

***In the Senate of the United States,***

*October 16, 2007.*

*Resolved*, That the bill from the House of Representatives (H.R. 3093) entitled “An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2008, and for other pur-*  
4 *poses, namely:*

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*TITLE I*  
*DEPARTMENT OF COMMERCE*  
*INTERNATIONAL TRADE ADMINISTRATION*  
*OPERATIONS AND ADMINISTRATION*

*For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on offi-*

1 *cial motor vehicles; and rental of tie lines, \$425,431,000,*  
2 *to remain available until September 30, 2009, of which*  
3 *\$8,000,000 is to be derived from fees to be retained and used*  
4 *by the International Trade Administration, notwith-*  
5 *standing 31 U.S.C. 3302: Provided, That \$49,564,000 shall*  
6 *be for Manufacturing and Services; \$44,960,000 shall be for*  
7 *Market Access and Compliance; \$66,601,000 shall be for the*  
8 *Import Administration; \$229,702,000 shall be for the*  
9 *United States and Foreign Commercial Service; and*  
10 *\$26,604,000 shall be for Executive Direction and Adminis-*  
11 *tration: Provided further, That the provisions of the first*  
12 *sentence of section 105(f) and all of section 108(c) of the*  
13 *Mutual Educational and Cultural Exchange Act of 1961*  
14 *(22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying*  
15 *out these activities without regard to section 5412 of the*  
16 *Omnibus Trade and Competitiveness Act of 1988 (15*  
17 *U.S.C. 4912); and that for the purpose of this Act, contribu-*  
18 *tions under the provisions of the Mutual Educational and*  
19 *Cultural Exchange Act of 1961 shall include payment for*  
20 *assessments for services provided as part of these activities:*  
21 *Provided further, That the International Trade Adminis-*  
22 *tration shall be exempt from the requirements of Circular*  
23 *A-25 (or any successor administrative regulation or policy)*  
24 *issued by the Office of Management and Budget: Provided*  
25 *further, That negotiations shall be conducted within the*

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

7 *BUREAU OF INDUSTRY AND SECURITY*

8 *OPERATIONS AND ADMINISTRATION*

9 *For necessary expenses for export administration and*  
10 *national security activities of the Department of Commerce,*  
11 *including costs associated with the performance of export*  
12 *administration field activities both domestically and*  
13 *abroad; full medical coverage for dependent members of im-*  
14 *mediate families of employees stationed overseas; employ-*  
15 *ment of Americans and aliens by contract for services*  
16 *abroad; payment of tort claims, in the manner authorized*  
17 *in the first paragraph of 28 U.S.C. 2672 when such claims*  
18 *arise in foreign countries; not to exceed \$15,000 for official*  
19 *representation expenses abroad; awards of compensation to*  
20 *informers under the Export Administration Act of 1979,*  
21 *and as authorized by 22 U.S.C. 401(b); and purchase of*  
22 *passenger motor vehicles for official use and motor vehicles*  
23 *for law enforcement use with special requirement vehicles*  
24 *eligible for purchase without regard to any price limitation*  
25 *otherwise established by law, \$78,776,000, to remain avail-*

1 able until expended, of which \$14,767,000 shall be for in-  
2 spections and other activities related to national security:  
3 Provided, That the provisions of the first sentence of section  
4 105(f) and all of section 108(c) of the Mutual Educational  
5 and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and  
6 2458(c)) shall apply in carrying out these activities: Pro-  
7 vided further, That payments and contributions collected  
8 and accepted for materials or services provided as part of  
9 such activities may be retained for use in covering the cost  
10 of such activities, and for providing information to the pub-  
11 lic with respect to the export administration and national  
12 security activities of the Department of Commerce and other  
13 export control programs of the United States and other gov-  
14 ernments.

15 *ECONOMIC DEVELOPMENT ADMINISTRATION*

16 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

17 *For grants for economic development assistance as pro-*  
18 *vided by the Public Works and Economic Development Act*  
19 *of 1965, and for trade adjustment assistance, \$250,000,000,*  
20 *to remain available until expended.*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of administering the economic*  
23 *development assistance programs as provided for by law,*  
24 *\$32,800,000: Provided, That these funds may be used to*  
25 *monitor projects approved pursuant to title I of the Public*

1 *Works Employment Act of 1976, title II of the Trade Act*  
2 *of 1974, and the Community Emergency Drought Relief Act*  
3 *of 1977.*

4 *MINORITY BUSINESS DEVELOPMENT AGENCY*

5 *MINORITY BUSINESS DEVELOPMENT*

6 *For necessary expenses of the Department of Commerce*  
7 *in fostering, promoting, and developing minority business*  
8 *enterprise, including expenses of grants, contracts, and*  
9 *other agreements with public or private organizations,*  
10 *\$30,200,000.*

11 *ECONOMIC AND INFORMATION INFRASTRUCTURE*

12 *ECONOMIC AND STATISTICAL ANALYSIS*

13 *SALARIES AND EXPENSES*

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

18 *BUREAU OF THE CENSUS*

19 *SALARIES AND EXPENSES*

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

23 *PERIODIC CENSUSES AND PROGRAMS*

24 *For expenses to collect and publish statistics for peri-*  
25 *odic censuses and programs provided for by law,*

1 \$1,020,406,000, to remain available until September 30,  
2 2009.

