *(b)(1) The Secretary shall achieve compliance with all*
6 *applicable Federal laws (including regulations) relating to*
7 *the conveyance of the Carson Lake and Pasture to the State*
8 *of Nevada as described in subsection (a)(1)(A) by not later*
9 *than June 30, 2010.*

10 *(2) Any amounts made available to carry out the con-*
11 *veyance described in subsection (a)(1)(A) but not expended*
12 *for that purpose shall be made available to the State of Ne-*
13 *vada to supplement funds provided under section 217(a)(1)*
14 *of the Energy and Water Development Appropriations Act,*
15 *2004 (Public Law 108–137; 117 Stat. 1852), to purchase*
16 *water rights from willing sellers and to make necessary im-*
17 *provements to benefit the Carson Lake and Pasture.*

18 *SEC. 209. Section 10(a) of the Mni Wiconi Project Act*
19 *of 1988 (Public Law 100–516; 102 Stat. 2571; 116 Stat.*
20 *3033) is amended in the second sentence by striking “2008”*
21 *and inserting “2013”.*

22 *SEC. 210. INLAND EMPIRE AND CUCAMONGA VALLEY*
23 *RECYCLING PROJECTS. The Reclamation Wastewater and*
24 *Groundwater Study and Facilities Act (Public Law 102–*

1 575, title XVI; 43 U.S.C. 390h et seq.) is amended by add-
2 ing at the end the following:

3 **“SEC. 16___. INLAND EMPIRE REGIONAL WATER RECY-**
4 **CLING PROJECT.**

5 “(a) *IN GENERAL.*—The Secretary, in cooperation
6 with the Inland Empire Utilities Agency, may participate
7 in the design, planning, and construction of the Inland Em-
8 pire regional water recycling project described in the report
9 submitted under section 1606(c).

10 “(b) *COST SHARING.*—The Federal share of the cost of
11 the project described in subsection (a) shall not exceed 25
12 percent of the total cost of the project.

13 “(c) *LIMITATION.*—Funds provided by the Secretary
14 shall not be used for operation and maintenance of the
15 project described in subsection (a).

16 “(a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 authorized to be appropriated to carry out this section
18 \$20,000,000.

19 **“SEC. 16___. CUCAMONGA VALLEY WATER RECYCLING**
20 **PROJECT.**

21 “(a) *IN GENERAL.*—The Secretary, in cooperation
22 with the Cucamonga Valley Water District, may partici-
23 pate in the design, planning, and construction of the
24 Cucamonga Valley Water District satellite recycling plants
25 in Rancho Cucamonga, California, to reclaim and recycle

1 *approximately 2 million gallons per day of domestic waste-*
2 *water.*

3 “(b) *COST SHARING.—The Federal share of the cost of*
4 *the project described in subsection (a) shall not exceed 25*
5 *percent of the capital cost of the project.*

6 “(c) *LIMITATION.—Funds provided by the Secretary*
7 *shall not be used for operation and maintenance of the*
8 *project described in subsection (a).*

9 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section,*
11 *\$10,000,000.*

12 “(e) *SUNSET OF AUTHORITY.—The authority of the*
13 *Secretary to carry out any provisions of this section shall*
14 *terminate 10 years after the date of the enactment of this*
15 *section.”.*

16 “(c) *CONFORMING AMENDMENTS.—The table of sections*
17 *in section 2 of Public Law 102–575 is amended by inserting*
18 *after the last item the following:*

 “16 _____. *Inland Empire Regional Water Recycling Program.*

 “16 _____. *Cucamonga Valley Water Recycling Project.”.*

19 *SEC. 211. Prior to the unilateral termination or re-*
20 *moval of cabin or trailer sites on Bureau of Reclamation*
21 *lands in North Dakota for the purpose of changing land*
22 *use, the Secretary of the Interior is directed to submit a*
23 *report describing the action to the Committee on Energy*
24 *and Natural Resources, United States Senate and the Com-*

1 *mittee on Natural Resources, United States House of Rep-*
2 *resentatives and the House and Senate Committees on Ap-*
3 *propriations: Provided, That the Secretary shall not move*
4 *forward with the proposed action until 60 days after the*
5 *report is submitted to the Committee Chairmen.*

6 *SEC. 212. Section 3507(b) of Public Law 102–575 (106*
7 *Stat. 4600) is amended by striking “\$4,660,000” and in-*
8 *serting “\$12,660,000”.*

9 *SEC. 213. AUTHORITY TO EXTEND WATER CONTRACT.*
10 *The Secretary of the Interior may extend the water contract*
11 *14–06–600–3593, as amended, between the United States*
12 *and the East Bench Irrigation District for water services,*
13 *until the earlier of—*

14 *(1) the expiration of the 2-year period beginning*
15 *on the date on which the contract would expire but*
16 *for this section; or*

17 *(2) the date on which a new long-term water*
18 *contract is executed by the parties to the contract list-*
19 *ed in subsection (b).*

20 *SEC. 214. SOUTHERN CALIFORNIA DESERT REGION*
21 *INTEGRATED WATER AND ECONOMIC SUSTAINABILITY*
22 *PLAN. (a) IN GENERAL.—The Reclamation Wastewater and*
23 *Groundwater Study and Facilities Act (Public Law 102–*
24 *575, title XVI; 43 U.S.C. 390h et seq.) is amended by add-*
25 *ing at the end the following new section:*

1 **“SEC. 16___ . SOUTHERN CALIFORNIA DESERT REGION IN-**
2 **TEGRATED WATER AND ECONOMIC SUSTAIN-**
3 **ABILITY PLAN.**

4 “(a) *AUTHORIZATION.*—*The Secretary, in cooperation*
5 *with the Mojave Water Agency is authorized to participate*
6 *in the design, planning, and construction of projects to im-*
7 *plement the ‘Mojave Water Agency’s Integrated Regional*
8 *Water Management Plan’.*

9 “(b) *COST SHARE.*—*The Federal share of the costs of*
10 *the projects authorized by this section shall not exceed 25*
11 *percent of the total cost.*

12 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated to carry out this section*
14 *\$20,000,000.”.*

15 (b) *CONFORMING AMENDMENT.*—*The table of sections*
16 *in section 2 of Public Law 102–575 is amended by inserting*
17 *after the last item relating to title XVI the following:*

“16___ . *Southern California desert region integrated water and economic sus-*
tainability plan.”.

18 (c) *LIMITATION.*—*The Secretary shall not provide*
19 *funds for the operation or maintenance of a project author-*
20 *ized by this section.*

21 (d) *CREDITS TOWARD NON-FEDERAL SHARE.*—*For*
22 *purposes of subparagraph (b) the Secretary shall credit the*
23 *Mojave Water Agency with the value of all expenditures*
24 *made prior to the date of the enactment of this Act that*

1 *are used toward completion of projects that are compatible*
2 *with this section.*

3 *TITLE III*

4 *DEPARTMENT OF ENERGY*

5 *ENERGY PROGRAMS*

6 *ENERGY EFFICIENCY AND RENEWABLE ENERGY*

7 *For Department of Energy expenses including the pur-*
8 *chase, construction, and acquisition of plant and capital*
9 *equipment, and other expenses necessary for energy effi-*
10 *ciency and renewable energy activities in carrying out the*
11 *purposes of the Department of Energy Organization Act (42*
12 *U.S.C. 7101 et seq.), including the acquisition or con-*
13 *demnation of any real property or any facility or for plant*
14 *or facility acquisition, construction, or expansion,*
15 *\$1,739,541,000, to remain available until expended: Pro-*
16 *vided, That the Secretary is directed to make fiscal year*
17 *2008 weatherization funding available from October 1,*
18 *2007, through March 31, 2009, for States that submit plans*
19 *requesting allocations for all or part of this period: Pro-*
20 *vided further, That the funds provided for Federal technical*
21 *assistance and training are intended to be used exclusively*
22 *to support the effective delivery of weatherization services*
23 *as set forth in statute and applicable regulations: Provided*
24 *further, That any change in program implementation*
25 *should be proposed to Congress in the Department's budget*

1 *submission and not implemented before congressional ap-*
2 *proval is obtained.*

3 *ELECTRICITY DELIVERY AND ENERGY RELIABILITY*

4 *For Department of Energy expenses including the pur-*
5 *chase, construction, and acquisition of plant and capital*
6 *equipment, and other expenses necessary for electricity de-*
7 *livery and energy reliability activities in carrying out the*
8 *purposes of the Department of Energy Organization Act (42*
9 *U.S.C. 7101 et seq.), including the acquisition or con-*
10 *demnation of any real property or any facility or for plant*
11 *or facility acquisition, construction, or expansion,*
12 *\$140,000,000, to remain available until expended.*

13 *NUCLEAR ENERGY*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For Department of Energy expenses including the pur-*
16 *chase, construction, and acquisition of plant and capital*
17 *equipment, and other expenses necessary for nuclear energy*
18 *activities in carrying out the purposes of the Department*
19 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*
20 *cluding the acquisition or condemnation of any real prop-*
21 *erty or any facility or for plant or facility acquisition, con-*
22 *struction, or expansion, and the purchase of not to exceed*
23 *20 passenger motor vehicles for replacement only, including*
24 *one ambulance, \$970,525,000, to remain available until ex-*
25 *pended: Provided, That \$233,849,000 is authorized to be ap-*
26 *propriated for Project 99–D–143 Mixed Oxide (MOX) Fuel*

1 *Fabrication Facility, Savannah River Site, South Caro-*
2 *lina: Provided further, That the Department of Energy ad-*
3 *here strictly to Department of Energy Order 413.3A for*
4 *Project 99–D–143.*

5 *LEGACY MANAGEMENT*

6 *For Department of Energy expenses for Legacy Man-*
7 *agement activities, \$34,183,000, to remain available until*
8 *expended.*

9 *CLEAN COAL TECHNOLOGY*

10 *(INCLUDING DEFERRAL AND TRANSFER OF FUNDS)*

11 *Of the funds made available under this heading for*
12 *obligation in prior years, \$149,000,000 shall not be avail-*
13 *able until October 1, 2008: Provided, That funds made*
14 *available in previous appropriations Acts shall be made*
15 *available for any ongoing project regardless of the separate*
16 *request for proposal under which the project was selected:*
17 *Provided further, That \$166,000,000 of uncommitted bal-*
18 *ances are transferred to Fossil Energy Research and Devel-*
19 *opment to be used until expended.*

20 *FOSSIL ENERGY RESEARCH AND DEVELOPMENT*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses in carrying out fossil energy*
23 *research and development activities, under the authority of*
24 *the Department of Energy Organization Act (Public Law*
25 *95–91), including the acquisition of interest, including de-*

1 *feasible and equitable interests in any real property or any*
2 *facility or for plant or facility acquisition or expansion,*
3 *and for the hire of passenger motor vehicles, the hire, main-*
4 *tenance, and operation of aircraft, the purchase, repair,*
5 *and cleaning of uniforms, the reimbursement to the General*
6 *Services Administration for security guard services, and for*
7 *conducting inquiries, technological investigations and re-*
8 *search concerning the extraction, processing, use, and dis-*
9 *posal of mineral substances without objectionable social and*
10 *environmental costs (30 U.S.C. 3, 1602, and 1603),*
11 *\$750,000,000, to remain available until expended, of which*
12 *\$166,000,000 shall be derived by transfer from “Clean Coal*
13 *Technology”:* *Provided further, That funds appropriated for*
14 *prior solicitations under the Clean Coal Technology Pro-*
15 *gram, Power Plant Improvement Initiative, and Clean Coal*
16 *Power Initiative, but not required by the Department to*
17 *meet its obligations on projects selected under such solicita-*
18 *tions, may be utilized for the Clean Coal Power Initiative*
19 *Round III solicitation under this Act in accordance with*
20 *the requirements of this Act rather than the Acts under*
21 *which the funds were appropriated:* *Provided further, That*
22 *no project may be selected for which full funding is not*
23 *available to provide for the total project:* *Provided further,*
24 *That financial assistance for costs in excess of those esti-*
25 *mated as of the date of award of original Clean Coal Power*

1 *Initiative financial assistance may not be provided in ex-*
2 *cess of the proportion of costs borne by the Government in*
3 *the original agreement and shall be limited to 25 percent*
4 *of the original financial assistance: Provided further, That*
5 *at least 50 percent cost-sharing shall be required in each*
6 *budget period of a project: Provided further, That in accord-*
7 *ance with section 988(e) of Public Law 109–58, repayment*
8 *of the DOE contribution to a project shall not be a condi-*
9 *tion of making an award under this solicitation: Provided*
10 *further, That no part of the sum herein made available shall*
11 *be used for the field testing of nuclear explosives in the re-*
12 *covery of oil and gas: Provided further, That in this Act*
13 *and future Acts, up to 4 percent of program direction funds*
14 *available to the National Energy Technology Laboratory*
15 *may be used to support Department of Energy activities*
16 *not included in this Fossil Energy account: Provided fur-*
17 *ther, That in this Act and future Acts, the salaries for Fed-*
18 *eral employees performing research and development activi-*
19 *ties at the National Energy Technology Laboratory can*
20 *continue to be funded from any appropriate DOE program*
21 *accounts: Provided further, That revenues and other moneys*
22 *received by or for the account of the Department of Energy*
23 *or otherwise generated by sale of products in connection*
24 *with projects of the Department appropriated under the*
25 *Fossil Energy Research and Development account may be*

1 *retained by the Secretary of Energy, to be available until*
2 *expended, and used only for plant construction, operation,*
3 *costs, and payments to cost-sharing entities as provided in*
4 *appropriate cost-sharing contracts or agreements.*

5 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

6 *For expenses necessary to carry out naval petroleum*
7 *and oil shale reserve activities, including the hire of pas-*
8 *senger motor vehicles, \$20,472,000, to remain available*
9 *until expended: Provided, That, notwithstanding any other*
10 *provision of law, unobligated funds remaining from prior*
11 *years shall be available for all naval petroleum and oil shale*
12 *reserve activities.*

13 *STRATEGIC PETROLEUM RESERVE*

14 *For necessary expenses for Strategic Petroleum Reserve*
15 *facility development and operations and program manage-*
16 *ment activities pursuant to the Energy Policy and Con-*
17 *servaion Act of 1975, as amended (42 U.S.C. 6201 et seq.),*
18 *including the hire of passenger motor vehicles, the hire,*
19 *maintenance, and operation of aircraft, the purchase, re-*
20 *pair, and cleaning of uniforms, and the reimbursement to*
21 *the General Services Administration for security guard*
22 *services, \$188,472,000, to remain available until expended,*
23 *of which \$25,000,000 shall be provided to carry out new*
24 *site land acquisition activities consistent with the budget*
25 *request.*

1 *NORTHEAST HOME HEATING OIL RESERVE*

2 *For necessary expenses for Northeast Home Heating*
3 *Oil Reserve storage, operation, and management activities*
4 *pursuant to the Energy Policy and Conservation Act,*
5 *\$12,448,000, to remain available until expended.*

6 *ENERGY INFORMATION ADMINISTRATION*

7 *For necessary expenses in carrying out the activities*
8 *of the Energy Information Administration, \$96,337,000, to*
9 *remain available until expended.*

10 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

11 *For Department of Energy expenses, including the*
12 *purchase, construction, and acquisition of plant and cap-*
13 *ital equipment and other expenses necessary for non-defense*
14 *environmental cleanup activities in carrying out the pur-*
15 *poses of the Department of Energy Organization Act (42*
16 *U.S.C. 7101 et seq.), including the acquisition or con-*
17 *demnation of any real property or any facility or for plant*
18 *or facility acquisition, construction, or expansion, and the*
19 *purchase of not to exceed three passenger motor vehicles for*
20 *replacement only, \$183,937,000, to remain available until*
21 *expended: Provided, That \$13,000,000 is appropriated for*
22 *environmental remediation activities associated with the*
23 *Energy Technology and Engineering Center (ETEC) at the*
24 *Santa Susana Field Laboratory (SSFL), subject to the fol-*
25 *lowing: (1) the Department shall use a portion of this fund-*

1 *ing to enter into an interagency agreement with the Envi-*
2 *ronmental Protection Agency to conduct a joint comprehen-*
3 *sive radioactive site characterization of Area IV of the*
4 *SSFL; (2) the Department shall ensure that all aspects of*
5 *the cleanup of radioactive contamination at Area IV of the*
6 *SSFL comply fully with the Comprehensive Environmental*
7 *Response, Compensation and Liability Act, if applicable;*
8 *and (3) the Department shall retain Federal control of*
9 *ETEC and it shall not be released for other use until such*
10 *time as the Department has complied with actions directed*
11 *in subsections (1) and (2).*

12 *URANIUM ENRICHMENT DECONTAMINATION AND*
13 *DECOMMISSIONING FUND*

14 *For necessary expenses in carrying out uranium en-*
15 *richment facility decontamination and decommissioning,*
16 *remedial actions, and other activities of title II of the Atom-*
17 *ic Energy Act of 1954, as amended, and title X, subtitle*
18 *A, of the Energy Policy Act of 1992, \$627,876,000, to be*
19 *derived from the Fund, to remain available until expended,*
20 *of which \$20,000,000 shall be available in accordance with*
21 *title X, subtitle A, of the Energy Policy Act of 1992.*

22 *SCIENCE*
23 *(INCLUDING RESCISSION OF FUNDS)*

24 *For Department of Energy expenses including the pur-*
25 *chase, construction and acquisition of plant and capital*

1 *equipment, and other expenses necessary for science activi-*
2 *ties in carrying out the purposes of the Department of En-*
3 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
4 *the acquisition or condemnation of any real property or*
5 *facility or for plant or facility acquisition, construction, or*
6 *expansion, and purchase of not to exceed 30 passenger*
7 *motor vehicles for replacement only, \$4,055,483,000, to re-*
8 *main available until expended: Provided, That of the funds*
9 *made available in section 130 of division H (Miscellaneous*
10 *Appropriations and Offsets) of the Consolidated Appropria-*
11 *tions Act, 2004, Public Law 108–199, as amended by sec-*
12 *tion 315 of Public Law 109–103, for the Coralville, Iowa,*
13 *project, \$44,569,000 is rescinded.*

14 *NUCLEAR WASTE DISPOSAL*

15 *For nuclear waste disposal activities to carry out the*
16 *purposes of the Nuclear Waste Policy Act of 1982, Public*
17 *Law 97–425, as amended (the “Act”), including the acqui-*
18 *sition of real property or facility construction or expansion,*
19 *\$189,000,000, to remain available until expended, and to*
20 *be derived from the Nuclear Waste Fund: Provided, That*
21 *of the funds made available in this Act for Nuclear Waste*
22 *Disposal, \$5,000,000 shall be provided to the State of Ne-*
23 *vada solely for expenditures, other than salaries and ex-*
24 *penses of State employees, to conduct scientific oversight re-*
25 *sponsibilities and participate in licensing activities pursu-*

1 ant to the Act: Provided further, That notwithstanding the
2 lack of a written agreement with the State of Nevada under
3 section 117(c) of the Nuclear Waste Policy Act of 1982, Pub-
4 lic Law 97-425, as amended, not less than \$1,000,000 shall
5 be provided to Nye County, Nevada, for on-site oversight
6 activities under section 117(d) of that Act: Provided further,
7 That \$9,000,000 shall be provided to affected units of local
8 government, as defined in the Act, to conduct appropriate
9 activities and participate in licensing activities: Provided
10 further, That of the \$9,000,000 provided, 7.5 percent of the
11 funds provided shall be made available to affected units of
12 local government in California with the balance made
13 available to affected units of local government in Nevada
14 for distribution as determined by the Nevada units of local
15 government. This funding shall be provided to affected units
16 of local government, as defined in the Act, to conduct appro-
17 priate activities and participate in licensing activities. The
18 Committee requires the entities to certify that within 90
19 days of the completion of each Federal fiscal year, the Ne-
20 vada Division of Emergency Management and the Governor
21 of the State of Nevada and each of the affected units of local
22 government shall provide certification to the Department of
23 Energy that all funds expended from such payments have
24 been expended for the activities authorized by the Act and
25 this Act: Provided, That notwithstanding the provisions of

1 chapters 65 and 75 of title 31, United States Code, the De-
2 partment shall have no monitoring, auditing or other over-
3 sight rights or responsibilities over amounts provided to af-
4 fected units of local government in this or any previous
5 year: Provided further, That the funds for the State of Ne-
6 vada shall be made available solely to the Nevada Division
7 of Emergency Management by direct payment and to units
8 of local government by direct payment: Provided further,
9 That within 90 days of the completion of each Federal fiscal
10 year, the Nevada Division of Emergency Management and
11 the Governor of the State of Nevada and each of the affected
12 units of local government shall provide certification to the
13 Department of Energy that all funds expended from such
14 payments have been expended for activities authorized by
15 the Act and this Act: Provided further, That failure to pro-
16 vide such certification shall cause such entity to be prohib-
17 ited from any further funding provided for similar activi-
18 ties: Provided further, That none of the funds herein appro-
19 priated may be: (1) used directly or indirectly to influence
20 legislative action, except for normal and recognized execu-
21 tive-legislative communications, on any matter pending be-
22 fore Congress or a State legislature or for lobbying activity
23 as provided in 18 U.S.C. 1913; (2) used for litigation ex-
24 penses; or (3) used to support multi-State efforts or other
25 coalition building activities inconsistent with the restric-

1 *tions contained in this Act: Provided further, That all pro-*
2 *ceeds and recoveries realized by the Secretary in carrying*
3 *out activities authorized by the Act, including but not lim-*
4 *ited to, any proceeds from the sale of assets, shall be avail-*
5 *able without further appropriation and shall remain avail-*
6 *able until expended: Provided further, That no funds pro-*
7 *vided in this Act or any previous Act may be used to pursue*
8 *repayment or collection of funds provided in any fiscal year*
9 *to affected units of local government for oversight activities*
10 *that had been previously approved by the Department of*
11 *Energy, or to withhold payment of any such funds.*

12 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*

13 *LOAN PROGRAM*

14 *For the cost of the guaranteed loans as authorized by*
15 *section 1702(b)(2) of the Energy Policy Act of 2005, such*
16 *sums as are hereafter derived from amounts received from*
17 *borrowers pursuant to section 1702(b)(2) of that Act, to re-*
18 *main available until September 30, 2009: Provided, That*
19 *the source of such payment received from borrowers is not*
20 *a loan or other debt obligation that is guaranteed by the*
21 *Federal Government: Provided further, That none of the*
22 *funds made available in this or prior Acts shall be available*
23 *for the execution of a new solicitation with respect to such*
24 *guaranteed loans until 45 days after the Department of En-*
25 *ergy has submitted to the Committees on Appropriations*
26 *a loan guarantee implementation plan that defines the pro-*

1 posed award levels and eligible technologies: Provided fur-
2 ther, That the Department shall not deviate from such plan
3 without 45 days prior notice to the Committees: Provided
4 further, That for necessary administrative expenses to carry
5 out this Loan Guarantee program, \$5,500,000 is appro-
6 priated, to remain available until expended: Provided fur-
7 ther, That fees collected pursuant to section 1702(h) of the
8 Energy Policy Act of 2005 shall be credited as offsetting
9 collections to this account, so as to result in a final fiscal
10 year 2008 appropriation from the general fund estimated
11 at not more than \$0.

12 *DEPARTMENTAL ADMINISTRATION*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For salaries and expenses of the Department of Energy*
15 *necessary for departmental administration in carrying out*
16 *the purposes of the Department of Energy Organization Act*
17 *(42 U.S.C. 7101 et seq.), including the hire of passenger*
18 *motor vehicles and official reception and representation ex-*
19 *penses not to exceed \$30,000, \$311,596,000, to remain*
20 *available until expended, plus such additional amounts as*
21 *necessary to cover increases in the estimated amount of cost*
22 *of work for others notwithstanding the provisions of the*
23 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*
24 *That such increases in cost of work are offset by revenue*
25 *increases of the same or greater amount, to remain avail-*

1 *able until expended: Provided further, That moneys received*
2 *by the Department for miscellaneous revenues estimated to*
3 *total \$161,818,000 in fiscal year 2008 may be retained and*
4 *used for operating expenses within this account, and may*
5 *remain available until expended, as authorized by section*
6 *201 of Public Law 95–238, notwithstanding the provisions*
7 *of 31 U.S.C. 3302: Provided further, That the sum herein*
8 *appropriated shall be reduced by the amount of miscella-*
9 *neous revenues received during 2008, and any related ap-*
10 *propriated receipt account balances remaining from prior*
11 *years' miscellaneous revenues, so as to result in a final fis-*
12 *cal year 2008 appropriation from the general fund esti-*
13 *mated at not more than \$149,778,000.*

14 *OFFICE OF THE INSPECTOR GENERAL*

15 *For necessary expenses of the Office of the Inspector*
16 *General in carrying out the provisions of the Inspector Gen-*
17 *eral Act of 1978, as amended, \$46,480,000, to remain avail-*
18 *able until expended.*

19 *ATOMIC ENERGY DEFENSE ACTIVITIES*

20 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

21 *WEAPONS ACTIVITIES*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For Department of Energy expenses, including the*
24 *purchase, construction, and acquisition of plant and cap-*
25 *ital equipment and other incidental expenses necessary for*

1 *atomic energy defense weapons activities in carrying out*
2 *the purposes of the Department of Energy Organization Act*
3 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*
4 *demnation of any real property or any facility or for plant*
5 *or facility acquisition, construction, or expansion;*
6 *\$6,355,633,000, to remain available until expended: Pro-*
7 *vided, That \$38,957,000 is authorized to be appropriated*
8 *for Project 06–D–140–05 (PED) Uranium Processing Fa-*
9 *cility, Y–12 Plant, Oak Ridge, Tennessee: Provided further,*
10 *That \$69,330,000 is authorized to be appropriated for*
11 *Project 99–D–141 Pit Disassembly and Conversion Facility*
12 *(PDCF), Savannah River Site, South Carolina: Provided*
13 *further, That \$74,809,000 is authorized to be appropriated*
14 *for 04–D–125 Chemistry and Metallurgy facility replace-*
15 *ment project, Los Alamos, New Mexico: Provided further,*
16 *That \$10,000,000 is authorized to be appropriated for Ion*
17 *Beam Laboratory refurbishment, Sandia National Labora-*
18 *tory, Albuquerque, New Mexico: Provided further, That*
19 *\$14,846,000 is authorized to be appropriated for Material*
20 *Security and Consolidation project, Idaho National Lab-*
21 *oratory, Idaho.*

22 *DEFENSE NUCLEAR NONPROLIFERATION*

23 *(INCLUDING RESCISSIONS OF FUNDS)*

24 *For Department of Energy expenses, including the*
25 *purchase, construction, and acquisition of plant and cap-*

1 *ital equipment and other incidental expenses necessary for*
2 *atomic energy defense, defense nuclear nonproliferation ac-*
3 *tivities, in carrying out the purposes of the Department of*
4 *Energy Organization Act (42 U.S.C. 7101 et seq.), includ-*
5 *ing the acquisition or condemnation of any real property*
6 *or any facility or for plant or facility acquisition, construc-*
7 *tion, or expansion, \$1,673,275,000, to remain available*
8 *until expended: Provided, That \$50,000,000 of such funds*
9 *shall be available until expended for the contribution of the*
10 *United States to create a low-enriched uranium stockpile*
11 *for an International Nuclear Fuel Bank supply of nuclear*
12 *fuel for peaceful means under the International Atomic En-*
13 *ergy Agency: Provided further, That \$25,000,000 is author-*
14 *ized to be appropriated for Project 06–D–180 National Se-*
15 *curity Laboratory at the Pacific Northwest National Lab-*
16 *oratory, Richland, Washington: Provided further, That of*
17 *the funds made available under this heading in appropria-*
18 *tion Acts for fiscal year 2007 and prior fiscal years for*
19 *Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication*
20 *Facility, Savannah River Site, South Carolina,*
21 *\$115,000,000 are rescinded: Provided further, That of the*
22 *funds made available under this heading in appropriation*
23 *Acts for fiscal year 2007 and prior fiscal years for Russian*
24 *Surplus Fissile Materials Disposition, \$57,000,000 are re-*
25 *scinded: Provided further, That of the funds made available*

1 *in the first paragraph under the heading “Atomic Energy*
2 *Defense Activities—Other Defense Activities” in chapter 2*
3 *of title I of division B of Public Law 105–277 and subse-*
4 *quently transferred by the Department of Energy to the De-*
5 *fense Nuclear Nonproliferation program, \$150,000,000 are*
6 *rescinded.*

7 *NAVAL REACTORS*

8 *For Department of Energy expenses necessary for*
9 *naval reactors activities to carry out the Department of En-*
10 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*
11 *the acquisition (by purchase, condemnation, construction,*
12 *or otherwise) of real property, plant, and capital equip-*
13 *ment, facilities, and facility expansion, \$781,800,000, to re-*
14 *main available until expended.*

15 *OFFICE OF THE ADMINISTRATOR*

16 *For necessary expenses of the Office of the Adminis-*
17 *trator in the National Nuclear Security Administration, in-*
18 *cluding official reception and representation expenses not*
19 *to exceed \$12,000, \$405,987,000, to remain available until*
20 *expended.*

1 *the acquisition or condemnation of any real property or*
2 *any facility or for plant or facility acquisition, construc-*
3 *tion, or expansion, and the purchase of not to exceed twelve*
4 *passenger motor vehicles for replacement only,*
5 *\$761,290,000, to remain available until expended: Pro-*
6 *vided, That of the funds provided under this heading in*
7 *Public Law 109–103, \$4,900,000 are transferred to “Weap-*
8 *ons Activities” for special nuclear material consolidation*
9 *activities associated with safeguards and security.*

10 *DEFENSE NUCLEAR WASTE DISPOSAL*

11 *For nuclear waste disposal activities to carry out the*
12 *purposes of Public Law 97–425, as amended, including the*
13 *acquisition of real property or facility construction or ex-*
14 *pansion, \$201,000,000, to remain available until expended.*

15 *POWER MARKETING ADMINISTRATIONS*

16 *BONNEVILLE POWER ADMINISTRATION FUND*

17 *Expenditures from the Bonneville Power Administra-*
18 *tion Fund, established pursuant to Public Law 93–454, are*
19 *approved for the Lower Granite Dam fish trap, the*
20 *Kootenai River White Sturgeon Hatchery, the Nez Perce*
21 *Tribal Hatchery, Redfish Lake Sockeye Captive Brood ex-*
22 *pansion, hatchery production facilities to supplement Chi-*
23 *nook salmon below Chief Joseph Dam in Washington, Hood*
24 *River Production Facility, Klickitat production expansion,*
25 *Mid-Columbia Coho restoration, and Yakama Coho restora-*

1 *tion, and in addition, for official reception and representa-*
2 *tion expenses in an amount not to exceed \$1,500. During*
3 *fiscal year 2008, no new direct loan obligations may be*
4 *made.*

5 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*
6 *ADMINISTRATION*

7 *For necessary expenses of operation and maintenance*
8 *of power transmission facilities and of marketing electric*
9 *power and energy, including transmission wheeling and*
10 *ancillary services pursuant to section 5 of the Flood Control*
11 *Act of 1944 (16 U.S.C. 825s), as applied to the southeastern*
12 *power area, \$6,463,000, to remain available until expended:*
13 *Provided, That, notwithstanding the provisions of 31*
14 *U.S.C. 3302, beginning in fiscal year 2008 and thereafter,*
15 *such funds as are received by the Southeastern Power Ad-*
16 *ministration from any State, municipality, corporation,*
17 *association, firm, district, or individual as advance pay-*
18 *ment for work that is associated with Southeastern's Oper-*
19 *ations and Maintenance, consistent with that authorized in*
20 *section 5 of the Flood Control Act of 1944, shall be credited*
21 *to this account and be available until expended: Provided*
22 *further, That, notwithstanding 31 U.S.C. 3302, up to*
23 *\$48,413,000 collected by the Southeastern Power Adminis-*
24 *tration pursuant to the Flood Control Act of 1944 to recover*
25 *purchase power and wheeling expenses shall be credited to*

1 *this account as offsetting collections, to remain available*
2 *until expended for the sole purpose of making purchase*
3 *power and wheeling expenditures.*

4 *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*
5 *ADMINISTRATION*

6 *For necessary expenses of operation and maintenance*
7 *of power transmission facilities and of marketing electric*
8 *power and energy, for construction and acquisition of*
9 *transmission lines, substations and appurtenant facilities,*
10 *and for administrative expenses, including official recep-*
11 *tion and representation expenses in an amount not to ex-*
12 *ceed \$1,500 in carrying out section 5 of the Flood Control*
13 *Act of 1944 (16 U.S.C. 825s), as applied to the southwestern*
14 *power administration, \$30,442,000, to remain available*
15 *until expended: Provided, That, notwithstanding 31 U.S.C.*
16 *3302, up to \$35,000,000 collected by the Southwestern*
17 *Power Administration pursuant to the Flood Control Act*
18 *to recover purchase power and wheeling expenses shall be*
19 *credited to this account as offsetting collections, to remain*
20 *available until expended for the sole purpose of making pur-*
21 *chase power and wheeling expenditures.*

22 *CONSTRUCTION, REHABILITATION, OPERATION AND*
23 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

24 *For carrying out the functions authorized by title III,*
25 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*

1 7152), and other related activities including conservation
2 and renewable resources programs as authorized, including
3 the operation, maintenance, and purchase through transfer,
4 exchange, or sale of one helicopter for replacement only, and
5 official reception and representation expenses in an amount
6 not to exceed \$1,500; \$231,030,000, to remain available
7 until expended, of which \$221,094,000 shall be derived from
8 the Department of the Interior Reclamation Fund: Pro-
9 vided, That of the amount herein appropriated, \$7,167,000
10 is for deposit into the Utah Reclamation Mitigation and
11 Conservation Account pursuant to title IV of the Reclama-
12 tion Projects Authorization and Adjustment Act of 1992:
13 Provided further, That notwithstanding the provision of 31
14 U.S.C. 3302, up to \$308,702,000 collected by the Western
15 Area Power Administration pursuant to the Flood Control
16 Act of 1944 and the Reclamation Project Act of 1939 to
17 recover purchase power and wheeling expenses shall be cred-
18 ited to this account as offsetting collections, to remain avail-
19 able until expended for the sole purpose of making purchase
20 power and wheeling expenditures.

21 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

22 *FUND*

23 *For operation, maintenance, and emergency costs for*
24 *the hydroelectric facilities at the Falcon and Amistad*
25 *Dams, \$2,500,000, to remain available until expended, and*

1 *to be derived from the Falcon and Amistad Operating and*
2 *Maintenance Fund of the Western Area Power Administra-*
3 *tion, as provided in section 423 of the Foreign Relations*
4 *Authorization Act, Fiscal Years 1994 and 1995.*

5 *FEDERAL ENERGY REGULATORY COMMISSION*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Federal Energy Regu-*
8 *latory Commission to carry out the provisions of the De-*
9 *partment of Energy Organization Act (42 U.S.C. 7101 et*
10 *seq.), including services as authorized by 5 U.S.C. 3109,*
11 *the hire of passenger motor vehicles, and official reception*
12 *and representation expenses not to exceed \$3,000,*
13 *\$260,425,000, to remain available until expended: Pro-*
14 *vided, That notwithstanding any other provision of law, not*
15 *to exceed \$260,425,000 of revenues from fees and annual*
16 *charges, and other services and collections in fiscal year*
17 *2008 shall be retained and used for necessary expenses in*
18 *this account, and shall remain available until expended:*
19 *Provided further, That the sum herein appropriated from*
20 *the general fund shall be reduced as revenues are received*
21 *during fiscal year 2008 so as to result in a final fiscal year*
22 *2008 appropriation from the general fund estimated at not*
23 *more than \$0.*

1 *er, the Secretary shall submit to the Subcommittees on En-*
2 *ergy and Water Development of the Committees on Appro-*
3 *priations of the House of Representatives and the Senate*
4 *a report notifying the Subcommittees of the waiver and set-*
5 *ting forth, in specificity, the substantive reasons why the*
6 *Secretary believes the requirement for competition should*
7 *be waived for this particular award.*

8 *SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS.*
9 *None of the funds appropriated by this Act may be used*
10 *to prepare or initiate Requests For Proposals (RFPs) for*
11 *a program if the program has not been funded by Congress.*

12 *SEC. 303. WORKFORCE RESTRUCTURING.* *None of the*
13 *funds appropriated by this Act may be used to—*

14 (1) *develop or implement a workforce restruc-*
15 *turing plan that covers employees of the Department*
16 *of Energy; or*

17 (2) *provide enhanced severance payments or*
18 *other benefits for employees of the Department of En-*
19 *ergy, under section 3161 of the National Defense Au-*
20 *thorization Act for Fiscal Year 1993 (Public Law*
21 *102-484; 42 U.S.C. 7274h).*

22 *SEC. 304. SECTION 3161 ASSISTANCE.* *None of the*
23 *funds appropriated by this Act may be used to augment*
24 *the funds made available for obligation by this Act for sever-*
25 *ance payments and other benefits and community assist-*

1 *ance grants under section 3161 of the National Defense Au-*
2 *thorization Act for Fiscal Year 1993 (Public Law 102-484;*
3 *42 U.S.C. 7274h) unless the Department of Energy submits*
4 *a reprogramming request to the appropriate congressional*
5 *committees.*

6 *SEC. 305. UNEXPENDED BALANCES. The unexpended*
7 *balances of prior appropriations provided for activities in*
8 *this Act may be available to the same appropriation ac-*
9 *counts for such activities established pursuant to this title.*
10 *Available balances may be merged with funds in the appli-*
11 *cable established accounts and thereafter may be accounted*
12 *for as one fund for the same time period as originally en-*
13 *acted.*

14 *SEC. 306. BONNEVILLE POWER AUTHORITY SERVICE*
15 *TERRITORY. None of the funds in this or any other Act for*
16 *the Administrator of the Bonneville Power Administration*
17 *may be used to enter into any agreement to perform energy*
18 *efficiency services outside the legally defined Bonneville*
19 *service territory, with the exception of services provided*
20 *internationally, including services provided on a reimburs-*
21 *able basis, unless the Administrator certifies in advance*
22 *that such services are not available from private sector busi-*
23 *nesses.*

24 *SEC. 307. USER FACILITIES. When the Department of*
25 *Energy makes a user facility available to universities or*

1 *other potential users, or seeks input from universities or*
2 *other potential users regarding significant characteristics or*
3 *equipment in a user facility or a proposed user facility,*
4 *the Department shall ensure broad public notice of such*
5 *availability or such need for input to universities and other*
6 *potential users. When the Department of Energy considers*
7 *the participation of a university or other potential user as*
8 *a formal partner in the establishment or operation of a user*
9 *facility, the Department shall employ full and open com-*
10 *petition in selecting such a partner. For purposes of this*
11 *section, the term “user facility” includes, but is not limited*
12 *to: (1) a user facility as described in section 2203(a)(2) of*
13 *the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2)*
14 *a National Nuclear Security Administration Defense Pro-*
15 *grams Technology Deployment Center/User Facility; and*
16 *(3) any other Departmental facility designated by the De-*
17 *partment as a user facility.*

18 *SEC. 308. INTELLIGENCE ACTIVITIES. Funds appro-*
19 *priated by this or any other Act, or made available by the*
20 *transfer of funds in this Act, for intelligence activities are*
21 *deemed to be specifically authorized by the Congress for pur-*
22 *poses of section 504 of the National Security Act of 1947*
23 *(50 U.S.C. 414) during fiscal year 2008 until the enactment*
24 *of the Intelligence Authorization Act for fiscal year 2008.*

1 *SEC. 309. LABORATORY DIRECTED RESEARCH AND*
2 *DEVELOPMENT. Of the funds made available by the Depart-*
3 *ment of Energy for activities at government-owned, con-*
4 *tractor-operator operated laboratories funded in this Act or*
5 *subsequent Energy and Water Development Appropriations*
6 *Acts, the Secretary may authorize a specific amount, not*
7 *to exceed 8 percent of such funds, to be used by such labora-*
8 *tries for laboratory-directed research and development:*
9 *Provided, That the Secretary may also authorize a specific*
10 *amount not to exceed 4 percent of such funds, to be used*
11 *by the plant manager of a covered nuclear weapons produc-*
12 *tion plant or the manager of the Nevada Site Office for*
13 *plant or site-directed research and development: Provided*
14 *further, That notwithstanding Department of Energy order*
15 *413.2A, dated January 8, 2001, beginning in fiscal year*
16 *2006 and thereafter, all DOE laboratories may be eligible*
17 *for laboratory directed research and development funding.*

18 *SEC. 310. YIELD RATE. For fiscal year 2008, except*
19 *as otherwise provided by law in effect as of the date of this*
20 *Act or unless a rate is specifically set by an Act of Congress*
21 *thereafter, the Administrators of the Southeastern Power*
22 *Administration, the Southwestern Power Administration,*
23 *and the Western Area Power Administration, shall use the*
24 *“yield” rate in computing interest during construction and*
25 *interest on the unpaid balance of the costs of Federal power*

1 *facilities. The yield rate shall be defined as the average yield*
2 *during the preceding fiscal year on interest-bearing market-*
3 *able securities of the United States which, at the time the*
4 *computation is made, have terms of 15 years or more re-*
5 *maining to maturity.*

6 *SEC. 311. USE PERMIT. The Use Permit granted to*
7 *the contractor for activities conducted at the Pacific North-*
8 *west National Laboratory by Agreement DE-GM05-*
9 *00RL01831 between the Department of Energy and the con-*
10 *tractor shall continue in effect during the term of the exist-*
11 *ing Operating Contract and the extensions or renewals*
12 *thereof and shall be incorporated into any future manage-*
13 *ment and operating contract for the Pacific Northwest Na-*
14 *tional Laboratory and such Use Permit may not be waived,*
15 *modified or terminated unless agreed to by both contractor*
16 *and the Department of Energy.*

17 *SEC. 312. (a) ACROSS-THE-BOARD RESCISSIONS.—*
18 *There is hereby rescinded—*

19 *(1) from discretionary accounts in this title that*
20 *contain congressionally directed projects, an amount*
21 *equal to 1.6 percent of the budget authority provided*
22 *for fiscal year 2008 for such projects; and*

23 *(2) from all discretionary accounts in this title,*
24 *an amount equal to 0.91 percent of the other budget*
25 *authority provided for fiscal year 2008.*

1 **(b) DEFINITIONS.**—*For purposes of this section:*

2 **(1)** *The term “congressionally directed project”*
3 *means a congressional earmark or congressionally di-*
4 *rected spending item specified in the list of such ear-*
5 *marks and items for this division that is included in*
6 *the explanatory statement described in section 4 (in*
7 *the matter preceding division A of this consolidated*
8 *Act).*

9 **(2)** *The term “other budget authority” means an*
10 *amount equal to all discretionary budget authority,*
11 *less the amount provided for congressionally directed*
12 *projects.*

13 **(c) PROPORTIONATE APPLICATION TO OTHER PRO-**
14 **GRAMS, PROJECTS, AND ACTIVITIES.**—*Any rescission made*
15 *by subsection (a)(2) shall be applied proportionately—*

16 **(1)** *to each discretionary account; and*

17 **(2)** *within each such account, to each program,*
18 *project, and activity (with programs, projects, and*
19 *activities as delineated in the appropriation Act or*
20 *accompanying reports for the relevant fiscal year cov-*
21 *ering such account).*

22 **(d) REPORT.**—*Within 30 days after the date of the en-*
23 *actment of this section, the Director of the Secretary of En-*
24 *ergy shall submit to the Committees on Appropriations of*
25 *the House of Representatives and the Senate a report speci-*

1 *fyling the account and amount of each rescission made pur-*
2 *suant to this section.*

3 *TITLE IV*

4 *INDEPENDENT AGENCIES*

5 *APPALACHIAN REGIONAL COMMISSION*

6 *For expenses necessary to carry out the programs au-*
7 *thorized by the Appalachian Regional Development Act of*
8 *1965, as amended, notwithstanding 40 U.S.C. 14704, and,*
9 *for necessary expenses for the Federal Co-Chairman and the*
10 *alternate on the Appalachian Regional Commission, for*
11 *payment of the Federal share of the administrative expenses*
12 *of the Commission, including services as authorized by 5*
13 *U.S.C. 3109, and hire of passenger motor vehicles,*
14 *\$73,032,000, to remain available until expended: Provided,*
15 *That any congressionally directed spending shall be taken*
16 *from within that State's allocation in the fiscal year in*
17 *which it is provided.*

18 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Defense Nuclear Facili-*
21 *ties Safety Board in carrying out activities authorized by*
22 *the Atomic Energy Act of 1954, as amended by Public Law*
23 *100-456, section 1441, \$21,909,000, to remain available*
24 *until expended.*

1 *DELTA REGIONAL AUTHORITY*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Delta Regional Authority*
4 *and to carry out its activities, as authorized by the Delta*
5 *Regional Authority Act of 2000, as amended, notwith-*
6 *standing sections 382C(b)(2), 382F(d), 382M, and 382N of*
7 *said Act, \$11,685,000, to remain available until expended.*

8 *DENALI COMMISSION*

9 *For expenses of the Denali Commission including the*
10 *purchase, construction and acquisition of plant and capital*
11 *equipment as necessary and other expenses, \$21,800,000, to*
12 *remain available until expended, notwithstanding the limi-*
13 *tations contained in section 306(g) of the Denali Commis-*
14 *sion Act of 1998.*

15 *NUCLEAR REGULATORY COMMISSION*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Commission in carrying*
18 *out the purposes of the Energy Reorganization Act of 1974*
19 *and the Atomic Energy Act of 1954, including official rep-*
20 *resentation expenses (not to exceed \$25,000), \$917,334,000,*
21 *to remain available until expended: Provided, That of the*
22 *amount appropriated herein, \$29,025,000 shall be derived*
23 *from the Nuclear Waste Fund: Provided further, That reve-*
24 *nues from licensing fees, inspection services, and other serv-*
25 *ices and collections estimated at \$771,220,000 in fiscal year*

1 2008 shall be retained and used for necessary salaries and
2 expenses in this account, notwithstanding 31 U.S.C. 3302,
3 and shall remain available until expended: Provided fur-
4 ther, That the sum herein appropriated shall be reduced by
5 the amount of revenues received during fiscal year 2008 so
6 as to result in a final fiscal year 2008 appropriation esti-
7 mated at not more than \$146,114,000: Provided further,
8 That such funds as are made available for necessary ex-
9 penses of the Commission by this Act or any other Act may
10 be used for lease payments for additional office space pro-
11 vided by the General Services Administration for personnel
12 of the U.S. Nuclear Regulatory Commission as close as rea-
13 sonably possible to the Commission's headquarters location
14 in Rockville, Maryland, and of such square footage and for
15 such lease term, as are determined by the Commission to
16 be necessary to maintain the agency's regulatory effective-
17 ness, efficiency, and emergency response capability: Pro-
18 vided further, That notwithstanding any other provision of
19 law or any prevailing practice, the rental square foot rate
20 paid for the lease of space for such purpose shall, to the
21 extent necessary to obtain the space, be based on the pre-
22 vailing lease rates in the immediate vicinity of the Commis-
23 sion's headquarters.

24 *OFFICE OF INSPECTOR GENERAL*

25 *For necessary expenses of the Office of Inspector Gen-*
26 *eral in carrying out the provisions of the Inspector General*

1 *Act of 1978, as amended, \$8,744,000, to remain available*
2 *until expended: Provided, That revenues from licensing fees,*
3 *inspection services, and other services and collections esti-*
4 *mated at \$7,870,000 in fiscal year 2008 shall be retained*
5 *and be available until expended, for necessary salaries and*
6 *expenses in this account, notwithstanding 31 U.S.C. 3302:*
7 *Provided further, That the sum herein appropriated shall*
8 *be reduced by the amount of revenues received during fiscal*
9 *year 2008 so as to result in a final fiscal year 2008 appro-*
10 *priation estimated at not more than \$874,000.*

11 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Nuclear Waste Technical*
14 *Review Board, as authorized by Public Law 100–203, sec-*
15 *tion 5051, \$3,621,000, to be derived from the Nuclear Waste*
16 *Fund, and to remain available until expended.*

17 *OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA*

18 *NATURAL GAS TRANSPORTATION PROJECTS*

19 *For necessary expenses for the Office of the Federal Co-*
20 *ordinator for Alaska Natural Gas Transportation Projects*
21 *pursuant to the Alaska Natural Gas Pipeline Act of 2004,*
22 *\$2,261,000.*

23 *GENERAL PROVISION, INDEPENDENT AGENCIES*

24 *SEC. 401. Section 2(f)(2) of the Tennessee Valley Au-*
25 *thority Act of 1933 (16 U.S.C. 831a(f)(2)) is amended by*

1 *striking the phrase “stipend under paragraph (1)(A)(i)”*
2 *and inserting in lieu thereof “stipends under paragraph*
3 *(1)(A)”.*

4 *TITLE V*

5 *GENERAL PROVISIONS*

6 *SEC. 501. None of the funds appropriated by this Act*
7 *may be used in any way, directly or indirectly, to influence*
8 *congressional action on any legislation or appropriation*
9 *matters pending before Congress, other than to commu-*
10 *nicate to Members of Congress as described in 18 U.S.C.*
11 *1913.*

12 *SEC. 502. None of the funds made available in this*
13 *Act may be transferred to any department, agency, or in-*
14 *strumentality of the United States Government, except pur-*
15 *suant to a transfer made by, or transfer authority provided*
16 *in this Act or any other appropriation Act.*

17 *This division may be cited as the “Energy and Water*
18 *Development and Related Agencies Appropriations Act,*
19 *2008”.*

1 *DIVISION D—FINANCIAL SERVICES AND GEN-*
2 *ERAL GOVERNMENT APPROPRIATIONS ACT,*
3 *2008*

4 *TITLE I*

5 *DEPARTMENT OF THE TREASURY*

6 *DEPARTMENTAL OFFICES*

7 *SALARIES AND EXPENSES*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary expenses of the Departmental Offices in-*
10 *cluding operation and maintenance of the Treasury Build-*
11 *ing and Annex; hire of passenger motor vehicles; mainte-*
12 *nance, repairs, and improvements of, and purchase of com-*
13 *mercial insurance policies for, real properties leased or*
14 *owned overseas, when necessary for the performance of offi-*
15 *cial business, \$248,360,000, of which not to exceed*
16 *\$10,840,000 is for executive direction program activities;*
17 *not to exceed \$9,909,000 is for general counsel program ac-*
18 *tivities; not to exceed \$44,242,000 is for economic policies*
19 *and programs activities; not to exceed \$29,464,000 is for*
20 *financial policies and programs activities; not to exceed*
21 *\$56,775,000 is for terrorism and financial intelligence ac-*
22 *tivities; not to exceed \$18,505,000 is for Treasury-wide*
23 *management policies and programs activities; and not to*
24 *exceed \$78,625,000 is for administration programs activi-*
25 *ties: Provided, That the Secretary of the Treasury is author-*
26 *ized to transfer funds appropriated for any program activ-*

1 *ity of the Departmental Offices to any other program activ-*
2 *ity of the Departmental Offices upon notification to the*
3 *House and Senate Committees on Appropriations: Provided*
4 *further, That no appropriation for any program activity*
5 *shall be increased or decreased by more than 2 percent by*
6 *all such transfers: Provided further, That any change in*
7 *funding greater than 2 percent shall be submitted for ap-*
8 *proval to the House and Senate Committees on Appropria-*
9 *tions: Provided further, That of the amount appropriated*
10 *under this heading, not to exceed \$3,000,000, to remain*
11 *available until September 30, 2009, is for information tech-*
12 *nology modernization requirements; not to exceed \$150,000*
13 *is for official reception and representation expenses; and not*
14 *to exceed \$258,000 is for unforeseen emergencies of a con-*
15 *fidential nature, to be allocated and expended under the di-*
16 *rection of the Secretary of the Treasury and to be accounted*
17 *for solely on his certificate: Provided further, That of the*
18 *amount appropriated under this heading, \$5,114,000, to re-*
19 *main available until September 30, 2009, is for the Treas-*
20 *ury-wide Financial Statement Audit and Internal Control*
21 *Program, of which such amounts as may be necessary may*
22 *be transferred to accounts of the Department's offices and*
23 *bureaus to conduct audits: Provided further, That this*
24 *transfer authority shall be in addition to any other pro-*
25 *vided in this Act: Provided further, That of the amount ap-*

1 *propriated under this heading, \$3,000,000, to remain avail-*
2 *able until September 30, 2009, is for secure space require-*
3 *ments: Provided further, That of the amount appropriated*
4 *under this heading, \$2,300,000, to remain available until*
5 *September 30, 2009, is for salary and benefits for hiring*
6 *of personnel whose work will require completion of a secu-*
7 *rity clearance investigation in order to perform highly clas-*
8 *sified work to further the activities of the Office of Ter-*
9 *rorism and Financial Intelligence: Provided further, That*
10 *of the amount appropriated under this heading, \$2,100,000,*
11 *to remain available until September 30, 2010, is to develop*
12 *and implement programs within the Office of Critical In-*
13 *frastructure Protection and Compliance Policy, including*
14 *entering into cooperative agreements.*

15 *DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS*

16 *PROGRAMS*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For development and acquisition of automatic data*
19 *processing equipment, software, and services for the Depart-*
20 *ment of the Treasury, \$18,710,000, to remain available*
21 *until September 30, 2010: Provided, That these funds shall*
22 *be transferred to accounts and in amounts as necessary to*
23 *satisfy the requirements of the Department's offices, bu-*
24 *reaus, and other organizations: Provided further, That this*
25 *transfer authority shall be in addition to any other transfer*
26 *authority provided in this Act: Provided further, That none*

1 *of the funds appropriated under this heading shall be used*
2 *to support or supplement “Internal Revenue Service, Oper-*
3 *ations Support” or “Internal Revenue Service, Business*
4 *Systems Modernization”.*

5 *OFFICE OF INSPECTOR GENERAL*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Office of Inspector Gen-*
8 *eral in carrying out the provisions of the Inspector General*
9 *Act of 1978, not to exceed \$2,000,000 for official travel ex-*
10 *penses, including hire of passenger motor vehicles; and not*
11 *to exceed \$100,000 for unforeseen emergencies of a confiden-*
12 *tial nature, to be allocated and expended under the direc-*
13 *tion of the Inspector General of the Treasury, \$18,450,000,*
14 *of which not to exceed \$2,500 shall be available for official*
15 *reception and representation expenses.*

16 *TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Treasury Inspector Gen-*
19 *eral for Tax Administration in carrying out the Inspector*
20 *General Act of 1978, including purchase (not to exceed 150*
21 *for replacement only for police-type use) and hire of pas-*
22 *senger motor vehicles (31 U.S.C. 1343(b)); services author-*
23 *ized by 5 U.S.C. 3109, at such rates as may be determined*
24 *by the Inspector General for Tax Administration;*
25 *\$140,533,000, of which not to exceed \$6,000,000 shall be*
26 *available for official travel expenses; of which not to exceed*

1 \$500,000 shall be available for unforeseen emergencies of a
2 confidential nature, to be allocated and expended under the
3 direction of the Inspector General for Tax Administration;
4 and of which not to exceed \$1,500 shall be available for offi-
5 cial reception and representation expenses.

6 AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

7 (INCLUDING RESCISSION)

8 Sections 101(a)(1), 102, 104, and 107(2) of the Air
9 Transportation Safety and System Stabilization Act (title
10 I, Public Law 107-42) are hereby repealed. All unobligated
11 balances under this heading are rescinded.

12 FINANCIAL CRIMES ENFORCEMENT NETWORK

13 SALARIES AND EXPENSES

14 For necessary expenses of the Financial Crimes En-
15 forcement Network, including hire of passenger motor vehi-
16 cles; travel and training expenses of non-Federal and for-
17 eign government personnel to attend meetings and training
18 concerned with domestic and foreign financial intelligence
19 activities, law enforcement, and financial regulation; not
20 to exceed \$14,000 for official reception and representation
21 expenses; and for assistance to Federal law enforcement
22 agencies, with or without reimbursement, \$85,844,000, of
23 which not to exceed \$16,340,000 shall remain available
24 until September 30, 2010; and of which \$8,955,000 shall
25 remain available until September 30, 2009: Provided, That

1 *funds appropriated in this account may be used to procure*
2 *personal services contracts.*

3 *FINANCIAL MANAGEMENT SERVICE*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Financial Management*
6 *Service, \$234,423,000, of which not to exceed \$9,220,000*
7 *shall remain available until September 30, 2010, for infor-*
8 *mation systems modernization initiatives; and of which not*
9 *to exceed \$2,500 shall be available for official reception and*
10 *representation expenses.*

11 *ALCOHOL AND TOBACCO TAX AND TRADE BUREAU*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of carrying out section 1111*
14 *of the Homeland Security Act of 2002, including hire of*
15 *passenger motor vehicles, \$93,515,000; of which not to ex-*
16 *ceed \$6,000 for official reception and representation ex-*
17 *penses; not to exceed \$50,000 for cooperative research and*
18 *development programs for laboratory services; and provi-*
19 *sion of laboratory assistance to State and local agencies*
20 *with or without reimbursement.*

21 *UNITED STATES MINT*

22 *UNITED STATES MINT PUBLIC ENTERPRISE FUND*

23 *Pursuant to section 5136 of title 31, United States*
24 *Code, the United States Mint is provided funding through*
25 *the United States Mint Public Enterprise Fund for costs*

1 *associated with the production of circulating coins, numis-*
2 *matic coins, and protective services, including both oper-*
3 *ating expenses and capital investments. The aggregate*
4 *amount of new liabilities and obligations incurred during*
5 *fiscal year 2008 under such section 5136 for circulating*
6 *coinage and protective service capital investments of the*
7 *United States Mint shall not exceed \$33,200,000.*

8 *BUREAU OF THE PUBLIC DEBT*

9 *ADMINISTERING THE PUBLIC DEBT*

10 *For necessary expenses connected with any public-debt*
11 *issues of the United States, \$182,871,000, of which not to*
12 *exceed \$2,500 shall be available for official reception and*
13 *representation expenses, and of which not to exceed*
14 *\$2,000,000 shall remain available until September 30,*
15 *2010, for systems modernization: Provided, That the sum*
16 *appropriated herein from the general fund for fiscal year*
17 *2008 shall be reduced by not more than \$10,000,000 as de-*
18 *finitive security issue fees and Legacy Treasury Direct In-*
19 *vestor Account Maintenance fees are collected, so as to result*
20 *in a final fiscal year 2008 appropriation from the general*
21 *fund estimated at \$172,871,000. In addition, \$70,000 to be*
22 *derived from the Oil Spill Liability Trust Fund to reim-*
23 *burse the Bureau for administrative and personnel expenses*
24 *for financial management of the Fund, as authorized by*
25 *section 1012 of Public Law 101–380.*

1 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS*
2 *FUND PROGRAM ACCOUNT*

3 *To carry out the Community Development Banking*
4 *and Financial Institutions Act of 1994 (Public Law 103–*
5 *325), including services authorized by 5 U.S.C. 3109, but*
6 *at rates for individuals not to exceed the per diem rate*
7 *equivalent to the rate for ES–3, \$94,000,000, to remain*
8 *available until September 30, 2009, of which \$8,000,000*
9 *shall be for financial assistance, technical assistance, train-*
10 *ing and outreach programs designed to benefit Native*
11 *American, Native Hawaiian, and Alaskan Native commu-*
12 *nities and provided primarily through qualified commu-*
13 *nity development lender organizations with experience and*
14 *expertise in community development banking and lending*
15 *in Indian country, Native American organizations, tribes*
16 *and tribal organizations and other suitable providers, and*
17 *up to \$13,500,000 may be used for administrative expenses,*
18 *including administration of the New Markets Tax Credit,*
19 *up to \$7,500,000 may be used for the cost of direct loans,*
20 *and up to \$250,000 may be used for administrative ex-*
21 *penses to carry out the direct loan program: Provided, That*
22 *the cost of direct loans, including the cost of modifying such*
23 *loans, shall be as defined in section 502 of the Congressional*
24 *Budget Act of 1974: Provided further, That these funds are*

1 *available to subsidize gross obligations for the principal*
2 *amount of direct loans not to exceed \$16,000,000.*

3 *INTERNAL REVENUE SERVICE*

4 *TAXPAYER SERVICES*

5 *For necessary expenses of the Internal Revenue Service*
6 *to provide taxpayer services, including pre-filing assistance*
7 *and education, filing and account services, taxpayer advo-*
8 *cacy services, and other services as authorized by 5 U.S.C.*
9 *3109, at such rates as may be determined by the Commis-*
10 *sioner, \$2,150,000,000, of which not less than \$3,000,000*
11 *shall be for the Tax Counseling for the Elderly Program,*
12 *of which not less than \$9,000,000 shall be available for low-*
13 *income taxpayer clinic grants, of which not less than*
14 *\$8,000,000, to remain available until September 30, 2009,*
15 *shall be available to establish and administer a Community*
16 *Volunteer Income Tax Assistance matching grants dem-*
17 *onstration program for tax return preparation assistance,*
18 *and of which not less than \$177,000,000 shall be available*
19 *for operating expenses of the Taxpayer Advocate Service.*

20 *ENFORCEMENT*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses of the Internal Revenue Service*
23 *to determine and collect owed taxes, to provide legal and*
24 *litigation support, to conduct criminal investigations, to*
25 *enforce criminal statutes related to violations of internal*
26 *revenue laws and other financial crimes, to purchase (for*

1 *police-type use, not to exceed 850) and hire of passenger*
2 *motor vehicles (31 U.S.C. 1343(b)), and to provide other*
3 *services as authorized by 5 U.S.C. 3109, at such rates as*
4 *may be determined by the Commissioner, \$4,780,000,000,*
5 *of which not less than \$57,252,000 shall be for the Inter-*
6 *agency Crime and Drug Enforcement program: Provided,*
7 *That up to \$10,000,000 may be transferred as necessary*
8 *from this account to the Internal Revenue Service Oper-*
9 *ations Support appropriations solely for the purposes of the*
10 *Interagency Crime and Drug Enforcement program: Pro-*
11 *vided further, That this transfer authority shall be in addi-*
12 *tion to any other transfer authority provided in this Act.*

13 *OPERATIONS SUPPORT*

14 *For necessary expenses of the Internal Revenue Service*
15 *to operate and support taxpayer services and enforcement*
16 *programs, including rent payments; facilities services;*
17 *printing; postage; physical security; headquarters and other*
18 *IRS-wide administration activities; research and statistics*
19 *of income; telecommunications; information technology de-*
20 *velopment, enhancement, operations, maintenance, and se-*
21 *curity; the hire of passenger motor vehicles (31 U.S.C.*
22 *1343(b)); and other services as authorized by 5 U.S.C. 3109,*
23 *at such rates as may be determined by the Commissioner;*
24 *\$3,680,059,000, of which \$75,000,000 shall remain avail-*
25 *able until September 30, 2009, for information technology*
26 *support; of which not to exceed \$1,000,000 shall remain*

1 *available until September 30, 2010, for research; of which*
2 *not less than \$2,000,000 shall be for the Internal Revenue*
3 *Service Oversight Board; and of which not to exceed \$25,000*
4 *shall be for official reception and representation.*

5 *BUSINESS SYSTEMS MODERNIZATION*

6 *For necessary expenses of the Internal Revenue Serv-*
7 *ice's business systems modernization program,*
8 *\$267,090,000, to remain available until September 30,*
9 *2010, for the capital asset acquisition of information tech-*
10 *nology systems, including management and related contrac-*
11 *tual costs of said acquisitions, including related Internal*
12 *Revenue Service labor costs, and contractual costs associ-*
13 *ated with operations authorized by 5 U.S.C. 3109: Pro-*
14 *vided, That, with the exception of labor costs, none of these*
15 *funds may be obligated until the Internal Revenue Service*
16 *submits to the Committees on Appropriations, and such*
17 *Committees approve, a plan for expenditure that: (1) meets*
18 *the capital planning and investment control review require-*
19 *ments established by the Office of Management and Budget,*
20 *including Circular A-11; (2) complies with the Internal*
21 *Revenue Service's enterprise architecture, including the*
22 *modernization blueprint; (3) conforms with the Internal*
23 *Revenue Service's enterprise life cycle methodology; (4) is*
24 *approved by the Internal Revenue Service, the Department*
25 *of the Treasury, and the Office of Management and Budget;*
26 *(5) has been reviewed by the Government Accountability Of-*

1 *fice; and (6) complies with the acquisition rules, require-*
2 *ments, guidelines, and systems acquisition management*
3 *practices of the Federal Government.*

4 *HEALTH INSURANCE TAX CREDIT ADMINISTRATION*

5 *For expenses necessary to implement the health insur-*
6 *ance tax credit included in the Trade Act of 2002 (Public*
7 *Law 107–210), \$15,235,000.*

8 *ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE*

9 *SERVICE*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 101. Not to exceed 5 percent of any appropriation*
12 *made available in this Act to the Internal Revenue Service*
13 *or not to exceed 3 percent of appropriations under the head-*
14 *ing “Enforcement” may be transferred to any other Inter-*
15 *nal Revenue Service appropriation upon the advance ap-*
16 *proval of the Committees on Appropriations.*

17 *SEC. 102. The Internal Revenue Service shall main-*
18 *tain a training program to ensure that Internal Revenue*
19 *Service employees are trained in taxpayers’ rights, in deal-*
20 *ing courteously with taxpayers, and in cross-cultural rela-*
21 *tions.*

22 *SEC. 103. The Internal Revenue Service shall institute*
23 *and enforce policies and procedures that will safeguard the*
24 *confidentiality of taxpayer information.*

25 *SEC. 104. Funds made available by this or any other*
26 *Act to the Internal Revenue Service shall be available for*

1 *improved facilities and increased staffing to provide suffi-*
2 *cient and effective 1–800 help line service for taxpayers. The*
3 *Commissioner shall continue to make the improvement of*
4 *the Internal Revenue Service 1–800 help line service a pri-*
5 *ority and allocate resources necessary to increase phone*
6 *lines and staff to improve the Internal Revenue Service 1–*
7 *800 help line service.*

8 *SEC. 105. Section 9503(a) of title 5, United States*
9 *Code, is amended by striking “for a period of 10 years after*
10 *the date of enactment of this section” and inserting “before*
11 *July 23, 2013”.*

12 *SEC. 106. Sections 9504(a) and (b), and 9505(a) of*
13 *title 5, United States Code, are amended by striking “For*
14 *a period of 10 years after the date of enactment of this sec-*
15 *tion” each place it occurs and inserting “Before July 23,*
16 *2013”.*

17 *SEC. 107. Section 9502(a) of title 5, United States*
18 *Code, is amended by striking “Office of Management and*
19 *Budget” and inserting “Office of Personnel Management”.*

20 *SEC. 108. Of the funds made available by this Act for*
21 *the Internal Revenue Service, not less than \$7,350,000 shall*
22 *be available for increasing above fiscal year 2007 levels the*
23 *number of full-time equivalent positions and related sup-*
24 *port activities performing Automated Collection System*
25 *functions.*

1 *ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE*
2 *TREASURY*

3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *SEC. 109. Appropriations to the Department of the*
5 *Treasury in this Act shall be available for uniforms or al-*
6 *lowances therefor, as authorized by law (5 U.S.C. 5901),*
7 *including maintenance, repairs, and cleaning; purchase of*
8 *insurance for official motor vehicles operated in foreign*
9 *countries; purchase of motor vehicles without regard to the*
10 *general purchase price limitations for vehicles purchased*
11 *and used overseas for the current fiscal year; entering into*
12 *contracts with the Department of State for the furnishing*
13 *of health and medical services to employees and their de-*
14 *pendents serving in foreign countries; and services author-*
15 *ized by 5 U.S.C. 3109.*

16 *SEC. 110. Not to exceed 2 percent of any appropria-*
17 *tions in this Act made available to the Departmental Of-*
18 *fices—Salaries and Expenses, Office of Inspector General,*
19 *Financial Management Service, Alcohol and Tobacco Tax*
20 *and Trade Bureau, Financial Crimes Enforcement Net-*
21 *work, and Bureau of the Public Debt, may be transferred*
22 *between such appropriations upon the advance approval of*
23 *the Committees on Appropriations: Provided, That no*
24 *transfer may increase or decrease any such appropriation*
25 *by more than 2 percent.*

1 *SEC. 111. Not to exceed 2 percent of any appropriation*
2 *made available in this Act to the Internal Revenue Service*
3 *may be transferred to the Treasury Inspector General for*
4 *Tax Administration's appropriation upon the advance ap-*
5 *proval of the Committees on Appropriations: Provided,*
6 *That no transfer may increase or decrease any such appro-*
7 *priation by more than 2 percent.*

8 *SEC. 112. Of the funds available for the purchase of*
9 *law enforcement vehicles, no funds may be obligated until*
10 *the Secretary of the Treasury certifies that the purchase by*
11 *the respective Treasury bureau is consistent with depart-*
12 *mental vehicle management principles: Provided, That the*
13 *Secretary may delegate this authority to the Assistant Sec-*
14 *retary for Management.*

15 *SEC. 113. None of the funds appropriated in this Act*
16 *or otherwise available to the Department of the Treasury*
17 *or the Bureau of Engraving and Printing may be used to*
18 *redesign the \$1 Federal Reserve note.*

19 *SEC. 114. The Secretary of the Treasury may transfer*
20 *funds from Financial Management Services, Salaries and*
21 *Expenses to Debt Collection Fund as necessary to cover the*
22 *costs of debt collection: Provided, That such amounts shall*
23 *be reimbursed to such salaries and expenses account from*
24 *debt collections received in the Debt Collection Fund.*

1 *SEC. 115. Section 122(g)(1) of Public Law 105–119*
2 *(5 U.S.C. 3104 note), is further amended by striking “8*
3 *years” and inserting “10 years”.*

4 *SEC. 116. None of the funds appropriated or otherwise*
5 *made available by this or any other Act may be used by*
6 *the United States Mint to construct or operate any museum*
7 *without the explicit approval of the House Committee on*
8 *Financial Services and the Senate Committee on Banking,*
9 *Housing, and Urban Affairs.*

10 *SEC. 117. None of the funds appropriated or otherwise*
11 *made available by this or any other Act or source to the*
12 *Department of the Treasury, the Bureau of Engraving and*
13 *Printing, and the United States Mint, individually or col-*
14 *lectively, may be used to consolidate any or all functions*
15 *of the Bureau of Engraving and Printing and the United*
16 *States Mint without the explicit approval of the House*
17 *Committee on Financial Services; the Senate Committee on*
18 *Banking, Housing, and Urban Affairs; the House Com-*
19 *mittee on Appropriations; and the Senate Committee on*
20 *Appropriations.*

21 *SEC. 118. Funds appropriated by this Act, or made*
22 *available by the transfer of funds in this Act, for the De-*
23 *partment of the Treasury’s intelligence or intelligence re-*
24 *lated activities are deemed to be specifically authorized by*
25 *the Congress for purposes of section 504 of the National Se-*

1 *curity Act of 1947 (50 U.S.C. 414) during fiscal year 2008*
2 *until the enactment of the Intelligence Authorization Act*
3 *for Fiscal Year 2008.*

4 *SEC. 119. Section 3333(a) of title 31, United States*
5 *Code, is amended by deleting paragraph (3) and inserting*
6 *in lieu thereof the following:*

7 *“(3) The amount of the relief and the amount of any*
8 *relief granted to an official or agent of the Department of*
9 *the Treasury under 31 U.S.C. 3527, shall be charged to the*
10 *Check Forgery Insurance Fund (31 U.S.C. 3343). A recov-*
11 *ery or repayment of a loss for which replacement is made*
12 *out of the fund shall be credited to the fund and is available*
13 *for the purposes for which the fund was established.”.*

14 *This title may be cited as the “Department of the*
15 *Treasury Appropriations Act, 2008”.*

16 *TITLE II*
17 *EXECUTIVE OFFICE OF THE PRESIDENT AND*
18 *FUNDS APPROPRIATED TO THE PRESIDENT*

19 *COMPENSATION OF THE PRESIDENT*

20 *For compensation of the President, including an ex-*
21 *pense allowance at the rate of \$50,000 per annum as au-*
22 *thorized by 3 U.S.C. 102, \$450,000: Provided, That none*
23 *of the funds made available for official expenses shall be*
24 *expended for any other purpose and any unused amount*

1 *shall revert to the Treasury pursuant to section 1552 of title*
2 *31, United States Code.*

3 *WHITE HOUSE OFFICE*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the White House as author-*
6 *ized by law, including not to exceed \$3,850,000 for services*
7 *as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsist-*
8 *ence expenses as authorized by 3 U.S.C. 105, which shall*
9 *be expended and accounted for as provided in that section;*
10 *hire of passenger motor vehicles, newspapers, periodicals,*
11 *teletype news service, and travel (not to exceed \$100,000*
12 *to be expended and accounted for as provided by 3 U.S.C.*
13 *103); and not to exceed \$19,000 for official entertainment*
14 *expenses, to be available for allocation within the Executive*
15 *Office of the President; \$51,656,000.*

16 *EXECUTIVE RESIDENCE AT THE WHITE HOUSE*

17 *OPERATING EXPENSES*

18 *For the care, maintenance, repair and alteration, re-*
19 *furnishing, improvement, heating, and lighting, including*
20 *electric power and fixtures, of the Executive Residence at*
21 *the White House and official entertainment expenses of the*
22 *President, \$12,814,000, to be expended and accounted for*
23 *as provided by 3 U.S.C. 105, 109, 110, and 112–114.*

24 *REIMBURSABLE EXPENSES*

25 *For the reimbursable expenses of the Executive Resi-*
26 *dence at the White House, such sums as may be necessary:*

1 *Provided, That all reimbursable operating expenses of the*
2 *Executive Residence shall be made in accordance with the*
3 *provisions of this paragraph: Provided further, That, not-*
4 *withstanding any other provision of law, such amount for*
5 *reimbursable operating expenses shall be the exclusive au-*
6 *thority of the Executive Residence to incur obligations and*
7 *to receive offsetting collections, for such expenses: Provided*
8 *further, That the Executive Residence shall require each*
9 *person sponsoring a reimbursable political event to pay in*
10 *advance an amount equal to the estimated cost of the event,*
11 *and all such advance payments shall be credited to this ac-*
12 *count and remain available until expended: Provided fur-*
13 *ther, That the Executive Residence shall require the na-*
14 *tional committee of the political party of the President to*
15 *maintain on deposit \$25,000, to be separately accounted for*
16 *and available for expenses relating to reimbursable political*
17 *events sponsored by such committee during such fiscal year:*
18 *Provided further, That the Executive Residence shall ensure*
19 *that a written notice of any amount owed for a reimburs-*
20 *able operating expense under this paragraph is submitted*
21 *to the person owing such amount within 60 days after such*
22 *expense is incurred, and that such amount is collected with-*
23 *in 30 days after the submission of such notice: Provided*
24 *further, That the Executive Residence shall charge interest*
25 *and assess penalties and other charges on any such amount*

1 *that is not reimbursed within such 30 days, in accordance*
2 *with the interest and penalty provisions applicable to an*
3 *outstanding debt on a United States Government claim*
4 *under section 3717 of title 31, United States Code: Provided*
5 *further, That each such amount that is reimbursed, and any*
6 *accompanying interest and charges, shall be deposited in*
7 *the Treasury as miscellaneous receipts: Provided further,*
8 *That the Executive Residence shall prepare and submit to*
9 *the Committees on Appropriations, by not later than 90*
10 *days after the end of the fiscal year covered by this Act,*
11 *a report setting forth the reimbursable operating expenses*
12 *of the Executive Residence during the preceding fiscal year,*
13 *including the total amount of such expenses, the amount*
14 *of such total that consists of reimbursable official and cere-*
15 *monial events, the amount of such total that consists of re-*
16 *imbursable political events, and the portion of each such*
17 *amount that has been reimbursed as of the date of the re-*
18 *port: Provided further, That the Executive Residence shall*
19 *maintain a system for the tracking of expenses related to*
20 *reimbursable events within the Executive Residence that in-*
21 *cludes a standard for the classification of any such expense*
22 *as political or nonpolitical: Provided further, That no pro-*
23 *vision of this paragraph may be construed to exempt the*
24 *Executive Residence from any other applicable requirement*

1 *of subchapter I or II of chapter 37 of title 31, United States*
2 *Code.*

3 *WHITE HOUSE REPAIR AND RESTORATION*

4 *For the repair, alteration, and improvement of the Ex-*
5 *ecutive Residence at the White House, \$1,600,000, to re-*
6 *main available until expended, for required maintenance,*
7 *safety and health issues, and continued preventative main-*
8 *tenance.*

9 *COUNCIL OF ECONOMIC ADVISERS*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Council of Economic Ad-*
12 *visers in carrying out its functions under the Employment*
13 *Act of 1946 (15 U.S.C. 1021 et seq.), \$4,118,000.*

14 *OFFICE OF POLICY DEVELOPMENT*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Office of Policy Develop-*
17 *ment, including services as authorized by 5 U.S.C. 3109*
18 *and 3 U.S.C. 107, \$3,482,000.*

19 *NATIONAL SECURITY COUNCIL*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the National Security Coun-*
22 *cil, including services as authorized by 5 U.S.C. 3109,*
23 *\$8,640,000.*

1 *PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Privacy and Civil Lib-*
4 *erties Oversight Board, as authorized by section 1061 of the*
5 *Intelligence Reform and Terrorism Prevention Act of 2004*
6 *(5 U.S.C. 601 note), \$2,000,000.*

7 *OFFICE OF ADMINISTRATION*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Office of Administration,*
10 *including services as authorized by 5 U.S.C. 3109 and 3*
11 *U.S.C. 107, and hire of passenger motor vehicles,*
12 *\$91,745,000, of which \$11,923,000 shall remain available*
13 *until expended for continued modernization of the informa-*
14 *tion technology infrastructure within the Executive Office*
15 *of the President.*

16 *OFFICE OF MANAGEMENT AND BUDGET*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Office of Management*
19 *and Budget, including hire of passenger motor vehicles and*
20 *services as authorized by 5 U.S.C. 3109 and to carry out*
21 *the provisions of chapter 35 of title 44, United States Code,*
22 *\$78,000,000, of which not to exceed \$3,000 shall be available*
23 *for official representation expenses: Provided, That, as pro-*
24 *vided in 31 U.S.C. 1301(a), appropriations shall be applied*
25 *only to the objects for which appropriations were made and*

1 shall be allocated in accordance with the terms and condi-
2 tions set forth in the explanatory statement described in sec-
3 tion 4 (in the matter preceding division A of this consoli-
4 dated Act) except as otherwise provided by law: Provided
5 further, That none of the funds appropriated in this Act
6 for the Office of Management and Budget may be used for
7 the purpose of reviewing any agricultural marketing orders
8 or any activities or regulations under the provisions of the
9 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
10 601 et seq.): Provided further, That none of the funds made
11 available for the Office of Management and Budget by this
12 Act may be expended for the altering of the transcript of
13 actual testimony of witnesses, except for testimony of offi-
14 cials of the Office of Management and Budget, before the
15 Committees on Appropriations or their subcommittees: Pro-
16 vided further, That the preceding shall not apply to printed
17 hearings released by the Committees on Appropriations:
18 Provided further, That none of the funds provided in this
19 or prior Acts shall be used, directly or indirectly, by the
20 Office of Management and Budget, for evaluating or deter-
21 mining if water resource project or study reports submitted
22 by the Chief of Engineers acting through the Secretary of
23 the Army are in compliance with all applicable laws, regu-
24 lations, and requirements relevant to the Civil Works water
25 resource planning process: Provided further, That the Office

1 of Management and Budget shall have not more than 60
2 days in which to perform budgetary policy reviews of water
3 resource matters on which the Chief of Engineers has re-
4 ported: Provided further, That the Director of the Office of
5 Management and Budget shall notify the appropriate au-
6 thorizing and appropriating committees when the 60-day
7 review is initiated: Provided further, That if water resource
8 reports have not been transmitted to the appropriate au-
9 thorizing and appropriating committees within 15 days
10 after the end of the Office of Management and Budget re-
11 view period based on the notification from the Director,
12 Congress shall assume Office of Management and Budget
13 concurrence with the report and act accordingly.

14 OFFICE OF NATIONAL DRUG CONTROL POLICY

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of National Drug
17 Control Policy (ONDCP); for research activities pursuant
18 to the Office of National Drug Control Policy Reauthoriza-
19 tion Act of 2006 (Public Law 109–469); not to exceed
20 \$10,000 for official reception and representation expenses;
21 and for participation in joint projects or in the provision
22 of services on matters of mutual interest with nonprofit, re-
23 search, or public organizations or agencies, with or without
24 reimbursement, \$26,402,000; of which \$250,000 shall re-
25 main available until expended for policy research and eval-

1 *uation: Provided, That of the funds provided under this*
2 *heading, \$1,250,000 shall be allocated for the National*
3 *Academy of Public Administration to conduct an inde-*
4 *pendent study and analysis of ONDCP's organization and*
5 *management: Provided further, That within two months*
6 *after the date of enactment of this Act, the ONDCP shall*
7 *contract with the National Academy of Public Administra-*
8 *tion for purposes as described in the previous proviso: Pro-*
9 *vided further, That the Office is authorized to accept, hold,*
10 *administer, and utilize gifts, both real and personal, public*
11 *and private, without fiscal year limitation, for the purpose*
12 *of aiding or facilitating the work of the Office.*

13 *COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER*
14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For necessary expenses for the Counterdrug Technology*
16 *Assessment Center for research activities pursuant to the*
17 *Office of National Drug Control Policy Reauthorization Act*
18 *of 2006 (Public Law 109-469), \$1,000,000, which shall re-*
19 *main available until expended for counternarcotics research*
20 *and development projects: Provided, That such amount shall*
21 *be available for transfer to other Federal departments or*
22 *agencies: Provided further, That the Office of National Drug*
23 *Control Policy shall submit for approval by the Committees*
24 *on Appropriations of the House of Representatives and the*
25 *Senate, a spending plan for the use of these funds no later*
26 *than 90 days after enactment of this Act.*

1 *FEDERAL DRUG CONTROL PROGRAMS*
2 *HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM*
3 *(INCLUDING TRANSFERS OF FUNDS)*
4 *For necessary expenses of the Office of National Drug*
5 *Control Policy's High Intensity Drug Trafficking Areas*
6 *Program, \$230,000,000, to remain available until Sep-*
7 *tember 30, 2009, for drug control activities consistent with*
8 *the approved strategy for each of the designated High Inten-*
9 *sity Drug Trafficking Areas, of which no less than 51 per-*
10 *cent shall be transferred to State and local entities for drug*
11 *control activities, which shall be obligated within 120 days*
12 *of the date of enactment of this Act: Provided, That up to*
13 *49 percent may be transferred to Federal agencies and de-*
14 *partments at a rate to be determined by the Director, of*
15 *which not less than \$2,100,000 shall be used for auditing*
16 *services and associated activities, and up to \$400,000 which*
17 *shall be for the final year of development and implementa-*
18 *tion of a data collection system to measure the performance*
19 *of the High Intensity Drug Trafficking Areas Program:*
20 *Provided further, That High Intensity Drug Trafficking*
21 *Areas Programs designated as of September 30, 2007, shall*
22 *be funded at no less than the fiscal year 2007 initial alloca-*
23 *tion levels unless the Director submits to the Committees*
24 *on Appropriations of the House of Representatives and the*
25 *Senate, and the Committees approve, justification for*
26 *changes in those levels based on clearly articulated prior-*

1 *ities for the High Intensity Drug Trafficking Areas Pro-*
2 *grams, as well as published Office of National Drug Control*
3 *Policy performance measures of effectiveness: Provided fur-*
4 *ther, That a request shall be submitted in compliance with*
5 *the reprogramming guidelines to the Committees on Appro-*
6 *priations for approval prior to the obligation of funds of*
7 *an amount in excess of the fiscal year 2007 budget request:*
8 *Provided further, That the Office of National Drug Control*
9 *Policy (ONDCP) shall submit recommendations for ap-*
10 *proval to the Committees on Appropriations for both the*
11 *initial High-Intensity Drug Trafficking Area (HIDTA) al-*
12 *location funding within 90 days after the enactment of this*
13 *Act and the discretionary HIDTA funding, according to the*
14 *framework proposed jointly by the HIDTA Directors and*
15 *ONDCP, within 120 days after the enactment of this Act:*
16 *Provided further, That within the discretionary funding*
17 *amount, plans for use of such funds shall be subject to com-*
18 *mittee approval: Provided further, That at least \$2,000,000*
19 *shall be available for new counties, not including previously*
20 *funded counties, with priority given to meritorious appli-*
21 *cants who have submitted previously and have not been*
22 *funded.*

23 *OTHER FEDERAL DRUG CONTROL PROGRAMS*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For activities to support a national anti-drug cam-*
26 *paign for youth, and for other purposes, authorized by the*

1 *Office of National Drug Control Policy Reauthorization Act*
2 *of 2006 (Public Law 109–469), \$164,300,000, to remain*
3 *available until expended, of which the amounts are avail-*
4 *able as follows: \$60,000,000 to support a national media*
5 *campaign: Provided, That the Office of National Drug Con-*
6 *trol Policy shall maintain funding for non-advertising serv-*
7 *ices for the media campaign at no less than the fiscal year*
8 *2003 ratio of service funding to total funds and shall con-*
9 *tinue the corporate outreach program as it operated prior*
10 *to its cancellation; \$90,000,000 to continue a program of*
11 *matching grants to drug-free communities, of which*
12 *\$2,000,000 shall be made available as directed by section*
13 *4 of Public Law 107–82, as amended by Public Law 109–*
14 *469 (21 U.S.C. 1521 note); \$500,000 for demonstration pro-*
15 *grams as authorized by section 1119 of Public Law 109–*
16 *469; \$1,000,000 for the National Drug Court Institute;*
17 *\$9,600,000 for the United States Anti-Doping Agency for*
18 *anti-doping activities; \$1,700,000 for the United States*
19 *membership dues to the World Anti-Doping Agency;*
20 *\$1,250,000 for the National Alliance for Model State Drug*
21 *Laws; and \$250,000 for evaluations and research related*
22 *to National Drug Control Program performance measures:*
23 *Provided further, That such funds may be transferred to*
24 *other Federal departments and agencies to carry out such*
25 *activities: Provided further, That of the amounts appro-*

1 *priated for a national media campaign, not to exceed 10*
2 *percent shall be for administration, advertising production,*
3 *research and testing, labor, and related costs of the national*
4 *media campaign.*

5 *UNANTICIPATED NEEDS*

6 *For expenses necessary to enable the President to meet*
7 *unanticipated needs, in furtherance of the national interest,*
8 *security, or defense which may arise at home or abroad dur-*
9 *ing the current fiscal year, as authorized by 3 U.S.C. 108,*
10 *\$1,000,000.*

11 *SPECIAL ASSISTANCE TO THE PRESIDENT*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses to enable the Vice President to*
14 *provide assistance to the President in connection with spe-*
15 *cially assigned functions; services as authorized by 5 U.S.C.*
16 *3109 and 3 U.S.C. 106, including subsistence expenses as*
17 *authorized by 3 U.S.C. 106, which shall be expended and*
18 *accounted for as provided in that section; and hire of pas-*
19 *senger motor vehicles, \$4,432,000.*

20 *OFFICIAL RESIDENCE OF THE VICE PRESIDENT*

21 *OPERATING EXPENSES*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the care, operation, refurnishing, improvement,*
24 *and to the extent not otherwise provided for, heating and*
25 *lighting, including electric power and fixtures, of the offi-*
26 *cial residence of the Vice President; the hire of passenger*

1 *motor vehicles; and not to exceed \$90,000 for official enter-*
2 *tainment expenses of the Vice President, to be accounted for*
3 *solely on his certificate, \$320,000: Provided, That advances*
4 *or repayments or transfers from this appropriation may*
5 *be made to any department or agency for expenses of car-*
6 *rying out such activities.*

7 *ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF*
8 *THE PRESIDENT AND FUNDS APPROPRIATED TO THE*
9 *PRESIDENT*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 201. From funds made available in this Act*
12 *under the headings “White House Office”, “Executive Resi-*
13 *dence at the White House”, “White House Repair and Res-*
14 *toration”, “Council of Economic Advisors”, “National Se-*
15 *curity Council”, “Office of Administration”, “Office of Pol-*
16 *icy Development”, “Special Assistance to the President”,*
17 *and “Official Residence of the Vice President”, the Director*
18 *of the Office of Management and Budget (or such other offi-*
19 *cer as the President may designate in writing), may, 15*
20 *days after giving notice to the House and Senate Commit-*
21 *tees on Appropriations, transfer not to exceed 10 percent*
22 *of any such appropriation to any other such appropriation,*
23 *to be merged with and available for the same time and for*
24 *the same purposes as the appropriation to which trans-*
25 *ferred: Provided, That the amount of an appropriation shall*

1 *not be increased by more than 50 percent by such transfers:*
2 *Provided further, That no amount shall be transferred from*
3 *“Special Assistance to the President” or “Official Residence*
4 *of the Vice President” without the approval of the Vice*
5 *President.*

6 *SEC. 202. The President shall submit to the Commit-*
7 *tees on Appropriations not later than 30 days after the date*
8 *of the enactment of this Act, and prior to the initial obliga-*
9 *tion of funds appropriated under the heading “Office of Na-*
10 *tional Drug Control Policy”, a financial plan on the pro-*
11 *posed uses of all funds under the heading by program,*
12 *project, and activity, for which the obligation of funds is*
13 *anticipated: Provided, That up to 20 percent of funds ap-*
14 *propriated under this heading may be obligated before the*
15 *submission of the report subject to prior approval of the*
16 *Committees on Appropriations: Provided further, That the*
17 *report shall be updated and submitted to the Committees*
18 *on Appropriations every six months and shall include infor-*
19 *mation detailing how the estimates and assumptions con-*
20 *tained in previous reports have changed: Provided further,*
21 *That any new projects and changes in funding of ongoing*
22 *projects shall be subject to the prior approval of the Com-*
23 *mittees on Appropriations.*

24 *SEC. 203. Not to exceed 2 percent of any appropri-*
25 *ations in this Act made available to the Office of National*

1 *Drug Control Policy may be transferred between appro-*
2 *priated programs upon the advance approval of the Com-*
3 *mittees on Appropriations: Provided, That no transfer may*
4 *increase or decrease any such appropriation by more than*
5 *3 percent.*

6 *SEC. 204. Not to exceed \$1,000,000 of any appropri-*
7 *ations in this Act made available to the Office of National*
8 *Drug Control Policy may be reprogrammed within a pro-*
9 *gram, project or activity upon the advance approval of the*
10 *Committees on Appropriations.*

11 *This title may be cited as the “Executive Office of the*
12 *President Appropriations Act, 2008”.*

13 *TITLE III*

14 *THE JUDICIARY*

15 *SUPREME COURT OF THE UNITED STATES*

16 *SALARIES AND EXPENSES*

17 *For expenses necessary for the operation of the Su-*
18 *preme Court, as required by law, excluding care of the*
19 *building and grounds, including purchase or hire, driving,*
20 *maintenance, and operation of an automobile for the Chief*
21 *Justice, not to exceed \$10,000 for the purpose of trans-*
22 *porting Associate Justices, and hire of passenger motor ve-*
23 *hicles as authorized by 31 U.S.C. 1343 and 1344; not to*
24 *exceed \$10,000 for official reception and representation ex-*
25 *penses; and for miscellaneous expenses, to be expended as*

1 *the Chief Justice may approve, \$66,526,000, of which*
2 *\$2,000,000 shall remain available until expended.*

3 *CARE OF THE BUILDING AND GROUNDS*

4 *For such expenditures as may be necessary to enable*
5 *the Architect of the Capitol to carry out the duties imposed*
6 *upon the Architect by the Act approved May 7, 1934 (40*
7 *U.S.C. 13a–13b), \$12,201,000, which shall remain available*
8 *until expended.*

9 *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*
10 *CIRCUIT*

11 *SALARIES AND EXPENSES*

12 *For salaries of the chief judge, judges, and other officers*
13 *and employees, and for necessary expenses of the court, as*
14 *authorized by law, \$27,072,000.*

15 *UNITED STATES COURT OF INTERNATIONAL TRADE*

16 *SALARIES AND EXPENSES*

17 *For salaries of the chief judge and eight judges, salaries*
18 *of the officers and employees of the court, services, and nec-*
19 *essary expenses of the court, as authorized by law,*
20 *\$16,632,000.*

21 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*

22 *JUDICIAL SERVICES*

23 *SALARIES AND EXPENSES*

24 *For the salaries of circuit and district judges (includ-*
25 *ing judges of the territorial courts of the United States),*
26 *justices and judges retired from office or from regular active*

1 *service, judges of the United States Court of Federal Claims,*
2 *bankruptcy judges, magistrate judges, and all other officers*
3 *and employees of the Federal Judiciary not otherwise spe-*
4 *cifically provided for, and necessary expenses of the courts,*
5 *as authorized by law, \$4,604,762,000 (including the pur-*
6 *chase of firearms and ammunition); of which not to exceed*
7 *\$27,817,000 shall remain available until expended for space*
8 *alteration projects and for furniture and furnishings related*
9 *to new space alteration and construction projects.*

10 *In addition, for expenses of the United States Court*
11 *of Federal Claims associated with processing cases under*
12 *the National Childhood Vaccine Injury Act of 1986 (Public*
13 *Law 99–660), not to exceed \$4,099,000, to be appropriated*
14 *from the Vaccine Injury Compensation Trust Fund.*

15 *In addition, \$14,500,000 shall be available to address*
16 *critically understaffed workload associated with increased*
17 *immigration enforcement: Provided, That this amount is*
18 *designated as described in section 5 (in the matter pre-*
19 *ceding division A of this consolidated Act).*

20 *DEFENDER SERVICES*

21 *For the operation of Federal Defender organizations;*
22 *the compensation and reimbursement of expenses of attor-*
23 *neys appointed to represent persons under the Criminal*
24 *Justice Act of 1964 (18 U.S.C. 3006A); the compensation*
25 *and reimbursement of expenses of persons furnishing inves-*
26 *tigative, expert and other services under the Criminal Jus-*

1 *tice Act of 1964 (18 U.S.C. 3006A(e)); the compensation*
2 *(in accordance with Criminal Justice Act maximums) and*
3 *reimbursement of expenses of attorneys appointed to assist*
4 *the court in criminal cases where the defendant has waived*
5 *representation by counsel; the compensation and reimburse-*
6 *ment of travel expenses of guardians ad litem acting on*
7 *behalf of financially eligible minor or incompetent offenders*
8 *in connection with transfers from the United States to for-*
9 *oreign countries with which the United States has a treaty*
10 *for the execution of penal sentences; the compensation of at-*
11 *torneys appointed to represent jurors in civil actions for*
12 *the protection of their employment, as authorized by 28*
13 *U.S.C. 1875(d); and for necessary training and general ad-*
14 *ministrative expenses, \$835,601,000, to remain available*
15 *until expended.*

16 *In addition, \$10,500,000 shall be available for the re-*
17 *imbursement of expenses of attorneys appointed to represent*
18 *persons under the Criminal Justice Act of 1964 as a result*
19 *of increased immigration enforcement: Provided, That this*
20 *amount is designated as described in section 5 (in the mat-*
21 *ter preceding division A of this consolidated Act).*

22 *FEES OF JURORS AND COMMISSIONERS*

23 *For fees and expenses of jurors as authorized by 28*
24 *U.S.C. 1871 and 1876; compensation of jury commissioners*
25 *as authorized by 28 U.S.C. 1863; and compensation of com-*
26 *missioners appointed in condemnation cases pursuant to*

1 *rule 71A(h) of the Federal Rules of Civil Procedure (28*
2 *U.S.C. Appendix Rule 71A(h)), \$63,081,000, to remain*
3 *available until expended: Provided, That the compensation*
4 *of land commissioners shall not exceed the daily equivalent*
5 *of the highest rate payable under section 5332 of title 5,*
6 *United States Code.*

7 *COURT SECURITY*

8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *For necessary expenses, not otherwise provided for, in-*
10 *cident to the provision of protective guard services for*
11 *United States courthouses and other facilities housing Fed-*
12 *eral court operations, and the procurement, installation,*
13 *and maintenance of security systems and equipment for*
14 *United States courthouses and other facilities housing Fed-*
15 *eral court operations, including building ingress-egress con-*
16 *trol, inspection of mail and packages, directed security pa-*
17 *trols, perimeter security, basic security services provided by*
18 *the Federal Protective Service, and other similar activities*
19 *as authorized by section 1010 of the Judicial Improvement*
20 *and Access to Justice Act (Public Law 100-702),*
21 *\$410,000,000, of which not to exceed \$15,000,000 shall re-*
22 *main available until expended, to be expended directly or*
23 *transferred to the United States Marshals Service, which*
24 *shall be responsible for administering the Judicial Facility*
25 *Security Program consistent with standards or guidelines*

1 *agreed to by the Director of the Administrative Office of*
2 *the United States Courts and the Attorney General.*

3 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

4 *COURTS*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Administrative Office of*
7 *the United States Courts as authorized by law, including*
8 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*
9 *motor vehicle as authorized by 31 U.S.C. 1343(b), adver-*
10 *tising and rent in the District of Columbia and elsewhere,*
11 *\$76,036,000, of which not to exceed \$8,500 is authorized*
12 *for official reception and representation expenses.*

13 *FEDERAL JUDICIAL CENTER*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Federal Judicial Center,*
16 *as authorized by Public Law 90-219, \$24,187,000; of which*
17 *\$1,800,000 shall remain available through September 30,*
18 *2009, to provide education and training to Federal court*
19 *personnel; and of which not to exceed \$1,500 is authorized*
20 *for official reception and representation expenses.*

21 *JUDICIAL RETIREMENT FUNDS*

22 *PAYMENT TO JUDICIARY TRUST FUNDS*

23 *For payment to the Judicial Officers' Retirement*
24 *Fund, as authorized by 28 U.S.C. 377(o), \$59,400,000; to*
25 *the Judicial Survivors' Annuities Fund, as authorized by*

1 28 U.S.C. 376(c), \$2,300,000; and to the United States
2 Court of Federal Claims Judges' Retirement Fund, as au-
3 thorized by 28 U.S.C. 178(l), \$3,700,000.

4 *UNITED STATES SENTENCING COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For the salaries and expenses necessary to carry out*
7 *the provisions of chapter 58 of title 28, United States Code,*
8 *\$15,477,000, of which not to exceed \$1,000 is authorized*
9 *for official reception and representation expenses.*

10 *ADMINISTRATIVE PROVISIONS—THE JUDICIARY*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 301. Appropriations and authorizations made in*
13 *this title which are available for salaries and expenses shall*
14 *be available for services as authorized by 5 U.S.C. 3109.*

15 *SEC. 302. Not to exceed 5 percent of any appropriation*
16 *made available for the current fiscal year for the Judiciary*
17 *in this Act may be transferred between such appropriations,*
18 *but no such appropriation, except “Courts of Appeals, Dis-*
19 *trict Courts, and Other Judicial Services, Defender Serv-*
20 *ices” and “Courts of Appeals, District Courts, and Other*
21 *Judicial Services, Fees of Jurors and Commissioners”, shall*
22 *be increased by more than 10 percent by any such transfers:*
23 *Provided, That any transfer pursuant to this section shall*
24 *be treated as a reprogramming of funds under sections 605*
25 *and 610 of this Act and shall not be available for obligation*

1 *or expenditure except in compliance with the procedures set*
2 *forth in that section.*

3 *SEC. 303. Notwithstanding any other provision of law,*
4 *the salaries and expenses appropriation for “Courts of Ap-*
5 *peals, District Courts, and Other Judicial Services” shall*
6 *be available for official reception and representation ex-*
7 *penses of the Judicial Conference of the United States: Pro-*
8 *vided, That such available funds shall not exceed \$11,000*
9 *and shall be administered by the Director of the Adminis-*
10 *trative Office of the United States Courts in the capacity*
11 *as Secretary of the Judicial Conference.*

12 *SEC. 304. Within 90 days after the date of the enact-*
13 *ment of this Act, the Administrative Office of the U.S.*
14 *Courts shall submit to the Committees on Appropriations*
15 *a comprehensive financial plan for the Judiciary allocating*
16 *all sources of available funds including appropriations, fee*
17 *collections, and carryover balances, to include a separate*
18 *and detailed plan for the Judiciary Information Technology*
19 *fund.*

20 *SEC. 305. Pursuant to section 140 of Public Law 97-*
21 *92, and from funds appropriated in this Act, Justices and*
22 *judges of the United States are authorized during fiscal*
23 *year 2008, to receive a salary adjustment in accordance*
24 *with 28 U.S.C. 461.*

1 *SEC. 306. Section 3313(a) of title 40, United States*
2 *Code, shall be applied by substituting “executive” for “fed-*
3 *eral” each place it appears.*

4 *SEC. 307. In accordance with 28 U.S.C. 561–569, and*
5 *notwithstanding any other provision of law, the United*
6 *States Marshals Service shall provide, for such courthouses*
7 *as its Director may designate in consultation with the Di-*
8 *rector of the Administrative Office of the United States*
9 *Courts, for purposes of a pilot program, the security services*
10 *that 40 U.S.C. 1315 authorizes the Department of Home-*
11 *land Security to provide, except for the services specified*
12 *in 40 U.S.C. 1315(b)(2)(E). For building-specific security*
13 *services at these courthouses, the Director of the Administra-*
14 *tive Office of the United States Courts shall reimburse the*
15 *United States Marshals Service rather than the Department*
16 *of Homeland Security.*

17 *SEC. 308. Section 128(b) of title 28, United States*
18 *Code, is amended by striking “Bellingham, Seattle, and Ta-*
19 *coma” and inserting “Bellingham, Seattle, Tacoma, and*
20 *Vancouver”.*

21 *SEC. 309. Section 203(c) of the Judicial Improvements*
22 *Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note),*
23 *is amended—*

1 *and such other factors as may be authorized: Provided fur-*
2 *ther, That the District of Columbia government shall main-*
3 *tain a dedicated account for the Resident Tuition Support*
4 *Program that shall consist of the Federal funds appro-*
5 *priated to the Program in this Act and any subsequent ap-*
6 *propriations, any unobligated balances from prior fiscal*
7 *years, and any interest earned in this or any fiscal year:*
8 *Provided further, That the account shall be under the con-*
9 *trol of the District of Columbia Chief Financial Officer, who*
10 *shall use those funds solely for the purposes of carrying out*
11 *the Resident Tuition Support Program: Provided further,*
12 *That the Office of the Chief Financial Officer shall provide*
13 *a quarterly financial report to the Committees on Appro-*
14 *priations of the House of Representatives and Senate for*
15 *these funds showing, by object class, the expenditures made*
16 *and the purpose therefor.*

17 *FEDERAL PAYMENT FOR EMERGENCY PLANNING AND*
18 *SECURITY COSTS IN THE DISTRICT OF COLUMBIA*

19 *For necessary expenses, as determined by the Mayor*
20 *of the District of Columbia in written consultation with the*
21 *elected county or city officials of surrounding jurisdictions,*
22 *\$3,352,000, to remain available until expended; of which*
23 *\$3,000,000 is to reimburse the District of Columbia for the*
24 *costs of providing public safety at events related to the pres-*
25 *ence of the national capital in the District of Columbia and*
26 *for the costs of providing support to respond to immediate*

1 *and specific terrorist threats or attacks in the District of*
2 *Columbia or surrounding jurisdictions; and \$352,000 is for*
3 *the District of Columbia National Guard retention and col-*
4 *lege access program: Provided, That any amount provided*
5 *under this heading shall be available only after such*
6 *amount has been apportioned pursuant to chapter 15 of*
7 *title 31, United States Code.*

8 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

9 *COURTS*

10 *For salaries and expenses for the District of Columbia*
11 *Courts, \$223,920,000 to be allocated as follows: for the Dis-*
12 *trict of Columbia Court of Appeals, \$10,800,000, of which*
13 *not to exceed \$1,500 is for official reception and representa-*
14 *tion expenses; for the District of Columbia Superior Court,*
15 *\$98,359,000, of which not to exceed \$1,500 is for official*
16 *reception and representation expenses; for the District of*
17 *Columbia Court System, \$52,170,000, of which not to ex-*
18 *ceed \$1,500 is for official reception and representation ex-*
19 *penses; and \$62,591,000, to remain available until Sep-*
20 *tember 30, 2009, for capital improvements for District of*
21 *Columbia courthouse facilities, including structural im-*
22 *provements to the District of Columbia cell block at the*
23 *Moultrie Courthouse: Provided, That notwithstanding any*
24 *other provision of law, a single contract or related contracts*
25 *for development and construction of facilities may be em-*
26 *ployed which collectively include the full scope of the project:*

1 *Provided further, That the solicitation and contract shall*
2 *contain the clause “availability of Funds” found at 48 CFR*
3 *52.232–18: Provided further, That funds made available for*
4 *capital improvements shall be expended consistent with the*
5 *General Services Administration (GSA) master plan study*
6 *and building evaluation report: Provided further, That not-*
7 *withstanding any other provision of law, all amounts under*
8 *this heading shall be apportioned quarterly by the Office*
9 *of Management and Budget and obligated and expended in*
10 *the same manner as funds appropriated for salaries and*
11 *expenses of other Federal agencies, with payroll and finan-*
12 *cial services to be provided on a contractual basis with the*
13 *GSA, and such services shall include the preparation of*
14 *monthly financial reports, copies of which shall be sub-*
15 *mitted directly by GSA to the President and to the Commit-*
16 *tees on Appropriations of the House of Representatives and*
17 *Senate, the Committee on Oversight and Government Re-*
18 *form of the House of Representatives, and the Committee*
19 *on Homeland Security and Governmental Affairs of the*
20 *Senate: Provided further, That 30 days after providing*
21 *written notice to the Committees on Appropriations of the*
22 *House of Representatives and Senate, the District of Colum-*
23 *bia Courts may reallocate not more than \$1,000,000 of the*
24 *funds provided under this heading among the items and*
25 *entities funded under this heading for operations, and not*

1 *more than 4 percent of the funds provided under this head-*
2 *ing for facilities.*

3 *DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS*

4 *For payments authorized under section 11–2604 and*
5 *section 11–2605, D.C. Official Code (relating to representa-*
6 *tion provided under the District of Columbia Criminal Jus-*
7 *tice Act), payments for counsel appointed in proceedings*
8 *in the Family Court of the Superior Court of the District*
9 *of Columbia under chapter 23 of title 16, D.C. Official*
10 *Code, or pursuant to contractual agreements to provide*
11 *guardian ad litem representation, training, technical as-*
12 *sistance and such other services as are necessary to improve*
13 *the quality of guardian ad litem representation, payments*
14 *for counsel appointed in adoption proceedings under chap-*
15 *ter 3 of title 16, D.C. Code, and payments for counsel au-*
16 *thorized under section 21–2060, D.C. Official Code (relating*
17 *to representation provided under the District of Columbia*
18 *Guardianship, Protective Proceedings, and Durable Power*
19 *of Attorney Act of 1986), \$47,975,000, to remain available*
20 *until expended: Provided, That the funds provided in this*
21 *Act under the heading “Federal Payment to the District*
22 *of Columbia Courts” (other than the \$62,591,000 provided*
23 *under such heading for capital improvements for District*
24 *of Columbia courthouse facilities) may also be used for pay-*
25 *ments under this heading: Provided further, That in addi-*
26 *tion to the funds provided under this heading, the Joint*

1 *Committee on Judicial Administration in the District of*
2 *Columbia may use funds provided in this Act under the*
3 *heading “Federal Payment to the District of Columbia*
4 *Courts” (other than the \$62,591,000 provided under such*
5 *heading for capital improvements for District of Columbia*
6 *courthouse facilities), to make payments described under*
7 *this heading for obligations incurred during any fiscal*
8 *year: Provided further, That funds provided under this*
9 *heading shall be administered by the Joint Committee on*
10 *Judicial Administration in the District of Columbia: Pro-*
11 *vided further, That notwithstanding any other provision of*
12 *law, this appropriation shall be apportioned quarterly by*
13 *the Office of Management and Budget and obligated and*
14 *expended in the same manner as funds appropriated for*
15 *expenses of other Federal agencies, with payroll and finan-*
16 *cial services to be provided on a contractual basis with the*
17 *General Services Administration (GSA), and such services*
18 *shall include the preparation of monthly financial reports,*
19 *copies of which shall be submitted directly by GSA to the*
20 *President and to the Committees on Appropriations of the*
21 *House of Representatives and Senate, the Committee on*
22 *Oversight and Government Reform of the House of Rep-*
23 *resentatives, and the Committee on Homeland Security and*
24 *Governmental Affairs of the Senate.*

1 *FEDERAL PAYMENT TO THE COURT SERVICES AND OF-*
2 *FENDER SUPERVISION AGENCY FOR THE DISTRICT OF*
3 *COLUMBIA*

4 *For salaries and expenses, including the transfer and*
5 *hire of motor vehicles, of the Court Services and Offender*
6 *Supervision Agency for the District of Columbia, as author-*
7 *ized by the National Capital Revitalization and Self-Gov-*
8 *ernment Improvement Act of 1997, \$190,343,000, of which*
9 *not to exceed \$2,000 is for official receptions and represen-*
10 *tation expenses related to Community Supervision and Pre-*
11 *trial Services Agency programs; of which not to exceed*
12 *\$25,000 is for dues and assessments relating to the imple-*
13 *mentation of the Court Services and Offender Supervision*
14 *Agency Interstate Supervision Act of 2002; of which not to*
15 *exceed \$400,000 for the Community Supervision Program*
16 *and \$160,000 for the Pretrial Services Program, both to re-*
17 *main available until September 30, 2009, are for informa-*
18 *tion technology infrastructure enhancement acquisitions; of*
19 *which \$140,499,000 shall be for necessary expenses of Com-*
20 *munity Supervision and Sex Offender Registration, to in-*
21 *clude expenses relating to the supervision of adults subject*
22 *to protection orders or the provision of services for or related*
23 *to such persons; of which \$49,894,000 shall be available to*
24 *the Pretrial Services Agency: Provided, That notwith-*
25 *standing any other provision of law, all amounts under this*

1 heading shall be apportioned quarterly by the Office of
2 Management and Budget and obligated and expended in
3 the same manner as funds appropriated for salaries and
4 expenses of other Federal agencies: Provided further, That
5 not less than \$1,000,000 shall be available for re-entrant
6 housing in the District of Columbia: Provided further, That
7 the Director is authorized to accept and use gifts in the
8 form of in-kind contributions of space and hospitality to
9 support offender and defendant programs, and equipment
10 and vocational training services to educate and train of-
11 fenders and defendants: Provided further, That the Director
12 shall keep accurate and detailed records of the acceptance
13 and use of any gift or donation under the previous proviso,
14 and shall make such records available for audit and public
15 inspection: Provided further, That the Court Services and
16 Offender Supervision Agency Director is authorized to ac-
17 cept and use reimbursement from the District of Columbia
18 Government for space and services provided on a cost reim-
19 bursable basis.

20 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*

21 *PUBLIC DEFENDER SERVICE*

22 *For salaries and expenses, including the transfer and*
23 *hire of motor vehicles, of the District of Columbia Public*
24 *Defender Service, as authorized by the National Capital Re-*
25 *vitalization and Self-Government Improvement Act of 1997,*
26 *\$32,710,000: Provided, That notwithstanding any other*

1 *provision of law, all amounts under this heading shall be*
2 *apportioned quarterly by the Office of Management and*
3 *Budget and obligated and expended in the same manner*
4 *as funds appropriated for salaries and expenses of Federal*
5 *agencies.*

6 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER*
7 *AND SEWER AUTHORITY*

8 *For a Federal payment to the District of Columbia*
9 *Water and Sewer Authority, \$8,000,000, to remain avail-*
10 *able until expended, to continue implementation of the*
11 *Combined Sewer Overflow Long-Term Plan: Provided, That*
12 *the District of Columbia Water and Sewer Authority pro-*
13 *vides a match of \$6,000,000 and the District of Columbia*
14 *provides a match of \$2,000,000 in local funds for this pay-*
15 *ment.*

16 *FEDERAL PAYMENT TO THE CRIMINAL JUSTICE*
17 *COORDINATING COUNCIL*

18 *For a Federal payment to the Criminal Justice Co-*
19 *ordinating Council, \$1,300,000, to remain available until*
20 *expended, to support initiatives related to the coordination*
21 *of Federal and local criminal justice resources in the Dis-*
22 *trict of Columbia.*

23 *FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF*
24 *FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA*

25 *For a Federal payment to the Office of the Chief Fi-*
26 *nancial Officer of the District of Columbia, \$5,453,000:*

1 *Provided, That each entity that receives funding under this*
2 *heading shall submit to the Office of the Chief Financial*
3 *Officer of the District of Columbia (CFO) a report on the*
4 *activities to be carried out with such funds no later than*
5 *March 15, 2008, and the CFO shall submit a comprehensive*
6 *report to the Committees on Appropriations of the House*
7 *of Representatives and the Senate no later than June 1,*
8 *2008.*

9 *FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT*

10 *For a Federal payment for a school improvement pro-*
11 *gram in the District of Columbia, \$40,800,000, to be allo-*
12 *cated as follows: for the District of Columbia Public Schools,*
13 *\$13,000,000 to improve public school education in the Dis-*
14 *trict of Columbia; for the State Education Office,*
15 *\$13,000,000 to expand quality public charter schools in the*
16 *District of Columbia, to remain available until expended;*
17 *for the Secretary of the Department of Education,*
18 *\$14,800,000 to provide opportunity scholarships for stu-*
19 *dents in the District of Columbia in accordance with divi-*
20 *sion C, title III of the District of Columbia Appropriations*
21 *Act, 2004 (Public Law 108–199; 118 Stat. 126), of which*
22 *up to \$1,800,000 may be used to administer and fund as-*
23 *sessments.*

1 *environmental quality, to expand pediatric healthcare serv-*
2 *ices and for historic preservation: Provided further, That*
3 *no funds shall be expended until the Mayor of the District*
4 *of Columbia submits a detailed expenditure plan, including*
5 *performance measures, to the Committees on Appropria-*
6 *tions of the House of Representatives and the Senate: Pro-*
7 *vided further, That the District submit a preliminary*
8 *progress report on activities no later than June 1, 2008,*
9 *and a final report including a detailed description of out-*
10 *comes achieved no later than November 1, 2009.*

11 *DISTRICT OF COLUMBIA FUNDS*

12 *The following amounts are appropriated for the Dis-*
13 *trict of Columbia for the current fiscal year out of the gen-*
14 *eral fund of the District of Columbia, except as otherwise*
15 *specifically provided: Provided, That notwithstanding any*
16 *other provision of law, except as provided in section 450A*
17 *of the District of Columbia Home Rule Act, approved No-*
18 *vember 2, 2000 (114 Stat. 2440; D.C. Official Code, section*
19 *1–204.50a) and provisions of this Act: The total amount*
20 *appropriated in this Act for operating expenses for the Dis-*
21 *trict of Columbia for fiscal year 2008 under this heading*
22 *shall not exceed the lesser of the sum of the total revenues*
23 *of the District of Columbia for such fiscal year or*
24 *\$9,773,775,000 (of which \$6,111,623,000 (including*
25 *\$348,929,000 from dedicated taxes) shall be from local*

1 funds, \$2,015,854,000 shall be from Federal grant funds,
2 \$1,637,736,000 shall be from other funds, and \$8,562,000
3 shall be from private funds), in addition, \$114,905,000
4 from funds previously appropriated in this Act as Federal
5 payments: Provided further, That of the local funds,
6 \$339,989,000 shall be derived from the District's general
7 fund balance: Provided further, That of these funds the Dis-
8 trict's intradistrict authority shall be \$648,290,000: in ad-
9 dition for capital construction projects there is appro-
10 priated an increase of \$1,607,703,000, of which
11 \$1,042,712,000 shall be from local funds, \$38,523,000 from
12 the District of Columbia Highway Trust Fund, \$73,260,000
13 from the Local Street Maintenance fund, \$75,000,000 from
14 revenue bonds, \$150,000,000 from financing for construc-
15 tion of a consolidated laboratory facility, \$42,200,000 for
16 construction of a baseball stadium, \$186,008,000 from Fed-
17 eral grant funds, and a rescission of \$212,696,000 from
18 local funds appropriated under this heading in prior fiscal
19 years, for a net amount of \$1,395,007,000, to remain avail-
20 able until expended: Provided further, That the amounts
21 provided under this heading are to be subject to the provi-
22 sions of and allocated and expended as proposed under
23 "Title III—District of Columbia Funds Summary of Ex-
24 penses" of the Fiscal Year 2008 Proposed Budget and Fi-
25 nancial Plan submitted to the Congress of the United States

1 *by the District of Columbia on June 7, 2007 as amended*
2 *on June 29, 2007 and such title is hereby incorporated by*
3 *reference as though set forth fully herein: Provided further,*
4 *That this amount may be increased by proceeds of one-time*
5 *transactions, which are expended for emergency or unan-*
6 *ticipated operating or capital needs: Provided further, That*
7 *such increases shall be approved by enactment of local Dis-*
8 *trict law and shall comply with all reserve requirements*
9 *contained in the District of Columbia Home Rule Act ap-*
10 *proved December 24, 1973 (87 Stat. 777; D.C. Official Code*
11 *§ 1–201.01 et seq.), as amended by this Act: Provided fur-*
12 *ther, That the Chief Financial Officer of the District of Co-*
13 *lumbia shall take such steps as are necessary to assure that*
14 *the District of Columbia meets these requirements, includ-*
15 *ing the apportioning by the Chief Financial Officer of the*
16 *appropriations and funds made available to the District*
17 *during fiscal year 2008, except that the Chief Financial Of-*
18 *ficer may not reprogram for operating expenses any funds*
19 *derived from bonds, notes, or other obligations issued for*
20 *capital projects.*

21 *This title may be cited as the “District of Columbia*
22 *Appropriations Act, 2008”.*

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TITLE V

INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$1,000 for official reception and representation expenses, \$80,000,000.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, \$16,530,000, of which \$3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: Provided, That \$200,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

1 *ELECTION REFORM PROGRAMS*

2 *For necessary expenses to carry out programs under*
3 *the Help America Vote Act of 2002 (Public Law 107–252),*
4 *\$115,000,000 which shall be available for requirements pay-*
5 *ments under part 1 of subtitle D of title II of such Act.*

6 *ELECTION DATA COLLECTION GRANTS*

7 *For necessary expenses to carry out an election data*
8 *collection grants program under section 501 of this Act,*
9 *\$10,000,000, which shall remain available until expended.*

10 *ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE*11 *COMMISSION*

12 *SEC. 501. (a) ELECTION DATA COLLECTION*
13 *GRANTS.—Not later than March 30, 2008, the Election As-*
14 *sistance Commission (in this section referred to as the*
15 *“Commission”) shall establish an election data collection*
16 *grant program (in this section referred to as the “pro-*
17 *gram”) to provide a grant of \$2,000,000 to 5 eligible States*
18 *to improve the collection of data relating to the regularly*
19 *scheduled general election for Federal office held in Novem-*
20 *ber 2008. For purposes of this section, the term “State” has*
21 *the meaning given such term in section 901 of the Help*
22 *America Vote Act of 2002 (42 U.S.C. 15541).*

23 *(b) ELIGIBILITY.—A State is eligible to receive a grant*
24 *under the program if it submits to the Commission, at such*
25 *time and in such form as the Commission may require, an*

1 application containing the following information and as-
2 surances:

3 (1) A plan for the use of the funds provided by
4 the grant which will expand and improve the collec-
5 tion of the election data described in subsection (a) at
6 the precinct level and will provide for the collection
7 of such data in a common electronic format (as deter-
8 mined by the Commission).

9 (2) An assurance that the State will comply with
10 all requests made by the Commission for the compila-
11 tion and submission of the data.

12 (3) An assurance that the State will provide the
13 Commission with such information as the Commis-
14 sion may require to prepare and submit the report
15 described in subsection (d).

16 (4) Such other information and assurances as
17 the Commission may require.

18 (c) *TIMING OF GRANTS; AVAILABILITY.*—

19 (1) *TIMING.*—The Commission shall award
20 grants under the program to eligible States not later
21 than 60 days after the date on which the Commission
22 establishes the program.

23 (2) *AVAILABILITY OF FUNDS.*—Amounts provided
24 by a grant under the program shall remain available
25 without fiscal year limitation until expended.

1 (d) *REPORT TO CONGRESS.*—

2 (1) *REPORT.*—Not later than June 30, 2009, the
3 Commission, in consultation with the States receiving
4 grants under the program and the Election Assistance
5 Commission Board of Advisors, shall submit a report
6 to Congress on the impact of the program on the col-
7 lection of the election data described in subsection (a).

8 (2) *RECOMMENDATIONS.*—The Commission shall
9 include in the report submitted under paragraph (1)
10 such recommendations as the Commission considers
11 appropriate to improve the collection of data relating
12 to regularly scheduled general elections for Federal of-
13 fice in all States, including recommendations for
14 changes in Federal law or regulations and the Com-
15 mission's estimate of the amount of funding necessary
16 to carry out such changes.

17 *FEDERAL COMMUNICATIONS COMMISSION*

18 *SALARIES AND EXPENSES*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary expenses of the Federal Communications*
21 *Commission, as authorized by law, including uniforms and*
22 *allowances therefor, as authorized by 5 U.S.C. 5901–5902;*
23 *not to exceed \$4,000 for official reception and representa-*
24 *tion expenses; purchase and hire of motor vehicles; special*
25 *counsel fees; and services as authorized by 5 U.S.C. 3109,*
26 *\$313,000,000: Provided, That \$312,000,000 of offsetting col-*

1 *lections shall be assessed and collected pursuant to section*
2 *9 of title I of the Communications Act of 1934, shall be*
3 *retained and used for necessary expenses in this appropria-*
4 *tion, and shall remain available until expended: Provided*
5 *further, That the sum herein appropriated shall be reduced*
6 *as such offsetting collections are received during fiscal year*
7 *2008 so as to result in a final fiscal year 2008 appropria-*
8 *tion estimated at \$1,000,000: Provided further, That any*
9 *offsetting collections received in excess of \$312,000,000 in*
10 *fiscal year 2008 shall not be available for obligation: Pro-*
11 *vided further, That remaining offsetting collections from*
12 *prior years collected in excess of the amount specified for*
13 *collection in each such year and otherwise becoming avail-*
14 *able on October 1, 2007, shall not be available for obliga-*
15 *tion: Provided further, That notwithstanding 47 U.S.C.*
16 *309(j)(8)(B), proceeds from the use of a competitive bidding*
17 *system that may be retained and made available for obliga-*
18 *tion shall not exceed \$85,000,000 for fiscal year 2008: Pro-*
19 *vided further, That, in addition, not to exceed \$21,480,000*
20 *may be transferred from the Universal Service Fund in fis-*
21 *cal year 2008 to remain available until expended, to mon-*
22 *itor the Universal Service Fund program to prevent and*
23 *remedy waste, fraud and abuse, and to conduct audits and*
24 *investigations by the Office of Inspector General.*

1 *ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS*
2 *COMMISSION*

3 *SEC. 510. Section 302 of the Universal Service*
4 *Antideficiency Temporary Suspension Act is amended by*
5 *striking “December 31, 2007”, each place it appears and*
6 *inserting “December 31, 2008”.*

7 *SEC. 511. None of the funds appropriated by this Act*
8 *may be used by the Federal Communications Commission*
9 *to modify, amend, or change its rules or regulations for uni-*
10 *versal service support payments to implement the February*
11 *27, 2004 recommendations of the Federal-State Joint Board*
12 *on Universal Service regarding single connection or pri-*
13 *mary line restrictions on universal service support pay-*
14 *ments.*

15 *FEDERAL DEPOSIT INSURANCE CORPORATION*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978, \$26,848,000, to be derived from the Deposit*
20 *Insurance Fund and the FSLIC Resolution Fund.*

21 *FEDERAL ELECTION COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses to carry out the provisions of*
24 *the Federal Election Campaign Act of 1971, \$59,224,000,*
25 *of which no less than \$8,100,000 shall be available for inter-*

1 *nal automated data processing systems, and of which not*
2 *to exceed \$5,000 shall be available for reception and rep-*
3 *resentation expenses.*

4 *FEDERAL LABOR RELATIONS AUTHORITY*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses to carry out functions of the*
7 *Federal Labor Relations Authority, pursuant to Reorga-*
8 *nization Plan Numbered 2 of 1978, and the Civil Service*
9 *Reform Act of 1978, including services authorized by 5*
10 *U.S.C. 3109, and including hire of experts and consultants,*
11 *hire of passenger motor vehicles, and rental of conference*
12 *rooms in the District of Columbia and elsewhere,*
13 *\$23,641,000: Provided, That public members of the Federal*
14 *Service Impasses Panel may be paid travel expenses and*
15 *per diem in lieu of subsistence as authorized by law (5*
16 *U.S.C. 5703) for persons employed intermittently in the*
17 *Government service, and compensation as authorized by 5*
18 *U.S.C. 3109: Provided further, That notwithstanding 31*
19 *U.S.C. 3302, funds received from fees charged to non-Fed-*
20 *eral participants at labor-management relations con-*
21 *ferences shall be credited to and merged with this account,*
22 *to be available without further appropriation for the costs*
23 *of carrying out these conferences.*

1 *FEDERAL TRADE COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Trade Commis-*
4 *sion, including uniforms or allowances therefor, as author-*
5 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*
6 *U.S.C. 3109; hire of passenger motor vehicles; and not to*
7 *exceed \$2,000 for official reception and representation ex-*
8 *penses, \$243,864,000, to remain available until expended:*
9 *Provided, That not to exceed \$300,000 shall be available*
10 *for use to contract with a person or persons for collection*
11 *services in accordance with the terms of 31 U.S.C. 3718:*
12 *Provided further, That, notwithstanding any other provi-*
13 *sion of law, not to exceed \$139,000,000 of offsetting collec-*
14 *tions derived from fees collected for premerger notification*
15 *filings under the Hart-Scott-Rodino Antitrust Improve-*
16 *ments Act of 1976 (15 U.S.C. 18a), regardless of the year*
17 *of collection, shall be retained and used for necessary ex-*
18 *penses in this appropriation: Provided further, That, not-*
19 *withstanding any other provision of law, not to exceed*
20 *\$23,000,000 in offsetting collections derived from fees suffi-*
21 *cient to implement and enforce the Telemarketing Sales*
22 *Rule, promulgated under the Telemarketing and Consumer*
23 *Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.),*
24 *shall be credited to this account, and be retained and used*
25 *for necessary expenses in this appropriation: Provided fur-*

1 *ther, That the sum herein appropriated from the general*
2 *fund shall be reduced as such offsetting collections are re-*
3 *ceived during fiscal year 2008, so as to result in a final*
4 *fiscal year 2008 appropriation from the general fund esti-*
5 *mated at not more than \$81,864,000: Provided further,*
6 *That none of the funds made available to the Federal Trade*
7 *Commission may be used to implement subsection (e)(2)(B)*
8 *of section 43 of the Federal Deposit Insurance Act (12*
9 *U.S.C. 1831t).*

10 *GENERAL SERVICES ADMINISTRATION*

11 *REAL PROPERTY ACTIVITIES*

12 *FEDERAL BUILDINGS FUND*

13 *LIMITATIONS ON AVAILABILITY OF REVENUE*

14 *For an additional amount to be deposited in the Fed-*
15 *eral Buildings Fund, \$83,964,000. To carry out the pur-*
16 *poses of the Fund established pursuant to section 210(f) of*
17 *the Federal Property and Administrative Services Act of*
18 *1949, as amended (40 U.S.C. 592), the revenues and collec-*
19 *tions deposited into the Fund shall be available for nec-*
20 *essary expenses of real property management and related*
21 *activities not otherwise provided for, including operation,*
22 *maintenance, and protection of federally owned and leased*
23 *buildings; rental of buildings in the District of Columbia;*
24 *restoration of leased premises; moving governmental agen-*
25 *cies (including space adjustments and telecommunications*
26 *relocation expenses) in connection with the assignment, al-*

1 *location and transfer of space; contractual services incident*
2 *to cleaning or servicing buildings, and moving; repair and*
3 *alteration of federally owned buildings including grounds,*
4 *approaches and appurtenances; care and safeguarding of*
5 *sites; maintenance, preservation, demolition, and equip-*
6 *ment; acquisition of buildings and sites by purchase, con-*
7 *demnation, or as otherwise authorized by law; acquisition*
8 *of options to purchase buildings and sites; conversion and*
9 *extension of federally owned buildings; preliminary plan-*
10 *ning and design of projects by contract or otherwise; con-*
11 *struction of new buildings (including equipment for such*
12 *buildings); and payment of principal, interest, and any*
13 *other obligations for public buildings acquired by install-*
14 *ment purchase and purchase contract; in the aggregate*
15 *amount of \$7,830,414,000, of which: (1)(A) \$306,448,000*
16 *shall remain available until expended for construction (in-*
17 *cluding funds for sites and expenses and associated design*
18 *and construction services) of additional projects at the fol-*
19 *lowing locations:*

20 *New Construction:*

21 *California:*

22 *San Ysidro, Land Port of Entry,*
23 *\$37,742,000.*

24 *Illinois:*

1 *Rockford, United States Courthouse,*
2 \$58,792,000.

3 *Maryland:*

4 *Montgomery County, Food and Drug*
5 *Administration Consolidation, \$57,749,000.*

6 *Minnesota:*

7 *Warroad, Land Port of Entry,*
8 \$43,628,000.

9 *Missouri:*

10 *Jefferson City, United States Court-*
11 *house, \$66,000,000.*

12 *Vermont:*

13 *Derby Line, Land Port of Entry,*
14 \$33,139,000.

15 *Nonprospectus Construction, \$9,398,000;*

16 *and*

17 *(B) \$225,000,000 is designated as described in section 5 (in*
18 *the matter preceding division A of this consolidated Act)*
19 *and shall remain available until expended for construction*
20 *(including funds for sites and expenses and associated de-*
21 *sign and construction services) of additional projects at the*
22 *following locations:*

23 *Arizona:*

24 *San Luis, Land Port of Entry I,*
25 \$7,053,000.

1 *California:*

2 *San Ysidro, Land Port of Entry,*

3 *\$161,437,000.*

4 *Maine:*

5 *Madawaska, Land Port of Entry,*

6 *\$17,160,000.*

7 *New York:*

8 *Alexandria Bay, Land Port of Entry,*

9 *\$11,676,000.*

10 *Texas:*

11 *El Paso, Tornillo-Guadalupe, Land Port of*
12 *Entry, \$4,290,000.*

13 *Donna/Rio Bravo International Bridge,*
14 *Land Port of Entry, \$23,384,000:*

15 *Provided, That, notwithstanding any other provision of*
16 *law, the Administrator of General Services is authorized to*
17 *proceed with necessary site acquisition, design, and con-*
18 *struction for the new courthouse project in Rockford, Illi-*
19 *nois, listed in Public Law 109–115 and for which funds*
20 *have been appropriated under this or any other Acts, with*
21 *the understanding that the total estimated cost of the*
22 *project, exclusive of any permitted escalations, shall be*
23 *\$100,225,000: Provided further, That each of the foregoing*
24 *limits of costs on new construction projects may be exceeded*
25 *to the extent that savings are effected in other such projects,*

1 *but not to exceed 10 percent of the amounts included in*
2 *an approved prospectus, if required, unless advance ap-*
3 *proval is obtained from the Committees on Appropriations*
4 *of a greater amount: Provided further, That all funds for*
5 *direct construction projects shall expire on September 30,*
6 *2009 and remain in the Federal Buildings Fund except for*
7 *funds for projects as to which funds for design or other*
8 *funds have been obligated in whole or in part prior to such*
9 *date; (2) \$722,161,000 shall remain available until ex-*
10 *pended for repairs and alterations, which includes associ-*
11 *ated design and construction services:*

12 *Repairs and Alterations:*

13 *District of Columbia:*

14 *Eisenhower Executive Office Building,*

15 *Phase III, \$121,204,000.*

16 *Joint Operations Center, \$12,800,000.*

17 *Nebraska Avenue Complex,*

18 *\$27,673,000.*

19 *Nevada:*

20 *Reno, C. Clifton Young Federal Build-*

21 *ing and Courthouse, \$12,793,000.*

22 *New York:*

23 *New York, Thurgood Marshall United*

24 *States Courthouse, \$170,544,000.*

25 *West Virginia:*

1 *Martinsburg Internal Revenue Service*
2 *Enterprise Computing Center, \$35,822,000.*

3 *Special Emphasis Programs:*

4 *Energy Program, \$15,000,000.*

5 *Design Program, \$7,372,000.*

6 *Basic Repairs and Alterations,*
7 *\$318,953,000:*

8 *Provided further, That funds made available in this or any*
9 *previous Act in the Federal Buildings Fund for Repairs*
10 *and Alterations shall, for prospectus projects, be limited to*
11 *the amount identified for each project, except each project*
12 *in this or any previous Act may be increased by an amount*
13 *not to exceed 10 percent unless advance approval is ob-*
14 *tained from the Committees on Appropriations of a greater*
15 *amount: Provided further, That additional projects for*
16 *which prospectuses have been fully approved may be funded*
17 *under this category only if advance approval is obtained*
18 *from the Committees on Appropriations: Provided further,*
19 *That the amounts provided in this or any prior Act for*
20 *“Repairs and Alterations” may be used to fund costs associ-*
21 *ated with implementing security improvements to buildings*
22 *necessary to meet the minimum standards for security in*
23 *accordance with current law and in compliance with the*
24 *reprogramming guidelines of the appropriate Committees*
25 *of the House and Senate: Provided further, That the dif-*

1 *ference between the funds appropriated and expended on*
2 *any projects in this or any prior Act, under the heading*
3 *“Repairs and Alterations”, may be transferred to Basic Re-*
4 *pairs and Alterations or used to fund authorized increases*
5 *in prospectus projects: Provided further, That all funds for*
6 *repairs and alterations prospectus projects shall expire on*
7 *September 30, 2009 and remain in the Federal Buildings*
8 *Fund except funds for projects as to which funds for design*
9 *or other funds have been obligated in whole or in part prior*
10 *to such date: Provided further, That the amount provided*
11 *in this or any prior Act for Basic Repairs and Alterations*
12 *may be used to pay claims against the Government arising*
13 *from any projects under the heading “Repairs and Alter-*
14 *ations” or used to fund authorized increases in prospectus*
15 *projects; (3) \$155,781,000 for installment acquisition pay-*
16 *ments, including payments on purchase contracts which*
17 *shall remain available until expended; (4) \$4,315,534,000*
18 *for rental of space which shall remain available until ex-*
19 *pended; and (5) \$2,105,490,000 for building operations*
20 *which shall remain available until expended, of which up*
21 *to \$500,000 may be used as Federal competitive contribu-*
22 *tions to entities which coordinate long-term siting of Fed-*
23 *eral building and employment in the National Capital Re-*
24 *gion with State and local governments, the commercial sec-*
25 *tor and other major stakeholders in the region: Provided*

1 *further, That funds available to the General Services Ad-*
2 *ministration shall not be available for expenses of any con-*
3 *struction, repair, alteration and acquisition project for*
4 *which a prospectus, if required by the Public Buildings Act*
5 *of 1959, has not been approved, except that necessary funds*
6 *may be expended for each project for required expenses for*
7 *the development of a proposed prospectus: Provided further,*
8 *That funds available in the Federal Buildings Fund may*
9 *be expended for emergency repairs when advance approval*
10 *is obtained from the Committees on Appropriations: Pro-*
11 *vided further, That amounts necessary to provide reimburs-*
12 *able special services to other agencies under section*
13 *210(f)(6) of the Federal Property and Administrative Serv-*
14 *ices Act of 1949 (40 U.S.C. 592(b)(2)) and amounts to pro-*
15 *vide such reimbursable fencing, lighting, guard booths, and*
16 *other facilities on private or other property not in Govern-*
17 *ment ownership or control as may be appropriate to enable*
18 *the United States Secret Service to perform its protective*
19 *functions pursuant to 18 U.S.C. 3056, shall be available*
20 *from such revenues and collections: Provided further, That*
21 *revenues and collections and any other sums accruing to*
22 *this Fund during fiscal year 2008, excluding reimburse-*
23 *ments under section 210(f)(6) of the Federal Property and*
24 *Administrative Services Act of 1949 (40 U.S.C. 592(b)(2))*
25 *in excess of the aggregate new obligational authority au-*

1 *thorized for Real Property Activities of the Federal Build-*
2 *ings Fund in this Act shall remain in the Fund and shall*
3 *not be available for expenditure except as authorized in ap-*
4 *propriations Acts.*

5 *GENERAL ACTIVITIES*

6 *GOVERNMENT-WIDE POLICY*

7 *For expenses authorized by law, not otherwise provided*
8 *for, for Government-wide policy and evaluation activities*
9 *associated with the management of real and personal prop-*
10 *erty assets and certain administrative services; Govern-*
11 *ment-wide policy support responsibilities relating to acqui-*
12 *sition, telecommunications, information technology man-*
13 *agement, and related technology activities; and services as*
14 *authorized by 5 U.S.C. 3109; \$52,891,000.*

15 *OPERATING EXPENSES*

16 *For expenses authorized by law, not otherwise provided*
17 *for, for Government-wide activities associated with utiliza-*
18 *tion and donation of surplus personal property; disposal*
19 *of real property; providing Internet access to Federal infor-*
20 *mation and services; agency-wide policy direction and*
21 *management, and Board of Contract Appeals; accounting,*
22 *records management, and other support services incident to*
23 *adjudication of Indian Tribal Claims by the United States*
24 *Court of Federal Claims; services as authorized by 5 U.S.C.*
25 *3109; and not to exceed \$7,500 for official reception and*
26 *representation expenses, \$85,870,000.*

1 *Conference of the United States as set out in its approved*
2 *5-year construction plan: Provided, That the fiscal year*
3 *2009 request must be accompanied by a standardized court-*
4 *room utilization study of each facility to be constructed, re-*
5 *placed, or expanded.*

6 *SEC. 524. None of the funds provided in this Act may*
7 *be used to increase the amount of occupiable square feet,*
8 *provide cleaning services, security enhancements, or any*
9 *other service usually provided through the Federal Build-*
10 *ings Fund, to any agency that does not pay the rate per*
11 *square foot assessment for space and services as determined*
12 *by the General Services Administration in compliance with*
13 *the Public Buildings Amendments Act of 1972 (Public Law*
14 *92–313).*

15 *SEC. 525. From funds made available under the head-*
16 *ing “Federal Buildings Fund, Limitations on Availability*
17 *of Revenue”, claims against the Government of less than*
18 *\$250,000 arising from direct construction projects and ac-*
19 *quisition of buildings may be liquidated from savings ef-*
20 *fecting in other construction projects with prior notification*
21 *to the Committees on Appropriations.*

22 *SEC. 526. No funds shall be used by the General Serv-*
23 *ices Administration to reorganize its organizational struc-*
24 *ture without approval by the House and Senate Committees*
25 *on Appropriations through an operating plan change.*

1 *SEC. 527. In any case in which the Committee on*
2 *Transportation and Infrastructure of the House of Rep-*
3 *resentatives and the Committee on Environment and Public*
4 *Works of the Senate adopt a resolution granting lease au-*
5 *thority pursuant to a prospectus transmitted to Congress*
6 *by the Administrator of General Services under section*
7 *3307 of title 40, United States Code, the Administrator*
8 *shall ensure that the delineated area of procurement is iden-*
9 *tical to the delineated area included in the prospectus for*
10 *all lease agreements, except that, if the Administrator deter-*
11 *mines that the delineated area of the procurement should*
12 *not be identical to the delineated area included in the pro-*
13 *spectus, the Administrator shall provide an explanatory*
14 *statement to each of such committees and the House and*
15 *Senate Committees on Appropriations prior to exercising*
16 *any lease authority provided in the resolution.*

17 *MERIT SYSTEMS PROTECTION BOARD*

18 *SALARIES AND EXPENSES*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary expenses to carry out functions of the*
21 *Merit Systems Protection Board pursuant to Reorganiza-*
22 *tion Plan Numbered 2 of 1978, the Civil Service Reform*
23 *Act of 1978, and the Whistleblower Protection Act of 1989*
24 *(5 U.S.C. 5509 note), including services as authorized by*
25 *5 U.S.C. 3109, rental of conference rooms in the District*
26 *of Columbia and elsewhere, hire of passenger motor vehicles,*

1 *direct procurement of survey printing, and not to exceed*
2 *\$2,000 for official reception and representation expenses,*
3 *\$37,507,000 together with not to exceed \$2,579,000 for ad-*
4 *ministrative expenses to adjudicate retirement appeals to*
5 *be transferred from the Civil Service Retirement and Dis-*
6 *ability Fund in amounts determined by the Merit Systems*
7 *Protection Board.*

8 *MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN*
9 *NATIONAL ENVIRONMENTAL POLICY FOUNDATION*
10 *MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN*
11 *NATIONAL ENVIRONMENTAL POLICY TRUST FUND*
12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For payment to the Morris K. Udall Scholarship and*
14 *Excellence in National Environmental Policy Trust Fund,*
15 *pursuant to the Morris K. Udall Scholarship and Excellence*
16 *in National Environmental and Native American Public*
17 *Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$3,750,000,*
18 *to remain available until expended, of which up to \$50,000*
19 *shall be used to conduct financial audits pursuant to the*
20 *Accountability of Tax Dollars Act of 2002 (Public Law*
21 *107–289) notwithstanding sections 8 and 9 of Public Law*
22 *102–259: Provided, That up to 60 percent of such funds*
23 *may be transferred by the Morris K. Udall Scholarship and*
24 *Excellence in National Environmental Policy Foundation*
25 *for the necessary expenses of the Native Nations Institute.*

1 *ENVIRONMENTAL DISPUTE RESOLUTION FUND*

2 *For payment to the Environmental Dispute Resolution*
3 *Fund to carry out activities authorized in the Environ-*
4 *mental Policy and Conflict Resolution Act of 1998,*
5 *\$2,000,000, to remain available until expended.*

6 *NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*7 *OPERATING EXPENSES*

8 *For necessary expenses in connection with the admin-*
9 *istration of the National Archives and Records Administra-*
10 *tion (including the Information Security Oversight Office)*
11 *and archived Federal records and related activities, as pro-*
12 *vided by law, and for expenses necessary for the review and*
13 *declassification of documents and the activities of the Public*
14 *Interest Declassification Board, and for the hire of pas-*
15 *senger motor vehicles, and for uniforms or allowances there-*
16 *for, as authorized by law (5 U.S.C. 5901 et seq.), including*
17 *maintenance, repairs, and cleaning, \$315,000,000.*

18 *ELECTRONIC RECORDS ARCHIVES*

19 *For necessary expenses in connection with the develop-*
20 *ment of the electronic records archives, to include all direct*
21 *project costs associated with research, analysis, design, de-*
22 *velopment, and program management, \$58,028,000 of*
23 *which \$38,315,000 shall remain available until September*
24 *30, 2009: Provided, That none of the multi-year funds may*
25 *be obligated until the National Archives and Records Ad-*
26 *ministration submits to the Committees on Appropriations,*

1 *and such Committees approve, a plan for expenditure that:*
2 *(1) meets the capital planning and investment control re-*
3 *view requirements established by the Office of Management*
4 *and Budget, including Circular A-11; (2) complies with the*
5 *National Archives and Records Administration's enterprise*
6 *architecture; (3) conforms with the National Archives and*
7 *Records Administration's enterprise life cycle methodology;*
8 *(4) is approved by the National Archives and Records Ad-*
9 *ministration and the Office of Management and Budget; (5)*
10 *has been reviewed by the Government Accountability Office;*
11 *and (6) complies with the acquisition rules, requirements,*
12 *guidelines, and systems acquisition management practices*
13 *of the Federal Government.*

14 *REPAIRS AND RESTORATION*

15 *For the repair, alteration, and improvement of ar-*
16 *chives facilities, and to provide adequate storage for hold-*
17 *ings, \$28,605,000, to remain available until expended: Pro-*
18 *vided, That the Archivist is authorized to construct an addi-*
19 *tion to the John F. Kennedy Presidential Library and Mu-*
20 *seum on land, adjacent to the existing Library and Museum*
21 *property, to be acquired from the Commonwealth of Massa-*
22 *chusetts or the University of Massachusetts or some other*
23 *governmental authority thereof; and of the funds provided,*
24 *\$8,000,000 shall be used for acquiring the land for the Ken-*
25 *nedly Library Addition, the first phase of construction, re-*
26 *lated services for building the addition to the Library, and*

1 *other necessary expenses, including renovating the Library*
2 *as needed in constructing the addition; \$750,000 to com-*
3 *plete design work on the renovation of the Franklin D. Roo-*
4 *sevelt Presidential Library and Museum; \$7,432,000 to con-*
5 *struct an addition to the Richard Nixon Presidential Li-*
6 *brary and Museum; and \$3,760,000 is for the repair and*
7 *restoration of the plaza that surrounds the Lyndon Baines*
8 *Johnson Presidential Library and Museum that is under*
9 *the joint control and custody of the University of Texas:*
10 *Provided further, That such funds shall remain available*
11 *until expended for this purpose and may be transferred di-*
12 *rectly to the University and used, together with University*
13 *funds, for the repair and restoration of the plaza: Provided*
14 *further, That such funds shall be spent in accordance with*
15 *the construction plan submitted to the Committees on Ap-*
16 *propriations on March 14, 2005: Provided further, That the*
17 *Archivist shall be prohibited from entering into any agree-*
18 *ment with the University or any other party that requires*
19 *additional funding commitments on behalf of the Federal*
20 *Government for this project.*

21 *NATIONAL HISTORICAL PUBLICATIONS AND RECORDS*

22 *COMMISSION*

23 *GRANTS PROGRAM*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For necessary expenses for allocations and grants for*
26 *historical publications and records as authorized by 44*

1 *U.S.C. 2504, \$9,500,000, to remain available until ex-*
2 *pended: Provided, That of the funds provided in this para-*
3 *graph, \$2,000,000 shall be transferred to the operating ex-*
4 *penses account of the National Archives and Records Ad-*
5 *ministration for operating expenses of the National Histor-*
6 *ical Publications and Records Commission.*

7 *ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND*
8 *RECORDS ADMINISTRATION*

9 *The National Archives and Records Administration*
10 *shall include in its fiscal year 2009 budget justifications*
11 *a comprehensive capital needs assessment for funding pro-*
12 *vided under the “Repairs and Restoration” appropriations*
13 *account: Provided, That funds proposed under the “Repairs*
14 *and Restoration” appropriations account for fiscal year*
15 *2009 shall be allocated to projects on a priority basis estab-*
16 *lished under a comprehensive capital needs assessment.*

17 *NATIONAL CREDIT UNION ADMINISTRATION*
18 *CENTRAL LIQUIDITY FACILITY*

19 *During fiscal year 2008, gross obligations of the Cen-*
20 *tral Liquidity Facility for the principal amount of new di-*
21 *rect loans to member credit unions, as authorized by 12*
22 *U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: Pro-*
23 *vided, That administrative expenses of the Central Liquid-*
24 *ity Facility in fiscal year 2008 shall not exceed \$329,000.*

1 *COMMUNITY DEVELOPMENT REVOLVING LOAN FUND*

2 *For the Community Development Revolving Loan*
3 *Fund program as authorized by 42 U.S.C. 9812, 9822 and*
4 *9910, \$975,000 shall be available until September 30, 2009*
5 *for technical assistance to low-income designated credit*
6 *unions.*

7 *OFFICE OF GOVERNMENT ETHICS*8 *SALARIES AND EXPENSES*

9 *For necessary expenses to carry out functions of the*
10 *Office of Government Ethics pursuant to the Ethics in Gov-*
11 *ernment Act of 1978, and the Ethics Reform Act of 1989,*
12 *including services as authorized by 5 U.S.C. 3109, rental*
13 *of conference rooms in the District of Columbia and else-*
14 *where, hire of passenger motor vehicles, and not to exceed*
15 *\$1,500 for official reception and representation expenses,*
16 *\$11,750,000.*

17 *OFFICE OF PERSONNEL MANAGEMENT*18 *SALARIES AND EXPENSES*

19 *(INCLUDING TRANSFER OF TRUST FUNDS)*

20 *For necessary expenses to carry out functions of the*
21 *Office of Personnel Management pursuant to Reorganiza-*
22 *tion Plan Numbered 2 of 1978 and the Civil Service Reform*
23 *Act of 1978, including services as authorized by 5 U.S.C.*
24 *3109; medical examinations performed for veterans by pri-*
25 *vate physicians on a fee basis; rental of conference rooms*
26 *in the District of Columbia and elsewhere; hire of passenger*

1 *motor vehicles; not to exceed \$2,500 for official reception*
2 *and representation expenses; advances for reimbursements*
3 *to applicable funds of the Office of Personnel Management*
4 *and the Federal Bureau of Investigation for expenses in-*
5 *curred under Executive Order No. 10422 of January 9,*
6 *1953, as amended; and payment of per diem and/or subsist-*
7 *ence allowances to employees where Voting Rights Act ac-*
8 *tivities require an employee to remain overnight at his or*
9 *her post of duty, \$101,765,000, of which \$5,991,000 shall*
10 *remain available until expended for the Enterprise Human*
11 *Resources Integration project; \$1,351,000 shall remain*
12 *available until expended for the Human Resources Line of*
13 *Business project; \$340,000 shall remain available until ex-*
14 *pended for the E-Payroll project; and \$170,000 shall re-*
15 *main available until expended for the E-Training program;*
16 *and in addition \$123,901,000 for administrative expenses,*
17 *to be transferred from the appropriate trust funds of the*
18 *Office of Personnel Management without regard to other*
19 *statutes, including direct procurement of printed materials,*
20 *for the retirement and insurance programs, of which*
21 *\$26,965,000 shall remain available until expended for the*
22 *cost of automating the retirement recordkeeping systems:*
23 *Provided, That the provisions of this appropriation shall*
24 *not affect the authority to use applicable trust funds as pro-*
25 *vided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title*

1 5, *United States Code: Provided further, That no part of*
2 *this appropriation shall be available for salaries and ex-*
3 *penses of the Legal Examining Unit of the Office of Per-*
4 *sonnel Management established pursuant to Executive*
5 *Order No. 9358 of July 1, 1943, or any successor unit of*
6 *like purpose: Provided further, That the President's Com-*
7 *mission on White House Fellows, established by Executive*
8 *Order No. 11183 of October 3, 1964, may, during fiscal year*
9 *2008, accept donations of money, property, and personal*
10 *services: Provided further, That such donations, including*
11 *those from prior years, may be used for the development*
12 *of publicity materials to provide information about the*
13 *White House Fellows, except that no such donations shall*
14 *be accepted for travel or reimbursement of travel expenses,*
15 *or for the salaries of employees of such Commission.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *SALARIES AND EXPENSES*

18 *(INCLUDING TRANSFER OF TRUST FUNDS)*

19 *For necessary expenses of the Office of Inspector Gen-*
20 *eral in carrying out the provisions of the Inspector General*
21 *Act of 1978, including services as authorized by 5 U.S.C.*
22 *3109, hire of passenger motor vehicles, \$1,519,000, and in*
23 *addition, not to exceed \$17,081,000 for administrative ex-*
24 *penses to audit, investigate, and provide other oversight of*
25 *the Office of Personnel Management's retirement and insur-*
26 *ance programs, to be transferred from the appropriate trust*

1 *funds of the Office of Personnel Management, as determined*
2 *by the Inspector General: Provided, That the Inspector Gen-*
3 *eral is authorized to rent conference rooms in the District*
4 *of Columbia and elsewhere.*

5 *GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES*

6 *HEALTH BENEFITS*

7 *For payment of Government contributions with respect*
8 *to retired employees, as authorized by chapter 89 of title*
9 *5, United States Code, and the Retired Federal Employees*
10 *Health Benefits Act (74 Stat. 849), such sums as may be*
11 *necessary.*

12 *GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE*

13 *INSURANCE*

14 *For payment of Government contributions with respect*
15 *to employees retiring after December 31, 1989, as required*
16 *by chapter 87 of title 5, United States Code, such sums as*
17 *may be necessary.*

18 *PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY*

19 *FUND*

20 *For financing the unfunded liability of new and in-*
21 *creased annuity benefits becoming effective on or after Octo-*
22 *ber 20, 1969, as authorized by 5 U.S.C. 8348, and annuities*
23 *under special Acts to be credited to the Civil Service Retire-*
24 *ment and Disability Fund, such sums as may be necessary:*
25 *Provided, That annuities authorized by the Act of May 29,*
26 *1944, and the Act of August 19, 1950 (33 U.S.C. 771-775),*

1 *may hereafter be paid out of the Civil Service Retirement*
2 *and Disability Fund.*

3 *OFFICE OF SPECIAL COUNSEL*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses to carry out functions of the*
6 *Office of Special Counsel pursuant to Reorganization Plan*
7 *Numbered 2 of 1978, the Civil Service Reform Act of 1978*
8 *(Public Law 95-454), the Whistleblower Protection Act of*
9 *1989 (Public Law 101-12), Public Law 107-304, and the*
10 *Uniformed Services Employment and Reemployment Act of*
11 *1994 (Public Law 103-353), including services as author-*
12 *ized by 5 U.S.C. 3109, payment of fees and expenses for*
13 *witnesses, rental of conference rooms in the District of Co-*
14 *lumbia and elsewhere, and hire of passenger motor vehicles;*
15 *\$17,468,000.*

16 *SECURITIES AND EXCHANGE COMMISSION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for the Securities and Exchange*
19 *Commission, including services as authorized by 5 U.S.C.*
20 *3109, the rental of space (to include multiple year leases)*
21 *in the District of Columbia and elsewhere, and not to exceed*
22 *\$3,500 for official reception and representation expenses,*
23 *\$906,000,000, to remain available until expended; of which*
24 *not to exceed \$20,000 may be used toward funding a perma-*
25 *nent secretariat for the International Organization of Secu-*

1 *rities Commissions; and of which not to exceed \$100,000*
2 *shall be available for expenses for consultations and meet-*
3 *ings hosted by the Commission with foreign governmental*
4 *and other regulatory officials, members of their delegations,*
5 *appropriate representatives and staff to exchange views con-*
6 *cerning developments relating to securities matters, develop-*
7 *ment and implementation of cooperation agreements con-*
8 *cerning securities matters and provision of technical assist-*
9 *ance for the development of foreign securities markets, such*
10 *expenses to include necessary logistic and administrative*
11 *expenses and the expenses of Commission staff and foreign*
12 *invitees in attendance at such consultations and meetings*
13 *including: (1) such incidental expenses as meals taken in*
14 *the course of such attendance; (2) any travel and transpor-*
15 *tation to or from such meetings; and (3) any other related*
16 *lodging or subsistence: Provided, That fees and charges au-*
17 *thorized by sections 6(b) of the Securities Exchange Act of*
18 *1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the*
19 *Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g),*
20 *and 78ee), shall be credited to this account as offsetting col-*
21 *lections: Provided further, That not to exceed \$842,738,000*
22 *of such offsetting collections shall be available until ex-*
23 *pended for necessary expenses of this account: Provided fur-*
24 *ther, That \$63,262,000 shall be derived from prior year un-*
25 *obligated balances from funds previously appropriated to*

1 *the Securities and Exchange Commission: Provided further,*
2 *That the total amount appropriated under this heading*
3 *from the general fund for fiscal year 2008 shall be reduced*
4 *as such offsetting fees are received so as to result in a final*
5 *total fiscal year 2008 appropriation from the general fund*
6 *estimated at not more than \$0.*

7 *SELECTIVE SERVICE SYSTEM*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Selective Service System,*
10 *including expenses of attendance at meetings and of train-*
11 *ing for uniformed personnel assigned to the Selective Serv-*
12 *ice System, as authorized by 5 U.S.C. 4101–4118 for civil-*
13 *ian employees; purchase of uniforms, or allowances therefor,*
14 *as authorized by 5 U.S.C. 5901–5902; hire of passenger*
15 *motor vehicles; services as authorized by 5 U.S.C. 3109; and*
16 *not to exceed \$750 for official reception and representation*
17 *expenses; \$22,000,000: Provided, That during the current*
18 *fiscal year, the President may exempt this appropriation*
19 *from the provisions of 31 U.S.C. 1341, whenever the Presi-*
20 *dent deems such action to be necessary in the interest of*
21 *national defense: Provided further, That none of the funds*
22 *appropriated by this Act may be expended for or in connec-*
23 *tion with the induction of any person into the Armed Forces*
24 *of the United States.*

1 *SMALL BUSINESS ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses, not otherwise provided for, of*
4 *the Small Business Administration as authorized by Public*
5 *Law 108-447, including hire of passenger motor vehicles*
6 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*
7 *ceed \$3,500 for official reception and representation ex-*
8 *penses, \$344,123,000: Provided, That the Administrator is*
9 *authorized to charge fees to cover the cost of publications*
10 *developed by the Small Business Administration, and cer-*
11 *tain loan program activities, including fees authorized by*
12 *section 5(b) of the Small Business Act: Provided further,*
13 *That, notwithstanding 31 U.S.C. 3302, revenues received*
14 *from all such activities shall be credited to this account,*
15 *to remain available until expended, for carrying out these*
16 *purposes without further appropriations: Provided further,*
17 *That \$97,120,000 shall be available to fund grants for per-*
18 *formance in fiscal year 2008 or fiscal year 2009 as author-*
19 *ized.*

20 *OFFICE OF INSPECTOR GENERAL*

21 *For necessary expenses of the Office of Inspector Gen-*
22 *eral in carrying out the provisions of the Inspector General*
23 *Act of 1978, \$15,000,000.*

24 *SURETY BOND GUARANTEES REVOLVING FUND*

25 *For additional capital for the Surety Bond Guarantees*
26 *Revolving Fund, authorized by the Small Business Invest-*

1 *ment Act of 1958, \$3,000,000, to remain available until ex-*
2 *pended.*

3 *BUSINESS LOANS PROGRAM ACCOUNT*

4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For the cost of direct loans, \$2,000,000, to remain*
6 *available until expended: Provided, That such costs, includ-*
7 *ing the cost of modifying such loans, shall be as defined*
8 *in section 502 of the Congressional Budget Act of 1974: Pro-*
9 *vided further, That subject to section 502 of the Congres-*
10 *sional Budget Act of 1974, during fiscal year 2008 commit-*
11 *ments to guarantee loans under section 503 of the Small*
12 *Business Investment Act of 1958 shall not exceed*
13 *\$7,500,000,000: Provided further, That during fiscal year*
14 *2008 commitments for general business loans authorized*
15 *under section 7(a) of the Small Business Act, shall not ex-*
16 *ceed \$17,500,000,000: Provided further, That during fiscal*
17 *year 2008 commitments to guarantee loans for debentures*
18 *under section 303(b) of the Small Business Investment Act*
19 *of 1958, shall not exceed \$3,000,000,000: Provided further,*
20 *That during fiscal year 2008, guarantees of trust certifi-*
21 *cates authorized by section 5(g) of the Small Business Act*
22 *shall not exceed a principal amount of \$12,000,000,000. In*
23 *addition, for administrative expenses to carry out the direct*
24 *and guaranteed loan programs, \$135,414,000, which may*
25 *be transferred to and merged with the appropriations for*
26 *Salaries and Expenses.*

1 *SEC. 533. Public Law 110–28 (121 Stat. 155) is*
2 *amended in the second paragraph of chapter 4 of title IV*
3 *by inserting before “\$25,000,000” the phrase “up to”.*

4 *SEC. 534. For an additional amount under the head-*
5 *ing “Small Business Administration, Salaries and Ex-*
6 *penses”, \$69,451,000, to remain available until September*
7 *30, 2009, shall be for initiatives related to small business*
8 *development and entrepreneurship, including pro-*
9 *grammatic and construction activities: Provided, That*
10 *amounts made available under this section shall be provided*
11 *in accordance with the terms and conditions as specified*
12 *in the explanatory statement described in section 4 (in the*
13 *matter preceding division A of this consolidated Act).*

14 *UNITED STATES POSTAL SERVICE*

15 *PAYMENT TO THE POSTAL SERVICE FUND*

16 *For payment to the Postal Service Fund for revenue*
17 *forgone on free and reduced rate mail, pursuant to sub-*
18 *sections (c) and (d) of section 2401 of title 39, United States*
19 *Code, \$117,864,000, of which \$88,864,000 shall not be*
20 *available for obligation until October 1, 2008: Provided,*
21 *That mail for overseas voting and mail for the blind shall*
22 *continue to be free: Provided further, That 6-day delivery*
23 *and rural delivery of mail shall continue at not less than*
24 *the 1983 level: Provided further, That none of the funds*
25 *made available to the Postal Service by this Act shall be*

1 *used to implement any rule, regulation, or policy of charg-*
2 *ing any officer or employee of any State or local child sup-*
3 *port enforcement agency, or any individual participating*
4 *in a State or local program of child support enforcement,*
5 *a fee for information requested or provided concerning an*
6 *address of a postal customer: Provided further, That none*
7 *of the funds provided in this Act shall be used to consolidate*
8 *or close small rural and other small post offices in fiscal*
9 *year 2008.*

10 *UNITED STATES TAX COURT*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses, including contract reporting*
13 *and other services as authorized by 5 U.S.C. 3109,*
14 *\$45,326,000: Provided, That travel expenses of the judges*
15 *shall be paid upon the written certificate of the judge.*

16 *TITLE VI*

17 *GENERAL PROVISIONS—THIS ACT*

18 *SEC. 601. Such sums as may be necessary for fiscal*
19 *year 2008 pay raises for programs funded in this Act shall*
20 *be absorbed within the levels appropriated in this Act or*
21 *previous appropriations Acts.*

22 *SEC. 602. None of the funds in this Act shall be used*
23 *for the planning or execution of any program to pay the*
24 *expenses of, or otherwise compensate, non-Federal parties*

1 *intervening in regulatory or adjudicatory proceedings fund-*
2 *ed in this Act.*

3 *SEC. 603. None of the funds appropriated in this Act*
4 *shall remain available for obligation beyond the current fis-*
5 *cal year, nor may any be transferred to other appropria-*
6 *tions, unless expressly so provided herein.*

7 *SEC. 604. The expenditure of any appropriation under*
8 *this Act for any consulting service through procurement*
9 *contract pursuant to section 3109 of title 5, United States*
10 *Code, shall be limited to those contracts where such expendi-*
11 *tures are a matter of public record and available for public*
12 *inspection, except where otherwise provided under existing*
13 *law, or under existing Executive order issued pursuant to*
14 *existing law.*

15 *SEC. 605. None of the funds made available in this*
16 *Act may be transferred to any department, agency, or in-*
17 *strumentality of the United States Government, except pur-*
18 *suant to a transfer made by, or transfer authority provided*
19 *in, this Act or any other appropriations Act.*

20 *SEC. 606. None of the funds made available by this*
21 *Act shall be available for any activity or for paying the*
22 *salary of any Government employee where funding an ac-*
23 *tivity or paying a salary to a Government employee would*
24 *result in a decision, determination, rule, regulation, or pol-*

1 *icy that would prohibit the enforcement of section 307 of*
2 *the Tariff Act of 1930 (19 U.S.C. 1307).*

3 *SEC. 607. No part of any appropriation contained in*
4 *this Act shall be available to pay the salary for any person*
5 *filling a position, other than a temporary position, formerly*
6 *held by an employee who has left to enter the Armed Forces*
7 *of the United States and has satisfactorily completed his*
8 *period of active military or naval service, and has within*
9 *90 days after his release from such service or from hos-*
10 *pitalization continuing after discharge for a period of not*
11 *more than 1 year, made application for restoration to his*
12 *former position and has been certified by the Office of Per-*
13 *sonnel Management as still qualified to perform the duties*
14 *of his former position and has not been restored thereto.*

15 *SEC. 608. No funds appropriated pursuant to this Act*
16 *may be expended by an entity unless the entity agrees that*
17 *in expending the assistance the entity will comply with sec-*
18 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
19 *10a–10c, popularly known as the “Buy American Act”).*

20 *SEC. 609. No funds appropriated or otherwise made*
21 *available under this Act shall be made available to any per-*
22 *son or entity that has been convicted of violating the Buy*
23 *American Act (41 U.S.C. 10a–10c).*

24 *SEC. 610. Except as otherwise provided in this Act,*
25 *none of the funds provided in this Act, provided by previous*

1 *appropriations Acts to the agencies or entities funded in*
2 *this Act that remain available for obligation or expenditure*
3 *in fiscal year 2008, or provided from any accounts in the*
4 *Treasury derived by the collection of fees and available to*
5 *the agencies funded by this Act, shall be available for obliga-*
6 *tion or expenditure through a reprogramming of funds that:*
7 *(1) creates a new program; (2) eliminates a program,*
8 *project, or activity; (3) increases funds or personnel for any*
9 *program, project, or activity for which funds have been de-*
10 *nied or restricted by the Congress; (4) proposes to use funds*
11 *directed for a specific activity by either the House or Senate*
12 *Committees on Appropriations for a different purpose; (5)*
13 *augments existing programs, projects, or activities in excess*
14 *of \$5,000,000 or 10 percent, whichever is less; (6) reduces*
15 *existing programs, projects, or activities by \$5,000,000 or*
16 *10 percent, whichever is less; or (7) creates or reorganizes*
17 *offices, programs, or activities unless prior approval is re-*
18 *ceived from the House and Senate Committees on Appro-*
19 *priations: Provided, That prior to any significant reorga-*
20 *nization or restructuring of offices, programs, or activities,*
21 *each agency or entity funded in this Act shall consult with*
22 *the Committees on Appropriations of the House of Rep-*
23 *resentatives and the Senate: Provided further, That not*
24 *later than 60 days after the date of enactment of this Act,*
25 *each agency funded by this Act shall submit a report to*

1 *the Committees on Appropriations of the Senate and of the*
2 *House of Representatives to establish the baseline for appli-*
3 *cation of reprogramming and transfer authorities for the*
4 *current fiscal year: Provided further, That the report shall*
5 *include: (1) a table for each appropriation with a separate*
6 *column to display the President's budget request, adjust-*
7 *ments made by Congress, adjustments due to enacted rescis-*
8 *sions, if appropriate, and the fiscal year enacted level; (2)*
9 *a delineation in the table for each appropriation both by*
10 *object class and program, project, and activity as detailed*
11 *in the budget appendix for the respective appropriation;*
12 *and (3) an identification of items of special congressional*
13 *interest: Provided further, That the amount appropriated*
14 *or limited for salaries and expenses for an agency shall be*
15 *reduced by \$100,000 per day for each day after the required*
16 *date that the report has not been submitted to the Congress.*

17 *SEC. 611. Except as otherwise specifically provided by*
18 *law, not to exceed 50 percent of unobligated balances re-*
19 *maining available at the end of fiscal year 2008 from ap-*
20 *propriations made available for salaries and expenses for*
21 *fiscal year 2008 in this Act, shall remain available through*
22 *September 30, 2009, for each such account for the purposes*
23 *authorized: Provided, That a request shall be submitted to*
24 *the Committees on Appropriations for approval prior to the*
25 *expenditure of such funds: Provided further, That these re-*

1 *quests shall be made in compliance with reprogramming*
2 *guidelines.*

3 *SEC. 612. None of the funds made available in this*
4 *Act may be used by the Executive Office of the President*
5 *to request from the Federal Bureau of Investigation any of-*
6 *ficial background investigation report on any individual,*
7 *except when—*

8 *(1) such individual has given his or her express*
9 *written consent for such request not more than 6*
10 *months prior to the date of such request and during*
11 *the same presidential administration; or*

12 *(2) such request is required due to extraordinary*
13 *circumstances involving national security.*

14 *SEC. 613. The cost accounting standards promulgated*
15 *under section 26 of the Office of Federal Procurement Policy*
16 *Act (Public Law 93–400; 41 U.S.C. 422) shall not apply*
17 *with respect to a contract under the Federal Employees*
18 *Health Benefits Program established under chapter 89 of*
19 *title 5, United States Code.*

20 *SEC. 614. For the purpose of resolving litigation and*
21 *implementing any settlement agreements regarding the non-*
22 *foreign area cost-of-living allowance program, the Office of*
23 *Personnel Management may accept and utilize (without re-*
24 *gard to any restriction on unanticipated travel expenses*
25 *imposed in an Appropriations Act) funds made available*

1 *to the Office of Personnel Management pursuant to court*
2 *approval.*

3 *SEC. 615. No funds appropriated by this Act shall be*
4 *available to pay for an abortion, or the administrative ex-*
5 *penses in connection with any health plan under the Fed-*
6 *eral employees health benefits program which provides any*
7 *benefits or coverage for abortions.*

8 *SEC. 616. The provision of section 615 shall not apply*
9 *where the life of the mother would be endangered if the fetus*
10 *were carried to term, or the pregnancy is the result of an*
11 *act of rape or incest.*

12 *SEC. 617. Notwithstanding any other provision of law,*
13 *for fiscal years 2008 and 2009, neither the Board of Gov-*
14 *ernors of the Federal Reserve System nor the Secretary of*
15 *the Treasury may determine, by rule, regulation, order, or*
16 *otherwise, for the purposes of section 4(K) of the Bank Hold-*
17 *ing Company Act of 1956, or section 5136A of the Revised*
18 *Statutes of the United States, that real estate brokerage ac-*
19 *tivity or real estate management activity (which for pur-*
20 *poses of this paragraph shall be defined to mean “real estate*
21 *brokerage” and “property management” respectively, as*
22 *those terms were understood by the Federal Reserve Board*
23 *prior to March 11, 2000) is an activity that is financial*
24 *in nature, is incidental to any financial activity, or is com-*
25 *plementary to a financial activity. For purposes of this*

1 paragraph, “real estate brokerage activity” shall mean
2 “real estate brokerage”, and “real estate management activ-
3 ity” shall mean “property management” as those terms
4 were understood by the Federal Reserve Board prior to
5 March 11, 2000.

6 SEC. 618. In order to promote Government access to
7 commercial information technology, the restriction on pur-
8 chasing nondomestic articles, materials, and supplies set
9 forth in the Buy American Act (41 U.S.C. 10a et seq.), shall
10 not apply to the acquisition by the Federal Government of
11 information technology (as defined in section 11101 of title
12 40, United States Code), that is a commercial item (as de-
13 fined in section 4(12) of the Office of Federal Procurement
14 Policy Act (41 U.S.C. 403(12)).

15 SEC. 619. Notwithstanding section 10(b) of the Harry
16 S Truman Memorial Scholarship Act (20 U.S.C. 2009(b)),
17 hereafter, at the request of the Board of Trustees of the
18 Harry S Truman Scholarship Foundation, it shall be the
19 duty of the Secretary of the Treasury to invest in full the
20 amounts appropriated and contributed to the Harry S Tru-
21 man Memorial Scholarship Trust Fund, as provided in
22 such section. All requests of the Board of Trustees to the
23 Secretary provided for in this section shall be binding on
24 the Secretary.

1 *SEC. 620. Notwithstanding section 1353 of title 31,*
2 *United States Code, no officer or employee of any regulatory*
3 *agency or commission funded by this Act may accept on*
4 *behalf of that agency, nor may such agency or commission*
5 *accept, payment or reimbursement from a non-Federal enti-*
6 *ty for travel, subsistence, or related expenses for the purpose*
7 *of enabling an officer or employee to attend and participate*
8 *in any meeting or similar function relating to the official*
9 *duties of the officer or employee when the entity offering*
10 *payment or reimbursement is a person or entity subject to*
11 *regulation by such agency or commission, or represents a*
12 *person or entity subject to regulation by such agency or*
13 *commission, unless the person or entity is an organization*
14 *exempt from taxation pursuant to section 501(c)(3) of the*
15 *Internal Revenue Code of 1986.*

16 *SEC. 621. None of the funds made available by this*
17 *Act may be used by the Federal Communications Commis-*
18 *sion to implement the Fairness Doctrine, as repealed in*
19 *General Fairness Doctrine Obligations of Broadcast Licens-*
20 *ees (50 Fed. Reg. 35418 (1985)), or any other regulations*
21 *having the same substance.*

22 *SEC. 622. Section 5112 of title 31, United States Code,*
23 *is amended by adding at the end the following new sub-*
24 *section:*

1 “(r) *REDESIGN AND ISSUANCE OF CIRCULATING*
2 *QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA*
3 *AND EACH OF THE TERRITORIES.*—

4 “(1) *REDESIGN IN 2009.*—

5 “(A) *IN GENERAL.*—*Notwithstanding the*
6 *fourth sentence of subsection (d)(1) and sub-*
7 *section (d)(2) and subject to paragraph (6)(B),*
8 *quarter dollar coins issued during 2009, shall*
9 *have designs on the reverse side selected in ac-*
10 *cordance with this subsection which are emblem-*
11 *atic of the District of Columbia and the terri-*
12 *tories.*

13 “(B) *FLEXIBILITY WITH REGARD TO PLACE-*
14 *MENT OF INSCRIPTIONS.*—*Notwithstanding sub-*
15 *section (d)(1), the Secretary may select a design*
16 *for quarter dollars issued during 2009 in*
17 *which—*

18 “(i) *the inscription described in the*
19 *second sentence of subsection (d)(1) appears*
20 *on the reverse side of any such quarter dol-*
21 *lars; and*

22 “(ii) *any inscription described in the*
23 *third sentence of subsection (d)(1) or the*
24 *designation of the value of the coin appears*

1 *on the obverse side of any such quarter dol-*
2 *lars.*

3 “(2) *SINGLE DISTRICT OR TERRITORY DE-*
4 *SIGN.—The design on the reverse side of each*
5 *quarter dollar issued during 2009 shall be em-*
6 *blematic of one of the following: The District of*
7 *Columbia, the Commonwealth of Puerto Rico,*
8 *Guam, American Samoa, the United States Vir-*
9 *gin Islands, and the Commonwealth of the*
10 *Northern Mariana Islands.*

11 “(3) *SELECTION OF DESIGN.—*

12 “(A) *IN GENERAL.—Each of the 6 de-*
13 *signs required under this subsection for*
14 *quarter dollars shall be—*

15 “(i) *selected by the Secretary after*
16 *consultation with—*

17 “(I) *the chief executive of the*
18 *District of Columbia or the terri-*
19 *tory being honored, or such other*
20 *officials or group as the chief exec-*
21 *utive officer of the District of Co-*
22 *lumbia or the territory may des-*
23 *ignate for such purpose; and*

24 “(II) *the Commission of Fine*
25 *Arts; and*

1 “(i) reviewed by the Citizens
2 Coinage Advisory Committee.