3 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*

4 *ADMINISTRATION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses, as provided for by law, of the*  
7 *National Telecommunications and Information Adminis-*  
8 *tration (NTIA), \$18,581,000, to remain available until*  
9 *September 30, 2009: Provided, That, notwithstanding 31*  
10 *U.S.C. 1535(d), the Secretary of Commerce shall charge*  
11 *Federal agencies for costs incurred in spectrum manage-*  
12 *ment, analysis, and operations, and related services and*  
13 *such fees shall be retained and used as offsetting collections*  
14 *for costs of such spectrum services, to remain available until*  
15 *expended: Provided further, That the Secretary of Com-*  
16 *merce is authorized to retain and use as offsetting collec-*  
17 *tions all funds transferred, or previously transferred, from*  
18 *other Government agencies for all costs incurred in tele-*  
19 *communications research, engineering, and related activi-*  
20 *ties by the Institute for Telecommunication Sciences of*  
21 *NTIA, in furtherance of its assigned functions under this*  
22 *paragraph, and such funds received from other Government*  
23 *agencies shall remain available until expended.*

1 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*  
2 *CONSTRUCTION*

3 *For the administration of grants authorized by section*  
4 *392 of the Communications Act of 1934, \$20,000,000, to*  
5 *remain available until expended: Provided, That not to ex-*  
6 *ceed \$2,000,000 shall be available for program administra-*  
7 *tion as authorized by section 391 of the Act: Provided fur-*  
8 *ther, That, notwithstanding the provisions of section 391*  
9 *of the Act, the prior year unobligated balances may be made*  
10 *available for grants for projects for which applications have*  
11 *been submitted and approved during any fiscal year.*

12 *TECHNOLOGY OPPORTUNITIES PROGRAM*

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

18 *UNITED STATES PATENT AND TRADEMARK OFFICE*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the United States Patent and*  
21 *Trademark Office provided for by law, including defense*  
22 *of suits instituted against the Under Secretary of Commerce*  
23 *for Intellectual Property and Director of the United States*  
24 *Patent and Trademark Office, \$1,915,500,000, to remain*  
25 *available until expended: Provided, That the sum herein ap-*  
26 *propriated from the general fund shall be reduced as offset-*



1 *ting collections assessed and collected pursuant to 15 U.S.C.*  
2 *1113 and 35 U.S.C. 41 and 376 are received during fiscal*  
3 *year 2008, so as to result in a fiscal year 2008 appropria-*  
4 *tion from the general fund estimated at \$0: Provided fur-*  
5 *ther, That during fiscal year 2008, should the total amount*  
6 *of offsetting fee collections be less than \$1,915,500,000, this*  
7 *amount shall be reduced accordingly: Provided further,*  
8 *That any amount received in excess of \$1,915,500,000 in*  
9 *fiscal year 2008, in an amount up to \$100,000,000, shall*  
10 *remain available until expended: Provided further, That*  
11 *not less than 1,020 full-time equivalents, 1,082 positions*  
12 *and \$214,150,000 shall be for the examination of trademark*  
13 *applications; and not less than 8,522 full-time equivalents,*  
14 *9,000 positions and \$1,701,402,000 shall be for the exam-*  
15 *ination and searching of patent applications: Provided fur-*  
16 *ther, That not less than \$18,000,000 shall be for training*  
17 *of personnel: Provided further, That any deviation from the*  
18 *full-time equivalent, position, and funding designations set*  
19 *forth in the preceding provisos shall be subject to the proce-*  
20 *dures set forth in section 505 of this Act: Provided further,*  
21 *That from amounts provided herein, not to exceed \$5,000*  
22 *shall be made available in fiscal year 2008 for official recep-*  
23 *tion and representation expenses: Provided further, That*  
24 *notwithstanding section 1353 of title 31, United States*  
25 *Code, no employee of the United States Patent and Trade-*

1 mark Office may accept payment or reimbursement from  
2 a non-Federal entity for travel, subsistence, or related ex-  
3 penses for the purpose of enabling an employee to attend  
4 and participate in a convention, conference, or meeting  
5 when the entity offering payment or reimbursement is a  
6 person or corporation subject to regulation by the Office,  
7 or represents a person or corporation subject to regulation  
8 by the Office, unless the person or corporation is an organi-  
9 zation exempt from taxation pursuant to section 501(c)(3)  
10 of the Internal Revenue Code of 1986: Provided further,  
11 That in fiscal year 2008, from the amounts made available  
12 for “Salaries and Expenses” for the United States Patent  
13 and Trademark Office (PTO), the amounts necessary to  
14 pay: (1) the difference between the percentage of basic pay  
15 contributed by the PTO and employees under section  
16 8334(a) of title 5, United States Code, and the normal cost  
17 percentage (as defined by section 8331(17) of that title) of  
18 basic pay, of employees subject to subchapter III of chapter  
19 83 of that title; and (2) the present value of the otherwise  
20 unfunded accruing costs, as determined by the Office of Per-  
21 sonnel Management, of post-retirement life insurance and  
22 post-retirement health benefits coverage for all PTO employ-  
23 ees, shall be transferred to the Civil Service Retirement and  
24 Disability Fund, the Employees Life Insurance Fund, and  
25 the Employees Health Benefits Fund, as appropriate, and

1 *shall be available for the authorized purposes of those ac-*  
2 *counts: Provided further, That sections 801, 802, and 803*  
3 *of Division B, Public Law 108–447 shall remain in effect*  
4 *during fiscal year 2008: Provided further, That the Director*  
5 *may reduce patent filing fees payable in 2008 for documents*  
6 *filed electronically consistent with Federal regulation.*

7 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*  
8 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

9 *For necessary expenses of the National Institute of*  
10 *Standards and Technology, \$502,117,000, to remain avail-*  
11 *able until expended, of which not to exceed \$12,500,000 may*  
12 *be transferred to the “Working Capital Fund”: Provided,*  
13 *That not to exceed \$7,500 shall be for official reception and*  
14 *representation expenses.*

15 *INDUSTRIAL TECHNOLOGY SERVICES*

16 *For necessary expenses of the Hollings Manufacturing*  
17 *Extension Partnership of the National Institute of Stand-*  
18 *ards and Technology, \$110,000,000, to remain available*  
19 *until expended.*

20 *In addition, for necessary expenses of the Advanced*  
21 *Technology Program of the National Institute of Standards*  
22 *and Technology, \$100,000,000, to remain available until*  
23 *expended, of which not to exceed \$1,500,000 shall be for In-*  
24 *stitutional Support: Provided, That no single applicant*  
25 *awards shall be made to companies with revenues greater*

1 *than \$1,000,000,000: Provided further, That funds shall not*  
2 *support Standards Development pursuant to 15 U.S.C.*  
3 *278n(h).*

4 *CONSTRUCTION OF RESEARCH FACILITIES*

5 *For construction of new research facilities, including*  
6 *architectural and engineering design, and for renovation*  
7 *and maintenance of existing facilities, including agency*  
8 *recreational and welfare facilities, not otherwise provided*  
9 *for the National Institute of Standards and Technology, as*  
10 *authorized by 15 U.S.C. 278c–278e, \$150,900,000, to re-*  
11 *main available until expended: Provided, That the Sec-*  
12 *retary of Commerce shall include in the budget justification*  
13 *materials that the Secretary submits to Congress in support*  
14 *of the Department of Commerce budget (as submitted with*  
15 *the budget of the President under section 1105(a) of title*  
16 *31, United States Code) an estimate for each National In-*  
17 *stitute of Standards and Technology construction project*  
18 *having a total multi-year program cost of more than*  
19 *\$5,000,000 and simultaneously the budget justification ma-*  
20 *terials shall include an estimate of the budgetary require-*  
21 *ments for each such project for each of the five subsequent*  
22 *fiscal years: Provided further, That notwithstanding any*  
23 *other provision of law, of the amount made available for*  
24 *construction of research facilities, \$8,000,000 shall be for*  
25 *the University of Mississippi Medical Center Biotechnology*

1 *Research Park; \$8,000,000 shall be for the Mississippi State*  
2 *University Research, Technology and Economic Develop-*  
3 *ment Park; \$2,000,000 shall be for the University of South-*  
4 *ern Mississippi Innovation and Commercialization Park*  
5 *Infrastructure and Building Construction and Equipage;*  
6 *\$5,000,000 shall be for the Alabama State University Life*  
7 *Sciences Building; and \$30,000,000 shall be for laboratory*  
8 *and research space at the University of South Alabama En-*  
9 *gineering and Science Center.*

10 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*

11 *OPERATIONS, RESEARCH, AND FACILITIES*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For necessary expenses of activities authorized by law*  
14 *for the National Oceanic and Atmospheric Administration,*  
15 *including maintenance, operation, and hire of aircraft and*  
16 *vessels; grants, contracts, or other payments to nonprofit*  
17 *organizations for the purposes of conducting activities pur-*  
18 *suant to cooperative agreements; and relocation of facilities,*  
19 *\$3,036,888,000, to remain available until September 30,*  
20 *2008, except for funds provided for cooperative enforcement,*  
21 *which shall remain available until September 30, 2009:*  
22 *Provided, That fees and donations received by the National*  
23 *Ocean Service for the management of national marine sanc-*  
24 *tuaries may be retained and used for the salaries and ex-*  
25 *penses associated with those activities, notwithstanding 31*

1 U.S.C. 3302: *Provided further, That in addition,*  
2 *\$3,000,000 shall be derived by transfer from the fund enti-*  
3 *tled “Coastal Zone Management” and in addition*  
4 *\$77,000,000 shall be derived by transfer from the fund enti-*  
5 *tled “Promote and Develop Fishery Products and Research*  
6 *Pertaining to American Fisheries”:* *Provided further, That*  
7 *of the \$3,121,888,000 provided for in direct obligations*  
8 *under this heading \$3,036,888,000 is appropriated from the*  
9 *general fund, \$80,000,000 is provided by transfer, and*  
10 *\$5,000,000 is derived from recoveries of prior year obliga-*  
11 *tions: Provided further, That of the funds provided under*  
12 *this heading, \$250,000 is made available until expended*  
13 *subject to procedures set forth in section 209 of Public Law*  
14 *108–447: Provided further, That no general administrative*  
15 *charge shall be applied against an assigned activity in-*  
16 *cluded in this Act or the report accompanying this Act: Pro-*  
17 *vided further, That the total amount available for the Na-*  
18 *tional Oceanic and Atmospheric Administration corporate*  
19 *services administrative support costs shall not exceed*  
20 *\$209,179,000: Provided further, That payments of funds*  
21 *made available under this heading to the Department of*  
22 *Commerce Working Capital Fund including Department of*  
23 *Commerce General Counsel legal services shall not exceed*  
24 *\$34,425,000: Provided further, That any deviation from the*  
25 *amounts designated for specific activities in the report ac-*