3 “(B) *SELECTION AND APPROVAL PROC-*
4 *ESS.—Designs for quarter dollars may be*
5 *submitted in accordance with the design se-*
6 *lection and approval process developed by*
7 *the Secretary in the sole discretion of the*
8 *Secretary.*

9 “(C) *PARTICIPATION.—The Secretary*
10 *may include participation by District or*
11 *territorial officials, artists from the District*
12 *of Columbia or the territory, engravers of*
13 *the United States Mint, and members of the*
14 *general public.*

15 “(D) *STANDARDS.—Because it is im-*
16 *portant that the Nation’s coinage and cur-*
17 *rency bear dignified designs of which the*
18 *citizens of the United States can be proud,*
19 *the Secretary shall not select any frivolous*
20 *or inappropriate design for any quarter*
21 *dollar minted under this subsection.*

22 “(E) *PROHIBITION ON CERTAIN REP-*
23 *RESENTATIONS.—No head and shoulders*
24 *portrait or bust of any person, living or*
25 *dead, and no portrait of a living person*

1 *may be included in the design of any quar-*
2 *ter dollar under this subsection.*

3 “(4) *TREATMENT AS NUMISMATIC ITEMS.*—*For*
4 *purposes of sections 5134 and 5136, all coins minted*
5 *under this subsection shall be considered to be numis-*
6 *matic items.*

7 “(5) *ISSUANCE.*—

8 “(A) *QUALITY OF COINS.*—*The Secretary*
9 *may mint and issue such number of quarter dol-*
10 *lars of each design selected under paragraph (4)*
11 *in uncirculated and proof qualities as the Sec-*
12 *retary determines to be appropriate.*

13 “(B) *SILVER COINS.*—*Notwithstanding sub-*
14 *section (b), the Secretary may mint and issue*
15 *such number of quarter dollars of each design se-*
16 *lected under paragraph (4) as the Secretary de-*
17 *termines to be appropriate, with a content of 90*
18 *percent silver and 10 percent copper.*

19 “(C) *TIMING AND ORDER OF ISSUANCE.*—
20 *Coins minted under this subsection honoring the*
21 *District of Columbia and each of the territories*
22 *shall be issued in equal sequential intervals dur-*
23 *ing 2009 in the following order: the District of*
24 *Columbia, the Commonwealth of Puerto Rico,*
25 *Guam, American Samoa, the United States Vir-*

1 *gin Islands, and the Commonwealth of the*
2 *Northern Mariana Islands.*

3 “(6) *OTHER PROVISIONS.*—

4 “(A) *APPLICATION IN EVENT OF ADMISSION*
5 *AS A STATE.*—*If the District of Columbia or any*
6 *territory becomes a State before the end of the*
7 *10-year period referred to in subsection (l)(1),*
8 *subsection (l)(7) shall apply, and this subsection*
9 *shall not apply, with respect to such State.*

10 “(B) *APPLICATION IN EVENT OF INDEPEND-*
11 *ENCE.*—*If any territory becomes independent or*
12 *otherwise ceases to be a territory or possession of*
13 *the United States before quarter dollars bearing*
14 *designs which are emblematic of such territory*
15 *are minted pursuant to this subsection, this sub-*
16 *section shall cease to apply with respect to such*
17 *territory.*

18 “(7) *TERRITORY DEFINED.*—*For purposes of this*
19 *subsection, the term ‘territory’ means the Common-*
20 *wealth of Puerto Rico, Guam, American Samoa, the*
21 *United States Virgin Islands, and the Commonwealth*
22 *of the Northern Mariana Islands.”.*

23 *SEC. 623. (a) IN GENERAL.*—*Section 5112(n)(2) of*
24 *title 31, United States Code, is amended—*

25 *(1) in subparagraph (C)(i)—*

1 (A) by striking “inscriptions” and inserting
2 “inscription”; and

3 (B) by striking “and ‘In God We Trust’”;
4 and

5 (2) by adding at the end the following new sub-
6 paragraph:

7 “(F) INSCRIPTION OF ‘IN GOD WE TRUST’.—
8 The design on the obverse or the reverse shall
9 bear the inscription ‘In God We Trust’.”.

10 (b) CONFORMING AMENDMENT.—Section 5112(r)(2) of
11 title 31, United States Code, is amended—

12 (1) in subparagraph (C)(i)—

13 (A) by striking “inscriptions” and inserting
14 “inscription”; and

15 (B) by striking “and ‘In God We Trust’”;
16 and

17 (2) by adding at the end the following new sub-
18 paragraph:

19 “(E) INSCRIPTION OF ‘IN GOD WE TRUST’.—
20 The design on the obverse or the reverse shall
21 bear the inscription ‘In God We Trust’.”.

22 (c) EFFECTIVE DATE.—The change required by the
23 amendments made by subsections (a) and (b) shall be put
24 into effect by the Secretary of the Treasury as soon as is
25 practicable after the date of enactment of this Act.

1 (60 Stat. 810), for the purchase of any passenger motor ve-
2 hicle (exclusive of buses, ambulances, law enforcement, and
3 undercover surveillance vehicles), is hereby fixed at \$12,888
4 except station wagons for which the maximum shall be
5 \$13,312: Provided, That these limits may be exceeded by
6 not to exceed \$3,700 for police-type vehicles, and by not to
7 exceed \$4,000 for special heavy-duty vehicles: Provided fur-
8 ther, That the limits set forth in this section may not be
9 exceeded by more than 5 percent for electric or hybrid vehi-
10 cles purchased for demonstration under the provisions of the
11 Electric and Hybrid Vehicle Research, Development, and
12 Demonstration Act of 1976: Provided further, That the lim-
13 its set forth in this section may be exceeded by the incre-
14 mental cost of clean alternative fuels vehicles acquired pur-
15 suant to Public Law 101-549 over the cost of comparable
16 conventionally fueled vehicles.

17 *SEC. 704. Appropriations of the executive departments*
18 *and independent establishments for the current fiscal year*
19 *available for expenses of travel, or for the expenses of the*
20 *activity concerned, are hereby made available for quarters*
21 *allowances and cost-of-living allowances, in accordance*
22 *with 5 U.S.C. 5922-5924.*

23 *SEC. 705. Unless otherwise specified during the current*
24 *fiscal year, no part of any appropriation contained in this*
25 *or any other Act shall be used to pay the compensation of*

1 *any officer or employee of the Government of the United*
2 *States (including any agency the majority of the stock of*
3 *which is owned by the Government of the United States)*
4 *whose post of duty is in the continental United States un-*
5 *less such person: (1) is a citizen of the United States; (2)*
6 *is a person in the service of the United States on the date*
7 *of the enactment of this Act who, being eligible for citizen-*
8 *ship, has filed a declaration of intention to become a citizen*
9 *of the United States prior to such date and is actually re-*
10 *siding in the United States; (3) is a person who owes alle-*
11 *giance to the United States; (4) is an alien from Cuba, Po-*
12 *land, South Vietnam, the countries of the former Soviet*
13 *Union, or the Baltic countries lawfully admitted to the*
14 *United States for permanent residence; (5) is a South Viet-*
15 *namese, Cambodian, or Laotian refugee paroled in the*
16 *United States after January 1, 1975; or (6) is a national*
17 *of the People's Republic of China who qualifies for adjust-*
18 *ment of status pursuant to the Chinese Student Protection*
19 *Act of 1992 (Public Law 102-404): Provided, That for the*
20 *purpose of this section, an affidavit signed by any such per-*
21 *son shall be considered prima facie evidence that the re-*
22 *quirements of this section with respect to his or her status*
23 *have been complied with: Provided further, That any person*
24 *making a false affidavit shall be guilty of a felony, and,*
25 *upon conviction, shall be fined no more than \$4,000 or im-*

1 *prisoned for not more than 1 year, or both: Provided fur-*
2 *ther, That the above penal clause shall be in addition to,*
3 *and not in substitution for, any other provisions of existing*
4 *law: Provided further, That any payment made to any offi-*
5 *cer or employee contrary to the provisions of this section*
6 *shall be recoverable in action by the Federal Government.*
7 *This section shall not apply to citizens of Ireland, Israel,*
8 *or the Republic of the Philippines, or to nationals of those*
9 *countries allied with the United States in a current defense*
10 *effort, or to international broadcasters employed by the*
11 *Broadcasting Board of Governors, or to temporary employ-*
12 *ment of translators, or to temporary employment in the*
13 *field service (not to exceed 60 days) as a result of emer-*
14 *gencies.*

15 *SEC. 706. Appropriations available to any department*
16 *or agency during the current fiscal year for necessary ex-*
17 *penses, including maintenance or operating expenses, shall*
18 *also be available for payment to the General Services Ad-*
19 *ministration for charges for space and services and those*
20 *expenses of renovation and alteration of buildings and fa-*
21 *cilities which constitute public improvements performed in*
22 *accordance with the Public Buildings Act of 1959 (73 Stat.*
23 *479), the Public Buildings Amendments of 1972 (86 Stat.*
24 *216), or other applicable law.*

1 *SEC. 707. In addition to funds provided in this or any*
2 *other Act, all Federal agencies are authorized to receive and*
3 *use funds resulting from the sale of materials, including*
4 *Federal records disposed of pursuant to a records schedule*
5 *recovered through recycling or waste prevention programs.*
6 *Such funds shall be available until expended for the fol-*
7 *lowing purposes:*

8 (1) *Acquisition, waste reduction and prevention,*
9 *and recycling programs as described in Executive*
10 *Order No. 13101 (September 14, 1998), including any*
11 *such programs adopted prior to the effective date of*
12 *the Executive order.*

13 (2) *Other Federal agency environmental manage-*
14 *ment programs, including, but not limited to, the de-*
15 *velopment and implementation of hazardous waste*
16 *management and pollution prevention programs.*

17 (3) *Other employee programs as authorized by*
18 *law or as deemed appropriate by the head of the Fed-*
19 *eral agency.*

20 *SEC. 708. Funds made available by this or any other*
21 *Act for administrative expenses in the current fiscal year*
22 *of the corporations and agencies subject to chapter 91 of*
23 *title 31, United States Code, shall be available, in addition*
24 *to objects for which such funds are otherwise available, for*
25 *rent in the District of Columbia; services in accordance*

1 *with 5 U.S.C. 3109; and the objects specified under this*
2 *head, all the provisions of which shall be applicable to the*
3 *expenditure of such funds unless otherwise specified in the*
4 *Act by which they are made available: Provided, That in*
5 *the event any functions budgeted as administrative expenses*
6 *are subsequently transferred to or paid from other funds,*
7 *the limitations on administrative expenses shall be cor-*
8 *respondingly reduced.*

9 *SEC. 709. Hereafter, no part of any appropriation*
10 *contained in this or any other Act shall be paid to any*
11 *person for the filling of any position for which he or she*
12 *has been nominated after the Senate has voted not to ap-*
13 *prove the nomination of said person.*

14 *SEC. 710. No part of any appropriation contained in*
15 *this or any other Act shall be available for interagency fi-*
16 *nancing of boards (except Federal Executive Boards), com-*
17 *missions, councils, committees, or similar groups (whether*
18 *or not they are interagency entities) which do not have a*
19 *prior and specific statutory approval to receive financial*
20 *support from more than one agency or instrumentality.*

21 *SEC. 711. None of the funds made available pursuant*
22 *to the provisions of this Act shall be used to implement,*
23 *administer, or enforce any regulation which has been dis-*
24 *approved pursuant to a joint resolution duly adopted in*
25 *accordance with the applicable law of the United States.*

1 *SEC. 712. (a) Notwithstanding any other provision of*
2 *law, and except as otherwise provided in this section, no*
3 *part of any of the funds appropriated for fiscal year 2008,*
4 *by this or any other Act, may be used to pay any prevailing*
5 *rate employee described in section 5342(a)(2)(A) of title 5,*
6 *United States Code—*

7 *(1) during the period from the date of expiration*
8 *of the limitation imposed by the comparable section*
9 *for previous fiscal years until the normal effective*
10 *date of the applicable wage survey adjustment that is*
11 *to take effect in fiscal year 2008, in an amount that*
12 *exceeds the rate payable for the applicable grade and*
13 *step of the applicable wage schedule in accordance*
14 *with such section; and*

15 *(2) during the period consisting of the remainder*
16 *of fiscal year 2008, in an amount that exceeds, as a*
17 *result of a wage survey adjustment, the rate payable*
18 *under paragraph (1) by more than the sum of—*

19 *(A) the percentage adjustment taking effect*
20 *in fiscal year 2008 under section 5303 of title 5,*
21 *United States Code, in the rates of pay under the*
22 *General Schedule; and*

23 *(B) the difference between the overall aver-*
24 *age percentage of the locality-based com-*
25 *parability payments taking effect in fiscal year*

1 2008 under section 5304 of such title (whether by
2 adjustment or otherwise), and the overall average
3 percentage of such payments which was effective
4 in the previous fiscal year under such section.

5 (b) Notwithstanding any other provision of law, no
6 prevailing rate employee described in subparagraph (B) or
7 (C) of section 5342(a)(2) of title 5, United States Code, and
8 no employee covered by section 5348 of such title, may be
9 paid during the periods for which subsection (a) is in effect
10 at a rate that exceeds the rates that would be payable under
11 subsection (a) were subsection (a) applicable to such em-
12 ployee.

13 (c) For the purposes of this section, the rates payable
14 to an employee who is covered by this section and who is
15 paid from a schedule not in existence on September 30,
16 2007, shall be determined under regulations prescribed by
17 the Office of Personnel Management.

18 (d) Notwithstanding any other provision of law, rates
19 of premium pay for employees subject to this section may
20 not be changed from the rates in effect on September 30,
21 2007, except to the extent determined by the Office of Per-
22 sonnel Management to be consistent with the purpose of this
23 section.

24 (e) This section shall apply with respect to pay for
25 service performed after September 30, 2007.

1 (f) For the purpose of administering any provision of
2 law (including any rule or regulation that provides pre-
3 mium pay, retirement, life insurance, or any other em-
4 ployee benefit) that requires any deduction or contribution,
5 or that imposes any requirement or limitation on the basis
6 of a rate of salary or basic pay, the rate of salary or basic
7 pay payable after the application of this section shall be
8 treated as the rate of salary or basic pay.

9 (g) Nothing in this section shall be considered to per-
10 mit or require the payment to any employee covered by this
11 section at a rate in excess of the rate that would be payable
12 were this section not in effect.

13 (h) The Office of Personnel Management may provide
14 for exceptions to the limitations imposed by this section if
15 the Office determines that such exceptions are necessary to
16 ensure the recruitment or retention of qualified employees.

17 SEC. 713. During the period in which the head of any
18 department or agency, or any other officer or civilian em-
19 ployee of the Federal Government appointed by the Presi-
20 dent of the United States, holds office, no funds may be obli-
21 gated or expended in excess of \$5,000 to furnish or redeco-
22 rate the office of such department head, agency head, officer,
23 or employee, or to purchase furniture or make improve-
24 ments for any such office, unless advance notice of such fur-
25 nishing or redecoration is expressly approved by the Com-

1 *mittees on Appropriations. For the purposes of this section,*
2 *the term “office” shall include the entire suite of offices as-*
3 *signed to the individual, as well as any other space used*
4 *primarily by the individual or the use of which is directly*
5 *controlled by the individual.*

6 *SEC. 714. Notwithstanding section 1346 of title 31,*
7 *United States Code, or section 710 of this Act, funds made*
8 *available for the current fiscal year by this or any other*
9 *Act shall be available for the interagency funding of na-*
10 *tional security and emergency preparedness telecommuni-*
11 *cations initiatives which benefit multiple Federal depart-*
12 *ments, agencies, or entities, as provided by Executive Order*
13 *No. 12472 (April 3, 1984).*

14 *SEC. 715. (a) None of the funds appropriated by this*
15 *or any other Act may be obligated or expended by any Fed-*
16 *eral department, agency, or other instrumentality for the*
17 *salaries or expenses of any employee appointed to a position*
18 *of a confidential or policy-determining character excepted*
19 *from the competitive service pursuant to section 3302 of*
20 *title 5, United States Code, without a certification to the*
21 *Office of Personnel Management from the head of the Fed-*
22 *eral department, agency, or other instrumentality employ-*
23 *ing the Schedule C appointee that the Schedule C position*
24 *was not created solely or primarily in order to detail the*
25 *employee to the White House.*

1 (b) *The provisions of this section shall not apply to*
2 *Federal employees or members of the armed services detailed*
3 *to or from—*

4 (1) *the Central Intelligence Agency;*

5 (2) *the National Security Agency;*

6 (3) *the Defense Intelligence Agency;*

7 (4) *the offices within the Department of Defense*
8 *for the collection of specialized national foreign intel-*
9 *ligence through reconnaissance programs;*

10 (5) *the Bureau of Intelligence and Research of*
11 *the Department of State;*

12 (6) *any agency, office, or unit of the Army,*
13 *Navy, Air Force, and Marine Corps, the Department*
14 *of Homeland Security, the Federal Bureau of Inves-*
15 *tigation and the Drug Enforcement Administration of*
16 *the Department of Justice, the Department of Trans-*
17 *portation, the Department of the Treasury, and the*
18 *Department of Energy performing intelligence func-*
19 *tions; and*

20 (7) *the Director of National Intelligence or the*
21 *Office of the Director of National Intelligence.*

22 *SEC. 716. Hereafter, no department, agency, or instru-*
23 *mentality of the United States receiving appropriated funds*
24 *under this or any other Act shall obligate or expend any*
25 *such funds, unless such department, agency, or instrumen-*

1 *tality has in place, and will continue to administer in good*
2 *faith, a written policy designed to ensure that all of its*
3 *workplaces are free from discrimination and sexual harass-*
4 *ment and that all of its workplaces are not in violation*
5 *of title VII of the Civil Rights Act of 1964 (Public Law*
6 *88-352, 78 Stat. 241), the Age Discrimination in Employ-*
7 *ment Act of 1967 (Public Law 90-202, 81 Stat. 602), and*
8 *the Rehabilitation Act of 1973 (Public Law 93-112, 87*
9 *Stat. 355).*

10 *SEC. 717. No part of any appropriation contained in*
11 *this or any other Act shall be available for the payment*
12 *of the salary of any officer or employee of the Federal Gov-*
13 *ernment, who—*

14 *(1) prohibits or prevents, or attempts or threat-*
15 *ens to prohibit or prevent, any other officer or em-*
16 *ployee of the Federal Government from having any*
17 *direct oral or written communication or contact with*
18 *any Member, committee, or subcommittee of the Con-*
19 *gress in connection with any matter pertaining to the*
20 *employment of such other officer or employee or per-*
21 *taining to the department or agency of such other of-*
22 *ficer or employee in any way, irrespective of whether*
23 *such communication or contact is at the initiative of*
24 *such other officer or employee or in response to the re-*

1 *quest or inquiry of such Member, committee, or sub-*
2 *committee; or*

3 *(2) removes, suspends from duty without pay,*
4 *demotes, reduces in rank, seniority, status, pay, or*
5 *performance or efficiency rating, denies promotion to,*
6 *relocates, reassigns, transfers, disciplines, or discrimi-*
7 *nates in regard to any employment right, entitlement,*
8 *or benefit, or any term or condition of employment of,*
9 *any other officer or employee of the Federal Govern-*
10 *ment, or attempts or threatens to commit any of the*
11 *foregoing actions with respect to such other officer or*
12 *employee, by reason of any communication or contact*
13 *of such other officer or employee with any Member,*
14 *committee, or subcommittee of the Congress as de-*
15 *scribed in paragraph (1).*

16 *SEC. 718. (a) None of the funds made available in this*
17 *or any other Act may be obligated or expended for any em-*
18 *ployee training that—*

19 *(1) does not meet identified needs for knowledge,*
20 *skills, and abilities bearing directly upon the perform-*
21 *ance of official duties;*

22 *(2) contains elements likely to induce high levels*
23 *of emotional response or psychological stress in some*
24 *participants;*

1 (3) does not require prior employee notification
2 of the content and methods to be used in the training
3 and written end of course evaluation;

4 (4) contains any methods or content associated
5 with religious or quasi-religious belief systems or
6 “new age” belief systems as defined in Equal Employ-
7 ment Opportunity Commission Notice N-915.022,
8 dated September 2, 1988; or

9 (5) is offensive to, or designed to change, partici-
10 pants’ personal values or lifestyle outside the work-
11 place.

12 (b) Nothing in this section shall prohibit, restrict, or
13 otherwise preclude an agency from conducting training
14 bearing directly upon the performance of official duties.

15 SEC. 719. No funds appropriated in this or any other
16 Act may be used to implement or enforce the agreements
17 in Standard Forms 312 and 4414 of the Government or
18 any other nondisclosure policy, form, or agreement if such
19 policy, form, or agreement does not contain the following
20 provisions: “These restrictions are consistent with and do
21 not supersede, conflict with, or otherwise alter the employee
22 obligations, rights, or liabilities created by Executive Order
23 No. 12958; section 7211 of title 5, United States Code (gov-
24 erning disclosures to Congress); section 1034 of title 10,
25 United States Code, as amended by the Military Whistle-

1 *blower Protection Act (governing disclosure to Congress by*
2 *members of the military); section 2302(b)(8) of title 5,*
3 *United States Code, as amended by the Whistleblower Pro-*
4 *tection Act (governing disclosures of illegality, waste, fraud,*
5 *abuse or public health or safety threats); the Intelligence*
6 *Identities Protection Act of 1982 (50 U.S.C. 421 et seq.)*
7 *(governing disclosures that could expose confidential Gov-*
8 *ernment agents); and the statutes which protect against dis-*
9 *closure that may compromise the national security, includ-*
10 *ing sections 641, 793, 794, 798, and 952 of title 18, United*
11 *States Code, and section 4(b) of the Subversive Activities*
12 *Act of 1950 (50 U.S.C. 783(b)). The definitions, require-*
13 *ments, obligations, rights, sanctions, and liabilities created*
14 *by said Executive order and listed statutes are incorporated*
15 *into this agreement and are controlling.”: Provided, That*
16 *notwithstanding the preceding paragraph, a nondisclosure*
17 *policy form or agreement that is to be executed by a person*
18 *connected with the conduct of an intelligence or intelligence-*
19 *related activity, other than an employee or officer of the*
20 *United States Government, may contain provisions appro-*
21 *priate to the particular activity for which such document*
22 *is to be used. Such form or agreement shall, at a minimum,*
23 *require that the person will not disclose any classified infor-*
24 *mation received in the course of such activity unless specifi-*
25 *cally authorized to do so by the United States Government.*

1 *Such nondisclosure forms shall also make it clear that they*
2 *do not bar disclosures to Congress, or to an authorized offi-*
3 *cial of an executive agency or the Department of Justice,*
4 *that are essential to reporting a substantial violation of*
5 *law.*

6 *SEC. 720. No part of any funds appropriated in this*
7 *or any other Act shall be used by an agency of the executive*
8 *branch, other than for normal and recognized executive-leg-*
9 *islative relationships, for publicity or propaganda pur-*
10 *poses, and for the preparation, distribution or use of any*
11 *kit, pamphlet, booklet, publication, radio, television, or film*
12 *presentation designed to support or defeat legislation pend-*
13 *ing before the Congress, except in presentation to the Con-*
14 *gress itself.*

15 *SEC. 721. None of the funds appropriated by this or*
16 *any other Act may be used by an agency to provide a Fed-*
17 *eral employee's home address to any labor organization ex-*
18 *cept when the employee has authorized such disclosure or*
19 *when such disclosure has been ordered by a court of com-*
20 *petent jurisdiction.*

21 *SEC. 722. None of the funds made available in this*
22 *Act or any other Act may be used to provide any non-public*
23 *information such as mailing or telephone lists to any per-*
24 *son or any organization outside of the Federal Government*
25 *without the approval of the Committees on Appropriations.*

1 *SEC. 723. No part of any appropriation contained in*
2 *this or any other Act shall be used directly or indirectly,*
3 *including by private contractor, for publicity or propa-*
4 *ganda purposes within the United States not heretofor au-*
5 *thorized by the Congress.*

6 *SEC. 724. (a) In this section, the term “agency”—*

7 *(1) means an Executive agency, as defined under*
8 *section 105 of title 5, United States Code;*

9 *(2) includes a military department, as defined*
10 *under section 102 of such title, the Postal Service, and*
11 *the Postal Regulatory Commission; and*

12 *(3) shall not include the Government Account-*
13 *ability Office.*

14 *(b) Unless authorized in accordance with law or regu-*
15 *lations to use such time for other purposes, an employee*
16 *of an agency shall use official time in an honest effort to*
17 *perform official duties. An employee not under a leave sys-*
18 *tem, including a Presidential appointee exempted under*
19 *section 6301(2) of title 5, United States Code, has an obliga-*
20 *tion to expend an honest effort and a reasonable proportion*
21 *of such employee’s time in the performance of official duties.*

22 *SEC. 725. Notwithstanding 31 U.S.C. 1346 and section*
23 *710 of this Act, funds made available for the current fiscal*
24 *year by this or any other Act to any department or agency,*
25 *which is a member of the Federal Accounting Standards*

1 *Advisory Board (FASAB), shall be available to finance an*
2 *appropriate share of FASAB administrative costs.*

3 *SEC. 726. Notwithstanding 31 U.S.C. 1346 and section*
4 *710 of this Act, the head of each Executive department and*
5 *agency is hereby authorized to transfer to or reimburse*
6 *“General Services Administration, Government-wide Pol-*
7 *icy” with the approval of the Director of the Office of Man-*
8 *agement and Budget, funds made available for the current*
9 *fiscal year by this or any other Act, including rebates from*
10 *charge card and other contracts: Provided, That these funds*
11 *shall be administered by the Administrator of General Serv-*
12 *ices to support Government-wide financial, information*
13 *technology, procurement, and other management innova-*
14 *tions, initiatives, and activities, as approved by the Direc-*
15 *tor of the Office of Management and Budget, in consultation*
16 *with the appropriate interagency groups designated by the*
17 *Director (including the President’s Management Council for*
18 *overall management improvement initiatives, the Chief Fi-*
19 *nancial Officers Council for financial management initia-*
20 *tives, the Chief Information Officers Council for informa-*
21 *tion technology initiatives, the Chief Human Capital Offi-*
22 *cers Council for human capital initiatives, and the Chief*
23 *Acquisition Officers Council for procurement initiatives):*
24 *Provided further, That the total funds transferred or reim-*
25 *bursed shall not exceed \$10,000,000: Provided further, That*

1 *such transfers or reimbursements may only be made after*
2 *15 days following notification of the Committees on Appro-*
3 *priations by the Director of the Office of Management and*
4 *Budget.*

5 *SEC. 727. Notwithstanding any other provision of law,*
6 *a woman may breastfeed her child at any location in a*
7 *Federal building or on Federal property, if the woman and*
8 *her child are otherwise authorized to be present at the loca-*
9 *tion.*

10 *SEC. 728. Notwithstanding section 1346 of title 31,*
11 *United States Code, or section 710 of this Act, funds made*
12 *available for the current fiscal year by this or any other*
13 *Act shall be available for the interagency funding of specific*
14 *projects, workshops, studies, and similar efforts to carry out*
15 *the purposes of the National Science and Technology Coun-*
16 *cil (authorized by Executive Order No. 12881), which ben-*
17 *efit multiple Federal departments, agencies, or entities:*
18 *Provided, That the Office of Management and Budget shall*
19 *provide a report describing the budget of and resources con-*
20 *nected with the National Science and Technology Council*
21 *to the Committees on Appropriations, the House Committee*
22 *on Science, and the Senate Committee on Commerce,*
23 *Science, and Transportation 90 days after enactment of this*
24 *Act.*

1 *SEC. 729. Any request for proposals, solicitation, grant*
2 *application, form, notification, press release, or other publi-*
3 *cations involving the distribution of Federal funds shall in-*
4 *dicating the agency providing the funds, the Catalog of Fed-*
5 *eral Domestic Assistance Number, as applicable, and the*
6 *amount provided: Provided, That this provision shall apply*
7 *to direct payments, formula funds, and grants received by*
8 *a State receiving Federal funds.*

9 *SEC. 730. Section 403(f) of the Government Manage-*
10 *ment Reform Act of 1994 (31 U.S.C. 501 note; Public Law*
11 *103–356) is amended to read as follows:*

12 *“(f) TERMINATION OF CERTAIN AUTHORITY.—The au-*
13 *thority of the Secretary of Homeland Security to carry out*
14 *a pilot program under this section shall terminate on Octo-*
15 *ber 1, 2008.”.*

16 *SEC. 731. (a) PROHIBITION OF FEDERAL AGENCY*
17 *MONITORING OF INDIVIDUALS’ INTERNET USE.—None of*
18 *the funds made available in this or any other Act may be*
19 *used by any Federal agency—*

20 *(1) to collect, review, or create any aggregation*
21 *of data, derived from any means, that includes any*
22 *personally identifiable information relating to an in-*
23 *dividual’s access to or use of any Federal Government*
24 *Internet site of the agency; or*

1 (2) *to enter into any agreement with a third*
2 *party (including another government agency) to col-*
3 *lect, review, or obtain any aggregation of data, de-*
4 *derived from any means, that includes any personally*
5 *identifiable information relating to an individual's*
6 *access to or use of any nongovernmental Internet site.*

7 (b) *EXCEPTIONS.—The limitations established in sub-*
8 *section (a) shall not apply to—*

9 (1) *any record of aggregate data that does not*
10 *identify particular persons;*

11 (2) *any voluntary submission of personally iden-*
12 *tifiable information;*

13 (3) *any action taken for law enforcement, regu-*
14 *latory, or supervisory purposes, in accordance with*
15 *applicable law; or*

16 (4) *any action described in subsection (a)(1) that*
17 *is a system security action taken by the operator of*
18 *an Internet site and is necessarily incident to pro-*
19 *viding the Internet site services or to protecting the*
20 *rights or property of the provider of the Internet site.*

21 (c) *DEFINITIONS.—For the purposes of this section:*

22 (1) *The term “regulatory” means agency actions*
23 *to implement, interpret or enforce authorities pro-*
24 *vided in law.*

1 (2) *The term “supervisory” means examinations*
2 *of the agency’s supervised institutions, including as-*
3 *sessing safety and soundness, overall financial condi-*
4 *tion, management practices and policies and compli-*
5 *ance with applicable standards as provided in law.*

6 SEC. 732. (a) *None of the funds appropriated by this*
7 *Act may be used to enter into or renew a contract which*
8 *includes a provision providing prescription drug coverage,*
9 *except where the contract also includes a provision for con-*
10 *traceptive coverage.*

11 (b) *Nothing in this section shall apply to a contract*
12 *with—*

13 (1) *any of the following religious plans:*

14 (A) *Personal Care’s HMO; and*

15 (B) *OSF HealthPlans, Inc.; and*

16 (2) *any existing or future plan, if the carrier for*
17 *the plan objects to such coverage on the basis of reli-*
18 *gious beliefs.*

19 (c) *In implementing this section, any plan that enters*
20 *into or renews a contract under this section may not subject*
21 *any individual to discrimination on the basis that the indi-*
22 *vidual refuses to prescribe or otherwise provide for contra-*
23 *ceptives because such activities would be contrary to the in-*
24 *dividual’s religious beliefs or moral convictions.*

1 (d) *Nothing in this section shall be construed to require*
2 *coverage of abortion or abortion-related services.*

3 SEC. 733. *The Congress of the United States recognizes*
4 *the United States Anti-Doping Agency (USADA) as the of-*
5 *ficial anti-doping agency for Olympic, Pan American, and*
6 *Paralympic sport in the United States.*

7 SEC. 734. *Notwithstanding any other provision of law,*
8 *funds appropriated for official travel by Federal depart-*
9 *ments and agencies may be used by such departments and*
10 *agencies, if consistent with Office of Management and*
11 *Budget Circular A–126 regarding official travel for Govern-*
12 *ment personnel, to participate in the fractional aircraft*
13 *ownership pilot program.*

14 SEC. 735. *Notwithstanding any other provision of law,*
15 *none of the funds appropriated or made available under*
16 *this Act or any other appropriations Act may be used to*
17 *implement or enforce restrictions or limitations on the*
18 *Coast Guard Congressional Fellowship Program, or to im-*
19 *plement the proposed regulations of the Office of Personnel*
20 *Management to add sections 300.311 through 300.316 to*
21 *part 300 of title 5 of the Code of Federal Regulations, pub-*
22 *lished in the Federal Register, volume 68, number 174, on*
23 *September 9, 2003 (relating to the detail of executive branch*
24 *employees to the legislative branch).*

1 *SEC. 736. Notwithstanding any other provision of law,*
2 *no executive branch agency shall purchase, construct, and/*
3 *or lease any additional facilities, except within or contig-*
4 *uous to existing locations, to be used for the purpose of con-*
5 *ducting Federal law enforcement training without the ad-*
6 *vance approval of the Committees on Appropriations, ex-*
7 *cept that the Federal Law Enforcement Training Center is*
8 *authorized to obtain the temporary use of additional facili-*
9 *ties by lease, contract, or other agreement for training*
10 *which cannot be accommodated in existing Center facilities.*

11 *SEC. 737. (a) For fiscal year 2008, no funds shall be*
12 *available for transfers or reimbursements to the E-Govern-*
13 *ment initiatives sponsored by the Office of Management and*
14 *Budget prior to 15 days following submission of a report*
15 *to the Committees on Appropriations by the Director of the*
16 *Office of Management and Budget and receipt of approval*
17 *to transfer funds by the House and Senate Committees on*
18 *Appropriations.*

19 *(b) Hereafter, any funding request for a new or ongo-*
20 *ing E-Government initiative by any agency or agencies*
21 *managing the development of an initiative shall include in*
22 *justification materials submitted to the House and Senate*
23 *Committees on Appropriations the information in sub-*
24 *section (d).*

1 (c) Hereafter, any funding request by any agency or
2 agencies participating in the development of an E-Govern-
3 ment initiative and contributing funding for the initiative
4 shall include in justification materials submitted to the
5 House and Senate Committees on Appropriations—

6 (1) the amount of funding contributed to each
7 initiative by program office, bureau, or activity, as
8 appropriate; and

9 (2) the relevance of that use to that department
10 or agency and each bureau or office within, which is
11 contributing funds.

12 (d) The report in (a) and justification materials in
13 (b) shall include at a minimum—

14 (1) a description of each initiative including but
15 not limited to its objectives, benefits, development sta-
16 tus, risks, cost effectiveness (including estimated net
17 costs or savings to the government), and the estimated
18 date of full operational capability;

19 (2) the total development cost of each initiative
20 by fiscal year including costs to date, the estimated
21 costs to complete its development to full operational
22 capability, and estimated annual operations and
23 maintenance costs; and

24 (3) the sources and distribution of funding by
25 fiscal year and by agency and bureau for each initia-

1 *tive including agency contributions to date and esti-*
2 *mated future contributions by agency.*

3 *(e) No funds shall be available for obligation or ex-*
4 *penditure for new E-Government initiatives without the ex-*
5 *PLICIT approval of the House and Senate Committees on Ap-*
6 *propriations.*

7 *SEC. 738. Notwithstanding section 1346 of title 31,*
8 *United States Code, and section 710 of this Act and any*
9 *other provision of law, the head of each appropriate execu-*
10 *tive department and agency shall transfer to or reimburse*
11 *the Federal Aviation Administration, upon the direction of*
12 *the Director of the Office of Management and Budget, funds*
13 *made available by this or any other Act for the purposes*
14 *described below, and shall submit budget requests for such*
15 *purposes. These funds shall be administered by the Federal*
16 *Aviation Administration, in consultation with the appro-*
17 *priate interagency groups designated by the Director and*
18 *shall be used to ensure the uninterrupted, continuous oper-*
19 *ation of the Midway Atoll Airfield by the Federal Aviation*
20 *Administration pursuant to an operational agreement with*
21 *the Department of the Interior for the entirety of fiscal year*
22 *2008 and any period thereafter that precedes the enactment*
23 *of the Financial Services and General Government Appro-*
24 *priations Act, 2009. The Director of the Office of Manage-*
25 *ment and Budget shall mandate the necessary transfers*

1 *after determining an equitable allocation between the ap-*
2 *propriate executive departments and agencies of the respon-*
3 *sibility for funding the continuous operation of the Midway*
4 *Atoll Airfield based on, but not limited to, potential use,*
5 *interest in maintaining aviation safety, and applicability*
6 *to governmental operations and agency mission. The total*
7 *funds transferred or reimbursed shall not exceed \$6,000,000*
8 *for any twelve-month period. Such sums shall be sufficient*
9 *to ensure continued operation of the airfield throughout the*
10 *period cited above. Funds shall be available for operation*
11 *of the airfield or airfield-related capital upgrades. The Di-*
12 *rector of the Office of Management and Budget shall notify*
13 *the Committees on Appropriations of such transfers or re-*
14 *imbursements within 15 days of this Act. Such transfers*
15 *or reimbursements shall begin within 30 days of enactment*
16 *of this Act.*

17 *SEC. 739. (a) REQUIREMENT FOR PUBLIC-PRIVATE*
18 *COMPETITION.—*

19 *(1) Notwithstanding any other provision of law,*
20 *none of the funds appropriated by this or any other*
21 *Act shall be available to convert to contractor per-*
22 *formance an activity or function of an executive agen-*
23 *cy that, on or after the date of enactment of this Act,*
24 *is performed by more than 10 Federal employees un-*
25 *less—*

1 (A) the conversion is based on the result of
2 a public-private competition that includes a
3 most efficient and cost effective organization
4 plan developed by such activity or function;

5 (B) the Competitive Sourcing Official deter-
6 mines that, over all performance periods stated
7 in the solicitation of offers for performance of the
8 activity or function, the cost of performance of
9 the activity or function by a contractor would be
10 less costly to the executive agency by an amount
11 that equals or exceeds the lesser of—

12 (i) 10 percent of the most efficient or-
13 ganization's personnel-related costs for per-
14 formance of that activity or function by
15 Federal employees; or

16 (ii) \$10,000,000; and

17 (C) the contractor does not receive an ad-
18 vantage for a proposal that would reduce costs
19 for the Federal Government by—

20 (i) not making an employer-sponsored
21 health insurance plan available to the work-
22 ers who are to be employed in the perform-
23 ance of that activity or function under the
24 contract;

1 (ii) offering to such workers an em-
2 ployer-sponsored health benefits plan that
3 requires the employer to contribute less to-
4 wards the premium or subscription share
5 than the amount that is paid by the Federal
6 Government for health benefits for civilian
7 employees under chapter 89 of title 5,
8 United States Code; or

9 (iii) offering to such workers a retire-
10 ment benefit that in any year costs less
11 than the annual retirement cost factor ap-
12 plicable to Federal employees under chapter
13 84 of title 5, United States Code.

14 (2) This paragraph shall not apply to—

15 (A) the Department of Defense;

16 (B) section 44920 of title 49, United States
17 Code;

18 (C) a commercial or industrial type func-
19 tion that—

20 (i) is included on the procurement list
21 established pursuant to section 2 of the Jav-
22 its-Wagner-O'Day Act (41 U.S.C. 47); or

23 (ii) is planned to be converted to per-
24 formance by a qualified nonprofit agency
25 for the blind or by a qualified nonprofit

1 agency for other severely handicapped indi-
2 viduals in accordance with that Act;

3 (D) depot contracts or contracts for depot
4 maintenance as provided in sections 2469 and
5 2474 of title 10, United States Code; or

6 (E) activities that are the subject of an on-
7 going competition that was publicly announced
8 prior to the date of enactment of this Act.

9 (b) *USE OF PUBLIC-PRIVATE COMPETITION.*—Nothing
10 in Office of Management and Budget Circular A–76 shall
11 prevent the head of an executive agency from conducting
12 a public-private competition to evaluate the benefits of con-
13 verting work from contract performance to performance by
14 Federal employees in appropriate instances. The Circular
15 shall provide procedures and policies for these competitions
16 that are similar to those applied to competitions that may
17 result in the conversion of work from performance by Fed-
18 eral employees to performance by a contractor.

19 (c) *BID PROTESTS BY FEDERAL EMPLOYEES IN AC-*
20 *TIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIR-*
21 *CULAR A–76.*—

22 (1) *ELIGIBILITY TO PROTEST.*—

23 (A) Section 3551(2) of title 31, United
24 States Code, is amended to read as follows:

25 “(2) The term ‘interested party’—

1 “(A) with respect to a contract or a solicita-
2 tion or other request for offers described in para-
3 graph (1), means an actual or prospective bidder
4 or offeror whose direct economic interest would
5 be affected by the award of the contract or by
6 failure to award the contract; and

7 “(B) with respect to a public-private com-
8 petition conducted under Office of Management
9 and Budget Circular A-76 regarding perform-
10 ance of an activity or function of a Federal
11 agency, or a decision to convert a function per-
12 formed by Federal employees to private sector
13 performance without a competition under OMB
14 Circular A-76, includes—

15 “(i) any official who submitted the
16 agency tender in such competition; and

17 “(ii) any one person who, for the pur-
18 pose of representing them in a protest under
19 this subchapter that relates to such competi-
20 tion, has been designated as their agent by
21 a majority of the employees of such Federal
22 agency who are engaged in the performance
23 of such activity or function.”.

1 (B)(i) Subchapter V of chapter 35 of such
2 title is amended by adding at the end the fol-
3 lowing new section:

4 **“§3557. Expedited action in protests for public-pri-**
5 **vate competitions**

6 “*For protests in cases of public-private competitions*
7 *conducted under Office of Management and Budget Cir-*
8 *cular A–76 regarding performance of an activity or func-*
9 *tion of Federal agencies, the Comptroller General shall ad-*
10 *minister the provisions of this subchapter in a manner best*
11 *suited for expediting final resolution of such protests and*
12 *final action in such competitions.”.*

13 (ii) The chapter analysis at the beginning
14 of such chapter is amended by inserting after the
15 item relating to section 3556 the following new
16 item:

“3557. *Expedited action in protests for public-private competitions”.*

17 (2) *RIGHT TO INTERVENE IN CIVIL ACTION.—*
18 *Section 1491(b) of title 28, United States Code, is*
19 *amended by adding at the end the following new*
20 *paragraph:*

21 “(5) *If a private sector interested party commences an*
22 *action described in paragraph (1) in the case of a public-*
23 *private competition conducted under Office of Management*
24 *and Budget Circular A–76 regarding performance of an ac-*
25 *tivity or function of a Federal agency, or a decision to con-*

1 *vert a function performed by Federal employees to private*
2 *sector performance without a competition under Office of*
3 *Management and Budget Circular A-76, then an official*
4 *or person described in section 3551(2)(B) of title 31 shall*
5 *be entitled to intervene in that action.”.*

6 (3) *APPLICABILITY.—Subparagraph (B) of sec-*
7 *tion 3551(2) of title 31, United States Code (as added*
8 *by paragraph (1)), and paragraph (5) of section*
9 *1491(b) of title 28, United States Code (as added by*
10 *paragraph (2)), shall apply to—*

11 (A) *protests and civil actions that challenge*
12 *final selections of sources of performance of an*
13 *activity or function of a Federal agency that are*
14 *made pursuant to studies initiated under Office*
15 *of Management and Budget Circular A-76 on or*
16 *after January 1, 2004; and*

17 (B) *any other protests and civil actions that*
18 *relate to public-private competitions initiated*
19 *under Office of Management and Budget Cir-*
20 *cular A-76, or a decision to convert a function*
21 *performed by Federal employees to private sector*
22 *performance without a competition under Office*
23 *of Management and Budget Circular A-76, on or*
24 *after the date of the enactment of this Act.*

1 (d) *LIMITATION.*—(1) *None of the funds available in*
2 *this Act may be used—*

3 (A) *by the Office of Management and Budget to*
4 *direct or require another agency to take an action*
5 *specified in paragraph (2); or*

6 (B) *by an agency to take an action specified in*
7 *paragraph (2) as a result of direction or requirement*
8 *from the Office of Management and Budget.*

9 (2) *An action specified in this paragraph is the prepa-*
10 *ration for, undertaking, continuation of, or completion of*
11 *a public-private competition or direct conversion under Of-*
12 *fice of Management and Budget Circular A-76 or any other*
13 *administrative regulation, directive, or policy.*

14 (e) *APPLICABILITY.*—*This section shall apply with re-*
15 *spect to fiscal year 2008 and each succeeding fiscal year.*

16 *SEC. 740. (a) The adjustment in rates of basic pay*
17 *for employees under the statutory pay systems that takes*
18 *effect in fiscal year 2008 under sections 5303 and 5304 of*
19 *title 5, United States Code, shall be an increase of 3.5 per-*
20 *cent, and this adjustment shall apply to civilian employees*
21 *in the Department of Homeland Security and shall apply*
22 *to civilian employees in the Department of Defense who are*
23 *represented by a labor organization as defined in 5 U.S.C.*
24 *7103(a)(4), and such adjustments shall be effective as of the*
25 *first day of the first applicable pay period beginning on*

1 *or after January 1, 2008. Civilian employees in the Depart-*
2 *ment of Defense who are eligible to be represented by a labor*
3 *organization as defined in 5 U.S.C. 7103(a)(4), but are not*
4 *so represented, will receive the adjustment provided for in*
5 *this section unless the positions are entitled to a pay adjust-*
6 *ment under 5 U.S.C. 9902.*

7 *(b) Notwithstanding section 712 of this Act, the adjust-*
8 *ment in rates of basic pay for the statutory pay systems*
9 *that take place in fiscal year 2008 under sections 5344 and*
10 *5348 of title 5, United States Code, shall be no less than*
11 *the percentage in paragraph (a) as employees in the same*
12 *location whose rates of basic pay are adjusted pursuant to*
13 *the statutory pay systems under section 5303 and 5304 of*
14 *title 5, United States Code. Prevailing rate employees at*
15 *locations where there are no employees whose pay is in-*
16 *creased pursuant to sections 5303 and 5304 of title 5 and*
17 *prevailing rate employees described in section 5343(a)(5)*
18 *of title 5 shall be considered to be located in the pay locality*
19 *designated as “Rest of US” pursuant to section 5304 of title*
20 *5 for purposes of this paragraph.*

21 *(c) Funds used to carry out this section shall be paid*
22 *from appropriations, which are made to each applicable de-*
23 *partment or agency for salaries and expenses for fiscal year*
24 *2008.*

1 *SEC. 741. Unless otherwise authorized by existing law,*
2 *none of the funds provided in this Act or any other Act*
3 *may be used by an executive branch agency to produce any*
4 *prepackaged news story intended for broadcast or distribu-*
5 *tion in the United States, unless the story includes a clear*
6 *notification within the text or audio of the prepackaged*
7 *news story that the prepackaged news story was prepared*
8 *or funded by that executive branch agency.*

9 *SEC. 742. (a) None of the funds made available in this*
10 *Act may be used in contravention of section 552a of title*
11 *5, United States Code (popularly known as the Privacy*
12 *Act) and regulations implementing that section.*

13 *(b) Section 522 of division H of the Consolidated Ap-*
14 *propriations Act, 2005 (Public Law 108–447; 118 Stat.*
15 *3268; 5 U.S.C. 552a note) is amended by striking subsection*
16 *(d) and inserting the following:*

17 *“(d) INSPECTOR GENERAL REVIEW.—The Inspector*
18 *General of each agency shall periodically conduct a review*
19 *of the agency’s implementation of this section and shall re-*
20 *port the results of its review to the Committees on Appro-*
21 *priations of the House of Representatives and the Senate,*
22 *the House Committee on Oversight and Government Re-*
23 *form, and the Senate Committee on Homeland Security and*
24 *Governmental Affairs. The report required by this review*
25 *may be incorporated into a related report to Congress other-*

1 *wise required by law including, but not limited to, 44*
2 *U.S.C. 3545, the Federal Information Security Manage-*
3 *ment Act of 2002. The Inspector General may contract with*
4 *an independent, third party organization to conduct the re-*
5 *view.”.*

6 *SEC. 743. Each executive department and agency shall*
7 *evaluate the creditworthiness of an individual before issuing*
8 *the individual a government travel charge card. Such eval-*
9 *uations for individually-billed travel charge cards shall in-*
10 *clude an assessment of the individual’s consumer report*
11 *from a consumer reporting agency as those terms are de-*
12 *finied in section 603 of the Fair Credit Reporting Act (Pub-*
13 *lic Law 91–508): Provided, That section 604(a)(3) of such*
14 *Act shall be amended by adding to the end the following:*

15 *“(G) executive departments and agencies in*
16 *connection with the issuance of government-spon-*
17 *sored individually-billed travel charge cards.”:*

18 *Provided further, That the department or agency may not*
19 *issue a government travel charge card to an individual that*
20 *either lacks a credit history or is found to have an unsatis-*
21 *factory credit history as a result of this evaluation: Pro-*
22 *vided further, That this restriction shall not preclude*
23 *issuance of a restricted-use charge, debit, or stored value*
24 *card made in accordance with agency procedures to: (1) an*
25 *individual with an unsatisfactory credit history where such*

1 card is used to pay travel expenses and the agency deter-
2 mines there is no suitable alternative payment mechanism
3 available before issuing the card; or (2) an individual who
4 lacks a credit history. Each executive department and agen-
5 cy shall establish guidelines and procedures for disciplinary
6 actions to be taken against agency personnel for improper,
7 fraudulent, or abusive use of government charge cards,
8 which shall include appropriate disciplinary actions for use
9 of charge cards for purposes, and at establishments, that
10 are inconsistent with the official business of the Department
11 or agency or with applicable standards of conduct.

12 SEC. 744. CROSSCUT BUDGET. (A) DEFINITIONS.—For
13 purposes of this section the following definitions apply:

14 (1) GREAT LAKES.—The terms “Great Lakes”
15 and “Great Lakes State” have the same meanings as
16 such terms have in section 506 of the Water Resources
17 Development Act of 2000 (42 U.S.C. 1962d–22).

18 (2) GREAT LAKES RESTORATION ACTIVITIES.—
19 The term “Great Lakes restoration activities” means
20 any Federal or State activity primarily or entirely
21 within the Great Lakes watershed that seeks to im-
22 prove the overall health of the Great Lakes ecosystem.

23 (b) REPORT.—Not later than 30 days after submission
24 of the budget of the President to Congress, the Director of
25 the Office of Management and Budget, in coordination with

1 *the Governor of each Great Lakes State and the Great Lakes*
2 *Interagency Task Force, shall submit to the appropriate au-*
3 *thorizing and appropriating committees of the Senate and*
4 *the House of Representatives a financial report, certified*
5 *by the Secretary of each agency that has budget authority*
6 *for Great Lakes restoration activities, containing—*

7 (1) *an interagency budget crosscut report that—*

8 (A) *displays the budget proposed, including*
9 *any planned interagency or intra-agency trans-*
10 *fer, for each of the Federal agencies that carries*
11 *out Great Lakes restoration activities in the up-*
12 *coming fiscal year, separately reporting the*
13 *amount of funding to be provided under existing*
14 *laws pertaining to the Great Lakes ecosystem;*
15 *and*

16 (B) *identifies all expenditures since fiscal*
17 *year 2004 by the Federal Government and State*
18 *governments for Great Lakes restoration activi-*
19 *ties;*

20 (2) *a detailed accounting of all funds received*
21 *and obligated by all Federal agencies and, to the ex-*
22 *tent available, State agencies using Federal funds, for*
23 *Great Lakes restoration activities during the current*
24 *and previous fiscal years;*

1 (3) a budget for the proposed projects (including
2 a description of the project, authorization level, and
3 project status) to be carried out in the upcoming fis-
4 cal year with the Federal portion of funds for activi-
5 ties; and

6 (4) a listing of all projects to be undertaken in
7 the upcoming fiscal year with the Federal portion of
8 funds for activities.

9 SEC. 745. (a) *IN GENERAL.*—None of the funds appro-
10 priated or otherwise made available by this or any other
11 Act may be used for any Federal Government contract with
12 any foreign incorporated entity which is treated as an in-
13 verted domestic corporation under section 835(b) of the
14 Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any
15 subsidiary of such an entity.

16 (b) *WAIVERS.*—

17 (1) *IN GENERAL.*—Any Secretary shall waive
18 subsection (a) with respect to any Federal Govern-
19 ment contract under the authority of such Secretary
20 if the Secretary determines that the waiver is required
21 in the interest of national security.

22 (2) *REPORT TO CONGRESS.*—Any Secretary
23 issuing a waiver under paragraph (1) shall report
24 such issuance to Congress.

1 (c) *EXCEPTION.*—*This section shall not apply to any*
2 *Federal Government contract entered into before the date*
3 *of the enactment of this Act, or to any task order issued*
4 *pursuant to such contract.*

5 *SEC. 746. (a) Each executive department and agency*
6 *shall establish and maintain on the homepage of its website,*
7 *an obvious, direct link to the website of its respective Inspec-*
8 *tor General.*

9 *(b) Each Office of Inspector General shall: (1) post on*
10 *its website any public report or audit or portion of any*
11 *report or audit issued within one day of its release; (2) pro-*
12 *vide a service on its website to allow an individual to re-*
13 *quest automatic receipt of information relating to any pub-*
14 *lic report or audit or portion of that report or audit and*
15 *which permits electronic transmittal of the information, or*
16 *notice of the availability of the information without further*
17 *request; and (3) establish and maintain a direct link on*
18 *its website for individuals to anonymously report waste,*
19 *fraud and abuse.*

20 *SEC. 747. (a) None of the funds available under this*
21 *or any other Act may be used to carry out a public-private*
22 *competition or direct conversion under Office of Manage-*
23 *ment and Budget (OMB) Circular A-76, or any successor*
24 *regulation, directive or policy, relating to the Human Re-*
25 *sources Lines of Business initiative until 60 days after the*

1 *Director of the Office of Management and Budget submits*
2 *to the Committees on Appropriations of the House of Rep-*
3 *resentatives and the Senate a report on the use of public-*
4 *private competitions and direct conversion to contractor*
5 *performance as part of the Human Resources Lines of Busi-*
6 *ness initiative.*

7 *(b) The report required by this section shall address*
8 *the following:*

9 *(1) The role, if any, that public-private competi-*
10 *tions under Circular A-76 or direct conversions to*
11 *contractor performance are expected to play as part*
12 *of the Human Resources Lines of Business initiative.*

13 *(2) The expected impact, if any, of the initiative*
14 *on employment levels at the Federal agencies involved*
15 *or across the Federal Government as a whole.*

16 *(3) An estimate of the annual and recurring sav-*
17 *ings the initiative is expected to generate and a de-*
18 *scription of the methodology used to derive that esti-*
19 *mate.*

20 *(4) An estimate of the total transition costs at-*
21 *tributable to the initiative.*

22 *(5) Guidance for use by agencies in evaluating*
23 *the benefits of the initiative and in developing alter-*
24 *native strategies should expected benefits fail to mate-*
25 *rialize.*

1 (c) *The Director of the Office of Management and*
2 *Budget shall provide a copy of the report to the Government*
3 *Accountability Office at the same time the report is sub-*
4 *mitted to the Committees on Appropriations of the House*
5 *of Representatives and the Senate. The Government Ac-*
6 *countability Office shall review the report and brief the*
7 *Committees on its views concerning the report within 45*
8 *days after receiving the report from the Director.*

9 SEC. 748. *No later than 180 days after enactment of*
10 *this Act, the Office of Management and Budget shall estab-*
11 *lish a pilot program to develop and implement an inventory*
12 *to track the cost and size (in contractor manpower equiva-*
13 *lents) of service contracts, particularly with respect to con-*
14 *tracts that have been performed poorly by a contractor be-*
15 *cause of excessive costs or inferior quality, as determined*
16 *by a contracting officer within the last five years, involve*
17 *inherently governmental functions, or were undertaken*
18 *without competition. The pilot program shall be established*
19 *in at least three Cabinet-level departments, based on vary-*
20 *ing levels of annual contracting for services, as reported by*
21 *the Federal Procurement Data System's Federal Procure-*
22 *ment Report for fiscal year 2005, including at least one*
23 *Cabinet-level department that contracts out annually for*
24 *\$10,000,000,000 or more in services, at least one Cabinet-*
25 *level department that contracts out annually for between*

1 \$5,000,000,000 and \$9,000,000,000 in services, and at least
2 one Cabinet-level department that contracts out annually
3 for under \$5,000,000,000 in services.

4 *SEC. 749. Except as expressly provided otherwise, any*
5 *reference to “this Act” contained in any title other than*
6 *title IV or VIII shall not apply to such titles IV or VIII.*

7 *TITLE VIII*

8 *GENERAL PROVISIONS—DISTRICT OF COLUMBIA*

9 *SEC. 801. Whenever in this Act, an amount is specified*
10 *within an appropriation for particular purposes or objects*
11 *of expenditure, such amount, unless otherwise specified,*
12 *shall be considered as the maximum amount that may be*
13 *expended for said purpose or object rather than an amount*
14 *set apart exclusively therefor.*

15 *SEC. 802. Appropriations in this Act shall be available*
16 *for expenses of travel and for the payment of dues of organi-*
17 *zations concerned with the work of the District of Columbia*
18 *government, when authorized by the Mayor, or, in the case*
19 *of the Council of the District of Columbia, funds may be*
20 *expended with the authorization of the Chairman of the*
21 *Council.*

22 *SEC. 803. There are appropriated from the applicable*
23 *funds of the District of Columbia such sums as may be nec-*
24 *essary for making refunds and for the payment of legal set-*

1 *tlements or judgments that have been entered against the*
2 *District of Columbia government.*

3 *SEC. 804. (a) None of the Federal funds provided in*
4 *this Act shall be used for publicity or propaganda purposes*
5 *or implementation of any policy including boycott designed*
6 *to support or defeat legislation pending before Congress or*
7 *any State legislature.*

8 *(b) The District of Columbia may use local funds pro-*
9 *vided in this title to carry out lobbying activities on any*
10 *matter.*

11 *SEC. 805. (a) None of the funds provided under this*
12 *Act to the agencies funded by this Act, both Federal and*
13 *District government agencies, that remain available for ob-*
14 *ligation or expenditure in fiscal year 2008, or provided*
15 *from any accounts in the Treasury of the United States*
16 *derived by the collection of fees available to the agencies*
17 *funded by this Act, shall be available for obligation or ex-*
18 *penditures for an agency through a reprogramming of funds*
19 *which—*

20 *(1) creates new programs;*

21 *(2) eliminates a program, project, or responsi-*
22 *bility center;*

23 *(3) establishes or changes allocations specifically*
24 *denied, limited or increased under this Act;*

1 (4) *increases funds or personnel by any means*
2 *for any program, project, or responsibility center for*
3 *which funds have been denied or restricted;*

4 (5) *reestablishes any program or project pre-*
5 *viously deferred through reprogramming;*

6 (6) *augments any existing program, project, or*
7 *responsibility center through a reprogramming of*
8 *funds in excess of \$3,000,000 or 10 percent, whichever*
9 *is less; or*

10 (7) *increases by 20 percent or more personnel as-*
11 *signed to a specific program, project or responsibility*
12 *center,*

13 *unless in the case of Federal funds, the Committees on Ap-*
14 *propriations of the House of Representatives and Senate are*
15 *notified in writing 15 days in advance of the reprogram-*
16 *ming and in the case of local funds, the Committees on Ap-*
17 *propriations of the House of Representatives and Senate are*
18 *provided summary reports on April 1, 2008 and October*
19 *1, 2008, setting forth detailed information regarding each*
20 *such local funds reprogramming conducted subject to this*
21 *subsection.*

22 (b) *None the local funds contained in this Act may*
23 *be available for obligation or expenditure for an agency*
24 *through a transfer of any local funds in excess of \$3,000,000*
25 *from one appropriation heading to another unless the Com-*

1 *mittees on Appropriations of the House of Representatives*
2 *and Senate are provided summary reports on April 1, 2008*
3 *and October 1, 2008, setting forth detailed information re-*
4 *garding each reprogramming conducted subject to this sub-*
5 *section, except that in no event may the amount of any*
6 *funds transferred exceed 4 percent of the local funds in the*
7 *appropriations.*

8 *(c) The District of Columbia Government is authorized*
9 *to approve and execute reprogramming and transfer re-*
10 *quests of local funds under this title through December 1,*
11 *2008.*

12 *SEC. 806. Consistent with the provisions of section*
13 *1301(a) of title 31, United States Code, appropriations*
14 *under this Act shall be applied only to the objects for which*
15 *the appropriations were made except as otherwise provided*
16 *by law.*

17 *SEC. 807. Notwithstanding section 8344(a) of title 5,*
18 *United States Code, the amendment made by section 2 of*
19 *the District Government Reemployed Annuitant Offset*
20 *Elimination Amendment Act of 2004 (D.C. Law 15–207)*
21 *shall apply with respect to any individual employed in an*
22 *appointive or elective position with the District of Colum-*
23 *bia government after December 7, 2004.*

24 *SEC. 808. No later than 30 days after the end of the*
25 *first quarter of fiscal year 2008, the Mayor of the District*

1 of Columbia shall submit to the Council of the District of
2 Columbia and the Committees on Appropriations of the
3 House of Representatives and Senate the new fiscal year
4 2008 revenue estimates as of the end of such quarter. These
5 estimates shall be used in the budget request for fiscal year
6 2009. The officially revised estimates at midyear shall be
7 used for the midyear report.

8 *SEC. 809. None of the Federal funds provided in this*
9 *Act may be used by the District of Columbia to provide*
10 *for salaries, expenses, or other costs associated with the of-*
11 *fices of United States Senator or United States Representa-*
12 *tive under section 4(d) of the District of Columbia State-*
13 *hood Constitutional Convention Initiatives of 1979 (D.C.*
14 *Law 3-171; D.C. Official Code, sec. 1-123).*

15 *SEC. 810. None of the Federal funds made available*
16 *in this Act may be used to implement or enforce the Health*
17 *Care Benefits Expansion Act of 1992 (D.C. Law 9-114;*
18 *D.C. Official Code, sec. 32-701 et seq.) or to otherwise im-*
19 *plement or enforce any system of registration of unmarried,*
20 *cohabiting couples, including but not limited to registration*
21 *for the purpose of extending employment, health, or govern-*
22 *mental benefits to such couples on the same basis that such*
23 *benefits are extended to legally married couples.*

24 *SEC. 811. (a) Notwithstanding any other provision of*
25 *this Act, the Mayor, in consultation with the Chief Finan-*

1 *cial Officer of the District of Columbia may accept, obligate,*
2 *and expend Federal, private, and other grants received by*
3 *the District government that are not reflected in the*
4 *amounts appropriated in this Act.*

5 *(b)(1) No such Federal, private, or other grant may*
6 *be obligated, or expended pursuant to subsection (a) until—*

7 *(A) the Chief Financial Officer of the District of*
8 *Columbia submits to the Council a report setting*
9 *forth detailed information regarding such grant; and*

10 *(B) the Council has reviewed and approved the*
11 *obligation, and expenditure of such grant.*

12 *(2) For purposes of paragraph (1)(B), the Council*
13 *shall be deemed to have reviewed and approved the obliga-*
14 *tion, and expenditure of a grant if—*

15 *(A) no written notice of disapproval is filed with*
16 *the Secretary of the Council within 14 calendar days*
17 *of the receipt of the report from the Chief Financial*
18 *Officer under paragraph (1)(A); or*

19 *(B) if such a notice of disapproval is filed with-*
20 *in such deadline, the Council does not by resolution*
21 *disapprove the obligation, or expenditure of the grant*
22 *within 30 calendar days of the initial receipt of the*
23 *report from the Chief Financial Officer under para-*
24 *graph (1)(A).*

1 (c) No amount may be obligated or expended from the
2 general fund or other funds of the District of Columbia gov-
3 ernment in anticipation of the approval or receipt of a
4 grant under subsection (b)(2) or in anticipation of the ap-
5 proval or receipt of a Federal, private, or other grant not
6 subject to such subsection.

7 (d) The Chief Financial Officer of the District of Co-
8 lumbia may adjust the budget for Federal, private, and
9 other grants received by the District government reflected
10 in the amounts appropriated in this title, or approved and
11 received under subsection (b)(2) to reflect a change in the
12 actual amount of the grant.

13 (e) The Chief Financial Officer of the District of Co-
14 lumbia shall prepare a quarterly report setting forth de-
15 tailed information regarding all Federal, private, and other
16 grants subject to this section. Each such report shall be sub-
17 mitted to the Council of the District of Columbia and to
18 the Committees on Appropriations of the House of Rep-
19 resentatives and Senate not later than 15 days after the
20 end of the quarter covered by the report.

21 SEC. 812. (a) Except as otherwise provided in this sec-
22 tion, none of the funds made available by this Act or by
23 any other Act may be used to provide any officer or em-
24 ployee of the District of Columbia with an official vehicle
25 unless the officer or employee uses the vehicle only in the

1 *performance of the officer's or employee's official duties. For*
2 *purposes of this paragraph, the term "official duties" does*
3 *not include travel between the officer's or employee's resi-*
4 *dence and workplace, except in the case of—*

5 (1) *an officer or employee of the Metropolitan*
6 *Police Department who resides in the District of Co-*
7 *lumbia or is otherwise designated by the Chief of the*
8 *Department;*

9 (2) *at the discretion of the Fire Chief, an officer*
10 *or employee of the District of Columbia Fire and*
11 *Emergency Medical Services Department who resides*
12 *in the District of Columbia and is on call 24 hours*
13 *a day or is otherwise designated by the Fire Chief;*

14 (3) *at the discretion of the Director of the De-*
15 *partment of Corrections, an officer or employee of the*
16 *District of Columbia Department of Corrections who*
17 *resides in the District of Columbia and is on call 24*
18 *hours a day or is otherwise designated by the Direc-*
19 *tor;*

20 (4) *the Mayor of the District of Columbia; and*

21 (5) *the Chairman of the Council of the District*
22 *of Columbia.*

23 (b) *The Chief Financial Officer of the District of Co-*
24 *lumbia shall submit by March 1, 2008, an inventory, as*
25 *of September 30, 2007, of all vehicles owned, leased or oper-*

1 ated by the District of Columbia government. The inventory
2 shall include, but not be limited to, the department to which
3 the vehicle is assigned; the year and make of the vehicle;
4 the acquisition date and cost; the general condition of the
5 vehicle; annual operating and maintenance costs; current
6 mileage; and whether the vehicle is allowed to be taken home
7 by a District officer or employee and if so, the officer or
8 employee's title and resident location.

9 SEC. 813. (a) None of the Federal funds contained in
10 this Act may be used by the District of Columbia Corpora-
11 tion Counsel or any other officer or entity of the District
12 government to provide assistance for any petition drive or
13 civil action which seeks to require Congress to provide for
14 voting representation in Congress for the District of Colum-
15 bia.

16 (b) Nothing in this section bars the District of Colum-
17 bia Corporation Counsel from reviewing or commenting on
18 briefs in private lawsuits, or from consulting with officials
19 of the District government regarding such lawsuits.

20 SEC. 814. None of the Federal funds contained in this
21 Act may be used for any program of distributing sterile
22 needles or syringes for the hypodermic injection of any ille-
23 gal drug.

24 SEC. 815. None of the funds contained in this Act may
25 be used after the expiration of the 60-day period that begins

1 on the date of the enactment of this Act to pay the salary
2 of any chief financial officer of any office of the District
3 of Columbia government (including any independent agen-
4 cy of the District of Columbia) who has not filed a certifi-
5 cation with the Mayor and the Chief Financial Officer of
6 the District of Columbia that the officer understands the
7 duties and restrictions applicable to the officer and the offi-
8 cer's agency as a result of this Act (and the amendments
9 made by this Act), including any duty to prepare a report
10 requested either in the Act or in any of the reports accom-
11 panying the Act and the deadline by which each report
12 must be submitted: Provided, That the Chief Financial Offi-
13 cer of the District of Columbia shall provide to the Commit-
14 tees on Appropriations of the House of Representatives and
15 Senate by April 1, 2008 and October 1, 2008, a summary
16 list showing each report, the due date, and the date sub-
17 mitted to the Committees.

18 SEC. 816. Nothing in this Act may be construed to pre-
19 vent the Council or Mayor of the District of Columbia from
20 addressing the issue of the provision of contraceptive cov-
21 erage by health insurance plans, but it is the intent of Con-
22 gress that any legislation enacted on such issue should in-
23 clude a "conscience clause" which provides exceptions for
24 religious beliefs and moral convictions.

1 *SEC. 817. The Mayor of the District of Columbia shall*
2 *submit to the Committees on Appropriations of the House*
3 *of Representatives and Senate, the Committee on Oversight*
4 *and Government Reform of the House of Representatives,*
5 *and the Committee on Homeland Security and Govern-*
6 *mental Affairs of the Senate annual reports addressing—*

7 (1) *crime, including the homicide rate, imple-*
8 *mentation of community policing, the number of po-*
9 *lice officers on local beats, and the closing down of*
10 *open-air drug markets;*

11 (2) *access to substance and alcohol abuse treat-*
12 *ment, including the number of treatment slots, the*
13 *number of people served, the number of people on*
14 *waiting lists, and the effectiveness of treatment pro-*
15 *grams;*

16 (3) *management of parolees and pre-trial violent*
17 *offenders, including the number of halfway houses es-*
18 *capades and steps taken to improve monitoring and su-*
19 *per vision of halfway house residents to reduce the*
20 *number of escapes to be provided in consultation with*
21 *the Court Services and Offender Supervision Agency*
22 *for the District of Columbia;*

23 (4) *education, including access to special edu-*
24 *cation services and student achievement to be pro-*
25 *vided in consultation with the District of Columbia*

1 *Public Schools and the District of Columbia public*
2 *charter schools;*

3 *(5) improvement in basic District services, in-*
4 *cluding rat control and abatement;*

5 *(6) application for and management of Federal*
6 *grants, including the number and type of grants for*
7 *which the District was eligible but failed to apply*
8 *and the number and type of grants awarded to the*
9 *District but for which the District failed to spend the*
10 *amounts received; and*

11 *(7) indicators of child well-being.*

12 *SEC. 818. (a) No later than 30 calendar days after*
13 *the date of the enactment of this Act, the Chief Financial*
14 *Officer of the District of Columbia shall submit to the ap-*
15 *propriate committees of Congress, the Mayor, and the Coun-*
16 *cil of the District of Columbia a revised appropriated funds*
17 *operating budget in the format of the budget that the Dis-*
18 *trict of Columbia government submitted pursuant to section*
19 *442 of the District of Columbia Home Rule Act (D.C. Offi-*
20 *cial Code, section 1-204.42), for all agencies of the District*
21 *of Columbia government for fiscal year 2008 that is in the*
22 *total amount of the approved appropriation and that re-*
23 *aligns all budgeted data for personal services and other-*
24 *than-personal-services, respectively, with anticipated actual*
25 *expenditures.*

1 (b) *This section shall apply only to an agency where*
2 *the Chief Financial Officer of the District of Columbia cer-*
3 *tifies that a reallocation is required to address unantici-*
4 *pated changes in program requirements.*

5 *SEC. 819. (a) None of the funds contained in this Act*
6 *may be made available to pay—*

7 (1) *the fees of an attorney who represents a*
8 *party in an action or an attorney who defends an ac-*
9 *tion brought against the District of Columbia Public*
10 *Schools under the Individuals with Disabilities Edu-*
11 *cation Act (20 U.S.C. 1400 et seq.) in excess of \$4,000*
12 *for that action; or*

13 (2) *the fees of an attorney or firm whom the*
14 *Chief Financial Officer of the District of Columbia*
15 *determines to have a pecuniary interest, either*
16 *through an attorney, officer, or employee of the firm,*
17 *in any special education diagnostic services, schools,*
18 *or other special education service providers.*

19 (b) *In this section, the term “action” includes an ad-*
20 *ministrative proceeding and any ensuing or related pro-*
21 *ceedings before a court of competent jurisdiction.*

22 *SEC. 820. The amount appropriated by this title may*
23 *be increased by no more than \$100,000,000 from funds*
24 *identified in the comprehensive annual financial report as*
25 *the District’s fiscal year 2007 unexpended general fund sur-*

1 *plus. The District may obligate and expend these amounts*
2 *only in accordance with the following conditions:*

3 (1) *The Chief Financial Officer of the District of*
4 *Columbia shall certify that the use of any such*
5 *amounts is not anticipated to have a negative impact*
6 *on the District's long-term financial, fiscal, and eco-*
7 *nomie vitality.*

8 (2) *The District of Columbia may only use these*
9 *funds for the following expenditures:*

10 (A) *One-time expenditures.*

11 (B) *Expenditures to avoid deficit spending.*

12 (C) *Debt Reduction.*

13 (D) *Program needs.*

14 (E) *Expenditures to avoid revenue short-*
15 *falls.*

16 (3) *The amounts shall be obligated and expended*
17 *in accordance with laws enacted by the Council in*
18 *support of each such obligation or expenditure.*

19 (4) *The amounts may not be used to fund the*
20 *agencies of the District of Columbia government*
21 *under court ordered receivership.*

22 (5) *The amounts may not be obligated or ex-*
23 *pended unless the Mayor notifies the Committees on*
24 *Appropriations of the House of Representatives and*

1 *Senate not fewer than 30 days in advance of the obli-*
2 *gation or expenditure.*

3 *SEC. 821. (a) To account for an unanticipated growth*
4 *of revenue collections, the amount appropriated as District*
5 *of Columbia Funds pursuant to this Act may be in-*
6 *creased—*

7 *(1) by an aggregate amount of not more than 25*
8 *percent, in the case of amounts proposed to be allo-*
9 *cated as “Other-Type Funds” in the Fiscal Year 2008*
10 *Proposed Budget and Financial Plan submitted to*
11 *Congress by the District of Columbia; and*

12 *(2) by an aggregate amount of not more than 6*
13 *percent, in the case of any other amounts proposed to*
14 *be allocated in such Proposed Budget and Financial*
15 *Plan.*

16 *(b) The District of Columbia may obligate and expend*
17 *any increase in the amount of funds authorized under this*
18 *section only in accordance with the following conditions:*

19 *(1) The Chief Financial Officer of the District of*
20 *Columbia shall certify—*

21 *(A) the increase in revenue; and*

22 *(B) that the use of the amounts is not an-*
23 *ticipated to have a negative impact on the long-*
24 *term financial, fiscal, or economic health of the*
25 *District.*

1 (2) *The amounts shall be obligated and expended*
2 *in accordance with laws enacted by the Council of the*
3 *District of Columbia in support of each such obliga-*
4 *tion and expenditure, consistent with the require-*
5 *ments of this Act.*

6 (3) *The amounts may not be used to fund any*
7 *agencies of the District government operating under*
8 *court-ordered receivership.*

9 (4) *The amounts may not be obligated or ex-*
10 *pended unless the Mayor has notified the Committees*
11 *on Appropriations of the House of Representatives*
12 *and Senate not fewer than 30 days in advance of the*
13 *obligation or expenditure.*

14 *SEC. 822. The Chief Financial Officer for the District*
15 *of Columbia may, for the purpose of cash flow management,*
16 *conduct short-term borrowing from the emergency reserve*
17 *fund and from the contingency reserve fund established*
18 *under section 450A of the District of Columbia Home Rule*
19 *Act (Public Law 98–198): Provided, That the amount bor-*
20 *rowed shall not exceed 50 percent of the total amount of*
21 *funds contained in both the emergency and contingency re-*
22 *serve funds at the time of borrowing: Provided further, That*
23 *the borrowing shall not deplete either fund by more than*
24 *50 percent: Provided further, That 100 percent of the funds*
25 *borrowed shall be replenished within 9 months of the time*

1 of the borrowing or by the end of the fiscal year, whichever
2 occurs earlier: Provided further, That in the event that
3 short-term borrowing has been conducted and the emergency
4 or the contingency funds are later depleted below 50 percent
5 as a result of an emergency or contingency, an amount
6 equal to the amount necessary to restore reserve levels to
7 50 percent of the total amount of funds contained in both
8 the emergency and contingency reserve fund must be replen-
9 ished from the amount borrowed within 60 days.

10 *SEC. 823. (a) None of the funds contained in this Act*
11 *may be used to enact or carry out any law, rule, or regula-*
12 *tion to legalize or otherwise reduce penalties associated with*
13 *the possession, use, or distribution of any schedule I sub-*
14 *stance under the Controlled Substances Act (21 U.S.C. 801*
15 *et seq.) or any tetrahydrocannabinols derivative.*

16 *(b) The Legalization of Marijuana for Medical Treat-*
17 *ment Initiative of 1998, also known as Initiative 59, ap-*
18 *proved by the electors of the District of Columbia on Novem-*
19 *ber 3, 1998, shall not take effect.*

20 *SEC. 824. None of the funds appropriated under this*
21 *Act shall be expended for any abortion except where the life*
22 *of the mother would be endangered if the fetus were carried*
23 *to term or where the pregnancy is the result of an act of*
24 *rape or incest.*

1 *SEC. 825. (a) DIRECT APPROPRIATION.—Section*
2 *307(a) of the District of Columbia Court Reform and*
3 *Criminal Procedure Act of 1970 (sec. 2–1607(a), D.C. Offi-*
4 *cial Code) is amended by striking the first 2 sentences and*
5 *inserting the following: “There are authorized to be appro-*
6 *priated to the Service in each fiscal year such funds as may*
7 *be necessary to carry out this chapter.”.*

8 *(b) CONFORMING AMENDMENT.—Section 11233 of the*
9 *Balanced Budget Act of 1997 (sec. 24–133, D.C. Official*
10 *Code) is amended by striking subsection (f).*

11 *(c) EFFECTIVE DATE.—The amendments made by this*
12 *section shall apply with respect to fiscal year 2008 and each*
13 *succeeding fiscal year.*

14 *SEC. 826. Amounts appropriated in this Act as oper-*
15 *ating funds may be transferred to the District of Columbia’s*
16 *enterprise and capital funds and such amounts, once trans-*
17 *ferred shall retain appropriation authority consistent with*
18 *the provisions of this Act.*

19 *SEC. 827. In fiscal year 2008 and thereafter, amounts*
20 *deposited in the Student Enrollment Fund shall be avail-*
21 *able for expenditure upon deposit and shall remain avail-*
22 *able until expended consistent with the terms detailed in*
23 *“The Student Funding Formula Assessment, Educational*
24 *Data Warehouse, and Enrollment Fund Establishment*
25 *Amendment Act of 2007” (title IV–D of D.C. Law L17–*

1 0020) and the entire provisions of that Act are incorporated
2 herein by reference.

3 SEC. 828. *Except as expressly provided otherwise, any*
4 *reference to “this Act” contained in this title or in title*
5 *IV shall be treated as referring only to the provisions of*
6 *this title or of title IV.*

7 *This division may be cited as the “Financial Services*
8 *and General Government Appropriations Act, 2008”.*

9 *DIVISION E—DEPARTMENT OF HOMELAND*
10 *SECURITY APPROPRIATIONS ACT, 2008*

11 *TITLE I*

12 *DEPARTMENT OF HOMELAND SECURITY*

13 *DEPARTMENTAL MANAGEMENT AND*

14 *OPERATIONS*

15 *OFFICE OF THE SECRETARY AND EXECUTIVE*

16 *MANAGEMENT*

17 *For necessary expenses of the Office of the Secretary*
18 *of Homeland Security, as authorized by section 102 of the*
19 *Homeland Security Act of 2002 (6 U.S.C. 112), and execu-*
20 *tive management of the Department of Homeland Security,*
21 *as authorized by law, \$97,353,000: Provided, That not to*
22 *exceed \$40,000 shall be for official reception and representa-*
23 *tion expenses: Provided further, That \$15,000,000 shall not*
24 *be available for obligation until the Secretary (1) certifies*
25 *and reports to the Committees on Appropriations of the*

1 *Senate and the House of Representatives that the Depart-*
2 *ment has revised Departmental guidance with respect to re-*
3 *lations with the Government Accountability Office to spe-*
4 *cifically provide for: (a) expedited timeframes for providing*
5 *the Government Accountability Office with access to records*
6 *within 20 days from the date of request; (b) expedited time-*
7 *frames for interviews of program officials by the Govern-*
8 *ment Accountability Office after reasonable notice has been*
9 *furnished to the Department by the Government Account-*
10 *ability Office; and (c) a significant streamlining of the re-*
11 *view process for documents and interview requests by liai-*
12 *sons, counsel, and program officials, consistent with the ob-*
13 *jective that the Government Accountability Office be given*
14 *timely and complete access to documents and agency offi-*
15 *cials; and (2) defines in a memorandum to all Department*
16 *employees the roles and responsibilities of the Department*
17 *of Homeland Security Inspector General: Provided further,*
18 *That the Secretary shall make the revisions to Depart-*
19 *mental guidance with respect to relations with the Govern-*
20 *ment Accountability Office in consultation with the Comp-*
21 *troller General of the United States and issue departmental*
22 *guidance with respect to relations with the Department of*
23 *Homeland Security Inspector General in consultation with*
24 *the Inspector General: Provided further, That not more than*
25 *seventy-five percent of the funds provided under this head-*

1 *ing shall be obligated prior to the submission of the first*
2 *quarterly report on progress to improve and modernize ef-*
3 *forts to remove criminal aliens judged deportable from the*
4 *United States.*

5 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

6 *For necessary expenses of the Office of the Under Sec-*
7 *retary for Management, as authorized by sections 701*
8 *through 705 of the Homeland Security Act of 2002 (6*
9 *U.S.C. 341 through 345), \$150,238,000, of which not to ex-*
10 *ceed \$3,000 shall be for official reception and representation*
11 *expenses: Provided, That of the total amount, \$6,000,000*
12 *shall remain available until expended solely for the alter-*
13 *ation and improvement of facilities, tenant improvements,*
14 *and relocation costs to consolidate Department head-*
15 *quarters operations.*

16 *OFFICE OF THE CHIEF FINANCIAL OFFICER*

17 *For necessary expenses of the Office of the Chief Finan-*
18 *cial Officer, as authorized by section 103 of the Homeland*
19 *Security Act of 2002 (6 U.S.C. 113), \$31,300,000.*

20 *OFFICE OF THE CHIEF INFORMATION OFFICER*

21 *For necessary expenses of the Office of the Chief Infor-*
22 *mation Officer, as authorized by section 103 of the Home-*
23 *land Security Act of 2002 (6 U.S.C. 113), and Department-*
24 *wide technology investments, \$295,200,000; of which*
25 *\$81,000,000 shall be available for salaries and expenses;*

1 *and of which \$214,200,000, to remain available until ex-*
2 *pended, shall be available for development and acquisition*
3 *of information technology equipment, software, services,*
4 *and related activities for the Department of Homeland Se-*
5 *curity, of which not less than \$36,800,000 shall be available,*
6 *as requested in the President's Fiscal Year 2008 Budget,*
7 *for Department of Homeland Security data center develop-*
8 *ment and an additional \$35,500,000 shall be available for*
9 *further construction of the National Center for Critical In-*
10 *formation Processing and Storage: Provided, That none of*
11 *the funds appropriated shall be used to support or supple-*
12 *ment the appropriations provided for the United States Vis-*
13 *itor and Immigrant Status Indicator Technology project or*
14 *the Automated Commercial Environment: Provided further,*
15 *That the Chief Information Officer shall submit to the Com-*
16 *mittees on Appropriations of the Senate and the House of*
17 *Representatives, not more than 60 days after the date of*
18 *enactment of this Act, an expenditure plan for all informa-*
19 *tion technology acquisition projects that: (1) are funded*
20 *under this heading; or (2) are funded by multiple compo-*
21 *nents of the Department of Homeland Security through re-*
22 *imbursable agreements: Provided further, That such expend-*
23 *iture plan shall include each specific project funded, key*
24 *milestones, all funding sources for each project, details of*

1 *annual and lifecycle costs, and projected cost savings or cost*
2 *avoidance to be achieved by the project.*

3 *ANALYSIS AND OPERATIONS*

4 *(INCLUDING RESCISSION OF FUNDS)*

5 *For necessary expenses for information analysis and*
6 *operations coordination activities, as authorized by title II*
7 *of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),*
8 *\$306,000,000, to remain available until September 30,*
9 *2009, of which not to exceed \$5,000 shall be for official re-*
10 *ception and representation expenses: Provided, That of the*
11 *amounts made available under this heading in Public Law*
12 *109–295, \$8,700,000 are rescinded.*

13 *OFFICE OF THE FEDERAL COORDINATOR FOR GULF*

14 *COAST REBUILDING*

15 *For necessary expenses of the Office of the Federal Co-*
16 *ordinator for Gulf Coast Rebuilding, \$2,700,000: Provided,*
17 *That \$1,000,000 shall not be available for obligation until*
18 *the Committees on Appropriations of the Senate and the*
19 *House of Representatives receive an expenditure plan for*
20 *fiscal year 2008.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *For necessary expenses of the Office of Inspector Gen-*
23 *eral in carrying out the provisions of the Inspector General*
24 *Act of 1978 (5 U.S.C. App.), \$92,711,000, of which not to*
25 *exceed \$150,000 may be used for certain confidential oper-*

1 *ational expenses, including the payment of informants, to*
2 *be expended at the direction of the Inspector General.*

3

TITLE II

4 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*

5

U.S. CUSTOMS AND BORDER PROTECTION

6

SALARIES AND EXPENSES

7

For necessary expenses for enforcement of laws relating

8

to border security, immigration, customs, and agricultural

9

inspections and regulatory activities related to plant and

10

animal imports; purchase and lease of up to 4,500 (2,300

11

for replacement only) police-type vehicles; and contracting

12

with individuals for personal services abroad;

13

\$6,802,560,000, of which \$3,093,000 shall be derived from

14

the Harbor Maintenance Trust Fund for administrative ex-

15

penses related to the collection of the Harbor Maintenance

16

Fee pursuant to section 9505(c)(3) of the Internal Revenue

17

Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding

18

section 1511(e)(1) of the Homeland Security Act of 2002

19

(6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall

20

be for official reception and representation expenses; of

21

which not less than \$226,740,000 shall be for Air and Ma-

22

rine Operations; of which \$13,000,000 shall be used to pro-

23

vide commercially available technology in order to expand

24

and improve the risk-based approach of the Department of

25

Homeland Security to target and inspect cargo containers

1 *under the Secure Freight Initiative and the Global Trade*
2 *Exchange; of which such sums as become available in the*
3 *Customs User Fee Account, except sums subject to section*
4 *13031(f)(3) of the Consolidated Omnibus Budget Reconcili-*
5 *ation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived*
6 *from that account; of which not to exceed \$150,000 shall*
7 *be available for payment for rental space in connection with*
8 *preclearance operations; and of which not to exceed*
9 *\$1,000,000 shall be for awards of compensation to inform-*
10 *ants, to be accounted for solely under the certificate of the*
11 *Secretary of Homeland Security: Provided, That of the*
12 *amount provided under this heading, \$323,000,000 is des-*
13 *ignated as described in section 5 (in the matter preceding*
14 *division A of this consolidated Act): Provided further, That*
15 *for fiscal year 2008, the overtime limitation prescribed in*
16 *section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C.*
17 *267(c)(1)) shall be \$35,000; and notwithstanding any other*
18 *provision of law, none of the funds appropriated by this*
19 *Act may be available to compensate any employee of U.S.*
20 *Customs and Border Protection for overtime, from whatever*
21 *source, in an amount that exceeds such limitation, except*
22 *in individual cases determined by the Secretary of Home-*
23 *land Security, or the designee of the Secretary, to be nec-*
24 *essary for national security purposes, to prevent excessive*
25 *costs, or in cases of immigration emergencies: Provided fur-*

1 *ther, That of the amount made available under this head-*
2 *ing, \$202,816,000 shall remain available until September*
3 *30, 2009, to support software development, equipment, con-*
4 *tract services, and the implementation of inbound lanes and*
5 *modification to vehicle primary processing lanes at ports*
6 *of entry; of which \$100,000 is to promote information and*
7 *education exchange with nations friendly to the United*
8 *States in order to promote sharing of best practices and*
9 *technologies relating to homeland security, as authorized by*
10 *section 879 of Public Law 107–296; and of which*
11 *\$75,000,000 may not be obligated until the Committees on*
12 *Appropriations of the Senate and the House of Representa-*
13 *tives receive a report not later than 120 days after the date*
14 *of enactment of this Act on the preliminary results of test-*
15 *ing of pilots at ports of entry used to develop and imple-*
16 *ment the plan required by section 7209(b)(1) of the Intel-*
17 *ligence Reform and Terrorism Prevention Act of 2004 (Pub-*
18 *lic Law 108–458; 8 U.S.C. 1185 note), which includes the*
19 *following information: (1) infrastructure and staffing re-*
20 *quired, with associated costs, by port of entry; (2) updated*
21 *milestones for plan implementation; (3) a detailed expla-*
22 *nation of how requirements of such section have been satis-*
23 *fied; (4) confirmation that a vicinity-read radio frequency*
24 *identification card has been adequately tested to ensure*

1 *operational success; and (5) a description of steps taken to*
2 *ensure the integrity of privacy safeguards.*

3 *AUTOMATION MODERNIZATION*

4 *For expenses for U.S. Customs and Border Protection*
5 *automated systems, \$476,609,000, to remain available until*
6 *expended, of which not less than \$316,969,000 shall be for*
7 *the development of the Automated Commercial Environ-*
8 *ment: Provided, That of the total amount made available*
9 *under this heading, \$216,969,000 may not be obligated for*
10 *the Automated Commercial Environment program until 30*
11 *days after the Committees on Appropriations of the Senate*
12 *and the House of Representatives receive a report on the*
13 *results to date and plans for the program from the Depart-*
14 *ment of Homeland Security that includes:*

15 *(1) a detailed accounting of the program's*
16 *progress up to the date of the report in meeting prior*
17 *commitments made to the Committees relative to sys-*
18 *tem capabilities or services, system performance levels,*
19 *mission benefits and outcomes, milestones, cost tar-*
20 *gets, and program management capabilities;*

21 *(2) an explicit plan of action defining how all*
22 *funds are to be obligated to meet future program com-*
23 *mitments, with the planned expenditure of funds*
24 *linked to the milestone-based delivery of specific capa-*
25 *bilities, services, performance levels, mission benefits*
26 *and outcomes, and program management capabilities;*

1 (3) a listing of all open Government Account-
2 ability Office and Office of Inspector General rec-
3 ommendations related to the program, with the status
4 of the Department's efforts to address the rec-
5 ommendations, including milestones for fully address-
6 ing them;

7 (4) a certification by the Chief Procurement Offi-
8 cer of the Department that the program has been re-
9 viewed and approved in accordance with the invest-
10 ment management process of the Department, and
11 that the process fulfills all capital planning and in-
12 vestment control requirements and reviews established
13 by the Office of Management and Budget, including
14 Circular A-11, part 7, as well as supporting analyses
15 generated by and used in the Department's process;

16 (5) a certification by the Chief Information Offi-
17 cer of the Department that an independent validation
18 and verification agent has and will continue to ac-
19 tively review the program;

20 (6) a certification by the Chief Information Offi-
21 cer of the Department that the system architecture of
22 the program is sufficiently aligned with the informa-
23 tion systems enterprise architecture of the Department
24 to minimize future rework, including a description of
25 all aspects of the architectures that were and were not

1 *assessed in making the alignment determination, the*
2 *date of the alignment determination, any known*
3 *areas of misalignment along with the associated risks*
4 *and corrective actions to address any such areas;*

5 *(7) a certification by the Chief Information Offi-*
6 *cer of the Department that the program has a risk*
7 *management process that regularly and proactively*
8 *identifies, evaluates, mitigates, and monitors risks*
9 *throughout the system life cycle, and communicates*
10 *high-risk conditions to U.S. Customs and Border Pro-*
11 *tection and Department of Homeland Security invest-*
12 *ment decision makers, as well as a listing of the pro-*
13 *gram's high risks and the status of efforts to address*
14 *them;*

15 *(8) a certification by the Chief Procurement Offi-*
16 *cer of the Department that the plans for the program*
17 *comply with the Federal acquisition rules, require-*
18 *ments, guidelines, and practices, and a description of*
19 *the actions being taken to address areas of non-com-*
20 *pliance, the risks associated with them along with*
21 *any plans for addressing these risks and the status of*
22 *their implementation; and*

23 *(9) a certification by the Chief Human Capital*
24 *Officer of the Department that the human capital*
25 *needs of the program are being strategically and*

1 *vestment (including lifecycle costs) required by the Se-*
2 *ecure Border Initiative network or any successor con-*
3 *tract, and description of the methodology used to ob-*
4 *tain these cost figures;*

5 *(2) a description of how activities will further*
6 *the objectives of the Secure Border Initiative, as de-*
7 *efined in the Secure Border Initiative multi-year stra-*
8 *tegic plan, and how the plan allocates funding to the*
9 *highest priority border security needs;*

10 *(3) an explicit plan of action defining how all*
11 *funds are to be obligated to meet future program com-*
12 *mitments, with the planned expenditure of funds*
13 *linked to the milestone-based delivery of specific capa-*
14 *bilities, services, performance levels, mission benefits*
15 *and outcomes, and program management capabilities;*

16 *(4) an identification of staffing (including full-*
17 *time equivalents, contractors, and detailees) require-*
18 *ments by activity;*

19 *(5) a description of how the plan addresses secu-*
20 *rity needs at the Northern Border and the ports of*
21 *entry, including infrastructure, technology, design*
22 *and operations requirements;*

23 *(6) a report on costs incurred, the activities com-*
24 *pleted, and the progress made by the program in*

1 *terms of obtaining operational control of the entire*
2 *border of the United States;*

3 *(7) a listing of all open Government Account-*
4 *ability Office and Office of Inspector General rec-*
5 *ommendations related to the program and the status*
6 *of Department of Homeland Security actions to ad-*
7 *dress the recommendations, including milestones to*
8 *fully address them;*

9 *(8) a certification by the Chief Procurement Offi-*
10 *cer of the Department that the program has been re-*
11 *viewed and approved in accordance with the invest-*
12 *ment management process of the Department, and*
13 *that the process fulfills all capital planning and in-*
14 *vestment control requirements and reviews established*
15 *by the Office of Management and Budget, including*
16 *Circular A-11, part 7;*

17 *(9) a certification by the Chief Information Offi-*
18 *cer of the Department that the system architecture of*
19 *the program is sufficiently aligned with the informa-*
20 *tion systems enterprise architecture of the Department*
21 *to minimize future rework, including a description of*
22 *all aspects of the architectures that were and were not*
23 *assessed in making the alignment determination, the*
24 *date of the alignment determination, and any known*

1 *areas of misalignment along with the associated risks*
2 *and corrective actions to address any such areas;*

3 *(10) a certification by the Chief Procurement Of-*
4 *ficer of the Department that the plans for the pro-*
5 *gram comply with the Federal acquisition rules, re-*
6 *quirements, guidelines, and practices, and a descrip-*
7 *tion of the actions being taken to address areas of*
8 *non-compliance, the risks associated with them along*
9 *with any plans for addressing these risks, and the sta-*
10 *tus of their implementation;*

11 *(11) a certification by the Chief Information Of-*
12 *ficer of the Department that the program has a risk*
13 *management process that regularly and proactively*
14 *identifies, evaluates, mitigates, and monitors risks*
15 *throughout the system life cycle and communicates*
16 *high-risk conditions to U.S. Customs and Border Pro-*
17 *tection and Department of Homeland Security invest-*
18 *ment decisionmakers, as well as a listing of all the*
19 *program's high risks and the status of efforts to ad-*
20 *dress them;*

21 *(12) a certification by the Chief Human Capital*
22 *Officer of the Department that the human capital*
23 *needs of the program are being strategically and*
24 *proactively managed, and that current human capital*

1 *capabilities are sufficient to execute the plans dis-*
2 *cussed in the report;*

3 *(13) an analysis by the Secretary for each seg-*
4 *ment, defined as no more than 15 miles, of fencing or*
5 *tactical infrastructure, of the selected approach com-*
6 *pared to other, alternative means of achieving oper-*
7 *ational control; such analysis should include cost,*
8 *level of operational control, possible unintended effects*
9 *on communities, and other factors critical to the deci-*
10 *sion-making process;*

11 *(14) a certification by the Chief Procurement Of-*
12 *ficer of the Department of Homeland Security that*
13 *procedures to prevent conflicts of interest between the*
14 *prime integrator and major subcontractors are estab-*
15 *lished and that the Secure Border Initiative Program*
16 *Office has adequate staff and resources to effectively*
17 *manage the Secure Border Initiative program, Secure*
18 *Border Initiative network contract, and any related*
19 *contracts, including the exercise of technical oversight,*
20 *and a certification by the Chief Information Officer*
21 *of the Department of Homeland Security that an*
22 *independent verification and validation agent is cur-*
23 *rently under contract for the projects funded under*
24 *this heading; and*

1 (15) is reviewed by the Government Account-
2 ability Office:

3 *Provided further, That the Secretary shall report to the*
4 *Committees on Appropriations of the Senate and the House*
5 *of Representatives on program progress to date and specific*
6 *objectives to be achieved through the award of current and*
7 *remaining task orders planned for the balance of available*
8 *appropriations: (1) at least 30 days prior to the award of*
9 *any task order requiring an obligation of funds in excess*
10 *of \$100,000,000; and (2) prior to the award of a task order*
11 *that would cause cumulative obligations of funds to exceed*
12 *50 percent of the total amount appropriated: Provided fur-*
13 *ther, That of the funds provided under this heading, not*
14 *more than \$2,000,000 shall be used to reimburse the Defense*
15 *Acquisition University for the costs of conducting a review*
16 *of the Secure Border Initiative network contract and deter-*
17 *mining how and whether the Department is employing the*
18 *best procurement practices: Provided further, That none of*
19 *the funds under this heading may be obligated for any*
20 *project or activity for which the Secretary has exercised*
21 *waiver authority pursuant to section 102(c) of the Illegal*
22 *Immigration Reform and Immigrant Responsibility Act of*
23 *1996 (8 U.S.C. 1103 note) until 15 days have elapsed from*
24 *the date of the publication of the decision in the Federal*
25 *Register.*

1 *AIR AND MARINE INTERDICTION, OPERATIONS,*
2 *MAINTENANCE, AND PROCUREMENT*

3 *For necessary expenses for the operations, mainte-*
4 *nance, and procurement of marine vessels, aircraft, un-*
5 *manned aircraft systems, and other related equipment of*
6 *the air and marine program, including operational train-*
7 *ing and mission-related travel, and rental payments for fa-*
8 *cilities occupied by the air or marine interdiction and de-*
9 *mand reduction programs, the operations of which include*
10 *the following: the interdiction of narcotics and other goods;*
11 *the provision of support to Federal, State, and local agen-*
12 *cies in the enforcement or administration of laws enforced*
13 *by the Department of Homeland Security; and at the dis-*
14 *cretion of the Secretary of Homeland Security, the provi-*
15 *sion of assistance to Federal, State, and local agencies in*
16 *other law enforcement and emergency humanitarian efforts,*
17 *\$570,047,000, to remain available until expended: Pro-*
18 *vided, That of the amount provided under this heading,*
19 *\$94,000,000 is designated as described in section 5 (in the*
20 *matter preceding division A of this consolidated Act): Pro-*
21 *vided further, That no aircraft or other related equipment,*
22 *with the exception of aircraft that are one of a kind and*
23 *have been identified as excess to U.S. Customs and Border*
24 *Protection requirements and aircraft that have been dam-*
25 *aged beyond repair, shall be transferred to any other Fed-*

1 eral agency, department, or office outside of the Department
2 of Homeland Security during fiscal year 2008 without the
3 prior approval of the Committees on Appropriations of the
4 Senate and the House of Representatives.

5 *CONSTRUCTION*

6 *For necessary expenses to plan, construct, renovate,*
7 *equip, and maintain buildings and facilities necessary for*
8 *the administration and enforcement of the laws relating to*
9 *customs and immigration, \$348,363,000, to remain avail-*
10 *able until expended; of which \$39,700,000 shall be for the*
11 *Advanced Training Center: Provided, That of the amount*
12 *provided under this heading, \$61,000,000 is designated as*
13 *described in section 5 (in the matter preceding division A*
14 *of this consolidated Act).*

15 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses for enforcement of immigration*
18 *and customs laws, detention and removals, and investiga-*
19 *tions; and purchase and lease of up to 3,790 (2,350 for re-*
20 *placement only) police-type vehicles; \$4,687,517,000, of*
21 *which not to exceed \$7,500,000 shall be available until ex-*
22 *pended for conducting special operations under section 3131*
23 *of the Customs Enforcement Act of 1986 (19 U.S.C. 2081);*
24 *of which not to exceed \$15,000 shall be for official reception*
25 *and representation expenses; of which not to exceed*
26 *\$1,000,000 shall be for awards of compensation to inform-*

1 *ants, to be accounted for solely under the certificate of the*
2 *Secretary of Homeland Security; of which not less than*
3 *\$305,000 shall be for promotion of public awareness of the*
4 *child pornography tipline and anti-child exploitation ac-*
5 *tivities as requested by the President; of which not less than*
6 *\$5,400,000 shall be used to facilitate agreements consistent*
7 *with section 287(g) of the Immigration and Nationality Act*
8 *(8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000*
9 *shall be available to fund or reimburse other Federal agen-*
10 *cies for the costs associated with the care, maintenance, and*
11 *repatriation of smuggled illegal aliens: Provided, That of*
12 *the amount provided under this heading, \$516,400,000 is*
13 *designated as described in section 5 (in the matter pre-*
14 *ceding division A of this consolidated Act): Provided fur-*
15 *ther, That none of the funds made available under this*
16 *heading shall be available to compensate any employee for*
17 *overtime in an annual amount in excess of \$35,000, except*
18 *that the Secretary of Homeland Security, or the designee*
19 *of the Secretary, may waive that amount as necessary for*
20 *national security purposes and in cases of immigration*
21 *emergencies: Provided further, That of the total amount*
22 *provided, \$15,770,000 shall be for activities to enforce laws*
23 *against forced child labor in fiscal year 2008, of which not*
24 *to exceed \$6,000,000 shall remain available until expended:*
25 *Provided further, That of the total amount provided, not*

1 *less than \$2,381,401,000 is for detention and removal oper-*
2 *ations: Provided further, That of the total amount provided,*
3 *\$200,000,000 shall remain available until September 30,*
4 *2009, to improve and modernize efforts to identify aliens*
5 *convicted of a crime, sentenced to imprisonment, and who*
6 *may be deportable, and remove them from the United States*
7 *once they are judged deportable: Provided further, That*
8 *none of the funds made available to improve and modernize*
9 *efforts to identify and remove aliens convicted of a crime,*
10 *sentenced to imprisonment, and who may be deportable (in*
11 *this proviso referred to as criminal aliens), and remove*
12 *them from the United States once they are judged deport-*
13 *able, shall be obligated until the Committees on Appropria-*
14 *tions of the Senate and the House of Representatives receive*
15 *a plan for expenditure, prepared by the Secretary of Home-*
16 *land Security and submitted within 90 days after the date*
17 *of enactment of this Act, to modernize the policies and tech-*
18 *nologies used to identify and remove criminal aliens, that—*

19 (1) *presents a strategy for U.S. Immigration and*
20 *Customs Enforcement to identify every criminal*
21 *alien, at the prison, jail, or correctional institution in*
22 *which they are held;*

23 (2) *establishes the process U.S. Immigration and*
24 *Customs Enforcement, in conjunction with the U.S.*
25 *Department of Justice, will use to make every reason-*

1 *essary expenses related to the protection of federally-owned*
2 *and leased buildings and for the operations of the Federal*
3 *Protective Service: Provided, That the Secretary of Home-*
4 *land Security and the Director of the Office of Management*
5 *and Budget shall certify in writing to the Committees on*
6 *Appropriations of the Senate and the House of Representa-*
7 *tives no later than December 31, 2007, that the operations*
8 *of the Federal Protective Service will be fully funded in fis-*
9 *cal year 2008 through revenues and collection of security*
10 *fees, and shall adjust the fees to ensure fee collections are*
11 *sufficient to ensure the Federal Protective Service main-*
12 *tains, by July 31, 2008, not fewer than 1,200 full-time*
13 *equivalent staff and 900 full-time equivalent Police Officers,*
14 *Inspectors, Area Commanders, and Special Agents who,*
15 *while working, are directly engaged on a daily basis pro-*
16 *tecting and enforcing laws at Federal buildings (referred*
17 *to as “in-service field staff”).*

18 *AUTOMATION MODERNIZATION*

19 *For expenses of immigration and customs enforcement*
20 *automated systems, \$30,700,000, to remain available until*
21 *expended: Provided, That of the funds made available under*
22 *this heading, \$5,000,000 shall not be obligated until the*
23 *Committees on Appropriations of the Senate and the House*
24 *of Representatives receive a plan for expenditure prepared*
25 *by the Secretary of Homeland Security.*

1 *ing, not to exceed \$3,768,489,000 shall be for screening oper-*
2 *ations, of which \$294,000,000 shall be available only for*
3 *procurement and installation of checked baggage explosive*
4 *detection systems; and not to exceed \$1,009,977,000 shall*
5 *be for aviation security direction and enforcement: Provided*
6 *further, That security service fees authorized under section*
7 *44940 of title 49, United States Code, shall be credited to*
8 *this appropriation as offsetting collections and shall be*
9 *available only for aviation security: Provided further, That*
10 *any funds collected and made available from aviation secu-*
11 *rity fees pursuant to section 44940(i) of title 49, United*
12 *States Code, may, notwithstanding paragraph (4) of such*
13 *section 44940(i), be expended for the purpose of improving*
14 *screening at airport screening checkpoints, which may in-*
15 *clude the purchase and utilization of emerging technology*
16 *equipment; the refurbishment and replacement of current*
17 *equipment; the installation of surveillance systems to mon-*
18 *itor checkpoint activities; the modification of checkpoint in-*
19 *frastructure to support checkpoint reconfigurations; and the*
20 *creation of additional checkpoints to screen aviation pas-*
21 *sengers and airport personnel: Provided further, That of the*
22 *amounts provided under this heading, \$30,000,000 may be*
23 *transferred to the “Surface Transportation Security”;*
24 *“Transportation Threat Assessment And Credentialing”;*
25 *and “Transportation Security Support” appropriations in*

1 *this Act for the purpose of implementing regulations and*
2 *activities authorized in Implementing Recommendations of*
3 *the 9/11 Commission Act of 2007 (Public Law 110–53):*
4 *Provided further, That the sum appropriated under this*
5 *heading from the general fund shall be reduced on a dollar-*
6 *for-dollar basis as such offsetting collections are received*
7 *during fiscal year 2008, so as to result in a final fiscal*
8 *year appropriation from the general fund estimated at not*
9 *more than \$2,598,466,000: Provided further, That any secu-*
10 *rity service fees collected in excess of the amount made*
11 *available under this heading shall become available during*
12 *fiscal year 2009: Provided further, That Members of the*
13 *United States House of Representatives and United States*
14 *Senate, including the leadership; and the heads of Federal*
15 *agencies and commissions, including the Secretary, Under*
16 *Secretaries, and Assistant Secretaries of the Department of*
17 *Homeland Security; the United States Attorney General*
18 *and Assistant Attorneys General and the United States at-*
19 *torneys; and senior members of the Executive Office of the*
20 *President, including the Director of the Office of Manage-*
21 *ment and Budget; shall not be exempt from Federal pas-*
22 *senger and baggage screening.*

23 *SURFACE TRANSPORTATION SECURITY*

24 *For necessary expenses of the Transportation Security*
25 *Administration related to providing surface transportation*

1 *security activities, \$46,613,000, to remain available until*
2 *September 30, 2009.*

3 *TRANSPORTATION THREAT ASSESSMENT AND*

4 *CREDENTIALING*

5 *For necessary expenses for the development and imple-*
6 *mentation of screening programs of the Office of Transpor-*
7 *tation Threat Assessment and Credentialing, \$82,590,000,*
8 *to remain available until September 30, 2009: Provided,*
9 *That if the Assistant Secretary of Homeland Security*
10 *(Transportation Security Administration) determines that*
11 *the Secure Flight program does not need to check airline*
12 *passenger names against the full terrorist watch list, then*
13 *the Assistant Secretary shall certify to the Committees on*
14 *Appropriations of the Senate and the House of Representa-*
15 *tives that no significant security risks are raised by screen-*
16 *ing airline passenger names only against a subset of the*
17 *full terrorist watch list.*

18 *TRANSPORTATION SECURITY SUPPORT*

19 *For necessary expenses of the Transportation Security*
20 *Administration related to providing transportation secu-*
21 *rity support and intelligence pursuant to the Aviation and*
22 *Transportation Security Act (Public Law 107–71; 115*
23 *Stat. 597; 49 U.S.C. 40101 note), \$523,515,000, to remain*
24 *available until September 30, 2009: Provided, That of the*
25 *funds appropriated under this heading, \$10,000,000 may*
26 *not be obligated until the Secretary of Homeland Security*

1 *submits to the Committees on Appropriations of the Senate*
2 *and the House of Representatives detailed expenditure plans*
3 *for checkpoint support and explosive detection systems re-*
4 *furbishment, procurement, and installations on an airport-*
5 *by-airport basis for fiscal year 2008; and a strategic plan*
6 *required for checkpoint technologies as described in the joint*
7 *explanatory statement of managers accompanying the fiscal*
8 *year 2007 conference report (H. Rept. 109–699): Provided*
9 *further, That these plans shall be submitted no later than*
10 *60 days after the date of enactment of this Act.*

11 *FEDERAL AIR MARSHALS*

12 *For necessary expenses of the Federal Air Marshals,*
13 *\$769,500,000.*

14 *COAST GUARD*

15 *OPERATING EXPENSES*

16 *For necessary expenses for the operation and mainte-*
17 *nance of the Coast Guard not otherwise provided for; pur-*
18 *chase or lease of not to exceed 25 passenger motor vehicles,*
19 *which shall be for replacement only; minor shore construc-*
20 *tion projects not exceeding \$1,000,000 in total cost at any*
21 *location; payments pursuant to section 156 of Public Law*
22 *97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation*
23 *and welfare; \$5,891,347,000, of which \$340,000,000 shall*
24 *be for defense-related activities; of which \$24,500,000 shall*
25 *be derived from the Oil Spill Liability Trust Fund to carry*
26 *out the purposes of section 1012(a)(5) of the Oil Pollution*

1 *Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed*
2 *\$20,000 shall be for official reception and representation*
3 *expenses; and of which \$3,600,000 shall be for costs to plan*
4 *and design an expansion to the Operations Systems Center*
5 *subject to the approval of a prospectus: Provided, That none*
6 *of the funds made available by this or any other Act shall*
7 *be available for administrative expenses in connection with*
8 *shipping commissioners in the United States: Provided fur-*
9 *ther, That none of the funds made available by this Act*
10 *shall be for expenses incurred for recreational vessels under*
11 *section 12114 of title 46, United States Code, except to the*
12 *extent fees are collected from yacht owners and credited to*
13 *this appropriation: Provided further, That not to exceed 5*
14 *percent of this appropriation may be transferred to the “Ac-*
15 *quisition, Construction, and Improvements” appropriation*
16 *for personnel compensation and benefits and related costs*
17 *to adjust personnel assignment to accelerate management*
18 *and oversight of new or existing projects without detrimen-*
19 *tally affecting the management and oversight of other*
20 *projects: Provided further, That the amount made available*
21 *for “Personnel, Compensation, and Benefits” in the “Acqui-*
22 *sition, Construction, and Improvements” appropriation*
23 *shall not be increased by more than 10 percent by such*
24 *transfers: Provided further, That the Committees on Appro-*
25 *priations of the Senate and the House of Representatives*

1 *shall be notified of each transfer within 30 days after it*
2 *is executed by the Treasury: Provided further, That of the*
3 *amount provided under this heading, \$70,300,000 is des-*
4 *ignated as described in section 5 (in the matter preceding*
5 *division A of this consolidated Act).*

6 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

7 *For necessary expenses to carry out the environmental*
8 *compliance and restoration functions of the Coast Guard*
9 *under chapter 19 of title 14, United States Code,*
10 *\$13,000,000, to remain available until expended.*

11 *RESERVE TRAINING*

12 *For necessary expenses of the Coast Guard Reserve, as*
13 *authorized by law; operations and maintenance of the re-*
14 *serve program; personnel and training costs; and equipment*
15 *and services; \$126,883,000.*

16 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

17 *(INCLUDING RESCISSIONS OF FUNDS)*

18 *For necessary expenses of acquisition, construction,*
19 *renovation, and improvement of aids to navigation, shore*
20 *facilities, vessels, and aircraft, including equipment related*
21 *thereto; and maintenance, rehabilitation, lease and oper-*
22 *ation of facilities and equipment, as authorized by law;*
23 *\$1,125,083,000, of which \$20,000,000 shall be derived from*
24 *the Oil Spill Liability Trust Fund to carry out the purposes*
25 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
26 *U.S.C. 2712(a)(5)); of which \$45,000,000 shall be available*

1 *until September 30, 2012, to acquire, repair, renovate, or*
2 *improve vessels, small boats, and related equipment; of*
3 *which \$173,100,000 shall be available until September 30,*
4 *2010, for other equipment; of which \$40,997,000 shall be*
5 *available until September 30, 2010, for shore facilities and*
6 *aids to navigation facilities; of which \$82,720,000 shall be*
7 *available for personnel compensation and benefits and re-*
8 *lated costs; and of which \$783,266,000 shall be available*
9 *until September 30, 2012, for the Integrated Deepwater*
10 *Systems program: Provided, That of the funds made avail-*
11 *able for the Integrated Deepwater Systems program,*
12 *\$327,416,000 is for aircraft and \$243,400,000 is for surface*
13 *ships: Provided further, That of the amount provided in the*
14 *preceding proviso for aircraft, \$70,000,000 may not be obli-*
15 *gated for the Maritime Patrol Aircraft until the Com-*
16 *mandant of the Coast Guard certifies that the mission sys-*
17 *tem pallet Developmental Test and Evaluation of the HC-*
18 *144A CASA Maritime Patrol Aircraft is complete: Provided*
19 *further, That no funds shall be available for procurements*
20 *related to the acquisition of additional major assets as part*
21 *of the Integrated Deepwater Systems program not already*
22 *under contract until an alternatives analysis has been com-*
23 *pleted by an independent qualified third party: Provided*
24 *further, That \$300,000,000 of the funds provided for the In-*
25 *tegrated Deepwater Systems program may not be obligated*

1 *until the Committees on Appropriations of the Senate and*
2 *the House of Representatives receive and approve a plan*
3 *for expenditure directly from the Coast Guard that—*

4 (1) *defines activities, milestones, yearly costs,*
5 *and lifecycle costs for each procurement of a major*
6 *asset, including an independent cost estimate for*
7 *each;*

8 (2) *identifies lifecycle staffing and training*
9 *needs of Coast Guard project managers and of pro-*
10 *urement and contract staff;*

11 (3) *identifies competition to be conducted in each*
12 *procurement;*

13 (4) *describes procurement plans that do not rely*
14 *on a single industry entity or contract;*

15 (5) *includes a certification by the Chief Human*
16 *Capital Officer of the Department that current*
17 *human capital capabilities are sufficient to execute*
18 *the plans discussed in the report;*

19 (6) *contains very limited indefinite delivery/in-*
20 *definite quantity contracts and explains the need for*
21 *any indefinite delivery/indefinite quantity contracts;*

22 (7) *identifies individual project balances by fis-*
23 *cal year, including planned carryover into fiscal year*
24 *2009 by project;*

1 (8) *identifies operational gaps by asset and ex-*
2 *plains how funds provided in this Act address the*
3 *shortfalls between current operational capabilities and*
4 *requirements;*

5 (9) *includes a listing of all open Government Ac-*
6 *countability Office and Office of Inspector General*
7 *recommendations related to the program and the sta-*
8 *tus of Coast Guard actions to address the rec-*
9 *ommendations, including milestones for fully address-*
10 *ing them;*

11 (10) *includes a certification by the Chief Pro-*
12 *curement Officer of the Department that the program*
13 *has been reviewed and approved in accordance with*
14 *the investment management process of the Depart-*
15 *ment, and that the process fulfills all capital plan-*
16 *ning and investment control requirements and re-*
17 *views established by the Office of Management and*
18 *Budget, including Circular A-11, part 7;*

19 (11) *identifies use of the Defense Contract Audit-*
20 *ing Agency;*

21 (12) *includes a certification by the head of con-*
22 *tracting activity for the Coast Guard and the Chief*
23 *Procurement Officer of the Department that the plans*
24 *for the program comply with the Federal acquisition*
25 *rules, requirements, guidelines, and practices, and a*

1 *description of the actions being taken to address areas*
2 *of non-compliance, the risks associated with them*
3 *along with plans for addressing these risks, and the*
4 *status of their implementation;*

5 *(13) identifies the use of independent validation*
6 *and verification; and*

7 *(14) is reviewed by the Government Account-*
8 *ability Office:*

9 *Provided further, That the Secretary of Homeland Security*
10 *shall submit to the Committees on Appropriations of the*
11 *Senate and the House of Representatives, in conjunction*
12 *with the President's fiscal year 2009 budget, a review of*
13 *the Revised Deepwater Implementation Plan that identifies*
14 *any changes to the plan for the fiscal year; an annual per-*
15 *formance comparison of Deepwater assets to pre-Deepwater*
16 *legacy assets; a status report of legacy assets; a detailed ex-*
17 *planation of how the costs of legacy assets are being ac-*
18 *counted for within the Deepwater program; and the earned*
19 *value management system gold card data for each Deep-*
20 *water asset: Provided further, That the Secretary shall sub-*
21 *mit to the Committees on Appropriations of the Senate and*
22 *the House of Representatives a comprehensive review of the*
23 *Revised Deepwater Implementation Plan every five years,*
24 *beginning in fiscal year 2011, that includes a complete pro-*
25 *jection of the acquisition costs and schedule for the duration*

1 *of the plan through fiscal year 2027: Provided further, That*
2 *the Secretary shall annually submit to the Committees on*
3 *Appropriations of the Senate and the House of Representa-*
4 *tives, at the time that the President's budget is submitted*
5 *under section 1105(a) of title 31, United States Code, a fu-*
6 *ture-years capital investment plan for the Coast Guard that*
7 *identifies for each capital budget line item—*

8 (1) *the proposed appropriation included in that*
9 *budget;*

10 (2) *the total estimated cost of completion;*

11 (3) *projected funding levels for each fiscal year*
12 *for the next five fiscal years or until project comple-*
13 *tion, whichever is earlier;*

14 (4) *an estimated completion date at the projected*
15 *funding levels; and*

16 (5) *changes, if any, in the total estimated cost of*
17 *completion or estimated completion date from pre-*
18 *vious future-years capital investment plans submitted*
19 *to the Committees on Appropriations of the Senate*
20 *and the House of Representatives:*

21 *Provided further, That the Secretary shall ensure that*
22 *amounts specified in the future-years capital investment*
23 *plan are consistent to the maximum extent practicable with*
24 *proposed appropriations necessary to support the programs,*
25 *projects, and activities of the Coast Guard in the President's*

1 budget as submitted under section 1105(a) of title 31,
2 United States Code, for that fiscal year: Provided further,
3 That any inconsistencies between the capital investment
4 plan and proposed appropriations shall be identified and
5 justified: Provided further, That of amounts made available
6 under this heading in Public Laws 108–334 and 109–90
7 for the Offshore Patrol Cutter, \$98,627,476 are rescinded:
8 Provided further, That of amounts made available under
9 this heading in Public Law 108–334 for VTOL unmanned
10 aerial vehicles (VUAV), \$162,850 are rescinded: Provided
11 further, That of amounts made available under this heading
12 in Public Law 109–90 for unmanned air vehicles (UAVs),
13 \$32,942,138 are rescinded: Provided further, That of
14 amounts made available under this heading in Public Law
15 109–295 for VTOL unmanned aerial vehicles (UAVs),
16 \$716,536 are rescinded: Provided further, That of the
17 amount provided under this heading, \$95,800,000 is des-
18 ignated as described in section 5 (in the matter preceding
19 division A of this consolidated Act).

20 *ALTERATION OF BRIDGES*

21 *For necessary expenses for alteration or removal of ob-*
22 *structive bridges, as authorized by section 6 of the Truman-*
23 *Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain avail-*
24 *able until expended.*

1 *UNITED STATES SECRET SERVICE*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the United States Secret*
4 *Service, including purchase of not to exceed 645 vehicles*
5 *for police-type use for replacement only, and hire of pas-*
6 *senger motor vehicles; purchase of motorcycles made in the*
7 *United States; hire of aircraft; services of expert witnesses*
8 *at such rates as may be determined by the Director of the*
9 *Secret Service; rental of buildings in the District of Colum-*
10 *bia, and fencing, lighting, guard booths, and other facilities*
11 *on private or other property not in Government ownership*
12 *or control, as may be necessary to perform protective func-*
13 *tions; payment of per diem or subsistence allowances to em-*
14 *ployees where a protective assignment during the actual day*
15 *or days of the visit of a protectee requires an employee to*
16 *work 16 hours per day or to remain overnight at a post*
17 *of duty; conduct of and participation in firearms matches;*
18 *presentation of awards; travel of United States Secret Serv-*
19 *ice employees on protective missions without regard to the*
20 *limitations on such expenditures in this or any other Act*
21 *if approval is obtained in advance from the Committees on*
22 *Appropriations of the Senate and the House of Representa-*
23 *tives; research and development; grants to conduct behav-*
24 *ioral research in support of protective research and oper-*
25 *ations; and payment in advance for commercial accom-*

1 *modations as may be necessary to perform protective func-*
2 *tions; \$1,381,771,000, of which \$853,690,000 is for protec-*
3 *tive functions; of which not to exceed \$25,000 shall be for*
4 *official reception and representation expenses; of which not*
5 *to exceed \$100,000 shall be to provide technical assistance*
6 *and equipment to foreign law enforcement organizations in*
7 *counterfeit investigations; of which \$2,366,000 shall be for*
8 *forensic and related support of investigations of missing*
9 *and exploited children; and of which \$6,000,000 shall be*
10 *for a grant for activities related to the investigations of*
11 *missing and exploited children and shall remain available*
12 *until expended: Provided, That up to \$18,000,000 provided*
13 *for protective travel shall remain available until September*
14 *30, 2009: Provided further, That the United States Secret*
15 *Service is authorized to obligate funds in anticipation of*
16 *reimbursements from Federal agencies and entities, as de-*
17 *finied in section 105 of title 5, United States Code, receiving*
18 *training sponsored by the James J. Rowley Training Cen-*
19 *ter, except that total obligations at the end of the fiscal year*
20 *shall not exceed total budgetary resources available under*
21 *this heading at the end of the fiscal year.*

22 *ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND*
23 *RELATED EXPENSES*

24 *For necessary expenses for acquisition, construction,*
25 *repair, alteration, and improvement of facilities,*
26 *\$3,725,000, to remain available until expended.*

1 *TITLE III*
2 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
3 *RECOVERY*

4 *NATIONAL PROTECTION AND PROGRAMS DIRECTORATE*
5 *MANAGEMENT AND ADMINISTRATION*

6 *For salaries and expenses of the immediate Office of*
7 *the Under Secretary for National Protection and Programs,*
8 *the National Protection Planning Office, support for oper-*
9 *ations, information technology, and Risk Management and*
10 *Analysis, \$47,346,000: Provided, That not to exceed \$5,000*
11 *shall be for official reception and representation expenses:*
12 *Provided further, That of the total amount provided under*
13 *this heading, \$5,000,000 shall not be obligated until the*
14 *Committees on Appropriations of the Senate and the House*
15 *of Representatives receive and approve an expenditure plan*
16 *by program, project, and activity.*

17 *INFRASTRUCTURE PROTECTION AND INFORMATION*
18 *SECURITY*

19 *For necessary expenses for infrastructure protection*
20 *and information security programs and activities, as au-*
21 *thorized by title II of the Homeland Security Act of 2002*
22 *(6 U.S.C. 121 et seq.), \$654,730,000, of which \$586,960,000*
23 *shall remain available until September 30, 2009.*

1 *UNITED STATES VISITOR AND IMMIGRANT STATUS*2 *INDICATOR TECHNOLOGY*

3 *For necessary expenses for the development of the*
4 *United States Visitor and Immigrant Status Indicator*
5 *Technology project, as authorized by section 110 of the Ille-*
6 *gal Immigration Reform and Immigrant Responsibility Act*
7 *of 1996 (8 U.S.C. 1365a), \$475,000,000, to remain avail-*
8 *able until expended: Provided, That of the amount provided*
9 *under this heading, \$275,000,000 is designated as described*
10 *in section 5 (in the matter preceding division A of this con-*
11 *solidated Act): Provided further, That of the total amount*
12 *made available under this heading, \$125,000,000 may not*
13 *be obligated for the United States Visitor and Immigrant*
14 *Status Indicator Technology project until the Committees*
15 *on Appropriations of the Senate and the House of Rep-*
16 *resentatives receive and approve a plan for expenditure pre-*
17 *pared by the Secretary of Homeland Security that includes:*

18 *(1) a detailed accounting of the program's*
19 *progress to date relative to system capabilities or serv-*
20 *ices, system performance levels, mission benefits and*
21 *outcomes, milestones, cost targets, and program man-*
22 *agement capabilities;*

23 *(2) an explicit plan of action defining how all*
24 *funds are to be obligated to meet future program com-*
25 *mitments, with the planned expenditure of funds*

1 *linked to the milestone-based delivery of specific capa-*
2 *bilities, services, performance levels, mission benefits*
3 *and outcomes, and program management capabilities;*

4 *(3) a listing of all open Government Account-*
5 *ability Office and Office of Inspector General rec-*
6 *ommendations related to the program and the status*
7 *of Department of Homeland Security actions to ad-*
8 *dress the recommendations, including milestones for*
9 *fully addressing them;*

10 *(4) a certification by the Chief Procurement Offi-*
11 *cer of the Department that the program has been re-*
12 *viewed and approved in accordance with the invest-*
13 *ment management process of the Department, and*
14 *that the process fulfills all capital planning and in-*
15 *vestment control requirements and reviews established*
16 *by the Office of Management and Budget, including*
17 *Circular A-11, part 7;*

18 *(5) a certification by the Chief Information Offi-*
19 *cer of the Department of Homeland Security that an*
20 *independent verification and validation agent is cur-*
21 *rently under contract for the project;*

22 *(6) a certification by the Chief Information Offi-*
23 *cer of the Department that the system architecture of*
24 *the program is sufficiently aligned with the informa-*
25 *tion systems enterprise architecture of the Department*

1 *to minimize future rework, including a description of*
2 *all aspects of the architectures that were and were not*
3 *assessed in making the alignment determination, the*
4 *date of the alignment determination, and any known*
5 *areas of misalignment along with the associated risks*
6 *and corrective actions to address any such areas;*

7 *(7) a certification by the Chief Procurement Offi-*
8 *cer of the Department that the plans for the program*
9 *comply with the Federal acquisition rules, require-*
10 *ments, guidelines, and practices, and a description of*
11 *the actions being taken to address areas of non-com-*
12 *pliance, the risks associated with them along with*
13 *any plans for addressing these risks, and the status*
14 *of their implementation;*

15 *(8) a certification by the Chief Information Offi-*
16 *cer of the Department that the program has a risk*
17 *management process that regularly identifies, evalu-*
18 *ates, mitigates, and monitors risks throughout the sys-*
19 *tem life cycle, and communicates high-risk conditions*
20 *to agency and Department of Homeland Security in-*
21 *vestment decisionmakers, as well as a listing of all the*
22 *program's high risks and the status of efforts to ad-*
23 *dress them;*

24 *(9) a certification by the Chief Human Capital*
25 *Officer of the Department that the human capital*

1 *needs of the program are being strategically and*
2 *proactively managed, and that current human capital*
3 *capabilities are sufficient to execute the plans dis-*
4 *cussed in the report;*

5 *(10) a complete schedule for the full implementa-*
6 *tion of a biometric exit program or a certification*
7 *that such program is not possible within five years;*

8 *(11) a detailed accounting of operation and*
9 *maintenance, contractor services, and program costs*
10 *associated with the management of identity services;*
11 *and*

12 *(12) is reviewed by the Government Account-*
13 *ability Office.*

14 *OFFICE OF HEALTH AFFAIRS*

15 *For the necessary expenses of the Office of Health Af-*
16 *fairs, \$116,500,000; of which \$24,317,000 is for salaries and*
17 *expenses; and of which \$92,183,000, to remain available*
18 *until September 30, 2009, is for biosurveillance, BioWatch,*
19 *medical readiness planning, chemical response, and other*
20 *activities: Provided, That not to exceed \$3,000 shall be for*
21 *official reception and representation expenses.*

22 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

23 *MANAGEMENT AND ADMINISTRATION*

24 *For necessary expenses for management and adminis-*
25 *tration of the Federal Emergency Management Agency,*

1 \$664,000,000, including activities authorized by the Na-
2 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),
3 the Robert T. Stafford Disaster Relief and Emergency As-
4 sistance Act (42 U.S.C. 5121 et seq.), the Earthquake Haz-
5 ards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the
6 Defense Production Act of 1950 (50 U.S.C. App. 2061 et
7 seq.), sections 107 and 303 of the National Security Act
8 of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3
9 of 1978 (5 U.S.C. App.), the Homeland Security Act of
10 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emer-
11 gency Management Reform Act of 2006 (Public Law 109–
12 295; 120 Stat. 1394): Provided, That not to exceed \$3,000
13 shall be for official reception and representation expenses:
14 Provided further, That the President’s budget submitted
15 under section 1105(a) of title 31, United States Code, shall
16 be detailed by office for the Federal Emergency Management
17 Agency: Provided further, That of the total amount made
18 available under this heading, \$32,500,000 shall be for the
19 Urban Search and Rescue Response System, of which not
20 to exceed \$1,600,000 may be made available for administra-
21 tive costs; and \$6,000,000 shall be for the Office of National
22 Capital Region Coordination: Provided further, That for
23 purposes of planning, coordination, execution, and deci-
24 sionmaking related to mass evacuation during a disaster,
25 the Governors of the State of West Virginia and the Com-

1 *monwealth of Pennsylvania, or their designees, shall be in-*
2 *corporated into efforts to integrate the activities of Federal,*
3 *State, and local governments in the National Capital Re-*
4 *gion, as defined in section 882 of Public Law 107–296, the*
5 *Homeland Security Act of 2002.*

6 *STATE AND LOCAL PROGRAMS*
7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For grants, contracts, cooperative agreements, and*
9 *other activities, \$3,177,800,000 shall be allocated as follows:*

10 *(1) \$950,000,000 shall be for the State Homeland*
11 *Security Grant Program under section 2004 of the*
12 *Homeland Security Act of 2002 (6 U.S.C. 605) as*
13 *amended by Implementing Recommendations of the 9/*
14 *11 Commission Act of 2007 (Public Law 110–53):*
15 *Provided, That of the amount provided by this para-*
16 *graph, \$60,000,000 shall be for Operation*
17 *Stonegarden and is designated as described in section*
18 *5 (in the matter preceding division A of this consoli-*
19 *dated Act): Provided further, That notwithstanding*
20 *subsection (c)(4) of such section 2004, for fiscal year*
21 *2008, the Commonwealth of Puerto Rico shall make*
22 *available to local and tribal governments amounts*
23 *provided to the Commonwealth of Puerto Rico under*
24 *this paragraph in accordance with subsection (c)(1)*
25 *of such section 2004;*

1 (2) \$820,000,000 shall be for the Urban Area Se-
2 curity Initiative under section 2003 of the Homeland
3 Security Act of 2002 (6 U.S.C. 604) as amended by
4 Implementing Recommendations of the 9/11 Commis-
5 sion Act of 2007 (Public Law 110–53), of which, not-
6 withstanding subsection (c)(1) of such section,
7 \$15,000,000 shall be for grants to organizations (as
8 described under section 501(c)(3) of the Internal Rev-
9 enue Code of 1986 and exempt from tax section
10 501(a) of such code) determined by the Secretary to
11 be at high-risk of a terrorist attack;

12 (3) \$35,000,000 shall be for Regional Cata-
13 strophic Preparedness Grants;

14 (4) \$41,000,000 shall be for the Metropolitan
15 Medical Response System under section 635 of the
16 Post-Katrina Emergency Management Reform Act of
17 2006 (6 U.S.C. 723);

18 (5) \$15,000,000 shall be for the Citizens Corps
19 Program;

20 (6) \$400,000,000 shall be for Public Transpor-
21 tation Security Assistance and Railroad Security As-
22 sistance under sections 1406 and 1513 of the Imple-
23 menting Recommendations of the 9/11 Commission
24 Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and

1 1163), of which not less than \$25,000,000 shall be for
2 Amtrak security;

3 (7) \$400,000,000 shall be for Port Security
4 Grants in accordance with 46 U.S.C. 70107;

5 (8) \$11,500,000 shall be for Over-the-Road Bus
6 Security Assistance under section 1532 of the Imple-
7 menting Recommendations of the 9/11 Commission
8 Act of 2007 (Public Law 110–53; 6 U.S.C. 1182);

9 (9) \$16,000,000 shall be for Trucking Industry
10 Security Grants;

11 (10) \$50,000,000 shall be for Buffer Zone Protec-
12 tion Program Grants;

13 (11) \$50,000,000 shall be for grants under sec-
14 tion 204 of the REAL ID Act of 2005 (Public Law
15 109–13; 49 U.S.C. 30301 note): Provided, That the
16 amount provided under this paragraph shall be des-
17 ignated as described in section 5 (in the matter pre-
18 ceding division A of this consolidated Act);

19 (12) \$25,000,000 shall be for the Commercial
20 Equipment Direct Assistance Program;

21 (13) \$50,000,000 shall be for the Interoperable
22 Emergency Communications Grant Program under
23 section 1809 of the Homeland Security Act of 2002 (6
24 U.S.C. 579) as amended by Implementing Rec-

1 *ommendations of the 9/11 Commission Act of 2007*
2 *(Public Law 110–53);*

3 *(14) \$15,000,000 shall be for grants for construc-*
4 *tion of Emergency Operations Centers under section*
5 *614 of the Robert T. Stafford Disaster Relief and*
6 *Emergency Assistance Act (42 U.S.C. 5196c) as*
7 *amended by Implementing Recommendations of the 9/*
8 *11 Commission Act of 2007 (Public Law 110–53);*
9 *and*

10 *(15) \$299,300,000 shall be for training, exercises,*
11 *technical assistance, and other programs:*

12 *Provided, That not to exceed three percent of the amounts*
13 *provided under this heading may be transferred to the Fed-*
14 *eral Emergency Management Agency “Management and*
15 *Administration” account for program administration: Pro-*
16 *vided further, That for grants under paragraphs (1)*
17 *through (5), the applications for grants shall be made avail-*
18 *able to eligible applicants not later than 25 days after the*
19 *date of enactment of this Act, that eligible applicants shall*
20 *submit applications not later than 90 days after the grant*
21 *announcement, and that the Administrator of the Federal*
22 *Emergency Management Agency shall act within 90 days*
23 *after receipt of an application: Provided further, That for*
24 *grants under paragraphs (6) through (11), the applications*
25 *for grants shall be made available to eligible applicants not*

1 *later than 30 days after the date of enactment of this Act,*
2 *that eligible applicants shall submit applications within 45*
3 *days after the grant announcement, and that the Federal*
4 *Emergency Management Agency shall act not later than 60*
5 *days after receipt of an application: Provided further, That*
6 *grantees shall provide additional reports on their use of*
7 *funds, as determined necessary by the Secretary of Home-*
8 *land Security: Provided further, That (a) the Center for Do-*
9 *mestic Preparedness may provide training to emergency re-*
10 *sponse providers from the Federal Government, foreign gov-*
11 *ernments, or private entities, if the Center for Domestic*
12 *Preparedness is reimbursed for the cost of such training,*
13 *and any reimbursement under this subsection shall be cred-*
14 *ited to the account from which the expenditure being reim-*
15 *bursed was made and shall be available, without fiscal year*
16 *limitation, for the purposes for which amounts in the ac-*
17 *count may be expended, (b) the head of the Center for Do-*
18 *mestic Preparedness shall ensure that any training pro-*
19 *vided under (a) does not interfere with the primary mission*
20 *of the Center to train State and local emergency response*
21 *providers: Provided further, That the Government Account-*
22 *ability Office shall report to the Committees on Appropria-*
23 *tions of the Senate and the House of Representatives regard-*
24 *ing the data, assumptions, and methodology that the De-*
25 *partment uses to assess risk and allocate Urban Area Secu-*

1 *rity Initiative and State Homeland Security Grants not*
2 *later than 45 days after the date of enactment of this Act:*
3 *Provided further, That the report shall include the reli-*
4 *ability and validity of the data used, the basis for the as-*
5 *sumptions used, how the methodology is applied to deter-*
6 *mine the risk scores for individual locations, an analysis*
7 *of the usefulness of placing States and cities into tier*
8 *groups, and the allocation of grants to eligible locations:*
9 *Provided further, That the Department provide the Govern-*
10 *ment Accountability Office with the actual data that the*
11 *Department used for its risk assessment and grant alloca-*
12 *tion for at least two locations at the discretion of the Gov-*
13 *ernment Accountability Office for the 2007 grant allocation*
14 *process: Provided further, That the Department provide the*
15 *Government Accountability Office with access to all data*
16 *needed for its analysis and report, including specifics on*
17 *all changes for the fiscal year 2008 process, including, but*
18 *not limited to, all changes in data, assumptions, and*
19 *weights used in methodology within seven days after the*
20 *date of enactment of this Act: Provided further, That any*
21 *subsequent changes made regarding the risk methodology*
22 *after the initial information is provided to the Government*
23 *Accountability Office shall be provided within seven days*
24 *after the change is made.*

1 *FIREFIGHTER ASSISTANCE GRANTS*

2 *For necessary expenses for programs authorized by the*
3 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
4 *2201 et seq.), \$750,000,000, of which \$560,000,000 shall be*
5 *available to carry out section 33 of that Act (15 U.S.C.*
6 *2229) and \$190,000,000 shall be available to carry out sec-*
7 *tion 34 of that Act (15 U.S.C. 2229a), to remain available*
8 *until September 30, 2009: Provided, That not to exceed five*
9 *percent of the amount available under this heading shall*
10 *be available for program administration.*

11 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

12 *For necessary expenses for emergency management*
13 *performance grants, as authorized by the National Flood*
14 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
15 *T. Stafford Disaster Relief and Emergency Assistance Act*
16 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
17 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
18 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$300,000,000: Pro-*
19 *vided, That total administrative costs shall not exceed three*
20 *percent of the total amount appropriated under this head-*
21 *ing.*

22 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

23 *The aggregate charges assessed during fiscal year 2008,*
24 *as authorized in title III of the Departments of Veterans*
25 *Affairs and Housing and Urban Development, and Inde-*
26 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*

1 5196e), shall not be less than 100 percent of the amounts
2 anticipated by the Department of Homeland Security nec-
3 essary for its radiological emergency preparedness program
4 for the next fiscal year: Provided, That the methodology for
5 assessment and collection of fees shall be fair and equitable
6 and shall reflect costs of providing such services, including
7 administrative costs of collecting such fees: Provided fur-
8 ther, That fees received under this heading shall be deposited
9 in this account as offsetting collections and will become
10 available for authorized purposes on October 1, 2008, and
11 remain available until expended.

12 *UNITED STATES FIRE ADMINISTRATION*

13 *For necessary expenses of the United States Fire Ad-*
14 *ministration and for other purposes, as authorized by the*
15 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
16 *2201 et seq.) and the Homeland Security Act of 2002 (6*
17 *U.S.C. 101 et seq.), \$43,300,000.*

18 *DISASTER RELIEF*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary expenses in carrying out the Robert T.*
21 *Stafford Disaster Relief and Emergency Assistance Act (42*
22 *U.S.C. 5121 et seq.), \$1,400,000,000, to remain available*
23 *until expended: Provided, That of the total amount pro-*
24 *vided, \$16,000,000 shall be transferred to the Department*
25 *of Homeland Security Office of Inspector General for audits*
26 *and investigations related to disasters, subject to section 503*

1 *of this Act: Provided further, That up to \$60,000,000 may*
2 *be transferred to “Management and Administration”, Fed-*
3 *eral Emergency Management Agency, of which \$48,000,000*
4 *and 250 positions are for management and administration*
5 *functions and \$12,000,000 is for activities related to the*
6 *Robert T. Stafford Disaster Relief and Emergency Assist-*
7 *ance Act (42 U.S.C. 5121 et seq.): Provided further, That*
8 *of the amount provided in the previous proviso, \$30,000,000*
9 *shall not be available for transfer for management and ad-*
10 *ministration functions until the Federal Emergency Man-*
11 *agement Agency submits an expenditure plan to the Com-*
12 *mittees on Appropriations of the Senate and the House of*
13 *Representatives regarding the 250 positions: Provided fur-*
14 *ther, That the Federal Emergency Management Agency*
15 *shall hereafter submit a monthly “Disaster Relief” report*
16 *to the Committees on Appropriations of the Senate and the*
17 *House of Representatives to include:*

18 (1) *status of the Disaster Relief fund including*
19 *obligations, allocations, and amounts undistributed/*
20 *unallocated;*

21 (2) *allocations, obligations, and expenditures for*
22 *Hurricanes Katrina, Rita, and Wilma and all open*
23 *disasters;*

24 (3) *information on national flood insurance*
25 *claims;*

1 (4) obligations, allocations, and expenditures by
2 State for unemployment, crisis counseling, inspec-
3 tions, housing assistance, manufactured housing, pub-
4 lic assistance, and individual assistance;

5 (5) mission assignment obligations by agency,
6 including:

7 (A) the amounts to other agencies that are
8 in suspense because the Federal Emergency Man-
9 agement Agency has not yet reviewed and ap-
10 proved the documentation supporting the expend-
11 iture or for which an agency has been mission
12 assigned but has not submitted necessary docu-
13 mentation for reimbursement;

14 (B) an explanation if the amounts of re-
15 ported obligations and expenditures do not reflect
16 the status of such obligations and expenditures
17 from a government-wide perspective; and

18 (C) each such agency's actual obligation
19 and expenditure data;

20 (6) the amount of credit card purchases by agen-
21 cy and mission assignment;

22 (7) specific reasons for all waivers granted and
23 a description of each waiver;

24 (8) a list of all contracts that were awarded on
25 a sole source or limited competition basis, including

1 *the dollar amount, the purpose of the contract, and*
2 *the reason for the lack of competitive award; and*

3 *(9) an estimate of when available appropriations*
4 *will be exhausted, assuming an average disaster sea-*
5 *son:*

6 *Provided further, That for any request for reimbursement*
7 *from a Federal agency to the Department to cover expendi-*
8 *tures under the Robert T. Stafford Disaster Relief and*
9 *Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any*
10 *mission assignment orders issued by the Department for*
11 *such purposes, the Secretary of Homeland Security shall*
12 *take appropriate steps to ensure that each agency is periodi-*
13 *cally reminded of Department policies on—*

14 *(1) the detailed information required in sup-*
15 *porting documentation for reimbursements, and*

16 *(2) the necessity for timeliness of agency billings.*

17 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

18 *For activities under section 319 of the Robert T. Staf-*
19 *ford Disaster Relief and Emergency Assistance Act (42*
20 *U.S.C. 5162), \$875,000, of which \$580,000 is for adminis-*
21 *trative expenses to carry out the direct loan program and*
22 *\$295,000 is for the cost of direct loans: Provided, That gross*
23 *obligations for the principal amount of direct loans shall*
24 *not exceed \$25,000,000: Provided further, That the cost of*
25 *modifying such loans shall be as defined in section 502 of*
26 *the Congressional Budget Act of 1974 (2 U.S.C. 661a).*

1 *FLOOD MAP MODERNIZATION FUND*

2 *For necessary expenses under section 1360 of the Na-*
3 *tional Flood Insurance Act of 1968 (42 U.S.C. 4101),*
4 *\$220,000,000, and such additional sums as may be pro-*
5 *vided by State and local governments or other political sub-*
6 *divisions for cost-shared mapping activities under section*
7 *1360(f)(2) of such Act, to remain available until expended:*
8 *Provided, That total administrative costs shall not exceed*
9 *three percent of the total amount appropriated under this*
10 *heading.*

11 *NATIONAL FLOOD INSURANCE FUND*12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For activities under the National Flood Insurance Act*
14 *of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster*
15 *Protection Act of 1973 (42 U.S.C. 4001 et seq.),*
16 *\$145,000,000, which is available as follows: (1) not to ex-*
17 *ceed \$45,642,000 for salaries and expenses associated with*
18 *flood mitigation and flood insurance operations; and (2)*
19 *no less than \$99,358,000 for flood hazard mitigation, which*
20 *shall be derived from offsetting collections assessed and col-*
21 *lected under section 1307 of the National Flood Insurance*
22 *Act of 1968 (42 U.S.C. 4014), to remain available until*
23 *September 30, 2009, including up to \$34,000,000 for flood*
24 *mitigation expenses under section 1366 of that Act (42*
25 *U.S.C. 4104c), which shall be available for transfer to the*
26 *National Flood Mitigation Fund under section 1367 of that*

1 *Act (42 U.S.C. 4104) until September 30, 2009: Provided,*
2 *That any additional fees collected pursuant to section 1307*
3 *of that Act shall be credited as an offsetting collection to*
4 *this account, to be available for flood hazard mitigation ex-*
5 *penses: Provided further, That in fiscal year 2008, no funds*
6 *shall be available from the National Flood Insurance Fund*
7 *under section 1310 of that Act (42 U.S.C. 4017) in excess*
8 *of: (1) \$70,000,000 for operating expenses; (2) \$773,772,000*
9 *for commissions and taxes of agents; (3) such sums as are*
10 *necessary for interest on Treasury borrowings; and (4)*
11 *\$90,000,000 for flood mitigation actions with respect to se-*
12 *vere repetitive loss properties under section 1361A of that*
13 *Act (42 U.S.C. 4102a) and repetitive insurance claims*
14 *properties under section 1323 of that Act (42 U.S.C. 4030),*
15 *which shall remain available until expended: Provided fur-*
16 *ther, That total administrative costs shall not exceed four*
17 *percent of the total appropriation.*

18 *NATIONAL FLOOD MITIGATION FUND*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *Notwithstanding subparagraphs (B) and (C) of sub-*
21 *section (b)(3), and subsection (f), of section 1366 of the Na-*
22 *tional Flood Insurance Act of 1968, \$34,000,000 (42 U.S.C.*
23 *4104c), to remain available until September 30, 2009, for*
24 *activities designed to reduce the risk of flood damage to*
25 *structures pursuant to such Act, of which \$34,000,000 shall*
26 *be derived from the National Flood Insurance Fund.*

1 *NATIONAL PREDISASTER MITIGATION FUND*

2 *For a predisaster mitigation grant program under*
3 *title II of the Robert T. Stafford Disaster Relief and Emer-*
4 *gency Assistance Act (42 U.S.C. 5131 et seq.), \$114,000,000,*
5 *to remain available until expended: Provided, That grants*
6 *made for predisaster mitigation shall be awarded subject*
7 *to the criteria in section 203(g) of such Act (42 U.S.C.*
8 *5133(g)): Provided further, That the total administrative*
9 *costs associated with such grants shall not exceed three per-*
10 *cent of the total amount made available under this heading.*

11 *EMERGENCY FOOD AND SHELTER*

12 *To carry out an emergency food and shelter program*
13 *pursuant to title III of the McKinney-Vento Homeless As-*
14 *sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to re-*
15 *main available until expended: Provided, That total admin-*
16 *istrative costs shall not exceed 3.5 percent of the total*
17 *amount made available under this heading.*

18 *TITLE IV*19 *RESEARCH AND DEVELOPMENT, TRAINING, AND*
20 *SERVICES*21 *UNITED STATES CITIZENSHIP AND IMMIGRATION*22 *SERVICES*

23 *For necessary expenses for citizenship and immigra-*
24 *tion services, \$80,973,000: Provided, That of the amount*
25 *provided under this heading, \$80,000,000 is designated as*
26 *described in section 5 (in the matter preceding division A*

1 *of this consolidated Act): Provided further, That of the total,*
2 *\$20,000,000 is provided to address backlogs of security*
3 *checks associated with pending applications and petitions*
4 *and shall not be available for obligation until the Secretary*
5 *of Homeland Security and the United States Attorney Gen-*
6 *eral submit to the Committees on Appropriations of the*
7 *Senate and the House of Representatives a plan to elimi-*
8 *nate the backlog of security checks that establishes informa-*
9 *tion sharing protocols to ensure United States Citizenship*
10 *and Immigration Services has the information it needs to*
11 *carry out its mission: Provided further, That notwith-*
12 *standing any other provision of law, funds available to*
13 *United States Citizenship and Immigration Services may*
14 *be used to acquire, operate, equip, and dispose of up to five*
15 *vehicles for areas where the Administrator of General Serv-*
16 *ices does not provide vehicles for lease: Provided further,*
17 *That the Director of United States Citizenship and Immi-*
18 *gration Services may authorize employees who are assigned*
19 *to those areas to use such vehicles between the employees'*
20 *residences and places of employment.*

21 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Federal Law Enforce-*
24 *ment Training Center, including materials and support*
25 *costs of Federal law enforcement basic training; purchase*

1 of not to exceed 117 vehicles for police-type use and hire
2 of passenger motor vehicles; expenses for student athletic
3 and related activities; the conduct of and participation in
4 firearms matches and presentation of awards; public aware-
5 ness and enhancement of community support of law enforce-
6 ment training; room and board for student interns; a flat
7 monthly reimbursement to employees authorized to use per-
8 sonal mobile phones for official duties; and services as au-
9 thorized by section 3109 of title 5, United States Code;
10 \$238,076,000, of which up to \$48,111,000 for materials and
11 support costs of Federal law enforcement basic training
12 shall remain available until September 30, 2009; of which
13 \$300,000 shall remain available until expended for Federal
14 law enforcement agencies participating in training accredi-
15 tation, to be distributed as determined by the Federal Law
16 Enforcement Training Center for the needs of participating
17 agencies; and of which not to exceed \$12,000 shall be for
18 official reception and representation expenses: Provided,
19 That of the amount provided under this heading,
20 \$17,000,000 is designated as described in section 5 (in the
21 matter preceding division A of this consolidated Act): Pro-
22 vided further, That the Center is authorized to obligate
23 funds in anticipation of reimbursements from agencies re-
24 ceiving training sponsored by the Center, except that total
25 obligations at the end of the fiscal year shall not exceed total

1 *budgetary resources available at the end of the fiscal year:*
2 *Provided further, That section 1202(a) of Public Law 107–*
3 *206 (42 U.S.C. 3771 note) as amended by Public Law 109–*
4 *295 (120 Stat. 1374) is further amended by striking “De-*
5 *cember 31, 2007” and inserting “December 31, 2010”.*

6 *ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND*
7 *RELATED EXPENSES*

8 *For acquisition of necessary additional real property*
9 *and facilities, construction, and ongoing maintenance, fa-*
10 *cility improvements, and related expenses of the Federal*
11 *Law Enforcement Training Center, \$50,590,000, to remain*
12 *available until expended: Provided, That of the amount pro-*
13 *vided under this heading, \$4,000,000 is designated as de-*
14 *scribed in section 5 (in the matter preceding division A of*
15 *this consolidated Act): Provided further, That the Center is*
16 *authorized to accept reimbursement to this appropriation*
17 *from government agencies requesting the construction of*
18 *special use facilities.*

19 *SCIENCE AND TECHNOLOGY*

20 *MANAGEMENT AND ADMINISTRATION*

21 *For salaries and expenses of the Office of the Under*
22 *Secretary for Science and Technology and for management*
23 *and administration of programs and activities, as author-*
24 *ized by title III of the Homeland Security Act of 2002 (6*
25 *U.S.C. 181 et seq.), \$138,600,000: Provided, That not to*

1 *exceed \$10,000 shall be for official reception and representa-*
2 *tion expenses.*

3 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

4 *For necessary expenses for science and technology re-*
5 *search, including advanced research projects; development;*
6 *test and evaluation; acquisition; and operations; as author-*
7 *ized by title III of the Homeland Security Act of 2002 (6*
8 *U.S.C. 181 et seq.); \$691,735,000, to remain available until*
9 *expended: Provided, That none of the funds made available*
10 *under this heading shall be obligated for the Analysis, Dis-*
11 *semination, Visualization, Insight, and Semantic Enhance-*
12 *ment program or any follow-on or successor program.*

13 *DOMESTIC NUCLEAR DETECTION OFFICE*

14 *MANAGEMENT AND ADMINISTRATION*

15 *For salaries and expenses of the Domestic Nuclear De-*
16 *tection Office as authorized by the second title XVIII of the*
17 *Homeland Security Act of 2002 and for management and*
18 *administration of programs and activities, \$31,500,000:*
19 *Provided, That not to exceed \$3,000 shall be for official re-*
20 *ception and representation expenses.*

21 *RESEARCH, DEVELOPMENT, AND OPERATIONS*

22 *For necessary expenses for radiological and nuclear re-*
23 *search, development, testing, evaluation, and operations,*
24 *\$323,500,000, to remain available until expended.*

SYSTEMS ACQUISITION

1
2 *For expenses for the Domestic Nuclear Detection Office*
3 *acquisition and deployment of radiological detection sys-*
4 *tems in accordance with the global nuclear detection archi-*
5 *itecture, \$129,750,000, to remain available until September*
6 *30, 2010: Provided, That none of the funds appropriated*
7 *under this heading shall be obligated for full-scale procure-*
8 *ment of Advanced Spectroscopic Portal Monitors until the*
9 *Secretary of Homeland Security submits to the Committees*
10 *on Appropriations of the Senate and the House of Rep-*
11 *resentatives a report certifying that a significant increase*
12 *in operational effectiveness will be achieved: Provided fur-*
13 *ther, That the Secretary shall submit separate and distinct*
14 *certifications prior to the procurement of Advanced*
15 *Spectroscopic Portal Monitors for primary and secondary*
16 *deployment that address the unique requirements for oper-*
17 *ational effectiveness of each type of deployment: Provided*
18 *further, That the Secretary of Homeland Security shall con-*
19 *sult with the National Academy of Sciences before making*
20 *such certification: Provided further, That none of the funds*
21 *appropriated under this heading shall be used for high-risk*
22 *concurrent development and production of mutually de-*
23 *pendent software and hardware.*

TITLE V

GENERAL PROVISIONS

1
2
3 *SEC. 501. No part of any appropriation contained in*
4 *this Act shall remain available for obligation beyond the*
5 *current fiscal year unless expressly so provided herein.*

6 *SEC. 502. Subject to the requirements of section 503*
7 *of this Act, the unexpended balances of prior appropriations*
8 *provided for activities in this Act may be transferred to*
9 *appropriation accounts for such activities established pur-*
10 *suant to this Act: Provided, That balances so transferred*
11 *may be merged with funds in the applicable established ac-*
12 *counts and thereafter may be accounted for as one fund for*
13 *the same time period as originally enacted.*

14 *SEC. 503. (a) None of the funds provided by this Act,*
15 *provided by previous appropriations Acts to the agencies*
16 *in or transferred to the Department of Homeland Security*
17 *that remain available for obligation or expenditure in fiscal*
18 *year 2008, or provided from any accounts in the Treasury*
19 *of the United States derived by the collection of fees avail-*
20 *able to the agencies funded by this Act, shall be available*
21 *for obligation or expenditure through a reprogramming of*
22 *funds that: (1) creates a new program, project, or activity;*
23 *(2) eliminates a program, project, office, or activity; (3) in-*
24 *creases funds for any program, project, or activity for which*
25 *funds have been denied or restricted by the Congress; (4)*

1 *proposes to use funds directed for a specific activity by ei-*
2 *ther of the Committees on Appropriations of the Senate or*
3 *the House of Representatives for a different purpose; or (5)*
4 *contracts out any function or activity for which funding*
5 *levels were requested for Federal full-time equivalents in the*
6 *object classification tables contained in the fiscal year 2008*
7 *Budget Appendix for the Department of Homeland Secu-*
8 *rity, as specified in the explanatory statement described in*
9 *section 4 (in the matter preceding division A of this consoli-*
10 *dated Act), unless the Committees on Appropriations of the*
11 *Senate and the House of Representatives are notified 15*
12 *days in advance of such reprogramming of funds.*

13 *(b) None of the funds provided by this Act, provided*
14 *by previous appropriations Acts to the agencies in or trans-*
15 *ferred to the Department of Homeland Security that remain*
16 *available for obligation or expenditure in fiscal year 2008,*
17 *or provided from any accounts in the Treasury of the*
18 *United States derived by the collection of fees available to*
19 *the agencies funded by this Act, shall be available for obliga-*
20 *tion or expenditure for programs, projects, or activities*
21 *through a reprogramming of funds in excess of \$5,000,000*
22 *or 10 percent, whichever is less, that: (1) augments existing*
23 *programs, projects, or activities; (2) reduces by 10 percent*
24 *funding for any existing program, project, or activity, or*
25 *numbers of personnel by 10 percent as approved by the Con-*

1 gress; or (3) results from any general savings from a reduc-
2 tion in personnel that would result in a change in existing
3 programs, projects, or activities as approved by the Con-
4 gress; unless the Committees on Appropriations of the Sen-
5 ate and the House of Representatives are notified 15 days
6 in advance of such reprogramming of funds.

7 (c) Not to exceed 5 percent of any appropriation made
8 available for the current fiscal year for the Department of
9 Homeland Security by this Act or provided by previous ap-
10 propriations Acts may be transferred between such appro-
11 priations, but no such appropriations, except as otherwise
12 specifically provided, shall be increased by more than 10
13 percent by such transfers: Provided, That any transfer
14 under this section shall be treated as a reprogramming of
15 funds under subsection (b) and shall not be available for
16 obligation unless the Committees on Appropriations of the
17 Senate and the House of Representatives are notified 15
18 days in advance of such transfer.

19 (d) Notwithstanding subsections (a), (b), and (c) of
20 this section, no funds shall be reprogrammed within or
21 transferred between appropriations after June 30, except in
22 extraordinary circumstances which imminently threaten
23 the safety of human life or the protection of property.

24 SEC. 504. None of the funds appropriated or otherwise
25 made available to the Department of Homeland Security

1 *may be used to make payments to the “Department of*
2 *Homeland Security Working Capital Fund”, except for the*
3 *activities and amounts allowed in the President’s fiscal*
4 *year 2008 budget, excluding sedan service, shuttle service,*
5 *transit subsidy, mail operations, parking, and competitive*
6 *sourcing: Provided, That any additional activities and*
7 *amounts shall be approved by the Committees on Appro-*
8 *priations of the Senate and the House of Representatives*
9 *30 days in advance of obligation.*

10 *SEC. 505. Except as otherwise specifically provided by*
11 *law, not to exceed 50 percent of unobligated balances re-*
12 *maining available at the end of fiscal year 2008 from ap-*
13 *propriations for salaries and expenses for fiscal year 2008*
14 *in this Act shall remain available through September 30,*
15 *2009, in the account and for the purposes for which the*
16 *appropriations were provided: Provided, That prior to the*
17 *obligation of such funds, a request shall be submitted to the*
18 *Committees on Appropriations of the Senate and the House*
19 *of Representatives for approval in accordance with section*
20 *503 of this Act.*

21 *SEC. 506. Funds made available by this Act for intel-*
22 *ligence activities are deemed to be specifically authorized*
23 *by the Congress for purposes of section 504 of the National*
24 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*

1 2008 until the enactment of an Act authorizing intelligence
2 activities for fiscal year 2008.

3 *SEC. 507. The Federal Law Enforcement Training Ac-*
4 *creditation Board shall lead the Federal law enforcement*
5 *training accreditation process, to include representatives*
6 *from the Federal law enforcement community and non-Fed-*
7 *eral accreditation experts involved in law enforcement*
8 *training, to continue the implementation of measuring and*
9 *assessing the quality and effectiveness of Federal law en-*
10 *forcement training programs, facilities, and instructors.*

11 *SEC. 508. None of the funds in this Act may be used*
12 *to make a grant allocation, discretionary grant award, dis-*
13 *cretionary contract award, or to issue a letter of intent to-*
14 *taling in excess of \$1,000,000, or to announce publicly the*
15 *intention to make such an award, including a contract cov-*
16 *ered by the Federal Acquisition Regulation, unless the Sec-*
17 *retary of Homeland Security notifies the Committees on*
18 *Appropriations of the Senate and the House of Representa-*
19 *tives at least three full business days in advance: Provided,*
20 *That no notification shall involve funds that are not avail-*
21 *able for obligation: Provided further, That the notification*
22 *shall include the amount of the award, the fiscal year in*
23 *which the funds for the award were appropriated, and the*
24 *account from which the funds are being drawn: Provided*
25 *further, That the Federal Emergency Management Agency*

1 *shall brief the Committees on Appropriations of the Senate*
2 *and the House of Representatives five full business days in*
3 *advance of announcing publicly the intention of making an*
4 *award of State Homeland Security grants; Urban Area Se-*
5 *curity Initiative grants; or Regional Catastrophic Pre-*
6 *paredness Grants.*

7 *SEC. 509. Notwithstanding any other provision of law,*
8 *no agency shall purchase, construct, or lease any additional*
9 *facilities, except within or contiguous to existing locations,*
10 *to be used for the purpose of conducting Federal law enforce-*
11 *ment training without the advance approval of the Commit-*
12 *tees on Appropriations of the Senate and the House of Rep-*
13 *resentatives, except that the Federal Law Enforcement*
14 *Training Center is authorized to obtain the temporary use*
15 *of additional facilities by lease, contract, or other agreement*
16 *for training which cannot be accommodated in existing*
17 *Center facilities.*

18 *SEC. 510. The Director of the Federal Law Enforce-*
19 *ment Training Center shall schedule basic and/or advanced*
20 *law enforcement training at all four training facilities*
21 *under the control of the Federal Law Enforcement Training*
22 *Center to ensure that these training centers are operated*
23 *at the highest capacity throughout the fiscal year.*

24 *SEC. 511. None of the funds appropriated or otherwise*
25 *made available by this Act may be used for expenses for*

1 *any construction, repair, alteration, or acquisition project*
2 *for which a prospectus, if required under chapter 33 of title*
3 *40, United States Code, has not been approved, except that*
4 *necessary funds may be expended for each project for re-*
5 *quired expenses for the development of a proposed pro-*
6 *spectus.*

7 *SEC. 512. None of the funds in this Act may be used*
8 *in contravention of the applicable provisions of the Buy*
9 *American Act (41 U.S.C. 10a et seq.).*

10 *SEC. 513. (a) None of the funds provided by this or*
11 *previous appropriations Acts may be obligated for deploy-*
12 *ment or implementation, on other than a test basis, of the*
13 *Secure Flight program or any other follow-on or successor*
14 *passenger prescreening program, until the Secretary of*
15 *Homeland Security certifies, and the Government Account-*
16 *ability Office reports, to the Committees on Appropriations*
17 *of the Senate and the House of Representatives, that all ten*
18 *of the conditions contained in paragraphs (1) through (10)*
19 *of section 522(a) of Public Law 108–334 (118 Stat. 1319)*
20 *have been successfully met.*

21 *(b) The report required by subsection (a) shall be sub-*
22 *mitted within 90 days after the Secretary provides the req-*
23 *uisite certification, and periodically thereafter, if necessary,*
24 *until the Government Accountability Office confirms that*
25 *all ten conditions have been successfully met.*

1 (c) *Within 90 days after the date of enactment of this*
2 *Act, the Secretary of Homeland Security shall submit to*
3 *the Committees on Appropriations of the Senate and the*
4 *House of Representatives a detailed plan that describes: (1)*
5 *the dates for achieving key milestones, including the date*
6 *or timeframes that the Secretary will certify the program*
7 *under subsection (a); and (2) the methodology to be followed*
8 *to support the Secretary's certification, as required under*
9 *subsection (a).*

10 (d) *During the testing phase permitted by subsection*
11 *(a), no information gathered from passengers, foreign or do-*
12 *mestic air carriers, or reservation systems may be used to*
13 *screen aviation passengers, or delay or deny boarding to*
14 *such passengers, except in instances where passenger names*
15 *are matched to a Government watch list.*

16 (e) *None of the funds provided in this or previous ap-*
17 *propriations Acts may be utilized to develop or test algo-*
18 *rithms assigning risk to passengers whose names are not*
19 *on Government watch lists.*

20 (f) *None of the funds provided in this or any other*
21 *Act may be used for data or a database that is obtained*
22 *from or remains under the control of a non-Federal entity:*
23 *Provided, That this restriction shall not apply to Passenger*
24 *Name Record data obtained from air carriers.*

1 *SEC. 514. None of the funds made available in this*
2 *Act may be used to amend the oath of allegiance required*
3 *by section 337 of the Immigration and Nationality Act (8*
4 *U.S.C. 1448).*

5 *SEC. 515. None of the funds appropriated by this Act*
6 *may be used to process or approve a competition under Of-*
7 *fice of Management and Budget Circular A-76 for services*
8 *provided as of June 1, 2004, by employees (including em-*
9 *ployees serving on a temporary or term basis) of United*
10 *States Citizenship and Immigration Services of the Depart-*
11 *ment of Homeland Security who are known as of that date*
12 *as Immigration Information Officers, Contact Representa-*
13 *tives, or Investigative Assistants.*

14 *SEC. 516. None of the funds appropriated to the*
15 *United States Secret Service by this Act or by previous ap-*
16 *propriations Acts may be made available for the protection*
17 *of the head of a Federal agency other than the Secretary*
18 *of Homeland Security: Provided, That the Director of the*
19 *United States Secret Service may enter into an agreement*
20 *to perform such service on a fully reimbursable basis.*

21 *SEC. 517. Section 517(b) of the Department of Home-*
22 *land Security Appropriations Act, 2007 (18 U.S.C. 3056*
23 *note) is amended to read as follows:*

24 “(b) *For fiscal year 2008, and each fiscal year there-*
25 *after, the Director of the United States Secret Service may*

1 *enter into an agreement to perform protection of a Federal*
2 *official other than a person granted protection under section*
3 *3056(a) of title 18, United States Code, on a fully reimburs-*
4 *able basis.”.*

5 *SEC. 518. (a) The Secretary of Homeland Security*
6 *shall research, develop, and procure new technologies to in-*
7 *spect and screen air cargo carried on passenger aircraft at*
8 *the earliest date possible.*

9 *(b) Existing checked baggage explosive detection equip-*
10 *ment and screeners shall be utilized to screen air cargo car-*
11 *ried on passenger aircraft to the greatest extent practicable*
12 *at each airport until technologies developed under sub-*
13 *section (a) are available.*

14 *(c) The Assistant Secretary (Transportation Security*
15 *Administration) shall work with air carriers and airports*
16 *to ensure that the screening of cargo carried on passenger*
17 *aircraft, as defined in section 44901(g)(5) of title 49,*
18 *United States Code, increases incrementally each quarter.*

19 *(d) Not later than 45 days after the end of each quar-*
20 *ter, the Assistant Secretary (Transportation Security Ad-*
21 *ministration) shall submit to the Committees on Appro-*
22 *priations of the Senate and the House of Representatives*
23 *a report on air cargo inspection statistics by airport and*
24 *air carrier detailing the incremental progress being made*
25 *to meet section 44901(g)(2) of title 49, United States Code.*

1 *SEC. 519. None of the funds made available in this*
2 *Act may be used by any person other than the Privacy Offi-*
3 *cer appointed under section 222 of the Homeland Security*
4 *Act of 2002 (6 U.S.C. 142) to alter, direct that changes be*
5 *made to, delay, or prohibit the transmission to Congress*
6 *of any report prepared under paragraph (6) of such section.*

7 *SEC. 520. No funding made available to the Depart-*
8 *ment of Homeland Security in this Act shall be available*
9 *to pay the salary of any employee serving as a contracting*
10 *officer's technical representative (COTR), or anyone acting*
11 *in a similar capacity, who has not received COTR training.*

12 *SEC. 521. Except as provided in section 44945 of title*
13 *49, United States Code, funds appropriated or transferred*
14 *to Transportation Security Administration "Aviation Se-*
15 *curity", "Administration" and "Transportation Security*
16 *Support" for fiscal years 2004, 2005, 2006, and 2007 that*
17 *are recovered or deobligated shall be available only for the*
18 *procurement or installation of explosives detection systems,*
19 *for air cargo, baggage, and checkpoint screening systems,*
20 *subject to notification: Provided, That quarterly reports*
21 *shall be submitted to the Committees on Appropriations of*
22 *the Senate and the House of Representatives on any funds*
23 *that are recovered or deobligated.*

1 *SEC. 522. Section 525(d) of the Department of Home-*
2 *land Security Appropriations Act, 2007 (Public Law 109-*
3 *295; 120 Stat. 1382) shall apply to fiscal year 2008.*

4 *SEC. 523. Any funds appropriated to United States*
5 *Coast Guard, “Acquisition, Construction, and Improve-*
6 *ments” for fiscal years 2002, 2003, 2004, 2005, and 2006*
7 *for the 110–123 foot patrol boat conversion that are recov-*
8 *ered, collected, or otherwise received as the result of negotia-*
9 *tion, mediation, or litigation, shall be available until ex-*
10 *pended for the Replacement Patrol Boat (FRC–B) program.*

11 *SEC. 524. The Department of Homeland Security*
12 *Working Capital Fund, established pursuant to section 403*
13 *of Public Law 103–356 (31 U.S.C. 501 note), shall continue*
14 *operations during fiscal year 2008.*

15 *SEC. 525. None of the funds provided in this Act shall*
16 *be available to commence operations of the National Appli-*
17 *cations Office or the National Immigration Information*
18 *Sharing Operation until the Secretary certifies that these*
19 *programs comply with all existing laws, including all ap-*
20 *plicable privacy and civil liberties standards, and that cer-*
21 *tification is reviewed by the Government Accountability Of-*
22 *fice.*

23 *SEC. 526. Within 45 days after the close of each month,*
24 *the Chief Financial Officer of the Department of Homeland*
25 *Security shall submit to the Committees on Appropriations*

1 *of the Senate and the House of Representatives a monthly*
2 *budget and staffing report that includes total obligations,*
3 *on-board versus funded full-time equivalent staffing levels,*
4 *and the number of contract employees by office.*

5 *SEC. 527. Section 532(a) of Public Law 109–295 is*
6 *amended by striking “2007” and inserting “2008”.*

7 *SEC. 528. None of the funds made available by this*
8 *Act shall be used in contravention of the Federal buildings*
9 *performance and reporting requirements of Executive Order*
10 *No. 13123, part 3 of title V of the National Energy Con-*
11 *servation Policy Act (42 U.S.C. 8251 et seq.), or subtitle*
12 *A of title I of the Energy Policy Act of 2005 (including*
13 *the amendments made thereby).*

14 *SEC. 529. The functions of the Federal Law Enforce-*
15 *ment Training Center instructor staff shall be classified as*
16 *inherently governmental for the purpose of the Federal Ac-*
17 *tivities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

18 *SEC. 530. None of the funds made available in this*
19 *Act may be used in contravention of section 303 of the En-*
20 *ergy Policy Act of 1992 (42 U.S.C. 13212).*

21 *SEC. 531. None of the funds made available by this*
22 *Act may be used to take an action that would violate Execu-*
23 *tive Order No. 13149 (65 Fed. Reg. 24607; relating to green-*
24 *ing the Government through Federal fleet and transpor-*
25 *tation efficiency).*

1 *SEC. 532. Subsections (a), (b), and (d)(1) of section*
2 *6402 of the U.S. Troop Readiness, Veterans' Care, Katrina*
3 *Recovery, and Iraq Accountability Appropriations Act,*
4 *2007 (Public Law 110–28) shall apply to fiscal year 2008.*

5 *SEC. 533. None of the funds provided by this or any*
6 *other Act may be obligated for the development, testing, de-*
7 *ployment, or operation of any system related to the MAX-*
8 *HR project, or any subsequent but related human resources*
9 *management project, until any pending litigation con-*
10 *cerning such activities is resolved, and any legal claim or*
11 *appeal by either party has been fully resolved.*

12 *SEC. 534. Section 550 of the Department of Homeland*
13 *Security Appropriations Act, 2007 (6 U.S.C. 121 note) is*
14 *amended by adding at the end the following:*

15 *“(h) This section shall not preclude or deny any right*
16 *of any State or political subdivision thereof to adopt or en-*
17 *force any regulation, requirement, or standard of perform-*
18 *ance with respect to chemical facility security that is more*
19 *stringent than a regulation, requirement, or standard of*
20 *performance issued under this section, or otherwise impair*
21 *any right or jurisdiction of any State with respect to chem-*
22 *ical facilities within that State, unless there is an actual*
23 *conflict between this section and the law of that State.”.*

24 *SEC. 535. (a) AMENDMENTS RELATING TO THE CIVIL*
25 *SERVICE RETIREMENT SYSTEM.—*

1 (1) *DEFINITIONS.*—Section 8331 of title 5,
2 *United States Code, is amended—*

3 (A) *by striking “and” at the end of para-*
4 *graph (28), by striking the period at the end of*
5 *the first paragraph (29) and inserting a semi-*
6 *colon, by redesignating the second paragraph*
7 *(29) as paragraph (30), and by striking the pe-*
8 *riod at the end of paragraph (30) (as so redesign-*
9 *ated) and inserting “; and”; and*

10 (B) *by adding at the end the following:*

11 “(31) ‘*customs and border protection officer*’
12 *means an employee in the Department of Homeland*
13 *Security (A) who holds a position within the GS-1895*
14 *job series (determined applying the criteria in effect*
15 *as of September 1, 2007) or any successor position,*
16 *and (B) whose duties include activities relating to the*
17 *arrival and departure of persons, conveyances, and*
18 *merchandise at ports of entry, including any such*
19 *employee who is transferred directly to a supervisory*
20 *or administrative position in the Department of*
21 *Homeland Security after performing such duties (as*
22 *described in subparagraph (B)) in 1 or more posi-*
23 *tions (as described in subparagraph (A)) for at least*
24 *3 years.”.*

1 (2) *DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-*
2 *ITS.*—Section 8334 of title 5, United States Code, is
3 *amended—*

4 (A) *in subsection (a)(1)(A), by striking “or*
5 *nuclear materials courier,” and inserting “nu-*
6 *clear materials courier, or customs and border*
7 *protection officer,”; and*

8 (B) *in the table contained in subsection (c),*
9 *by adding at the end the following:*

“Customs and border protection officer 7.5 After June 29, 2008.”.

10 (3) *MANDATORY SEPARATION.*—*The first sentence*
11 *of section 8335(b)(1) of title 5, United States Code, is*
12 *amended by striking “or nuclear materials courier”*
13 *and inserting “nuclear materials courier, or customs*
14 *and border protection officer”.*

15 (4) *IMMEDIATE RETIREMENT.*—Section 8336 of
16 *title 5, United States Code, is amended—*

17 (A) *in subsection (c)(1), by striking “or nu-*
18 *clear materials courier” and inserting “nuclear*
19 *materials courier, or customs and border protec-*
20 *tion officer,”; and*

21 (B) *in subsections (m) and (n), by striking*
22 *“or as a law enforcement officer,” and inserting*
23 *“as a law enforcement officer, or as a customs*
24 *and border protection officer,”.*

1 (b) *AMENDMENTS RELATING TO THE FEDERAL EM-*
2 *PLOYEES' RETIREMENT SYSTEM.*—

3 (1) *DEFINITIONS.*—Section 8401 of title 5,
4 *United States Code, is amended—*

5 (A) *in paragraph (34), by striking “and”*
6 *at the end;*

7 (B) *in paragraph (35), by striking the pe-*
8 *riod and inserting “; and”; and*

9 (C) *by adding at the end the following:*

10 “(36) *the term ‘customs and border protection of-*
11 *ficer’ means an employee in the Department of Home-*
12 *land Security (A) who holds a position within the*
13 *GS-1895 job series (determined applying the criteria*
14 *in effect as of September 1, 2007) or any successor po-*
15 *sition, and (B) whose duties include activities relat-*
16 *ing to the arrival and departure of persons, convey-*
17 *ances, and merchandise at ports of entry, including*
18 *any such employee who is transferred directly to a su-*
19 *pervisory or administrative position in the Depart-*
20 *ment of Homeland Security after performing such du-*
21 *ties (as described in subparagraph (B)) in 1 or more*
22 *positions (as described in subparagraph (A)) for at*
23 *least 3 years.”.*

24 (2) *IMMEDIATE RETIREMENT.*—Paragraphs (1)
25 *and (2) of section 8412(d) of title 5, United States*

1 Code, are amended by striking “or nuclear materials
2 courier,” and inserting “nuclear materials courier, or
3 customs and border protection officer,”.