1 *companying this Act, or any use of deobligated balances of*  
2 *funds provided under this heading in previous years, shall*  
3 *be subject to the procedures set forth in section 505 of this*  
4 *Act: Provided further, That grants to States pursuant to*  
5 *sections 306 and 306A of the Coastal Zone Management Act*  
6 *of 1972, as amended, shall not exceed \$2,000,000, unless*  
7 *funds provided for “Coastal Zone Management Grants” ex-*  
8 *ceed funds provided in the previous fiscal year: Provided*  
9 *further, That if funds provided for “Coastal Zone Manage-*  
10 *ment Grants” exceed funds provided in the previous fiscal*  
11 *year, then no State shall receive more than 5 percent or*  
12 *less than 1 percent of the additional funds: Provided fur-*  
13 *ther, That for fiscal year 2008 and hereafter the Adminis-*  
14 *trator of the National Oceanic and Atmospheric Adminis-*  
15 *tration may engage in formal and informal education ac-*  
16 *tivities, including primary and secondary education, re-*  
17 *lated to the agency’s mission goals: Provided further, That*  
18 *in accordance with section 215 of Public Law 107–372 the*  
19 *number of officers in the NOAA Commissioned Officer*  
20 *Corps shall increase to 321: Provided further, That for fiscal*  
21 *year 2009 and hereafter the National Oceanic and Atmos-*  
22 *pheric Administration shall submit its budget request to*  
23 *Congress concurrently with its submission to the Office of*  
24 *Management and Budget: Provided further, That of the*  
25 *funds provided, \$15,000,000 is provided for the alleviation*

1 *of economic impacts associated Framework 42 on the Mas-*  
2 *sachusetts groundfish fishery: Provided further, That of the*  
3 *funds available for the Ocean Research Priorities Plan Im-*  
4 *plementation, such sums as may be necessary may be set*  
5 *aside to initiate the study to be completed within 2 years*  
6 *on acidification of the oceans and how this process affects*  
7 *the United States as authorized by section 701 of the Mag-*  
8 *nuson-Stevens Fishery Conservation and Management Re-*  
9 *authorization Act of 2006 (Public Law 109–479; 120 Stat.*  
10 *3649): Provided further, That of the funds provided, not less*  
11 *than \$15,000,000 shall be available to carry out activities*  
12 *under section 315 of the Magnuson-Stevens Fishery Con-*  
13 *servation and Management Act (8 U.S.C. 1864): Provided*  
14 *further, That of the funds provided under this heading for*  
15 *the Office of Response and Restoration funds may be used*  
16 *from the Damage Assessment Restoration Revolving Fund*  
17 *for sampling, and analysis related to the disposal of obsolete*  
18 *vessels owned or operated by the Federal Government in*  
19 *Suisun Bay, California: Provided further, That of the funds*  
20 *provided under this heading, up to \$275,000 may be avail-*  
21 *able for the purchase and distribution of bycatch reduction*  
22 *devices to shrimpers in areas of the Gulf Coast impacted*  
23 *by Hurricane Rita or Hurricane Katrina during 2005.*

24 *In addition, for necessary retired pay expenses under*  
25 *the Retired Serviceman’s Family Protection and Survivor*



1 *Benefits Plan, and for payments for the medical care of*  
2 *retired personnel and their dependents under the Depend-*  
3 *ents Medical Care Act (10 U.S.C. ch. 55), such sums as*  
4 *may be necessary.*

5 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

6 *For procurement, acquisition and construction of cap-*  
7 *ital assets, including alteration and modification costs, of*  
8 *the National Oceanic and Atmospheric Administration,*  
9 *\$1,089,000,000, to remain available until September 30,*  
10 *2009, except funds provided for construction of facilities*  
11 *which shall remain available until expended: Provided,*  
12 *That of the amounts provided for the National Polar-orbit-*  
13 *ing Operational Environmental Satellite System, funds*  
14 *shall only be made available on a dollar-for-dollar matching*  
15 *basis with funds provided for the same purpose by the De-*  
16 *partment of Defense: Provided further, That except to the*  
17 *extent expressly prohibited by any other law, the Depart-*  
18 *ment of Defense may delegate procurement functions related*  
19 *to the National Polar-orbiting Operational Environmental*  
20 *Satellite System to officials of the Department of Commerce*  
21 *pursuant to section 2311 of title 10, United States Code:*  
22 *Provided further, That any deviation from the amounts des-*  
23 *ignated for specific activities in the report accompanying*  
24 *this Act, or any use of deobligated balances of funds pro-*

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

3 *PACIFIC COASTAL SALMON RECOVERY*

4 *For necessary expenses associated with the restoration*  
5 *of Pacific salmon populations, \$90,000,000.*

6 *COASTAL ZONE MANAGEMENT FUND*

7 *(INCLUDING TRANSFER OF FUNDS)*

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

13 *FISHERIES FINANCE PROGRAM ACCOUNT*

14 *Subject to section 502 of the Congressional Budget Act*  
15 *of 1974, during fiscal year 2008, obligations of direct loans*  
16 *may not exceed \$8,000,000 for Individual Fishing Quota*  
17 *loans as authorized by the Merchant Marine Act of 1936.*

18 *OTHER*

19 *DEPARTMENTAL MANAGEMENT*

20 *SALARIES AND EXPENSES*

21 *For expenses necessary for the departmental manage-*  
22 *ment of the Department of Commerce provided for by law,*  
23 *including not to exceed \$5,000 for official entertainment,*  
24 *\$53,193,000: Provided, That of the amounts provided to the*  
25 *Secretary within this account, \$10,000,000 shall not become*

1 available for obligation until the Secretary certifies to the  
2 Committees on Appropriations that the Bureau of the Cen-  
3 sus has followed, and met all best practices, and all Office  
4 of Management and Budget guidelines related to informa-  
5 tion technology projects: Provided further, That the Sec-  
6 retary, within 120 days of enactment of this Act, shall pro-  
7 vide a report to the Committees on Appropriations that au-  
8 dits and evaluates all decision documents and expenditures  
9 by the Bureau of the Census as they relate to the 2010 Cen-  
10 sus: Provided further, That the Secretary, within 120 days  
11 of the enactment of this Act, shall provide a report to Con-  
12 gress that is publicly available on the Bureau's website on  
13 the steps that the Census Bureau will take to allow citizens  
14 the opportunity to complete the decennial census and the  
15 American Community Survey over the Internet.

16 *HCHB RENOVATION AND MODERNIZATION*

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

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 (5 U.S.C. App.), \$23,426,000.*

1 NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT  
2 COORDINATION COUNCIL

3 *For necessary expenses of the National Intellectual*  
4 *Property Law Enforcement Coordination Council to coordi-*  
5 *nate domestic and international intellectual property pro-*  
6 *tection and law enforcement relating to intellectual prop-*  
7 *erty among Federal and foreign entities, \$1,000,000.*

8 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE  
9 (INCLUDING TRANSFER OF FUNDS)

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

19 SEC. 102. *During the current fiscal year, appropria-*  
20 *tions made available to the Department of Commerce by*  
21 *this Act for salaries and expenses shall be available for hire*  
22 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*  
23 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*  
24 *forms or allowances therefor, as authorized by law (5 U.S.C.*  
25 *5901–5902).*

1       *SEC. 103. Not to exceed 5 percent of any appropriation*  
2 *made available for the current fiscal year for the Depart-*  
3 *ment of Commerce in this Act may be transferred between*  
4 *such appropriations, but no such appropriation shall be in-*  
5 *creased by more than 10 percent by any such transfers: Pro-*  
6 *vided, That any transfer pursuant to this section shall be*  
7 *treated as a reprogramming of funds under section 505 of*  
8 *this Act and shall not be available for obligation or expendi-*  
9 *ture except in compliance with the procedures set forth in*  
10 *that section: Provided further, That the Secretary of Com-*  
11 *merce shall notify the Senate Committee on Appropriations*  
12 *at least 15 days in advance of the acquisition or disposal*  
13 *of any capital asset (including land, structures, and equip-*  
14 *ment) not specifically provided for in this or any other De-*  
15 *partments of Commerce, Justice, Science, and Related*  
16 *Agencies Appropriations Act: Provided further, That for the*  
17 *National Oceanic and Atmospheric Administration this sec-*  
18 *tion shall provide for transfers among appropriations made*  
19 *only to the National Oceanic and Atmospheric Administra-*  
20 *tion and such appropriations may not be transferred and*  
21 *reprogrammed to other Department of Commerce bureaus*  
22 *and appropriation accounts.*

23       *SEC. 104. Any costs incurred by a department or agen-*  
24 *cy funded under this title resulting from personnel actions*  
25 *taken in response to funding reductions included in this*

1 *title or from actions taken for the care and protection of*  
2 *loan collateral or grant property shall be absorbed within*  
3 *the total budgetary resources available to such department*  
4 *or agency: Provided, That the authority to transfer funds*  
5 *between appropriations accounts as may be necessary to*  
6 *carry out this section is provided in addition to authorities*  
7 *included elsewhere in this Act: Provided further, That use*  
8 *of funds to carry out this section shall be treated as a re-*  
9 *programming of funds under section 505 of this Act and*  
10 *shall not be available for obligation or expenditure except*  
11 *in compliance with the procedures set forth in that section.*

12       *SEC. 105. EXTENSION OF GUARANTEE AUTHORITY. (a)*  
13 *IN GENERAL.—Section 101(k) of the Emergency Steel Loan*  
14 *Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended*  
15 *by striking “2007” and inserting “2009”.*

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

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

1       (d) *SALARIES AND ADMINISTRATIVE EXPENSES.*—*The*  
2 *Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C.*  
3 *1841 note) is amended by adding at the end the following:*

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

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

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

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

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

24       *SEC. 108. Notwithstanding the requirements of sub-*  
25 *section 4703(d), the personnel management demonstration*

1 *project established by the Department of Commerce pursu-*  
2 *ant to 5 U.S.C. 4703 may be expanded to involve more than*  
3 *5,000 individuals, and is extended indefinitely.*

4 *SEC. 109. (a) The Stevenson-Wydler Technology Inno-*  
5 *vation Act of 1980 (Public Law 96-480), as amended, is*  
6 *amended by:*

7 *(1) deleting section 5;*

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

9 *and*

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

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

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

22 *SEC. 111. NOAA PACIFIC REGIONAL CENTER. (a) IN*  
23 *GENERAL.—The National Oceanic and Atmospheric Ad-*  
24 *ministration (NOAA) is authorized to engage in planning,*  
25 *design, acquisition, renovation, construction and related ac-*