4 (3) *COMPUTATION OF BASIC ANNUITY.*—Section
5 8415(h)(2) of title 5, United States Code, is amended
6 by striking “or air traffic controller.” and inserting
7 “air traffic controller, or customs and border protec-
8 tion officer”.

9 (4) *DEDUCTIONS FROM PAY.*—The table con-
10 tained in section 8422(a)(3) of title 5, United States
11 Code, is amended by adding at the end the following:

“Customs and border protection officer 7.5 After June 29, 2008.”.

12 (5) *GOVERNMENT CONTRIBUTIONS.*—Paragraphs
13 (1)(B)(i) and (3) of section 8423(a) of title 5, United
14 States Code, are amended by inserting “customs and
15 border protection officers,” after “nuclear materials
16 couriers,” each place it appears.

17 (6) *MANDATORY SEPARATION.*—Section
18 8425(b)(1) of title 5, United States Code, is amend-
19 ed—

20 (A) by striking “or nuclear materials cou-
21 rier who” and inserting “nuclear materials cou-
22 rier, or customs and border protection officer
23 who”; and

1 (B) by striking “or nuclear materials cou-
2 rier,” and inserting “nuclear materials courier,
3 or customs and border protection officer”.

4 (c) *MAXIMUM AGE FOR ORIGINAL APPOINTMENT.*—
5 Section 3307 of title 5, United States Code, is amended by
6 adding at the end the following:

7 “(g) *The Secretary of Homeland Security may deter-*
8 *mine and fix the maximum age limit for an original ap-*
9 *pointment to a position as a customs and border protection*
10 *officer, as defined by section 8401(36).”.*

11 (d) *REGULATIONS.*—*Any regulations necessary to*
12 *carry out the amendments made by this section shall be pre-*
13 *scribed by the Director of the Office of Personnel Manage-*
14 *ment in consultation with the Secretary of Homeland Secu-*
15 *rity.*

16 (e) *EFFECTIVE DATE; TRANSITION RULES.*—

17 (1) *EFFECTIVE DATE.*—*The amendments made*
18 *by this section shall become effective on the later of*
19 *June 30, 2008, or the first day of the first pay period*
20 *beginning at least 6 months after the date of the en-*
21 *actment of this Act.*

22 (2) *TRANSITION RULES.*—

23 (A) *NONAPPLICABILITY OF MANDATORY SEP-*
24 *ARATION PROVISIONS TO CERTAIN INDIVID-*
25 *UALS.*—*The amendments made by subsections*

1 *(a)(3) and (b)(6), respectively, shall not apply to*
2 *an individual first appointed as a customs and*
3 *border protection officer before the effective date*
4 *under paragraph (1).*

5 *(B) TREATMENT OF PRIOR CBPO SERV-*
6 *ICE.—*

7 *(i) GENERAL RULE.—Except as pro-*
8 *vided in clause (ii), nothing in this section*
9 *or any amendment made by this section*
10 *shall be considered to apply with respect to*
11 *any service performed as a customs and*
12 *border protection officer before the effective*
13 *date under paragraph (1).*

14 *(ii) EXCEPTION.—Service described in*
15 *section 8331(31) or 8401(36) of title 5,*
16 *United States Code (as amended by this sec-*
17 *tion) rendered before the effective date under*
18 *paragraph (1) may be taken into account to*
19 *determine if an individual who is serving*
20 *on or after such effective date then qualifies*
21 *as a customs and border protection officer*
22 *by virtue of holding a supervisory or ad-*
23 *ministrative position in the Department of*
24 *Homeland Security.*

1 (C) *MINIMUM ANNUITY AMOUNT.*—*The an-*
2 *nuity of an individual serving as a customs and*
3 *border protection officer on the effective date*
4 *under paragraph (1) pursuant to an appoint-*
5 *ment made before that date shall, to the extent*
6 *that its computation is based on service rendered*
7 *as a customs and border protection officer on or*
8 *after that date, be at least equal to the amount*
9 *that would be payable—*

10 (i) *to the extent that such service is*
11 *subject to the Civil Service Retirement Sys-*
12 *tem, by applying section 8339(d) of title 5,*
13 *United States Code, with respect to such*
14 *service; and*

15 (ii) *to the extent such service is subject*
16 *to the Federal Employees' Retirement Sys-*
17 *tem, by applying section 8415(d) of title 5,*
18 *United States Code, with respect to such*
19 *service.*

20 (D) *RULE OF CONSTRUCTION.*—*Nothing in*
21 *the amendment made by subsection (c) shall be*
22 *considered to apply with respect to any appoint-*
23 *ment made before the effective date under para-*
24 *graph (1).*

25 (3) *ELECTION.*—

1 (A) *INCUMBENT DEFINED.*—For purposes of
2 this paragraph, the term “incumbent” means an
3 individual who is serving as a customs and bor-
4 der protection officer on the date of the enact-
5 ment of this Act.

6 (B) *NOTICE REQUIREMENT.*—Not later than
7 30 days after the date of the enactment of this
8 Act, the Director of the Office of Personnel Man-
9 agement shall take measures reasonably designed
10 to ensure that incumbents are notified as to their
11 election rights under this paragraph, and the ef-
12 fect of making or not making a timely election.

13 (C) *ELECTION AVAILABLE TO INCUM-*
14 *BENTS.*—

15 (i) *IN GENERAL.*—An incumbent may
16 elect, for all purposes, either—

17 (I) to be treated in accordance
18 with the amendments made by sub-
19 section (a) or (b), as applicable; or

20 (II) to be treated as if subsections
21 (a) and (b) had never been enacted.

22 Failure to make a timely election under this
23 paragraph shall be treated in the same way
24 as an election made under subclause (I) on
25 the last day allowable under clause (ii).

1 (ii) *DEADLINE.*—An election under
2 this paragraph shall not be effective unless
3 it is made at least 14 days before the effec-
4 tive date under paragraph (1).

5 (4) *DEFINITION.*—For purposes of this sub-
6 section, the term “customs and border protection offi-
7 cer” has the meaning given such term by section
8 8331(31) or 8401(36) of title 5, United States Code
9 (as amended by this section).

10 (5) *EXCLUSION.*—Nothing in this section or any
11 amendment made by this section shall be considered
12 to afford any election or to otherwise apply with re-
13 spect to any individual who, as of the day before the
14 date of the enactment of this Act—

15 (A) holds a position within U.S. Customs
16 and Border Protection; and

17 (B) is considered a law enforcement officer
18 for purposes of subchapter III of chapter 83 or
19 chapter 84 of title 5, United States Code, by vir-
20 tue of such position.

21 *SEC. 536.* In fiscal year 2008, none of funds made
22 available in this or any other Act may be used to enforce
23 section 4025(1) of Public Law 108–458 unless the Assistant
24 Secretary (Transportation Security Administration) re-

1 *verses the determination of July 19, 2007, that butane light-*
2 *ers are not a significant threat to civil aviation security.*

3 *SEC. 537. None of the funds provided in this Act may*
4 *be used to alter or reduce operations within the Civil Engi-*
5 *neering Program of the Coast Guard nationwide, including*
6 *the civil engineering units, facilities, design and construc-*
7 *tion centers, maintenance and logistics command centers,*
8 *and the Coast Guard Academy, except as specifically au-*
9 *thorized by a statute enacted after the date of enactment*
10 *of this Act.*

11 *SEC. 538. The cumulative amount appropriated in*
12 *title I of this Act for the “Office of the Secretary and Execu-*
13 *tive Management” and the “Office of the Under Secretary*
14 *for Management” shall be reduced by \$5,000,000.*

15 *SEC. 539. (a) Except as provided in subsection (b),*
16 *none of the funds appropriated in this Act to the Office*
17 *of the Secretary and Executive Management, the Office of*
18 *the Under Secretary for Management and the Office of the*
19 *Chief Financial Officer, may be obligated for a grant or*
20 *contract awarded by a means other than full and open com-*
21 *petition.*

22 *(b) This section does not apply to obligation of funds*
23 *for a contract awarded—*

24 *(1) by a means that is required by a Federal*
25 *statute, including obligation for a purchase made*

1 *under a mandated preferential program, such as the*
2 *AbilityOne Program, that is authorized under the*
3 *Javits-Wagner-O'Day Act (41 U.S.C. 46–48c); or*

4 *(2) under the Small Business Act (15 U.S.C. 631*
5 *et seq.).*

6 *(c) The Secretary of Homeland Security may waive*
7 *the application of this section to the award of a contract*
8 *in the period of a national emergency determined by the*
9 *Secretary.*

10 *(d) In addition to the requirements established by this*
11 *section, the Inspector General for the Department of Home-*
12 *land Security shall review departmental contracts awarded*
13 *through other than full and open competition to assess de-*
14 *partmental compliance with applicable laws and regula-*
15 *tions: Provided, That the Inspector General shall review se-*
16 *lected contracts awarded during the previous fiscal year*
17 *through other than full and open competition: Provided fur-*
18 *ther, That in determining which contracts to review, the*
19 *Inspector General shall consider the cost and complexity of*
20 *the goods and services to be provided under the contract,*
21 *the criticality of the contract to fulfilling Department mis-*
22 *sions, past performance problems on similar contracts or*
23 *by the selected vendor, complaints received about the award*
24 *process or contractor performance, and such other factors*
25 *as the Inspector General deems relevant: Provided further,*

1 *That the Inspector General shall report the results of the*
2 *reviews to the Committees on Appropriations of the Senate*
3 *and the House of Representatives.*

4 *SEC. 540. Section 44940(a)(2) of title 49, United*
5 *States Code, is amended by striking the period in the last*
6 *sentence of subparagraph (A) and the clause (iv) of sub-*
7 *paragraph B and adding the following, “except for esti-*
8 *mates and additional collections made pursuant to the ap-*
9 *propriation for Aviation Security in Public Law 108–334:*
10 *Provided, That such judicial review shall be pursuant to*
11 *section 46110 of title 49, United States Code: Provided fur-*
12 *ther, That such judicial review shall be limited only to addi-*
13 *tional amounts collected by the Secretary before October 1,*
14 *2007.”.*

15 *SEC. 541. None of the funds provided by this or pre-*
16 *vious appropriations Acts shall be used to fund any posi-*
17 *tion designated as a Principal Federal Official for any Rob-*
18 *ert T. Stafford Disaster Relief and Emergency Assistance*
19 *Act declared disasters or emergencies.*

20 *SEC. 542. Section 46301(a) of title 49, United States*
21 *Code, is amended by adding at the end the following:*

22 *“(6) FAILURE TO COLLECT AIRPORT SECURITY*
23 *BADGES.—Notwithstanding paragraph (1), any em-*
24 *ployer (other than a governmental entity or airport*
25 *operator) who employs an employee to whom an air-*

1 *port security badge or other identifier used to obtain*
2 *access to a secure area of an airport is issued before,*
3 *on, or after the date of enactment of this paragraph*
4 *and who does not collect or make reasonable efforts to*
5 *collect such badge from the employee on the date that*
6 *the employment of the employee is terminated and*
7 *does not notify the operator of the airport of such ter-*
8 *mination within 24 hours of the date of such termi-*
9 *nation shall be liable to the Government for a civil*
10 *penalty not to exceed \$10,000.”.*

11 *SEC. 543. None of the funds made available in this*
12 *Act may be used by United States Citizenship and Immi-*
13 *gration Services to grant an immigration benefit unless the*
14 *results of background checks required by law to be completed*
15 *prior to the grant of the benefit have been received by*
16 *United States Citizenship and Immigration Services, and*
17 *the results do not preclude the grant of the benefit.*

18 *SEC. 544. None of the funds made available in this*
19 *Act may be used to destroy or put out to pasture any horse*
20 *or other equine belonging to the Federal Government that*
21 *has become unfit for service, unless the trainer or handler*
22 *is first given the option to take possession of the equine*
23 *through an adoption program that has safeguards against*
24 *slaughter and inhumane treatment.*

1 *SEC. 545. EXTENSION OF THE IMPLEMENTATION*
2 *DEADLINE FOR THE WESTERN HEMISPHERE TRAVEL INI-*
3 *TIATIVE. Subparagraph (A) of section 7209(b)(1) of the In-*
4 *telligence Reform and Terrorism Prevention Act of 2004*
5 *(Public Law 108–458; 8 U.S.C. 1185 note) is amended by*
6 *striking “This plan shall be implemented not later than*
7 *three months after the Secretary of State and the Secretary*
8 *of Homeland Security make the certifications required in*
9 *subsection (B), or June 1, 2009, whichever is earlier.” and*
10 *inserting “Such plan may not be implemented earlier than*
11 *the date that is the later of 3 months after the Secretary*
12 *of State and the Secretary of Homeland Security make the*
13 *certification required in subparagraph (B) or June 1,*
14 *2009.”.*

15 *SEC. 546. None of the funds provided in this Act shall*
16 *be available to carry out section 872 of Public Law 107–*
17 *296.*

18 *SEC. 547. None of the funds provided in this Act under*
19 *the heading “Office of the Chief Information Officer” shall*
20 *be used for data center development other than for the Na-*
21 *tional Center for Critical Information Processing and Stor-*
22 *age until the Chief Information Officer certifies that the Na-*
23 *tional Center for Critical Information Processing and Stor-*
24 *age is fully utilized, to the maximum extent feasible, as the*

1 *Department's primary data storage center at the highest ca-*
2 *capacity throughout the fiscal year.*

3 *SEC. 548. None of the funds in this Act shall be used*
4 *to reduce the United States Coast Guard's Operations Sys-*
5 *tems Center mission or its government-employed or contract*
6 *staff levels.*

7 *SEC. 549. None of the funds appropriated by this Act*
8 *may be used to conduct, or to implement the results of, a*
9 *competition under Office of Management and Budget Cir-*
10 *cular A-76 for activities performed with respect to the Coast*
11 *Guard National Vessel Documentation Center.*

12 *SEC. 550. (a) Notwithstanding section 503 of this Act,*
13 *up to \$24,000,000 from prior year balances currently avail-*
14 *able to the Transportation Security Administration may*
15 *be transferred to "Transportation Threat Assessment and*
16 *Credentialing" for the Secure Flight program.*

17 *(b) In carrying out the transfer authority under sub-*
18 *section (a), the Transportation Security Administration*
19 *shall not utilize any prior year balances from the following*
20 *programs: screener partnership program; explosives detec-*
21 *tion system purchase; explosives detection system installa-*
22 *tion; checkpoint support; aviation regulation and other en-*
23 *forcement; air cargo; and air cargo research and develop-*
24 *ment: Provided, That any funds proposed to be transferred*
25 *under this section shall not be available for obligation until*

1 *the Committees on Appropriations of the Senate and the*
2 *House of Representatives receive and approve a plan for*
3 *expenditure for such funds that is submitted by the Sec-*
4 *retary of Homeland Security: Provided further, That the*
5 *plan shall be submitted simultaneously to the Government*
6 *Accountability Office for review consistent with its ongoing*
7 *assessment of the Secure Flight Program as mandated by*
8 *section 522(a) of Public Law 108–334 (118 Stat. 1319).*

9 *SEC. 551. RESCISSIONS. (a) The following unobligated*
10 *balances made available pursuant to section 505 of Public*
11 *Law 109–295 are rescinded: \$2,003,441 from U.S. Customs*
12 *and Border Protection “Salaries and Expenses”;*
13 *\$9,583,611 from Coast Guard “Operating Expenses”;*
14 *\$672,230 from “United States Citizenship and Immigra-*
15 *tion Services”; \$2,790,513 from Federal Emergency Man-*
16 *agement Agency “Management and Administration”;*
17 *\$127,994 from Federal Emergency Management Agency*
18 *“Disaster Assistance Direct Loan Program Account”;*
19 *\$5,136,819 from U.S. Immigration and Customs Enforce-*
20 *ment “Salaries and Expenses”; \$333,520 from Federal Law*
21 *Enforcement Training Center “Salaries and Expenses”;*
22 *\$4,211,376 from the “Office of the Secretary and Executive*
23 *Management”; \$443,672 from the “Office of the Under Sec-*
24 *retary for Management”; \$380,166 from the “Office of the*
25 *Chief Financial Officer”; \$493,106 from the “Office of the*

1 Chief Information Officer”; \$368,166 from Domestic Nu-
2 clear Detection Office “Management and Administration”;
3 \$45,369 from the “Office of Health Affairs”; \$32,299 from
4 the “Office of Inspector General”; \$1,994,454 from National
5 Protection and Programs Directorate “Management and
6 Administration”; and \$216,727 from Science and Tech-
7 nology “Management and Administration”.

8 (b) From the unobligated balances of funds transferred
9 to the Department of Homeland Security when it was cre-
10 ated in 2003, \$59,286,537 are rescinded: Provided, That the
11 rescission made under this subsection shall not be executed
12 from the following programs: Coast Guard Retired Pay;
13 U.S. Immigration and Customs Enforcement Violent Crime
14 Reduction Program; Federal Law Enforcement Training
15 Center Instructor Salaries; and Federal Emergency Man-
16 agement Agency National Security Support.

17 (c) Of the amounts available under the heading
18 “Counterterrorism Fund”, \$8,480,000 are rescinded.

19 (d) Of the unobligated balances available in the “De-
20 partment of Homeland Security, Transportation Security
21 Administration Expenses” account, \$4,500,000 are re-
22 scinded.

23 SEC. 552. Notwithstanding any other provision of law,
24 the Secretary of Homeland Security shall, under the Fed-
25 eral Emergency Management Agency Public Assistance

1 *Program, provide a single payment for any eligible costs*
2 *for local educational agencies impacted by Hurricanes*
3 *Katrina or Rita within 30 days of such request: Provided,*
4 *That the payment for schools in Louisiana shall be sub-*
5 *mitted to the Louisiana Department of Education, which*
6 *may expend up to three percent of those funds for adminis-*
7 *trative costs: Provided further, That the Federal Emergency*
8 *Management Agency shall not reduce assistance in accord-*
9 *ance with section 406(c)(1) of the Robert T. Stafford Dis-*
10 *aster Relief and Emergency Assistance Act for local edu-*
11 *cational agencies impacted by Hurricanes Katrina or Rita:*
12 *Provided further, That nothing in the previous proviso shall*
13 *be construed to alter the appeals or review process: Provided*
14 *further, That section 406(d) of the Robert T. Stafford Dis-*
15 *aster Relief and Emergency Assistance Act shall not apply*
16 *to more than one facility on a school site impacted by Hur-*
17 *ricanes Katrina or Rita.*

18 *SEC. 553. TECHNICAL CORRECTIONS. (a) IN GEN-*
19 *ERAL.—*

20 *(1) REDESIGNATIONS.—Chapter 27 of title 18,*
21 *United States Code, is amended by redesignating sec-*
22 *tion 554 added by section 551(a) of the Department*
23 *of Homeland Security Appropriations Act, 2007*
24 *(Public Law 109–295; 120 Stat. 1389) (relating to*
25 *border tunnels and passages) as section 555.*

1 (2) *TABLE OF SECTIONS.*—*The table of sections*
2 *for chapter 27 of title 18, United States Code, is*
3 *amended by striking the item relating to section 554,*
4 *“Border tunnels and passages”, and inserting the fol-*
5 *lowing:*

“555. Border tunnels and passages.”.

6 (b) *CRIMINAL FORFEITURE.*—*Section 982(a)(6) of title*
7 *18, United States Code, is amended by striking “554” and*
8 *inserting “555”.*

9 (c) *DIRECTIVE TO THE UNITED STATES SENTENCING*
10 *COMMISSION.*—*Section 551(d) of the Department of Home-*
11 *land Security Appropriations Act, 2007 (Public Law 109–*
12 *295; 120 Stat. 1390) is amended in paragraphs (1) and*
13 *(2)(A) by striking “554” and inserting “555”.*

14 *SEC. 554. Sections 2241, 2242, 2243, and 2244 of title*
15 *18, United States Code, are each amended by striking “the*
16 *Attorney General” each place that term appears and insert-*
17 *ing “the head of any Federal department or agency”.*

18 *SEC. 555. Not later than 30 days after the date of en-*
19 *actment of this Act—*

20 *(1) the Secretary of Homeland Security shall es-*
21 *tablish and maintain on the homepage of the website*
22 *of the Department of Homeland Security, a direct*
23 *link to the website of the Office of Inspector General*
24 *of the Department of Homeland Security; and*

1 (2) *the Inspector General of the Department of*
2 *Homeland Security shall establish and maintain on*
3 *the homepage of the website of the Office of Inspector*
4 *General a direct link for individuals to anonymously*
5 *report waste, fraud, or abuse.*

6 *SEC. 556. The Secretary of Homeland Security shall*
7 *require that all contracts of the Department of Homeland*
8 *Security that provide award fees link such fees to successful*
9 *acquisition outcomes (which outcomes shall be specified in*
10 *terms of cost, schedule, and performance).*

11 *SEC. 557. None of the funds made available to the Of-*
12 *fice of the Secretary and Executive Management under this*
13 *Act may be expended for any new hires by the Department*
14 *of Homeland Security that are not verified through the*
15 *basic pilot program required under section 401 of the Illegal*
16 *Immigration Reform and Immigrant Responsibility Act of*
17 *1996 (8 U.S.C. 1324a note).*

18 *SEC. 558. None of the funds made available in this*
19 *Act for U.S. Customs and Border Protection may be used*
20 *to prevent an individual not in the business of importing*
21 *a prescription drug (within the meaning of section 801(g)*
22 *of the Federal Food, Drug, and Cosmetic Act) from import-*
23 *ing a prescription drug from Canada that complies with*
24 *the Federal Food, Drug, and Cosmetic Act: Provided, That*
25 *this section shall apply only to individuals transporting on*

1 *their person a personal-use quantity of the prescription*
2 *drug, not to exceed a 90-day supply: Provided further, That*
3 *the prescription drug may not be—*

4 (1) *a controlled substance, as defined in section*
5 *102 of the Controlled Substances Act (21 U.S.C. 802);*
6 *or*

7 (2) *a biological product, as defined in section*
8 *351 of the Public Health Service Act (42 U.S.C. 262).*

9 *SEC. 559. None of the funds made available in this*
10 *Act may be used by the Secretary of Homeland Security*
11 *or any delegate of the Secretary to issue any rule or regula-*
12 *tion which implements the Notice of Proposed Rulemaking*
13 *related to Petitions for Aliens To Perform Temporary Non-*
14 *agricultural Services or Labor (H-2B) set out beginning*
15 *on 70 Federal Register 3984 (January 27, 2005).*

16 *SEC. 560. Notwithstanding any other provision of law,*
17 *Watsonville Community Hospital, or its successor trust,*
18 *shall not be required to pay the Federal Emergency Man-*
19 *agement Agency additional funds related to DR-845.*

20 *SEC. 561. Notwithstanding any other provision of law,*
21 *the Secretary of Homeland Security shall provide, under*
22 *the Federal Emergency Management Agency Public Assist-*
23 *ance Program, the relocation costs as estimated by the Fed-*
24 *eral Emergency Management Agency on May 5, 2006, for*

1 *the Peebles School in Iberia Parish, Louisiana, which was*
2 *damaged by Hurricane Rita in 2005.*

3 *SEC. 562. Notwithstanding any other provision of law,*
4 *the Secretary of Homeland Security shall provide, under*
5 *the Federal Emergency Management Agency Public Assist-*
6 *ance Program, the currently uncompensated debris removal*
7 *costs from Super Typhoon Paka and the firefighting costs*
8 *associated with the Malojloj hardfill fire in 1998.*

9 *SEC. 563. SECURE HANDLING OF AMMONIUM NI-*
10 *TRATE.—(a) IN GENERAL.—Title VIII of the Homeland Se-*
11 *curity Act of 2002 (6 U.S.C. 361 et seq.) is amended by*
12 *adding at the end the following:*

13 ***“Subtitle J—Secure Handling of***
14 ***Ammonium Nitrate***

15 ***“SEC. 899A. DEFINITIONS.***

16 *“In this subtitle:*

17 *“(1) AMMONIUM NITRATE.—The term ‘ammo-*
18 *nium nitrate’ means—*

19 *“(A) solid ammonium nitrate that is chiefly*
20 *the ammonium salt of nitric acid and contains*
21 *not less than 33 percent nitrogen by weight; and*

22 *“(B) any mixture containing a percentage*
23 *of ammonium nitrate that is equal to or greater*
24 *than the percentage determined by the Secretary*
25 *under section 899B(b).*

1 “(1) *REGISTRATION.*—*The Secretary shall estab-*
2 *lish a process by which any person that—*

3 “(A) *owns an ammonium nitrate facility is*
4 *required to register with the Department; and*

5 “(B) *registers under subparagraph (A) is*
6 *issued a registration number for purposes of this*
7 *subtitle.*

8 “(2) *REGISTRATION INFORMATION.*—*Any person*
9 *applying to register under paragraph (1) shall submit*
10 *to the Secretary—*

11 “(A) *the name, address, and telephone num-*
12 *ber of each ammonium nitrate facility owned by*
13 *that person;*

14 “(B) *the name of the person designated by*
15 *that person as the point of contact for each such*
16 *facility, for purposes of this subtitle; and*

17 “(C) *such other information as the Sec-*
18 *retary may determine is appropriate.*

19 “(d) *REGISTRATION OF AMMONIUM NITRATE PUR-*
20 *CHASERS.*—

21 “(1) *REGISTRATION.*—*The Secretary shall estab-*
22 *lish a process by which any person that—*

23 “(A) *intends to be an ammonium nitrate*
24 *purchaser is required to register with the De-*
25 *partment; and*

1 “(B) registers under subparagraph (A) is
2 issued a registration number for purposes of this
3 subtitle.

4 “(2) *REGISTRATION INFORMATION.*—Any person
5 applying to register under paragraph (1) as an am-
6 monium nitrate purchaser shall submit to the Sec-
7 retary—

8 “(A) the name, address, and telephone num-
9 ber of the applicant; and

10 “(B) the intended use of ammonium nitrate
11 to be purchased by the applicant.

12 “(e) *RECORDS.*—

13 “(1) *MAINTENANCE OF RECORDS.*—The owner of
14 an ammonium nitrate facility shall—

15 “(A) maintain a record of each sale or
16 transfer of ammonium nitrate, during the two-
17 year period beginning on the date of that sale or
18 transfer; and

19 “(B) include in such record the information
20 described in paragraph (2).

21 “(2) *SPECIFIC INFORMATION REQUIRED.*—For
22 each sale or transfer of ammonium nitrate, the owner
23 of an ammonium nitrate facility shall—

24 “(A) record the name, address, telephone
25 number, and registration number issued under

1 subsection (c) or (d) of each person that pur-
2 chases ammonium nitrate, in a manner pre-
3 scribed by the Secretary;

4 “(B) if applicable, record the name, address,
5 and telephone number of an agent acting on be-
6 half of the person described in subparagraph (A),
7 at the point of sale;

8 “(C) record the date and quantity of ammo-
9 nium nitrate sold or transferred; and

10 “(D) verify the identity of the persons de-
11 scribed in subparagraphs (A) and (B), as appli-
12 cable, in accordance with a procedure established
13 by the Secretary.

14 “(3) *PROTECTION OF INFORMATION.*—In main-
15 taining records in accordance with paragraph (1), the
16 owner of an ammonium nitrate facility shall take
17 reasonable actions to ensure the protection of the in-
18 formation included in such records.

19 “(f) *EXEMPTION FOR EXPLOSIVE PURPOSES.*—The
20 Secretary may exempt from this subtitle a person pro-
21 ducing, selling, or purchasing ammonium nitrate exclu-
22 sively for use in the production of an explosive under a li-
23 cense or permit issued under chapter 40 of title 18, United
24 States Code.

1 “(g) *CONSULTATION.*—*In carrying out this section, the*
2 *Secretary shall consult with the Secretary of Agriculture,*
3 *States, and appropriate private sector entities, to ensure*
4 *that the access of agricultural producers to ammonium ni-*
5 *trate is not unduly burdened.*

6 “(h) *DATA CONFIDENTIALITY.*—

7 “(1) *IN GENERAL.*—*Notwithstanding section 552*
8 *of title 5, United States Code, or the USA PATRIOT*
9 *ACT (Public Law 107–56; 115 Stat. 272), and except*
10 *as provided in paragraph (2), the Secretary may not*
11 *disclose to any person any information obtained*
12 *under this subtitle.*

13 “(2) *EXCEPTION.*—*The Secretary may disclose*
14 *any information obtained by the Secretary under this*
15 *subtitle to—*

16 “(A) *an officer or employee of the United*
17 *States, or a person that has entered into a con-*
18 *tract with the United States, who has a need to*
19 *know the information to perform the duties of*
20 *the officer, employee, or person; or*

21 “(B) *to a State agency under section 899D,*
22 *under appropriate arrangements to ensure the*
23 *protection of the information.*

24 “(i) *REGISTRATION PROCEDURES AND CHECK OF*
25 *TERRORIST SCREENING DATABASE.*—

1 “(1) *REGISTRATION PROCEDURES.*—

2 “(A) *GENERALLY.*—*The Secretary shall es-*
3 *tablish procedures to efficiently receive applica-*
4 *tions for registration numbers under this sub-*
5 *title, conduct the checks required under para-*
6 *graph (2), and promptly issue or deny a reg-*
7 *istration number.*

8 “(B) *INITIAL SIX-MONTH REGISTRATION PE-*
9 *RIOD.*—*The Secretary shall take steps to maxi-*
10 *mize the number of registration applications that*
11 *are submitted and processed during the six-*
12 *month period described in section 899F(e).*

13 “(2) *CHECK OF TERRORIST SCREENING DATA-*
14 *BASE.*—

15 “(A) *CHECK REQUIRED.*—*The Secretary*
16 *shall conduct a check of appropriate identifying*
17 *information of any person seeking to register*
18 *with the Department under subsection (c) or (d)*
19 *against identifying information that appears in*
20 *the terrorist screening database of the Depart-*
21 *ment.*

22 “(B) *AUTHORITY TO DENY REGISTRATION*
23 *NUMBER.*—*If the identifying information of a*
24 *person seeking to register with the Department*
25 *under subsection (c) or (d) appears in the ter-*

1 rorist screening database of the Department, the
2 Secretary may deny issuance of a registration
3 number under this subtitle.

4 “(3) *EXPEDITED REVIEW OF APPLICATIONS.*—

5 “(A) *IN GENERAL.*—Following the six-
6 month period described in section 899F(e), the
7 Secretary shall, to the extent practicable, issue or
8 deny registration numbers under this subtitle not
9 later than 72 hours after the time the Secretary
10 receives a complete registration application, un-
11 less the Secretary determines, in the interest of
12 national security, that additional time is nec-
13 essary to review an application.

14 “(B) *NOTICE OF APPLICATION STATUS.*—In
15 all cases, the Secretary shall notify a person
16 seeking to register with the Department under
17 subsection (c) or (d) of the status of the applica-
18 tion of that person not later than 72 hours after
19 the time the Secretary receives a complete reg-
20 istration application.

21 “(4) *EXPEDITED APPEALS PROCESS.*—

22 “(A) *REQUIREMENT.*—

23 “(i) *APPEALS PROCESS.*—The Sec-
24 retary shall establish an expedited appeals

1 *process for persons denied a registration*
2 *number under this subtitle.*

3 “(ii) *TIME PERIOD FOR RESOLU-*
4 *TION.—The Secretary shall, to the extent*
5 *practicable, resolve appeals not later than*
6 *72 hours after receiving a complete request*
7 *for appeal unless the Secretary determines,*
8 *in the interest of national security, that ad-*
9 *ditional time is necessary to resolve an ap-*
10 *peal.*

11 “(B) *CONSULTATION.—The Secretary, in*
12 *developing the appeals process under subpara-*
13 *graph (A), shall consult with appropriate stake-*
14 *holders.*

15 “(C) *GUIDANCE.—The Secretary shall pro-*
16 *vide guidance regarding the procedures and in-*
17 *formation required for an appeal under subpara-*
18 *graph (A) to any person denied a registration*
19 *number under this subtitle.*

20 “(5) *RESTRICTIONS ON USE AND MAINTENANCE*
21 *OF INFORMATION.—*

22 “(A) *IN GENERAL.—Any information con-*
23 *stituting grounds for denial of a registration*
24 *number under this section shall be maintained*
25 *confidentially by the Secretary and may be used*

1 *only for making determinations under this sec-*
2 *tion.*

3 “(B) *SHARING OF INFORMATION.*—*Notwith-*
4 *standing any other provision of this subtitle, the*
5 *Secretary may share any such information with*
6 *Federal, State, local, and tribal law enforcement*
7 *agencies, as appropriate.*

8 “(6) *REGISTRATION INFORMATION.*—

9 “(A) *AUTHORITY TO REQUIRE INFORMA-*
10 *TION.*—*The Secretary may require a person ap-*
11 *plying for a registration number under this sub-*
12 *title to submit such information as may be nec-*
13 *essary to carry out the requirements of this sec-*
14 *tion.*

15 “(B) *REQUIREMENT TO UPDATE INFORMA-*
16 *TION.*—*The Secretary may require persons issued*
17 *a registration under this subtitle to update reg-*
18 *istration information submitted to the Secretary*
19 *under this subtitle, as appropriate.*

20 “(7) *RE-CHECKS AGAINST TERRORIST SCREEN-*
21 *ING DATABASE.*—

22 “(A) *RE-CHECKS.*—*The Secretary shall, as*
23 *appropriate, recheck persons provided a registra-*
24 *tion number pursuant to this subtitle against the*
25 *terrorist screening database of the Department,*

1 *and may revoke such registration number if the*
2 *Secretary determines such person may pose a*
3 *threat to national security.*

4 “(B) *NOTICE OF REVOCATION.*—*The Sec-*
5 *retary shall, as appropriate, provide prior notice*
6 *to a person whose registration number is revoked*
7 *under this section and such person shall have an*
8 *opportunity to appeal, as provided in paragraph*
9 *(4).*

10 **“SEC. 899C. INSPECTION AND AUDITING OF RECORDS.**

11 *“The Secretary shall establish a process for the peri-*
12 *odic inspection and auditing of the records maintained by*
13 *owners of ammonium nitrate facilities for the purpose of*
14 *monitoring compliance with this subtitle or for the purpose*
15 *of deterring or preventing the misappropriation or use of*
16 *ammonium nitrate in an act of terrorism.*

17 **“SEC. 899D. ADMINISTRATIVE PROVISIONS.**

18 “(a) *COOPERATIVE AGREEMENTS.*—*The Secretary—*
19 “(1) *may enter into a cooperative agreement*
20 *with the Secretary of Agriculture, or the head of any*
21 *State department of agriculture or its designee in-*
22 *volved in agricultural regulation, in consultation*
23 *with the State agency responsible for homeland secu-*
24 *rity, to carry out the provisions of this subtitle; and*

1 “(2) *wherever possible, shall seek to cooperate*
2 *with State agencies or their designees that oversee am-*
3 *monium nitrate facility operations when seeking co-*
4 *operative agreements to implement the registration*
5 *and enforcement provisions of this subtitle.*

6 “(b) *DELEGATION.—*

7 “(1) *AUTHORITY.—The Secretary may delegate*
8 *to a State the authority to assist the Secretary in the*
9 *administration and enforcement of this subtitle.*

10 “(2) *DELEGATION REQUIRED.—At the request of*
11 *a Governor of a State, the Secretary shall delegate to*
12 *that State the authority to carry out functions under*
13 *sections 899B and 899C, if the Secretary determines*
14 *that the State is capable of satisfactorily carrying out*
15 *such functions.*

16 “(3) *FUNDING.—Subject to the availability of*
17 *appropriations, if the Secretary delegates functions to*
18 *a State under this subsection, the Secretary shall pro-*
19 *vide to that State sufficient funds to carry out the*
20 *delegated functions.*

21 “(c) *PROVISION OF GUIDANCE AND NOTIFICATION MA-*
22 *TERIALS TO AMMONIUM NITRATE FACILITIES.—*

23 “(1) *GUIDANCE.—The Secretary shall make*
24 *available to each owner of an ammonium nitrate fa-*

1 *cility registered under section 899B(c)(1) guidance*
2 *on—*

3 *“(A) the identification of suspicious ammo-*
4 *nium nitrate purchases or transfers or attempted*
5 *purchases or transfers;*

6 *“(B) the appropriate course of action to be*
7 *taken by the ammonium nitrate facility owner*
8 *with respect to such a purchase or transfer or at-*
9 *tempted purchase or transfer, including—*

10 *“(i) exercising the right of the owner of*
11 *the ammonium nitrate facility to decline*
12 *sale of ammonium nitrate; and*

13 *“(ii) notifying appropriate law en-*
14 *forcement entities; and*

15 *“(C) additional subjects determined appro-*
16 *priate to prevent the misappropriation or use of*
17 *ammonium nitrate in an act of terrorism.*

18 *“(2) USE OF MATERIALS AND PROGRAMS.—In*
19 *providing guidance under this subsection, the Sec-*
20 *retary shall, to the extent practicable, leverage any*
21 *relevant materials and programs.*

22 *“(3) NOTIFICATION MATERIALS.—*

23 *“(A) IN GENERAL.—The Secretary shall*
24 *make available materials suitable for posting at*
25 *locations where ammonium nitrate is sold.*

1 “(B) *DESIGN OF MATERIALS.*—*Materials*
2 *made available under subparagraph (A) shall be*
3 *designed to notify prospective ammonium nitrate*
4 *purchasers of—*

5 “(i) *the record-keeping requirements*
6 *under section 899B; and*

7 “(ii) *the penalties for violating such*
8 *requirements.*

9 **“SEC. 899E. THEFT REPORTING REQUIREMENT.**

10 *“Any person who is required to comply with section*
11 *899B(e) who has knowledge of the theft or unexplained loss*
12 *of ammonium nitrate shall report such theft or loss to the*
13 *appropriate Federal law enforcement authorities not later*
14 *than 1 calendar day of the date on which the person becomes*
15 *aware of such theft or loss. Upon receipt of such report,*
16 *the relevant Federal authorities shall inform State, local,*
17 *and tribal law enforcement entities, as appropriate.*

18 **“SEC. 899F. PROHIBITIONS AND PENALTY.**

19 “(a) *PROHIBITIONS.*—

20 “(1) *TAKING POSSESSION.*—*No person shall pur-*
21 *chase ammonium nitrate from an ammonium nitrate*
22 *facility unless such person is registered under sub-*
23 *section (c) or (d) of section 899B, or is an agent of*
24 *a person registered under subsection (c) or (d) of that*
25 *section.*

1 “(2) *TRANSFERRING POSSESSION.*—*An owner of*
2 *an ammonium nitrate facility shall not transfer pos-*
3 *session of ammonium nitrate from the ammonium ni-*
4 *trate facility to any ammonium nitrate purchaser*
5 *who is not registered under subsection (c) or (d) of*
6 *section 899B, or to any agent acting on behalf of an*
7 *ammonium nitrate purchaser when such purchaser is*
8 *not registered under subsection (c) or (d) of section*
9 *899B.*

10 “(3) *OTHER PROHIBITIONS.*—*No person shall—*

11 “(A) *purchase ammonium nitrate without a*
12 *registration number required under subsection*
13 *(c) or (d) of section 899B;*

14 “(B) *own or operate an ammonium nitrate*
15 *facility without a registration number required*
16 *under section 899B(c); or*

17 “(C) *fail to comply with any requirement*
18 *or violate any other prohibition under this sub-*
19 *title.*

20 “(b) *CIVIL PENALTY.*—*A person that violates this sub-*
21 *title may be assessed a civil penalty by the Secretary of*
22 *not more than \$50,000 per violation.*

23 “(c) *PENALTY CONSIDERATIONS.*—*In determining the*
24 *amount of a civil penalty under this section, the Secretary*
25 *shall consider—*

1 “(1) *the nature and circumstances of the viola-*
2 *tion;*

3 “(2) *with respect to the person who commits the*
4 *violation, any history of prior violations, the ability*
5 *to pay the penalty, and any effect the penalty is like-*
6 *ly to have on the ability of such person to do business;*
7 *and*

8 “(3) *any other matter that the Secretary deter-*
9 *mines that justice requires.*

10 “(d) *NOTICE AND OPPORTUNITY FOR A HEARING.—*
11 *No civil penalty may be assessed under this subtitle unless*
12 *the person liable for the penalty has been given notice and*
13 *an opportunity for a hearing on the violation for which*
14 *the penalty is to be assessed in the county, parish, or incor-*
15 *porated city of residence of that person.*

16 “(e) *DELAY IN APPLICATION OF PROHIBITION.—Para-*
17 *graphs (1) and (2) of subsection (a) shall apply on and*
18 *after the date that is 6 months after the date that the Sec-*
19 *retary issues a final rule implementing this subtitle.*

20 “**SEC. 899G. PROTECTION FROM CIVIL LIABILITY.**

21 “(a) *IN GENERAL.—Notwithstanding any other provi-*
22 *sion of law, an owner of an ammonium nitrate facility that*
23 *in good faith refuses to sell or transfer ammonium nitrate*
24 *to any person, or that in good faith discloses to the Depart-*
25 *ment or to appropriate law enforcement authorities an ac-*

1 *tual or attempted purchase or transfer of ammonium ni-*
2 *trate, based upon a reasonable belief that the person seeking*
3 *purchase or transfer of ammonium nitrate may use the am-*
4 *monium nitrate to create an explosive device to be employed*
5 *in an act of terrorism (as defined in section 3077 of title*
6 *18, United States Code), or to use ammonium nitrate for*
7 *any other unlawful purpose, shall not be liable in any civil*
8 *action relating to that refusal to sell ammonium nitrate or*
9 *that disclosure.*

10 “(b) *REASONABLE BELIEF.*—A reasonable belief that
11 a person may use ammonium nitrate to create an explosive
12 device to be employed in an act of terrorism under sub-
13 section (a) may not solely be based on the race, sex, national
14 origin, creed, religion, status as a veteran, or status as a
15 member of the Armed Forces of the United States of that
16 person.

17 **“SEC. 899H. PREEMPTION OF OTHER LAWS.**

18 “(a) *OTHER FEDERAL REGULATIONS.*—Except as pro-
19 vided in section 899G, nothing in this subtitle affects any
20 regulation issued by any agency other than an agency of
21 the Department.

22 “(b) *STATE LAW.*—Subject to section 899G, this sub-
23 title preempts the laws of any State to the extent that such
24 laws are inconsistent with this subtitle, except that this sub-
25 title shall not preempt any State law that provides addi-

1 *tional protection against the acquisition of ammonium ni-*
 2 *trate by terrorists or the use of ammonium nitrate in explo-*
 3 *sives in acts of terrorism or for other illicit purposes, as*
 4 *determined by the Secretary.*

5 **“SEC. 899I. DEADLINES FOR REGULATIONS.**

6 *“The Secretary—*

7 *“(1) shall issue a proposed rule implementing*
 8 *this subtitle not later than 6 months after the date of*
 9 *the enactment of this subtitle; and*

10 *“(2) issue a final rule implementing this subtitle*
 11 *not later than 1 year after such date of enactment.*

12 **“SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.**

13 *“There are authorized to be appropriated to the Sec-*
 14 *retary—*

15 *“(1) \$2,000,000 for fiscal year 2008; and*

16 *“(2) \$10,750,000 for each of fiscal years 2009*
 17 *through 2012.”.*

18 *(b) CLERICAL AMENDMENT.—The table of contents in*
 19 *section 1(b) of such Act is amended by inserting after the*
 20 *item relating to section 899 the following:*

“Subtitle J—Secure Handling of Ammonium Nitrate

“Sec. 899A. Definitions.

“Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.

“Sec. 899C. Inspection and auditing of records.

“Sec. 899D. Administrative provisions.

“Sec. 899E. Theft reporting requirement.

“Sec. 899F. Prohibitions and penalty.

“Sec. 899G. Protection from civil liability.

“Sec. 899H. Preemption of other laws.

*“Sec. 899I. Deadlines for regulations.
“Sec. 899J. Authorization of appropriations.”.*

1 *SEC. 564. IMPROVEMENT OF BARRIERS AT BORDER.*

2 *(a) Section 102 of the Illegal Immigration Reform and Im-*
3 *migrant Responsibility Act of 1996 (8 U.S.C. 1103 note)*
4 *is amended—*

5 *(1) in subsection (a), by striking “Attorney Gen-*
6 *eral, in consultation with the Commissioner of Immigra-*
7 *tion and Naturalization,” and inserting “Sec-*
8 *retary of Homeland Security”;* and

9 *(2) in subsection (b)—*

10 *(A) in the subsection heading, by striking*
11 *“IN THE BORDER AREA” and inserting “ALONG*
12 *THE BORDER”;*

13 *(B) in paragraph (1)—*

14 *(i) in the heading, by striking “SECU-*
15 *RITY FEATURES” and inserting “ADDI-*
16 *TIONAL FENCING ALONG SOUTHWEST BOR-*
17 *DER”;* and

18 *(ii) by striking subparagraphs (A)*
19 *through (C) and inserting the following:*

20 *“(A) REINFORCED FENCING.—In carrying*
21 *out subsection (a), the Secretary of Homeland*
22 *Security shall construct reinforced fencing along*
23 *not less than 700 miles of the southwest border*
24 *where fencing would be most practical and effec-*

1 *tive and provide for the installation of addi-*
2 *tional physical barriers, roads, lighting, cam-*
3 *eras, and sensors to gain operational control of*
4 *the southwest border.*

5 “(B) *PRIORITY AREAS.*—*In carrying out*
6 *this section, the Secretary of Homeland Security*
7 *shall—*

8 “(i) *identify the 370 miles, or other*
9 *mileage determined by the Secretary, whose*
10 *authority to determine other mileage shall*
11 *expire on December 31, 2008, along the*
12 *southwest border where fencing would be*
13 *most practical and effective in deterring*
14 *smugglers and aliens attempting to gain il-*
15 *legal entry into the United States; and*

16 “(ii) *not later than December 31, 2008,*
17 *complete construction of reinforced fencing*
18 *along the miles identified under clause (i).*

19 “(C) *CONSULTATION.*—

20 “(i) *IN GENERAL.*—*In carrying out*
21 *this section, the Secretary of Homeland Se-*
22 *curity shall consult with the Secretary of*
23 *the Interior, the Secretary of Agriculture,*
24 *States, local governments, Indian tribes,*
25 *and property owners in the United States*

1 to minimize the impact on the environment,
2 culture, commerce, and quality of life for
3 the communities and residents located near
4 the sites at which such fencing is to be con-
5 structed.

6 “(ii) SAVINGS PROVISION.—Nothing in
7 this subparagraph may be construed to—

8 “(I) create or negate any right of
9 action for a State, local government, or
10 other person or entity affected by this
11 subsection; or

12 “(II) affect the eminent domain
13 laws of the United States or of any
14 State.

15 “(D) LIMITATION ON REQUIREMENTS.—Not-
16 withstanding subparagraph (A), nothing in this
17 paragraph shall require the Secretary of Home-
18 land Security to install fencing, physical bar-
19 riers, roads, lighting, cameras, and sensors in a
20 particular location along an international bor-
21 der of the United States, if the Secretary deter-
22 mines that the use or placement of such resources
23 is not the most appropriate means to achieve
24 and maintain operational control over the inter-
25 national border at such location.”; and

1 (C) in paragraph (4), by striking “to carry
2 out this subsection not to exceed \$12,000,000”
3 and inserting “such sums as may be necessary to
4 carry out this subsection”.

5 (b) No funds appropriated in this Act for U.S. Cus-
6 toms and Border Protection “Border Security Fencing, In-
7 frastructure, and Technology” may be obligated unless the
8 Secretary of Homeland Security has complied with section
9 102(b)(2)(C)(i) of the Illegal Immigration Reform and Im-
10 migrant Responsibility Act of 1996 (8 U.S.C. 1103 note)
11 as amended by subsection (a)(2).

12 SEC. 565. INTERNATIONAL REGISTERED TRAVELER
13 PROGRAM. Section 7208(k)(3) of the Intelligence Reform
14 and Terrorism Prevention Act of 2004 (8 U.S.C.
15 1365b(k)(3)) is amended to read as follows:

16 “(3) INTERNATIONAL REGISTERED TRAVELER
17 PROGRAM.—

18 “(A) IN GENERAL.—The Secretary of Home-
19 land Security shall establish an international
20 registered traveler program that incorporates
21 available technologies, such as biometrics and e-
22 passports, and security threat assessments to ex-
23 pedite the screening and processing of inter-
24 national travelers, including United States Citi-
25 zens and residents, who enter and exit the

1 *United States. The program shall be coordinated*
2 *with the United States Visitor and Immigrant*
3 *Status Indicator Technology program, other pre-*
4 *screening initiatives, and the Visa Waiver Pro-*
5 *gram.*

6 “(B) *FEEES.*—*The Secretary may impose a*
7 *fee for the program established under subpara-*
8 *graph (A) and may modify such fee from time*
9 *to time. The fee may not exceed the aggregate*
10 *costs associated with the program and shall be*
11 *credited to the Department of Homeland Secu-*
12 *rity for purposes of carrying out the program.*
13 *Amounts so credited shall remain available until*
14 *expended.*

15 “(C) *RULEMAKING.*—*Within 365 days after*
16 *the date of enactment of this paragraph, the Sec-*
17 *retary shall initiate a rulemaking to establish*
18 *the program, criteria for participation, and the*
19 *fee for the program.*

20 “(D) *IMPLEMENTATION.*—*Not later than 2*
21 *years after the date of enactment of this para-*
22 *graph, the Secretary shall establish a phased-im-*
23 *plementation of a biometric-based international*
24 *registered traveler program in conjunction with*
25 *the United States Visitor and Immigrant Status*

1 *Indicator Technology entry and exit system,*
2 *other pre-screening initiatives, and the Visa*
3 *Waiver Program at United States airports with*
4 *the highest volume of international travelers.*

5 “(E) *PARTICIPATION.*—*The Secretary shall*
6 *ensure that the international registered traveler*
7 *program includes as many participants as prac-*
8 *ticable by—*

9 “(i) *establishing a reasonable cost of*
10 *enrollment;*

11 “(ii) *making program enrollment con-*
12 *venient and easily accessible; and*

13 “(iii) *providing applicants with clear*
14 *and consistent eligibility guidelines.”.*

15 *SEC. 566. SHARED BORDER MANAGEMENT. (a)*
16 *STUDY.*—*The Comptroller General of the United States*
17 *shall conduct a study on the Department of Homeland Se-*
18 *curity’s use of shared border management to secure the*
19 *international borders of the United States.*

20 (b) *REPORT.*—*The Comptroller General shall submit*
21 *a report to Congress that describes—*

22 (1) *any negotiations, plans, or designs conducted*
23 *by officials of the Department of Homeland Security*
24 *regarding the practice of shared border management;*
25 *and*

1 (2) *the factors required to be in place for shared*
2 *border management to be successful.*

3 *SEC. 567. None of the funds made available in this*
4 *Act may be used for planning, testing, piloting, or devel-*
5 *oping a national identification card.*

6 *SEC. 568. TRANSPORTATION SECURITY ADMINISTRA-*
7 *TION ACQUISITION MANAGEMENT POLICY. (a) IN GEN-*
8 *ERAL.—Section 114 of title 49, United States Code, is*
9 *amended by striking subsection (o) and redesignating sub-*
10 *sections (p) through (t) as subsections (o) through (s), re-*
11 *spectively.*

12 *(b) EFFECTIVE DATE.—The amendment made by sub-*
13 *section (a) shall take effect 180 days after the date of enact-*
14 *ment of this Act.*

15 *SEC. 569. (a) Notwithstanding any other provision of*
16 *this Act, except as provided in subsection (b), and 30 days*
17 *after the date that the President determines whether to de-*
18 *clare a major disaster because of an event and any appeal*
19 *is completed, the Administrator shall submit to the Com-*
20 *mittee on Homeland Security and Governmental Affairs of*
21 *the Senate, the Committee on Homeland Security of the*
22 *House of Representatives, the Committee on Transportation*
23 *and Infrastructure of the House of Representatives, the*
24 *Committees on Appropriations of the Senate and the House*
25 *of Representatives, and publish on the website of the Federal*

1 *Emergency Management Agency, a report regarding that*
2 *decision, which shall summarize damage assessment infor-*
3 *mation used to determine whether to declare a major dis-*
4 *aster.*

5 *(b) The Administrator may redact from a report under*
6 *subsection (a) any data that the Administrator determines*
7 *would compromise national security.*

8 *(c) In this section—*

9 *(1) the term “Administrator” means the Admin-*
10 *istrator of the Federal Emergency Management Agen-*
11 *cy; and*

12 *(2) the term “major disaster” has the meaning*
13 *given that term in section 102 of the Robert T. Staf-*
14 *ford Disaster Relief and Emergency Assistance Act*
15 *(42 U.S.C. 5122).*

16 *SEC. 570. If the Secretary of Homeland Security estab-*
17 *lishes a National Transportation Security Center of Excel-*
18 *lence to conduct research and education activities, and to*
19 *develop or provide professional security training, including*
20 *the training of transportation employees and transpor-*
21 *tation professionals, the Mineta Transportation Institute at*
22 *San Jose State University may be included as a member*
23 *institution of such Center.*

24 *SEC. 571. Effective no later than ninety days after the*
25 *date of enactment of this Act, the Transportation Security*

1 Administration shall permit approved members of Reg-
2 istered Traveler programs to satisfy fully the required iden-
3 tity verification procedures at security screening check-
4 points by presenting a biometrically-secure Registered
5 Traveler card in lieu of the government-issued photo identi-
6 fication document required of non-participants: Provided,
7 That if their identity is not confirmed biometrically, the
8 standard identity and screening procedures will apply: Pro-
9 vided further, That if the Assistant Secretary (Transportation Security Administration) determines this is a threat
10 to civil aviation, then the Assistant Secretary (Transportation Security Administration) shall notify the Commit-
11 tees on Appropriations of the Senate and House of Rep-
12 resentatives five days in advance of such determination and
13 require Registered Travelers to present government-issued
14 photo identification documents in conjunction with a bio-
15 metrically-secure Registered Traveler card.

18 SEC. 572. Section 831(a) of the Homeland Security
19 Act of 2002 (6 U.S.C. 391(a)) is amended by striking “Dur-
20 ing the 5-year period following the effective date of this Act”
21 and inserting “Until September 30, 2008”.

22 SEC. 573. (a) RESCISSION.—Of amounts previously
23 made available from Federal Emergency Management
24 Agency “Disaster Relief” to the State of Mississippi pursu-
25 ant to section 404 of the Robert T. Stafford Disaster Relief

1 *and Emergency Assistance Act (42 U.S.C. 5170c) for Hur-*
2 *ricane Katrina, \$20,000,000 are rescinded.*

3 (b) *APPROPRIATION.—For Federal Emergency Man-*
4 *agement Agency “State and Local Programs”, there is ap-*
5 *propriated an additional \$20,000,000, to remain available*
6 *until expended, for a grant to the State of Mississippi for*
7 *an interoperable communications system required in the*
8 *aftermath of Hurricane Katrina: Provided, That this entire*
9 *amount is designated as described in section 5 (in the mat-*
10 *ter preceding division A of this consolidated Act).*

11 *TITLE VI*

12 *BORDER INFRASTRUCTURE AND TECHNOLOGY*

13 *MODERNIZATION*

14 *SEC. 601. SHORT TITLE.*

15 *This title may be cited as the “Border Infrastructure*
16 *and Technology Modernization Act of 2007”.*

17 *SEC. 602. DEFINITIONS.—In this title:*

18 (1) *COMMISSIONER.—The term “Commissioner”*
19 *means the Commissioner of U.S. Customs and Border*
20 *Protection of the Department of Homeland Security.*

21 (2) *MAQUILADORA.—The term “maquiladora”*
22 *means an entity located in Mexico that assembles and*
23 *produces goods from imported parts for export to the*
24 *United States.*

1 (3) *NORTHERN BORDER.*—*The term “northern*
2 *border” means the international border between the*
3 *United States and Canada.*

4 (4) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of the Department of Homeland Secu-*
6 *rity.*

7 (5) *SOUTHERN BORDER.*—*The term “southern*
8 *border” means the international border between the*
9 *United States and Mexico.*

10 *SEC. 603. PORT OF ENTRY INFRASTRUCTURE ASSESS-*
11 *MENT STUDY.—(a) REQUIREMENT TO UPDATE.*—*Not later*
12 *than January 31 of every other year, the Commissioner,*
13 *in consultation with the Administrator of General Services*
14 *shall—*

15 (1) *review—*

16 (A) *the Port of Entry Infrastructure Assess-*
17 *ment Study prepared by the United States Cus-*
18 *tom Service, the Immigration and Naturaliza-*
19 *tion Service, and the General Services Adminis-*
20 *tration in accordance with the matter relating to*
21 *the ports of entry infrastructure assessment set*
22 *forth in the joint explanatory statement on page*
23 *67 of conference report 106–319, accompanying*
24 *Public Law 106–58; and*

1 (B) *the nationwide strategy to prioritize*
2 *and address the infrastructure needs at the land*
3 *ports of entry prepared by the Department of*
4 *Homeland Security and the General Services Ad-*
5 *ministration in accordance with the committee*
6 *recommendations on page 22 of Senate report*
7 *108–86, accompanying Public Law 108–90;*

8 (2) *update the assessment of the infrastructure*
9 *needs of all United States land ports of entry; and*

10 (3) *submit an updated assessment of land port*
11 *of entry infrastructure needs to the Committees on*
12 *Appropriations of the Senate and the House of Rep-*
13 *resentatives, the Senate Committee on Environment*
14 *and Public Works, the Senate Committee on Home-*
15 *land Security and Governmental Affairs, the House*
16 *Committee on Transportation and Infrastructure,*
17 *and the House Committee on Homeland Security.*

18 (b) *CONSULTATION.*—*In preparing the updated studies*
19 *required under subsection (a), the Commissioner and the*
20 *Administrator of General Services shall consult with the Di-*
21 *rector of the Office of Management and Budget, the Sec-*
22 *retary, and affected State and local agencies on the northern*
23 *and southern borders of the United States.*

24 (c) *CONTENT.*—*Each updated study required in sub-*
25 *section (a) shall—*

1 (1) identify port of entry infrastructure and
2 technology improvement projects that would enhance
3 border security and facilitate the flow of legitimate
4 commerce if implemented;

5 (2) include the projects identified in the National
6 Land Border Security Plan required by section 604;
7 and

8 (3) prioritize the projects described in para-
9 graphs (1) and (2) based on the ability of a project—

10 (A) to enhance the ability of U.S. Customs
11 and Border Protection to achieve its mission and
12 to support operations;

13 (B) to fulfill security requirements; and

14 (C) facilitate trade across the borders of the
15 United States.

16 (d) *PROJECT IMPLEMENTATION.*—The Commissioner,
17 as appropriate, shall—

18 (1) implement the infrastructure and technology
19 improvement projects described in subsection (c) in
20 the order of priority assigned to each project under
21 subsection (c)(3); or

22 (2) forward the prioritized list of infrastructure
23 and technology improvement projects to the Adminis-
24 trator of General Services for implementation in the

1 *order of priority assigned to each project under sub-*
2 *section (c)(3).*

3 *(e) DIVERGENCE FROM PRIORITIES.—The Commis-*
4 *sioner may diverge from the priority order if the Commis-*
5 *sioner determines that significantly changed circumstances,*
6 *including immediate security needs, changes in infrastruc-*
7 *ture in Mexico or Canada, or similar concerns, compel-*
8 *ingly alter the need for a project in the United States.*

9 *SEC. 604. NATIONAL LAND BORDER SECURITY PLAN.*

10 *(a) REQUIREMENT FOR PLAN.—Not later than January 31*
11 *of every other year, the Secretary, acting through the Com-*
12 *missioner, shall prepare a National Land Border Security*
13 *Plan and submit such plan to the Committees on Appro-*
14 *priations of the Senate and the House of Representatives,*
15 *the Senate Committee on Environment and Public Works,*
16 *the Senate Committee on Homeland Security and Govern-*
17 *mental Affairs, the Senate Committee on the Judiciary, the*
18 *House Committee on Transportation and Infrastructure,*
19 *the House Committee on Homeland Security, and the*
20 *House Committee on the Judiciary.*

21 *(b) CONSULTATION.—In preparing the plan required*
22 *under subsection (a), the Commissioner shall consult with*
23 *other appropriate Federal agencies, State and local law en-*
24 *forcement agencies, and private entities that are involved*

1 *in international trade across the northern or southern bor-*
2 *der.*

3 (c) *VULNERABILITY ASSESSMENT.*—

4 (1) *IN GENERAL.*—*The plan required under sub-*
5 *section (a) shall include a vulnerability, risk, and*
6 *threat assessment of each port of entry located on the*
7 *northern border or the southern border.*

8 (2) *PORT SECURITY COORDINATORS.*—*The Sec-*
9 *retary, acting through the Commissioner, may estab-*
10 *lish one or more port security coordinators at each*
11 *port of entry located on the northern border or the*
12 *southern border—*

13 (A) *to assist in conducting a vulnerability*
14 *assessment at such port; and*

15 (B) *to provide other assistance with the*
16 *preparation of the plan required under sub-*
17 *section (a).*

18 (d) *COORDINATION WITH THE SECURE BORDER INI-*
19 *TIATIVE.*—*The plan required under subsection (a) shall in-*
20 *clude a description of activities undertaken during the pre-*
21 *vious year as part of the Secure Border Initiative and ac-*
22 *tions planned for the coming year as part of the Secure*
23 *Border Initiative.*

24 *SEC. 605. PORT OF ENTRY TECHNOLOGY DEMONSTRA-*
25 *TION PROGRAM. (a) ESTABLISHMENT.*—*The Secretary, act-*

1 *ing through the Commissioner, shall carry out a technology*
2 *demonstration program to test and evaluate new port of*
3 *entry technologies, refine port of entry technologies and*
4 *operational concepts, and train personnel under realistic*
5 *conditions.*

6 **(b) TECHNOLOGY TESTED.**—*Under the demonstration*
7 *program, the Commissioner shall test technologies that en-*
8 *hance port of entry operations, including those related to*
9 *inspections, communications, port tracking, identification*
10 *of persons and cargo, sensory devices, personal detection,*
11 *decision support, and the detection and identification of*
12 *weapons of mass destruction.*

13 **(c) DEMONSTRATION SITES.**—

14 **(1) NUMBER.**—*The Commissioner shall carry out*
15 *the demonstration program at not less than three sites*
16 *and not more than five sites.*

17 **(2) LOCATION.**—*Of the sites selected under sub-*
18 *section (c)—*

19 **(A)** *at least one shall be located on the*
20 *northern border of the United States; and*

21 **(B)** *at least one shall be located on the*
22 *southern border of the United States.*

23 **(3) SELECTION CRITERIA.**—*To ensure that one of*
24 *the facilities selected as a port of entry demonstration*
25 *site for the demonstration program has the most up-*

1 *to-date design, contains sufficient space to conduct the*
2 *demonstration program, has a traffic volume low*
3 *enough to easily incorporate new technologies without*
4 *interrupting normal processing activity, and can effi-*
5 *ciently carry out demonstration and port of entry op-*
6 *erations, one port of entry selected as a demonstration*
7 *site may—*

8 *(A) have been established not more than 15*
9 *years before the date of the enactment of this Act;*

10 *(B) consist of not less than 65 acres, with*
11 *the possibility of expansion onto not less than 25*
12 *adjacent acres; and*

13 *(C) have serviced an average of not more*
14 *than 50,000 vehicles per month during the 12*
15 *months preceding the date of the enactment of*
16 *this Act.*

17 *(d) RELATIONSHIP WITH OTHER AGENCIES.—The*
18 *Secretary, acting through the Commissioner, shall permit*
19 *personnel from appropriate Federal agencies to utilize a*
20 *demonstration site described in subsection (c) to test tech-*
21 *nologies that enhance port of entry operations, including*
22 *those related to inspections, communications, port tracking,*
23 *identification of persons and cargo, sensory devices, per-*
24 *sonal detection, decision support, and the detection and*
25 *identification of weapons of mass destruction.*

1 (e) *REPORT.*—

2 (1) *REQUIREMENT.*—Not later than 1 year after
3 the date of the enactment of this Act, and annually
4 thereafter, the Secretary shall submit to the Commit-
5 tees on Appropriations of the Senate and the House
6 of Representatives, the Senate Committee on Environ-
7 ment and Public Works, the Senate Committee on
8 Homeland Security and Governmental Affairs, the
9 House Committee on Transportation and Infrastruc-
10 ture, and the House Committee on Homeland Secu-
11 rity a report on the activities carried out at each
12 demonstration site under the technology demonstra-
13 tion program established under this section.

14 (2) *CONTENT.*—The report shall include an as-
15 sessment by the Commissioner of the feasibility of in-
16 corporating any demonstrated technology for use
17 throughout U.S. Customs and Border Protection.

18 SEC. 606. *AUTHORIZATION OF APPROPRIATIONS.* (a)
19 *IN GENERAL.*—In addition to any funds otherwise avail-
20 able, there are authorized to be appropriated such sums as
21 may be necessary to carry out this title for fiscal years 2009
22 through 2013.

23 (b) *INTERNATIONAL AGREEMENTS.*—Funds authorized
24 to be appropriated under this title may be used for the im-
25 plementation of projects described in the Declaration on

1 *Embracing Technology and Cooperation to Promote the Se-*
2 *cure and Efficient Flow of People and Commerce across our*
3 *Shared Border between the United States and Mexico,*
4 *agreed to March 22, 2002, Monterrey, Mexico (commonly*
5 *known as the Border Partnership Action Plan) or the*
6 *Smart Border Declaration between the United States and*
7 *Canada, agreed to December 12, 2001, Ottawa, Canada that*
8 *are consistent with the provisions of this title.*

9 *This division may be cited as the “Department of*
10 *Homeland Security Appropriations Act, 2008”.*

11 *DIVISION F—DEPARTMENT OF THE INTERIOR,*
12 *ENVIRONMENT, AND RELATED AGENCIES AP-*
13 *PROPRIATIONS ACT, 2008*

14 *TITLE I*

15 *DEPARTMENT OF THE INTERIOR*

16 *BUREAU OF LAND MANAGEMENT*

17 *MANAGEMENT OF LANDS AND RESOURCES*

18 *For necessary expenses for protection, use, improve-*
19 *ment, development, disposal, cadastral surveying, classifica-*
20 *tion, acquisition of easements and other interests in lands,*
21 *and performance of other functions, including maintenance*
22 *of facilities, as authorized by law, in the management of*
23 *lands and their resources under the jurisdiction of the Bu-*
24 *reau of Land Management, including the general adminis-*
25 *tration of the Bureau, and assessment of mineral potential*

1 of public lands pursuant to Public Law 96-487 (16 U.S.C.
2 3150(a)), \$867,463,000, to remain available until expended,
3 of which not to exceed \$91,629,000 is available for oil and
4 gas management; and of which \$1,500,000 is for high pri-
5 ority projects, to be carried out by the Youth Conservation
6 Corps; and of which \$2,900,000 shall be available in fiscal
7 year 2008 subject to a match by at least an equal amount
8 by the National Fish and Wildlife Foundation for cost-
9 shared projects supporting conservation of Bureau lands;
10 and such funds shall be advanced to the Foundation as a
11 lump sum grant without regard to when expenses are in-
12 curred.

13 In addition, \$25,500,000 is for the processing of appli-
14 cations for permit to drill and related use authorizations,
15 to remain available until expended, to be reduced by
16 amounts collected by the Bureau and credited to this appro-
17 priation that shall be derived from \$4,000 per new applica-
18 tion for permit to drill that the Bureau shall collect upon
19 submission of each new application, and in addition,
20 \$34,696,000 is for Mining Law Administration program
21 operations, including the cost of administering the mining
22 claim fee program; to remain available until expended, to
23 be reduced by amounts collected by the Bureau and credited
24 to this appropriation from annual mining claim fees so as
25 to result in a final appropriation estimated at not more

1 *than \$867,463,000, and \$2,000,000, to remain available*
2 *until expended, from communication site rental fees estab-*
3 *lished by the Bureau for the cost of administering commu-*
4 *nication site activities.*

5 *CONSTRUCTION*

6 *For construction of buildings, recreation facilities,*
7 *roads, trails, and appurtenant facilities, \$6,476,000, to re-*
8 *main available until expended.*

9 *LAND ACQUISITION*

10 *For expenses necessary to carry out sections 205, 206,*
11 *and 318(d) of Public Law 94-579, including administra-*
12 *tive expenses and acquisition of lands or waters, or interests*
13 *therein, \$9,081,000, to be derived from the Land and Water*
14 *Conservation Fund and to remain available until expended.*

15 *OREGON AND CALIFORNIA GRANT LANDS*

16 *For expenses necessary for management, protection,*
17 *and development of resources and for construction, oper-*
18 *ation, and maintenance of access roads, reforestation, and*
19 *other improvements on the revested Oregon and California*
20 *Railroad grant lands, on other Federal lands in the Oregon*
21 *and California land-grant counties of Oregon, and on adja-*
22 *cent rights-of-way; and acquisition of lands or interests*
23 *therein, including existing connecting roads on or adjacent*
24 *to such grant lands; \$110,242,000, to remain available until*
25 *expended: Provided, That 25 percent of the aggregate of all*
26 *receipts during the current fiscal year from the revested Or-*

1 *egon and California Railroad grant lands is hereby made*
2 *a charge against the Oregon and California land-grant*
3 *fund and shall be transferred to the General Fund in the*
4 *Treasury in accordance with the second paragraph of sub-*
5 *section (b) of title II of the Act of August 28, 1937 (50 Stat.*
6 *876).*

7 *FOREST ECOSYSTEM HEALTH AND RECOVERY FUND*

8 *(REVOLVING FUND, SPECIAL ACCOUNT)*

9 *In addition to the purposes authorized in Public Law*
10 *102–381, funds made available in the Forest Ecosystem*
11 *Health and Recovery Fund can be used for the purpose of*
12 *planning, preparing, implementing and monitoring salvage*
13 *timber sales and forest ecosystem health and recovery activi-*
14 *ties, such as release from competing vegetation and density*
15 *control treatments. The Federal share of receipts (defined*
16 *as the portion of salvage timber receipts not paid to the*
17 *counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et*
18 *seq., and Public Law 106–393) derived from treatments*
19 *funded by this account shall be deposited into the Forest*
20 *Ecosystem Health and Recovery Fund.*

21 *RANGE IMPROVEMENTS*

22 *For rehabilitation, protection, and acquisition of lands*
23 *and interests therein, and improvement of Federal range-*
24 *lands pursuant to section 401 of the Federal Land Policy*
25 *and Management Act of 1976 (43 U.S.C. 1701), notwith-*
26 *standing any other Act, sums equal to 50 percent of all*

1 moneys received during the prior fiscal year under sections
2 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.)
3 and the amount designated for range improvements from
4 grazing fees and mineral leasing receipts from Bankhead-
5 Jones lands transferred to the Department of the Interior
6 pursuant to law, but not less than \$10,000,000, to remain
7 available until expended: Provided, That not to exceed
8 \$600,000 shall be available for administrative expenses.

9 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

10 For administrative expenses and other costs related to
11 processing application documents and other authorizations
12 for use and disposal of public lands and resources, for costs
13 of providing copies of official public land documents, for
14 monitoring construction, operation, and termination of fa-
15 cilities in conjunction with use authorizations, and for re-
16 habilitation of damaged property, such amounts as may be
17 collected under Public Law 94-579, as amended, and Public
18 Law 93-153, to remain available until expended: Provided,
19 That, notwithstanding any provision to the contrary of sec-
20 tion 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any
21 moneys that have been or will be received pursuant to that
22 section, whether as a result of forfeiture, compromise, or set-
23 tlement, if not appropriate for refund pursuant to section
24 305(c) of that Act (43 U.S.C. 1735(c)), shall be available
25 and may be expended under the authority of this Act by
26 the Secretary to improve, protect, or rehabilitate any public

1 *lands administered through the Bureau of Land Manage-*
2 *ment which have been damaged by the action of a resource*
3 *developer, purchaser, permittee, or any unauthorized per-*
4 *son, without regard to whether all moneys collected from*
5 *each such action are used on the exact lands damaged which*
6 *led to the action: Provided further, That any such moneys*
7 *that are in excess of amounts needed to repair damage to*
8 *the exact land for which funds were collected may be used*
9 *to repair other damaged public lands.*

10 MISCELLANEOUS TRUST FUNDS

11 *In addition to amounts authorized to be expended*
12 *under existing laws, there is hereby appropriated such*
13 *amounts as may be contributed under section 307 of the*
14 *Act of October 21, 1976 (43 U.S.C. 1701), and such*
15 *amounts as may be advanced for administrative costs, sur-*
16 *veys, appraisals, and costs of making conveyances of omit-*
17 *ted lands under section 211(b) of that Act, to remain avail-*
18 *able until expended.*

19 WILDLAND FIRE MANAGEMENT
20 (INCLUDING TRANSFER OF FUNDS)

21 *For necessary expenses for fire preparedness, suppres-*
22 *sion operations, fire science and research, emergency reha-*
23 *bilitation, hazardous fuels reduction, and rural fire assist-*
24 *ance by the Department of the Interior, \$820,878,000, to*
25 *remain available until expended, of which not to exceed*
26 *\$6,234,000 shall be for the renovation or construction of fire*

1 *facilities: Provided, That such funds are also available for*
2 *repayment of advances to other appropriation accounts*
3 *from which funds were previously transferred for such pur-*
4 *poses: Provided further, That persons hired pursuant to 43*
5 *U.S.C. 1469 may be furnished subsistence and lodging with-*
6 *out cost from funds available from this appropriation: Pro-*
7 *vided further, That notwithstanding 42 U.S.C. 1856d, sums*
8 *received by a bureau or office of the Department of the Inte-*
9 *rior for fire protection rendered pursuant to 42 U.S.C. 1856*
10 *et seq., protection of United States property, may be cred-*
11 *ited to the appropriation from which funds were expended*
12 *to provide that protection, and are available without fiscal*
13 *year limitation: Provided further, That using the amounts*
14 *designated under this title of this Act, the Secretary of the*
15 *Interior may enter into procurement contracts, grants, or*
16 *cooperative agreements, for hazardous fuels reduction ac-*
17 *tivities, and for training and monitoring associated with*
18 *such hazardous fuels reduction activities, on Federal land,*
19 *or on adjacent non-Federal land for activities that benefit*
20 *resources on Federal land: Provided further, That the costs*
21 *of implementing any cooperative agreement between the*
22 *Federal Government and any non-Federal entity may be*
23 *shared, as mutually agreed on by the affected parties: Pro-*
24 *vided further, That notwithstanding requirements of the*
25 *Competition in Contracting Act, the Secretary, for purposes*

1 of hazardous fuels reduction activities, may obtain max-
2 imum practicable competition among: (1) local private,
3 nonprofit, or cooperative entities; (2) Youth Conservation
4 Corps crews, Public Lands Corps (Public Law 109–154),
5 or related partnerships with State, local, or non-profit
6 youth groups; (3) small or micro-businesses; or (4) other
7 entities that will hire or train locally a significant percent-
8 age, defined as 50 percent or more, of the project workforce
9 to complete such contracts: Provided further, That in imple-
10 menting this section, the Secretary shall develop written
11 guidance to field units to ensure accountability and con-
12 sistent application of the authorities provided herein: Pro-
13 vided further, That funds appropriated under this head
14 may be used to reimburse the United States Fish and Wild-
15 life Service and the National Marine Fisheries Service for
16 the costs of carrying out their responsibilities under the En-
17 dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to
18 consult and conference, as required by section 7 of such Act,
19 in connection with wildland fire management activities:
20 Provided further, That the Secretary of the Interior may
21 use wildland fire appropriations to enter into non-competi-
22 tive sole source leases of real property with local govern-
23 ments, at or below fair market value, to construct capital-
24 ized improvements for fire facilities on such leased prop-
25 erties, including but not limited to fire guard stations, re-

1 *tardant stations, and other initial attack and fire support*
2 *facilities, and to make advance payments for any such lease*
3 *or for construction activity associated with the lease: Pro-*
4 *vided further, That the Secretary of the Interior and the*
5 *Secretary of Agriculture may authorize the transfer of funds*
6 *appropriated for wildland fire management, in an aggre-*
7 *gate amount not to exceed \$10,000,000, between the Depart-*
8 *ments when such transfers would facilitate and expedite*
9 *jointly funded wildland fire management programs and*
10 *projects: Provided further, That funds provided for wildfire*
11 *suppression shall be available for support of Federal emer-*
12 *gency response actions: Provided further, That Public Law*
13 *110–116, division B, section 157(b)(2) is amended by in-*
14 *serting after “to other accounts” the phrase “and non-sup-*
15 *pression budget activities”.*

16 *ADMINISTRATIVE PROVISIONS*

17 *Appropriations for the Bureau of Land Management*
18 *shall be available for purchase, erection, and dismantlement*
19 *of temporary structures, and alteration and maintenance*
20 *of necessary buildings and appurtenant facilities to which*
21 *the United States has title; up to \$100,000 for payments,*
22 *at the discretion of the Secretary, for information or evi-*
23 *dence concerning violations of laws administered by the Bu-*
24 *reau; miscellaneous and emergency expenses of enforcement*
25 *activities authorized or approved by the Secretary and to*

1 *be accounted for solely on the Secretary's certificate, not to*
2 *exceed \$10,000: Provided, That notwithstanding 44 U.S.C.*
3 *501, the Bureau may, under cooperative cost-sharing and*
4 *partnership arrangements authorized by law, procure*
5 *printing services from cooperators in connection with joint-*
6 *ly produced publications for which the cooperators share the*
7 *cost of printing either in cash or in services, and the Bureau*
8 *determines the cooperator is capable of meeting accepted*
9 *quality standards.*

10 *Section 28 of title 30, United States Code, is amended:*
11 *(1) in section 28 by striking the phrase "shall commence*
12 *at 12 o'clock meridian on the 1st day of September" and*
13 *inserting "shall commence at 12:01 ante meridian on the*
14 *first day of September"; (2) in section 28f(a), by striking*
15 *the phrase "for years 2004 through 2008"; and (3) in sec-*
16 *tion 28g, by striking the phrase "and before September 30,*
17 *2008,".*

18 *Sums not to exceed one percent of the total value of*
19 *procurements received by the Bureau of Land Management*
20 *from vendors under enterprise information technology-pro-*
21 *curements that the Department of the Interior and other*
22 *Federal Government agencies may use to order information*
23 *technology hereafter may be deposited into the Management*
24 *of Lands and Resources account to offset costs incurred in*
25 *conducting the procurement.*

1 *UNITED STATES FISH AND WILDLIFE SERVICE*2 *RESOURCE MANAGEMENT*

3 *For necessary expenses of the United States Fish and*
4 *Wildlife Service, as authorized by law, and for scientific*
5 *and economic studies, maintenance of the herd of long-*
6 *horned cattle on the Wichita Mountains Wildlife Refuge,*
7 *general administration, and for the performance of other*
8 *authorized functions related to such resources by direct ex-*
9 *penditure, contracts, grants, cooperative agreements and re-*
10 *imbursable agreements with public and private entities,*
11 *\$1,099,772,000, to remain available until September 30,*
12 *2009 except as otherwise provided herein: Provided, That*
13 *\$2,500,000 is for high priority projects, which shall be car-*
14 *ried out by the Youth Conservation Corps: Provided further,*
15 *That not to exceed \$18,263,000 shall be used for imple-*
16 *menting subsections (a), (b), (c), and (e) of section 4 of the*
17 *Endangered Species Act, as amended, for species that are*
18 *indigenous to the United States (except for processing peti-*
19 *tions, developing and issuing proposed and final regula-*
20 *tions, and taking any other steps to implement actions de-*
21 *scribed in subsection (c)(2)(A), (c)(2)(B)(i), or*
22 *(c)(2)(B)(ii)), of which not to exceed \$9,926,000 shall be*
23 *used for any activity regarding the designation of critical*
24 *habitat, pursuant to subsection (a)(3), excluding litigation*
25 *support, for species listed pursuant to subsection (a)(1)*

1 *prior to October 1, 2007: Provided further, That of the*
2 *amount available for law enforcement, up to \$400,000, to*
3 *remain available until expended, may at the discretion of*
4 *the Secretary be used for payment for information, rewards,*
5 *or evidence concerning violations of laws administered by*
6 *the Service, and miscellaneous and emergency expenses of*
7 *enforcement activity, authorized or approved by the Sec-*
8 *retary and to be accounted for solely on the Secretary's cer-*
9 *tificate: Provided further, That of the amount provided for*
10 *environmental contaminants, up to \$1,000,000 may remain*
11 *available until expended for contaminant sample analyses.*

12 *CONSTRUCTION*

13 *For construction, improvement, acquisition, or re-*
14 *moval of buildings and other facilities required in the con-*
15 *servation, management, investigation, protection, and utili-*
16 *zation of fishery and wildlife resources, and the acquisition*
17 *of lands and interests therein; \$33,688,000, to remain avail-*
18 *able until expended.*

19 *LAND ACQUISITION*

20 *For expenses necessary to carry out the Land and*
21 *Water Conservation Fund Act of 1965, as amended (16*
22 *U.S.C. 460l-4 through 11), including administrative ex-*
23 *penses, and for acquisition of land or waters, or interest*
24 *therein, in accordance with statutory authority applicable*
25 *to the United States Fish and Wildlife Service, \$35,144,000,*
26 *to be derived from the Land and Water Conservation Fund*

1 *and to remain available until expended, of which, notwith-*
2 *standing 16 U.S.C. 460l–9, not more than \$1,750,000 shall*
3 *be for land conservation partnerships authorized by the*
4 *Highlands Conservation Act of 2004: Provided, That none*
5 *of the funds appropriated for specific land acquisition*
6 *projects can be used to pay for any administrative over-*
7 *head, planning or other management costs.*

8 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

9 *For expenses necessary to carry out section 6 of the*
10 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),*
11 *as amended, \$75,001,000, to remain available until ex-*
12 *pended, of which \$25,228,000 is to be derived from the Co-*
13 *operative Endangered Species Conservation Fund,*
14 *\$5,066,666 of which shall be for the Idaho Salmon and*
15 *Clearwater River Basins Habitat Account pursuant to the*
16 *SNAKE RIVER WATER RIGHTS ACT OF 2004; and of which*
17 *\$49,773,000 is to be derived from the Land and Water Con-*
18 *servation Fund.*

19 *NATIONAL WILDLIFE REFUGE FUND*

20 *For expenses necessary to implement the Act of October*
21 *17, 1978 (16 U.S.C. 715s), \$14,202,000.*

22 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

23 *For expenses necessary to carry out the provisions of*
24 *the North American Wetlands Conservation Act, Public*
25 *Law 101–233, as amended, \$42,646,000, to remain avail-*
26 *able until expended.*

1 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

2 *For expenses necessary to carry out the Neotropical*
3 *Migratory Bird Conservation Act, as amended, (16 U.S.C.*
4 *6101 et seq.), \$4,500,000, to remain available until ex-*
5 *pended.*

6 *MULTINATIONAL SPECIES CONSERVATION FUND*

7 *For expenses necessary to carry out the African Ele-*
8 *phant Conservation Act (16 U.S.C. 4201–4203, 4211–4213,*
9 *4221–4225, 4241–4245, and 1538), the Asian Elephant*
10 *Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhi-*
11 *noceros and Tiger Conservation Act of 1994 (16 U.S.C.*
12 *5301–5306), the Great Ape Conservation Act of 2000 (16*
13 *U.S.C. 6301–6305), and the Marine Turtle Conservation*
14 *Act of 2004 (16 U.S.C. 6601–6606), \$8,000,000, to remain*
15 *available until expended.*

16 *STATE AND TRIBAL WILDLIFE GRANTS*

17 *For wildlife conservation grants to States and to the*
18 *District of Columbia, Puerto Rico, Guam, the United States*
19 *Virgin Islands, the Northern Mariana Islands, American*
20 *Samoa, and federally-recognized Indian tribes under the*
21 *provisions of the Fish and Wildlife Act of 1956 and the*
22 *Fish and Wildlife Coordination Act, for the development*
23 *and implementation of programs for the benefit of wildlife*
24 *and their habitat, including species that are not hunted or*
25 *fished, \$75,000,000, to remain available until expended:*
26 *Provided, That of the amount provided herein, \$6,282,000*

1 *is for a competitive grant program for Indian tribes not*
2 *subject to the remaining provisions of this appropriation:*
3 *Provided further, That \$5,000,000 is for a competitive*
4 *grant program for States, territories, and other jurisdic-*
5 *tions with approved plans, not subject to the remaining pro-*
6 *visions of this appropriation: Provided further, That the*
7 *Secretary shall, after deducting said \$11,282,000 and ad-*
8 *ministrative expenses, apportion the amount provided here-*
9 *in in the following manner: (1) to the District of Columbia*
10 *and to the Commonwealth of Puerto Rico, each a sum equal*
11 *to not more than one-half of 1 percent thereof; and (2) to*
12 *Guam, American Samoa, the United States Virgin Islands,*
13 *and the Commonwealth of the Northern Mariana Islands,*
14 *each a sum equal to not more than one-fourth of 1 percent*
15 *thereof: Provided further, That the Secretary shall appor-*
16 *tion the remaining amount in the following manner: (1)*
17 *one-third of which is based on the ratio to which the land*
18 *area of such State bears to the total land area of all such*
19 *States; and (2) two-thirds of which is based on the ratio*
20 *to which the population of such State bears to the total pop-*
21 *ulation of all such States: Provided further, That the*
22 *amounts apportioned under this paragraph shall be ad-*
23 *justed equitably so that no State shall be apportioned a sum*
24 *which is less than 1 percent of the amount available for*
25 *apportionment under this paragraph for any fiscal year or*

1 *more than 5 percent of such amount: Provided further, That*
2 *the Federal share of planning grants shall not exceed 75*
3 *percent of the total costs of such projects and the Federal*
4 *share of implementation grants shall not exceed 50 percent*
5 *of the total costs of such projects: Provided further, That*
6 *the non-Federal share of such projects may not be derived*
7 *from Federal grant programs: Provided further, That no*
8 *State, territory, or other jurisdiction shall receive a grant*
9 *if its comprehensive wildlife conservation plan is dis-*
10 *approved and such funds that would have been distributed*
11 *to such State, territory, or other jurisdiction shall be dis-*
12 *tributed equitably to States, territories, and other jurisdic-*
13 *tions with approved plans: Provided further, That any*
14 *amount apportioned in 2008 to any State, territory, or*
15 *other jurisdiction that remains unobligated as of September*
16 *30, 2009, shall be reapportioned, together with funds appro-*
17 *riated in 2010, in the manner provided herein.*

18 *ADMINISTRATIVE PROVISIONS*

19 *Appropriations and funds available to the United*
20 *States Fish and Wildlife Service shall be available for re-*
21 *pair of damage to public roads within and adjacent to res-*
22 *ervation areas caused by operations of the Service; options*
23 *for the purchase of land at not to exceed \$1 for each option;*
24 *facilities incident to such public recreational uses on con-*
25 *servation areas as are consistent with their primary pur-*
26 *pose; and the maintenance and improvement of aquaria,*

1 *buildings, and other facilities under the jurisdiction of the*
2 *Service and to which the United States has title, and which*
3 *are used pursuant to law in connection with management,*
4 *and investigation of fish and wildlife resources: Provided,*
5 *That notwithstanding 44 U.S.C. 501, the Service may,*
6 *under cooperative cost sharing and partnership arrange-*
7 *ments authorized by law, procure printing services from co-*
8 *operators in connection with jointly produced publications*
9 *for which the cooperators share at least one-half the cost*
10 *of printing either in cash or services and the Service deter-*
11 *mines the cooperator is capable of meeting accepted quality*
12 *standards: Provided further, That, notwithstanding any*
13 *other provision of law, the Service may use up to*
14 *\$2,000,000 from funds provided for contracts for employ-*
15 *ment-related legal services: Provided further, That the Serv-*
16 *ice may accept donated aircraft as replacements for existing*
17 *aircraft: Provided further, That, notwithstanding any other*
18 *provision of law, the Secretary of the Interior may not*
19 *spend any of the funds appropriated in this Act for the*
20 *purchase of lands or interests in lands to be used in the*
21 *establishment of any new unit of the National Wildlife Ref-*
22 *uge System unless the purchase is approved in advance by*
23 *the House and Senate Committees on Appropriations in*
24 *compliance with the reprogramming procedures contained*
25 *in the statement of the managers accompanying this Act.*

*NATIONAL PARK SERVICE**OPERATION OF THE NATIONAL PARK SYSTEM*

1
2
3 *For expenses necessary for the management, operation,*
4 *and maintenance of areas and facilities administered by*
5 *the National Park Service (including expenses to carry out*
6 *programs of the United States Park Police), and for the*
7 *general administration of the National Park Service,*
8 *\$2,001,809,000, of which \$9,965,000 is for planning and*
9 *interagency coordination in support of Everglades restora-*
10 *tion and shall remain available until expended; of which*
11 *\$101,164,000, to remain available until September 30,*
12 *2009, is for maintenance, repair or rehabilitation projects*
13 *for constructed assets, operation of the National Park Serv-*
14 *ice automated facility management software system, and*
15 *comprehensive facility condition assessments; and of which*
16 *\$3,000,000 shall be for the Youth Conservation Corps for*
17 *high priority projects.*

CENTENNIAL CHALLENGE

18
19 *For expenses necessary to carry out provisions of sec-*
20 *tion 814(g) of Public Law 104–333 relating to challenge*
21 *cost share agreements, \$25,000,000, to remain available*
22 *until expended for Centennial Challenge signature projects*
23 *and programs: Provided, That not less than 50 percent of*
24 *the total cost of each project or program is derived from*
25 *non-Federal sources in the form of donated cash, assets, in-*

1 *kind services, or a pledge of donation guaranteed by an ir-*
2 *revocable letter of credit.*

3 *NATIONAL RECREATION AND PRESERVATION*

4 *For expenses necessary to carry out recreation pro-*
5 *grams, natural programs, cultural programs, heritage part-*
6 *nership programs, environmental compliance and review,*
7 *international park affairs, statutory or contractual aid for*
8 *other activities, and grant administration, not otherwise*
9 *provided for, \$68,481,000, of which not to exceed \$7,500,000*
10 *may be for Preserve America grants to States, Tribes, and*
11 *local communities for projects that preserve important his-*
12 *toric resources through the promotion of heritage tourism:*
13 *Provided, That any individual Preserve America grant*
14 *shall be matched by non-Federal funds: Provided further,*
15 *That individual projects shall only be eligible for one grant:*
16 *Provided further, That grants shall be approved by the Sec-*
17 *retary of the Interior in consultation with the House and*
18 *Senate Committees on Appropriations, and in consultation*
19 *with the Advisory Council on Historic Preservation prior*
20 *to the commitment of grant funds.*

21 *HISTORIC PRESERVATION FUND*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For expenses necessary in carrying out the Historic*
24 *Preservation Act of 1966, as amended (16 U.S.C. 470), and*
25 *the Omnibus Parks and Public Lands Management Act of*
26 *1996 (Public Law 104–333), \$71,500,000, to be derived*

1 *from the Historic Preservation Fund and to remain avail-*
2 *able until September 30, 2009; of which \$25,000,000 shall*
3 *be for Save America's Treasures for preservation of nation-*
4 *ally significant sites, structures, and artifacts: Provided,*
5 *That any individual Save America's Treasures grant shall*
6 *be matched by non-Federal funds; individual projects shall*
7 *only be eligible for one grant; and all projects to be funded*
8 *shall be approved by the Secretary of the Interior in con-*
9 *sultation with the House and Senate Committees on Appro-*
10 *priations: Provided further, That Save America's Treasures*
11 *funds allocated for Federal projects, following approval,*
12 *shall be available by transfer to appropriate accounts of in-*
13 *dividual agencies.*

14 *CONSTRUCTION*

15 *For construction, improvements, repair or replacement*
16 *of physical facilities, including the modifications authorized*
17 *by section 104 of the Everglades National Park Protection*
18 *and Expansion Act of 1989, \$221,985,000, to remain avail-*
19 *able until expended: Provided, That funds provided under*
20 *this heading for implementation of modified water deliv-*
21 *eries to Everglades National Park shall be expended con-*
22 *sistent with the requirements of the fifth proviso under this*
23 *heading in Public Law 108-108: Provided further, That*
24 *funds provided under this heading for implementation of*
25 *modified water deliveries to Everglades National Park shall*
26 *be available for obligation only if matching funds are ap-*

1 *propriated to the Army Corps of Engineers for the same*
2 *purpose: Provided further, That none of the funds provided*
3 *under this heading for implementation of modified water*
4 *deliveries to Everglades National Park shall be available for*
5 *obligation if any of the funds appropriated to the Army*
6 *Corps of Engineers for the purpose of implementing modi-*
7 *fied water deliveries, including finalizing detailed engineer-*
8 *ing and design documents for a bridge or series of bridges*
9 *for the Tamiami Trail component of the project, becomes*
10 *unavailable for obligation: Provided further, That of the*
11 *funds made available under this heading, not to exceed*
12 *\$3,800,000 is authorized to be used for the National Park*
13 *Service's proportionate cost of upgrading the West Yellow-*
14 *stone/Hebgen Basin (Gallatin County, Montana) municipal*
15 *solid waste disposal system for the processing and disposal*
16 *of municipal solid waste generated within Yellowstone Na-*
17 *tional Park: Provided further, That future fees paid by the*
18 *National Park Service to the West Yellowstone/Hebgen*
19 *Basin Solid Waste District will be restricted to operations*
20 *and maintenance costs of the facility, given the capital con-*
21 *tribution made by the National Park Service.*

22 *LAND AND WATER CONSERVATION FUND*

23 *(RESCISSION)*

24 *The contract authority provided for fiscal year 2008*
25 *by 16 U.S.C. 460l-10a is rescinded.*

1 *LAND ACQUISITION AND STATE ASSISTANCE*

2 *For expenses necessary to carry out the Land and*
3 *Water Conservation Act of 1965, as amended (16 U.S.C.*
4 *460l-4 through 11), including administrative expenses, and*
5 *for acquisition of lands or waters, or interest therein, in*
6 *accordance with the statutory authority applicable to the*
7 *National Park Service, \$70,070,000, to be derived from the*
8 *Land and Water Conservation Fund and to remain avail-*
9 *able until expended, of which \$25,000,000 is for the State*
10 *assistance program.*

11 *ADMINISTRATIVE PROVISIONS*

12 *For fiscal year 2008 and hereafter, if the Secretary of*
13 *the Interior, or either party to a value determination pro-*
14 *ceeding conducted under a National Park Service conces-*
15 *sion contract issued prior to November 13, 1998, considers*
16 *that the value determination decision issued pursuant to*
17 *the proceeding misinterprets or misapplies relevant contrac-*
18 *tual requirements or their underlying legal authority, the*
19 *Secretary or either party may seek, within 180 days of any*
20 *such decision, the de novo review of the value determination*
21 *decision by the United States Court of Federal Claims. This*
22 *court may make an order affirming, vacating, modifying*
23 *or correcting the determination decision.*

24 *In addition to other uses set forth in section 407(d)*
25 *of Public Law 105-391, franchise fees credited to a sub-*

1 *account shall be available for expenditure by the Secretary,*
2 *without further appropriation, for use at any unit within*
3 *the National Park System to extinguish or reduce liability*
4 *for Possessory Interest or leasehold surrender interest. Such*
5 *funds may only be used for this purpose to the extent that*
6 *the benefiting unit anticipated franchise fee receipts over*
7 *the term of the contract at that unit exceed the amount of*
8 *funds used to extinguish or reduce liability. Franchise fees*
9 *at the benefiting unit shall be credited to the sub-account*
10 *of the originating unit over a period not to exceed the term*
11 *of a single contract at the benefiting unit, in the amount*
12 *of funds so expended to extinguish or reduce liability.*

13 *A willing seller from whom the Service acquires title*
14 *to real property may be considered a “displaced person”*
15 *for purposes of the Uniform Relocation Assistance and Real*
16 *Property Acquisition Policy Act and its implementing reg-*
17 *ulations, whether or not the Service has the authority to*
18 *acquire such property by eminent domain.*

19 *Section 3(f) of the Act of August 21, 1935 (16 U.S.C.*
20 *463(f)), related to the National Park System Advisory*
21 *Board, is amended in the first sentence by striking “2007”*
22 *and inserting “2009”.*

1 *UNITED STATES GEOLOGICAL SURVEY*
2 *SURVEYS, INVESTIGATIONS, AND RESEARCH*
3 *For expenses necessary for the United States Geological*
4 *Survey to perform surveys, investigations, and research cov-*
5 *ering topography, geology, hydrology, biology, and the min-*
6 *eral and water resources of the United States, its territories*
7 *and possessions, and other areas as authorized by 43 U.S.C.*
8 *31, 1332, and 1340; classify lands as to their mineral and*
9 *water resources; give engineering supervision to power per-*
10 *mittees and Federal Energy Regulatory Commission licens-*
11 *ees; administer the minerals exploration program (30*
12 *U.S.C. 641); conduct inquiries into the economic conditions*
13 *affecting mining and materials processing industries (30*
14 *U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related*
15 *purposes as authorized by law; and to publish and dissemi-*
16 *nate data relative to the foregoing activities;*
17 *\$1,022,430,000, to remain available until September 30,*
18 *2009, of which \$63,845,000 shall be available only for co-*
19 *operation with States or municipalities for water resources*
20 *investigations; of which \$40,150,000 shall remain available*
21 *until expended for satellite operations; and of which*
22 *\$8,023,000 shall be available until expended for deferred*
23 *maintenance and capital improvement projects: Provided,*
24 *That none of the funds provided for the biological research*
25 *activity shall be used to conduct new surveys on private*

1 *property, unless specifically authorized in writing by the*
2 *property owner: Provided further, That no part of this ap-*
3 *propriation shall be used to pay more than one-half the cost*
4 *of topographic mapping or water resources data collection*
5 *and investigations carried on in cooperation with States*
6 *and municipalities.*

7 *ADMINISTRATIVE PROVISIONS*

8 *From within the amount appropriated for activities*
9 *of the United States Geological Survey such sums as are*
10 *necessary shall be available for reimbursement to the Gen-*
11 *eral Services Administration for security guard services;*
12 *contracting for the furnishing of topographic maps and for*
13 *the making of geophysical or other specialized surveys when*
14 *it is administratively determined that such procedures are*
15 *in the public interest; construction and maintenance of nec-*
16 *essary buildings and appurtenant facilities; acquisition of*
17 *lands for gauging stations and observation wells; expenses*
18 *of the United States National Committee on Geology; and*
19 *payment of compensation and expenses of persons on the*
20 *rolls of the Survey duly appointed to represent the United*
21 *States in the negotiation and administration of interstate*
22 *compacts: Provided, That activities funded by appropria-*
23 *tions herein made may be accomplished through the use of*
24 *contracts, grants, or cooperative agreements as defined in*
25 *31 U.S.C. 6302 et seq.: Provided further, That the United*

1 *States Geological Survey may enter into contracts or coop-*
2 *erative agreements directly with individuals or indirectly*
3 *with institutions or nonprofit organizations, without re-*
4 *gard to 41 U.S.C. 5, for the temporary or intermittent serv-*
5 *ices of students or recent graduates, who shall be considered*
6 *employees for the purpose of chapters 57 and 81 of title*
7 *5, United States Code, relating to compensation for travel*
8 *and work injuries, and chapter 171 of title 28, United*
9 *States Code, relating to tort claims, but shall not be consid-*
10 *ered to be Federal employees for any other purposes.*

11 *MINERALS MANAGEMENT SERVICE*

12 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

13 *For expenses necessary for minerals leasing and envi-*
14 *ronmental studies, regulation of industry operations, and*
15 *collection of royalties, as authorized by law; for enforcing*
16 *laws and regulations applicable to oil, gas, and other min-*
17 *erals leases, permits, licenses and operating contracts; for*
18 *energy-related or other authorized marine-related purposes*
19 *on the Outer Continental Shelf; and for matching grants*
20 *or cooperative agreements, \$157,202,000, to remain avail-*
21 *able until September 30, 2009, of which \$82,371,000 shall*
22 *be available for royalty management activities; and an*
23 *amount not to exceed \$135,730,000, to be credited to this*
24 *appropriation and to remain available until expended,*
25 *from additions to receipts resulting from increases to rates*

1 *in effect on August 5, 1993, from rate increases to fee collec-*
2 *tions for Outer Continental Shelf administrative activities*
3 *performed by the Minerals Management Service (MMS)*
4 *over and above the rates in effect on September 30, 1993,*
5 *and from additional fees for Outer Continental Shelf ad-*
6 *ministrative activities established after September 30, 1993*
7 *that the Secretary of the Interior shall collect in fiscal year*
8 *2008 and retain and use for the necessary expenses of this*
9 *appropriation: Provided, That to the extent \$135,730,000*
10 *in addition to receipts are not realized from the sources of*
11 *receipts stated above, the amount needed to reach*
12 *\$135,730,000 shall be credited to this appropriation from*
13 *receipts resulting from rental rates for Outer Continental*
14 *Shelf leases in effect before August 5, 1993: Provided fur-*
15 *ther, That not to exceed \$3,000 shall be available for reason-*
16 *able expenses related to promoting volunteer beach and ma-*
17 *rine cleanup activities: Provided further, That notwith-*
18 *standing any other provision of law, \$15,000 under this*
19 *heading shall be available for refunds of overpayments in*
20 *connection with certain Indian leases in which the Director*
21 *of MMS concurred with the claimed refund due, to pay*
22 *amounts owed to Indian allottees or tribes, or to correct*
23 *prior unrecoverable erroneous payments: Provided further,*
24 *That for the costs of administration of the Coastal Impact*
25 *Assistance Program authorized by section 31 of the Outer*

1 *Continental Shelf Lands Act, as amended (43 U.S.C.*
2 *1456a), MMS in fiscal years 2008 through 2010 may retain*
3 *up to three percent of the amounts which are disbursed*
4 *under section 31(b)(1), such retained amounts to remain*
5 *available until expended.*

6 *OIL SPILL RESEARCH*

7 *For necessary expenses to carry out title I, section*
8 *1016, title IV, sections 4202 and 4303, title VII, and title*
9 *VIII, section 8201 of the Oil Pollution Act of 1990,*
10 *\$6,403,000, which shall be derived from the Oil Spill Liabil-*
11 *ity Trust Fund, to remain available until expended.*

12 *ADMINISTRATIVE PROVISIONS*

13 *The eighth proviso under the heading of “Minerals*
14 *Management Service” in division E, title I, of the Consoli-*
15 *dated Appropriations Act, 2005 (Public Law 108–447), is*
16 *amended by inserting “and Indian accounts” after*
17 *“States”, replacing the term “provision” with “provisions”,*
18 *and inserting “and (d)” after 30 U.S.C. 1721(b).*

19 *Notwithstanding the provisions of section 35(b) of the*
20 *Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the*
21 *Secretary shall deduct 2 percent from the amount payable*
22 *to each State in fiscal year 2008 and deposit the amount*
23 *deducted to miscellaneous receipts of the Treasury.*

1 *authorized to use up to 20 percent from the recovery of the*
2 *delinquent debt owed to the United States Government to*
3 *pay for contracts to collect these debts: Provided further,*
4 *That amounts provided under this heading may be used for*
5 *the travel and per diem expenses of State and tribal per-*
6 *sonnel attending Office of Surface Mining Reclamation and*
7 *Enforcement sponsored training.*

8 *ADMINISTRATIVE PROVISION*

9 *With funds available for the Technical Innovation and*
10 *Professional Services program in this Act, the Secretary*
11 *may transfer title for computer hardware, software and*
12 *other technical equipment to State and tribal regulatory*
13 *and reclamation programs.*

14 *BUREAU OF INDIAN AFFAIRS*

15 *OPERATION OF INDIAN PROGRAMS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For expenses necessary for the operation of Indian pro-*
18 *grams, as authorized by law, including the Snyder Act of*
19 *November 2, 1921 (25 U.S.C. 13), the Indian Self-Deter-*
20 *mination and Education Assistance Act of 1975 (25 U.S.C.*
21 *450 et seq.), as amended, the Education Amendments of*
22 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
23 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended,*
24 *\$2,080,261,000, to remain available until September 30,*
25 *2009 except as otherwise provided herein; of which not to*

1 exceed \$8,500 may be for official reception and representa-
2 tion expenses; and of which not to exceed \$80,179,000 shall
3 be for welfare assistance payments: Provided, That in cases
4 of designated Federal disasters, the Secretary may exceed
5 such cap, from the amounts provided herein, to provide for
6 disaster relief to Indian communities affected by the dis-
7 aster; notwithstanding any other provision of law, includ-
8 ing but not limited to the Indian Self-Determination Act
9 of 1975, as amended, not to exceed \$149,628,000 shall be
10 available for payments for contract support costs associated
11 with ongoing contracts, grants, compacts, or annual fund-
12 ing agreements entered into with the Bureau prior to or
13 during fiscal year 2008, as authorized by such Act, except
14 that tribes and tribal organizations may use their tribal
15 priority allocations for unmet contract support costs of on-
16 going contracts, grants, or compacts, or annual funding
17 agreements and for unmet welfare assistance costs; of which
18 not to exceed \$487,500,000 for school operations costs of Bu-
19 reau-funded schools and other education programs shall be-
20 come available on July 1, 2008, and shall remain available
21 until September 30, 2009; and of which not to exceed
22 \$60,222,000 shall remain available until expended for hous-
23 ing improvement, road maintenance, attorney fees, litiga-
24 tion support, the Indian Self-Determination Fund, land
25 records improvement, and the Navajo-Hopi Settlement Pro-

1 *gram: Provided further, That notwithstanding any other*
2 *provision of law, including but not limited to the Indian*
3 *Self-Determination Act of 1975, as amended, and 25 U.S.C.*
4 *2008, not to exceed \$44,060,000 within and only from such*
5 *amounts made available for school operations shall be avail-*
6 *able for administrative cost grants associated with ongoing*
7 *grants entered into with the Bureau prior to or during fis-*
8 *cal year 2007 for the operation of Bureau-funded schools,*
9 *and up to \$500,000 within and only from such amounts*
10 *made available for school operations shall be available for*
11 *the transitional costs of initial administrative cost grants*
12 *to grantees that enter into grants for the operation on or*
13 *after July 1, 2007, of Bureau-operated schools: Provided*
14 *further, That any forestry funds allocated to a tribe which*
15 *remain unobligated as of September 30, 2009, may be*
16 *transferred during fiscal year 2010 to an Indian forest land*
17 *assistance account established for the benefit of the holder*
18 *of the funds within the tribe's trust fund account: Provided*
19 *further, That any such unobligated balances not so trans-*
20 *ferred shall expire on September 30, 2010.*

21 *CONSTRUCTION*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For construction, repair, improvement, and mainte-*
24 *nance of irrigation and power systems, buildings, utilities,*
25 *and other facilities, including architectural and engineering*

1 *services by contract; acquisition of lands, and interests in*
2 *lands; and preparation of lands for farming, and for con-*
3 *struction of the Navajo Indian Irrigation Project pursuant*
4 *to Public Law 87-483, \$206,983,000, to remain available*
5 *until expended: Provided, That such amounts as may be*
6 *available for the construction of the Navajo Indian Irriga-*
7 *tion Project may be transferred to the Bureau of Reclama-*
8 *tion: Provided further, That not to exceed 6 percent of con-*
9 *tract authority available to the Bureau of Indian Affairs*
10 *from the Federal Highway Trust Fund may be used to cover*
11 *the road program management costs of the Bureau: Pro-*
12 *vided further, That any funds provided for the Safety of*
13 *Dams program pursuant to 25 U.S.C. 13 shall be made*
14 *available on a nonreimbursable basis: Provided further,*
15 *That for fiscal year 2008, in implementing new construc-*
16 *tion or facilities improvement and repair project grants in*
17 *excess of \$100,000 that are provided to grant schools under*
18 *Public Law 100-297, as amended, the Secretary of the Inte-*
19 *rior shall use the Administrative and Audit Requirements*
20 *and Cost Principles for Assistance Programs contained in*
21 *43 CFR part 12 as the regulatory requirements: Provided*
22 *further, That such grants shall not be subject to section*
23 *12.61 of 43 CFR; the Secretary and the grantee shall nego-*
24 *tiate and determine a schedule of payments for the work*
25 *to be performed: Provided further, That in considering ap-*

1 plications, the Secretary shall consider whether such grantee
2 would be deficient in assuring that the construction projects
3 conform to applicable building standards and codes and
4 Federal, tribal, or State health and safety standards as re-
5 quired by 25 U.S.C. 2005(b), with respect to organizational
6 and financial management capabilities: Provided further,
7 That if the Secretary declines an application, the Secretary
8 shall follow the requirements contained in 25 U.S.C.
9 2504(f): Provided further, That any disputes between the
10 Secretary and any grantee concerning a grant shall be sub-
11 ject to the disputes provision in 25 U.S.C. 2507(e): Provided
12 further, That in order to ensure timely completion of re-
13 placement school construction projects, the Secretary may
14 assume control of a project and all funds related to the
15 project, if, within eighteen months of the date of enactment
16 of this Act, any grantee receiving funds appropriated in
17 this Act or in any prior Act, has not completed the plan-
18 ning and design phase of the project and commenced con-
19 struction of the replacement school: Provided further, That
20 this Appropriation may be reimbursed from the Office of
21 the Special Trustee for American Indians Appropriation
22 for the appropriate share of construction costs for space ex-
23 pansion needed in agency offices to meet trust reform imple-
24 mentation.

1 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*
2 *MISCELLANEOUS PAYMENTS TO INDIANS*

3 *For payments and necessary administrative expenses*
4 *for implementation of Indian land and water claim settle-*
5 *ments pursuant to Public Laws 99-264, 100-580, 101-618,*
6 *107-331, 108-447, 109-379, and 109-479, and for imple-*
7 *mentation of other land and water rights settlements,*
8 *\$34,069,000, to remain available until expended.*

9 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

10 *For the cost of guaranteed and insured loans,*
11 *\$6,276,000, of which \$700,000 is for administrative ex-*
12 *penses, as authorized by the Indian Financing Act of 1974,*
13 *as amended: Provided, That such costs, including the cost*
14 *of modifying such loans, shall be as defined in section 502*
15 *of the Congressional Budget Act of 1974: Provided further,*
16 *That these funds are available to subsidize total loan prin-*
17 *cipal, any part of which is to be guaranteed, not to exceed*
18 *\$85,506,098.*

19 *ADMINISTRATIVE PROVISIONS*

20 *The Bureau of Indian Affairs may carry out the oper-*
21 *ation of Indian programs by direct expenditure, contracts,*
22 *cooperative agreements, compacts and grants, either di-*
23 *rectly or in cooperation with States and other organiza-*
24 *tions.*

1 *Notwithstanding 25 U.S.C. 15, the Bureau of Indian*
2 *Affairs may contract for services in support of the manage-*
3 *ment, operation, and maintenance of the Power Division*
4 *of the San Carlos Irrigation Project.*

5 *Appropriations for the Bureau of Indian Affairs (ex-*
6 *cept the revolving fund for loans, the Indian loan guarantee*
7 *and insurance fund, and the Indian Guaranteed Loan Pro-*
8 *gram account) shall be available for expenses of exhibits.*

9 *Notwithstanding any other provision of law, no funds*
10 *available to the Bureau of Indian Affairs for central office*
11 *oversight and Executive Direction and Administrative*
12 *Services (except executive direction and administrative*
13 *services funding for Tribal Priority Allocations and re-*
14 *gional offices) shall be available for contracts, grants, com-*
15 *pacts, or cooperative agreements with the Bureau of Indian*
16 *Affairs under the provisions of the Indian Self-Determina-*
17 *tion Act or the Tribal Self-Governance Act of 1994 (Public*
18 *Law 103–413).*

19 *In the event any tribe returns appropriations made*
20 *available by this Act to the Bureau of Indian Affairs, this*
21 *action shall not diminish the Federal Government’s trust*
22 *responsibility to that tribe, or the government-to-govern-*
23 *ment relationship between the United States and that tribe,*
24 *or that tribe’s ability to access future appropriations.*

1 *Notwithstanding any other provision of law, no funds*
2 *available to the Bureau, other than the amounts provided*
3 *herein for assistance to public schools under 25 U.S.C. 452*
4 *et seq., shall be available to support the operation of any*
5 *elementary or secondary school in the State of Alaska.*

6 *Appropriations made available in this or any other*
7 *Act for schools funded by the Bureau shall be available only*
8 *to the schools in the Bureau school system as of September*
9 *1, 1996. No funds available to the Bureau shall be used to*
10 *support expanded grades for any school or dormitory be-*
11 *yond the grade structure in place or approved by the Sec-*
12 *retary of the Interior at each school in the Bureau school*
13 *system as of October 1, 1995. Funds made available under*
14 *this Act may not be used to establish a charter school at*
15 *a Bureau-funded school (as that term is defined in section*
16 *1146 of the Education Amendments of 1978 (25 U.S.C.*
17 *2026)), except that a charter school that is in existence on*
18 *the date of the enactment of this Act and that has operated*
19 *at a Bureau-funded school before September 1, 1999, may*
20 *continue to operate during that period, but only if the char-*
21 *ter school pays to the Bureau a pro rata share of funds*
22 *to reimburse the Bureau for the use of the real and personal*
23 *property (including buses and vans), the funds of the char-*
24 *ter school are kept separate and apart from Bureau funds,*
25 *and the Bureau does not assume any obligation for charter*

1 school programs of the State in which the school is located
2 if the charter school loses such funding. Employees of Bu-
3 reau-funded schools sharing a campus with a charter school
4 and performing functions related to the charter school's op-
5 eration and employees of a charter school shall not be treat-
6 ed as Federal employees for purposes of chapter 171 of title
7 28, United States Code.

8 Notwithstanding 25 U.S.C. 2007(d), and imple-
9 menting regulations, the funds reserved from the Indian
10 Student Equalization Program to meet emergencies and un-
11 foreseen contingencies affecting education programs appro-
12 priated herein and in Public Law 109-54 may be used for
13 costs associated with significant student enrollment in-
14 creases at Bureau-funded schools during the relevant school
15 year.

16 Notwithstanding any other provision of law, including
17 section 113 of title I of appendix C of Public Law 106-
18 113, if in fiscal year 2003 or 2004 a grantee received indi-
19 rect and administrative costs pursuant to a distribution
20 formula based on section 5(f) of Public Law 101-301, the
21 Secretary shall continue to distribute indirect and adminis-
22 trative cost funds to such grantee using the section 5(f) dis-
23 tribution formula.

1 *DEPARTMENTAL OFFICES*
2 *OFFICE OF THE SECRETARY*
3 *SALARIES AND EXPENSES*

4 *For necessary expenses for management of the Depart-*
5 *ment of the Interior, \$101,151,000; of which not to exceed*
6 *\$15,000 may be for official reception and representation ex-*
7 *penses; and of which up to \$1,000,000 shall be available*
8 *for workers compensation payments and unemployment*
9 *compensation payments associated with the orderly closure*
10 *of the United States Bureau of Mines.*

11 *INSULAR AFFAIRS*
12 *ASSISTANCE TO TERRITORIES*

13 *For expenses necessary for assistance to territories*
14 *under the jurisdiction of the Department of the Interior,*
15 *\$78,613,000, of which: (1) \$70,137,000 shall remain avail-*
16 *able until expended for technical assistance, including*
17 *maintenance assistance, disaster assistance, insular man-*
18 *agement controls, coral reef initiative activities, and brown*
19 *tree snake control and research; grants to the judiciary in*
20 *American Samoa for compensation and expenses, as au-*
21 *thorized by law (48 U.S.C. 1661(c)); grants to the Govern-*
22 *ment of American Samoa, in addition to current local reve-*
23 *nues, for construction and support of governmental func-*
24 *tions; grants to the Government of the Virgin Islands as*
25 *authorized by law; grants to the Government of Guam, as*

1 *authorized by law; and grants to the Government of the*
2 *Northern Mariana Islands as authorized by law (Public*
3 *Law 94–241; 90 Stat. 272); and (2) \$8,476,000 shall be*
4 *available until September 30, 2009 for salaries and ex-*
5 *penses of the Office of Insular Affairs: Provided, That all*
6 *financial transactions of the territorial and local govern-*
7 *ments herein provided for, including such transactions of*
8 *all agencies or instrumentalities established or used by such*
9 *governments, may be audited by the Government Account-*
10 *ability Office, at its discretion, in accordance with chapter*
11 *35 of title 31, United States Code: Provided further, That*
12 *Northern Mariana Islands Covenant grant funding shall be*
13 *provided according to those terms of the Agreement of the*
14 *Special Representatives on Future United States Financial*
15 *Assistance for the Northern Mariana Islands approved by*
16 *Public Law 104–134: Provided further, That of the amounts*
17 *provided for technical assistance, sufficient funds shall be*
18 *made available for a grant to the Pacific Basin Develop-*
19 *ment Council: Provided further, That of the amounts pro-*
20 *vided for technical assistance, sufficient funding shall be*
21 *made available for a grant to the Close Up Foundation:*
22 *Provided further, That the funds for the program of oper-*
23 *ations and maintenance improvement are appropriated to*
24 *institutionalize routine operations and maintenance im-*
25 *provement of capital infrastructure with territorial partici-*

1 *pation and cost sharing to be determined by the Secretary*
2 *based on the grantee's commitment to timely maintenance*
3 *of its capital assets: Provided further, That any appropria-*
4 *tion for disaster assistance under this heading in this Act*
5 *or previous appropriations Acts may be used as non-Fed-*
6 *eral matching funds for the purpose of hazard mitigation*
7 *grants provided pursuant to section 404 of the Robert T.*
8 *Stafford Disaster Relief and Emergency Assistance Act (42*
9 *U.S.C. 5170c).*

10 *COMPACT OF FREE ASSOCIATION*

11 *For grants and necessary expenses, \$5,362,000, to re-*
12 *main available until expended, as provided for in sections*
13 *221(a)(2), 221(b), and 233 of the Compact of Free Associa-*
14 *tion for the Republic of Palau; and section 221(a)(2) of the*
15 *Compacts of Free Association for the Government of the Re-*
16 *public of the Marshall Islands and the Federated States of*
17 *Micronesia, as authorized by Public Law 99-658 and Pub-*
18 *lic Law 108-188.*

19 *OFFICE OF THE SOLICITOR*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Office of the Solicitor,*
22 *\$59,250,000.*

23 *OFFICE OF INSPECTOR GENERAL*

24 *SALARIES AND EXPENSES*

25 *For necessary expenses of the Office of Inspector Gen-*
26 *eral, \$44,572,000.*

1 *OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS*
2 *FEDERAL TRUST PROGRAMS*

3 *For the operation of trust programs for Indians by di-*
4 *rect expenditure, contracts, cooperative agreements, com-*
5 *pacts, and grants, \$182,331,000, to remain available until*
6 *expended, of which not to exceed \$56,384,000 from this or*
7 *any other Act, shall be available for historical accounting:*
8 *Provided, That funds for trust management improvements*
9 *and litigation support may, as needed, be transferred to or*
10 *merged with the Bureau of Indian Affairs, "Operation of*
11 *Indian Programs" account; the Office of the Solicitor, "Sal-*
12 *aries and Expenses" account; and the Office of the Sec-*
13 *retary, "Salaries and Expenses" account: Provided further,*
14 *That funds made available through contracts or grants obli-*
15 *gated during fiscal year 2008, as authorized by the Indian*
16 *Self-Determination Act of 1975 (25 U.S.C. 450 et seq.),*
17 *shall remain available until expended by the contractor or*
18 *grantee: Provided further, That, notwithstanding any other*
19 *provision of law, the statute of limitations shall not com-*
20 *mence to run on any claim, including any claim in litiga-*
21 *tion pending on the date of the enactment of this Act, con-*
22 *cerning losses to or mismanagement of trust funds, until*
23 *the affected tribe or individual Indian has been furnished*
24 *with an accounting of such funds from which the bene-*
25 *ficiary can determine whether there has been a loss: Pro-*

1 *vided further, That, notwithstanding any other provision*
2 *of law, the Secretary shall not be required to provide a*
3 *quarterly statement of performance for any Indian trust ac-*
4 *count that has not had activity for at least 18 months and*
5 *has a balance of \$15.00 or less: Provided further, That the*
6 *Secretary shall issue an annual account statement and*
7 *maintain a record of any such accounts and shall permit*
8 *the balance in each such account to be withdrawn upon the*
9 *express written request of the account holder: Provided fur-*
10 *ther, That not to exceed \$50,000 is available for the Sec-*
11 *retary to make payments to correct administrative errors*
12 *of either disbursements from or deposits to Individual In-*
13 *dian Money or Tribal accounts after September 30, 2002:*
14 *Provided further, That erroneous payments that are recov-*
15 *ered shall be credited to and remain available in this ac-*
16 *count for this purpose.*

17 *INDIAN LAND CONSOLIDATION*

18 *For consolidation of fractional interests in Indian*
19 *lands and expenses associated with redetermining and re-*
20 *distributing escheated interests in allotted lands, and for*
21 *necessary expenses to carry out the Indian Land Consolida-*
22 *tion Act of 1983, as amended, by direct expenditure or coop-*
23 *erative agreement, \$10,000,000, to remain available until*
24 *expended, and which may be transferred to the Bureau of*
25 *Indian Affairs and Office of the Secretary accounts.*

1 *DEPARTMENT-WIDE PROGRAMS*2 *PAYMENTS IN LIEU OF TAXES*

3 *For expenses necessary to implement the Act of October*
4 *20, 1976, as amended (31 U.S.C. 6901–6907),*
5 *\$232,528,000, of which not to exceed \$400,000 shall be*
6 *available for administrative expenses: Provided, That no*
7 *payment shall be made to otherwise eligible units of local*
8 *government if the computed amount of the payment is less*
9 *than \$100.*

10 *CENTRAL HAZARDOUS MATERIALS FUND*

11 *For necessary expenses of the Department of the Inte-*
12 *rior and any of its component offices and bureaus for the*
13 *remedial action, including associated activities, of haz-*
14 *ardous waste substances, pollutants, or contaminants pur-*
15 *suant to the Comprehensive Environmental Response, Com-*
16 *pensation, and Liability Act, as amended (42 U.S.C. 9601*
17 *et seq.), \$9,954,000, to remain available until expended:*
18 *Provided, That hereafter, notwithstanding 31 U.S.C. 3302,*
19 *sums recovered from or paid by a party in advance of or*
20 *as reimbursement for remedial action or response activities*
21 *conducted by the Department pursuant to section 107 or*
22 *113(f) of such Act, shall be credited to this account, to be*
23 *available until expended without further appropriation:*
24 *Provided further, That hereafter such sums recovered from*
25 *or paid by any party are not limited to monetary payments*

1 *SEC. 102. The Secretary may authorize the expendi-*
2 *ture or transfer of any no year appropriation in this title,*
3 *in addition to the amounts included in the budget programs*
4 *of the several agencies, for the suppression or emergency*
5 *prevention of wildland fires on or threatening lands under*
6 *the jurisdiction of the Department of the Interior; for the*
7 *emergency rehabilitation of burned-over lands under its ju-*
8 *risdiction; for emergency actions related to potential or ac-*
9 *tual earthquakes, floods, volcanoes, storms, or other un-*
10 *avoidable causes; for contingency planning subsequent to*
11 *actual oil spills; for response and natural resource damage*
12 *assessment activities related to actual oil spills; for the pre-*
13 *vention, suppression, and control of actual or potential*
14 *grasshopper and Mormon cricket outbreaks on lands under*
15 *the jurisdiction of the Secretary, pursuant to the authority*
16 *in section 1773(b) of Public Law 99–198 (99 Stat. 1658);*
17 *for emergency reclamation projects under section 410 of*
18 *Public Law 95–87; and shall transfer, from any no year*
19 *funds available to the Office of Surface Mining Reclamation*
20 *and Enforcement, such funds as may be necessary to permit*
21 *assumption of regulatory authority in the event a primacy*
22 *State is not carrying out the regulatory provisions of the*
23 *Surface Mining Act: Provided, That appropriations made*
24 *in this title for wildland fire operations shall be available*
25 *for the payment of obligations incurred during the pre-*

1 ceding fiscal year, and for reimbursement to other Federal
2 agencies for destruction of vehicles, aircraft, or other equip-
3 ment in connection with their use for wildland fire oper-
4 ations, such reimbursement to be credited to appropriations
5 currently available at the time of receipt thereof: Provided
6 further, That for wildland fire operations, no funds shall
7 be made available under this authority until the Secretary
8 determines that funds appropriated for “wildland fire oper-
9 ations” shall be exhausted within 30 days: Provided further,
10 That all funds used pursuant to this section must be replen-
11 ished by a supplemental appropriation which must be re-
12 quested as promptly as possible: Provided further, That such
13 replenishment funds shall be used to reimburse, on a pro
14 rata basis, accounts from which emergency funds were
15 transferred.

16 *SEC. 103. Appropriations made to the Department of*
17 *the Interior in this title shall be available for services as*
18 *authorized by 5 U.S.C. 3109, when authorized by the Sec-*
19 *retary, in total amount not to exceed \$500,000; purchase*
20 *and replacement of motor vehicles, including specially*
21 *equipped law enforcement vehicles; hire, maintenance, and*
22 *operation of aircraft; hire of passenger motor vehicles; pur-*
23 *chase of reprints; payment for telephone service in private*
24 *residences in the field, when authorized under regulations*
25 *approved by the Secretary; and the payment of dues, when*

1 *authorized by the Secretary, for library membership in soci-*
2 *eties or associations which issue publications to members*
3 *only or at a price to members lower than to subscribers*
4 *who are not members.*

5 *SEC. 104. No funds provided in this title may be ex-*
6 *pended by the Department of the Interior for the conduct*
7 *of offshore preleasing, leasing and related activities placed*
8 *under restriction in the President's moratorium statement*
9 *of June 12, 1998, in the areas of northern, central, and*
10 *southern California; the North Atlantic; Washington and*
11 *Oregon; and the eastern Gulf of Mexico south of 26 degrees*
12 *north latitude and east of 86 degrees west longitude.*

13 *SEC. 105. No funds provided in this title may be ex-*
14 *pended by the Department of the Interior to conduct oil and*
15 *natural gas preleasing, leasing and related activities in the*
16 *Mid-Atlantic and South Atlantic planning areas.*

17 *SEC. 106. Appropriations made in this Act under the*
18 *headings Bureau of Indian Affairs and Office of Special*
19 *Trustee for American Indians and any unobligated bal-*
20 *ances from prior appropriations Acts made under the same*
21 *headings shall be available for expenditure or transfer for*
22 *Indian trust management and reform activities, excluding*
23 *litigation costs. Total funding for historical accounting ac-*
24 *tivities shall not exceed amounts specifically designated in*
25 *this Act for such purpose.*

1 *SEC. 107. Notwithstanding any other provision of law,*
2 *the Secretary of the Interior is authorized to redistribute*
3 *any Tribal Priority Allocation funds, including tribal base*
4 *funds, to alleviate tribal funding inequities by transferring*
5 *funds to address identified, unmet needs, dual enrollment,*
6 *overlapping service areas or inaccurate distribution meth-*
7 *odologies. No tribe shall receive a reduction in Tribal Pri-*
8 *ority Allocation funds of more than 10 percent in fiscal*
9 *year 2008. Under circumstances of dual enrollment, over-*
10 *lapping service areas or inaccurate distribution methodolo-*
11 *gies, the 10 percent limitation does not apply.*

12 *SEC. 108. Notwithstanding any other provision of law,*
13 *in conveying the Twin Cities Research Center under the au-*
14 *thority provided by Public Law 104–134, as amended by*
15 *Public Law 104–208, the Secretary may accept and retain*
16 *land and other forms of reimbursement: Provided, That the*
17 *Secretary may retain and use any such reimbursement*
18 *until expended and without further appropriation: (1) for*
19 *the benefit of the National Wildlife Refuge System within*
20 *the State of Minnesota; and (2) for all activities authorized*
21 *by 16 U.S.C. 460zz.*

22 *SEC. 109. The Secretary of the Interior may hereafter*
23 *use or contract for the use of helicopters or motor vehicles*
24 *on the Sheldon and Hart National Wildlife Refuges for the*
25 *purpose of capturing and transporting horses and burros.*

1 *The provisions of subsection (a) of the Act of September 8,*
2 *1959 (18 U.S.C. 47(a)) shall not be applicable to such use.*
3 *Such use shall be in accordance with humane procedures*
4 *prescribed by the Secretary.*

5 *SEC. 110. None of the funds in this or any other Act*
6 *can be used to compensate the Special Master and the Spe-*
7 *cial Master-Monitor, and all variations thereto, appointed*
8 *by the United States District Court for the District of Co-*
9 *lumbia in the Cobell v. Kempthorne litigation at an annual*
10 *rate that exceeds 200 percent of the highest Senior Executive*
11 *Service rate of pay for the Washington-Baltimore locality*
12 *pay area.*

13 *SEC. 111. The Secretary of the Interior may use discre-*
14 *tionary funds to pay private attorney fees and costs for em-*
15 *ployees and former employees of the Department of the Inte-*
16 *rior reasonably incurred in connection with Cobell v.*
17 *Kempthorne to the extent that such fees and costs are not*
18 *paid by the Department of Justice or by private insurance.*
19 *In no case shall the Secretary make payments under this*
20 *section that would result in payment of hourly fees in excess*
21 *of the highest hourly rate approved by the District Court*
22 *for the District of Columbia for counsel in Cobell v. Kemp-*
23 *thorne.*

24 *SEC. 112. No funds appropriated for the Department*
25 *of the Interior by this Act or any other Act shall be used*

1 *to study or implement any plan to drain Lake Powell or*
2 *to reduce the water level of the lake below the range of water*
3 *levels required for the operation of the Glen Canyon Dam.*

4 *SEC. 113. The United States Fish and Wildlife Service*
5 *shall, in carrying out its responsibilities to protect threat-*
6 *ened and endangered species of salmon, implement a system*
7 *of mass marking of salmonid stocks, intended for harvest,*
8 *that are released from federally-operated or federally-fi-*
9 *nanced hatcheries including but not limited to fish releases*
10 *of coho, chinook, and steelhead species. Marked fish must*
11 *have a visible mark that can be readily identified by com-*
12 *mercial and recreational fishers.*

13 *SEC. 114. Notwithstanding any implementation of the*
14 *Department of the Interior's trust reorganization or re-*
15 *engineering plans, or the implementation of the "To Be"*
16 *Model, funds appropriated for fiscal year 2008 shall be*
17 *available to the tribes within the California Tribal Trust*
18 *Reform Consortium and to the Salt River Pima-Maricopa*
19 *Indian Community, the Confederated Salish and Kootenai*
20 *Tribes of the Flathead Reservation and the Chippewa Cree*
21 *Tribe of the Rocky Boys Reservation through the same*
22 *methodology as funds were distributed in fiscal year 2003.*
23 *This Demonstration Project shall continue to operate sepa-*
24 *rate and apart from the Department of the Interior's trust*
25 *reform and reorganization and the Department shall not*

1 *impose its trust management infrastructure upon or alter*
2 *the existing trust resource management systems of the above*
3 *referenced tribes having a self-governance compact and op-*
4 *erating in accordance with the Tribal Self-Governance Pro-*
5 *gram set forth in 25 U.S.C. 458aa–458hh: Provided, That*
6 *the California Trust Reform Consortium and any other*
7 *participating tribe agree to carry out their responsibilities*
8 *under the same written and implemented fiduciary stand-*
9 *ards as those being carried by the Secretary of the Interior:*
10 *Provided further, That they demonstrate to the satisfaction*
11 *of the Secretary that they have the capability to do so: Pro-*
12 *vided further, That the Department shall provide funds to*
13 *the tribes in an amount equal to that required by 25 U.S.C.*
14 *458cc(g)(3), including funds specifically or functionally re-*
15 *lated to the provision of trust services to the tribes or their*
16 *members.*

17 *SEC. 115. Notwithstanding any other provision of law,*
18 *the Secretary of the Interior is authorized to acquire lands,*
19 *waters, or interests therein including the use of all or part*
20 *of any pier, dock, or landing within the State of New York*
21 *and the State of New Jersey, for the purpose of operating*
22 *and maintaining facilities in the support of transportation*
23 *and accommodation of visitors to Ellis, Governors, and Lib-*
24 *erty Islands, and of other program and administrative ac-*
25 *tivities, by donation or with appropriated funds, including*

1 *franchise fees (and other monetary consideration), or by ex-*
2 *change; and the Secretary is authorized to negotiate and*
3 *enter into leases, subleases, concession contracts or other*
4 *agreements for the use of such facilities on such terms and*
5 *conditions as the Secretary may determine reasonable.*

6 *SEC. 116. Notwithstanding any other provision of law,*
7 *including 42 U.S.C. 4321 et seq., nonrenewable grazing per-*
8 *mits authorized in the Jarbidge Field Office, Bureau of*
9 *Land Management since March 1, 1997 shall be renewed.*
10 *The Animal Unit Months, authorized in any nonrenewable*
11 *grazing permit from March 1, 1997 to present shall con-*
12 *tinue in effect under the renewed permit. Nothing in this*
13 *section shall be deemed to extend the renewed permit beyond*
14 *the standard 1-year term. The period of this provision will*
15 *be until all of the grazing permits in the Jarbidge Field*
16 *Office are renewed after the completion of the Record of De-*
17 *cision for the Jarbidge Resource Management Plan/Final*
18 *Environmental Impact Statement.*

19 *SEC. 117. OIL AND GAS LEASING INTERNET PILOT*
20 *PROGRAM. Notwithstanding section 17(b)(1)(A) of the Min-*
21 *eral Leasing Act (30 U.S.C 226(b)(1)(A)), the Secretary of*
22 *the Interior shall establish an oil and gas leasing Internet*
23 *pilot program, under which the Secretary may conduct*
24 *lease sales through methods other than oral bidding. To*
25 *carry out the pilot program, the Secretary of the Interior*

1 *may use not more than \$250,000 of funds in the BLM Per-*
2 *mit Processing Improvement Fund described in section*
3 *35(c)(2)(B) of the Mineral Leasing Act (30 U.S.C.*
4 *191(c)(2)(B)).*

5 *SEC. 118. Notwithstanding any other provision of law,*
6 *the Secretary of the Interior is directed to sell property*
7 *within the Protection Island National Wildlife Refuge and*
8 *the Dungeness National Wildlife Refuge to the Washington*
9 *State Department of Transportation.*

10 *SEC. 119. No funds appropriated or otherwise made*
11 *available to the Department of the Interior may be used,*
12 *in relation to any proposal to store water for the purpose*
13 *of export, for approval of any right-of-way or similar au-*
14 *thorization on the Mojave National Preserve or lands man-*
15 *aged by the Needles Field Office of the Bureau of Land Man-*
16 *agement, or for carrying out any activities associated with*
17 *such right-of-way or similar approval.*

18 *SEC. 120. Section 460ccc-4 of the Red Rock Canyon*
19 *National Conservation Area Establishment Act authoriza-*
20 *tion (16 U.S.C. 460ccc) is amended—*

21 *(1) in section (a)(1), by striking “with donated*
22 *or appropriated funds”;*

23 *(2) by striking section (a)(2);*

24 *(3) in section (a)(3), by striking “(3)” and re-*
25 *placing with “(2)”;*

1 (4) in section (a)(4), by striking “(4)” and re-
2 placing with “(3)”.

3 SEC. 121. Title 43 U.S.C. 1473 is amended by insert-
4 ing at the end of that section before the period the following:
5 “, including, in fiscal year 2008 only, contributions of
6 money and services to conduct work in support of the or-
7 derly exploration and development of Outer Continental
8 Shelf resources, including but not limited to, preparation
9 of environmental documents such as impact statements and
10 assessments, studies, and related research”.

11 SEC. 122. Section 1077(c) of Public Law 109–364 is
12 repealed.

13 SEC. 123. Section 144 of division E of Public Law
14 108–447, as amended, is amended in paragraph (b)(2) by
15 striking “November 12, 2004” and inserting “May 4,
16 2005.”

17 SEC. 124. Section 105(f)(1)(B) of the Compact of Free
18 Association Amendments Act of 2003 (48 U.S.C.
19 1921d(f)(1)(B)) is amended in clause (ix) by—

20 (1) striking “Republic” both places it appears
21 and inserting “government, institutions, and people”;

22 (2) striking “2007” and inserting “2009”; and

23 (3) striking “was” and inserting “were”.

24 SEC. 125. The Secretary of the Interior may enter into
25 cooperative agreements with a State or political subdivision

1 *(including any agency thereof), or any not-for-profit orga-*
2 *nization if the agreement will: (1) serve a mutual interest*
3 *of the parties to the agreement in carrying out the programs*
4 *administered by the Department of the Interior; and (2)*
5 *all parties will contribute resources to the accomplishment*
6 *of these objectives. At the discretion of the Secretary, such*
7 *agreements shall not be subject to a competitive process.*

8 *SEC. 126. The Federal properties commonly referred*
9 *to as the Barnes Ranch and Agency Lake Ranch (the prop-*
10 *erties) in Klamath County, Oregon, managed by the Bureau*
11 *of Reclamation shall be transferred to the Upper Klamath*
12 *National Wildlife Refuge (Refuge) in accordance with the*
13 *Memorandum of Understanding between the U.S. Fish and*
14 *Wildlife Service Klamath Basin National Wildlife Refuge*
15 *Complex and the Bureau of Reclamation Klamath Basin*
16 *Area Office and The Nature Conservancy dated March 2,*
17 *2007, as expeditiously as possible and no later than Decem-*
18 *ber 2008: Provided, That these Federal properties and all*
19 *Federal refuge lands within the adjusted boundary area for*
20 *the Refuge, as approved by the U.S. Fish and Wildlife Serv-*
21 *ice (Service) in June 2005 under the Land Protection Plan*
22 *of 2005, shall be made a part of the Refuge and shall be*
23 *managed by the Service as such: Provided further, That*
24 *each year after the properties become part of the Refuge,*
25 *those increments of water passively stored on the properties*

1 *shall be applied and credited toward the requirements of*
2 *any consultation or reconsultation over Klamath Project*
3 *operations pursuant to section 7 of the Endangered Species*
4 *Act, consistent with Federal law and State water law.*

5 *SEC. 127. CORINTH UNIT OF SHILOH NATIONAL MILI-*
6 *TARY PARK BOUNDARY EXPANSION. The Corinth Battlefield*
7 *Preservation Act of 2000 (16 U.S.C. 430f-6 et seq.) is*
8 *amended—*

9 *(1) in section 3(1) (16 U.S.C. 430f-7(1)), by*
10 *striking “304/80,007, and dated October 1998” and*
11 *inserting “304A/80009, and dated April 2007”;*

12 *(2) in section 4(b) (16 U.S.C. 430f-8(b)), by*
13 *striking paragraph (1) and inserting the following:*

14 *“(1) approximately 950 acres, as generally de-*
15 *picted on the Map; and”;*

16 *(3) in section 5(a) (16 U.S.C. 430f-9(a)), by*
17 *striking “as depicted on the Map” and inserting “de-*
18 *scribed in section 4(b)”;*

19 *(4) by striking section 7 (16 U.S.C. 430f-11);*
20 *and*

21 *(5) by redesignating section 8 (16 U.S.C. 430f-*
22 *12) as section 7.*

23 *SEC. 128. In section 5(8) of Public Law 107-226,*
24 *strike “acquire” and all that follows and insert, “acquire*
25 *the land or interests in land for the memorial by donation,*

1 *purchase with donated or appropriated funds, exchange or*
2 *condemnation with donated or appropriated funds; and”.*

3 *SEC. 129. CLARIFICATION OF CONCESSIONAIRE HIS-*
4 *TORIC RIGHTS. (a) In implementing section 1307 of Public*
5 *Law 96–487 (96 Stat. 2479), the Secretary shall deem*
6 *Denali National Park Wilderness Centers, Ltd., a corpora-*
7 *tion organized and existing under the laws of the State of*
8 *Alaska, to be a person who, on or before January 1, 1979,*
9 *was engaged in adequately providing the following scope*
10 *and level of visitor services within what is currently Denali*
11 *National Park and Preserve:*

12 *(1) Guided interpretive hiking services in the*
13 *Kantishna area new park additions (i.e. park area*
14 *added in 1980 to former Mount McKinley National*
15 *Park), not to exceed 14 guided interpretive hikes per*
16 *week.*

17 *(2) Gold panning outings in the Kantishna area*
18 *new park additions, not to exceed 3 gold panning out-*
19 *ings per week.*

20 *(3) Guided interpretive trips, including an aver-*
21 *age of four vehicle trips per day, not to exceed 28*
22 *trips per week, into the Old Park (i.e. former Mount*
23 *McKinley National Park).*

1 (4) *Guided and unguided canoeing on Wonder*
2 *Lake, including the storage of five canoes on Wonder*
3 *Lake.*

4 (5) *Transportation over the road between the*
5 *north boundary of the Old Park and Wonder Lake,*
6 *including Wonder Lake Campground, for an average*
7 *of 10 trips per day not to exceed 70 trips per week.*

8 (b) *For purpose of implementing this section, the term*
9 *“person” means the person who has a controlling interest*
10 *in the entity described under subsection (a) or his lineal*
11 *descendants born prior to January 1, 1979.*

12 *SEC. 130. Section 16 of the Colorado Ute Indian Water*
13 *Rights Settlement Act of 1988 (Public Law 100–585; 102*
14 *Stat. 2913; 114 Stat. 2763A–263)) is amended—*

15 (1) *in subsection (c)(3)(B)(iii), by striking “by*
16 *requiring” and all that follows through “enhance-*
17 *ment” and inserting the following: “, the plan shall*
18 *provide that not less than $\frac{1}{3}$ of the funds referred to*
19 *in clause (i) shall be expended for municipal or rural*
20 *water development and that annual expenditures*
21 *under that provision shall be reported to the Sec-*
22 *retary each year”; and*

23 (2) *in the third sentence of subsection (f), by*
24 *striking “December 31, 2012” and inserting “the date*

1 *that is 5 years after the date of the final settlement*
2 *of the tribal claims under section 18”.*

3 *SEC. 131. Funds provided in this Act for Federal land*
4 *acquisition by the National Park Service for Shenandoah*
5 *Valley Battlefields National Historic District and Ice Age*
6 *National Scenic Trail may be used for a grant to a State,*
7 *a local government, or any other land management entity*
8 *for the acquisition of lands without regard to any restric-*
9 *tion on the use of Federal land acquisition funds provided*
10 *through the Land and Water Conservation Fund Act of*
11 *1965 as amended.*

12 *SEC. 132. From within amounts provided to the Na-*
13 *tional Park Service Land Acquisition account by this Act,*
14 *\$2,000,000 shall be made available to the State of Mis-*
15 *issippi pursuant to a grant agreement with the National*
16 *Park Service, in order that the State may acquire land or*
17 *interests in land on Cat Island, which is located within*
18 *the Gulf Islands National Seashore. Funds provided to the*
19 *State of Mississippi through such grant agreement shall not*
20 *be contingent upon matching funds provided by the State.*
21 *Any lands or interests acquired with funds under this sec-*
22 *tion shall be owned by the federal government and adminis-*
23 *tered as part of the National Seashore.*

24 *SEC. 133. MESA VERDE NATIONAL PARK BOUNDARY*
25 *CHANGE. (a) ACQUISITION OF LAND.—*

1 (1) *IN GENERAL.*—*The Secretary may acquire*
2 *the land or an interest in the land described in sub-*
3 *section (b) for addition to the Mesa Verde National*
4 *Park.*

5 (2) *MEANS.*—*An acquisition of land under para-*
6 *graph (1) may be made by donation, purchase from*
7 *a willing seller with donated or appropriated funds,*
8 *or exchange.*

9 (b) *DESCRIPTION OF LAND.*—*The land referred to in*
10 *subsection (a)(1) is the approximately 360 acres of land ad-*
11 *jacent to the Park, as generally depicted on the map, enti-*
12 *tled “Mesa Verde National Park Proposed Boundary Ad-*
13 *justment”, numbered 307/80,180, and dated March 1, 2007.*

14 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
15 *and available for inspection in the appropriate offices of*
16 *the National Park Service.*

17 (d) *BOUNDARY MODIFICATION.*—*The boundary of the*
18 *Park shall be revised to reflect the acquisition of the land*
19 *under subsection (a).*

20 (e) *ADMINISTRATION.*—*The Secretary shall administer*
21 *any land or interest in land acquired under subsection*
22 *(a)(1) as part of the Park in accordance with the laws (in-*
23 *cluding regulations) applicable to the Park.*

24 *SEC. 134. In implementing section 1307 of Public Law*
25 *96–487 (4 Stat. 2479), the Secretary shall deem the present*

1 holders of entry permit CP–GLBA005–00 and entry permit
2 CP–GLBA004–00 each to be a person who, on or before
3 January 1, 1979, was engaged in adequately providing vis-
4 itor services of the type authorized in said permit within
5 Glacier Bay National Park.

6 SEC. 135. Funds provided under Public Law 109–54
7 may be granted to the Alice Ferguson Foundation for site
8 planning and design and rehabilitation of the Potomac
9 River Habitat Study Complex and the Wareham Lodge.

10 TITLE II

11 ENVIRONMENTAL PROTECTION AGENCY

12 SCIENCE AND TECHNOLOGY

13 For science and technology, including research and de-
14 velopment activities, which shall include research and devel-
15 opment activities under the Comprehensive Environmental
16 Response, Compensation, and Liability Act of 1980, as
17 amended; necessary expenses for personnel and related costs
18 and travel expenses, including uniforms, or allowances
19 therefor, as authorized by 5 U.S.C. 5901–5902; services as
20 authorized by 5 U.S.C. 3109, but at rates for individuals
21 not to exceed the per diem rate equivalent to the maximum
22 rate payable for senior level positions under 5 U.S.C. 5376;
23 procurement of laboratory equipment and supplies; other
24 operating expenses in support of research and development;
25 construction, alteration, repair, rehabilitation, and renova-

1 *tion of facilities, not to exceed \$85,000 per project,*
2 *\$772,129,000, to remain available until September 30,*
3 *2009.*

4 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

5 *For environmental programs and management, in-*
6 *cluding necessary expenses, not otherwise provided for, for*
7 *personnel and related costs and travel expenses, including*
8 *uniforms, or allowances therefor, as authorized by 5 U.S.C.*
9 *5901–5902; services as authorized by 5 U.S.C. 3109, but*
10 *at rates for individuals not to exceed the per diem rate*
11 *equivalent to the maximum rate payable for senior level po-*
12 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
13 *cles; hire, maintenance, and operation of aircraft; purchase*
14 *of reprints; library memberships in societies or associations*
15 *which issue publications to members only or at a price to*
16 *members lower than to subscribers who are not members;*
17 *construction, alteration, repair, rehabilitation, and renova-*
18 *tion of facilities, not to exceed \$85,000 per project; and not*
19 *to exceed \$9,000 for official reception and representation*
20 *expenses, \$2,364,854,000, to remain available until Sep-*
21 *tember 30, 2009, including administrative costs of the*
22 *brownfields program under the Small Business Liability*
23 *Relief and Brownfields Revitalization Act of 2002.*

1 *OFFICE OF INSPECTOR GENERAL*

2 *For necessary expenses of the Office of Inspector Gen-*
3 *eral in carrying out the provisions of the Inspector General*
4 *Act of 1978, as amended, and for construction, alteration,*
5 *repair, rehabilitation, and renovation of facilities, not to*
6 *exceed \$85,000 per project, \$41,750,000, to remain available*
7 *until September 30, 2009.*

8 *BUILDINGS AND FACILITIES*

9 *For construction, repair, improvement, extension, al-*
10 *teration, and purchase of fixed equipment or facilities of,*
11 *or for use by, the Environmental Protection Agency,*
12 *\$34,801,000, to remain available until expended.*

13 *HAZARDOUS SUBSTANCE SUPERFUND*14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For necessary expenses to carry out the Comprehensive*
16 *Environmental Response, Compensation, and Liability Act*
17 *of 1980 (CERCLA), as amended, including sections*
18 *111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and*
19 *for construction, alteration, repair, rehabilitation, and ren-*
20 *ovation of facilities, not to exceed \$85,000 per project;*
21 *\$1,273,871,000, to remain available until expended, con-*
22 *sisting of such sums as are available in the Trust Fund*
23 *on September 30, 2007, as authorized by section 517(a) of*
24 *the Superfund Amendments and Reauthorization Act of*
25 *1986 (SARA) and up to \$1,273,871,000 as a payment from*

1 *general revenues to the Hazardous Substance Superfund for*
2 *purposes as authorized by section 517(b) of SARA, as*
3 *amended: Provided, That funds appropriated under this*
4 *heading may be allocated to other Federal agencies in ac-*
5 *cordance with section 111(a) of CERCLA: Provided further,*
6 *That of the funds appropriated under this heading,*
7 *\$11,668,000 shall be paid to the “Office of Inspector Gen-*
8 *eral” appropriation to remain available until September*
9 *30, 2009, and \$26,126,000 shall be paid to the “Science*
10 *and Technology” appropriation to remain available until*
11 *September 30, 2009.*

12 *LEAKING UNDERGROUND STORAGE TANK TRUST FUND*

13 *PROGRAM*

14 *For necessary expenses to carry out leaking under-*
15 *ground storage tank cleanup activities authorized by sub-*
16 *title I of the Solid Waste Disposal Act, as amended, and*
17 *for construction, alteration, repair, rehabilitation, and ren-*
18 *ovation of Environmental Protection Agency facilities, not*
19 *to exceed \$85,000 per project, \$107,493,000, to remain*
20 *available until expended, of which \$76,493,000 shall be for*
21 *carrying out leaking underground storage tank cleanup ac-*
22 *tivities authorized by section 9003(h) of the Solid Waste*
23 *Disposal Act, as amended; \$31,000,000 shall be for carrying*
24 *out the other provisions of the Solid Waste Disposal Act*
25 *specified in section 9508(c) of the Internal Revenue Code,*

1 *as amended: Provided, That the Administrator is author-*
2 *ized to use appropriations made available under this head-*
3 *ing to implement section 9013 of the Solid Waste Disposal*
4 *Act to provide financial assistance to federally-recognized*
5 *Indian tribes for the development and implementation of*
6 *programs to manage underground storage tanks.*

7 *OIL SPILL RESPONSE*

8 *For expenses necessary to carry out the Environmental*
9 *Protection Agency's responsibilities under the Oil Pollution*
10 *Act of 1990, \$17,326,000, to be derived from the Oil Spill*
11 *Liability trust fund, to remain available until expended.*

12 *STATE AND TRIBAL ASSISTANCE GRANTS*

13 *For environmental programs and infrastructure as-*
14 *sistance, including capitalization grants for State revolving*
15 *funds and performance partnership grants, \$2,972,595,000,*
16 *to remain available until expended, of which \$700,000,000*
17 *shall be for making capitalization grants for the Clean*
18 *Water State Revolving Funds under title VI of the Federal*
19 *Water Pollution Control Act, as amended (the "Act"); of*
20 *which up to \$75,000,000 shall be available for loans, includ-*
21 *ing interest free loans as authorized by 33 U.S.C.*
22 *1383(d)(1)(A), to municipal, inter-municipal, interstate, or*
23 *State agencies or nonprofit entities for projects that provide*
24 *treatment for or that minimize sewage or stormwater dis-*
25 *charges using one or more approaches which include, but*

1 *are not limited to, decentralized or distributed stormwater*
2 *controls, decentralized wastewater treatment, low-impact*
3 *development practices, conservation easements, stream buff-*
4 *ers, or wetlands restoration; \$842,167,000 shall be for cap-*
5 *italization grants for the Drinking Water State Revolving*
6 *Funds under section 1452 of the Safe Drinking Water Act,*
7 *as amended; \$20,000,000 shall be for architectural, engi-*
8 *neering, planning, design, construction and related activi-*
9 *ties in connection with the construction of high priority*
10 *water and wastewater facilities in the area of the United*
11 *States-Mexico Border, after consultation with the appro-*
12 *priate border commission; \$25,000,000 shall be for grants*
13 *to the State of Alaska to address drinking water and waste*
14 *infrastructure needs of rural and Alaska Native Villages:*
15 *Provided, That, of these funds: (1) the State of Alaska shall*
16 *provide a match of 25 percent; (2) no more than 5 percent*
17 *of the funds may be used for administrative and overhead*
18 *expenses; and (3) not later than October 1, 2005, the State*
19 *of Alaska shall make awards consistent with the State-wide*
20 *priority list established in 2004 for all water, sewer, waste*
21 *disposal, and similar projects carried out by the State of*
22 *Alaska that are funded under section 221 of the Federal*
23 *Water Pollution Control Act (33 U.S.C. 1301) or the Con-*
24 *solidated Farm and Rural Development Act (7 U.S.C. 1921*
25 *et seq.) which shall allocate not less than 25 percent of the*

1 *funds provided for projects in regional hub communities;*
2 *\$135,000,000 shall be for making special project grants for*
3 *the construction of drinking water, wastewater and storm*
4 *water infrastructure and for water quality protection in ac-*
5 *cordance with the terms and conditions specified for such*
6 *grants in the explanatory statement accompanying this Act,*
7 *and, for purposes of these grants, each grantee shall con-*
8 *tribute not less than 45 percent of the cost of the project*
9 *unless the grantee is approved for a waiver by the Agency;*
10 *\$95,000,000 shall be to carry out section 104(k) of the Com-*
11 *prehensive Environmental Response, Compensation, and*
12 *Liability Act of 1980 (CERCLA), as amended, including*
13 *grants, interagency agreements, and associated program*
14 *support costs; \$50,000,000 shall be for grants under title*
15 *VII, subtitle G of the Energy Policy Act of 2005, as amend-*
16 *ed; \$10,000,000 shall be for grants for cost-effective emission*
17 *reduction projects in accordance with the terms and condi-*
18 *tions of the explanatory statement accompanying this Act;*
19 *and \$1,095,428,000 shall be for grants, including associated*
20 *program support costs, to States, federally-recognized tribes,*
21 *interstate agencies, tribal consortia, and air pollution con-*
22 *trol agencies for multi-media or single media pollution pre-*
23 *vention, control and abatement and related activities, in-*
24 *cluding activities pursuant to the provisions set forth under*
25 *this heading in Public Law 104–134, and for making*

1 grants under section 103 of the Clean Air Act for particu-
2 late matter monitoring and data collection activities subject
3 to terms and conditions specified by the Administrator, of
4 which \$49,495,000 shall be for carrying out section 128 of
5 CERCLA, as amended, \$10,000,000 shall be for Environ-
6 mental Information Exchange Network grants, including
7 associated program support costs, \$18,500,000 of the funds
8 available for grants under section 106 of the Act shall be
9 for water quality monitoring activities, \$10,000,000 shall
10 be for making competitive targeted watershed grants, and,
11 in addition to funds appropriated under the heading
12 “Leaking Underground Storage Tank Trust Fund Pro-
13 gram” to carry out the provisions of the Solid Waste Dis-
14 posal Act specified in section 9508(c) of the Internal Rev-
15 enue Code other than section 9003(h) of the Solid Waste
16 Disposal Act, as amended, \$2,500,000 shall be for financial
17 assistance to States under section 2007(f)(2) of the Solid
18 Waste Disposal Act, as amended: Provided further, That
19 notwithstanding section 603(d)(7) of the Federal Water Pol-
20 lution Control Act, the limitation on the amounts in a State
21 water pollution control revolving fund that may be used by
22 a State to administer the fund shall not apply to amounts
23 included as principal in loans made by such fund in fiscal
24 year 2008 and prior years where such amounts represent
25 costs of administering the fund to the extent that such

1 amounts are or were deemed reasonable by the Adminis-
2 trator, accounted for separately from other assets in the
3 fund, and used for eligible purposes of the fund, including
4 administration: Provided further, That for fiscal year 2008,
5 and notwithstanding section 518(f) of the Act, the Adminis-
6 trator is authorized to use the amounts appropriated for
7 any fiscal year under section 319 of that Act to make grants
8 to federally-recognized Indian tribes pursuant to sections
9 319(h) and 518(e) of that Act: Provided further, That for
10 fiscal year 2008, notwithstanding the limitation on
11 amounts in section 518(c) of the Act, up to a total of 1½
12 percent of the funds appropriated for State Revolving
13 Funds under title VI of that Act may be reserved by the
14 Administrator for grants under section 518(c) of that Act:
15 Provided further, That no funds provided by this appro-
16 priations Act to address the water, wastewater and other
17 critical infrastructure needs of the colonias in the United
18 States along the United States-Mexico border shall be made
19 available to a county or municipal government unless that
20 government has established an enforceable local ordinance,
21 or other zoning rule, which prevents in that jurisdiction the
22 development or construction of any additional colonia
23 areas, or the development within an existing colonia the
24 construction of any new home, business, or other structure

1 *which lacks water, wastewater, or other necessary infra-*
2 *structure.*

3 *ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL*
4 *PROTECTION AGENCY*
5 *(INCLUDING RESCISSION OF FUNDS)*

6 *For fiscal year 2008, notwithstanding 31 U.S.C.*
7 *6303(1) and 6305(1), the Administrator of the Environ-*
8 *mental Protection Agency, in carrying out the Agency's*
9 *function to implement directly Federal environmental pro-*
10 *grams required or authorized by law in the absence of an*
11 *acceptable tribal program, may award cooperative agree-*
12 *ments to federally-recognized Indian Tribes or Intertribal*
13 *consortia, if authorized by their member Tribes, to assist*
14 *the Administrator in implementing Federal environmental*
15 *programs for Indian Tribes required or authorized by law,*
16 *except that no such cooperative agreements may be awarded*
17 *from funds designated for State financial assistance agree-*
18 *ments.*

19 *The Administrator of the Environmental Protection*
20 *Agency is authorized to collect and obligate pesticide reg-*
21 *istration service fees in accordance with section 33 of the*
22 *Federal Insecticide, Fungicide, and Rodenticide Act (as*
23 *added by subsection (f)(2) of the Pesticide Registration Im-*
24 *provement Act of 2003), as amended.*

1 *None of the funds provided in this Act may be used,*
2 *directly or through grants, to pay or to provide reimburse-*
3 *ment for payment of the salary of a consultant (whether*
4 *retained by the Federal Government or a grantee) at more*
5 *than the daily equivalent of the rate paid for level IV of*
6 *the Executive Schedule, unless specifically authorized by*
7 *law.*

8 *From unobligated balances to carry out projects and*
9 *activities authorized under section 206(a) of the Federal*
10 *Water Pollution Control Act, \$5,000,000 are hereby re-*
11 *scinded.*

12 *None of the funds made available by this Act may be*
13 *used in contravention of, or to delay the implementation*
14 *of, Executive Order No. 12898 of February 11, 1994 (59*
15 *Fed. Reg. 7629; relating to Federal actions to address envi-*
16 *ronmental justice in minority populations and low-income*
17 *populations).*

18 *Of the funds provided in the Environmental Programs*
19 *and Management account, not less than \$3,500,000 shall*
20 *be provided for activities to develop and publish a draft*
21 *rule not later than 9 months after the date of enactment*
22 *of this Act, and a final rule not later than 18 months after*
23 *the date of enactment of this Act, to require mandatory re-*
24 *porting of greenhouse gas emissions above appropriate*
25 *thresholds in all sectors of the economy of the United States.*

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TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$290,457,000, to remain available until expended: Provided, That of the funds provided, \$61,329,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$266,974,000, to remain available until expended, as authorized by law; of which \$7,500,000 is for the International Program; and of which \$53,146,000 is to be derived from the Land and Water Conservation Fund.

1 NATIONAL FOREST SYSTEM

2 (INCLUDING TRANSFERS OF FUNDS)

3 *For necessary expenses of the Forest Service, not other-*
4 *wise provided for, for management, protection, improve-*
5 *ment, and utilization of the National Forest System,*
6 *\$1,492,868,000, to remain available until expended, which*
7 *shall include 50 percent of all moneys received during prior*
8 *fiscal years as fees collected under the Land and Water Con-*
9 *servations Fund Act of 1965, as amended, in accordance*
10 *with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided,*
11 *That unobligated balances under this heading available at*
12 *the start of fiscal year 2008 shall be displayed by budget*
13 *line item in the fiscal year 2009 budget justification: Pro-*
14 *vided further, That of the funds provided under this heading*
15 *for Forest Products, \$4,000,000 shall be allocated to the*
16 *Alaska Region, in addition to its normal allocation for the*
17 *purposes of preparing additional timber for sale, to estab-*
18 *lish a 3-year timber supply and such funds may be trans-*
19 *ferred to other appropriations accounts as necessary to*
20 *maximize accomplishment.*

21 CAPITAL IMPROVEMENT AND MAINTENANCE

22 (INCLUDING TRANSFERS OF FUNDS)

23 *For necessary expenses of the Forest Service, not other-*
24 *wise provided for, \$456,895,000, to remain available until*
25 *expended, for construction, capital improvement, mainte-*
26 *nance and acquisition of buildings and other facilities, and*

1 *infrastructure; and for construction, capital improvement,*
2 *decommissioning, and maintenance of forest roads and*
3 *trails by the Forest Service as authorized by 16 U.S.C. 532–*
4 *538 and 23 U.S.C. 101 and 205; and in addition*
5 *\$25,000,000 to be transferred from the timber roads pur-*
6 *chaser election fund and merged with this account, to re-*
7 *main available until expended: Provided, That \$40,000,000*
8 *shall be designated for urgently needed road decommis-*
9 *sioning, road and trail repair and maintenance and associ-*
10 *ated activities, and removal of fish passage barriers, espe-*
11 *cially in areas where Forest Service roads may be contrib-*
12 *uting to water quality problems in streams and water bod-*
13 *ies which support threatened, endangered or sensitive spe-*
14 *cies or community water sources and for urgently needed*
15 *road repairs required due to recent storm events: Provided*
16 *further, That up to \$40,000,000 of the funds provided herein*
17 *for road maintenance shall be available for the decommis-*
18 *sioning of roads, including unauthorized roads not part of*
19 *the transportation system, which are no longer needed: Pro-*
20 *vided further, That no funds shall be expended to decommis-*
21 *sion any system road until notice and an opportunity for*
22 *public comment has been provided on each decommissioning*
23 *project: Provided further, That the decommissioning of un-*
24 *authorized roads not part of the official transportation sys-*
25 *tem shall be expedited in response to threats to public safety,*

1 *water quality, or natural resources: Provided further, That*
2 *funds becoming available in fiscal year 2008 under the Act*
3 *of March 4, 1913 (16 U.S.C. 501) shall be transferred to*
4 *the General Fund of the Treasury and shall not be available*
5 *for transfer or obligation for any other purpose unless the*
6 *funds are appropriated: Provided further, That notwith-*
7 *standing any other provision of law, the Forest Service shall*
8 *provide \$1,197,000 appropriated in Public Law 110-5*
9 *within the Capital Improvement and Maintenance appro-*
10 *priation as an advance direct lump sum payment to West*
11 *Virginia University for the planning and construction of*
12 *a research greenhouse facility as the Federal share in the*
13 *construction of the new facility.*

14 *LAND ACQUISITION*

15 *For expenses necessary to carry out the provisions of*
16 *the Land and Water Conservation Fund Act of 1965, as*
17 *amended (16 U.S.C. 460l-4 through 11), including admin-*
18 *istrative expenses, and for acquisition of land or waters,*
19 *or interest therein, in accordance with statutory authority*
20 *applicable to the Forest Service, \$42,490,000, to be derived*
21 *from the Land and Water Conservation Fund and to re-*
22 *main available until expended.*

23 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*

24 *ACTS*

25 *For acquisition of lands within the exterior boundaries*
26 *of the Cache, Uinta, and Wasatch National Forests, Utah;*

1 *the Toiyabe National Forest, Nevada; and the Angeles, San*
2 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
3 *fornia, as authorized by law, \$1,053,000, to be derived from*
4 *forest receipts.*

5 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

6 *For acquisition of lands, such sums, to be derived from*
7 *funds deposited by State, county, or municipal govern-*
8 *ments, public school districts, or other public school authori-*
9 *ties, and for authorized expenditures from funds deposited*
10 *by non-Federal parties pursuant to Land Sale and Ex-*
11 *change Acts, pursuant to the Act of December 4, 1967, as*
12 *amended (16 U.S.C. 484a), to remain available until ex-*
13 *pended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–*
14 *586; Public Law 76–589, 76–591; and 78–310).*

15 *RANGE BETTERMENT FUND*

16 *For necessary expenses of range rehabilitation, protec-*
17 *tion, and improvement, 50 percent of all moneys received*
18 *during the prior fiscal year, as fees for grazing domestic*
19 *livestock on lands in National Forests in the 16 Western*
20 *States, pursuant to section 401(b)(1) of Public Law 94–*
21 *579, as amended, to remain available until expended, of*
22 *which not to exceed 6 percent shall be available for adminis-*
23 *trative expenses associated with on-the-ground range reha-*
24 *bilitation, protection, and improvements.*

1 *ties for services provided in response to wildfire and other*
2 *emergencies or disasters to the extent such reimbursements*
3 *by the Forest Service for non-fire emergencies are fully re-*
4 *paid by the responsible emergency management agency:*
5 *Provided further, That not less than 50 percent of any un-*
6 *obligated balances remaining (exclusive of amounts for haz-*
7 *ardous fuels reduction) at the end of fiscal year 2007 shall*
8 *be transferred to the fund established pursuant to section*
9 *3 of Public Law 71-319 (16 U.S.C. 576 et seq.) if necessary*
10 *to reimburse the fund for unpaid past advances: Provided*
11 *further, That, notwithstanding any other provision of law,*
12 *\$8,000,000 of funds appropriated under this appropriation*
13 *shall be used for Fire Science Research in support of the*
14 *Joint Fire Science Program: Provided further, That all au-*
15 *thorities for the use of funds, including the use of contracts,*
16 *grants, and cooperative agreements, available to execute the*
17 *Forest and Rangeland Research appropriation, are also*
18 *available in the utilization of these funds for Fire Science*
19 *Research: Provided further, That funds provided shall be*
20 *available for emergency rehabilitation and restoration, haz-*
21 *ardous fuels reduction activities in the urban-wildland*
22 *interface, support to Federal emergency response, and wild-*
23 *fire suppression activities of the Forest Service: Provided*
24 *further, That of the funds provided, \$315,000,000 is for haz-*
25 *ardous fuels reduction activities, \$11,000,000 is for reha-*

1 bilitation and restoration, \$23,892,000 is for research ac-
2 tivities and to make competitive research grants pursuant
3 to the Forest and Rangeland Renewable Resources Research
4 Act, as amended (16 U.S.C. 1641 et seq.), \$48,727,000 is
5 for State fire assistance, \$8,000,000 is for volunteer fire as-
6 sistance, \$14,252,000 is for forest health activities on Fed-
7 eral lands and \$10,014,000 is for forest health activities on
8 State and private lands: Provided further, That amounts
9 in this paragraph may be transferred to the “State and
10 Private Forestry”, “National Forest System”, and “Forest
11 and Rangeland Research” accounts to fund State fire assist-
12 ance, volunteer fire assistance, forest health management,
13 forest and rangeland research, the Joint Fire Science Pro-
14 gram, vegetation and watershed management, heritage site
15 rehabilitation, and wildlife and fish habitat management
16 and restoration: Provided further, That transfers of any
17 amounts in excess of those authorized in this paragraph,
18 shall require approval of the House and Senate Committees
19 on Appropriations in compliance with reprogramming pro-
20 cedures contained in the explanatory statement accom-
21 panying this Act: Provided further, That up to \$10,000,000
22 of the funds provided under this heading for hazardous fuels
23 treatments may be transferred to and made a part of the
24 “National Forest System” account at the sole discretion of
25 the Chief of the Forest Service thirty days after notifying

1 *the House and the Senate Committees on Appropriations:*
2 *Provided further, That the costs of implementing any coop-*
3 *erative agreement between the Federal Government and any*
4 *non-Federal entity may be shared, as mutually agreed on*
5 *by the affected parties: Provided further, That in addition*
6 *to funds provided for State Fire Assistance programs, and*
7 *subject to all authorities available to the Forest Service*
8 *under the State and Private Forestry Appropriation, up*
9 *to \$15,000,000 may be used on adjacent non-Federal lands*
10 *for the purpose of protecting communities when hazard re-*
11 *duction activities are planned on national forest lands that*
12 *have the potential to place such communities at risk: Pro-*
13 *vided further, That funds made available to implement the*
14 *Community Forest Restoration Act, Public Law 106–393,*
15 *title VI, shall be available for use on non-Federal lands in*
16 *accordance with authorities available to the Forest Service*
17 *under the State and Private Forestry Appropriation: Pro-*
18 *vided further, That the Secretary of the Interior and the*
19 *Secretary of Agriculture may authorize the transfer of funds*
20 *appropriated for wildland fire management, in an aggre-*
21 *gate amount not to exceed \$10,000,000, between the Depart-*
22 *ments when such transfers would facilitate and expedite*
23 *jointly funded wildland fire management programs and*
24 *projects: Provided further, That of the funds provided for*
25 *hazardous fuels reduction, not to exceed \$7,000,000, may*

1 *be used to make grants, using any authorities available to*
2 *the Forest Service under the State and Private Forestry ap-*
3 *propriation, for the purpose of creating incentives for in-*
4 *creased use of biomass from national forest lands: Provided*
5 *further, That funds designated for wildfire suppression shall*
6 *be assessed for cost pools on the same basis as such assess-*
7 *ments are calculated against other agency programs.*

8 *ADMINISTRATIVE PROVISIONS, FOREST SERVICE*

9 *Appropriations to the Forest Service for the current*
10 *fiscal year shall be available for: (1) purchase of passenger*
11 *motor vehicles; acquisition of passenger motor vehicles from*
12 *excess sources, and hire of such vehicles; purchase, lease, op-*
13 *eration, maintenance, and acquisition of aircraft from ex-*
14 *cess sources to maintain the operable fleet for use in Forest*
15 *Service wildland fire programs and other Forest Service*
16 *programs; notwithstanding other provisions of law, existing*
17 *aircraft being replaced may be sold, with proceeds derived*
18 *or trade-in value used to offset the purchase price for the*
19 *replacement aircraft; (2) services pursuant to 7 U.S.C.*
20 *2225, and not to exceed \$100,000 for employment under 5*
21 *U.S.C. 3109; (3) purchase, erection, and alteration of build-*
22 *ings and other public improvements (7 U.S.C. 2250); (4)*
23 *acquisition of land, waters, and interests therein pursuant*
24 *to 7 U.S.C. 428a; (5) for expenses pursuant to the Volun-*
25 *teers in the National Forest Act of 1972 (16 U.S.C. 558a,*

1 558d, and 558a note); (6) the cost of uniforms as authorized
2 by 5 U.S.C. 5901–5902; and (7) for debt collection contracts
3 in accordance with 31 U.S.C. 3718(c).

4 Any appropriations or funds available to the Forest
5 Service may be transferred to the Wildland Fire Manage-
6 ment appropriation for forest firefighting, emergency reha-
7 bilitation of burned-over or damaged lands or waters under
8 its jurisdiction, and fire preparedness due to severe burning
9 conditions upon notification of the House and Senate Com-
10 mittees on Appropriations and if and only if all previously
11 appropriated emergency contingent funds under the head-
12 ing “Wildland Fire Management” have been released by the
13 President and apportioned and all wildfire suppression
14 funds under the heading “Wildland Fire Management” are
15 obligated.

16 Funds appropriated to the Forest Service shall be
17 available for assistance to or through the Agency for Inter-
18 national Development in connection with forest and range-
19 land research, technical information, and assistance in for-
20 eign countries, and shall be available to support forestry
21 and related natural resource activities outside the United
22 States and its territories and possessions, including tech-
23 nical assistance, education and training, and cooperation
24 with United States and international organizations.