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

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

16       **SEC. 112. PAPAĪĀNAUMOKUĀKEA FISHERY REDUC-**  
17 **TION. (a) IN GENERAL.**—*The Papahānaumokuākea Marine*  
18 *National Monument was created by Presidential proclama-*  
19 *tion on June 15, 2006 to protect more than 7,000 marine*  
20 *and terrestrial species including protection for the habitat*  
21 *for the endangered Hawaiian monk seal, threatened Hawai-*  
22 *ian green sea turtle and other marine species. The Presi-*  
23 *dential proclamation will phase out all commercial fishing*  
24 *by June 15, 2011. The Secretary of Commerce is authorized*  
25 *to conduct a voluntary capacity reduction program to re-*

1 *move all commercial fishing capacity in the area prior to*  
2 *that date.*

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

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

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

16 (3) *ensures that commercial fishing vessels of eli-*  
17 *gible participants cannot be used in fishing anywhere*  
18 *in the world;*

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

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

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

1           *restriction on the fishing vessel permanently pro-*  
2           *hibiting and effectively preventing its use in*  
3           *fishing, and*

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

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

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

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

1        *SEC. 114. LIMITATIONS ON SATELLITE ACQUISITIONS*  
2 *BY THE DEPARTMENT OF COMMERCE. (a) CERTIFI-*  
3 *CATION.—*

4            (1) *REQUIREMENT FOR CERTIFICATION.—Prior*  
5 *to the date that the certification described in para-*  
6 *graph (2) is made, the Secretary may not—*

7                    (A) *obligate funds provided by this Act or*  
8 *by previous appropriations Acts to acquire sat-*  
9 *ellites; or*

10                   (B) *receive approval of—*

11                            (i) *a major milestone; or*

12                            (ii) *a key decision point.*

13            (2) *CONTENT OF CERTIFICATION.—The certifi-*  
14 *cation described in this paragraph is a certification*  
15 *made by the Secretary and the Director that—*

16                    (A) *the technology utilized in the satellites*  
17 *has been demonstrated in a relevant environ-*  
18 *ment;*

19                    (B) *the program has demonstrated a high*  
20 *likelihood of accomplishing the its intended*  
21 *goals; and*

22                    (C) *the acquisition of satellites for use in*  
23 *the program represents a good value—*

24                            (i) *in consideration of the per unit cost*  
25 *and the total acquisition cost of the pro-*

1            *gram and in the context of the total re-*  
2            *sources available for the fiscal year in*  
3            *which the certification is made and the fu-*  
4            *ture out-year budget projections for the De-*  
5            *partment of Commerce; and*

6                    *(ii) in consideration of the ability of*  
7            *the Secretary to accomplish the goals of the*  
8            *program using alternative systems.*

9            (3) *SUBMISSION TO CONGRESS.*—*Not later than*  
10          *the 30 days after the date of the enactment of this Act,*  
11          *the Secretary and the Director shall submit to the ap-*  
12          *propriate congressional committees—*

13                    *(A) the certification described in paragraph*

14                    *(2); or*

15                    *(B) a report on the reasons that such cer-*  
16                    *tification cannot be made.*

17          (b) *DEFINITIONS.*—*In this section:*

18                    (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
19          *TEES.*—*The term “appropriate congressional commit-*  
20          *tees” means—*

21                    *(A) the Committee on Appropriations and*  
22                    *the Committee on Commerce, Science, and*  
23                    *Transportation of the Senate; and*

1           (B) *the Committee on Appropriations and*  
2           *the Committee on Science and Technology of the*  
3           *House of Representatives.*

4           (2) *DIRECTOR.*—*The term “Director” means the*  
5           *Director of the Office of Management and Budget.*

6           (3) *KEY DECISION POINT.*—*The term “key deci-*  
7           *sion point” means the initiation of procurement for*  
8           *a major system or subsystem of a program.*

9           (4) *MAJOR MILESTONE APPROVAL.*—*The term*  
10          *“major milestone approval” means a decision to enter*  
11          *into development of a system for a program.*

12          (5) *PROGRAM.*—*The term “program” means the*  
13          *programs of the National Oceanic and Atmospheric*  
14          *Administration for which satellites will be acquired.*

15          (6) *SATELLITE.*—*The term “satellite” means the*  
16          *satellites proposed to be acquired for the National*  
17          *Oceanic and Atmospheric Administration, other than*  
18          *the National Polar-orbiting Operational Environ-*  
19          *mental Satellite System (NPOESS).*

20          (7) *SECRETARY.*—*The term “Secretary” means*  
21          *the Secretary of Commerce.*

22          (c) *INDEPENDENT COST ESTIMATES.*—

23                 (1) *REQUIREMENT.*—*The Secretary may not ap-*  
24                 *prove the development or acquisition of a program*  
25                 *unless an independent estimate of the full life-cycle*

1 *cost of the program has been considered by the Sec-*  
2 *retary.*

3 (2) *REGULATIONS.—The Secretary shall pre-*  
4 *scribe regulations governing the content and submis-*  
5 *sion of the estimate required by paragraph (1). The*  
6 *regulations shall require that each such estimate—*

7 (A) *be prepared by an office or other entity*  
8 *that is not under the supervision of the Under*  
9 *Secretary of Oceans and Atmosphere; and*

10 (B) *include all costs of development, pro-*  
11 *curement, construction, operations, maintenance,*  
12 *and management of the program.*