1 *None of the funds made available to the Forest Service*
2 *in this Act or any other Act with respect to any fiscal year*
3 *shall be subject to transfer under the provisions of section*
4 *702(b) of the Department of Agriculture Organic Act of*
5 *1944 (7 U.S.C. 2257), section 442 of Public Law 106–224*
6 *(7 U.S.C. 7772), or section 10417(b) of Public Law 107–*
7 *107 (7 U.S.C. 8316(b)).*

8 *None of the funds available to the Forest Service may*
9 *be reprogrammed without the advance approval of the*
10 *House and Senate Committees on Appropriations in ac-*
11 *cordance with the reprogramming procedures contained in*
12 *the explanatory statement accompanying this Act.*

13 *Not more than \$73,285,000 of funds available to the*
14 *Forest Service shall be transferred to the Working Capital*
15 *Fund of the Department of Agriculture and not more than*
16 *\$24,021,000 of funds available to the Forest Service shall*
17 *be transferred to the Department of Agriculture for Depart-*
18 *ment Reimbursable Programs, commonly referred to as*
19 *Greenbook charges. Nothing in this paragraph shall pro-*
20 *hibit or limit the use of reimbursable agreements requested*
21 *by the Forest Service in order to obtain services from the*
22 *Department of Agriculture’s National Information Tech-*
23 *nology Center.*

24 *Funds available to the Forest Service shall be available*
25 *to conduct a program of up to \$5,000,000 for priority*

1 *projects within the scope of the approved budget, of which*
2 *\$2,500,000 shall be carried out by the Youth Conservation*
3 *Corps and \$2,500,000 shall be carried out under the author-*
4 *ity of the Public Lands Corps Healthy Forests Restoration*
5 *Act of 2005, Public Law 109–154.*

6 *Of the funds available to the Forest Service, \$4,000 is*
7 *available to the Chief of the Forest Service for official recep-*
8 *tion and representation expenses.*

9 *Pursuant to sections 405(b) and 410(b) of Public Law*
10 *101–593, of the funds available to the Forest Service,*
11 *\$3,000,000 may be advanced in a lump sum to the National*
12 *Forest Foundation to aid conservation partnership projects*
13 *in support of the Forest Service mission, without regard*
14 *to when the Foundation incurs expenses, for administrative*
15 *expenses or projects on or benefitting National Forest Sys-*
16 *tem lands or related to Forest Service programs: Provided,*
17 *That the Foundation shall obtain, by the end of the period*
18 *of Federal financial assistance, private contributions to*
19 *match on at least one-for-one basis funds made available*
20 *by the Forest Service: Provided further, That the Founda-*
21 *tion may transfer Federal funds to a non-Federal recipient*
22 *for a project at the same rate that the recipient has obtained*
23 *the non-Federal matching funds: Provided further, That au-*
24 *thorized investments of Federal funds held by the Founda-*
25 *tion may be made only in interest-bearing obligations of*

1 *the United States or in obligations guaranteed as to both*
2 *principal and interest by the United States.*

3 *Pursuant to section 2(b)(2) of Public Law 98-244,*
4 *\$2,650,000 of the funds available to the Forest Service shall*
5 *be advanced to the National Fish and Wildlife Foundation*
6 *in a lump sum to aid cost-share conservation projects, with-*
7 *out regard to when expenses are incurred, on or benefitting*
8 *National Forest System lands or related to Forest Service*
9 *programs: Provided, That such funds shall be matched on*
10 *at least a one-for-one basis by the Foundation or its sub-*
11 *recipients: Provided further, That the Foundation may*
12 *transfer Federal funds to a Federal or non-Federal recipient*
13 *for a project at the same rate that the recipient has obtained*
14 *the non-Federal matching funds.*

15 *Funds appropriated to the Forest Service shall be*
16 *available for interactions with and providing technical as-*
17 *sistance to rural communities and natural resource-based*
18 *businesses for sustainable rural development purposes.*

19 *Funds appropriated to the Forest Service shall be*
20 *available for payments to counties within the Columbia*
21 *River Gorge National Scenic Area, pursuant to sections*
22 *14(c)(1) and (2), and section 16(a)(2) of Public Law 99-*
23 *663.*

24 *An eligible individual who is employed in any project*
25 *funded under title V of the Older American Act of 1965*

1 *(42 U.S.C. 3056 et seq.) and administered by the Forest*
2 *Service shall be considered to be a Federal employee for pur-*
3 *poses of chapter 171 of title 28, United States Code.*

4 *Any funds appropriated to the Forest Service may be*
5 *used to meet the non-Federal share requirement in section*
6 *502(c) of the Older American Act of 1965 (42 U.S.C.*
7 *3056(c)(2)).*

8 *Funds available to the Forest Service, not to exceed*
9 *\$45,000,000, shall be assessed for the purpose of performing*
10 *facilities maintenance. Such assessments shall occur using*
11 *a square foot rate charged on the same basis the agency*
12 *uses to assess programs for payment of rent, utilities, and*
13 *other support services.*

14 *Notwithstanding any other provision of law, any ap-*
15 *propriations or funds available to the Forest Service not*
16 *to exceed \$500,000 may be used to reimburse the Office of*
17 *the General Counsel (OGC), Department of Agriculture, for*
18 *travel and related expenses incurred as a result of OGC as-*
19 *sistance or participation requested by the Forest Service at*
20 *meetings, training sessions, management reviews, land pur-*
21 *chase negotiations and similar non-litigation related mat-*
22 *ters. Future budget justifications for both the Forest Service*
23 *and the Department of Agriculture should clearly display*
24 *the sums previously transferred and the requested funding*
25 *transfers.*

1 *None of the funds made available under this Act shall*
2 *be obligated or expended to abolish any region, to move or*
3 *close any regional office for National Forest System admin-*
4 *istration of the Forest Service, Department of Agriculture*
5 *without the consent of the House and Senate Committees*
6 *on Appropriations.*

7 *DEPARTMENT OF HEALTH AND HUMAN*

8 *SERVICES*

9 *INDIAN HEALTH SERVICE*

10 *INDIAN HEALTH SERVICES*

11 *For expenses necessary to carry out the Act of August*
12 *5, 1954 (68 Stat. 674), the Indian Self-Determination Act,*
13 *the Indian Health Care Improvement Act, and titles II and*
14 *III of the Public Health Service Act with respect to the In-*
15 *dian Health Service, \$3,018,624,000, together with pay-*
16 *ments received during the fiscal year pursuant to 42 U.S.C.*
17 *238(b) for services furnished by the Indian Health Service:*
18 *Provided, That funds made available to tribes and tribal*
19 *organizations through contracts, grant agreements, or any*
20 *other agreements or compacts authorized by the Indian Self-*
21 *Determination and Education Assistance Act of 1975 (25*
22 *U.S.C. 450), shall be deemed to be obligated at the time*
23 *of the grant or contract award and thereafter shall remain*
24 *available to the tribe or tribal organization without fiscal*
25 *year limitation: Provided further, That \$588,515,000 for*

1 *contract medical care, including \$27,000,000 for the Indian*
2 *Catastrophic Health Emergency Fund, shall remain avail-*
3 *able until expended: Provided further, That no less than*
4 *\$35,094,000 is provided for maintaining operations of the*
5 *urban Indian health program: Provided further, That of the*
6 *funds provided, up to \$32,000,000 shall remain available*
7 *until expended for implementation of the loan repayment*
8 *program under section 108 of the Indian Health Care Im-*
9 *provement Act: Provided further, That \$14,000,000 is pro-*
10 *vided for a methamphetamine and suicide prevention and*
11 *treatment initiative, of which up to \$5,000,000 may be used*
12 *for mental health, suicide prevention, and behavioral issues*
13 *associated with methamphetamine use: Provided further,*
14 *That notwithstanding any other provision of law, these*
15 *funds shall be allocated outside all other distribution meth-*
16 *ods and formulas at the discretion of the Director of the*
17 *Indian Health Service and shall remain available until ex-*
18 *pended: Provided further, That funds provided in this Act*
19 *may be used for one-year contracts and grants which are*
20 *to be performed in two fiscal years, so long as the total*
21 *obligation is recorded in the year for which the funds are*
22 *appropriated: Provided further, That the amounts collected*
23 *by the Secretary of Health and Human Services under the*
24 *authority of title IV of the Indian Health Care Improve-*
25 *ment Act shall remain available until expended for the pur-*

1 *pose of achieving compliance with the applicable conditions*
2 *and requirements of titles XVIII and XIX of the Social Se-*
3 *curity Act (exclusive of planning, design, or construction*
4 *of new facilities): Provided further, That funding contained*
5 *herein, and in any earlier appropriations Acts for scholar-*
6 *ship programs under the Indian Health Care Improvement*
7 *Act (25 U.S.C. 1613) shall remain available until expended:*
8 *Provided further, That amounts received by tribes and trib-*
9 *al organizations under title IV of the Indian Health Care*
10 *Improvement Act shall be reported and accounted for and*
11 *available to the receiving tribes and tribal organizations*
12 *until expended: Provided further, That, notwithstanding*
13 *any other provision of law, of the amounts provided herein,*
14 *not to exceed \$271,636,000 shall be for payments to tribes*
15 *and tribal organizations for contract or grant support costs*
16 *associated with contracts, grants, self-governance compacts*
17 *or annual funding agreements between the Indian Health*
18 *Service and a tribe or tribal organization pursuant to the*
19 *Indian Self-Determination Act of 1975, as amended, prior*
20 *to or during fiscal year 2008, of which not to exceed*
21 *\$5,000,000 may be used for contract support costs associ-*
22 *ated with new or expanded self-determination contracts,*
23 *grants, self-governance compacts or annual funding agree-*
24 *ments: Provided further, That the Bureau of Indian Affairs*
25 *may collect from the Indian Health Service and tribes and*

1 *tribal organizations operating health facilities pursuant to*
2 *Public Law 93–638 such individually identifiable health*
3 *information relating to disabled children as may be nec-*
4 *essary for the purpose of carrying out its functions under*
5 *the Individuals with Disabilities Education Act (20 U.S.C.*
6 *1400, et seq.): Provided further, That funds available for*
7 *the Indian Health Care Improvement Fund may be used,*
8 *as needed, to carry out activities typically funded under*
9 *the Indian Health Facilities account.*

10 *INDIAN HEALTH FACILITIES*

11 *For construction, repair, maintenance, improvement,*
12 *and equipment of health and related auxiliary facilities, in-*
13 *cluding quarters for personnel; preparation of plans, speci-*
14 *fications, and drawings; acquisition of sites, purchase and*
15 *erection of modular buildings, and purchases of trailers;*
16 *and for provision of domestic and community sanitation*
17 *facilities for Indians, as authorized by section 7 of the Act*
18 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*
19 *mination Act, and the Indian Health Care Improvement*
20 *Act, and for expenses necessary to carry out such Acts and*
21 *titles II and III of the Public Health Service Act with re-*
22 *spect to environmental health and facilities support activi-*
23 *ties of the Indian Health Service, \$380,583,000, to remain*
24 *available until expended: Provided, That notwithstanding*
25 *any other provision of law, funds appropriated for the plan-*
26 *ning, design, construction or renovation of health facilities*

1 *for the benefit of an Indian tribe or tribes may be used*
2 *to purchase land for sites to construct, improve, or enlarge*
3 *health or related facilities: Provided further, That not to*
4 *exceed \$500,000 shall be used by the Indian Health Service*
5 *to purchase TRANSAM equipment from the Department of*
6 *Defense for distribution to the Indian Health Service and*
7 *tribal facilities: Provided further, That none of the funds*
8 *appropriated to the Indian Health Service may be used for*
9 *sanitation facilities construction for new homes funded with*
10 *grants by the housing programs of the United States De-*
11 *partment of Housing and Urban Development: Provided*
12 *further, That not to exceed \$1,000,000 from this account*
13 *and the "Indian Health Services" account shall be used by*
14 *the Indian Health Service to obtain ambulances for the In-*
15 *dian Health Service and tribal facilities in conjunction*
16 *with an existing interagency agreement between the Indian*
17 *Health Service and the General Services Administration:*
18 *Provided further, That not to exceed \$500,000 shall be*
19 *placed in a Demolition Fund, available until expended, to*
20 *be used by the Indian Health Service for demolition of Fed-*
21 *eral buildings.*

22 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

23 *Appropriations in this Act to the Indian Health Serv-*
24 *ice shall be available for services as authorized by 5 U.S.C.*
25 *3109 but at rates not to exceed the per diem rate equivalent*
26 *to the maximum rate payable for senior-level positions*

1 *under 5 U.S.C. 5376; hire of passenger motor vehicles and*
2 *aircraft; purchase of medical equipment; purchase of re-*
3 *prints; purchase, renovation and erection of modular build-*
4 *ings and renovation of existing facilities; payments for tele-*
5 *phone service in private residences in the field, when au-*
6 *thorized under regulations approved by the Secretary; and*
7 *for uniforms or allowances therefor as authorized by 5*
8 *U.S.C. 5901–5902; and for expenses of attendance at meet-*
9 *ings which are concerned with the functions or activities*
10 *for which the appropriation is made or which will con-*
11 *tribute to improved conduct, supervision, or management*
12 *of those functions or activities.*

13 *In accordance with the provisions of the Indian Health*
14 *Care Improvement Act, non-Indian patients may be ex-*
15 *tended health care at all tribally administered or Indian*
16 *Health Service facilities, subject to charges, and the pro-*
17 *ceeds along with funds recovered under the Federal Medical*
18 *Care Recovery Act (42 U.S.C. 2651–2653) shall be credited*
19 *to the account of the facility providing the service and shall*
20 *be available without fiscal year limitation. Notwith-*
21 *standing any other law or regulation, funds transferred*
22 *from the Department of Housing and Urban Development*
23 *to the Indian Health Service shall be administered under*
24 *Public Law 86–121 (the Indian Sanitation Facilities Act)*
25 *and Public Law 93–638, as amended.*

1 *Funds appropriated to the Indian Health Service in*
2 *this Act, except those used for administrative and program*
3 *direction purposes, shall not be subject to limitations di-*
4 *rected at curtailing Federal travel and transportation.*

5 *None of the funds made available to the Indian Health*
6 *Service in this Act shall be used for any assessments or*
7 *charges by the Department of Health and Human Services*
8 *unless identified in the budget justification and provided*
9 *in this Act, or approved by the House and Senate Commit-*
10 *tees on Appropriations through the reprogramming process.*

11 *Notwithstanding any other provision of law, funds*
12 *previously or herein made available to a tribe or tribal or-*
13 *ganization through a contract, grant, or agreement author-*
14 *ized by title I or title V of the Indian Self-Determination*
15 *and Education Assistance Act of 1975 (25 U.S.C. 450), may*
16 *be deobligated and reobligated to a self-determination con-*
17 *tract under title I, or a self-governance agreement under*
18 *title V of such Act and thereafter shall remain available*
19 *to the tribe or tribal organization without fiscal year limi-*
20 *tation.*

21 *None of the funds made available to the Indian Health*
22 *Service in this Act shall be used to implement the final rule*
23 *published in the Federal Register on September 16, 1987,*
24 *by the Department of Health and Human Services, relating*
25 *to the eligibility for the health care services of the Indian*

1 *Health Service until the Indian Health Service has sub-*
2 *mitted a budget request reflecting the increased costs associ-*
3 *ated with the proposed final rule, and such request has been*
4 *included in an appropriations Act and enacted into law.*

5 *With respect to functions transferred by the Indian*
6 *Health Service to tribes or tribal organizations, the Indian*
7 *Health Service is authorized to provide goods and services*
8 *to those entities, on a reimbursable basis, including pay-*
9 *ment in advance with subsequent adjustment. The reim-*
10 *bursements received therefrom, along with the funds received*
11 *from those entities pursuant to the Indian Self-Determina-*
12 *tion Act, may be credited to the same or subsequent appro-*
13 *priation account that provided the funding, with such*
14 *amounts to remain available until expended.*

15 *Reimbursements for training, technical assistance, or*
16 *services provided by the Indian Health Service will contain*
17 *total costs, including direct, administrative, and overhead*
18 *associated with the provision of goods, services, or technical*
19 *assistance.*

20 *The appropriation structure for the Indian Health*
21 *Service may not be altered without advance notification to*
22 *the House and Senate Committees on Appropriations.*

1 *NATIONAL INSTITUTES OF HEALTH*
2 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*
3 *SCIENCES*

4 *For necessary expenses for the National Institute of*
5 *Environmental Health Sciences in carrying out activities*
6 *set forth in section 311(a) of the Comprehensive Environ-*
7 *mental Response, Compensation, and Liability Act of 1980,*
8 *as amended, and section 126(g) of the Superfund Amend-*
9 *ments and Reauthorization Act of 1986, \$78,775,000.*

10 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*
11 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

12 *For necessary expenses for the Agency for Toxic Sub-*
13 *stances and Disease Registry (ATSDR) in carrying out ac-*
14 *tivities set forth in sections 104(i), 111(c)(4), and*
15 *111(c)(14) of the Comprehensive Environmental Response,*
16 *Compensation, and Liability Act of 1980 (CERCLA), as*
17 *amended; section 118(f) of the Superfund Amendments and*
18 *Reauthorization Act of 1986 (SARA), as amended; and sec-*
19 *tion 3019 of the Solid Waste Disposal Act, as amended,*
20 *\$75,212,000, of which up to \$1,500,000, to remain available*
21 *until expended, is for Individual Learning Accounts for*
22 *full-time equivalent employees of the Agency for Toxic Sub-*
23 *stances and Disease Registry: Provided, That notwith-*
24 *standing any other provision of law, in lieu of performing*
25 *a health assessment under section 104(i)(6) of CERCLA,*

1 *the Administrator of ATSDR may conduct other appro-*
2 *priate health studies, evaluations, or activities, including,*
3 *without limitation, biomedical testing, clinical evaluations,*
4 *medical monitoring, and referral to accredited health care*
5 *providers: Provided further, That in performing any such*
6 *health assessment or health study, evaluation, or activity,*
7 *the Administrator of ATSDR shall not be bound by the*
8 *deadlines in section 104(i)(6)(A) of CERCLA.*

9 *OTHER RELATED AGENCIES*

10 *EXECUTIVE OFFICE OF THE PRESIDENT*

11 *COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF*

12 *ENVIRONMENTAL QUALITY*

13 *For necessary expenses to continue functions assigned*
14 *to the Council on Environmental Quality and Office of En-*
15 *vironmental Quality pursuant to the National Environ-*
16 *mental Policy Act of 1969, the Environmental Quality Im-*
17 *provement Act of 1970, and Reorganization Plan No. 1 of*
18 *1977, and not to exceed \$750 for official reception and rep-*
19 *resentation expenses, \$2,703,000: Provided, That notwith-*
20 *standing section 202 of the National Environmental Policy*
21 *Act of 1970, the Council shall consist of one member, ap-*
22 *pointed by the President, by and with the advice and con-*
23 *sent of the Senate, serving as chairman and exercising all*
24 *powers, functions, and duties of the Council.*

1 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*
2 *SALARIES AND EXPENSES*

3 *For necessary expenses in carrying out activities pur-*
4 *suant to section 112(r)(6) of the Clean Air Act, as amended,*
5 *including hire of passenger vehicles, uniforms or allowances*
6 *therefor, as authorized by 5 U.S.C. 5901–5902, and for serv-*
7 *ices authorized by 5 U.S.C. 3109 but at rates for individ-*
8 *uals not to exceed the per diem equivalent to the maximum*
9 *rate payable for senior level positions under 5 U.S.C. 5376,*
10 *\$9,410,000: Provided, That the Chemical Safety and Haz-*
11 *ard Investigation Board (Board) shall have not more than*
12 *three career Senior Executive Service positions: Provided*
13 *further, that notwithstanding any other provision of law,*
14 *the individual appointed to the position of Inspector Gen-*
15 *eral of the Environmental Protection Agency (EPA) shall,*
16 *by virtue of such appointment, also hold the position of In-*
17 *spector General of the Board: Provided further, That not-*
18 *withstanding any other provision of law, the Inspector Gen-*
19 *eral of the Board shall utilize personnel of the Office of In-*
20 *spector General of EPA in performing the duties of the In-*
21 *spector General of the Board, and shall not appoint any*
22 *individuals to positions within the Board.*

1 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Office of Navajo and*
4 *Hopi Indian Relocation as authorized by Public Law 93-*
5 *531, \$9,000,000, to remain available until expended: Pro-*
6 *vided, That funds provided in this or any other appropria-*
7 *tions Act are to be used to relocate eligible individuals and*
8 *groups including evictees from District 6, Hopi-partitioned*
9 *lands residents, those in significantly substandard housing,*
10 *and all others certified as eligible and not included in the*
11 *preceding categories: Provided further, That none of the*
12 *funds contained in this or any other Act may be used by*
13 *the Office of Navajo and Hopi Indian Relocation to evict*
14 *any single Navajo or Navajo family who, as of November*
15 *30, 1985, was physically domiciled on the lands partitioned*
16 *to the Hopi Tribe unless a new or replacement home is pro-*
17 *vided for such household: Provided further, That no*
18 *relocatee will be provided with more than one new or re-*
19 *placement home: Provided further, That the Office shall re-*
20 *locate any certified eligible relocatees who have selected and*
21 *received an approved homesite on the Navajo reservation*
22 *or selected a replacement residence off the Navajo reserva-*
23 *tion or on the land acquired pursuant to 25 U.S.C. 640d-*
24 *10.*

1 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*
2 *CULTURE AND ARTS DEVELOPMENT*
3 *PAYMENT TO THE INSTITUTE*

4 *For payment to the Institute of American Indian and*
5 *Alaska Native Culture and Arts Development, as authorized*
6 *by title XV of Public Law 99–498, as amended (20 U.S.C.*
7 *56 part A), \$7,297,000.*

8 *SMITHSONIAN INSTITUTION*
9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Smithsonian Institution,*
11 *as authorized by law, including research in the fields of art,*
12 *science, and history; development, preservation, and docu-*
13 *mentation of the National Collections; presentation of pub-*
14 *lic exhibits and performances; collection, preparation, dis-*
15 *semination, and exchange of information and publications;*
16 *conduct of education, training, and museum assistance pro-*
17 *grams; maintenance, alteration, operation, lease (for terms*
18 *not to exceed 30 years), and protection of buildings, facili-*
19 *ties, and approaches; not to exceed \$100,000 for services as*
20 *authorized by 5 U.S.C. 3109; up to five replacement pas-*
21 *senger vehicles; purchase, rental, repair, and cleaning of*
22 *uniforms for employees, \$571,347,000, of which not to ex-*
23 *ceed \$19,968,000 for the instrumentation program, collec-*
24 *tions acquisition, exhibition reinstallation, the National*
25 *Museum of African American History and Culture, and the*

1 *repatriation of skeletal remains program shall remain*
2 *available until expended; and of which \$1,578,000 for fel-*
3 *lowships and scholarly awards shall remain available until*
4 *September 30, 2009; and including such funds as may be*
5 *necessary to support American overseas research centers:*
6 *Provided, That funds appropriated herein are available for*
7 *advance payments to independent contractors performing*
8 *research services or participating in official Smithsonian*
9 *presentations.*

10 *FACILITIES CAPITAL*

11 *For necessary expenses of repair, revitalization, and*
12 *alteration of facilities owned or occupied by the Smithso-*
13 *nian Institution, by contract or otherwise, as authorized by*
14 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
15 *for construction, including necessary personnel,*
16 *\$107,100,000, to remain available until expended, of which*
17 *not to exceed \$10,000 is for services as authorized by 5*
18 *U.S.C. 3109.*

19 *LEGACY FUND*

20 *For major restoration, renovation, and rehabilitation*
21 *of existing Smithsonian facilities, \$15,000,000, to remain*
22 *available until expended: Provided, That funds shall only*
23 *be available after being matched by no less than*
24 *\$30,000,000 in private donations, which shall not include*
25 *in-kind contributions: Provided further, That none of the*

1 *funds made available under this heading or any required*
2 *matching funds shall be used for day-to-day maintenance,*
3 *general salaries and expenses, or programmatic purposes.*

4 *NATIONAL GALLERY OF ART*

5 *SALARIES AND EXPENSES*

6 *For the upkeep and operations of the National Gallery*
7 *of Art, the protection and care of the works of art therein,*
8 *and administrative expenses incident thereto, as authorized*
9 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
10 *by the public resolution of April 13, 1939 (Public Resolu-*
11 *tion 9, Seventy-sixth Congress), including services as au-*
12 *thorized by 5 U.S.C. 3109; payment in advance when au-*
13 *thorized by the treasurer of the Gallery for membership in*
14 *library, museum, and art associations or societies whose*
15 *publications or services are available to members only, or*
16 *to members at a price lower than to the general public; pur-*
17 *chase, repair, and cleaning of uniforms for guards, and uni-*
18 *forms, or allowances therefor, for other employees as author-*
19 *ized by law (5 U.S.C. 5901–5902); purchase or rental of*
20 *devices and services for protecting buildings and contents*
21 *thereof, and maintenance, alteration, improvement, and re-*
22 *pair of buildings, approaches, and grounds; and purchase*
23 *of services for restoration and repair of works of art for*
24 *the National Gallery of Art by contracts made, without ad-*
25 *vertising, with individuals, firms, or organizations at such*

1 *rates or prices and under such terms and conditions as the*
2 *Gallery may deem proper, \$101,718,000, of which not to*
3 *exceed \$3,350,000 for the special exhibition program shall*
4 *remain available until expended.*

5 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

6 *For necessary expenses of repair, restoration and ren-*
7 *ovation of buildings, grounds and facilities owned or occu-*
8 *pied by the National Gallery of Art, by contract or other-*
9 *wise, as authorized, \$18,017,000, to remain available until*
10 *expended: Provided, That contracts awarded for environ-*
11 *mental systems, protection systems, and exterior repair or*
12 *renovation of buildings of the National Gallery of Art may*
13 *be negotiated with selected contractors and awarded on the*
14 *basis of contractor qualifications as well as price.*

15 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*

16 *OPERATIONS AND MAINTENANCE*

17 *For necessary expenses for the operation, maintenance*
18 *and security of the John F. Kennedy Center for the Per-*
19 *forming Arts, \$20,200,000.*

20 *CAPITAL REPAIR AND RESTORATION*

21 *For necessary expenses for capital repair and restora-*
22 *tion of the existing features of the building and site of the*
23 *John F. Kennedy Center for the Performing Arts,*
24 *\$23,150,000, to remain available until expended.*

1 *NATIONAL ENDOWMENT FOR THE HUMANITIES*2 *GRANTS AND ADMINISTRATION*

3 *For necessary expenses to carry out the National Foun-*
4 *ation on the Arts and the Humanities Act of 1965, as*
5 *amended, \$132,490,000, shall be available to the National*
6 *Endowment for the Humanities for support of activities in*
7 *the humanities, pursuant to section 7(c) of the Act, and for*
8 *administering the functions of the Act, to remain available*
9 *until expended.*

10 *MATCHING GRANTS*

11 *To carry out the provisions of section 10(a)(2) of the*
12 *National Foundation on the Arts and the Humanities Act*
13 *of 1965, as amended, \$14,510,000, to remain available until*
14 *expended, of which \$9,479,000 shall be available to the Na-*
15 *tional Endowment for the Humanities for the purposes of*
16 *section 7(h): Provided, That this appropriation shall be*
17 *available for obligation only in such amounts as may be*
18 *equal to the total amounts of gifts, bequests, and devises of*
19 *money, and other property accepted by the chairman or by*
20 *grantees of the Endowment under the provisions of sub-*
21 *sections 11(a)(2)(B) and 11(a)(3)(B) during the current*
22 *and preceding fiscal years for which equal amounts have*
23 *not previously been appropriated.*

24 *ADMINISTRATIVE PROVISIONS*

25 *None of the funds appropriated to the National Foun-*
26 *ation on the Arts and the Humanities may be used to*

1 *process any grant or contract documents which do not in-*
2 *clude the text of 18 U.S.C. 1913: Provided, That none of*
3 *the funds appropriated to the National Foundation on the*
4 *Arts and the Humanities may be used for official reception*
5 *and representation expenses: Provided further, That funds*
6 *from nonappropriated sources may be used as necessary for*
7 *official reception and representation expenses: Provided fur-*
8 *ther, That the Chairperson of the National Endowment for*
9 *the Arts may approve grants of up to \$10,000, if in the*
10 *aggregate this amount does not exceed 5 percent of the sums*
11 *appropriated for grant-making purposes per year: Provided*
12 *further, That such small grant actions are taken pursuant*
13 *to the terms of an expressed and direct delegation of author-*
14 *ity from the National Council on the Arts to the Chair-*
15 *person: Provided further, That section 309(1) of division*
16 *E, Public Law 108-447, is amended by inserting “National*
17 *Opera Fellowship,” after “National Heritage Fellowship.”*

18 *COMMISSION OF FINE ARTS*

19 *SALARIES AND EXPENSES*

20 *For expenses made necessary by the Act establishing*
21 *a Commission of Fine Arts (40 U.S.C. 104), \$2,092,000:*
22 *Provided, That the Commission is authorized to charge fees*
23 *to cover the full costs of its publications, and such fees shall*
24 *be credited to this account as an offsetting collection, to re-*

1 *main available until expended without further appropria-*
2 *tion.*

3 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

4 *For necessary expenses as authorized by Public Law*
5 *99–190 (20 U.S.C. 956a), as amended, \$8,500,000.*

6 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Advisory Council on His-*
9 *toric Preservation (Public Law 89–665, as amended),*
10 *\$5,348,000: Provided, That none of these funds shall be*
11 *available for compensation of level V of the Executive Sched-*
12 *ule or higher positions.*

13 *NATIONAL CAPITAL PLANNING COMMISSION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses, as authorized by the National*
16 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*
17 *ing services as authorized by 5 U.S.C. 3109, \$8,265,000:*
18 *Provided, That one-quarter of 1 percent of the funds pro-*
19 *vided under this heading may be used for official reception*
20 *and representational expenses associated with hosting inter-*
21 *national visitors engaged in the planning and physical de-*
22 *velopment of world capitals.*

1 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*2 *HOLOCAUST MEMORIAL MUSEUM*

3 *For expenses of the Holocaust Memorial Museum, as*
4 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
5 *\$45,496,000, of which \$515,000 for the equipment replace-*
6 *ment program shall remain available until September 30,*
7 *2010; and \$1,900,000 for the museum’s repair and rehabili-*
8 *tation program and \$1,264,000 for the museum’s exhibition*
9 *design and production program shall remain available*
10 *until expended.*

11 *PRESIDIO TRUST*12 *PRESIDIO TRUST FUND*

13 *For necessary expenses to carry out title I of the Omni-*
14 *bus Parks and Public Lands Management Act of 1996,*
15 *\$22,400,000 shall be available to the Presidio Trust, to re-*
16 *main available until expended.*

17 *WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT*18 *OF REMEMBRANCE*19 *SALARIES AND EXPENSES*20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For necessary expenses of the White House Commission*
22 *on the National Moment of Remembrance, \$200,000, which*
23 *shall be transferred to the Department of Veterans Affairs,*
24 *“Departmental Administration, General Operating Ex-*
25 *penses” account and be administered by the Secretary of*
26 *Veterans Affairs.*

1 *DWIGHT D. EISENHOWER MEMORIAL*
2 *COMMISSION*
3 *SALARIES AND EXPENSES*

4 *For necessary expenses, including the costs of construc-*
5 *tion design, of the Dwight D. Eisenhower Memorial Com-*
6 *mission, \$2,000,000, to remain available until expended.*

7 *TITLE IV*
8 *GENERAL PROVISIONS*
9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *SEC. 401. The expenditure of any appropriation under*
11 *this Act for any consulting service through procurement*
12 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
13 *those contracts where such expenditures are a matter of pub-*
14 *lic record and available for public inspection, except where*
15 *otherwise provided under existing law, or under existing*
16 *Executive Order issued pursuant to existing law.*

17 *SEC. 402. No part of any appropriation contained in*
18 *this Act shall be available for any activity or the publica-*
19 *tion or distribution of literature that in any way tends to*
20 *promote public support or opposition to any legislative pro-*
21 *posal on which Congressional action is not complete other*
22 *than to communicate to Members of Congress as described*
23 *in 18 U.S.C. 1913.*

1 *SEC. 403. No part of any appropriation contained in*
2 *this Act shall remain available for obligation beyond the*
3 *current fiscal year unless expressly so provided herein.*

4 *SEC. 404. None of the funds provided in this Act to*
5 *any department or agency shall be obligated or expended*
6 *to provide a personal cook, chauffeur, or other personal serv-*
7 *ants to any officer or employee of such department or agen-*
8 *cy except as otherwise provided by law.*

9 *SEC. 405. Estimated overhead charges, deductions, re-*
10 *serves or holdbacks from programs, projects, activities and*
11 *subactivities to support government-wide, departmental,*
12 *agency or bureau administrative functions or headquarters,*
13 *regional or central operations shall be presented in annual*
14 *budget justifications and subject to approval by the Com-*
15 *mittees on Appropriations. Changes to such estimates shall*
16 *be presented to the Committees on Appropriations for ap-*
17 *proval.*

18 *SEC. 406. None of the funds made available in this*
19 *Act may be transferred to any department, agency, or in-*
20 *strumentality of the United States Government except pur-*
21 *suant to a transfer made by, or transfer provided in, this*
22 *Act or any other Act.*

23 *SEC. 407. None of the funds in this Act may be used*
24 *to plan, prepare, or offer for sale timber from trees classified*
25 *as giant sequoia (*Sequoiadendron giganteum*) which are lo-*

1 cated on National Forest System or Bureau of Land Man-
2 agement lands in a manner different than such sales were
3 conducted in fiscal year 2006.

4 *SEC. 408. (a) LIMITATION OF FUNDS.—None of the*
5 *funds appropriated or otherwise made available pursuant*
6 *to this Act shall be obligated or expended to accept or proc-*
7 *ess applications for a patent for any mining or mill site*
8 *claim located under the general mining laws.*

9 *(b) EXCEPTIONS.—The provisions of subsection (a)*
10 *shall not apply if the Secretary of the Interior determines*
11 *that, for the claim concerned: (1) a patent application was*
12 *filed with the Secretary on or before September 30, 1994;*
13 *and (2) all requirements established under sections 2325*
14 *and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)*
15 *for vein or lode claims and sections 2329, 2330, 2331, and*
16 *2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37)*
17 *for placer claims, and section 2337 of the Revised Statutes*
18 *(30 U.S.C. 42) for mill site claims, as the case may be,*
19 *were fully complied with by the applicant by that date.*

20 *(c) REPORT.—On September 30, 2008, the Secretary*
21 *of the Interior shall file with the House and Senate Com-*
22 *mittees on Appropriations and the Committee on Resources*
23 *of the House of Representatives and the Committee on En-*
24 *ergy and Natural Resources of the Senate a report on ac-*
25 *tions taken by the Department under the plan submitted*

1 *pursuant to section 314(c) of the Department of the Interior*
2 *and Related Agencies Appropriations Act, 1997 (Public*
3 *Law 104–208).*

4 (d) *MINERAL EXAMINATIONS.—In order to process*
5 *patent applications in a timely and responsible manner,*
6 *upon the request of a patent applicant, the Secretary of the*
7 *Interior shall allow the applicant to fund a qualified third-*
8 *party contractor to be selected by the Bureau of Land Man-*
9 *agement to conduct a mineral examination of the mining*
10 *claims or mill sites contained in a patent application as*
11 *set forth in subsection (b). The Bureau of Land Manage-*
12 *ment shall have the sole responsibility to choose and pay*
13 *the third-party contractor in accordance with the standard*
14 *procedures employed by the Bureau of Land Management*
15 *in the retention of third-party contractors.*

16 *SEC. 409. Notwithstanding any other provision of law,*
17 *amounts appropriated to or otherwise designated in com-*
18 *mittee reports for the Bureau of Indian Affairs and the In-*
19 *dian Health Service by Public Laws 103–138, 103–332,*
20 *104–134, 104–208, 105–83, 105–277, 106–113, 106–291,*
21 *107–63, 108–7, 108–108, 108–447, 109–54, 109–289, divi-*
22 *sion B and Continuing Appropriations Resolution, 2007*
23 *(division B of Public Law 109–289, as amended by Public*
24 *Law 110–5) for payments for contract support costs associ-*
25 *ated with self-determination or self-governance contracts,*

1 grants, compacts, or annual funding agreements with the
2 Bureau of Indian Affairs or the Indian Health Service as
3 funded by such Acts, are the total amounts available for
4 fiscal years 1994 through 2007 for such purposes, except
5 that for the Bureau of Indian Affairs, tribes and tribal or-
6 ganizations may use their tribal priority allocations for
7 unmet contract support costs of ongoing contracts, grants,
8 self-governance compacts or annual funding agreements.

9 SEC. 410. Prior to October 1, 2008, the Secretary of
10 Agriculture shall not be considered to be in violation of sub-
11 paragraph 6(f)(5)(A) of the Forest and Rangeland Renew-
12 able Resources Planning Act of 1974 (16 U.S.C.
13 1604(f)(5)(A)) solely because more than 15 years have
14 passed without revision of the plan for a unit of the Na-
15 tional Forest System. Nothing in this section exempts the
16 Secretary from any other requirement of the Forest and
17 Rangeland Renewable Resources Planning Act (16 U.S.C.
18 1600 et seq.) or any other law: Provided, That if the Sec-
19 retary is not acting expeditiously and in good faith, within
20 the funding available, to revise a plan for a unit of the
21 National Forest System, this section shall be void with re-
22 spect to such plan and a court of proper jurisdiction may
23 order completion of the plan on an accelerated basis.

24 SEC. 411. No timber sale in Region 10 shall be adver-
25 tised if the indicated rate is deficit when appraised using

1 a residual value approach that assigns domestic Alaska val-
2 ues for western redcedar. Program accomplishments shall
3 be based on volume sold. Should Region 10 sell, in the cur-
4 rent fiscal year, the annual average portion of the decadal
5 allowable sale quantity called for in the current Tongass
6 Land Management Plan in sales which are not deficit when
7 appraised using a residual value approach that assigns do-
8 mestic Alaska values for western redcedar, all of the western
9 redcedar timber from those sales which is surplus to the
10 needs of domestic processors in Alaska, shall be made avail-
11 able to domestic processors in the contiguous 48 United
12 States at prevailing domestic prices. Should Region 10 sell,
13 in the current fiscal year, less than the annual average por-
14 tion of the decadal allowable sale quantity called for in the
15 Tongass Land Management Plan in sales which are not def-
16 icit when appraised using a residual value approach that
17 assigns domestic Alaska values for western redcedar, the vol-
18 ume of western redcedar timber available to domestic proc-
19 essors at prevailing domestic prices in the contiguous 48
20 United States shall be that volume: (1) which is surplus
21 to the needs of domestic processors in Alaska; and (2) is
22 that percent of the surplus western redcedar volume deter-
23 mined by calculating the ratio of the total timber volume
24 which has been sold on the Tongass to the annual average
25 portion of the decadal allowable sale quantity called for in

1 *the current Tongass Land Management Plan. The percent-*
2 *age shall be calculated by Region 10 on a rolling basis as*
3 *each sale is sold (for purposes of this amendment, a “rolling*
4 *basis” shall mean that the determination of how much west-*
5 *ern redcedar is eligible for sale to various markets shall be*
6 *made at the time each sale is awarded). Western redcedar*
7 *shall be deemed “surplus to the needs of domestic processors*
8 *in Alaska” when the timber sale holder has presented to*
9 *the Forest Service documentation of the inability to sell*
10 *western redcedar logs from a given sale to domestic Alaska*
11 *processors at a price equal to or greater than the log selling*
12 *value stated in the contract. All additional western redcedar*
13 *volume not sold to Alaska or contiguous 48 United States*
14 *domestic processors may be exported to foreign markets at*
15 *the election of the timber sale holder. All Alaska yellow*
16 *cedar may be sold at prevailing export prices at the election*
17 *of the timber sale holder.*

18 *SEC. 412. No funds provided in this Act may be ex-*
19 *pende to conduct preleasing, leasing and related activities*
20 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
21 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
22 *et seq.) within the boundaries of a National Monument es-*
23 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
24 *431 et seq.) as such boundary existed on January 20, 2001,*

1 *except where such activities are allowed under the Presi-*
2 *dential proclamation establishing such monument.*

3 *SEC. 413. In entering into agreements with foreign*
4 *countries pursuant to the Wildfire Suppression Assistance*
5 *Act (42 U.S.C. 1856m) the Secretary of Agriculture and*
6 *the Secretary of the Interior are authorized to enter into*
7 *reciprocal agreements in which the individuals furnished*
8 *under said agreements to provide wildfire services are con-*
9 *sidered, for purposes of tort liability, employees of the coun-*
10 *try receiving said services when the individuals are engaged*
11 *in fire suppression: Provided, That the Secretary of Agri-*
12 *culture or the Secretary of the Interior shall not enter into*
13 *any agreement under this provision unless the foreign coun-*
14 *try (either directly or through its fire organization) agrees*
15 *to assume any and all liability for the acts or omissions*
16 *of American firefighters engaged in firefighting in a foreign*
17 *country: Provided further, That when an agreement is*
18 *reached for furnishing fire fighting services, the only rem-*
19 *edies for acts or omissions committed while fighting fires*
20 *shall be those provided under the laws of the host country,*
21 *and those remedies shall be the exclusive remedies for any*
22 *claim arising out of fighting fires in a foreign country: Pro-*
23 *vided further, That neither the sending country nor any*
24 *legal organization associated with the firefighter shall be*

1 *subject to any legal action whatsoever pertaining to or arising*
2 *out of the firefighter's role in fire suppression.*

3 *SEC. 414. In awarding a Federal contract with funds*
4 *made available by this Act, notwithstanding Federal Gov-*
5 *ernment procurement and contracting laws, the Secretary*
6 *of Agriculture and the Secretary of the Interior (the "Secre-*
7 *taries") may, in evaluating bids and proposals, give consid-*
8 *eration to local contractors who are from, and who provide*
9 *employment and training for, dislocated and displaced*
10 *workers in an economically disadvantaged rural commu-*
11 *nity, including those historically timber-dependent areas*
12 *that have been affected by reduced timber harvesting on*
13 *Federal lands and other forest-dependent rural communities*
14 *isolated from significant alternative employment opportu-*
15 *nities: Provided, That notwithstanding Federal Government*
16 *procurement and contracting laws the Secretaries may*
17 *award contracts, grants or cooperative agreements to local*
18 *non-profit entities, Youth Conservation Corps or related*
19 *partnerships with State, local or non-profit youth groups,*
20 *or small or micro-business or disadvantaged business: Pro-*
21 *vided further, That the contract, grant, or cooperative agree-*
22 *ment is for forest hazardous fuels reduction, watershed or*
23 *water quality monitoring or restoration, wildlife or fish*
24 *population monitoring, or habitat restoration or manage-*
25 *ment: Provided further, That the terms "rural community"*

1 and “economically disadvantaged” shall have the same
2 meanings as in section 2374 of Public Law 101–624: Pro-
3 vided further, That the Secretaries shall develop guidance
4 to implement this section: Provided further, That nothing
5 in this section shall be construed as relieving the Secretaries
6 of any duty under applicable procurement laws, except as
7 provided in this section.

8 SEC. 415. (a) *LIMITATION ON COMPETITIVE SOURCING*
9 *STUDIES.*—

10 (1) *Of the funds made available by this or any*
11 *other Act to the Department of the Interior for fiscal*
12 *year 2008, not more than \$3,450,000 may be used by*
13 *the Secretary of the Interior to initiate or continue*
14 *competitive sourcing studies in fiscal year 2008 for*
15 *programs, projects, and activities for which funds are*
16 *appropriated by this Act.*

17 (2) *None of the funds made available by this or*
18 *any other Act may be used in fiscal year 2008 for*
19 *competitive sourcing studies and any related activi-*
20 *ties involving Forest Service personnel.*

21 (b) *COMPETITIVE SOURCING STUDY DEFINED.*—*In*
22 *this section, the term “competitive sourcing study” means*
23 *a study on subjecting work performed by Federal Govern-*
24 *ment employees or private contractors to public-private*
25 *competition or on converting the Federal Government em-*

1 *ployees or the work performed by such employees to private*
2 *contractor performance under the Office of Management*
3 *and Budget Circular A-76 or any other administrative reg-*
4 *ulation, directive, or policy.*

5 *(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST*
6 *SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR*
7 *2006.—The Forest Service is hereby exempted from imple-*
8 *menting the Letter of Obligation and post-competition ac-*
9 *countability guidelines where a competitive sourcing study*
10 *involved 65 or fewer full-time equivalents, the performance*
11 *decision was made in favor of the agency provider, no net*
12 *savings was achieved by conducting the study, and the*
13 *study was completed prior to the date of this Act.*

14 *(d) In preparing any reports to the Committees on Ap-*
15 *propriations on competitive sourcing activities, agencies*
16 *funded in this Act shall include all costs attributable to con-*
17 *ducting the competitive sourcing competitions and staff*
18 *work to prepare for competitions or to determine the feasi-*
19 *bility of starting competitions, including costs attributable*
20 *to paying outside consultants and contractors and, in ac-*
21 *cordance with full cost accounting principles, all costs at-*
22 *tributable to developing, implementing, supporting, man-*
23 *aging, monitoring, and reporting on competitive sourcing,*
24 *including personnel, consultant, travel, and training costs*
25 *associated with program management.*

1 (e) *In carrying out any competitive sourcing study in-*
2 *volving Department of the Interior employees, the Secretary*
3 *of the Interior shall—*

4 (1) *determine whether any of the employees con-*
5 *cerned are also qualified to participate in wildland*
6 *fire management activities; and*

7 (2) *take into consideration the effect that con-*
8 *tracting with a private sector source would have on*
9 *the ability of the Department of the Interior to effec-*
10 *tively and efficiently fight and manage wildfires.*

11 *SEC. 416. Section 331 of the Department of the Inte-*
12 *rior and Related Agencies Appropriations Act, 2000, re-*
13 *garding the pilot program to enhance Forest Service admin-*
14 *istration of rights-of-way (as enacted into law by section*
15 *1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196;*
16 *16 U.S.C. 497 note), as amended, is amended—*

17 (1) *in subsection (a) by striking “2006” and in-*
18 *serting “2012”; and*

19 (2) *in subsection (b) by striking “2006” and in-*
20 *serting “2012”.*

21 *SEC. 417. Section 321 of the Department of the Inte-*
22 *rior and Related Agencies Appropriations Act, 2003, re-*
23 *garding Forest Service cooperative agreements with third*
24 *parties that are of mutually significant benefit (division F*
25 *of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1*

1 *note) is amended by striking “September 30, 2007” and in-*
2 *serting “September 30, 2010”.*

3 *SEC. 418. (a) Notwithstanding any other provision of*
4 *law and until October 1, 2009, the Indian Health Service*
5 *may not disburse funds for the provision of health care serv-*
6 *ices pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.)*
7 *to any Alaska Native village or Alaska Native village cor-*
8 *poration that is located within the area served by an Alaska*
9 *Native regional health entity.*

10 *(b) Nothing in this section shall be construed to pro-*
11 *hibit the disbursal of funds to any Alaska Native village*
12 *or Alaska Native village corporation under any contract or*
13 *compact entered into prior to May 1, 2006, or to prohibit*
14 *the renewal of any such agreement.*

15 *(c) For the purpose of this section, Eastern Aleutian*
16 *Tribes, Inc. and the Council of Athabascan Tribal Govern-*
17 *ments shall be treated as Alaska Native regional health enti-*
18 *ties to which funds may be disbursed under this section.*

19 *SEC. 419. Unless otherwise provided herein, no funds*
20 *appropriated in this Act for the acquisition of lands or in-*
21 *terests in lands may be expended for the filing of declara-*
22 *tions of taking or complaints in condemnation without the*
23 *approval of the House and Senate Committees on Appro-*
24 *priations: Provided, That this provision shall not apply to*
25 *funds appropriated to implement the Everglades National*

1 *Park Protection and Expansion Act of 1989, or to funds*
2 *appropriated for Federal assistance to the State of Florida*
3 *to acquire lands for Everglades restoration purposes.*

4 *SEC. 420. Section 337(a) of the Department of the In-*
5 *terior and Related Agencies Appropriations Act, 2005*
6 *(Public Law 108-447; 118 Stat. 3012) is amended by strik-*
7 *ing “September 30, 2006” and inserting “September 30,*
8 *2008”.*

9 *SEC. 421. Section 339 of division E of the Consolidated*
10 *Appropriations Act, 2005 (Public Law 108-447; 118 Stat.*
11 *3103) is amended—*

12 *(1) by striking “2005 through 2007” and insert-*
13 *ing “2005 through 2008”; and*

14 *(2) by adding at the end the following new sen-*
15 *tence: “The categorical exclusion under this section*
16 *shall not apply with respect to any allotment in a*
17 *federally designated wilderness area.”.*

18 *SEC. 422. A permit fee collected during fiscal year*
19 *2007 by the Secretary of Agriculture under the Act of March*
20 *4, 1915 (16 U.S.C. 497) for a marina on the Shasta-Trinity*
21 *National Forest shall be deposited in a special account in*
22 *the Treasury established for the Secretary of Agriculture,*
23 *and shall remain available to the Secretary of Agriculture*
24 *until expended, without further appropriation, for purposes*
25 *stated in section 808(a)(3)(A–D) of title VIII of division*

1 *J of Public Law 108–447 (16 U.S.C. 6807), and for direct*
2 *operating or capital costs associated with the issuance of*
3 *a marina permit.*

4 *SEC. 423. The Forest Service shall allocate to the Re-*
5 *gions of the Forest Service, \$15,000,000 from the current*
6 *balance in the “timber roads purchaser election fund”, to*
7 *remain available until expended, for the following purposes:*
8 *vegetative treatments in timber stands at high risk of fire*
9 *due to insect, disease, or drought; road work in support of*
10 *vegetative treatments to support forest health objectives; and*
11 *maintaining infrastructure for the processing of woody fiber*
12 *in Regions where it is critical to sustaining local economies*
13 *and fulfilling the forest health objectives of the Forest Serv-*
14 *ice.*

15 *SEC. 424. (a) LAND SALE AUTHORIZATION.—To offset*
16 *the acreage acquired by the Federal Government upon the*
17 *acquisition of the Elkhorn Ranch in Medora, North Dakota,*
18 *the Secretary of Agriculture (in this section referred to as*
19 *the “Secretary”) shall sell all right, title, and interest of*
20 *the United States to between 5,195 or 5,205 acres of Na-*
21 *tional Forest System lands located in Billings County,*
22 *North Dakota. It is the intent of Congress that there will*
23 *be no net gain in federally owned land in North Dakota*
24 *as a result of these land conveyances.*

1 (b) *LAND SALES.*—*The Secretary may prescribe res-*
2 *ervations, terms, and conditions of sale under this section,*
3 *and may configure the descriptions of the land to be sold*
4 *under this section to enhance the marketability of the land*
5 *or for management purposes. The Secretary may utilize*
6 *brokers or other third parties in the sale of land and, from*
7 *the proceeds of the sale, may pay reasonable commissions*
8 *or fees for services rendered.*

9 (c) *CONSIDERATION.*—*As consideration for the pur-*
10 *chase of land sold under this section, the purchaser shall*
11 *pay to the Secretary an amount, in cash, equal to the fair*
12 *market value of the land, as determined by the Secretary*
13 *by appraisal or competitive sale consistent with Federal*
14 *law applicable to land sales. The Secretary may reject any*
15 *offer made under this section if the Secretary determines,*
16 *in the absolute discretion of the Secretary, that the offer*
17 *is not adequate or not in the public interest;*

18 (d) *INITIAL OFFER.*—*Under such terms, conditions,*
19 *and procedures as the Secretary may prescribe, any base*
20 *property landowner holding a current permit to graze any*
21 *land authorized for sale under this section shall have a non-*
22 *assignable first right to buy the land, provided that right*
23 *must be exercised within 6 months after the date of the offer*
24 *from the Secretary;*

1 (e) *TREATMENT OF PROCEEDS.*—Using the proceeds
2 from the sale of land under this section, the Secretary shall
3 cover direct expenses incurred by the Secretary in con-
4 ducting the sale. Any remaining proceeds shall be deposited
5 into the fund established by the Act of December 4, 1967
6 (commonly known as the Sisk Act; 16 U.S.C. 484a), and
7 shall be available, until expended, for the acquisition of
8 land for inclusion in the National Forest System.

9 (f) *LAND TRANSFERS.*—The lands are to be conveyed
10 from fiscal years 2008 to 2009. In the conveyance of any
11 land authorized by this section, the Secretary shall not be
12 required to conduct additional environmental analysis, in-
13 cluding heritage resource analysis, and no sale, offer to sell,
14 or conveyance shall be subject to administrative appeal.

15 (g) *ELKHORN RANCH.*—The grazing land lease terms
16 in effect on the date of the enactment of this Act relating
17 to the acquired Elkhorn Ranch in Medora, North Dakota,
18 shall remain in effect until December 31, 2009. After that
19 date, Federal land grazing use of the Elkhorn Ranch shall
20 be managed through the grazing agreement between the
21 Medora Grazing Association and the Forest Service. The
22 Animal Unit Months (AUMs) for both Federal and private
23 lands encompassing the Elkhorn Ranch shall become part
24 of the grazing agreement held by Medora Grazing Associa-
25 tion to be reallocated to its members in accordance with

1 *their rules in effect as of the date of the enactment of this*
2 *Act.*

3 *(h) The multiple uses of the acquired Elkhorn Ranch*
4 *shall continue.*

5 *SEC. 425. In fiscal year 2008 and thereafter, the Forest*
6 *Service shall not change the eligibility requirements for base*
7 *property, and livestock ownership as they relate to leasing*
8 *of base property and shared livestock agreements for grazing*
9 *permits on the Dakota Prairie Grasslands that were in ef-*
10 *fect as of July 18, 2005.*

11 *SEC. 426. The Arts and Artifacts Indemnity Act (Pub-*
12 *lic Law 94–158) is amended—*

13 *(1) in section 3(a) by striking “(B) the exhi-*
14 *bition of which is” and inserting in lieu thereof “(B)*
15 *in the case of international exhibitions,”; and*

16 *(2) in section 5(b), by inserting before the period*
17 *“for international exhibitions, and \$5,000,000,000 at*
18 *any one time for domestic exhibitions”; and*

19 *(3) in section 5(c), by inserting before the period*
20 *“for international exhibitions, or \$750,000,000 for do-*
21 *mestic exhibitions”.*

22 *SEC. 427. In accordance with authorities available in*
23 *section 428, of Public Law 109–54, the Secretary of Agri-*
24 *culture and the Secretary of the Interior shall execute an*
25 *agreement that transfers management and oversight of the*

1 *Great Onyx, Harper’s Ferry, and Oconaluftee Job Corps*
2 *Centers to the Forest Service. These Job Corps centers shall*
3 *continue to be administered as described in section 147(c)*
4 *of Public Law 105–220, Workforce Investment Act of 1998.*

5 *SEC. 428. The United States Department of Agri-*
6 *culture, Forest Service shall seek to collaborate with stake-*
7 *holders or parties in Sierra Forest Legacy, et al v.*
8 *Weingardt, et al, Civil No. C 07–001654 (E.D. Cal.), and*
9 *Sierra Club, et al v. Bosworth, et al, Civil No. C 05–00397*
10 *(N.D. Cal.), regarding harvest operations outside of the*
11 *Giant Sequoia National Monument in relation to the deci-*
12 *sions approving the Revised Ice Timber Sale and Fuels Re-*
13 *duction Project and the Frog Project, and taking into ac-*
14 *count the terms of the contracts for those projects, and in*
15 *relation to the Record of Decision for the Kings River*
16 *Project, and as appropriate in regard to other disputed fuel*
17 *reduction projects in the area.*

18 *SEC. 429. (a) IN GENERAL.—Section 636 of division*
19 *A of the Treasury, Postal Service, and General Government*
20 *Appropriations Act, 1997 (5 U.S.C. prec. 5941 note; Public*
21 *Law 104–208), is amended—*

22 *(1) in subsection (b)—*

23 *(A) in paragraph (1), by striking “or”;*

24 *(B) in paragraph (2), by striking the period*

25 *and inserting “; or”; and*

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

2 “(3) a temporary fire line manager.”; and

3 (2) in subsection (c)—

4 (A) in paragraph (3), by striking “, and”
5 and inserting a semicolon;

6 (B) in paragraph (4)(B), by striking the pe-
7 riod at the end and inserting “; and”; and

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

9 “(5) notwithstanding the definition of the terms
10 ‘supervisor’ and ‘management official’ under section
11 7103(a) of title 5, United States Code, the term ‘tem-
12 porary fire line manager’ means an employee of the
13 Forest Service or the Department of the Interior,
14 whose duties include, as determined by the employing
15 agency—

16 “(A) temporary supervision or management
17 of personnel engaged in wildland or managed
18 fire activities;

19 “(B) providing analysis or information that
20 affects a decision by a supervisor or manager
21 about a wildland or managed fire; or

22 (C) directing the deployment of equipment
23 for a wildland or managed fire.”.

1 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
2 *section (a) shall take effect on the date of enactment of this*
3 *Act.*

4 *SEC. 430. GLOBAL CLIMATE CHANGE. (a) The Con-*
5 *gress finds that—*

6 (1) *greenhouse gases accumulating in the atmos-*
7 *phere are causing average temperatures to rise at a*
8 *rate outside the range of natural variability and are*
9 *posing a substantial risk of rising sea-levels, altered*
10 *patterns of atmospheric and oceanic circulation, and*
11 *increased frequency and severity of floods, droughts,*
12 *and wildfires;*

13 (2) *there is a growing scientific consensus that*
14 *human activity is a substantial cause of greenhouse*
15 *gas accumulation in the atmosphere; and*

16 (3) *mandatory steps will be required to slow or*
17 *stop the growth of greenhouse gas emissions into the*
18 *atmosphere.*

19 (b) *It is the sense of the Congress that there should*
20 *be enacted a comprehensive and effective national program*
21 *of mandatory, market-based limits and incentives on emis-*
22 *sions of greenhouse gases that slow, stop, and reverse the*
23 *growth of such emissions at a rate and in a manner that:*
24 *(1) will not significantly harm the United States economy;*
25 *and (2) will encourage comparable action by other nations*

1 *that are major trading partners and key contributors to*
2 *global emissions.*

3 *SEC. 431. None of the funds made available in this*
4 *Act may be used to purchase light bulbs unless the light*
5 *bulbs have the “ENERGY STAR” or “Federal Energy Man-*
6 *agement Program” designation, except in instances where*
7 *the agency determines that ENERGY STAR or FEMP des-*
8 *ignated light bulbs are not cost-effective over the life of the*
9 *light bulbs or are not reasonably available to meet the func-*
10 *tional requirements of the agency.*

11 *SEC. 432. None of the funds made available under this*
12 *Act may be used to promulgate or implement the Environ-*
13 *mental Protection Agency proposed regulations published in*
14 *the Federal Register on January 3, 2007 (72 Fed. Reg. 69).*

15 *SEC. 433. None of the funds made available by this*
16 *Act shall be used to prepare or publish final regulations*
17 *regarding a commercial leasing program for oil shale re-*
18 *sources on public lands pursuant to section 369(d) of the*
19 *Energy Policy Act of 2005 (Public Law 109–58) or to con-*
20 *duct an oil shale lease sale pursuant to subsection 369(e)*
21 *of such Act.*

22 *SEC. 434. Section 401 of the Herger-Feinstein Quincy*
23 *Library Group Forest Recovery Act, Public Law 105–277,*
24 *division A, § 101(e) [title IV], 112 Stat. 2681–305, is*
25 *amended—*

1 (1) *In section (g) by striking “until” and all*
2 *that follows and inserting “until September 30,*
3 *2012.”;*

4 (2) *By deleting section (i) and inserting: “By*
5 *June 1, 2008, the Forest Service shall initiate a col-*
6 *laborative process with the Plaintiffs in Sierra Ne-*
7 *vada Forest Prot. Campaign v. Rey, Case No. CIV-*
8 *S-05-0205 MCE/GGH (E.D. Cal.), appeal docketed*
9 *sub nom. Sierra Forest Legacy v. Rey, No. 07-16892*
10 *(9th Cir. Oct. 23, 2007) and the Quincy Library*
11 *Group to determine whether modifications to the Pilot*
12 *Project are appropriate for the remainder of the Pilot*
13 *Project.”; and*

14 (3) *By adding at the end the following:*
15 *“(m) Sections 104-106 of Public Law 108-148 shall*
16 *apply to projects authorized by this Act.”.*

17 *SEC. 435. In addition to the amounts otherwise pro-*
18 *vided to the Environmental Protection Agency in this Act,*
19 *\$8,000,000, to remain available until expended, is provided*
20 *to EPA to be transferred to the Department of the Navy*
21 *for clean-up activities at the Treasure Island Naval Sta-*
22 *tion—Hunters Point Annex.*

23 *SEC. 436. In addition to amounts provided to the En-*
24 *vironmental Protection Agency in this Act, the Oklahoma*
25 *Department of Environmental Quality is provided the*

1 amount of \$3,000,000 for a grant to the Oklahoma Depart-
2 ment of Environmental Quality for ongoing relocation as-
3 sistance as administered by the Lead Impacted Commu-
4 nities Relocation Assistance Trust and as conducted con-
5 sistent with the use of prior unexpended funding for reloca-
6 tion assistance, including buy outs of properties, in accord-
7 ance with section 2301 of Public Law 109–234 (120 Stat.
8 455–466).

9 SEC. 437. (a) *ACROSS-THE-BOARD RESCISSIONS.*—
10 There is hereby rescinded an amount equal to 1.56 percent
11 of the budget authority provided for fiscal year 2008 for
12 any discretionary appropriation in titles I through IV of
13 this Act.

14 (b) *PROPORTIONATE APPLICATION.*—Any rescission
15 made by subsection (a) shall be applied proportionately—

16 (1) to each discretionary account and each item
17 of budget authority described in subsection (a); and

18 (2) within each such account and item, to each
19 program, project, and activity (with programs,
20 projects, and activities as delineated in the appro-
21 priation Act or accompanying reports for the relevant
22 fiscal year covering such account or item, or for ac-
23 counts and items not included in appropriation Acts,
24 as delineated in the most recently submitted Presi-
25 dent’s budget).

1 *for urgent wildland fire suppression activities: Provided,*
2 *That such funds shall only become available if funds pre-*
3 *viously provided for wildland fire suppression will be ex-*
4 *hausted imminently and the Secretary of the Interior noti-*
5 *fies the House and Senate Committees on Appropriations*
6 *in writing of the need for these additional funds: Provided*
7 *further, That such funds are also available for repayment*
8 *to other appropriations accounts from which funds were*
9 *transferred for wildfire suppression: Provided further, That*
10 *the amount provided by this paragraph is designated as*
11 *described in section 5 (in the matter preceding division A*
12 *of this consolidated Act).*

13 *DEPARTMENT OF AGRICULTURE*

14 *FOREST SERVICE*

15 *WILDLAND FIRE MANAGEMENT*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For an additional amount for “Wildland Fire Man-*
18 *agement”, \$222,000,000, to remain available until ex-*
19 *pended, for urgent wildland fire suppression activities: Pro-*
20 *vided, That such funds shall only become available if funds*
21 *provided previously for wildland fire suppression will be*
22 *exhausted imminently and the Secretary of Agriculture no-*
23 *tifies the House and Senate Committees on Appropriations*
24 *in writing of the need for these additional funds: Provided*
25 *further, That such funds are also available for repayment*
26 *to other appropriation accounts from which funds were*

1 *transferred for wildfire suppression: Provided further, That*
 2 *the amount provided by this paragraph is designated as*
 3 *described in section 5 (in the matter preceding division A*
 4 *of this consolidated Act).*

5 *This division may be cited as the “Department of the*
 6 *Interior, Environment, and Related Agencies Appropria-*
 7 *tions Act, 2008”.*

8 *DIVISION G—DEPARTMENTS OF LABOR, HEALTH*
 9 *AND HUMAN SERVICES, AND EDUCATION,*
 10 *AND RELATED AGENCIES APPROPRIATIONS*
 11 *ACT, 2008*

12 *TITLE I*

13 *DEPARTMENT OF LABOR*

14 *EMPLOYMENT AND TRAINING ADMINISTRATION*

15 *TRAINING AND EMPLOYMENT SERVICES*

16 *(INCLUDING RESCISSIONS)*

17 *For necessary expenses of the Workforce Investment Act*
 18 *of 1998 (“WIA”), the Denali Commission Act of 1998, and*
 19 *the Women in Apprenticeship and Non-Traditional Occu-*
 20 *pations Act of 1992, including the purchase and hire of pas-*
 21 *senger motor vehicles, the construction, alteration, and re-*
 22 *pair of buildings and other facilities, and the purchase of*
 23 *real property for training centers as authorized by the WIA;*
 24 *\$3,608,349,000, plus reimbursements, is available. Of the*
 25 *amounts provided:*

1 (1) *for grants to States for adult employment*
2 *and training activities, youth activities, and dis-*
3 *located worker employment and training activities,*
4 *\$2,994,510,000 as follows:*

5 (A) *\$864,199,000 for adult employment and*
6 *training activities, of which \$152,199,000 shall*
7 *be available for the period July 1, 2008 to June*
8 *30, 2009, and of which \$712,000,000 shall be*
9 *available for the period October 1, 2008 through*
10 *June 30, 2009;*

11 (B) *\$940,500,000 for youth activities, which*
12 *shall be available for the period April 1, 2008*
13 *through June 30, 2009; and*

14 (C) *\$1,189,811,000 for dislocated worker*
15 *employment and training activities, of which*
16 *\$341,811,000 shall be available for the period*
17 *July 1, 2008 through June 30, 2009, and of*
18 *which \$848,000,000 shall be available for the pe-*
19 *riod October 1, 2008 through June 30, 2009:*

20 *Provided, That notwithstanding the transfer limita-*
21 *tion under section 133(b)(4) of the WIA, up to 30 per-*
22 *cent of such funds may be transferred by a local*
23 *board if approved by the Governor;*

24 (2) *for federally administered programs,*
25 *\$477,873,000 as follows:*

1 (A) \$282,092,000 for the dislocated workers
2 assistance national reserve, of which \$6,300,000
3 shall be available on October 1, 2007, of which
4 \$63,792,000 shall be available for the period
5 July 1, 2008 through June 30, 2009, and of
6 which \$212,000,000 shall be available for the pe-
7 riod October 1, 2008 through June 30, 2009:
8 *Provided, That up to \$125,000,000 may be made*
9 *available for Community-Based Job Training*
10 *grants from funds reserved under section*
11 *132(a)(2)(A) of the WIA and shall be used to*
12 *carry out such grants under section 171(d) of*
13 *such Act, except that the 10 percent limitation*
14 *otherwise applicable to the amount of funds that*
15 *may be used to carry out section 171(d) shall not*
16 *be applicable to funds used for Community-*
17 *Based Job Training grants: Provided further,*
18 *That funds provided to carry out section*
19 *132(a)(2)(A) of the WIA may be used to provide*
20 *assistance to a State for State-wide or local use*
21 *in order to address cases where there have been*
22 *worker dislocations across multiple sectors or*
23 *across multiple local areas and such workers re-*
24 *main dislocated; coordinate the State workforce*
25 *development plan with emerging economic devel-*

1 *opment needs; and train such eligible dislocated*
2 *workers: Provided further, That funds provided*
3 *to carry out section 171(d) of the WIA may be*
4 *used for demonstration projects that provide as-*
5 *sistance to new entrants in the workforce and in-*
6 *cumbent workers: Provided further, That*
7 *\$2,600,000 shall be for a noncompetitive grant to*
8 *the National Center on Education and the Econ-*
9 *omy, which shall be awarded not later than 30*
10 *days after the date of enactment of this Act: Pro-*
11 *vided further, That \$1,500,000 shall be for a*
12 *non-competitive grant to the AFL–CIO Working*
13 *for America Institute, which shall be awarded*
14 *not later than 30 days after the date of enact-*
15 *ment of this Act: Provided further, That*
16 *\$2,200,000 shall be for a non-competitive grant*
17 *to the AFL–CIO Appalachian Council, Incor-*
18 *porated, for Job Corps career transition services,*
19 *which shall be awarded not later than 30 days*
20 *after the date of enactment of this Act;*

21 *(B) \$53,696,000 for Native American pro-*
22 *grams, which shall be available for the period*
23 *July 1, 2008 through June 30, 2009;*

24 *(C) \$81,085,000 for migrant and seasonal*
25 *farmworker programs under section 167 of the*

1 WIA, including \$75,610,000 for formula grants
2 (of which not less than 70 percent shall be for em-
3 ployment and training services), \$4,975,000 for
4 migrant and seasonal housing (of which not less
5 than 70 percent shall be for permanent housing),
6 and \$500,000 for other discretionary purposes,
7 which shall be available for the period July 1,
8 2008 through June 30, 2009: *Provided, That,*
9 *notwithstanding any other provision of law or*
10 *related regulation, the Department shall take no*
11 *action limiting the number or proportion of eli-*
12 *gible participants receiving related assistance*
13 *services or discouraging grantees from providing*
14 *such services;*

15 (D) \$1,000,000 for carrying out the Women
16 in Apprenticeship and Nontraditional Occupa-
17 tions Act, which shall be available for the period
18 July 1, 2008 through June 30, 2009; and

19 (E) \$60,000,000 for YouthBuild activities
20 as described in section 173A of the WIA, which
21 shall be available for the period April 1, 2008
22 through June 30, 2009;

23 (3) for national activities, \$135,966,000, which
24 shall be available for the period July 1, 2008 through
25 July 30, 2009 as follows:

1 (A) \$49,370,000 for *Pilots, Demonstrations,*
2 *and Research, of which \$5,000,000 shall be for*
3 *grants to address the employment and training*
4 *needs of young parents (notwithstanding the re-*
5 *quirements of sections 171(b)(2)(B) or*
6 *171(c)(4)(D) of the WIA): Provided, That fund-*
7 *ing provided to carry out projects under section*
8 *171 of the WIA that are identified in the explan-*
9 *atory statement described in section 4 (in the*
10 *matter preceding division A of this consolidated*
11 *Act), shall not be subject to the requirements of*
12 *section 171(b)(2)(B) and 171(c)(4)(D) of the*
13 *WIA, the joint funding requirements of sections*
14 *171(b)(2)(A) and 171(c)(4)(A) of the WIA, or*
15 *any time limit requirements of sections*
16 *171(b)(2)(C) and 171(c)(4)(B) of the WIA;*

17 (B) \$74,800,000 for *ex-offender activities,*
18 *under the authority of section 171 of the Act,*
19 *notwithstanding the requirements of sections*
20 *171(b)(2)(B) or 171(c)(4)(D), of which not less*
21 *than \$55,000,000 shall be for youthful offender*
22 *activities: Provided, That \$50,000,000 shall be*
23 *available from program year 2007 and program*
24 *year 2008 funds for competitive grants to local*
25 *educational agencies or community-based organi-*

1 *zations to develop and implement mentoring*
2 *strategies that integrate educational and employ-*
3 *ment interventions designed to prevent youth vi-*
4 *olence in schools identified as persistently dan-*
5 *gerous under section 9532 of the Elementary and*
6 *Secondary Education Act;*

7 *(C) \$4,921,000 for Evaluation under section*
8 *172 of the WIA; and*

9 *(D) \$6,875,000 for the Denali Commission,*
10 *which shall be available for the period July 1,*
11 *2008 through June 30, 2009.*

12 *Of the amounts made available under this heading in*
13 *Public Law 107–116 to carry out the activities of the Na-*
14 *tional Skills Standards Board, \$44,000 are rescinded.*

15 *Of the unexpended balances remaining from funds ap-*
16 *propriated to the Department of Labor under this heading*
17 *for fiscal years 2005 and 2006 to carry out the Youth, Adult*
18 *and Dislocated Worker formula programs under the Work-*
19 *force Investment Act, \$250,000,000 are rescinded: Provided,*
20 *That the Secretary of Labor may, upon the request of a*
21 *State, apply any portion of the State’s share of this rescis-*
22 *sion to funds otherwise available to the State for such pro-*
23 *grams during program year 2007: Provided further, That*
24 *notwithstanding any provision of such Act, the Secretary*
25 *may waive such requirements as may be necessary to carry*

1 *out the instructions relating to this rescission in House Re-*
2 *port 110–424.*

3 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*

4 *To carry out title V of the Older Americans Act of*
5 *1965, \$530,900,000, which shall be available for the period*
6 *July 1, 2008 through June 30, 2009.*

7 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

8 *For payments during fiscal year 2008 of trade adjust-*
9 *ment benefit payments and allowances under part I of sub-*
10 *chapter B of chapter 2 of title II of the Trade Act of 1974,*
11 *and section 246 of that Act; and for training, allowances*
12 *for job search and relocation, and related State administra-*
13 *tive expenses under Part II of subchapter B of chapter 2*
14 *of title II of the Trade Act of 1974, \$888,700,000, together*
15 *with such amounts as may be necessary to be charged to*
16 *the subsequent appropriation for payments for any period*
17 *subsequent to September 15, 2008.*

18 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

19 *SERVICE OPERATIONS*

20 *For authorized administrative expenses, \$90,517,000,*
21 *together with not to exceed \$3,233,436,000 which may be*
22 *expended from the Employment Security Administration*
23 *Account in the Unemployment Trust Fund (“the Trust*
24 *Fund”), of which:*

25 *(1) \$2,497,770,000 from the Trust Fund is for*
26 *grants to States for the administration of State un-*

1 *employment insurance laws as authorized under title*
2 *III of the Social Security Act, the administration of*
3 *unemployment insurance for Federal employees and*
4 *for ex-service members as authorized under sections*
5 *8501–8523 of title 5, United States Code, and the ad-*
6 *ministration of trade readjustment allowances and al-*
7 *ternative trade adjustment assistance under the Trade*
8 *Act of 1974, and shall be available for obligation by*
9 *the States through December 31, 2008, except that*
10 *funds used for automation acquisitions shall be avail-*
11 *able for obligation by the States through September*
12 *30, 2010, and funds used for unemployment insur-*
13 *ance workloads experienced by the States through*
14 *September 30, 2008 shall be available for Federal ob-*
15 *ligation through December 31, 2008;*

16 (2) *\$9,900,000 from the Trust Fund is for na-*
17 *tional activities necessary to support the administra-*
18 *tion of the Federal-State unemployment insurance*
19 *system;*

20 (3) *\$693,000,000 from the Trust Fund, together*
21 *with \$22,883,000 from the General Fund of the Treas-*
22 *ury, is for grants to States in accordance with section*
23 *6 of the Wagner-Peyser Act, and shall be available for*
24 *Federal obligation for the period July 1, 2008 through*
25 *June 30, 2009;*

1 (4) \$32,766,000 from the Trust Fund is for na-
2 tional activities of the Employment Service, including
3 administration of the work opportunity tax credit
4 under section 51 of the Internal Revenue Code of
5 1986, the administration of activities, including for-
6 eign labor certifications, under the Immigration and
7 Nationality Act, and the provision of technical assist-
8 ance and staff training under the Wagner-Peyser Act,
9 including not to exceed \$1,228,000 that may be used
10 for amortization payments to States which had inde-
11 pendent retirement plans in their State employment
12 service agencies prior to 1980;

13 (5) \$52,985,000 from the General Fund is to
14 provide workforce information, national electronic
15 tools, and one-stop system building under the Wagner-
16 Peyser Act and shall be available for Federal obliga-
17 tion for the period July 1, 2008 through June 30,
18 2009; and

19 (6) \$14,649,000 from the General Fund is to
20 provide for work incentive grants to the States and
21 shall be available for the period July 1, 2008 through
22 June 30, 2009:

23 *Provided, That to the extent that the Average Weekly In-*
24 *sured Unemployment (“AWIU”) for fiscal year 2008 is pro-*
25 *jected by the Department of Labor to exceed 2,786,000, an*

1 *additional \$28,600,000 from the Trust Fund shall be avail-*
2 *able for obligation for every 100,000 increase in the AWIU*
3 *level (including a pro rata amount for any increment less*
4 *than 100,000) to carry out title III of the Social Security*
5 *Act: Provided further, That funds appropriated in this Act*
6 *that are allotted to a State to carry out activities under*
7 *title III of the Social Security Act may be used by such*
8 *State to assist other States in carrying out activities under*
9 *such title III if the other States include areas that have*
10 *suffered a major disaster declared by the President under*
11 *the Robert T. Stafford Disaster Relief and Emergency As-*
12 *sistance Act: Provided further, That the Secretary of Labor*
13 *may use funds appropriated for grants to States under title*
14 *III of the Social Security Act to make payments on behalf*
15 *of States for the use of the National Directory of New Hires*
16 *under section 453(j)(8) of such Act: Provided further, That*
17 *funds appropriated in this Act which are used to establish*
18 *a national one-stop career center system, or which are used*
19 *to support the national activities of the Federal-State un-*
20 *employment insurance or immigration programs, may be*
21 *obligated in contracts, grants, or agreements with non-State*
22 *entities: Provided further, That funds appropriated under*
23 *this Act for activities authorized under title III of the Social*
24 *Security Act and the Wagner-Peyser Act may be used by*
25 *States to fund integrated Unemployment Insurance and*

1 *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Employee Benefits Security Administration, \$141,790,000.*

5 *PENSION BENEFIT GUARANTY CORPORATION*6 *PENSION BENEFIT GUARANTY CORPORATION FUND*

7 *The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of \$411,151,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional \$9,200,000 shall be available for obligation for administrative expenses*

1 *for every 20,000 additional terminated participants: Pro-*
2 *vided further, That an additional \$50,000 shall be made*
3 *available for obligation for investment management fees for*
4 *every \$25,000,000 in assets received by the Corporation as*
5 *a result of new plan terminations, after approval by the*
6 *Office of Management and Budget and notification of the*
7 *Committees on Appropriations of the House of Representa-*
8 *tives and the Senate.*

9 *EMPLOYMENT STANDARDS ADMINISTRATION*

10 *SALARIES AND EXPENSES*

11 *(INCLUDING RESCISSION)*

12 *For necessary expenses for the Employment Standards*
13 *Administration, including reimbursement to State, Federal,*
14 *and local agencies and their employees for inspection serv-*
15 *ices rendered, \$426,351,000, together with \$2,058,000 which*
16 *may be expended from the Special Fund in accordance with*
17 *sections 39(c), 44(d), and 44(j) of the Longshore and Har-*
18 *bor Workers' Compensation Act: Provided, That the Sec-*
19 *retary of Labor is authorized to establish and, in accord-*
20 *ance with 31 U.S.C. 3302, collect and deposit in the Treas-*
21 *ury fees for processing applications and issuing certificates*
22 *under sections 11(d) and 14 of the Fair Labor Standards*
23 *Act of 1938 and for processing applications and issuing reg-*
24 *istrations under title I of the Migrant and Seasonal Agri-*
25 *cultural Worker Protection Act.*

1 *gated on September 30, 2007, shall remain available until*
2 *expended for the payment of compensation, benefits, and ex-*
3 *penses: Provided further, That in addition there shall be*
4 *transferred to this appropriation from the Postal Service*
5 *and from any other corporation or instrumentality required*
6 *under section 8147(c) of title 5, United States Code, to pay*
7 *an amount for its fair share of the cost of administration,*
8 *such sums as the Secretary determines to be the cost of ad-*
9 *ministration for employees of such fair share entities*
10 *through September 30, 2008: Provided further, That of those*
11 *funds transferred to this account from the fair share entities*
12 *to pay the cost of administration of the Federal Employees'*
13 *Compensation Act, \$52,280,000 shall be made available to*
14 *the Secretary as follows:*

15 (1) *For enhancement and maintenance of auto-*
16 *mated data processing systems and telecommuni-*
17 *cations systems, \$21,855,000.*

18 (2) *For automated workload processing oper-*
19 *ations, including document imaging, centralized mail*
20 *intake and medical bill processing, \$16,109,000.*

21 (3) *For periodic roll management and medical*
22 *review, \$14,316,000.*

23 (4) *The remaining funds shall be paid into the*
24 *Treasury as miscellaneous receipts:*

1 *Provided further, That the Secretary may require that any*
2 *person filing a notice of injury or a claim for benefits under*
3 *chapter 81 of title 5, United States Code, or the Longshore*
4 *and Harbor Workers' Compensation Act, provide as part*
5 *of such notice and claim, such identifying information (in-*
6 *cluding Social Security account number) as such regula-*
7 *tions may prescribe.*

8 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

9 *For carrying out title IV of the Federal Mine Safety*
10 *and Health Act of 1977, as amended by Public Law 107-*
11 *275, \$208,221,000, to remain available until expended.*

12 *For making after July 31 of the current fiscal year,*
13 *benefit payments to individuals under title IV of such Act,*
14 *for costs incurred in the current fiscal year, such amounts*
15 *as may be necessary.*

16 *For making benefit payments under title IV for the*
17 *first quarter of fiscal year 2009, \$62,000,000, to remain*
18 *available until expended.*

19 *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES*

20 *OCCUPATIONAL ILLNESS COMPENSATION FUND*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For necessary expenses to administer the Energy Em-*
23 *ployees Occupational Illness Compensation Program Act,*
24 *\$104,745,000, to remain available until expended: Pro-*
25 *vided, That the Secretary of Labor is authorized to transfer*
26 *to any executive agency with authority under the Energy*

1 *Employees Occupational Illness Compensation Program*
2 *Act, including within the Department of Labor, such sums*
3 *as may be necessary in fiscal year 2008 to carry out those*
4 *authorities: Provided further, That the Secretary may re-*
5 *quire that any person filing a claim for benefits under the*
6 *Act provide as part of such claim, such identifying informa-*
7 *tion (including Social Security account number) as may*
8 *be prescribed: Provided further, That not later than 30 days*
9 *after enactment of this Act, in addition to other sums trans-*
10 *ferred by the Secretary to the National Institute for Occupa-*
11 *tional Safety and Health (“NIOSH”) for the administra-*
12 *tion of the Energy Employees Occupational Illness Com-*
13 *pensation Program (“EEOICP”), the Secretary shall trans-*
14 *fer \$4,500,000 to NIOSH from the funds appropriated to*
15 *the Energy Employees Occupational Illness Compensation*
16 *Fund, for use by or in support of the Advisory Board on*
17 *Radiation and Worker Health (“the Board”) to carry out*
18 *its statutory responsibilities under the EEOICP, including*
19 *obtaining audits, technical assistance and other support*
20 *from the Board’s audit contractor with regard to radiation*
21 *dose estimation and reconstruction efforts, site profiles, pro-*
22 *cedures, and review of Special Exposure Cohort petitions*
23 *and evaluation reports.*

1 *BLACK LUNG DISABILITY TRUST FUND*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *In fiscal year 2008 and thereafter, such sums as may*
4 *be necessary from the Black Lung Disability Trust Fund,*
5 *to remain available until expended, for payment of all bene-*
6 *fits authorized by section 9501(d)(1), (2), (4), and (7) of*
7 *the Internal Revenue Code of 1954; and interest on ad-*
8 *vances, as authorized by section 9501(c)(2) of that Act. In*
9 *addition, the following amounts shall be available from the*
10 *Fund for fiscal year 2008 for expenses of operation and ad-*
11 *ministration of the Black Lung Benefits program, as au-*
12 *thorized by section 9501(d)(5): not to exceed \$32,761,000*
13 *for transfer to the Employment Standards Administration*
14 *“Salaries and Expenses”; not to exceed \$24,785,000 for*
15 *transfer to Departmental Management, “Salaries and Ex-*
16 *penses”; not to exceed \$335,000 for transfer to Depart-*
17 *mental Management, “Office of Inspector General”; and not*
18 *to exceed \$356,000 for payments into miscellaneous receipts*
19 *for the expenses of the Department of the Treasury.*

20 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*21 *SALARIES AND EXPENSES*

22 *For necessary expenses for the Occupational Safety*
23 *and Health Administration, \$494,641,000, including not to*
24 *exceed \$91,093,000 which shall be the maximum amount*
25 *available for grants to States under section 23(g) of the Oc-*
26 *cupational Safety and Health Act (the “Act”), which grants*

1 shall be no less than 50 percent of the costs of State occupa-
2 tional safety and health programs required to be incurred
3 under plans approved by the Secretary of Labor under sec-
4 tion 18 of the Act; and, in addition, notwithstanding 31
5 U.S.C. 3302, the Occupational Safety and Health Adminis-
6 tration may retain up to \$750,000 per fiscal year of train-
7 ing institute course tuition fees, otherwise authorized by law
8 to be collected, and may utilize such sums for occupational
9 safety and health training and education grants: Provided,
10 That, notwithstanding 31 U.S.C. 3302, the Secretary is au-
11 thorized, during the fiscal year ending September 30, 2008,
12 to collect and retain fees for services provided to Nationally
13 Recognized Testing Laboratories, and may utilize such
14 sums, in accordance with the provisions of 29 U.S.C. 9a,
15 to administer national and international laboratory rec-
16 ognition programs that ensure the safety of equipment and
17 products used by workers in the workplace: Provided fur-
18 ther, That none of the funds appropriated under this para-
19 graph shall be obligated or expended to prescribe, issue, ad-
20 minister, or enforce any standard, rule, regulation, or order
21 under the Act which is applicable to any person who is en-
22 gaged in a farming operation which does not maintain a
23 temporary labor camp and employs 10 or fewer employees:
24 Provided further, That no funds appropriated under this
25 paragraph shall be obligated or expended to administer or

1 *enforce any standard, rule, regulation, or order under the*
2 *Act with respect to any employer of 10 or fewer employees*
3 *who is included within a category having a Days Away,*
4 *Restricted, or Transferred (DART) occupational injury and*
5 *illness rate, at the most precise industrial classification code*
6 *for which such data are published, less than the national*
7 *average rate as such rates are most recently published by*
8 *the Secretary, acting through the Bureau of Labor Statis-*
9 *tics, in accordance with section 24 of the Act, except—*

10 (1) *to provide, as authorized by the Act, con-*
11 *sultation, technical assistance, educational and train-*
12 *ing services, and to conduct surveys and studies;*

13 (2) *to conduct an inspection or investigation in*
14 *response to an employee complaint, to issue a citation*
15 *for violations found during such inspection, and to*
16 *assess a penalty for violations which are not corrected*
17 *within a reasonable abatement period and for any*
18 *willful violations found;*

19 (3) *to take any action authorized by the Act with*
20 *respect to imminent dangers;*

21 (4) *to take any action authorized by the Act with*
22 *respect to health hazards;*

23 (5) *to take any action authorized by the Act with*
24 *respect to a report of an employment accident which*
25 *is fatal to one or more employees or which results in*

1 *hospitalization of two or more employees, and to take*
2 *any action pursuant to such investigation authorized*
3 *by the Act; and*

4 *(6) to take any action authorized by the Act with*
5 *respect to complaints of discrimination against em-*
6 *ployees for exercising rights under the Act:*

7 *Provided further, That the foregoing proviso shall not apply*
8 *to any person who is engaged in a farming operation which*
9 *does not maintain a temporary labor camp and employs*
10 *10 or fewer employees: Provided further, That \$10,116,000*
11 *shall be available for Susan Harwood training grants, of*
12 *which \$3,200,000 shall be used for the Institutional Com-*
13 *petency Building training grants which commenced in Sep-*
14 *tember 2000, for program activities for the period of October*
15 *1, 2007 to September 30, 2008, provided that a grantee has*
16 *demonstrated satisfactory performance: Provided further,*
17 *That such grants shall be awarded not later than 30 days*
18 *after the date of enactment of this Act: Provided further,*
19 *That the Secretary shall provide a report to the Committees*
20 *on Appropriations of the House of Representatives and the*
21 *Senate with timetables for the development and issuance of*
22 *occupational safety and health standards on beryllium, sili-*
23 *ca, cranes and derricks, confined space entry in construc-*
24 *tion, and hazard communication global harmonization;*
25 *such timetables shall include actual or estimated dates for:*

1 *the publication of an advance notice of proposed rule-*
2 *making, the commencement and completion of a Small*
3 *Business Regulatory Enforcement Fairness Act review (if*
4 *required), the completion of any peer review (if required),*
5 *the submission of the draft proposed rule to the Office of*
6 *Management and Budget for review under Executive Order*
7 *No. 12866 (if required), the publication of a proposed rule,*
8 *the conduct of public hearings, the submission of a draft*
9 *final rule to the Office and Management and Budget for*
10 *review under Executive Order No. 12866 (if required), and*
11 *the issuance of a final rule; and such report shall be sub-*
12 *mitted to the Committees on Appropriations of the House*
13 *of Representatives and the Senate within 90 days of the*
14 *enactment of this Act, with updates provided every 90 days*
15 *thereafter that shall include an explanation of the reasons*
16 *for any delays in meeting the projected timetables for ac-*
17 *tion.*

18 *MINE SAFETY AND HEALTH ADMINISTRATION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses for the Mine Safety and Health*
21 *Administration, \$339,862,000, including purchase and be-*
22 *stowal of certificates and trophies in connection with mine*
23 *rescue and first-aid work, and the hire of passenger motor*
24 *vehicles, including up to \$2,000,000 for mine rescue and*
25 *recovery activities, \$2,200,000 for an award to the United*

1 *Mine Workers of America, for classroom and simulated res-*
2 *cue training for mine rescue teams, and \$1,184,000 for an*
3 *award to the Wheeling Jesuit University, for the National*
4 *Technology Transfer Center for a coal slurry impoundment*
5 *project; in addition, not to exceed \$750,000 may be collected*
6 *by the National Mine Health and Safety Academy for room,*
7 *board, tuition, and the sale of training materials, otherwise*
8 *authorized by law to be collected, to be available for mine*
9 *safety and health education and training activities, not-*
10 *withstanding 31 U.S.C. 3302; and, in addition, the Mine*
11 *Safety and Health Administration may retain up to*
12 *\$1,000,000 from fees collected for the approval and certifi-*
13 *cation of equipment, materials, and explosives for use in*
14 *mines, and may utilize such sums for such activities; the*
15 *Secretary of Labor is authorized to accept lands, buildings,*
16 *equipment, and other contributions from public and private*
17 *sources and to prosecute projects in cooperation with other*
18 *agencies, Federal, State, or private; the Mine Safety and*
19 *Health Administration is authorized to promote health and*
20 *safety education and training in the mining community*
21 *through cooperative programs with States, industry, and*
22 *safety associations; the Secretary is authorized to recognize*
23 *the Joseph A. Holmes Safety Association as a principal*
24 *safety association and, notwithstanding any other provision*
25 *of law, may provide funds and, with or without reimburse-*

1 *ment, personnel, including service of Mine Safety and*
2 *Health Administration officials as officers in local chapters*
3 *or in the national organization; and any funds available*
4 *to the Department may be used, with the approval of the*
5 *Secretary, to provide for the costs of mine rescue and sur-*
6 *vival operations in the event of a major disaster.*

7 *BUREAU OF LABOR STATISTICS*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses for the Bureau of Labor Statis-*
10 *tics, including advances or reimbursements to State, Fed-*
11 *eral, and local agencies and their employees for services ren-*
12 *dered, \$476,861,000, together with not to exceed*
13 *\$77,067,000, which may be expended from the Employment*
14 *Security Administration Account in the Unemployment*
15 *Trust Fund, of which \$5,000,000 may be used to fund the*
16 *mass layoff statistics program under section 15 of the Wag-*
17 *ner-Peyser Act: Provided, That the Current Employment*
18 *Survey shall maintain the content of the survey issued prior*
19 *to June 2005 with respect to the collection of data for the*
20 *women worker series.*

21 *OFFICE OF DISABILITY EMPLOYMENT POLICY*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses for the Office of Disability Em-*
24 *ployment Policy to provide leadership, develop policy and*
25 *initiatives, and award grants furthering the objective of*

1 *eliminating barriers to the training and employment of*
2 *people with disabilities, \$27,712,000.*

3 *DEPARTMENTAL MANAGEMENT*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for Departmental Management,*
6 *including the hire of three sedans, and including the man-*
7 *agement or operation, through contracts, grants or other ar-*
8 *rangements of Departmental activities conducted by or*
9 *through the Bureau of International Labor Affairs, includ-*
10 *ing bilateral and multilateral technical assistance and other*
11 *international labor activities, \$296,756,000, of which*
12 *\$82,516,000 is for the Bureau of International Labor Af-*
13 *fairs (including \$5,000,000 to implement model programs*
14 *to address worker rights issues through technical assistance*
15 *in countries with which the United States has trade pref-*
16 *erence programs), and of which \$20,000,000 is for the ac-*
17 *quisition of Departmental information technology, architec-*
18 *ture, infrastructure, equipment, software and related needs,*
19 *which will be allocated by the Department's Chief Informa-*
20 *tion Officer in accordance with the Department's capital*
21 *investment management process to assure a sound invest-*
22 *ment strategy; together with not to exceed \$308,000, which*
23 *may be expended from the Employment Security Adminis-*
24 *tration Account in the Unemployment Trust Fund.*

1 *ices at or for Job Corps centers: Provided further, That none*
2 *of the funds made available in this Act shall be used to*
3 *reduce Job Corps total student training slots below the cur-*
4 *rent level of 44,491 in program year 2008.*

5 *VETERANS EMPLOYMENT AND TRAINING*

6 *Not to exceed \$200,631,000 may be derived from the*
7 *Employment Security Administration Account in the Un-*
8 *employment Trust Fund to carry out the provisions of sec-*
9 *tions 4100–4113, 4211–4215, and 4321–4327 of title 38,*
10 *United States Code, and Public Law 103–353, and which*
11 *shall be available for obligation by the States through De-*
12 *cember 31, 2008, of which \$1,984,000 is for the National*
13 *Veterans’ Employment and Training Services Institute. To*
14 *carry out the Homeless Veterans Reintegration Programs*
15 *under section 5(a)(1) of the Homeless Veterans Comprehen-*
16 *sive Assistance Act of 2001 and the Veterans Workforce In-*
17 *vestment Programs under section 168 of the Workforce In-*
18 *vestment Act, \$31,522,000, of which \$7,482,000 shall be*
19 *available for obligation for the period July 1, 2008, through*
20 *June 30, 2009.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *For salaries and expenses of the Office of Inspector*
23 *General in carrying out the provisions of the Inspector Gen-*
24 *eral Act of 1978, \$70,072,000, together with not to exceed*
25 *\$5,641,000, which may be expended from the Employment*

1 *Security Administration Account in the Unemployment*
2 *Trust Fund.*

3 *GENERAL PROVISIONS*

4 *SEC. 101. None of the funds appropriated in this Act*
5 *for the Job Corps shall be used to pay the salary of an indi-*
6 *vidual, either as direct costs or any proration as an indirect*
7 *cost, at a rate in excess of Executive Level I.*

8 *(TRANSFER OF FUNDS)*

9 *SEC. 102. Not to exceed 1 percent of any discretionary*
10 *funds (pursuant to the Balanced Budget and Emergency*
11 *Deficit Control Act of 1985) which are appropriated for the*
12 *current fiscal year for the Department of Labor in this Act*
13 *may be transferred between a program, project, or activity,*
14 *but no such program, project, or activity shall be increased*
15 *by more than 3 percent by any such transfer: Provided,*
16 *That the transfer authority granted by this section shall be*
17 *available only to meet emergency needs and shall not be*
18 *used to create any new program or to fund any project or*
19 *activity for which no funds are provided in this Act: Pro-*
20 *vided further, That the Committees on Appropriations of*
21 *the House of Representatives and the Senate are notified*
22 *at least 15 days in advance of any transfer.*

23 *SEC. 103. In accordance with Executive Order No.*
24 *13126, none of the funds appropriated or otherwise made*
25 *available pursuant to this Act shall be obligated or expended*
26 *for the procurement of goods mined, produced, manufac-*

1 *tured, or harvested or services rendered, whole or in part,*
2 *by forced or indentured child labor in industries and host*
3 *countries already identified by the United States Depart-*
4 *ment of Labor prior to enactment of this Act.*

5 *SEC. 104. After September 30, 2007, the Secretary of*
6 *Labor shall issue a monthly transit subsidy of not less than*
7 *the full amount (of not less than \$110) that each of its em-*
8 *ployees of the National Capital Region is eligible to receive.*

9 *SEC. 105. None of the funds appropriated in this title*
10 *for grants under section 171 of the Workforce Investment*
11 *Act of 1998 may be obligated prior to the preparation and*
12 *submission of a report by the Secretary of Labor to the*
13 *Committees on Appropriations of the House of Representa-*
14 *tives and the Senate detailing the planned uses of such*
15 *funds.*

16 *SEC. 106. There is authorized to be appropriated such*
17 *sums as may be necessary to the Denali Commission*
18 *through the Department of Labor to conduct job training*
19 *of the local workforce where Denali Commission projects*
20 *will be constructed.*

21 *SEC. 107. None of the funds made available to the De-*
22 *partment of Labor for grants under section 414(c) of the*
23 *American Competitiveness and Workforce Improvement Act*
24 *of 1998 may be used for any purpose other than training*
25 *in the occupations and industries for which employers are*

1 *using H-1B visas to hire foreign workers, and the related*
2 *activities necessary to support such training: Provided,*
3 *That the preceding limitation shall not apply to multi-year*
4 *grants awarded prior to June 30, 2007.*

5 *SEC. 108. None of the funds available in this Act or*
6 *available to the Secretary of Labor from other sources for*
7 *Community-Based Job Training grants and grants author-*
8 *ized under section 414(c) of the American Competitiveness*
9 *and Workforce Improvement Act of 1998 shall be obligated*
10 *for a grant awarded on a non-competitive basis.*

11 *SEC. 109. The Secretary of Labor shall take no action*
12 *to amend, through regulatory or administration action, the*
13 *definition established in 20 CFR 667.220 for functions and*
14 *activities under title I of the Workforce Investment Act of*
15 *1998, or to modify, through regulatory or administrative*
16 *action, the procedure for redesignation of local areas as*
17 *specified in subtitle B of title I of that Act (including ap-*
18 *plying the standards specified in section 116(a)(3)(B) of*
19 *that Act, but notwithstanding the time limits specified in*
20 *section 116(a)(3)(B) of that Act), until such time as legisla-*
21 *tion reauthorizing the Act is enacted. Nothing in the pre-*
22 *ceding sentence shall permit or require the Secretary of*
23 *Labor to withdraw approval for such redesignation from*
24 *a State that received the approval not later than October*
25 *12, 2005, or to revise action taken or modify the redesigna-*

1 *tion procedure being used by the Secretary in order to com-*
2 *plete such redesignation for a State that initiated the proc-*
3 *ess of such redesignation by submitting any request for such*
4 *redesignation not later than October 26, 2005.*

5 *SEC. 110. None of the funds made available in this*
6 *or any other Act shall be available to finalize or implement*
7 *any proposed regulation under the Workforce Investment*
8 *Act of 1998, Wagner-Peyser Act of 1933, or the Trade Ad-*
9 *justment Assistance Reform Act of 2002 until such time as*
10 *legislation reauthorizing the Workforce Investment Act of*
11 *1998 and the Trade Adjustment Assistance Reform Act of*
12 *2002 is enacted.*

13 *SEC. 111. None of the funds available in this Act may*
14 *be used to carry out a public-private competition or direct*
15 *conversion under Office of Management and Budget Cir-*
16 *cular A-76 or any successor administrative regulation, di-*
17 *rective or policy until 60 days after the Government Ac-*
18 *countability Office provides a report to the Committees on*
19 *Appropriations of the House of Representatives and the*
20 *Senate on the use of competitive sourcing at the Department*
21 *of Labor.*

22 *SEC. 112. (a) Not later than June 20, 2008, the Sec-*
23 *retary of Labor shall propose regulations pursuant to sec-*
24 *tion 303(y) of the Federal Mine Safety and Health Act of*
25 *1977, consistent with the recommendations of the Technical*

1 *Study Panel established pursuant to section 11 of the Mine*
2 *Improvement and New Emergency Response (MINER) Act*
3 *(Public Law 109–236), to require that in any coal mine,*
4 *regardless of the date on which it was opened, belt haulage*
5 *entries not be used to ventilate active working places with-*
6 *out prior approval from the Assistant Secretary. Further,*
7 *a mine ventilation plan incorporating the use of air coursed*
8 *through belt haulage entries to ventilate active working*
9 *places shall not be approved until the Assistant Secretary*
10 *has reviewed the elements of the plan related to the use of*
11 *belt air and determined that the plan at all times affords*
12 *at least the same measure of protection where belt haulage*
13 *entries are not used to ventilate working places. The Sec-*
14 *retary shall finalize the regulations not later than December*
15 *31, 2008.*

16 *(b) Not later than June 15, 2008, the Secretary of*
17 *Labor shall propose regulations pursuant to section 315 of*
18 *the Federal Coal Mine Health and Safety Act of 1969, con-*
19 *sistent with the recommendations of the National Institute*
20 *for Occupational Safety and Health pursuant to section 13*
21 *of the MINER Act (Public Law 109–236), requiring rescue*
22 *chambers, or facilities that afford at least the same measure*
23 *of protection, in underground coal mines. The Secretary*
24 *shall finalize the regulations not later than December 31,*
25 *2008.*

1 *SEC. 113. None of the funds appropriated in this Act*
2 *under the heading “Employment and Training Adminis-*
3 *tration” shall be used by a recipient or subrecipient of such*
4 *funds to pay the salary and bonuses of an individual, either*
5 *as direct costs or indirect costs, at a rate in excess of Execu-*
6 *tive Level II. This limitation shall not apply to vendors*
7 *providing goods and services as defined in OMB Circular*
8 *A–133. Where States are recipients of such funds, States*
9 *may establish a lower limit for salaries and bonuses of those*
10 *receiving salaries and bonuses from subrecipients of such*
11 *funds, taking into account factors including the relative*
12 *cost-of-living in the State, the compensation levels for com-*
13 *parable State or local government employees, and the size*
14 *of the organizations that administer Federal programs in-*
15 *cluded including Employment and Training Administra-*
16 *tion programs.*

17 *SEC. 114. (a) In this section:*

18 *(1) The term “covered funds” means funds pro-*
19 *vided under section 173 of the Workforce Investment*
20 *Act of 1998 (29 U.S.C. 2918) to a State that submits*
21 *an application under that section not earlier than*
22 *May 4, 2007, for a national emergency grant to ad-*
23 *dress the effects of the May 4, 2007, Greensburg, Kan-*
24 *sas tornado.*

1 (2) *The term “professional municipal services”*
2 *means services that are necessary to facilitate the re-*
3 *covery of Greensburg, Kansas from that tornado, and*
4 *necessary to plan for or provide basic management*
5 *and administrative services, which may include—*

6 (A) *the overall coordination of disaster re-*
7 *covery and humanitarian efforts, oversight, and*
8 *enforcement of building code compliance, and co-*
9 *ordination of health and safety response units; or*

10 (B) *the delivery of humanitarian assistance*
11 *to individuals affected by that tornado.*

12 (b) *Covered funds may be used to provide temporary*
13 *public sector employment and services authorized under sec-*
14 *tion 173 of such Act to individuals affected by such tornado,*
15 *including individuals who were unemployed on the date of*
16 *the tornado, or who are without employment history, in ad-*
17 *dition to individuals who are eligible for disaster relief em-*
18 *ployment under section 173(d)(2) of such Act.*

19 (c) *Covered funds may be used to provide professional*
20 *municipal services for a period of not more than 24 months,*
21 *by hiring or contracting with individuals or organizations*
22 *(including individuals employed by contractors) that the*
23 *State involved determines are necessary to provide profes-*
24 *sional municipal services.*

1 *flexibility grants program under such section: Provided,*
2 *That of the funds made available under this heading,*
3 *\$160,000 shall be available until expended for facilities ren-*
4 *ovations at the Gillis W. Long Hansen's Disease Center:*
5 *Provided further, That \$40,000,000 of the funding provided*
6 *for community health centers shall be for base grant adjust-*
7 *ments for existing health centers: Provided further, That in*
8 *addition to fees authorized by section 427(b) of the Health*
9 *Care Quality Improvement Act of 1986, fees shall be col-*
10 *lected for the full disclosure of information under the Act*
11 *sufficient to recover the full costs of operating the National*
12 *Practitioner Data Bank, and shall remain available until*
13 *expended to carry out that Act: Provided further, That fees*
14 *collected for the full disclosure of information under the*
15 *"Health Care Fraud and Abuse Data Collection Program",*
16 *authorized by section 1128E(d)(2) of the Social Security*
17 *Act, shall be sufficient to recover the full costs of operating*
18 *the program, and shall remain available until expended to*
19 *carry out that Act: Provided further, That no more than*
20 *\$40,000 is available until expended for carrying out the*
21 *provisions of 42 U.S.C. 233(o) including associated admin-*
22 *istrative expenses and relevant evaluations: Provided fur-*
23 *ther, That no more than \$44,055,000 is available until ex-*
24 *pended for carrying out the provisions of Public Law 104-*
25 *73 and for expenses incurred by the Department of Health*

1 *and Human Services pertaining to administrative claims*
2 *made under such law: Provided further, That of the funds*
3 *made available under this heading, \$305,315,000 shall be*
4 *for the program under title X of the Public Health Service*
5 *Act to provide for voluntary family planning projects: Pro-*
6 *vided further, That amounts provided to said projects under*
7 *such title shall not be expended for abortions, that all preg-*
8 *nancy counseling shall be nondirective, and that such*
9 *amounts shall not be expended for any activity (including*
10 *the publication or distribution of literature) that in any*
11 *way tends to promote public support or opposition to any*
12 *legislative proposal or candidate for public office: Provided*
13 *further, That of the funds available under this heading,*
14 *\$1,854,800,000 shall remain available to the Secretary of*
15 *Health and Human Services through September 30, 2010,*
16 *for parts A and B of title XXVI of the Public Health Service*
17 *Act: Provided further, That within the amounts provided*
18 *for part A of title XXVI of the Public Health Service Act,*
19 *funds shall be made available to qualifying jurisdictions,*
20 *within 45 days of enactment, for increasing supplemental*
21 *grants for fiscal year 2008 to metropolitan areas that re-*
22 *ceived grant funding in fiscal year 2007 under subparts*
23 *I and II of part A of title XXVI of the Public Health Service*
24 *Act to ensure that an area's total funding under part A*
25 *for fiscal year 2007, together with the amount of this addi-*

1 tional funding, is not less than 86.6 percent of the amount
2 of such area's total funding under part A for fiscal year
3 2006: Provided further, That, notwithstanding section
4 2603(c)(1) of the Public Health Service Act, the additional
5 funding to areas under the immediately preceding proviso,
6 which may be used for costs incurred during fiscal year
7 2007, shall be available to the area for obligation from the
8 date of the award through the end of the grant year for
9 the award: Provided further, That \$808,500,000 shall be for
10 State AIDS Drug Assistance Programs authorized by sec-
11 tion 2616 of the Public Health Service Act: Provided fur-
12 ther, That in addition to amounts provided herein,
13 \$25,000,000 shall be available from amounts available
14 under section 241 of the Public Health Service Act to carry
15 out Parts A, B, C, and D of title XXVI of the Public Health
16 Service Act to fund section 2691 Special Projects of Na-
17 tional Significance: Provided further, That, notwith-
18 standing section 502(a)(1) and 502(b)(1) of the Social Secu-
19 rity Act, not to exceed \$100,937,000 is available for car-
20 rying out special projects of regional and national signifi-
21 cance pursuant to section 501(a)(2) of such Act and
22 \$10,586,000 is available for projects described in para-
23 graphs (A) through (F) of section 501(a)(3) of such Act:
24 Provided further, That of the funds provided, \$39,283,000
25 shall be provided to the Denali Commission as a direct

1 lump payment pursuant to Public Law 106–113: Provided
2 further, That of the funds provided, \$25,000,000 shall be
3 provided for the Delta Health Initiative as authorized in
4 section 219 of this Act and associated administrative ex-
5 penses: Provided further, That notwithstanding section
6 747(e)(2) of the PHS Act, not less than \$5,000,000 shall
7 be for general dentistry programs, not less than \$5,000,000
8 shall be for pediatric dentistry programs and not less than
9 \$24,614,000 shall be for family medicine programs: Pro-
10 vided further, That of the funds available under this head-
11 ing, \$9,000,000 shall be provided for the National Cord
12 Blood Inventory pursuant to the Stem Cell Therapeutic and
13 Research Act of 2005.

14 *HEALTH EDUCATION ASSISTANCE LOANS PROGRAM*

15 *ACCOUNT*

16 *Such sums as may be necessary to carry out the pur-*
17 *pose of the program, as authorized by title VII of the Public*
18 *Health Service Act. For administrative expenses to carry*
19 *out the guaranteed loan program, including section 709 of*
20 *the Public Health Service Act, \$2,898,000.*

21 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

22 *For payments from the Vaccine Injury Compensation*
23 *Program Trust Fund, such sums as may be necessary for*
24 *claims associated with vaccine-related injury or death with*
25 *respect to vaccines administered after September 30, 1988,*
26 *pursuant to subtitle 2 of title XXI of the Public Health*

1 *Service Act, to remain available until expended: Provided,*
2 *That for necessary administrative expenses, not to exceed*
3 *\$5,500,000 shall be available from the Trust Fund to the*
4 *Secretary of Health and Human Services.*

5 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

6 *DISEASE CONTROL, RESEARCH, AND TRAINING*

7 *To carry out titles II, III, VII, XI, XV, XVII, XIX,*
8 *XXI, and XXVI of the Public Health Service Act, sections*
9 *101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Fed-*
10 *eral Mine Safety and Health Act of 1977, section 13 of the*
11 *Mine Improvement and New Emergency Response Act of*
12 *2006, sections 20, 21, and 22 of the Occupational Safety*
13 *and Health Act of 1970, title IV of the Immigration and*
14 *Nationality Act, section 501 of the Refugee Education As-*
15 *sistance Act of 1980, and for expenses necessary to support*
16 *activities related to countering potential biological, disease,*
17 *nuclear, radiological, and chemical threats to civilian popu-*
18 *lations; including purchase and insurance of official motor*
19 *vehicles in foreign countries; and purchase, hire, mainte-*
20 *nance, and operation of aircraft, \$6,156,541,000, of which*
21 *\$56,000,000 shall remain available until expended for*
22 *equipment, construction and renovation of facilities; of*
23 *which \$568,803,000 shall remain available until expended*
24 *for the Strategic National Stockpile; of which \$27,215,000*
25 *shall be available for public health improvement activities*

1 *specified in the explanatory statement described in section*
2 *4 (in the matter preceding division A of this consolidated*
3 *Act); of which \$121,541,000 for international HIV/AIDS*
4 *shall remain available until September 30, 2009; and of*
5 *which \$109,000,000 shall be available until expended to*
6 *provide screening and treatment for first response emer-*
7 *gency services personnel, residents, students, and others re-*
8 *lated to the September 11, 2001 terrorist attacks on the*
9 *World Trade Center: Provided, That of this amount,*
10 *\$56,500,000 is designated as described in section 5 (in the*
11 *matter preceding division A of this consolidated Act). In*
12 *addition, such sums as may be derived from authorized user*
13 *fees, which shall be credited to this account: Provided, That*
14 *in addition to amounts provided herein, the following*
15 *amounts shall be available from amounts available under*
16 *section 241 of the Public Health Service Act: (1)*
17 *\$12,794,000 to carry out the National Immunization Sur-*
18 *veys; (2) \$113,636,000 to carry out the National Center for*
19 *Health Statistics surveys; (3) \$24,751,000 to carry out in-*
20 *formation systems standards development and architecture*
21 *and applications-based research used at local public health*
22 *levels; (4) \$48,523,000 for Health Marketing; (5)*
23 *\$31,000,000 to carry out Public Health Research; and (6)*
24 *\$94,969,000 to carry out research activities within the Na-*
25 *tional Occupational Research Agenda: Provided further,*

1 *That none of the funds made available for injury prevention*
2 *and control at the Centers for Disease Control and Preven-*
3 *tion may be used, in whole or in part, to advocate or pro-*
4 *mote gun control: Provided further, That up to \$31,800,000*
5 *shall be made available until expended for Individual*
6 *Learning Accounts for full-time equivalent employees of the*
7 *Centers for Disease Control and Prevention: Provided fur-*
8 *ther, That the Director may redirect the total amount made*
9 *available under authority of Public Law 101–502, section*
10 *3, dated November 3, 1990, to activities the Director may*
11 *so designate: Provided further, That the Committees on Ap-*
12 *propriations of the House of Representatives and the Senate*
13 *are to be notified promptly of any such transfer: Provided*
14 *further, That not to exceed \$18,929,000 may be available*
15 *for making grants under section 1509 of the Public Health*
16 *Service Act to not less than 15 States, tribes, or tribal orga-*
17 *nizations: Provided further, That notwithstanding any*
18 *other provision of law, the Centers for Disease Control and*
19 *Prevention shall award a single contract or related con-*
20 *tracts for development and construction of the next building*
21 *or facility designated in the Buildings and Facilities Mas-*
22 *ter Plan that collectively include the full scope of the project:*
23 *Provided further, That the solicitation and contract shall*
24 *contain the clause “availability of funds” found at 48 CFR*
25 *52.232–18: Provided further, That of the funds appro-*

1 *priated, \$10,000 is for official reception and representation*
2 *expenses when specifically approved by the Director of the*
3 *Centers for Disease Control and Prevention: Provided fur-*
4 *ther, That employees of the Centers for Disease Control and*
5 *Prevention or the Public Health Service, both civilian and*
6 *Commissioned Officers, detailed to States, municipalities,*
7 *or other organizations under authority of section 214 of the*
8 *Public Health Service Act, or in overseas assignments, shall*
9 *be treated as non-Federal employees for reporting purposes*
10 *only and shall not be included within any personnel ceiling*
11 *applicable to the Agency, Service, or the Department of*
12 *Health and Human Services during the period of detail or*
13 *assignment: Provided further, That out of funds made*
14 *available under this heading for domestic HIV/AIDS test-*
15 *ing, up to \$30,000,000 shall be for States eligible under sec-*
16 *tion 2625 of the Public Health Service Act as of December*
17 *31, 2007 and shall be distributed by May 31, 2008 based*
18 *on standard criteria relating to a State's epidemiological*
19 *profile, and of which not more than \$1,000,000 may be*
20 *made available to any one State, and any amounts that*
21 *have not been obligated by May 31, 2008 shall be used to*
22 *make grants authorized by other provisions of the Public*
23 *Health Service Act to States and local public health depart-*
24 *ments for HIV prevention activities.*

1 *NATIONAL INSTITUTES OF HEALTH*2 *NATIONAL CANCER INSTITUTE*

3 *For carrying out section 301 and title IV of the Public*
4 *Health Service Act with respect to cancer, \$4,890,525,000,*
5 *of which up to \$8,000,000 may be used for facilities repairs*
6 *and improvements at the NCI-Frederick Federally Funded*
7 *Research and Development Center in Frederick, Maryland.*

8 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

9 *For carrying out section 301 and title IV of the Public*
10 *Health Service Act with respect to cardiovascular, lung,*
11 *and blood diseases, and blood and blood products,*
12 *\$2,974,900,000.*

13 *NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL*
14 *RESEARCH*

15 *For carrying out section 301 and title IV of the Public*
16 *Health Service Act with respect to dental disease,*
17 *\$396,632,000.*

18 *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND*
19 *KIDNEY DISEASES*

20 *For carrying out section 301 and title IV of the Public*
21 *Health Service Act with respect to diabetes and digestive*
22 *and kidney disease, \$1,736,199,000.*

1 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND
2 STROKE

3 *For carrying out section 301 and title IV of the Public*
4 *Health Service Act with respect to neurological disorders*
5 *and stroke, \$1,571,353,000.*

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

8 (INCLUDING TRANSFER OF FUNDS)

9 *For carrying out section 301 and title IV of the Public*
10 *Health Service Act with respect to allergy and infectious*
11 *diseases, \$4,641,746,000: Provided, That \$300,000,000 may*
12 *be made available to International Assistance Programs*
13 *“Global Fund to Fight HIV/AIDS, Malaria, and Tuber-*
14 *culosis”, to remain available until expended: Provided fur-*
15 *ther, That such sums obligated in fiscal years 2003 through*
16 *2007 for extramural facilities construction projects are to*
17 *remain available until expended for disbursement, with*
18 *prior notification of such projects to the Committees on Ap-*
19 *propriations of the House of Representatives and the Sen-*
20 *ate.*

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 *For carrying out section 301 and title IV of the Public*
23 *Health Service Act with respect to general medical sciences,*
24 *\$1,970,228,000.*

1 *munications, \$326,669,000, of which \$4,000,000 shall be*
2 *available until expended for improvement of information*
3 *systems: Provided, That in fiscal year 2008, the National*
4 *Library of Medicine may enter into personal services con-*
5 *tracts for the provision of services in facilities owned, oper-*
6 *ated, or constructed under the jurisdiction of the National*
7 *Institutes of Health: Provided further, That in addition to*
8 *amounts provided herein, \$8,200,000 shall be available from*
9 *amounts available under section 241 of the Public Health*
10 *Service Act to carry out the purposes of the National Infor-*
11 *mation Center on Health Services Research and Health*
12 *Care Technology established under section 478A of the Pub-*
13 *lic Health Service Act and related health services.*

14 *OFFICE OF THE DIRECTOR*

15 *For carrying out the responsibilities of the Office of*
16 *the Director, National Institutes of Health, \$1,128,819,000,*
17 *of which up to \$25,000,000 shall be used to carry out section*
18 *215 of this Act: Provided, That funding shall be available*
19 *for the purchase of not to exceed 29 passenger motor vehicles*
20 *for replacement only: Provided further, That the National*
21 *Institutes of Health is authorized to collect third party pay-*
22 *ments for the cost of clinical services that are incurred in*
23 *National Institutes of Health research facilities and that*
24 *such payments shall be credited to the National Institutes*
25 *of Health Management Fund: Provided further, That all*
26 *funds credited to such Fund shall remain available for one*

1 *fiscal year after the fiscal year in which they are deposited:*
2 *Provided further, That \$112,872,000 shall be available for*
3 *continuation of the National Children's Study: Provided*
4 *further, That \$504,420,000 shall be available for the Com-*
5 *mon Fund established under section 402A(c)(1) of the Pub-*
6 *lic Health Service Act: Provided further, That of the funds*
7 *provided \$10,000 shall be for official reception and rep-*
8 *resentation expenses when specifically approved by the Di-*
9 *rector of the National Institutes of Health: Provided further,*
10 *That the Office of AIDS Research within the Office of the*
11 *Director of the National Institutes of Health may spend up*
12 *to \$4,000,000 to make grants for construction or renovation*
13 *of facilities as provided for in section 2354(a)(5)(B) of the*
14 *Public Health Service Act.*

15 *BUILDINGS AND FACILITIES*

16 *For the study of, construction of, renovation of, and*
17 *acquisition of equipment for, facilities of or used by the Na-*
18 *tional Institutes of Health, including the acquisition of real*
19 *property, \$121,081,000, to remain available until expended.*

20 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

21 *ADMINISTRATION*

22 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

23 *For carrying out titles V and XIX of the Public Health*
24 *Service Act ("PHS Act") with respect to substance abuse*
25 *and mental health services, the Protection and Advocacy for*
26 *Individuals with Mental Illness Act, and section 301 of the*

1 *PHS Act with respect to program management,*
2 *\$3,291,543,000, of which \$19,120,000 shall be available for*
3 *the projects and in the amounts specified in the explanatory*
4 *statement described in section 4 (in the matter preceding*
5 *division A of this consolidated Act): Provided, That not-*
6 *withstanding section 520A(f)(2) of the PHS Act, no funds*
7 *appropriated for carrying out section 520A are available*
8 *for carrying out section 1971 of the PHS Act: Provided fur-*
9 *ther, That in addition to amounts provided herein, the fol-*
10 *lowing amounts shall be available under section 241 of the*
11 *PHS Act: (1) \$79,200,000 to carry out subpart II of part*
12 *B of title XIX of the PHS Act to fund section 1935(b) tech-*
13 *nical assistance, national data, data collection and evalua-*
14 *tion activities, and further that the total available under*
15 *this Act for section 1935(b) activities shall not exceed 5 per-*
16 *cent of the amounts appropriated for subpart II of part B*
17 *of title XIX; (2) \$21,413,000 to carry out subpart I of part*
18 *B of title XIX of the PHS Act to fund section 1920(b) tech-*
19 *nical assistance, national data, data collection and evalua-*
20 *tion activities, and further that the total available under*
21 *this Act for section 1920(b) activities shall not exceed 5 per-*
22 *cent of the amounts appropriated for subpart I of part B*
23 *of title XIX; (3) \$17,750,000 to carry out national surveys*
24 *on drug abuse; and (4) \$4,300,000 to evaluate substance*
25 *abuse treatment programs: Provided further, That section*

1 *520E(b)(2) of the Public Health Service Act shall not apply*
2 *to funds appropriated under this Act for fiscal year 2008.*

3 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

4 *HEALTHCARE RESEARCH AND QUALITY*

5 *For carrying out titles III and IX of the Public Health*
6 *Service Act, and part A of title XI of the Social Security*
7 *Act, amounts received from Freedom of Information Act*
8 *fees, reimbursable and interagency agreements, and the sale*
9 *of data shall be credited to this appropriation and shall*
10 *remain available until expended: Provided, That the*
11 *amount made available pursuant to section 937(c) of the*
12 *Public Health Service Act shall not exceed \$334,564,000.*

13 *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

14 *GRANTS TO STATES FOR MEDICAID*

15 *For carrying out, except as otherwise provided, titles*
16 *XI and XIX of the Social Security Act, \$141,628,056,000,*
17 *to remain available until expended.*

18 *For making, after May 31, 2008, payments to States*
19 *under title XIX of the Social Security Act for the last quar-*
20 *ter of fiscal year 2008 for unanticipated costs, incurred for*
21 *the current fiscal year, such sums as may be necessary.*

22 *For making payments to States or in the case of sec-*
23 *tion 1928 on behalf of States under title XIX of the Social*
24 *Security Act for the first quarter of fiscal year 2009,*
25 *\$67,292,669,000, to remain available until expended.*

1 *Payment under title XIX may be made for any quarter*
2 *with respect to a State plan or plan amendment in effect*
3 *during such quarter, if submitted in or prior to such quar-*
4 *ter and approved in that or any subsequent quarter.*

5 *PAYMENTS TO HEALTH CARE TRUST FUNDS*

6 *For payment to the Federal Hospital Insurance and*
7 *the Federal Supplementary Medical Insurance Trust*
8 *Funds, as provided under section 1844 and 1860D–16 of*
9 *the Social Security Act, sections 103(c) and 111(d) of the*
10 *Social Security Amendments of 1965, section 278(d) of*
11 *Public Law 97–248, and for administrative expenses in-*
12 *curred pursuant to section 201(g) of the Social Security*
13 *Act, \$188,445,000,000.*

14 *In addition, for making matching payments under sec-*
15 *tion 1844, and benefit payments under section 1860D–16*
16 *of the Social Security Act, not anticipated in budget esti-*
17 *mates, such sums as may be necessary.*

18 *PROGRAM MANAGEMENT*

19 *For carrying out, except as otherwise provided, titles*
20 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*
21 *XIII and XXVII of the Public Health Service Act, and the*
22 *Clinical Laboratory Improvement Amendments of 1988, not*
23 *to exceed \$3,207,690,000, to be transferred from the Federal*
24 *Hospital Insurance and the Federal Supplementary Med-*
25 *ical Insurance Trust Funds, as authorized by section 201(g)*
26 *of the Social Security Act; together with all funds collected*

1 *in accordance with section 353 of the Public Health Service*
2 *Act and section 1857(e)(2) of the Social Security Act, funds*
3 *retained by the Secretary pursuant to section 302 of the*
4 *Tax Relief and Health Care Act of 2006; and such sums*
5 *as may be collected from authorized user fees and the sale*
6 *of data, which shall remain available until expended: Pro-*
7 *vided, That all funds derived in accordance with 31 U.S.C.*
8 *9701 from organizations established under title XIII of the*
9 *Public Health Service Act shall be credited to and available*
10 *for carrying out the purposes of this appropriation: Pro-*
11 *vided further, That \$45,000,000, to remain available until*
12 *September 30, 2009, is for contract costs for the Healthcare*
13 *Integrated General Ledger Accounting System: Provided*
14 *further, That \$193,000,000, to remain available until Sep-*
15 *tember 30, 2009, is for CMS Medicare contracting reform*
16 *activities: Provided further, That funds appropriated under*
17 *this heading are available for the Healthy Start, Grow*
18 *Smart program under which the Centers for Medicare and*
19 *Medicaid Services may, directly or through grants, con-*
20 *tracts, or cooperative agreements, produce and distribute*
21 *informational materials including, but not limited to, pam-*
22 *phlets and brochures on infant and toddler health care to*
23 *expectant parents enrolled in the Medicaid program and*
24 *to parents and guardians enrolled in such program with*
25 *infants and children: Provided further, That the Secretary*

1 *of Health and Human Services is directed to collect fees*
2 *in fiscal year 2008 from Medicare Advantage organizations*
3 *pursuant to section 1857(e)(2) of the Social Security Act*
4 *and from eligible organizations with risk-sharing contracts*
5 *under section 1876 of that Act pursuant to section*
6 *1876(k)(4)(D) of that Act: Provided further, That*
7 *\$5,007,000 shall be available for the projects and in the*
8 *amounts specified in the explanatory statement described*
9 *in section 4 (in the matter preceding division A of this con-*
10 *solidated Act).*

11 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
12 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*
13 *AND FAMILY SUPPORT PROGRAMS*

14 *For making payments to States or other non-Federal*
15 *entities under titles I, IV–D, X, XI, XIV, and XVI of the*
16 *Social Security Act and the Act of July 5, 1960 (24 U.S.C.*
17 *chapter 9), \$2,949,713,000, to remain available until ex-*
18 *pended; and for such purposes for the first quarter of fiscal*
19 *year 2009, \$1,000,000,000, to remain available until ex-*
20 *pended.*

21 *For making payments to each State for carrying out*
22 *the program of Aid to Families with Dependent Children*
23 *under title IV–A of the Social Security Act before the effec-*
24 *tive date of the program of Temporary Assistance for Needy*
25 *Families (TANF) with respect to such State, such sums as*

1 *may be necessary: Provided, That the sum of the amounts*
2 *available to a State with respect to expenditures under such*
3 *title IV–A in fiscal year 1997 under this appropriation and*
4 *under such title IV–A as amended by the Personal Respon-*
5 *sibility and Work Opportunity Reconciliation Act of 1996*
6 *shall not exceed the limitations under section 116(b) of such*
7 *Act.*

8 *For making, after May 31 of the current fiscal year,*
9 *payments to States or other non-Federal entities under ti-*
10 *ties I, IV–D, X, XI, XIV, and XVI of the Social Security*
11 *Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for*
12 *the last 3 months of the current fiscal year for unantici-*
13 *pated costs, incurred for the current fiscal year, such sums*
14 *as may be necessary.*

15 *LOW-INCOME HOME ENERGY ASSISTANCE*

16 *For making payments under section 2604(a)–(d) of the*
17 *Low-Income Home Energy Assistance Act of 1981 (42*
18 *U.S.C. 8623(a)–(d)), \$2,015,206,000.*

19 *For making payments under section 2604(e) of the*
20 *Low-Income Home Energy Assistance Act of 1981 (42*
21 *U.S.C. 8623(e)), \$596,379,000, notwithstanding the des-*
22 *ignation requirement of section 2602(e) of such Act: Pro-*
23 *vided, That of the amount provided by this paragraph,*
24 *\$250,000,000 is designated as described in section 5 (in the*
25 *matter preceding division A of this consolidated Act).*

1 *REFUGEE AND ENTRANT ASSISTANCE*

2 *For necessary expenses for refugee and entrant assist-*
3 *ance activities and for costs associated with the care and*
4 *placement of unaccompanied alien children authorized by*
5 *title IV of the Immigration and Nationality Act and section*
6 *501 of the Refugee Education Assistance Act of 1980, for*
7 *carrying out section 462 of the Homeland Security Act of*
8 *2002, and for carrying out the Torture Victims Relief Act*
9 *of 1998, \$667,288,000, of which up to \$9,988,000 shall be*
10 *available to carry out the Trafficking Victims Protection*
11 *Act of 2000: Provided, That funds appropriated under this*
12 *heading pursuant to section 414(a) of the Immigration and*
13 *Nationality Act and section 462 of the Homeland Security*
14 *Act of 2002 for fiscal year 2008 shall be available for the*
15 *costs of assistance provided and other activities to remain*
16 *available through September 30, 2010.*

17 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
18 *DEVELOPMENT BLOCK GRANT*

19 *For carrying out the Child Care and Development*
20 *Block Grant Act of 1990, \$2,098,746,000 shall be used to*
21 *supplement, not supplant State general revenue funds for*
22 *child care assistance for low-income families: Provided,*
23 *That \$18,777,370 shall be available for child care resource*
24 *and referral and school-aged child care activities, of which*
25 *\$982,080 shall be for the Child Care Aware toll-free hotline:*
26 *Provided further, That, in addition to the amounts required*

1 to be reserved by the States under section 658G,
2 \$267,785,718 shall be reserved by the States for activities
3 authorized under section 658G, of which \$98,208,000 shall
4 be for activities that improve the quality of infant and tod-
5 dler care: Provided further, That \$9,821,000 shall be for use
6 by the Secretary for child care research, demonstration, and
7 evaluation activities.

8 *SOCIAL SERVICES BLOCK GRANT*

9 *For making grants to States pursuant to section 2002*
10 *of the Social Security Act, \$1,700,000,000: Provided, That*
11 *notwithstanding subparagraph (B) of section 404(d)(2) of*
12 *such Act, the applicable percent specified under such sub-*
13 *paragraph for a State to carry out State programs pursu-*
14 *ant to title XX of such Act shall be 10 percent.*

15 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

16 *For carrying out, except as otherwise provided, the*
17 *Runaway and Homeless Youth Act, the Developmental Dis-*
18 *abilities Assistance and Bill of Rights Act, the Head Start*
19 *Act, the Child Abuse Prevention and Treatment Act, sec-*
20 *tions 310 and 316 of the Family Violence Prevention and*
21 *Services Act, the Native American Programs Act of 1974,*
22 *title II of the Child Abuse Prevention and Treatment and*
23 *Adoption Reform Act of 1978 (adoption opportunities), sec-*
24 *tions 330F and 330G of the Public Health Service Act, the*
25 *Abandoned Infants Assistance Act of 1988, sections 261 and*
26 *291 of the Help America Vote Act of 2002, part B(1) of*

1 *title IV and sections 413, 1110, and 1115 of the Social Secu-*
2 *3 rity Act; for making payments under the Community Serv-*
3 *4 ices Block Grant Act, sections 439(i), 473B, and 477(i) of*
4 *5 the Social Security Act, and the Assets for Independence*
5 *6 Act, and for necessary administrative expenses to carry out*
6 *7 such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX*
7 *8 of the Social Security Act, the Act of July 5, 1960 (24*
8 *9 U.S.C. chapter 9), the Low-Income Home Energy Assist-*
9 *10 ance Act of 1981, title IV of the Immigration and Nation-*
10 *11 ality Act, section 501 of the Refugee Education Assistance*
11 *12 Act of 1980, and section 505 of the Family Support Act*
12 *13 of 1988, \$9,129,990,000, of which \$4,400,000, to remain*
13 *14 available until September 30, 2009, shall be for grants to*
14 *15 States for adoption incentive payments, as authorized by*
15 *16 section 473A of the Social Security Act and may be made*
16 *17 for adoptions completed before September 30, 2008: Pro-*
17 *18 vided, That \$7,000,270,000 shall be for making payments*
18 *19 under the Head Start Act, of which \$1,388,800,000 shall*
19 *20 become available October 1, 2008, and remain available*
20 *21 through September 30, 2009: Provided further, That*
21 *22 \$705,451,000 shall be for making payments under the Com-*
22 *23 munity Services Block Grant Act: Provided further, That*
23 *24 not less than \$8,000,000 shall be for section 680(3)(B) of*
24 *25 the Community Services Block Grant Act: Provided further,*
25 *That in addition to amounts provided herein, \$6,000,000*

1 *shall be available from amounts available under section 241*
2 *of the Public Health Service Act to carry out the provisions*
3 *of section 1110 of the Social Security Act: Provided further,*
4 *That to the extent Community Services Block Grant funds*
5 *are distributed as grant funds by a State to an eligible enti-*
6 *ty as provided under the Act, and have not been expended*
7 *by such entity, they shall remain with such entity for carry-*
8 *over into the next fiscal year for expenditure by such entity*
9 *consistent with program purposes: Provided further, That*
10 *the Secretary of Health and Human Services shall establish*
11 *procedures regarding the disposition of intangible property*
12 *which permits grant funds, or intangible assets acquired*
13 *with funds authorized under section 680 of the Community*
14 *Services Block Grant Act to become the sole property of such*
15 *grantees after a period of not more than 12 years after the*
16 *end of the grant for purposes and uses consistent with the*
17 *original grant: Provided further, That funds appropriated*
18 *for section 680(a)(2) of the Community Services Block*
19 *Grant Act shall be available for financing construction and*
20 *rehabilitation and loans or investments in private business*
21 *enterprises owned by community development corporations:*
22 *Provided further, That \$53,625,000 is for a compassion*
23 *capital fund to provide grants to charitable organizations*
24 *to emulate model social service programs and to encourage*
25 *research on the best practices of social service organizations:*

1 *Provided further, That \$17,720,000 shall be for activities*
2 *authorized by the Help America Vote Act of 2002, of which*
3 *\$12,370,000 shall be for payments to States to promote ac-*
4 *cess for voters with disabilities, and of which \$5,350,000*
5 *shall be for payments to States for protection and advocacy*
6 *systems for voters with disabilities: Provided further, That*
7 *\$110,836,000 shall be for making competitive grants to pro-*
8 *vide abstinence education (as defined by section 510(b)(2)*
9 *of the Social Security Act) to adolescents, and for Federal*
10 *costs of administering the grant: Provided further, That*
11 *grants under the immediately preceding proviso shall be*
12 *made only to public and private entities which agree that,*
13 *with respect to an adolescent to whom the entities provide*
14 *abstinence education under such grant, the entities will not*
15 *provide to that adolescent any other education regarding*
16 *sexual conduct, except that, in the case of an entity ex-*
17 *pressly required by law to provide health information or*
18 *services the adolescent shall not be precluded from seeking*
19 *health information or services from the entity in a different*
20 *setting than the setting in which abstinence education was*
21 *provided: Provided further, That within amounts provided*
22 *herein for abstinence education for adolescents, up to*
23 *\$10,000,000 may be available for a national abstinence edu-*
24 *cation campaign: Provided further, That in addition to*
25 *amounts provided herein for abstinence education for ado-*

1 *lescents, \$4,500,000 shall be available from amounts avail-*
2 *able under section 241 of the Public Health Service Act to*
3 *carry out evaluations (including longitudinal evaluations)*
4 *of adolescent pregnancy prevention approaches: Provided*
5 *further, That up to \$2,000,000 shall be for improving the*
6 *Public Assistance Reporting Information System, including*
7 *grants to States to support data collection for a study of*
8 *the system's effectiveness: Provided further, That*
9 *\$17,301,000 shall be available for the projects and in the*
10 *amounts specified in the explanatory statement described*
11 *in section 4 (in the matter preceding division A of this con-*
12 *solidated Act).*

13 *PROMOTING SAFE AND STABLE FAMILIES*

14 *For carrying out section 436 of the Social Security*
15 *Act, \$345,000,000 and section 437, \$64,437,000.*

16 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

17 *ASSISTANCE*

18 *For making payments to States or other non-Federal*
19 *entities under title IV–E of the Social Security Act,*
20 *\$5,067,000,000.*

21 *For making payments to States or other non-Federal*
22 *entities under title IV–E of the Act, for the first quarter*
23 *of fiscal year 2009, \$1,776,000,000.*

24 *For making, after May 31 of the current fiscal year,*
25 *payments to States or other non-Federal entities under sec-*
26 *tion 474 of title IV–E, for the last 3 months of the current*

1 *fiscal year for unanticipated costs, incurred for the current*
2 *fiscal year, such sums as may be necessary.*

3 *ADMINISTRATION ON AGING*

4 *AGING SERVICES PROGRAMS*

5 *For carrying out, to the extent not otherwise provided,*
6 *the Older Americans Act of 1965 and section 398 of the*
7 *Public Health Service Act, \$1,438,567,000, of which*
8 *\$5,500,000 shall be available for activities regarding medi-*
9 *cation management, screening, and education to prevent in-*
10 *correct medication and adverse drug reactions: Provided,*
11 *That \$6,431,000 shall be available for the projects and in*
12 *the amounts specified in the explanatory statement de-*
13 *scribed in section 4 (in the matter preceding division A of*
14 *this consolidated Act).*

15 *OFFICE OF THE SECRETARY*

16 *GENERAL DEPARTMENTAL MANAGEMENT*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For necessary expenses, not otherwise provided, for*
19 *general departmental management, including hire of six se-*
20 *dans, and for carrying out titles III, XVII, XX, and XXI*
21 *of the Public Health Service Act, the United States-Mexico*
22 *Border Health Commission Act, and research studies under*
23 *section 1110 of the Social Security Act, \$355,518,000, to-*
24 *gether with \$5,792,000 to be transferred and expended as*
25 *authorized by section 201(g)(1) of the Social Security Act*
26 *from the Hospital Insurance Trust Fund and the Supple-*

1 *mental Medical Insurance Trust Fund, and \$46,756,000*
2 *from the amounts available under section 241 of the Public*
3 *Health Service Act to carry out national health or human*
4 *services research and evaluation activities: Provided, That*
5 *of the funds made available under this heading for carrying*
6 *out title XX of the Public Health Service Act, \$13,120,000*
7 *shall be for activities specified under section 2003(b)(2), all*
8 *of which shall be for prevention service demonstration*
9 *grants under section 510(b)(2) of title V of the Social Secu-*
10 *rity Act, as amended, without application of the limitation*
11 *of section 2010(c) of said title XX: Provided further, That*
12 *of this amount, \$51,891,000 shall be for minority AIDS*
13 *prevention and treatment activities; and \$5,892,000 shall*
14 *be to assist Afghanistan in the development of maternal and*
15 *child health clinics, consistent with section 103(a)(4)(H) of*
16 *the Afghanistan Freedom Support Act of 2002; and*
17 *\$1,000,000 shall be transferred, not later than 30 days after*
18 *enactment of this Act, to the National Institute of Mental*
19 *Health to administer the Interagency Autism Coordinating*
20 *Committee: Provided further, That specific information re-*
21 *quests from the chairmen and ranking members of the Sub-*
22 *committees on Labor, Health and Human Services, and*
23 *Education, and Related Agencies, on scientific research or*
24 *any other matter, shall be transmitted to the Committees*
25 *on Appropriations in a prompt, professional manner and*

1 *within the time frame specified in the request: Provided fur-*
2 *ther, That scientific information, including such informa-*
3 *tion provided in congressional testimony, requested by the*
4 *Committees on Appropriations and prepared by govern-*
5 *ment researchers and scientists shall be transmitted to the*
6 *Committees on Appropriations, uncensored and without*
7 *delay: Provided further, That funds provided in this Act*
8 *for embryo adoption activities may be used to provide, to*
9 *individuals adopting embryos, through grants and other*
10 *mechanisms, medical and administrative services deemed*
11 *necessary for such adoptions: Provided further, That such*
12 *services shall be provided consistent with 42 CFR*
13 *59.5(a)(4): Provided further, That \$4,138,000 shall be*
14 *available for the projects and in the amounts specified in*
15 *the explanatory statement described in section 4 (in the*
16 *matter preceding division A of this consolidated Act).*

17 *OFFICE OF MEDICARE HEARINGS AND APPEALS*

18 *For expenses necessary for administrative law judges*
19 *responsible for hearing cases under title XVIII of the Social*
20 *Security Act (and related provisions of title XI of such Act),*
21 *\$65,000,000, to be transferred in appropriate part from the*
22 *Federal Hospital Insurance and the Federal Supple-*
23 *mentary Medical Insurance Trust Funds.*

1 *Trust Fund and the Supplemental Medical Insurance Trust*
2 *Fund.*

3 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*
4 *COMMISSIONED OFFICERS*

5 *For retirement pay and medical benefits of Public*
6 *Health Service Commissioned Officers as authorized by law,*
7 *for payments under the Retired Serviceman's Family Pro-*
8 *tection Plan and Survivor Benefit Plan, for medical care*
9 *of dependents and retired personnel under the Dependents'*
10 *Medical Care Act (10 U.S.C. chapter 55), such amounts as*
11 *may be required during the current fiscal year.*

12 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

13 *For expenses necessary to support activities related to*
14 *countering potential biological, disease, nuclear, radio-*
15 *logical and chemical threats to civilian populations, and*
16 *for other public health emergencies, \$666,087,000, of which*
17 *not to exceed \$21,804,000, to remain available until Sep-*
18 *tember 30, 2009, is to pay the costs described in section*
19 *319F-2(c)(7)(B) of the Public Health Service Act, and of*
20 *which \$103,921,000 shall be used to support advanced re-*
21 *search and development of medical countermeasures, con-*
22 *sistent with section 319L of the Public Health Service Act.*

23 *For expenses necessary to prepare for and respond to*
24 *an influenza pandemic, \$76,139,000.*

1 *gram or to fund any project or activity for which no funds*
2 *are provided in this Act: Provided further, That the Com-*
3 *mittees on Appropriations of the House of Representatives*
4 *and the Senate are notified at least 15 days in advance*
5 *of any transfer.*

6 (TRANSFER OF FUNDS)

7 *SEC. 208. The Director of the National Institutes of*
8 *Health, jointly with the Director of the Office of AIDS Re-*
9 *search, may transfer up to 3 percent among institutes and*
10 *centers from the total amounts identified by these two Di-*
11 *rectors as funding for research pertaining to the human im-*
12 *munodeficiency virus: Provided, That the Committees on*
13 *Appropriations of the House of Representatives and the*
14 *Senate are notified at least 15 days in advance of any*
15 *transfer.*

16 (TRANSFER OF FUNDS)

17 *SEC. 209. Of the amounts made available in this Act*
18 *for the National Institutes of Health, the amount for re-*
19 *search related to the human immunodeficiency virus, as*
20 *jointly determined by the Director of the National Institutes*
21 *of Health and the Director of the Office of AIDS Research,*
22 *shall be made available to the "Office of AIDS Research"*
23 *account. The Director of the Office of AIDS Research shall*
24 *transfer from such account amounts necessary to carry out*
25 *section 2353(d)(3) of the Public Health Service Act.*

1 *SEC. 210. None of the funds appropriated in this Act*
2 *may be made available to any entity under title X of the*
3 *Public Health Service Act unless the applicant for the*
4 *award certifies to the Secretary that it encourages family*
5 *participation in the decision of minors to seek family plan-*
6 *ning services and that it provides counseling to minors on*
7 *how to resist attempts to coerce minors into engaging in*
8 *sexual activities.*

9 *SEC. 211. Notwithstanding any other provision of law,*
10 *no provider of services under title X of the Public Health*
11 *Service Act shall be exempt from any State law requiring*
12 *notification or the reporting of child abuse, child molesta-*
13 *tion, sexual abuse, rape, or incest.*

14 *SEC. 212. None of the funds appropriated by this Act*
15 *(including funds appropriated to any trust fund) may be*
16 *used to carry out the Medicare Advantage program if the*
17 *Secretary of Health and Human Services denies participa-*
18 *tion in such program to an otherwise eligible entity (includ-*
19 *ing a Provider Sponsored Organization) because the entity*
20 *informs the Secretary that it will not provide, pay for, pro-*
21 *vide coverage of, or provide referrals for abortions: Pro-*
22 *vided, That the Secretary shall make appropriate prospec-*
23 *tive adjustments to the capitation payment to such an enti-*
24 *ty (based on an actuarially sound estimate of the expected*
25 *costs of providing the service to such entity's enrollees): Pro-*

1 *vided further, That nothing in this section shall be con-*
2 *strued to change the Medicare program's coverage for such*
3 *services and a Medicare Advantage organization described*
4 *in this section shall be responsible for informing enrollees*
5 *where to obtain information about all Medicare covered*
6 *services.*

7 *SEC. 213. (a) Except as provided by subsection (e)*
8 *none of the funds appropriated by this Act may be used*
9 *to withhold substance abuse funding from a State pursuant*
10 *to section 1926 of the Public Health Service Act (42 U.S.C.*
11 *300x-26) if such State certifies to the Secretary of Health*
12 *and Human Services by May 1, 2008, that the State will*
13 *commit additional State funds, in accordance with sub-*
14 *section (b), to ensure compliance with State laws prohib-*
15 *iting the sale of tobacco products to individuals under 18*
16 *years of age.*

17 *(b) The amount of funds to be committed by a State*
18 *under subsection (a) shall be equal to 1 percent of such*
19 *State's substance abuse block grant allocation for each per-*
20 *centage point by which the State misses the retailer compli-*
21 *ance rate goal established by the Secretary of Health and*
22 *Human Services under section 1926 of such Act.*

23 *(c) The State is to maintain State expenditures in fis-*
24 *cal year 2008 for tobacco prevention programs and for com-*
25 *pliance activities at a level that is not less than the level*

1 *of such expenditures maintained by the State for fiscal year*
2 *2007, and adding to that level the additional funds for to-*
3 *bacco compliance activities required under subsection (a).*
4 *The State is to submit a report to the Secretary on all fiscal*
5 *year 2007 State expenditures and all fiscal year 2008 obli-*
6 *gations for tobacco prevention and compliance activities by*
7 *program activity by July 31, 2008.*

8 *(d) The Secretary shall exercise discretion in enforcing*
9 *the timing of the State obligation of the additional funds*
10 *required by the certification described in subsection (a) as*
11 *late as July 31, 2008.*

12 *(e) None of the funds appropriated by this Act may*
13 *be used to withhold substance abuse funding pursuant to*
14 *section 1926 of the Public Health Service Act from a terri-*
15 *tory that receives less than \$1,000,000.*

16 *SEC. 214. In order for the Centers for Disease Control*
17 *and Prevention to carry out international health activities,*
18 *including HIV/AIDS and other infectious disease, chronic*
19 *and environmental disease, and other health activities*
20 *abroad during fiscal year 2008:*

21 *(1) The Secretary of Health and Human Serv-*
22 *ices (in this section referred to as the “Secretary of*
23 *HHS”)* *may exercise authority equivalent to that*
24 *available to the Secretary of State in section 2(c) of*
25 *the State Department Basic Authorities Act of 1956*

1 (22 U.S.C. 2669(c)). *The Secretary of HHS shall con-*
2 *sult with the Secretary of State and relevant Chief of*
3 *Mission to ensure that the authority provided in this*
4 *section is exercised in a manner consistent with sec-*
5 *tion 207 of the Foreign Service Act of 1980 (22*
6 *U.S.C. 3927) and other applicable statutes adminis-*
7 *tered by the Department of State.*

8 (2) *The Secretary of HHS is authorized to pro-*
9 *vide such funds by advance or reimbursement to the*
10 *Secretary of State as may be necessary to pay the*
11 *costs of acquisition, lease, alteration, renovation, and*
12 *management of facilities outside of the United States*
13 *for the use of the Department of Health and Human*
14 *Services. The Department of State shall cooperate*
15 *fully with the Secretary of HHS to ensure that the*
16 *Department of Health and Human Services has se-*
17 *cure, safe, functional facilities that comply with ap-*
18 *plicable regulation governing location, setback, and*
19 *other facilities requirements and serve the purposes*
20 *established by this Act. The Secretary of HHS is au-*
21 *thorized, in consultation with the Secretary of State,*
22 *through grant or cooperative agreement, to make*
23 *available to public or nonprofit private institutions*
24 *or agencies in participating foreign countries, funds*
25 *to acquire, lease, alter, or renovate facilities in those*

1 *countries as necessary to conduct programs of assist-*
2 *ance for international health activities, including ac-*
3 *tivities relating to HIV/AIDS and other infectious*
4 *diseases, chronic and environmental diseases, and*
5 *other health activities abroad.*

6 *SEC. 215. (a) AUTHORITY.—Notwithstanding any*
7 *other provision of law, the Director of the National Insti-*
8 *tutes of Health (in this section referred to as the “Director*
9 *of NIH”) may use funds available under section 402(b)(7)*
10 *or 402(b)(12) of the Public Health Service Act to enter into*
11 *transactions (other than contracts, cooperative agreements,*
12 *or grants) to carry out research identified pursuant to such*
13 *section 402(b)(7) (pertaining to the Common Fund) or re-*
14 *search and activities described in such section 402(b)(12).*

15 *(b) PEER REVIEW.—In entering into transactions*
16 *under subsection (a), the Director of the NIH may utilize*
17 *such peer review procedures (including consultation with*
18 *appropriate scientific experts) as the Director determines*
19 *to be appropriate to obtain assessments of scientific and*
20 *technical merit. Such procedures shall apply to such trans-*
21 *actions in lieu of the peer review and advisory council re-*
22 *view procedures that would otherwise be required under sec-*
23 *tions 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,*
24 *and 494 of the Public Health Service Act.*

1 *SEC. 216. Funds which are available for Individual*
2 *Learning Accounts for employees of the Centers for Disease*
3 *Control and Prevention (“CDC”) and the Agency for Toxic*
4 *Substances and Disease Registry (“ATSDR”) may be*
5 *transferred to “Disease Control, Research, and Training”,*
6 *to be available only for Individual Learning Accounts: Pro-*
7 *vided, That such funds may be used for any individual full-*
8 *time equivalent employee while such employee is employed*
9 *either by CDC or ATSDR.*

10 *SEC. 217. Notwithstanding any other provisions of*
11 *law, funds made available in this Act may be used to con-*
12 *tinue operating the Council on Graduate Medical Edu-*
13 *cation established by section 301 of Public Law 102–408.*

14 *SEC. 218. The Director of the National Institutes of*
15 *Health shall require that all investigators funded by the*
16 *NIH submit or have submitted for them to the National*
17 *Library of Medicine’s PubMed Central an electronic version*
18 *of their final, peer-reviewed manuscripts upon acceptance*
19 *for publication, to be made publicly available no later than*
20 *12 months after the official date of publication: Provided,*
21 *That the NIH shall implement the public access policy in*
22 *a manner consistent with copyright law.*

23 *SEC. 219. (a) The Secretary of Health and Human*
24 *Services is authorized to award a grant to the Delta Health*
25 *Alliance, a nonprofit alliance of academic institutions in*

1 *the Mississippi Delta region that has as its primary pur-*
2 *poses addressing longstanding, unmet health needs and*
3 *catalyzing economic development in the Mississippi Delta.*

4 **(b)** *To be eligible to receive a grant under subsection*
5 *(a), the Delta Health Alliance shall solicit and fund pro-*
6 *posals from local governments, hospitals, health care clinics,*
7 *academic institutions, and rural public health-related enti-*
8 *ties and organizations for research development, edu-*
9 *cational programs, health care services, job training, and*
10 *planning, construction, and equipment of public health-re-*
11 *lated facilities in the Mississippi Delta region.*

12 **(c)** *With respect to the use of grant funds under this*
13 *section for construction or major alteration of property, the*
14 *Federal interest in the property involved shall last for a*
15 *period of 1 year following the completion of the project or*
16 *until such time that the Federal Government is com-*
17 *pensated for its proportionate interest in the property if*
18 *the property use changes or the property is transferred or*
19 *sold, whichever time period is less. At the conclusion of such*
20 *period, the Notice of Federal Interest in such property shall*
21 *be removed.*

22 **(d)** *There are authorized to be appropriated such sums*
23 *as may be necessary to carry out this section in fiscal year*
24 *2008 and in each of the five succeeding fiscal years.*

1 *II, Federally-Supported Student Loan Funds, of title VII*
2 *of the Public Health Service Act, \$15,000,000 are rescinded.*

3 *SEC. 225. (a) CONTINUATION OF AVAILABILITY OF*
4 *PERMITTED NUMBER OF MEDICAL RESIDENCY POSITIONS*
5 *UNDER THE MEDICARE PROGRAM.—Section 1886(h)(4)(H)*
6 *of the Social Security Act (42 U.S.C. Section*
7 *1395ww(h)(4)(H)) is amended by adding at the end the fol-*
8 *lowing:*

9 *“(v) SPECIAL PROVIDER AGREE-*
10 *MENT.—If an entity enters into a provider*
11 *agreement pursuant to section 1866(a) to*
12 *provide hospital services on the same phys-*
13 *ical site previously used by Medicare Pro-*
14 *vider No. 05–0578—*

15 *“(I) the limitation on the number*
16 *of total full time equivalent residents*
17 *under subparagraph (F) and clauses*
18 *(v) and (vi)(I) of subsection (d)(5)(B)*
19 *applicable to such provider shall be*
20 *equal to the limitation applicable*
21 *under such provisions to Provider No.*
22 *05–0578 for its cost reporting period*
23 *ending on June 30, 2006; and*

24 *“(II) the provisions of subpara-*
25 *graph (G) and subsection*

1 (d)(5)(B)(vi)(II) shall not be applica-
2 ble to such provider for the first three
3 cost reporting years in which such pro-
4 vider trains residents under any ap-
5 proved medical residency training pro-
6 gram.”.

7 (b) *TECHNICAL CORRECTION OF SECTION 422 OF*
8 *MMA.—*

9 (1) *IN GENERAL.—*Section 1886(h)(7) of the So-
10 cial Security Act (42 U.S.C. 1395ww(h)(7)) is
11 amended—

12 (A) by redesignating subparagraph (D) as
13 subparagraph (E); and

14 (B) by inserting after subparagraph (C) the
15 following new subparagraph:

16 “(D) *ADJUSTMENT BASED ON SETTLED*
17 *COST REPORT.—*In the case of a hospital with a
18 dual accredited osteopathic and allopathic fam-
19 ily practice program for which—

20 “(i) the otherwise applicable resident
21 limit was reduced under subparagraph
22 (A)(i)(I); and

23 “(ii) such reduction was based on a
24 reference resident level that was determined
25 using a cost report and where a revised or

1 *corrected notice of program reimbursement*
2 *was issued for such cost report between Sep-*
3 *tember 1, 2006 and September 15, 2006,*
4 *whether as a result of an appeal or other-*
5 *wise, and the reference resident level under*
6 *such settled cost report is higher than the*
7 *level used for the reduction under subpara-*
8 *graph (A)(i)(I);*

9 *the Secretary shall apply subparagraph (A)(i)(I)*
10 *using the higher resident reference level and*
11 *make any necessary adjustments to such reduc-*
12 *tion. Any such necessary adjustments shall be ef-*
13 *fective for portions of cost reporting periods oc-*
14 *curring on or after July 1, 2005.”.*

15 (2) *EFFECTIVE DATE.*—Subject to paragraph (3),
16 *the amendments made by paragraph (1) shall take ef-*
17 *fect as if included in the enactment of section 422 of*
18 *the Medicare Prescription Drug, Improvement, and*
19 *Modernization Act of 2003 (Public Law 108–173).*

20 (c) *OFFSETTING COSTS.*—

21 (1) *IN GENERAL.*—The amount of funds avail-
22 *able to the Physician Assistance and Quality Initia-*
23 *tive Fund for expenditures—*

24 (A) *under the first sentence of section*
25 *1848(l)(2)(A) of the Social Security Act (42*

1 *U.S.C. 1395w-4(l)(2)(A)) is reduced by*
2 *\$500,000; and*

3 *(B) under the first amount in the second*
4 *sentence of such section is reduced by*
5 *\$24,500,000.*

6 (2) *CONFORMING AMENDMENTS.—Section*
7 *1848(l)(2)(A) of the Social Security Act (42 U.S.C.*
8 *1395w-4(l)(2)(A)) is amended—*

9 *(A) in the first sentence, by inserting after*
10 *“\$1,350,000,000” the following: “, as reduced by*
11 *section 524 and section 225(c)(1)(A) of the De-*
12 *partments of Labor, Health and Human Serv-*
13 *ices, and Education, and Related Agencies Ap-*
14 *propriations Act, 2008 (division G of the Con-*
15 *solidated Appropriations Act, 2008)”;* and

16 *(B) in the second sentence, by inserting*
17 *after “\$325,000,000” the following: “, as reduced*
18 *by section 225(c)(1)(B) of such Act,”.*

19 *This title may be cited as the “Department of Health*
20 *and Human Services Appropriations Act, 2008”.*

21 *TITLE III*

22 *DEPARTMENT OF EDUCATION*

23 *EDUCATION FOR THE DISADVANTAGED*

24 *For carrying out title I of the Elementary and Sec-*
25 *ondary Education Act of 1965 (“ESEA”) and section 418A*

1 of the Higher Education Act of 1965, \$15,755,083,000, of
2 which \$7,639,035,000 shall become available on July 1,
3 2008, and shall remain available through September 30,
4 2009, and of which \$7,934,756,000 shall become available
5 on October 1, 2008, and shall remain available through
6 September 30, 2009, for academic year 2008–2009: Pro-
7 vided, That \$6,835,271,000 shall be for basic grants under
8 section 1124: Provided further, That up to \$4,000,000 of
9 these funds shall be available to the Secretary of Education
10 on October 1, 2007, to obtain annually updated local edu-
11 cational-agency-level census poverty data from the Bureau
12 of the Census: Provided further, That \$1,365,031,000 shall
13 be for concentration grants under section 1124A: Provided
14 further, That \$2,967,949,000 shall be for targeted grants
15 under section 1125: Provided further, That \$2,967,949,000
16 shall be for education finance incentive grants under section
17 1125A: Provided further, That \$9,330,000 shall be to carry
18 out sections 1501 and 1503: Provided further, That
19 \$1,634,000 shall be available for a comprehensive school re-
20 form clearinghouse.

21 *IMPACT AID*

22 For carrying out programs of financial assistance to
23 federally affected schools authorized by title VIII of the Ele-
24 mentary and Secondary Education Act of 1965,
25 \$1,262,778,000, of which \$1,125,192,000 shall be for basic

1 *support payments under section 8003(b), \$49,466,000 shall*
2 *be for payments for children with disabilities under section*
3 *8003(d), \$17,820,000 shall be for construction under section*
4 *8007(b) and shall remain available through September 30,*
5 *2009, \$65,350,000 shall be for Federal property payments*
6 *under section 8002, and \$4,950,000, to remain available*
7 *until expended, shall be for facilities maintenance under*
8 *section 8008: Provided, That for purposes of computing the*
9 *amount of a payment for an eligible local educational agen-*
10 *cy under section 8003(a) for school year 2007–2008, chil-*
11 *dren enrolled in a school of such agency that would other-*
12 *wise be eligible for payment under section 8003(a)(1)(B)*
13 *of such Act, but due to the deployment of both parents or*
14 *legal guardians, or a parent or legal guardian having sole*
15 *custody of such children, or due to the death of a military*
16 *parent or legal guardian while on active duty (so long as*
17 *such children reside on Federal property as described in sec-*
18 *tion 8003(a)(1)(B)), are no longer eligible under such sec-*
19 *tion, shall be considered as eligible students under such sec-*
20 *tion, provided such students remain in average daily at-*
21 *tendance at a school in the same local educational agency*
22 *they attended prior to their change in eligibility status.*

23 *SCHOOL IMPROVEMENT PROGRAMS*

24 *For carrying out school improvement activities author-*
25 *ized by title II, part B of title IV, subparts 6 and 9 of*

1 *part D of title V, parts A and B of title VI, and parts*
2 *B and C of title VII of the Elementary and Secondary Edu-*
3 *cation Act of 1965 (“ESEA”); the McKinney-Vento Home-*
4 *less Assistance Act; section 203 of the Educational Tech-*
5 *nical Assistance Act of 2002; the Compact of Free Associa-*
6 *tion Amendments Act of 2003; and the Civil Rights Act of*
7 *1964, \$5,383,119,000, of which \$3,763,355,000 shall become*
8 *available on July 1, 2008, and remain available through*
9 *September 30, 2009, and of which \$1,435,000,000 shall be-*
10 *come available on October 1, 2008, and shall remain avail-*
11 *able through September 30, 2009, for academic year 2008–*
12 *2009: Provided, That funds made available to carry out*
13 *part B of title VII of the ESEA may be used for construc-*
14 *tion, renovation and modernization of any elementary*
15 *school, secondary school, or structure related to an elemen-*
16 *tary school or secondary school, run by the Department of*
17 *Education of the State of Hawaii, that serves a predomi-*
18 *nantly Native Hawaiian student body: Provided further,*
19 *That from the funds referred to in the preceding proviso,*
20 *not less than \$1,250,000 shall be for a grant to the Depart-*
21 *ment of Education of the State of Hawaii for the activities*
22 *described in such proviso, and \$1,250,000 shall be for a*
23 *grant to the University of Hawaii School of Law for a Cen-*
24 *ter of Excellence in Native Hawaiian law: Provided further,*
25 *That funds made available to carry out part C of title VII*

1 *of the ESEA may be used for construction: Provided fur-*
2 *ther, That up to 100 percent of the funds available to a*
3 *State educational agency under part D of title II of the*
4 *ESEA may be used for subgrants described in section*
5 *2412(a)(2)(B) of such Act: Provided further, That*
6 *\$58,129,000 shall be available to carry out section 203 of*
7 *the Educational Technical Assistance Act of 2002: Provided*
8 *further, That \$33,707,000 shall be available to carry out*
9 *part D of title V of the ESEA: Provided further, That no*
10 *funds appropriated under this heading may be used to*
11 *carry out section 5494 under the ESEA: Provided further,*
12 *That \$18,001,000 shall be available to carry out the Supple-*
13 *mental Education Grants program for the Federated States*
14 *of Micronesia and the Republic of the Marshall Islands:*
15 *Provided further, That up to 5 percent of these amounts*
16 *may be reserved by the Federated States of Micronesia and*
17 *the Republic of the Marshall Islands to administer the Sup-*
18 *plemental Education Grants programs and to obtain tech-*
19 *nical assistance, oversight and consultancy services in the*
20 *administration of these grants and to reimburse the United*
21 *States Departments of Labor, Health and Human Services,*
22 *and Education for such services: Provided further, That*
23 *\$2,400,000 of the funds available for the Foreign Language*
24 *Assistance Program shall be available for 5-year grants to*
25 *local educational agencies that would work in partnership*

1 *with one or more institutions of higher education to estab-*
2 *lish or expand articulated programs of study in languages*
3 *critical to United States national security that will enable*
4 *successful students to advance from elementary school*
5 *through college to achieve a superior level of proficiency in*
6 *those languages.*

7 *INDIAN EDUCATION*

8 *For expenses necessary to carry out, to the extent not*
9 *otherwise provided, title VII, part A of the Elementary and*
10 *Secondary Education Act of 1965, \$121,690,000.*

11 *INNOVATION AND IMPROVEMENT*

12 *For carrying out activities authorized by part G of*
13 *title I, subpart 5 of part A and parts C and D of title*
14 *II, parts B, C, and D of title V, and section 1504 of the*
15 *Elementary and Secondary Education Act of 1965*
16 *(“ESEA”), \$1,003,040,000: Provided, That \$9,821,000*
17 *shall be provided to the National Board for Professional*
18 *Teaching Standards to carry out section 2151(c) of the*
19 *ESEA: Provided further, That from funds for subpart 4,*
20 *part C of title II, up to 3 percent shall be available to the*
21 *Secretary for technical assistance and dissemination of in-*
22 *formation: Provided further, That \$357,059,000 shall be*
23 *available to carry out part D of title V of the ESEA: Pro-*
24 *vided further, That \$100,573,000 of the funds for subpart*
25 *1, part D of title V of the ESEA shall be available for the*

1 *projects and in the amounts specified in the explanatory*
2 *statement described in section 4 (in the matter preceding*
3 *division A of this consolidated Act): Provided further, That*
4 *\$99,000,000 of the funds for subpart 1 shall be for competi-*
5 *tive grants to local educational agencies, including charter*
6 *schools that are local educational agencies, or States, or*
7 *partnerships of: (1) a local educational agency, a State, or*
8 *both; and (2) at least one non-profit organization to develop*
9 *and implement performance-based teacher and principal*
10 *compensation systems in high-need schools: Provided fur-*
11 *ther, That such performance-based compensation systems*
12 *must consider gains in student academic achievement as*
13 *well as classroom evaluations conducted multiple times dur-*
14 *ing each school year among other factors and provide edu-*
15 *cators with incentives to take on additional responsibilities*
16 *and leadership roles: Provided further, That up to 5 percent*
17 *of such funds for competitive grants shall be available for*
18 *technical assistance, training, peer review of applications,*
19 *program outreach and evaluation activities: Provided fur-*
20 *ther, That of the funds available for part B of title V, the*
21 *Secretary shall use up to \$24,783,000 to carry out activities*
22 *under section 5205(b) and under subpart 2, and shall use*
23 *not less than \$190,000,000 to carry out other activities au-*
24 *thorized under subpart 1.*

1 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

2 *For carrying out activities authorized by subpart 3 of*
3 *part C of title II, part A of title IV, and subparts 2, 3,*
4 *and 10 of part D of title V of the Elementary and Sec-*
5 *ondary Education Act of 1965 (“ESEA”), \$705,733,000, of*
6 *which \$300,000,000 shall become available on July 1, 2008,*
7 *and remain available through September 30, 2009: Pro-*
8 *vided, That \$300,000,000 shall be available for subpart 1*
9 *of part A of title IV and \$222,519,000 shall be available*
10 *for subpart 2 of part A of title IV, of which not less than*
11 *\$1,500,000, to remain available until expended, shall be for*
12 *the Project School Emergency Response to Violence*
13 *(“Project SERV”) program to provide education-related*
14 *services to local educational agencies and to institutions of*
15 *higher education in which the learning environment has*
16 *been disrupted due to a violent or traumatic crisis: Pro-*
17 *vided further, That Project SERV funds appropriated in*
18 *previous fiscal years may be used to provide services to local*
19 *educational agencies and to institutions of higher education*
20 *in which the learning environment has been disrupted due*
21 *to a violent or traumatic crisis: Provided further, That*
22 *\$150,729,000 shall be available to carry out part D of title*
23 *V of the ESEA: Provided further, That of the funds avail-*
24 *able to carry out subpart 3 of part C of title II, up to*
25 *\$12,072,000 may be used to carry out section 2345 and*

1 \$2,950,000 shall be used by the Center for Civic Education
2 to implement a comprehensive program to improve public
3 knowledge, understanding, and support of the Congress and
4 the State legislatures.