13 (d) *REQUIREMENT FOR ANALYSIS IF UNIT COSTS EX-*  
14 *CEED 15 PERCENT.—*

15 (1) *REQUIREMENT.—If the percentage increase*  
16 *in the acquisition cost of a program in which the ac-*  
17 *quisition unit cost or procurement unit cost exceeds*  
18 *15 percent more than the baseline cost of the program,*  
19 *the Secretary shall initiate an analysis of the pro-*  
20 *gram. Such analysis of alternatives shall include, at*  
21 *a minimum, the following:*

22 (A) *The projected cost to complete the pro-*  
23 *gram if current requirements are not modified.*

1           (B) *The projected cost to complete the pro-*  
2           *gram based on potential modifications to the re-*  
3           *quirements.*

4           (C) *The projected cost to complete the pro-*  
5           *gram based on design modifications, enhance-*  
6           *ments to the producibility of the program, and*  
7           *other efficiencies.*

8           (D) *The projected cost and capabilities of*  
9           *the program that could be delivered within the*  
10          *originally authorized budget for the program, in-*  
11          *cluding any increase or decrease in capability.*

12          (E) *The projected costs for an alternative*  
13          *system or capability.*

14          (2) *SUBMISSION TO CONGRESS.—The analysis of*  
15          *alternatives required under paragraph (1) with re-*  
16          *spect to a program shall be—*

17               (A) *completed not later than 6 months after*  
18               *the date of that the Secretary determines that the*  
19               *cost of the program exceeds 15 percent more than*  
20               *the baseline cost of the program; and*

21               (B) *submitted to the appropriate congres-*  
22               *sional committees not later than 30 days after*  
23               *the date the analysis is completed.*

24          (3) *CLARIFICATION OF COST ESCALATION.—For*  
25          *the purposes of determining whether cost of the Geo-*



1        *stationary Operational Environmental Satellite Pro-*  
2        *gram exceeds 15 percent more than the baseline cost*  
3        *under paragraph (1), the baseline cost of the such*  
4        *Program is \$6,960,000,000.*

5        *SEC. 115. INTANGIBLE ASSETS INVESTMENT STUDY.*

6        *(a) IN GENERAL.—Not later than 60 days after the date*  
7        *of the enactment of this Act, the Director of the Bureau of*  
8        *Economic Analysis of the Department of Commerce shall*  
9        *enter into an agreement with the Council of the National*  
10       *Academy of Sciences to conduct a study, which shall—*

11                *(1) recommend steps to improve the measurement*  
12                *of intangible assets and their incorporation in the*  
13                *National Income and Product Accounts;*

14                *(2) identify and estimate the size of the Federal*  
15                *Government’s investment in intangible assets;*

16                *(3) survey other countries’ efforts to measure and*  
17                *promote investments in intangible assets; and*

18                *(4) recommend policies to accelerate private and*  
19                *public investment in the types of intangible assets*  
20                *most likely to contribute to economic growth.*

21        *(b) COMPLETION.—The National Academy of Sciences*  
22        *shall complete the study described in subsection (a) not later*  
23        *than 18 months after the date on which the agreement de-*  
24        *scribed in subsection (a) was signed.*

1       (c) *FUNDING.*—*From the funds appropriated for eco-*  
2 *nomie and statistical analysis under this title, the Sec-*  
3 *retary of Commerce may set aside sufficient amounts to*  
4 *complete the study described in subsection (a).*

5       *SEC. 116. UNITED STATES ECONOMIC DATA. (a) Of*  
6 *the funds provided in this title for Economic and Informa-*  
7 *tion Infrastructure under the heading “ECONOMIC AND STA-*  
8 *TISTIC ANALYSIS”, \$950,000 may be used to carry out the*  
9 *study and report required under this section.*

10       (b) *Not later than 60 days after the date of the enact-*  
11 *ment of this Act, the Secretary of Commerce shall enter into*  
12 *a contract with the National Academy of Sciences to con-*  
13 *duct a study and report on whether the import price data*  
14 *published by the Bureau of Labor Statistics and other eco-*  
15 *nomie data collected by the United States accurately reflect*  
16 *the economic condition of the United States.*

17       (c)(1) *The report required by subsection (b) shall in-*  
18 *clude an analysis of the methods used to determine the con-*  
19 *dition of the United States economy and shall address—*

20               (A) *whether the statistical measure of the United*  
21 *States economy correctly interprets the impact of im-*  
22 *ports and outsourced production;*

23               (B) *whether the statistical measures of the*  
24 *United States economy result in an accurate report of*

1 *United States gross domestic product (GDP), produc-*  
2 *tivity, and other aspects of economic performance;*

3 *(C) whether the impact of imports on United*  
4 *States manufacturing levels and competitiveness is*  
5 *accurately reported; and*

6 *(D) whether other countries are accounting for*  
7 *import prices more accurately or frequently than the*  
8 *United States.*

9 *(2) If the findings of the report indicate that the meth-*  
10 *ods used for accounting for imported goods and United*  
11 *States wages result in overstating economic growth, domes-*  
12 *tic manufacturing output, and productivity growth, the re-*  
13 *port shall include recommendations with respect to—*

14 *(A) what actions should be taken to produce*  
15 *more accurate import price indices on a regular*  
16 *basis; and*

17 *(B) what other measures of economic analysis*  
18 *should be used to accurately reflect the globalization*  
19 *of economic activity and offshoring of domestic pro-*  
20 *duction.*