5 *ENGLISH LANGUAGE ACQUISITION*

6 *For carrying out part A of title III of the Elementary*
7 *and Secondary Education Act of 1965, \$712,848,000, which*
8 *shall become available on July 1, 2008, and shall remain*
9 *available through September 30, 2009, except that 6.5 per-*
10 *cent of such amount shall be available on October 1, 2007,*
11 *and shall remain available through September 30, 2009, to*
12 *carry out activities under section 3111(c)(1)(C).*

13 *SPECIAL EDUCATION*

14 *For carrying out the Individuals with Disabilities*
15 *Education Act (“IDEA”) and the Special Olympics Sport*
16 *and Empowerment Act of 2004, \$12,181,473,000, of which*
17 *\$5,084,406,000 shall become available on July 1, 2008, and*
18 *shall remain available through September 30, 2009, and of*
19 *which \$6,856,444,000 shall become available on October 1,*
20 *2008, and shall remain available through September 30,*
21 *2009, for academic year 2008–2009: Provided, That*
22 *\$13,000,000 shall be for Recording for the Blind and*
23 *Dyslexic, Inc., to support activities under section*
24 *674(c)(1)(D) of the IDEA: Provided further, That*
25 *\$1,500,000 shall be for the recipient of funds provided by*

1 *Public Law 105–78 under section 687(b)(2)(G) of the IDEA*
2 *(as in effect prior to the enactment of the Individuals with*
3 *Disabilities Education Improvement Act of 2004) to pro-*
4 *vide information on diagnosis, intervention, and teaching*
5 *strategies for children with disabilities: Provided further,*
6 *That the amount for section 611(b)(2) of the IDEA shall*
7 *be equal to the lesser of the amount available for that activ-*
8 *ity during fiscal year 2007, increased by the amount of in-*
9 *flation as specified in section 619(d)(2)(B) of the IDEA,*
10 *or the percentage increase in the funds appropriated under*
11 *section 611(i) of the IDEA: Provided further, That nothing*
12 *in section 674(e) of the IDEA shall be construed to establish*
13 *a private right of action against the National Instructional*
14 *Materials Access Center for failure to perform the duties*
15 *of such center or otherwise authorize a private right of ac-*
16 *tion related to the performance of such center: Provided fur-*
17 *ther, That \$7,500,000 shall be available to support the 2009*
18 *Special Olympics World Winter Games.*

19 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

20 *For carrying out, to the extent not otherwise provided,*
21 *the Rehabilitation Act of 1973, the Assistive Technology Act*
22 *of 1998, and the Helen Keller National Center Act,*
23 *\$3,283,929,000, of which \$1,000,000 shall be awarded to the*
24 *American Academy of Orthotists and Prosthetists for activi-*
25 *ties that further the purposes of the grant received by the*

1 *Academy for the period beginning October 1, 2003, includ-*
 2 *ing activities to meet the demand for orthotic and prosthetic*
 3 *provider services and improve patient care: Provided, That*
 4 *\$3,155,000 of the funds for section 303 of the Rehabilitation*
 5 *Act of 1973 shall be available for the projects and in the*
 6 *amounts specified in the explanatory statement described*
 7 *in section 4 (in the matter preceding division A of this con-*
 8 *solidated Act).*

9 *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*

10 *AMERICAN PRINTING HOUSE FOR THE BLIND*

11 *For carrying out the Act of March 3, 1879,*
 12 *\$22,000,000.*

13 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

14 *For the National Technical Institute for the Deaf*
 15 *under titles I and II of the Education of the Deaf Act of*
 16 *1986, \$60,757,000, of which \$1,705,000 shall be for con-*
 17 *struction and shall remain available until expended: Pro-*
 18 *vided, That from the total amount available, the Institute*
 19 *may at its discretion use funds for the endowment program*
 20 *as authorized under section 207 of such Act.*

21 *GALLAUDET UNIVERSITY*

22 *For the Kendall Demonstration Elementary School,*
 23 *the Model Secondary School for the Deaf, and the partial*
 24 *support of Gallaudet University under titles I and II of*
 25 *the Education of the Deaf Act of 1986, \$115,400,000: Pro-*
 26 *vided, That from the total amount available, the University*

1 *may at its discretion use funds for the endowment program*
2 *as authorized under section 207.*

3 *CAREER, TECHNICAL, AND ADULT EDUCATION*

4 *For carrying out, to the extent not otherwise provided,*
5 *the Carl D. Perkins Career and Technical Education Act*
6 *of 2006, the Adult Education and Family Literacy Act,*
7 *subpart 4 of part D of title V of the Elementary and Sec-*
8 *ondary Education Act of 1965 (“ESEA”) and title VIII–*
9 *D of the Higher Education Amendments of 1998,*
10 *\$1,976,166,000, of which \$4,077,000 shall become available*
11 *on October 1, 2007 and remain available until September*
12 *30, 2009, of which \$1,181,089,000 shall become available*
13 *on July 1, 2008, and shall remain available through Sep-*
14 *tember 30, 2009, and of which \$791,000,000 shall become*
15 *available on October 1, 2008, and shall remain available*
16 *through September 30, 2009: Provided, That of the amount*
17 *provided for Adult Education State Grants, \$67,896,000*
18 *shall be made available for integrated English literacy and*
19 *civics education services to immigrants and other limited*
20 *English proficient populations: Provided further, That of*
21 *the amount reserved for integrated English literacy and*
22 *civics education, notwithstanding section 211 of the Adult*
23 *Education and Family Literacy Act, 65 percent shall be*
24 *allocated to States based on a State’s absolute need as deter-*
25 *mined by calculating each State’s share of a 10-year aver-*

1 *age of the United States Citizenship and Immigration Serv-*
2 *ices data for immigrants admitted for legal permanent resi-*
3 *dence for the 10 most recent years, and 35 percent allocated*
4 *to States that experienced growth as measured by the aver-*
5 *age of the 3 most recent years for which United States Citi-*
6 *zenship and Immigration Services data for immigrants ad-*
7 *mitted for legal permanent residence are available, except*
8 *that no State shall be allocated an amount less than*
9 *\$60,000: Provided further, That of the amounts made avail-*
10 *able for the Adult Education and Family Literacy Act,*
11 *\$7,000,000 shall be for national leadership activities under*
12 *section 243 and \$6,583,000 shall be for the National Insti-*
13 *tute for Literacy under section 242: Provided further, That*
14 *\$81,532,000 shall be available to support the activities au-*
15 *thorized under subpart 4 of part D of title V of the ESEA,*
16 *of which up to 5 percent shall become available October 1,*
17 *2007, and shall remain available through September 30,*
18 *2009, for evaluation, technical assistance, school networks,*
19 *peer review of applications, and program outreach activi-*
20 *ties, and of which not less than 95 percent shall become*
21 *available on July 1, 2008, and remain available through*
22 *September 30, 2009, for grants to local educational agen-*
23 *cies: Provided further, That funds made available to local*
24 *educational agencies under this subpart shall be used only*
25 *for activities related to establishing smaller learning com-*

1 *munities within large high schools or small high schools*
2 *that provide alternatives for students enrolled in large high*
3 *schools.*

4 *STUDENT FINANCIAL ASSISTANCE*

5 *(INCLUDING RESCISSION)*

6 *For carrying out subparts 1, 3, and 4 of part A, part*
7 *C and part E of title IV of the Higher Education Act of*
8 *1965, \$16,114,317,000, which shall remain available*
9 *through September 30, 2009.*

10 *The maximum Pell Grant for which a student shall*
11 *be eligible during award year 2008–2009 shall be \$4,241.*

12 *Of the unobligated funds available under section*
13 *401A(e)(1)(C) of the Higher Education Act of 1965,*
14 *\$525,000,000 are rescinded.*

15 *STUDENT AID ADMINISTRATION*

16 *For Federal administrative expenses to carry out part*
17 *D of title I, and subparts 1, 3, and 4 of part A, and parts*
18 *B, C, D, and E of title IV of the Higher Education Act*
19 *of 1965, \$708,216,000, which shall remain available until*
20 *expended.*

21 *HIGHER EDUCATION*

22 *For carrying out, to the extent not otherwise provided,*
23 *titles II, III, IV, V, VI, and VII of the Higher Education*
24 *Act of 1965 (“HEA”), section 1543 of the Higher Education*
25 *Amendments of 1992, the Mutual Educational and Cultural*

1 *Exchange Act of 1961, title VIII of the Higher Education*
2 *Amendments of 1998, part I of subtitle A of title VI of the*
3 *America COMPETES Act, and section 117 of the Carl D.*
4 *Perkins Career and Technical Education Act of 2006,*
5 *\$2,057,801,000: Provided, That \$9,699,000, to remain*
6 *available through September 30, 2009, shall be available to*
7 *fund fellowships for academic year 2009–2010 under sub-*
8 *part 1 of part A of title VII of the HEA, under the terms*
9 *and conditions of such subpart 1: Provided further, That*
10 *\$620,000 is for data collection and evaluation activities for*
11 *programs under the HEA, including such activities needed*
12 *to comply with the Government Performance and Results*
13 *Act of 1993: Provided further, That notwithstanding any*
14 *other provision of law, funds made available in this Act*
15 *to carry out title VI of the HEA and section 102(b)(6) of*
16 *the Mutual Educational and Cultural Exchange Act of 1961*
17 *may be used to support visits and study in foreign countries*
18 *by individuals who are participating in advanced foreign*
19 *language training and international studies in areas that*
20 *are vital to United States national security and who plan*
21 *to apply their language skills and knowledge of these coun-*
22 *tries in the fields of government, the professions, or inter-*
23 *national development: Provided further, That of the funds*
24 *referred to in the preceding proviso up to 1 percent may*
25 *be used for program evaluation, national outreach, and in-*

1 *formation dissemination activities: Provided further, That*
2 *the funds provided for title II of the HEA shall be allocated*
3 *notwithstanding section 210 of such Act: Provided further,*
4 *That \$100,668,000 of the funds for part B of title VII of*
5 *the Higher Education Act of 1965 shall be available for the*
6 *projects and in the amounts specified in the explanatory*
7 *statement described in section 4 (in the matter preceding*
8 *division A of this consolidated Act).*

9 *HOWARD UNIVERSITY*

10 *For partial support of Howard University,*
11 *\$237,392,000, of which not less than \$3,526,000 shall be for*
12 *a matching endowment grant pursuant to the Howard Uni-*
13 *versity Endowment Act (Public Law 98-480) and shall re-*
14 *main available until expended.*

15 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

16 *PROGRAM*

17 *For Federal administrative expenses to carry out ac-*
18 *tivities related to existing facility loans pursuant to section*
19 *121 of the Higher Education Act of 1965, \$481,000.*

20 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*

21 *FINANCING PROGRAM ACCOUNT*

22 *For administrative expenses to carry out the Histori-*
23 *cally Black College and University Capital Financing Pro-*
24 *gram entered into pursuant to part D of title III of the*
25 *Higher Education Act of 1965, \$188,000.*

1 *INSTITUTE OF EDUCATION SCIENCES*

2 *For carrying out activities authorized by the Edu-*
3 *cation Sciences Reform Act of 2002, the National Assess-*
4 *ment of Educational Progress Authorization Act, section*
5 *208 of the Educational Technical Assistance Act of 2002,*
6 *and section 664 of the Individuals with Disabilities Edu-*
7 *cation Act, \$555,815,000, of which \$293,155,000 shall be*
8 *available until September 30, 2009: Provided, That of the*
9 *amount available to carry out section 208 of the Edu-*
10 *cational Technical Assistance Act, up to \$5,000,000 may*
11 *be used for State data coordinators and for awards to enti-*
12 *ties, including entities other than States, to improve data*
13 *coordination.*

14 *DEPARTMENTAL MANAGEMENT*15 *PROGRAM ADMINISTRATION*

16 *For carrying out, to the extent not otherwise provided,*
17 *the Department of Education Organization Act, including*
18 *rental of conference rooms in the District of Columbia and*
19 *hire of three passenger motor vehicles, \$418,587,000, of*
20 *which \$2,100,000, to remain available until expended, shall*
21 *be for building alterations and related expenses for the move*
22 *of Department staff to the Mary E. Switzer building in*
23 *Washington, DC.*

1 *Higher Education Act of 1965 on June 1, 2007, until legis-*
2 *lation specifically requiring such revision is enacted.*

3 *SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETH-*
4 *ICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—*
5 *Within 60 days after the enactment of this Act, the Sec-*
6 *retary of Education shall implement procedures—*

7 *(1) to assess whether a covered individual or en-*
8 *tity has a potential financial interest in, or impaired*
9 *objectivity towards, a product or service purchased*
10 *with, or guaranteed or insured by, funds adminis-*
11 *tered by the Department of Education or a contracted*
12 *entity of the Department; and*

13 *(2) to disclose the existence of any such potential*
14 *financial interest or impaired objectivity.*

15 *(b) REVIEW BY INSPECTOR GENERAL.—*

16 *(1) Within 60 days after the implementation of*
17 *the procedures described in subsection (a), the Inspec-*
18 *tor General of the Department of Education shall re-*
19 *port to the Committees on Appropriations of the*
20 *House of Representatives and the Senate on the ade-*
21 *quacy of such procedures.*

22 *(2) Within 1 year, the Inspector General shall*
23 *conduct at least 1 review to ensure that such proce-*
24 *dures are properly implemented and are effective to*
25 *uncover and disclose the existence of potential finan-*

1 *cial interests or impaired objectivity described in sub-*
2 *section (a).*

3 (3) *The Inspector General shall report to such*
4 *Committees any recommendations for modifications*
5 *to such procedures that the Inspector General deter-*
6 *mines are necessary to uncover and disclose the exist-*
7 *ence of such potential financial interests or impaired*
8 *objectivity.*

9 (c) *DEFINITION.—For purposes of this section, the*
10 *term “covered individual or entity” means—*

11 (1) *an officer or professional employee of the De-*
12 *partment of Education;*

13 (2) *a contractor or subcontractor of the Depart-*
14 *ment, or an individual hired by the contracted entity;*

15 (3) *a member of a peer review panel of the De-*
16 *partment; or*

17 (4) *a consultant or advisor to the Department.*

18 *SEC. 307. (a) Notwithstanding section 8013(9)(B) of*
19 *the Elementary and Secondary Education Act of 1965,*
20 *North Chicago Community Unit School District 187, North*
21 *Shore District 112, and Township High School District 113*
22 *in Lake County, Illinois, and Glenview Public School Dis-*
23 *trict 34 and Glenbrook High School District 225 in Cook*
24 *County, Illinois, shall be considered local educational agen-*

1 *cies as such term is used in and for purposes of title VIII*
2 *of such Act for fiscal years 2008 and 2009.*

3 *(b) Notwithstanding any other provision of law, feder-*
4 *ally connected children (as determined under section*
5 *8003(a) of the Elementary and Secondary Education Act*
6 *of 1965) who are in attendance in the North Shore District*
7 *112, Township High School District 113, Glenview Public*
8 *School District 34, and Glenbrook High School District 225*
9 *described in subsection (a), shall be considered to be in at-*
10 *tendance in the North Chicago Community Unit School*
11 *District 187 described in subsection (a) for purposes of com-*
12 *puting the amount that the North Chicago Community*
13 *Unit School District 187 is eligible to receive under sub-*
14 *section (b) or (d) of such section for fiscal years 2008 and*
15 *2009 if—*

16 *(1) such school districts have entered into an*
17 *agreement for such students to be so considered and*
18 *for the equitable apportionment among all such school*
19 *districts of any amount received by the North Chicago*
20 *Community Unit School District 187 under such sec-*
21 *tion; and*

22 *(2) any amount apportioned among all such*
23 *school districts pursuant to paragraph (1) is used by*
24 *such school districts only for the direct provision of*
25 *educational services.*

1 *the Higher Education Reconciliation Act of 2005,*
2 *\$25,000,000 are rescinded.*

3 *SEC. 311. The Secretary of Education shall—*

4 *(1) deem each local educational agency that re-*
5 *ceived a fiscal year 2007 basic support payment for*
6 *heavily impacted local educational agencies under*
7 *section 8003(b)(2) of the Elementary and Secondary*
8 *Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eli-*
9 *gible to receive a fiscal year 2008 basic support pay-*
10 *ment for heavily impacted local educational agencies*
11 *under such section; and*

12 *(2) make a payment to such local educational*
13 *agency under such section for fiscal year 2008.*

14 *This title may be cited as the “Department of Edu-*
15 *cation Appropriations Act, 2008”.*

16 *TITLE IV*

17 *RELATED AGENCIES*

18 *COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE*

19 *BLIND OR SEVERELY DISABLED*

20 *SALARIES AND EXPENSES*

21 *For expenses necessary of the Committee for Purchase*
22 *From People Who Are Blind or Severely Disabled estab-*
23 *lished by Public Law 92–28, \$4,994,000.*

1 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*
2 *OPERATING EXPENSES*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses for the Corporation for Na-*
5 *tional and Community Service to carry out the Domestic*
6 *Volunteer Service Act of 1973 (“1973 Act”) and the Na-*
7 *tional and Community Service Act of 1990 (“1990 Act”),*
8 *\$796,662,000, of which \$313,054,000 is to carry out the*
9 *1973 Act and \$483,608,000 is to carry out the 1990 Act:*
10 *Provided, That \$24,205,000 of the amount provided under*
11 *this heading shall remain available until September 30,*
12 *2009 to carry out subtitle E of the 1990 Act: Provided fur-*
13 *ther, That up to 1 percent of program grant funds may*
14 *be used to defray the costs of conducting grant application*
15 *reviews, including the use of outside peer reviewers and elec-*
16 *tronic management of the grants cycle: Provided further,*
17 *That none of the funds made available under this heading*
18 *for activities authorized by section 122 and part E of title*
19 *II of the 1973 Act shall be used to provide stipends or other*
20 *monetary incentives to program participants or volunteer*
21 *leaders whose incomes exceed the income guidelines in sub-*
22 *sections 211(e) and 213(b) of the 1973 Act: Provided fur-*
23 *ther, That notwithstanding subtitle H of title I of the 1990*
24 *Act, none of the funds provided for quality and innovation*
25 *activities shall be used to support salaries and related ex-*
26 *penses (including travel) attributable to Corporation for*

1 *National and Community Service employees: Provided fur-*
2 *ther, That, for fiscal year 2008 and thereafter, in addition*
3 *to amounts otherwise provided to the National Service*
4 *Trust under this heading, at no later than the end of the*
5 *fifth fiscal year after the fiscal year for which funds are*
6 *appropriated or otherwise made available, unobligated bal-*
7 *ances of appropriations available for grants under the Na-*
8 *tional Service Trust Program under subtitle C of title I of*
9 *the 1990 Act during such fiscal year may be transferred*
10 *to the National Service Trust after notice is transmitted*
11 *to Congress, if such funds are initially obligated before the*
12 *expiration of their period of availability as provided in this*
13 *Act: Provided further, That of the amounts provided under*
14 *this heading: (1) not less than \$124,718,000, to remain*
15 *available until expended, to be transferred to the National*
16 *Service Trust for educational awards authorized under sub-*
17 *title D of title I of the 1990 Act: Provided further, That*
18 *in addition to these funds, the Corporation may transfer*
19 *funds from the amount provided for AmeriCorps grants*
20 *under the National Service Trust Program, to the National*
21 *Service Trust authorized under subtitle D of title I of the*
22 *1990 Act, upon determination that such transfer is nec-*
23 *essary to support the activities of national service partici-*
24 *pants and after notice is transmitted to the Congress; (2)*
25 *not more than \$55,000,000 of funding provided for grants*

1 *under the National Service Trust program authorized under*
2 *subtitle C of title I of the 1990 Act may be used to admin-*
3 *ister, reimburse, or support any national service program*
4 *authorized under section 129(d)(2) of such Act; (3)*
5 *\$12,000,000 shall be to provide assistance to State commis-*
6 *sions on national and community service, under section*
7 *126(a) of the 1990 Act and notwithstanding section*
8 *501(a)(4) of the 1990 Act; and (4) not less than \$5,000,000*
9 *shall be for the acquisition, renovation, equipping and*
10 *startup costs for a campus located in Vinton, Iowa and a*
11 *campus in Vicksburg, Mississippi to carry out subtitle E*
12 *of title I of the 1990 Act.*

13 *SALARIES AND EXPENSES*

14 *For necessary expenses of administration as provided*
15 *under section 501(a)(4) of the National and Community*
16 *Service Act of 1990 and under section 504(a) of the Domes-*
17 *tic Volunteer Service Act of 1973, including payment of sal-*
18 *aries, authorized travel, hire of passenger motor vehicles,*
19 *the rental of conference rooms in the District of Columbia,*
20 *the employment of experts and consultants authorized under*
21 *5 U.S.C. 3109, and not to exceed \$2,500 for official recep-*
22 *tion and representation expenses, \$68,964,000.*

23 *OFFICE OF INSPECTOR GENERAL*

24 *For necessary expenses of the Office of Inspector Gen-*
25 *eral in carrying out the Inspector General Act of 1978,*
26 *\$5,932,000.*

ADMINISTRATIVE PROVISIONS

1

2 *SEC. 401. Notwithstanding any other provision of law,*
3 *the term “qualified student loan” with respect to national*
4 *service education awards shall mean any loan determined*
5 *by an institution of higher education to be necessary to*
6 *cover a student’s cost of attendance at such institution and*
7 *made, insured, or guaranteed directly to a student by a*
8 *State agency, in addition to other meanings under section*
9 *148(b)(7) of the National and Community Service Act.*

10 *SEC. 402. Notwithstanding any other provision of law,*
11 *funds made available under section 129(d)(5)(B) of the Na-*
12 *tional and Community Service Act of 1990 to assist entities*
13 *in placing applicants who are individuals with disabilities*
14 *may be provided to any entity that receives a grant under*
15 *section 121 of the Act.*

16 *SEC. 403. The Corporation for National and Commu-*
17 *nity Service shall make any significant changes to program*
18 *requirements, service delivery or policy only through public*
19 *notice and comment rulemaking. For fiscal year 2008, dur-*
20 *ing any grant selection process, an officer or employee of*
21 *the Corporation shall not knowingly disclose any covered*
22 *grant selection information regarding such selection, di-*
23 *rectly or indirectly, to any person other than an officer or*
24 *employee of the Corporation that is authorized by the Cor-*
25 *poration to receive such information.*

1 *SEC. 404. Professional Corps programs described in*
2 *section 122(a)(8) of the National and Community Service*
3 *Act of 1990 may apply to the Corporation for a waiver*
4 *of application of section 140(c)(2).*

5 *SEC. 405. Notwithstanding section 1342 of title 31,*
6 *United States Code, the Corporation may solicit and accept*
7 *the services of organizations and individuals (other than*
8 *participants) to assist the Corporation in carrying out the*
9 *duties of the Corporation under the national service laws:*
10 *Provided, That an individual who provides services under*
11 *this section shall be subject to the same protections and lim-*
12 *itations as volunteers under section 196(a) of the National*
13 *and Community Service Act of 1990.*

14 *SEC. 406. Organizations operating projects under the*
15 *AmeriCorps Education Awards Program shall do so with-*
16 *out regard to the requirements of sections 121(d) and (e),*
17 *131(e), 132, and 140(a), (d), and (e) of the National and*
18 *Community Service Act of 1990.*

19 *SEC. 407. AmeriCorps programs receiving grants*
20 *under the National Service Trust program shall meet an*
21 *overall minimum share requirement of 24 percent for the*
22 *first three years that they receive AmeriCorps funding, and*
23 *thereafter shall meet the overall minimum share require-*
24 *ment as provided in section 2521.60 of title 45, Code of*
25 *Federal Regulations, without regard to the operating costs*

1 *match requirement in section 121(e) or the member support*
2 *Federal share limitations in section 140 of the National and*
3 *Community Service Act of 1990, and subject to partial*
4 *waiver consistent with section 2521.70 of title 45, Code of*
5 *Federal Regulations.*

6 *SEC. 408. Notwithstanding any other provision of law,*
7 *formula-based grants to States and territories under section*
8 *129(a)(1)–(2) of the 1990 Act to operate AmeriCorps pro-*
9 *grams may be made if the application describes proposed*
10 *positions into which participants will be placed, the pro-*
11 *posed minimum qualifications of such participants, and an*
12 *assurance that the State will select national service pro-*
13 *grams for subgrants on a competitive basis, and an assur-*
14 *ance that the aforementioned information will be provided*
15 *for each subgrant awarded prior to the execution of such*
16 *subgrants.*

17 *CORPORATION FOR PUBLIC BROADCASTING*

18 *For payment to the Corporation for Public Broad-*
19 *casting, as authorized by the Communications Act of 1934,*
20 *an amount which shall be available within limitations spec-*
21 *ified by that Act, for the fiscal year 2010, \$420,000,000:*
22 *Provided, That no funds made available to the Corporation*
23 *for Public Broadcasting by this Act shall be used to pay*
24 *for receptions, parties, or similar forms of entertainment*
25 *for Government officials or employees: Provided further,*

1 *That none of the funds contained in this paragraph shall*
2 *be available or used to aid or support any program or activ-*
3 *ity from which any person is excluded, or is denied benefits,*
4 *or is discriminated against, on the basis of race, color, na-*
5 *tional origin, religion, or sex: Provided further, That no*
6 *funds made available to the Corporation for Public Broad-*
7 *casting by this Act shall be used to apply any political test*
8 *or qualification in selecting, appointing, promoting, or tak-*
9 *ing any other personnel action with respect to officers,*
10 *agents, and employees of the Corporation: Provided further,*
11 *That for fiscal year 2008, in addition to the amounts pro-*
12 *vided above, \$29,700,000 shall be for costs related to digital*
13 *program production, development, and distribution, associ-*
14 *ated with the transition of public broadcasting to digital*
15 *broadcasting, to be awarded as determined by the Corpora-*
16 *tion in consultation with public radio and television licens-*
17 *ees or permittees, or their designated representatives: Pro-*
18 *vided further, That for fiscal year 2008, in addition to the*
19 *amounts provided above, \$26,750,000 is available pursuant*
20 *to section 396(k)(10) of the Communications Act of 1934*
21 *for replacement and upgrade of the public radio inter-*
22 *connection system: Provided further, That none of the funds*
23 *made available to the Corporation for Public Broadcasting*
24 *by this Act, the Continuing Appropriations Resolution,*
25 *2007 (Public Law 110–5), or the Departments of Labor,*

1 *Health and Human Services, and Education, and Related*
2 *Agencies Appropriations Act, 2006 (Public Law 109–149),*
3 *shall be used to support the Television Future Fund or any*
4 *similar purpose.*

5 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

6 *SALARIES AND EXPENSES*

7 *For expenses necessary for the Federal Mediation and*
8 *Conciliation Service to carry out the functions vested in*
9 *it by the Labor Management Relations Act, 1947, including*
10 *hire of passenger motor vehicles; for expenses necessary for*
11 *the Labor-Management Cooperation Act of 1978; and for*
12 *expenses necessary for the Service to carry out the functions*
13 *vested in it by the Civil Service Reform Act, Public Law*
14 *95–454, \$43,800,000: Provided, That notwithstanding 31*
15 *U.S.C. 3302, fees charged, up to full-cost recovery, for spe-*
16 *cial training activities and other conflict resolution services*
17 *and technical assistance, including those provided to foreign*
18 *governments and international organizations, and for arbi-*
19 *tration services shall be credited to and merged with this*
20 *account, and shall remain available until expended: Pro-*
21 *vided further, That fees for arbitration services shall be*
22 *available only for education, training, and professional de-*
23 *velopment of the agency workforce: Provided further, That*
24 *the Director of the Service is authorized to accept and use*
25 *on behalf of the United States gifts of services and real, per-*

1 *sonal, or other property in the aid of any projects or func-*
2 *tions within the Director's jurisdiction.*

3 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

4 *COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For expenses necessary for the Federal Mine Safety*
7 *and Health Review Commission, \$8,096,000.*

8 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

9 *OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND*

10 *ADMINISTRATION*

11 *For carrying out the Museum and Library Services*
12 *Act of 1996 and the National Museum of African American*
13 *History and Culture Act, \$268,193,000, of which*
14 *\$18,610,000 shall be available for library, museum and re-*
15 *lated projects and in the amounts specified in the explana-*
16 *tory statement described in section 4 (in the matter pre-*
17 *ceding division A of this consolidated Act): Provided, That*
18 *funds may be made available for support through inter-*
19 *agency agreement or grant to commemorative Federal com-*
20 *missions that support museum and library activities, in*
21 *partnership with libraries and museums that are eligible*
22 *for funding under programs carried out by the Institute of*
23 *Museum and Library Services.*

1 *MEDICARE PAYMENT ADVISORY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For expenses necessary to carry out section 1805 of the*
4 *Social Security Act, \$10,748,000, to be transferred to this*
5 *appropriation from the Federal Hospital Insurance and the*
6 *Federal Supplementary Medical Insurance Trust Funds.*

7 *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*8 *SCIENCE*9 *SALARIES AND EXPENSES*

10 *For close out activities of the National Commission on*
11 *Libraries and Information Science, established by the Act*
12 *of July 20, 1970 (Public Law 91-345, as amended),*
13 *\$400,000.*

14 *NATIONAL COUNCIL ON DISABILITY*15 *SALARIES AND EXPENSES*

16 *For expenses necessary for the National Council on*
17 *Disability as authorized by title IV of the Rehabilitation*
18 *Act of 1973, \$3,113,000.*

19 *NATIONAL LABOR RELATIONS BOARD*20 *SALARIES AND EXPENSES*

21 *For expenses necessary for the National Labor Rela-*
22 *tions Board to carry out the functions vested in it by the*
23 *Labor-Management Relations Act, 1947, and other laws,*
24 *\$256,238,000: Provided, That no part of this appropriation*
25 *shall be available to organize or assist in organizing agri-*

1 *cultural laborers or used in connection with investigations,*
2 *hearings, directives, or orders concerning bargaining units*
3 *composed of agricultural laborers as referred to in section*
4 *2(3) of the Act of July 5, 1935, and as amended by the*
5 *Labor-Management Relations Act, 1947, and as defined in*
6 *section 3(f) of the Act of June 25, 1938, and including in*
7 *said definition employees engaged in the maintenance and*
8 *operation of ditches, canals, reservoirs, and waterways*
9 *when maintained or operated on a mutual, nonprofit basis*
10 *and at least 95 percent of the water stored or supplied there-*
11 *by is used for farming purposes.*

12 *NATIONAL MEDIATION BOARD*

13 *SALARIES AND EXPENSES*

14 *For expenses necessary to carry out the provisions of*
15 *the Railway Labor Act, including emergency boards ap-*
16 *pointed by the President, \$12,911,000.*

17 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*

18 *COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For expenses necessary for the Occupational Safety*
21 *and Health Review Commission, \$10,696,000.*

22 *RAILROAD RETIREMENT BOARD*

23 *DUAL BENEFITS PAYMENTS ACCOUNT*

24 *For payment to the Dual Benefits Payments Account,*
25 *authorized under section 15(d) of the Railroad Retirement*

1 *Act of 1974, \$79,000,000, which shall include amounts be-*
2 *coming available in fiscal year 2008 pursuant to section*
3 *224(c)(1)(B) of Public Law 98-76; and in addition, an*
4 *amount, not to exceed 2 percent of the amount provided*
5 *herein, shall be available proportional to the amount by*
6 *which the product of recipients and the average benefit re-*
7 *ceived exceeds the amount available for payment of vested*
8 *dual benefits: Provided, That the total amount provided*
9 *herein shall be credited in 12 approximately equal amounts*
10 *on the first day of each month in the fiscal year.*

11 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

12 *ACCOUNTS*

13 *For payment to the accounts established in the Treas-*
14 *ury for the payment of benefits under the Railroad Retire-*
15 *ment Act for interest earned on unnegotiated checks,*
16 *\$150,000, to remain available through September 30, 2009,*
17 *which shall be the maximum amount available for payment*
18 *pursuant to section 417 of Public Law 98-76.*

19 *LIMITATION ON ADMINISTRATION*

20 *For necessary expenses for the Railroad Retirement*
21 *Board for administration of the Railroad Retirement Act*
22 *and the Railroad Unemployment Insurance Act,*
23 *\$103,694,000, to be derived in such amounts as determined*
24 *by the Board from the railroad retirement accounts and*
25 *from moneys credited to the railroad unemployment insur-*
26 *ance administration fund.*

1 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

2 *For expenses necessary for the Office of Inspector Gen-*
3 *eral for audit, investigatory and review activities, as au-*
4 *thorized by the Inspector General Act of 1978, not more*
5 *than \$7,173,000, to be derived from the railroad retirement*
6 *accounts and railroad unemployment insurance account:*
7 *Provided, That none of the funds made available in any*
8 *other paragraph of this Act may be transferred to the Office;*
9 *used to carry out any such transfer; used to provide any*
10 *office space, equipment, office supplies, communications fa-*
11 *cilities or services, maintenance services, or administrative*
12 *services for the Office; used to pay any salary, benefit, or*
13 *award for any personnel of the Office; used to pay any other*
14 *operating expense of the Office; or used to reimburse the*
15 *Office for any service provided, or expense incurred, by the*
16 *Office: Provided further, That funds made available under*
17 *the heading in this Act, or subsequent Departments of*
18 *Labor, Health and Human Services, and Education, and*
19 *Related Agencies Appropriations Acts, may be used for any*
20 *audit, investigation, or review of the Medicare Program.*

21 *SOCIAL SECURITY ADMINISTRATION*22 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

23 *For payment to the Federal Old-Age and Survivors In-*
24 *surance Trust Fund and the Federal Disability Insurance*
25 *Trust Fund, as provided under sections 201(m), 217(g),*

1 228(g), and 1131(b)(2) of the Social Security Act,
2 \$28,140,000.

3 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

4 *For carrying out titles XI and XVI of the Social Secu-*
5 *rity Act, section 401 of Public Law 92-603, section 212*
6 *of Public Law 93-66, as amended, and section 405 of Public*
7 *Law 95-216, including payment to the Social Security*
8 *trust funds for administrative expenses incurred pursuant*
9 *to section 201(g)(1) of the Social Security Act,*
10 *\$27,000,191,000, to remain available until expended: Pro-*
11 *vided, That any portion of the funds provided to a State*
12 *in the current fiscal year and not obligated by the State*
13 *during that year shall be returned to the Treasury.*

14 *For making, after June 15 of the current fiscal year,*
15 *benefit payments to individuals under title XVI of the So-*
16 *cial Security Act, for unanticipated costs incurred for the*
17 *current fiscal year, such sums as may be necessary.*

18 *For making benefit payments under title XVI of the*
19 *Social Security Act for the first quarter of fiscal year 2009,*
20 *\$14,800,000,000, to remain available until expended.*

21 *LIMITATION ON ADMINISTRATIVE EXPENSES*

22 *For necessary expenses, including the hire of two pas-*
23 *senger motor vehicles, and not to exceed \$15,000 for official*
24 *reception and representation expenses, not more than*
25 *\$9,781,842,000 may be expended, as authorized by section*
26 *201(g)(1) of the Social Security Act, from any one or all*

1 of the trust funds referred to therein: Provided, That not
2 less than \$2,000,000 shall be for the Social Security Advi-
3 sory Board: Provided further, That unobligated balances of
4 funds provided under this paragraph at the end of fiscal
5 year 2008 not needed for fiscal year 2008 shall remain
6 available until expended to invest in the Social Security
7 Administration information technology and telecommuni-
8 cations hardware and software infrastructure, including re-
9 lated equipment and non-payroll administrative expenses
10 associated solely with this information technology and tele-
11 communications infrastructure: Provided further, That re-
12 imbursement to the trust funds under this heading for ex-
13 penditures for official time for employees of the Social Secu-
14 rity Administration pursuant to section 7131 of title 5,
15 United States Code, and for facilities or support services
16 for labor organizations pursuant to policies, regulations, or
17 procedures referred to in section 7135(b) of such title shall
18 be made by the Secretary of the Treasury, with interest,
19 from amounts in the general fund not otherwise appro-
20 priated, as soon as possible after such expenditures are
21 made.

22 In addition, \$135,000,000 to be derived from adminis-
23 tration fees in excess of \$5.00 per supplementary payment
24 collected pursuant to section 1616(d) of the Social Security
25 Act or section 212(b)(3) of Public Law 93-66, which shall

1 *remain available until expended. To the extent that the*
2 *amounts collected pursuant to such sections in fiscal year*
3 *2008 exceed \$135,000,000, the amounts shall be available*
4 *in fiscal year 2009 only to the extent provided in advance*
5 *in appropriations Acts.*

6 *In addition, up to \$1,000,000 to be derived from fees*
7 *collected pursuant to section 303(c) of the Social Security*
8 *Protection Act (Public Law 108–203), which shall remain*
9 *available until expended.*

10 *OFFICE OF INSPECTOR GENERAL*
11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For expenses necessary for the Office of Inspector Gen-*
13 *eral in carrying out the provisions of the Inspector General*
14 *Act of 1978, \$26,451,000, together with not to exceed*
15 *\$67,098,000, to be transferred and expended as authorized*
16 *by section 201(g)(1) of the Social Security Act from the*
17 *Federal Old-Age and Survivors Insurance Trust Fund and*
18 *the Federal Disability Insurance Trust Fund.*

19 *In addition, an amount not to exceed 3 percent of the*
20 *total provided in this appropriation may be transferred*
21 *from the “Limitation on Administrative Expenses”, Social*
22 *Security Administration, to be merged with this account,*
23 *to be available for the time and purposes for which this*
24 *account is available: Provided, That notice of such transfers*
25 *shall be transmitted promptly to the Committees on Appro-*
26 *priations of the House of Representatives and the Senate.*

TITLE V

GENERAL PROVISIONS

1
2
3 *SEC. 501. The Secretaries of Labor, Health and*
4 *Human Services, and Education are authorized to transfer*
5 *unexpended balances of prior appropriations to accounts*
6 *corresponding to current appropriations provided in this*
7 *Act. Such transferred balances shall be used for the same*
8 *purpose, and for the same periods of time, for which they*
9 *were originally appropriated.*

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

13 *SEC. 503. (a) No part of any appropriation contained*
14 *in this Act shall be used, other than for normal and recog-*
15 *nized executive-legislative relationships, for publicity or*
16 *propaganda purposes, for the preparation, distribution, or*
17 *use of any kit, pamphlet, booklet, publication, radio, tele-*
18 *vision, or video presentation designed to support or defeat*
19 *legislation pending before the Congress or any State legisla-*
20 *ture, except in presentation to the Congress or any State*
21 *legislature itself.*

22 *(b) No part of any appropriation contained in this*
23 *Act shall be used to pay the salary or expenses of any grant*
24 *or contract recipient, or agent acting for such recipient, re-*
25 *lated to any activity designed to influence legislation or ap-*

1 *appropriations pending before the Congress or any State legis-*
2 *lature.*

3 *SEC. 504. The Secretaries of Labor and Education are*
4 *authorized to make available not to exceed \$28,000 and*
5 *\$20,000, respectively, from funds available for salaries and*
6 *expenses under titles I and III, respectively, for official re-*
7 *ception and representation expenses; the Director of the*
8 *Federal Mediation and Conciliation Service is authorized*
9 *to make available for official reception and representation*
10 *expenses not to exceed \$5,000 from the funds available for*
11 *“Federal Mediation and Conciliation Service, Salaries and*
12 *expenses”;* and the Chairman of the National Mediation
13 *Board is authorized to make available for official reception*
14 *and representation expenses not to exceed \$5,000 from funds*
15 *available for “National Mediation Board, Salaries and ex-*
16 *penses”.*

17 *SEC. 505. Notwithstanding any other provision of this*
18 *Act, no funds appropriated in this Act shall be used to*
19 *carry out any program of distributing sterile needles or sy-*
20 *ringes for the hypodermic injection of any illegal drug.*

21 *SEC. 506. When issuing statements, press releases, re-*
22 *quests for proposals, bid solicitations and other documents*
23 *describing projects or programs funded in whole or in part*
24 *with Federal money, all grantees receiving Federal funds*
25 *included in this Act, including but not limited to State and*

1 *local governments and recipients of Federal research grants,*
2 *shall clearly state—*

3 *(1) the percentage of the total costs of the pro-*
4 *gram or project which will be financed with Federal*
5 *money;*

6 *(2) the dollar amount of Federal funds for the*
7 *project or program; and*

8 *(3) percentage and dollar amount of the total*
9 *costs of the project or program that will be financed*
10 *by non-governmental sources.*

11 *SEC. 507. (a) None of the funds appropriated in this*
12 *Act, and none of the funds in any trust fund to which funds*
13 *are appropriated in this Act, shall be expended for any*
14 *abortion.*

15 *(b) None of the funds appropriated in this Act, and*
16 *none of the funds in any trust fund to which funds are*
17 *appropriated in this Act, shall be expended for health bene-*
18 *fits coverage that includes coverage of abortion.*

19 *(c) The term “health benefits coverage” means the*
20 *package of services covered by a managed care provider or*
21 *organization pursuant to a contract or other arrangement.*

22 *SEC. 508. (a) The limitations established in the pre-*
23 *ceding section shall not apply to an abortion—*

24 *(1) if the pregnancy is the result of an act of*
25 *rape or incest; or*

1 (2) *in the case where a woman suffers from a*
2 *physical disorder, physical injury, or physical illness,*
3 *including a life-endangering physical condition*
4 *caused by or arising from the pregnancy itself, that*
5 *would, as certified by a physician, place the woman*
6 *in danger of death unless an abortion is performed.*

7 (b) *Nothing in the preceding section shall be construed*
8 *as prohibiting the expenditure by a State, locality, entity,*
9 *or private person of State, local, or private funds (other*
10 *than a State's or locality's contribution of Medicaid match-*
11 *ing funds).*

12 (c) *Nothing in the preceding section shall be construed*
13 *as restricting the ability of any managed care provider*
14 *from offering abortion coverage or the ability of a State or*
15 *locality to contract separately with such a provider for such*
16 *coverage with State funds (other than a State's or locality's*
17 *contribution of Medicaid matching funds).*

18 (d)(1) *None of the funds made available in this Act*
19 *may be made available to a Federal agency or program,*
20 *or to a State or local government, if such agency, program,*
21 *or government subjects any institutional or individual*
22 *health care entity to discrimination on the basis that the*
23 *health care entity does not provide, pay for, provide cov-*
24 *erage of, or refer for abortions.*

1 (2) *In this subsection, the term “health care entity”*
2 *includes an individual physician or other health care pro-*
3 *fessional, a hospital, a provider-sponsored organization, a*
4 *health maintenance organization, a health insurance plan,*
5 *or any other kind of health care facility, organization, or*
6 *plan.*

7 *SEC. 509. (a) None of the funds made available in this*
8 *Act may be used for—*

9 (1) *the creation of a human embryo or embryos*
10 *for research purposes; or*

11 (2) *research in which a human embryo or em-*
12 *bryos are destroyed, discarded, or knowingly subjected*
13 *to risk of injury or death greater than that allowed*
14 *for research on fetuses in utero under 45 CFR*
15 *46.204(b) and section 498(b) of the Public Health*
16 *Service Act (42 U.S.C. 289g(b)).*

17 (b) *For purposes of this section, the term “human em-*
18 *bryo or embryos” includes any organism, not protected as*
19 *a human subject under 45 CFR 46 as of the date of the*
20 *enactment of this Act, that is derived by fertilization, par-*
21 *thenogenesis, cloning, or any other means from one or more*
22 *human gametes or human diploid cells.*

23 *SEC. 510. (a) None of the funds made available in this*
24 *Act may be used for any activity that promotes the legaliza-*
25 *tion of any drug or other substance included in schedule*

1 *I of the schedules of controlled substances established under*
2 *section 202 of the Controlled Substances Act (21 U.S.C.*
3 *812) except for normal and recognized executive-congres-*
4 *sional communications.*

5 *(b) The limitation in subsection (a) shall not apply*
6 *when there is significant medical evidence of a therapeutic*
7 *advantage to the use of such drug or other substance or that*
8 *federally sponsored clinical trials are being conducted to de-*
9 *termine therapeutic advantage.*

10 *SEC. 511. None of the funds made available in this*
11 *Act may be used to promulgate or adopt any final standard*
12 *under section 1173(b) of the Social Security Act (42 U.S.C.*
13 *1320d–2(b)) providing for, or providing for the assignment*
14 *of, a unique health identifier for an individual (except in*
15 *an individual’s capacity as an employer or a health care*
16 *provider), until legislation is enacted specifically approving*
17 *the standard.*

18 *SEC. 512. None of the funds made available in this*
19 *Act may be obligated or expended to enter into or renew*
20 *a contract with an entity if—*

21 *(1) such entity is otherwise a contractor with the*
22 *United States and is subject to the requirement in*
23 *section 4212(d) of title 38, United States Code, re-*
24 *garding submission of an annual report to the Sec-*

1 *retary of Labor concerning employment of certain vet-*
2 *erans; and*

3 *(2) such entity has not submitted a report as re-*
4 *quired by that section for the most recent year for*
5 *which such requirement was applicable to such entity.*

6 *SEC. 513. None of the funds made available in this*
7 *Act may be transferred to any department, agency, or in-*
8 *strumentality of the United States Government, except pur-*
9 *suant to a transfer made by, or transfer authority provided*
10 *in, this Act or any other appropriation Act.*

11 *SEC. 514. None of the funds made available by this*
12 *Act to carry out the Library Services and Technology Act*
13 *may be made available to any library covered by paragraph*
14 *(1) of section 224(f) of such Act, as amended by the Chil-*
15 *dren's Internet Protection Act, unless such library has made*
16 *the certifications required by paragraph (4) of such section.*

17 *SEC. 515. None of the funds made available by this*
18 *Act to carry out part D of title II of the Elementary and*
19 *Secondary Education Act of 1965 may be made available*
20 *to any elementary or secondary school covered by para-*
21 *graph (1) of section 2441(a) of such Act, as amended by*
22 *the Children's Internet Protection Act and the No Child Left*
23 *Behind Act, unless the local educational agency with re-*
24 *sponsibility for such covered school has made the certifi-*
25 *cations required by paragraph (2) of such section.*

1 *SEC. 516. (a) None of the funds provided under this*
2 *Act, or provided under previous appropriations Acts to the*
3 *agencies funded by this Act that remain available for obli-*
4 *gation or expenditure in fiscal year 2008, or provided from*
5 *any accounts in the Treasury of the United States derived*
6 *by the collection of fees available to the agencies funded by*
7 *this Act, shall be available for obligation or expenditure*
8 *through a reprogramming of funds that—*

9 *(1) creates new programs;*

10 *(2) eliminates a program, project, or activity;*

11 *(3) increases funds or personnel by any means*
12 *for any project or activity for which funds have been*
13 *denied or restricted;*

14 *(4) relocates an office or employees;*

15 *(5) reorganizes or renames offices;*

16 *(6) reorganizes programs or activities; or*

17 *(7) contracts out or privatizes any functions or*
18 *activities presently performed by Federal employees;*

19 *unless the Committees on Appropriations of the House of*
20 *Representatives and the Senate are notified 15 days in ad-*
21 *vance of such reprogramming or of an announcement of in-*
22 *tent relating to such reprogramming, whichever occurs ear-*
23 *lier.*

24 *(b) None of the funds provided under this Act, or pro-*
25 *vided under previous appropriations Acts to the agencies*

1 *funded by this Act that remain available for obligation or*
2 *expenditure in fiscal year 2008, or provided from any ac-*
3 *counts in the Treasury of the United States derived by the*
4 *collection of fees available to the agencies funded by this*
5 *Act, shall be available for obligation or expenditure through*
6 *a reprogramming of funds in excess of \$500,000 or 10 per-*
7 *cent, whichever is less, that—*

8 (1) *augments existing programs, projects (in-*
9 *cluding construction projects), or activities;*

10 (2) *reduces by 10 percent funding for any exist-*
11 *ing program, project, or activity, or numbers of per-*
12 *sonnel by 10 percent as approved by Congress; or*

13 (3) *results from any general savings from a re-*
14 *duction in personnel which would result in a change*
15 *in existing programs, activities, or projects as ap-*
16 *proved by Congress;*

17 *unless the Committees on Appropriations of the House of*
18 *Representatives and the Senate are notified 15 days in ad-*
19 *vance of such reprogramming or of an announcement of in-*
20 *tent relating to such reprogramming, whichever occurs ear-*
21 *lier.*

22 *SEC. 517. (a) None of the funds made available in this*
23 *Act may be used to request that a candidate for appoint-*
24 *ment to a Federal scientific advisory committee disclose the*
25 *political affiliation or voting history of the candidate or*

1 *the position that the candidate holds with respect to polit-*
2 *ical issues not directly related to and necessary for the work*
3 *of the committee involved.*

4 *(b) None of the funds made available in this Act may*
5 *be used to disseminate scientific information that is delib-*
6 *erately false or misleading.*

7 *SEC. 518. Within 45 days of enactment of this Act,*
8 *each department and related agency funded through this*
9 *Act shall submit an operating plan that details at the pro-*
10 *gram, project, and activity level any funding allocations*
11 *for fiscal year 2008 that are different than those specified*
12 *in this Act, the accompanying detailed table in the explana-*
13 *tory statement described in section 4 (in the matter pre-*
14 *ceding division A of this consolidated Act), or the fiscal year*
15 *2008 budget request.*

16 *SEC. 519. None of the funds made available by this*
17 *Act may be used to carry out the evaluation of the Upward*
18 *Bound program described in the absolute priority for Up-*
19 *ward Bound Program participant selection and evaluation*
20 *published by the Department of Education in the Federal*
21 *Register on September 22, 2006 (71 Fed. Reg. 55447 et*
22 *seq.).*

23 *SEC. 520. None of the funds in this Act may be used*
24 *to employ workers described in section 274A(h)(3) of the*
25 *Immigration and Nationality Act.*

1 *SEC. 521. The Secretaries of Labor, Health and*
2 *Human Services, and Education shall each prepare and*
3 *submit to the Committees on Appropriations of the House*
4 *of Representatives and the Senate a report on the number*
5 *and amount of contracts, grants, and cooperative agree-*
6 *ments exceeding \$100,000 in value and awarded by the De-*
7 *partment on a non-competitive basis during each quarter*
8 *of fiscal year 2008, but not to include grants awarded on*
9 *a formula basis. Such report shall include the name of the*
10 *contractor or grantee, the amount of funding, and the gov-*
11 *ernmental purpose. Such report shall be transmitted to the*
12 *Committees within 30 days after the end of the quarter for*
13 *which the report is submitted.*

14 *SEC. 522. Not later than 30 days after the date of en-*
15 *actment of this Act, the Departments, agencies, and com-*
16 *missions funded under this Act, shall establish and main-*
17 *tain on the homepages of their Internet websites—*

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

20 *(2) a mechanism on the Offices of Inspectors*
21 *General website by which individuals may anony-*
22 *mously report cases of waste, fraud, or abuse with re-*
23 *spect to those Departments, agencies, and commis-*
24 *sions.*

1 *SEC. 523. None of the funds appropriated or otherwise*
2 *made available by this Act may be used to enter into a*
3 *contract in an amount greater than \$5,000,000 or to award*
4 *a grant in excess of such amount unless the prospective con-*
5 *tractor or grantee certifies in writing to the agency award-*
6 *ing the contract or grant that, to the best of its knowledge*
7 *and belief, the contractor or grantee has filed all Federal*
8 *tax returns required during the three years preceding the*
9 *certification, has not been convicted of a criminal offense*
10 *under the Internal Revenue Code of 1986, and has not, more*
11 *than 90 days prior to certification, been notified of any*
12 *unpaid Federal tax assessment for which the liability re-*
13 *mains unsatisfied, unless the assessment is the subject of*
14 *an installment agreement or offer in compromise that has*
15 *been approved by the Internal Revenue Service and is not*
16 *in default, or the assessment is the subject of a non-frivolous*
17 *administrative or judicial proceeding.*

18 *SEC. 524. Section 1848(l)(2)(A) of the Social Security*
19 *Act, as amended by section 6 of the TMA, Abstinence Edu-*
20 *cation, and QI Programs Extension Act of 2007 (Public*
21 *Law 110–90), is amended by reducing the dollar amount*
22 *in the first sentence by \$150,000,000.*

23 *SEC. 525. Iraqi and Afghan aliens granted special im-*
24 *migrant status under section 101(a)(27) of the Immigration*
25 *and Nationality Act shall be eligible for resettlement assist-*

1 *ance, entitlement programs, and other benefits available to*
2 *refugees admitted under section 207 of such Act for a period*
3 *not to exceed 6 months.*

4 *SEC. 526. None of the funds appropriated by this Act*
5 *may be used by the Commissioner of Social Security or the*
6 *Social Security Administration to pay the compensation of*
7 *employees of the Social Security Administration to admin-*
8 *ister Social Security benefit payments, under any agree-*
9 *ment between the United States and Mexico establishing to-*
10 *talization arrangements between the social security system*
11 *established by title II of the Social Security Act and the*
12 *social security system of Mexico, which would not otherwise*
13 *be payable but for such agreement.*

14 *SEC. 527. None of the funds appropriated in this Act*
15 *shall be expended or obligated by the Commissioner of So-*
16 *cial Security, for purposes of administering Social Security*
17 *benefit payments under title II of the Social Security Act,*
18 *to process claims for credit for quarters of coverage based*
19 *on work performed under a social security account number*
20 *that was not the claimant's number which is an offense pro-*
21 *hibited under section 208 of the Social Security Act.*

22 *SEC. 528. (a) ACROSS-THE-BOARD RESCISSIONS.—*
23 *There is hereby rescinded an amount equal to 1.747 percent*
24 *of the fiscal year 2008 budget authority—*

1 (1) *provided for any discretionary account of*
2 *this Act; and*

3 (2) *provided in any advance appropriation for*
4 *fiscal year 2008 for any discretionary account of this*
5 *Act made available by any prior fiscal year appro-*
6 *priation Act.*

7 (b) *PROPORTIONATE APPLICATION.—Any rescission*
8 *made by subsection (a) shall be applied proportionately—*

9 (1) *to each discretionary account and each item*
10 *of budget authority described in such subsection; and*

11 (2) *within each such account and item, to each*
12 *program, project, and activity (with programs,*
13 *projects, and activities as delineated in the appro-*
14 *priation Act, accompanying reports, or explanatory*
15 *statement for fiscal year 2008 covering such account*
16 *or item, or for accounts and items not included in ap-*
17 *propriation Acts, as delineated in the most recently*
18 *submitted President’s budget).*

19 (c) *EXCEPTIONS.—This section shall not apply—*

20 (1) *to discretionary budget authority that has*
21 *been designated as described in section 5 (in the mat-*
22 *ter preceding division A of this consolidated Act); or*

23 (2) *to discretionary budget authority made*
24 *available under title III under the Student Financial*

1 (3) *EMERGENCY*.—The term “emergency” has the
2 meaning given such term under section 102(1) of the
3 Robert T. Stafford Disaster Relief and Assistance Act
4 (42 U.S.C. 5122(1)).

5 (4) *MAJOR DISASTER*.—The term “major dis-
6 aster” has the meaning given such term under section
7 102(2) of the Robert T. Stafford Disaster Relief and
8 Assistance Act (42 U.S.C. 5122(2)).

9 **SEC. 603. ESTABLISHMENT OF COMMISSION.**

10 There is established a commission to be known as the
11 “National Commission on Children and Disasters” (re-
12 ferred to in this title as the “Commission”).

13 **SEC. 604. PURPOSES OF COMMISSION.**

14 The purposes of the Commission are to—

15 (1) conduct a comprehensive study to examine
16 and assess the needs of children as they relate to prep-
17 aration for, response to, and recovery from all haz-
18 ards, including major disasters and emergencies;

19 (2) build upon the evaluations of other entities
20 and avoid unnecessary duplication, by reviewing the
21 findings, conclusions, and recommendations of other
22 commissions, Federal, State, and local governments,
23 or nongovernmental entities, relating to the needs of
24 children as they relate to preparation for, response to,

1 *and recovery from all hazards, including major disas-*
2 *ters and emergencies; and*

3 *(3) submit a report to the President and Con-*
4 *gress on specific findings, conclusions, and rec-*
5 *ommendations to address the needs of children as they*
6 *relate to preparation for, response to, and recovery*
7 *from all hazards, including major disasters and emer-*
8 *gencies.*

9 **SEC. 605. COMPOSITION OF COMMISSION.**

10 *(a) MEMBERS.—The Commission shall be composed of*
11 *10 members, of whom—*

12 *(1) 1 member shall be appointed by the Presi-*
13 *dent;*

14 *(2) 1 member, who is of a different political*
15 *party than that of the member appointed under para-*
16 *graph (1), shall be appointed by the President;*

17 *(3) 2 members shall be appointed by the major-*
18 *ity leader of the Senate;*

19 *(4) 2 members shall be appointed by the minor-*
20 *ity leader of the Senate;*

21 *(5) 2 members shall be appointed by the Speaker*
22 *of the House of Representatives; and*

23 *(6) 2 members shall be appointed by the minor-*
24 *ity leader of the House of Representatives.*

1 (b) *CHAIRPERSON, VICE-CHAIRPERSON, AND MEET-*
2 *INGS.*—*Not later than 30 days after the date on which all*
3 *members of the Commission are appointed under subsection*
4 *(a), such members shall meet to elect a Chairperson and*
5 *Vice Chairperson from among such members and shall de-*
6 *termine a schedule of Commission meetings.*

7 (c) *GOVERNMENTAL APPOINTEES.*—*An individual ap-*
8 *pointed to the Commission may not be an official or em-*
9 *ployee of the Federal Government.*

10 (d) *COMMISSION REPRESENTATION.*—*The Commission*
11 *shall include at least one—*

12 (1) *representative from private nonprofit entities*
13 *with demonstrated expertise in addressing the needs*
14 *of children as they relate to preparation for, response*
15 *to, and recovery from all hazards, including major*
16 *disasters and emergencies; and*

17 (2) *State emergency manager or local emergency*
18 *manager.*

19 (e) *QUALIFICATIONS.*—*Members appointed under sub-*
20 *section (a) may include—*

21 (1) *individuals involved with providing services*
22 *to children, including health, education, housing, and*
23 *other social services;*

24 (2) *individuals with experience in emergency*
25 *management, including coordination of resources and*

1 *services among State and local governments, the Fed-*
2 *eral Government, and nongovernmental entities;*

3 *(3) individuals with philanthropic experience fo-*
4 *cused on the needs of children in all hazards, includ-*
5 *ing major disasters and emergencies;*

6 *(4) individuals with experience in providing do-*
7 *nated goods and services, including personnel services,*
8 *to meet the needs of children and families as they re-*
9 *late to preparation for, response to, and recovery from*
10 *all hazards, including major disasters and emer-*
11 *gencies; and*

12 *(5) individuals who have conducted academic re-*
13 *search related to addressing the needs of children in*
14 *all hazards, including major disasters and emer-*
15 *gencies.*

16 *(f) INITIAL MEETING.—The Commission shall meet*
17 *and begin the operations of the Commission not later than*
18 *120 days after the appointment of members of the Commis-*
19 *sion.*

20 *(g) QUORUM AND VACANCY.—*

21 *(1) QUORUM.—A majority of the members of the*
22 *Commission shall constitute a quorum, but a lesser*
23 *number of members may hold hearings.*

24 *(2) VACANCY.—Any vacancy in the Commission*
25 *shall not affect its powers and shall be filled in the*

1 *same manner in which the original appointment was*
2 *made.*

3 **SEC. 606. DUTIES OF COMMISSION.**

4 *The Commission shall—*

5 *(1) conduct pursuant to section 604(2) a com-*
6 *prehensive study that examines and assesses the needs*
7 *of children as they relate to preparation for, response*
8 *to, and recovery from all hazards, including major*
9 *disasters and emergencies, including specific findings*
10 *relating to—*

11 *(A) child physical health, mental health,*
12 *and trauma;*

13 *(B) child care in all settings;*

14 *(C) child welfare;*

15 *(D) elementary and secondary education;*

16 *(E) sheltering, temporary housing, and af-*
17 *fordable housing;*

18 *(F) transportation;*

19 *(G) juvenile justice;*

20 *(H) evacuation; and*

21 *(I) relevant activities in emergency manage-*
22 *ment;*

23 *(2) identify, review, and evaluate existing laws,*
24 *regulations, policies, and programs relevant to the*
25 *needs of children as they relate to preparation for, re-*

1 *sponse to, and recovery from all hazards, including*
2 *major disasters and emergencies;*

3 *(3) identify, review, and evaluate the lessons*
4 *learned from past disasters and emergencies relative*
5 *to addressing the needs of children; and*

6 *(4) submit a report to the President and Con-*
7 *gress on the Commission's specific findings, conclu-*
8 *sions, and recommendations to address the needs of*
9 *children as they relate to preparation for, response to,*
10 *and recovery from all hazards, including major disas-*
11 *ters and emergencies, including specific recommenda-*
12 *tions on the need for planning and establishing a na-*
13 *tional resource center on children and disasters, co-*
14 *ordination of resources and services, administrative*
15 *actions, policies, regulations, and legislative changes*
16 *as the Commission considers appropriate.*

17 **SEC. 607. POWERS OF COMMISSION.**

18 *(a) HEARINGS.—The Commission may hold such hear-*
19 *ings, meet and act at such times and places, and receive*
20 *such evidence as may be necessary to carry out the functions*
21 *of the Commission.*

22 *(b) INFORMATION FROM FEDERAL AGENCIES.—*

23 *(1) IN GENERAL.—The Commission may access,*
24 *to the extent authorized by law, from any executive*
25 *department, bureau, agency, board, commission, of-*

1 *fice, independent establishment, or instrumentality of*
2 *the Federal Government such information, sugges-*
3 *tions, estimates, and statistics as the Commission*
4 *considers necessary to carry out this title.*

5 (2) *PROVISION OF INFORMATION.*—*On written*
6 *request of the Chairperson of the Commission, each*
7 *department, bureau, agency, board, commission, of-*
8 *fice, independent establishment, or instrumentality*
9 *shall, to the extent authorized by law, provide the re-*
10 *quested information to the Commission.*

11 (3) *RECEIPT, HANDLING, STORAGE, AND DIS-*
12 *SEMINATION.*—*Information shall only be received,*
13 *handled, stored, and disseminated by members of the*
14 *Commission and its staff consistent with all applica-*
15 *ble statutes, regulations, and Executive orders.*

16 (c) *ASSISTANCE FROM FEDERAL AGENCIES.*—

17 (1) *GENERAL SERVICES ADMINISTRATION.*—*On*
18 *request of the Chairperson of the Commission, the Ad-*
19 *ministrator of General Services shall provide to the*
20 *Commission, on a reimbursable basis, administrative*
21 *support and other assistance necessary for the Com-*
22 *mission to carry out its duties.*

23 (2) *OTHER DEPARTMENTS AND AGENCIES.*—*In*
24 *addition to the assistance provided for under para-*
25 *graph (1), departments and agencies of the United*

1 *States may provide to the Commission such assistance*
2 *as they may determine advisable and as authorized*
3 *by law.*

4 *(d) CONTRACTING.—The Commission may enter into*
5 *contracts to enable the Commission to discharge its duties*
6 *under this title.*

7 *(e) DONATIONS.—The Commission may accept, use,*
8 *and dispose of donations of services or property.*

9 *(f) POSTAL SERVICES.—The Commission may use the*
10 *United States mails in the same manner and under the*
11 *same conditions as a department or agency of the United*
12 *States.*

13 **SEC. 608. STAFF OF COMMISSION.**

14 *(a) IN GENERAL.—The Chairperson of the Commis-*
15 *sion, in consultation with the Vice Chairperson, in accord-*
16 *ance with rules agreed upon by the Commission, may ap-*
17 *point and fix the compensation of a staff director and such*
18 *other personnel as may be necessary to enable the Commis-*
19 *sion to carry out its functions, in accordance with the pro-*
20 *visions of title 5, United States Code, except that no rate*
21 *of pay fixed under this subsection may exceed the equivalent*
22 *of that payable for a position at level V of the Executive*
23 *Schedule under section 5316 of title 5, United States Code.*

24 *(b) STAFF OF FEDERAL AGENCIES.—Upon request of*
25 *the Chairperson of the Commission, the head of any execu-*

1 *tive department, bureau, agency, board, commission, office,*
2 *independent establishment, or instrumentality of the Fed-*
3 *eral Government may detail, without reimbursement, any*
4 *of its personnel to the Commission to assist it in carrying*
5 *out its duties under this title. Any detail of an employee*
6 *shall be without interruption or loss of civil service status*
7 *or privilege.*

8 (c) *CONSULTANT SERVICES.—The Commission is au-*
9 *thorized to procure the services of experts and consultants*
10 *in accordance with section 3109 of title 5, United States*
11 *Code, but at rates not to exceed the daily rate paid a person*
12 *occupying a position at level IV of the Executive Schedule*
13 *under section 5315 of title 5, United States Code.*

14 **SEC. 609. TRAVEL EXPENSES.**

15 *Each member of the Commission shall serve without*
16 *compensation, but shall receive travel expenses, including*
17 *per diem in lieu of subsistence, in accordance with applica-*
18 *ble provisions in the same manner as persons employed*
19 *intermittently in the Government service are allowed ex-*
20 *penses under section 5703 of title 5, United States Code.*

21 **SEC. 610. FEDERAL ADVISORY COMMITTEE ACT APPLICA-**
22 **BILITY.**

23 *The provisions of the Federal Advisory Committee Act*
24 *shall apply to the Commission, including the staff of the*
25 *Commission.*

1 **SEC. 611. REPORTS OF COMMISSION; TERMINATION.**

2 (a) *INTERIM REPORT.*—*The Commission shall, not*
3 *later than 1 year after the date of its first meeting, submit*
4 *to the President and Congress an interim report containing*
5 *specific findings, conclusions, and recommendations re-*
6 *quired under this title as have been agreed to by a majority*
7 *of Commission members.*

8 (b) *OTHER REPORTS AND INFORMATION.*—

9 (1) *REPORTS.*—*The Commission may issue addi-*
10 *tional reports as the Commission determines nec-*
11 *essary.*

12 (2) *INFORMATION.*—*The Commission may hold*
13 *public hearings to collect information and shall make*
14 *such information available for use by the public.*

15 (c) *FINAL REPORT.*—*The Commission shall, not later*
16 *than 2 years after the date of its first meeting, submit to*
17 *the President and Congress a final report containing spe-*
18 *cific findings, conclusions, and recommendations required*
19 *under this title as have been agreed to by a majority of*
20 *Commission members.*

21 (d) *TERMINATION.*—

22 (1) *IN GENERAL.*—*The Commission, and all the*
23 *authorities of this title, shall terminate 180 days after*
24 *the date on which the final report is submitted under*
25 *subsection (b).*

1 (2) *RECORDS.*—Not later than the date of termi-
2 nation of the Commission under paragraph (1), all
3 records and papers of the Commission shall be deliv-
4 ered to the Archivist of the United States for deposit
5 in the National Archives.

6 **SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to carry out
8 this title, \$1,500,000 for each of fiscal years 2008 and 2009.

9 **SEC. 613. RULE OF CONSTRUCTION.**

10 Nothing in this title shall be construed to confer on
11 the Commission purposes and duties that are the responsi-
12 bility of the Congress.

13 This division may be cited as the “Departments of
14 Labor, Health and Human Services, and Education, and
15 Related Agencies Appropriations Act, 2008”.

16 **DIVISION H—LEGISLATIVE BRANCH**

17 **APPROPRIATIONS ACT, 2008**

18 **TITLE I**

19 **LEGISLATIVE BRANCH APPROPRIATIONS**

20 **SENATE**

21 **EXPENSE ALLOWANCES**

22 For expense allowances of the Vice President, \$20,000;
23 the President Pro Tempore of the Senate, \$40,000; Majority
24 Leader of the Senate, \$40,000; Minority Leader of the Sen-
25 ate, \$40,000; Majority Whip of the Senate, \$10,000; Minor-

1 *ity Whip of the Senate, \$10,000; President Pro Tempore*
2 *emeritus, \$15,000; Chairmen of the Majority and Minority*
3 *Conference Committees, \$5,000 for each Chairman; and*
4 *Chairmen of the Majority and Minority Policy Committees,*
5 *\$5,000 for each Chairman; in all, \$195,000.*

6 *REPRESENTATION ALLOWANCES FOR THE MAJORITY AND*
7 *MINORITY LEADERS*

8 *For representation allowances of the Majority and Mi-*
9 *nority Leaders of the Senate, \$15,000 for each such Leader;*
10 *in all, \$30,000.*

11 *SALARIES, OFFICERS AND EMPLOYEES*

12 *For compensation of officers, employees, and others as*
13 *authorized by law, including agency contributions,*
14 *\$158,457,000, which shall be paid from this appropriation*
15 *without regard to the following limitations:*

16 *OFFICE OF THE VICE PRESIDENT*

17 *For the Office of the Vice President, \$2,316,000.*

18 *OFFICE OF THE PRESIDENT PRO TEMPORE*

19 *For the Office of the President Pro Tempore, \$620,000.*

20 *OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS*

21 *For the Office of the President Pro Tempore emeritus,*
22 *\$309,000.*

23 *OFFICES OF THE MAJORITY AND MINORITY LEADERS*

24 *For Offices of the Majority and Minority Leaders,*
25 *\$4,796,000.*

1 *OFFICES OF THE MAJORITY AND MINORITY WHIPS*

2 *For Offices of the Majority and Minority Whips,*

3 *\$2,912,000.*

4 *COMMITTEE ON APPROPRIATIONS*

5 *For salaries of the Committee on Appropriations,*

6 *\$14,161,000.*

7 *CONFERENCE COMMITTEES*

8 *For the Conference of the Majority and the Conference*

9 *of the Minority, at rates of compensation to be fixed by the*

10 *Chairman of each such committee, \$1,587,000 for each such*

11 *committee; in all, \$3,174,000.*

12 *OFFICES OF THE SECRETARIES OF THE CONFERENCE OF*

13 *THE MAJORITY AND THE CONFERENCE OF THE MINORITY*

14 *For Offices of the Secretaries of the Conference of the*

15 *Majority and the Conference of the Minority, \$778,000.*

16 *POLICY COMMITTEES*

17 *For salaries of the Majority Policy Committee and the*

18 *Minority Policy Committee, \$1,620,000 for each such com-*

19 *mittee; in all, \$3,240,000.*

20 *OFFICE OF THE CHAPLAIN*

21 *For Office of the Chaplain, \$379,000.*

22 *OFFICE OF THE SECRETARY*

23 *For Office of the Secretary, \$22,388,000.*

1 *OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER*

2 *For Office of the Sergeant at Arms and Doorkeeper,*

3 *\$60,600,000.*

4 *OFFICES OF THE SECRETARIES FOR THE MAJORITY AND*

5 *MINORITY*

6 *For Offices of the Secretary for the Majority and the*

7 *Secretary for the Minority, \$1,684,000.*

8 *AGENCY CONTRIBUTIONS AND RELATED EXPENSES*

9 *For agency contributions for employee benefits, as au-*

10 *thorized by law, and related expenses, \$41,100,000.*

11 *OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE*

12 *For salaries and expenses of the Office of the Legisla-*

13 *tive Counsel of the Senate, \$6,280,000.*

14 *OFFICE OF SENATE LEGAL COUNSEL*

15 *For salaries and expenses of the Office of Senate Legal*

16 *Counsel, \$1,439,000.*

17 *EXPENSE ALLOWANCES OF THE SECRETARY OF THE SEN-*

18 *ATE, SERGEANT AT ARMS AND DOORKEEPER OF THE*

19 *SENATE, AND SECRETARIES FOR THE MAJORITY AND*

20 *MINORITY OF THE SENATE*

21 *For expense allowances of the Secretary of the Senate,*

22 *\$6,000; Sergeant at Arms and Doorkeeper of the Senate,*

23 *\$6,000; Secretary for the Majority of the Senate, \$6,000;*

24 *Secretary for the Minority of the Senate, \$6,000; in all,*

25 *\$24,000.*

1 *CONTINGENT EXPENSES OF THE SENATE*2 *INQUIRIES AND INVESTIGATIONS*

3 *For expenses of inquiries and investigations ordered*
4 *by the Senate, or conducted under paragraph 1 of rule*
5 *XXVI of the Standing Rules of the Senate, section 112 of*
6 *the Supplemental Appropriations and Rescission Act, 1980*
7 *(Public Law 96–304), and Senate Resolution 281, 96th*
8 *Congress, agreed to March 11, 1980, \$129,000,000.*

9 *EXPENSES OF THE UNITED STATES SENATE CAUCUS ON*
10 *INTERNATIONAL NARCOTICS CONTROL*

11 *For expenses of the United States Senate Caucus on*
12 *International Narcotics Control, \$520,000.*

13 *SECRETARY OF THE SENATE*

14 *For expenses of the Office of the Secretary of the Sen-*
15 *ate, \$2,000,000.*

16 *SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE*

17 *For expenses of the Office of the Sergeant at Arms and*
18 *Doorkeeper of the Senate, \$142,389,000, which shall remain*
19 *available until September 30, 2012.*

20 *MISCELLANEOUS ITEMS*

21 *For miscellaneous items, \$17,528,000, of which up to*
22 *\$500,000 shall be made available for a pilot program for*
23 *mailings of postal patron postcards by Senators for the pur-*
24 *pose of providing notice of a town meeting by a Senator*
25 *in a county (or equivalent unit of local government) at*

1 *which the Senator will personally attend: Provided, That*
2 *any amount allocated to a Senator for such mailing shall*
3 *not exceed 50 percent of the cost of the mailing and the*
4 *remaining cost shall be paid by the Senator from other*
5 *funds available to the Senator.*

6 *SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE*

7 *ACCOUNT*

8 *For Senators' Official Personnel and Office Expense*
9 *Account, \$375,704,000.*

10 *OFFICIAL MAIL COSTS*

11 *For expenses necessary for official mail costs of the*
12 *Senate, \$300,000.*

13 *ADMINISTRATIVE PROVISIONS*

14 *SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES*
15 *OF SENATORS. Effective on and after October 1, 2007, each*
16 *of the dollar amounts contained in the table under section*
17 *105(d)(1)(A) of the Legislative Branch Appropriations Act,*
18 *1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the*
19 *dollar amounts in that table, as adjusted by law and in*
20 *effect on September 30, 2007, increased by an additional*
21 *\$50,000 each.*

22 *SEC. 2. PRESIDENT PRO TEMPORE EMERITUS OF THE*
23 *SENATE. Section 7(e) of the Legislative Branch Appropria-*
24 *tions Act, 2003 (2 U.S.C. 32b note) is amended by striking*

1 “and the 109th Congress” and inserting “, the 109th Con-
2 gress, and the 110th Congress”.

3 SEC. 3. OFFICES OF THE SECRETARIES OF THE CON-
4 FERENCE OF THE MAJORITY AND THE CONFERENCE OF
5 THE MINORITY. (a) IN GENERAL.—Upon the written re-
6 quest of the Secretary of the Conference of the Majority or
7 the Secretary of the Conference of the Minority, the Sec-
8 retary of the Senate shall transfer from the appropriations
9 account appropriated under the subheading “OFFICES OF
10 THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY
11 AND THE CONFERENCE OF THE MINORITY” under the head-
12 ing “SALARIES, OFFICERS AND EMPLOYEES” such amount
13 as the Secretary of the Conference of the Majority or the
14 Secretary of the Conference of the Minority shall specify to
15 the appropriations account under the heading “MISCELLA-
16 NEOUS ITEMS” within the contingent fund of the Senate.

17 (b) AUTHORITY TO INCUR EXPENSES.—The Secretary
18 of the Conference of the Majority or the Secretary of the
19 Conference of the Minority may incur such expenses as may
20 be necessary or appropriate. Expenses incurred by the Sec-
21 retary of the Conference of the Majority or the Secretary
22 of the Conference of the Minority shall be paid from the
23 amount transferred under subsection (a) by the Secretary
24 of the Conference of the Majority or the Secretary of the
25 Conference of the Minority and upon vouchers approved by

1 *the Secretary of the Conference of the Majority or the Sec-*
 2 *retary of the Conference of the Minority, as applicable.*

3 (c) *AUTHORITY TO ADVANCE SUMS.—The Secretary of*
 4 *the Senate may advance such sums as may be necessary*
 5 *to defray expenses incurred in carrying out subsections (a)*
 6 *and (b).*

7 (d) *EFFECTIVE DATE.—This section shall apply to fis-*
 8 *cal year 2008 and each fiscal year thereafter.*

9 *SEC. 4. UNIFORM LIMITATION ON GROSS COMPENSA-*
 10 *TION FOR EMPLOYEES OF COMMITTEES. (a) IN GEN-*
 11 *ERAL.—Section 105(e) of the Legislative Branch Appro-*
 12 *priation Act, 1968 (2 U.S.C. 61–1(e)) is amended by strik-*
 13 *ing paragraph (3) and inserting the following:*

14 “(3)(A) *In this paragraph—*

15 “(i) *the term ‘committee of the Senate’*
 16 *means—*

17 “(I) *any standing committee (includ-*
 18 *ing the majority and minority policy com-*
 19 *mittees) of the Senate;*

20 “(II) *any select committee (including*
 21 *the conference majority and conference mi-*
 22 *nority of the Senate); or*

23 “(III) *any joint committee the expenses*
 24 *of which are paid from the contingent fund*
 25 *of the Senate; and*

1 “(i) an employee of a subcommittee shall be
2 considered to be an employee of the full com-
3 mittee.

4 “(B) Subject to adjustment as provided by law,
5 no employee of a committee of the Senate shall be
6 paid at a per annum gross rate in excess of
7 \$162,515.”.

8 (b) *EFFECTIVE DATE.*—The amendment made by this
9 section shall apply to fiscal year 2008 and each fiscal year
10 thereafter.

11 *SEC. 5. UNITED STATES SENATE-JAPAN INTER-*
12 *PARLIAMENTARY GROUP. (a) ESTABLISHMENT AND MEET-*
13 *INGS.*—Not to exceed 12 Senators shall be appointed to meet
14 once per Congress with representatives of the Diet of Japan
15 for discussion of common problems in the interest of rela-
16 tions between the United States and Japan. The Senators
17 so appointed shall be referred to as the “United States
18 group” of the United States Senate-Japan Interparliamen-
19 tary Group. The meetings shall take place in Japan and
20 Washington, D.C. alternatively.

21 (b) *APPOINTMENT OF MEMBERS.*—The President of the
22 Senate shall appoint Senators under this section, including
23 a Chair and Vice Chair, upon recommendations of the ma-
24 jority and minority leaders of the Senate. Such appoint-
25 ments shall be for the duration of each Congress.

1 (c) *FUNDING.*—*There is authorized to be appropriated*
2 *\$100,000 for each Congress to assist in meeting the expenses*
3 *of the United States group. Appropriations shall be dis-*
4 *bursed on vouchers to be approved by the Chair of the*
5 *United States group.*

6 (d) *CERTIFICATION OF EXPENDITURES.*—*A report of*
7 *expenditures by the United States group shall be prepared*
8 *and certified each Congress by the Chair.*

9 (e) *EFFECTIVE DATE.*—*This section shall apply to fis-*
10 *cal year 2008, and each fiscal year thereafter.*

11 *SEC. 6. ORIENTATION SEMINARS. (a) IN GENERAL.*—
12 *Section 107(a) of the Supplemental Appropriations Act,*
13 *1979 (2 U.S.C. 69a; Public Law 96–38) is amended in the*
14 *first sentence by striking “\$25,000” and inserting*
15 *“\$30,000”.*

16 (b) *EFFECTIVE DATE.*—*The amendment made by this*
17 *section shall apply with respect to fiscal year 2008 and each*
18 *fiscal year thereafter.*

19 *SEC. 7. MEDIA SUPPORT SERVICES. (a) DEFINI-*
20 *TIONS.*—*In this section, the terms “national committee”*
21 *and “political party” have the meaning given such terms*
22 *in section 301 of the Federal Election Campaign Act of*
23 *1971 (2 U.S.C. 431).*

24 (b) *IN GENERAL.*—*The official duties of employees of*
25 *the Sergeant at Arms and Doorkeeper of the Senate under*

1 *the Senate Daily Press Gallery, the Senate Periodical Press*
 2 *Gallery, the Senate Press Photographers Gallery, and the*
 3 *Senate Radio and Television Correspondents Gallery may*
 4 *include providing media support services with respect to*
 5 *the presidential nominating conventions of the national*
 6 *committees of political parties.*

7 (c) *APPROVAL OF SERGEANT AT ARMS.—The terms*
 8 *and conditions under which employees perform official du-*
 9 *ties under subsection (b) shall be subject to the approval*
 10 *of the Sergeant at Arms and Doorkeeper of the Senate.*

11 (d) *EFFECTIVE DATE.—This section shall apply to fis-*
 12 *cal year 2008 and each fiscal year thereafter.*

13 *SEC. 8. CONSULTANTS. With respect to fiscal year*
 14 *2008, the first sentence of section 101(a) of the Supple-*
 15 *mental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall*
 16 *be applied by substituting “nine individual consultants”*
 17 *for “eight individual consultants”.*

18 *HOUSE OF REPRESENTATIVES*

19 *SALARIES AND EXPENSES*

20 *For salaries and expenses of the House of Representa-*
 21 *tives, \$1,188,211,000, as follows:*

22 *HOUSE LEADERSHIP OFFICES*

23 *For salaries and expenses, as authorized by law,*
 24 *\$24,048,000, including: Office of the Speaker, \$4,761,000,*
 25 *including \$25,000 for official expenses of the Speaker; Office*
 26 *of the Majority Floor Leader, \$2,388,000, including \$10,000*

1 *for official expenses of the Majority Leader; Office of the*
2 *Minority Floor Leader, \$4,290,000, including \$10,000 for*
3 *official expenses of the Minority Leader; Office of the Major-*
4 *ity Whip, including the Chief Deputy Majority Whip,*
5 *\$1,894,000, including \$5,000 for official expenses of the Ma-*
6 *jority Whip; Office of the Minority Whip, including the*
7 *Chief Deputy Minority Whip, \$1,420,000, including \$5,000*
8 *for official expenses of the Minority Whip; Speaker's Office*
9 *for Legislative Floor Activities, \$499,000; Republican Steer-*
10 *ing Committee, \$943,000; Republican Conference,*
11 *\$1,631,000; Republican Policy Committee, \$325,000; Demo-*
12 *cratic Steering and Policy Committee, \$1,295,000; Demo-*
13 *cratic Caucus, \$1,604,000; nine minority employees,*
14 *\$1,498,000; training and program development—majority,*
15 *\$290,000; training and program development—minority,*
16 *\$290,000; Cloakroom Personnel—majority, \$460,000; and*
17 *Cloakroom Personnel—minority, \$460,000.*

18 *MEMBERS' REPRESENTATIONAL ALLOWANCES*
19 *INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES*
20 *OF MEMBERS, AND OFFICIAL MAIL*
21 *For Members' representational allowances, including*
22 *Members' clerk hire, official expenses, and official mail,*
23 *\$581,000,000.*

1 expenses, \$22,423,000; for salaries and expenses of the Office
2 of the Sergeant at Arms, including the position of Super-
3 intendent of Garages, and including not more than \$3,000
4 for official representation and reception expenses,
5 \$6,884,000; for salaries and expenses of the Office of the
6 Chief Administrative Officer, \$114,553,000, of which
7 \$6,269,000 shall remain available until expended; for sala-
8 ries and expenses of the Office of the Inspector General,
9 \$4,368,000; for salaries and expenses of the Office of Emer-
10 gency Planning, Preparedness and Operations, \$3,049,000,
11 to remain available until expended; for salaries and ex-
12 penses of the Office of General Counsel, \$1,178,000; for the
13 Office of the Chaplain, \$166,000; for salaries and expenses
14 of the Office of the Parliamentarian, including the Parlia-
15 mentarian, \$2,000 for preparing the Digest of Rules, and
16 not more than \$1,000 for official representation and recep-
17 tion expenses, \$1,799,000; for salaries and expenses of the
18 Office of the Law Revision Counsel of the House,
19 \$2,939,000; for salaries and expenses of the Office of the
20 Legislative Counsel of the House, \$7,258,000; for salaries
21 and expenses of the Office of Interparliamentary Affairs,
22 \$702,000; for other authorized employees, \$1,016,000; and
23 for salaries and expenses of the Office of the Historian,
24 \$450,000.

1 *ed by striking “private entity” and inserting “public or*
2 *private entity”.*

3 *(b) The amendment made by subsection (a) shall take*
4 *effect as if included in the enactment of the Legislative*
5 *Branch Appropriations Act, 2005.*

6 *SEC. 103. DEPOSITS.—(a) The second sentence of sec-*
7 *tion 101 of the Legislative Branch Appropriations Act,*
8 *1996 (2 U.S.C. 117j) is amended by striking “deposited in*
9 *the Treasury as miscellaneous receipts” and inserting “de-*
10 *posited in the Treasury for credit to the account of the Of-*
11 *fice of the Chief Administrative Officer”.*

12 *(b) The amendments made by this section shall apply*
13 *with respect to fiscal year 2008 and each succeeding fiscal*
14 *year.*

15 *SEC. 104. HOUSE SERVICES REVOLVING FUND.—(a)*
16 *Section 105(b) of the Legislative Branch Appropriations*
17 *Act, 2005 (2 U.S.C. 117m(b)) is amended by striking “the*
18 *Chief Administrative Officer” and inserting the following:*
19 *“the Chief Administrative Officer, including purposes relat-*
20 *ing to energy and water conservation and environmental*
21 *activities carried out in buildings, facilities, and grounds*
22 *under the Chief Administrative Officer’s jurisdiction,”.*

23 *(b) The amendments made by this section shall apply*
24 *with respect to fiscal year 2008 and each succeeding fiscal*
25 *year.*

1 2009. Funds made available under this heading shall be
2 available for payment, on a direct or reimbursable basis,
3 whether incurred on, before, or after, October 1, 2008: Pro-
4 vided, That the compensation of any employee of the Com-
5 mittee on Rules and Administration of the Senate who has
6 been designated to perform service with respect to the inau-
7 gural ceremonies of 2009 shall continue to be paid by the
8 Committee on Rules and Administration, but the account
9 from which such staff member is paid may be reimbursed
10 for the services of the staff member (including agency con-
11 tributions when appropriate) out of funds made available
12 under this heading.

13 *For other joint items, as follows:*

14 *OFFICE OF THE ATTENDING PHYSICIAN*

15 *For medical supplies, equipment, and contingent ex-*
16 *penses of the emergency rooms, and for the Attending Physi-*
17 *cian and his assistants, including: (1) an allowance of*
18 *\$2,175 per month to the Attending Physician; (2) an allow-*
19 *ance of \$725 per month each to four medical officers while*
20 *on duty in the Office of the Attending Physician; (3) an*
21 *allowance of \$725 per month to two assistants and \$580*
22 *per month each not to exceed 11 assistants on the basis here-*
23 *tofore provided for such assistants; and (4) \$2,063,000 for*
24 *reimbursement to the Department of the Navy for expenses*
25 *incurred for staff and equipment assigned to the Office of*

1 *the Attending Physician, which shall be advanced and cred-*
2 *ited to the applicable appropriation or appropriations from*
3 *which such salaries, allowances, and other expenses are pay-*
4 *able and shall be available for all the purposes thereof,*
5 *\$2,798,000, to be disbursed by the Chief Administrative Of-*
6 *ficer of the House of Representatives.*

7 *CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE*

8 *For salaries and expenses of the Capitol Guide Service*
9 *and Special Services Office, \$5,348,000, to be disbursed by*
10 *the Secretary of the Senate.*

11 *STATEMENTS OF APPROPRIATIONS*

12 *For the preparation, under the direction of the Com-*
13 *mittees on Appropriations of the Senate and the House of*
14 *Representatives, of the statements for the first session of the*
15 *110th Congress, showing appropriations made, indefinite*
16 *appropriations, and contracts authorized, together with a*
17 *chronological history of the regular appropriations bills as*
18 *required by law, \$30,000, to be paid to the persons des-*
19 *ignated by the chairmen of such committees to supervise*
20 *the work.*

21 *CAPITOL POLICE*

22 *SALARIES*

23 *For salaries of employees of the Capitol Police, includ-*
24 *ing overtime, hazardous duty pay differential, and Govern-*
25 *ment contributions for health, retirement, social security,*

1 *professional liability insurance, and other applicable em-*
2 *ployee benefits, \$232,800,000, to be disbursed by the Chief*
3 *of the Capitol Police or his designee.*

4 *GENERAL EXPENSES*

5 *For necessary expenses of the Capitol Police, including*
6 *motor vehicles, communications and other equipment, secu-*
7 *rity equipment and installation, uniforms, weapons, sup-*
8 *plies, materials, training, medical services, forensic services,*
9 *stenographic services, personal and professional services, the*
10 *employee assistance program, the awards program, postage,*
11 *communication services, travel advances, relocation of in-*
12 *structor and liaison personnel for the Federal Law Enforce-*
13 *ment Training Center, and not more than \$5,000 to be ex-*
14 *pende d on the certification of the Chief of the Capitol Police*
15 *in connection with official representation and reception ex-*
16 *penses, \$48,900,000, to be disbursed by the Chief of the Cap-*
17 *itol Police or his designee: Provided, That, notwithstanding*
18 *any other provision of law, the cost of basic training for*
19 *the Capitol Police at the Federal Law Enforcement Train-*
20 *ing Center for fiscal year 2008 shall be paid by the Sec-*
21 *retary of Homeland Security from funds available to the*
22 *Department of Homeland Security.*

1 *ADMINISTRATIVE PROVISIONS*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *SEC. 1001. TRANSFER AUTHORITY.—Amounts appro-*
4 *priated for fiscal year 2008 for the Capitol Police may be*
5 *transferred between the headings “SALARIES” and “GEN-*
6 *ERAL EXPENSES” upon the approval of the Committees on*
7 *Appropriations of the House of Representatives and the*
8 *Senate.*

9 *SEC. 1002. ADVANCE PAYMENTS.—During fiscal year*
10 *2008 and each succeeding fiscal year, following notification*
11 *of the Committees on Appropriations of the House of Rep-*
12 *resentatives and the Senate, the Chief of the Capitol Police*
13 *may make payments in advance for obligations of the*
14 *United States Capitol Police for subscription services if the*
15 *Chief determines it to be more prompt, efficient, or economi-*
16 *cal to do so.*

17 *SEC. 1003. UTILITY TUNNEL REPAIRS.—(a) From the*
18 *unexpended balances available under the heading “Architect*
19 *of the Capitol, Capitol Power Plant” in chapter 6 of title*
20 *V of the U.S. Troop Readiness, Veterans’ Care, Katrina Re-*
21 *covery, and Iraq Accountability Appropriations Act, 2007*
22 *(Public Law 110–28; 111 Stat. 167), \$876,000 are hereby*
23 *rescinded.*

24 *(b) In addition to the amounts otherwise made avail-*
25 *able in this Act under the heading “Capitol Police, Sala-*

1 *ries*”, there is appropriated \$876,000 for expenses under
2 such heading resulting from any utility tunnel repairs and
3 asbestos abatement activities carried out by the Architect
4 of the Capitol: Provided, That the amount provided by this
5 section is designated as described in section 5 (in the matter
6 preceding division A of this consolidated Act).

7 *SEC. 1004. UNITED STATES CAPITOL POLICE AND LI-*
8 *BRARY OF CONGRESS POLICE MERGER. (a) SHORT*
9 *TITLE.—This section may be cited as the “U.S. Capitol Po-*
10 *lice and Library of Congress Police Merger Implementation*
11 *Act of 2007”.*

12 *(b) TRANSFER OF PERSONNEL.—*

13 *(1) TRANSFERS.—*

14 *(A) LIBRARY OF CONGRESS POLICE EM-*
15 *PLOYEES.—Effective on the employee’s transfer*
16 *date, each Library of Congress Police employee*
17 *shall be transferred to the United States Capitol*
18 *Police and shall become either a member or civil-*
19 *ian employee of the Capitol Police, as deter-*
20 *mined by the Chief of the Capitol Police under*
21 *paragraph (2).*

22 *(B) LIBRARY OF CONGRESS POLICE CIVIL-*
23 *IAN EMPLOYEES.—Effective on the employee’s*
24 *transfer date, each Library of Congress Police ci-*
25 *vilian employee shall be transferred to the*

1 *United States Capitol Police and shall become a*
2 *civilian employee of the Capitol Police.*

3 (2) *TREATMENT OF LIBRARY OF CONGRESS PO-*
4 *LICE EMPLOYEES.—*

5 (A) *DETERMINATION OF STATUS WITHIN*
6 *CAPITOL POLICE.—*

7 (i) *ELIGIBILITY TO SERVE AS MEM-*
8 *BERS OF THE CAPITOL POLICE.—A Library*
9 *of Congress Police employee shall become a*
10 *member of the Capitol Police on the employ-*
11 *ee's transfer date if the Chief of the Capitol*
12 *Police determines and issues a written cer-*
13 *tification that the employee meets each of*
14 *the following requirements:*

15 (I) *Based on the assumption that*
16 *such employee would perform a period*
17 *of continuous Federal service after the*
18 *transfer date, the employee would be*
19 *entitled to an annuity for immediate*
20 *retirement under section 8336(b) or*
21 *8412(b) of title 5, United States Code*
22 *(as determined by taking into account*
23 *subparagraph (C)(i)), on the date such*
24 *employee becomes 60 years of age.*

1 (II) *During the transition period,*
2 *the employee successfully completes*
3 *training, as determined by the Chief of*
4 *the Capitol Police.*

5 (III) *The employee meets the*
6 *qualifications required to be a member*
7 *of the Capitol Police, as determined by*
8 *the Chief of the Capitol Police.*

9 (ii) *SERVICE AS CIVILIAN EMPLOYEE*
10 *OF CAPITOL POLICE.—If the Chief of the*
11 *Capitol Police determines that a Library of*
12 *Congress Police employee does not meet the*
13 *eligibility requirements, the employee shall*
14 *become a civilian employee of the Capitol*
15 *Police on the employee’s transfer date.*

16 (iii) *FINALITY OF DETERMINATIONS.—*
17 *Any determination of the Chief of the Cap-*
18 *itol Police under this subparagraph shall*
19 *not be appealable or reviewable in any*
20 *manner.*

21 (iv) *DEADLINE FOR DETERMINA-*
22 *TIONS.—The Chief of the Capitol Police*
23 *shall complete the determinations required*
24 *under this subparagraph for all Library of*

1 *Congress Police employees not later than*
2 *September 30, 2009.*

3 *(B) EXEMPTION FROM MANDATORY SEPARA-*
4 *TION.—Section 8335(c) or 8425(c) of title 5,*
5 *United States Code, shall not apply to any Li-*
6 *brary of Congress Police employee who becomes*
7 *a member of the Capitol Police under this sub-*
8 *section, until the earlier of—*

9 *(i) the date on which the individual is*
10 *entitled to an annuity for immediate retire-*
11 *ment under section 8336(b) or 8412(b) of*
12 *title 5, United States Code; or*

13 *(ii) the date on which the individual—*

14 *(I) is 57 years of age or older;*
15 *and*

16 *(II) is entitled to an annuity for*
17 *immediate retirement under section*
18 *8336(m) or 8412(d) of title 5, United*
19 *States Code, (as determined by taking*
20 *into account subparagraph (C)(i)).*

21 *(C) TREATMENT OF PRIOR CREDITABLE*
22 *SERVICE FOR RETIREMENT PURPOSES.—*

23 *(i) PRIOR SERVICE FOR PURPOSES OF*
24 *ELIGIBILITY FOR IMMEDIATE RETIREMENT*
25 *AS MEMBER OF CAPITOL POLICE.—Any Li-*

1 brary of Congress Police employee who be-
2 comes a member of the Capitol Police under
3 this subsection shall be entitled to have any
4 creditable service under section 8332 or
5 8411 of title 5, United States Code, that
6 was accrued prior to becoming a member of
7 the Capitol Police included in calculating
8 the employee's service as a member of the
9 Capitol Police for purposes of section
10 8336(m) or 8412(d) of title 5, United States
11 Code.

12 (ii) *PRIOR SERVICE FOR PURPOSES OF*
13 *COMPUTATION OF ANNUITY.*—Any creditable
14 service under section 8332 or 8411 of title
15 5, United States Code, of an individual who
16 becomes a member of the Capitol Police
17 under this paragraph that was accrued
18 prior to becoming a member of the Capitol
19 Police—

20 (I) shall be treated and computed
21 as employee service under section 8339
22 or section 8415 of such title; but

23 (II) shall not be treated as service
24 as a member of the Capitol Police or
25 service as a congressional employee for

1 *purposes of applying any formula*
2 *under section 8339(b), 8339(q),*
3 *8415(c), or 8415(d) of such title under*
4 *which a percentage of the individual's*
5 *average pay is multiplied by the years*
6 *(or other period) of such service.*

7 *(3) DUTIES OF EMPLOYEES TRANSFERRED TO CI-*
8 *VILIAN POSITIONS.—*

9 *(A) DUTIES.—The duties of any individual*
10 *who becomes a civilian employee of the Capitol*
11 *Police under this section, including a Library of*
12 *Congress Police civilian employee under para-*
13 *graph (1)(B) and a Library of Congress Police*
14 *employee who becomes a civilian employee of the*
15 *Capitol Police under paragraph (2)(A)(ii), shall*
16 *be determined solely by the Chief of the Capitol*
17 *Police, except that a Library of Congress Police*
18 *civilian employee under paragraph (1)(B) shall*
19 *continue to support Library of Congress police*
20 *operations until all Library of Congress Police*
21 *employees are transferred to the United States*
22 *Capitol Police under this section.*

23 *(B) FINALITY OF DETERMINATIONS.—Any*
24 *determination of the Chief of the Capitol Police*

1 *under this paragraph shall not be appealable or*
2 *reviewable in any manner.*

3 (4) *PROTECTING STATUS OF TRANSFERRED EM-*
4 *PLOYEES.—*

5 (A) *NONREDUCTION IN PAY, RANK, OR*
6 *GRADE.—The transfer of any individual under*
7 *this subsection shall not cause that individual to*
8 *be separated or reduced in basic pay, rank or*
9 *grade.*

10 (B) *LEAVE AND COMPENSATORY TIME.—*
11 *Any annual leave, sick leave, or other leave, or*
12 *compensatory time, to the credit of an individual*
13 *transferred under this subsection shall be trans-*
14 *ferred to the credit of that individual as a mem-*
15 *ber or an employee of the Capitol Police (as the*
16 *case may be). The treatment of leave or compen-*
17 *satory time transferred under this subsection*
18 *shall be governed by regulations of the Capitol*
19 *Police Board.*

20 (C) *PROHIBITING IMPOSITION OF PROBA-*
21 *TIONARY PERIOD.—The Chief of the Capitol Po-*
22 *lice may not impose a period of probation on*
23 *any individual who is transferred under this sec-*
24 *tion.*

1 (5) *RULES OF CONSTRUCTION RELATING TO EM-*
2 *PLOYEE REPRESENTATION.—*

3 (A) *EMPLOYEE REPRESENTATION.—Nothing*
4 *in this section shall be construed to authorize*
5 *any labor organization that represented an indi-*
6 *vidual who was a Library of Congress police em-*
7 *ployee or a Library of Congress police civilian*
8 *employee before the individual's transfer date to*
9 *represent that individual as a member of the*
10 *Capitol Police or an employee of the Capitol Po-*
11 *lice after the individual's transfer date.*

12 (B) *AGREEMENTS NOT APPLICABLE.—Noth-*
13 *ing in this section shall be construed to authorize*
14 *any collective bargaining agreement (or any re-*
15 *lated court order, stipulated agreement, or agree-*
16 *ment to the terms or conditions of employment)*
17 *applicable to Library of Congress police employ-*
18 *ees or to Library of Congress police civilian em-*
19 *ployees to apply to members of the Capitol Police*
20 *or to civilian employees of the Capitol Police.*

21 (6) *RULE OF CONSTRUCTION RELATING TO PER-*
22 *SONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL*
23 *POLICE.—Nothing in this section shall be construed to*
24 *affect the authority of the Chief of the Capitol Police*
25 *to—*

1 (A) terminate the employment of a member
2 of the Capitol Police or a civilian employee of
3 the Capitol Police; or

4 (B) transfer any individual serving as a
5 member of the Capitol Police or a civilian em-
6 ployee of the Capitol Police to another position
7 with the Capitol Police.

8 (7) *TRANSFER DATE DEFINED.*—In this section,
9 the term “transfer date” means, with respect to an
10 employee—

11 (A) in the case of a Library of Congress Po-
12 lice employee who becomes a member of the Cap-
13 itol Police, the first day of the first pay period
14 applicable to members of the United States Cap-
15 itol Police which begins after the date on which
16 the Chief of the Capitol Police issues the written
17 certification for the employee under paragraph
18 (2)(A);

19 (B) in the case of a Library of Congress Po-
20 lice employee who becomes a civilian employee of
21 the Capitol Police, the first day of the first pay
22 period applicable to employees of the United
23 States Capitol Police which begins after Sep-
24 tember 30, 2009; or

1 (C) *in the case of a Library of Congress Po-*
2 *lice civilian employee, the first day of the first*
3 *pay period applicable to employees of the United*
4 *States Capitol Police which begins after Sep-*
5 *tember 30, 2008.*

6 (8) *CANCELLATION IN PORTION OF UNOBLIGATED*
7 *BALANCE OF FEDLINK REVOLVING FUND .—Amounts*
8 *available for obligation by the Librarian of Congress*
9 *as of the date of the enactment of this Act from the*
10 *unobligated balance in the revolving fund established*
11 *under section 103 of the Library of Congress Fiscal*
12 *Operations Improvement Act of 2000 (2 U.S.C. 182c)*
13 *for the Federal Library and Information Network*
14 *program of the Library of Congress and the Federal*
15 *Research program of the Library of Congress are re-*
16 *duced by a total of \$560,000, and the amount so re-*
17 *duced is hereby cancelled.*

18 (c) *TRANSITION PROVISIONS.—*

19 (1) *TRANSFER AND ALLOCATIONS OF PROPERTY*
20 *AND APPROPRIATIONS.—*

21 (A) *IN GENERAL.—Effective on the transfer*
22 *date of any Library of Congress Police employee*
23 *and Library of Congress Police civilian employee*
24 *who is transferred under this section—*

1 (i) *the assets, liabilities, contracts,*
2 *property, and records associated with the*
3 *employee shall be transferred to the Capitol*
4 *Police; and*

5 (ii) *the unexpended balances of appro-*
6 *priations, authorizations, allocations, and*
7 *other funds employed, used, held, arising*
8 *from, available to, or to be made available*
9 *in connection with the employee shall be*
10 *transferred to and made available under the*
11 *appropriations accounts for the Capitol Po-*
12 *lice for “Salaries” and “General Expenses”,*
13 *as applicable.*

14 (B) *JOINT REVIEW.*—*During the transition*
15 *period, the Chief of the Capitol Police and the*
16 *Librarian of Congress shall conduct a joint re-*
17 *view of the assets, liabilities, contracts, property*
18 *records, and unexpended balances of appropri-*
19 *tions, authorizations, allocations, and other*
20 *funds employed, used, held, arising from, avail-*
21 *able to, or to be made available in connection*
22 *with the transfer under this section.*

23 (2) *TREATMENT OF ALLEGED VIOLATIONS OF*
24 *CERTAIN EMPLOYMENT LAWS WITH RESPECT TO*
25 *TRANSFERRED INDIVIDUALS.*—

1 (A) *IN GENERAL.*—*Notwithstanding any*
2 *other provision of law and except as provided in*
3 *subparagraph (C), in the case of an alleged vio-*
4 *lation of any covered law (as defined in subpara-*
5 *graph (D)) which is alleged to have occurred*
6 *prior to the transfer date with respect to an in-*
7 *dividual who is transferred under this section,*
8 *and for which the individual has not exhausted*
9 *all of the remedies available for the consideration*
10 *of the alleged violation which are provided for*
11 *employees of the Library of Congress under the*
12 *covered law prior to the transfer date, the fol-*
13 *lowing shall apply:*

14 (i) *The individual may not initiate*
15 *any procedure which is available for the*
16 *consideration of the alleged violation of the*
17 *covered law which is provided for employees*
18 *of the Library of Congress under the covered*
19 *law.*

20 (ii) *To the extent that the individual*
21 *has initiated any such procedure prior to*
22 *the transfer date, the procedure shall termi-*
23 *nate and have no legal effect.*

24 (iii) *Subject to subparagraph (B), the*
25 *individual may initiate and participate in*

1 *any procedure which is available for the*
2 *resolution of grievances of officers and em-*
3 *ployees of the Capitol Police under the Con-*
4 *gressional Accountability Act of 1995 (2*
5 *U.S.C. 1301 et seq.) to provide for consider-*
6 *ation of the alleged violation. The previous*
7 *sentence does not apply in the case of an al-*
8 *leged violation for which the individual ex-*
9 *hausted all of the available remedies which*
10 *are provided for employees of the Library of*
11 *Congress under the covered law prior to the*
12 *transfer date.*

13 *(B) SPECIAL RULES FOR APPLYING CON-*
14 *GRESSIONAL ACCOUNTABILITY ACT OF 1995.—In*
15 *applying subparagraph (A)(iii) with respect to*
16 *an individual to whom this subsection applies,*
17 *for purposes of the consideration of the alleged*
18 *violation under the Congressional Accountability*
19 *Act of 1995—*

20 *(i) the date of the alleged violation*
21 *shall be the individual's transfer date;*

22 *(ii) notwithstanding the third sentence*
23 *of section 402(a) of such Act (2 U.S.C.*
24 *1402(a)), the individual's request for coun-*
25 *seling under such section shall be made not*

1 *later than 60 days after the date of the al-*
2 *leged violation; and*

3 *(iii) the employing office of the indi-*
4 *vidual at the time of the alleged violation*
5 *shall be the Capitol Police Board.*

6 (C) *EXCEPTION FOR ALLEGED VIOLATIONS*
7 *SUBJECT TO HEARING PRIOR TO TRANSFER.—*
8 *Subparagraph (A) does not apply with respect to*
9 *an alleged violation for which a hearing has*
10 *commenced in accordance with the covered law*
11 *on or before the transfer date.*

12 (D) *COVERED LAW DEFINED.—In this para-*
13 *graph, a “covered law” is any law for which the*
14 *remedy for an alleged violation is provided for*
15 *officers and employees of the Capitol Police*
16 *under the Congressional Accountability Act of*
17 *1995 (2 U.S.C. 1301 et seq.).*

18 (3) *AVAILABILITY OF DETAILEES DURING TRAN-*
19 *SITION PERIOD.—During the transition period, the*
20 *Chief of the Capitol Police may detail additional*
21 *members of the Capitol Police to the Library of Con-*
22 *gress, without reimbursement.*

23 (4) *EFFECT ON EXISTING MEMORANDUM OF UN-*
24 *DERSTANDING.—The Memorandum of Understanding*
25 *between the Library of Congress and the Capitol Po-*

1 *lice entered into on December 12, 2004, shall remain*
 2 *in effect during the transition period, subject to—*

3 *(A) the provisions of this section; and*

4 *(B) such modifications as may be made in*
 5 *accordance with the modification and dispute*
 6 *resolution provisions of the Memorandum of Un-*
 7 *derstanding, consistent with the provisions of*
 8 *this section.*

9 *(5) RULE OF CONSTRUCTION RELATING TO PER-*
 10 *SONNEL AUTHORITY OF THE LIBRARIAN OF CON-*
 11 *GRESS.—Nothing in this section shall be construed to*
 12 *affect the authority of the Librarian of Congress to—*

13 *(A) terminate the employment of a Library*
 14 *of Congress Police employee or Library of Con-*
 15 *gress Police civilian employee; or*

16 *(B) transfer any individual serving in a*
 17 *Library of Congress Police employee position or*
 18 *Library of Congress Police civilian employee po-*
 19 *sition to another position at the Library of Con-*
 20 *gress.*

21 *(d) POLICE JURISDICTION, UNLAWFUL ACTIVITIES,*
 22 *AND PENALTIES.—*

23 *(1) JURISDICTION.—*

24 *(A) EXTENSION OF CAPITOL POLICE JURIS-*
 25 *DICTION.—Section 9 of the Act entitled “An Act*

1 to define the area of the United States Capitol
2 Grounds, to regulate the use thereof, and for
3 other purposes”, approved July 31, 1946 (2
4 U.S.C. 1961) is amended by adding at the end
5 the following:

6 “(d) For purposes of this section, ‘United States Cap-
7 itol Buildings and Grounds’ shall include the Library of
8 Congress buildings and grounds described under section 11
9 of the Act entitled ‘An Act relating to the policing of the
10 buildings of the Library of Congress’, approved August 4,
11 1950 (2 U.S.C. 167j), except that in a case of buildings
12 or grounds not located in the District of Columbia, the au-
13 thority granted to the Metropolitan Police Force of the Dis-
14 trict of Columbia shall be granted to any police force within
15 whose jurisdiction the buildings or grounds are located.”.

16 (B) *REPEAL OF LIBRARY OF CONGRESS PO-*
17 *LICE JURISDICTION.*—The first section and sec-
18 tions 7 and 9 of the Act of August 4, 1950 (2
19 U.S.C. 167, 167f, 167h) are repealed on October
20 1, 2009.

21 (2) *UNLAWFUL ACTIVITIES AND PENALTIES.*—

22 (A) *EXTENSION OF UNITED STATES CAPITOL*
23 *BUILDINGS AND GROUNDS PROVISIONS TO THE*
24 *LIBRARY OF CONGRESS BUILDINGS AND*
25 *GROUNDS.*—

1 (i) *CAPITOL BUILDINGS.*—Section 5101
2 of title 40, United States Code, is amended
3 by inserting “all buildings on the real prop-
4 erty described under section 5102(d)” after
5 “(including the Administrative Building of
6 the United States Botanic Garden)”.

7 (ii) *CAPITOL GROUNDS.*—Section 5102
8 of title 40, United States Code, is amended
9 by adding at the end the following:

10 “(d) *LIBRARY OF CONGRESS BUILDINGS AND*
11 *GROUNDS.*—

12 “(1) *IN GENERAL.*—Except as provided under
13 paragraph (2), the United States Capitol Grounds
14 shall include the Library of Congress grounds de-
15 scribed under section 11 of the Act entitled ‘An Act
16 relating to the policing of the buildings of the Library
17 of Congress’, approved August 4, 1950 (2 U.S.C.
18 167j).

19 “(2) *AUTHORITY OF LIBRARIAN OF CONGRESS.*—
20 Notwithstanding subsections (a) and (b), the Librar-
21 ian of Congress shall retain authority over the Li-
22 brary of Congress buildings and grounds in accord-
23 ance with section 1 of the Act of June 29, 1922 (2
24 U.S.C. 141; 42 Stat. 715).”.

1 (iii) *CONFORMING AMENDMENT RELAT-*
2 *ING TO DISORDERLY CONDUCT.*—Section
3 5104(e)(2) of title 40, United States Code, is
4 amended by striking subparagraph (C) and
5 inserting the following:

6 “(C) with the intent to disrupt the or-
7 derly conduct of official business, enter or
8 remain in a room in any of the Capitol
9 Buildings set aside or designated for the use
10 of—

11 “(i) either House of Congress or a
12 Member, committee, officer, or em-
13 ployee of Congress, or either House of
14 Congress; or

15 “(ii) the Library of Congress;”.

16 (B) *REPEAL OF OFFENSES AND PENALTIES*
17 *SPECIFIC TO THE LIBRARY OF CONGRESS.*—Sec-
18 tions 2, 3, 4, 5, 6, and 8 of the Act of August
19 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e,
20 and 167g) are repealed.

21 (C) *SUSPENSION OF PROHIBITIONS AGAINST*
22 *USE OF LIBRARY OF CONGRESS BUILDINGS AND*
23 *GROUPS.*—Section 10 of the Act of August 4,
24 1950 (2 U.S.C. 167i) is amended by striking “2

1 to 6, inclusive, of this Act” and inserting “5103
2 and 5104 of title 40, United States Code”.

3 (D) CONFORMING AMENDMENT TO DESCRIP-
4 TION OF LIBRARY OF CONGRESS GROUNDS.—Sec-
5 tion 11 of the Act of August 4, 1950 (2 U.S.C.
6 167j) is amended—

7 (i) in subsection (a), by striking “For
8 the purposes of this Act the” and inserting
9 “The”;

10 (ii) in subsection (b), by striking “For
11 the purposes of this Act the” and inserting
12 “The”;

13 (iii) in subsection (c), by striking “For
14 the purposes of this Act the” and inserting
15 “The”; and

16 (iv) in subsection (d), by striking “For
17 the purposes of this Act the” and inserting
18 “The”.

19 (3) CONFORMING AMENDMENT RELATING TO JU-
20 RISDICTION OF INSPECTOR GENERAL OF LIBRARY OF
21 CONGRESS.—Section 1307(b)(1) of the Legislative
22 Branch Appropriations Act, 2006 (2 U.S.C. 185(b)),
23 is amended by striking the semicolon at the end and
24 inserting the following: “, except that nothing in this
25 paragraph may be construed to authorize the Inspec-

1 *tor General to audit or investigate any operations or*
2 *activities of the United States Capitol Police;”.*

3 (4) *EFFECTIVE DATE.*—*The amendments made*
4 *by this section shall take effect October 1, 2009.*

5 (e) *COLLECTIONS, PHYSICAL SECURITY, CONTROL,*
6 *AND PRESERVATION OF ORDER AND DECORUM WITHIN*
7 *THE LIBRARY.*—

8 (1) *ESTABLISHMENT OF REGULATIONS.*—*The Li-*
9 *brarian of Congress shall establish standards and reg-*
10 *ulations for the physical security, control, and preser-*
11 *vation of the Library of Congress collections and*
12 *property, and for the maintenance of suitable order*
13 *and decorum within Library of Congress.*

14 (2) *TREATMENT OF SECURITY SYSTEMS.*—

15 (A) *RESPONSIBILITY FOR SECURITY SYS-*
16 *TEMS.*—*In accordance with the authority of the*
17 *Capitol Police and the Librarian of Congress es-*
18 *tablished under this section, the amendments*
19 *made by this section, and the provisions of law*
20 *referred to in subparagraph (C), the Chief of the*
21 *Capitol Police and the Librarian of Congress*
22 *shall be responsible for the operation of security*
23 *systems at the Library of Congress buildings and*
24 *grounds described under section 11 of the Act of*

1 *August 4, 1950, in consultation and coordina-*
2 *tion with each other, subject to the following:*

3 *(i) The Librarian of Congress shall be*
4 *responsible for the design of security systems*
5 *for the control and preservation of Library*
6 *collections and property, subject to the re-*
7 *view and approval of the Chief of the Cap-*
8 *itol Police.*

9 *(ii) The Librarian of Congress shall be*
10 *responsible for the operation of security sys-*
11 *tems at any building or facility of the Li-*
12 *brary of Congress which is located outside of*
13 *the District of Columbia, subject to the re-*
14 *view and approval of the Chief of the Cap-*
15 *itol Police.*

16 *(B) INITIAL PROPOSAL FOR OPERATION OF*
17 *SYSTEMS.—Not later than October 1, 2008, the*
18 *Chief of the Capitol Police, in coordination with*
19 *the Librarian of Congress, shall prepare and*
20 *submit to the Committee on House Administra-*
21 *tion of the House of Representatives, the Com-*
22 *mittee on Rules and Administration of the Sen-*
23 *ate, and the Committees on Appropriations of*
24 *the House of Representatives and the Senate an*
25 *initial proposal for carrying out this paragraph.*

1 (C) *PROVISIONS OF LAW.*—*The provisions of*
2 *law referred to in this subparagraph are as fol-*
3 *lows:*

4 (i) *Section 1 of the Act of June 29,*
5 *1922 (2 U.S.C. 141).*

6 (ii) *The undesignated provision under*
7 *the heading “General Provision, This Chap-*
8 *ter” in chapter 5 of title II of division B of*
9 *the Omnibus Consolidated and Emergency*
10 *Supplemental Appropriations Act, 1999 (2*
11 *U.S.C. 141a).*

12 (iii) *Section 308 of the Legislative*
13 *Branch Appropriations Act, 1996 (2 U.S.C.*
14 *1964).*

15 (iv) *Section 308 of the Legislative*
16 *Branch Appropriations Act, 1997 (2 U.S.C.*
17 *1965).*

18 (f) *PAYMENT OF CAPITOL POLICE SERVICES PRO-*
19 *VIDED IN CONNECTION WITH RELATING TO LIBRARY OF*
20 *CONGRESS SPECIAL EVENTS.—*

21 (1) *PAYMENTS OF AMOUNTS DEPOSITED IN RE-*
22 *VOLVING FUND.—Section 102(e) of the Library of*
23 *Congress Fiscal Operations Improvement Act of 2000*
24 *(2 U.S.C. 182b(e)) is amended to read as follows:*

25 “(e) *USE OF AMOUNTS.—*

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), amounts in the accounts of the revolving*
3 *fund under this section shall be available to the Li-*
4 *brarian, in amounts specified in appropriations Acts*
5 *and without fiscal year limitation, to carry out the*
6 *programs and activities covered by such accounts.*

7 “(2) *SPECIAL RULE FOR PAYMENTS FOR CERTAIN*
8 *CAPITOL POLICE SERVICES.*—*In the case of any*
9 *amount in the revolving fund consisting of a payment*
10 *received for services of the United States Capitol Po-*
11 *lice in connection with a special event or program de-*
12 *scribed in subsection (a)(4), the Librarian shall*
13 *transfer such amount upon receipt to the Capitol Po-*
14 *lice for deposit into the applicable appropriations ac-*
15 *counts of the Capitol Police.”.*

16 “(2) *USE OF OTHER LIBRARY FUNDS TO MAKE*
17 *PAYMENTS.*—*In addition to amounts transferred pur-*
18 *suant to section 102(e)(2) of the Library of Congress*
19 *Fiscal Operations Improvement Act of 2000 (as added*
20 *by paragraph (1)), the Librarian of Congress may*
21 *transfer amounts made available for salaries and ex-*
22 *penses of the Library of Congress during a fiscal year*
23 *to the applicable appropriations accounts of the*
24 *United States Capitol Police in order to reimburse the*
25 *Capitol Police for services provided in connection*

1 *with a special event or program described in section*
2 *102(a)(4) of such Act.*

3 (3) *EFFECTIVE DATE.*—*The amendments made*
4 *by this subsection shall apply with respect to services*
5 *provided by the United States Capitol Police on or*
6 *after the date of the enactment of this Act.*

7 (g) *OTHER CONFORMING AMENDMENTS.*—

8 (1) *IN GENERAL.*—*Section 1015 of the Legisla-*
9 *tive Branch Appropriations Act, 2003 (2 U.S.C. 1901*
10 *note) and section 1006 of the Legislative Branch Ap-*
11 *propriations Act, 2004 (2 U.S.C. 1901 note; Public*
12 *Law 108–83; 117 Stat. 1023) are repealed.*

13 (2) *EFFECTIVE DATE.*—*The amendments made*
14 *by paragraph (1) shall take effect October 1, 2009.*

15 (h) *DEFINITIONS.*—*In this section—*

16 (1) *the term “Act of August 4, 1950” means the*
17 *Act entitled “An Act relating to the policing of the*
18 *buildings and grounds of the Library of Congress,” (2*
19 *U.S.C. 167 et seq.);*

20 (2) *the term “Library of Congress Police em-*
21 *ployee” means an employee of the Library of Congress*
22 *designated as police under the first section of the Act*
23 *of August 4, 1950 (2 U.S.C. 167);*

24 (3) *the term “Library of Congress Police civilian*
25 *employee” means an employee of the Library of Con-*

1 *gress Office of Security and Emergency Preparedness*
2 *who provides direct administrative support to, and is*
3 *supervised by, the Library of Congress Police, but*
4 *shall not include an employee of the Library of Con-*
5 *gress who performs emergency preparedness or collec-*
6 *tions control and preservation functions; and*

7 (4) *the term “transition period” means the pe-*
8 *riod the first day of which is the date of the enact-*
9 *ment of this Act and the final day of which is Sep-*
10 *tember 30, 2009.*

11 *OFFICE OF COMPLIANCE*

12 *SALARIES AND EXPENSES*

13 *For salaries and expenses of the Office of Compliance,*
14 *as authorized by section 305 of the Congressional Account-*
15 *ability Act of 1995 (2 U.S.C. 1385), \$3,350,000, of which*
16 *\$700,000 shall remain available until September 30, 2009:*
17 *Provided, That the Executive Director of the Office of Com-*
18 *pliance may, within the limits of available appropriations,*
19 *dispose of surplus or obsolete personal property by inter-*
20 *agency transfer, donation, or discarding: Provided further,*
21 *That not more than \$500 may be expended on the certifi-*
22 *cation of the Executive Director of the Office of Compliance*
23 *in connection with official representation and reception ex-*
24 *penses.*

ADMINISTRATIVE PROVISION

1
2 *SEC. 1101. COMPENSATION OF BOARD AND OFFICERS*
3 *OF THE OFFICE OF COMPLIANCE. (a) MEMBERS OF THE*
4 *BOARD OF DIRECTORS.—Section 301(g) of the Congres-*
5 *sional Accountability Act of 1995 (2 U.S.C. 1381(g)) is*
6 *amended by striking paragraph (1) and inserting the fol-*
7 *lowing:*

8 “(1) *PER DIEM.*—

9 “(A) *RATE OF COMPENSATION FOR EACH*
10 *DAY.—Each member of the Board shall be com-*
11 *pensated, for each day (including travel time)*
12 *during which such member is engaged in the per-*
13 *formance of the duties of the Board, at a rate*
14 *equal to the daily equivalent of the lesser of—*

15 “(i) *the highest annual rate of com-*
16 *ensation of any officer of the Senate; or*

17 “(ii) *the highest annual rate of com-*
18 *ensation of any officer of the House of*
19 *Representatives.*

20 “(B) *AUTHORITY TO PRORATE.—The rate of*
21 *pay of a member may be prorated based on the*
22 *portion of the day during which the member is*
23 *engaged in the performance of Board duties.”.*

24 *(b) OFFICERS.—Section 302 of the Congressional Ac-*
25 *countability Act of 1995 (2 U.S.C. 1382) is amended—*

1 (1) *in subsection (a), by striking paragraph (2)*
2 *and inserting the following:*

3 “(2) *COMPENSATION.—*

4 “(A) *AUTHORITY TO FIX COMPENSATION.—*

5 *The Chair may fix the compensation of the Exec-*
6 *utive Director.*

7 “(B) *LIMITATION.—The rate of pay for the*
8 *Executive Director may not exceed the lesser of—*

9 “(i) *the highest annual rate of com-*
10 *penetration of any officer of the Senate; or*

11 “(ii) *the highest annual rate of com-*
12 *penetration of any officer of the House of*
13 *Representatives.”;*

14 (2) *in subsection (b), by striking paragraph (3)*
15 *and inserting the following:*

16 “(3) *COMPENSATION.—*

17 “(A) *AUTHORITY TO FIX COMPENSATION.—*

18 *The Chair may fix the compensation of the Dep-*
19 *uty Executive Directors.*

20 “(B) *LIMITATION.—The rate of pay for a*
21 *Deputy Executive Director may not exceed 96*
22 *percent of the lesser of—*

23 “(i) *the highest annual rate of com-*
24 *penetration of any officer of the Senate; or*

1 “(ii) the highest annual rate of com-
2 pensation of any officer of the House of
3 Representatives.”;

4 (3) in subsection (c), by striking paragraph (2)
5 and inserting the following:

6 “(2) COMPENSATION.—

7 “(A) AUTHORITY TO FIX COMPENSATION.—
8 The Chair may fix the compensation of the Gen-
9 eral Counsel.

10 “(B) LIMITATION.—The rate of pay for the
11 General Counsel may not exceed the lesser of—

12 “(i) the highest annual rate of com-
13 pensation of any officer of the Senate; or

14 “(ii) the highest annual rate of com-
15 pensation of any officer of the House of
16 Representatives.”; and

17 (4) in subsection (e), by striking “General Ac-
18 counting Office” and inserting “Government Account-
19 ability Office”.

20 **CONGRESSIONAL BUDGET OFFICE**

21 **SALARIES AND EXPENSES**

22 For salaries and expenses necessary for operation of
23 the Congressional Budget Office, including not more than
24 \$4,000 to be expended on the certification of the Director

1 *of the Congressional Budget Office in connection with offi-*
2 *cial representation and reception expenses, \$37,399,000.*

3 *ADMINISTRATIVE PROVISION*

4 *SEC. 1201. EXECUTIVE EXCHANGE PROGRAM FOR THE*
5 *CONGRESSIONAL BUDGET OFFICE. (a) IN GENERAL.—The*
6 *Director of the Congressional Budget Office may establish*
7 *and conduct an executive exchange program under which*
8 *employees of the Office may be assigned to private sector*
9 *organizations, and employees of private sector organiza-*
10 *tions may be assigned to the Office, for 1-year periods to*
11 *further the institutional interests of the Office or Congress,*
12 *including for the purpose of providing training to officers*
13 *and employees of the Office.*

14 *(b) LIMITATIONS AND CONDITIONS.—The Director of*
15 *the Congressional Budget Office shall—*

16 *(1) limit the number of officers and employees*
17 *who are assigned to private sector organizations at*
18 *any one time to not more than 3;*

19 *(2) limit the number of employees from private*
20 *sector organizations who are assigned to the Office at*
21 *any one time to not more than 3;*

22 *(3) require that an employee of a private sector*
23 *organization assigned to the Office may not have ac-*
24 *cess to any trade secrets or to any other nonpublic in-*
25 *formation which is of commercial value to the private*

1 *sector organization from which such employee is as-*
2 *signed; and*

3 (4) *approve employees to be detailed from the*
4 *private sector without regard to political affiliation*
5 *and solely on the basis of their fitness to perform their*
6 *assigned duties.*

7 (c) *TREATMENT OF PRIVATE EMPLOYEES.—An em-*
8 *ployee of a private sector organization assigned to the Office*
9 *under the executive exchange program shall be considered*
10 *to be an employee of the Office for purposes of—*

11 (1) *chapter 73 of title 5, United States Code;*

12 (2) *sections 201, 203, 205, 207, 208, 209, 603,*
13 *606, 607, 643, 654, 1905, and 1913 of title 18, United*
14 *States Code;*

15 (3) *sections 1343, 1344, and 1349(b) of title 31,*
16 *United States Code;*

17 (4) *chapter 171 of title 28, United States Code*
18 *(commonly referred to as the “Federal Tort Claims*
19 *Act”) and any other Federal tort liability statute;*

20 (5) *the Ethics in Government Act of 1978 (5*
21 *U.S.C. App.); and*

22 (6) *section 1043 of the Internal Revenue Code of*
23 *1986.*

24 (d) *TERMINATION OF ASSIGNMENTS.—No assignment*
25 *under this section shall commence after the end of the 2-*

1 *year period beginning on the date of enactment of this sec-*
2 *tion.*

3 *(e) EFFECTIVE DATE.—Subject to subsection (d), this*
4 *section shall apply to fiscal year 2008 and each fiscal year*
5 *thereafter.*

6 *ARCHITECT OF THE CAPITOL*

7 *GENERAL ADMINISTRATION*

8 *For salaries for the Architect of the Capitol, and other*
9 *personal services, at rates of pay provided by law; for sur-*
10 *veys and studies in connection with activities under the*
11 *care of the Architect of the Capitol; for all necessary ex-*
12 *penses for the general and administrative support of the*
13 *operations under the Architect of the Capitol including the*
14 *Botanic Garden; electrical substations of the Capitol, Sen-*
15 *ate and House office buildings, and other facilities under*
16 *the jurisdiction of the Architect of the Capitol; including*
17 *furnishings and office equipment; including not more than*
18 *\$5,000 for official reception and representation expenses, to*
19 *be expended as the Architect of the Capitol may approve;*
20 *for purchase or exchange, maintenance, and operation of*
21 *a passenger motor vehicle, \$79,897,000, of which \$400,000*
22 *shall remain available until September 30, 2012.*

23 *CAPITOL BUILDING*

24 *For all necessary expenses for the maintenance, care*
25 *and operation of the Capitol, \$24,090,000, of which*

1 \$8,290,000 shall remain available until September 30,
2 2012.

3 *CAPITOL GROUNDS*

4 *For all necessary expenses for care and improvement*
5 *of grounds surrounding the Capitol, the Senate and House*
6 *office buildings, and the Capitol Power Plant, \$10,090,000,*
7 *of which \$500,000 shall remain available until September*
8 *30, 2012.*

9 *SENATE OFFICE BUILDINGS*

10 *For all necessary expenses for the maintenance, care*
11 *and operation of Senate office buildings; and furniture and*
12 *furnishings to be expended under the control and super-*
13 *vision of the Architect of the Capitol, \$70,283,000, of which*
14 *\$14,400,000 shall remain available until September 30,*
15 *2012.*

16 *HOUSE OFFICE BUILDINGS*

17 *For all necessary expenses for the maintenance, care*
18 *and operation of the House office buildings, \$65,635,000,*
19 *of which \$25,400,000 shall remain available until Sep-*
20 *tember 30, 2012.*

21 *CAPITOL POWER PLANT*

22 *For all necessary expenses for the maintenance, care*
23 *and operation of the Capitol Power Plant; lighting, heating,*
24 *power (including the purchase of electrical energy) and*
25 *water and sewer services for the Capitol, Senate and House*

1 *office buildings, Library of Congress buildings, and the*
2 *grounds about the same, Botanic Garden, Senate garage,*
3 *and air conditioning refrigeration not supplied from plants*
4 *in any of such buildings; heating the Government Printing*
5 *Office and Washington City Post Office, and heating and*
6 *chilled water for air conditioning for the Supreme Court*
7 *Building, the Union Station complex, the Thurgood Mar-*
8 *shall Federal Judiciary Building and the Folger Shake-*
9 *speare Library, expenses for which shall be advanced or re-*
10 *imbursed upon request of the Architect of the Capitol and*
11 *amounts so received shall be deposited into the Treasury*
12 *to the credit of this appropriation, \$85,310,000, of which*
13 *\$3,155,000 shall remain available until September 30,*
14 *2012: Provided, That not more than \$8,000,000 of the funds*
15 *credited or to be reimbursed to this appropriation as herein*
16 *provided shall be available for obligation during fiscal year*
17 *2008.*

18 *LIBRARY BUILDINGS AND GROUNDS*

19 *For all necessary expenses for the mechanical and*
20 *structural maintenance, care and operation of the Library*
21 *buildings and grounds, \$27,553,000, of which \$4,890,000*
22 *shall remain available until September 30, 2012.*

23 *CAPITOL POLICE BUILDINGS, GROUNDS, AND SECURITY*

24 *For all necessary expenses for the maintenance, care*
25 *and operation of buildings, grounds and security enhance-*

1 *ments of the United States Capitol Police, wherever located,*
2 *the Alternate Computer Facility, and AOC security oper-*
3 *ations, \$14,966,000, of which \$1,000,000 shall remain*
4 *available until September 30, 2012.*

5 *BOTANIC GARDEN*

6 *For all necessary expenses for the maintenance, care*
7 *and operation of the Botanic Garden and the nurseries,*
8 *buildings, grounds, and collections; and purchase and ex-*
9 *change, maintenance, repair, and operation of a passenger*
10 *motor vehicle; all under the direction of the Joint Com-*
11 *mittee on the Library, \$8,808,000: Provided, That of the*
12 *amount made available under this heading, the Architect*
13 *may obligate and expend such sums as may be necessary*
14 *for the maintenance, care and operation of the National*
15 *Garden established under section 307E of the Legislative*
16 *Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon*
17 *vouchers approved by the Architect or a duly authorized*
18 *designee.*

19 *CAPITOL VISITOR CENTER*

20 *For an additional amount for the Capitol Visitor Cen-*
21 *ter project, \$28,753,000, to remain available until ex-*
22 *pended, of which up to \$8,500,000 may be used for Capitol*
23 *Visitor Center operations: Provided, That the Architect of*
24 *the Capitol may not obligate any of the funds which are*
25 *made available for the Capitol Visitor Center project with-*

1 *out an obligation plan approved by the Committees on Ap-*
 2 *propriations of the Senate and House of Representatives.*

3 *ADMINISTRATIVE PROVISIONS*

4 *SEC. 1301. INSPECTOR GENERAL OF THE ARCHITECT*
 5 *OF THE CAPITOL. (a) SHORT TITLE.—This section may be*
 6 *cited as the “Architect of the Capitol Inspector General Act*
 7 *of 2007”.*

8 *(b) OFFICE OF INSPECTOR GENERAL.—There is an Of-*
 9 *fice of Inspector General within the Office of the Architect*
 10 *of the Capitol which is an independent objective office to—*

11 *(1) conduct and supervise audits and investiga-*
 12 *tions relating to the Architect of the Capitol;*

13 *(2) provide leadership and coordination and rec-*
 14 *ommend policies to promote economy, efficiency, and*
 15 *effectiveness; and*

16 *(3) provide a means of keeping the Architect of*
 17 *the Capitol and the Congress fully and currently in-*
 18 *formed about problems and deficiencies relating to the*
 19 *administration of programs and operations of the Ar-*
 20 *chitect of the Capitol.*

21 *(c) APPOINTMENT OF INSPECTOR GENERAL; SUPER-*
 22 *VISION; REMOVAL.—*

23 *(1) APPOINTMENT AND SUPERVISION.—*

24 *(A) IN GENERAL.—There shall be at the*
 25 *head of the Office of Inspector General, an In-*

1 *spector General who shall be appointed by the*
2 *Architect of the Capitol, in consultation with the*
3 *Inspectors General of the Library of Congress,*
4 *Government Printing Office, Government Ac-*
5 *countability Office, and United States Capitol*
6 *Police. The appointment shall be made without*
7 *regard to political affiliation and solely on the*
8 *basis of integrity and demonstrated ability in*
9 *accounting, auditing, financial analysis, law,*
10 *management analysis, public administration, or*
11 *investigations. The Inspector General shall re-*
12 *port to, and be under the general supervision of,*
13 *the Architect of the Capitol.*

14 *(B) AUDITS, INVESTIGATIONS, REPORTS,*
15 *AND OTHER DUTIES AND RESPONSIBILITIES.—*
16 *The Architect of the Capitol shall have no au-*
17 *thority to prevent or prohibit the Inspector Gen-*
18 *eral from—*

19 *(i) initiating, carrying out, or com-*
20 *pleting any audit or investigation;*

21 *(ii) issuing any subpoena during the*
22 *course of any audit or investigation;*

23 *(iii) issuing any report; or*

1 (iv) carrying out any other duty or re-
2 sponsibility of the Inspector General under
3 this section.

4 (2) REMOVAL.—The Inspector General may be
5 removed from office by the Architect of the Capitol.
6 The Architect of the Capitol shall, promptly upon
7 such removal, communicate in writing the reasons for
8 any such removal to each House of Congress.

9 (3) COMPENSATION.—The Inspector General
10 shall be paid at an annual rate of pay equal to
11 \$1,500 less than the annual rate of pay of the Archi-
12 tect of the Capitol.

13 (d) DUTIES, RESPONSIBILITIES, AUTHORITY, AND RE-
14 PORTS.—

15 (1) IN GENERAL.—Sections 4, 5 (other than sub-
16 sections (a)(13) and (e)(1)(B) thereof), 6 (other than
17 subsection (a)(7) and (8) thereof), and 7 of the In-
18 spector General Act of 1978 (5 U.S.C. App.) shall
19 apply to the Inspector General of the Architect of the
20 Capitol and the Office of such Inspector General and
21 such sections shall be applied to the Office of the Ar-
22 chitect of the Capitol and the Architect of the Capitol
23 by substituting—

24 (A) “Office of the Architect of the Capitol”
25 for “establishment”; and

1 (B) “Architect of the Capitol” for “head of
2 the establishment”.

3 (2) *EMPLOYEES.*—*The Inspector General, in car-*
4 *rying out this section, is authorized to select, appoint,*
5 *and employ such officers and employees (including*
6 *consultants) as may be necessary for carrying out the*
7 *functions, powers, and duties of the Office of Inspector*
8 *General subject to the provisions of law governing se-*
9 *lections, appointments, and employment in the Office*
10 *of the Architect of the Capitol.*

11 (e) *TRANSFERS.*—*All functions, personnel, and budget*
12 *resources of the Office of the Inspector General of the Archi-*
13 *tect of the Capitol as in effect before the effective date of*
14 *this section are transferred to the Office of Inspector Gen-*
15 *eral described under subsection (b).*

16 (f) *REFERENCES.*—*References in any other Federal*
17 *law, Executive order, rule, regulation, or delegation of au-*
18 *thority, or any document of or relating to the Inspector*
19 *General of the Architect of the Capitol shall be deemed to*
20 *refer to the Inspector General as set forth under this section.*

21 (g) *FIRST APPOINTMENT.*—*By the date occurring 180*
22 *days after the date of enactment of this Act, the Architect*
23 *of the Capitol shall appoint an individual to the position*
24 *of Inspector General of the Architect of the Capitol described*

1 *under subparagraph (A) of subsection (c)(1) in accordance*
2 *with that subparagraph.*

3 *(h) EFFECTIVE DATE.—*

4 *(1) IN GENERAL.—Except as provided under*
5 *paragraph (2), this section shall take effect 180 days*
6 *after the date of enactment of this Act and apply with*
7 *respect to fiscal year 2008 and each fiscal year there-*
8 *after.*

9 *(2) FIRST APPOINTMENT.—Subsection (g) shall*
10 *take effect on the date of enactment of this Act and*
11 *the Architect of the Capitol shall take such actions as*
12 *necessary after such date of enactment to carry out*
13 *that subsection.*

14 *SEC. 1302. FLEXIBLE WORK SCHEDULES. Notwith-*
15 *standing section 6101 of title 5, United States Code, the*
16 *Architect of the Capitol may establish and conduct a pilot*
17 *program to test flexible work schedules within the Architect*
18 *of the Capitol and Botanic Garden. Such pilot program*
19 *shall be in accordance with chapter 61 of title 5, United*
20 *States Code. This authority shall terminate effective Sep-*
21 *tember 30, 2008.*

22 *SEC. 1303. TRAVEL AND TRANSPORTATION. (a) IN*
23 *GENERAL.—Section 5721(1) of title 5, United States Code,*
24 *is amended—*

1 (1) by redesignating subparagraphs (G) and (H)
2 as subparagraphs (H) and (I), respectively; and

3 (2) by inserting after subparagraph (F) the fol-
4 lowing:

5 “(G) the Architect of the Capitol;”.

6 (b) *DEMONSTRATION PROGRAM.*—Section 521(1)(B) of
7 the National Energy Conservation Policy Act (42 U.S.C.
8 8241(1)(B)) is amended by striking “paragraphs (B)
9 through (H)” and inserting “subparagraphs (B) through
10 (I)”.

11 *SEC. 1304. ADVANCE PAYMENTS.*—During fiscal year
12 2008 and each succeeding fiscal year, following notification
13 of the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate, the Architect of the Capitol
15 may make payments in advance for obligations of the Office
16 of the Architect of the Capitol for subscription services if
17 the Architect determines it to be more prompt, efficient, or
18 economical to do so.

19 *SEC. 1305. CVC MAINTENANCE.*—For maintenance
20 purposes, the Capitol Visitor Center (CVC) is considered an
21 extension of the Capitol Building, and the maintenance
22 functions for the CVC’s infrastructure is the responsibility
23 of the Architect of the Capitol. Starting in fiscal year 2008,
24 and each fiscal year thereafter, the CVC’s facilities mainte-
25 nance budget and associated payroll will be included with

1 *the Capitol Building's appropriation budget, and inte-*
2 *grated in such a way as to facilitate the reporting of ex-*
3 *penses associated with the maintenance of the CVC facility.*

4 *SEC. 1306. LEASING AUTHORITY.—(a) Section*
5 *1102(b) of the Legislative Branch Appropriations Act, 2004*
6 *(2 U.S.C. 1822(b)) is amended—*

7 *(1) in paragraph (1), by striking “Committee on*
8 *Rules and Administration” and inserting “Commit-*
9 *tees on Appropriations and Rules and Administra-*
10 *tion”;*

11 *(2) in paragraph (2), by striking “the House Of-*
12 *fice Building Commission” and inserting “the Com-*
13 *mittee on Appropriations of the House of Representa-*
14 *tives and the House Office Building Commission”;*
15 *and*

16 *(3) in paragraph (3), by striking the period at*
17 *the end and inserting “, for space to be leased for any*
18 *other entity under subsection (a).”.*

19 *(b) The amendments made by subsection (a) shall take*
20 *effect as if included in the enactment of the Legislative*
21 *Branch Appropriations Act, 2004.*

22 *SEC. 1307. EASEMENTS FOR RIGHTS-OF-WAY. (a) IN*
23 *GENERAL.—The Architect of the Capitol may grant, upon*
24 *such terms as the Architect of the Capitol considers advis-*
25 *able, including monetary consideration, easements for*

1 *rights-of-way over, in, and upon the Capitol Grounds and*
2 *any other public lands under the jurisdiction and control*
3 *of the Architect of the Capitol.*

4 (b) *LIMITATION.*—*No easement granted under this sec-*
5 *tion may include more land than is necessary for the ease-*
6 *ment.*

7 (c) *EASEMENT ACCOUNT.*—*There is established in the*
8 *Treasury an easement account for the Architect of the Cap-*
9 *itol. The Architect of the Capitol shall deposit in the account*
10 *all proceeds received relating to the granting of easements*
11 *under this section. The proceeds deposited in that account*
12 *shall be available to the Architect, in such amounts and*
13 *for such purposes provided in appropriations acts.*

14 (d) *IN-KIND CONSIDERATION.*—*Subject to subsection*
15 *(f), the Architect may accept in-kind consideration instead*
16 *of, or in addition to, any monetary consideration, for any*
17 *easement granted under this section.*

18 (e) *TERMINATION OF EASEMENT.*—*The Architect of the*
19 *Capitol may terminate all or part of any easement granted*
20 *under this section for—*

21 (1) *failure to comply with the terms of the grant;*

22 (2) *nonuse for a 2-year period; or*

23 (3) *abandonment.*

24 (f) *APPROVAL.*—*The Architect of the Capitol may*
25 *grant an easement for rights-of-way under subsection (a)*

1 upon submission of written notice of intent to grant that
2 easement and the amount or type of consideration to be re-
3 ceived, and approval by—

4 (1) the Committee on Rules and Administration
5 of the Senate for easements granted on property under
6 Senate jurisdiction;

7 (2) the House Office Building Commission for
8 property under House of Representatives jurisdiction;
9 and

10 (3) the Committee on Rules and Administration
11 of the Senate and the House Office Building Commis-
12 sion for easements granted on any other property.

13 (g) *EFFECTIVE DATE.*—This section shall apply to fis-
14 cal year 2008 and each fiscal year thereafter.

15 *SEC. 1308. DESIGN-BUILD CONTRACTS.*—(a) Notwith-
16 standing any other provision of law, the Architect of the
17 Capitol may use the two-phase selection procedures author-
18 ized in section 303M of the Federal Property and Adminis-
19 trative Services Act of 1949 (41 U.S.C. 253m) for entering
20 into a contract for the design and construction of a public
21 building, facility, or work in the same manner and under
22 the same terms and conditions as the head of an executive
23 agency under such section.

24 (b) This section shall apply with respect to fiscal year
25 2008 and each succeeding fiscal year.

1 *SEC. 1309. ASSISTANT TO THE CHIEF EXECUTIVE OF-*
2 *FICER FOR VISITOR SERVICES. (a) DEFINITION.—In this*
3 *section the term “Chief Executive Officer” means the Chief*
4 *Executive Officer for Visitor Services established under sec-*
5 *tion 6701 of the U.S. Troop Readiness, Veterans’ Care,*
6 *Katrina Recovery, and Iraq Accountability Appropriations*
7 *Act of 2007 (2 U.S.C. 1806).*

8 *(b) ASSISTANT TO THE CHIEF EXECUTIVE OFFICER.—*
9 *The Architect of the Capitol shall—*

10 *(1) after consultation with the Chief Executive*
11 *Officer, appoint an assistant to perform the respon-*
12 *sibilities of the Chief Executive Officer during the ab-*
13 *sence or disability of the Chief Executive Officer, or*
14 *during a vacancy in the position of the Chief Execu-*
15 *tive Officer; and*

16 *(2) fix the rate of basic pay for the position of*
17 *the assistant appointed under paragraph (1) at a rate*
18 *not to exceed the highest total rate of pay for the Sen-*
19 *ior Executive Service under subchapter VIII of chap-*
20 *ter 53 of title 5, United States Code, for the locality*
21 *involved.*

22 *(c) EFFECTIVE DATE.—This section shall apply to fis-*
23 *cal year 2008 and each fiscal year thereafter.*

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

1
2
3 *For necessary expenses of the Library of Congress not*
4 *otherwise provided for, including development and mainte-*
5 *nance of the Library's catalogs; custody and custodial care*
6 *of the Library buildings; special clothing; cleaning, laun-*
7 *dering and repair of uniforms; preservation of motion pic-*
8 *tures in the custody of the Library; operation and mainte-*
9 *nance of the American Folklife Center in the Library; prep-*
10 *aration and distribution of catalog records and other publi-*
11 *cations of the Library; hire or purchase of one passenger*
12 *motor vehicle; and expenses of the Library of Congress Trust*
13 *Fund Board not properly chargeable to the income of any*
14 *trust fund held by the Board, \$395,784,000, of which not*
15 *more than \$6,000,000 shall be derived from collections cred-*
16 *ited to this appropriation during fiscal year 2008, and*
17 *shall remain available until expended, under the Act of*
18 *June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150)*
19 *and not more than \$350,000 shall be derived from collec-*
20 *tions during fiscal year 2008 and shall remain available*
21 *until expended for the development and maintenance of an*
22 *international legal information database and activities re-*
23 *lated thereto: Provided, That the Library of Congress may*
24 *not obligate or expend any funds derived from collections*
25 *under the Act of June 28, 1902, in excess of the amount*

1 *authorized for obligation or expenditure in appropriations*
2 *Acts: Provided further, That the total amount available for*
3 *obligation shall be reduced by the amount by which collec-*
4 *tions are less than \$6,350,000: Provided further, That of*
5 *the total amount appropriated, \$16,451,000 shall remain*
6 *available until September 30, 2010 for the partial acquisi-*
7 *tion of books, periodicals, newspapers, and all other mate-*
8 *rials including subscriptions for bibliographic services for*
9 *the Library, including \$40,000 to be available solely for the*
10 *purchase, when specifically approved by the Librarian, of*
11 *special and unique materials for additions to the collec-*
12 *tions: Provided further, That of the total amount appro-*
13 *priated, not more than \$12,000 may be expended, on the*
14 *certification of the Librarian of Congress, in connection*
15 *with official representation and reception expenses for the*
16 *Overseas Field Offices: Provided further, That of the total*
17 *amount appropriated, \$7,000,000 shall remain available*
18 *until expended for the digital collections and educational*
19 *curricula program: Provided further, That of the total*
20 *amount appropriated, \$750,000 shall remain available*
21 *until expended, and shall be transferred to the Abraham*
22 *Lincoln Bicentennial Commission for carrying out the pur-*
23 *poses of Public Law 106–173, of which \$10,000 may be used*
24 *for official representation and reception expenses of the*
25 *Abraham Lincoln Bicentennial Commission: Provided fur-*

1 *ther, That of the total amount appropriated, \$1,482,000*
2 *shall be used for the National Digital Information Infra-*
3 *structure and Preservation Program: Provided further,*
4 *That of the total amount appropriated, \$75,000 shall be*
5 *used to provide a grant to the Middle Eastern Text Initia-*
6 *tive for translation and publishing of middle eastern text:*
7 *Provided further, That \$125,000 shall be used to provide*
8 *a grant to the University of Mississippi for the American*
9 *Music Archives.*

10 *COPYRIGHT OFFICE*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses of the Copyright Office,*
13 *\$49,558,000, of which not more than \$29,826,000, to re-*
14 *main available until expended, shall be derived from collec-*
15 *tions credited to this appropriation during fiscal year 2008*
16 *under section 708(d) of title 17, United States Code: Pro-*
17 *vided, That not more than \$10,000,000 shall be derived*
18 *from prior year unobligated balances: Provided further,*
19 *That the Copyright Office may not obligate or expend any*
20 *funds derived from collections under such section, in excess*
21 *of the amount authorized for obligation or expenditure in*
22 *appropriations Acts: Provided further, That not more than*
23 *\$4,398,000 shall be derived from collections during fiscal*
24 *year 2008 under sections 111(d)(2), 119(b)(2), 803(e), 1005,*
25 *and 1316 of such title: Provided further, That the total*

1 amount available for obligation shall be reduced by the
2 amount by which collections and unobligated balances are
3 less than \$44,224,000: Provided further, That not more than
4 \$100,000 of the amount appropriated is available for the
5 maintenance of an "International Copyright Institute" in
6 the Copyright Office of the Library of Congress for the pur-
7 pose of training nationals of developing countries in intel-
8 lectual property laws and policies: Provided further, That
9 not more than \$4,250 may be expended, on the certification
10 of the Librarian of Congress, in connection with official
11 representation and reception expenses for activities of the
12 International Copyright Institute and for copyright delega-
13 tions, visitors, and seminars: Provided further, That not-
14 withstanding any provision of chapter 8 of title 17, United
15 States Code, any amounts made available under this head-
16 ing which are attributable to royalty fees and payments re-
17 ceived by the Copyright Office pursuant to sections 111,
18 119, and chapter 10 of such title may be used for the costs
19 incurred in the administration of the Copyright Royalty
20 Judges program, with the exception of the costs of salaries
21 and benefits for the Copyright Royalty Judges and staff
22 under section 802(e).

1 *CONGRESSIONAL RESEARCH SERVICE*2 *SALARIES AND EXPENSES*

3 *For necessary expenses to carry out the provisions of*
4 *section 203 of the Legislative Reorganization Act of 1946*
5 *(2 U.S.C. 166) and to revise and extend the Annotated Con-*
6 *stitution of the United States of America, \$102,601,000:*
7 *Provided, That no part of such amount may be used to pay*
8 *any salary or expense in connection with any publication,*
9 *or preparation of material therefor (except the Digest of*
10 *Public General Bills), to be issued by the Library of Con-*
11 *gress unless such publication has obtained prior approval*
12 *of either the Committee on House Administration of the*
13 *House of Representatives or the Committee on Rules and*
14 *Administration of the Senate.*

15 *BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED*16 *SALARIES AND EXPENSES*

17 *For salaries and expenses to carry out the Act of March*
18 *3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a),*
19 *\$67,091,000, of which \$20,704,000 shall remain available*
20 *until expended, of which \$650,000 shall be available to con-*
21 *tract to provide newspapers to blind and physically handi-*
22 *capped residents at no cost to the individual.*

23 *ADMINISTRATIVE PROVISIONS*

24 *SEC. 1401. INCENTIVE AWARDS PROGRAM. Of the*
25 *amounts appropriated to the Library of Congress in this*

1 *Act, not more than \$5,000 may be expended, on the certifi-*
2 *cation of the Librarian of Congress, in connection with offi-*
3 *cial representation and reception expenses for the incentive*
4 *awards program.*

5 *SEC. 1402. REIMBURSABLE AND REVOLVING FUND AC-*
6 *TIVITIES. (a) IN GENERAL.—For fiscal year 2008, the*
7 *obligational authority of the Library of Congress for the ac-*
8 *tivities described in subsection (b) may not exceed*
9 *\$122,529,000.*

10 *(b) ACTIVITIES.—The activities referred to in sub-*
11 *section (a) are reimbursable and revolving fund activities*
12 *that are funded from sources other than appropriations to*
13 *the Library in appropriations Acts for the legislative*
14 *branch.*

15 *(c) TRANSFER OF FUNDS.—During fiscal year 2008,*
16 *the Librarian of Congress may temporarily transfer funds*
17 *appropriated in this Act, under the heading “Library of*
18 *Congress”, under the subheading “Salaries and Expenses”,*
19 *to the revolving fund for the FEDLINK Program and the*
20 *Federal Research Program established under section 103 of*
21 *the Library of Congress Fiscal Operations Improvement Act*
22 *of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided,*
23 *That the total amount of such transfers may not exceed*
24 *\$1,900,000: Provided further, That the appropriate revolv-*
25 *ing fund account shall reimburse the Library for any*

1 *amounts transferred to it before the period of availability*
2 *of the Library appropriation expires.*

3 *SEC. 1403. AUDIT REQUIREMENT. Section 207(e) of*
4 *the Legislative Branch Appropriations Act, 1998 (2 U.S.C.*
5 *182(e)) is amended to read as follows:*

6 *“(e) AUDIT.—The revolving fund shall be subject to*
7 *audit by the Comptroller General at the Comptroller Gen-*
8 *eral’s discretion.”.*

9 *SEC. 1404. TRANSFER AUTHORITY. (a) IN GEN-*
10 *ERAL.—Amounts appropriated for fiscal year 2008 for the*
11 *Library of Congress may be transferred during fiscal year*
12 *2008 between any of the headings under the heading “LI-*
13 *BRARY OF CONGRESS” upon the approval of the Com-*
14 *mittees on Appropriations of the Senate and the House of*
15 *Representatives.*

16 *(b) LIMITATION.—Not more than 10 percent of the*
17 *total amount of funds appropriated to the account under*
18 *any heading under the heading “LIBRARY OF CON-*
19 *GRESS” for fiscal year 2008 may be transferred from that*
20 *account by all transfers made under subsection (a).*

21 *GOVERNMENT PRINTING OFFICE*

22 *CONGRESSIONAL PRINTING AND BINDING*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For authorized printing and binding for the Congress*
25 *and the distribution of Congressional information in any*

1 *format; printing and binding for the Architect of the Cap-*
2 *itol; expenses necessary for preparing the semimonthly and*
3 *session index to the Congressional Record, as authorized by*
4 *law (section 902 of title 44, United States Code); printing*
5 *and binding of Government publications authorized by law*
6 *to be distributed to Members of Congress; and printing,*
7 *binding, and distribution of Government publications au-*
8 *thorized by law to be distributed without charge to the re-*
9 *cipient, \$90,000,000: Provided, That this appropriation*
10 *shall not be available for paper copies of the permanent edi-*
11 *tion of the Congressional Record for individual Representa-*
12 *tives, Resident Commissioners or Delegates authorized*
13 *under section 906 of title 44, United States Code: Provided*
14 *further, That this appropriation shall be available for the*
15 *payment of obligations incurred under the appropriations*
16 *for similar purposes for preceding fiscal years: Provided*
17 *further, That notwithstanding the 2-year limitation under*
18 *section 718 of title 44, United States Code, none of the funds*
19 *appropriated or made available under this Act or any other*
20 *Act for printing and binding and related services provided*
21 *to Congress under chapter 7 of title 44, United States Code,*
22 *may be expended to print a document, report, or publica-*
23 *tion after the 27-month period beginning on the date that*
24 *such document, report, or publication is authorized by Con-*
25 *gress to be printed, unless Congress reauthorizes such print-*

1 *ing in accordance with section 718 of title 44, United States*
2 *Code: Provided further, That any unobligated or unex-*
3 *pendent balances in this account or accounts for similar*
4 *purposes for preceding fiscal years may be transferred to*
5 *the Government Printing Office revolving fund for carrying*
6 *out the purposes of this heading, subject to the approval*
7 *of the Committees on Appropriations of the House of Rep-*
8 *resentatives and Senate.*

9 *OFFICE OF SUPERINTENDENT OF DOCUMENTS*

10 *SALARIES AND EXPENSES*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For expenses of the Office of Superintendent of Docu-*
13 *ments necessary to provide for the cataloging and indexing*
14 *of Government publications and their distribution to the*
15 *public, Members of Congress, other Government agencies,*
16 *and designated depository and international exchange li-*
17 *braries as authorized by law, \$35,000,000: Provided, That*
18 *amounts of not more than \$2,000,000 from current year*
19 *appropriations are authorized for producing and dissemi-*
20 *nating Congressional serial sets and other related publica-*
21 *tions for fiscal years 2006 and 2007 to depository and other*
22 *designated libraries: Provided further, That any unobli-*
23 *gated or unexpended balances in this account or accounts*
24 *for similar purposes for preceding fiscal years may be*
25 *transferred to the Government Printing Office revolving*
26 *fund for carrying out the purposes of this heading, subject*

1 *to the approval of the Committees on Appropriations of the*
2 *House of Representatives and Senate.*

3 **GOVERNMENT PRINTING OFFICE REVOLVING FUND**

4 *The Government Printing Office is hereby authorized*
5 *to make such expenditures, within the limits of funds avail-*
6 *able and in accordance with law, and to make such con-*
7 *tracts and commitments without regard to fiscal year limi-*
8 *tations as provided by section 9104 of title 31, United*
9 *States Code, as may be necessary in carrying out the pro-*
10 *grams and purposes set forth in the budget for the current*
11 *fiscal year for the Government Printing Office revolving*
12 *fund: Provided further, That not more than \$5,000 may be*
13 *expended on the certification of the Public Printer in con-*
14 *nection with official representation and reception expenses:*
15 *Provided further, That the revolving fund shall be available*
16 *for the hire or purchase of not more than 12 passenger*
17 *motor vehicles: Provided further, That expenditures in con-*
18 *nection with travel expenses of the advisory councils to the*
19 *Public Printer shall be deemed necessary to carry out the*
20 *provisions of title 44, United States Code: Provided further,*
21 *That the revolving fund shall be available for temporary*
22 *or intermittent services under section 3109(b) of title 5,*
23 *United States Code, but at rates for individuals not more*
24 *than the daily equivalent of the annual rate of basic pay*
25 *for level V of the Executive Schedule under section 5316*

1 *of such title: Provided further, That the revolving fund and*
2 *the funds provided under the headings “Office of Super-*
3 *intendent of Documents” and “Salaries and Expenses” to-*
4 *gether may not be available for the full-time equivalent em-*
5 *ployment of more than 2,621 work-years (or such other*
6 *number of work-years as the Public Printer may request,*
7 *subject to the approval of the Committees on Appropriations*
8 *of the House of Representatives and Senate): Provided fur-*
9 *ther, That activities financed through the revolving fund*
10 *may provide information in any format: Provided further,*
11 *That the revolving fund and the funds provided under the*
12 *headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS”*
13 *and “SALARIES AND EXPENSES” may not be used for con-*
14 *tracted security services at GPO’s passport facility in the*
15 *District of Columbia.*

16 **GOVERNMENT ACCOUNTABILITY OFFICE**

17 **SALARIES AND EXPENSES**

18 *For necessary expenses of the Government Account-*
19 *ability Office, including not more than \$12,500 to be ex-*
20 *pende d on the certification of the Comptroller General of*
21 *the United States in connection with official representation*
22 *and reception expenses; temporary or intermittent services*
23 *under section 3109(b) of title 5, United States Code, but*
24 *at rates for individuals not more than the daily equivalent*
25 *of the annual rate of basic pay for level IV of the Executive*

1 *Schedule under section 5315 of such title; hire of one pas-*
2 *senger motor vehicle; advance payments in foreign countries*
3 *in accordance with section 3324 of title 31, United States*
4 *Code; benefits comparable to those payable under sections*
5 *901(5), (6), and (8) of the Foreign Service Act of 1980 (22*
6 *U.S.C. 4081(5), (6), and (8)); and under regulations pre-*
7 *scribed by the Comptroller General of the United States,*
8 *rental of living quarters in foreign countries, \$501,000,000:*
9 *Provided, That not more than \$5,413,000 of payments re-*
10 *ceived under section 782 of title 31, United States Code,*
11 *shall be available for use in fiscal year 2008: Provided fur-*
12 *ther, That not more than \$2,097,000 of reimbursements re-*
13 *ceived under section 9105 of title 31, United States Code,*
14 *shall be available for use in fiscal year 2008: Provided fur-*
15 *ther, That of the total amount provided, up to \$2,500,000*
16 *is for technology assessment studies: Provided further, That*
17 *this appropriation and appropriations for administrative*
18 *expenses of any other department or agency which is a*
19 *member of the National Intergovernmental Audit Forum or*
20 *a Regional Intergovernmental Audit Forum shall be avail-*
21 *able to finance an appropriate share of either Forum's costs*
22 *as determined by the respective Forum, including necessary*
23 *travel expenses of non-Federal participants: Provided fur-*
24 *ther, That payments hereunder to the Forum may be cred-*

1 *ited as reimbursements to any appropriation from which*
2 *costs involved are initially financed.*

3 *ADMINISTRATIVE PROVISIONS*

4 *SEC. 1501. CONTRACT APPEALS BOARD. (a) DEFINI-*
5 *TIONS.—In this section—*

6 *(1) the term “Board” means the Contract Ap-*
7 *peals Board established under subsection (b); and*

8 *(2) the term “legislative branch agency”*
9 *means—*

10 *(A) the Architect of the Capitol;*

11 *(B) the United States Botanic Gardens;*

12 *(C) the Government Accountability Office;*

13 *(D) the Government Printing Office;*

14 *(E) the Library of Congress;*

15 *(F) the Congressional Budget Office;*

16 *(G) the United States Capitol Police; and*

17 *(H) any other agency, including any office,*
18 *board, or commission, established in the legisla-*
19 *tive branch; and*

20 *(b) ESTABLISHMENT.—There is established a Contract*
21 *Appeals Board within the Government Accountability Of-*
22 *fice. The Board shall hear and decide appeals from deci-*
23 *sions of a contracting officer with respect to any contract*
24 *entered into by a legislative branch agency.*

25 *(c) MEMBERS OF THE BOARD.—*

1 (1) *APPOINTMENT.*—*The Comptroller General*
2 *shall appoint at least 3 members to the Contract Ap-*
3 *peals Board.*

4 (2) *QUALIFICATIONS.*—*Each member shall have*
5 *not less than 5 years experience in public contract*
6 *law.*

7 (3) *PAY.*—*Subject to any provision of law relat-*
8 *ing to pay applicable to the Office of General Counsel*
9 *of the Government Accountability Office, the Comp-*
10 *troller General shall establish and adjust the annual*
11 *rate of basic pay of members of the Board.*

12 (d) *PROVISIONS APPLICABLE TO APPEALS.*—*The Con-*
13 *tract Disputes Act of 1978 (Public Law 95–563, 41 U.S.C.*
14 *601 et seq.), as amended, shall apply to appeals to the*
15 *Board, except that section 4, subsections 8(a), (b), and (c),*
16 *and subsection 10(a) shall not apply to such appeals and*
17 *the amount of any claim referenced in subsection 6(c) shall*
18 *be \$50,000. The Comptroller General shall prescribe regula-*
19 *tions for procedures for appeals to the Board that are con-*
20 *sistent with procedures under the Contract Disputes Act of*
21 *1978.*

22 (e) *EFFECTIVE DATE.*—*This section shall apply with*
23 *respect to fiscal year 2008 and each fiscal year thereafter.*

24 *SEC. 1502. REPEAL AND MODIFICATION OF CERTAIN*
25 *REPORTING REQUIREMENTS. (a) ANNUAL REPORT BY GAO*

1 *ON CONSISTENCY OF IMF PRACTICES WITH STATUTORY*
2 *POLICIES.*—Section 504(e) of the Consolidated Appropria-
3 tions Act, 2000 (Public Law 106–113; 113 Stat. 1501A–
4 318) is repealed.

5 (b) *REVIEW OF PROPOSED CHANGES TO EXPORT*
6 *THRESHOLDS FOR COMPUTERS.*—Section 314 of the Con-
7 solidated Appropriations Act, 2001 (Public Law 106–554;
8 114 Stat. 2763A–123) is repealed.

9 (c) *CONGRESSIONAL HUNGER FELLOWSHIP PROGRAM*
10 *AUDIT.*—Section 4404(f)(4)(A) of the Congressional Hunger
11 Fellows Act of 2002 (2 U.S.C. 1161(f)(4)(A); Public Law
12 107–171) is amended—

13 (1) by striking “shall” and inserting “may”;
14 and

15 (2) by striking “annual.”.

16 (d) *HAITIAN REFUGEE IMMIGRATION.*—Section 902(k)
17 of the Haitian Refugee Immigration Fairness Act of 1998
18 (8 U.S.C. 1255 note; Public Law 105–277) is repealed.

19 (e) *AUDIT OF FINANCIAL TRANSACTIONS.*—Section 11
20 of the National Moment of Remembrance Act (36 U.S.C.
21 116 note; Public Law 106–579) is repealed.

22 (f) *LOSS RATIOS AND REFUND OF PREMIUMS.*—Sec-
23 tion 1882(r)(5) of the Social Security Act (42 U.S.C.
24 1395ss(r)(5)) is amended—

25 (1) in subparagraph (A)—

1 *JOHN C. STENNIS CENTER FOR PUBLIC SERVICE*
2 *TRAINING AND DEVELOPMENT*

3 *For payment to the John C. Stennis Center for Public*
4 *Service Development Trust Fund established under section*
5 *116 of the John C. Stennis Center for Public Service Train-*
6 *ing and Development Act (2 U.S.C. 1105), \$430,000.*

7 *TITLE II*

8 *GENERAL PROVISIONS*

9 *SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHI-*
10 *CLES. No part of the funds appropriated in this Act shall*
11 *be used for the maintenance or care of private vehicles, ex-*
12 *cept for emergency assistance and cleaning as may be pro-*
13 *vided under regulations relating to parking facilities for the*
14 *House of Representatives issued by the Committee on House*
15 *Administration and for the Senate issued by the Committee*
16 *on Rules and Administration.*

17 *SEC. 202. FISCAL YEAR LIMITATION. No part of the*
18 *funds appropriated in this Act shall remain available for*
19 *obligation beyond fiscal year 2008 unless expressly so pro-*
20 *vided in this Act.*

21 *SEC. 203. RATES OF COMPENSATION AND DESIGNA-*
22 *TION. Whenever in this Act any office or position not spe-*
23 *cifically established by the Legislative Pay Act of 1929 (46*
24 *Stat. 32 et seq.) is appropriated for or the rate of compensa-*
25 *tion or designation of any office or position appropriated*

1 *for is different from that specifically established by such*
2 *Act, the rate of compensation and the designation in this*
3 *Act shall be the permanent law with respect thereto: Pro-*
4 *vided, That the provisions in this Act for the various items*
5 *of official expenses of Members, officers, and committees of*
6 *the Senate and House of Representatives, and clerk hire for*
7 *Senators and Members of the House of Representatives shall*
8 *be the permanent law with respect thereto.*

9 *SEC. 204. CONSULTING SERVICES. The expenditure of*
10 *any appropriation under this Act for any consulting service*
11 *through procurement contract, under section 3109 of title*
12 *5, United States Code, shall be limited to those contracts*
13 *where such expenditures are a matter of public record and*
14 *available for public inspection, except where otherwise pro-*
15 *vided under existing law, or under existing Executive order*
16 *issued under existing law.*

17 *SEC. 205. AWARDS AND SETTLEMENTS. Such sums as*
18 *may be necessary are appropriated to the account described*
19 *in subsection (a) of section 415 of the Congressional Ac-*
20 *countability Act of 1995 (2 U.S.C. 1415(a)) to pay awards*
21 *and settlements as authorized under such subsection.*

22 *SEC. 206. COSTS OF LBFMC. Amounts available for*
23 *administrative expenses of any legislative branch entity*
24 *which participates in the Legislative Branch Financial*
25 *Managers Council (LBFMC) established by charter on*

1 *March 26, 1996, shall be available to finance an appro-*
2 *priate share of LBFMC costs as determined by the LBFMC,*
3 *except that the total LBFMC costs to be shared among all*
4 *participating legislative branch entities (in such allocations*
5 *among the entities as the entities may determine) may not*
6 *exceed \$2,000.*

7 *SEC. 207. LANDSCAPE MAINTENANCE. The Architect of*
8 *the Capitol, in consultation with the District of Columbia,*
9 *is authorized to maintain and improve the landscape fea-*
10 *tures, excluding streets and sidewalks, in the irregular*
11 *shaped grassy areas bounded by Washington Avenue, SW*
12 *on the northeast, Second Street SW on the west, Square 582*
13 *on the south, and the beginning of the I-395 tunnel on the*
14 *southeast.*

15 *SEC. 208. LIMITATION ON TRANSFERS. None of the*
16 *funds made available in this Act may be transferred to any*
17 *department, agency, or instrumentality of the United States*
18 *Government, except pursuant to a transfer made by, or*
19 *transfer authority provided in, this Act or any other appro-*
20 *priation Act.*

21 *SEC. 209. GUIDED TOURS OF THE CAPITOL.—(a) Ex-*
22 *cept as provided in subsection (b), none of the funds made*
23 *available to the Architect of the Capitol or the U.S. Capitol*
24 *Guide Service and Congressional Special Services Office in*
25 *this Act may be used to eliminate guided tours of the United*

1 *States Capitol which are led by employees and interns of*
2 *offices of Members of Congress and other offices of the House*
3 *of Representatives and Senate.*

4 **(b)** *At the direction of the Capitol Police Board, or*
5 *at the direction of the Architect of the Capitol or Director*
6 *of the U.S. Capitol Guide Service and Congressional Spe-*
7 *cial Services Office with the approval of the Capitol Police*
8 *Board, guided tours of the United States Capitol which are*
9 *led by employees and interns described in subsection (a)*
10 *may be suspended temporarily or otherwise subject to re-*
11 *striction for security or related reasons to the same extent*
12 *as guided tours of the United States Capitol which are led*
13 *by the Architect of the Capitol or the Capitol Guide Service.*

14 **SEC. 210. (a) RESCISSIONS.**—*There is hereby re-*
15 *scinded an amount equal to 0.25 percent of the budget au-*
16 *thority provided for fiscal year 2008 for any discretionary*
17 *account in title I of this Act.*

18 **(b) PROPORTIONATE APPLICATION.**—*Any rescission*
19 *made by subsection (a) shall be applied proportionately—*

20 **(1)** *to each discretionary account and each item*
21 *of budget authority described in such subsection; and*

22 **(2)** *within each such account and item, to each*
23 *program, project, and activity (with programs,*
24 *projects, and activities as delineated in the appro-*
25 *priation Act or accompanying reports for the relevant*

1 *fiscal year covering such account or item, or for ac-*
2 *counts and items not included in appropriation Acts,*
3 *as delineated in the most recently submitted Presi-*
4 *dent’s budget).*

5 *(c) EXCEPTION.—This section shall not apply to sec-*
6 *tion 1003 of title I of this Act.*

7 *(d) ADMINISTRATION OF ACROSS-THE-BOARD REDUC-*
8 *TIONS.—In the administration of subsection (a), with re-*
9 *spect to the budget authority provided under the heading*
10 *“SENATE” in title I of this Act—*

11 *(1) the percentage rescissions under subsection*
12 *(a) shall apply to the total amount of all funds ap-*
13 *propriated under that heading; and*

14 *(2) the rescissions may be applied without re-*
15 *gard to subsection (b).*

16 *This division may be cited as the “Legislative Branch*
17 *Appropriations Act, 2008”.*

1 *DIVISION I—MILITARY CONSTRUCTION AND VET-*
2 *ERANS AFFAIRS AND RELATED AGENCIES*
3 *APPROPRIATIONS ACT, 2008*

4 *TITLE I*

5 *DEPARTMENT OF DEFENSE*

6 *MILITARY CONSTRUCTION, ARMY*

7 *(INCLUDING RESCISSION OF FUNDS)*

8 *For acquisition, construction, installation, and equip-*
9 *ment of temporary or permanent public works, military in-*
10 *stallations, facilities, and real property for the Army as*
11 *currently authorized by law, including personnel in the*
12 *Army Corps of Engineers and other personal services nec-*
13 *essary for the purposes of this appropriation, and for con-*
14 *struction and operation of facilities in support of the func-*
15 *tions of the Commander in Chief, \$3,936,583,000, to remain*
16 *available until September 30, 2012: Provided, That of this*
17 *amount, not to exceed \$321,983,000 shall be available for*
18 *study, planning, design, architect and engineer services,*
19 *and host nation support, as authorized by law, unless the*
20 *Secretary of Defense determines that additional obligations*
21 *are necessary for such purposes and notifies the Committees*
22 *on Appropriations of both Houses of Congress of the deter-*
23 *mination and the reasons therefor: Provided further, That*
24 *of the funds appropriated for “Military Construction,*

1 *Army” under Public Law 110–5, \$8,690,000 are hereby re-*
2 *scinded.*

3 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

4 *(INCLUDING RESCISSIONS OF FUNDS)*

5 *For acquisition, construction, installation, and equip-*
6 *ment of temporary or permanent public works, naval in-*
7 *stallations, facilities, and real property for the Navy and*
8 *Marine Corps as currently authorized by law, including*
9 *personnel in the Naval Facilities Engineering Command*
10 *and other personal services necessary for the purposes of this*
11 *appropriation, \$2,198,394,000, to remain available until*
12 *September 30, 2012: Provided, That of this amount, not to*
13 *exceed \$113,017,000 shall be available for study, planning,*
14 *design, and architect and engineer services, as authorized*
15 *by law, unless the Secretary of Defense determines that ad-*
16 *ditional obligations are necessary for such purposes and no-*
17 *tifies the Committees on Appropriations of both Houses of*
18 *Congress of the determination and the reasons therefor: Pro-*
19 *vided further, That of the funds appropriated for “Military*
20 *Construction, Navy and Marine Corps” under Public Law*
21 *108–132, \$5,862,000; under Public Law 108–324,*
22 *\$2,069,000; and under Public Law 110–5, \$2,626,000 are*
23 *hereby rescinded.*

1 *MILITARY CONSTRUCTION, AIR FORCE*

2 *(INCLUDING RESCISSIONS OF FUNDS)*

3 *For acquisition, construction, installation, and equip-*
4 *ment of temporary or permanent public works, military in-*
5 *stallations, facilities, and real property for the Air Force*
6 *as currently authorized by law, \$1,159,747,000, to remain*
7 *available until September 30, 2012: Provided, That of this*
8 *amount, not to exceed \$43,721,000 shall be available for*
9 *study, planning, design, and architect and engineer serv-*
10 *ices, as authorized by law, unless the Secretary of Defense*
11 *determines that additional obligations are necessary for*
12 *such purposes and notifies the Committees on Appropria-*
13 *tions of both Houses of Congress of the determination and*
14 *the reasons therefor: Provided further, That of the funds ap-*
15 *propriated for “Military Construction, Air Force” under*
16 *Public Law 108–324, \$5,319,000; and under Public Law*
17 *110–5, \$5,151,000 are hereby rescinded.*

18 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

19 *(INCLUDING TRANSFER AND RESCISSION OF FUNDS)*

20 *For acquisition, construction, installation, and equip-*
21 *ment of temporary or permanent public works, installa-*
22 *tions, facilities, and real property for activities and agen-*
23 *cies of the Department of Defense (other than the military*
24 *departments), as currently authorized by law,*
25 *\$1,609,596,000, to remain available until September 30,*

1 *2012: Provided, That such amounts of this appropriation*
2 *as may be determined by the Secretary of Defense may be*
3 *transferred to such appropriations of the Department of De-*
4 *fense available for military construction or family housing*
5 *as the Secretary may designate, to be merged with and to*
6 *be available for the same purposes, and for the same time*
7 *period, as the appropriation or fund to which transferred:*
8 *Provided further, That of the amount appropriated, not to*
9 *exceed \$155,569,000 shall be available for study, planning,*
10 *design, and architect and engineer services, as authorized*
11 *by law, unless the Secretary of Defense determines that ad-*
12 *ditional obligations are necessary for such purposes and no-*
13 *tifies the Committees on Appropriations of both Houses of*
14 *Congress of the determination and the reasons therefor: Pro-*
15 *vided further, That of the funds appropriated for “Military*
16 *Construction, Defense-Wide” under Public Law 110–5,*
17 *\$10,192,000 are hereby rescinded.*

18 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

19 *For construction, acquisition, expansion, rehabilita-*
20 *tion, and conversion of facilities for the training and ad-*
21 *ministration of the Army National Guard, and contribu-*
22 *tions therefor, as authorized by chapter 1803 of title 10,*
23 *United States Code, and Military Construction Authoriza-*
24 *tion Acts, \$536,656,000, to remain available until Sep-*
25 *tember 30, 2012.*

1 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

2 *For construction, acquisition, expansion, rehabilita-*
3 *tion, and conversion of facilities for the training and ad-*
4 *ministration of the Air National Guard, and contributions*
5 *therefor, as authorized by chapter 1803 of title 10, United*
6 *States Code, and Military Construction Authorization Acts,*
7 *\$287,537,000, to remain available until September 30,*
8 *2012.*

9 *MILITARY CONSTRUCTION, ARMY RESERVE*

10 *For construction, acquisition, expansion, rehabilita-*
11 *tion, and conversion of facilities for the training and ad-*
12 *ministration of the Army Reserve as authorized by chapter*
13 *1803 of title 10, United States Code, and Military Con-*
14 *struction Authorization Acts, \$148,133,000, to remain*
15 *available until September 30, 2012.*

16 *MILITARY CONSTRUCTION, NAVY RESERVE*

17 *For construction, acquisition, expansion, rehabilita-*
18 *tion, and conversion of facilities for the training and ad-*
19 *ministration of the reserve components of the Navy and Ma-*
20 *rine Corps as authorized by chapter 1803 of title 10, United*
21 *States Code, and Military Construction Authorization Acts,*
22 *\$64,430,000, to remain available until September 30, 2012.*

1 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*2 *(INCLUDING RESCISSION OF FUNDS)*

3 *For construction, acquisition, expansion, rehabilita-*
4 *tion, and conversion of facilities for the training and ad-*
5 *ministration of the Air Force Reserve as authorized by*
6 *chapter 1803 of title 10, United States Code, and Military*
7 *Construction Authorization Acts, \$28,359,000, to remain*
8 *available until September 30, 2012: Provided, That of the*
9 *funds appropriated for “Military Construction, Air Force*
10 *Reserve” under Public Law 109–114, \$3,069,000 are hereby*
11 *rescinded.*

12 *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*13 *INVESTMENT PROGRAM*

14 *For the United States share of the cost of the North*
15 *Atlantic Treaty Organization Security Investment Pro-*
16 *gram for the acquisition and construction of military facili-*
17 *ties and installations (including international military*
18 *headquarters) and for related expenses for the collective de-*
19 *fense of the North Atlantic Treaty Area as authorized by*
20 *section 2806 of title 10, United States Code, and Military*
21 *Construction Authorization Acts, \$201,400,000, to remain*
22 *available until expended.*

1 *FAMILY HOUSING CONSTRUCTION, ARMY*2 *(INCLUDING RESCISSION OF FUNDS)*

3 *For expenses of family housing for the Army for con-*
4 *struction, including acquisition, replacement, addition, ex-*
5 *pansion, extension, and alteration, as authorized by law,*
6 *\$424,400,000, to remain available until September 30,*
7 *2012: Provided, That of the funds appropriated for “Family*
8 *Housing Construction, Army” under Public Law 110–5,*
9 *\$4,559,000 are hereby rescinded.*

10 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

11 *For expenses of family housing for the Army for oper-*
12 *ation and maintenance, including debt payment, leasing,*
13 *minor construction, principal and interest charges, and in-*
14 *surance premiums, as authorized by law, \$731,920,000.*

15 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*16 *CORPS*

17 *For expenses of family housing for the Navy and Ma-*
18 *rine Corps for construction, including acquisition, replace-*
19 *ment, addition, expansion, extension, and alteration, as au-*
20 *thorized by law, \$293,129,000, to remain available until*
21 *September 30, 2012.*

22 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*23 *AND MARINE CORPS*

24 *For expenses of family housing for the Navy and Ma-*
25 *rine Corps for operation and maintenance, including debt*

1 *payment, leasing, minor construction, principal and inter-*
2 *est charges, and insurance premiums, as authorized by law,*
3 *\$371,404,000.*

4 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*
5 *(INCLUDING RESCISSION OF FUNDS)*

6 *For expenses of family housing for the Air Force for*
7 *construction, including acquisition, replacement, addition,*
8 *expansion, extension, and alteration, as authorized by law,*
9 *\$327,747,000, to remain available until September 30,*
10 *2012: Provided, That of the funds appropriated for “Family*
11 *Housing Construction, Air Force” under Public Law 108–*
12 *132, \$15,000,000 are hereby rescinded.*

13 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*
14 *FORCE*

15 *For expenses of family housing for the Air Force for*
16 *operation and maintenance, including debt payment, leas-*
17 *ing, minor construction, principal and interest charges,*
18 *and insurance premiums, as authorized by law,*
19 *\$688,335,000.*

20 *FAMILY HOUSING OPERATION AND MAINTENANCE,*
21 *DEFENSE-WIDE*

22 *For expenses of family housing for the activities and*
23 *agencies of the Department of Defense (other than the mili-*
24 *tary departments) for operation and maintenance, leasing,*
25 *and minor construction, as authorized by law, \$48,848,000.*

1 *U.S.C. 2687 note), \$295,689,000, to remain available until*
2 *expended.*

3 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

4 *For deposit into the Department of Defense Base Clo-*
5 *sure Account 2005, established by section 2906A(a)(1) of the*
6 *Defense Base Closure and Realignment Act of 1990 (10*
7 *U.S.C. 2687 note), \$7,235,591,000, to remain available*
8 *until expended: Provided, That the Department of Defense*
9 *shall notify the Committees on Appropriations of both*
10 *Houses of Congress 14 days prior to obligating an amount*
11 *for a construction project that exceeds or reduces the amount*
12 *identified for that project in the most recently submitted*
13 *budget request for this account by 20 percent or \$2,000,000,*
14 *whichever is less: Provided further, That the previous pro-*
15 *viso shall not apply to projects costing less than \$5,000,000,*
16 *except for those projects not previously identified in any*
17 *budget submission for this account and exceeding the minor*
18 *construction threshold under 10 U.S.C. 2805.*

19 *ADMINISTRATIVE PROVISIONS*

20 *SEC. 101. None of the funds made available in this*
21 *title shall be expended for payments under a cost-plus-a-*
22 *fixed-fee contract for construction, where cost estimates ex-*
23 *ceed \$25,000, to be performed within the United States, ex-*
24 *cept Alaska, without the specific approval in writing of the*
25 *Secretary of Defense setting forth the reasons therefor.*

1 *SEC. 102. Funds made available in this title for con-*
2 *struction shall be available for hire of passenger motor vehi-*
3 *cles.*

4 *SEC. 103. Funds made available in this title for con-*
5 *struction may be used for advances to the Federal Highway*
6 *Administration, Department of Transportation, for the con-*
7 *struction of access roads as authorized by section 210 of*
8 *title 23, United States Code, when projects authorized there-*
9 *in are certified as important to the national defense by the*
10 *Secretary of Defense.*

11 *SEC. 104. None of the funds made available in this*
12 *title may be used to begin construction of new bases in the*
13 *United States for which specific appropriations have not*
14 *been made.*

15 *SEC. 105. None of the funds made available in this*
16 *title shall be used for purchase of land or land easements*
17 *in excess of 100 percent of the value as determined by the*
18 *Army Corps of Engineers or the Naval Facilities Engineer-*
19 *ing Command, except: (1) where there is a determination*
20 *of value by a Federal court; (2) purchases negotiated by*
21 *the Attorney General or the designee of the Attorney Gen-*
22 *eral; (3) where the estimated value is less than \$25,000; or*
23 *(4) as otherwise determined by the Secretary of Defense to*
24 *be in the public interest.*

1 *SEC. 106. None of the funds made available in this*
2 *title shall be used to: (1) acquire land; (2) provide for site*
3 *preparation; or (3) install utilities for any family housing,*
4 *except housing for which funds have been made available*
5 *in annual Acts making appropriations for military con-*
6 *struction.*

7 *SEC. 107. None of the funds made available in this*
8 *title for minor construction may be used to transfer or relo-*
9 *cate any activity from one base or installation to another,*
10 *without prior notification to the Committees on Appropria-*
11 *tions of both Houses of Congress.*

12 *SEC. 108. None of the funds made available in this*
13 *title may be used for the procurement of steel for any con-*
14 *struction project or activity for which American steel pro-*
15 *ducers, fabricators, and manufacturers have been denied the*
16 *opportunity to compete for such steel procurement.*

17 *SEC. 109. None of the funds available to the Depart-*
18 *ment of Defense for military construction or family housing*
19 *during the current fiscal year may be used to pay real prop-*
20 *erty taxes in any foreign nation.*

21 *SEC. 110. None of the funds made available in this*
22 *title may be used to initiate a new installation overseas*
23 *without prior notification to the Committees on Appropria-*
24 *tions of both Houses of Congress.*

1 *SEC. 111. None of the funds made available in this*
2 *title may be obligated for architect and engineer contracts*
3 *estimated by the Government to exceed \$500,000 for projects*
4 *to be accomplished in Japan, in any North Atlantic Treaty*
5 *Organization member country, or in countries bordering the*
6 *Arabian Sea, unless such contracts are awarded to United*
7 *States firms or United States firms in joint venture with*
8 *host nation firms.*

9 *SEC. 112. None of the funds made available in this*
10 *title for military construction in the United States terri-*
11 *ories and possessions in the Pacific and on Kwajalein*
12 *Atoll, or in countries bordering the Arabian Sea, may be*
13 *used to award any contract estimated by the Government*
14 *to exceed \$1,000,000 to a foreign contractor: Provided, That*
15 *this section shall not be applicable to contract awards for*
16 *which the lowest responsive and responsible bid of a United*
17 *States contractor exceeds the lowest responsive and respon-*
18 *sible bid of a foreign contractor by greater than 20 percent:*
19 *Provided further, That this section shall not apply to con-*
20 *tract awards for military construction on Kwajalein Atoll*
21 *for which the lowest responsive and responsible bid is sub-*
22 *mitted by a Marshallese contractor.*

23 *SEC. 113. The Secretary of Defense is to inform the*
24 *appropriate committees of both Houses of Congress, includ-*
25 *ing the Committees on Appropriations, of the plans and*

1 *scope of any proposed military exercise involving United*
2 *States personnel 30 days prior to its occurring, if amounts*
3 *expended for construction, either temporary or permanent,*
4 *are anticipated to exceed \$100,000.*

5 *SEC. 114. Not more than 20 percent of the funds made*
6 *available in this title which are limited for obligation dur-*
7 *ing the current fiscal year shall be obligated during the last*
8 *two months of the fiscal year.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 115. Funds appropriated to the Department of*
11 *Defense for construction in prior years shall be available*
12 *for construction authorized for each such military depart-*
13 *ment by the authorizations enacted into law during the cur-*
14 *rent session of Congress.*

15 *SEC. 116. For military construction or family housing*
16 *projects that are being completed with funds otherwise ex-*
17 *pired or lapsed for obligation, expired or lapsed funds may*
18 *be used to pay the cost of associated supervision, inspection,*
19 *overhead, engineering and design on those projects and on*
20 *subsequent claims, if any.*

21 *SEC. 117. Notwithstanding any other provision of law,*
22 *any funds made available to a military department or de-*
23 *fense agency for the construction of military projects may*
24 *be obligated for a military construction project or contract,*
25 *or for any portion of such a project or contract, at any*
26 *time before the end of the fourth fiscal year after the fiscal*

1 *year for which funds for such project were made available,*
2 *if the funds obligated for such project: (1) are obligated from*
3 *funds available for military construction projects; and (2)*
4 *do not exceed the amount appropriated for such project,*
5 *plus any amount by which the cost of such project is in-*
6 *creased pursuant to law.*

7 *SEC. 118. (a) The Secretary of Defense, in consultation*
8 *with the Secretary of State, shall submit to the Committees*
9 *on Appropriations of both Houses of Congress, by February*
10 *15 of each year, an annual report, in unclassified and, if*
11 *necessary classified form, on actions taken by the Depart-*
12 *ment of Defense and the Department of State during the*
13 *previous fiscal year to encourage host countries to assume*
14 *a greater share of the common defense burden of such coun-*
15 *tries and the United States.*

16 *(b) The report under subsection (a) shall include a de-*
17 *scription of—*

18 *(1) attempts to secure cash and in-kind contribu-*
19 *tions from host countries for military construction*
20 *projects;*

21 *(2) attempts to achieve economic incentives of-*
22 *fered by host countries to encourage private invest-*
23 *ment for the benefit of the United States Armed*
24 *Forces;*

1 *to be available for the same purposes and the same time*
2 *period as that account.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 120. Subject to 30 days prior notification to the*
5 *Committees on Appropriations of both Houses of Congress,*
6 *such additional amounts as may be determined by the Sec-*
7 *retary of Defense may be transferred to: (1) the Department*
8 *of Defense Family Housing Improvement Fund from*
9 *amounts appropriated for construction in “Family Hous-*
10 *ing” accounts, to be merged with and to be available for*
11 *the same purposes and for the same period of time as*
12 *amounts appropriated directly to the Fund; or (2) the De-*
13 *partment of Defense Military Unaccompanied Housing Im-*
14 *provement Fund from amounts appropriated for construc-*
15 *tion of military unaccompanied housing in “Military Con-*
16 *struction” accounts, to be merged with and to be available*
17 *for the same purposes and for the same period of time as*
18 *amounts appropriated directly to the Fund: Provided, That*
19 *appropriations made available to the Funds shall be avail-*
20 *able to cover the costs, as defined in section 502(5) of the*
21 *Congressional Budget Act of 1974, of direct loans or loan*
22 *guarantees issued by the Department of Defense pursuant*
23 *to the provisions of subchapter IV of chapter 169 of title*
24 *10, United States Code, pertaining to alternative means of*
25 *acquiring and improving military family housing, military*
26 *unaccompanied housing, and supporting facilities.*

1 *SEC. 121. (a) Not later than 60 days before issuing*
2 *any solicitation for a contract with the private sector for*
3 *military family housing the Secretary of the military de-*
4 *partment concerned shall submit to the Committees on Ap-*
5 *propriations of both Houses of Congress the notice described*
6 *in subsection (b).*

7 *(b)(1) A notice referred to in subsection (a) is a notice*
8 *of any guarantee (including the making of mortgage or*
9 *rental payments) proposed to be made by the Secretary to*
10 *the private party under the contract involved in the event*
11 *of—*

12 *(A) the closure or realignment of the installation*
13 *for which housing is provided under the contract;*

14 *(B) a reduction in force of units stationed at*
15 *such installation; or*

16 *(C) the extended deployment overseas of units*
17 *stationed at such installation.*

18 *(2) Each notice under this subsection shall specify the*
19 *nature of the guarantee involved and assess the extent and*
20 *likelihood, if any, of the liability of the Federal Government*
21 *with respect to the guarantee.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 122. In addition to any other transfer authority*
24 *available to the Department of Defense, amounts may be*
25 *transferred from the accounts established by sections*
26 *2906(a)(1) and 2906A(a)(1) of the Defense Base Closure*

1 *and Realignment Act of 1990 (10 U.S.C. 2687 note), to the*
2 *fund established by section 1013(d) of the Demonstration*
3 *Cities and Metropolitan Development Act of 1966 (42*
4 *U.S.C. 3374) to pay for expenses associated with the Home-*
5 *owners Assistance Program. Any amounts transferred shall*
6 *be merged with and be available for the same purposes and*
7 *for the same time period as the fund to which transferred.*

8 *SEC. 123. Notwithstanding this or any other provision*
9 *of law, funds made available in this title for operation and*
10 *maintenance of family housing shall be the exclusive source*
11 *of funds for repair and maintenance of all family housing*
12 *units, including general or flag officer quarters: Provided,*
13 *That not more than \$35,000 per unit may be spent annu-*
14 *ally for the maintenance and repair of any general or flag*
15 *officer quarters without 30 days prior notification to the*
16 *Committees on Appropriations of both Houses of Congress,*
17 *except that an after-the-fact notification shall be submitted*
18 *if the limitation is exceeded solely due to costs associated*
19 *with environmental remediation that could not be reason-*
20 *ably anticipated at the time of the budget submission: Pro-*
21 *vided further, That the Under Secretary of Defense (Comp-*
22 *troller) is to report annually to the Committees on Appro-*
23 *priations of both Houses of Congress all operation and*
24 *maintenance expenditures for each individual general or*
25 *flag officer quarters for the prior fiscal year.*

1 *stallation for the purposes of supporting a function that has*
2 *been approved for realignment to another installation, in*
3 *2005 under the Defense Base Closure and Realignment Act*
4 *of 1990 (part A of title XXIX of Public Law 101–510; 10*
5 *U.S.C. 2687 note), unless such a project at a military in-*
6 *stallation approved for realignment will support a con-*
7 *tinuing mission or function at that installation or a new*
8 *mission or function that is planned for that installation,*
9 *or unless the Secretary of Defense certifies that the cost to*
10 *the United States of carrying out such project would be less*
11 *than the cost to the United States of cancelling such project,*
12 *or if the project is at an active component base that shall*
13 *be established as an enclave or in the case of projects having*
14 *multi-agency use, that another Government agency has in-*
15 *dicated it will assume ownership of the completed project.*
16 *The Secretary of Defense may not transfer funds made*
17 *available as a result of this limitation from any military*
18 *construction project, land acquisition, or family housing*
19 *project to another account or use such funds for another*
20 *purpose or project without the prior approval of the Com-*
21 *mittees on Appropriations of both Houses of Congress. This*
22 *section shall not apply to military construction projects,*
23 *land acquisition, or family housing projects for which the*
24 *project is vital to the national security or the protection*
25 *of health, safety, or environmental quality: Provided, That*

1 *the Secretary of Defense shall notify the congressional de-*
2 *fense committees within seven days of a decision to carry*
3 *out such a military construction project.*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 127. During the 5-year period after appropria-*
6 *tions available in this Act to the Department of Defense*
7 *for military construction and family housing operation and*
8 *maintenance and construction have expired for obligation,*
9 *upon a determination that such appropriations will not be*
10 *necessary for the liquidation of obligations or for making*
11 *authorized adjustments to such appropriations for obliga-*
12 *tions incurred during the period of availability of such ap-*
13 *propriations, unobligated balances of such appropriations*
14 *may be transferred into the appropriation "Foreign Cur-*
15 *rency Fluctuations, Construction, Defense", to be merged*
16 *with and to be available for the same time period and for*
17 *the same purposes as the appropriation to which trans-*
18 *ferred.*

19 *SEC. 128. None of the funds in this title shall be used*
20 *for any activity related to the construction of an Outlying*
21 *Landing Field in Washington County, North Carolina.*

1 *ension and pensions” appropriation: Provided further,*
2 *That such sums as may be earned on an actual qualifying*
3 *patient basis, shall be reimbursed to “Medical care collec-*
4 *tions fund” to augment the funding of individual medical*
5 *facilities for nursing home care provided to pensioners as*
6 *authorized.*

7 *READJUSTMENT BENEFITS*

8 *For the payment of readjustment and rehabilitation*
9 *benefits to or on behalf of veterans as authorized by chapters*
10 *21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38,*
11 *United States Code, \$3,300,289,000, to remain available*
12 *until expended: Provided, That expenses for rehabilitation*
13 *program services and assistance which the Secretary is au-*
14 *thorized to provide under subsection (a) of section 3104 of*
15 *title 38, United States Code, other than under paragraphs*
16 *(1), (2), (5), and (11) of that subsection, shall be charged*
17 *to this account.*

18 *VETERANS INSURANCE AND INDEMNITIES*

19 *For military and naval insurance, national service life*
20 *insurance, servicemen’s indemnities, service-disabled vet-*
21 *erans insurance, and veterans mortgage life insurance as*
22 *authorized by title 38, United States Code, chapters 19 and*
23 *21, \$41,250,000, to remain available until expended.*

1 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM
2 ACCOUNT

3 *For the cost of direct and guaranteed loans, such sums*
4 *as may be necessary to carry out the program, as authorized*
5 *by subchapters I through III of chapter 37 of title 38,*
6 *United States Code: Provided, That such costs, including*
7 *the cost of modifying such loans, shall be as defined in sec-*
8 *tion 502 of the Congressional Budget Act of 1974: Provided*
9 *further, That during fiscal year 2008, within the resources*
10 *available, not to exceed \$500,000 in gross obligations for*
11 *direct loans are authorized for specially adapted housing*
12 *loans.*

13 *In addition, for administrative expenses to carry out*
14 *the direct and guaranteed loan programs, \$154,562,000.*

15 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
16 (INCLUDING TRANSFER OF FUNDS)

17 *For the cost of direct loans, \$71,000, as authorized by*
18 *chapter 31 of title 38, United States Code: Provided, That*
19 *such costs, including the cost of modifying such loans, shall*
20 *be as defined in section 502 of the Congressional Budget*
21 *Act of 1974: Provided further, That funds made available*
22 *under this heading are available to subsidize gross obliga-*
23 *tions for the principal amount of direct loans not to exceed*
24 *\$3,287,000.*

25 *In addition, for administrative expenses necessary to*
26 *carry out the direct loan program, \$311,000, which may*

1 *be transferred to and merged with the appropriation for*
2 *“General operating expenses”.*

3 *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*

4 *ACCOUNT*

5 *For administrative expenses to carry out the direct*
6 *loan program authorized by subchapter V of chapter 37 of*
7 *title 38, United States Code, \$628,000.*

8 *GUARANTEED TRANSITIONAL HOUSING LOANS FOR*

9 *HOMELESS VETERANS PROGRAM ACCOUNT*

10 *For the administrative expenses to carry out the guar-*
11 *anteed transitional housing loan program authorized by*
12 *subchapter VI of chapter 20 of title 38, United States Code,*
13 *not to exceed \$750,000 of the amounts appropriated by this*
14 *Act for “General operating expenses” and “Medical admin-*
15 *istration” may be expended.*

16 *VETERANS HEALTH ADMINISTRATION*

17 *MEDICAL SERVICES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses for furnishing, as authorized*
20 *by law, inpatient and outpatient care and treatment to*
21 *beneficiaries of the Department of Veterans Affairs and vet-*
22 *erans described in section 1705(a) of title 38, United States*
23 *Code, including care and treatment in facilities not under*
24 *the jurisdiction of the Department, and including medical*
25 *supplies and equipment, food services, and salaries and ex-*
26 *penses of health-care employees hired under title 38, United*

1 *States Code, and aid to State homes as authorized by sec-*
2 *tion 1741 of title 38, United States Code; \$29,104,220,000,*
3 *plus reimbursements, of which not less than \$2,900,000,000*
4 *shall be expended for specialty mental health care and not*
5 *less than \$130,000,000 shall be expended for the homeless*
6 *grants and per diem program: Provided, That of the funds*
7 *made available under this heading, not to exceed*
8 *\$1,350,000,000 shall be available until September 30, 2009:*
9 *Provided further, That, notwithstanding any other provi-*
10 *sion of law, the Secretary of Veterans Affairs shall establish*
11 *a priority for the provision of medical treatment for vet-*
12 *erans who have service-connected disabilities, lower income,*
13 *or have special needs: Provided further, That, notwith-*
14 *standing any other provision of law, the Secretary of Vet-*
15 *erans Affairs shall give priority funding for the provision*
16 *of basic medical benefits to veterans in enrollment priority*
17 *groups 1 through 6: Provided further, That, notwith-*
18 *standing any other provision of law, the Secretary of Vet-*
19 *erans Affairs may authorize the dispensing of prescription*
20 *drugs from Veterans Health Administration facilities to en-*
21 *rolled veterans with privately written prescriptions based*
22 *on requirements established by the Secretary: Provided fur-*
23 *ther, That the implementation of the program described in*
24 *the previous proviso shall incur no additional cost to the*
25 *Department of Veterans Affairs: Provided further, That for*

1 *the Department of Defense/Department of Veterans Affairs*
2 *Health Care Sharing Incentive Fund, as authorized by sec-*
3 *tion 8111(d) of title 38, United States Code, a minimum*
4 *of \$15,000,000, to remain available until expended, for any*
5 *purpose authorized by section 8111 of title 38, United*
6 *States Code.*

7 *MEDICAL ADMINISTRATION*

8 *For necessary expenses in the administration of the*
9 *medical, hospital, nursing home, domiciliary, construction,*
10 *supply, and research activities, as authorized by law; ad-*
11 *ministrative expenses in support of capital policy activities;*
12 *and administrative and legal expenses of the Department*
13 *for collecting and recovering amounts owed the Department*
14 *as authorized under chapter 17 of title 38, United States*
15 *Code, and the Federal Medical Care Recovery Act (42*
16 *U.S.C. 2651 et seq.): \$3,517,000,000, plus reimbursements,*
17 *of which \$250,000,000 shall be available until September*
18 *30, 2009.*

19 *MEDICAL FACILITIES*

20 *For necessary expenses for the maintenance and oper-*
21 *ation of hospitals, nursing homes, and domiciliary facilities*
22 *and other necessary facilities of the Veterans Health Admin-*
23 *istration; for administrative expenses in support of plan-*
24 *ning, design, project management, real property acquisition*
25 *and disposition, construction, and renovation of any facil-*
26 *ity under the jurisdiction or for the use of the Department;*

1 *for oversight, engineering, and architectural activities not*
2 *charged to project costs; for repairing, altering, improving,*
3 *or providing facilities in the several hospitals and homes*
4 *under the jurisdiction of the Department, not otherwise pro-*
5 *vided for, either by contract or by the hire of temporary*
6 *employees and purchase of materials; for leases of facilities;*
7 *and for laundry services, \$4,100,000,000, plus reimburse-*
8 *ments, of which \$350,000,000 shall be available until Sep-*
9 *tember 30, 2009: Provided, That \$325,000,000 for non-re-*
10 *curing maintenance provided under this heading shall be*
11 *allocated in a manner not subject to the Veterans Equitable*
12 *Resource Allocation.*

13 *MEDICAL AND PROSTHETIC RESEARCH*

14 *For necessary expenses in carrying out programs of*
15 *medical and prosthetic research and development as author-*
16 *ized by chapter 73 of title 38, United States Code,*
17 *\$480,000,000, plus reimbursements, to remain available*
18 *until September 30, 2009.*

19 *NATIONAL CEMETERY ADMINISTRATION*

20 *For necessary expenses of the National Cemetery Ad-*
21 *ministration for operations and maintenance, not otherwise*
22 *provided for, including uniforms or allowances therefor;*
23 *cemeterial expenses as authorized by law; purchase of one*
24 *passenger motor vehicle for use in cemeterial operations;*
25 *and hire of passenger motor vehicles, \$195,000,000, of which*

1 *not to exceed \$20,000,000 shall be available until September*
2 *30, 2009.*

3 *DEPARTMENTAL ADMINISTRATION*

4 *GENERAL OPERATING EXPENSES*

5 *For necessary operating expenses of the Department of*
6 *Veterans Affairs, not otherwise provided for, including ad-*
7 *ministrative expenses in support of Department-Wide cap-*
8 *ital planning, management and policy activities, uniforms,*
9 *or allowances therefor; not to exceed \$25,000 for official re-*
10 *ception and representation expenses; hire of passenger*
11 *motor vehicles; and reimbursement of the General Services*
12 *Administration for security guard services, and the Depart-*
13 *ment of Defense for the cost of overseas employee mail,*
14 *\$1,605,000,000: Provided, That expenses for services and as-*
15 *sistance authorized under paragraphs (1), (2), (5), and (11)*
16 *of section 3104(a) of title 38, United States Code, that the*
17 *Secretary of Veterans Affairs determines are necessary to*
18 *enable entitled veterans: (1) to the maximum extent feasible,*
19 *to become employable and to obtain and maintain suitable*
20 *employment; or (2) to achieve maximum independence in*
21 *daily living, shall be charged to this account: Provided fur-*
22 *ther, That the Veterans Benefits Administration shall be*
23 *funded at not less than \$1,327,001,000: Provided further,*
24 *That of the funds made available under this heading, not*
25 *to exceed \$75,000,000 shall be available for obligation until*

1 *September 30, 2009: Provided further, That from the funds*
2 *made available under this heading, the Veterans Benefits*
3 *Administration may purchase (on a one-for-one replace-*
4 *ment basis only) up to two passenger motor vehicles for use*
5 *in operations of that Administration in Manila, Phil-*
6 *ippines.*

7 *INFORMATION TECHNOLOGY SYSTEMS*

8 *For necessary expenses for information technology sys-*
9 *tems and telecommunications support, including develop-*
10 *mental information systems and operational information*
11 *systems; including pay and associated cost for operations*
12 *and maintenance associated staff; for the capital asset ac-*
13 *quisition of information technology systems, including*
14 *management and related contractual costs of said acquisi-*
15 *tions, including contractual costs associated with operations*
16 *authorized by section 3109 of title 5, United States Code,*
17 *\$1,966,465,000, to be available until September 30, 2009:*
18 *Provided, That none of these funds may be obligated until*
19 *the Department of Veterans Affairs submits to the Commit-*
20 *tees on Appropriations of both Houses of Congress, and such*
21 *Committees approve, a plan for expenditure that: (1) meets*
22 *the capital planning and investment control review require-*
23 *ments established by the Office of Management and Budget;*
24 *(2) complies with the Department of Veterans Affairs enter-*
25 *prise architecture; (3) conforms with an established enter-*
26 *prise life cycle methodology; and (4) complies with the ac-*

1 *quisition rules, requirements, guidelines, and systems ac-*
2 *quisition management practices of the Federal Government:*
3 *Provided further, That within 30 days of enactment of this*
4 *Act, the Secretary of Veterans Affairs shall submit to the*
5 *Committees on Appropriations of both Houses of Congress*
6 *a reprogramming base letter which provides, by project, the*
7 *costs included in this appropriation.*

8 *OFFICE OF INSPECTOR GENERAL*

9 *For necessary expenses of the Office of Inspector Gen-*
10 *eral, to include information technology, in carrying out the*
11 *provisions of the Inspector General Act of 1978 (5 U.S.C.*
12 *App.), \$80,500,000, of which \$5,000,000 shall be available*
13 *until September 30, 2009.*

14 *CONSTRUCTION, MAJOR PROJECTS*

15 *For constructing, altering, extending, and improving*
16 *any of the facilities, including parking projects, under the*
17 *jurisdiction or for the use of the Department of Veterans*
18 *Affairs, or for any of the purposes set forth in sections 316,*
19 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122*
20 *of title 38, United States Code, including planning, archi-*
21 *tectural and engineering services, construction management*
22 *services, maintenance or guarantee period services costs as-*
23 *sociated with equipment guarantees provided under the*
24 *project, services of claims analysts, offsite utility and storm*
25 *drainage system construction costs, and site acquisition,*
26 *where the estimated cost of a project is more than the*

1 amount set forth in section 8104(a)(3)(A) of title 38, United
2 States Code, or where funds for a project were made avail-
3 able in a previous major project appropriation,
4 \$1,069,100,000, to remain available until expended, of
5 which \$2,000,000 shall be to make reimbursements as pro-
6 vided in section 13 of the Contract Disputes Act of 1978
7 (41 U.S.C. 612) for claims paid for contract disputes: Pro-
8 vided, That except for advance planning activities, includ-
9 ing needs assessments which may or may not lead to capital
10 investments, and other capital asset management related
11 activities, including portfolio development and management
12 activities, and investment strategy studies funded through
13 the advance planning fund and the planning and design
14 activities funded through the design fund, including needs
15 assessments which may or may not lead to capital invest-
16 ments, none of the funds appropriated under this heading
17 shall be used for any project which has not been approved
18 by the Congress in the budgetary process: Provided further,
19 That funds provided in this appropriation for fiscal year
20 2008, for each approved project shall be obligated: (1) by
21 the awarding of a construction documents contract by Sep-
22 tember 30, 2008; and (2) by the awarding of a construction
23 contract by September 30, 2009: Provided further, That the
24 Secretary of Veterans Affairs shall promptly submit to the
25 Committees on Appropriations of both Houses of Congress

1 *a written report on any approved major construction*
2 *project for which obligations are not incurred within the*
3 *time limitations established above: Provided further, That*
4 *none of the funds appropriated in this or any other Act*
5 *may be used to reduce the mission, services, or infrastruc-*
6 *ture, including land, of the 18 facilities on the Capital Asset*
7 *Realignment for Enhanced Services (CARES) list requiring*
8 *further study, as specified by the Secretary of Veterans Af-*
9 *airs, without prior approval of the Committees on Appro-*
10 *priations of both Houses of Congress.*

11 *CONSTRUCTION, MINOR PROJECTS*

12 *For constructing, altering, extending, and improving*
13 *any of the facilities, including parking projects, under the*
14 *jurisdiction or for the use of the Department of Veterans*
15 *Affairs, including planning and assessments of needs which*
16 *may lead to capital investments, architectural and engi-*
17 *neering services, maintenance or guarantee period services*
18 *costs associated with equipment guarantees provided under*
19 *the project, services of claims analysts, offsite utility and*
20 *storm drainage system construction costs, and site acquisi-*
21 *tion, or for any of the purposes set forth in sections 316,*
22 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and*
23 *8162 of title 38, United States Code, where the estimated*
24 *cost of a project is equal to or less than the amount set*
25 *forth in section 8104(a)(3)(A) of title 38, United States*
26 *Code, \$630,535,000, to remain available until expended,*

1 *along with unobligated balances of previous “Construction,*
2 *minor projects” appropriations which are hereby made*
3 *available for any project where the estimated cost is equal*
4 *to or less than the amount set forth in such section: Pro-*
5 *vided, That funds in this account shall be available for: (1)*
6 *repairs to any of the nonmedical facilities under the juris-*
7 *diction or for the use of the Department which are necessary*
8 *because of loss or damage caused by any natural disaster*
9 *or catastrophe; and (2) temporary measures necessary to*
10 *prevent or to minimize further loss by such causes.*

11 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*
12 *FACILITIES*

13 *For grants to assist States to acquire or construct*
14 *State nursing home and domiciliary facilities and to re-*
15 *model, modify, or alter existing hospital, nursing home, and*
16 *domiciliary facilities in State homes, for furnishing care*
17 *to veterans as authorized by sections 8131 through 8137 of*
18 *title 38, United States Code, \$165,000,000, to remain avail-*
19 *able until expended.*

20 *GRANTS FOR CONSTRUCTION OF STATE VETERANS*
21 *CEMETERIES*

22 *For grants to assist States in establishing, expanding,*
23 *or improving State veterans cemeteries as authorized by sec-*
24 *tion 2408 of title 38, United States Code, \$39,500,000, to*
25 *remain available until expended.*

1 *ADMINISTRATIVE PROVISIONS*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *SEC. 201. Any appropriation for fiscal year 2008 for*
4 *“Compensation and pensions”, “Readjustment benefits”,*
5 *and “Veterans insurance and indemnities” may be trans-*
6 *ferred as necessary to any other of the mentioned appro-*
7 *priations: Provided, That before a transfer may take place,*
8 *the Secretary of Veterans Affairs shall request from the*
9 *Committees on Appropriations of both Houses of Congress*
10 *the authority to make the transfer and such Committees*
11 *issue an approval, or absent a response, a period of 30 days*
12 *has elapsed.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 202. Amounts made available for fiscal year*
15 *2008, in this Act or any other Act, under the “Medical serv-*
16 *ices”, “Medical Administration”, and “Medical facilities”*
17 *accounts may be transferred among the accounts to the ex-*
18 *tent necessary to implement the restructuring of the Vet-*
19 *erans Health Administration accounts: Provided, That be-*
20 *fore a transfer may take place, the Secretary of Veterans*
21 *Affairs shall request from the Committees on Appropria-*
22 *tions of both Houses of Congress the authority to make the*
23 *transfer and an approval is issued.*

24 *SEC. 203. Appropriations available in this title for sal-*
25 *aries and expenses shall be available for services authorized*
26 *by section 3109 of title 5, United States Code, hire of pas-*

1 *senger motor vehicles; lease of a facility or land or both;*
2 *and uniforms or allowances therefore, as authorized by sec-*
3 *tions 5901 through 5902 of title 5, United States Code.*

4 *SEC. 204. No appropriations in this title (except the*
5 *appropriations for “Construction, major projects”, and*
6 *“Construction, minor projects”) shall be available for the*
7 *purchase of any site for or toward the construction of any*
8 *new hospital or home.*

9 *SEC. 205. No appropriations in this title shall be*
10 *available for hospitalization or examination of any persons*
11 *(except beneficiaries entitled to such hospitalization or ex-*
12 *amination under the laws providing such benefits to vet-*
13 *erans, and persons receiving such treatment under sections*
14 *7901 through 7904 of title 5, United States Code, or the*
15 *Robert T. Stafford Disaster Relief and Emergency Assist-*
16 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*
17 *of the cost of such hospitalization or examination is made*
18 *to the “Medical services” account at such rates as may be*
19 *fixed by the Secretary of Veterans Affairs.*

20 *SEC. 206. Appropriations available in this title for*
21 *“Compensation and pensions”, “Readjustment benefits”,*
22 *and “Veterans insurance and indemnities” shall be avail-*
23 *able for payment of prior year accrued obligations required*
24 *to be recorded by law against the corresponding prior year*
25 *accounts within the last quarter of fiscal year 2007.*

1 *tration for fiscal year 2008 which is properly allocable to*
2 *the provision of each such insurance program and to the*
3 *provision of any total disability income insurance included*
4 *in that insurance program.*

5 *SEC. 209. Amounts deducted from enhanced-use lease*
6 *proceeds to reimburse an account for expenses incurred by*
7 *that account during a prior fiscal year for providing en-*
8 *hanced-use lease services, may be obligated during the fiscal*
9 *year in which the proceeds are received.*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 210. Funds available in this title or funds for*
12 *salaries and other administrative expenses shall also be*
13 *available to reimburse the Office of Resolution Management*
14 *of the Department of Veterans Affairs and the Office of Em-*
15 *ployment Discrimination Complaint Adjudication under*
16 *section 319 of title 38, United States Code, for all services*
17 *provided at rates which will recover actual costs but not*
18 *exceed \$32,067,000 for the Office of Resolution Management*
19 *and \$3,148,000 for the Office of Employment and Discrimi-*
20 *nation Complaint Adjudication: Provided, That payments*
21 *may be made in advance for services to be furnished based*
22 *on estimated costs: Provided further, That amounts received*
23 *shall be credited to "General operating expenses" for use*
24 *by the office that provided the service.*

25 *SEC. 211. No appropriations in this title shall be*
26 *available to enter into any new lease of real property if*

1 *the estimated annual rental is more than \$300,000 unless*
2 *the Secretary submits a report which the Committees on*
3 *Appropriations of both Houses of Congress approve within*
4 *30 days following the date on which the report is received.*

5 *SEC. 212. No funds of the Department of Veterans Af-*
6 *fairs shall be available for hospital care, nursing home care,*
7 *or medical services provided to any person under chapter*
8 *17 of title 38, United States Code, for a non-service-con-*
9 *nected disability described in section 1729(a)(2) of such*
10 *title, unless that person has disclosed to the Secretary of*
11 *Veterans Affairs, in such form as the Secretary may require,*
12 *current, accurate third-party reimbursement information*
13 *for purposes of section 1729 of such title: Provided, That*
14 *the Secretary may recover, in the same manner as any other*
15 *debt due the United States, the reasonable charges for such*
16 *care or services from any person who does not make such*
17 *disclosure as required: Provided further, That any amounts*
18 *so recovered for care or services provided in a prior fiscal*
19 *year may be obligated by the Secretary during the fiscal*
20 *year in which amounts are received.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 213. Notwithstanding any other provision of law,*
23 *at the discretion of the Secretary of Veterans Affairs, pro-*
24 *ceeds or revenues derived from enhanced-use leasing activi-*
25 *ties (including disposal) may be deposited into the “Con-*
26 *struction, major projects” and “Construction, minor*

1 *projects” accounts and be used for construction (including*
2 *site acquisition and disposition), alterations, and improve-*
3 *ments of any medical facility under the jurisdiction or for*
4 *the use of the Department of Veterans Affairs. Such sums*
5 *as realized are in addition to the amount provided for in*
6 *“Construction, major projects” and “Construction, minor*
7 *projects”.*

8 *SEC. 214. Amounts made available under “Medical*
9 *services” are available—*

10 *(1) for furnishing recreational facilities, sup-*
11 *plies, and equipment; and*

12 *(2) for funeral expenses, burial expenses, and*
13 *other expenses incidental to funerals and burials for*
14 *beneficiaries receiving care in the Department.*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *SEC. 215. Such sums as may be deposited to the Med-*
17 *ical Care Collections Fund pursuant to section 1729A of*
18 *title 38, United States Code, may be transferred to “Medical*
19 *services”, to remain available until expended for the pur-*
20 *poses of that account.*

21 *SEC. 216. Notwithstanding any other provision of law,*
22 *the Secretary of Veterans Affairs shall allow veterans who*
23 *are eligible under existing Department of Veterans Affairs*
24 *medical care requirements and who reside in Alaska to ob-*
25 *tain medical care services from medical facilities supported*
26 *by the Indian Health Service or tribal organizations. The*

1 *Secretary shall: (1) limit the application of this provision*
2 *to rural Alaskan veterans in areas where an existing De-*
3 *partment of Veterans Affairs facility or Veterans Affairs-*
4 *contracted service is unavailable; (2) require participating*
5 *veterans and facilities to comply with all appropriate rules*
6 *and regulations, as established by the Secretary; (3) require*
7 *this provision to be consistent with Capital Asset Realign-*
8 *ment for Enhanced Services activities; and (4) result in no*
9 *additional cost to the Department of Veterans Affairs or*
10 *the Indian Health Service.*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 217. Such sums as may be deposited to the De-*
13 *partment of Veterans Affairs Capital Asset Fund pursuant*
14 *to section 8118 of title 38, United States Code, may be*
15 *transferred to the “Construction, major projects” and “Con-*
16 *struction, minor projects” accounts, to remain available*
17 *until expended for the purposes of these accounts.*

18 *SEC. 218. None of the funds available to the Depart-*
19 *ment of Veterans Affairs, in this Act, or any other Act, may*
20 *be used to replace the current system by which the Veterans*
21 *Integrated Services Networks select and contract for diabetes*
22 *monitoring supplies and equipment.*

23 *SEC. 219. None of the funds made available in this*
24 *title may be used to implement any policy prohibiting the*
25 *Directors of the Veterans Integrated Services Networks from*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 223. *Any balances in prior year accounts estab-*
3 *lished for the payment of benefits under the Reinstated En-*
4 *titlement Program for Survivors shall be transferred to and*
5 *merged with amounts available under the “Compensation*
6 *and pensions” account, and receipts that would otherwise*
7 *be credited to the accounts established for the payment of*
8 *benefits under the Reinstated Entitlement Program for Sur-*
9 *vivors program shall be credited to amounts available under*
10 *the “Compensation and pensions” account.*

11 SEC. 224. *PROHIBITION ON DISPOSAL OF DEPART-*
12 *MENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS*
13 *AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.*

14 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs may*
15 *not declare as excess to the needs of the Department of Vet-*
16 *erans Affairs, or otherwise take any action to exchange,*
17 *trade, auction, transfer, or otherwise dispose of, or reduce*
18 *the acreage of, Federal land and improvements at the De-*
19 *partment of Veterans Affairs West Los Angeles Medical Cen-*
20 *ter, California, encompassing approximately 388 acres on*
21 *the north and south sides of Wilshire Boulevard and west*
22 *of the 405 Freeway.*

23 (b) *SPECIAL PROVISION REGARDING LEASE WITH*
24 *REPRESENTATIVE OF THE HOMELESS.*—*Notwithstanding*
25 *any provision of this Act, section 7 of the Homeless Veterans*

1 *Comprehensive Services Act of 1992 (Public Law 102–590)*
2 *shall remain in effect.*

3 (c) *CONFORMING AMENDMENT.*—*Section 8162(c)(1) of*
4 *title 38, United States Code, is amended—*

5 (1) *by inserting “or section 224(a) of the Mili-*
6 *tary Construction and Veterans Affairs and Related*
7 *Agencies Appropriations Act, 2008” after “section*
8 *421(b)(2) of the Veterans’ Benefits and Services Act*
9 *of 1988 (Public Law 100–322; 102 Stat. 553)”;* and

10 (2) *by striking “that section” and inserting*
11 *“such sections”.*

12 (d) *EFFECTIVE DATE.*—*This section, including the*
13 *amendment made by this section, shall apply with respect*
14 *to fiscal year 2008 and each fiscal year thereafter.*

15 *SEC. 225. The Department shall continue research into*
16 *Gulf War Illness at levels not less than those made available*
17 *in fiscal year 2007, within available funds contained in*
18 *this Act.*

19 *SEC. 226. (a) Not later than 30 days after the date*
20 *of the enactment of this Act, the Inspector General of the*
21 *Department of Veterans Affairs shall establish and main-*
22 *tain on the homepage of the Internet website of the Office*
23 *of Inspector General a mechanism by which individuals can*
24 *anonymously report cases of waste, fraud, or abuse with*
25 *respect to the Department of Veterans Affairs.*

1 (b) Not later than 30 days after the date of the enact-
2 ment of this Act, the Secretary of Veterans Affairs shall es-
3 tablish and maintain on the homepage of the Internet
4 website of the Department of Veterans Affairs a direct link
5 to the Internet website of the Office of Inspector General
6 of the Department of Veterans Affairs.

7 SEC. 227. (a) Upon a determination by the Secretary
8 of Veterans Affairs that such action is in the national inter-
9 est, and will have a direct benefit for veterans through in-
10 creased access to treatment, the Secretary of Veterans Af-
11 fairs may transfer not more than \$5,000,000 to the Sec-
12 retary of Health and Human Services for the Graduate
13 Psychology Education Program, which includes treatment
14 of veterans, to support increased training of psychologists
15 skilled in the treatment of post-traumatic stress disorder,
16 traumatic brain injury, and related disorders.

17 (b) The Secretary of Health and Human Services may
18 only use funds transferred under this section for the pur-
19 poses described in subsection (a).

20 (c) The Secretary of Veterans Affairs shall notify Con-
21 gress of any such transfer of funds under this section.

22 SEC. 228. None of the funds appropriated or otherwise
23 made available by this Act or any other Act for the Depart-
24 ment of Veterans Affairs may be used in a manner that
25 is inconsistent with—

1 (1) *section 842 of the Transportation, Treasury,*
2 *Housing and Urban Development, the Judiciary, and*
3 *Independent Agencies Appropriations Act, 2006 (Pub-*
4 *lic Law 109–115; 119 Stat. 2506); or*

5 (2) *section 8110(a)(5) of title 38, United States*
6 *Code.*

7 *SEC. 229. The Secretary of Veterans Affairs may carry*
8 *out a major medical facility lease in fiscal year 2008 in*
9 *an amount not to exceed \$12,000,000 to implement the rec-*
10 *ommendations outlined in the August, 2007 Study of South*
11 *Texas Veterans’ Inpatient and Specialty Outpatient Health*
12 *Care Needs.*

13 *(INCLUDING RECISSION OF FUNDS)*

14 *SEC. 230. Of the amounts made available for “Veterans*
15 *Health Administration, Medical Services” in Public Law*
16 *110–28, \$66,000,000 are rescinded. For an additional*
17 *amount for “Departmental Administration, Construction,*
18 *Major Projects”, \$66,000,000, to be available until ex-*
19 *pended: Provided, That the amount provided by this section*
20 *is designated as described in section 5 (in the matter pre-*
21 *ceding division A of this consolidated Act).*

22 *SEC. 231. Section 1710(f)(2)(B) of title 38, United*
23 *States Code, is amended by striking “September 30, 2007,”*
24 *and inserting “September 30, 2008,”.*

1 *SEC. 232. Section 1729(a)(2)(E) of title 38, United*
2 *States Code, is amended by striking “October 1, 2007,” and*
3 *inserting “October 1, 2008.”*

4 *SEC. 233. The unobligated balance of funds appro-*
5 *priated under the heading “Construction, Major Projects”*
6 *in Public Law 109–234 for environmental clean-up and re-*
7 *moval of debris from the Department of Veterans Affairs*
8 *property in Gulfport, Mississippi, shall be available to the*
9 *Department to replace missing doors and windows, and to*
10 *repair roofs, of the buildings identified by the City of Gulf-*
11 *port, Mississippi, that will convey with the property, to pre-*
12 *vent further environmental damage to the interior infra-*
13 *structure of these buildings: Provided, That the amount pro-*
14 *vided by this section is designated as described in section*
15 *5 (in the matter preceding division A of this consolidated*
16 *Act).*

17 *SEC. 234. Notwithstanding any other provision of law,*
18 *increases necessary to carry out section 3674 of title 38,*
19 *United States Code at a level equal to fiscal year 2007 shall*
20 *be available from amounts provided in this title for “De-*
21 *partmental Administration, General Operating Expenses”.*

22 *SEC. 235. (a) EMERGENCY DESIGNATION.—Notwith-*
23 *standing any other provision of this title (except section*
24 *230), of the amounts otherwise provided by this title for*
25 *the following accounts, the following amounts are des-*

1 *ignated as emergency requirements and necessary to meet*
2 *emergency needs pursuant to subsections (a) and (b) of sec-*
3 *tion 204 of S. Con. Res. 21 (110th Congress), the concurrent*
4 *resolution on the budget for fiscal year 2008:*

5 *Veterans Health Administration, Medical Serv-*
6 *ices, \$1,936,549,000.*

7 *Veterans Health Administration, Medical Ad-*
8 *ministration, \$75,000,000.*

9 *Veterans Health Administration, Medical Facili-*
10 *ties, \$508,000,000.*

11 *Veterans Health Administration, Medical and*
12 *Prosthetic Research, \$69,000,000.*

13 *National Cemetery Administration, \$28,191,000.*

14 *Departmental Administration, General Oper-*
15 *ating Expenses, \$133,163,000.*

16 *Departmental Administration, Information*
17 *Technology Systems, \$107,248,000.*

18 *Departmental Administration, Office of the In-*
19 *spector General, \$7,901,000.*

20 *Departmental Administration, Construction,*
21 *Major Projects, \$341,700,000.*

22 *Departmental Administration, Construction,*
23 *Minor Projects, \$397,139,000.*

1 *its territories and possessions; rent of office and garage*
2 *space in foreign countries; purchase (one-for-one replace-*
3 *ment basis only) and hire of passenger motor vehicles; not*
4 *to exceed \$7,500 for official reception and representation*
5 *expenses; and insurance of official motor vehicles in foreign*
6 *countries, when required by law of such countries,*
7 *\$44,600,000, to remain available until expended.*

8 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

9 *For necessary expenses, not otherwise provided for, of*
10 *the American Battle Monuments Commission, \$11,000,000,*
11 *to remain available until expended, for purposes authorized*
12 *by section 2109 of title 36, United States Code.*

13 *UNITED STATES COURT OF APPEALS FOR VETERANS*

14 *CLAIMS*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses for the operation of the United*
17 *States Court of Appeals for Veterans Claims as authorized*
18 *by sections 7251 through 7298 of title 38, United States*
19 *Code, \$22,717,000, of which \$1,210,000 shall be available*
20 *for the purpose of providing financial assistance as de-*
21 *scribed, and in accordance with the process and reporting*
22 *procedures set forth, under this heading in Public Law 102-*
23 *229.*

1 *DEPARTMENT OF DEFENSE—CIVIL*2 *CEMETERIAL EXPENSES, ARMY*3 *SALARIES AND EXPENSES*

4 *For necessary expenses, as authorized by law, for*
5 *maintenance, operation, and improvement of Arlington Na-*
6 *tional Cemetery and Soldiers' and Airmen's Home Na-*
7 *tional Cemetery, including the purchase of two passenger*
8 *motor vehicles for replacement only, and not to exceed*
9 *\$1,000 for official reception and representation expenses,*
10 *\$31,230,000, to remain available until expended. In addi-*
11 *tion, such sums as may be necessary for parking mainte-*
12 *nance, repairs and replacement, to be derived from the*
13 *Lease of Department of Defense Real Property for Defense*
14 *Agencies account.*

15 *Funds appropriated under this Act may be provided*
16 *to Arlington County, Virginia, for the relocation of the fed-*
17 *erally-owned water main at Arlington National Cemetery*
18 *making additional land available for ground burials.*

19 *ARMED FORCES RETIREMENT HOME*20 *TRUST FUND*

21 *For expenses necessary for the Armed Forces Retire-*
22 *ment Home to operate and maintain the Armed Forces Re-*
23 *tirement Home—Washington, District of Columbia and the*
24 *Armed Forces Retirement Home—Gulfport, Mississippi, to*

1 *be paid from funds available in the Armed Forces Retire-*
2 *ment Home Trust Fund, \$55,724,000.*

3 *GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT*
4 *HOME*

5 *For payment to the “Armed Forces Retirement Home”,*
6 *\$800,000, to remain available until expended.*

7 *TITLE IV*

8 *GENERAL PROVISIONS*

9 *SEC. 401. No part of any appropriation contained in*
10 *this Act shall remain available for obligation beyond the*
11 *current fiscal year unless expressly so provided herein.*

12 *SEC. 402. Such sums as may be necessary for fiscal*
13 *year 2008 for pay raises for programs funded by this Act*
14 *shall be absorbed within the levels appropriated in this Act.*

15 *SEC. 403. None of the funds made available in this*
16 *Act may be used for any program, project, or activity, when*
17 *it is made known to the Federal entity or official to which*
18 *the funds are made available that the program, project, or*
19 *activity is not in compliance with any Federal law relating*
20 *to risk assessment, the protection of private property rights,*
21 *or unfunded mandates.*

22 *SEC. 404. No part of any funds appropriated in this*
23 *Act shall be used by an agency of the executive branch, other*
24 *than for normal and recognized executive-legislative rela-*
25 *tionships, for publicity or propaganda purposes, and for*

1 *the preparation, distribution or use of any kit, pamphlet,*
2 *booklet, publication, radio, television, or film presentation*
3 *designed to support or defeat legislation pending before*
4 *Congress, except in presentation to Congress itself.*

5 *SEC. 405. All departments and agencies funded under*
6 *this Act are encouraged, within the limits of the existing*
7 *statutory authorities and funding, to expand their use of*
8 *“E-Commerce” technologies and procedures in the conduct*
9 *of their business practices and public service activities.*

10 *SEC. 406. None of the funds made available in this*
11 *Act may be transferred to any department, agency, or in-*
12 *strumentality of the United States Government except pur-*
13 *suant to a transfer made by, or transfer authority provided*
14 *in, this or any other appropriations Act.*

15 *SEC. 407. Unless stated otherwise, all reports and noti-*
16 *fications required by this Act shall be submitted to the Sub-*
17 *committee on Military Construction, Veterans Affairs, and*
18 *Related Agencies of the Committee on Appropriations of the*
19 *House of Representatives and the Subcommittee on Military*
20 *Construction, Veterans Affairs, and Related Agencies of the*
21 *Committee on Appropriations of the Senate.*

22 *SEC. 408. The Director of the Congressional Budget Of-*
23 *fice shall, not later than February 1, 2008, submit to the*
24 *Committees on Appropriations of the House of Representa-*
25 *tives and the Senate a report projecting annual appropria-*

1 *tions necessary for the Department of Veterans Affairs to*
2 *continue providing necessary health care to veterans for fis-*
3 *cal years 2009 through 2012.*

4 *SEC. 409. None of the funds appropriated or otherwise*
5 *made available in this Act may be used for any action that*
6 *is related to or promotes the expansion of the boundaries*
7 *or size of the Pinon Canyon Maneuver Site, Colorado.*

8 *SEC. 410. (a) In this section:*

9 *(1) The term “City” means the City of Aurora,*
10 *Colorado.*

11 *(2) The term “deed” means the quitclaim deed—*

12 *(A) conveyed by the Secretary to the City;*

13 *and*

14 *(B) dated May 24, 1999.*

15 *(3) The term “non-Federal land” means—*

16 *(A) parcel I of the Fitzsimons Army Med-*
17 *ical Center, Colorado; and*

18 *(B) the parcel of land described in the deed.*

19 *(4) The term “Secretary” means the Secretary of*
20 *the Interior.*

21 *(b)(1) In accordance with paragraph (2), to allow the*
22 *City to convey by donation to the United States the non-*
23 *Federal land to be used by the Secretary of Veterans Affairs*
24 *for the construction of a veterans medical facility.*

1 *change Act of 1948; representation to certain international*
2 *organizations in which the United States participates pur-*
3 *suant to treaties ratified pursuant to the advice and consent*
4 *of the Senate or specific Acts of Congress; arms control, non-*
5 *proliferation and disarmament activities as authorized; ac-*
6 *quisition by exchange or purchase of passenger motor vehi-*
7 *cles as authorized by law; and for expenses of general ad-*
8 *ministration, \$4,385,042,000: Provided, That of the amount*
9 *provided by this paragraph, \$575,000,000 is designated as*
10 *described in section 5 (in the matter preceding division A*
11 *of this consolidated Act): Provided further, That of the*
12 *amount made available under this heading, not to exceed*
13 *\$10,000,000 may be transferred to, and merged with,*
14 *“Emergencies in the Diplomatic and Consular Service”, to*
15 *be available only for emergency evacuations and terrorism*
16 *rewards: Provided further, That of the amount made avail-*
17 *able under this heading, not less than \$360,905,000 shall*
18 *be available only for public diplomacy international infor-*
19 *mation programs: Provided further, That of the funds made*
20 *available under this heading, \$5,000,000 shall be made*
21 *available for a demonstration program to expand access to*
22 *consular services: Provided further, That of the amount ap-*
23 *propriated under this heading, \$2,000,000 shall be available*
24 *for the Secretary to establish and operate a public/private*
25 *interagency public diplomacy center which shall serve as*

1 *a program integration and coordination entity for United*
2 *States public diplomacy programs: Provided further, That*
3 *of the amounts appropriated under this heading,*
4 *\$4,000,000, to remain available until expended, shall be for*
5 *compensation to the families of members of the Foreign*
6 *Service or other United States Government employees or*
7 *their dependents, who were killed in terrorist attacks since*
8 *1979: Provided further, That none of the funds made avail-*
9 *able for compensation in the previous proviso may be obli-*
10 *gated without specific authorization in a subsequent Act of*
11 *Congress: Provided further, That during fiscal year 2008,*
12 *foreign service annuitants may be employed, notwith-*
13 *standing section 316.401 of title 5, Code of Federal Regula-*
14 *tions, pursuant to waivers under section 824(g)(1)(C)(ii)*
15 *of the Foreign Service Act of 1980 (22 U.S.C.*
16 *4064(g)(1)(C)(ii)): Provided further, That of the funds ap-*
17 *propriated under this heading, \$5,000,000 shall be made*
18 *available for the Ambassador's Fund for Cultural Preserva-*
19 *tion: Provided further, That of the funds appropriated*
20 *under this heading, \$500,000 may not be available for obli-*
21 *gation until the Secretary of State submits a report to the*
22 *Committees on Appropriations outlining a plan to increase*
23 *the capacity of United States Embassy Moscow to monitor*
24 *human rights and Russian laws relating to the press and*
25 *civil society groups, and consults with the Committees on*

1 *Appropriations concerning such plan: Provided further,*
2 *That the Secretary may transfer to and merge with “Emer-*
3 *gencies in the Diplomatic and Consular Service” for re-*
4 *wards payments unobligated balances of funds appro-*
5 *priated under “Diplomatic and Consular Programs” for*
6 *this fiscal year and for each fiscal year hereafter, at no later*
7 *than the end of the fifth fiscal year after the fiscal year*
8 *for which any such funds were appropriated or otherwise*
9 *made available: Provided further, That funds available*
10 *under this heading may be available for a United States*
11 *Government interagency task force to examine, coordinate*
12 *and oversee United States participation in the United Na-*
13 *tions headquarters renovation project: Provided further,*
14 *That no funds may be obligated or expended for processing*
15 *licenses for the export of satellites of United States origin*
16 *(including commercial satellites and satellite components)*
17 *to the People’s Republic of China unless, at least 15 days*
18 *in advance, the Committees on Appropriations are notified*
19 *of such proposed action: Provided further, That funds ap-*
20 *propriated under this heading are available, pursuant to*
21 *31 U.S.C. 1108(g), for the field examination of programs*
22 *and activities in the United States funded from any ac-*
23 *count contained in this title.*

24 *In addition, not to exceed \$1,558,390 shall be derived*
25 *from fees collected from other executive agencies for lease*

1 *or use of facilities located at the International Center in*
2 *accordance with section 4 of the International Center Act;*
3 *in addition, as authorized by section 5 of such Act,*
4 *\$490,000, to be derived from the reserve authorized by that*
5 *section, to be used for the purposes set out in that section;*
6 *in addition, as authorized by section 810 of the United*
7 *States Information and Educational Exchange Act, not to*
8 *exceed \$6,000,000, to remain available until expended, may*
9 *be credited to this appropriation from fees or other pay-*
10 *ments received from English teaching, library, motion pic-*
11 *tures, and publication programs and from fees from edu-*
12 *cational advising and counseling and exchange visitor pro-*
13 *grams; and, in addition, not to exceed \$15,000, which shall*
14 *be derived from reimbursements, surcharges, and fees for use*
15 *of Blair House facilities.*

16 *In addition, for the costs of worldwide security protec-*
17 *tion, \$974,760,000, to remain available until expended:*
18 *Provided, That of the amount provided by this paragraph,*
19 *\$206,632,000 is designated as described in section 5 (in the*
20 *matter preceding division A of this consolidated Act).*

21 *CAPITAL INVESTMENT FUND*

22 *For necessary expenses of the Capital Investment*
23 *Fund, \$60,062,000, to remain available until expended, as*
24 *authorized: Provided, That section 135(e) of Public Law*
25 *103–236 shall not apply to funds available under this head-*
26 *ing.*

1 *OFFICE OF INSPECTOR GENERAL*

2 *For necessary expenses of the Office of Inspector Gen-*
3 *eral, \$34,008,000, notwithstanding section 209(a)(1) of the*
4 *Foreign Service Act of 1980 (Public Law 96-465), as it*
5 *relates to post inspections.*

6 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

7 *For expenses of educational and cultural exchange pro-*
8 *grams, as authorized, \$505,441,000, to remain available*
9 *until expended: Provided, That not to exceed \$5,000,000,*
10 *to remain available until expended, may be credited to this*
11 *appropriation from fees or other payments received from*
12 *or in connection with English teaching, educational advis-*
13 *ing and counseling programs, and exchange visitor pro-*
14 *grams as authorized.*

15 *REPRESENTATION ALLOWANCES*

16 *For representation allowances as authorized,*
17 *\$8,175,000.*

18 *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

19 *For expenses, not otherwise provided, to enable the Sec-*
20 *retary of State to provide for extraordinary protective serv-*
21 *ices, as authorized, \$23,000,000, to remain available until*
22 *September 30, 2009.*

23 *EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE*

24 *For necessary expenses for carrying out the Foreign*
25 *Service Buildings Act of 1926 (22 U.S.C. 292-303), pre-*
26 *serving, maintaining, repairing, and planning for build-*

1 *ings that are owned or directly leased by the Department*
2 *of State, renovating, in addition to funds otherwise avail-*
3 *able, the Harry S Truman Building, and carrying out the*
4 *Diplomatic Security Construction Program as authorized,*
5 *\$761,216,000, to remain available until expended as au-*
6 *thorized, of which not to exceed \$25,000 may be used for*
7 *domestic and overseas representation as authorized: Pro-*
8 *vided, That none of the funds appropriated in this para-*
9 *graph shall be available for acquisition of furniture, fur-*
10 *nishings, or generators for other departments and agencies.*

11 *In addition, for the costs of worldwide security up-*
12 *grades, acquisition, and construction as authorized,*
13 *\$676,000,000, to remain available until expended.*

14 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*
15 *SERVICE*
16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For expenses necessary to enable the Secretary of State*
18 *to meet unforeseen emergencies arising in the Diplomatic*
19 *and Consular Service, \$9,000,000, to remain available until*
20 *expended as authorized, of which not to exceed \$1,000,000*
21 *may be transferred to and merged with the “Repatriation*
22 *Loans Program Account”, subject to the same terms and*
23 *conditions.*

1 1105(a) of title 31, United States Code, transmit to the
2 Committees on Appropriations the most recent biennial
3 budget prepared by the United Nations for the operations
4 of the United Nations: Provided further, That the Secretary
5 of State shall notify the Committees on Appropriations at
6 least 15 days in advance (or in an emergency, as far in
7 advance as is practicable) of any United Nations action
8 to increase funding for any United Nations program with-
9 out identifying an offsetting decrease elsewhere in the
10 United Nations budget and cause the United Nations budget
11 for the biennium 2008–2009 to exceed the revised United
12 Nations budget level for the biennium 2006–2007 of
13 \$4,173,895,900: Provided further, That any payment of ar-
14 rearages under this title shall be directed toward activities
15 that are mutually agreed upon by the United States and
16 the respective international organization: Provided further,
17 That none of the funds appropriated in this paragraph
18 shall be available for a United States contribution to an
19 international organization for the United States share of
20 interest costs made known to the United States Government
21 by such organization for loans incurred on or after October
22 1, 1984, through external borrowings.

23 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

24 *ACTIVITIES*

25 *For necessary expenses to pay assessed and other ex-*
26 *penses of international peacekeeping activities directed to*

1 *the maintenance or restoration of international peace and*
2 *security, \$1,700,500,000, of which 15 percent shall remain*
3 *available until September 30, 2009: Provided, That none*
4 *of the funds made available under this Act shall be obligated*
5 *or expended for any new or expanded United Nations peace-*
6 *keeping mission unless, at least 15 days in advance of vot-*
7 *ing for the new or expanded mission in the United Nations*
8 *Security Council (or in an emergency as far in advance*
9 *as is practicable): (1) the Committees on Appropriations*
10 *and other appropriate committees of the Congress are noti-*
11 *fied of the estimated cost and length of the mission, the na-*
12 *tional interest that will be served, and the planned exit*
13 *strategy; (2) the Committees on Appropriations and other*
14 *appropriate committees of the Congress are notified that the*
15 *United Nations has taken appropriate measures to prevent*
16 *United Nations employees, contractor personnel, and peace-*
17 *keeping forces serving in any United Nations peacekeeping*
18 *mission from trafficking in persons, exploiting victims of*
19 *trafficking, or committing acts of illegal sexual exploitation,*
20 *and to hold accountable individuals who engage in such acts*
21 *while participating in the peacekeeping mission, including*
22 *the prosecution in their home countries of such individuals*
23 *in connection with such acts; and (3) a reprogramming of*
24 *funds pursuant to section 615 of this Act is submitted, and*
25 *the procedures therein followed, setting forth the source of*

1 *funds that will be used to pay for the cost of the new or*
2 *expanded mission: Provided further, That funds shall be*
3 *available for peacekeeping expenses only upon a certifi-*
4 *cation by the Secretary of State to the Committees on Ap-*
5 *propriations that American manufacturers and suppliers*
6 *are being given opportunities to provide equipment, serv-*
7 *ices, and material for United Nations peacekeeping activi-*
8 *ties equal to those being given to foreign manufacturers and*
9 *suppliers: Provided further, That of the amount provided*
10 *by this paragraph, \$468,000,000 is designated as described*
11 *in section 5 (in the matter preceding division A of this con-*
12 *solidated Act).*

13 *INTERNATIONAL COMMISSIONS*

14 *For necessary expenses, not otherwise provided for, to*
15 *meet obligations of the United States arising under treaties,*
16 *or specific Acts of Congress, as follows:*

17 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*

18 *UNITED STATES AND MEXICO*

19 *For necessary expenses for the United States Section*
20 *of the International Boundary and Water Commission,*
21 *United States and Mexico, and to comply with laws appli-*
22 *cable to the United States Section, including not to exceed*
23 *\$6,000 for representation; as follows:*

24 *SALARIES AND EXPENSES*

25 *For salaries and expenses, not otherwise provided for,*
26 *\$30,430,000.*

1 *the Lake Champlain Basin Program shall remain available*
2 *for the purposes intended until September 30, 2009.*

3 *INTERNATIONAL FISHERIES COMMISSIONS*

4 *For necessary expenses for international fisheries com-*
5 *missions, not otherwise provided for, as authorized by law,*
6 *\$26,527,000: Provided, That the United States share of such*
7 *expenses may be advanced to the respective commissions*
8 *pursuant to 31 U.S.C. 3324: Provided further, That funds*
9 *appropriated under this heading shall be available for pro-*
10 *grams in the amounts contained in the table included in*
11 *the explanatory statement described in section 4 (in the*
12 *matter preceding division A of this consolidated Act) ac-*
13 *companying this Act and no proposal for deviation from*
14 *those amounts shall be considered.*

15 *OTHER*

16 *PAYMENT TO THE ASIA FOUNDATION*

17 *For a grant to the Asia Foundation, as authorized by*
18 *the Asia Foundation Act (22 U.S.C. 4402), \$15,500,000, to*
19 *remain available until expended, as authorized.*

20 *CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST*

21 *FUND*

22 *For necessary expenses of the Center for Middle East-*
23 *ern-Western Dialogue Trust Fund, the total amount of the*
24 *interest and earnings accruing to such Fund on or before*
25 *September 30, 2008, to remain available until expended.*

1 *EISENHOWER EXCHANGE FELLOWSHIP PROGRAM*

2 *For necessary expenses of Eisenhower Exchange Fel-*
3 *lowships, Incorporated, as authorized by sections 4 and 5*
4 *of the Eisenhower Exchange Fellowship Act of 1990 (20*
5 *U.S.C. 5204–5205), all interest and earnings accruing to*
6 *the Eisenhower Exchange Fellowship Program Trust Fund*
7 *on or before September 30, 2008, to remain available until*
8 *expended: Provided, That none of the funds appropriated*
9 *herein shall be used to pay any salary or other compensa-*
10 *tion, or to enter into any contract providing for the pay-*
11 *ment thereof, in excess of the rate authorized by 5 U.S.C.*
12 *5376; or for purposes which are not in accordance with*
13 *OMB Circulars A–110 (Uniform Administrative Require-*
14 *ments) and A–122 (Cost Principles for Non-profit Organi-*
15 *zations), including the restrictions on compensation for per-*
16 *sonal services.*

17 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

18 *For necessary expenses of the Israeli Arab Scholarship*
19 *Program as authorized by section 214 of the Foreign Rela-*
20 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*
21 *U.S.C. 2452), all interest and earnings accruing to the*
22 *Israeli Arab Scholarship Fund on or before September 30,*
23 *2008, to remain available until expended.*

24 *EAST-WEST CENTER*

25 *To enable the Secretary of State to provide for car-*
26 *rying out the provisions of the Center for Cultural and*

1 *Technical Interchange Between East and West Act of 1960,*
2 *by grant to the Center for Cultural and Technical Inter-*
3 *change Between East and West in the State of Hawaii,*
4 *\$19,500,000: Provided, That none of the funds appropriated*
5 *herein shall be used to pay any salary, or enter into any*
6 *contract providing for the payment thereof, in excess of the*
7 *rate authorized by 5 U.S.C. 5376.*

8

RELATED AGENCIES

9

BROADCASTING BOARD OF GOVERNORS

10

INTERNATIONAL BROADCASTING OPERATIONS

11

For expenses necessary to enable the Broadcasting
12 *Board of Governors, as authorized, to carry out inter-*
13 *national communication activities, including the purchase,*
14 *rent, construction, and improvement of facilities for radio*
15 *and television transmission and reception and purchase,*
16 *lease, and installation of necessary equipment for radio and*
17 *television transmission and reception to Cuba, and to make*
18 *and supervise grants for radio and television broadcasting*
19 *to the Middle East, \$676,727,000: Provided, That of the*
20 *total amount in this heading, not to exceed \$16,000 may*
21 *be used for official receptions within the United States as*
22 *authorized, not to exceed \$35,000 may be used for represen-*
23 *tation abroad as authorized, and not to exceed \$39,000 may*
24 *be used for official reception and representation expenses*
25 *of Radio Free Europe/Radio Liberty; and in addition, not-*

1 *withstanding any other provision of law, not to exceed*
2 *\$2,000,000 in receipts from advertising and revenue from*
3 *business ventures, not to exceed \$500,000 in receipts from*
4 *cooperating international organizations, and not to exceed*
5 *\$1,000,000 in receipts from privatization efforts of the Voice*
6 *of America and the International Broadcasting Bureau, to*
7 *remain available until expended for carrying out author-*
8 *ized purposes: Provided further, That of the amount pro-*
9 *vided by this paragraph, \$12,000,000 is designated as de-*
10 *scribed in section 5 (in the matter preceding division A of*
11 *this consolidated Act).*

12 *BROADCASTING CAPITAL IMPROVEMENTS*

13 *For the purchase, rent, construction, and improvement*
14 *of facilities for radio and television transmission and recep-*
15 *tion, and purchase and installation of necessary equipment*
16 *for radio and television transmission and reception as au-*
17 *thorized, \$10,748,000, to remain available until expended,*
18 *as authorized.*

19 *COMMISSION FOR THE PRESERVATION OF AMERICA'S*

20 *HERITAGE ABROAD*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses for the Commission for the*
23 *Preservation of America's Heritage Abroad, \$499,000, as*
24 *authorized by section 1303 of Public Law 99-83.*

1 *COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM*
2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the United States Commis-*
4 *sion on International Religious Freedom, as authorized by*
5 *title II of the International Religious Freedom Act of 1998*
6 *(Public Law 105–292), \$3,300,000, to remain available*
7 *until September 30, 2009.*

8 *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*
9 *SALARIES AND EXPENSES*

10 *For necessary expenses of the Commission on Security*
11 *and Cooperation in Europe, as authorized by Public Law*
12 *94–304, \$2,370,000, to remain available until September*
13 *30, 2009.*

14 *CONGRESSIONAL-EXECUTIVE COMMISSION ON THE*
15 *PEOPLE’S REPUBLIC OF CHINA*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Congressional-Executive*
18 *Commission on the People’s Republic of China, as author-*
19 *ized, \$2,000,000, including not more than \$3,000 for the*
20 *purpose of official representation, to remain available until*
21 *September 30, 2009.*

1 *UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW*
2 *COMMISSION*
3 *SALARIES AND EXPENSES*

4 *For necessary expenses of the United States-China*
5 *Economic and Security Review Commission, \$4,000,000,*
6 *including not more than \$4,000 for the purpose of official*
7 *representation, to remain available until September 30,*
8 *2009: Provided, That the Commission shall submit a spend-*
9 *ing plan to the Committees on Appropriations no later than*
10 *March 1, 2008 which effectively addresses the recommenda-*
11 *tions of the Government Accountability Office's audit of the*
12 *Commission (GAO-07-1128): Provided further, That the*
13 *Commission shall provide to the Committees on Appropria-*
14 *tions a quarterly accounting of the cumulative balances of*
15 *any unobligated funds that were received by the Commis-*
16 *sion during any previous fiscal year: Provided further,*
17 *That for purposes of costs relating to printing and binding,*
18 *the Commission shall be deemed, effective on the date of its*
19 *establishment, to be a committee of Congress: Provided fur-*
20 *ther, That compensation for the executive director of the*
21 *Commission may not exceed the rate payable for level II*
22 *of the Executive Schedule under section 5314 of title 5,*
23 *United States Code: Provided further, That section*
24 *1238(c)(1) of the Floyd D. Spence National Defense Author-*
25 *ization Act for Fiscal Year 2001, is amended by striking*

1 “June” and inserting “December”: Provided further, That
2 travel by members of the Commission and its staff shall be
3 arranged and conducted under the rules and procedures ap-
4 plying to travel by members of the House of Representatives
5 and its staff.

6 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY
7 GROUP

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Senate-
10 China Interparliamentary Group, as authorized under sec-
11 tion 153 of the Consolidated Appropriations Act, 2004 (22
12 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), \$150,000,
13 to remain available until September 30, 2009.

14 UNITED STATES INSTITUTE OF PEACE

15 OPERATING EXPENSES

16 For necessary expenses of the United States Institute
17 of Peace as authorized in the United States Institute of
18 Peace Act, \$25,000,000, to remain available until Sep-
19 tember 30, 2009.

20 GENERAL PROVISIONS—THIS TITLE

21 ALLOWANCES AND DIFFERENTIALS

22 SEC. 101. Funds appropriated under title I of this Act
23 shall be available, except as otherwise provided, for allow-
24 ances and differentials as authorized by subchapter 59 of
25 title 5, United States Code; for services as authorized by

1 5 U.S.C. 3109; and for hire of passenger transportation
2 pursuant to 31 U.S.C. 1343(b).

3 *UNOBLIGATED BALANCES REPORT*

4 *SEC. 102. The Department of State and the Broad-*
5 *casting Board of Governors shall provide to the Committees*
6 *on Appropriations a quarterly accounting of the cumulative*
7 *balances of any unobligated funds that were received by*
8 *such agency during any previous fiscal year.*

9 *EMBASSY CONSTRUCTION*

10 *SEC. 103. (a) Of funds provided under title I of this*
11 *Act, except as provided in subsection (b), a project to con-*
12 *struct a diplomatic facility of the United States may not*
13 *include office space or other accommodations for an em-*
14 *ployee of a Federal agency or department if the Secretary*
15 *of State determines that such department or agency has not*
16 *provided to the Department of State the full amount of*
17 *funding required by subsection (e) of section 604 of the Se-*
18 *cure Embassy Construction and Counterterrorism Act of*
19 *1999 (as enacted into law by section 1000(a)(7) of Public*
20 *Law 106–113 and contained in appendix G of that Act;*
21 *113 Stat. 1501A–453), as amended by section 629 of the*
22 *Departments of Commerce, Justice, and State, the Judici-*
23 *ary, and Related Agencies Appropriations Act, 2005.*

24 *(b) Notwithstanding the prohibition in subsection (a),*
25 *a project to construct a diplomatic facility of the United*

1 *States may include office space or other accommodations*
2 *for members of the Marine Corps.*

3 *PEACEKEEPING MISSIONS*

4 *SEC. 104. None of the funds made available under title*
5 *I of this Act may be used for any United Nations under-*
6 *taking when it is made known to the Federal official having*
7 *authority to obligate or expend such funds that: (1) the*
8 *United Nations undertaking is a peacekeeping mission; (2)*
9 *such undertaking will involve United States Armed Forces*
10 *under the command or operational control of a foreign na-*
11 *tional; and (3) the President's military advisors have not*
12 *submitted to the President a recommendation that such in-*
13 *volvement is in the national security interests of the United*
14 *States and the President has not submitted to the Congress*
15 *such a recommendation.*

16 *DENIAL OF VISAS*

17 *SEC. 105. (a) None of the funds appropriated or other-*
18 *wise made available under title I of this Act shall be ex-*
19 *pended for any purpose for which appropriations are pro-*
20 *hibited by section 616 of the Departments of Commerce,*
21 *Justice, and State, the Judiciary, and Related Agencies Ap-*
22 *propriations Act, 1999.*

23 *(b) The requirements in subsections (b) and (c) of sec-*
24 *tion 616 of that Act shall continue to apply during fiscal*
25 *year 2008.*

1 *SENIOR POLICY OPERATING GROUP*

2 *SEC. 106. (a) The Senior Policy Operating Group on*
3 *Trafficking in Persons, established under section 105(f) of*
4 *the Victims of Trafficking and Violence Protection Act of*
5 *2000 (22 U.S.C. 7103(f)) to coordinate agency activities re-*
6 *garding policies (including grants and grant policies) in-*
7 *volving the international trafficking in persons, shall co-*
8 *ordinate all such policies related to the activities of traf-*
9 *fickers and victims of severe forms of trafficking.*

10 *(b) None of the funds provided under title I of this*
11 *or any other Act making appropriations for Department*
12 *of State and Related Agencies shall be expended to perform*
13 *functions that duplicate coordinating responsibilities of the*
14 *Operating Group.*

15 *(c) The Operating Group shall continue to report only*
16 *to the authorities that appointed them pursuant to section*
17 *105(f).*

18 *UNITED STATES CITIZENS BORN IN JERUSALEM*

19 *SEC. 107. For the purposes of registration of birth, cer-*
20 *tification of nationality, or issuance of a passport of a*
21 *United States citizen born in the city of Jerusalem, the Sec-*
22 *retary of State shall, upon request of the citizen, record the*
23 *place of birth as Israel.*

24 *CONSULTING SERVICES*

25 *SEC. 108. The expenditure of any appropriation under*
26 *title I of this Act for any consulting service through procure-*

1 *ment contract, pursuant to 5 U.S.C. 3109, shall be limited*
2 *to those contracts where such expenditures are a matter of*
3 *public record and available for public inspection, except*
4 *where otherwise provided under existing law, or under ex-*
5 *isting Executive order issued pursuant to existing law.*

6 *COMPLIANCE WITH SECTION 609*

7 *SEC. 109. (a) None of the funds appropriated or other-*
8 *wise made available under title I of this Act shall be ex-*
9 *pended for any purpose for which appropriations are pro-*
10 *hibited by section 609 of the Departments of Commerce,*
11 *Justice, and State, the Judiciary, and Related Agencies Ap-*
12 *propriations Act, 1999.*

13 *(b) The requirements in subparagraphs (A) and (B)*
14 *of section 609 of that Act shall continue to apply during*
15 *fiscal year 2008.*

16 *STATE DEPARTMENT AUTHORITIES*

17 *SEC. 110. Funds appropriated under title I of this Act*
18 *for the Broadcasting Board of Governors and the Depart-*
19 *ment of State may be obligated and expended notwith-*
20 *standing section 15 of the State Department Basic Authori-*
21 *ties Act of 1956, section 313 of the Foreign Relations Au-*
22 *thorization Act, Fiscal Years 1994 and 1995 (Public Law*
23 *103–236), and section 504(a)(1) of the National Security*
24 *Act of 1947 (50 U.S.C. 414(a)(1)).*

1 *PERSONNEL ACTIONS*

2 *SEC. 111. Any costs incurred by a department or agen-*
3 *cy funded under this Act resulting from personnel actions*
4 *taken in response to funding reductions included in this*
5 *Act shall be absorbed within the total budgetary resources*
6 *available to such department or agency: Provided, That the*
7 *authority to transfer funds between appropriations ac-*
8 *counts as may be necessary to carry out this section is pro-*
9 *vided in addition to authorities included elsewhere in this*
10 *Act: Provided further, That use of funds to carry out this*
11 *section shall be treated as a reprogramming of funds under*
12 *section 615 of title VI of this Act and shall not be available*
13 *for obligation or expenditure except in compliance with the*
14 *procedures set forth in that section.*

15 *RESTRICTIONS ON UNITED NATIONS DELEGATIONS*

16 *SEC. 112. None of the funds made available under title*
17 *I of this Act may be used to pay expenses for any United*
18 *States delegation to any specialized agency, body, or com-*
19 *mission of the United Nations if such commission is chaired*
20 *or presided over by a country, the government of which the*
21 *Secretary of State has determined, for purposes of section*
22 *6(j)(1) of the Export Administration Act of 1979 (50 U.S.C.*
23 *App. 2405(j)(1)), has provided support for acts of inter-*
24 *national terrorism.*

1 *PEACEKEEPING ASSESSMENT*

2 *SEC. 113. Section 404(b)(2)(B) of the Foreign Rela-*
3 *tions Authorization Act, Fiscal Years 1994 and 1995, (22*
4 *U.S.C. 287e note) is amended at the end by adding the fol-*
5 *lowing: “(v) For assessments made during calendar year*
6 *2008, 27.1 percent.”.*

7 *ALHURRA BROADCASTING*

8 *SEC. 114. Funds appropriated for the programs and*
9 *activities of Alhurra in fiscal year 2008 may be made avail-*
10 *able only if the Secretary of State certifies and reports to*
11 *the Committees on Appropriations that Alhurra does not*
12 *advocate on behalf of any organization that the Secretary*
13 *knows, or has reason to believe, engages in terrorist activi-*
14 *ties.*

15 *DEPARTMENT OF STATE INSPECTOR GENERAL*

16 *SEC. 115. (a) LINK TO OFFICE OF INSPECTOR GEN-*
17 *ERAL FROM HOMEPAGE OF DEPARTMENT OF STATE.—Not*
18 *later than 30 days after the date of the enactment of this*
19 *Act, the Secretary of State shall establish and maintain on*
20 *the homepage of the Internet website of the Department of*
21 *State a direct link to the Internet website of the Office of*
22 *Inspector General of the Department of State.*

23 *(b) ANONYMOUS REPORTING OF WASTE, FRAUD, OR*
24 *ABUSE.—Not later than 30 days after the date of the enact-*
25 *ment of this Act, the Inspector General of the Department*
26 *of State shall establish and maintain on the homepage of*

1 *the Internet website of the Office of Inspector General a*
2 *mechanism by which individuals can anonymously report*
3 *cases of waste, fraud, or abuse with respect to the Depart-*
4 *ment of State.*

5
6 *CONSULAR OPERATIONS*

6 *SEC. 116. The Secretary of State shall establish limited*
7 *consular operations in Iraq within 180 days of enactment*
8 *of this Act in which designated categories of aliens may*
9 *apply and interview for admission to the United States.*

10 *INTERNATIONAL BOUNDARY AND WATER COMMISSION*

11 *SEC. 117. Of the funds appropriated in this Act under*
12 *the heading “International Boundary and Water Commis-*
13 *sion, United States and Mexico, Construction” (IBWC), up*
14 *to \$66,000,000 may be expended for construction of sec-*
15 *ondary wastewater treatment capability of at least 25 mil-*
16 *lion gallons per day (mgd) from the Tijuana River, subject*
17 *to the following conditions: (1) IBWC shall resume negotia-*
18 *tions in accordance with section 804 of Public Law 106–*
19 *457; (2) IBWC shall prepare design and engineering plans*
20 *to upgrade the South Bay International Wastewater Treat-*
21 *ment Plant to treat 25 mgd to secondary treatment and*
22 *update its conceptual designs for a scalable project capable*
23 *of treating up to 100 mgd to secondary at the facility; and*
24 *(3) none of the funds made available by this section may*
25 *be obligated for construction before the Government Ac-*

1 *countability Office completes a report on the proposed*
 2 *projects.*

3 *COMMISSION FINANCIAL MANAGEMENT*

4 *SEC. 118. (a) REQUIREMENT FOR PERFORMANCE RE-*
 5 *VIEWS.—The United States-China Economic and Security*
 6 *Review Commission shall comply with chapter 43 of title*
 7 *5, United States Code, regarding the establishment and reg-*
 8 *ular review of employee performance appraisals.*

9 *(b) LIMITATION ON CASH AWARDS.—The United*
 10 *States-China Economic and Security Review Commission*
 11 *shall comply with section 4505a of title 5, United States*
 12 *Code, with respect to limitations on payment of perform-*
 13 *ance-based cash awards.*

14 *TITLE II*

15 *EXPORT AND INVESTMENT ASSISTANCE*

16 *EXPORT-IMPORT BANK OF THE UNITED STATES*

17 *INSPECTOR GENERAL*

18 *For necessary expenses of the Office of Inspector Gen-*
 19 *eral in carrying out the provisions of the Inspector General*
 20 *Act of 1978, as amended, \$1,000,000, to remain available*
 21 *until September 30, 2009.*

22 *PROGRAM ACCOUNT*

23 *The Export-Import Bank of the United States is au-*
 24 *thorized to make such expenditures within the limits of*
 25 *funds and borrowing authority available to such corpora-*
 26 *tion, and in accordance with law, and to make such con-*

1 *tracts and commitments without regard to fiscal year limi-*
2 *tations, as provided by section 104 of the Government Cor-*
3 *poration Control Act, as may be necessary in carrying out*
4 *the program for the current fiscal year for such corporation:*
5 *Provided, That none of the funds available during the cur-*
6 *rent fiscal year may be used to make expenditures, con-*
7 *tracts, or commitments for the export of nuclear equipment,*
8 *fuel, or technology to any country, other than a nuclear-*
9 *weapon state as defined in Article IX of the Treaty on the*
10 *Non-Proliferation of Nuclear Weapons eligible to receive*
11 *economic or military assistance under this Act, that has*
12 *detonated a nuclear explosive after the date of the enactment*
13 *of this Act: Provided further, That notwithstanding section*
14 *1(c) of Public Law 103-428, as amended, sections 1(a) and*
15 *(b) of Public Law 103-428 shall remain in effect through*
16 *October 1, 2008: Provided further, That not less than 10*
17 *percent of the aggregate loan, guarantee, and insurance au-*
18 *thority available to the Export-Import Bank under this Act*
19 *should be used for renewable energy and environmentally*
20 *beneficial products and services.*

21 *SUBSIDY APPROPRIATION*

22 *For the cost of direct loans, loan guarantees, insurance,*
23 *and tied-aid grants as authorized by section 10 of the Ex-*
24 *port-Import Bank Act of 1945, as amended, \$68,000,000,*
25 *to remain available until September 30, 2011: Provided,*
26 *That such costs, including the cost of modifying such loans,*

1 *shall be as defined in section 502 of the Congressional Budg-*
2 *et Act of 1974: Provided further, That such sums shall re-*
3 *main available until September 30, 2026, for the disburse-*
4 *ment of direct loans, loan guarantees, insurance and tied-*
5 *aid grants obligated in fiscal years 2008, 2009, 2010, and*
6 *2011: Provided further, That none of the funds appro-*
7 *priated by this Act or any prior Act appropriating funds*
8 *for foreign operations, export financing, and related pro-*
9 *grams for tied-aid credits or grants may be used for any*
10 *other purpose except through the regular notification proce-*
11 *dures of the Committees on Appropriations: Provided fur-*
12 *ther, That funds appropriated by this paragraph are made*
13 *available notwithstanding section 2(b)(2) of the Export-Im-*
14 *port Bank Act of 1945, in connection with the purchase*
15 *or lease of any product by any Eastern European country,*
16 *any Baltic State or any agency or national thereof.*

17 *ADMINISTRATIVE EXPENSES*

18 *For administrative expenses to carry out the direct*
19 *and guaranteed loan and insurance programs, including*
20 *hire of passenger motor vehicles and services as authorized*
21 *by 5 U.S.C. 3109, and not to exceed \$30,000 for official*
22 *reception and representation expenses for members of the*
23 *Board of Directors, \$78,000,000: Provided, That the Ex-*
24 *port-Import Bank may accept, and use, payment or services*
25 *provided by transaction participants for legal, financial,*
26 *or technical services in connection with any transaction for*

1 *which an application for a loan, guarantee or insurance*
2 *commitment has been made: Provided further, That not-*
3 *withstanding subsection (b) of section 117 of the Export En-*
4 *hancement Act of 1992, subsection (a) thereof shall remain*
5 *in effect until October 1, 2008.*

6 *RECEIPTS COLLECTED*

7 *Receipts collected pursuant to the Export-Import Bank*
8 *Act of 1945, as amended, and the Federal Credit Reform*
9 *Act of 1990, as amended, in an amount not to exceed the*
10 *amount appropriated herein, shall be credited as offsetting*
11 *collections to this account: Provided, That the sums herein*
12 *appropriated from the General Fund shall be reduced on*
13 *a dollar-for-dollar basis by such offsetting collections so as*
14 *to result in a final fiscal year appropriation from the Gen-*
15 *eral Fund estimated at \$0: Provided further, That amounts*
16 *collected in fiscal year 2008 in excess of obligations, up to*
17 *\$50,000,000, shall become available October 1, 2008 and*
18 *shall remain available until September 30, 2011.*

19 *OVERSEAS PRIVATE INVESTMENT CORPORATION*

20 *NONCREDIT ACCOUNT*

21 *The Overseas Private Investment Corporation is au-*
22 *thorized to make, without regard to fiscal year limitations,*
23 *as provided by 31 U.S.C. 9104, such expenditures and com-*
24 *mitments within the limits of funds available to it and in*
25 *accordance with law as may be necessary: Provided, That*
26 *the amount available for administrative expenses to carry*

1 *out the credit and insurance programs (including an*
2 *amount for official reception and representation expenses*
3 *which shall not exceed \$35,000) shall not exceed*
4 *\$47,500,000: Provided further, That project-specific trans-*
5 *action costs, including direct and indirect costs incurred*
6 *in claims settlements, and other direct costs associated with*
7 *services provided to specific investors or potential investors*
8 *pursuant to section 234 of the Foreign Assistance Act of*
9 *1961, shall not be considered administrative expenses for*
10 *the purposes of this heading.*

11 *PROGRAM ACCOUNT*

12 *For the cost of direct and guaranteed loans,*
13 *\$23,500,000, as authorized by section 234 of the Foreign*
14 *Assistance Act of 1961, to be derived by transfer from the*
15 *Overseas Private Investment Corporation Noncredit Ac-*
16 *count: Provided, That such costs, including the cost of modi-*
17 *fying such loans, shall be as defined in section 502 of the*
18 *Congressional Budget Act of 1974: Provided further, That*
19 *such sums shall be available for direct loan obligations and*
20 *loan guaranty commitments incurred or made during fiscal*
21 *years 2008, 2009, and 2010: Provided further, That funds*
22 *so obligated in fiscal year 2008 remain available for dis-*
23 *bursement through 2016; funds obligated in fiscal year 2009*
24 *remain available for disbursement through 2017; funds obli-*
25 *gated in fiscal year 2010 remain available for disbursement*
26 *through 2018: Provided further, That notwithstanding any*

1 *other provision of law, the Overseas Private Investment*
2 *Corporation is authorized to undertake any program au-*
3 *thorized by title IV of the Foreign Assistance Act of 1961*
4 *in Iraq: Provided further, That funds made available pur-*
5 *suant to the authority of the previous proviso shall be sub-*
6 *ject to the regular notification procedures of the Committees*
7 *on Appropriations.*

8 *In addition, such sums as may be necessary for admin-*
9 *istrative expenses to carry out the credit program may be*
10 *derived from amounts available for administrative expenses*
11 *to carry out the credit and insurance programs in the Over-*
12 *seas Private Investment Corporation Noncredit Account*
13 *and merged with said account.*

14 *FUNDS APPROPRIATED TO THE PRESIDENT*

15 *TRADE AND DEVELOPMENT AGENCY*

16 *For necessary expenses to carry out the provisions of*
17 *section 661 of the Foreign Assistance Act of 1961,*
18 *\$50,400,000, to remain available until September 30, 2009.*

19 *TITLE III*

20 *BILATERAL ECONOMIC ASSISTANCE*

21 *FUNDS APPROPRIATED TO THE PRESIDENT*

22 *For expenses necessary to enable the President to carry*
23 *out the provisions of the Foreign Assistance Act of 1961,*
24 *and for other purposes, to remain available until September*
25 *30, 2008, unless otherwise specified herein, as follows:*

1 GLOBAL HEALTH AND CHILD SURVIVAL

2 (INCLUDING TRANSFER OF FUNDS)

3 *For necessary expenses to carry out the provisions of*
4 *chapters 1 and 10 of part I of the Foreign Assistance Act*
5 *of 1961, for global health activities, in addition to funds*
6 *otherwise available for such purposes, \$1,843,150,000, to re-*
7 *main available until September 30, 2009, and which shall*
8 *be apportioned directly to the United States Agency for*
9 *International Development: Provided, That this amount*
10 *shall be made available for such activities as: (1) child sur-*
11 *vival and maternal health programs; (2) immunization and*
12 *oral rehydration programs; (3) other health, nutrition,*
13 *water and sanitation programs which directly address the*
14 *needs of mothers and children, and related education pro-*
15 *grams; (4) assistance for children displaced or orphaned by*
16 *causes other than AIDS; (5) programs for the prevention,*
17 *treatment, control of, and research on HIV/AIDS, tuber-*
18 *culosis, polio, malaria, and other infectious diseases, and*
19 *for assistance to communities severely affected by HIV/*
20 *AIDS, including children infected or affected by AIDS; and*
21 *(6) family planning/reproductive health: Provided further,*
22 *That none of the funds appropriated under this paragraph*
23 *may be made available for nonproject assistance, except*
24 *that funds may be made available for such assistance for*
25 *ongoing health activities: Provided further, That of the*
26 *funds appropriated under this paragraph, not to exceed*

1 \$350,000, in addition to funds otherwise available for such
2 purposes, may be used to monitor and provide oversight of
3 child survival, maternal and family planning/reproductive
4 health, and infectious disease programs: Provided further,
5 That of the funds appropriated under this paragraph the
6 following amounts should be allocated as follows:
7 \$450,150,000 for child survival and maternal health;
8 \$15,000,000 for vulnerable children; \$350,000,000 for HIV/
9 AIDS; \$633,000,000 for other infectious diseases, including
10 \$153,000,000 for tuberculosis control, of which \$15,000,000
11 shall be used for the Global TB Drug Facility; and
12 \$395,000,000 for family planning/reproductive health, in-
13 cluding in areas where population growth threatens bio-
14 diversity or endangered species: Provided further, That of
15 the funds appropriated under this paragraph, \$72,500,000
16 should be made available for a United States contribution
17 to The GAVI Fund, and up to \$6,000,000 may be trans-
18 ferred to and merged with funds appropriated by this Act
19 under the heading “Operating Expenses of the United
20 States Agency for International Development” for costs di-
21 rectly related to global health, but funds made available for
22 such costs may not be derived from amounts made available
23 for contribution under this and preceding provisos: Pro-
24 vided further, That of the funds appropriated under this
25 paragraph, \$115,000,000 shall be made available to combat

1 *avian influenza, of which \$15,000,000 shall be made avail-*
2 *able, notwithstanding any other provision of law except sec-*
3 *tion 551 of Public Law 109–102, to enhance the prepared-*
4 *ness of militaries in Asia and Africa to respond to an avian*
5 *influenza pandemic, subject to the regular notification pro-*
6 *cedures of the Committees on Appropriations: Provided fur-*
7 *ther, That none of the funds made available in this Act nor*
8 *any unobligated balances from prior appropriations may*
9 *be made available to any organization or program which,*
10 *as determined by the President of the United States, sup-*
11 *ports or participates in the management of a program of*
12 *coercive abortion or involuntary sterilization: Provided fur-*
13 *ther, That any determination made under the previous pro-*
14 *viso must be made no later than six months after the date*
15 *of enactment of this Act, and must be accompanied by a*
16 *comprehensive analysis as well as the complete evidence and*
17 *criteria utilized to make the determination: Provided fur-*
18 *ther, That none of the funds made available under this Act*
19 *may be used to pay for the performance of abortion as a*
20 *method of family planning or to motivate or coerce any per-*
21 *son to practice abortions: Provided further, That nothing*
22 *in this paragraph shall be construed to alter any existing*
23 *statutory prohibitions against abortion under section 104*
24 *of the Foreign Assistance Act of 1961: Provided further,*
25 *That none of the funds made available under this Act may*

1 *be used to lobby for or against abortion: Provided further,*
2 *That in order to reduce reliance on abortion in developing*
3 *nations, funds shall be available only to voluntary family*
4 *planning projects which offer, either directly or through re-*
5 *ferred to, or information about access to, a broad range of*
6 *family planning methods and services, and that any such*
7 *voluntary family planning project shall meet the following*
8 *requirements: (1) service providers or referral agents in the*
9 *project shall not implement or be subject to quotas, or other*
10 *numerical targets, of total number of births, number of fam-*
11 *ily planning acceptors, or acceptors of a particular method*
12 *of family planning (this provision shall not be construed*
13 *to include the use of quantitative estimates or indicators*
14 *for budgeting and planning purposes); (2) the project shall*
15 *not include payment of incentives, bribes, gratuities, or fi-*
16 *nancial reward to: (A) an individual in exchange for be-*
17 *coming a family planning acceptor; or (B) program per-*
18 *sonnel for achieving a numerical target or quota of total*
19 *number of births, number of family planning acceptors, or*
20 *acceptors of a particular method of family planning; (3)*
21 *the project shall not deny any right or benefit, including*
22 *the right of access to participate in any program of general*
23 *welfare or the right of access to health care, as a consequence*
24 *of any individual's decision not to accept family planning*
25 *services; (4) the project shall provide family planning ac-*

1 *ceptors comprehensible information on the health benefits*
2 *and risks of the method chosen, including those conditions*
3 *that might render the use of the method inadvisable and*
4 *those adverse side effects known to be consequent to the use*
5 *of the method; and (5) the project shall ensure that experi-*
6 *mental contraceptive drugs and devices and medical proce-*
7 *dures are provided only in the context of a scientific study*
8 *in which participants are advised of potential risks and*
9 *benefits; and, not less than 60 days after the date on which*
10 *the Administrator of the United States Agency for Inter-*
11 *national Development determines that there has been a vio-*
12 *lation of the requirements contained in paragraph (1), (2),*
13 *(3), or (5) of this proviso, or a pattern or practice of viola-*
14 *tions of the requirements contained in paragraph (4) of this*
15 *proviso, the Administrator shall submit to the Committees*
16 *on Appropriations a report containing a description of such*
17 *violation and the corrective action taken by the Agency:*
18 *Provided further, That in awarding grants for natural fam-*
19 *ily planning under section 104 of the Foreign Assistance*
20 *Act of 1961 no applicant shall be discriminated against be-*
21 *cause of such applicant's religious or conscientious commit-*
22 *ment to offer only natural family planning; and, addition-*
23 *ally, all such applicants shall comply with the requirements*
24 *of the previous proviso: Provided further, That for purposes*
25 *of this or any other Act authorizing or appropriating funds*

1 *for foreign operations, export financing, and related pro-*
2 *grams, the term “motivate”, as it relates to family planning*
3 *assistance, shall not be construed to prohibit the provision,*
4 *consistent with local law, of information or counseling*
5 *about all pregnancy options: Provided further, That to the*
6 *maximum extent feasible, taking into consideration cost,*
7 *timely availability, and best health practices, funds appro-*
8 *priated in this Act or prior appropriations Acts that are*
9 *made available for condom procurement shall be made*
10 *available only for the procurement of condoms manufac-*
11 *tured in the United States: Provided further, That informa-*
12 *tion provided about the use of condoms as part of projects*
13 *or activities that are funded from amounts appropriated*
14 *by this Act shall be medically accurate and shall include*
15 *the public health benefits and failure rates of such use: Pro-*
16 *vided further, That of the amount provided by this para-*
17 *graph, \$115,000,000 is designated as described in section*
18 *5 (in the matter preceding division A of this consolidated*
19 *Act).*

20 *In addition, for necessary expenses to carry out the*
21 *provisions of the Foreign Assistance Act of 1961 for the pre-*
22 *vention, treatment, and control of, and research on, HIV/*
23 *AIDS, \$4,700,000,000, to remain available until expended,*
24 *and which shall be apportioned directly to the Department*
25 *of State: Provided, That of the funds appropriated under*

1 *this paragraph, \$550,000,000 shall be made available, not-*
2 *withstanding any other provision of law, except for the*
3 *United States Leadership Against HIV/AIDS, Tuberculosis*
4 *and Malaria Act of 2003 (Public Law 108–25) for a United*
5 *States contribution to the Global Fund to Fight AIDS, Tu-*
6 *berculosis and Malaria, and shall be expended at the min-*
7 *imum rate necessary to make timely payment for projects*
8 *and activities: Provided further, That up to 5 percent of*
9 *the aggregate amount of funds made available to the Global*
10 *Fund in fiscal year 2008 may be made available to the*
11 *United States Agency for International Development for*
12 *technical assistance related to the activities of the Global*
13 *Fund: Provided further, That of the funds appropriated*
14 *under this paragraph, up to \$13,000,000 may be made*
15 *available, in addition to amounts otherwise available for*
16 *such purposes, for administrative expenses of the Office of*
17 *the Global AIDS Coordinator: Provided further, That funds*
18 *made available under this heading shall be made available*
19 *notwithstanding the second sentence of section 403(a) of*
20 *Public Law 108–25.*

21 *DEVELOPMENT ASSISTANCE*

22 *For necessary expenses to carry out the provisions of*
23 *sections 103, 105, 106, and sections 251 through 255, and*
24 *chapter 10 of part I of the Foreign Assistance Act of 1961,*
25 *\$1,636,881,000, to remain available until September 30,*
26 *2009: Provided, That of the funds appropriated under this*

1 heading that are made available for assistance programs
2 for displaced and orphaned children and victims of war,
3 not to exceed \$43,000, in addition to funds otherwise avail-
4 able for such purposes, may be used to monitor and provide
5 oversight of such programs: Provided further, That
6 \$400,000,000 should be allocated for basic education: Pro-
7 vided further, That of the funds appropriated by this Act,
8 not less than \$245,000,000 shall be made available for
9 microenterprise and microfinance development programs
10 for the poor, especially women: Provided further, That of
11 the funds appropriated under this heading, not less than
12 \$28,000,000 shall be made available for Collaborative Re-
13 search Support Programs: Provided further, That of the
14 funds appropriated under this heading, \$750,000 shall be
15 made available to implement 7 U.S.C. section 1736g-
16 2(a)(2)(C) to improve food aid product quality and nutri-
17 ent delivery: Provided further, That of the funds appro-
18 priated under this heading, not less than \$22,500,000 shall
19 be made available for the American Schools and Hospitals
20 Abroad program: Provided further, That of the funds appro-
21 priated under this heading, \$12,000,000 should be made
22 available for cooperative development programs within the
23 Office of Private and Voluntary Cooperation: Provided fur-
24 ther, That funds appropriated under this heading should
25 be made available for programs to address sexual and gen-

1 *der-based violence: Provided further, That of the funds ap-*
2 *propriated in this Act, not less than \$300,000,000 shall be*
3 *made available for safe drinking water and sanitation sup-*
4 *ply projects, including water management related to safe*
5 *drinking water and sanitation, only to implement the Sen-*
6 *ator Paul Simon Water for the Poor Act of 2005 (Public*
7 *Law 109–121), of which not less than \$125,000,000 should*
8 *be made available for such projects in Africa: Provided fur-*
9 *ther, That of the funds appropriated under this heading,*
10 *not less than \$15,000,000 shall be made available for pro-*
11 *grams to improve women’s leadership capacity in recipient*
12 *countries, and \$10,000,000 may be made available to sup-*
13 *port a fund that enhances economic opportunities for very*
14 *poor, poor, and low-income women in developing countries.*

15 *INTERNATIONAL DISASTER ASSISTANCE*

16 *For necessary expenses to carry out the provisions of*
17 *section 491 of the Foreign Assistance Act of 1961 for inter-*
18 *national disaster relief, rehabilitation, and reconstruction*
19 *assistance, \$432,350,000, to remain available until ex-*
20 *pended, of which \$20,000,000 should be for famine preven-*
21 *tion and relief: Provided further, That of the amount pro-*
22 *vided by this paragraph, \$110,000,000 is designated as de-*
23 *scribed in section 5 (in the matter preceding division A of*
24 *this consolidated Act).*

TRANSITION INITIATIVES

1
2 *For necessary expenses for international disaster reha-*
3 *bilitation and reconstruction assistance pursuant to section*
4 *491 of the Foreign Assistance Act of 1961, \$45,000,000, to*
5 *remain available until expended, to support transition to*
6 *democracy and to long-term development of countries in cri-*
7 *sis: Provided, That such support may include assistance to*
8 *develop, strengthen, or preserve democratic institutions and*
9 *processes, revitalize basic infrastructure, and foster the*
10 *peaceful resolution of conflict: Provided further, That the*
11 *United States Agency for International Development shall*
12 *submit a report to the Committees on Appropriations at*
13 *least 5 days prior to beginning a new program of assist-*
14 *ance: Provided further, That if the President determines*
15 *that it is important to the national interests of the United*
16 *States to provide transition assistance in excess of the*
17 *amount appropriated under this heading, up to*
18 *\$15,000,000 of the funds appropriated by this Act to carry*
19 *out the provisions of part I of the Foreign Assistance Act*
20 *of 1961 may be used for purposes of this heading and under*
21 *the authorities applicable to funds appropriated under this*
22 *heading: Provided further, That funds made available pur-*
23 *suant to the previous proviso shall be made available subject*
24 *to prior consultation with the Committees on Appropria-*
25 *tions.*

1 *DEVELOPMENT CREDIT AUTHORITY*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For the cost of direct loans and loan guarantees pro-*
4 *vided by the United States Agency for International Devel-*
5 *opment, as authorized by sections 256 and 635 of the For-*
6 *ign Assistance Act of 1961, up to \$21,000,000 may be de-*
7 *rived by transfer from funds appropriated by this Act to*
8 *carry out part I of such Act and under the heading “Assist-*
9 *ance for Eastern Europe and the Baltic States”: Provided,*
10 *That such funds shall be made available only for micro and*
11 *small enterprise programs, urban programs, and other pro-*
12 *grams which further the purposes of part I of the Act: Pro-*
13 *vided further, That such costs, including the cost of modi-*
14 *fying such direct and guaranteed loans, shall be as defined*
15 *in section 502 of the Congressional Budget Act of 1974, as*
16 *amended: Provided further, That funds made available by*
17 *this paragraph may be used for the cost of modifying any*
18 *such guaranteed loans under this Act or prior Acts, and*
19 *funds used for such costs shall be subject to the regular noti-*
20 *fication procedures of the Committees on Appropriations:*
21 *Provided further, That the provisions of section 107A(d)*
22 *(relating to general provisions applicable to the Develop-*
23 *ment Credit Authority) of the Foreign Assistance Act of*
24 *1961, as contained in section 306 of H.R. 1486 as reported*
25 *by the House Committee on International Relations on May*
26 *9, 1997, shall be applicable to direct loans and loan guaran-*

1 *tees provided under this heading: Provided further, That*
2 *these funds are available to subsidize total loan principal,*
3 *any portion of which is to be guaranteed, of up to*
4 *\$700,000,000.*

5 *In addition, for administrative expenses to carry out*
6 *credit programs administered by the United States Agency*
7 *for International Development, \$8,160,000, which may be*
8 *transferred to and merged with the appropriation for Oper-*
9 *ating Expenses of the United States Agency for Inter-*
10 *national Development: Provided, That funds made avail-*
11 *able under this heading shall remain available until Sep-*
12 *tember 30, 2010.*

13 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*
14 *FOR INTERNATIONAL DEVELOPMENT*
15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For necessary expenses to carry out the provisions of*
17 *section 667 of the Foreign Assistance Act of 1961,*
18 *\$655,800,000, of which up to \$25,000,000 may remain*
19 *available until September 30, 2009: Provided, That none*
20 *of the funds appropriated under this heading and under*
21 *the heading “Capital Investment Fund” may be made*
22 *available to finance the construction (including architect*
23 *and engineering services), purchase, or long-term lease of*
24 *offices for use by the United States Agency for International*
25 *Development, unless the Administrator has identified such*
26 *proposed construction (including architect and engineering*

1 *services), purchase, or long-term lease of offices in a report*
2 *submitted to the Committees on Appropriations at least 15*
3 *days prior to the obligation of these funds for such purposes:*
4 *Provided further, That the previous proviso shall not apply*
5 *where the total cost of construction (including architect and*
6 *engineering services), purchase, or long-term lease of offices*
7 *does not exceed \$1,000,000: Provided further, That contracts*
8 *or agreements entered into with funds appropriated under*
9 *this heading may entail commitments for the expenditure*
10 *of such funds through fiscal year 2009: Provided further,*
11 *That any decision to open a new overseas mission or office*
12 *of the United States Agency for International Development*
13 *or, except where there is a substantial security risk to mis-*
14 *sion personnel, to close or significantly reduce the number*
15 *of personnel of any such mission or office, shall be subject*
16 *to the regular notification procedures of the Committees on*
17 *Appropriations: Provided further, That the authority of sec-*
18 *tions 610 and 109 of the Foreign Assistance Act of 1961*
19 *may be exercised by the Secretary of State to transfer funds*
20 *appropriated to carry out chapter 1 of part I of such Act*
21 *to “Operating Expenses of the United States Agency for*
22 *International Development” in accordance with the provi-*
23 *sions of those sections: Provided further, That of the amount*
24 *provided by this paragraph, \$20,800,000 is designated as*

1 *described in section 5 (in the matter preceding division A*
2 *of this consolidated Act).*

3 *CAPITAL INVESTMENT FUND OF THE UNITED STATES*

4 *AGENCY FOR INTERNATIONAL DEVELOPMENT*

5 *For necessary expenses for overseas construction and*
6 *related costs, and for the procurement and enhancement of*
7 *information technology and related capital investments,*
8 *pursuant to section 667 of the Foreign Assistance Act of*
9 *1961, \$88,000,000, to remain available until expended: Pro-*
10 *vided, That this amount is in addition to funds otherwise*
11 *available for such purposes: Provided further, That funds*
12 *appropriated under this heading shall be available for obli-*
13 *gation only pursuant to the regular notification procedures*
14 *of the Committees on Appropriations.*

15 *OPERATING EXPENSES OF THE UNITED STATES AGENCY*

16 *FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-*
17 *SPECTOR GENERAL*

18 *For necessary expenses to carry out the provisions of*
19 *section 667 of the Foreign Assistance Act of 1961,*
20 *\$38,000,000, to remain available until September 30, 2009,*
21 *which sum shall be available for the Office of the Inspector*
22 *General of the United States Agency for International De-*
23 *velopment.*

1 *OTHER BILATERAL ECONOMIC ASSISTANCE*
2 *ECONOMIC SUPPORT FUND*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses to carry out the provisions of*
5 *chapter 4 of part II of the Foreign Assistance Act of 1961,*
6 *\$2,994,823,000, to remain available until September 30,*
7 *2009: Provided, That of the funds appropriated under this*
8 *heading, not less than \$415,000,000 shall be available only*
9 *for Egypt, which sum shall be provided on a grant basis,*
10 *and of which sum cash transfer assistance shall be provided*
11 *with the understanding that Egypt will undertake signifi-*
12 *cant economic and democratic reforms which are additional*
13 *to those which were undertaken in previous fiscal years:*
14 *Provided further, That with respect to the provision of as-*
15 *sistance for Egypt for democracy, human rights and govern-*
16 *ance activities, the organizations implementing such assist-*
17 *ance and the specific nature of that assistance shall not be*
18 *subject to the prior approval by the Government of Egypt:*
19 *Provided further, That of the funds appropriated under this*
20 *heading for assistance for Egypt, not less than \$135,000,000*
21 *shall be made available for project assistance, of which not*
22 *less than \$20,000,000 shall be made available for democ-*
23 *racy, human rights and governance programs and not less*
24 *than \$50,000,000 shall be used for education programs, of*
25 *which not less than \$10,000,000 should be made available*
26 *for scholarships for Egyptian students with high financial*

1 *need to attend United States accredited institutions of high-*
2 *er education in Egypt: Provided further, That \$11,000,000*
3 *of the funds appropriated under this heading should be*
4 *made available for Cyprus to be used only for scholarships,*
5 *administrative support of the scholarship program,*
6 *bicommunal projects, and measures aimed at reunification*
7 *of the island and designed to reduce tensions and promote*
8 *peace and cooperation between the two communities on Cy-*
9 *prus: Provided further, That of the funds appropriated*
10 *under this heading, not less than \$363,547,000 shall be*
11 *made available only for assistance for Jordan: Provided*
12 *further, That of the funds appropriated under this heading*
13 *that are made available for assistance for Jordan, up to*
14 *\$40,000,000 may be transferred to, and merged with, funds*
15 *appropriated by this Act under the heading “Debt Restruc-*
16 *turing” for the costs, as defined in section 502 of the Con-*
17 *gressional Budget Act of 1974, of reducing or cancelling*
18 *amounts owed to the United States or any agency of the*
19 *United States by the Hashemite Kingdom of Jordan: Pro-*
20 *vided further, That of the funds appropriated under this*
21 *heading not more than \$218,500,000 may be made available*
22 *for assistance for the West Bank and Gaza, of which not*
23 *to exceed \$2,000,000 may be used for administrative ex-*
24 *penses of the United States Agency for International Devel-*
25 *opment, in addition to funds otherwise available for such*

1 purposes, to carry out programs in the West Bank and
2 Gaza: Provided further, That if the President exercises the
3 waiver authority under section 650 of this Act, of the funds
4 made available under this heading for assistance to the Pal-
5 estinian Authority, not more than \$100,000,000 of the
6 funds made available under this heading for cash transfer
7 assistance to the Palestinian Authority may be obligated
8 for such assistance until the Secretary of State certifies and
9 reports to the Committees on Appropriations that the Pales-
10 tinian Authority has established a single treasury account
11 for all Palestinian Authority financing and all financing
12 mechanisms flow through this account, has eliminated all
13 parallel financing mechanisms outside of the Palestinian
14 Authority treasury account, and has established a single
15 comprehensive civil service roster and payroll: Provided
16 further, That none of the funds appropriated under this
17 heading for cash transfer assistance to the Palestinian Au-
18 thority may be obligated for salaries of personnel of the Pal-
19 estinian Authority located in Gaza: Provided further, That
20 none of the funds appropriated under this heading for cash
21 transfer assistance to the Palestinian Authority may be ob-
22 ligated or expended for assistance to Hamas or any entity
23 effectively controlled by Hamas or any power-sharing gov-
24 ernment with Hamas unless Hamas has accepted the prin-
25 ciples contained in section 620K(b)(1)(A) and (B) of the

1 *Foreign Assistance Act of 1961, as amended: Provided fur-*
2 *ther, That the Secretary of State shall ensure that Federal*
3 *or non-Federal audits of all funds appropriated under this*
4 *heading for cash transfer assistance to the Palestinian Au-*
5 *thority are conducted on at least an annual basis to ensure*
6 *compliance with this Act, and such audit shall include a*
7 *detailed accounting of all programs, projects, and activities*
8 *carried out using such funds, including both obligations*
9 *and expenditures, and that the audit is compliant with gen-*
10 *erally accepted accounting standards: Provided further,*
11 *That funds made available under this heading for cash*
12 *transfer assistance to the Palestinian Authority shall be*
13 *subject to the regular notification procedures of the Commit-*
14 *tees on Appropriations: Provided further, That \$45,000,000*
15 *of the funds appropriated under this heading shall be made*
16 *available for assistance for Lebanon, of which not less than*
17 *\$10,000,000 should be made available for scholarships and*
18 *direct support of American educational institutions in Leb-*
19 *anon: Provided further, That not more than \$300,000,000*
20 *of the funds made available for assistance for Afghanistan*
21 *under this heading may be obligated for such assistance*
22 *until the Secretary of State certifies to the Committees on*
23 *Appropriations that the Government of Afghanistan at both*
24 *the national and provincial level is cooperating fully with*
25 *United States funded poppy eradication and interdiction*

1 *efforts in Afghanistan: Provided further, That the President*
2 *may waive the previous proviso if he determines and reports*
3 *to the Committees on Appropriations that to do so is vital*
4 *to the national security interests of the United States: Pro-*
5 *vided further, That such report shall include an analysis*
6 *of the steps being taken by the Government of Afghanistan,*
7 *at the national and provincial level, to cooperate fully with*
8 *United States funded poppy eradication and interdiction*
9 *efforts in Afghanistan: Provided further, That of the funds*
10 *appropriated under this heading, \$196,000,000 shall be ap-*
11 *portioned directly to the United States Agency for Inter-*
12 *national Development (USAID) for alternative develop-*
13 *ment/institution building and sustainable development pro-*
14 *grams in Colombia and may be transferred to, and merged*
15 *with, funds appropriated under the heading “Development*
16 *Assistance” to continue programs administered by USAID:*
17 *Provided further, That with respect to funds apportioned*
18 *to USAID for programs in Colombia under this heading,*
19 *the responsibility for policy decisions for the use of such*
20 *funds, including which activities will be funded and the*
21 *amount of funds that will be provided for each of those ac-*
22 *tivities, shall be the responsibility of the Administrator of*
23 *USAID in consultation with the Assistant Secretary of*
24 *State for International Narcotics and Law Enforcement Af-*
25 *fairs: Provided further, That of the funds appropriated*

1 *under this heading that are available for assistance for the*
2 *Democratic Republic of Timor-Leste, up to \$1,000,000 may*
3 *be available for administrative expenses of the United*
4 *States Agency for International Development in addition*
5 *to amounts otherwise made available for such purposes:*
6 *Provided further, That notwithstanding any other provision*
7 *of law, funds appropriated under this heading may be made*
8 *available for programs and activities for the Central High-*
9 *lands of Vietnam: Provided further, That notwithstanding*
10 *any other provision of law, of the funds appropriated under*
11 *this heading, up to \$53,000,000 may be made available for*
12 *energy-related assistance for North Korea, subject to the reg-*
13 *ular notification procedures of the Committees on Appro-*
14 *priations: Provided further, That funds appropriated under*
15 *this heading that are made available for a Middle East Fi-*
16 *ancing Facility, Middle East Enterprise Fund, or any*
17 *other similar entity in the Middle East shall be subject to*
18 *the regular notification procedures of the Committees on*
19 *Appropriations: Provided further, That of the amount pro-*
20 *vided by this paragraph, \$542,568,000 is designated as de-*
21 *scribed in section 5 (in the matter preceding division A of*
22 *this consolidated Act).*

23 *INTERNATIONAL FUND FOR IRELAND*

24 *For necessary expenses to carry out the provisions of*
25 *chapter 4 of part II of the Foreign Assistance Act of 1961,*
26 *\$15,000,000, which shall be available for the United States*

1 *contribution to the International Fund for Ireland and*
2 *shall be made available in accordance with the provisions*
3 *of the Anglo-Irish Agreement Support Act of 1986 (Public*
4 *Law 99-415): Provided, That such amount shall be ex-*
5 *pended at the minimum rate necessary to make timely pay-*
6 *ment for projects and activities: Provided further, That*
7 *funds made available under this heading shall remain*
8 *available until September 30, 2009.*

9 *ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC*

10 *STATES*

11 *(a) For necessary expenses to carry out the provisions*
12 *of the Foreign Assistance Act of 1961 and the Support for*
13 *East European Democracy (SEED) Act of 1989,*
14 *\$295,950,000, to remain available until September 30,*
15 *2009, which shall be available, notwithstanding any other*
16 *provision of law, for assistance and for related programs*
17 *for Eastern Europe and the Baltic States.*

18 *(b) Funds appropriated under this heading shall be*
19 *considered to be economic assistance under the Foreign As-*
20 *sistance Act of 1961 for purposes of making available the*
21 *administrative authorities contained in that Act for the use*
22 *of economic assistance.*

23 *(c) The provisions of section 628 of this Act shall apply*
24 *to funds appropriated under this heading: Provided, That*
25 *notwithstanding any provision of this or any other Act, in-*
26 *cluding provisions in this subsection regarding the applica-*

1 *tion of section 628 of this Act, local currencies generated*
2 *by, or converted from, funds appropriated by this Act and*
3 *by previous appropriations Acts and made available for the*
4 *economic revitalization program in Bosnia may be used in*
5 *Eastern Europe and the Baltic States to carry out the pro-*
6 *visions of the Foreign Assistance Act of 1961 and the Sup-*
7 *port for East European Democracy SEED Act of 1989.*

8 *(d) The President is authorized to withhold funds ap-*
9 *propriated under this heading made available for economic*
10 *revitalization programs in Bosnia and Herzegovina, if he*
11 *determines and certifies to the Committees on Appropria-*
12 *tions that the Federation of Bosnia and Herzegovina has*
13 *not complied with article III of annex 1–A of the General*
14 *Framework Agreement for Peace in Bosnia and*
15 *Herzegovina concerning the withdrawal of foreign forces,*
16 *and that intelligence cooperation on training, investiga-*
17 *tions, and related activities between state sponsors of ter-*
18 *rorism and terrorist organizations and Bosnian officials*
19 *has not been terminated.*

20 *ASSISTANCE FOR THE INDEPENDENT STATES OF THE*
21 *FORMER SOVIET UNION*

22 *For necessary expenses to carry out the provisions of*
23 *chapters 11 and 12 of part I of the Foreign Assistance Act*
24 *of 1961 and the FREEDOM Support Act, for assistance*
25 *for the Independent States of the former Soviet Union and*
26 *for related programs, \$399,735,000, to remain available*

1 *until September 30, 2009: Provided, That the provisions of*
2 *such chapters shall apply to funds appropriated by this*
3 *paragraph: Provided further, That funds made available for*
4 *the Southern Caucasus region may be used, notwith-*
5 *standing any other provision of law, for confidence-building*
6 *measures and other activities in furtherance of the peaceful*
7 *resolution of regional conflicts, especially those in the vicin-*
8 *ity of Abkhazia and Nagorno-Karabagh: Provided further,*
9 *That notwithstanding any other provision of law, funds ap-*
10 *propriated under this heading in this Act or prior Acts*
11 *making appropriations for foreign operations, export fi-*
12 *nancing, and related programs, that are made available*
13 *pursuant to the provisions of section 807 of Public Law*
14 *102–511 shall be subject to a 6 percent ceiling on adminis-*
15 *trative expenses.*

16 *INDEPENDENT AGENCIES*

17 *INTER-AMERICAN FOUNDATION*

18 *For necessary expenses to carry out the functions of*
19 *the Inter-American Foundation in accordance with the pro-*
20 *visions of section 401 of the Foreign Assistance Act of 1969,*
21 *\$21,000,000, to remain available until September 30, 2009.*

22 *AFRICAN DEVELOPMENT FOUNDATION*

23 *For necessary expenses to carry out title V of the Inter-*
24 *national Security and Development Cooperation Act of*
25 *1980, Public Law 96–533, \$30,000,000, to remain available*
26 *until September 30, 2009: Provided, That funds made*

1 *available to grantees may be invested pending expenditure*
2 *for project purposes when authorized by the Board of Direc-*
3 *tors of the Foundation: Provided further, That interest*
4 *earned shall be used only for the purposes for which the*
5 *grant was made: Provided further, That notwithstanding*
6 *section 505(a)(2) of the African Development Foundation*
7 *Act, (1) in exceptional circumstances the Board of Directors*
8 *of the Foundation may waive the \$250,000 limitation con-*
9 *tained in that section with respect to a project and (2) a*
10 *project may exceed the limitation by up to \$10,000 if the*
11 *increase is due solely to foreign currency fluctuation: Pro-*
12 *vided further, That the Foundation shall provide a report*
13 *to the Committees on Appropriations after each time such*
14 *waiver authority is exercised.*

15 *PEACE CORPS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For necessary expenses to carry out the provisions of*
18 *the Peace Corps Act (75 Stat. 612), including the purchase*
19 *of not to exceed five passenger motor vehicles for adminis-*
20 *trative purposes for use outside of the United States,*
21 *\$333,500,000, to remain available until September 30,*
22 *2009: Provided, That none of the funds appropriated under*
23 *this heading shall be used to pay for abortions: Provided*
24 *further, That the Director may transfer to the Foreign Cur-*
25 *rency Fluctuations Account, as authorized by 22 U.S.C.*
26 *2515, an amount not to exceed \$2,000,000: Provided fur-*

1 *ther, That funds transferred pursuant to the previous pro-*
2 *viso may not be derived from amounts made available for*
3 *Peace Corps overseas operations.*

4 *MILLENNIUM CHALLENGE CORPORATION*

5 *For necessary expenses to carry out the provisions of*
6 *the Millennium Challenge Act of 2003, \$1,557,000,000, to*
7 *remain available until expended: Provided, That of the*
8 *funds appropriated under this heading, up to \$88,000,000*
9 *may be available for administrative expenses of the Millen-*
10 *nium Challenge Corporation: Provided further, That up to*
11 *10 percent of the funds appropriated under this heading*
12 *may be made available to carry out the purposes of section*
13 *616 of the Millennium Challenge Act of 2003 for candidate*
14 *countries for fiscal year 2008: Provided further, That none*
15 *of the funds available to carry out section 616 of such Act*
16 *may be made available until the Chief Executive Officer*
17 *of the Millennium Challenge Corporation provides a report*
18 *to the Committees on Appropriations listing the candidate*
19 *countries that will be receiving assistance under section 616*
20 *of such Act, the level of assistance proposed for each such*
21 *country, a description of the proposed programs, projects*
22 *and activities, and the implementing agency or agencies of*
23 *the United States Government: Provided further, That sec-*
24 *tion 605(e)(4) of the Millennium Challenge Act of 2003 shall*
25 *apply to funds appropriated under this heading: Provided*
26 *further, That funds appropriated under this heading may*

1 *be made available for a Millennium Challenge Compact en-*
2 *tered into pursuant to section 609 of the Millennium Chal-*
3 *lenge Act of 2003 only if such Compact obligates, or con-*
4 *tains a commitment to obligate subject to the availability*
5 *of funds and the mutual agreement of the parties to the*
6 *Compact to proceed, the entire amount of the United States*
7 *Government funding anticipated for the duration of the*
8 *Compact.*

9 *DEPARTMENT OF STATE*

10 *DEMOCRACY FUND*

11 *(a) For necessary expenses to carry out the provisions*
12 *of the Foreign Assistance Act of 1961 for the promotion of*
13 *democracy globally, \$164,000,000, of which the following*
14 *amounts shall be made available, subject to the regular noti-*
15 *fication procedures of the Committees on Appropriations,*
16 *until September 30, 2010—*

17 *(1) \$64,000,000 for the Human Rights and De-*
18 *mocracy Fund of the Bureau of Democracy, Human*
19 *Rights and Labor, Department of State, of which*
20 *\$15,000,000 shall be for democracy and rule of law*
21 *programs in the People's Republic of China, Hong*
22 *Kong, and Taiwan: Provided, That assistance for*
23 *Taiwan should be matched from sources other than*
24 *the United States Government: Provided further, That*
25 *\$5,000,000 shall be made available for programs and*

1 *activities for the promotion of democracy in countries*
2 *located outside the Middle East region with a signifi-*
3 *cant Muslim population, and where such programs*
4 *and activities would be important to United States*
5 *efforts to respond to, deter, or prevent acts of inter-*
6 *national terrorism: Provided further, That funds used*
7 *for such purposes should support new initiatives and*
8 *activities in those countries: Provided further, That*
9 *\$15,000,000 shall be made available for an internet*
10 *freedom initiative to expand access and information*
11 *in closed societies, including in the Middle East and*
12 *Asia: Provided further, That the Department of State*
13 *shall consult with the Committees on Appropriations*
14 *prior to the initial obligation of funds made available*
15 *pursuant to the previous proviso; and*

16 (2) *\$100,000,000 for the National Endowment*
17 *for Democracy: Provided, That of the funds appro-*
18 *priated by this Act under the headings “Development*
19 *Assistance”, “Economic Support Fund”, “Assistance*
20 *for Eastern Europe and the Baltic States”, and “As-*
21 *sistance for the Independent States of the Former So-*
22 *viet Union”, an additional \$11,000,000 should be*
23 *made available to support the ongoing programs and*
24 *activities of the National Endowment for Democracy.*

1 (b) *Funds appropriated by this Act that are made*
2 *available for the promotion of democracy may be made*
3 *available notwithstanding any other provision of law and,*
4 *with regard to the National Endowment for Democracy,*
5 *any regulation. Funds appropriated under this heading are*
6 *in addition to funds otherwise available for such purposes.*

7 (c) *For the purposes of funds appropriated by this Act,*
8 *the term “promotion of democracy” means programs that*
9 *support good governance, human rights, independent*
10 *media, and the rule of law, and otherwise strengthen the*
11 *capacity of democratic political parties, governments, non-*
12 *governmental organizations and institutions, and citizens*
13 *to support the development of democratic states, institu-*
14 *tions, and practices that are responsive and accountable to*
15 *citizens.*

16 (d) *Any contract, grant or cooperative agreement (or*
17 *any amendment to any contract, grant, or cooperative*
18 *agreement) in excess of \$2,500,000 for the promotion of de-*
19 *mocracy under this Act shall be subject to the regular notifi-*
20 *cation procedures of the Committees on Appropriations.*

21 *INTERNATIONAL NARCOTICS CONTROL AND LAW*

22 *ENFORCEMENT*

23 *For necessary expenses to carry out section 481 of the*
24 *Foreign Assistance Act of 1961, \$558,449,000, to remain*
25 *available until September 30, 2010: Provided, That during*
26 *fiscal year 2008, the Department of State may also use the*

1 *authority of section 608 of the Foreign Assistance Act of*
2 *1961, without regard to its restrictions, to receive excess*
3 *property from an agency of the United States Government*
4 *for the purpose of providing it to a foreign country under*
5 *chapter 8 of part I of that Act subject to the regular notifi-*
6 *cation procedures of the Committees on Appropriations:*
7 *Provided further, That the Secretary of State shall provide*
8 *to the Committees on Appropriations not later than 45 days*
9 *after the date of the enactment of this Act and prior to the*
10 *initial obligation of funds appropriated under this heading,*
11 *a report on the proposed uses of all funds under this head-*
12 *ing on a country-by-country basis for each proposed pro-*
13 *gram, project, or activity: Provided further, That none of*
14 *the funds provided under this heading for counter narcotics*
15 *activities in Afghanistan shall be made available for eradi-*
16 *cation programs through the aerial spraying of herbicides:*
17 *Provided further, That of the funds appropriated under this*
18 *heading, not less than \$39,750,000 shall be made available*
19 *for judicial, human rights, rule of law and related activities*
20 *for Colombia, of which not less than \$20,000,000 shall be*
21 *made available for the Office of the Attorney General, of*
22 *which \$5,000,000 shall be for the Human Rights Unit,*
23 *\$5,000,000 shall be for the Justice and Peace Unit,*
24 *\$7,000,000 shall be used to support a witness protection*
25 *program for victims of armed groups, and \$3,000,000 shall*

1 *be for investigations of mass graves and identification of*
2 *remains: Provided further, That of the funds appropriated*
3 *under this heading that are available for assistance for Co-*
4 *lombia, \$8,000,000 shall be available for human rights ac-*
5 *tivities, \$5,500,000 shall be available for judicial reform,*
6 *\$3,000,000 shall be for the Office of the Procuraduria Gen-*
7 *eral de la Nacion, \$2,000,000 shall be for the Office of the*
8 *Defensoria del Pueblo, and \$750,000 should be made avail-*
9 *able for a United States contribution to the Office of the*
10 *United Nations High Commissioner for Human Rights in*
11 *Colombia to support monitoring and public reporting of*
12 *human rights conditions in the field: Provided further, That*
13 *of the funds appropriated under this heading, not more*
14 *than \$38,000,000 may be available for administrative ex-*
15 *penses.*

16 *ANDEAN COUNTERDRUG PROGRAMS*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For necessary expenses to carry out section 481 of the*
19 *Foreign Assistance Act of 1961 to support counterdrug ac-*
20 *tivities in the Andean region of South America,*
21 *\$327,460,000, to remain available until September 30,*
22 *2010: Provided, That the Secretary of State, in consultation*
23 *with the Administrator of the United States Agency for*
24 *International Development, shall provide to the Committees*
25 *on Appropriations not later than 45 days after the date*
26 *of the enactment of this Act and prior to the initial obliga-*

1 *tion of funds appropriated under this heading, a report on*
2 *the proposed uses of all funds under this heading on a coun-*
3 *try-by-country basis for each proposed program, project, or*
4 *activity: Provided further, That section 482(b) of the For-*
5 *ign Assistance Act of 1961 shall not apply to funds appro-*
6 *priated under this heading: Provided further, That assist-*
7 *ance provided with funds appropriated under this heading*
8 *that is made available notwithstanding section 482(b) of*
9 *the Foreign Assistance Act of 1961 shall be made available*
10 *subject to the regular notification procedures of the Commit-*
11 *tees on Appropriations: Provided further, That funds made*
12 *available to the Department of State for assistance to the*
13 *Government of Colombia in this Act may be used to support*
14 *a unified campaign against narcotics trafficking and orga-*
15 *nizations designated as Foreign Terrorist Organizations,*
16 *and to take actions to protect human health and welfare*
17 *in emergency circumstances, including undertaking rescue*
18 *operations: Provided further, That this authority shall cease*
19 *to be effective if the Secretary of State has credible evidence*
20 *that the Colombian Armed Forces are not conducting vig-*
21 *orous operations to restore government authority and re-*
22 *spect for human rights in areas under the effective control*
23 *of paramilitary organizations, illegal self-defense groups, il-*
24 *legal security cooperatives, or other criminal, guerrilla or*
25 *successor armed groups or organizations: Provided further,*

1 *That the President shall ensure that if any helicopter pro-*
2 *cured with funds in this Act or prior Acts making appro-*
3 *priations for foreign operations, export financing, and re-*
4 *lated programs, is used to aid or abet the operations of any*
5 *illegal self-defense group, paramilitary organization, illegal*
6 *security cooperative or successor organizations in Colombia,*
7 *such helicopter shall be immediately returned to the United*
8 *States: Provided further, That no United States Armed*
9 *Forces personnel or United States civilian contractor em-*
10 *ployed by the United States will participate in any combat*
11 *operation in connection with assistance made available by*
12 *this Act for Colombia: Provided further, That rotary and*
13 *fixed wing aircraft supported with funds appropriated*
14 *under this heading for assistance for Colombia may be used*
15 *for aerial or manual drug eradication and interdiction in-*
16 *cluding to transport personnel and supplies and to provide*
17 *security for such operations, and to provide transport in*
18 *support of alternative development programs and investiga-*
19 *tions of cases under the jurisdiction of the Attorney General,*
20 *the Procuraduria General de la Nacion, and the Defensoria*
21 *del Pueblo: Provided further, That of the funds appro-*
22 *priated under this heading that are available for Colombia,*
23 *up to \$2,500,000 shall be transferred to, and merged with,*
24 *funds appropriated under the heading “Foreign Military*
25 *Financing Program” and shall be made available only for*

1 *assistance for the Colombian Armed Forces to provide secu-*
2 *rity for manual eradication programs and up to \$2,500,000*
3 *shall be transferred to, and merged with, funds appro-*
4 *riated under the heading “International Narcotics Control*
5 *and Law Enforcement” and shall be made available only*
6 *for assistance for the Colombian National Police to provide*
7 *security for manual eradication programs: Provided fur-*
8 *ther, That of the funds available for the Colombian national*
9 *police for the procurement of chemicals for aerial coca and*
10 *poppy eradication programs, not more than 20 percent of*
11 *such funds may be made available for such eradication pro-*
12 *grams unless the Secretary of State certifies to the Commit-*
13 *tees on Appropriations that: (1) the herbicide is being used*
14 *in accordance with EPA label requirements for comparable*
15 *use in the United States and with Colombian laws; and*
16 *(2) the herbicide, in the manner it is being used, does not*
17 *pose unreasonable risks or adverse effects to humans or the*
18 *environment including endemic species: Provided further,*
19 *That such funds may not be made available unless the Sec-*
20 *retary of State certifies to the Committees on Appropria-*
21 *tions that complaints of harm to health or licit crops caused*
22 *by such aerial eradication are thoroughly evaluated and*
23 *fair compensation is being paid in a timely manner for*
24 *meritorious claims: Provided further, That the Secretary*
25 *shall submit a report to the Committees on Appropriations*

1 *detailing all claims, evaluations, and compensation paid*
2 *during the twelve month period prior to the date of enact-*
3 *ment of this Act: Provided further, That such funds may*
4 *not be made available for such purposes unless programs*
5 *are being implemented by United States Agency for Inter-*
6 *national Development, the Government of Colombia, or*
7 *other organizations, in consultation and coordination with*
8 *local communities, to provide alternative sources of income*
9 *in areas where security permits for small-acreage growers*
10 *and communities whose illicit crops are targeted for aerial*
11 *eradication: Provided further, That none of the funds ap-*
12 *propriated by this Act shall be made available for the cul-*
13 *tivation or processing of African oil palm, if doing so would*
14 *contribute to significant loss of native species, disrupt or*
15 *contaminate natural water sources, reduce local food secu-*
16 *rity, or cause the forced displacement of local people: Pro-*
17 *vided further, That funds appropriated by this Act may be*
18 *used for aerial eradication in Colombia's national parks*
19 *or reserves only if the Secretary of State certifies to the*
20 *Committees on Appropriations on a case-by-case basis that*
21 *there are no effective alternatives and the eradication is*
22 *conducted in accordance with Colombian laws: Provided*
23 *further, That funds appropriated under this heading that*
24 *are made available for assistance for the Bolivian military*
25 *and police may be made available for such purposes only*

1 *if the Secretary of State certifies to the Committees on Ap-*
2 *propriations that the Bolivian military and police are re-*
3 *specting human rights and cooperating fully with investiga-*
4 *tions and prosecutions by civilian judicial authorities of*
5 *military and police personnel who have been implicated in*
6 *gross violations of human rights: Provided further, That of*
7 *the funds appropriated under this heading, not more than*
8 *\$17,000,000 may be available for administrative expenses*
9 *of the Department of State, and not more than \$7,800,000*
10 *may be available, in addition to amounts otherwise avail-*
11 *able for such purposes, for administrative expenses of the*
12 *United States Agency for International Development.*

13 *MIGRATION AND REFUGEE ASSISTANCE*

14 *For expenses, not otherwise provided for, necessary to*
15 *enable the Secretary of State to provide, as authorized by*
16 *law, a contribution to the International Committee of the*
17 *Red Cross, assistance to refugees, including contributions*
18 *to the International Organization for Migration and the*
19 *United Nations High Commissioner for Refugees, and other*
20 *activities to meet refugee and migration needs; salaries and*
21 *expenses of personnel and dependents as authorized by the*
22 *Foreign Service Act of 1980; allowances as authorized by*
23 *sections 5921 through 5925 of title 5, United States Code;*
24 *purchase and hire of passenger motor vehicles; and services*
25 *as authorized by section 3109 of title 5, United States Code,*
26 *\$1,029,900,000, to remain available until expended: Pro-*

1 *vided, That not more than \$23,000,000 may be available*
2 *for administrative expenses: Provided further, That not less*
3 *than \$40,000,000 of the funds made available under this*
4 *heading shall be made available for refugees resettling in*
5 *Israel: Provided further, That funds made available under*
6 *this heading shall be made available for assistance for refu-*
7 *gees from North Korea: Provided further, That of the*
8 *amount provided by this paragraph, \$200,000,000 is des-*
9 *ignated as described in section 5 (in the matter preceding*
10 *division A of this consolidated Act).*

11 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*
12 *ASSISTANCE FUND*

13 *For necessary expenses to carry out the provisions of*
14 *section 2(c) of the Migration and Refugee Assistance Act*
15 *of 1962, as amended (22 U.S.C. 2601(c)), \$45,000,000, to*
16 *remain available until expended.*

17 *NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND*
18 *RELATED PROGRAMS*

19 *For necessary expenses for nonproliferation, anti-ter-*
20 *rorism, demining and related programs and activities,*
21 *\$487,000,000, to carry out the provisions of chapter 8 of*
22 *part II of the Foreign Assistance Act of 1961 for anti-ter-*
23 *rorism assistance, chapter 9 of part II of the Foreign Assist-*
24 *ance Act of 1961, section 504 of the FREEDOM Support*
25 *Act, section 23 of the Arms Export Control Act or the For-*
26 *eign Assistance Act of 1961 for demining activities, the*

1 *clearance of unexploded ordnance, the destruction of small*
2 *arms, and related activities, notwithstanding any other*
3 *provision of law, including activities implemented through*
4 *nongovernmental and international organizations, and sec-*
5 *tion 301 of the Foreign Assistance Act of 1961 for a vol-*
6 *untary contribution to the International Atomic Energy*
7 *Agency (IAEA), and for a United States contribution to*
8 *the Comprehensive Nuclear Test Ban Treaty Preparatory*
9 *Commission: Provided, That of this amount not to exceed*
10 *\$34,000,000, to remain available until expended, may be*
11 *made available for the Nonproliferation and Disarmament*
12 *Fund, notwithstanding any other provision of law, to pro-*
13 *mote bilateral and multilateral activities relating to non-*
14 *proliferation and disarmament: Provided further, That*
15 *such funds may also be used for such countries other than*
16 *the Independent States of the former Soviet Union and*
17 *international organizations when it is in the national secu-*
18 *rity interest of the United States to do so: Provided further,*
19 *That of the funds appropriated under this heading, not less*
20 *than \$26,000,000 shall be made available for the Biosecu-*
21 *rity Engagement Program: Provided further, That funds*
22 *appropriated under this heading may be made available for*
23 *the International Atomic Energy Agency only if the Sec-*
24 *retary of State determines (and so reports to the Congress)*
25 *that Israel is not being denied its right to participate in*

1 *the activities of that Agency: Provided further, That of the*
2 *funds made available for demining and related activities,*
3 *not to exceed \$700,000, in addition to funds otherwise*
4 *available for such purposes, may be used for administrative*
5 *expenses related to the operation and management of the*
6 *demining program: Provided further, That funds appro-*
7 *priated under this heading that are available for “Anti-ter-*
8 *rorism Assistance” and “Export Control and Border Secu-*
9 *urity” shall remain available until September 30, 2009.*

10 *DEPARTMENT OF THE TREASURY*

11 *INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE*

12 *For necessary expenses to carry out the provisions of*
13 *section 129 of the Foreign Assistance Act of 1961,*
14 *\$20,400,000, to remain available until September 30, 2010,*
15 *which shall be available notwithstanding any other provi-*
16 *sion of law.*

17 *DEBT RESTRUCTURING*

18 *For the cost, as defined in section 502 of the Congres-*
19 *sional Budget Act of 1974, of modifying loans and loan*
20 *guarantees, as the President may determine, for which*
21 *funds have been appropriated or otherwise made available*
22 *for programs within the International Affairs Budget Func-*
23 *tion 150, including the cost of selling, reducing, or canceling*
24 *amounts owed to the United States as a result of*
25 *concessional loans made to eligible countries, pursuant to*
26 *parts IV and V of the Foreign Assistance Act of 1961, of*

1 *modifying concessional credit agreements with least devel-*
2 *oped countries, as authorized under section 411 of the Agri-*
3 *cultural Trade Development and Assistance Act of 1954, as*
4 *amended, of concessional loans, guarantees and credit*
5 *agreements, as authorized under section 572 of the Foreign*
6 *Operations, Export Financing, and Related Programs Ap-*
7 *propriations Act, 1989 (Public Law 100–461), and of can-*
8 *celing amounts owed, as a result of loans or guarantees*
9 *made pursuant to the Export-Import Bank Act of 1945, by*
10 *countries that are eligible for debt reduction pursuant to*
11 *title V of H.R. 3425 as enacted into law by section*
12 *1000(a)(5) of Public Law 106–113, \$30,300,000, to remain*
13 *available until September 30, 2010: Provided, That not less*
14 *than \$20,000,000 of the funds appropriated under this*
15 *heading shall be made available to carry out the provisions*
16 *of part V of the Foreign Assistance Act of 1961: Provided*
17 *further, That amounts paid to the HIPC Trust Fund may*
18 *be used only to fund debt reduction under the enhanced*
19 *HIPC initiative by—*

20 (1) *the Inter-American Development Bank;*

21 (2) *the African Development Fund;*

22 (3) *the African Development Bank; and*

23 (4) *the Central American Bank for Economic In-*
24 *tegration:*

1 *Provided further, That funds may not be paid to the HIPC*
2 *Trust Fund for the benefit of any country if the Secretary*
3 *of State has credible evidence that the government of such*
4 *country is engaged in a consistent pattern of gross viola-*
5 *tions of internationally recognized human rights or in mili-*
6 *tary or civil conflict that undermines its ability to develop*
7 *and implement measures to alleviate poverty and to devote*
8 *adequate human and financial resources to that end: Pro-*
9 *vided further, That on the basis of final appropriations, the*
10 *Secretary of the Treasury shall consult with the Committees*
11 *on Appropriations concerning which countries and inter-*
12 *national financial institutions are expected to benefit from*
13 *a United States contribution to the HIPC Trust Fund dur-*
14 *ing the fiscal year: Provided further, That the Secretary of*
15 *the Treasury shall inform the Committees on Appropria-*
16 *tions not less than 15 days in advance of the signature of*
17 *an agreement by the United States to make payments to*
18 *the HIPC Trust Fund of amounts for such countries and*
19 *institutions: Provided further, That the Secretary of the*
20 *Treasury may disburse funds designated for debt reduction*
21 *through the HIPC Trust Fund only for the benefit of coun-*
22 *tries that—*

23 (1) *have committed, for a period of 24 months,*
24 *not to accept new market-rate loans from the inter-*
25 *national financial institution receiving debt repay-*

1 *ment as a result of such disbursement, other than*
2 *loans made by such institutions to export-oriented*
3 *commercial projects that generate foreign exchange*
4 *which are generally referred to as “enclave” loans;*
5 *and*

6 *(2) have documented and demonstrated their*
7 *commitment to redirect their budgetary resources*
8 *from international debt repayments to programs to*
9 *alleviate poverty and promote economic growth that*
10 *are additional to or expand upon those previously*
11 *available for such purposes:*

12 *Provided further, That any limitation of subsection (e) of*
13 *section 411 of the Agricultural Trade Development and As-*
14 *sistance Act of 1954 shall not apply to funds appropriated*
15 *under this heading: Provided further, That none of the*
16 *funds made available under this heading in this or any*
17 *other appropriations Act shall be made available for Sudan*
18 *or Burma unless the Secretary of the Treasury determines*
19 *and notifies the Committees on Appropriations that a*
20 *democratically elected government has taken office.*

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TITLE IV

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$85,877,000, of which up to \$3,000,000 may remain available until expended: Provided, That funds appropriated under this heading shall not be available for Equatorial Guinea: Provided further, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Guinea, Libya, and Nepal may be made available only for expanded international military education and training: Provided further, That funds made available under this heading in the second proviso and for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Sri Lanka, Ethiopia, Bangladesh, Libya, Angola, and Nigeria may only be provided through the regular notification procedures of the

1 *Committees on Appropriations and any such notification*
2 *shall include a detailed description of proposed activities.*

3 *FOREIGN MILITARY FINANCING PROGRAM*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For expenses necessary for grants to enable the Presi-*
6 *dent to carry out the provisions of section 23 of the Arms*
7 *Export Control Act, \$4,588,325,000: Provided, That of the*
8 *funds appropriated under this heading, not less than*
9 *\$2,400,000,000 shall be available for grants only for Israel,*
10 *and not less than \$1,300,000,000 shall be made available*
11 *for grants only for Egypt: Provided further, That the funds*
12 *appropriated by this paragraph for Israel shall be disbursed*
13 *within 30 days of the enactment of this Act: Provided fur-*
14 *ther, That to the extent that the Government of Israel re-*
15 *quests that funds be used for such purposes, grants made*
16 *available for Israel by this paragraph shall, as agreed by*
17 *Israel and the United States, be available for advanced*
18 *weapons systems, of which not less than \$631,200,000 shall*
19 *be available for the procurement in Israel of defense articles*
20 *and defense services, including research and development:*
21 *Provided further, That of the funds appropriated by this*
22 *paragraph, \$300,000,000 shall be made available for assist-*
23 *ance for Jordan: Provided further, That of the funds appro-*
24 *priated under this heading, not more than \$53,000,000*
25 *shall be available for Colombia, of which \$5,000,000 should*
26 *be made available for medical and rehabilitation assistance,*

1 *removal of landmines, and to enhance communications ca-*
2 *pabilities: Provided further, That of the funds appropriated*
3 *under this heading, \$3,655,000 may be made available for*
4 *assistance for Morocco, and an additional \$1,000,000 may*
5 *be made available if the Secretary of State certifies to the*
6 *Committees on Appropriations that the Government of Mo-*
7 *rocco is continuing to make progress on human rights, and*
8 *is allowing all persons to advocate freely their views regard-*
9 *ing the status and future of the Western Sahara through*
10 *the exercise of their rights to peaceful expression, association*
11 *and assembly and to document violations of human rights*
12 *in that territory without harassment: Provided further,*
13 *That funds appropriated or otherwise made available by*
14 *this paragraph shall be nonrepayable notwithstanding any*
15 *requirement in section 23 of the Arms Export Control Act:*
16 *Provided further, That funds made available under this*
17 *paragraph shall be obligated upon apportionment in ac-*
18 *cordance with paragraph (5)(C) of title 31, United States*
19 *Code, section 1501(a): Provided further, That \$4,000,000 of*
20 *the funds appropriated under this heading shall be trans-*
21 *ferred to and merged with funds appropriated under the*
22 *heading "Diplomatic and Consular Programs" to be made*
23 *available to the Bureau of Democracy, Human Rights and*
24 *Labor, Department of State, to ensure adequate monitoring*
25 *of the uses of assistance made available under this heading*

1 *in countries where such monitoring is most needed, in addi-*
2 *tion to amounts otherwise available for such purposes.*

3 *None of the funds made available under this heading*
4 *shall be available to finance the procurement of defense arti-*
5 *cles, defense services, or design and construction services*
6 *that are not sold by the United States Government under*
7 *the Arms Export Control Act unless the foreign country pro-*
8 *posing to make such procurements has first signed an agree-*
9 *ment with the United States Government specifying the*
10 *conditions under which such procurements may be financed*
11 *with such funds: Provided, That all country and funding*
12 *level increases in allocations shall be submitted through the*
13 *regular notification procedures of section 615 of this Act:*
14 *Provided further, That none of the funds appropriated*
15 *under this heading shall be available for assistance for*
16 *Sudan: Provided further, That none of the funds appro-*
17 *priated under this heading may be made available for as-*
18 *sistance for Haiti, Guatemala, Nepal, Sri Lanka, Pakistan,*
19 *Bangladesh, Philippines, Indonesia, Bosnia and*
20 *Herzegovina, Ethiopia, and Democratic Republic of the*
21 *Congo except pursuant to the regular notification proce-*
22 *dures of the Committees on Appropriations: Provided fur-*
23 *ther, That funds made available under this heading may*
24 *be used, notwithstanding any other provision of law, for*
25 *demining, the clearance of unexploded ordnance, and re-*

1 *lated activities, and may include activities implemented*
2 *through nongovernmental and international organizations:*
3 *Provided further, That only those countries for which assist-*
4 *ance was justified for the “Foreign Military Sales Financ-*
5 *ing Program” in the fiscal year 1989 congressional presen-*
6 *tation for security assistance programs may utilize funds*
7 *made available under this heading for procurement of de-*
8 *fense articles, defense services or design and construction*
9 *services that are not sold by the United States Government*
10 *under the Arms Export Control Act: Provided further, That*
11 *funds appropriated under this heading shall be expended*
12 *at the minimum rate necessary to make timely payment*
13 *for defense articles and services: Provided further, That not*
14 *more than \$41,900,000 of the funds appropriated under this*
15 *heading may be obligated for necessary expenses, including*
16 *the purchase of passenger motor vehicles for replacement*
17 *only for use outside of the United States, for the general*
18 *costs of administering military assistance and sales: Pro-*
19 *vided further, That not more than \$395,000,000 of funds*
20 *realized pursuant to section 21(e)(1)(A) of the Arms Export*
21 *Control Act may be obligated for expenses incurred by the*
22 *Department of Defense during fiscal year 2008 pursuant*
23 *to section 43(b) of the Arms Export Control Act, except that*
24 *this limitation may be exceeded only through the regular*
25 *notification procedures of the Committees on Appropria-*

1 tions: *Provided further, That foreign military financing*
2 *program funds estimated to be outlayed for Egypt during*
3 *fiscal year 2008 shall be transferred to an interest bearing*
4 *account for Egypt in the Federal Reserve Bank of New York*
5 *within 30 days of enactment of this Act: Provided further,*
6 *That of the amount provided by this paragraph,*
7 *\$100,000,000 is designated as described in section 5 (in the*
8 *matter preceding division A of this consolidated Act).*

9 *PEACEKEEPING OPERATIONS*

10 *For necessary expenses to carry out the provisions of*
11 *section 551 of the Foreign Assistance Act of 1961,*
12 *\$263,230,000: Provided, That of the funds made available*
13 *under this heading, not less than \$25,000,000 shall be made*
14 *available for a United States contribution to the Multi-*
15 *national Force and Observers mission in the Sinai: Pro-*
16 *vided further, That none of the funds appropriated under*
17 *this heading shall be obligated or expended except as pro-*
18 *vided through the regular notification procedures of the*
19 *Committees on Appropriations: Provided further, That of*
20 *the amount provided by this paragraph, \$35,000,000 is des-*
21 *ignated as described in section 5 (in the matter preceding*
22 *division A of this consolidated Act).*

1 *ment Bank Act, as amended, \$75,153,000, to remain avail-*
2 *able until expended.*

3 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK*

4 *For payment to the African Development Bank by the*
5 *Secretary of the Treasury, \$2,037,000, for the United States*
6 *paid-in share of the increase in capital stock, to remain*
7 *available until expended.*

8 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

9 *The United States Governor of the African Develop-*
10 *ment Bank may subscribe without fiscal year limitation for*
11 *the callable capital portion of the United States share of*
12 *such capital stock in an amount not to exceed \$31,918,770.*

13 *CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND*

14 *For the United States contribution by the Secretary*
15 *of the Treasury to the increase in resources of the African*
16 *Development Fund, \$135,684,000, to remain available until*
17 *expended.*

18 *CONTRIBUTION TO THE EUROPEAN BANK FOR*

19 *RECONSTRUCTION AND DEVELOPMENT*

20 *For payment to the European Bank for Reconstruction*
21 *and Development by the Secretary of the Treasury, \$10,159*
22 *for the United States share of the paid-in portion of the*
23 *increase in capital stock, to remain available until ex-*
24 *pended.*

1 *CONTRIBUTION TO THE INTERNATIONAL FUND FOR*
2 *AGRICULTURAL DEVELOPMENT*

3 *For the United States contribution by the Secretary*
4 *of the Treasury to increase the resources of the International*
5 *Fund for Agricultural Development, \$18,072,000, to remain*
6 *available until expended.*

7 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

8 *For necessary expenses to carry out the provisions of*
9 *section 301 of the Foreign Assistance Act of 1961, and of*
10 *section 2 of the United Nations Environment Program Par-*
11 *ticipation Act of 1973, \$319,485,000.*

12 *TITLE VI*

13 *GENERAL PROVISIONS*

14 *COMPENSATION FOR UNITED STATES EXECUTIVE*

15 *DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS*

16 *SEC. 601. (a) No funds appropriated in titles II*
17 *through V of this Act may be made as payment to any*
18 *international financial institution while the United States*
19 *Executive Director to such institution is compensated by*
20 *the institution at a rate which, together with whatever com-*
21 *pensation such Director receives from the United States, is*
22 *in excess of the rate provided for an individual occupying*
23 *a position at level IV of the Executive Schedule under sec-*
24 *tion 5315 of title 5, United States Code, or while any alter-*
25 *nate United States Director to such institution is com-*
26 *pensated by the institution at a rate in excess of the rate*

1 *provided for an individual occupying a position at level*
2 *V of the Executive Schedule under section 5316 of title 5,*
3 *United States Code.*

4 *(b) For purposes of this section “international finan-*
5 *cial institutions” are: the International Bank for Recon-*
6 *struction and Development, the Inter-American Develop-*
7 *ment Bank, the Asian Development Bank, the Asian Devel-*
8 *opment Fund, the African Development Bank, the African*
9 *Development Fund, the International Monetary Fund, the*
10 *North American Development Bank, and the European*
11 *Bank for Reconstruction and Development.*

12 *RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS*

13 *SEC. 602. None of the funds appropriated or otherwise*
14 *made available under any title of this Act may be made*
15 *available to make any assessed contribution or voluntary*
16 *payment of the United States to the United Nations if the*
17 *United Nations implements or imposes any taxation on any*
18 *United States persons.*

19 *LIMITATION ON RESIDENCE EXPENSES*

20 *SEC. 603. Of the funds appropriated or made available*
21 *pursuant to title III of this Act, not to exceed \$100,500 shall*
22 *be for official residence expenses of the United States Agency*
23 *for International Development during the current fiscal*
24 *year: Provided, That appropriate steps shall be taken to as-*
25 *sure that, to the maximum extent possible, United States-*
26 *owned foreign currencies are utilized in lieu of dollars.*

1 *further, That of the funds made available by this Act under*
2 *the heading “International Military Education and Train-*
3 *ing”, not to exceed \$55,000 shall be available for entertain-*
4 *ment allowances: Provided further, That of the funds made*
5 *available by this Act for the Inter-American Foundation,*
6 *not to exceed \$3,000 shall be available for entertainment*
7 *and representation allowances: Provided further, That of*
8 *the funds made available by this Act for the Peace Corps,*
9 *not to exceed a total of \$4,000 shall be available for enter-*
10 *tainment expenses: Provided further, That of the funds*
11 *made available by this Act under the heading “Trade and*
12 *Development Agency”, not to exceed \$4,000 shall be avail-*
13 *able for representation and entertainment allowances: Pro-*
14 *vided further, That of the funds made available by this Act*
15 *under the heading “Millennium Challenge Corporation”,*
16 *not to exceed \$115,000 shall be available for representation*
17 *and entertainment allowances.*

18 *PROHIBITION ON TAXATION OF UNITED STATES*

19 *ASSISTANCE*

20 *SEC. 606. (a) PROHIBITION ON TAXATION.—None of*
21 *the funds appropriated under titles II through V of this Act*
22 *may be made available to provide assistance for a foreign*
23 *country under a new bilateral agreement governing the*
24 *terms and conditions under which such assistance is to be*
25 *provided unless such agreement includes a provision stating*
26 *that assistance provided by the United States shall be ex-*

1 *empt from taxation, or reimbursed, by the foreign govern-*
2 *ment, and the Secretary of State shall expeditiously seek*
3 *to negotiate amendments to existing bilateral agreements,*
4 *as necessary, to conform with this requirement.*

5 **(b) REIMBURSEMENT OF FOREIGN TAXES.**—*An*
6 *amount equivalent to 200 percent of the total taxes assessed*
7 *during fiscal year 2008 on funds appropriated by this Act*
8 *by a foreign government or entity against commodities fi-*
9 *nanced under United States assistance programs for which*
10 *funds are appropriated by this Act, either directly or*
11 *through grantees, contractors and subcontractors shall be*
12 *withheld from obligation from funds appropriated for as-*
13 *sistance for fiscal year 2009 and allocated for the central*
14 *government of such country and for the West Bank and*
15 *Gaza Program to the extent that the Secretary of State cer-*
16 *tifies and reports in writing to the Committees on Appro-*
17 *priations that such taxes have not been reimbursed to the*
18 *Government of the United States.*

19 **(c) DE MINIMIS EXCEPTION.**—*Foreign taxes of a de*
20 *minimis nature shall not be subject to the provisions of sub-*
21 *section (b).*

22 **(d) REPROGRAMMING OF FUNDS.**—*Funds withheld*
23 *from obligation for each country or entity pursuant to sub-*
24 *section (b) shall be reprogrammed for assistance to countries*
25 *which do not assess taxes on United States assistance or*

1 *which have an effective arrangement that is providing sub-*
2 *stantial reimbursement of such taxes.*

3 *(e) DETERMINATIONS.—*

4 *(1) The provisions of this section shall not apply*
5 *to any country or entity the Secretary of State deter-*
6 *mines—*

7 *(A) does not assess taxes on United States*
8 *assistance or which has an effective arrangement*
9 *that is providing substantial reimbursement of*
10 *such taxes; or*

11 *(B) the foreign policy interests of the United*
12 *States outweigh the policy of this section to en-*
13 *sure that United States assistance is not subject*
14 *to taxation.*

15 *(2) The Secretary of State shall consult with the*
16 *Committees on Appropriations at least 15 days prior*
17 *to exercising the authority of this subsection with re-*
18 *gard to any country or entity.*

19 *(f) IMPLEMENTATION.—The Secretary of State shall*
20 *issue rules, regulations, or policy guidance, as appropriate,*
21 *to implement the prohibition against the taxation of assist-*
22 *ance contained in this section.*

23 *(g) DEFINITIONS.—As used in this section—*

24 *(1) the terms “taxes” and “taxation” refer to*
25 *value added taxes and customs duties imposed on*

1 *commodities financed with United States assistance*
2 *for programs for which funds are appropriated by*
3 *this Act; and*

4 *(2) the term “bilateral agreement” refers to a*
5 *framework bilateral agreement between the Govern-*
6 *ment of the United States and the government of the*
7 *country receiving assistance that describes the privi-*
8 *leges and immunities applicable to United States for-*
9 *foreign assistance for such country generally, or an indi-*
10 *vidual agreement between the Government of the*
11 *United States and such government that describes,*
12 *among other things, the treatment for tax purposes*
13 *that will be accorded the United States assistance*
14 *provided under that agreement.*

15 *PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN*

16 *COUNTRIES*

17 *SEC. 607. None of the funds appropriated or otherwise*
18 *made available pursuant to this Act shall be obligated or*
19 *expended to finance directly any assistance or reparations*
20 *to Cuba, North Korea, Iran, or Syria: Provided, That for*
21 *purposes of this section, the prohibition on obligations or*
22 *expenditures shall include direct loans, credits, insurance*
23 *and guarantees of the Export-Import Bank or its agents.*

24 *MILITARY COUPS*

25 *SEC. 608. None of the funds appropriated or otherwise*
26 *made available pursuant to titles II through V of this Act*

1 *shall be obligated or expended to finance directly any assist-*
2 *ance to the government of any country whose duly elected*
3 *head of government is deposed by military coup or decree:*
4 *Provided, That assistance may be resumed to such govern-*
5 *ment if the President determines and certifies to the Com-*
6 *mittees on Appropriations that subsequent to the termi-*
7 *nation of assistance a democratically elected government*
8 *has taken office: Provided further, That the provisions of*
9 *this section shall not apply to assistance to promote demo-*
10 *cratic elections or public participation in democratic proc-*
11 *esses: Provided further, That funds made available pursu-*
12 *ant to the previous provisos shall be subject to the regular*
13 *notification procedures of the Committees on Appropria-*
14 *tions.*

15 *TRANSFER AUTHORITY*

16 *SEC. 609. (a) DEPARTMENT OF STATE AND BROAD-*
17 *CASTING BOARD OF GOVERNORS.—Not to exceed 5 percent*
18 *of any appropriation made available for the current fiscal*
19 *year for the Department of State under title I of this Act*
20 *may be transferred between such appropriations, but no*
21 *such appropriation, except as otherwise specifically pro-*
22 *vided, shall be increased by more than 10 percent by any*
23 *such transfers: Provided, That not to exceed 5 percent of*
24 *any appropriation made available for the current fiscal*
25 *year for the Broadcasting Board of Governors under title*
26 *I of this Act may be transferred between such appropria-*

1 tions, but no such appropriation, except as otherwise spe-
2 cifically provided, shall be increased by more than 10 per-
3 cent by any such transfers: Provided further, That any
4 transfer pursuant to this section shall be treated as a re-
5 programming of funds under section 615 (a) and (b) of this
6 Act and shall not be available for obligation or expenditure
7 except in compliance with the procedures set forth in that
8 section.

9 (b) *EXPORT FINANCING TRANSFER AUTHORITIES.*—
10 Not to exceed 5 percent of any appropriation other than
11 for administrative expenses made available for fiscal year
12 2008, for programs under title II of this Act may be trans-
13 ferred between such appropriations for use for any of the
14 purposes, programs, and activities for which the funds in
15 such receiving account may be used, but no such appropria-
16 tion, except as otherwise specifically provided, shall be in-
17 creased by more than 25 percent by any such transfer: Pro-
18 vided, That the exercise of such authority shall be subject
19 to the regular notification procedures of the Committees on
20 Appropriations.

21 (c)(1) *LIMITATION ON TRANSFERS BETWEEN AGEN-*
22 *CIES.*—None of the funds made available under titles II
23 through V of this Act may be transferred to any department,
24 agency, or instrumentality of the United States Govern-
25 ment, except pursuant to a transfer made by, or transfer

1 *authority provided in, this Act or any other appropriation*
2 *Act.*

3 (2) *Notwithstanding paragraph (1), in addition to*
4 *transfers made by, or authorized elsewhere in, this Act,*
5 *funds appropriated by this Act to carry out the purposes*
6 *of the Foreign Assistance Act of 1961 may be allocated or*
7 *transferred to agencies of the United States Government*
8 *pursuant to the provisions of sections 109, 610, and 632*
9 *of the Foreign Assistance Act of 1961.*

10 (d) *TRANSFERS BETWEEN ACCOUNTS.—None of the*
11 *funds made available under titles II through V of this Act*
12 *may be obligated under an appropriation account to which*
13 *they were not appropriated, except for transfers specifically*
14 *provided for in this Act, unless the President provides noti-*
15 *fication in accordance with the regular notification proce-*
16 *dures of the Committees on Appropriations.*

17 (e) *AUDIT OF INTER-AGENCY TRANSFERS.—Any*
18 *agreement for the transfer or allocation of funds appro-*
19 *priated by this Act, or prior Acts, entered into between the*
20 *United States Agency for International Development and*
21 *another agency of the United States Government under the*
22 *authority of section 632(a) of the Foreign Assistance Act*
23 *of 1961 or any comparable provision of law, shall expressly*
24 *provide that the Office of the Inspector General for the agen-*
25 *cy receiving the transfer or allocation of such funds shall*

1 *perform periodic program and financial audits of the use*
2 *of such funds: Provided, That funds transferred under such*
3 *authority may be made available for the cost of such audits.*

4 *COMMERCIAL LEASING OF DEFENSE ARTICLES*

5 *SEC. 610. Notwithstanding any other provision of law,*
6 *and subject to the regular notification procedures of the*
7 *Committees on Appropriations, the authority of section*
8 *23(a) of the Arms Export Control Act may be used to pro-*
9 *vide financing to Israel, Egypt and NATO and major non-*
10 *NATO allies for the procurement by leasing (including leas-*
11 *ing with an option to purchase) of defense articles from*
12 *United States commercial suppliers, not including Major*
13 *Defense Equipment (other than helicopters and other types*
14 *of aircraft having possible civilian application), if the*
15 *President determines that there are compelling foreign pol-*
16 *icy or national security reasons for those defense articles*
17 *being provided by commercial lease rather than by govern-*
18 *ment-to-government sale under such Act.*

19 *AVAILABILITY OF FUNDS*

20 *SEC. 611. No part of any appropriation contained in*
21 *this Act shall remain available for obligation after the expi-*
22 *ration of the current fiscal year unless expressly so provided*
23 *in this Act: Provided, That funds appropriated for the pur-*
24 *poses of chapters 1, 8, 11, and 12 of part I, section 661,*
25 *section 667, chapters 4, 5, 6, 8, and 9 of part II of the*
26 *Foreign Assistance Act of 1961, section 23 of the Arms Ex-*

1 port Control Act, and funds provided under the headings
2 “Assistance for Eastern Europe and the Baltic States” and
3 “Development Credit Authority”, shall remain available for
4 an additional 4 years from the date on which the avail-
5 ability of such funds would otherwise have expired, if such
6 funds are initially obligated before the expiration of their
7 respective periods of availability contained in this Act: Pro-
8 vided further, That, notwithstanding any other provision
9 of this Act, any funds made available for the purposes of
10 chapter 1 of part I and chapter 4 of part II of the Foreign
11 Assistance Act of 1961 which are allocated or obligated for
12 cash disbursements in order to address balance of payments
13 or economic policy reform objectives, shall remain available
14 until expended.

15 *LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT*

16 *SEC. 612. No part of any appropriation provided*
17 *under titles II through V in this Act shall be used to furnish*
18 *assistance to the government of any country which is in*
19 *default during a period in excess of one calendar year in*
20 *payment to the United States of principal or interest on*
21 *any loan made to the government of such country by the*
22 *United States pursuant to a program for which funds are*
23 *appropriated under this Act unless the President deter-*
24 *mines, following consultations with the Committees on Ap-*
25 *propriations, that assistance to such country is in the na-*
26 *tional interest of the United States.*

COMMERCE AND TRADE

1
2 *SEC. 613. (a) None of the funds appropriated or made*
3 *available pursuant to titles II through V of this Act for di-*
4 *rect assistance and none of the funds otherwise made avail-*
5 *able to the Export-Import Bank and the Overseas Private*
6 *Investment Corporation shall be obligated or expended to*
7 *finance any loan, any assistance or any other financial*
8 *commitments for establishing or expanding production of*
9 *any commodity for export by any country other than the*
10 *United States, if the commodity is likely to be in surplus*
11 *on world markets at the time the resulting productive ca-*
12 *capacity is expected to become operative and if the assistance*
13 *will cause substantial injury to United States producers of*
14 *the same, similar, or competing commodity: Provided, That*
15 *such prohibition shall not apply to the Export-Import Bank*
16 *if in the judgment of its Board of Directors the benefits to*
17 *industry and employment in the United States are likely*
18 *to outweigh the injury to United States producers of the*
19 *same, similar, or competing commodity, and the Chairman*
20 *of the Board so notifies the Committees on Appropriations.*

21 *(b) None of the funds appropriated by this or any other*
22 *Act to carry out chapter 1 of part I of the Foreign Assist-*
23 *ance Act of 1961 shall be available for any testing or breed-*
24 *ing feasibility study, variety improvement or introduction,*
25 *consultancy, publication, conference, or training in connec-*

1 *tion with the growth or production in a foreign country*
2 *of an agricultural commodity for export which would com-*
3 *pete with a similar commodity grown or produced in the*
4 *United States: Provided, That this subsection shall not pro-*
5 *hibit—*

6 *(1) activities designed to increase food security*
7 *in developing countries where such activities will not*
8 *have a significant impact on the export of agricul-*
9 *tural commodities of the United States; or*

10 *(2) research activities intended primarily to ben-*
11 *efit American producers.*

12 *SURPLUS COMMODITIES*

13 *SEC. 614. The Secretary of the Treasury shall instruct*
14 *the United States Executive Directors of the International*
15 *Bank for Reconstruction and Development, the Inter-*
16 *national Development Association, the International Fi-*
17 *nance Corporation, the Inter-American Development Bank,*
18 *the International Monetary Fund, the Asian Development*
19 *Bank, the Inter-American Investment Corporation, the*
20 *North American Development Bank, the European Bank for*
21 *Reconstruction and Development, the African Development*
22 *Bank, and the African Development Fund to use the voice*
23 *and vote of the United States to oppose any assistance by*
24 *these institutions, using funds appropriated or made avail-*
25 *able pursuant to titles II through V of this Act, for the pro-*
26 *duction or extraction of any commodity or mineral for ex-*

1 port, if it is in surplus on world markets and if the assist-
2 ance will cause substantial injury to United States pro-
3 ducers of the same, similar, or competing commodity.

4 REPROGRAMMING NOTIFICATION REQUIREMENTS

5 SEC. 615. (a) None of the funds made available in title
6 I of this Act, or in prior appropriations Acts to the agencies
7 and departments funded by this Act that remain available
8 for obligation or expenditure in fiscal year 2008, or pro-
9 vided from any accounts in the Treasury of the United
10 States derived by the collection of fees or of currency reflows
11 or other offsetting collections, or made available by transfer,
12 to the agencies and departments funded by this Act, shall
13 be available for obligation or expenditure through a re-
14 programming of funds that: (1) creates new programs; (2)
15 eliminates a program, project, or activity; (3) increases
16 funds or personnel by any means for any project or activity
17 for which funds have been denied or restricted; (4) relocates
18 an office or employees; (5) closes or opens a mission or post;
19 (6) reorganizes or renames offices; (7) reorganizes programs
20 or activities; or (8) contracts out or privatizes any functions
21 or activities presently performed by Federal employees; un-
22 less the Committees on Appropriations are notified 15 days
23 in advance of such reprogramming of funds.

24 (b) For the purposes of providing the executive branch
25 with the necessary administrative flexibility, none of the
26 funds provided under title I of this Act, or provided under

1 *previous appropriations Acts to the agencies or department*
2 *funded under title I of this Act that remain available for*
3 *obligation or expenditure in fiscal year 2008, or provided*
4 *from any accounts in the Treasury of the United States*
5 *derived by the collection of fees available to the agencies or*
6 *department funded by title I of this Act, shall be available*
7 *for obligation or expenditure for activities, programs, or*
8 *projects through a reprogramming of funds in excess of*
9 *\$750,000 or 10 percent, whichever is less, that: (1) augments*
10 *existing programs, projects, or activities; (2) reduces by 10*
11 *percent funding for any existing program, project, or activ-*
12 *ity, or numbers of personnel by 10 percent as approved by*
13 *Congress; or (3) results from any general savings, including*
14 *savings from a reduction in personnel, which would result*
15 *in a change in existing programs, activities, or projects as*
16 *approved by Congress; unless the Committees on Appropria-*
17 *tions are notified 15 days in advance of such reprogram-*
18 *ming of funds.*

19 *(c) For the purposes of providing the executive branch*
20 *with the necessary administrative flexibility, none of the*
21 *funds made available under titles II through V of this Act*
22 *for “Global Health and Child Survival”, “Development As-*
23 *sistance”, “International Organizations and Programs”,*
24 *“Trade and Development Agency”, “International Nar-*
25 *cotics Control and Law Enforcement”, “Andean*

1 *Counterdrug Programs*”, “*Assistance for Eastern Europe*
2 *and the Baltic States*”, “*Assistance for the Independent*
3 *States of the Former Soviet Union*”, “*Economic Support*
4 *Fund*”, “*Democracy Fund*”, “*Peacekeeping Operations*”,
5 “*Capital Investment Fund*”, “*Operating Expenses of the*
6 *United States Agency for International Development*”,
7 “*Operating Expenses of the United States Agency for Inter-*
8 *national Development Office of Inspector General*”, “*Non-*
9 *proliferation, Anti-terrorism, Demining and Related Pro-*
10 *grams*”, “*Millennium Challenge Corporation*” (by country
11 *only*), “*Foreign Military Financing Program*”, “*Inter-*
12 *national Military Education and Training*”, “*Peace*
13 *Corps*”, and “*Migration and Refugee Assistance*”, shall be
14 *available for obligation for activities, programs, projects,*
15 *type of materiel assistance, countries, or other operations*
16 *not justified or in excess of the amount justified to the Com-*
17 *mittees on Appropriations for obligation under any of these*
18 *specific headings unless the Committees on Appropriations*
19 *of both Houses of Congress are previously notified 15 days*
20 *in advance: Provided, That the President shall not enter*
21 *into any commitment of funds appropriated for the pur-*
22 *poses of section 23 of the Arms Export Control Act for the*
23 *provision of major defense equipment, other than conven-*
24 *tional ammunition, or other major defense items defined*
25 *to be aircraft, ships, missiles, or combat vehicles, not pre-*

1 *viously justified to Congress or 20 percent in excess of the*
2 *quantities justified to Congress unless the Committees on*
3 *Appropriations are notified 15 days in advance of such*
4 *commitment: Provided further, That this subsection shall*
5 *not apply to any reprogramming for an activity, program,*
6 *or project for which funds are appropriated under titles III*
7 *or IV of this Act of less than 10 percent of the amount pre-*
8 *viously justified to the Congress for obligation for such ac-*
9 *tivity, program, or project for the current fiscal year.*

10 *(d) The requirements of this section or any similar*
11 *provision of this Act or any other Act, including any prior*
12 *Act requiring notification in accordance with the regular*
13 *notification procedures of the Committees on Appropria-*
14 *tions, may be waived if failure to do so would pose a sub-*
15 *stantial risk to human health or welfare: Provided, That*
16 *in case of any such waiver, notification to the Congress,*
17 *or the appropriate congressional committees, shall be pro-*
18 *vided as early as practicable, but in no event later than*
19 *3 days after taking the action to which such notification*
20 *requirement was applicable, in the context of the cir-*
21 *cumstances necessitating such waiver: Provided further,*
22 *That any notification provided pursuant to such a waiver*
23 *shall contain an explanation of the emergency cir-*
24 *cumstances.*

1 *LIMITATION ON AVAILABILITY OF FUNDS FOR*
2 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

3 *SEC. 616. Subject to the regular notification proce-*
4 *dures of the Committees on Appropriations, funds appro-*
5 *priated under titles II through V of this Act or any pre-*
6 *viously enacted Act making appropriations for foreign op-*
7 *erations, export financing, and related programs, which are*
8 *returned or not made available for organizations and pro-*
9 *grams because of the implementation of section 307(a) of*
10 *the Foreign Assistance Act of 1961, shall remain available*
11 *for obligation until September 30, 2009: Provided, That sec-*
12 *tion 307(a) of the Foreign Assistance Act of 1961 is amend-*
13 *ed by striking "Libya,".*

14 *INDEPENDENT STATES OF THE FORMER SOVIET UNION*

15 *SEC. 617. (a) None of the funds appropriated under*
16 *the heading "Assistance for the Independent States of the*
17 *Former Soviet Union" shall be made available for assist-*
18 *ance for a government of an Independent State of the former*
19 *Soviet Union if that government directs any action in vio-*
20 *lation of the territorial integrity or national sovereignty of*
21 *any other Independent State of the former Soviet Union,*
22 *such as those violations included in the Helsinki Final Act:*
23 *Provided, That such funds may be made available without*
24 *regard to the restriction in this subsection if the President*
25 *determines that to do so is in the national security interest*
26 *of the United States.*

1 (b) *None of the funds appropriated under the heading*
2 *“Assistance for the Independent States of the Former Soviet*
3 *Union” shall be made available for any state to enhance*
4 *its military capability: Provided, That this restriction does*
5 *not apply to demilitarization, demining or nonproliferation*
6 *programs.*

7 (c) *Funds appropriated under the heading “Assistance*
8 *for the Independent States of the Former Soviet Union” for*
9 *the Russian Federation, Armenia, Kazakhstan, and*
10 *Uzbekistan shall be subject to the regular notification proce-*
11 *dures of the Committees on Appropriations.*

12 (d) *Funds made available in this Act for assistance*
13 *for the Independent States of the former Soviet Union shall*
14 *be subject to the provisions of section 117 (relating to envi-*
15 *ronment and natural resources) of the Foreign Assistance*
16 *Act of 1961.*

17 (e)(1) *Of the funds appropriated under the heading*
18 *“Assistance for the Independent States of the Former Soviet*
19 *Union” that are allocated for assistance for the Government*
20 *of the Russian Federation, 60 percent shall be withheld from*
21 *obligation until the President determines and certifies in*
22 *writing to the Committees on Appropriations that the Gov-*
23 *ernment of the Russian Federation—*

24 (A) *has terminated implementation of arrange-*
25 *ments to provide Iran with technical expertise, train-*

1 *ing, technology, or equipment necessary to develop a*
2 *nuclear reactor, related nuclear research facilities or*
3 *programs, or ballistic missile capability; and*

4 *(B) is providing full access to international non-*
5 *government organizations providing humanitarian*
6 *relief to refugees and internally displaced persons in*
7 *Chechnya.*

8 *(2) Paragraph (1) shall not apply to—*

9 *(A) assistance to combat infectious diseases, child*
10 *survival activities, or assistance for victims of traf-*
11 *ficking in persons; and*

12 *(B) activities authorized under title V (Non-*
13 *proliferation and Disarmament Programs and Activi-*
14 *ties) of the FREEDOM Support Act.*

15 *(f) Section 907 of the FREEDOM Support Act shall*
16 *not apply to—*

17 *(1) activities to support democracy or assistance*
18 *under title V of the FREEDOM Support Act and sec-*
19 *tion 1424 of Public Law 104–201 or non-proliferation*
20 *assistance;*

21 *(2) any assistance provided by the Trade and*
22 *Development Agency under section 661 of the Foreign*
23 *Assistance Act of 1961 (22 U.S.C. 2421);*

1 (3) *any activity carried out by a member of the*
2 *United States and Foreign Commercial Service while*
3 *acting within his or her official capacity;*

4 (4) *any insurance, reinsurance, guarantee or*
5 *other assistance provided by the Overseas Private In-*
6 *vestment Corporation under title IV of chapter 2 of*
7 *part I of the Foreign Assistance Act of 1961 (22*
8 *U.S.C. 2191 et seq.);*

9 (5) *any financing provided under the Export-*
10 *Import Bank Act of 1945; or*

11 (6) *humanitarian assistance.*

12 *PROHIBITION ON FUNDING FOR ABORTIONS AND*

13 *INVOLUNTARY STERILIZATION*

14 *SEC. 618. None of the funds made available to carry*
15 *out part I of the Foreign Assistance Act of 1961, as amend-*
16 *ed, may be used to pay for the performance of abortions*
17 *as a method of family planning or to motivate or coerce*
18 *any person to practice abortions. None of the funds made*
19 *available to carry out part I of the Foreign Assistance Act*
20 *of 1961, as amended, may be used to pay for the perform-*
21 *ance of involuntary sterilization as a method of family*
22 *planning or to coerce or provide any financial incentive*
23 *to any person to undergo sterilizations. None of the funds*
24 *made available to carry out part I of the Foreign Assistance*
25 *Act of 1961, as amended, may be used to pay for any bio-*
26 *medical research which relates in whole or in part, to meth-*

1 *ods of, or the performance of, abortions or involuntary steri-*
2 *lization as a means of family planning. None of the funds*
3 *made available to carry out part I of the Foreign Assistance*
4 *Act of 1961, as amended, may be obligated or expended for*
5 *any country or organization if the President certifies that*
6 *the use of these funds by any such country or organization*
7 *would violate any of the above provisions related to abor-*
8 *tions and involuntary sterilizations.*

9 *ALLOCATIONS*

10 *SEC. 619. (a) Funds provided in this Act for the fol-*
11 *lowing accounts shall be made available for programs and*
12 *countries in the amounts contained in the respective tables*
13 *included in the explanatory statement described in section*
14 *4 (in the matter preceding division A of this consolidated*
15 *Act) accompanying this Act:*

16 *“Educational and Cultural Exchange Pro-*
17 *grams”.*

18 *“American Sections, International Commis-*
19 *sions”.*

20 *“International Broadcasting Operations”.*

21 *“Global Health and Child Survival”.*

22 *“Economic Support Fund”.*

23 *“Assistance for Eastern Europe and the Baltic*
24 *States”.*

25 *“Assistance for the Independent States of the*
26 *Former Soviet Union”.*

1 *“Democracy Fund”.*

2 *“International Narcotics Control and Law En-*
3 *forcement”.*

4 *“Andean Counterdrug Programs”.*

5 *“Nonproliferation, Anti-Terrorism, Demining*
6 *and Related Programs”.*

7 *“Foreign Military Financing Program”.*

8 *“Peacekeeping Operations”.*

9 *“International Organizations and Programs”.*

10 **(b)** *Any proposed increases or decreases to the amounts*
11 *contained in such tables in the explanatory statement de-*
12 *scribed in section 4 (in the matter preceding division A of*
13 *this consolidated Act) shall be subject to the regular notifi-*
14 *cation procedures of the Committees on Appropriations and*
15 *section 634A of the Foreign Assistance Act of 1961.*

16 SPECIAL NOTIFICATION REQUIREMENTS

17 SEC. 620. *None of the funds appropriated under titles*
18 *II through V of this Act shall be obligated or expended for*
19 *assistance for Serbia, Sudan, Zimbabwe, Pakistan, Cuba,*
20 *Iran, Haiti, Libya, Ethiopia, Mexico, Nepal, or Cambodia*
21 *except as provided through the regular notification proce-*
22 *dures of the Committees on Appropriations.*

23 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

24 SEC. 621. *For the purpose of titles II through V of this*
25 *Act “program, project, and activity” shall be defined at the*
26 *appropriations Act account level and shall include all ap-*

1 *propriations and authorizations Acts funding directives,*
2 *ceilings, and limitations with the exception that for the fol-*
3 *lowing accounts: “Economic Support Fund” and “Foreign*
4 *Military Financing Program”, “program, project, and ac-*
5 *tivity” shall also be considered to include country, regional,*
6 *and central program level funding within each such ac-*
7 *count; for the development assistance accounts of the United*
8 *States Agency for International Development “program,*
9 *project, and activity” shall also be considered to include*
10 *central, country, regional, and program level funding, ei-*
11 *ther as: (1) justified to the Congress; or (2) allocated by*
12 *the executive branch in accordance with a report, to be pro-*
13 *vided to the Committees on Appropriations within 30 days*
14 *of the enactment of this Act, as required by section 653(a)*
15 *of the Foreign Assistance Act of 1961.*

16 *GLOBAL HEALTH AND CHILD SURVIVAL ACTIVITIES*

17 *SEC. 622. Up to \$13,500,000 of the funds made avail-*
18 *able by this Act in title III for assistance under the heading*
19 *“Global Health and Child Survival”, may be used to reim-*
20 *burse United States Government agencies, agencies of State*
21 *governments, institutions of higher learning, and private*
22 *and voluntary organizations for the full cost of individuals*
23 *(including for the personal services of such individuals) de-*
24 *tailed or assigned to, or contracted by, as the case may be,*
25 *the United States Agency for International Development for*
26 *the purpose of carrying out activities under that heading:*

1 *Provided, That up to \$3,500,000 of the funds made avail-*
2 *able by this Act for assistance under the heading “Develop-*
3 *ment Assistance” may be used to reimburse such agencies,*
4 *institutions, and organizations for such costs of such indi-*
5 *viduals carrying out other development assistance activi-*
6 *ties: Provided further, That funds appropriated by titles III*
7 *and IV of this Act that are made available for bilateral*
8 *assistance for child survival activities or disease programs*
9 *including activities relating to research on, and the preven-*
10 *tion, treatment and control of, HIV/AIDS may be made*
11 *available notwithstanding any other provision of law except*
12 *for the provisions under the heading “Global Health and*
13 *Child Survival” and the United States Leadership Against*
14 *HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117*
15 *Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided*
16 *further, That of the funds appropriated under title III of*
17 *this Act, not less than \$461,000,000 shall be made available*
18 *for family planning/reproductive health.*

19 *AFGHANISTAN*

20 *SEC. 623. Of the funds appropriated under titles III*
21 *and IV of this Act, not less than \$1,057,050,000 should be*
22 *made available for assistance for Afghanistan: Provided,*
23 *That of the funds made available pursuant to this section,*
24 *\$3,000,000 should be made available for reforestation ac-*
25 *tivities: Provided further, That funds made available pursu-*
26 *ant to the previous proviso should be matched, to the max-*

1 *imum extent possible, with contributions from American*
2 *and Afghan businesses: Provided further, That of the funds*
3 *allocated for assistance for Afghanistan from this Act not*
4 *less than \$75,000,000 shall be made available to support*
5 *programs that directly address the needs of Afghan women*
6 *and girls, including for the Afghan Independent Human*
7 *Rights Commission, the Afghan Ministry of Women's Af-*
8 *fairs, and for women-led nonprofit organizations in Af-*
9 *ghanistan: Provided further, That of the funds appropriated*
10 *by this Act that are available for Afghanistan, \$20,000,000*
11 *should be made available through United States universities*
12 *to develop agriculture extension services for Afghan farmers,*
13 *\$2,000,000 should be made available for a United States*
14 *contribution to the North Atlantic Treaty Organization/*
15 *International Security Assistance Force Post-Operations*
16 *Humanitarian Relief Fund, and not less than \$10,000,000*
17 *should be made available for continued support of the*
18 *United States Agency for International Development's Af-*
19 *ghan Civilian Assistance Program.*

20 *NOTIFICATION ON EXCESS DEFENSE EQUIPMENT*

21 *SEC. 624. Prior to providing excess Department of De-*
22 *fense articles in accordance with section 516(a) of the For-*
23 *ign Assistance Act of 1961, the Department of Defense shall*
24 *notify the Committees on Appropriations to the same extent*
25 *and under the same conditions as are other committees pur-*
26 *suant to subsection (f) of that section: Provided, That before*

1 *issuing a letter of offer to sell excess defense articles under*
2 *the Arms Export Control Act, the Department of Defense*
3 *shall notify the Committees on Appropriations in accord-*
4 *ance with the regular notification procedures of such Com-*
5 *mittees if such defense articles are significant military*
6 *equipment (as defined in section 47(9) of the Arms Export*
7 *Control Act) or are valued (in terms of original acquisition*
8 *cost) at \$7,000,000 or more, or if notification is required*
9 *elsewhere in this Act for the use of appropriated funds for*
10 *specific countries that would receive such excess defense ar-*
11 *ticles: Provided further, That such Committees shall also be*
12 *informed of the original acquisition cost of such defense ar-*
13 *ticles.*

14 *GLOBAL FUND MANAGEMENT*

15 *SEC. 625. (a) Notwithstanding any other provision of*
16 *this Act, 20 percent of the funds that are appropriated by*
17 *this Act for a contribution to support the Global Fund to*
18 *Fight AIDS, Tuberculosis and Malaria (the “Global*
19 *Fund”)* shall be withheld from obligation to the Global
20 *Fund until the Secretary of State certifies to the Commit-*
21 *tees on Appropriations that the Global Fund—*

22 *(1) is releasing incremental disbursements only*
23 *if grantees demonstrate progress against clearly de-*
24 *finied performance indicators;*

25 *(2) is providing support and oversight to coun-*
26 *try-level entities, such as country coordinating mecha-*

1 *nisms, principal recipients, and Local Fund Agents*
2 *(LFAs), to enable them to fulfill their mandates;*

3 *(3) has a full-time, professional, independent Of-*
4 *ice of Inspector General that is fully operational;*

5 *(4) requires LFAs to assess whether a principal*
6 *recipient has the capacity to oversee the activities of*
7 *sub-recipients;*

8 *(5) is making progress toward implementing a*
9 *reporting system that breaks down grantee budget al-*
10 *locations by programmatic activity;*

11 *(6) has adopted and is implementing a policy to*
12 *publish on a publicly available website the reports of*
13 *the Global Fund's Inspector General in a manner*
14 *that is consistent with the Policy for Disclosure of Re-*
15 *ports of the Inspector General as approved at the 16th*
16 *Meeting of the Board of the Global Fund to Fight*
17 *AIDS, Tuberculosis and Malaria; and*

18 *(7) is tracking and encouraging the involvement*
19 *of civil society, including faith-based organizations,*
20 *in country coordinating mechanisms and program*
21 *implementation.*

22 *(b) The Secretary of State shall submit a report to the*
23 *Committees on Appropriations not later than 120 days*
24 *after enactment of this Act on the involvement of faith-based*

1 *organizations in Global Fund programs. The report shall*
2 *include—*

3 *(1) on a country-by-country basis—*

4 *(A) a description of the amount of grants*
5 *and sub-grants provided to faith-based organiza-*
6 *tions; and*

7 *(B) a detailed description of the involve-*
8 *ment of faith-based organizations in the Country*
9 *Coordinating Mechanism (CCM) process of the*
10 *Global Fund; and*

11 *(2) a description of actions the Global Fund is*
12 *taking to enhance the involvement of faith-based orga-*
13 *nizations in the CCM process, particularly in coun-*
14 *tries in which the involvement of faith-based organi-*
15 *zations has been underrepresented.*

16 *PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST*
17 *COUNTRIES*

18 *SEC. 626. (a) Funds appropriated for bilateral assist-*
19 *ance under any heading of this Act and funds appropriated*
20 *under any such heading in a provision of law enacted prior*
21 *to the enactment of this Act, shall not be made available*
22 *to any country which the President determines—*

23 *(1) grants sanctuary from prosecution to any in-*
24 *dividual or group which has committed an act of*
25 *international terrorism; or*

26 *(2) otherwise supports international terrorism.*

1 (1) *If assistance is furnished to the government*
2 *of a foreign country under chapters 1 and 10 of part*
3 *I or chapter 4 of part II of the Foreign Assistance Act*
4 *of 1961 under agreements which result in the genera-*
5 *tion of local currencies of that country, the Adminis-*
6 *trator of the United States Agency for International*
7 *Development shall—*

8 (A) *require that local currencies be depos-*
9 *ited in a separate account established by that*
10 *government;*

11 (B) *enter into an agreement with that gov-*
12 *ernment which sets forth—*

13 (i) *the amount of the local currencies*
14 *to be generated; and*

15 (ii) *the terms and conditions under*
16 *which the currencies so deposited may be*
17 *utilized, consistent with this section; and*

18 (C) *establish by agreement with that gov-*
19 *ernment the responsibilities of the United States*
20 *Agency for International Development and that*
21 *government to monitor and account for deposits*
22 *into and disbursements from the separate ac-*
23 *count.*

24 (2) *USES OF LOCAL CURRENCIES.—As may be*
25 *agreed upon with the foreign government, local cur-*

1 *rencies deposited in a separate account pursuant to*
2 *subsection (a), or an equivalent amount of local cur-*
3 *rencies, shall be used only—*

4 *(A) to carry out chapter 1 or 10 of part I*
5 *or chapter 4 of part II (as the case may be), for*
6 *such purposes as—*

7 *(i) project and sector assistance activi-*
8 *ties; or*

9 *(ii) debt and deficit financing; or*

10 *(B) for the administrative requirements of*
11 *the United States Government.*

12 *(3) PROGRAMMING ACCOUNTABILITY.—The*
13 *United States Agency for International Development*
14 *shall take all necessary steps to ensure that the equiv-*
15 *alent of the local currencies disbursed pursuant to*
16 *subsection (a)(2)(A) from the separate account estab-*
17 *lished pursuant to subsection (a)(1) are used for the*
18 *purposes agreed upon pursuant to subsection (a)(2).*

19 *(4) TERMINATION OF ASSISTANCE PROGRAMS.—*
20 *Upon termination of assistance to a country under*
21 *chapter 1 or 10 of part I or chapter 4 of part II (as*
22 *the case may be), any unencumbered balances of*
23 *funds which remain in a separate account established*
24 *pursuant to subsection (a) shall be disposed of for*

1 *such purposes as may be agreed to by the government*
2 *of that country and the United States Government.*

3 (5) *REPORTING REQUIREMENT.—The Adminis-*
4 *trator of the United States Agency for International*
5 *Development shall report on an annual basis as part*
6 *of the justification documents submitted to the Com-*
7 *mittees on Appropriations on the use of local cur-*
8 *rencies for the administrative requirements of the*
9 *United States Government as authorized in subsection*
10 *(a)(2)(B), and such report shall include the amount*
11 *of local currency (and United States dollar equiva-*
12 *lent) used and/or to be used for such purpose in each*
13 *applicable country.*

14 (b) *SEPARATE ACCOUNTS FOR CASH TRANSFERS.—*

15 (1) *If assistance is made available to the govern-*
16 *ment of a foreign country, under chapter 1 or 10 of*
17 *part I or chapter 4 of part II of the Foreign Assist-*
18 *ance Act of 1961, as cash transfer assistance or as*
19 *nonproject sector assistance, that country shall be re-*
20 *quired to maintain such funds in a separate account*
21 *and not commingle them with any other funds.*

22 (2) *APPLICABILITY OF OTHER PROVISIONS OF*
23 *LAW.—Such funds may be obligated and expended*
24 *notwithstanding provisions of law which are incon-*
25 *sistent with the nature of this assistance including*

1 provisions which are referenced in the Joint Explanatory
2 Statement of the Committee of Conference accompanying
3 House Joint Resolution 648 (House Report
4 No. 98-1159).

5 (3) NOTIFICATION.—At least 15 days prior to ob-
6 ligating any such cash transfer or nonproject sector
7 assistance, the President shall submit a notification
8 through the regular notification procedures of the
9 Committees on Appropriations, which shall include a
10 detailed description of how the funds proposed to be
11 made available will be used, with a discussion of the
12 United States interests that will be served by the as-
13 sistance (including, as appropriate, a description of
14 the economic policy reforms that will be promoted by
15 such assistance).

16 (4) EXEMPTION.—Nonproject sector assistance
17 funds may be exempt from the requirements of sub-
18 section (b)(1) only through the notification procedures
19 of the Committees on Appropriations.

20 ENTERPRISE FUND RESTRICTIONS

21 SEC. 629. (a) Prior to the distribution of any assets
22 resulting from any liquidation, dissolution, or winding up
23 of an Enterprise Fund, in whole or in part, the President
24 shall submit to the Committees on Appropriations, in ac-
25 cordance with the regular notification procedures of the

1 *Committees on Appropriations, a plan for the distribution*
2 *of the assets of the Enterprise Fund.*

3 *(b) Funds made available under titles II through V*
4 *of this Act for Enterprise Funds shall be expended at the*
5 *minimum rate necessary to make timely payment for*
6 *projects and activities.*

7 *FINANCIAL MARKET ASSISTANCE*

8 *SEC. 630. Of the funds appropriated by this Act under*
9 *the headings “Trade and Development Agency”, “Develop-*
10 *ment Assistance”, “Transition Initiatives”, “Economic*
11 *Support Fund”, “International Affairs Technical Assist-*
12 *ance”, “Assistance for the Independent States of the Former*
13 *Soviet Union”, “Nonproliferation, Anti-Terrorism,*
14 *Demining and Related Programs”, and “Assistance for*
15 *Eastern Europe and Baltic States”, not less than*
16 *\$40,000,000 should be made available for building capital*
17 *markets and financial systems in countries eligible to re-*
18 *ceive United States assistance.*

19 *AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN*
20 *FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION*

21 *SEC. 631. Unless expressly provided to the contrary,*
22 *provisions of this or any other Act, including provisions*
23 *contained in prior Acts authorizing or making appropria-*
24 *tions for foreign operations, export financing, and related*
25 *programs, shall not be construed to prohibit activities au-*
26 *thorized by or conducted under the Peace Corps Act, the*

1 *Inter-American Foundation Act or the African Develop-*
2 *ment Foundation Act. The agency shall promptly report to*
3 *the Committees on Appropriations whenever it is con-*
4 *ducting activities or is proposing to conduct activities in*
5 *a country for which assistance is prohibited.*

6 *IMPACT ON JOBS IN THE UNITED STATES*

7 *SEC. 632. None of the funds appropriated under titles*
8 *II through V of this Act may be obligated or expended to*
9 *provide—*

10 *(1) any financial incentive to a business enter-*
11 *prise currently located in the United States for the*
12 *purpose of inducing such an enterprise to relocate*
13 *outside the United States if such incentive or induce-*
14 *ment is likely to reduce the number of employees of*
15 *such business enterprise in the United States because*
16 *United States production is being replaced by such*
17 *enterprise outside the United States; or*

18 *(2) assistance for any program, project, or activ-*
19 *ity that contributes to the violation of internationally*
20 *recognized workers rights, as defined in section 507(4)*
21 *of the Trade Act of 1974, of workers in the recipient*
22 *country, including any designated zone or area in*
23 *that country: Provided, That the application of sec-*
24 *tion 507(4)(D) and (E) of such Act should be com-*
25 *mensurate with the level of development of the recipi-*
26 *ent country and sector, and shall not preclude assist-*

1 *ance for the informal sector in such country, micro*
2 *and small-scale enterprise, and smallholder agri-*
3 *culture.*

4 *COMPREHENSIVE EXPENDITURES REPORT*

5 *SEC. 633. Not later than 180 days after the date of*
6 *enactment of this Act, the Secretary of State shall submit*
7 *a report to the Committees on Appropriations detailing the*
8 *total amount of United States Government expenditures in*
9 *fiscal years 2005 and 2006, by Federal agency, for pro-*
10 *grams and activities in each foreign country, identifying*
11 *the line item as presented in the President's Budget Appen-*
12 *dix and the purpose for which the funds were provided: Pro-*
13 *vided, That if required, information may be submitted in*
14 *classified form.*

15 *SPECIAL AUTHORITIES*

16 *SEC. 634. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEB-*
17 *ANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHIL-*
18 *DREN, AND DISPLACED BURMESE.—Funds appropriated*
19 *under titles II through V of this Act that are made available*
20 *for assistance for Afghanistan may be made available not-*
21 *withstanding section 612 of this Act or any similar provi-*
22 *sion of law and section 660 of the Foreign Assistance Act*
23 *of 1961, and funds appropriated in titles II and III of this*
24 *Act that are made available for Iraq, Lebanon, Montenegro,*
25 *Pakistan, and for victims of war, displaced children, and*
26 *displaced Burmese, and to assist victims of trafficking in*

1 *persons and, subject to the regular notification procedures*
2 *of the Committees on Appropriations, to combat such traf-*
3 *ficking, may be made available notwithstanding any other*
4 *provision of law.*

5 **(b) TROPICAL FORESTRY AND BIODIVERSITY CON-**
6 **SERVATION ACTIVITIES.**—*Funds appropriated by this Act*
7 *to carry out the provisions of sections 103 through 106, and*
8 *chapter 4 of part II, of the Foreign Assistance Act of 1961*
9 *may be used, notwithstanding any other provision of law,*
10 *for the purpose of supporting tropical forestry and biodiver-*
11 *sity conservation activities and energy programs aimed at*
12 *reducing greenhouse gas emissions: Provided, That such as-*
13 *sistance shall be subject to sections 116, 502B, and 620A*
14 *of the Foreign Assistance Act of 1961.*

15 **(c) PERSONAL SERVICES CONTRACTORS.**—*Funds ap-*
16 *propriated by this Act to carry out chapter 1 of part I,*
17 *chapter 4 of part II, and section 667 of the Foreign Assist-*
18 *ance Act of 1961, and title II of the Agricultural Trade*
19 *Development and Assistance Act of 1954, may be used by*
20 *the United States Agency for International Development to*
21 *employ up to 25 personal services contractors in the United*
22 *States, notwithstanding any other provision of law, for the*
23 *purpose of providing direct, interim support for new or ex-*
24 *panded overseas programs and activities managed by the*
25 *agency until permanent direct hire personnel are hired and*

1 *trained: Provided, That not more than 10 of such contrac-*
2 *tors shall be assigned to any bureau or office: Provided fur-*
3 *ther, That such funds appropriated to carry out title II of*
4 *the Agricultural Trade Development and Assistance Act of*
5 *1954, may be made available only for personal services con-*
6 *tractors assigned to the Office of Food for Peace.*

7 (d)(1) *WAIVER.—The President may waive the provi-*
8 *sions of section 1003 of Public Law 100–204 if the Presi-*
9 *dent determines and certifies in writing to the Speaker of*
10 *the House of Representatives and the President pro tempore*
11 *of the Senate that it is important to the national security*
12 *interests of the United States.*

13 (2) *PERIOD OF APPLICATION OF WAIVER.—Any waiv-*
14 *er pursuant to paragraph (1) shall be effective for no more*
15 *than a period of 6 months at a time and shall not apply*
16 *beyond 12 months after the enactment of this Act.*

17 (e) *SMALL BUSINESS.—In entering into multiple*
18 *award indefinite-quantity contracts with funds appro-*
19 *priated by this Act, the United States Agency for Inter-*
20 *national Development may provide an exception to the fair*
21 *opportunity process for placing task orders under such con-*
22 *tracts when the order is placed with any category of small*
23 *or small disadvantaged business.*

24 (f) *VIETNAMESE REFUGEES.—Section 594(a) of the*
25 *Foreign Operations, Export Financing, and Related Pro-*

1 *grams Appropriations Act, 2005 (enacted as division D of*
2 *Public Law 108–447; 118 Stat. 3038) is amended by strik-*
3 *ing “2007” and inserting “2009”.*

4 *(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—*
5 *In providing assistance with funds appropriated by this*
6 *Act under section 660(b)(6) of the Foreign Assistance Act*
7 *of 1961, support for a nation emerging from instability*
8 *may be deemed to mean support for regional, district, mu-*
9 *nicipal, or other sub-national entity emerging from insta-*
10 *bility, as well as a nation emerging from instability.*

11 *(h) CHINA PROGRAMS.—Notwithstanding any other*
12 *provision of law, of the funds appropriated under the head-*
13 *ing “Development Assistance” in this Act, not less than*
14 *\$10,000,000 shall be made available to United States edu-*
15 *cational institutions and nongovernmental organizations*
16 *for programs and activities in the People’s Republic of*
17 *China relating to the environment, democracy, and the rule*
18 *of law: Provided, That funds made available pursuant to*
19 *this authority shall be subject to the regular notification*
20 *procedures of the Committees on Appropriations.*

21 *(i) MIDDLE EAST FOUNDATION.—Funds appropriated*
22 *by this Act and prior Acts for a Middle East Foundation*
23 *shall be subject to the regular notification procedures of the*
24 *Committees on Appropriations.*

1 (j) *EXTENSION OF AUTHORITY.*—Section 1365(c) of
2 *the National Defense Authorization Act for Fiscal Year*
3 *1993 (Public Law 102–484; 22 U.S.C. 2778 note) is amend-*
4 *ed by striking “During the 16 year period beginning on*
5 *October 23, 1992” and inserting “During the 22 year pe-*
6 *riod beginning on October 23, 1992” before the period at*
7 *the end.*

8 (k) *EXTENSION OF AUTHORITY.*—*The Foreign Oper-*
9 *ations, Export Financing, and Related Programs Appro-*
10 *priations Act, 1990 (Public Law 101–167) is amended—*

11 (1) *in section 599D (8 U.S.C. 1157 note)—*

12 (A) *in subsection (b)(3), by striking “and*
13 *2007” and inserting “2007, and 2008”; and*

14 (B) *in subsection (e), by striking “2007”*
15 *each place it appears and inserting “2008”; and*

16 (2) *in section 599E (8 U.S.C. 1255 note) in sub-*
17 *section (b)(2), by striking “2007” and inserting*
18 *“2008”.*

19 (l) *WORLD FOOD PROGRAM.*—*Of the funds managed*
20 *by the Bureau for Democracy, Conflict, and Humanitarian*
21 *Assistance of the United States Agency for International*
22 *Development, from this or any other Act, not less than*
23 *\$10,000,000 shall be made available as a general contribu-*
24 *tion to the World Food Program, notwithstanding any other*
25 *provision of law.*

1 (m) *CAPITAL SECURITY COST-SHARING.*—Notwith-
2 *standing any other provision of law, of the funds appro-*
3 *riated under the heading “Embassy Security, Construc-*
4 *tion, and Maintenance”, not less than \$2,000,000 shall be*
5 *made available for the Capital Security Cost-Sharing fees*
6 *of the Library of Congress.*

7 (n) *DISARMAMENT, DEMOBILIZATION AND RE-*
8 *INTEGRATION.*—Notwithstanding any other provision of
9 *law, regulation or Executive Order, funds appropriated by*
10 *this Act and prior Acts making appropriations for foreign*
11 *operations, export financing, and related programs under*
12 *the headings “Economic Support Fund”, “Peacekeeping*
13 *Operations”, “International Disaster Assistance”, and*
14 *“Transition Initiatives” should be made available to sup-*
15 *port programs to disarm, demobilize, and reintegrate into*
16 *civilian society former members of foreign terrorist organi-*
17 *zations: Provided, That the Secretary of State shall consult*
18 *with the Committees on Appropriations prior to the obliga-*
19 *tion of funds pursuant to this subsection: Provided further,*
20 *That for the purposes of this subsection, “International Dis-*
21 *aster Assistance” may also mean “International Disaster*
22 *and Famine Assistance”: Provided further, That for the*
23 *purposes of this subsection the term “foreign terrorist orga-*
24 *nization” means an organization designated as a terrorist*

1 organization under section 219 of the Immigration and Na-
2 tionality Act.

3 (o) *NONGOVERNMENTAL ORGANIZATIONS.*—With re-
4 spect to the provision of assistance for democracy, human
5 rights and governance activities, the organizations imple-
6 menting such assistance and the specific nature of that as-
7 sistance shall not be subject to the prior approval by the
8 government of any foreign country.

9 (p) *PRISON CONDITIONS.*—Funds appropriated by this
10 Act to carry out the provisions of chapters 1 and 11 of part
11 I and chapter 4 of part II of the Foreign Assistance Act
12 of 1961, and the Support for East European Democracy
13 (SEED) Act of 1989, may be used to provide assistance to
14 improve conditions in prison facilities administered by for-
15 eign governments, including among other things, activities
16 to improve prison sanitation and ensure the availability
17 of adequate food, drinking water and medical care for pris-
18 oners: Provided, That assistance made available under this
19 subsection may be made available notwithstanding section
20 660 of the Foreign Assistance Act of 1961, and subject to
21 the regular notification procedures of the Committees on
22 Appropriations.

23 (q) *PROGRAM FOR RESEARCH AND TRAINING ON*
24 *EASTERN EUROPE AND THE INDEPENDENT STATES OF THE*
25 *FORMER SOVIET UNION.*—Of the funds appropriated by

1 *in the region and to United States investment and*
2 *trade in the Middle East and North Africa;*

3 *(2) the Arab League boycott, which was regret-*
4 *tably reinstated in 1997, should be immediately and*
5 *publicly terminated, and the Central Office for the*
6 *Boycott of Israel immediately disbanded;*

7 *(3) all Arab League states should normalize rela-*
8 *tions with their neighbor Israel;*

9 *(4) the President and the Secretary of State*
10 *should continue to vigorously oppose the Arab League*
11 *boycott of Israel and find concrete steps to dem-*
12 *onstrate that opposition by, for example, taking into*
13 *consideration the participation of any recipient coun-*
14 *try in the boycott when determining to sell weapons*
15 *to said country; and*

16 *(5) the President should report to Congress an-*
17 *nually on specific steps being taken by the United*
18 *States to encourage Arab League states to normalize*
19 *their relations with Israel to bring about the termi-*
20 *nation of the Arab League boycott of Israel, including*
21 *those to encourage allies and trading partners of the*
22 *United States to enact laws prohibiting businesses*
23 *from complying with the boycott and penalizing busi-*
24 *nesses that do comply.*

1 *ELIGIBILITY FOR ASSISTANCE*

2 *SEC. 636. (a) ASSISTANCE THROUGH NONGOVERN-*
3 *MENTAL ORGANIZATIONS.—Restrictions contained under ti-*
4 *ties II through V of this or any other Act with respect to*
5 *assistance for a country shall not be construed to restrict*
6 *assistance in support of programs of nongovernmental orga-*
7 *nizations from funds appropriated by this Act to carry out*
8 *the provisions of chapters 1, 10, 11, and 12 of part I and*
9 *chapter 4 of part II of the Foreign Assistance Act of 1961,*
10 *and from funds appropriated under the heading “Assistance*
11 *for Eastern Europe and the Baltic States”: Provided, That*
12 *before using the authority of this subsection to furnish as-*
13 *sistance in support of programs of nongovernmental organi-*
14 *zations, the President shall notify the Committees on Ap-*
15 *propriations under the regular notification procedures of*
16 *those committees, including a description of the program*
17 *to be assisted, the assistance to be provided, and the reasons*
18 *for furnishing such assistance: Provided further, That noth-*
19 *ing in this subsection shall be construed to alter any exist-*
20 *ing statutory prohibitions against abortion or involuntary*
21 *sterilizations contained in this or any other Act.*

22 *(b) PUBLIC LAW 480.—During fiscal year 2008, re-*
23 *strictions contained in this or any other Act with respect*
24 *to assistance for a country shall not be construed to restrict*
25 *assistance under the Agricultural Trade Development and*

1 *Assistance Act of 1954: Provided, That none of the funds*
2 *appropriated to carry out title I of such Act and made*
3 *available pursuant to this subsection may be obligated or*
4 *expended except as provided through the regular notifica-*
5 *tion procedures of the Committees on Appropriations.*

6 (c) *EXCEPTION.—This section shall not apply—*

7 (1) *with respect to section 620A of the Foreign*
8 *Assistance Act of 1961 or any comparable provision*
9 *of law prohibiting assistance to countries that support*
10 *international terrorism; or*

11 (2) *with respect to section 116 of the Foreign As-*
12 *sistance Act of 1961 or any comparable provision of*
13 *law prohibiting assistance to the government of a*
14 *country that violates internationally recognized*
15 *human rights.*

16 *RESERVATIONS OF FUNDS*

17 *SEC. 637. (a) Funds appropriated under titles II*
18 *through V of this Act which are specifically designated may*
19 *be reprogrammed for other programs within the same ac-*
20 *count notwithstanding the designation if compliance with*
21 *the designation is made impossible by operation of any pro-*
22 *vision of this or any other Act: Provided, That any such*
23 *reprogramming shall be subject to the regular notification*
24 *procedures of the Committees on Appropriations: Provided*
25 *further, That assistance that is reprogrammed pursuant to*

1 *Child Survival*” and “*Development Assistance*”, not less
2 *than the amount of funds initially allocated for each such*
3 *account pursuant to subsection 653(a) of the Foreign Assist-*
4 *ance Act of 1961 for fiscal year 2007 shall be made avail-*
5 *able for Cambodia, Philippines, Vietnam, Asia and Near*
6 *East Regional, and Regional Development Mission/Asia:*
7 *Provided, That for the purposes of this subsection, “Global*
8 *Health and Child Survival” shall mean “Child Survival*
9 *and Health Programs Fund”.*

10 (b) *BURMA.*—

11 (1) *The Secretary of the Treasury shall instruct*
12 *the United States executive director to each appro-*
13 *priate international financial institution in which*
14 *the United States participates, to oppose and vote*
15 *against the extension by such institution any loan or*
16 *financial or technical assistance or any other utiliza-*
17 *tion of funds of the respective bank to and for Burma.*

18 (2) *Of the funds appropriated by this Act under*
19 *the heading “Economic Support Fund”, not less than*
20 *\$13,000,000 shall be made available to support de-*
21 *mocracy activities in Burma, along the Burma-Thai-*
22 *land border, for activities of Burmese student groups*
23 *and other organizations located outside Burma, and*
24 *for the purpose of supporting the provision of human-*
25 *itarian assistance to displaced Burmese along Bur-*

1 *ma's borders: Provided, That such funds may be made*
2 *available notwithstanding any other provision of law:*
3 *Provided further, That in addition to assistance for*
4 *Burmese refugees provided under the heading "Migra-*
5 *tion and Refugee Assistance" in this Act, not less*
6 *than \$3,000,000 shall be made available for commu-*
7 *nity-based organizations operating in Thailand to*
8 *provide food, medical and other humanitarian assist-*
9 *ance to internally displaced persons in eastern*
10 *Burma: Provided further, That funds made available*
11 *under this paragraph shall be subject to the regular*
12 *notification procedures of the Committees on Appro-*
13 *priations.*

14 *(c) TIBET.—*

15 *(1) The Secretary of the Treasury should instruct*
16 *the United States executive director to each inter-*
17 *national financial institution to use the voice and*
18 *vote of the United States to support projects in Tibet*
19 *if such projects do not provide incentives for the mi-*
20 *gration and settlement of non-Tibetans into Tibet or*
21 *facilitate the transfer of ownership of Tibetan land*
22 *and natural resources to non-Tibetans; are based on*
23 *a thorough needs-assessment; foster self-sufficiency of*
24 *the Tibetan people and respect Tibetan culture and*
25 *traditions; and are subject to effective monitoring.*

1 (2) *Notwithstanding any other provision of law,*
2 *not less than \$5,000,000 of the funds appropriated by*
3 *this Act under the heading “Economic Support*
4 *Fund” should be made available to nongovernmental*
5 *organizations to support activities which preserve cul-*
6 *tural traditions and promote sustainable development*
7 *and environmental conservation in Tibetan commu-*
8 *nities in the Tibetan Autonomous Region and in*
9 *other Tibetan communities in China, and not less*
10 *than \$250,000 should be made available to the Na-*
11 *tional Endowment for Democracy for human rights*
12 *and democracy programs relating to Tibet.*

13 *PROHIBITION ON PUBLICITY OR PROPAGANDA*

14 *SEC. 639. No part of any appropriation contained in*
15 *this Act shall be used for publicity or propaganda purposes*
16 *within the United States not authorized before the date of*
17 *the enactment of this Act by the Congress: Provided, That*
18 *not to exceed \$25,000 may be made available to carry out*
19 *the provisions of section 316 of Public Law 96–533.*

20 *PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS*

21 *SEC. 640. None of the funds appropriated or made*
22 *available pursuant to titles II through V of this Act for car-*
23 *rying out the Foreign Assistance Act of 1961, may be used*
24 *to pay in whole or in part any assessments, arrearages,*
25 *or dues of any member of the United Nations or, from funds*
26 *appropriated by this Act to carry out chapter 1 of part*

1 *I of the Foreign Assistance Act of 1961, the costs for partici-*
2 *pation of another country's delegation at international con-*
3 *ferences held under the auspices of multilateral or inter-*
4 *national organizations.*

5 *REQUESTS FOR DOCUMENTS*

6 *SEC. 641. None of the funds appropriated or made*
7 *available pursuant to titles II through V of this Act shall*
8 *be available to a nongovernmental organization, including*
9 *any contractor, which fails to provide upon timely request*
10 *any document, file, or record necessary to the auditing re-*
11 *quirements of the United States Agency for International*
12 *Development.*

13 *PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS*
14 *THAT EXPORT LETHAL MILITARY EQUIPMENT TO*
15 *COUNTRIES SUPPORTING INTERNATIONAL TERRORISM*

16 *SEC. 642. (a) None of the funds appropriated or other-*
17 *wise made available by titles II through V of this Act may*
18 *be available to any foreign government which provides le-*
19 *thal military equipment to a country the government of*
20 *which the Secretary of State has determined is a terrorist*
21 *government for purposes of section 6(j) of the Export Ad-*
22 *ministration Act of 1979. The prohibition under this section*
23 *with respect to a foreign government shall terminate 12*
24 *months after that government ceases to provide such mili-*
25 *tary equipment. This section applies with respect to lethal*

1 *military equipment provided under a contract entered into*
2 *after October 1, 1997.*

3 *(b) Assistance restricted by subsection (a) or any other*
4 *similar provision of law, may be furnished if the President*
5 *determines that furnishing such assistance is important to*
6 *the national interests of the United States.*

7 *(c) Whenever the President makes a determination*
8 *pursuant to subsection (b), the President shall submit to*
9 *the appropriate congressional committees a report with re-*
10 *spect to the furnishing of such assistance. Any such report*
11 *shall include a detailed explanation of the assistance to be*
12 *provided, including the estimated dollar amount of such as-*
13 *sistance, and an explanation of how the assistance furthers*
14 *United States national interests.*

15 *WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND*
16 *REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES*

17 *SEC. 643. (a) Subject to subsection (c), of the funds*
18 *appropriated under titles II through V by this Act that are*
19 *made available for assistance for a foreign country, an*
20 *amount equal to 110 percent of the total amount of the un-*
21 *paid fully adjudicated parking fines and penalties and un-*
22 *paid property taxes owed by the central government of such*
23 *country shall be withheld from obligation for assistance for*
24 *the central government of such country until the Secretary*
25 *of State submits a certification to the Committees on Appro-*

1 *priations stating that such parking fines and penalties and*
2 *unpaid property taxes are fully paid.*

3 *(b) Funds withheld from obligation pursuant to sub-*
4 *section (a) may be made available for other programs or*
5 *activities funded by this Act, after consultation with and*
6 *subject to the regular notification procedures of the Commit-*
7 *tees on Appropriations, provided that no such funds shall*
8 *be made available for assistance for the central government*
9 *of a foreign country that has not paid the total amount*
10 *of the fully adjudicated parking fines and penalties and un-*
11 *paid property taxes owed by such country.*

12 *(c) Subsection (a) shall not include amounts that have*
13 *been withheld under any other provision of law.*

14 *(d)(1) The Secretary of State may waive the require-*
15 *ments set forth in subsection (a) with respect to parking*
16 *fines and penalties no sooner than 60 days from the date*
17 *of enactment of this Act, or at any time with respect to*
18 *a particular country, if the Secretary determines that it*
19 *is in the national interests of the United States to do so.*

20 *(2) The Secretary of State may waive the requirements*
21 *set forth in subsection (a) with respect to the unpaid prop-*
22 *erty taxes if the Secretary of State determines that it is*
23 *in the national interests of the United States to do so.*

24 *(e) Not later than 6 months after the initial exercise*
25 *of the waiver authority in subsection (d), the Secretary of*

1 *State, after consultations with the City of New York, shall*
2 *submit a report to the Committees on Appropriations de-*
3 *scribing a strategy, including a timetable and steps cur-*
4 *rently being taken, to collect the parking fines and penalties*
5 *and unpaid property taxes and interest owed by nations*
6 *receiving foreign assistance under this Act.*

7 *(f) In this section:*

8 *(1) The term “fully adjudicated” includes cir-*
9 *cumstances in which the person to whom the vehicle*
10 *is registered—*

11 *(A)(i) has not responded to the parking vio-*
12 *lation summons; or*

13 *(ii) has not followed the appropriate adju-*
14 *ication procedure to challenge the summons;*
15 *and*

16 *(B) the period of time for payment of or*
17 *challenge to the summons has lapsed.*

18 *(2) The term “parking fines and penalties”*
19 *means parking fines and penalties—*

20 *(A) owed to—*

21 *(i) the District of Columbia; or*

22 *(ii) New York, New York; and*

23 *(B) incurred during the period April 1,*
24 *1997, through September 30, 2007.*

1 *genocide or other violations of international humanitarian*
2 *law, the President may direct a drawdown pursuant to sec-*
3 *tion 552(c) of the Foreign Assistance Act of 1961 of up to*
4 *\$30,000,000 of commodities and services for the United Na-*
5 *tions War Crimes Tribunal established with regard to the*
6 *former Yugoslavia by the United Nations Security Council*
7 *or such other tribunals or commissions as the Council may*
8 *establish or authorize to deal with such violations, without*
9 *regard to the ceiling limitation contained in paragraph (2)*
10 *thereof: Provided, That the determination required under*
11 *this section shall be in lieu of any determinations otherwise*
12 *required under section 552(c): Provided further, That funds*
13 *made available for tribunals other than Yugoslavia, Rwan-*
14 *da, or the Special Court for Sierra Leone shall be made*
15 *available subject to the regular notification procedures of*
16 *the Committees on Appropriations.*

17 *LANDMINES AND CLUSTER MUNITIONS*

18 *SEC. 646. (a) LANDMINES.—Notwithstanding any*
19 *other provision of law, demining equipment available to the*
20 *United States Agency for International Development and*
21 *the Department of State and used in support of the clear-*
22 *ance of landmines and unexploded ordnance for humani-*
23 *tarian purposes may be disposed of on a grant basis in*
24 *foreign countries, subject to such terms and conditions as*
25 *the President may prescribe.*

1 (b) *CLUSTER MUNITIONS.*—*During the current fiscal*
2 *year, no military assistance shall be furnished for cluster*
3 *munitions, no defense export license for cluster munitions*
4 *may be issued, and no cluster munitions or cluster muni-*
5 *tions technology shall be sold or transferred, unless—*

6 (1) *the submunitions of the cluster munitions*
7 *have a 99 percent or higher tested rate; and*

8 (2) *the agreement applicable to the assistance,*
9 *transfer, or sale of the cluster munitions or cluster*
10 *munitions technology specifies that the cluster muni-*
11 *tions will only be used against clearly defined mili-*
12 *tary targets and will not be used where civilians are*
13 *known to be present.*

14 *RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY*

15 *SEC. 647. None of the funds appropriated under titles*
16 *II through V of this Act may be obligated or expended to*
17 *create in any part of Jerusalem a new office of any depart-*
18 *ment or agency of the United States Government for the*
19 *purpose of conducting official United States Government*
20 *business with the Palestinian Authority over Gaza and*
21 *Jericho or any successor Palestinian governing entity pro-*
22 *vided for in the Israel-PLO Declaration of Principles: Pro-*
23 *vided, That this restriction shall not apply to the acquisi-*
24 *tion of additional space for the existing Consulate General*
25 *in Jerusalem: Provided further, That meetings between offi-*
26 *cers and employees of the United States and officials of the*

1 *Palestinian Authority, or any successor Palestinian gov-*
2 *erning entity provided for in the Israel-PLO Declaration*
3 *of Principles, for the purpose of conducting official United*
4 *States Government business with such authority should con-*
5 *tinue to take place in locations other than Jerusalem. As*
6 *has been true in the past, officers and employees of the*
7 *United States Government may continue to meet in Jeru-*
8 *salem on other subjects with Palestinians (including those*
9 *who now occupy positions in the Palestinian Authority),*
10 *have social contacts, and have incidental discussions.*

11 *PROHIBITION OF PAYMENT OF CERTAIN EXPENSES*

12 *SEC. 648. None of the funds appropriated or otherwise*
13 *made available under titles III or IV of this Act under the*
14 *heading “International Military Education and Training”*
15 *or “Foreign Military Financing Program” for Informa-*
16 *tional Program activities or under the headings “Global*
17 *Health and Child Survival”, “Development Assistance”,*
18 *and “Economic Support Fund” may be obligated or ex-*
19 *pende to pay for—*

20 *(1) alcoholic beverages; or*

21 *(2) entertainment expenses for activities that are*
22 *substantially of a recreational character, including*
23 *but not limited to entrance fees at sporting events,*
24 *theatrical and musical productions, and amusement*
25 *parks.*

COLOMBIA

1

2 *SEC. 649. (a) ASSISTANCE FOR COLOMBIA.—Of the*
3 *funds appropriated in titles III and IV of this Act, not more*
4 *than \$545,608,000 shall be available for assistance for Co-*
5 *lombia.*

6 *(b) FUNDING AMOUNTS AND NOTIFICATION.—Funds*
7 *appropriated by this Act that are available for assistance*
8 *for Colombia shall be made available in the amounts indi-*
9 *cated in the table in the accompanying explanatory state-*
10 *ment described in section 4 (in the matter preceding divi-*
11 *sion A of this consolidated Act) and any proposed increases*
12 *or decreases to the amounts contained in such table shall*
13 *be subject to the regular notification procedures of the Com-*
14 *mittees on Appropriations.*

15 *(c) ASSISTANCE FOR THE COLOMBIAN ARMED*
16 *FORCES.—*

17 *(1) FUNDING.—Funds appropriated by this Act*
18 *that are available for assistance for the Colombian*
19 *Armed Forces, may be made available as follows:*

20 *(A) Up to 70 percent of such funds may be*
21 *obligated prior to the certification and report by*
22 *the Secretary of State pursuant to subparagraph*
23 *(B).*

24 *(B) Up to 15 percent of such funds may be*
25 *obligated only after the Secretary of State*

1 *consults with, and subsequently certifies and sub-*
2 *mits a written report to, the Committees on Ap-*
3 *propriations that the Government of Colombia is*
4 *meeting the requirements described in paragraph*
5 *(2).*

6 (2) *REQUIREMENTS.—The requirements referred*
7 *to in paragraph (1) are as follows:*

8 (A) *The Commander General of the Colom-*
9 *bian Armed Forces is suspending or placing on*
10 *administrative duty, if requested by the pros-*
11 *ecutor, those members of the Armed Forces, of*
12 *whatever rank, who, according to the Minister of*
13 *Defense, the Attorney General or the*
14 *Procuraduria General de la Nacion, have been*
15 *credibly alleged to have committed gross viola-*
16 *tions of human rights, including extra-judicial*
17 *killings, or to have aided or abetted paramilitary*
18 *organizations or successor armed groups.*

19 (B) *The Government of Colombia is inves-*
20 *tigating and prosecuting, in the civilian justice*
21 *system, those members of the Colombian Armed*
22 *Forces, of whatever rank, who have been credibly*
23 *alleged to have committed gross violations of*
24 *human rights, including extra-judicial killings,*

1 *or to have aided or abetted paramilitary organi-*
2 *zations or successor armed groups.*

3 *(C) The Colombian Armed Forces are co-*
4 *operating fully with civilian prosecutors and ju-*
5 *dicial authorities in such cases (including pro-*
6 *viding requested information, such as the iden-*
7 *tity of persons suspended from the Armed Forces*
8 *and the nature and cause of the suspension, and*
9 *access to witnesses, relevant military documents,*
10 *and other requested information).*

11 *(D) The Colombian Armed Forces have*
12 *taken all necessary steps to sever links (including*
13 *denying access to military intelligence, vehicles,*
14 *and other equipment or supplies, and ceasing*
15 *other forms of active or tacit cooperation) at all*
16 *levels, with paramilitary organizations or suc-*
17 *cessor armed groups, especially in regions where*
18 *such organizations have a significant presence.*

19 *(E) The Government of Colombia is dis-*
20 *mantling paramilitary leadership and financial*
21 *networks by arresting and prosecuting under ci-*
22 *vilian criminal law individuals who have pro-*
23 *vided financial, planning, or logistical support,*
24 *or have otherwise aided or abetted paramilitary*
25 *organizations or successor armed groups; by*

1 *identifying and seizing land and other assets il-*
2 *legally acquired by such organizations or their*
3 *associates and returning such land or assets to*
4 *their rightful occupants or owners; by revoking*
5 *reduced sentences for demobilized paramilitaries*
6 *who engage in new criminal activity; and by ar-*
7 *resting and prosecuting under civilian criminal*
8 *law, and when requested, promptly extraditing*
9 *to the United States members of successor armed*
10 *groups.*

11 *(F) The Government of Colombia is ensur-*
12 *ing that the Colombian Armed Forces are not*
13 *violating the land and property rights of Colom-*
14 *bia's indigenous and Afro-Colombian commu-*
15 *nities, and that the Colombian Armed Forces are*
16 *implementing procedures to distinguish between*
17 *civilians, including displaced persons, and com-*
18 *batants in their operations.*

19 *(3) The balance of such funds may be obligated*
20 *after July 31, 2008, if, before such date, the Secretary*
21 *of State consults with, and submits a written certifi-*
22 *cation to, the Committees on Appropriations that the*
23 *Colombian Armed Forces are continuing to meet the*
24 *requirements described in paragraph (2) and are con-*
25 *ducting vigorous operations to restore civilian govern-*

1 *ment authority and respect for human rights in areas*
2 *under the effective control of paramilitary organiza-*
3 *tions or successor armed groups and guerrilla organi-*
4 *zations.*

5 (4) *CERTAIN FUNDS EXEMPTED.*—*The require-*
6 *ment to withhold funds from obligation shall not*
7 *apply with respect to funds made available under the*
8 *heading “Andean Counterdrug Programs” for contin-*
9 *ued support for the Critical Flight Safety Program or*
10 *for any alternative development programs in Colom-*
11 *bia administered by the Bureau of International Nar-*
12 *cotics and Law Enforcement Affairs of the Depart-*
13 *ment of State.*

14 (5) *REPORT.*—*At the time the Secretary of State*
15 *submits certifications pursuant to paragraphs (1)(B)*
16 *and (3) of this subsection, the Secretary shall also*
17 *submit to the Committees on Appropriations a report*
18 *that contains, with respect to each such paragraph, a*
19 *detailed description of the specific actions taken by*
20 *both the Colombian Government and Colombian*
21 *Armed Forces which support each requirement of the*
22 *certification, and the cases or issues brought to the at-*
23 *tention of the Secretary, including through the De-*
24 *partment of State’s annual Country Reports on*
25 *Human Rights Practices, for which the actions taken*

1 *by the Colombian Government or Armed Forces have*
2 *been determined by the Secretary of State to be inad-*
3 *equated.*

4 *(d) CONSULTATIVE PROCESS.—Not later than 60 days*
5 *after the date of enactment of this Act, and every 90 days*
6 *thereafter until September 30, 2008, the Secretary of State*
7 *shall consult with Colombian and internationally recog-*
8 *nized human rights organizations regarding progress in*
9 *meeting the requirements contained in subsection (c)(2).*

10 *(e) ASSISTANCE FOR DEMOBILIZATION AND DISAR-*
11 *MAMENT OF FORMER COMBATANTS IN COLOMBIA.—*

12 *(1) AVAILABILITY OF FUNDS.—Of the funds ap-*
13 *propriated in this Act under the heading “Economic*
14 *Support Fund”, up to \$11,442,000 may be made*
15 *available in fiscal year 2008 for assistance for the*
16 *disarmament, demobilization and reintegration of*
17 *former members of foreign terrorist organizations*
18 *(FTOs) in Colombia, if the Secretary of State consults*
19 *with and makes a certification described in para-*
20 *graph (2) to the Committees on Appropriations prior*
21 *to the initial obligation of amounts for such assist-*
22 *ance for the fiscal year involved.*

23 *(2) CERTIFICATION.—A certification described in*
24 *this subsection is a certification that—*

1 (A) assistance for the fiscal year will be
2 provided only for individuals who have: (i)
3 verifiably renounced and terminated any affili-
4 ation or involvement with FTOs or other illegal
5 armed groups; (ii) are meeting all the require-
6 ments of the Colombia demobilization program,
7 including having disclosed their involvement in
8 past crimes and their knowledge of the FTO's
9 structure, financing sources, illegal assets, and
10 the location of kidnapping victims and bodies of
11 the disappeared; and (iii) are not involved in
12 acts of intimidation or violence;

13 (B) the Government of Colombia is pro-
14 viding full cooperation to the Government of the
15 United States to extradite the leaders and mem-
16 bers of the FTOs who have been indicted in the
17 United States for murder, kidnapping, narcotics
18 trafficking, or other violations of United States
19 law, and is extraditing to the United States
20 those commanders, leaders and members indicted
21 in the United States who have breached the
22 terms of the Colombian demobilization program,
23 including by failing to fully confess their crimes,
24 failing to disclose their illegal assets, or commit-

1 *ting new crimes since the approval of the Justice*
2 *and Peace Law;*

3 *(C) the Government of Colombia is not*
4 *knowingly taking any steps to legalize the titles*
5 *of land or other assets illegally obtained and held*
6 *by FTOs, their associates, or successors, has es-*
7 *tablished effective procedures to identify such*
8 *land and other assets, and is seizing and return-*
9 *ing such land and other assets to their rightful*
10 *occupants or owners;*

11 *(D) the Government of Colombia is imple-*
12 *menting a concrete and workable framework for*
13 *dismantling the organizational structures of for-*
14 *ign terrorist organizations; and*

15 *(E) funds shall not be made available as*
16 *cash payments to individuals and are available*
17 *only for activities under the following categories:*
18 *verification, reintegration (including training*
19 *and education), vetting, recovery of assets for*
20 *reparations for victims, and investigations and*
21 *prosecutions.*

22 *(f) ILLEGAL ARMED GROUPS.—*

23 *(1) DENIAL OF VISAS TO SUPPORTERS OF CO-*
24 *LOMBIAN ILLEGAL ARMED GROUPS.—Subject to para-*
25 *graph (2), the Secretary of State shall not issue a visa*

1 to any alien who the Secretary determines, based on
2 credible evidence—

3 (A) has willfully provided any support to
4 the Revolutionary Armed Forces of Colombia
5 (FARC), the National Liberation Army (ELN),
6 the United Self-Defense Forces of Colombia
7 (AUC), or successor armed groups, including
8 taking actions or failing to take actions which
9 allow, facilitate, or otherwise foster the activities
10 of such groups; or

11 (B) has committed, ordered, incited, as-
12 sisted, or otherwise participated in the commis-
13 sion of a gross violation of human rights, includ-
14 ing extra-judicial killings, in Colombia.

15 (2) WAIVER.—Paragraph (1) shall not apply if
16 the Secretary of State certifies to the Committees on
17 Appropriations, on a case-by-case basis, that the
18 issuance of a visa to the alien is necessary to support
19 the peace process in Colombia or for urgent humani-
20 tarian reasons.

21 (g) DEFINITIONS.—In this section:

22 (1) AIDED OR ABETTED.—The term “aided or
23 abetted” means to provide any support to para-
24 military or successor armed groups, including taking

1 *the Committee on Foreign Relations of the Senate, the Com-*
2 *mittee on Foreign Affairs of the House of Representatives,*
3 *and the Committees on Appropriations that the government*
4 *of such country is taking effective measures to bring the re-*
5 *sponsible members of the security forces unit to justice.*

6 “(c) *DUTY TO INFORM.—In the event that funds are*
7 *withheld from any unit pursuant to this section, the Sec-*
8 *retary of State shall promptly inform the foreign govern-*
9 *ment of the basis for such action and shall, to the maximum*
10 *extent practicable, assist the foreign government in taking*
11 *effective measures to bring the responsible members of the*
12 *security forces to justice.”.*

13 *FOREIGN MILITARY TRAINING REPORT*

14 *SEC. 652. The annual foreign military training report*
15 *required by section 656 of the Foreign Assistance Act of*
16 *1961 shall be submitted by the Secretary of Defense and*
17 *the Secretary of State to the Committees on Appropriations*
18 *by the date specified in that section.*

19 *AUTHORIZATION REQUIREMENT*

20 *SEC. 653. Funds appropriated by this Act, except*
21 *funds appropriated under the headings “Trade and Devel-*
22 *opment Agency” and “Overseas Private Investment Cor-*
23 *poration”, may be obligated and expended notwithstanding*
24 *section 10 of Public Law 91–672 and section 15 of the State*
25 *Department Basic Authorities Act of 1956.*

1 LIBYA

2 SEC. 654. (a) *None of the funds appropriated or other-*
3 *wise made available by this Act shall be obligated or ex-*
4 *pended to finance directly any assistance for Libya.*

5 (b) *The prohibition of subsection (a) shall no longer*
6 *apply if the Secretary of State certifies to the Committees*
7 *on Appropriations that the Government of Libya has made*
8 *the final settlement payments to the Pan Am 103 victims'*
9 *families, paid to the LaBelle Disco bombing victims the*
10 *agreed upon settlement amounts, and is engaging in good*
11 *faith settlement discussions regarding other relevant ter-*
12 *rorism cases.*

13 (c) *Not later than 180 days after enactment of this*
14 *Act, the Secretary shall submit a report to the Committees*
15 *on Appropriations describing (1) actions taken by the De-*
16 *partment of State to facilitate a resolution of these cases;*
17 *and (2) United States commercial activities in Libya's en-*
18 *ergy sector.*

19 PALESTINIAN STATEHOOD

20 SEC. 655. (a) *LIMITATION ON ASSISTANCE.*—*None of*
21 *the funds appropriated under titles II through V of this Act*
22 *may be provided to support a Palestinian state unless the*
23 *Secretary of State determines and certifies to the appro-*
24 *priate congressional committees that—*

25 (1) *the governing entity of a new Palestinian*
26 *state—*

1 (A) has demonstrated a firm commitment to
2 peaceful co-existence with the State of Israel;

3 (B) is taking appropriate measures to
4 counter terrorism and terrorist financing in the
5 West Bank and Gaza, including the dismantling
6 of terrorist infrastructures, and is cooperating
7 with appropriate Israeli and other appropriate
8 security organizations; and

9 (2) the Palestinian Authority (or the governing
10 entity of a new Palestinian state) is working with
11 other countries in the region to vigorously pursue ef-
12 forts to establish a just, lasting, and comprehensive
13 peace in the Middle East that will enable Israel and
14 an independent Palestinian state to exist within the
15 context of full and normal relationships, which should
16 include—

17 (A) termination of all claims or states of
18 belligerency;

19 (B) respect for and acknowledgement of the
20 sovereignty, territorial integrity, and political
21 independence of every state in the area through
22 measures including the establishment of demili-
23 tarized zones;

1 (C) *their right to live in peace within secure*
2 *and recognized boundaries free from threats or*
3 *acts of force;*

4 (D) *freedom of navigation through inter-*
5 *national waterways in the area; and*

6 (E) *a framework for achieving a just settle-*
7 *ment of the refugee problem.*

8 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
9 *that the governing entity should enact a constitution assur-*
10 *ing the rule of law, an independent judiciary, and respect*
11 *for human rights for its citizens, and should enact other*
12 *laws and regulations assuring transparent and accountable*
13 *governance.*

14 (c) *WAIVER.—The President may waive subsection (a)*
15 *if he determines that it is important to the national security*
16 *interests of the United States to do so.*

17 (d) *EXEMPTION.—The restriction in subsection (a)*
18 *shall not apply to assistance intended to help reform the*
19 *Palestinian Authority and affiliated institutions, or the*
20 *governing entity, in order to help meet the requirements of*
21 *subsection (a), consistent with the provisions of section 650*
22 *of this Act (“Limitation on Assistance to the Palestinian*
23 *Authority”).*

1 *rorist activity nor, with respect to private entities or edu-*
2 *cational institutions, those that have as a principal officer*
3 *of the entity's governing board or governing board of trust-*
4 *ees any individual that has been determined to be involved*
5 *in, or advocating terrorist activity or determined to be a*
6 *member of a designated foreign terrorist organization. The*
7 *Secretary of State shall, as appropriate, establish proce-*
8 *dures specifying the steps to be taken in carrying out this*
9 *subsection and shall terminate assistance to any individual,*
10 *entity, or educational institution which she has determined*
11 *to be involved in or advocating terrorist activity.*

12 *(c) PROHIBITION.—*

13 *(1) None of the funds appropriated under titles*
14 *II through V of this Act for assistance under the West*
15 *Bank and Gaza program may be made available for*
16 *the purpose of recognizing or otherwise honoring indi-*
17 *viduals who commit, or have committed acts of ter-*
18 *rorism.*

19 *(2) Notwithstanding any other provision of law,*
20 *none of the funds made available by this or prior ap-*
21 *propriations act, including funds made available by*
22 *transfer, may be made available for obligation for se-*
23 *curity assistance for the West Bank and Gaza until*
24 *the Secretary of State reports to the Committees on*
25 *Appropriations on the benchmarks that have been es-*

1 *established for security assistance for the West Bank*
2 *and Gaza and reports on the extent of Palestinian*
3 *compliance with such benchmarks.*

4 *(d) AUDITS.—*

5 *(1) The Administrator of the United States*
6 *Agency for International Development shall ensure*
7 *that Federal or non-Federal audits of all contractors*
8 *and grantees, and significant subcontractors and sub-*
9 *grantees, under the West Bank and Gaza Program,*
10 *are conducted at least on an annual basis to ensure,*
11 *among other things, compliance with this section.*

12 *(2) Of the funds appropriated by this Act up to*
13 *\$500,000 may be used by the Office of the Inspector*
14 *General of the United States Agency for International*
15 *Development for audits, inspections, and other activi-*
16 *ties in furtherance of the requirements of this sub-*
17 *section. Such funds are in addition to funds otherwise*
18 *available for such purposes.*

19 *(e) Subsequent to the certification specified in sub-*
20 *section (a), the Comptroller General of the United States*
21 *shall conduct an audit and an investigation of the treat-*
22 *ment, handling, and uses of all funds for the bilateral West*
23 *Bank and Gaza Program in fiscal year 2008 under the*
24 *heading “Economic Support Fund”. The audit shall ad-*
25 *dress—*

1 (2) *The provisions of this subsection shall not apply*
2 *to humanitarian assistance or assistance for democratiza-*
3 *tion.*

4 (b) *The provisions of subsection (a) shall apply unless*
5 *the Secretary of State determines and reports to the appro-*
6 *priate congressional committees that the competent authori-*
7 *ties of such country, entity, or municipality are—*

8 (1) *cooperating with the Tribunal, including ac-*
9 *cess for investigators to archives and witnesses, the*
10 *provision of documents, and the surrender and trans-*
11 *fer of indictees or assistance in their apprehension;*
12 *and*

13 (2) *are acting consistently with the Dayton Ac-*
14 *cords.*

15 (c) *Not less than 10 days before any vote in an inter-*
16 *national financial institution regarding the extension of*
17 *any new project involving financial or technical assistance*
18 *or grants to any country or entity described in subsection*
19 *(a), the Secretary of the Treasury, in consultation with the*
20 *Secretary of State, shall provide to the Committees on Ap-*
21 *propriations a written justification for the proposed assist-*
22 *ance, including an explanation of the United States posi-*
23 *tion regarding any such vote, as well as a description of*
24 *the location of the proposed assistance by municipality, its*
25 *purpose, and its intended beneficiaries.*

1 (d) *In carrying out this section, the Secretary of State,*
2 *the Administrator of the United States Agency for Inter-*
3 *national Development, and the Secretary of the Treasury*
4 *shall consult with representatives of human rights organiza-*
5 *tions and all government agencies with relevant informa-*
6 *tion to help prevent indicted war criminals from benefiting*
7 *from any financial or technical assistance or grants pro-*
8 *vided to any country or entity described in subsection (a).*

9 (e) *The Secretary of State may waive the application*
10 *of subsection (a) with respect to projects within a country,*
11 *entity, or municipality upon a written determination to*
12 *the Committees on Appropriations that such assistance di-*
13 *rectly supports the implementation of the Dayton Accords.*

14 (f) *DEFINITIONS.—As used in this section:*

15 (1) *COUNTRY.—The term “country” means Bos-*
16 *nia and Herzegovina, Croatia and Serbia.*

17 (2) *ENTITY.—The term “entity” refers to the*
18 *Federation of Bosnia and Herzegovina, Kosovo, Mon-*
19 *tenegro and the Republika Srpska.*

20 (3) *MUNICIPALITY.—The term “municipality”*
21 *means a city, town or other subdivision within a*
22 *country or entity as defined herein.*

23 (4) *DAYTON ACCORDS.—The term “Dayton Ac-*
24 *cords” means the General Framework Agreement for*
25 *Peace in Bosnia and Herzegovina, together with an-*

1 (b) *AVAILABILITY OF FUNDS.*—*Funds appropriated*
2 *under the heading “International Organizations and Pro-*
3 *grams” in this Act that are available for UNFPA, that are*
4 *not made available for UNFPA because of the operation of*
5 *any provision of law, shall be transferred to the “Global*
6 *Health and Child Survival” account and shall be made*
7 *available for family planning, maternal, and reproductive*
8 *health activities, subject to the regular notification proce-*
9 *dures of the Committees on Appropriations.*

10 (c) *PROHIBITION ON USE OF FUNDS IN CHINA.*—*None*
11 *of the funds made available under this Act may be used*
12 *by UNFPA for a country program in the People’s Republic*
13 *of China.*

14 (d) *CONDITIONS ON AVAILABILITY OF FUNDS.*—
15 *Amounts made available under this Act for UNFPA may*
16 *not be made available to UNFPA unless—*

17 (1) *UNFPA maintains amounts made available*
18 *to UNFPA under this section in an account separate*
19 *from other accounts of UNFPA;*

20 (2) *UNFPA does not commingle amounts made*
21 *available to UNFPA under this section with other*
22 *sums; and*

23 (3) *UNFPA does not fund abortions.*

24 (e) *REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR*
25 *WITHHOLDING OF FUNDS.*—

1 (1) *Not later than 4 months after the date of en-*
2 *actment of this Act, the Secretary of State shall sub-*
3 *mit a report to the Committees on Appropriations in-*
4 *dicating the amount of funds that the UNFPA is*
5 *budgeting for the year in which the report is sub-*
6 *mitted for a country program in the People's Repub-*
7 *lic of China.*

8 (2) *If a report under paragraph (1) indicates*
9 *that the UNFPA plans to spend funds for a country*
10 *program in the People's Republic of China in the*
11 *year covered by the report, then the amount of such*
12 *funds that the UNFPA plans to spend in the People's*
13 *Republic of China shall be deducted from the funds*
14 *made available to the UNFPA after March 1 for obli-*
15 *gation for the remainder of the fiscal year in which*
16 *the report is submitted.*

17 (f) *Nothing in this section shall be construed to limit*
18 *the authority of the President to deny funds to any organi-*
19 *zation by reason of the application of another provision of*
20 *this Act or any other provision of law.*

21 COMMUNITY-BASED POLICE ASSISTANCE

22 SEC. 661. (a) *AUTHORITY.*—*Funds made available by*
23 *title III of this Act to carry out the provisions of chapter*
24 *1 of part I and chapter 4 of part II of the Foreign Assist-*
25 *ance Act of 1961, may be used, notwithstanding section 660*
26 *of that Act, to enhance the effectiveness and accountability*

1 *of civilian police authority through training and technical*
2 *assistance in human rights, the rule of law, strategic plan-*
3 *ning, and through assistance to foster civilian police roles*
4 *that support democratic governance including assistance for*
5 *programs to prevent conflict, respond to disasters, address*
6 *gender-based violence, and foster improved police relations*
7 *with the communities they serve.*

8 (b) *NOTIFICATION.*—*Assistance provided under sub-*
9 *section (a) shall be subject to prior consultation with, and*
10 *the regular notification procedures of, the Committees on*
11 *Appropriations.*

12 *SPECIAL DEBT RELIEF FOR THE POOREST*

13 *SEC. 662. (a) AUTHORITY TO REDUCE DEBT.*—*The*
14 *President may reduce amounts owed to the United States*
15 *(or any agency of the United States) by an eligible country*
16 *as a result of—*

17 (1) *guarantees issued under sections 221 and 222*
18 *of the Foreign Assistance Act of 1961;*

19 (2) *credits extended or guarantees issued under*
20 *the Arms Export Control Act; or*

21 (3) *any obligation or portion of such obligation,*
22 *to pay for purchases of United States agricultural*
23 *commodities guaranteed by the Commodity Credit*
24 *Corporation under export credit guarantee programs*
25 *authorized pursuant to section 5(f) of the Commodity*
26 *Credit Corporation Charter Act of June 29, 1948, as*

1 *amended, section 4(b) of the Food for Peace Act of*
2 *1966, as amended (Public Law 89–808), or section*
3 *202 of the Agricultural Trade Act of 1978, as amend-*
4 *ed (Public Law 95–501).*

5 **(b) LIMITATIONS.—**

6 *(1) The authority provided by subsection (a)*
7 *may be exercised only to implement multilateral offi-*
8 *cial debt relief and referendum agreements, commonly*
9 *referred to as “Paris Club Agreed Minutes”.*

10 *(2) The authority provided by subsection (a)*
11 *may be exercised only in such amounts or to such ex-*
12 *tent as is provided in advance by appropriations*
13 *Acts.*

14 *(3) The authority provided by subsection (a)*
15 *may be exercised only with respect to countries with*
16 *heavy debt burdens that are eligible to borrow from*
17 *the International Development Association, but not*
18 *from the International Bank for Reconstruction and*
19 *Development, commonly referred to as “IDA-only”*
20 *countries.*

21 **(c) CONDITIONS.—***The authority provided by sub-*
22 *section (a) may be exercised only with respect to a country*
23 *whose government—*

24 *(1) does not have an excessive level of military*
25 *expenditures;*

1 (2) *has not repeatedly provided support for acts*
2 *of international terrorism;*

3 (3) *is not failing to cooperate on international*
4 *narcotics control matters;*

5 (4) *(including its military or other security*
6 *forces) does not engage in a consistent pattern of gross*
7 *violations of internationally recognized human rights;*
8 *and*

9 (5) *is not ineligible for assistance because of the*
10 *application of section 527 of the Foreign Relations*
11 *Authorization Act, Fiscal Years 1994 and 1995.*

12 (d) *AVAILABILITY OF FUNDS.—The authority provided*
13 *by subsection (a) may be used only with regard to the funds*
14 *appropriated by this Act under the heading “Debt Restruc-*
15 *turing”.*

16 (e) *CERTAIN PROHIBITIONS INAPPLICABLE.—A reduc-*
17 *tion of debt pursuant to subsection (a) shall not be consid-*
18 *ered assistance for the purposes of any provision of law lim-*
19 *iting assistance to a country. The authority provided by*
20 *subsection (a) may be exercised notwithstanding section*
21 *620(r) of the Foreign Assistance Act of 1961 or section 321*
22 *of the International Development and Food Assistance Act*
23 *of 1975.*

24 *AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES*

25 *SEC. 663. (a) LOANS ELIGIBLE FOR SALE, REDUC-*
26 *TION, OR CANCELLATION.—*

1 (1) *AUTHORITY TO SELL, REDUCE, OR CANCEL*
2 *CERTAIN LOANS.*—*Notwithstanding any other provi-*
3 *sion of law, the President may, in accordance with*
4 *this section, sell to any eligible purchaser any*
5 *concessional loan or portion thereof made before Jan-*
6 *uary 1, 1995, pursuant to the Foreign Assistance Act*
7 *of 1961, to the government of any eligible country as*
8 *defined in section 702(6) of that Act or on receipt of*
9 *payment from an eligible purchaser, reduce or cancel*
10 *such loan or portion thereof, only for the purpose of*
11 *facilitating—*

12 (A) *debt-for-equity swaps, debt-for-develop-*
13 *ment swaps, or debt-for-nature swaps; or*

14 (B) *a debt buyback by an eligible country*
15 *of its own qualified debt, only if the eligible*
16 *country uses an additional amount of the local*
17 *currency of the eligible country, equal to not less*
18 *than 40 percent of the price paid for such debt*
19 *by such eligible country, or the difference between*
20 *the price paid for such debt and the face value*
21 *of such debt, to support activities that link con-*
22 *servation and sustainable use of natural re-*
23 *sources with local community development, and*
24 *child survival and other child development, in a*
25 *manner consistent with sections 707 through 710*

1 *of the Foreign Assistance Act of 1961, if the sale,*
2 *reduction, or cancellation would not contravene*
3 *any term or condition of any prior agreement*
4 *relating to such loan.*

5 (2) *TERMS AND CONDITIONS.—Notwithstanding*
6 *any other provision of law, the President shall, in ac-*
7 *cordance with this section, establish the terms and*
8 *conditions under which loans may be sold, reduced, or*
9 *canceled pursuant to this section.*

10 (3) *ADMINISTRATION.—The Facility, as defined*
11 *in section 702(8) of the Foreign Assistance Act of*
12 *1961, shall notify the administrator of the agency*
13 *primarily responsible for administering part I of the*
14 *Foreign Assistance Act of 1961 of purchasers that the*
15 *President has determined to be eligible, and shall di-*
16 *rect such agency to carry out the sale, reduction, or*
17 *cancellation of a loan pursuant to this section. Such*
18 *agency shall make adjustment in its accounts to re-*
19 *flect the sale, reduction, or cancellation.*

20 (4) *LIMITATION.—The authorities of this sub-*
21 *section shall be available only to the extent that ap-*
22 *propriations for the cost of the modification, as de-*
23 *finied in section 502 of the Congressional Budget Act*
24 *of 1974, are made in advance.*

1 \$190,000,000 shall be provided and implemented in coun-
2 tries that have an approved national education plan.

3 (b) *COORDINATOR*.—There shall be established within
4 the Department of State in the immediate office of the Di-
5 rector of United States Foreign Assistance, a Coordinator
6 of United States Government activities to provide basic edu-
7 cation assistance in developing countries (hereinafter in
8 this section referred to as the “Coordinator”).

9 (c) *RESPONSIBILITIES*.—That the Coordinator shall
10 have primary responsibility for the oversight and coordina-
11 tion of all resources and international activities of the
12 United States Government that provide assistance in devel-
13 oping countries for basic education. The individual serving
14 as the Coordinator may not hold any other position in the
15 Federal Government during the individual’s time of service
16 as Coordinator.

17 (d) *STRATEGY*.—The President shall develop a com-
18 prehensive integrated United States Government strategy to
19 provide assistance in developing countries for basic edu-
20 cation within 90 days of enactment of this Act.

21 (e) *REPORT TO CONGRESS*.—Not later than September
22 30, 2008, the Secretary of State shall report to the Commit-
23 tees on Appropriations on the implementation of United
24 States Government assistance programs in developing coun-
25 tries for basic education.

1 *made available for assistance for the Government of*
2 *Sudan.*

3 (2) *None of the funds appropriated by this Act*
4 *may be made available for the cost, as defined in sec-*
5 *tion 502, of the Congressional Budget Act of 1974, of*
6 *modifying loans and loan guarantees held by the Gov-*
7 *ernment of Sudan, including the cost of selling, reduc-*
8 *ing, or canceling amounts owed to the United States,*
9 *and modifying concessional loans, guarantees, and*
10 *credit agreements.*

11 (b) *Subsection (a) shall not apply if the Secretary of*
12 *State determines and certifies to the Committees on Appro-*
13 *priations that:*

14 (1) *The Government of Sudan honors its pledges*
15 *to cease attacks upon civilians and disarms and de-*
16 *mobilizes the Janjaweed and other government-sup-*
17 *ported militias.*

18 (2) *The Government of Sudan and all govern-*
19 *ment-supported militia groups are honoring their*
20 *commitments made in all previous cease-fire agree-*
21 *ments.*

22 (3) *The Government of Sudan is allowing*
23 *unimpeded access to Darfur to humanitarian aid or-*
24 *ganizations, the human rights investigation and hu-*
25 *manitarian teams of the United Nations, including*

1 *protection officers, and an international monitoring*
2 *team that is based in Darfur and has the support of*
3 *the United States.*

4 (c) *EXCEPTIONS.*—*The provisions of subsection (a)*
5 *shall not apply to—*

6 (1) *humanitarian assistance;*

7 (2) *assistance for the Darfur region, Southern*
8 *Sudan, Southern Kordofan/Nuba Mountains State,*
9 *Blue Nile State, and Abyei; and*

10 (3) *assistance to support implementation of the*
11 *Comprehensive Peace Agreement and the Darfur*
12 *Peace Agreement or any other internationally-recog-*
13 *nized viable peace agreement in Sudan.*

14 (d) *DEFINITIONS.*—*For the purposes of this Act, the*
15 *term “Government of Sudan” shall not include the Govern-*
16 *ment of Southern Sudan.*

17 (e) *Notwithstanding any other law, assistance in this*
18 *Act may be made available to the Government of Southern*
19 *Sudan to provide non-lethal military assistance, military*
20 *education and training, and defense services controlled*
21 *under the International Traffic in Arms Regulations (22*
22 *CRF 120.1 et seq.) if the Secretary of State—*

23 (1) *determines that the provision of such items*
24 *is in the national interest of the United States; and*

1 *have or is not implementing a policy of posting on a pub-*
2 *licly available website information such as (1) audits, budg-*
3 *et reports, and information related to procurement activi-*
4 *ties; (2) procedures for protecting whistleblowers; and (3)*
5 *efforts to ensure the independence of internal oversight bod-*
6 *ies, adopt international public sector accounting standards,*
7 *and limit administrative costs.*

8 (b) *UNITED NATIONS DEVELOPMENT PROGRAM.—*
9 *Twenty percent of the funds appropriated by this Act under*
10 *the heading “International Organizations and Programs”*
11 *for a United States contribution to the United Nations De-*
12 *velopment Program (UNDP) shall be withheld from dis-*
13 *bursement until the Secretary of State reports to the Com-*
14 *mittees on Appropriations that UNDP is—*

15 (1) *giving adequate access to information to the*
16 *Department of State regarding UNDP’s programs*
17 *and activities as requested, including in North Korea*
18 *and Burma;*

19 (2) *conducting oversight of UNDP programs and*
20 *activities globally; and*

21 (3) *implementing a whistleblower protection pol-*
22 *icy equivalent to that recommended by the United*
23 *Nations Secretary General on December 3, 2007.*

24 (c)(1) *WORLD BANK.—Ten percent of the funds appro-*
25 *priated by this Act under the heading “International Devel-*

1 *opment Association” shall be withheld from disbursement*
2 *until the Secretary of the Treasury reports to the Commit-*
3 *tees on Appropriations that—*

4 *(A) the World Bank has made publicly available,*
5 *in an appropriate manner, financial disclosure forms*
6 *of senior World Bank personnel, including those at*
7 *the level of managing director, vice president, and*
8 *above;*

9 *(B) the World Bank has established a plan and*
10 *maintains a schedule for conducting regular, inde-*
11 *pendent audits of internal management controls and*
12 *procedures for meeting operational objectives, and is*
13 *making reports describing the scope and findings of*
14 *such audits available to the public;*

15 *(C) the World Bank is adequately staffing and*
16 *sufficiently funding the Department of Institutional*
17 *Integrity;*

18 *(D) the World Bank has made publicly available*
19 *the reports of the Department of Institutional Integ-*
20 *egrity, and any subsequent review of corrective actions*
21 *for such reports, including, but not limited to, the No-*
22 *vember 23, 2005 “Report of Investigation into Repro-*
23 *ductive and Child Health I Project Credit N0180*
24 *India”, and the May 2006 report on Credit Number*

1 3703 DRC, Grant number H193 DRC, and Grant
2 number H010 DRC; and

3 (E) the World Bank is implementing the rec-
4 ommendations of the “Volcker Panel” report in a
5 timely manner.

6 (2) *ANTICORRUPTION PROVISIONS.*—In addition to the
7 funds withheld in subsection (b)(1), 10 percent of the funds
8 appropriated by this Act under the heading “International
9 Development Association” shall be withheld from disburse-
10 ment until the Secretary of the Treasury reports to the
11 Committees on Appropriations on the extent to which the
12 World Bank has completed the following:

13 (A) World Bank procurement guidelines, includ-
14 ing the World Bank’s Standard Bidding Documents,
15 have been applied to all procurement financed in
16 whole or in part by a loan from the World Bank or
17 a credit agreement or grant from the International
18 Development Association (IDA);

19 (B) the World Bank maintains a strong central
20 procurement office staffed with senior experts who are
21 designated to address commercial concerns, questions,
22 and complaints regarding procurement procedures
23 and payments under IDA and World Bank projects;

24 (C) thresholds for international competitive bid-
25 ding have been established to maximize international

1 *competitive bidding in accordance with sound pro-*
2 *curement practices, including transparency, competi-*
3 *tion, and cost-effective results for the Borrowers;*

4 *(D) the World Bank is consulting with the ap-*
5 *propriate private and public sector representatives re-*
6 *garding implementation of the country procurement*
7 *pilots outlined in the June 2007 report to the Board;*
8 *and*

9 *(E) all countries selected for the procurement*
10 *pilot program must adhere to all World Bank anti-*
11 *fraud and anti-corruption policies and must dem-*
12 *onstrate a strong anti-fraud enforcement record.*

13 *(d) REPORT.—*

14 *(1)(A) The Comptroller General of the United*
15 *States shall conduct an assessment of the programs*
16 *and activities funded under the heading “Millennium*
17 *Challenge Corporation” (MCC) in this Act and prior*
18 *Acts making appropriations for foreign operations,*
19 *export financing, and related programs to include a*
20 *review of the financial controls and procurement*
21 *practices of the Corporation and its accountable enti-*
22 *ties, and the results achieved by MCC’s compacts.*

23 *(B) Of the funds appropriated under the heading*
24 *“Millennium Challenge Corporation” in this Act, up*

1 to \$250,000 shall be made available to the Comptroller for the requirements of subsection (1)(A).
2

3 (2)(A) The Comptroller General of the United
4 States shall conduct an assessment of the HIV/AIDS
5 programs and activities funded under the headings
6 “Child Survival and Health Programs Fund”, “Global
7 HIV/AIDS Initiative”, and “Global Health and
8 Child Survival” in this Act and prior Acts making
9 appropriations for foreign operations, export financing,
10 and related programs to include a review of the
11 procurement and results monitoring activities of
12 United States bilateral HIV/AIDS programs. The as-
13 sessment should also address the impact of Global
14 HIV/AIDS Initiative funding on other United States
15 global health programming.

16 (B) Of the funds appropriated under the heading
17 “Global Health and Child Survival”, up to \$125,000
18 shall be made available to the Comptroller for the re-
19 quirements of subsection (2)(A).

20 (e) NATIONAL BUDGET TRANSPARENCY.—

21 (1) None of the funds appropriated by this Act
22 may be made available for assistance for the central
23 government of any country that fails to make publicly
24 available on an annual basis its national budget, to
25 include income and expenditures.

1 (2) *The Secretary of State may waive subsection*
2 *(e)(1) if the Secretary reports to the Committees on*
3 *Appropriations that to do so is in the national inter-*
4 *ests of the United States.*

5 (3) *The reporting requirement pursuant to sec-*
6 *tion 585(b) of Public Law 108–7 regarding fiscal*
7 *transparency and accountability in countries whose*
8 *central governments receive United States foreign as-*
9 *sistance shall apply to this Act.*

10 *EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH*

11 *EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES*

12 *SEC. 669. Notwithstanding section 516(e) of the For-*
13 *ign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during*
14 *fiscal year 2008, funds available to the Department of De-*
15 *fense may be expended for crating, packing, handling, and*
16 *transportation of excess defense articles transferred under*
17 *the authority of section 516 of such Act to Albania, Afghani-*
18 *stan, Bulgaria, Croatia, Estonia, Former Yugoslavian Re-*
19 *public of Macedonia, Georgia, India, Iraq, Kazakhstan,*
20 *Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Paki-*
21 *stan, Romania, Slovakia, Tajikistan, Turkmenistan, and*
22 *Ukraine.*

23 *GENDER-BASED VIOLENCE*

24 *SEC. 670. Programs funded under titles III and IV*
25 *of this Act that provide training for foreign police, judicial,*

1 *and military officials, shall include, where appropriate,*
2 *programs and activities that address gender-based violence.*

3 *LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR*
4 *CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES*
5 *TO THE INTERNATIONAL CRIMINAL COURT*

6 *SEC. 671. (a) None of the funds made available in this*
7 *Act under the heading “Economic Support Fund” may be*
8 *used to provide assistance to the government of a country*
9 *that is a party to the International Criminal Court and*
10 *has not entered into an agreement with the United States*
11 *pursuant to Article 98 of the Rome Statute preventing the*
12 *International Criminal Court from proceeding against*
13 *United States personnel present in such country.*

14 *(b) The President may, with prior notice to Congress,*
15 *waive the prohibition of subsection (a) with respect to a*
16 *North Atlantic Treaty Organization (NATO) member coun-*
17 *try, a major non-NATO ally (including Australia, Egypt,*
18 *Israel, Japan, Jordan, Argentina, the Republic of Korea,*
19 *and New Zealand), Taiwan, or such other country as he*
20 *may determine if he determines and reports to the appro-*
21 *priate congressional committees that it is important to the*
22 *national interests of the United States to waive such prohi-*
23 *bition.*

24 *(c) The President may, with prior notice to Congress,*
25 *waive the prohibition of subsection (a) with respect to a*
26 *particular country if he determines and reports to the ap-*

1 *appropriate congressional committees that such country has*
2 *entered into an agreement with the United States pursuant*
3 *to Article 98 of the Rome Statute preventing the Inter-*
4 *national Criminal Court from proceeding against United*
5 *States personnel present in such country.*

6 *(d) The prohibition of this section shall not apply to*
7 *countries otherwise eligible for assistance under the Millen-*
8 *nium Challenge Act of 2003, notwithstanding section*
9 *606(a)(2)(B) of such Act.*

10 *WESTERN HEMISPHERE*

11 *SEC. 672. (a) CENTRAL AND SOUTH AMERICA.—Of the*
12 *funds appropriated by this Act under the headings “Global*
13 *Health and Child Survival” and “Development Assistance”,*
14 *not less than the amount of funds initially allocated for*
15 *each such account pursuant to section 653(a) of the Foreign*
16 *Assistance Act of 1961 for fiscal year 2007 shall be made*
17 *available for El Salvador, Guatemala, Nicaragua, Hon-*
18 *duras, Ecuador, Peru, Bolivia, Brazil, Latin America and*
19 *Caribbean Regional, Central America Regional, and South*
20 *America Regional: Provided, That for the purposes of this*
21 *subsection, “Global Health and Child Survival” shall mean*
22 *“Child Survival and Health Programs Fund”.*

23 *(b) HAITI.—*

24 *(1) The Government of Haiti shall be eligible to*
25 *purchase defense articles and services under the Arms*

1 *Export Control Act (22 U.S.C. 2751 et seq.), for the*
2 *Coast Guard.*

3 *(2) Of the funds appropriated by this Act under*
4 *titles III and IV, not less than \$201,584,000 shall be*
5 *available for assistance for Haiti.*

6 *(3) None of the funds made available by this Act*
7 *under the heading “International Narcotics Control*
8 *and Law Enforcement” may be used to transfer excess*
9 *weapons, ammunition or other lethal property of an*
10 *agency of the United States Government to the Gov-*
11 *ernment of Haiti for use by the Haitian National Po-*
12 *lice until the Secretary of State certifies to the Com-*
13 *mittees on Appropriations that any members of the*
14 *Haitian National Police who have been credibly al-*
15 *leged to have committed serious crimes, including*
16 *drug trafficking and human rights violations, have*
17 *been suspended and the Haitian Government is co-*
18 *operating in a reform and restructuring plan for the*
19 *Haitian National Police and the reform of the judi-*
20 *cial system as called for in United Nations Security*
21 *Council Resolution 1608 adopted on June 22, 2005.*

22 *(c) DOMINICAN REPUBLIC.—Of the funds appropriated*
23 *by this Act under the headings “Global Health and Child*
24 *Survival” and “Development Assistance”, not less than*
25 *\$23,000,000 shall be made available for assistance for the*

1 *Dominican Republic, of which not less than \$5,000,000*
2 *shall be made available for basic health care, nutrition,*
3 *sanitation, education, and shelter for migrant workers and*
4 *other residents of batey communities.*

5 *(d) ASSISTANCE FOR GUATEMALA.—*

6 *(1) Of the funds appropriated by this Act under*
7 *the heading “Economic Support Fund” that are*
8 *available for assistance for Guatemala, not less than*
9 *\$4,000,000 shall be made available for a United*
10 *States contribution to the International Commission*
11 *Against Impunity in Guatemala (CICIG).*

12 *(2) Funds appropriated by this Act under the*
13 *heading “International Military Education and*
14 *Training” (IMET) that are available for assistance*
15 *for Guatemala, other than for expanded IMET, may*
16 *be made available only for the Guatemalan Air Force,*
17 *Navy and Army Corps of Engineers: Provided, That*
18 *assistance for the Guatemalan Army Corps of Engi-*
19 *neers shall only be available for training to improve*
20 *disaster response capabilities and to participate in*
21 *international peacekeeping operations: Provided fur-*
22 *ther, That such funds may be made available only if*
23 *the Secretary of State certifies that the Guatemalan*
24 *Air Force, Navy and Army Corps of Engineers are*
25 *respecting human rights and are cooperating with ci-*

1 *vilian judicial investigations and prosecutions of cur-*
2 *rent and retired military personnel who have been*
3 *credibly alleged to have committed violations of*
4 *human rights.*

5 *(3) Of the funds appropriated by this Act under*
6 *the heading “Foreign Military Financing Program”,*
7 *not more than \$500,000 may be made available for*
8 *the Guatemalan Air Force and Navy: Provided, That*
9 *such funds may be made available only if the Sec-*
10 *retary of State certifies that the Guatemalan Air*
11 *Force and Navy are respecting human rights and are*
12 *cooperating with civilian judicial investigations and*
13 *prosecutions of current and retired military personnel*
14 *who have been credibly alleged to have committed vio-*
15 *lations of human rights, and the Guatemalan Armed*
16 *Forces are fully cooperating (including access for in-*
17 *vestigators, the provision of documents and other evi-*
18 *dence, and testimony of witnesses) with the CICIG.*

19 *(e) FREE TRADE AGREEMENTS.—Of the funds appro-*
20 *priated by this Act under the heading “Economic Support*
21 *Fund”, not less than \$10,000,000 shall be made available*
22 *for labor and environmental capacity building activities re-*
23 *lating to the free trade agreements with countries of Central*
24 *America and the Dominican Republic.*

1 (b) *ELIGIBILITY FOR GRANTS.*—*Grants from the DGP*
2 *shall be made only for proposals of nongovernmental orga-*
3 *nizations.*

4 (c) *COMPETITION.*—*Grants made pursuant to the au-*
5 *thority of this section shall be provided through an open,*
6 *transparent and competitive process.*

7 (d) *SIZE OF PROGRAM AND INDIVIDUAL GRANTS.*—

8 (1) *Of the funds appropriated by this Act to*
9 *carry out chapter 1 of part I and chapter 4 of part*
10 *II of the Foreign Assistance Act of 1961, not less than*
11 *\$50,000,000 shall be made available for purposes of*
12 *this section: Provided, That not more than 50 percent*
13 *of this amount shall be derived from funds appro-*
14 *priated to carry out chapter 1 of part I of such Act.*

15 (2) *No individual organization can receive*
16 *grants, or grant amendments, made pursuant to this*
17 *section in excess of \$2,000,000.*

18 (e) *AVAILABILITY OF OTHER FUNDS.*—*Funds made*
19 *available under this section are in addition to other funds*
20 *available for such purposes including funds designated by*
21 *this Act by section 665.*

22 (f) *DEFINITION.*—*For purposes of this section, the term*
23 *“nongovernmental organization” means a private vol-*
24 *untary organization, and shall not include entities owned*

1 *in whole or in part by a government or governmental enti-*
2 *ty.*

3 (g) *REPORT.*—*Within 90 days from the date of enact-*
4 *ment of this Act, and after consultation with the Commit-*
5 *tees on Appropriations, the Administrator of USAID shall*
6 *submit a report to those Committees describing the proce-*
7 *dures and mechanisms USAID will use to implement this*
8 *section.*

9 *DISASTER ASSISTANCE AND RECOVERY*

10 *SEC. 675. Funds made available to the Comptroller*
11 *General under chapter 4 of title I of the Emergency Supple-*
12 *mental Appropriations Act (Public Law 106–31; 113 Stat.*
13 *69) and section 593 of the Foreign Operations, Export Fi-*
14 *ancing, and Programs Agencies Appropriations Act, 2001*
15 *(Public Law 106–429; 114 Stat. 1900A–59) to monitor the*
16 *provisions of assistance to address the effects of hurricanes*
17 *in Central America and the Caribbean and the earthquake*
18 *in Colombia, and to monitor the earthquake relief and re-*
19 *construction efforts in El Salvador under section 561 of the*
20 *Foreign Operations, Export Financing, and Programs*
21 *Agencies Appropriations Act, 2002 (Public Law 107–115;*
22 *115 Stat. 2162) shall also be available to the Comptroller*
23 *General to monitor any other disaster assistance and recov-*
24 *ery effort.*

1 *UNITED STATES AGENCY FOR INTERNATIONAL*
2 *DEVELOPMENT MANAGEMENT*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 676. (a) AUTHORITY.—Up to \$81,000,000 of the*
5 *funds made available in title III of this Act to carry out*
6 *the provisions of part I of the Foreign Assistance Act of*
7 *1961, including funds appropriated under the heading “As-*
8 *sistance for Eastern Europe and the Baltic States”, may*
9 *be used by the United States Agency for International De-*
10 *velopment (USAID) to hire and employ individuals in the*
11 *United States and overseas on a limited appointment basis*
12 *pursuant to the authority of sections 308 and 309 of the*
13 *Foreign Service Act of 1980.*

14 *(b) RESTRICTIONS.—*

15 *(1) The number of individuals hired in any fis-*
16 *cal year pursuant to the authority contained in sub-*
17 *section (a) may not exceed 175.*

18 *(2) The authority to hire individuals contained*
19 *in subsection (a) shall expire on September 30, 2009.*

20 *(c) CONDITIONS.—The authority of subsection (a) may*
21 *only be used to the extent that an equivalent number of posi-*
22 *tions that are filled by personal services contractors or other*
23 *non-direct hire employees of USAID, who are compensated*
24 *with funds appropriated to carry out part I of the Foreign*
25 *Assistance Act of 1961, including funds appropriated under*

1 *the heading “Assistance for Eastern Europe and the Baltic*
2 *States”, are eliminated.*

3 (d) *PRIORITY SECTORS.—In exercising the authority*
4 *of this section, primary emphasis shall be placed on ena-*
5 *bling USAID to meet personnel positions in technical skill*
6 *areas currently encumbered by contractor or other non-di-*
7 *rect hire personnel.*

8 (e) *CONSULTATIONS.—The USAID Administrator*
9 *shall consult with the Committees on Appropriations at*
10 *least on a quarterly basis concerning the implementation*
11 *of this section.*

12 (f) *PROGRAM ACCOUNT CHARGED.—The account*
13 *charged for the cost of an individual hired and employed*
14 *under the authority of this section shall be the account to*
15 *which such individual’s responsibilities primarily relate.*
16 *Funds made available to carry out this section may be*
17 *transferred to and merged and consolidated with funds ap-*
18 *propriated for “Operating Expenses of the United States*
19 *Agency for International Development”.*

20 (g) *MANAGEMENT REFORM PILOT.—Of the funds made*
21 *available in subsection (a), USAID may use, in addition*
22 *to funds otherwise available for such purposes, up to*
23 *\$15,000,000 to fund overseas support costs of members of*
24 *the Foreign Service with a Foreign Service rank of four*
25 *or below: Provided, That such authority is only used to re-*

1 *duce USAID's reliance on overseas personal services con-*
2 *tractors or other non-direct hire employees compensated*
3 *with funds appropriated to carry out part I of the Foreign*
4 *Assistance Act of 1961, including funds appropriated under*
5 *the heading "Assistance for Eastern Europe and the Baltic*
6 *States".*

7 *(h) DISASTER SURGE CAPACITY.—Funds appro-*
8 *riated under title III of this Act to carry out part I of*
9 *the Foreign Assistance Act of 1961, including funds appro-*
10 *riated under the heading "Assistance for Eastern Europe*
11 *and the Baltic States", may be used, in addition to funds*
12 *otherwise available for such purposes, for the cost (including*
13 *the support costs) of individuals detailed to or employed*
14 *by the United States Agency for International Development*
15 *whose primary responsibility is to carry out programs in*
16 *response to natural disasters.*

17 *OPIC TRANSFER AUTHORITY*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 677. Whenever the President determines that it*
20 *is in furtherance of the purposes of the Foreign Assistance*
21 *Act of 1961, up to a total of \$20,000,000 of the funds appro-*
22 *riated under title III of this Act may be transferred to*
23 *and merged with funds appropriated by this Act for the*
24 *Overseas Private Investment Corporation Program Ac-*
25 *count, to be subject to the terms and conditions of that ac-*
26 *count: Provided, That such funds shall not be available for*

1 *administrative expenses of the Overseas Private Investment*
2 *Corporation: Provided further, That designated funding lev-*
3 *els in this Act shall not be transferred pursuant to this sec-*
4 *tion: Provided further, That the exercise of such authority*
5 *shall be subject to the regular notification procedures of the*
6 *Committees on Appropriations.*

7 *REPORTING REQUIREMENT*

8 *SEC. 678. The Secretary of State shall provide the*
9 *Committees on Appropriations, not later than April 1,*
10 *2008, and for each fiscal quarter, a report in writing on*
11 *the uses of funds made available under the headings “For-*
12 *ign Military Financing Program”, “International Mili-*
13 *tary Education and Training”, and “Peacekeeping Oper-*
14 *ations”: Provided, That such report shall include a descrip-*
15 *tion of the obligation and expenditure of funds, and the spe-*
16 *cific country in receipt of, and the use or purpose of the*
17 *assistance provided by such funds.*

18 *INDONESIA*

19 *SEC. 679. (a) Of the funds appropriated by this Act*
20 *under the heading “Foreign Military Financing Program”*
21 *up to \$15,700,000 may be made available for assistance for*
22 *Indonesia as follows—*

23 *(1) Of the amount provided in subsection (a),*
24 *\$13,000,000 may be made available upon enactment*
25 *of this Act.*

1 (2) *Of the amount provided in subsection (a),*
2 *\$2,700,000 may not be made available until the Sec-*
3 *retary of State reports to the Committees on Appro-*
4 *priations—*

5 (A) *on the steps taken by the Government of*
6 *Indonesia on the following—*

7 (i) *prosecution and punishment, in a*
8 *manner proportional to the crime, for mem-*
9 *bers of the Armed Forces who have been*
10 *credibly alleged to have committed gross*
11 *violations of human rights in Timor-Leste*
12 *and elsewhere, and cooperation by the*
13 *Armed Forces with civilian judicial au-*
14 *thorities and with international efforts to*
15 *resolve cases of gross violations of human*
16 *rights; and*

17 (ii) *implementation by the Armed*
18 *Forces of reforms to increase the trans-*
19 *parency and accountability of their oper-*
20 *ations and financial management; and*

21 (B) *that the Government of Indonesia has*
22 *written plans to effectively provide account-*
23 *ability for past violations of human rights by*
24 *members of the Armed Forces, and is imple-*
25 *menting plans to effectively allow public access*

1 to Papua and to pursue the criminal investiga-
2 tion and provide the projected timeframe for
3 completing the investigation of the murder of
4 Munir Said Thalib.

5 (b) Of the funds appropriated by this Act under the
6 heading “Economic Support Fund” that are available for
7 assistance for Indonesia, not less than \$250,000 should be
8 made available for grants for capacity building of Indo-
9 nesian human rights organizations, including in Papua.

10 LIMITATION ON BASING IN IRAQ

11 SEC. 680. None of the funds made available in this
12 Act may be used by the Government of the United States
13 to enter into a permanent basing rights agreement between
14 the United States and Iraq.

15 PROHIBITION ON USE OF TORTURE

16 SEC. 681. None of the funds made available in this
17 Act shall be used in any way whatsoever to support or jus-
18 tify the use of torture, cruel or inhumane treatment by any
19 official or contract employee of the United States Govern-
20 ment.

21 REPORT ON INDONESIA

22 SEC. 682. Not later than 90 days after enactment of
23 this Act, the Secretary of State shall submit a report to
24 the Committees on Appropriations that describes—

25 (1) the steps taken by the Government of Indo-
26 nesia to deny promotion, suspend from active service,

1 *the maximum penalty is life imprisonment without the pos-*
2 *sibility of parole or for killing a law enforcement officer,*
3 *as specified in a United States extradition request.*

4 *(b) Subsection (a) shall only apply to the central gov-*
5 *ernment of a country with which the United States main-*
6 *tains diplomatic relations and with which the United*
7 *States has an extradition treaty and the government of that*
8 *country is in violation of the terms and conditions of the*
9 *treaty.*

10 *(c) The Secretary of State may waive the restriction*
11 *in subsection (a) on a case-by-case basis if the Secretary*
12 *certifies to the Committees on Appropriations that such*
13 *waiver is important to the national interests of the United*
14 *States.*

15 *ENVIRONMENT AND ENERGY PROGRAMS*

16 *SEC. 684. (a) BIODIVERSITY.—Of the funds appro-*
17 *priated under the heading “Development Assistance”, not*
18 *less than \$195,000,000 shall be made available for programs*
19 *and activities which directly protect biodiversity, including*
20 *forests, in developing countries, of which not less than the*
21 *amount of funds initially allocated pursuant to section*
22 *653(a) of the Foreign Assistance Act of 1961 for fiscal year*
23 *2006 shall be made available for such activities in Brazil,*
24 *Colombia, Ecuador, Peru and Bolivia, and that in addition*
25 *to such amounts for such countries not less than*
26 *\$15,000,000 shall be made available for the United States*

1 *Agency for International Development's Amazon Basin*
2 *Conservation Initiative: Provided, That of the funds appro-*
3 *priated by this Act, not less than \$2,000,000 should be made*
4 *available for wildlife conservation and protected area man-*
5 *agement in the Boma-Jonglei landscape of Southern Sudan,*
6 *and not less than \$17,500,000 shall be made available for*
7 *the Congo Basin Forest Partnership of which not less than*
8 *\$2,500,000 shall be made available to the United States*
9 *Fish and Wildlife Service for great apes conservation pro-*
10 *grams in Central Africa.*

11 (b) *ENERGY.—*

12 (1) *Of the funds appropriated by this Act, not*
13 *less than \$195,000,000 shall be made available to sup-*
14 *port clean energy and other climate change programs*
15 *in developing countries, of which not less than*
16 *\$125,000,000 should be made available to directly*
17 *promote and deploy energy conservation, energy effi-*
18 *ciency, and renewable and clean energy technologies*
19 *with an emphasis on small hydro, solar and wind en-*
20 *ergy, and of which the balance should be made avail-*
21 *able to directly: (1) reduce greenhouse gas emissions;*
22 *(2) increase carbon sequestration activities; and (3)*
23 *support climate change mitigation and adaptation*
24 *programs.*

1 (2) *The Secretary of State shall convene an*
2 *interagency committee, including appropriate offi-*
3 *cial of the Department of State, the United States*
4 *Agency for International Development, and the Envi-*
5 *ronmental Protection Agency, to evaluate the specific*
6 *needs of developing countries in adapting to climate*
7 *change impacts: Provided, That the Secretary shall*
8 *submit a report to the Committees on Appropriations*
9 *not later than September 1, 2008, describing such*
10 *needs, on a country-by-country and regional basis,*
11 *and the actions planned and being taken by the*
12 *United States, including funding provided to devel-*
13 *oping countries specifically for adaptation to climate*
14 *change impacts.*

15 (c) *EXTRACTION OF NATURAL RESOURCES.—*

16 (1) *The Secretary of the Treasury shall inform*
17 *the managements of the international financial insti-*
18 *tutions and the public that it is the policy of the*
19 *United States that any assistance by such institutions*
20 *(including but not limited to any loan, credit, grant,*
21 *or guarantee) for the extraction and export of oil, gas,*
22 *coal, timber, or other natural resource should not be*
23 *provided unless the government of the country has in*
24 *place functioning systems for: (A) accurately account-*
25 *ing for payments for companies involved in the ex-*

1 *of Uzbekistan only if the Secretary of State determines and*
2 *reports to the Committees on Appropriations that the Gov-*
3 *ernment of Uzbekistan is making substantial and con-*
4 *tinuing progress—*

5 (1) *in meeting its commitments under the “Dec-*
6 *laration on the Strategic Partnership and Coopera-*
7 *tion Framework Between the Republic of Uzbekistan*
8 *and the United States of America”, including respect*
9 *for human rights, establishing a genuine multi-party*
10 *system, and ensuring free and fair elections, freedom*
11 *of expression, and the independence of the media; and*

12 (2) *in investigating and prosecuting the individ-*
13 *uals responsible for the deliberate killings of civilians*
14 *in Andijan in May 2005.*

15 (b) *If the Secretary of State has credible evidence that*
16 *any current or former official of the Government of*
17 *Uzbekistan was responsible for the deliberate killings of ci-*
18 *vilians in Andijan in May 2005, or for other gross viola-*
19 *tions of human rights in Uzbekistan, not later than 6*
20 *months after enactment of this Act any person identified*
21 *by the Secretary pursuant to this subsection shall be ineli-*
22 *gible for admission to the United States.*

23 (c) *The restriction in subsection (b) shall cease to*
24 *apply if the Secretary determines and reports to the Com-*
25 *mittees on Appropriations that the Government of*

1 *Uzbekistan has taken concrete and measurable steps to im-*
2 *prove respect for internationally recognized human rights,*
3 *including allowing peaceful political and religious expres-*
4 *sion, releasing imprisoned human rights defenders, and im-*
5 *plementing recommendations made by the United Nations*
6 *on torture.*

7 *(d) The Secretary may waive the application of sub-*
8 *section (b) if the Secretary determines that admission to*
9 *the United States is necessary to attend the United Nations*
10 *or to further United States law enforcement objectives.*

11 *(e) For the purpose of this section “assistance” shall*
12 *include excess defense articles.*

13 *REPRESSION IN THE RUSSIAN FEDERATION*

14 *SEC. 686. (a) None of the funds appropriated for as-*
15 *sistance under this Act may be made available for the Gov-*
16 *ernment of the Russian Federation, after 180 days from the*
17 *date of the enactment of this Act, unless the President deter-*
18 *mines and certifies in writing to the Committees on Appro-*
19 *priations that the Government of the Russian Federation:*
20 *(1) has implemented no statute, executive order, regulation*
21 *or similar government action that would discriminate, or*
22 *which has as its principal effect discrimination, against re-*
23 *ligious groups or religious communities in the Russian Fed-*
24 *eration in violation of accepted international agreements*
25 *on human rights and religious freedoms to which the Rus-*
26 *sian Federation is a party; and (2) is (A) honoring its*

1 *international obligations regarding freedom of expression,*
2 *assembly, and press, as well as due process; (B) inves-*
3 *tigating and prosecuting law enforcement personnel*
4 *credibly alleged to have committed human rights abuses*
5 *against political leaders, activists and journalists; and (C)*
6 *immediately releasing political leaders, activists and jour-*
7 *nalists who remain in detention.*

8 *(b) The Secretary of State may waive the requirements*
9 *of subsection (a) if the Secretary determines that to do so*
10 *is important to the national interests of the United States.*

11 *WAR CRIMES IN AFRICA*

12 *SEC. 687. (a) The Congress reaffirms its support for*
13 *the efforts of the International Criminal Tribunal for*
14 *Rwanda (ICTR) and the Special Court for Sierra Leone*
15 *(SCSL) to bring to justice individuals responsible for war*
16 *crimes and crimes against humanity in a timely manner.*

17 *(b) Funds appropriated by this Act, including funds*
18 *for debt restructuring, may be made available for assistance*
19 *to the central government of a country in which individuals*
20 *indicted by ICTR and SCSL are credibly alleged to be liv-*
21 *ing, if the Secretary of State determines and reports to the*
22 *Committees on Appropriations that such government is co-*
23 *operating with ICTR and SCSL, including the surrender*
24 *and transfer of indictees in a timely manner: Provided,*
25 *That this subsection shall not apply to assistance provided*
26 *under section 551 of the Foreign Assistance Act of 1961 or*

1 *to project assistance under title II of this Act: Provided fur-*
2 *ther, That the United States shall use its voice and vote*
3 *in the United Nations Security Council to fully support ef-*
4 *forts by ICTR and SCSL to bring to justice individuals*
5 *indicted by such tribunals in a timely manner.*

6 *(c) The prohibition in subsection (b) may be waived*
7 *on a country by country basis if the President determines*
8 *that doing so is in the national security interest of the*
9 *United States: Provided, That prior to exercising such*
10 *waiver authority, the President shall submit a report to the*
11 *Committees on Appropriations, in classified form if nec-*
12 *essary, on—*

13 *(1) the steps being taken to obtain the coopera-*
14 *tion of the government in surrendering the indictee in*
15 *question to the court of jurisdiction;*

16 *(2) a strategy, including a timeline, for bringing*
17 *the indictee before such court; and*

18 *(3) the justification for exercising the waiver au-*
19 *thority.*

20 *COMBATTING PIRACY OF UNITED STATES COPYRIGHTED*
21 *MATERIALS*

22 *SEC. 688. (a) PROGRAM AUTHORIZED.—The Secretary*
23 *of State may carry out a program of activities to combat*
24 *piracy in countries that are not members of the Organiza-*
25 *tion for Economic Cooperation and Development, including*
26 *activities as follows:*

1 *States Agency for International Development's ongoing pro-*
2 *gram to implement an integrated response to the control*
3 *of neglected diseases including intestinal parasites, schis-*
4 *tosomiasis, lymphatic filariasis, onchocerciasis, trachoma*
5 *and leprosy: Provided, That the Administrator of the*
6 *United States Agency for International Development shall*
7 *consult with the Committees on Appropriations, representa-*
8 *tives from the relevant international technical and non-*
9 *governmental organizations addressing the specific diseases,*
10 *recipient countries, donor countries, the private sector,*
11 *UNICEF and the World Health Organization: (1) on the*
12 *most effective uses of such funds to demonstrate the health*
13 *and economic benefits of such an approach; and (2) to de-*
14 *velop a multilateral, integrated initiative to control these*
15 *diseases that will enhance coordination and effectiveness*
16 *and maximize the leverage of United States contributions*
17 *with those of other donors: Provided further, That funds*
18 *made available pursuant to this section shall be subject to*
19 *the regular notification procedures of the Committees on*
20 *Appropriations.*

21 *EGYPT*

22 *SEC. 690. (a) Of the funds appropriated by this Act*
23 *under the heading "Foreign Military Financing Program"*
24 *or under the heading "Economic Support Fund" that are*
25 *available for assistance for Egypt, \$100,000,000 shall not*
26 *be made available for obligation until the Secretary of State*

1 *certifies and reports to the Committees on Appropriations*
2 *that the Government of Egypt has taken concrete and meas-*
3 *urable steps to—*

4 (1) *adopt and implement judicial reforms that*
5 *protect the independence of the judiciary;*

6 (2) *review criminal procedures and train police*
7 *leadership in modern policing to curb police abuses;*
8 *and*

9 (3) *detect and destroy the smuggling network*
10 *and tunnels that lead from Egypt to Gaza.*

11 (b) *Not less than 45 days after enactment of this Act,*
12 *the Secretary may waive subsection (a) if the Secretary de-*
13 *termines and reports to the Committees on Appropriations*
14 *that such waiver is in the national security interest of the*
15 *United States.*

16 *RELIEF FOR IRAQI, MONTAGNARDS, HMONG AND OTHER*
17 *REFUGEES WHO DO NOT POSE A THREAT TO THE*
18 *UNITED STATES*

19 *SEC. 691. (a) AMENDMENT TO AUTHORITY TO DETER-*
20 *MINE THE BAR TO ADMISSION INAPPLICABLE.—Section*
21 *212(d)(3)(B)(i) of the Immigration and Nationality Act (8*
22 *U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:*

23 *“The Secretary of State, after consultation with the At-*
24 *torney General and the Secretary of Homeland Security,*
25 *or the Secretary of Homeland Security, after consultation*
26 *with the Secretary of State and the Attorney General, may*

1 *determine in such Secretary's sole unreviewable discretion*
2 *that subsection (a)(3)(B) shall not apply with respect to*
3 *an alien within the scope of that subsection or that sub-*
4 *section (a)(3)(B)(vi)(III) shall not apply to a group within*
5 *the scope of that subsection, except that no such waiver may*
6 *be extended to an alien who is within the scope of subsection*
7 *(a)(3)(B)(i)(II), no such waiver may be extended to an*
8 *alien who is a member or representative of, has voluntarily*
9 *and knowingly engaged in or endorsed or espoused or per-*
10 *suaded others to endorse or espouse or support terrorist ac-*
11 *tivity on behalf of, or has voluntarily and knowingly re-*
12 *ceived military-type training from a terrorist organization*
13 *that is described in subclause (I) or (II) of subsection*
14 *(a)(3)(B)(vi), and no such waiver may be extended to a*
15 *group that has engaged terrorist activity against the United*
16 *States or another democratic country or that has purpose-*
17 *fully engaged in a pattern or practice of terrorist activity*
18 *that is directed at civilians. Such a determination shall nei-*
19 *ther prejudice the ability of the United States Government*
20 *to commence criminal or civil proceedings involving a bene-*
21 *ficiary of such a determination or any other person, nor*
22 *create any substantive or procedural right or benefit for a*
23 *beneficiary of such a determination or any other person.*
24 *Notwithstanding any other provision of law (statutory or*
25 *nonstatutory), including section 2241 of title 28, or any*

1 *other habeas corpus provision, and sections 1361 and 1651*
2 *of such title, no court shall have jurisdiction to review such*
3 *a determination or revocation except in a proceeding for*
4 *review of a final order of removal pursuant to section 1252*
5 *of this title, and review shall be limited to the extent pro-*
6 *vided in section 1252(a)(2)(D). The Secretary of State may*
7 *not exercise the discretion provided in this clause with re-*
8 *spect to an alien at any time during which the alien is*
9 *the subject of pending removal proceedings under section*
10 *1229a of this title.”.*

11 *(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER*
12 *GROUPS THAT DO NOT POSE A THREAT TO THE UNITED*
13 *STATES.—For purposes of section 212(a)(3)(B) of the Im-*
14 *migration and Nationality Act (8 U.S.C. 1182(a)(3)(B)),*
15 *the Karen National Union/Karen Liberation Army (KNU/*
16 *KNLA), the Chin National Front/Chin National Army*
17 *(CNF/CNA), the Chin National League for Democracy*
18 *(CNLD), the Kayan New Land Party (KNLP), the Arakan*
19 *Liberation Party (ALP), the Mustangs, the Alzados, the*
20 *Karenni National Progressive Party, and appropriate*
21 *groups affiliated with the Hmong and the Montagnards*
22 *shall not be considered to be a terrorist organization on the*
23 *basis of any act or event occurring before the date of enact-*
24 *ment of this section. Nothing in this subsection may be con-*
25 *strued to alter or limit the authority of the Secretary of*

1 *State or the Secretary of Homeland Security to exercise his*
2 *discretionary authority pursuant to 212(d)(3)(B)(i) of the*
3 *Immigration and Nationality Act (8 U.S.C.*
4 *1182(d)(3)(B)(i)).*

5 *(c) TECHNICAL CORRECTION.—(1) In General.—Sec-*
6 *tion 212(a)(3)(B)(ii) of the Immigration and Nationality*
7 *Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking*
8 *“Subclause (VII)” and replacing it with “Subclause (IX)”.*

9 *(d) DESIGNATION OF THE TALIBAN AS A TERRORIST*
10 *ORGANIZATION.—For purposes of section 212(a)(3)(B) of*
11 *the Immigration and Nationality Act (8 U.S.C.*
12 *1182(a)(3)(B)), the Taliban shall be considered to be a ter-*
13 *rorist organization described in subclause (I) of clause (vi)*
14 *of that section.*

15 *(e) REPORT ON DURESS WAIVERS.—The Secretary of*
16 *Homeland Security shall provide to the Committees on the*
17 *Judiciary of the United States Senate and House of Rep-*
18 *resentatives a report, not less than 180 days after the enact-*
19 *ment of this Act and every year thereafter, which may in-*
20 *clude a classified annex, if appropriate, describing—*

21 *(1) the number of individuals subject to removal*
22 *from the United States for having provided material*
23 *support to a terrorist group who allege that such sup-*
24 *port was provided under duress;*

1 (2) a breakdown of the types of terrorist organi-
2 zations to which the individuals described in para-
3 graph (1) have provided material support;

4 (3) a description of the factors that the Depart-
5 ment of Homeland Security considers when evalu-
6 ating duress waivers; and

7 (4) any other information that the Secretary be-
8 lieves that the Congress should consider while over-
9 seeing the Department's application of duress waiv-
10 ers.

11 (f) *EFFECTIVE DATE.*—The amendments made by this
12 section shall take effect on the date of enactment of this sec-
13 tion, and these amendments and sections 212(a)(3)(B) and
14 212(d)(3)(B) of the Immigration and Nationality Act (8
15 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by
16 these sections, shall apply to—

17 (1) removal proceedings instituted before, on, or
18 after the date of enactment of this section; and

19 (2) acts and conditions constituting a ground for
20 inadmissibility, excludability, deportation, or removal
21 occurring or existing before, on, or after such date.

22 *REPORT ON ANTI-CORRUPTION ACTIVITIES*

23 *SEC. 692.* Not later than August 1, 2008, the Secretary
24 of State, in consultation with the Administrator of the
25 United States Agency for International Development and
26 the Chief Executive Officer of the Millennium Challenge

1 *Corporation, shall submit to the Committees on Appropria-*
2 *tions a report on the level of corruption in each country*
3 *that receives development assistance appropriated in this*
4 *Act.*

5 *DEMOCRACY, THE RULE OF LAW, AND GOVERNANCE IN*
6 *IRAN*

7 *SEC. 693. Of the funds appropriated in this Act,*
8 *\$60,000,000 should be made available for programs to pro-*
9 *mote democracy, the rule of law, and governance in Iran.*

10 *DENIAL OF VISAS RELATED TO REMOVAL OF ALIENS*

11 *SEC. 694. None of the funds made available in this*
12 *Act may be expended in violation of section 243(d) of the*
13 *Immigration and Nationality Act (8 U.S.C. 1253(d)) (re-*
14 *lating to discontinuing granting visas to nationals of coun-*
15 *tries that are denying or delaying accepting aliens removed*
16 *from the United States).*

17 *UNITED NATIONS HUMAN RIGHTS COUNCIL*

18 *SEC. 695. (a) None of the funds appropriated by this*
19 *Act may be made available for a United States contribution*
20 *to the United Nations Human Rights Council.*

21 *(b) The prohibition under subsection (a) shall not*
22 *apply if—*

23 *(1) the Secretary of State certifies to the Com-*
24 *mittees on Appropriations that the provision of funds*
25 *to support the United Nations Human Rights Council*
26 *is in the national interest of the United States; or*

CENTRAL ASIA

1

2 *SEC. 698. (a) Funds appropriated by this Act may*
3 *be made available for assistance for the Government of*
4 *Kazakhstan only if the Secretary of State determines and*
5 *reports to the Committees on Appropriations that the Gov-*
6 *ernment of Kazakhstan has made significant improvements*
7 *in the protection of human rights and civil liberties during*
8 *the preceding 6 month period, including by fulfilling obliga-*
9 *tions recommended by the Organization for Security and*
10 *Cooperation in Europe (OSCE) in the areas of election pro-*
11 *cedures, media freedom, freedom of religion, free assembly*
12 *and minority rights, and by meeting the commitments it*
13 *made in connection with its assumption of the Chairman-*
14 *ship of the OSCE in 2010.*

15 *(b) The Secretary of State may waive subsection (a)*
16 *if the Secretary determines and reports to the Committees*
17 *on Appropriations that such a waiver is important to the*
18 *national security of the United States.*

19 *(c) Not later than October 1, 2008, the Secretary of*
20 *State shall submit a report to the Committees on Appro-*
21 *priations and the Committee on Foreign Relations of the*
22 *Senate and the Committee on Foreign Affairs of the House*
23 *of Representatives describing the following:*

24 *(1) The defense articles, defense services, and fi-*
25 *nancial assistance provided by the United States to*

1 *with the goal of promoting equal participation of people*
2 *with disabilities in developing countries: Provided further,*
3 *That USAID should seek to disburse at least 25 percent of*
4 *the funds made available pursuant to this subsection in the*
5 *form of small grants.*

6 *(b) Funds appropriated under the heading “Operating*
7 *Expenses of the United States Agency for International De-*
8 *velopment” shall be made available to develop and imple-*
9 *ment training for staff in overseas USAID missions to pro-*
10 *mote the full inclusion and equal participation of people*
11 *with disabilities in developing countries.*

12 *(c) The Secretary of State, the Secretary of the Treas-*
13 *ury, and the Administrator of USAID shall seek to ensure*
14 *that, where appropriate, construction projects funded by*
15 *this Act are accessible to people with disabilities and in*
16 *compliance with the USAID Policy on Standards for Acces-*
17 *sibility for the Disabled, or other similar accessibility*
18 *standards.*

19 *(d) Of the funds made available pursuant to subsection*
20 *(a), not more than 7 percent may be for management, over-*
21 *sight and technical support.*

22 *(e) Not later than 180 days after the date of enactment*
23 *of this Act, and 180 days thereafter, the Administrator of*
24 *USAID shall submit a report describing the programs, ac-*
25 *tivities, and organizations funded pursuant to this section.*

1 *ORPHANS, DISPLACED AND ABANDONED CHILDREN*

2 *SEC. 699A. Of the funds appropriated under title III*
3 *of this Act, \$3,000,000 should be made available for activi-*
4 *ties to improve the capacity of foreign government agencies*
5 *and nongovernmental organizations to prevent child aban-*
6 *donment, address the needs of orphans, displaced and aban-*
7 *doned children and provide permanent homes through fam-*
8 *ily reunification, guardianship and domestic adoptions:*
9 *Provided, That funds made available under title III of this*
10 *Act should be made available, as appropriate, consistent*
11 *with—*

12 *(1) the goal of enabling children to remain in the*
13 *care of their family of origin, but when not possible,*
14 *placing children in permanent homes through adop-*
15 *tion;*

16 *(2) the principle that such placements should be*
17 *based on informed consent which has not been in-*
18 *duced by payment or compensation;*

19 *(3) the view that long-term foster care or institu-*
20 *tionalization are not permanent options and should*
21 *be used when no other suitable permanent options are*
22 *available; and*

23 *(4) the recognition that programs that protect*
24 *and support families can reduce the abandonment*
25 *and exploitation of children.*

1 *in the territory of Pakistan, including by eliminating*
2 *terrorist training camps or facilities, arresting mem-*
3 *bers of Al Qaeda and associated terrorist groups, and*
4 *countering recruitment efforts;*

5 *(2) is making concerted efforts to prevent the*
6 *Taliban from using the territory of Pakistan as a*
7 *sanctuary from which to launch attacks within Af-*
8 *ghanistan, including by arresting Taliban leaders,*
9 *stopping cross-border incursions, and countering re-*
10 *ruitment efforts; and*

11 *(3) is implementing democratic reforms, includ-*
12 *ing—*

13 *(A) restoring the Constitution of Pakistan*
14 *and ensuring freedoms of expression and assem-*
15 *bly and other civil liberties guaranteed by the*
16 *Constitution;*

17 *(B) releasing political detainees and allow-*
18 *ing inclusive democratic elections;*

19 *(C) ending harassment and detention of*
20 *journalists, human rights defenders and govern-*
21 *ment critics by security and intelligence forces;*
22 *and*

23 *(D) restoring an independent judiciary and*
24 *ending interference in the judicial process.*

1 (3) *the Sri Lankan Government has agreed to*
2 *the establishment of a field presence of the Office of*
3 *the United Nations High Commissioner for Human*
4 *Rights in Sri Lanka with sufficient staff and man-*
5 *date to conduct full and unfettered monitoring*
6 *throughout the country and to publicize its findings.*

7 (b) *Subsection (a) shall not apply to technology or*
8 *equipment made available for the limited purposes of mari-*
9 *time and air surveillance and communications.*

10 MULTILATERAL DEVELOPMENT BANKS

11 SEC. 699H. (a) *WORLD BANK INSPECTION PANEL.—*
12 *The Secretary of the Treasury shall instruct the United*
13 *States Executive Director to the World Bank to inform the*
14 *Bank of, and use the voice and vote of the United States*
15 *to achieve transparency reforms of the selection process for*
16 *members of the World Bank Inspection Panel, including—*

17 (1) *Posting Inspection Panel position vacancy*
18 *announcements on the Inspection Panel’s website and*
19 *in publications that have wide circulation in member*
20 *countries;*

21 (2) *Making public official procedures for the se-*
22 *lection of Inspection Panel vacancies; and*

23 (3) *Posting on the Inspection Panel’s website the*
24 *names of the members of the selection committee and*
25 *the name or names of the individuals proposed by the*

1 *selection committee to the President of the World*
 2 *Bank.*

3 *(b) AUTHORIZATIONS.—*

4 *(1) Section 501(i) of title V of H.R. 3425 as en-*
 5 *acted into law by section 1000(a)(5) of Public Law*
 6 *106–113, as amended by section 591(b) of division D*
 7 *of Public Law 108–447, is further amended by strik-*
 8 *ing “fiscal” and all that follows through “which” and*
 9 *inserting in lieu thereof “fiscal years 2000–2010,*
 10 *which”.*

11 *(2) Section 801(b)(1)(ii) of Public Law 106–429,*
 12 *as amended by section 591(a)(2) of division D of*
 13 *Public Law 108–447, is further amended by striking*
 14 *“fiscal years 2004–2006” and by inserting in lieu*
 15 *thereof “fiscal years 2004–2010”.*

16 *MILLENNIUM CHALLENGE CORPORATION*

17 *SEC. 699I. (a) Section 607(b) of the Millennium Chal-*
 18 *lenge Act of 2003 (22 U.S.C. 7706) is amended—*

19 *(1) in paragraph (2)(B) by striking “and the*
 20 *sustainable management of natural resources”;*

21 *(2) in paragraph (3)—*

22 *(A) in subparagraph (A), by striking*
 23 *“and”;*

24 *(B) in subparagraph (B), by striking the*
 25 *period and inserting “; and”; and*

26 *(C) by adding the following subparagraph:*

1 “(C) promote the protection of biodiversity
2 and the transparent and sustainable manage-
3 ment and use of natural resources.”.

4 (b)(1) *The Chief Executive Officer of the Millennium*
5 *Challenge Corporation shall, not later than 30 days fol-*
6 *lowing enactment of this Act, submit to the Committees on*
7 *Appropriations a report on the proposed uses, on a country-*
8 *by-country basis, of all funds appropriated under the head-*
9 *ing “Millennium Challenge Corporation” in this Act or*
10 *prior Acts making appropriations for foreign operations,*
11 *export financing, and related programs projected to be obli-*
12 *gated and expended in fiscal year 2008 and subsequent fis-*
13 *cal years.*

14 (2) *The report required in paragraph (1) shall include,*
15 *at a minimum, a description of:*

16 (A) *Compacts in development, including the sta-*
17 *tus of negotiations and the approximate range of*
18 *value of the proposed compact;*

19 (B) *Compacts in implementation, including the*
20 *projected expenditure and disbursement of compact*
21 *funds during fiscal year 2008 and subsequent fiscal*
22 *years as determined by the country compact;*

23 (C) *Threshold country programs in development,*
24 *including the approximate range of value of the*
25 *threshold country agreement;*

1 (D) *Threshold country programs in implementa-*
2 *tion; and*

3 (E) *Use of administrative funds.*

4 (3) *The Chief Executive Officer of the Millennium*
5 *Challenge Corporation shall notify the Committees on Ap-*
6 *propriations not later than 15 days prior to signing any*
7 *new country compact or new threshold country program;*
8 *terminating or suspending any country compact or thresh-*
9 *old country program; or commencing negotiations for any*
10 *new compact or threshold country program.*

11 (4) *The report required in paragraph (1) shall be up-*
12 *dated on a quarterly basis.*

13 *CARRY FORWARD OF UNUSED SPECIAL IMMIGRANT VISAS*

14 *SEC. 699J. Section 1059(c) of the National Defense*
15 *Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101*
16 *note) is amended by adding at the end the following:*

17 “(3) *CARRY FORWARD.—If the numerical limita-*
18 *tion described in paragraph (1) is not reached during*
19 *a given fiscal year, the numerical limitation for the*
20 *following fiscal year shall be increased by a number*
21 *equal to the difference between the number of visas*
22 *authorized for the given fiscal year and the number*
23 *of aliens provided special immigrant status during*
24 *the given fiscal year.”.*

IRAQ

1
2 *SEC. 699K. (a) None of the funds appropriated or oth-*
3 *erwise made available by this Act may be made available*
4 *for assistance for Iraq.*

5 *(b) Subsection (a) shall not apply to funds appro-*
6 *priated by this Act under the heading “Economic Support*
7 *Fund” that are made available to rescue Iraqi scholars and*
8 *for the fund established by section 2108 of Public Law 109–*
9 *13, to funds made available under the heading “Non-*
10 *proliferation, Anti-Terrorism, Demining and Related Pro-*
11 *grams” for the removal and disposal of land mines and*
12 *other unexploded ordnance, small arms and light weapons*
13 *in Iraq, or for assistance for refugees and internally dis-*
14 *placed persons.*

ANTI-KLEPTOCRACY

15
16 *SEC. 699L. (a) In furtherance of the National Strategy*
17 *to Internationalize Efforts Against Kleptocracy and Presi-*
18 *dential Proclamation 7750, the Secretary of State shall*
19 *compile and maintain a list of officials of foreign govern-*
20 *ments and their immediate family members who the Sec-*
21 *retary determines there is credible evidence to believe have*
22 *been involved in corruption relating to the extraction of*
23 *natural resources in their countries.*

24 *(b) Any individual on the list submitted under sub-*
25 *section (a) shall be ineligible for admission to the United*
26 *States.*

1 (b) *For each element of the accounting and security*
2 *effort described under subsection (a)(2), the plan shall—*

3 (1) *clearly designate agency and departmental*
4 *responsibility and accountability;*

5 (2) *specify program goals, with metrics for meas-*
6 *uring progress, estimated schedules, and specified*
7 *milestones to be achieved;*

8 (3) *provide estimates of the program budget re-*
9 *quirements and resources to meet the goals for each*
10 *year;*

11 (4) *provide the strategy for diplomacy and re-*
12 *lated tools and authority to accomplish the program*
13 *element;*

14 (5) *provide a strategy for expanding the finan-*
15 *cial support and other assistance provided by other*
16 *countries, particularly Russia, the European Union*
17 *and its member states, China, and Japan, for the*
18 *purposes of securing nuclear weapons and weapons-*
19 *usable material worldwide; and*

20 (6) *outline the progress in and impediments to*
21 *securing agreement from all countries that possess nu-*
22 *clear weapons or weapons-usable material on a set of*
23 *global nuclear security standards, consistent with*
24 *their obligation to comply with United Nations Secu-*
25 *rity Council Resolution 1540.*

1 *PROHIBITION ON PROMOTION OF TOBACCO*

2 *SEC. 699N. None of the funds provided by this Act*
3 *shall be available to promote the sale or export of tobacco*
4 *or tobacco products, or to seek the reduction or removal by*
5 *any foreign country of restrictions on the marketing of to-*
6 *bacco or tobacco products, except for restrictions which are*
7 *not applied equally to all tobacco or tobacco products of*
8 *the same type.*

9 *UNOBLIGATED FUNDS RESCISSIONS*

10 *SEC. 699O. (a) Of the funds appropriated under the*
11 *heading “Subsidy Appropriation” for the Export-Import*
12 *Bank of the United States that are available for tied-aid*
13 *grants in title I of Public Law 107–115 and under such*
14 *heading in prior Acts making appropriations for foreign*
15 *operations, export financing, and related programs,*
16 *\$25,000,000 are rescinded.*

17 *(b) Of the funds appropriated under the heading “Eco-*
18 *nomics Support Fund” in prior Acts making appropriations*
19 *for foreign operations, export financing, and related pro-*
20 *grams, \$133,000,000 are rescinded.*

21 *ACROSS-THE-BOARD RESCISSION*

22 *SEC. 699P. (a) BILL-WIDE RESCISSIONS.—There is*
23 *hereby rescinded an amount equal to .81 percent of the*
24 *budget authority provided for fiscal year 2008 for any dis-*
25 *cretionary account in this Act.*

1 (b) *PROPORTIONATE APPLICATION.*—Any rescission
2 made by subsection (a) shall be applied proportionately—

3 (1) to each discretionary account and each item
4 of budget authority described in subsection (a); and

5 (2) within each such account and item, to each
6 program, project, and activity (with programs,
7 projects, and activities as delineated in the appro-
8 priation Act or accompanying explanatory statements
9 for the relevant fiscal year covering such account or
10 item, or for accounts and items not included in ap-
11 propriation Acts, as delineated in the most recently
12 submitted President’s budget).

13 (c) *OMB REPORT.*—Within 30 days after the date of
14 the enactment of this section the Director of the Office of
15 Management and Budget shall submit to the Committees
16 on Appropriations a report specifying the account and
17 amount of each rescission made pursuant to this section.

18 (d) *EXCEPTION.*—The rescission in subsection (a) shall
19 not apply to funds provided in this Act designated as de-
20 scribed in section 5 (in the matter preceding division A of
21 this consolidated Act).

22 This division may be cited as the “Department of
23 State, Foreign Operations, and Related Programs Appro-
24 priations Act, 2008”.

1 *DIVISION K—TRANSPORTATION, HOUSING AND*
2 *URBAN DEVELOPMENT, AND RELATED AGEN-*
3 *CIES APPROPRIATIONS ACT, 2008*

4 *TITLE I*

5 *DEPARTMENT OF TRANSPORTATION*

6 *OFFICE OF THE SECRETARY*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Office of the Secretary,*
9 *\$91,782,000, of which not to exceed \$2,310,000 shall be*
10 *available for the immediate Office of the Secretary; not to*
11 *exceed \$730,000 shall be available for the immediate Office*
12 *of the Deputy Secretary; not to exceed \$18,720,000 shall be*
13 *available for the Office of the General Counsel; not to exceed*
14 *\$9,874,000 shall be available for the Office of the Under Sec-*
15 *retary of Transportation for Policy; not to exceed*
16 *\$9,417,000 shall be available for the Office of the Assistant*
17 *Secretary for Budget and Programs; not to exceed*
18 *\$2,383,000 shall be available for the Office of the Assistant*
19 *Secretary for Governmental Affairs; not to exceed*
20 *\$23,750,000 shall be available for the Office of the Assistant*
21 *Secretary for Administration; not to exceed \$1,986,000 shall*
22 *be available for the Office of Public Affairs; not to exceed*
23 *\$1,516,000 shall be available for the Office of the Executive*
24 *Secretariat; not to exceed \$1,335,000 shall be available for*
25 *the Office of Small and Disadvantaged Business Utiliza-*

1 tion; not to exceed \$7,874,000 for the Office of Intelligence,
2 Security, and Emergency Response; and not to exceed
3 \$11,887,000 shall be available for the Office of the Chief
4 Information Officer: Provided, That the Secretary of Trans-
5 portation is authorized to transfer funds appropriated for
6 any office of the Office of the Secretary to any other office
7 of the Office of the Secretary: Provided further, That no ap-
8 propriation for any office shall be increased or decreased
9 by more than 5 percent by all such transfers: Provided fur-
10 ther, That notice of any change in funding greater than
11 5 percent shall be submitted for approval to the House and
12 Senate Committees on Appropriations: Provided further,
13 That not to exceed \$60,000 shall be for allocation within
14 the Department for official reception and representation ex-
15 penses as the Secretary may determine: Provided further,
16 That notwithstanding any other provision of law, excluding
17 fees authorized in Public Law 107-71, there may be cred-
18 ited to this appropriation up to \$2,500,000 in funds re-
19 ceived in user fees: Provided further, That none of the funds
20 provided in this Act shall be available for the position of
21 Assistant Secretary for Public Affairs.

22 OFFICE OF CIVIL RIGHTS

23 For necessary expenses of the Office of Civil Rights,
24 \$9,140,900.

1 *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

2 *For the cost of guaranteed loans, \$370,000, as author-*
3 *ized by 49 U.S.C. 332: Provided, That such costs, including*
4 *the cost of modifying such loans, shall be as defined in sec-*
5 *tion 502 of the Congressional Budget Act of 1974: Provided*
6 *further, That these funds are available to subsidize total*
7 *loan principal, any part of which is to be guaranteed, not*
8 *to exceed \$18,367,000. In addition, for administrative ex-*
9 *penses to carry out the guaranteed loan program, \$523,000.*

10 *MINORITY BUSINESS OUTREACH*

11 *For necessary expenses of Minority Business Resource*
12 *Center outreach activities, \$2,970,000, to remain available*
13 *until September 30, 2009: Provided, That notwithstanding*
14 *49 U.S.C. 332, these funds may be used for business oppor-*
15 *tunities related to any mode of transportation.*

16 *PAYMENTS TO AIR CARRIERS*

17 *(AIRPORT AND AIRWAY TRUST FUND)*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *In addition to funds made available from any other*
20 *source to carry out the essential air service program under*
21 *49 U.S.C. 41731 through 41742, \$60,000,000, to be derived*
22 *from the Airport and Airway Trust Fund, to remain avail-*
23 *able until expended: Provided, That, in determining be-*
24 *tween or among carriers competing to provide service to a*
25 *community, the Secretary may consider the relative subsidy*
26 *requirements of the carriers: Provided further, That, if the*

1 *funds under this heading are insufficient to meet the costs*
2 *of the essential air service program in the current fiscal*
3 *year, the Secretary shall transfer such sums as may be nec-*
4 *essary to carry out the essential air service program from*
5 *any available amounts appropriated to or directly adminis-*
6 *tered by the Office of the Secretary for such fiscal year.*

7 *COMPENSATION FOR AIR CARRIERS*

8 *(RESCISSION)*

9 *Of the remaining unobligated balances under section*
10 *101(a)(2) of Public Law 107-42, \$22,000,000 are rescinded.*

11 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
12 *OF TRANSPORTATION*

13 *SEC. 101. The Secretary of Transportation is author-*
14 *ized to transfer the unexpended balances available for the*
15 *bonding assistance program from “Office of the Secretary,*
16 *Salaries and expenses” to “Minority Business Outreach”.*

17 *SEC. 102. None of the funds made available in this*
18 *Act to the Department of Transportation may be obligated*
19 *for the Office of the Secretary of Transportation to approve*
20 *assessments or reimbursable agreements pertaining to funds*
21 *appropriated to the modal administrations in this Act, ex-*
22 *cept for activities underway on the date of enactment of*
23 *this Act, unless such assessments or agreements have com-*
24 *pleted the normal reprogramming process for Congressional*
25 *notification.*

1 *SEC. 103. None of the funds made available under this*
2 *Act may be obligated or expended to establish or implement*
3 *a program under which essential air service communities*
4 *are required to assume subsidy costs commonly referred to*
5 *as the EAS local participation program.*

6 *FEDERAL AVIATION ADMINISTRATION*

7 *OPERATIONS*

8 *(AIRPORT AND AIRWAY TRUST FUND)*

9 *For necessary expenses of the Federal Aviation Admin-*
10 *istration, not otherwise provided for, including operations*
11 *and research activities related to commercial space trans-*
12 *portation, administrative expenses for research and develop-*
13 *ment, establishment of air navigation facilities, the oper-*
14 *ation (including leasing) and maintenance of aircraft, sub-*
15 *sidizing the cost of aeronautical charts and maps sold to*
16 *the public, lease or purchase of passenger motor vehicles for*
17 *replacement only, in addition to amounts made available*
18 *by Public Law 108–176, \$8,740,000,000, of which*
19 *\$6,397,060,900 shall be derived from the Airport and Air-*
20 *way Trust Fund, of which not to exceed \$6,969,638,000*
21 *shall be available for air traffic organization activities; not*
22 *to exceed \$1,082,602,000 shall be available for aviation safe-*
23 *ty activities; not to exceed \$12,549,000 shall be available*
24 *for commercial space transportation activities; not to exceed*
25 *\$100,593,000 shall be available for financial services activi-*
26 *ties; not to exceed \$91,214,000 shall be available for human*

1 resources program activities; not to exceed \$286,848,000
2 shall be available for region and center operations and re-
3 gional coordination activities; not to exceed \$162,351,000
4 shall be available for staff offices; and not to exceed
5 \$38,650,000 shall be available for information services: Pro-
6 vided, That not to exceed 2 percent of any budget activity,
7 except for aviation safety budget activity, may be trans-
8 ferred to any budget activity under this heading: Provided
9 further, That no transfer may increase or decrease any ap-
10 propriation by more than 2 percent: Provided further, That
11 any transfer in excess of 2 percent shall be treated as a
12 reprogramming of funds under section 405 of this Act and
13 shall not be available for obligation or expenditure except
14 in compliance with the procedures set forth in that section:
15 Provided further, That the Secretary utilize not less than
16 \$6,000,000 of the funds provided for aviation safety activi-
17 ties to pay for staff increases in the Office of Aviation Flight
18 Standards and the Office of Aircraft Certification: Provided
19 further, That not later than March 31 of each fiscal year
20 hereafter, the Administrator of the Federal Aviation Ad-
21 ministration shall transmit to Congress an annual update
22 to the report submitted to Congress in December 2004 pur-
23 suant to section 221 of Public Law 108–176: Provided fur-
24 ther, That the amount herein appropriated shall be reduced
25 by \$100,000 for each day after March 31 that such report

1 *has not been submitted to the Congress: Provided further,*
2 *That funds may be used to enter into a grant agreement*
3 *with a nonprofit standard-setting organization to assist in*
4 *the development of aviation safety standards: Provided fur-*
5 *ther, That none of the funds in this Act shall be available*
6 *for new applicants for the second career training program:*
7 *Provided further, That none of the funds in this Act shall*
8 *be available for the Federal Aviation Administration to fi-*
9 *nalize or implement any regulation that would promulgate*
10 *new aviation user fees not specifically authorized by law*
11 *after the date of the enactment of this Act: Provided further,*
12 *That there may be credited to this appropriation funds re-*
13 *ceived from States, counties, municipalities, foreign au-*
14 *thorities, other public authorities, and private sources, for*
15 *expenses incurred in the provision of agency services, in-*
16 *cluding receipts for the maintenance and operation of air*
17 *navigation facilities, and for issuance, renewal or modifica-*
18 *tion of certificates, including airman, aircraft, and repair*
19 *station certificates, or for tests related thereto, or for proc-*
20 *essing major repair or alteration forms: Provided further,*
21 *That of the funds appropriated under this heading, not less*
22 *than \$8,500,000 shall be for the contract tower cost-sharing*
23 *program: Provided further, That none of the funds in this*
24 *Act shall be available for paying premium pay under 5*
25 *U.S.C. 5546(a) to any Federal Aviation Administration*

1 *employee unless such employee actually performed work*
2 *during the time corresponding to such premium pay: Pro-*
3 *vided further, That none of the funds in this Act for aero-*
4 *nautical charting and cartography are available for activi-*
5 *ties conducted by, or coordinated through, the Working Cap-*
6 *ital Fund: Provided further, That none of the funds in this*
7 *Act may be obligated or expended for an employee of the*
8 *Federal Aviation Administration to purchase a store gift*
9 *card or gift certificate through use of a Government-issued*
10 *credit card.*

11 *FACILITIES AND EQUIPMENT*

12 *(AIRPORT AND AIRWAY TRUST FUND)*

13 *For necessary expenses, not otherwise provided for, for*
14 *acquisition, establishment, technical support services, im-*
15 *provement by contract or purchase, and hire of air naviga-*
16 *tion and experimental facilities and equipment, as author-*
17 *ized under part A of subtitle VII of title 49, United States*
18 *Code, including initial acquisition of necessary sites by*
19 *lease or grant; engineering and service testing, including*
20 *construction of test facilities and acquisition of necessary*
21 *sites by lease or grant; construction and furnishing of quar-*
22 *ters and related accommodations for officers and employees*
23 *of the Federal Aviation Administration stationed at remote*
24 *localities where such accommodations are not available; and*
25 *the purchase, lease, or transfer of aircraft from funds avail-*
26 *able under this heading, including aircraft for aviation reg-*

1 *ulation and certification; to be derived from the Airport*
2 *and Airway Trust Fund, \$2,513,611,000, of which*
3 *\$2,053,638,000 shall remain available until September 30,*
4 *2010, and of which \$459,973,000 shall remain available*
5 *until September 30, 2008: Provided, That there may be*
6 *credited to this appropriation funds received from States,*
7 *counties, municipalities, other public authorities, and pri-*
8 *vate sources, for expenses incurred in the establishment and*
9 *modernization of air navigation facilities: Provided further,*
10 *That upon initial submission to the Congress of the fiscal*
11 *year 2009 President's budget, the Secretary of Transpor-*
12 *tation shall transmit to the Congress a comprehensive cap-*
13 *ital investment plan for the Federal Aviation Administra-*
14 *tion which includes funding for each budget line item for*
15 *fiscal years 2009 through 2013, with total funding for each*
16 *year of the plan constrained to the funding targets for those*
17 *years as estimated and approved by the Office of Manage-*
18 *ment and Budget.*

19 *RESEARCH, ENGINEERING, AND DEVELOPMENT*
20 *(AIRPORT AND AIRWAY TRUST FUND)*

21 *For necessary expenses, not otherwise provided for, for*
22 *research, engineering, and development, as authorized*
23 *under part A of subtitle VII of title 49, United States Code,*
24 *including construction of experimental facilities and acqui-*
25 *sition of necessary sites by lease or grant, \$146,828,100, to*
26 *be derived from the Airport and Airway Trust Fund and*

1 *to remain available until September 30, 2010: Provided,*
 2 *That there may be credited to this appropriation as offset-*
 3 *ting collections, funds received from States, counties, mu-*
 4 *nicipalities, other public authorities, and private sources,*
 5 *which shall be available for expenses incurred for research,*
 6 *engineering, and development.*

7 *GRANTS-IN-AID FOR AIRPORTS*

8 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

9 *(LIMITATION ON OBLIGATIONS)*

10 *(AIRPORT AND AIRWAY TRUST FUND)*

11 *For liquidation of obligations incurred for grants-in-*
 12 *aid for airport planning and development, and noise com-*
 13 *patibility planning and programs as authorized under sub-*
 14 *chapter I of chapter 471 and subchapter I of chapter 475*
 15 *of title 49, United States Code, and under other law author-*
 16 *izing such obligations; for procurement, installation, and*
 17 *commissioning of runway incursion prevention devices and*
 18 *systems at airports of such title; for grants authorized under*
 19 *section 41743 of title 49, United States Code; and for in-*
 20 *spection activities and administration of airport safety pro-*
 21 *grams, including those related to airport operating certifi-*
 22 *cates under section 44706 of title 49, United States Code,*
 23 *\$4,399,000,000 to be derived from the Airport and Airway*
 24 *Trust Fund and to remain available until expended: Pro-*
 25 *vided, That none of the funds under this heading shall be*
 26 *available for the planning or execution of programs the obli-*

1 gations for which are in excess of \$3,514,500,000 in fiscal
2 year 2008, notwithstanding section 47117(g) of title 49,
3 United States Code: Provided further, That none of the
4 funds under this heading shall be available for the replace-
5 ment of baggage conveyor systems, reconfiguration of ter-
6 minal baggage areas, or other airport improvements that
7 are necessary to install bulk explosive detection systems:
8 Provided further, That notwithstanding any other provision
9 of law, of funds limited under this heading, not more than
10 \$80,676,000 shall be obligated for administration, not less
11 than \$10,000,000 shall be available for the airport coopera-
12 tive research program, not less than \$18,712,000 shall be
13 for Airport Technology Research and \$10,000,000, to re-
14 main available until expended, shall be available and trans-
15 ferred to "Office of the Secretary, Salaries and Expenses"
16 to carry out the Small Community Air Service Develop-
17 ment Program.

18 (RESCISSION)

19 Of the amounts authorized under sections 48103 and
20 48112 of title 49, United States Code, \$185,500,000 is re-
21 scinded from amounts authorized for the fiscal year ending
22 September 30, 2007, and prior years; and \$85,000,000 is
23 rescinded from amounts authorized for the fiscal year end-
24 ing September 30, 2008.

1 *ing in such account at the close of that fiscal year may*
2 *be made available to satisfy section 41742(a)(1) for the sub-*
3 *sequent fiscal year.*

4 *SEC. 113. Amounts collected under section 40113(e) of*
5 *title 49, United States Code, shall be credited to the appro-*
6 *priation current at the time of collection, to be merged with*
7 *and available for the same purposes of such appropriation.*

8 *SEC. 114. (a) Section 44302(f)(1) of title 49, United*
9 *States Code, is amended by striking “2006,” each place it*
10 *appears and inserting “2008,”.*

11 *(b) Section 44303(b) of such title is amended by strik-*
12 *ing “2006,” and inserting “2008,”.*

13 *SEC. 115. None of the funds appropriated or limited*
14 *by this Act may be used to change weight restrictions or*
15 *prior permission rules at Teterboro airport in Teterboro,*
16 *New Jersey.*

17 *SEC. 116. EXTENSION OF TAXES AND EXPENDITURE*
18 *AUTHORITY RELATING TO AIRPORT AND AIRWAY TRUST*
19 *FUND. (a) FUEL TAXES.—Subparagraph (B) of section*
20 *4081(d)(2) of the Internal Revenue Code of 1986 is amended*
21 *by striking “September 30, 2007” and inserting “February*
22 *29, 2008”.*

23 *(b) TICKET TAXES.—*

24 *(1) PERSONS.—Clause (i) of section*
25 *4261(j)(1)(A) of such Code is amended by striking*

1 *“September 30, 2007” and inserting “February 29,*
2 *2008”.*

3 (2) *PROPERTY.—Clause (ii) of section*
4 *4271(d)(1)(A) of such Code is amended by striking*
5 *“September 30, 2007” and inserting “February 29,*
6 *2008”.*

7 (c) *AIRPORT AND AIRWAY TRUST FUND EXPENDITURE*
8 *AUTHORITY.—*

9 (1) *IN GENERAL.—Paragraph (1) of section*
10 *9502(d) of such Code is amended—*

11 (A) *by striking “October 1, 2007” and in-*
12 *serting “March 1, 2008”, and*

13 (B) *by inserting “or the Department of*
14 *Transportation Appropriations Act, 2008” in*
15 *subparagraph (A) before the semicolon at the*
16 *end.*

17 (2) *CONFORMING AMENDMENT.—Paragraph (2)*
18 *of section 9502(f) of such Code is amended by striking*
19 *“October 1, 2007” and inserting “March 1, 2008”.*

20 (d) *EFFECTIVE DATE.—The amendments made by this*
21 *section shall take effect on October 1, 2007.*

22 *SEC. 117. LABOR INTEGRATION. (a) LABOR INTEGRA-*
23 *TION.—With respect to any covered transaction involving*
24 *two or more covered air carriers that results in the com-*
25 *bination of crafts or classes that are subject to the Railway*

1 *Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the*
2 *labor protective provisions imposed by the Civil Aeronautics*
3 *Board in the Allegheny-Mohawk merger (as published at 59*
4 *C.A.B. 45) shall apply to the integration of covered employ-*
5 *ees of the covered air carriers; except that—*

6 (1) *if the same collective bargaining agent rep-*
7 *resents the combining crafts or classes at each of the*
8 *covered air carriers, that collective bargaining agent's*
9 *internal policies regarding integration, if any, will*
10 *not be affected by and will supersede the requirements*
11 *of this section; and*

12 (2) *the requirements of any collective bargaining*
13 *agreement that may be applicable to the terms of inte-*
14 *gration involving covered employees of a covered air*
15 *carrier shall not be affected by the requirements of*
16 *this section as to the employees covered by that agree-*
17 *ment, so long as those provisions allow for the protec-*
18 *tions afforded by sections 3 and 13 of the Allegheny-*
19 *Mohawk provisions.*

20 (b) *DEFINITIONS.—In this section, the following defi-*
21 *initions apply:*

22 (1) *AIR CARRIER.—The term “air carrier”*
23 *means an air carrier that holds a certificate issued*
24 *under chapter 411 of title 49, United States Code.*

1 (2) *COVERED AIR CARRIER.*—*The term “covered*
2 *air carrier” means an air carrier that is involved in*
3 *a covered transaction.*

4 (3) *COVERED EMPLOYEE.*—*The term “covered*
5 *employee” means an employee who—*

6 (A) *is not a temporary employee; and*

7 (B) *is a member of a craft or class that is*
8 *subject to the Railway Labor Act (45 U.S.C. 151*
9 *et seq.).*

10 (4) *COVERED TRANSACTION.*—*The term “covered*
11 *transaction” means—*

12 (A) *a transaction for the combination of*
13 *multiple air carriers into a single air carrier;*
14 *and which*

15 (B) *involves the transfer of ownership or*
16 *control of—*

17 (i) *50 percent or more of the equity se-*
18 *curities (as defined in section 101 of title*
19 *11, United States Code) of an air carrier;*
20 *or*

21 (ii) *50 percent or more (by value) of*
22 *the assets of the air carrier.*

23 (c) *APPLICATION.*—*This section shall not apply to any*
24 *covered transaction involving a covered air carrier that took*
25 *place before the date of enactment of this Act.*

1 (d) *EFFECTIVENESS OF PROVISION.*—*This section*
2 *shall become effective on the date of enactment of this Act*
3 *and shall continue in effect in fiscal years after fiscal year*
4 *2008.*

5 *FEDERAL HIGHWAY ADMINISTRATION*

6 *LIMITATION ON ADMINISTRATIVE EXPENSES*

7 *Not to exceed \$377,556,000, together with advances*
8 *and reimbursements received by the Federal Highway Ad-*
9 *ministration, shall be paid in accordance with law from*
10 *appropriations made available by this Act to the Federal*
11 *Highway Administration for necessary expenses for admin-*
12 *istration and operation.*

13 *FEDERAL-AID HIGHWAYS*

14 *(LIMITATION ON OBLIGATIONS)*

15 *(HIGHWAY TRUST FUND)*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *None of the funds in this Act shall be available for*
18 *the implementation or execution of programs, the obliga-*
19 *tions for which are in excess of \$40,216,051,359 for Federal-*
20 *aid highways and highway safety construction programs for*
21 *fiscal year 2008: Provided, That within the \$40,216,051,359*
22 *obligation limitation on Federal-aid highways and highway*
23 *safety construction programs, not more than \$429,800,000*
24 *shall be available for the implementation or execution of*
25 *programs for transportation research (chapter 5 of title 23,*
26 *United States Code; sections 111, 5505, and 5506 of title*

1 49, *United States Code*; and title 5 of Public Law 109–
2 59) for fiscal year 2008: Provided further, That this limita-
3 tion on transportation research programs shall not apply
4 to any authority previously made available for obligation:
5 Provided further, That the Secretary may, as authorized by
6 section 605(b) of title 23, *United States Code*, collect and
7 spend fees to cover the costs of services of expert firms, in-
8 cluding counsel, in the field of municipal and project fi-
9 nance to assist in the underwriting and servicing of Federal
10 credit instruments and all or a portion of the costs to the
11 Federal Government of servicing such credit instruments:
12 Provided further, That such fees are available until ex-
13 pended to pay for such costs: Provided further, That such
14 amounts are in addition to administrative expenses that
15 are also available for such purpose, and are not subject to
16 any obligation limitation or the limitation on administra-
17 tive expenses under section 608 of title 23, *United States*
18 *Code*.

19 (ADDITIONAL OBLIGATION LIMITATION)

20 (HIGHWAY TRUST FUND)

21 For an additional amount of obligation limitation to
22 be distributed for the purpose of section 144(e) of title 23,
23 *United States Code*, \$1,000,000,000: Provided, That such
24 obligation limitation shall be used only for a purpose eligi-
25 ble for obligation with funds apportioned under such section
26 and shall be distributed in accordance with the formula in

1 *such section: Provided further, That such obligation limita-*
2 *tion shall remain available for a period of three fiscal years*
3 *and shall be in addition to the amount of any limitation*
4 *imposed on obligations for Federal-aid highway and high-*
5 *way safety construction programs for future fiscal years:*
6 *Provided further, That in distributing obligation authority*
7 *under this paragraph, the Secretary shall ensure that such*
8 *obligation limitation shall supplement and not supplant*
9 *each State's planned obligations for such purposes.*

10 (LIQUIDATION OF CONTRACT AUTHORIZATION)

11 (HIGHWAY TRUST FUND)

12 *For carrying out the provisions of title 23, United*
13 *States Code, that are attributable to Federal-aid highways,*
14 *not otherwise provided, including reimbursement for sums*
15 *expended pursuant to the provisions of 23 U.S.C. 308,*
16 *\$41,955,051,359 or so much thereof as may be available in*
17 *and derived from the Highway Trust Fund (other than the*
18 *Mass Transit Account), to remain available until expended.*

19 (RESCISSION)

20 (HIGHWAY TRUST FUND)

21 *Of the unobligated balances of funds apportioned to*
22 *each State under chapter 1 of title 23, United States Code,*
23 *\$3,150,000,000 are rescinded: Provided, That such rescis-*
24 *sion shall not apply to the funds distributed in accordance*
25 *with sections 130(f) and 104(b)(5) of title 23, United States*
26 *Code; sections 133(d)(1) and 163 of such title, as in effect*

1 *on the day before the date of enactment of Public Law 109–*
2 *59; and the first sentence of section 133(d)(3)(A) of such*
3 *title.*

4 *I–35W BRIDGE REPAIR AND RECONSTRUCTION*

5 *For necessary expenses to carry out the project for re-*
6 *pair and reconstruction of the Interstate 35W bridge located*
7 *in Minneapolis, Minnesota, that collapsed on August 1,*
8 *2007, as authorized under section 1(c) of Public Law 110–*
9 *56, up to \$195,000,000, as documented by the Minnesota*
10 *Department of Transportation to remain available until ex-*
11 *pended: Provided, That the amount provided under this*
12 *heading is designated as described in section 5 (in the mat-*
13 *ter preceding division A of this consolidated Act): Provided*
14 *further, That the Federal share of the costs of any project*
15 *funded using amounts made available under this section*
16 *shall be 100 percent in accordance with section 1(b) of Pub-*
17 *lic Law 110–56.*

18 *APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM*

19 *For necessary expenses for West Virginia corridor H*
20 *of the Appalachian Development Highway System as au-*
21 *thorized under section 1069(y) of Public Law 102–240, as*
22 *amended, \$15,680,000, to remain available until expended.*

23 *DELTA REGIONAL TRANSPORTATION DEVELOPMENT*

24 *PROGRAM*

25 *For necessary expenses for the Delta Regional Trans-*
26 *portation Development Program as authorized under sec-*

1 *tion 1308 of Public Law 109–59, \$14,014,000, to remain*
2 *available until expended.*

3 *ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY*

4 *ADMINISTRATION*

5 *(INCLUDING RESCISSIONS)*

6 *SEC. 120. (a) For fiscal year 2008, the Secretary of*
7 *Transportation shall—*

8 *(1) not distribute from the obligation limitation*
9 *for Federal-aid highways amounts authorized for ad-*
10 *ministrative expenses and programs by section 104(a)*
11 *of title 23, United States Code; programs funded from*
12 *the administrative takedown authorized by section*
13 *104(a)(1) of title 23, United States Code (as in effect*
14 *on the date before the date of enactment of the Safe,*
15 *Accountable, Flexible, Efficient Transportation Eq-*
16 *uity Act: A Legacy for Users); the highway use tax*
17 *evasion program; the programs, projects and activi-*
18 *ties funded by the set aside authorized by section 129*
19 *of this Act; the Bureau of Transportation Statistics;*
20 *and additional obligation limitation provided in this*
21 *Act for the purpose of section 144(e) of title 23,*
22 *United States Code;*

23 *(2) not distribute an amount from the obligation*
24 *limitation for Federal-aid highways that is equal to*
25 *the unobligated balance of amounts made available*
26 *from the Highway Trust Fund (other than the Mass*

1 *Transit Account) for Federal-aid highways and high-*
2 *way safety programs for previous fiscal years the*
3 *funds for which are allocated by the Secretary;*

4 *(3) determine the ratio that—*

5 *(A) the obligation limitation for Federal-aid*
6 *highways, less the aggregate of amounts not dis-*
7 *tributed under paragraphs (1) and (2), bears to*

8 *(B) the total of the sums authorized to be*
9 *appropriated for Federal-aid highways and high-*
10 *way safety construction programs (other than*
11 *sums authorized to be appropriated for provi-*
12 *sions of law described in paragraphs (1) through*
13 *(9) of subsection (b) and sums authorized to be*
14 *appropriated for section 105 of title 23, United*
15 *States Code, equal to the amount referred to in*
16 *subsection (b)(10) for such fiscal year), less the*
17 *aggregate of the amounts not distributed under*
18 *paragraphs (1) and (2) of this subsection;*

19 *(4)(A) distribute the obligation limitation for*
20 *Federal-aid highways, less the aggregate amounts not*
21 *distributed under paragraphs (1) and (2), for sections*
22 *1301, 1302, and 1934 of the Safe, Accountable, Flexi-*
23 *ble, Efficient Transportation Equity Act: A Legacy*
24 *for Users; sections 117 (but individually for each*
25 *project numbered 1 through 3676 listed in the table*

1 *contained in section 1702 of the Safe, Accountable,*
2 *Flexible, Efficient Transportation Equity Act: A Leg-*
3 *acy for Users) and 144(g) of title 23, United States*
4 *Code; and section 14501 of title 40, United States*
5 *Code, so that the amount of obligation authority*
6 *available for each of such sections is equal to the*
7 *amount determined by multiplying the ratio deter-*
8 *mined under paragraph (3) by the sums authorized*
9 *to be appropriated for that section for the fiscal year;*
10 *and*

11 *(B) distribute \$2,000,000,000 for section 105 of*
12 *title 23, United States Code;*

13 *(5) distribute the obligation limitation provided*
14 *for Federal-aid highways, less the aggregate amounts*
15 *not distributed under paragraphs (1) and (2) and*
16 *amounts distributed under paragraph (4), for each of*
17 *the programs that are allocated by the Secretary*
18 *under the Safe, Accountable, Flexible, Efficient Trans-*
19 *portation Equity Act: A Legacy for Users and title*
20 *23, United States Code (other than to programs to*
21 *which paragraphs (1) and (4) apply), by multiplying*
22 *the ratio determined under paragraph (3) by the*
23 *amounts authorized to be appropriated for each such*
24 *program for such fiscal year; and*

1 (6) *distribute the obligation limitation provided*
2 *for Federal-aid highways, less the aggregate amounts*
3 *not distributed under paragraphs (1) and (2) and*
4 *amounts distributed under paragraphs (4) and (5),*
5 *for Federal-aid highways and highway safety con-*
6 *struction programs (other than the amounts appor-*
7 *tioned for the equity bonus program, but only to the*
8 *extent that the amounts apportioned for the equity*
9 *bonus program for the fiscal year are greater than*
10 *\$2,639,000,000, and the Appalachian development*
11 *highway system program) that are apportioned by the*
12 *Secretary under the Safe, Accountable, Flexible, Effi-*
13 *cient Transportation Equity Act: A Legacy for Users*
14 *and title 23, United States Code, in the ratio that—*

15 (A) *amounts authorized to be appropriated*
16 *for such programs that are apportioned to each*
17 *State for such fiscal year, bear to*

18 (B) *the total of the amounts authorized to*
19 *be appropriated for such programs that are ap-*
20 *portioned to all States for such fiscal year.*

21 (b) *EXCEPTIONS FROM OBLIGATION LIMITATION.—*
22 *The obligation limitation for Federal-aid highways shall*
23 *not apply to obligations: (1) under section 125 of title 23,*
24 *United States Code; (2) under section 147 of the Surface*
25 *Transportation Assistance Act of 1978; (3) under section*

1 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
2 sections (b) and (j) of section 131 of the Surface Transpor-
3 tation Assistance Act of 1982; (5) under subsections (b) and
4 (c) of section 149 of the Surface Transportation and Uni-
5 form Relocation Assistance Act of 1987; (6) under sections
6 1103 through 1108 of the Intermodal Surface Transpor-
7 tation Efficiency Act of 1991; (7) under section 157 of title
8 23, United States Code, as in effect on the day before the
9 date of the enactment of the Transportation Equity Act for
10 the 21st Century; (8) under section 105 of title 23, United
11 States Code, as in effect for fiscal years 1998 through 2004,
12 but only in an amount equal to \$639,000,000 for each of
13 those fiscal years; (9) for Federal-aid highway programs for
14 which obligation authority was made available under the
15 Transportation Equity Act for the 21st Century or subse-
16 quent public laws for multiple years or to remain available
17 until used, but only to the extent that the obligation author-
18 ity has not lapsed or been used; (10) under section 105 of
19 title 23, United States Code, but only in an amount equal
20 to \$639,000,000 for each of fiscal years 2005 through 2008;
21 and (11) under section 1603 of the Safe, Accountable, Flexi-
22 ble, Efficient Transportation Equity Act: A Legacy for
23 Users, to the extent that funds obligated in accordance with
24 that section were not subject to a limitation on obligations

1 *at the time at which the funds were initially made available*
2 *for obligation.*

3 (c) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*
4 *THORITY.*—*Notwithstanding subsection (a), the Secretary*
5 *shall, after August 1 of such fiscal year, revise a distribu-*
6 *tion of the obligation limitation made available under sub-*
7 *section (a) if the amount distributed cannot be obligated*
8 *during that fiscal year and redistribute sufficient amounts*
9 *to those States able to obligate amounts in addition to those*
10 *previously distributed during that fiscal year, giving pri-*
11 *ority to those States having large unobligated balances of*
12 *funds apportioned under sections 104 and 144 of title 23,*
13 *United States Code.*

14 (d) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*
15 *TRANSPORTATION RESEARCH PROGRAMS.*—*The obligation*
16 *limitation shall apply to transportation research programs*
17 *carried out under chapter 5 of title 23, United States Code,*
18 *and title V (research title) of the Safe, Accountable, Flexible,*
19 *Efficient Transportation Equity Act: A Legacy for Users,*
20 *except that obligation authority made available for such*
21 *programs under such limitation shall remain available for*
22 *a period of 3 fiscal years and shall be in addition to the*
23 *amount of any limitation imposed on obligations for Fed-*
24 *eral-aid highway and highway safety construction pro-*
25 *grams for future fiscal years.*

1 (e) *REDISTRIBUTION OF CERTAIN AUTHORIZED*
2 *FUNDS.*—

3 (1) *IN GENERAL.*—Not later than 30 days after
4 the date of the distribution of obligation limitation
5 under subsection (a), the Secretary shall distribute to
6 the States any funds that—

7 (A) are authorized to be appropriated for
8 such fiscal year for Federal-aid highways pro-
9 grams; and

10 (B) the Secretary determines will not be al-
11 located to the States, and will not be available
12 for obligation, in such fiscal year due to the im-
13 position of any obligation limitation for such fis-
14 cal year.

15 (2) *RATIO.*—Funds shall be distributed under
16 paragraph (1) in the same ratio as the distribution
17 of obligation authority under subsection (a)(6).

18 (3) *AVAILABILITY.*—Funds distributed under
19 paragraph (1) shall be available for any purposes de-
20 scribed in section 133(b) of title 23, United States
21 Code.

22 (f) *SPECIAL LIMITATION CHARACTERISTICS.*—Obliga-
23 tion limitation distributed for a fiscal year under sub-
24 section (a)(4) for the provision specified in subsection (a)(4)
25 shall—

1 (1) remain available until used for obligation of
2 funds for that provision; and

3 (2) be in addition to the amount of any limita-
4 tion imposed on obligations for Federal-aid highway
5 and highway safety construction programs for future
6 fiscal years.

7 (g) *HIGH PRIORITY PROJECT FLEXIBILITY.*—

8 (1) *IN GENERAL.*—Subject to paragraph (2), ob-
9 ligation authority distributed for such fiscal year
10 under subsection (a)(4) for each project numbered 1
11 through 3676 listed in the table contained in section
12 1702 of the *Safe, Accountable, Flexible, Efficient*
13 *Transportation Equity Act: A Legacy for Users* may
14 be obligated for any other project in such section in
15 the same State.

16 (2) *RESTORATION.*—Obligation authority used
17 as described in paragraph (1) shall be restored to the
18 original purpose on the date on which obligation au-
19 thority is distributed under this section for the next
20 fiscal year following obligation under paragraph (1).

21 (h) *LIMITATION ON STATUTORY CONSTRUCTION.*—

22 Nothing in this section shall be construed to limit the dis-
23 tribution of obligation authority under subsection (a)(4)(A)
24 for each of the individual projects numbered greater than
25 3676 listed in the table contained in section 1702 of the

1 *Safe, Accountable, Flexible, Efficient Transportation Eq-*
2 *uity Act: A Legacy for Users.*

3 *SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-*
4 *ceived by the Bureau of Transportation Statistics from the*
5 *sale of data products, for necessary expenses incurred pur-*
6 *suant to 49 U.S.C. 111 may be credited to the Federal-aid*
7 *highways account for the purpose of reimbursing the Bu-*
8 *reau for such expenses: Provided, That such funds shall be*
9 *subject to the obligation limitation for Federal-aid high-*
10 *ways and highway safety construction.*

11 *SEC. 122. Of the unobligated balances made available*
12 *under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107,*
13 *and 1108 of Public Law 102–240, \$1,292,287.73 are re-*
14 *scinded.*

15 *SEC. 123. Of the unobligated balances made available*
16 *under section 1602 of Public Law 105–178, \$5,987,345.70*
17 *are rescinded.*

18 *SEC. 124. Of the unobligated balances made available*
19 *under section 188(a)(1) of title 23, United States Code, as*
20 *in effect on the day before the date of enactment of Public*
21 *Law 109–59, and under section 608(a)(1) of such title,*
22 *\$256,806,000 are rescinded.*

23 *SEC. 125. Of the amounts made available under sec-*
24 *tion 104(a) of title 23, United States Code, \$43,358,601 are*
25 *rescinded.*

1 *SEC. 126. Of the unobligated balances of funds made*
2 *available in fiscal year 2005 and prior fiscal years for the*
3 *implementation or execution of programs for transportation*
4 *research, training and education, and technology deploy-*
5 *ment including intelligent transportation systems,*
6 *\$239,801,603 are rescinded.*

7 *SEC. 127. Of the amounts made available for “High-*
8 *way Related Safety Grants” by section 402 of title 23,*
9 *United States Code, and administered by the Federal High-*
10 *way Administration, \$11,314 in unobligated balances are*
11 *rescinded.*

12 *SEC. 128. Of the unobligated balances made available*
13 *under Public Law 101–516, Public Law 102–143, Public*
14 *Law 103–331, Public Law 106–346, Public Law 107–87,*
15 *and Public Law 108–7, \$4,753,687.26 are rescinded.*

16 *SEC. 129. Notwithstanding any other provision of law,*
17 *the Secretary of Transportation shall set aside from revenue*
18 *aligned budget authority authorized for fiscal year 2008*
19 *under section 110 of title 23, United States Code, such sums*
20 *as may be necessary for the programs, projects and activi-*
21 *ties at the level of 98 percent of the corresponding amounts*
22 *identified under this section in the explanatory statement*
23 *accompanying this Act: Provided, That funds set aside by*
24 *this section, at the request of a State, shall be transferred*
25 *by the Secretary to another Federal agency: Provided fur-*

1 *ther, That the Federal share payable on account of any pro-*
2 *gram, project, or activity carried out with funds set aside*
3 *by this section shall be 100 percent: Provided further, That*
4 *the sums set aside by this section shall remain available*
5 *until expended: Provided further, That all funds set aside*
6 *by this section shall be subject to any limitation on obliga-*
7 *tions for Federal-aid highways and highway safety con-*
8 *struction programs set forth in this Act or any other Act:*
9 *Provided further, That the obligation limitation made*
10 *available for the programs, projects, and activities for which*
11 *funds are set aside by this section shall remain available*
12 *until used and shall be in addition to the amount of any*
13 *limitation imposed on obligations for Federal-aid highway*
14 *and highway safety construction programs for future fiscal*
15 *years: Provided further, That amounts authorized for fiscal*
16 *year 2008 for revenue aligned budget authority under such*
17 *section in excess of the amount set aside by the first clause*
18 *of this section are rescinded.*

19 *SEC. 130. Not less than 15 days prior to waiving,*
20 *under her statutory authority, any Buy America require-*
21 *ment for Federal-aid highway projects, the Secretary of*
22 *Transportation shall make an informal public notice and*
23 *comment opportunity on the intent to issue such waiver and*
24 *the reasons therefor: Provided, That the Secretary shall pro-*
25 *vide an annual report to the Appropriations Committees*

1 *of the Congress on any waivers granted under the Buy*
 2 *America requirements.*

3 *SEC. 131. Notwithstanding any other provision of law,*
 4 *amounts authorized for fiscal year 2008 for programs under*
 5 *sections 1305 and 1502 of Public Law 109–59 and section*
 6 *503(b) of title 23, United States Code, are rescinded.*

7 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

8 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

9 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

10 *(LIMITATION ON OBLIGATIONS)*

11 *(HIGHWAY TRUST FUND)*

12 *(INCLUDING RESCISSION)*

13 *For payment of obligations incurred for administra-*
 14 *tion of motor carrier safety operations and programs pur-*
 15 *suant to section 31104(i) of title 49, United States Code,*
 16 *and sections 4127 and 4134 of Public Law 109–59,*
 17 *\$229,654,000, to be derived from the Highway Trust Fund*
 18 *(other than the Mass Transit Account), together with ad-*
 19 *vances and reimbursements received by the Federal Motor*
 20 *Carrier Safety Administration, the sum of which shall re-*
 21 *main available until expended: Provided, That none of the*
 22 *funds derived from the Highway Trust Fund in this Act*
 23 *shall be available for the implementation, execution or ad-*
 24 *ministration of programs, the obligations for which are in*
 25 *excess of \$229,654,000, for “Motor Carrier Safety Oper-*
 26 *ations and Programs”, of which \$8,900,000, to remain*

1 *available for obligation until September 30, 2010, is for the*
 2 *research and technology program and \$1,000,000 shall be*
 3 *available for commercial motor vehicle operator’s grants to*
 4 *carry out section 4134 of Public Law 109–59: Provided fur-*
 5 *ther, That notwithstanding any other provision of law, none*
 6 *of the funds under this heading for outreach and education*
 7 *shall be available for transfer: Provided further, That*
 8 *\$1,815,553 in unobligated balances are rescinded.*

9 *MOTOR CARRIER SAFETY GRANTS*

10 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

11 *(LIMITATION ON OBLIGATIONS)*

12 *(HIGHWAY TRUST FUND)*

13 *(INCLUDING RESCISSION)*

14 *For payment of obligations incurred in carrying out*
 15 *sections 31102, 31104(a), 31106, 31107, 31109, 31309,*
 16 *31313 of title 49, United States Code, and sections 4126*
 17 *and 4128 of Public Law 109–59, \$300,000,000, to be de-*
 18 *rived from the Highway Trust Fund (other than the Mass*
 19 *Transit Account) and to remain available until expended:*
 20 *Provided, That none of the funds in this Act shall be avail-*
 21 *able for the implementation or execution of programs, the*
 22 *obligations for which are in excess of \$300,000,000, for*
 23 *“Motor Carrier Safety Grants”; of which \$202,000,000 shall*
 24 *be available for the motor carrier safety assistance program*
 25 *to carry out sections 31102 and 31104(a) of title 49, United*
 26 *States Code; \$25,000,000 shall be available for the commer-*

1 *cial driver's license improvements program to carry out sec-*
2 *tion 31313 of title 49, United States Code; \$32,000,000 shall*
3 *be available for the border enforcement grants program to*
4 *carry out section 31107 of title 49, United States Code;*
5 *\$5,000,000 shall be available for the performance and reg-*
6 *istration information system management program to*
7 *carry out sections 31106(b) and 31109 of title 49, United*
8 *States Code; \$25,000,000 shall be available for the commer-*
9 *cial vehicle information systems and networks deployment*
10 *program to carry out section 4126 of Public Law 109-59;*
11 *\$3,000,000 shall be available for the safety data improve-*
12 *ment program to carry out section 4128 of Public Law 109-*
13 *59; and \$8,000,000 shall be available for the commercial*
14 *driver's license information system modernization program*
15 *to carry out section 31309(e) of title 49, United States Code:*
16 *Provided further, That of the funds made available for the*
17 *motor carrier safety assistance program, \$29,000,000 shall*
18 *be available for audits of new entrant motor carriers: Pro-*
19 *vided further, That \$11,260,214 in unobligated balances are*
20 *rescinded.*

21 *MOTOR CARRIER SAFETY*

22 *(HIGHWAY TRUST FUND)*

23 *(RESCISSION)*

24 *Of the amounts made available under this heading in*
25 *prior appropriations Acts, \$32,187,720 in unobligated bal-*
26 *ances are rescinded.*

1 *NATIONAL MOTOR CARRIER SAFETY PROGRAM*2 *(HIGHWAY TRUST FUND)*3 *(RESCISSION)*

4 *Of the amounts made available under this heading in*
5 *prior appropriations Act, \$5,212,858 in unobligated bal-*
6 *ances are rescinded.*

7 *ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER*
8 *SAFETY ADMINISTRATION*

9 *SEC. 135. Funds appropriated or limited in this Act*
10 *shall be subject to the terms and conditions stipulated in*
11 *section 350 of Public Law 107–87 and section 6901 of Pub-*
12 *lic Law 110–28, including that the Secretary submit a re-*
13 *port to the House and Senate Appropriations Committees*
14 *annually on the safety and security of transportation into*
15 *the United States by Mexico-domiciled motor carriers.*

16 *SEC. 136. None of the funds made available under this*
17 *Act may be used to establish a cross-border motor carrier*
18 *demonstration program to allow Mexico-domiciled motor*
19 *carriers to operate beyond the commercial zones along the*
20 *international border between the United States and Mexico.*

21 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*22 *OPERATIONS AND RESEARCH*

23 *For expenses necessary to discharge the functions of the*
24 *Secretary, with respect to traffic and highway safety under*
25 *subtitle C of title X of Public Law 109–59, chapter 301*
26 *of title 49, United States Code, and part C of subtitle VI*

1 of title 49, United States Code, \$126,572,000, of which
2 \$26,156,000 shall remain available until September 30,
3 2010: Provided, That none of the funds appropriated by this
4 Act may be obligated or expended to plan, finalize, or im-
5 plement any rulemaking to add to section 575.104 of title
6 49 of the Code of Federal Regulations any requirement per-
7 taining to a grading standard that is different from the
8 three grading standards (treadwear, traction, and tempera-
9 ture resistance) already in effect.

10 OPERATIONS AND RESEARCH

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in carrying out
15 the provisions of 23 U.S.C. 403, \$107,750,000, to be derived
16 from the Highway Trust Fund (other than the Mass Transit
17 Account) and to remain available until expended: Provided,
18 That none of the funds in this Act shall be available for
19 the planning or execution of programs the total obligations
20 for which, in fiscal year 2008, are in excess of \$107,750,000
21 for programs authorized under 23 U.S.C. 403.

1 *NATIONAL DRIVER REGISTER*
2 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*

5 *For payment of obligations incurred in carrying out*
6 *chapter 303 of title 49, United States Code, \$4,000,000, to*
7 *be derived from the Highway Trust Fund (other than the*
8 *Mass Transit Account) and to remain available until ex-*
9 *pended: Provided, That none of the funds in this Act shall*
10 *be available for the implementation or execution of pro-*
11 *grams the total obligations for which, in fiscal year 2008,*
12 *are in excess of \$4,000,000 for the National Driver Register*
13 *authorized under such chapter.*

14 *HIGHWAY TRAFFIC SAFETY GRANTS*
15 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
16 *(LIMITATION ON OBLIGATIONS)*
17 *(HIGHWAY TRUST FUND)*

18 *For payment of obligations incurred in carrying out*
19 *the provisions of 23 U.S.C. 402, 405, 406, 408, and 410*
20 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
21 *Law 109–59, to remain available until expended,*
22 *\$599,250,000 to be derived from the Highway Trust Fund*
23 *(other than the Mass Transit Account): Provided, That none*
24 *of the funds in this Act shall be available for the planning*
25 *or execution of programs the total obligations for which, in*
26 *fiscal year 2008, are in excess of \$599,250,000 for programs*

1 *authorized under 23 U.S.C. 402, 405, 406, 408, and 410*
2 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
3 *Law 109–59, of which \$225,000,000 shall be for “Highway*
4 *Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall*
5 *be for “Occupant Protection Incentive Grants” under 23*
6 *U.S.C. 405; \$124,500,000 shall be for “Safety Belt Perform-*
7 *ance Grants” under 23 U.S.C. 406; \$34,500,000 shall be*
8 *for “State Traffic Safety Information System Improve-*
9 *ments” under 23 U.S.C. 408; \$131,000,000 shall be for “Al-*
10 *cohol-Impaired Driving Countermeasures Incentive Grant*
11 *Program” under 23 U.S.C. 410; \$18,250,000 shall be for*
12 *“Administrative Expenses” under section 2001(a)(11) of*
13 *Public Law 109–59; \$29,000,000 shall be for “High Visi-*
14 *bility Enforcement Program” under section 2009 of Public*
15 *Law 109–59; \$6,000,000 shall be for “Motorcyclist Safety”*
16 *under section 2010 of Public Law 109–59; and \$6,000,000*
17 *shall be for “Child Safety and Child Booster Seat Safety*
18 *Incentive Grants” under section 2011 of Public Law 109–*
19 *59: Provided further, That none of these funds shall be used*
20 *for construction, rehabilitation, or remodeling costs, or for*
21 *office furnishings and fixtures for State, local or private*
22 *buildings or structures: Provided further, That not to exceed*
23 *\$500,000 of the funds made available for section 410 “Alco-*
24 *hol-Impaired Driving Countermeasures Grants” shall be*
25 *available for technical assistance to the States: Provided*

1 *further, That not to exceed \$750,000 of the funds made*
2 *available for the “High Visibility Enforcement Program”*
3 *shall be available for the evaluation required under section*
4 *2009(f) of Public Law 109–59.*

5 *ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY*

6 *TRAFFIC SAFETY ADMINISTRATION*

7 *(INCLUDING RESCISSIONS)*

8 *SEC. 140. Notwithstanding any other provision of law*
9 *or limitation on the use of funds made available under sec-*
10 *tion 403 of title 23, United States Code, an additional*
11 *\$130,000 shall be made available to the National Highway*
12 *Traffic Safety Administration, out of the amount limited*
13 *for section 402 of title 23, United States Code, to pay for*
14 *travel and related expenses for State management reviews*
15 *and to pay for core competency development training and*
16 *related expenses for highway safety staff.*

17 *SEC. 141. Of the amounts made available under the*
18 *heading “Operations and Research (Liquidation of Con-*
19 *tract Authorization) (Limitation on Obligations) (Highway*
20 *Trust Fund)” in prior appropriations Acts, \$12,197,113.60*
21 *in unobligated balances are rescinded.*

22 *SEC. 142. Of the amounts made available under the*
23 *heading “National Driver Register (Liquidation of Con-*
24 *tract Authorization) (Limitation on Obligations) (Highway*
25 *Trust Fund)” in prior appropriations Acts, \$119,914.61 in*
26 *unobligated balances are rescinded.*

1 *SEC. 143. Of the amounts made available under the*
2 *heading “Highway Traffic Safety Grants (Liquidation of*
3 *Contract Authorization) (Limitation on Obligations)*
4 *(Highway Trust Fund)” in prior appropriations Acts,*
5 *\$10,528,958 in unobligated balances are rescinded.*

6 *FEDERAL RAILROAD ADMINISTRATION*

7 *SAFETY AND OPERATIONS*

8 *For necessary expenses of the Federal Railroad Admin-*
9 *istration, not otherwise provided for, \$150,193,499, of which*
10 *\$12,268,890 shall remain available until expended.*

11 *RAILROAD RESEARCH AND DEVELOPMENT*

12 *For necessary expenses for railroad research and devel-*
13 *opment, \$35,964,400, to remain available until expended.*

14 *CAPITAL ASSISTANCE TO STATES—INTERCITY*

15 *PASSENGER RAIL SERVICE*

16 *To enable the Federal Railroad Administrator to*
17 *make grants to States for the capital costs of improving*
18 *existing intercity passenger rail service and providing new*
19 *intercity passenger rail service, \$30,000,000, to remain*
20 *available until expended: Provided, That grants shall be*
21 *provided to a State only on a reimbursable basis: Provided*
22 *further, That grants cover no more than 50 percent of the*
23 *total capital cost of a project selected for funding: Provided*
24 *further, That no more than ten percent of funds made*
25 *available under this program may be used for planning*
26 *activities that lead directly to the development of a pas-*

1 *senger rail corridor investment plan consistent with the re-*
2 *quirements established by the Administrator: Provided fur-*
3 *ther, That no later than eight months following enactment*
4 *of this Act, the Secretary shall establish and publish cri-*
5 *teria for project selection, set a deadline for grant applica-*
6 *tions, and provide a schedule for project selection: Provided*
7 *further, That to be eligible for this assistance, States must*
8 *include intercity passenger rail service as an integral part*
9 *of statewide transportation planning as required under*
10 *section 135 of title 23, United States Code: Provided fur-*
11 *ther, That to be eligible for capital assistance the specific*
12 *project must be on the Statewide Transportation Improve-*
13 *ment Plan at the time of the application to qualify: Pro-*
14 *vided further, That the Secretary give priority to capital*
15 *and planning applications for projects that improve the*
16 *safety and reliability of intercity passenger trains, involve*
17 *a commitment by freight railroads to an enforceable on-*
18 *time performance of passenger trains of 80 percent or*
19 *greater, involve a commitment by freight railroads of fi-*
20 *nancial resources commensurate with the benefit expected*
21 *to their operations, improve or extend service on a route*
22 *that requires little or no Federal assistance for its oper-*
23 *ations, and involve a commitment by States or railroads*
24 *of financial resources to improve the safety of highway/rail*
25 *grade crossings over which the passenger service operates.*

1 *RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM*

2 *The Secretary of Transportation is authorized to issue*
3 *to the Secretary of the Treasury notes or other obligations*
4 *pursuant to section 512 of the Railroad Revitalization and*
5 *Regulatory Reform Act of 1976 (Public Law 94–210), as*
6 *amended, in such amounts and at such times as may be*
7 *necessary to pay any amounts required pursuant to the*
8 *guarantee of the principal amount of obligations under sec-*
9 *tions 511 through 513 of such Act, such authority to exist*
10 *as long as any such guaranteed obligation is outstanding:*
11 *Provided, That pursuant to section 502 of such Act, as*
12 *amended, no new direct loans or loan guarantee commit-*
13 *ments shall be made using Federal funds for the credit risk*
14 *premium during fiscal year 2008.*

15 *RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM*

16 *For necessary expenses of carrying out section 20154*
17 *of title 49, United States Code, as authorized by section*
18 *9002 of Public Law 109–59, \$20,145,000, to remain avail-*
19 *able until expended.*

20 *OPERATING GRANTS TO THE NATIONAL RAILROAD*21 *PASSENGER CORPORATION*

22 *To enable the Secretary of Transportation to make*
23 *quarterly grants to the National Railroad Passenger Cor-*
24 *poration for operation of intercity passenger rail,*
25 *\$475,000,000 to remain available until expended: Provided,*
26 *That the Secretary of Transportation shall approve funding*

1 *to cover operating losses for the Corporation only after re-*
2 *ceiving and reviewing a grant request for each specific train*
3 *route: Provided further, That each such grant request shall*
4 *be accompanied by a detailed financial analysis, revenue*
5 *projection, and capital expenditure projection justifying the*
6 *Federal support to the Secretary's satisfaction: Provided*
7 *further, That the Corporation is directed to achieve savings*
8 *through operating efficiencies including, but not limited to,*
9 *modifications to food and beverage service and first class*
10 *service: Provided further, That the Inspector General of the*
11 *Department of Transportation shall report to the House*
12 *and Senate Committees on Appropriations beginning three*
13 *months after the date of the enactment of this Act and quar-*
14 *terly thereafter with estimates of the savings accrued as a*
15 *result of all operational reforms instituted by the Corpora-*
16 *tion: Provided further, That not later than 120 days after*
17 *enactment of this Act, the Corporation shall transmit to the*
18 *House and Senate Committees on Appropriations the status*
19 *of its plan to improve the financial performance of food*
20 *and beverage service and its plan to improve the financial*
21 *performance of first class service (including sleeping car*
22 *service): Provided further, That the Corporation shall report*
23 *quarterly to the House and Senate Committees on Appro-*
24 *priations on its progress against the milestones and target*
25 *dates contained in the plan provided in fiscal year 2007*

1 *and quantify savings realized to date on a monthly basis*
2 *compared to those projected in the plan, identify any*
3 *changes in the plan or delays in implementing these plans,*
4 *and identify the causes of delay and proposed corrective*
5 *measures: Provided further, That not later than 90 days*
6 *after enactment of this Act, the Corporation shall transmit,*
7 *in electronic format, to the Secretary, the House and Senate*
8 *Committees on Appropriations, the House Committee on*
9 *Transportation and Infrastructure and the Senate Com-*
10 *mittee on Commerce, Science, and Transportation a com-*
11 *prehensive business plan approved by the Board of Direc-*
12 *tors for fiscal year 2008 under section 24104(a) of title 49,*
13 *United States Code: Provided further, That the business*
14 *plan shall include, as applicable, targets for ridership, reve-*
15 *nues, and capital and operating expenses: Provided further,*
16 *That the plan shall also include a separate accounting of*
17 *such targets for the Northeast Corridor; commuter service;*
18 *long-distance Amtrak service; State-supported service; each*
19 *intercity train route, including Autotrain; and commercial*
20 *activities including contract operations: Provided further,*
21 *That the business plan shall include a description of the*
22 *work to be funded, along with cost estimates and an esti-*
23 *mated timetable for completion of the projects covered by*
24 *this business plan: Provided further, That the Corporation*
25 *shall continue to provide monthly reports in electronic for-*

1 mat regarding the pending business plan, which shall de-
2 scribe the work completed to date, any changes to the busi-
3 ness plan, and the reasons for such changes, and shall iden-
4 tify all sole source contract awards which shall be accom-
5 panied by a justification as to why said contract was
6 awarded on a sole source basis: Provided further, That the
7 Corporation's business plan and all subsequent supple-
8 mental plans shall be displayed on the Corporation's
9 website within a reasonable timeframe following their sub-
10 mission to the appropriate entities: Provided further, That
11 none of the funds under this heading may be obligated or
12 expended until the Corporation agrees to continue abiding
13 by the provisions of paragraphs 1, 2, 5, 9, and 11 of the
14 summary of conditions for the direct loan agreement of
15 June 28, 2002, in the same manner as in effect on the date
16 of enactment of this Act: Provided further, That none of
17 the funds provided in this Act may be used after March
18 1, 2006, to support any route on which Amtrak offers a
19 discounted fare of more than 50 percent off the normal, peak
20 fare: Provided further, That the preceding proviso does not
21 apply to routes where the operating loss as a result of the
22 discount is covered by a State and the State participates
23 in the setting of fares: Provided further, That of the
24 amounts made available under this heading not less than

1 \$18,500,000 shall be available for the Amtrak Office of In-
2 spector General.

3 *CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL*
4 *RAILROAD PASSENGER CORPORATION*

5 *To enable the Secretary of Transportation to make*
6 *quarterly grants to the National Railroad Passenger Cor-*
7 *poration for the maintenance and repair of capital infra-*
8 *structure owned by the Corporation, including railroad*
9 *equipment, rolling stock, legal mandates and other services,*
10 *\$850,000,000, to remain available until expended, of which*
11 *not to exceed \$285,000,000 shall be for debt service obliga-*
12 *tions: Provided, That the Secretary may retain up to one-*
13 *quarter of one percent of the funds under this heading to*
14 *fund the oversight by the Federal Railroad Administration*
15 *of the design and implementation of capital projects funded*
16 *by grants made under this heading: Provided further, That*
17 *the Secretary shall approve funding for capital expendi-*
18 *tures, including advance purchase orders of materials, for*
19 *the Corporation only after receiving and reviewing a grant*
20 *request for each specific capital grant justifying the Federal*
21 *support to the Secretary's satisfaction: Provided further,*
22 *That none of the funds under this heading may be used*
23 *to subsidize operating losses of the Corporation: Provided*
24 *further, That none of the funds under this heading may be*
25 *used for capital projects not approved by the Secretary of*
26 *Transportation or on the Corporation's fiscal year 2008*

1 *business plan: Provided further, That \$35,000,000 of*
2 *amounts made available under this heading shall be avail-*
3 *able until expended for capital improvements if the Cor-*
4 *poration demonstrates to the Secretary's satisfaction that*
5 *the Corporation has achieved operational savings and met*
6 *ridership and revenue targets as defined in the Corpora-*
7 *tion's business plan: Provided further, That of the funds*
8 *provided under this section, not less than \$5,000,000 shall*
9 *be expended for the development and implementation of a*
10 *managerial cost accounting system, which includes average*
11 *and marginal unit cost capability: Provided further, That*
12 *within 90 days of enactment, the Department of Transpor-*
13 *tation Inspector General shall review and comment to the*
14 *Secretary of Transportation and the House and Senate*
15 *Committees on Appropriations upon the strengths and*
16 *weaknesses of the system being developed by the Corporation*
17 *and how it best can be implemented to improve decision*
18 *making by the Board of Directors and management of the*
19 *Corporation: Provided further, That not later than 180*
20 *days after the enactment of this Act, the Secretary, in con-*
21 *sultation with the Corporation and the States on the North-*
22 *east Corridor, shall establish a common definition of what*
23 *is determined to be a "state of good repair" on the Northeast*
24 *Corridor and report its findings, including definitional*
25 *areas of disagreement, to the House and Senate Committees*

1 *on Appropriations, the House Committee on Transpor-*
2 *tation and Infrastructure and the Senate Committee on*
3 *Commerce, Science, and Transportation.*

4 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

5 *ADMINISTRATION*

6 *SEC. 150. Notwithstanding any other provision of this*
7 *Act, funds provided in this Act for the National Railroad*
8 *Passenger Corporation shall immediately cease to be avail-*
9 *able to said Corporation in the event that the Corporation*
10 *contracts to have services provided at or from any location*
11 *outside the United States. For purposes of this section, the*
12 *word “services” shall mean any service that was, as of July*
13 *1, 2006, performed by a full-time or part-time Amtrak em-*
14 *ployee whose base of employment is located within the*
15 *United States.*

16 *SEC. 151. Not later than January 1, 2008, the Federal*
17 *Railroad Administrator shall submit a report, and quar-*
18 *terly reports thereafter, to the House and Senate Commit-*
19 *tees on Appropriations detailing the Administrator’s efforts*
20 *at improving the on-time performance of Amtrak intercity*
21 *rail service operating on non-Amtrak owned property. Such*
22 *reports shall compare the most recent actual on-time per-*
23 *formance data to pre-established on-time performance goals*
24 *that the Administrator shall set for each rail service, identi-*
25 *fied by route. Such reports shall also include whatever other*
26 *information and data regarding the on-time performance*

1 *of Amtrak trains the Administrator deems to be appro-*
2 *priate.*

3 *SEC. 152. The Secretary may purchase promotional*
4 *items of nominal value for use in public outreach activities*
5 *to accomplish the purposes of 49 U.S.C. 20134: Provided,*
6 *That the Secretary shall prescribe guidelines for the admin-*
7 *istration of such purchases and use.*

8 *SEC. 153. The Secretary of Transportation may re-*
9 *ceive and expend cash, or receive and utilize spare parts*
10 *and similar items, from non-United States Government*
11 *sources to repair damages to or replace United States Gov-*
12 *ernment owned automated track inspection cars and equip-*
13 *ment as a result of third party liability for such damages,*
14 *and any amounts collected under this subsection shall be*
15 *credited directly to the Safety and Operations account of*
16 *the Federal Railroad Administration, and shall remain*
17 *available until expended for the repair, operation and*
18 *maintenance of automated track inspection cars and equip-*
19 *ment in connection with the automated track inspection*
20 *program.*

21 *FEDERAL TRANSIT ADMINISTRATION*

22 *ADMINISTRATIVE EXPENSES*

23 *For necessary administrative expenses of the Federal*
24 *Transit Administration's programs authorized by chapter*
25 *53 of title 49, United States Code, \$89,300,000: Provided,*

1 *That of the funds available under this heading, not to exceed*
 2 *\$1,504,000 shall be available for travel and not to exceed*
 3 *\$20,719,000 shall be available for the central account: Pro-*
 4 *vided further, That any funding transferred from the cen-*
 5 *tral account shall be submitted for approval to the House*
 6 *and Senate Committees on Appropriations: Provided fur-*
 7 *ther, That none of the funds provided or limited in this*
 8 *Act may be used to create a permanent office of transit secu-*
 9 *rity under this heading: Provided further, That of the funds*
 10 *in this Act available for the execution of contracts under*
 11 *section 5327(c) of title 49, United States Code, \$2,000,000*
 12 *shall be reimbursed to the Department of Transportation's*
 13 *Office of Inspector General for costs associated with audits*
 14 *and investigations of transit-related issues, including re-*
 15 *views of new fixed guideway systems: Provided further,*
 16 *That upon submission to the Congress of the fiscal year*
 17 *2009 President's budget, the Secretary of Transportation*
 18 *shall transmit to Congress the annual report on new starts,*
 19 *including proposed allocations of funds for fiscal year 2009.*

20 *FORMULA AND BUS GRANTS*

21 *(LIQUIDATION OF CONTRACT AUTHORITY)*

22 *(LIMITATION ON OBLIGATIONS)*

23 *(HIGHWAY TRUST FUND)*

24 *(INCLUDING RESCISSION)*

25 *For payment of obligations incurred in carrying out*
 26 *the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310,*

1 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section
2 3038 of Public Law 105–178, as amended, \$6,855,000,000,
3 to be derived from the Mass Transit Account of the High-
4 way Trust Fund and to remain available until expended:
5 Provided, That funds available for the implementation or
6 execution of programs authorized under 49 U.S.C. 5305,
7 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335,
8 5339, and 5340 and section 3038 of Public Law 105–178,
9 as amended, shall not exceed total obligations of
10 \$7,767,887,062 in fiscal year 2008: Provided further, That
11 of the funds available to carry out the bus program under
12 section 5309 of title 49, United States Code, which are not
13 otherwise allocated under this act or under SAFETEA–LU
14 (Public Law 109–59), not more than 10 percent may be
15 expended in furtherance of the Department of Transpor-
16 tation’s “National Strategy to Reduce Congestion on Amer-
17 ica’s Transportation Network” issued May, 2006 by Sec-
18 retary of Transportation, the Honorable Norman Mineta;
19 also known as the “Congestion Initiative” or any other new
20 highway congestion initiative: Provided further, That
21 \$28,660,920 in unobligated balances are rescinded.

22 RESEARCH AND UNIVERSITY RESEARCH CENTERS

23 For necessary expenses to carry out 49 U.S.C. 5306,
24 5312–5315, 5322, and 5506, \$65,362,900, to remain avail-
25 able until expended: Provided, That \$9,300,000 is available
26 to carry out the transit cooperative research program under

1 *section 5313 of title 49, United States Code, \$4,300,000 is*
2 *available for the National Transit Institute under section*
3 *5315 of title 49, United States Code, and \$7,000,000 is*
4 *available for university transportation centers program*
5 *under section 5506 of title 49, United States Code: Provided*
6 *further, That \$44,762,900 is available to carry out national*
7 *research programs under sections 5312, 5313, 5314, and*
8 *5322 of title 49, United States Code.*

9 *CAPITAL INVESTMENT GRANTS*

10 *For necessary expenses to carry out section 5309 of*
11 *title 49, United States Code, \$1,569,091,997, to remain*
12 *available until expended: Provided, That of the funds avail-*
13 *able under this heading, amounts are to be made available*
14 *as follows:*

15 *AC Transit BRT Corridor—Alameda County,*
16 *California, \$490,000.*

17 *Alaska and Hawaii ferry projects, \$15,000,000.*

18 *Bus Rapid Transit, Cumberland County, Penn-*
19 *sylvania, \$294,000.*

20 *Central Corridor Light Rail, Minnesota,*
21 *\$10,192,000.*

22 *Central Link Initial Segment, Washington,*
23 *\$68,600,000.*

24 *Central LRT Double-Track—Largo Extension,*
25 *Maryland, \$34,300,000.*

1 *Central Phoenix/East Valley Light Rail, Ari-*
2 *zona, \$88,200,000.*

3 *Charlotte Rapid Transit, North Carolina,*
4 *\$1,960,000.*

5 *CORRIDORone Regional Rail Project, Pennsyl-*
6 *vania, \$10,976,000.*

7 *DCTA Fixed Guideway/Engineering, Lewisville,*
8 *Texas, \$245,000.*

9 *Denali Commission, Alaska, \$5,000,000.*

10 *Dulles Corridor Metrorail Project, Virginia,*
11 *\$34,300,000.*

12 *Galveston Rail Trolley, Texas, \$1,960,000.*

13 *Honolulu High Capacity Transit Corridor, Ha-*
14 *waii, \$15,190,000.*

15 *Hudson-Bergen MOS-2, New Jersey,*
16 *\$54,089,135.*

17 *I-205/Portland Mall Light Rail, Oregon,*
18 *\$78,400,000.*

19 *I-69 HOV/BRT, Mississippi, \$7,546,000.*

20 *JTA Bus Rapid Transit, Jacksonville, Florida,*
21 *\$9,329,600.*

22 *Lane Transit District, Pioneer Parkway EmX*
23 *Corridor, Oregon, \$14,504,000.*

24 *Long Island Rail Road East Side Access, New*
25 *York, \$210,700,000.*

1 *MARC Commuter Rail Improvements and Roll-*
2 *ing Stock, Maryland, \$9,800,000.*

3 *MBTA Fitchburg to Boston Rail Corridor*
4 *Project, Massachusetts, \$5,880,000.*

5 *METRA Connects Southeast Service, Illinois,*
6 *\$7,227,500.*

7 *METRA Star Line, Illinois, \$7,227,500.*

8 *METRA Union Pacific Northwest Line, Illinois,*
9 *\$7,227,500.*

10 *METRA Union Pacific West Line, Illinois,*
11 *\$7,227,500.*

12 *Metro Gold Line Eastside Extension, California,*
13 *\$78,400,000.*

14 *Metrorail Orange Line Expansion, Florida,*
15 *\$1,960,000.*

16 *Metro Rapid Bus System Gap Closure, Los An-*
17 *geles, California, \$16,347,380.*

18 *Mid-Jordan Light Rail Extension, Utah,*
19 *\$19,600,000.*

20 *Monmouth-Ocean-Middlesex County Passenger*
21 *Rail, New Jersey, \$980,000.*

22 *New Britain-Hartford Busway, Connecticut,*
23 *\$3,271,632.*

24 *Norfolk Light Rail Project, Virginia,*
25 *\$23,030,000.*

1 *North Corridor, Houston and Southeast Cor-*
2 *ridor, Texas, \$19,600,000.*

3 *North Shore Corridor & Blue Line, Massachu-*
4 *setts, \$1,960,000.*

5 *NorthStar Commuter, Minnesota, \$53,900,000.*

6 *Northern Indiana Commuter Transit District*
7 *Recapitalization, Indiana, \$4,900,000.*

8 *North Shore LRT Connector, Pennsylvania,*
9 *\$32,846,115.*

10 *Northwest NJ-Northeast PA, Pennsylvania,*
11 *\$2,940,000.*

12 *NW/SE LRT MOS, Texas, \$84,525,000.*

13 *Pacific Highway South BRT, King County,*
14 *Washington, \$13,794,480.*

15 *Perris Valley Line Metrolink Extension, Cali-*
16 *fornia, \$1,960,000.*

17 *Pawtucket/Central Falls Commuter Rail Station,*
18 *Rhode Island, \$1,960,000.*

19 *Planning and Design, Bus Rapid Transit-State*
20 *Avenue Corridor, Wyandotte County, Kansas,*
21 *\$1,470,000.*

22 *Provo Orem Bus Rapid Transit, Utah,*
23 *\$4,018,000.*

24 *Rapid Transit (BRT) project, Livermore, Cali-*
25 *fornia, \$2,940,000.*

1 *Ravenswood Line Extension, Illinois,*
2 \$39,200,000.

3 *Route 1 Bus Rapid Transit, Potomac Yard-*
4 *Crystal City, Alexandria and Arlington, Virginia,*
5 \$980,000.

6 *Second Avenue Subway Phase 1, New York,*
7 \$167,810,300.

8 *SMART EIS and PE, California, \$1,960,000.*

9 *South County Commuter Rail Wickford Junc-*
10 *tion Station, Rhode Island, \$12,269,449.*

11 *Southeast Corridor LRT, Colorado, \$50,529,274.*

12 *South Sacramento Corridor Phase 2, California,*
13 \$4,410,000.

14 *Telegraph Avenue-International Boulevard-East*
15 *14th Street Bus Rapid Transit Corridor Improve-*
16 *ments, California, \$1,960,000.*

17 *Third Street Light Rail, San Francisco, Cali-*
18 *fornia, \$11,760,000.*

19 *Trans-Hudson Midtown Corridor, New Jersey,*
20 \$14,700,000.

21 *Troost Corridor Bus Rapid Transit, Missouri,*
22 \$6,134,800.

23 *West Corridor Light Rail Project, Colorado,*
24 \$39,200,000.

25 *University Link LRT, Washington, \$19,600,000.*

1 *administered under the most recent appropriation heading*
2 *for any such section.*

3 *SEC. 163. Notwithstanding any other provision of law,*
4 *unobligated funds made available for a new fixed guideway*
5 *systems projects under the heading “Federal Transit Ad-*
6 *ministration, Capital Investment Grants” in any appro-*
7 *priations Act prior to this Act may be used during this*
8 *fiscal year to satisfy expenses incurred for such projects.*

9 *SEC. 164. During fiscal year 2008, each Federal Tran-*
10 *sit Administration grant for a project that involves the ac-*
11 *quisition or rehabilitation of a bus to be used in public*
12 *transportation shall be funded for 90 percent of the net cap-*
13 *ital costs of a biodiesel bus or a factory-installed or retro-*
14 *fitted hybrid electric propulsion system and any equipment*
15 *related to such a system: Provided, That the Secretary shall*
16 *have the discretion to determine, through practicable ad-*
17 *ministrative procedures, the costs attributable to the system*
18 *and related-equipment.*

19 *SEC. 165. Notwithstanding any other provision of law,*
20 *in regard to the Central Link Initial Segment Project, to*
21 *the extent that Federal funds remain available within the*
22 *current budget for the project, the Secretary shall, imme-*
23 *diately upon the date of enactment of this Act, amend the*
24 *Full Funding Grant Agreement for said project to allow*

1 remaining Federal funds to be used to support completion
2 of the Airport Link extension of said project.

3 *SEC. 166. Amounts provided for a high capacity fixed*
4 *guideway light rail and mass transit project for the City*
5 *of Albuquerque, New Mexico, in Public Laws 106–69, 106–*
6 *346 and 107–87 shall be available for bus and bus facilities.*

7 *SEC. 167. Any unobligated amounts made available*
8 *for the Commuter Rail, Albuquerque to Santa Fe, New Mex-*
9 *ico under the heading “Capital Investment Grants” under*
10 *the heading “Federal Transit Administration” in title I of*
11 *division A of the Transportation, Treasury, Housing and*
12 *Urban Development, the Judiciary, the District of Colum-*
13 *bia, and Independent Agencies Appropriations Act, 2006*
14 *(Public Law 109–115; 119 Stat. 2418) shall be made avail-*
15 *able for public transportation buses, equipment and facili-*
16 *ties related to such buses, and intermodal terminal in Albu-*
17 *querque and Santa Fe, New Mexico, subject to the require-*
18 *ments under section 5309 of title 49, United States Code.*

19 *SEC. 168. Notwithstanding any other provision of law,*
20 *funds made available for the Las Vegas Resort Corridor*
21 *Fixed Guideway Project under the Federal Transit Admin-*
22 *istration Capital Investment Grants Account in any pre-*
23 *vious Appropriations Act, including Public Laws 108–7,*
24 *108–199, 108–447, and any unexpended funds in Federal*
25 *Transit Administration grant number NV–03–0019 may*

1 hereafter be made available until expended to the Regional
2 Transportation Commission of Southern Nevada for bus
3 rapid transit projects and bus and bus-related projects: Pro-
4 vided, That funds made available for a project in accord-
5 ance with this section shall be administered under the terms
6 and conditions set forth in 49 U.S.C. 5307, to the extent
7 applicable.

8 *SEC. 169. The second sentence of section 321 of the De-*
9 *partment of Transportation and Related Agencies Appro-*
10 *priations Act, 1986 (99 Stat. 1287) is repealed.*

11 *SEC. 170. None of the funds provided or limited under*
12 *this Act may be used to issue a final regulation under sec-*
13 *tion 5309 of title 49, United States Code, except that the*
14 *Federal Transit Administration may continue to review*
15 *comments received on the proposed rule (Docket No. FTA-*
16 *2006-25737).*

17 *SEC. 171. Funds made available to the Putnam Coun-*
18 *ty, Florida for Ride Solutions buses and bus facilities in*
19 *Public Laws 108-199, 108-447 and 109-115 that remain*
20 *unobligated may be available to Putnam County under the*
21 *conditions of 49 U.S.C. 5312 to research, develop, fabricate,*
22 *test, demonstrate, deploy and evaluate a low floor bus to*
23 *meet the needs of Ride Solution in particular, and small*
24 *urban and rural operators in general.*

1 *SEC. 172. Of the balances available for this fiscal year*
2 *to carry out 49 U.S.C. 5309(b) left to the discretion of the*
3 *Secretary of Transportation, \$104,697,038 are rescinded.*

4 *SEC. 173. Of the balances available for this fiscal year*
5 *to carry out 49 U.S.C. 5339 left to the discretion of the*
6 *Secretary of Transportation, \$308,900 are rescinded.*

7 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

8 *The Saint Lawrence Seaway Development Corpora-*
9 *tion is hereby authorized to make such expenditures, within*
10 *the limits of funds and borrowing authority available to*
11 *the Corporation, and in accord with law, and to make such*
12 *contracts and commitments without regard to fiscal year*
13 *limitations as provided by section 104 of the Government*
14 *Corporation Control Act, as amended, as may be necessary*
15 *in carrying out the programs set forth in the Corporation's*
16 *budget for the current fiscal year.*

17 *OPERATIONS AND MAINTENANCE*

18 *(HARBOR MAINTENANCE TRUST FUND)*

19 *For necessary expenses for operations and mainte-*
20 *nance of those portions of the Saint Lawrence Seaway oper-*
21 *ated and maintained by the Saint Lawrence Seaway Devel-*
22 *opment Corporation, \$17,392,000, to be derived from the*
23 *Harbor Maintenance Trust Fund, pursuant to Public Law*
24 *99-662.*

1 *MARITIME ADMINISTRATION*2 *MARITIME SECURITY PROGRAM*

3 *For necessary expenses to maintain and preserve a*
4 *U.S.-flag merchant fleet to serve the national security needs*
5 *of the United States, \$156,000,000, to remain available*
6 *until expended.*

7 *OPERATIONS AND TRAINING*

8 *For necessary expenses of operations and training ac-*
9 *tivities authorized by law, \$121,992,000, of which*
10 *\$25,720,000 shall remain available until September 30,*
11 *2008, for salaries and benefits of employees of the United*
12 *States Merchant Marine Academy; of which \$14,139,000*
13 *shall remain available until expended for capital improve-*
14 *ments at the United States Merchant Marine Academy; and*
15 *of which \$10,500,000 shall remain available until expended*
16 *for maintenance and repair of Schoolships at State Mari-*
17 *time Schools.*

18 *SHIP DISPOSAL*

19 *For necessary expenses related to the disposal of obso-*
20 *lete vessels in the National Defense Reserve Fleet of the Mar-*
21 *itime Administration, \$17,000,000, to remain available*
22 *until expended.*

23 *ASSISTANCE TO SMALL SHIPYARDS*

24 *To make grants for capital improvements and related*
25 *infrastructure improvements at qualified shipyards that*
26 *will facilitate the efficiency, cost-effectiveness, and quality*

1 *of domestic ship construction for commercial and Federal*
2 *Government use as authorized under section 3506 of Public*
3 *Law 109–163, \$10,000,000, to remain available until ex-*
4 *pended: Provided, That to be considered for assistance, a*
5 *qualified shipyard shall submit an application for assist-*
6 *ance no later than 60 days after enactment of this Act: Pro-*
7 *vided further, That from applications submitted under the*
8 *previous proviso, the Secretary of Transportation shall*
9 *make grants no later than 120 days after enactment of this*
10 *Act in such amounts as the Secretary determines: Provided*
11 *further, That not to exceed 2 percent of the funds appro-*
12 *priated under this heading shall be available for necessary*
13 *costs of grant administration.*

14 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

15 *ACCOUNT*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For the cost of guaranteed loans, as authorized,*
18 *\$8,408,000, of which \$5,000,000 shall remain available*
19 *until expended: Provided, That such costs, including the*
20 *cost of modifying such loans, shall be as defined in section*
21 *502 of the Congressional Budget Act of 1974, as amended:*
22 *Provided further, That not to exceed \$3,408,000 shall be*
23 *available for administrative expenses to carry out the guar-*
24 *anteed loan program, which shall be transferred to and*
25 *merged with the appropriation for “Operations and Train-*
26 *ing”, Maritime Administration.*

SHIP CONSTRUCTION

(RESCISSION)

1
2
3 *Of the unobligated balances available under this head-*
4 *ing, \$6,673,000 are rescinded.*

5 ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

6 *SEC. 175. Notwithstanding any other provision of this*
7 *Act, the Maritime Administration is authorized to furnish*
8 *utilities and services and make necessary repairs in connec-*
9 *tion with any lease, contract, or occupancy involving Gov-*
10 *ernment property under control of the Maritime Adminis-*
11 *tration, and payments received therefor shall be credited to*
12 *the appropriation charged with the cost thereof: Provided,*
13 *That rental payments under any such lease, contract, or*
14 *occupancy for items other than such utilities, services, or*
15 *repairs shall be covered into the Treasury as miscellaneous*
16 *receipts.*

17 *SEC. 176. No obligations shall be incurred during the*
18 *current fiscal year from the construction fund established*
19 *by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note*
20 *(cfs)), or otherwise, in excess of the appropriations and lim-*
21 *itations contained in this Act or in any prior appropria-*
22 *tions Act.*

1 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*2 *ADMINISTRATION*3 *ADMINISTRATIVE EXPENSES*

4 *For necessary administrative expenses of the Pipeline*
5 *and Hazardous Materials Safety Administration,*
6 *\$18,130,000, of which \$639,000 shall be derived from the*
7 *Pipeline Safety Fund.*

8 *HAZARDOUS MATERIALS SAFETY*

9 *For expenses necessary to discharge the hazardous ma-*
10 *terials safety functions of the Pipeline and Hazardous Ma-*
11 *terials Safety Administration, \$28,000,000, of which*
12 *\$1,761,000 shall remain available until September 30,*
13 *2010: Provided, That up to \$1,200,000 in fees collected*
14 *under 49 U.S.C. 5108(g) shall be deposited in the general*
15 *fund of the Treasury as offsetting receipts: Provided further,*
16 *That there may be credited to this appropriation, to be*
17 *available until expended, funds received from States, coun-*
18 *ties, municipalities, other public authorities, and private*
19 *sources for expenses incurred for training, for reports publi-*
20 *cation and dissemination, and for travel expenses incurred*
21 *in performance of hazardous materials exemptions and ap-*
22 *provals functions.*

1 *PIPELINE SAFETY*
2 *(PIPELINE SAFETY FUND)*
3 *(OIL SPILL LIABILITY TRUST FUND)*

4 *For expenses necessary to conduct the functions of the*
5 *pipeline safety program, for grants-in-aid to carry out a*
6 *pipeline safety program, as authorized by 49 U.S.C. 60107,*
7 *and to discharge the pipeline program responsibilities of*
8 *the Oil Pollution Act of 1990, \$79,828,000, of which*
9 *\$18,810,000 shall be derived from the Oil Spill Liability*
10 *Trust Fund and shall remain available until September 30,*
11 *2010; of which \$61,018,000 shall be derived from the Pipe-*
12 *line Safety Fund, of which \$32,242,000 shall remain avail-*
13 *able until September 30, 2010: Provided, That not less than*
14 *\$1,043,000 of the funds provided under this heading shall*
15 *be for the one-call State grant program.*

16 *EMERGENCY PREPAREDNESS GRANTS*
17 *(EMERGENCY PREPAREDNESS FUND)*

18 *For necessary expenses to carry out 49 U.S.C. 5128(b),*
19 *\$188,000, to be derived from the Emergency Preparedness*
20 *Fund, to remain available until September 30, 2009: Pro-*
21 *vided, That not more than \$28,318,000 shall be made avail-*
22 *able for obligation in fiscal year 2008 from amounts made*
23 *available by 49 U.S.C. 5116(i) and 5128(b)-(c): Provided*
24 *further, That none of the funds made available by 49 U.S.C.*
25 *5116(i), 5128(b), or 5128(c) shall be made available for ob-*

1 *ligation by individuals other than the Secretary of Trans-*
2 *portation, or her designee.*

3 *RESEARCH AND INNOVATIVE TECHNOLOGY*

4 *ADMINISTRATION*

5 *RESEARCH AND DEVELOPMENT*

6 *For necessary expenses of the Research and Innovative*
7 *Technology Administration, \$12,000,000, of which*
8 *\$6,036,000 shall remain available until September 30,*
9 *2010: Provided, That there may be credited to this appro-*
10 *priation, to be available until expended, funds received from*
11 *States, counties, municipalities, other public authorities,*
12 *and private sources for expenses incurred for training.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Office of Inspector Gen-*
16 *eral to carry out the provisions of the Inspector General*
17 *Act of 1978, as amended, \$66,400,000: Provided, That the*
18 *Inspector General shall have all necessary authority, in car-*
19 *rying out the duties specified in the Inspector General Act,*
20 *as amended (5 U.S.C. App. 3), to investigate allegations*
21 *of fraud, including false statements to the government (18*
22 *U.S.C. 1001), by any person or entity that is subject to*
23 *regulation by the Department: Provided further, That the*
24 *funds made available under this heading shall be used to*
25 *investigate, pursuant to section 41712 of title 49, United*

1 *States Code: (1) unfair or deceptive practices and unfair*
 2 *methods of competition by domestic and foreign air carriers*
 3 *and ticket agents; and (2) the compliance of domestic and*
 4 *foreign air carriers with respect to item (1) of this proviso.*

5 *SURFACE TRANSPORTATION BOARD*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Surface Transportation*
 8 *Board, including services authorized by 5 U.S.C. 3109,*
 9 *\$26,324,500: Provided, That notwithstanding any other*
 10 *provision of law, not to exceed \$1,250,000 from fees estab-*
 11 *lished by the Chairman of the Surface Transportation*
 12 *Board shall be credited to this appropriation as offsetting*
 13 *collections and used for necessary and authorized expenses*
 14 *under this heading: Provided further, That the sum herein*
 15 *appropriated from the general fund shall be reduced on a*
 16 *dollar-for-dollar basis as such offsetting collections are re-*
 17 *ceived during fiscal year 2008, to result in a final appro-*
 18 *priation from the general fund estimated at no more than*
 19 *\$25,074,500.*

20 *GENERAL PROVISIONS—DEPARTMENT OF*

21 *TRANSPORTATION*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *(INCLUDING RESCISSIONS)*

24 *SEC. 180. During the current fiscal year applicable*
 25 *appropriations to the Department of Transportation shall*
 26 *be available for maintenance and operation of aircraft; hire*

1 of passenger motor vehicles and aircraft; purchase of liabil-
2 ity insurance for motor vehicles operating in foreign coun-
3 tries on official department business; and uniforms or al-
4 lowances therefor, as authorized by law (5 U.S.C. 5901–
5 5902).

6 *SEC. 181. Appropriations contained in this Act for the*
7 *Department of Transportation shall be available for services*
8 *as authorized by 5 U.S.C. 3109, but at rates for individuals*
9 *not to exceed the per diem rate equivalent to the rate for*
10 *an Executive Level IV.*

11 *SEC. 182. None of the funds in this Act shall be avail-*
12 *able for salaries and expenses of more than 110 political*
13 *and Presidential appointees in the Department of Trans-*
14 *portation: Provided, That none of the personnel covered by*
15 *this provision may be assigned on temporary detail outside*
16 *the Department of Transportation.*

17 *SEC. 183. None of the funds in this Act shall be used*
18 *to implement section 404 of title 23, United States Code.*

19 *SEC. 184. (a) No recipient of funds made available in*
20 *this Act shall disseminate personal information (as defined*
21 *in 18 U.S.C. 2725(3)) obtained by a State department of*
22 *motor vehicles in connection with a motor vehicle record*
23 *as defined in 18 U.S.C. 2725(1), except as provided in 18*
24 *U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

1 **(b)** *Notwithstanding subsection (a), the Secretary shall*
2 *not withhold funds provided in this Act for any grantee*
3 *if a State is in noncompliance with this provision.*

4 **SEC. 185.** *Funds received by the Federal Highway Ad-*
5 *ministration, Federal Transit Administration, and Federal*
6 *Railroad Administration from States, counties, municipali-*
7 *ties, other public authorities, and private sources for ex-*
8 *penses incurred for training may be credited respectively*
9 *to the Federal Highway Administration’s “Federal-Aid*
10 *Highways” account, the Federal Transit Administration’s*
11 *“Research and University Research Centers” account, and*
12 *to the Federal Railroad Administration’s “Safety and Op-*
13 *erations” account, except for State rail safety inspectors*
14 *participating in training pursuant to 49 U.S.C. 20105.*

15 **SEC. 186.** *Funds provided or limited in this Act under*
16 *the appropriate accounts within the Federal Highway Ad-*
17 *ministration, the Federal Railroad Administration and the*
18 *Federal Transit Administration shall be made available for*
19 *the eligible programs, projects and activities at the level of*
20 *98 percent of the corresponding amounts identified in the*
21 *explanatory statement accompanying this Act for the*
22 *“Delta Regional Transportation Development Program”,*
23 *“Ferry Boats and Ferry Terminal Facilities”, “Federal*
24 *Lands”, “Interstate Maintenance Discretionary”, “Trans-*
25 *portation, Community and System Preservation Program”,*

1 *“Rail Line Relocation and Improvement Program”, “Rail-*
2 *highway crossing hazard eliminations”, “Alternatives anal-*
3 *ysis”, and “Bus and bus facilities”: Provided, That*
4 *amounts authorized within the Federal Highway Adminis-*
5 *tration for fiscal year 2008 for the Interstate Maintenance*
6 *Discretionary program under section 118(c) of title 23,*
7 *United States Code, the Ferry Boats and Ferry Terminal*
8 *Facilities program under section 147 of title 23, United*
9 *States Code (excluding the set-aside for projects on the Na-*
10 *tional Highway System authorized by section 147(b) of*
11 *such title), the Public Lands Highways Discretionary pro-*
12 *gram under section 202(b)(1)(A) of title 23, United States*
13 *Code, and the Transportation, Community and System*
14 *Preservation program under section 1117 of Public Law*
15 *109–59 in excess of the amounts so set aside by the first*
16 *clause of this section for such programs, projects and activi-*
17 *ties in the explanatory statement accompanying this Act*
18 *are rescinded: Provided further, That amounts authorized*
19 *within the Federal Railroad Administration for fiscal year*
20 *2008 for Rail-highway Crossing Hazard Eliminations*
21 *under section 104(d)(2)(A) of title 23, United States Code*
22 *(excluding the set-aside for certain improvements author-*
23 *ized by section 104(d)(2)(E) of such title), in excess of the*
24 *amounts so set aside by the first clause of this section for*

1 *such programs, projects and activities in the explanatory*
2 *statement accompanying this Act are rescinded.*

3 *SEC. 187. Notwithstanding any other provisions of*
4 *law, rule or regulation, the Secretary of Transportation is*
5 *authorized to allow the issuer of any preferred stock here-*
6 *tofore sold to the Department to redeem or repurchase such*
7 *stock upon the payment to the Department of an amount*
8 *determined by the Secretary.*

9 *SEC. 188. None of the funds in this Act to the Depart-*
10 *ment of Transportation may be used to make a grant unless*
11 *the Secretary of Transportation notifies the House and Sen-*
12 *ate Committees on Appropriations not less than 3 full busi-*
13 *ness days before any discretionary grant award, letter of*
14 *intent, or full funding grant agreement totaling \$500,000*
15 *or more is announced by the department or its modal ad-*
16 *ministrations from: (1) any discretionary grant program*
17 *of the Federal Highway Administration including the emer-*
18 *gency relief program; (2) the airport improvement program*
19 *of the Federal Aviation Administration; or (3) any pro-*
20 *gram of the Federal Transit Administration other than the*
21 *formula grants and fixed guideway modernization pro-*
22 *grams: Provided, That the Secretary gives concurrent noti-*
23 *fication to the House and Senate Committees on Appropria-*
24 *tions for any “quick release” of funds from the emergency*

1 *relief program: Provided further, That no notification shall*
2 *involve funds that are not available for obligation.*

3 *SEC. 189. Rebates, refunds, incentive payments, minor*
4 *fees and other funds received by the Department of Trans-*
5 *portation from travel management centers, charge card pro-*
6 *grams, the subleasing of building space, and miscellaneous*
7 *sources are to be credited to appropriations of the Depart-*
8 *ment of Transportation and allocated to elements of the De-*
9 *partment of Transportation using fair and equitable cri-*
10 *teria and such funds shall be available until expended.*

11 *SEC. 190. Amounts made available in this or any other*
12 *Act that the Secretary determines represent improper pay-*
13 *ments by the Department of Transportation to a third*
14 *party contractor under a financial assistance award, which*
15 *are recovered pursuant to law, shall be available—*

16 *(1) to reimburse the actual expenses incurred by*
17 *the Department of Transportation in recovering im-*
18 *proper payments; and*

19 *(2) to pay contractors for services provided in re-*
20 *covering improper payments or contractor support in*
21 *the implementation of the Improper Payments Infor-*
22 *mation Act of 2002: Provided, That amounts in excess*
23 *of that required for paragraphs (1) and (2)—*

24 *(A) shall be credited to and merged with the*
25 *appropriation from which the improper pay-*

1 *ments were made, and shall be available for the*
2 *purposes and period for which such appropria-*
3 *tions are available; or*

4 *(B) if no such appropriation remains avail-*
5 *able, shall be deposited in the Treasury as mis-*
6 *cellaneous receipts: Provided, That prior to the*
7 *transfer of any such recovery to an appropria-*
8 *tions account, the Secretary shall notify the*
9 *House and Senate Committees on Appropria-*
10 *tions of the amount and reasons for such trans-*
11 *fer: Provided further, That for purposes of this*
12 *section, the term “improper payments”, has the*
13 *same meaning as that provided in section*
14 *2(d)(2) of Public Law 107–300.*

15 *SEC. 191. (a) Funds provided in Public Law 102–143*
16 *in the item relating to “Highway Bypass Demonstration*
17 *Project” shall be available for the improvement of Route*
18 *101 in the vicinity of Prunedale, Monterey County, Cali-*
19 *fornia.*

20 *(b) Funds provided under section 378 of the Depart-*
21 *ment of Transportation and Related Agencies Appropria-*
22 *tions Act, 2001 (Public Law 106–346, 114 Stat. 1356,*
23 *1356A–41), for the reconstruction of School Road East in*
24 *Marlboro Township, New Jersey, shall be available for the*

1 *Spring Valley Road Project in Marlboro Township, New*
2 *Jersey.*

3 (c) *Notwithstanding any other provision of law, of the*
4 *unexpended balance of funds made available in title I,*
5 *chapter III, of Public Law 97–216 (96 Stat. 180, 187)*
6 *under the heading “Federal-aid Highway Program” to exe-*
7 *cute contracts to replace or rehabilitate highway bridges,*
8 *as designated on page 19 of House Report 97–632,*
9 *\$5,000,000 shall be made available for East Chicago Road*
10 *Reconstruction, East Chicago, Indiana, and the remaining*
11 *unexpended funds shall be made available for Calumet Ave-*
12 *nue Grade Separation, Munster, Indiana.*

13 (d) *Of the unobligated balance appropriated under the*
14 *heading “Highway Demonstration Projects” in title I of*
15 *Public Law 102–143 (105 Stat. 929) that was allocated for*
16 *Routes 70/38 Circle Elimination, New Jersey, \$1,500,000*
17 *shall be transferred to, and made available for, the Dela-*
18 *ware Street Bridge Replacement Project, (CR640) Bridge*
19 *over Mathews Branch in West Deptford Township, New Jer-*
20 *sey.*

21 SEC. 192. *Notwithstanding any other provision of law,*
22 *if any funds provided in or limited by this Act are subject*
23 *to a reprogramming action that requires notice to be pro-*
24 *vided to the House and Senate Committees on Appropria-*
25 *tions, said reprogramming action shall be approved or de-*

1 *nied solely by the Committees on Appropriations: Provided,*
2 *That the Secretary may provide notice to other congres-*
3 *sional committees of the action of the Committees on Appro-*
4 *priations on such reprogramming but not sooner than 30*
5 *days following the date on which the reprogramming action*
6 *has been approved or denied by the House and Senate Com-*
7 *mittees on Appropriations.*

8 *SEC. 193. (a) None of the funds appropriated or other-*
9 *wise made available under this Act to the Surface Trans-*
10 *portation Board of the Department of Transportation may*
11 *be used to take any action to allow any activity described*
12 *in subsection (b) in a case, matter, or declaratory order in-*
13 *volving a railroad, or an entity claiming or seeking author-*
14 *ity to operate as a railroad, unless the Board receives writ-*
15 *ten assurance from the Governor, or the Governor's designee,*
16 *of the State in which such activity will occur that such rail-*
17 *road or entity has agreed to comply with State and local*
18 *regulations that establish public health, safety, and environ-*
19 *mental standards for the activities described in subsection*
20 *(b), other than zoning laws or regulations.*

21 *(b) Activities referred to in subsection (a) are activities*
22 *that occur at a solid waste rail transfer facility involving—*

23 *(1) the collection, storage, or transfer of solid*
24 *waste (as defined in section 1004 of the Solid Waste*

1 *Disposal Act (42 U.S.C. 6903)) outside of original*
2 *shipping containers; or*

3 *(2) the separation or processing of solid waste*
4 *(including baling, crushing, compacting, and shred-*
5 *ding).*

6 *SEC. 194. None of the funds appropriated or otherwise*
7 *made available under this Act may be used by the Surface*
8 *Transportation Board of the Department of Transportation*
9 *to charge or collect any filing fee for rate complaints filed*
10 *with the Board in an amount in excess of the amount au-*
11 *thorized for district court civil suit filing fees under section*
12 *1914 of title 28, United States Code.*

13 *SEC. 195. Not later than 30 days after the date of en-*
14 *actment of this Act, the Secretary of Transportation shall*
15 *establish and maintain on the homepage of the Internet*
16 *website of the Department of Transportation—*

17 *(1) a direct link to the Internet website of the Of-*
18 *fice of Inspector General of the Department of Trans-*
19 *portation; and*

20 *(2) a mechanism by which individuals may*
21 *anonymously report cases of waste, fraud, or abuse*
22 *with respect to the Department of Transportation.*

23 *SEC. 196. None of the funds appropriated or otherwise*
24 *made available by this Act may be obligated or expended*
25 *by the Administrator of the Federal Aviation Administra-*

1 *tion to displace, reassign, reduce the salary of, or subject*
2 *to a reduction in force any employee at the Academy or*
3 *discontinue the use of the FAA Academy as the primary*
4 *training facility for air traffic controller training as a re-*
5 *sult of implementing the Air Traffic Control Optimum*
6 *Training Solution in its entirety, prior to September 30,*
7 *2008.*

8 *SEC. 197. PROHIBITION ON IMPOSITION AND COLLEC-*
9 *TION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED*
10 *USING FEDERAL FUNDS. (a) DEFINITIONS.—In this sec-*
11 *tion:*

12 *(1) FEDERAL HIGHWAY FACILITY.—*

13 *(A) IN GENERAL.—The term “Federal high-*
14 *way facility” means—*

15 *(i) any highway, bridge, or tunnel on*
16 *the Interstate System that is constructed*
17 *using Federal funds; or*

18 *(ii) any United States highway.*

19 *(B) EXCLUSION.—The term “Federal high-*
20 *way facility” does not include any right-of-way*
21 *for any highway, bridge, or tunnel described in*
22 *subparagraph (A).*

23 *(2) TOLLING PROVISION.—The term “tolling pro-*
24 *vision” means section 1216(b) of the Transportation*

1 *Equity Act for the 21st Century (23 U.S.C. 129 note;*
2 *112 Stat. 212);*

3 *(b) PROHIBITION.—*

4 *(1) IN GENERAL.—None of the funds made avail-*
5 *able by this Act shall be used to consider or approve*
6 *an application to permit the imposition or collection*
7 *of any toll on any portion of a Federal highway facil-*
8 *ity in the State of Texas—*

9 *(A)(i) that is in existence on the date of en-*
10 *actment of this Act; and*

11 *(ii) on which no toll is imposed or collected*
12 *under a tolling provision on that date of enact-*
13 *ment; or*

14 *(B) that would result in the Federal high-*
15 *way facility having fewer non-toll lanes than be-*
16 *fore the date on which the toll was first imposed*
17 *or collected.*

18 *(2) EXEMPTION.—Paragraph (1) shall not apply*
19 *to the imposition or collection of a toll on a Federal*
20 *highway facility—*

21 *(A) on which a toll is imposed or collected*
22 *under a tolling provision on the date of enact-*
23 *ment of this Act; or*

24 *(B) that is constructed, under construction,*
25 *or the subject of an application for construction*

1 *shall be available for the immediate Office of the Chief Fi-*
2 *nancial Officer; not to exceed \$1,155,000 shall be available*
3 *for the immediate Office of the General Counsel; not to ex-*
4 *ceed \$2,670,000 shall be available to the Office of the Assist-*
5 *ant Secretary for Congressional and Intergovernmental Re-*
6 *lations; not to exceed \$2,520,000 shall be for the Office of*
7 *the Assistant Secretary for Public Affairs; not to exceed*
8 *\$1,630,000 shall be available for the Office of the Assistant*
9 *Secretary for Administration; not to exceed \$1,620,000 shall*
10 *be available to the Office of the Assistant Secretary for Pub-*
11 *lic and Indian Housing; not to exceed \$1,520,000 shall be*
12 *available to the Office of the Assistant Secretary for Com-*
13 *munity Planning and Development; not to exceed*
14 *\$3,600,000 shall be available to the Office of the Assistant*
15 *Secretary for Housing, Federal Housing Commissioner; not*
16 *to exceed \$1,570,000 shall be available to the Office of the*
17 *Assistant Secretary for Policy Development and Research;*
18 *and not to exceed \$1,950,000 shall be available to the Office*
19 *of the Assistant Secretary for Fair Housing and Equal Op-*
20 *portunity: Provided, That the Secretary of the Department*
21 *of Housing and Urban Development is authorized to trans-*
22 *fer funds appropriated for any office funded under this*
23 *heading to any other office funded under this heading fol-*
24 *lowing the written notification to the House and Senate*
25 *Committees on Appropriations: Provided further, That no*

1 *appropriation for any office shall be increased or decreased*
2 *by more than 5 percent by all such transfers: Provided fur-*
3 *ther, That notice of any change in funding greater than*
4 *5 percent shall be submitted for prior approval to the House*
5 *and Senate Committees on Appropriations: Provided fur-*
6 *ther, That the Secretary shall provide the Committees on*
7 *Appropriations quarterly written notification regarding the*
8 *status of pending congressional reports: Provided further,*
9 *That not to exceed \$25,000 of the amount made available*
10 *under this paragraph for the immediate Office of the Sec-*
11 *retary shall be available for official reception and represen-*
12 *tation expenses as the Secretary may determine.*

13 *ADMINISTRATION, OPERATIONS AND MANAGEMENT*

14 *For necessary salaries and expenses for administra-*
15 *tion, operations and management for the Department of*
16 *Housing and Urban Development, \$493,630,000, of which*
17 *not to exceed \$69,070,000 shall be available for the per-*
18 *sonnel compensation and benefits of the Office of Adminis-*
19 *tration; not to exceed \$10,630,000 shall be available for the*
20 *personnel compensation and benefits of the Office of Depart-*
21 *mental Operations and Coordination; not to exceed*
22 *\$51,300,000 shall be available for the personnel compensa-*
23 *tion and benefits of the Office of Field Policy and Manage-*
24 *ment; not to exceed \$12,370,000 shall be available for the*
25 *personnel compensation and benefits of the Office of the*
26 *Chief Procurement Officer; not to exceed \$31,600,000 shall*

1 *be available for the personnel compensation and benefits of*
2 *the remaining staff in the Office of the Chief Financial Offi-*
3 *cer; not to exceed \$80,670,000 shall be available for the per-*
4 *sonnel compensation and benefits of the remaining staff of*
5 *the Office of the General Counsel; not to exceed \$2,810,000*
6 *shall be available for the personnel compensation and bene-*
7 *fits of the Office of Departmental Equal Employment Op-*
8 *portunity; not to exceed \$1,160,000 shall be available for*
9 *the personnel compensation and benefits for the Center for*
10 *Faith-Based and Community Initiatives; not to exceed*
11 *\$234,020,000 shall be available for non-personnel expenses*
12 *of the Department of Housing and Urban Development:*
13 *Provided, That, funds provided under the heading may be*
14 *used for necessary administrative and non-administrative*
15 *expenses of the Department of Housing and Urban Develop-*
16 *ment, not otherwise provided for, including purchase of uni-*
17 *forms, or allowances therefor, as authorized by 5 U.S.C.*
18 *5901–5902; hire of passenger motor vehicles; services as au-*
19 *thorized by 5 U.S.C. 3109: Provided further, That notwith-*
20 *standing any other provision of law, funds appropriated*
21 *under this heading may be used for advertising and pro-*
22 *motional activities that support the housing mission area:*
23 *Provided further, That the Secretary of Housing and Urban*
24 *Development is authorized to transfer funds appropriated*
25 *for any office included in Administration, Operations and*

1 *Management to any other office included in Administra-*
2 *tion, Operations and Management only after such transfer*
3 *has been submitted to, and received prior written approval*
4 *by, the House and Senate Committees on Appropriations:*
5 *Provided further, That no appropriation for any office shall*
6 *be increased or decreased by more than ten percent by all*
7 *such transfers.*

8 *PUBLIC AND INDIAN HOUSING PERSONNEL COMPENSATION*
9 *AND BENEFITS*

10 *For necessary personnel compensation and benefits ex-*
11 *penses of the Office of Public and Indian Housing,*
12 *\$173,310,000.*

13 *COMMUNITY PLANNING AND DEVELOPMENT PERSONNEL*
14 *COMPENSATION AND BENEFITS*

15 *For necessary personnel compensation and benefits ex-*
16 *penses of the Office of Community Planning and Develop-*
17 *ment mission area, \$90,310,000.*

18 *HOUSING PERSONNEL COMPENSATION AND BENEFITS*

19 *For necessary personnel compensation and benefits ex-*
20 *penses of the Office of Housing, \$334,450,000.*

21 *OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE*
22 *ASSOCIATION*

23 *PERSONNEL COMPENSATION AND BENEFITS*

24 *For necessary personnel compensation and benefits ex-*
25 *penses of the Office of the Government National Mortgage*
26 *Association, \$8,250,000.*

1 *POLICY DEVELOPMENT AND RESEARCH PERSONNEL*2 *COMPENSATION AND BENEFITS*

3 *For necessary personnel compensation and benefits ex-*
4 *penses of the Office of Policy Development and Research,*
5 *\$16,950,000.*

6 *FAIR HOUSING AND EQUAL OPPORTUNITY PERSONNEL*7 *COMPENSATION AND BENEFITS*

8 *For necessary personnel compensation and benefits ex-*
9 *penses of the Office of Fair Housing and Equal Oppor-*
10 *tunity, \$63,140,000.*

11 *OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL*12 *PERSONNEL COMPENSATION AND BENEFITS*

13 *For necessary personnel compensation and benefits ex-*
14 *penses of the Office of Healthy Homes and Lead Hazard*
15 *Control, \$6,980,000.*

16 *PUBLIC AND INDIAN HOUSING*17 *TENANT-BASED RENTAL ASSISTANCE*18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For activities and assistance for the provision of ten-*
20 *ant-based rental assistance authorized under the United*
21 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
22 *et seq.) (“the Act” herein), not otherwise provided for,*
23 *\$16,391,000,000, to remain available until expended, of*
24 *which \$12,233,000,000 shall be available on October 1,*
25 *2007, and \$4,158,000,000 shall be available on October 1,*

1 2008: *Provided, That the amounts made available under*
2 *this heading are provided as follows:*

3 (1) *\$14,694,506,000 for renewals of expiring sec-*
4 *tion 8 tenant-based annual contributions contracts*
5 *(including renewals of enhanced vouchers under any*
6 *provision of law authorizing such assistance under*
7 *section 8(t) of the Act): *Provided, That notwith-**
8 *standing any other provision of law, from amounts*
9 *provided under this paragraph and any carryover,*
10 *the Secretary for the calendar year 2008 funding*
11 *cycle shall provide renewal funding for each public*
12 *housing agency based on voucher management system*
13 *(VMS) leasing and cost data for the most recent Fed-*
14 *eral fiscal year and by applying the 2008 Annual Ad-*
15 *justment Factor as established by the Secretary, and*
16 *by making any necessary adjustments for the costs as-*
17 *sociated with deposits to family self-sufficiency pro-*
18 *gram escrow accounts or the first-time renewal of ten-*
19 *ant protection or HOPE VI vouchers or vouchers that*
20 *were not in use during the 12-month period in order*
21 *to be available to meet a commitment pursuant to sec-*
22 *tion 8(o)(13) of the Act: *Provided further, That not-**
23 *withstanding the first proviso, except for applying the*
24 *2008 Annual Adjustment Factor and making any*
25 *other specified adjustments, public housing agencies*

1 *specified in category 1 below shall receive funding for*
2 *calendar year 2008 based on the higher of the*
3 *amounts the agencies would receive under the first*
4 *proviso or the amounts the agencies received in cal-*
5 *endar year 2007, and public housing agencies speci-*
6 *fied in categories 2 and 3 below shall receive funding*
7 *for calendar year 2008 equal to the amounts the agen-*
8 *cies received in calendar year 2007, except that public*
9 *housing agencies specified in categories 1 and 2 below*
10 *shall receive funding under this proviso only if, and*
11 *to the extent that, any such public housing agency*
12 *submits a plan, approved by the Secretary, that dem-*
13 *onstrates that the agency can effectively use within 12*
14 *months the funding that the agency would receive*
15 *under this proviso that is in addition to the funding*
16 *that the agency would receive under the first proviso:*
17 *(1) public housing agencies that are eligible for assist-*
18 *ance under section 901 in Public Law 109–148 (119*
19 *Stat. 2781) or are located in the same counties as*
20 *those eligible under section 901 and operate voucher*
21 *programs under section 8(o) of the United States*
22 *Housing Act of 1937 but do not operate public hous-*
23 *ing under section 9 of such Act, and any public hous-*
24 *ing agency that otherwise qualifies under this cat-*
25 *egory must demonstrate that they have experienced a*

1 *loss of rental housing stock as a result of the 2005*
2 *hurricanes; (2) public housing agencies that would re-*
3 *ceive less funding under the first proviso than they*
4 *would receive under this proviso and that have been*
5 *placed in receivership within the 24 months preceding*
6 *the date of enactment of this Act; and (3) public hous-*
7 *ing agencies that spent more in calendar year 2007*
8 *than the total of the amounts of any such public hous-*
9 *ing agency's allocation amount for calendar year*
10 *2007 and the amount of any such public housing*
11 *agency's available housing assistance payments un-*
12 *designated funds balance from calendar year 2006*
13 *and the amount of any such public housing agency's*
14 *available administrative fees undesignated funds bal-*
15 *ance through calendar year 2007: Provided further,*
16 *That notwithstanding the first two provisos under*
17 *this paragraph, the amount of calendar year 2008 re-*
18 *newal funding for any agency otherwise authorized*
19 *under such provisos shall be reduced by the amount*
20 *of any unusable amount (as determined by the Sec-*
21 *retary, due to limits in this paragraph with respect*
22 *to an agency's authorized level of units under con-*
23 *tract) in such agency's net restricted assets account,*
24 *in accordance with the most recent VMS data in cal-*
25 *endar year 2007 that is verifiable and complete,*

1 *which exceeds 7 percent of the amount of renewal*
2 *funding allocated to the agency for the calendar year*
3 *2007 funding cycle pursuant to section 21033 of Pub-*
4 *lic Law 110–5, as amended by section 4802 of Public*
5 *Law 110–28: Provided further, That up to*
6 *\$50,000,000 shall be available only: (1) to adjust the*
7 *allocations for public housing agencies, after applica-*
8 *tion for an adjustment by a public housing agency*
9 *that experienced a significant increase, as determined*
10 *by the Secretary, in renewal costs from portability*
11 *under section 8(r) of the Act of tenant-based rental*
12 *assistance; and (2) for adjustments for public housing*
13 *agencies with voucher leasing rates at the end of the*
14 *calendar year that exceed the average leasing for the*
15 *12-month period used to establish the allocation: Pro-*
16 *vided further, That none of the funds provided under*
17 *this paragraph may be used to support a total num-*
18 *ber of unit months under lease which exceeds a public*
19 *housing agency’s authorized level of units under con-*
20 *tract: Provided further, That the Secretary shall, to*
21 *the extent necessary to stay within the amount speci-*
22 *fied under this paragraph, after subtracting*
23 *\$723,257,000 from such amount, pro rate each public*
24 *housing agency’s allocation otherwise established pur-*
25 *suant to this paragraph: Provided further, That ex-*

1 *cept as provided in the last proviso, the entire*
2 *amount specified under this paragraph, except for*
3 *\$723,257,000 shall be obligated to the public housing*
4 *agencies based on the allocation and pro rata method*
5 *described above and the Secretary shall notify public*
6 *housing agencies of their annual budget not later than*
7 *60 days after enactment of this Act: Provided further,*
8 *That the Secretary may extend the 60 day notifica-*
9 *tion period with the written approval of the House*
10 *and Senate Committees on Appropriations: Provided*
11 *further, That public housing agencies participating in*
12 *the Moving to Work demonstration shall be funded*
13 *pursuant to their Moving to Work agreements and*
14 *shall be subject to the same pro rata adjustments*
15 *under the previous proviso;*

16 *(2) \$200,000,000 for section 8 rental assistance*
17 *for relocation and replacement of housing units that*
18 *are demolished or disposed of pursuant to the Omni-*
19 *bus Consolidated Rescissions and Appropriations Act*
20 *of 1996 (Public Law 104–134), conversion of section*
21 *23 projects to assistance under section 8, the family*
22 *unification program under section 8(x) of the Act, re-*
23 *location of witnesses in connection with efforts to*
24 *combat crime in public and assisted housing pursu-*
25 *ant to a request from a law enforcement or prosecu-*

1 *tion agency, enhanced vouchers under any provision*
2 *of law authorizing such assistance under section 8(t)*
3 *of the Act, HOPE VI vouchers, mandatory and vol-*
4 *untary conversions, and tenant protection assistance*
5 *including replacement and relocation assistance: Pro-*
6 *vided, That the Secretary shall provide replacement*
7 *vouchers for all units that were occupied within the*
8 *previous 24 months that cease to be available as as-*
9 *sisted housing due to demolition, disposition, or con-*
10 *version, subject only to the availability of funds;*

11 *(3) \$49,000,000 for family self-sufficiency coordi-*
12 *nators under section 23 of the Act;*

13 *(4) up to \$6,494,000 may be transferred to the*
14 *Working Capital Fund;*

15 *(5) \$1,351,000,000 for administrative and other*
16 *expenses of public housing agencies in administering*
17 *the section 8 tenant-based rental assistance program*
18 *and which up to \$35,000,000 shall be available to the*
19 *Secretary to allocate to public housing agencies that*
20 *need additional funds to administer their section 8*
21 *programs, with up to \$30,000,000 to be for fees asso-*
22 *ciated with section 8 tenant protection rental assist-*
23 *ance: Provided, That no less than \$1,316,000,000 of*
24 *the amount provided in this paragraph shall be allo-*
25 *cated for the calendar year 2008 funding cycle on a*

1 *basis to public housing agencies as provided in sec-*
2 *tion 8(q) of the Act as in effect immediately before the*
3 *enactment of the Quality Housing and Work Respon-*
4 *sibility Act of 1998 (Public Law 105–276);*

5 *(6) \$20,000,000 for incremental voucher assist-*
6 *ance through the Family Unification Program;*

7 *(7) \$75,000,000 for incremental rental voucher*
8 *assistance for use through a supported housing pro-*
9 *gram administered in conjunction with the Depart-*
10 *ment of Veterans Affairs as authorized under section*
11 *8(o)(19) of the United States Housing Act of 1937:*
12 *Provided, That the Secretary of Housing and Urban*
13 *Development shall make such funding available, not-*
14 *withstanding section 204 (competition provision) of*
15 *this title, to public housing agencies that partner with*
16 *eligible VA Medical Centers or other entities as des-*
17 *ignated by the Secretary of the Department of Vet-*
18 *erans Affairs, based on geographical need for such as-*
19 *sistance as identified by the Secretary of the Depart-*
20 *ment of Veterans Affairs, public housing agency ad-*
21 *ministrative performance, and other factors as speci-*
22 *fied by the Secretary of Housing and Urban Develop-*
23 *ment in consultation with the Secretary of the De-*
24 *partment of Veterans Affairs: Provided further, That*
25 *the Secretary of Housing and Urban Development*

1 *may waive, or specify alternative requirements for (in*
2 *consultation with the Secretary of the Department of*
3 *Veterans Affairs), any provision of any statute or reg-*
4 *ulation that the Secretary of Housing and Urban De-*
5 *velopment administers in connection with the use of*
6 *funds made available under this paragraph (except*
7 *for requirements related to fair housing, non-*
8 *discrimination, labor standards, and the environ-*
9 *ment), upon a finding by the Secretary that any such*
10 *waivers or alternative requirements are necessary for*
11 *the effective delivery and administration of such*
12 *voucher assistance: Provided further, That assistance*
13 *made available under this paragraph shall continue*
14 *to remain available for homeless veterans upon turn-*
15 *over; and*

16 (8) *\$30,000,000 for incremental vouchers under*
17 *section 8 of the Act for nonelderly disabled families*
18 *affected by the designation of a public housing devel-*
19 *opment under section 7 of the Act, the establishment*
20 *of preferences in accordance with section 651 of the*
21 *Housing and Community Development Act of 1992*
22 *(42 U.S.C. 13611), or the restriction of occupancy to*
23 *elderly families in accordance with section 658 of*
24 *such Act (42 U.S.C. 13618), and to the extent the Sec-*
25 *retary determines that such amount is not needed to*

1 *fund applications for such affected families, for other*
2 *nonelderly disabled families.*

3 *HOUSING CERTIFICATE FUND*

4 *(RESCISSION)*

5 *Of the unobligated balances, including recaptures and*
6 *carryover, remaining from funds appropriated to the De-*
7 *partment of Housing and Urban Development under this*
8 *heading, the heading “Annual Contributions for Assisted*
9 *Housing”, the heading “Tenant-Based Rental Assistance”,*
10 *and the heading “Project-Based Rental Assistance”, for fis-*
11 *cal year 2007 and prior years, \$1,250,000,000 are re-*
12 *scinded, to be effected by the Secretary of Housing and*
13 *Urban Development no later than September 30, 2008: Pro-*
14 *vided, That if insufficient funds exist under these headings,*
15 *the remaining balance may be derived from any other head-*
16 *ing under this title: Provided further, That the Secretary*
17 *shall notify the Committees on Appropriations 30 days in*
18 *advance of the rescission of any funds derived from the*
19 *headings specified above: Provided further, That any such*
20 *balances governed by reallocation provisions under the stat-*
21 *ute authorizing the program for which the funds were origi-*
22 *nally appropriated shall be available for the rescission: Pro-*
23 *vided further, That any obligated balances of contract au-*
24 *thority from fiscal year 1974 and prior that have been ter-*
25 *minated shall be cancelled.*

1 *PROJECT-BASED RENTAL ASSISTANCE*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For activities and assistance for the provision of*
4 *project-based subsidy contracts under the United States*
5 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”),*
6 *not otherwise provided for, \$6,381,810,000, to remain avail-*
7 *able until expended: Provided, That the amounts made*
8 *available under this heading are provided as follows:*

9 (1) *Up to \$6,139,122,000 for expiring or termi-*
10 *nating section 8 project-based subsidy contracts (in-*
11 *cluding section 8 moderate rehabilitation contracts),*
12 *for amendments to section 8 project-based subsidy*
13 *contracts (including section 8 moderate rehabilitation*
14 *contracts), for contracts entered into pursuant to sec-*
15 *tion 441 of the McKinney-Vento Homeless Assistance*
16 *Act (42 U.S.C. 11401), for renewal of section 8 con-*
17 *tracts for units in projects that are subject to ap-*
18 *proved plans of action under the Emergency Low In-*
19 *come Housing Preservation Act of 1987 or the Low-*
20 *Income Housing Preservation and Resident Home-*
21 *ownership Act of 1990, and for administrative and*
22 *other expenses associated with project-based activities*
23 *and assistance funded under this paragraph.*

24 (2) *Not less than \$238,728,000 but not to exceed*
25 *\$286,230,000 for performance-based contract adminis-*
26 *trators for section 8 project-based assistance: Pro-*

1 *vided, That the Secretary of Housing and Urban De-*
2 *velopment may also use such amounts for perform-*
3 *ance-based contract administrators for: interest reduc-*
4 *tion payments pursuant to section 236(a) of the Na-*
5 *tional Housing Act (12 U.S.C. 1715z-1(a)); rent sup-*
6 *plement payments pursuant to section 101 of the*
7 *Housing and Urban Development Act of 1965 (12*
8 *U.S.C. 1701s); section 236(f)(2) rental assistance pay-*
9 *ments (12 U.S.C. 1715z-1(f)(2)); project rental assist-*
10 *ance contracts for the elderly under section 202(c)(2)*
11 *of the Housing Act of 1959 (12 U.S.C. 1701q); project*
12 *rental assistance contracts for supportive housing for*
13 *persons with disabilities under section 811(d)(2) of*
14 *the Cranston-Gonzalez National Affordable Housing*
15 *Act (42 U.S.C. 8013(d)(2)); project assistance con-*
16 *tracts pursuant to section 202(h) of the Housing Act*
17 *of 1959 (Public Law 86-372; 73 Stat. 667); and loans*
18 *under section 202 of the Housing Act of 1959 (Public*
19 *Law 86-372; 73 Stat. 667).*

20 *(3) Not to exceed \$3,960,000 may be transferred*
21 *to the Working Capital Fund.*

22 *(4) Amounts recaptured under this heading, the*
23 *heading “Annual Contributions for Assisted Hous-*
24 *ing”, or the heading “Housing Certificate Fund” may*
25 *be used for renewals of or amendments to section 8*

1 *project-based contracts or for performance-based con-*
2 *tract administrators, notwithstanding the purposes*
3 *for which such amounts were appropriated.*

4 *PUBLIC HOUSING CAPITAL FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Public Housing Capital Fund Program to*
7 *carry out capital and management activities for public*
8 *housing agencies, as authorized under section 9 of the*
9 *United States Housing Act of 1937 (42 U.S.C. 1437g) (the*
10 *“Act”) \$2,438,964,000, to remain available until September*
11 *30, 2011: Provided, That notwithstanding any other provi-*
12 *sion of law or regulation, during fiscal year 2008 the Sec-*
13 *retary of Housing and Urban Development may not dele-*
14 *gate to any Department official other than the Deputy Sec-*
15 *retary and the Assistant Secretary for Public and Indian*
16 *Housing any authority under paragraph (2) of section 9(j)*
17 *regarding the extension of the time periods under such sec-*
18 *tion: Provided further, That for purposes of such section*
19 *9(j), the term “obligate” means, with respect to amounts,*
20 *that the amounts are subject to a binding agreement that*
21 *will result in outlays, immediately or in the future: Pro-*
22 *vided further, That of the total amount provided under this*
23 *heading, up to \$12,000,000 shall be for carrying out activi-*
24 *ties under section 9(h) of such Act; not to exceed*
25 *\$16,847,000 may be transferred to the Working Capital*
26 *Fund; and up to \$15,345,000 shall be to support the ongo-*

1 *ing Public Housing Financial and Physical Assessment ac-*
2 *tivities of the Real Estate Assessment Center (REAC): Pro-*
3 *vided further, That no funds may be used under this head-*
4 *ing for the purposes specified in section 9(k) of the Act: Pro-*
5 *vided further, That of the total amount provided under this*
6 *heading, not to exceed \$18,500,000 shall be available for the*
7 *Secretary to make grants, notwithstanding section 204 of*
8 *this Act, to public housing agencies for emergency capital*
9 *needs resulting from unforeseen or unpreventable emer-*
10 *gencies and natural disasters occurring in fiscal year 2008:*
11 *Provided further, That of the total amount provided under*
12 *this heading, \$40,000,000 shall be for supportive services,*
13 *service coordinators and congregate services as authorized*
14 *by section 34 of the Act (42 U.S.C. 1437z-6) and the Native*
15 *American Housing Assistance and Self-Determination Act*
16 *of 1996 (25 U.S.C. 4101 et seq.): Provided further, That*
17 *of the total amount provided under this heading up to*
18 *\$8,820,000 is to support the costs of administrative and ju-*
19 *dicial receiverships: Provided further, That from the funds*
20 *made available under this heading, the Secretary shall pro-*
21 *vide bonus awards in fiscal year 2008 to public housing*
22 *agencies that are designated high performers.*

23 *PUBLIC HOUSING OPERATING FUND*

24 *For 2008 payments to public housing agencies for the*
25 *operation and management of public housing, as authorized*
26 *by section 9(e) of the United States Housing Act of 1937*

1 *ment and of public housing agencies and to residents: Pro-*
2 *vided, That none of such funds shall be used directly or in-*
3 *directly by granting competitive advantage in awards to*
4 *settle litigation or pay judgments, unless expressly per-*
5 *mitted herein.*

6 *NATIVE AMERICAN HOUSING BLOCK GRANTS*

7 *For the Native American Housing Block Grants pro-*
8 *gram, as authorized under title I of the Native American*
9 *Housing Assistance and Self-Determination Act of 1996*
10 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$630,000,000, to re-*
11 *main available until expended: Provided, That, notwith-*
12 *standing the Native American Housing Assistance and Self-*
13 *Determination Act of 1996, to determine the amount of the*
14 *allocation under title I of such Act for each Indian tribe,*
15 *the Secretary shall apply the formula under section 302 of*
16 *such Act with the need component based on single-race Cen-*
17 *sus data and with the need component based on multi-race*
18 *Census data, and the amount of the allocation for each In-*
19 *dian tribe shall be the greater of the two resulting allocation*
20 *amounts: Provided further, That of the amounts made*
21 *available under this heading, \$2,000,000 shall be contracted*
22 *for assistance for a national organization representing Na-*
23 *tive American Housing interests for providing training and*
24 *technical assistance to Indian Housing authorities and*
25 *tribally designated housing entities as authorized under*
26 *NAHASDA; and \$4,250,000 shall be to support the inspec-*

1 *tion of Indian housing units, contract expertise, training,*
2 *and technical assistance in the training, oversight, and*
3 *management of such Indian housing and tenant-based as-*
4 *sistance, including up to \$300,000 for related travel: Pro-*
5 *vided further, That of the amount provided under this head-*
6 *ing, \$1,980,000 shall be made available for the cost of guar-*
7 *anteed notes and other obligations, as authorized by title*
8 *VI of NAHASDA: Provided further, That such costs, includ-*
9 *ing the costs of modifying such notes and other obligations,*
10 *shall be as defined in section 502 of the Congressional Budg-*
11 *et Act of 1974, as amended: Provided further, That these*
12 *funds are available to subsidize the total principal amount*
13 *of any notes and other obligations, any part of which is*
14 *to be guaranteed, not to exceed \$17,000,000.*

15 *NATIVE HAWAIIAN HOUSING BLOCK GRANT*

16 *For the Native Hawaiian Housing Block Grant pro-*
17 *gram, as authorized under title VIII of the Native American*
18 *Housing Assistance and Self-Determination Act of 1996 (25*
19 *U.S.C. 4111 et seq.), \$9,000,000, to remain available until*
20 *expended, of which \$300,000 shall be for training and tech-*
21 *nical assistance activities.*

22 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

23 *ACCOUNT*

24 *For the cost of guaranteed loans, as authorized by sec-*
25 *tion 184 of the Housing and Community Development Act*
26 *of 1992 (12 U.S.C. 1715z–13a), \$7,450,000, to remain*

1 *available until expended: Provided, That such costs, includ-*
 2 *ing the costs of modifying such loans, shall be as defined*
 3 *in section 502 of the Congressional Budget Act of 1974: Pro-*
 4 *vided further, That these funds are available to subsidize*
 5 *total loan principal, any part of which is to be guaranteed,*
 6 *up to \$367,000,000.*

7 *NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND*

8 *PROGRAM ACCOUNT*

9 *For the cost of guaranteed loans, as authorized by sec-*
 10 *tion 184A of the Housing and Community Development Act*
 11 *of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to remain*
 12 *available until expended: Provided, That such costs, includ-*
 13 *ing the costs of modifying such loans, shall be as defined*
 14 *in section 502 of the Congressional Budget Act of 1974: Pro-*
 15 *vided further, That these funds are available to subsidize*
 16 *total loan principal, any part of which is to be guaranteed,*
 17 *not to exceed \$41,504,255.*

18 *COMMUNITY PLANNING AND DEVELOPMENT*

19 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For carrying out the Housing Opportunities for Per-*
 22 *sons with AIDS program, as authorized by the AIDS Hous-*
 23 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*
 24 *\$300,100,000, to remain available until September 30,*
 25 *2009, except that amounts allocated pursuant to section*
 26 *854(c)(3) of such Act shall remain available until Sep-*

1 *tember 30, 2010: Provided, That the Secretary shall renew*
2 *all expiring contracts for permanent supportive housing*
3 *that were funded under section 854(c)(3) of such Act that*
4 *meet all program requirements before awarding funds for*
5 *new contracts and activities authorized under this section:*
6 *Provided further, That the Secretary may use not to exceed*
7 *\$1,485,000 of the funds under this heading for training,*
8 *oversight, and technical assistance activities; and not to ex-*
9 *ceed \$1,485,000 may be transferred to the Working Capital*
10 *Fund.*

11 *RURAL HOUSING AND ECONOMIC DEVELOPMENT*

12 *For the Office of Rural Housing and Economic Devel-*
13 *opment in the Department of Housing and Urban Develop-*
14 *ment, \$17,000,000, to remain available until expended,*
15 *which amount shall be competitively awarded by September*
16 *1, 2008, to Indian tribes, State housing finance agencies,*
17 *State community and/or economic development agencies,*
18 *local rural nonprofits and community development cor-*
19 *porations to support innovative housing and economic de-*
20 *velopment activities in rural areas.*

21 *COMMUNITY DEVELOPMENT FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For assistance to units of State and local government,*
24 *and to other entities, for economic and community develop-*
25 *ment activities, and for other purposes, \$3,865,800,000, to*
26 *remain available until September 30, 2010, unless otherwise*

1 *specified: Provided, That of the amount provided,*
2 *\$3,593,430,000 is for carrying out the community develop-*
3 *ment block grant program under title I of the Housing and*
4 *Community Development Act of 1974, as amended (the*
5 *“Act” herein) (42 U.S.C. 5301 et seq.): Provided further,*
6 *That unless explicitly provided for under this heading (ex-*
7 *cept for planning grants provided in the second paragraph*
8 *and amounts made available under the third paragraph),*
9 *not to exceed 20 percent of any grant made with funds ap-*
10 *propriated under this heading shall be expended for plan-*
11 *ning and management development and administration:*
12 *Provided further, That not to exceed \$1,570,000 may be*
13 *transferred to the Working Capital Fund: Provided further,*
14 *That \$3,000,000 is for technical assistance as authorized*
15 *by section 107(b)(4) of such Act: Provided further, That*
16 *\$62,000,000 shall be for grants to Indian tribes notwith-*
17 *standing section 106(a)(1) of such Act, of which, notwith-*
18 *standing any other provision of law (including section 305*
19 *of this Act), up to \$3,960,000 may be used for emergencies*
20 *that constitute imminent threats to health and safety.*

21 *Of the amount made available under this heading,*
22 *\$179,830,000 shall be available for grants for the Economic*
23 *Development Initiative (EDI) to finance a variety of tar-*
24 *geted economic investments in accordance with the terms*
25 *and conditions specified in the explanatory statement ac-*

1 *companying this Act: Provided, That the amount made*
2 *available for each grant shall be at the level of 98 percent*
3 *of the corresponding amount cited in said explanatory*
4 *statement: Provided further, That none of the funds pro-*
5 *vided under this paragraph may be used for program oper-*
6 *ations: Provided further, That, for fiscal years 2006, 2007,*
7 *and 2008, no unobligated funds for EDI grants may be used*
8 *for any purpose except acquisition, planning, design, pur-*
9 *chase of equipment, revitalization, redevelopment or con-*
10 *struction.*

11 *Of the amount made available under this heading,*
12 *\$25,970,000 shall be available for neighborhood initiatives*
13 *that are utilized to improve the conditions of distressed and*
14 *blighted areas and neighborhoods, to stimulate investment,*
15 *economic diversification, and community revitalization in*
16 *areas with population outmigration or a stagnating or de-*
17 *clining economic base, or to determine whether housing ben-*
18 *efits can be integrated more effectively with welfare reform*
19 *initiatives: Provided, That amounts made available under*
20 *this paragraph shall be provided in accordance with the*
21 *terms and conditions specified in the explanatory statement*
22 *accompanying this Act: Provided further, That the amount*
23 *made available for each initiative shall be at the level of*
24 *98 percent of the corresponding amount cited in said ex-*
25 *planatory statement.*

1 *The statement of managers correction referenced in the*
2 *second paragraph under this heading in title III of division*
3 *A of Public Law 109–115 is deemed to be amended with*
4 *respect to item number 846 by striking “Mahanoy City,*
5 *Pennsylvania for improvements to West Market Street” and*
6 *inserting “Mahanoy City, Pennsylvania for improvements*
7 *to Centre Street”.*

8 *The statement of managers correction referenced in the*
9 *second paragraph under this heading in title III of division*
10 *A of Public Law 109–115 is deemed to be amended with*
11 *respect to item number 250 by striking “for renovation and*
12 *construction of a resource center” and inserting “for con-*
13 *struction of a homeless shelter”.*

14 *The statement of managers correction referenced in the*
15 *second paragraph under this heading in title III of division*
16 *A of Public Law 109–115 is deemed to be amended with*
17 *respect to item number 713 by striking “for construction*
18 *of a senior center” and inserting “renovation and expan-*
19 *sion of facilities”.*

20 *The statement of managers correction referenced in the*
21 *second paragraph under this heading in title III of division*
22 *A of Public Law 109–115 is deemed to be amended with*
23 *respect to item number 844 by striking “Liverpool Town-*
24 *ship” and inserting “Liverpool Borough”.*

1 *The referenced statement of managers under this head-*
2 *ing in title II of division I of Public Law 108-447 is*
3 *deemed to be amended with respect to item number 36 by*
4 *striking “respite care facility” and inserting “rehabilitative*
5 *care facility for the developmentally disabled”.*

6 *The referenced statement of managers under this head-*
7 *ing in title II of division I of Public Law 108-7 is deemed*
8 *to be amended with respect to item number 608 by striking*
9 *“construct” and inserting “purchase and make improve-*
10 *ments to facilities for”.*

11 *The referenced statement of managers under this head-*
12 *ing in title II of division I of Public Law 108-447 is*
13 *deemed to be amended with respect to item number 521 by*
14 *striking “Missouri” and inserting “Metropolitan Statistical*
15 *Area”.*

16 *The referenced statement of managers under the head-*
17 *ing “Community Development Fund” in title II of Public*
18 *Law 108-447 is deemed to be amended with respect to item*
19 *number 203 by striking “equipment” and inserting “ren-*
20 *ovation and construction”.*

21 *The referenced statement of managers under the head-*
22 *ing “Community Development Fund” in title III of divi-*
23 *sion A of Public Law 109-115 is deemed to be amended*
24 *with respect to item number 696 by striking “a Small Busi-*
25 *ness Development Center” and inserting “for revitalization*

1 *costs at the College of Agriculture Biotechnology and Nat-*
2 *ural Resources”.*

3 *The referenced statement of managers under the head-*
4 *ing “Community Development Fund” in title III of divi-*
5 *sion A of Public Law 109–115 is deemed to be amended*
6 *with respect to item number 460 by striking “Maine-*
7 *Mawoshen One Country, Two Worlds Project” and insert-*
8 *ing “Sharing Maine’s Maritime Heritage Project—Con-*
9 *struction and access to exhibits”.*

10 *The referenced statement of managers under the head-*
11 *ing “Community Development Fund” in title III of divi-*
12 *sion A of Public Law 109–115 is deemed to be amended*
13 *with respect to item number 914 by striking “the Pastime*
14 *Theatre in Bristol, Rhode Island for building improve-*
15 *ments” and inserting “the Institute for the Study and Prac-*
16 *tice of Nonviolence in Providence, Rhode Island for building*
17 *renovations”.*

18 *The referenced statement of managers under the head-*
19 *ing “Community Development Fund” in title III of divi-*
20 *sion A of Public Law 109–115 is deemed to be amended*
21 *with respect to item number 918 by striking “South*
22 *Kingstown” and inserting “Washington County”.*

23 *The referenced statement of managers under the head-*
24 *ing “Community Development Fund” in title III of divi-*
25 *sion A of Public Law 109–115 is deemed to be amended*

1 *with respect to item number 624 by striking “for the con-*
2 *struction of a new technology building” and inserting “for*
3 *renovations to the Wheeler Community Center”.*

4 *The referenced statement of the managers under this*
5 *heading in Public Law 109–115 is deemed to be amended*
6 *with respect to item number 1065 by inserting “South”*
7 *prior to “Burlington”.*

8 *The referenced statement of managers under the head-*
9 *ing “Community Development Fund” in title III of divi-*
10 *sion A of Public Law 109–115 is deemed to be amended*
11 *with respect to item number 102 by striking “for preserva-*
12 *tion of the CA Mining and Mineral Museum” and inserting*
13 *“for planning, design, and construction of the CA Mining*
14 *and Mineral Museum” in its place.*

15 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*

16 *ACCOUNT*

17 *For the cost of guaranteed loans, \$4,500,000, to remain*
18 *available until September 30, 2009, as authorized by section*
19 *108 of the Housing and Community Development Act of*
20 *1974 (42 U.S.C. 5308): Provided, That such costs, including*
21 *the cost of modifying such loans, shall be as defined in sec-*
22 *tion 502 of the Congressional Budget Act of 1974: Provided*
23 *further, That these funds are available to subsidize total*
24 *loan principal, any part of which is to be guaranteed, not*
25 *to exceed \$205,000,000, notwithstanding any aggregate lim-*
26 *itation on outstanding obligations guaranteed in section*

1 108(k) of the Housing and Community Development Act
2 of 1974, as amended.

3 *BROWNFIELDS REDEVELOPMENT*

4 *For competitive economic development grants, as au-*
5 *thorized by section 108(q) of the Housing and Community*
6 *Development Act of 1974, as amended, for Brownfields rede-*
7 *velopment projects, \$10,000,000, to remain available until*
8 *September 30, 2009: Provided, That no funds made avail-*
9 *able under this heading may be used to establish loan loss*
10 *reserves for the section 108 Community Development Loan*
11 *Guarantee program.*

12 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For the HOME investment partnerships program, as*
15 *authorized under title II of the Cranston-Gonzalez National*
16 *Affordable Housing Act, as amended, \$1,704,000,000, to re-*
17 *main available until September 30, 2010, of which not to*
18 *exceed \$3,465,000 may be transferred to the Working Cap-*
19 *ital Fund: Provided, That up to \$12,500,000 shall be avail-*
20 *able for technical assistance: Provided further, That of the*
21 *total amount provided in this paragraph, up to \$50,000,000*
22 *shall be available for housing counseling under section 106*
23 *of the Housing and Urban Development Act of 1968: Pro-*
24 *vided further, That, from amounts appropriated or other-*
25 *wise made available under this heading, \$10,000,000 may*
26 *be made available to promote broader participation in*

1 *homeownership through the American Dream Downpay-*
 2 *ment Initiative, as such initiative is set forth under section*
 3 *271 of the Cranston-Gonzalez National Affordable Housing*
 4 *Act (42 U.S.C. 12821).*

5 *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY*
 6 *PROGRAM*

7 *For the Self-Help and Assisted Homeownership Op-*
 8 *portunity Program, as authorized under section 11 of the*
 9 *Housing Opportunity Program Extension Act of 1996, as*
 10 *amended, \$60,000,000, to remain available until September*
 11 *30, 2010: Provided, That of the total amount provided*
 12 *under this heading, \$26,500,000 shall be made available to*
 13 *the Self-Help and Assisted Homeownership Opportunity*
 14 *Program as authorized under section 11 of the Housing Op-*
 15 *portunity Program Extension Act of 1996, as amended:*
 16 *Provided further, That \$33,500,000 shall be made available*
 17 *for the first four capacity building activities authorized*
 18 *under section 4(a) of the HUD Demonstration Act of 1993*
 19 *(42 U.S.C. 9816 note), of which up to \$5,000,000 may be*
 20 *made available for rural capacity building activities.*

21 *HOMELESS ASSISTANCE GRANTS*
 22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the emergency shelter grants program as author-*
 24 *ized under subtitle B of title IV of the McKinney-Vento*
 25 *Homeless Assistance Act, as amended; the supportive hous-*
 26 *ing program as authorized under subtitle C of title IV of*

1 *such Act; the section 8 moderate rehabilitation single room*
2 *occupancy program as authorized under the United States*
3 *Housing Act of 1937, as amended, to assist homeless indi-*
4 *viduals pursuant to section 441 of the McKinney-Vento*
5 *Homeless Assistance Act; and the shelter plus care program*
6 *as authorized under subtitle F of title IV of such Act,*
7 *\$1,585,990,000, of which \$1,580,990,000 shall remain*
8 *available until September 30, 2010, and of which*
9 *\$5,000,000 shall remain available until expended for reha-*
10 *bilitation projects with ten-year grant terms: Provided,*
11 *That of the amounts provided, \$25,000,000 shall be set aside*
12 *to conduct a demonstration program for the rapid re-hous-*
13 *ing of homeless families: Provided further, That of amounts*
14 *made available in the preceding proviso, not to exceed*
15 *\$1,250,000 may be used to conduct an evaluation of this*
16 *demonstration program: Provided further, That funding*
17 *made available for this demonstration program shall be*
18 *used by the Secretary, expressly for the purposes of pro-*
19 *viding housing and services to homeless families in order*
20 *to evaluate the effectiveness of the rapid re-housing ap-*
21 *proach in addressing the needs of homeless families: Pro-*
22 *vided further, That not less than 30 percent of funds made*
23 *available, excluding amounts provided for renewals under*
24 *the shelter plus care program, shall be used for permanent*
25 *housing for individuals and families: Provided further,*

1 *That all funds awarded for services shall be matched by 25*
2 *percent in funding by each grantee: Provided further, That*
3 *the Secretary shall renew on an annual basis expiring con-*
4 *tracts or amendments to contracts funded under the shelter*
5 *plus care program if the program is determined to be need-*
6 *ed under the applicable continuum of care and meets appro-*
7 *priate program requirements and financial standards, as*
8 *determined by the Secretary: Provided further, That all*
9 *awards of assistance under this heading shall be required*
10 *to coordinate and integrate homeless programs with other*
11 *mainstream health, social services, and employment pro-*
12 *grams for which homeless populations may be eligible, in-*
13 *cluding Medicaid, State Children's Health Insurance Pro-*
14 *gram, Temporary Assistance for Needy Families, Food*
15 *Stamps, and services funding through the Mental Health*
16 *and Substance Abuse Block Grant, Workforce Investment*
17 *Act, and the Welfare-to-Work grant program: Provided fur-*
18 *ther, That up to \$8,000,000 of the funds appropriated under*
19 *this heading shall be available for the national homeless*
20 *data analysis project and technical assistance: Provided*
21 *further, That not to exceed \$2,475,000 of the funds appro-*
22 *priated under this heading may be transferred to the Work-*
23 *ing Capital Fund: Provided further, That all balances for*
24 *Shelter Plus Care renewals previously funded from the Shel-*
25 *ter Plus Care Renewal account and transferred to this ac-*

1 *count shall be available, if recaptured, for Shelter Plus Care*
2 *renewals in fiscal year 2008.*

3 *HOUSING PROGRAMS*

4 *HOUSING FOR THE ELDERLY*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For capital advances, including amendments to cap-*
7 *ital advance contracts, for housing for the elderly, as au-*
8 *thorized by section 202 of the Housing Act of 1959, as*
9 *amended, and for project rental assistance for the elderly*
10 *under section 202(c)(2) of such Act, including amendments*
11 *to contracts for such assistance and renewal of expiring con-*
12 *tracts for such assistance for up to a 1-year term, and for*
13 *supportive services associated with the housing,*
14 *\$735,000,000, to remain available until September 30,*
15 *2011, of which up to \$628,850,000 shall be for capital ad-*
16 *vance and project-based rental assistance awards: Provided,*
17 *That, of the amount provided under this heading, up to*
18 *\$60,000,000 shall be for service coordinators and the con-*
19 *tinuation of existing congregate service grants for residents*
20 *of assisted housing projects, and of which up to \$24,750,000*
21 *shall be for grants under section 202b of the Housing Act*
22 *of 1959 (12 U.S.C. 1701q-2) for conversion of eligible*
23 *projects under such section to assisted living or related use*
24 *and for emergency capital repairs as determined by the Sec-*
25 *retary: Provided further, That of the amount made avail-*
26 *able under this heading, \$20,000,000 shall be available to*

1 *the Secretary of Housing and Urban Development only for*
2 *making competitive grants to private nonprofit organiza-*
3 *tions and consumer cooperatives for covering costs of archi-*
4 *tectural and engineering work, site control, and other plan-*
5 *ning relating to the development of supportive housing for*
6 *the elderly that is eligible for assistance under section 202*
7 *of the Housing Act of 1959 (12 U.S.C. 1701q): Provided*
8 *further, That amounts under this heading shall be available*
9 *for Real Estate Assessment Center inspections and inspec-*
10 *tion-related activities associated with section 202 capital*
11 *advance projects: Provided further, That not to exceed*
12 *\$1,400,000 of the total amount made available under this*
13 *heading may be transferred to the Working Capital Fund:*
14 *Provided further, That the Secretary may waive the provi-*
15 *sions of section 202 governing the terms and conditions of*
16 *project rental assistance, except that the initial contract*
17 *term for such assistance shall not exceed 5 years in dura-*
18 *tion.*

19 *HOUSING FOR PERSONS WITH DISABILITIES*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For capital advance contracts, including amendments*
22 *to capital advance contracts, for supportive housing for per-*
23 *sons with disabilities, as authorized by section 811 of the*
24 *Cranston-Gonzalez National Affordable Housing Act (42*
25 *U.S.C. 8013), for project rental assistance for supportive*
26 *housing for persons with disabilities under section*

1 811(d)(2) of such Act, including amendments to contracts
2 for such assistance and renewal of expiring contracts for
3 such assistance for up to a 1-year term, and for supportive
4 services associated with the housing for persons with dis-
5 abilities as authorized by section 811(b)(1) of such Act, and
6 for tenant-based rental assistance contracts entered into
7 pursuant to section 811 of such Act, \$237,000,000, to re-
8 main available until September 30, 2011: Provided, That
9 not to exceed \$600,000 may be transferred to the Working
10 Capital Fund: Provided further, That, of the amount pro-
11 vided under this heading \$74,745,000 shall be for amend-
12 ments or renewal of tenant-based assistance contracts en-
13 tered into prior to fiscal year 2005 (only one amendment
14 authorized for any such contract): Provided further, That
15 all tenant-based assistance made available under this head-
16 ing shall continue to remain available only to persons with
17 disabilities: Provided further, That the Secretary may
18 waive the provisions of section 811 governing the terms and
19 conditions of project rental assistance and tenant-based as-
20 sistance, except that the initial contract term for such as-
21 sistance shall not exceed 5 years in duration: Provided fur-
22 ther, That amounts made available under this heading shall
23 be available for Real Estate Assessment Center Inspections
24 and inspection-related activities associated with section 811
25 Capital Advance Projects.

1 *OTHER ASSISTED HOUSING PROGRAMS*2 *RENTAL HOUSING ASSISTANCE*

3 *For amendments to contracts under section 101 of the*
4 *Housing and Urban Development Act of 1965 (12 U.S.C.*
5 *1701s) and section 236(f)(2) of the National Housing Act*
6 *(12 U.S.C. 1715z-1) in State-aided, non-insured rental*
7 *housing projects, \$27,600,000, to remain available until ex-*
8 *pended.*

9 *RENT SUPPLEMENT*10 *(RESCISSION)*

11 *Of the amounts made available under the heading*
12 *“Rent Supplement” in Public Law 98-63 for amendments*
13 *to contracts under section 101 of the Housing and Urban*
14 *Development Act of 1965 (12 U.S.C. 1701s) and section*
15 *236(f)(2) of the National Housing Act (12 U.S.C. 1715z-*
16 *1) in State-aided, non-insured rental housing projects,*
17 *\$37,600,000 are rescinded.*

18 *FLEXIBLE SUBSIDY FUND*19 *(TRANSFER OF FUNDS)*

20 *From the Rental Housing Assistance Fund, all uncom-*
21 *mitted balances of excess rental charges as of September 30,*
22 *2007, and any collections made during fiscal year 2008 and*
23 *all subsequent fiscal years, shall be transferred to the Flexi-*
24 *ble Subsidy Fund, as authorized by section 236(g) of the*
25 *National Housing Act.*

1 *MANUFACTURED HOUSING FEES TRUST FUND*

2 *For necessary expenses as authorized by the National*
3 *Manufactured Housing Construction and Safety Standards*
4 *Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000,*
5 *to remain available until expended, to be derived from the*
6 *Manufactured Housing Fees Trust Fund: Provided, That*
7 *not to exceed the total amount appropriated under this*
8 *heading shall be available from the general fund of the*
9 *Treasury to the extent necessary to incur obligations and*
10 *make expenditures pending the receipt of collections to the*
11 *Fund pursuant to section 620 of such Act: Provided further,*
12 *That the amount made available under this heading from*
13 *the general fund shall be reduced as such collections are re-*
14 *ceived during fiscal year 2008 so as to result in a final*
15 *fiscal year 2008 appropriation from the general fund esti-*
16 *mated at not more than \$0 and fees pursuant to such sec-*
17 *tion 620 shall be modified as necessary to ensure such a*
18 *final fiscal year 2008 appropriation: Provided further,*
19 *That for the dispute resolution and installation programs,*
20 *the Secretary of Housing and Urban Development may as-*
21 *sess and collect fees from any program participant: Pro-*
22 *vided further, That such collections shall be deposited into*
23 *the Fund, and the Secretary, as provided herein, may use*
24 *such collections, as well as fees collected under section 620,*
25 *for necessary expenses of such Act: Provided further, That*

1 *notwithstanding the requirements of section 620 of such Act,*
2 *the Secretary may carry out responsibilities of the Sec-*
3 *retary under such Act through the use of approved service*
4 *providers that are paid directly by the recipients of their*
5 *services.*

6 *FEDERAL HOUSING ADMINISTRATION*
7 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*
8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *During fiscal year 2008, commitments to guarantee*
10 *loans to carry out the purposes of section 203(b) of the Na-*
11 *tional Housing Act, as amended, shall not exceed a loan*
12 *principal of \$185,000,000,000.*

13 *During fiscal year 2008, obligations to make direct*
14 *loans to carry out the purposes of section 204(g) of the Na-*
15 *tional Housing Act, as amended, shall not exceed*
16 *\$50,000,000: Provided, That the foregoing amount shall be*
17 *for loans to nonprofit and governmental entities in connec-*
18 *tion with sales of single family real properties owned by*
19 *the Secretary and formerly insured under the Mutual Mort-*
20 *gage Insurance Fund.*

21 *For administrative contract expenses, \$77,400,000, of*
22 *which not to exceed \$25,550,000 may be transferred to the*
23 *Working Capital Fund, and of which up to \$5,000,000 shall*
24 *be for education and outreach of FHA single family loan*
25 *products: Provided, That to the extent guaranteed loan com-*
26 *mitments exceed \$65,500,000,000 on or before April 1, 2008,*

1 *an additional \$1,400 for administrative contract expenses*
2 *shall be available for each \$1,000,000 in additional guaran-*
3 *teed loan commitments (including a pro rata amount for*
4 *any amount below \$1,000,000), but in no case shall funds*
5 *made available by this proviso exceed \$30,000,000.*

6 *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For the cost of guaranteed loans, as authorized by sec-*
9 *tions 238 and 519 of the National Housing Act (12 U.S.C.*
10 *1715z-3 and 1735c), including the cost of loan guarantee*
11 *modifications, as that term is defined in section 502 of the*
12 *Congressional Budget Act of 1974, as amended, \$8,600,000,*
13 *to remain available until expended: Provided, That com-*
14 *mitments to guarantee loans shall not exceed*
15 *\$45,000,000,000 in total loan principal, any part of which*
16 *is to be guaranteed.*

17 *Gross obligations for the principal amount of direct*
18 *loans, as authorized by sections 204(g), 207(l), 238, and*
19 *519(a) of the National Housing Act, shall not exceed*
20 *\$50,000,000, of which not to exceed \$30,000,000 shall be for*
21 *bridge financing in connection with the sale of multifamily*
22 *real properties owned by the Secretary and formerly in-*
23 *sured under such Act; and of which not to exceed*
24 *\$20,000,000 shall be for loans to nonprofit and govern-*
25 *mental entities in connection with the sale of single-family*

1 *real properties owned by the Secretary and formerly in-*
2 *sured under such Act.*

3 *For administrative contract expenses necessary to*
4 *carry out the guaranteed and direct loan programs,*
5 *\$78,111,000, of which not to exceed \$15,692,000 may be*
6 *transferred to the Working Capital Fund: Provided, That*
7 *to the extent guaranteed loan commitments exceed*
8 *\$8,426,000,000 on or before April 1, 2008, an additional*
9 *\$1,980 for administrative contract expenses shall be avail-*
10 *able for each \$1,000,000 in additional guaranteed loan*
11 *commitments over \$8,426,000,000 (including a pro rata*
12 *amount for any increment below \$1,000,000), but in no case*
13 *shall funds made available by this proviso exceed*
14 *\$14,400,000.*

15 *For discount sales of multifamily real property under*
16 *sections 207(1) or 246 of the National Housing Act (12*
17 *U.S.C. 1713(l), 1715z–11), section 203 of the Housing and*
18 *Community Development Amendments of 1978 (12 U.S.C.*
19 *1701z–11), or section 204 of the Departments of Veterans*
20 *Affairs and Housing and Urban Development, and Inde-*
21 *pendent Agencies Appropriations Act, 1997 (12 U.S.C.*
22 *1715z–11a), and for discount loan sales under section*
23 *207(k) of the National Housing Act (12 U.S.C. 1713(k)),*
24 *section 203(k) of the Housing and Community Development*
25 *Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section*

1 *204(a) of the Departments of Veterans Affairs and Housing*
2 *and Urban Development, and Independent Agencies Act,*
3 *1997 (12 U.S.C. 1715z–11a(a)), \$5,000,000, to remain*
4 *available until September 30, 2009.*

5 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*
6 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*
7 *GUARANTEE PROGRAM ACCOUNT*

8 *New commitments to issue guarantees to carry out the*
9 *purposes of section 306 of the National Housing Act, as*
10 *amended (12 U.S.C. 1721(g)), shall not exceed*
11 *\$200,000,000,000, to remain available until September 30,*
12 *2009.*

13 *POLICY DEVELOPMENT AND RESEARCH*
14 *RESEARCH AND TECHNOLOGY*

15 *For contracts, grants, and necessary expenses of pro-*
16 *grams of research and studies relating to housing and*
17 *urban problems, not otherwise provided for, as authorized*
18 *by title V of the Housing and Urban Development Act of*
19 *1970 (12 U.S.C. 1701z–1 et seq.), including carrying out*
20 *the functions of the Secretary of Housing and Urban Devel-*
21 *opment under section 1(a)(1)(i) of Reorganization Plan No.*
22 *2 of 1968, \$51,440,000, to remain available until September*
23 *30, 2009: Provided, That of the total amount provided*
24 *under this heading, up to \$5,000,000 shall be for the Part-*
25 *nership for Advancing Technology in Housing Initiative:*

1 *Provided further, That of the funds made available under*
2 *this heading, \$23,000,000 is for grants pursuant to section*
3 *107 of the Housing and Community Development Act of*
4 *1974 (42 U.S.C. 5307): Provided further, That activities for*
5 *the Partnership for Advancing Technology in Housing Ini-*
6 *tiative shall be administered by the Office of Policy Devel-*
7 *opment and Research.*

8 *FAIR HOUSING AND EQUAL OPPORTUNITY*

9 *FAIR HOUSING ACTIVITIES*

10 *For contracts, grants, and other assistance, not other-*
11 *wise provided for, as authorized by title VIII of the Civil*
12 *Rights Act of 1968, as amended by the Fair Housing*
13 *Amendments Act of 1988, and section 561 of the Housing*
14 *and Community Development Act of 1987, as amended,*
15 *\$50,000,000, to remain available until September 30, 2009,*
16 *of which \$24,000,000 shall be to carry out activities pursu-*
17 *ant to such section 561: Provided, That notwithstanding 31*
18 *U.S.C. 3302, the Secretary may assess and collect fees to*
19 *cover the costs of the Fair Housing Training Academy, and*
20 *may use such funds to provide such training: Provided fur-*
21 *ther, That no funds made available under this heading shall*
22 *be used to lobby the executive or legislative branches of the*
23 *Federal Government in connection with a specific contract,*
24 *grant or loan: Provided further, That of the funds made*
25 *available under this heading, \$380,000 shall be available*

1 *to the Secretary of Housing and Urban Development for*
2 *the creation and promotion of translated materials and*
3 *other programs that support the assistance of persons with*
4 *limited English proficiency in utilizing the services pro-*
5 *vided by the Department of Housing and Urban Develop-*
6 *ment.*

7 *OFFICE OF LEAD HAZARD CONTROL*

8 *LEAD HAZARD REDUCTION*

9 *For the Lead Hazard Reduction Program, as author-*
10 *ized by section 1011 of the Residential Lead-Based Paint*
11 *Hazard Reduction Act of 1992, \$145,000,000, to remain*
12 *available until September 30, 2009, of which \$8,800,000*
13 *shall be for the Healthy Homes Initiative, pursuant to sec-*
14 *tions 501 and 502 of the Housing and Urban Development*
15 *Act of 1970 that shall include research, studies, testing, and*
16 *demonstration efforts, including education and outreach*
17 *concerning lead-based paint poisoning and other housing-*
18 *related diseases and hazards: Provided, That for purposes*
19 *of environmental review, pursuant to the National Environ-*
20 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*
21 *other provisions of law that further the purposes of such*
22 *Act, a grant under the Healthy Homes Initiative, Oper-*
23 *ation Lead Elimination Action Plan (LEAP), or the Lead*
24 *Technical Studies program under this heading or under*
25 *prior appropriations Acts for such purposes under this*

1 *heading, shall be considered to be funds for a special project*
2 *for purposes of section 305(c) of the Multifamily Housing*
3 *Property Disposition Reform Act of 1994: Provided further,*
4 *That of the total amount made available under this head-*
5 *ing, \$48,000,000 shall be made available on a competitive*
6 *basis for areas with the highest lead paint abatement needs:*
7 *Provided further, That each recipient of funds provided*
8 *under the second proviso shall make a matching contribu-*
9 *tion in an amount not less than 25 percent: Provided fur-*
10 *ther, That the Secretary may waive the matching require-*
11 *ment cited in the preceding proviso on a case by case basis*
12 *if the Secretary determines that such a waiver is necessary*
13 *to advance the purposes of this program: Provided further,*
14 *That each applicant shall submit a detailed plan and strat-*
15 *egy that demonstrates adequate capacity that is acceptable*
16 *to the Secretary to carry out the proposed use of funds pur-*
17 *suant to a notice of funding availability: Provided further,*
18 *That of the total amount made available under this head-*
19 *ing, \$2,000,000 shall be available for the Big Buy Program*
20 *to be managed by the Office of Healthy Homes and Lead*
21 *Hazard Control.*

22 *MANAGEMENT AND ADMINISTRATION*

23 *WORKING CAPITAL FUND*

24 *For additional capital for the Working Capital Fund*
25 *(42 U.S.C. 3535) for the development of, modifications to,*

1 *and infrastructure for Department-wide information tech-*
2 *nology systems, for the continuing operation and mainte-*
3 *nance of both Department-wide and program-specific infor-*
4 *mation systems, and for program-related development ac-*
5 *tivities, \$155,000,000, to remain available until September*
6 *30, 2009: Provided, That any amounts transferred to this*
7 *Fund under this Act shall remain available until expended:*
8 *Provided further, That any amounts transferred to this*
9 *Fund from amounts appropriated by previously enacted*
10 *appropriations Acts or from within this Act may be used*
11 *only for the purposes specified under this Fund, in addition*
12 *to the purposes for which such amounts were appropriated.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *For necessary salaries and expenses of the Office of In-*
15 *spector General in carrying out the Inspector General Act*
16 *of 1978, as amended, \$112,000,000: Provided, That the In-*
17 *spector General shall have independent authority over all*
18 *personnel issues within this office.*

19 *OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT*

20 *SALARIES AND EXPENSES*

21 *For carrying out the Federal Housing Enterprises Fi-*
22 *nancial Safety and Soundness Act of 1992, including not*
23 *to exceed \$500 for official reception and representation ex-*
24 *penses, \$66,000,000, to remain available until expended, to*
25 *be derived from the Federal Housing Enterprises Oversight*
26 *Fund: Provided, That the Director shall submit a spending*

1 *plan for the amounts provided under this heading no later*
2 *than January 15, 2008: Provided further, That not less*
3 *than 80 percent of the total amount made available under*
4 *this heading shall be used only for examination, super-*
5 *vision, and capital oversight of the enterprises (as such term*
6 *is defined in section 1303 of the Federal Housing Enter-*
7 *prises Financial Safety and Soundness Act of 1992 (12*
8 *U.S.C. 4502)) to ensure that the enterprises are operating*
9 *in a financially safe and sound manner and complying*
10 *with the capital requirements under Subtitle B of such Act:*
11 *Provided further, That not to exceed the amount provided*
12 *herein shall be available from the general fund of the Treas-*
13 *ury to the extent necessary to incur obligations and make*
14 *expenditures pending the receipt of collections to the Fund:*
15 *Provided further, That the general fund amount shall be*
16 *reduced as collections are received during the fiscal year*
17 *so as to result in a final appropriation from the general*
18 *fund estimated at not more than \$0.*

19 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*

20 *URBAN DEVELOPMENT*

21 *(INCLUDING RESCISSION OF FUNDS)*

22 *SEC. 201. Fifty percent of the amounts of budget au-*
23 *thority, or in lieu thereof 50 percent of the cash amounts*
24 *associated with such budget authority, that are recaptured*
25 *from projects described in section 1012(a) of the Stewart*

1 *B. McKinney Homeless Assistance Amendments Act of 1988*
2 *(42 U.S.C. 1437 note) shall be rescinded or in the case of*
3 *cash, shall be remitted to the Treasury, and such amounts*
4 *of budget authority or cash recaptured and not rescinded*
5 *or remitted to the Treasury shall be used by State housing*
6 *finance agencies or local governments or local housing agen-*
7 *cies with projects approved by the Secretary of Housing and*
8 *Urban Development for which settlement occurred after*
9 *January 1, 1992, in accordance with such section. Notwith-*
10 *standing the previous sentence, the Secretary may award*
11 *up to 15 percent of the budget authority or cash recaptured*
12 *and not rescinded or remitted to the Treasury to provide*
13 *project owners with incentives to refinance their project at*
14 *a lower interest rate.*

15 *SEC. 202. None of the amounts made available under*
16 *this Act may be used during fiscal year 2008 to investigate*
17 *or prosecute under the Fair Housing Act any otherwise law-*
18 *ful activity engaged in by one or more persons, including*
19 *the filing or maintaining of a non-frivolous legal action,*
20 *that is engaged in solely for the purpose of achieving or*
21 *preventing action by a Government official or entity, or a*
22 *court of competent jurisdiction.*

23 *SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of*
24 *the AIDS Housing Opportunity Act (42 U.S.C.*
25 *12903(c)(1)(A)), from any amounts made available under*

1 *this title for fiscal year 2008 that are allocated under such*
2 *section, the Secretary of Housing and Urban Development*
3 *shall allocate and make a grant, in the amount determined*
4 *under subsection (b), for any State that—*

5 *(1) received an allocation in a prior fiscal year*
6 *under clause (ii) of such section; and*

7 *(2) is not otherwise eligible for an allocation for*
8 *fiscal year 2008 under such clause (ii) because the*
9 *areas in the State outside of the metropolitan statis-*
10 *tical areas that qualify under clause (i) in fiscal year*
11 *2008 do not have the number of cases of acquired im-*
12 *munodeficiency syndrome (AIDS) required under*
13 *such clause.*

14 *(b) The amount of the allocation and grant for any*
15 *State described in subsection (a) shall be an amount based*
16 *on the cumulative number of AIDS cases in the areas of*
17 *that State that are outside of metropolitan statistical areas*
18 *that qualify under clause (i) of such section 854(c)(1)(A)*
19 *in fiscal year 2008, in proportion to AIDS cases among*
20 *cities and States that qualify under clauses (i) and (ii) of*
21 *such section and States deemed eligible under subsection*
22 *(a).*

23 *(c) Notwithstanding any other provision of law, the*
24 *amount allocated for fiscal year 2008 under section 854(c)*
25 *of the AIDS Housing Opportunity Act (42 U.S.C.*

1 12903(c)), to the City of New York, New York, on behalf
2 of the New York-Wayne-White Plains, New York-New Jersey
3 Metropolitan Division (hereafter “metropolitan division”)
4 of the New York-Newark-Edison, NY–NJ–PA Metropolitan
5 Statistical Area, shall be adjusted by the Secretary of Hous-
6 ing and Urban Development by: (1) allocating to the City
7 of Jersey City, New Jersey, the proportion of the metropoli-
8 tan area’s or division’s amount that is based on the number
9 of cases of AIDS reported in the portion of the metropolitan
10 area or division that is located in Hudson County, New
11 Jersey, and adjusting for the proportion of the metropolitan
12 division’s high incidence bonus if this area in New Jersey
13 also has a higher than average per capita incidence of
14 AIDS; and (2) allocating to the City of Paterson, New Jer-
15 sey, the proportion of the metropolitan area’s or division’s
16 amount that is based on the number of cases of AIDS re-
17 ported in the portion of the metropolitan area or division
18 that is located in Bergen County and Passaic County, New
19 Jersey, and adjusting for the proportion of the metropolitan
20 division’s high incidence bonus if this area in New Jersey
21 also has a higher than average per capita incidence of
22 AIDS. The recipient cities shall use amounts allocated
23 under this subsection to carry out eligible activities under
24 section 855 of the AIDS Housing Opportunity Act (42

1 *U.S.C. 12904) in their respective portions of the metropoli-*
2 *tan division that is located in New Jersey.*

3 *(d) Notwithstanding any other provision of law, the*
4 *amount allocated for fiscal year 2008 under section 854(c)*
5 *of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c))*
6 *to areas with a higher than average per capita incidence*
7 *of AIDS, shall be adjusted by the Secretary on the basis*
8 *of area incidence reported over a three year period.*

9 *SEC. 204. Except as explicitly provided in law, any*
10 *grant, cooperative agreement or other assistance made pur-*
11 *suant to title II of this Act shall be made on a competitive*
12 *basis and in accordance with section 102 of the Department*
13 *of Housing and Urban Development Reform Act of 1989*
14 *(42 U.S.C. 3545).*

15 *SEC. 205. Funds of the Department of Housing and*
16 *Urban Development subject to the Government Corporation*
17 *Control Act or section 402 of the Housing Act of 1950 shall*
18 *be available, without regard to the limitations on adminis-*
19 *trative expenses, for legal services on a contract or fee basis,*
20 *and for utilizing and making payment for services and fa-*
21 *cilities of the Federal National Mortgage Association, Gov-*
22 *ernment National Mortgage Association, Federal Home*
23 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
24 *eral Reserve banks or any member thereof, Federal Home*
25 *Loan banks, and any insured bank within the meaning of*

1 *the Federal Deposit Insurance Corporation Act, as amended*
2 *(12 U.S.C. 1811–1831).*

3 *SEC. 206. Unless otherwise provided for in this Act*
4 *or through a reprogramming of funds, no part of any ap-*
5 *propriation for the Department of Housing and Urban De-*
6 *velopment shall be available for any program, project or*
7 *activity in excess of amounts set forth in the budget esti-*
8 *mates submitted to Congress.*

9 *SEC. 207. Corporations and agencies of the Depart-*
10 *ment of Housing and Urban Development which are subject*
11 *to the Government Corporation Control Act, are hereby au-*
12 *thorized to make such expenditures, within the limits of*
13 *funds and borrowing authority available to each such cor-*
14 *poration or agency and in accordance with law, and to*
15 *make such contracts and commitments without regard to*
16 *fiscal year limitations as provided by section 104 of such*
17 *Act as may be necessary in carrying out the programs set*
18 *forth in the budget for 2008 for such corporation or agency*
19 *except as hereinafter provided: Provided, That collections*
20 *of these corporations and agencies may be used for new loan*
21 *or mortgage purchase commitments only to the extent ex-*
22 *pressly provided for in this Act (unless such loans are in*
23 *support of other forms of assistance provided for in this or*
24 *prior appropriations Acts), except that this proviso shall*
25 *not apply to the mortgage insurance or guaranty operations*

1 *of these corporations, or where loans or mortgage purchases*
2 *are necessary to protect the financial interest of the United*
3 *States Government.*

4 *SEC. 208. None of the funds provided in this title for*
5 *technical assistance, training, or management improve-*
6 *ments may be obligated or expended unless the Secretary*
7 *of Housing and Urban Development provides to the Com-*
8 *mittees on Appropriations a description of each proposed*
9 *activity and a detailed budget estimate of the costs associ-*
10 *ated with each program, project or activity as part of the*
11 *Budget Justifications. For fiscal year 2008, the Secretary*
12 *shall transmit this information to the Committees by March*
13 *15, 2008 for 30 days of review.*

14 *SEC. 209. The Secretary of Housing and Urban Devel-*
15 *opment shall provide quarterly reports to the House and*
16 *Senate Committees on Appropriations regarding all uncom-*
17 *mited, unobligated, recaptured and excess funds in each*
18 *program and activity within the jurisdiction of the Depart-*
19 *ment and shall submit additional, updated budget informa-*
20 *tion to these Committees upon request.*

21 *SEC. 210. (a) Notwithstanding any other provision of*
22 *law, the amount allocated for fiscal year 2008 under section*
23 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
24 *12903(c)), to the City of Wilmington, Delaware, on behalf*
25 *of the Wilmington, Delaware-Maryland-New Jersey Metro-*

1 *politan Division (hereafter “metropolitan division”), shall*
2 *be adjusted by the Secretary of Housing and Urban Devel-*
3 *opment by allocating to the State of New Jersey the propor-*
4 *tion of the metropolitan division’s amount that is based on*
5 *the number of cases of AIDS reported in the portion of the*
6 *metropolitan division that is located in New Jersey, and*
7 *adjusting for the proportion of the metropolitan division’s*
8 *high incidence bonus if this area in New Jersey also has*
9 *a higher than average per capita incidence of AIDS. The*
10 *State of New Jersey shall use amounts allocated to the State*
11 *under this subsection to carry out eligible activities under*
12 *section 855 of the AIDS Housing Opportunity Act (42*
13 *U.S.C. 12904) in the portion of the metropolitan division*
14 *that is located in New Jersey.*

15 *(b) Notwithstanding any other provision of law, the*
16 *Secretary of Housing and Urban Development shall allocate*
17 *to Wake County, North Carolina, the amounts that other-*
18 *wise would be allocated for fiscal year 2008 under section*
19 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
20 *12903(c)) to the City of Raleigh, North Carolina, on behalf*
21 *of the Raleigh-Cary, North Carolina Metropolitan Statis-*
22 *tical Area. Any amounts allocated to Wake County shall*
23 *be used to carry out eligible activities under section 855*
24 *of such Act (42 U.S.C. 12904) within such metropolitan sta-*
25 *tistical area.*

1 (c) *Notwithstanding section 854(c) of the AIDS Hous-*
2 *ing Opportunity Act (42 U.S.C. 12903(c)), the Secretary*
3 *of Housing and Urban Development may adjust the alloca-*
4 *tion of the amounts that otherwise would be allocated for*
5 *fiscal year 2008 under section 854(c) of such Act, upon the*
6 *written request of an applicant, in conjunction with the*
7 *State(s), for a formula allocation on behalf of a metropoli-*
8 *tan statistical area, to designate the State or States in*
9 *which the metropolitan statistical area is located as the eli-*
10 *gible grantee(s) of the allocation. In the case that a metro-*
11 *politan statistical area involves more than one State, such*
12 *amounts allocated to each State shall be in proportion to*
13 *the number of cases of AIDS reported in the portion of the*
14 *metropolitan statistical area located in that State. Any*
15 *amounts allocated to a State under this section shall be used*
16 *to carry out eligible activities within the portion of the met-*
17 *ropolitan statistical area located in that State.*

18 *SEC. 211. The Secretary of Housing and Urban Devel-*
19 *opment shall submit an annual report no later than August*
20 *30, 2008 and annually thereafter to the House and Senate*
21 *Committees on Appropriations regarding the number of*
22 *Federally assisted units under lease and the per unit cost*
23 *of these units to the Department of Housing and Urban*
24 *Development.*

1 *SEC. 212. The President's formal budget request for fis-*
2 *cal year 2009, as well as the Department of Housing and*
3 *Urban Development's congressional budget justifications to*
4 *be submitted to the Committees on Appropriations of the*
5 *House of Representatives and the Senate, shall use the iden-*
6 *tical account and sub-account structure provided under this*
7 *Act.*

8 *SEC. 213. Amounts made available in this Act or pre-*
9 *vious appropriations Acts for tenant-based rental assistance*
10 *and used for non-elderly disabled families or for the Family*
11 *Unification Program shall, to the extent practicable, re-*
12 *main available for each such respective purpose upon turn-*
13 *over.*

14 *SEC. 214. A public housing agency or such other entity*
15 *that administers Federal housing assistance for the Housing*
16 *Authority of the county of Los Angeles, California, the*
17 *States of Alaska, Iowa, and Mississippi shall not be re-*
18 *quired to include a resident of public housing or a recipient*
19 *of assistance provided under section 8 of the United States*
20 *Housing Act of 1937 on the board of directors or a similar*
21 *governing board of such agency or entity as required under*
22 *section (2)(b) of such Act. Each public housing agency or*
23 *other entity that administers Federal housing assistance*
24 *under section 8 for the Housing Authority of the county*
25 *of Los Angeles, California and the States of Alaska, Iowa*

1 *and Mississippi shall establish an advisory board of not less*
2 *than 6 residents of public housing or recipients of section*
3 *8 assistance to provide advice and comment to the public*
4 *housing agency or other administering entity on issues re-*
5 *lated to public housing and section 8. Such advisory board*
6 *shall meet not less than quarterly.*

7 *SEC. 215. (a) Notwithstanding any other provision of*
8 *law, subject to the conditions listed in subsection (b), for*
9 *fiscal years 2008 and 2009, the Secretary of Housing and*
10 *Urban Development may authorize the transfer of some or*
11 *all project-based assistance, debt and statutorily required*
12 *low-income and very low-income use restrictions, associated*
13 *with one or more multifamily housing project to another*
14 *multifamily housing project or projects.*

15 *(b) The transfer authorized in subsection (a) is subject*
16 *to the following conditions:*

17 *(1) the number of low-income and very low-in-*
18 *come units and the net dollar amount of Federal as-*
19 *sistance provided by the transferring project shall re-*
20 *main the same in the receiving project or projects;*

21 *(2) the transferring project shall, as determined*
22 *by the Secretary, be either physically obsolete or eco-*
23 *nomically non-viable;*

1 (3) *the receiving project or projects shall meet or*
2 *exceed applicable physical standards established by*
3 *the Secretary;*

4 (4) *the owner or mortgagor of the transferring*
5 *project shall notify and consult with the tenants re-*
6 *siding in the transferring project and provide a cer-*
7 *tification of approval by all appropriate local govern-*
8 *mental officials;*

9 (5) *the tenants of the transferring project who re-*
10 *main eligible for assistance to be provided by the re-*
11 *ceiving project or projects shall not be required to va-*
12 *cate their units in the transferring project or projects*
13 *until new units in the receiving project are available*
14 *for occupancy;*

15 (6) *the Secretary determines that this transfer is*
16 *in the best interest of the tenants;*

17 (7) *if either the transferring project or the receiv-*
18 *ing project or projects meets the condition specified in*
19 *subsection (c)(2)(A), any lien on the receiving project*
20 *resulting from additional financing obtained by the*
21 *owner shall be subordinate to any FHA-insured mort-*
22 *gage lien transferred to, or placed on, such project by*
23 *the Secretary;*

24 (8) *if the transferring project meets the require-*
25 *ments of subsection (c)(2)(E), the owner or mortgagor*

1 of the receiving project or projects shall execute and
2 record either a continuation of the existing use agree-
3 ment or a new use agreement for the project where,
4 in either case, any use restrictions in such agreement
5 are of no lesser duration than the existing use restric-
6 tions;

7 (9) any financial risk to the FHA General and
8 Special Risk Insurance Fund, as determined by the
9 Secretary, would be reduced as a result of a transfer
10 completed under this section; and

11 (10) the Secretary determines that Federal liabil-
12 ity with regard to this project will not be increased.

13 (c) For purposes of this section—

14 (1) the terms “low-income” and “very low-in-
15 come” shall have the meanings provided by the statute
16 and/or regulations governing the program under
17 which the project is insured or assisted;

18 (2) the term “multifamily housing project”
19 means housing that meets one of the following condi-
20 tions—

21 (A) housing that is subject to a mortgage
22 insured under the National Housing Act;

23 (B) housing that has project-based assist-
24 ance attached to the structure including projects
25 undergoing mark to market debt restructuring

1 *under the Multifamily Assisted Housing Reform*
2 *and Affordability Housing Act;*

3 (C) *housing that is assisted under section*
4 *202 of the Housing Act of 1959 as amended by*
5 *section 801 of the Cranston-Gonzales National*
6 *Affordable Housing Act;*

7 (D) *housing that is assisted under section*
8 *202 of the Housing Act of 1959, as such section*
9 *existed before the enactment of the Cranston-*
10 *Gonzales National Affordable Housing Act; or*

11 (E) *housing or vacant land that is subject*
12 *to a use agreement;*

13 (3) *the term “project-based assistance” means—*

14 (A) *assistance provided under section 8(b)*
15 *of the United States Housing Act of 1937;*

16 (B) *assistance for housing constructed or*
17 *substantially rehabilitated pursuant to assistance*
18 *provided under section 8(b)(2) of such Act (as*
19 *such section existed immediately before October*
20 *1, 1983);*

21 (C) *rent supplement payments under sec-*
22 *tion 101 of the Housing and Urban Development*
23 *Act of 1965;*

24 (D) *interest reduction payments under sec-*
25 *tion 236 and/or additional assistance payments*

1 *under section 236(f)(2) of the National Housing*
2 *Act; and*

3 *(E) assistance payments made under sec-*
4 *tion 202(c)(2) of the Housing Act of 1959;*

5 *(4) the term “receiving project or projects”*
6 *means the multifamily housing project or projects to*
7 *which some or all of the project-based assistance, debt,*
8 *and statutorily required use low-income and very*
9 *low-income restrictions are to be transferred;*

10 *(5) the term “transferring project” means the*
11 *multifamily housing project which is transferring*
12 *some or all of the project-based assistance, debt and*
13 *the statutorily required low-income and very low-in-*
14 *come use restrictions to the receiving project or*
15 *projects; and*

16 *(6) the term “Secretary” means the Secretary of*
17 *Housing and Urban Development.*

18 *SEC. 216. The funds made available for Native Alas-*
19 *kans under the heading “Native American Housing Block*
20 *Grants” in title III of this Act shall be allocated to the same*
21 *Native Alaskan housing block grant recipients that received*
22 *funds in fiscal year 2005.*

23 *SEC. 217. No funds provided under this title may be*
24 *used for an audit of the Government National Mortgage As-*

1 *sociation that makes applicable requirements under the*
2 *Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)*

3 *SEC. 218. (a) No assistance shall be provided under*
4 *section 8 of the United States Housing Act of 1937 (42*
5 *U.S.C. 1437f) to any individual who—*

6 *(1) is enrolled as a student at an institution of*
7 *higher education (as defined under section 102 of the*
8 *Higher Education Act of 1965 (20 U.S.C. 1002));*

9 *(2) is under 24 years of age;*

10 *(3) is not a veteran;*

11 *(4) is unmarried;*

12 *(5) does not have a dependent child;*

13 *(6) is not a person with disabilities, as such*
14 *term is defined in section 3(b)(3)(E) of the United*
15 *States Housing Act of 1937 (42 U.S.C.*
16 *1437a(b)(3)(E)) and was not receiving assistance*
17 *under such section 8 as of November 30, 2005; and*

18 *(7) is not otherwise individually eligible, or has*
19 *parents who, individually or jointly, are not eligible,*
20 *to receive assistance under section 8 of the United*
21 *States Housing Act of 1937 (42 U.S.C. 1437f).*

22 *(b) For purposes of determining the eligibility of a per-*
23 *son to receive assistance under section 8 of the United States*
24 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
25 *sistance (in excess of amounts received for tuition) that an*

1 *individual receives under the Higher Education Act of 1965*
2 *(20 U.S.C. 1001 et seq.), from private sources, or an institu-*
3 *tion of higher education (as defined under the Higher Edu-*
4 *cation Act of 1965 (20 U.S.C. 1002)), shall be considered*
5 *income to that individual, except for a person over the age*
6 *of 23 with dependent children.*

7 *(c) Not later than 30 days after the date of enactment*
8 *of this Act, the Secretary of Housing and Urban Develop-*
9 *ment shall issue final regulations to carry out the provi-*
10 *sions of this section.*

11 *SEC. 219. Notwithstanding the limitation in the first*
12 *sentence of section 255(g) of the National Housing Act (12*
13 *U.S.C. 1715z-20(g)), the Secretary of Housing and Urban*
14 *Development may, until September 30, 2008, insure and*
15 *enter into commitments to insure mortgages under section*
16 *255 of the National Housing Act (12 U.S.C. 1715z-20).*

17 *SEC. 220. Notwithstanding any other provision of law,*
18 *in fiscal year 2008, in managing and disposing of any mul-*
19 *tifamily property that is owned or has a mortgage held by*
20 *the Secretary of Housing and Urban Development, the Sec-*
21 *retary shall maintain any rental assistance payments*
22 *under section 8 of the United States Housing Act of 1937*
23 *and other programs that are attached to any dwelling units*
24 *in the property. To the extent the Secretary determines, in*
25 *consultation with the tenants and the local government, that*

1 *such a multifamily property owned or held by the Secretary*
2 *is not feasible for continued rental assistance payments*
3 *under such section 8 or other programs, based on consider-*
4 *ation of (1) the costs of rehabilitating and operating the*
5 *property and all available Federal, State, and local re-*
6 *sources, including rent adjustments under section 524 of the*
7 *Multifamily Assisted Housing Reform and Affordability*
8 *Act of 1997 (“MAHRAA”) and (2) environmental condi-*
9 *tions that cannot be remedied in a cost-effective fashion, the*
10 *Secretary may, in consultation with the tenants of that*
11 *property, contract for project-based rental assistance pay-*
12 *ments with an owner or owners of other existing housing*
13 *properties, or provide other rental assistance. The Secretary*
14 *shall also take appropriate steps to ensure that project-based*
15 *contracts remain in effect prior to foreclosure, subject to the*
16 *exercise of contractual abatement remedies to assist reloca-*
17 *tion of tenants for imminent major threats to health and*
18 *safety. After disposition of any multifamily property de-*
19 *scribed under this section, the contract and allowable rent*
20 *levels on such properties shall be subject to the requirements*
21 *under section 524 of MAHRAA.*

22 *SEC. 221. The National Housing Act is amended—*

23 *(1) in sections 207(c)(3), 213(b)(2)(B)(i),*
24 *221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and*
25 *234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i),*

1 *facility in any such county, on behalf of which a public*
2 *housing agency provides assistance pursuant to section*
3 *8(o)(18) of such Act, may be required, at the time the family*
4 *initially receives such assistance, to pay rent in an amount*
5 *exceeding 40 percent of the monthly adjusted income of the*
6 *family by such a percentage or amount as the Secretary*
7 *of Housing and Urban Development determines to be ap-*
8 *propriate.*

9 *SEC. 223. Notwithstanding any other provision of law,*
10 *the recipient of a grant under section 202b of the Housing*
11 *Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000,*
12 *in accordance with the unnumbered paragraph at the end*
13 *of section 202(b) of such Act, may, at its option, establish*
14 *a single-asset nonprofit entity to own the project and may*
15 *lend the grant funds to such entity, which may be a private*
16 *nonprofit organization described in section 831 of the*
17 *American Homeownership and Economic Opportunity Act*
18 *of 2000.*

19 *SEC. 224. Section 24 of the United States Housing Act*
20 *of 1937 (42 U.S.C. 1437v) is amended—*

21 *(1) in subsection (m)(1), by striking “2003” and*
22 *inserting “2008”; and*

23 *(2) in subsection (o), by striking “September 30,*
24 *2007” and inserting “September 30, 2008”.*

1 *SEC. 225. Public housing agencies that own and oper-*
2 *ate 400 or fewer public housing units may elect to be exempt*
3 *from any asset management requirement imposed by the*
4 *Secretary of Housing and Urban Development in connec-*
5 *tion with the operating fund rule: Provided, That an agency*
6 *seeking a discontinuance of a reduction of subsidy under*
7 *the operating fund formula shall not be exempt from asset*
8 *management requirements.*

9 *SEC. 226. With respect to the use of amounts provided*
10 *in this Act and in future Acts for the operation, capital*
11 *improvement and management of public housing as author-*
12 *ized by sections 9(d) and 9(e) of the United States Housing*
13 *Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary*
14 *shall not impose any requirement or guideline relating to*
15 *asset management that restricts or limits in any way the*
16 *use of capital funds for central office costs pursuant to sec-*
17 *tion 9(g)(1) or 9(g)(2) of the United States Housing Act*
18 *of 1937 (42 U.S.C. 1437g(g)(1),(2)): Provided, however, that*
19 *a public housing agency may not use capital funds author-*
20 *ized under section 9(d) for activities that are eligible under*
21 *section 9(e) for assistance with amounts from the operating*
22 *fund in excess of the amounts permitted under sections*
23 *9(g)(1) or 9(g)(2).*

24 *SEC. 227. The Secretary of Housing and Urban Devel-*
25 *opment shall report quarterly to the House of Representa-*

1 *tives and Senate Committees on Appropriations on the sta-*
2 *tus of all section 8 project-based housing, including the*
3 *number of all project-based units by region as well as an*
4 *analysis of all federally subsidized housing being refinanced*
5 *under the Mark-to-Market program. The Secretary shall in*
6 *the report identify all existing units maintained by region*
7 *as section 8 project-based units and all project-based units*
8 *that have opted out of section 8 or have otherwise been*
9 *eliminated as section 8 project-based units. The Secretary*
10 *shall identify in detail and by project all the efforts made*
11 *by the Department to preserve all section 8 project-based*
12 *housing units and all the reasons for any units which opted*
13 *out or otherwise were lost as section 8 project-based units.*
14 *Such analysis shall include a review of the impact of the*
15 *loss of any subsidized units in that housing marketplace,*
16 *such as the impact of cost and the loss of available sub-*
17 *sidized, low-income housing in areas with scarce housing*
18 *resources for low-income families.*

19 *SEC. 228. The Secretary of Housing and Urban Devel-*
20 *opment shall report quarterly to the House of Representa-*
21 *tives and Senate Committees on Appropriations on HUD's*
22 *use of all sole source contracts, including terms of the con-*
23 *tracts, cost and a substantive rationale for using a sole*
24 *source contract.*

1 *SEC. 229. Section 9(e)(2)(C) of the United States*
2 *Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is amended*
3 *by adding at the end of the following:*

4 “(iv) *EXISTING CONTRACTS.—The term*
5 *of a contract described in clause (i) that, as*
6 *of the date of enactment of this clause, is in*
7 *repayment and has a term of not more than*
8 *12 years, may be extended to a term of not*
9 *more than 20 years to permit additional*
10 *energy conservation improvements without*
11 *requiring the procurement of energy per-*
12 *formance contractors.”.*

13 *SEC. 230. The Secretary of Housing and Urban Devel-*
14 *opment shall increase, pursuant to this section, the number*
15 *of Moving-to-Work agencies authorized under section 204,*
16 *title II, of the Departments of Veterans Affairs and Housing*
17 *and Urban Development and Independent Agencies Appro-*
18 *priations Act, 1996 (Public Law 104–134; 110 Stat. 1321–*
19 *281) by making individually the Alaska Housing Finance*
20 *Corporation and the housing authorities of the counties of*
21 *San Bernardino and Santa Clara and the city of San Jose,*
22 *California a Moving-to-Work Agency under such section*
23 *204.*

24 *SEC. 231. Notwithstanding any other provision of law,*
25 *the Secretary of Housing and Urban Development may not*

1 *rescind or take any adverse action with respect to the Mov-*
2 *ing-to-Work program designation for the Housing Author-*
3 *ity of Baltimore City based on any alleged administrative*
4 *or procedural errors in making such designation.*

5 *SEC. 232. Paragraph (4) of section 102(a) of the Hous-*
6 *ing and Community Development Act of 1974 (42 U.S.C.*
7 *5302) is amended by adding at the end the following new*
8 *sentence: “Notwithstanding any other provision of this*
9 *paragraph, with respect to any fiscal year beginning after*
10 *September 30, 2007, the cities of Alton and Granite City,*
11 *Illinois, shall be considered metropolitan cities for purposes*
12 *of this title.”.*

13 *SEC. 233. (a) The amounts provided under the sub-*
14 *heading “Program Account” under the heading “Commu-*
15 *nity Development Loan Guarantees” may be used to guar-*
16 *antee, or make commitments to guarantee, notes or other*
17 *obligations issued by any State on behalf of non-entitlement*
18 *communities in the State in accordance with the require-*
19 *ments of section 108 of the Housing and Community Devel-*
20 *opment Act of 1974: Provided, That, any State receiving*
21 *such a guarantee or commitment shall distribute all funds*
22 *subject to such guarantee to the units of general local gov-*
23 *ernment in non-entitlement areas that received the commit-*
24 *ment.*

1 (b) *Not later than 60 days after the date of enactment*
2 *of this Act, the Secretary of Housing and Urban Develop-*
3 *ment shall promulgate regulations governing the adminis-*
4 *tration of the funds described under subsection (a).*

5 *SEC. 234. Not later than 30 days after the date of en-*
6 *actment of this Act, the Secretary of Housing and Urban*
7 *Development shall establish and maintain on the homepage*
8 *of the Internet website of the Department of Housing and*
9 *Urban Development—*

10 (1) *a direct link to the Internet website of the Of-*
11 *fice of Inspector General of the Department of Hous-*
12 *ing and Urban Development; and*

13 (2) *a mechanism by which individuals may*
14 *anonymously report cases of waste, fraud, or abuse*
15 *with respect to the Department of Housing and*
16 *Urban Development.*

17 *SEC. 235. (a) REQUIRED SUBMISSIONS FOR FISCAL*
18 *YEARS 2007 AND 2008.—*

19 (1) *IN GENERAL.—Not later than 60 days after*
20 *the date of enactment of this Act, the Secretary of*
21 *Housing and Urban Development shall submit to the*
22 *relevant authorizing committees and to the Commit-*
23 *tees on Appropriations of the Senate and the House*
24 *of Representatives for fiscal year 2007 and 2008—*

1 (A) a complete and accurate accounting of
2 the actual project-based renewal costs for project-
3 based assistance under section 8 of the United
4 States Housing Act of 1937 (42 U.S.C. 1437f);

5 (B) revised estimates of the funding needed
6 to fully fund all 12 months of all project-based
7 contracts under such section 8, including project-
8 based contracts that expire in fiscal year 2007
9 and fiscal year 2008; and

10 (C) all sources of funding that will be used
11 to fully fund all 12 months of the project-based
12 contracts for fiscal years 2007 and 2008.

13 (2) *UPDATED INFORMATION.*—At any time after
14 the expiration of the 60-day period described in para-
15 graph (1), the Secretary may submit corrections or
16 updates to the information required under paragraph
17 (1), if upon completion of an audit of the project-
18 based assistance program under section 8 of the
19 United States Housing Act of 1937 (42 U.S.C. 1437f),
20 such audit reveals additional information that may
21 provide Congress a more complete understanding of
22 the Secretary’s implementation of the project-based
23 assistance program under such section 8.

24 (b) *REQUIRED SUBMISSIONS FOR FISCAL YEAR*
25 2009.—As part of the Department of Housing and Urban

1 *Development's budget request for fiscal year 2009, the Sec-*
2 *retary of Housing and Urban Development shall submit to*
3 *the relevant authorizing committees and to the Committees*
4 *on Appropriations of the Senate and the House of Rep-*
5 *resentatives complete and detailed information, including*
6 *a project-by-project analysis, that verifies that such budget*
7 *request will fully fund all project-based contracts under sec-*
8 *tion 8 of the United States Housing Act of 1937 (42 U.S.C.*
9 *1437f) in fiscal year 2009, including expiring project-based*
10 *contracts.*

11 *SEC. 236. No official or employee of the Department*
12 *of Housing and Urban Development shall be designated as*
13 *an allotment holder unless the Office of the Chief Financial*
14 *Officer has determined that such allotment holder has im-*
15 *plemented an adequate system of funds control and has re-*
16 *ceived training in funds control procedures and directives.*
17 *The Chief Financial Officer shall ensure that, not later than*
18 *ninety days after the date of enactment of this Act, a*
19 *trained allotment holder shall be designated for each HUD*
20 *sub-account under the headings "Executive Direction" and*
21 *"Administration, Operations, and Management" as well as*
22 *each account receiving appropriations for "personnel com-*
23 *ensation and benefits" within the Department of Housing*
24 *and Urban Development.*

1 *provision of law, there may be credited to this appropria-*
2 *tion funds received for publications and training expenses.*

3 *FEDERAL MARITIME COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Maritime Com-*
6 *mission as authorized by section 201(d) of the Merchant*
7 *Marine Act, 1936 (46 U.S.C. App. 1111), including services*
8 *as authorized by 5 U.S.C. 3109; hire of passenger motor*
9 *vehicles as authorized by 31 U.S.C. 1343(b); and uniforms*
10 *or allowances therefore, as authorized by 5 U.S.C. 5901–*
11 *5902, \$22,072,000: Provided, That not to exceed \$2,000*
12 *shall be available for official reception and representation*
13 *expenses.*

14 *NATIONAL TRANSPORTATION SAFETY BOARD*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the National Transportation*
17 *Safety Board, including hire of passenger motor vehicles*
18 *and aircraft; services as authorized by 5 U.S.C. 3109, but*
19 *at rates for individuals not to exceed the per diem rate*
20 *equivalent to the rate for a GS–15; uniforms, or allowances*
21 *therefor, as authorized by law (5 U.S.C. 5901–5902)*
22 *\$84,499,000, of which \$74,063 is available for payments to*
23 *remedy the violation of the Anti-deficiency Act reported by*
24 *the National Transportation Safety Board on September*
25 *26, 2007, and not to exceed \$2,000 may be used for official*

1 *aforementioned conditions) to provide mortgage fore-*
2 *closure mitigation assistance primarily to states and*
3 *areas with high rates of defaults and foreclosures pri-*
4 *marily in the sub prime housing market to help*
5 *eliminate the default and foreclosure of mortgages of*
6 *owner-occupied single-family homes that are at risk of*
7 *such foreclosure. Other than areas with high rates of*
8 *defaults and foreclosures, grants may also be provided*
9 *to approved counseling intermediaries based on a geo-*
10 *graphic analysis of the Nation by the NRC which de-*
11 *termines where there is a prevalence of sub prime*
12 *mortgages that are risky and likely to fail, including*
13 *any trends for mortgages that are likely to default*
14 *and face foreclosure. A State Housing Finance Agen-*
15 *cy may also be eligible where the State Housing Fi-*
16 *nance Agency meets all the requirements under this*
17 *paragraph. A HUD- or NRC-approved counseling*
18 *intermediary shall meet certain mortgage foreclosure*
19 *mitigation assistance counseling requirements, as de-*
20 *termined by the NRC, and shall be approved by HUD*
21 *or the NRC as meeting these requirements;*

22 *(2) Mortgage foreclosure mitigation assistance*
23 *shall only be made available to homeowners of owner-*
24 *occupied homes with mortgages in default or in dan-*
25 *ger of default. These mortgages shall likely be subject*

1 *to a foreclosure action and homeowners will be pro-*
2 *vided such assistance that shall consist of activities*
3 *that are likely to prevent foreclosures and result in*
4 *the long-term affordability of the mortgage retained*
5 *pursuant to such activity or another positive outcome*
6 *for the homeowner. No funds made available under*
7 *this paragraph may be provided directly to lenders or*
8 *homeowners to discharge outstanding mortgage bal-*
9 *ances or for any other direct debt reduction payments;*

10 *(3) The use of Mortgage Foreclosure Mitigation*
11 *Assistance by approved counseling intermediaries and*
12 *State Housing Finance Agencies shall involve a rea-*
13 *sonable analysis of the borrower's financial situation,*
14 *an evaluation of the current value of the property*
15 *that is subject to the mortgage, counseling regarding*
16 *the assumption of the mortgage by another non-fed-*
17 *eral party, counseling regarding the possible purchase*
18 *of the mortgage by a non-federal third party, coun-*
19 *seling and advice of all likely restructuring and refi-*
20 *nancing strategies or the approval of a work-out*
21 *strategy by all interested parties;*

22 *(4) NRC shall award \$50,000,000 in mortgage*
23 *foreclosure mitigation grants for States and areas*
24 *with the greatest needs within 60 days of enactment.*
25 *Additional funds may be awarded once the NRC cer-*

1 *tifies that HUD- or NRC-approved counseling inter-*
2 *mediaries and State Housing Finance Agencies have*
3 *the need for additional funds in states and areas with*
4 *high rates of mortgage foreclosures, defaults, or related*
5 *activities and the expertise to use these funds effec-*
6 *tively. The NRC may provide up to fifteen percent of*
7 *the total funds under this paragraph to its own char-*
8 *ter members with expertise in foreclosure prevention*
9 *counseling, subject to a certification by the NRC that*
10 *the procedures for selection do not consist of any pro-*
11 *cedures or activities that could be construed as an un-*
12 *acceptable conflict of interest or have the appearance*
13 *of impropriety;*

14 *(5) NRC- or HUD-approved counseling entities*
15 *and State Housing Finance Agencies receiving funds*
16 *under this paragraph shall have demonstrated experi-*
17 *ence in successfully working with financial institu-*
18 *tions as well as borrowers facing default, delinquency*
19 *and foreclosure as well as documented counseling ca-*
20 *capacity, outreach capacity, past successful performance*
21 *and positive outcomes with documented counseling*
22 *plans (including post mortgage foreclosure mitigation*
23 *counseling), loan workout agreements and loan modi-*
24 *fication agreements;*

1 (6) *Of the total amount made available under*
2 *this paragraph, up to \$5,000,000 may be made avail-*
3 *able to build the mortgage foreclosure and default*
4 *mitigation counseling capacity of counseling inter-*
5 *mediaries through NRC training courses with HUD-*
6 *or NRC-approved counseling intermediaries and their*
7 *partners, except that private financial institutions*
8 *that participate in NRC training shall pay market*
9 *rates for such training;*

10 (7) *Of the total amount made available under*
11 *this paragraph, up to 4 percent may be used for asso-*
12 *ciated administrative expenses for the NRC to carry-*
13 *out activities provided under this section;*

14 (8) *Mortgage foreclosure mitigation assistance*
15 *may include a budget for outreach and advertising, as*
16 *determined by the NRC; and*

17 (9) *The NRC shall report bi-annually to the*
18 *House and Senate Committees on Appropriations as*
19 *well as the Senate Banking Committee and House Fi-*
20 *nancial Services Committee on its efforts to mitigate*
21 *mortgage default. Such reports shall identify success-*
22 *ful strategies and methods for preserving homeownership*
23 *and the long-term affordability of at-risk mort-*
24 *gages and shall include recommended efforts that will*
25 *or likely can assist in the success of this program as*

1 *well as an analysis of any policy and procedures that*
2 *failed to result in successful mortgage foreclosure*
3 *mitigation. The report shall include an analysis of*
4 *the details and use of any post mitigation counseling*
5 *of assisted borrowers designed to ensure the continued*
6 *long-term affordability of the mortgages which were*
7 *the subject of the mortgage foreclosure mitigation as-*
8 *sistance.*

9 *UNITED STATES INTERAGENCY COUNCIL ON*
10 *HOMELESSNESS*
11 *OPERATING EXPENSES*

12 *For necessary expenses (including payment of salaries,*
13 *authorized travel, hire of passenger motor vehicles, the rent-*
14 *al of conference rooms, and the employment of experts and*
15 *consultants under section 3109 of title 5, United States*
16 *Code) of the United States Interagency Council on Home-*
17 *lessness in carrying out the functions pursuant to title II*
18 *of the McKinney-Vento Homeless Assistance Act, as amend-*
19 *ed, \$2,150,000.*

20 *Title II of the McKinney-Vento Homeless Assistance*
21 *Act, as amended, is amended in section 209 by striking*
22 *“2007” and inserting “2008”.*

1 *TITLE IV*2 *GENERAL PROVISIONS THIS ACT*3 *(INCLUDING TRANSFERS OF FUNDS)*

4 *SEC. 401. Such sums as may be necessary for fiscal*
5 *year 2008 pay raises for programs funded in this Act shall*
6 *be absorbed within the levels appropriated in this Act or*
7 *previous appropriations Acts.*

8 *SEC. 402. None of the funds in this Act shall be used*
9 *for the planning or execution of any program to pay the*
10 *expenses of, or otherwise compensate, non-Federal parties*
11 *intervening in regulatory or adjudicatory proceedings fund-*
12 *ed in this Act.*

13 *SEC. 403. None of the funds appropriated in this Act*
14 *shall remain available for obligation beyond the current fis-*
15 *cal year, nor may any be transferred to other appropria-*
16 *tions, unless expressly so provided herein.*

17 *SEC. 404. The expenditure of any appropriation under*
18 *this Act for any consulting service through procurement*
19 *contract pursuant to section 3109 of title 5, United States*
20 *Code, shall be limited to those contracts where such expendi-*
21 *tures are a matter of public record and available for public*
22 *inspection, except where otherwise provided under existing*
23 *law, or under existing Executive order issued pursuant to*
24 *existing law.*

1 *SEC. 405. Except as otherwise provided in this Act,*
2 *none of the funds provided in this Act, provided by previous*
3 *appropriations Acts to the agencies or entities funded in*
4 *this Act that remain available for obligation or expenditure*
5 *in fiscal year 2008, or provided from any accounts in the*
6 *Treasury derived by the collection of fees and available to*
7 *the agencies funded by this Act, shall be available for obliga-*
8 *tion or expenditure through a reprogramming of funds that:*
9 *(1) creates a new program; (2) eliminates a program,*
10 *project, or activity; (3) increases funds or personnel for any*
11 *program, project, or activity for which funds have been de-*
12 *nied or restricted by the Congress; (4) proposes to use funds*
13 *directed for a specific activity by either the House or Senate*
14 *Committees on Appropriations for a different purpose; (5)*
15 *augments existing programs, projects, or activities in excess*
16 *of \$5,000,000 or 10 percent, whichever is less; (6) reduces*
17 *existing programs, projects, or activities by \$5,000,000 or*
18 *10 percent, whichever is less; or (7) creates, reorganizes, or*
19 *restructures a branch, division, office, bureau, board, com-*
20 *mission, agency, administration, or department different*
21 *from the budget justifications submitted to the Committees*
22 *on Appropriations or the table accompanying the explana-*
23 *tory statement accompanying this Act, whichever is more*
24 *detailed, unless prior approval is received from the House*
25 *and Senate Committees on Appropriations: Provided, That*

1 *not later than 60 days after the date of enactment of this*
2 *Act, each agency funded by this Act shall submit a report*
3 *to the Committees on Appropriations of the Senate and of*
4 *the House of Representatives to establish the baseline for*
5 *application of reprogramming and transfer authorities for*
6 *the current fiscal year: Provided further, That the report*
7 *shall include: (1) a table for each appropriation with a sep-*
8 *arate column to display the President's budget request, ad-*
9 *justments made by Congress, adjustments due to enacted re-*
10 *scissions, if appropriate, and the fiscal year enacted level;*
11 *(2) a delineation in the table for each appropriation both*
12 *by object class and program, project, and activity as de-*
13 *tailed in the budget appendix for the respective appropria-*
14 *tion; and (3) an identification of items of special congres-*
15 *sional interest: Provided further, That the amount appro-*
16 *priated or limited for salaries and expenses for an agency*
17 *shall be reduced by \$100,000 per day for each day after*
18 *the required date that the report has not been submitted*
19 *to the Congress.*

20 *SEC. 406. Except as otherwise specifically provided by*
21 *law, not to exceed 50 percent of unobligated balances re-*
22 *maining available at the end of fiscal year 2008 from ap-*
23 *propriations made available for salaries and expenses for*
24 *fiscal year 2008 in this Act, shall remain available through*
25 *September 30, 2009, for each such account for the purposes*

1 *authorized: Provided, That a request shall be submitted to*
2 *the Committees on Appropriations for approval prior to the*
3 *expenditure of such funds: Provided further, That these re-*
4 *quests shall be made in compliance with reprogramming*
5 *guidelines.*

6 *SEC. 407. All Federal agencies and departments that*
7 *are funded under this Act shall issue a report to the House*
8 *and Senate Committees on Appropriations on all sole*
9 *source contracts by no later than July 31, 2008. Such report*
10 *shall include the contractor, the amount of the contract and*
11 *the rationale for using a sole source contract.*

12 *SEC. 408. (a) None of the funds made available in this*
13 *Act may be obligated or expended for any employee training*
14 *that—*

15 *(1) does not meet identified needs for knowledge,*
16 *skills, and abilities bearing directly upon the perform-*
17 *ance of official duties;*

18 *(2) contains elements likely to induce high levels*
19 *of emotional response or psychological stress in some*
20 *participants;*

21 *(3) does not require prior employee notification*
22 *of the content and methods to be used in the training*
23 *and written end of course evaluation;*

24 *(4) contains any methods or content associated*
25 *with religious or quasi-religious belief systems or*

1 *“new age” belief systems as defined in Equal Employ-*
2 *ment Opportunity Commission Notice N-915.022,*
3 *dated September 2, 1988; or*

4 *(5) is offensive to, or designed to change, partici-*
5 *pants’ personal values or lifestyle outside the work-*
6 *place.*

7 *(b) Nothing in this section shall prohibit, restrict, or*
8 *otherwise preclude an agency from conducting training*
9 *bearing directly upon the performance of official duties.*

10 *SEC. 409. None of the funds made available in this*
11 *Act may be used to provide homeownership assistance for*
12 *applicants described in 274A(h)(3) of the Immigration and*
13 *Nationality Act (8 U.S.C. 1324a(h)(3)).*

14 *SEC. 410. None of the funds in this Act may be used*
15 *to employ workers described in section 274A(h)(3) of the*
16 *Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).*

17 *SEC. 411. No funds in this Act may be used to support*
18 *any Federal, State, or local projects that seek to use the*
19 *power of eminent domain, unless eminent domain is em-*
20 *ployed only for a public use: Provided, That for purposes*
21 *of this section, public use shall not be construed to include*
22 *economic development that primarily benefits private enti-*
23 *ties: Provided further, That any use of funds for mass tran-*
24 *sit, railroad, airport, seaport or highway projects as well*
25 *as utility projects which benefit or serve the general public*

1 *(including energy-related, communication-related, water-re-*
2 *lated and wastewater-related infrastructure), other struc-*
3 *tures designated for use by the general public or which have*
4 *other common-carrier or public-utility functions that serve*
5 *the general public and are subject to regulation and over-*
6 *sight by the government, and projects for the removal of an*
7 *immediate threat to public health and safety or brownfield*
8 *as defined in the Small Business Liability Relief and*
9 *Brownfield Revitalization Act (Public Law 107–118) shall*
10 *be considered a public use for purposes of eminent domain.*

11 *SEC. 412. None of the funds made available in this*
12 *Act may be transferred to any department, agency, or in-*
13 *strumentality of the United States Government, except pur-*
14 *suant to a transfer made by, or transfer authority provided*
15 *in, this Act or any other appropriations Act.*

16 *SEC. 413. No part of any appropriation contained in*
17 *this Act shall be available to pay the salary for any person*
18 *filling a position, other than a temporary position, formerly*
19 *held by an employee who has left to enter the Armed Forces*
20 *of the United States and has satisfactorily completed his*
21 *period of active military or naval service, and has within*
22 *90 days after his release from such service or from hos-*
23 *pitalization continuing after discharge for a period of not*
24 *more than 1 year, made application for restoration to his*
25 *former position and has been certified by the Office of Per-*

1 *sonnel Management as still qualified to perform the duties*
 2 *of his former position and has not been restored thereto.*

3 *SEC. 414. No funds appropriated pursuant to this Act*
 4 *may be expended by an entity unless the entity agrees that*
 5 *in expending the assistance the entity will comply with sec-*
 6 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
 7 *10a–10c, popularly known as the “Buy American Act”).*

8 *SEC. 415. No funds appropriated or otherwise made*
 9 *available under this Act shall be made available to any per-*
 10 *son or entity that has been convicted of violating the Buy*
 11 *American Act (41 U.S.C. 10a–10c).*

12 *This division may be cited as the “Transportation,*
 13 *Housing and Urban Development, and Related Agencies*
 14 *Appropriations Act, 2008”.*

(2)Page 227 of the Senate engrossed amendment, strike
 lines 3 through 5, and insert the following:

15 *DIVISION L—EMERGENCY SUPPLEMENTAL AP-*
 16 *PROPRIATIONS FOR OPERATION ENDURING*
 17 *FREEDOM AND FOR OTHER PURPOSES*

18 *TITLE I*

19 *SEC. 101. It is the sense of the Congress that the per-*
 20 *formance of United States military personnel should be*
 21 *commended, their courage and sacrifice have been excep-*
 22 *tional, and when they come home, their service should be*
 23 *recognized appropriately.*

1 *SEC. 102. None of the funds made available in this*
2 *Act may be used in contravention of the following laws en-*
3 *acted or regulations promulgated to implement the United*
4 *Nations Convention Against Torture and Other Cruel, In-*
5 *human or Degrading Treatment or Punishment (done at*
6 *New York on December 10, 1984)—*

7 (1) *section 2340A of title 18, United States Code;*

8 (2) *section 2242 of the Foreign Affairs Reform*
9 *and Restructuring Act of 1998 (division G of Public*
10 *Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231*
11 *note) and regulations prescribed thereto, including*
12 *regulations under part 208 of title 8, Code of Federal*
13 *Regulations, and part 95 of title 22, Code of Federal*
14 *Regulations; and*

15 (3) *sections 1002 and 1003 of the Department of*
16 *Defense, Emergency Supplemental Appropriations to*
17 *Address Hurricanes in the Gulf of Mexico, and Pan-*
18 *demic Influenza Act, 2006 (Public Law 109–148).*

19 *SEC. 103. Not later than February 15, 2008, the Presi-*
20 *dent shall submit to the Congress in classified and unclassi-*
21 *fied form a comprehensive regional stability plan for the*
22 *Middle East, which shall include a military, diplomatic,*
23 *political and economic strategy that provides for the na-*
24 *tional security interests of the United States in the region*
25 *and for the engagement of targeted counterterrorism oper-*

1 *OPERATION AND MAINTENANCE, NAVY*

2 *For an additional amount for “Operation and Mainte-*
3 *nance, Navy”, \$350,000,000.*

4 *OPERATION AND MAINTENANCE, MARINE CORPS*

5 *For an additional amount for “Operation and Mainte-*
6 *nance, Marine Corps”, \$2,010,671,000: Provided, That*
7 *funds made available under this heading shall be used only*
8 *in support of Operation Enduring Freedom.*

9 *OPERATION AND MAINTENANCE, AIR FORCE*

10 *For an additional amount for “Operation and Mainte-*
11 *nance, Air Force”, \$800,000,000.*

12 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

13 *For an additional amount for “Operation and Mainte-*
14 *nance, Defense-Wide”, \$483,000,000, of which not to exceed*
15 *\$333,000,000, to remain available until expended, may be*
16 *used for payments to reimburse key cooperating nations,*
17 *for logistical, military, and other support provided to*
18 *United States military operations, notwithstanding any*
19 *other provision of law: Provided, That such payments may*
20 *be made in such amounts as the Secretary of Defense, with*
21 *the concurrence of the Secretary of State and in consulta-*
22 *tion with the Director of the Office of Management and*
23 *Budget, may determine, in his discretion, based on docu-*
24 *mentation determined by the Secretary of Defense to ade-*
25 *quately account for the support provided, and such deter-*

1 *mination is final and conclusive upon the accounting offi-*
2 *cers of the United States, and 15 days following notification*
3 *to the appropriate congressional committees: Provided fur-*
4 *ther, That the Secretary of Defense shall provide quarterly*
5 *reports to the congressional defense committees on the use*
6 *of funds provided in this paragraph.*

7 *AFGHANISTAN FREEDOM FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For “Afghanistan Freedom Fund”, \$2,529,963,000, to*
10 *remain available for transfer only to support operations in*
11 *Afghanistan and related activities in support of the Global*
12 *War on Terror: Provided, That none of the funds provided*
13 *herein shall be used for activities in Iraq: Provided further,*
14 *That the Secretary of Defense and the Director of National*
15 *Intelligence shall, no fewer than 30 days prior to making*
16 *transfers under this authority, notify the Committees on*
17 *Appropriations of the House of Representatives and the*
18 *Senate in writing of the details of any such transfer made*
19 *for intelligence activities: Provided further, That funds*
20 *transferred shall be merged with and be available for the*
21 *same purposes and for the same time period as the appro-*
22 *priation or fund to which transferred: Provided further,*
23 *That this transfer authority is in addition to any other*
24 *transfer authority available to the Department of Defense.*

1 *JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “Joint Improvised Ex-*
4 *plosive Device Defeat Fund”, \$4,269,000,000: Provided,*
5 *That such funds shall be available to the Secretary of De-*
6 *fense, notwithstanding any other provision of law, for the*
7 *purpose of allowing the Director of the Joint Improvised*
8 *Explosive Device Defeat Organization to investigate, de-*
9 *velop and provide equipment, supplies, services, training,*
10 *facilities, personnel and funds to assist United States forces*
11 *in the defeat of improvised explosive devices: Provided fur-*
12 *ther, That within 60 days of enactment of this Act, a plan*
13 *for the intended management and use of the Fund is pro-*
14 *vided to the congressional defense committees: Provided fur-*
15 *ther, That the Secretary of Defense shall submit a report*
16 *not later than 60 days after the end of each fiscal quarter*
17 *to the congressional defense committees providing assess-*
18 *ments of the evolving threats, individual service require-*
19 *ments to counter the threats, the current strategy for pre-*
20 *deployment training of members of the Armed Forces on*
21 *explosive devices, and details on the execution of this Fund:*
22 *Provided further, That the Secretary of Defense may trans-*
23 *fer funds provided herein to appropriations for operation*
24 *and maintenance; procurement; research, development, test*
25 *and evaluation; and defense working capital funds to ac-*

1 *comply with the purpose provided herein: Provided further,*
2 *That this transfer authority is in addition to any other*
3 *transfer authority available to the Department of Defense:*
4 *Provided further, That upon determination that all or part*
5 *of the funds so transferred from this appropriation are not*
6 *necessary for the purpose provided herein, such amounts*
7 *may be transferred back to this appropriation: Provided*
8 *further, That the Secretary of Defense shall, not fewer than*
9 *5 days prior to making transfers from this appropriation,*
10 *notify the congressional defense committees in writing of*
11 *the details of any such transfer.*

12 *PROCUREMENT*

13 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

14 *VEHICLES, ARMY*

15 *For an additional amount for “Procurement of Weap-*
16 *ons and Tracked Combat Vehicles, Army”, \$1,176,000,000.*

17 *OTHER PROCUREMENT, ARMY*

18 *For an additional amount for “Other Procurement,*
19 *Army”, \$524,800,000.*

20 *PROCUREMENT, MARINE CORPS*

21 *For an additional amount for “Procurement, Marine*
22 *Corps”, \$644,150,000.*

1 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*2 *DEFENSE HEALTH PROGRAM*

3 *For an additional amount for “Defense Health Pro-*
4 *gram”, \$114,600,000, for operation and maintenance, for*
5 *care for wounded and injured military personnel and for*
6 *enhanced soldier and family support including psycho-*
7 *logical health.*

8 *GENERAL PROVISIONS*

9 *SEC. 201. Appropriations provided in this Act are*
10 *available for obligation until September 30, 2008, unless*
11 *otherwise provided in this Act.*

12 *(TRANSFER OF FUNDS)*

13 *SEC. 202. (a) Upon a determination by the Secretary*
14 *of Defense that such action is necessary in the national in-*
15 *terest, the Secretary may transfer between appropriations*
16 *up to \$4,000,000,000 of the funds made available to the De-*
17 *partment of Defense in this Act.*

18 *(b) The Secretary shall notify the Congress promptly*
19 *of each transfer made pursuant to the authority in this sec-*
20 *tion.*

21 *(c) The authority provided in this section is in addi-*
22 *tion to any other transfer authority available to the Depart-*
23 *ment of Defense and is subject to the same terms and condi-*
24 *tions as the authority provided in section 8005 of the De-*

1 *partment of Defense Appropriations Act, 2008, except for*
2 *the fourth proviso.*

3 *SEC. 203. Funds appropriated in this Act, or made*
4 *available by the transfer of funds in or pursuant to this*
5 *Act, for intelligence activities are deemed to be specifically*
6 *authorized by the Congress for purposes of section 504(a)(1)*
7 *of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).*

8 *SEC. 204. None of the funds provided in this Act may*
9 *be used to finance programs or activities denied by the Con-*
10 *gress in fiscal years 2007 or 2008 appropriations to the*
11 *Department of Defense or to initiate a procurement or re-*
12 *search, development, test and evaluation new start program*
13 *unless such program or project must be undertaken imme-*
14 *diately in the interest of national security and only after*
15 *written prior notification to the congressional defense com-*
16 *mittees.*

17 *SEC. 205. (a) From funds made available for operation*
18 *and maintenance in this Act to the Department of Defense,*
19 *not to exceed \$500,000,000 may be used, notwithstanding*
20 *any other provision of law, to fund the Commander's Emer-*
21 *gency Response Program, for the purpose of enabling mili-*
22 *tary commanders in Afghanistan to respond to urgent hu-*
23 *manitarian relief and reconstruction requirements within*
24 *their areas of responsibility by carrying out programs that*
25 *will immediately assist the Afghan people.*

1 (b) Not later than 15 days after the end of each fiscal
2 year quarter, the Secretary of Defense shall submit to the
3 congressional defense committees a report regarding the
4 source of funds and the allocation and use of funds during
5 that quarter that were made available pursuant to the au-
6 thority provided in this section or under any other provi-
7 sion of law for the purposes of the programs under sub-
8 section (a).

9 SEC. 206. (a) During fiscal year 2008, funds available
10 in this Act to the Department of Defense for operation and
11 maintenance may be used, notwithstanding any other pro-
12 vision of law, to provide supplies, services, transportation,
13 including airlift and sealift, and other logistical support
14 to Coalition forces supporting military and stability oper-
15 ations in Afghanistan.

16 (b) The Secretary of Defense shall provide quarterly
17 reports to the congressional defense committees regarding
18 support provided under this section.

19 SEC. 207. Of the funds appropriated within Public
20 Law 110–116, not less than \$6,900,000,000 of the funds ap-
21 propriated under the heading “Operation and Mainte-
22 nance, Army” and not less than \$500,000,000 under the
23 heading “Operation and Maintenance, Marine Corps” shall
24 be available only to support child care center operations,
25 family and youth activities, custodial services, training

1 *range operations, family advocacy programs, base force pro-*
2 *tection activities and military recruiting programs, to in-*
3 *clude pay for civilian employees of the Department of De-*
4 *fense.*

5 *SEC. 208. Each amount appropriated or otherwise*
6 *provided in this Act is designated as an emergency require-*
7 *ment and necessary to meet emergency needs pursuant to*
8 *subsections (a) and (b) of section 204 of S. Con. Res. 21*
9 *(110th Congress), the concurrent resolution on the budget*
10 *for fiscal year 2008.*

11 *This Act may be cited as the “Operation Enduring*
12 *Freedom Emergency Appropriations Act, 2008”.*

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H.R. 2764

**HOUSE AMENDMENTS TO
SENATE AMENDMENT**