21 *(d) The report required by subsection (b) shall be com-*  
22 *pleted and submitted to Congress not later than 18 months*  
23 *after the date of the contract described in subsection (b).*

24 *SEC. 117. (a) IN GENERAL.—The Secretary of Com-*  
25 *merce 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) *RESTRICTIONS ON PORT ACCESS OR USE.—Action*  
17          *taken by the Secretary under subsection (a)(2) that include*  
18          *measures to restrict use of or access to ports or port services*  
19          *shall apply to all ports of the United States and its terri-*  
20          *ories.*

21          (c) *REGULATIONS.—The Secretary may promulgate*  
22          *regulations to implement this section.*

23          *This title may be cited as the “Department of Com-*  
24          *merce Appropriations Act, 2008”.*

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*TITLE II*

*DEPARTMENT OF JUSTICE*

*GENERAL ADMINISTRATION*

*SALARIES AND EXPENSES*

*For expenses necessary for the administration of the Department of Justice, \$104,777,000, of which not to exceed \$3,317,000 is for security and construction of Department of Justice facilities, to remain available until expended: Provided, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: Provided further, That no appropriations for any office within General Administration shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That \$12,684,000 is for Department Leadership; \$7,664,000 is for Intergovernmental Relations/External Affairs; \$11,832,000 is for Executive Support/Professional Responsibility; and \$72,597,000 is for the Justice Management Division: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the Senate Committee on Appropriations consistent with the terms of section 505 of this Act: Provided further, That this transfer authority is in addition to transfers authorized under section 505 of this Act: Provided further, That not to exceed \$30,000 shall be available for official reception and representation expenses: Pro-*

1 *vided further, That \$10,000,000 shall only be used to ad-*  
2 *dress the health safety and security issues identified in the*  
3 *United States Department of Justice, Office of Inspector*  
4 *General Report I–2007–008.*

5 *JUSTICE INFORMATION SHARING TECHNOLOGY*

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

13 *TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS*

14 *For the costs of conversion to narrowband communica-*  
15 *tions, including the cost for operation and maintenance of*  
16 *Land Mobile Radio legacy systems, \$76,353,000, to remain*  
17 *available until September 30, 2009: Provided, That the At-*  
18 *torney General shall transfer to this account all funds made*  
19 *available to the Department of Justice for the purchase of*  
20 *portable and mobile radios: Provided further, That any*  
21 *transfer made under the preceding proviso shall be subject*  
22 *to section 505 of this Act: Provided further, That the Attor-*  
23 *ney General shall transfer to the “Narrowband Communica-*  
24 *tions/Integrated Wireless Network” account all funds made*  
25 *available in this Act to the Department of Justice for the*  
26 *purchase of portable and mobile radios and related infra-*

1 *structure and any transfer made under this section shall*  
2 *be subject to section 505 of this Act.*

3 *ADMINISTRATIVE REVIEW AND APPEALS*

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

12 *DETENTION TRUSTEE*

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

1                                    *OFFICE OF INSPECTOR GENERAL*

2            *For necessary expenses of the Office of Inspector Gen-*  
3 *eral, \$73,700,000, including not to exceed \$10,000 to meet*  
4 *unforeseen emergencies of a confidential character: Pro-*  
5 *vided, That within 200 days of enactment of this Act, the*  
6 *Inspector General shall conduct an audit and issue a report*  
7 *to the Committees on Appropriations of all expenses of the*  
8 *legislative and public affairs offices at each location of the*  
9 *Justice Department, its bureaus and agencies, including*  
10 *but not limited to every field office and headquarters com-*  
11 *ponent; the audit shall include any and all expenses related*  
12 *to these activities.*

13                                    *UNITED STATES PAROLE COMMISSION*14                                    *SALARIES AND EXPENSES*

15            *For necessary expenses of the United States Parole*  
16 *Commission as authorized, \$12,194,000.*

17                                    *LEGAL ACTIVITIES*18                                    *GENERAL LEGAL ACTIVITIES*19                                    *SALARIES AND EXPENSES*20                                    *(INCLUDING TRANSFER OF FUNDS)*

21            *For expenses necessary for the legal activities of the*  
22 *Department of Justice, not otherwise provided for, includ-*  
23 *ing not to exceed \$20,000 for expenses of collecting evidence,*  
24 *to be expended under the direction of, and to be accounted*  
25 *for solely under the certificate of, the Attorney General; and*  
26 *rent of private or Government-owned space in the District*



1 of Columbia, \$753,000,000, of which not to exceed  
2 \$10,000,000 is for litigation support contracts and shall re-  
3 main available until expended: Provided, That of the total  
4 amount appropriated, not to exceed \$1,000 shall be avail-  
5 able to the United States National Central Bureau,  
6 INTERPOL, for official reception and representation ex-  
7 penses: Provided further, That notwithstanding section 105  
8 of this Act, upon a determination by the Attorney General  
9 that emergent circumstances require additional funding for  
10 litigation activities of the Civil Division, the Attorney Gen-  
11 eral may transfer such amounts to “Salaries and Expenses,  
12 General Legal Activities” from available appropriations for  
13 the current fiscal year for the Department of Justice, as  
14 may be necessary to respond to such circumstances: Pro-  
15 vided further, That any transfer pursuant to the previous  
16 proviso shall be treated as a reprogramming under section  
17 505 of this Act and shall not be available for obligation  
18 or expenditure except in compliance with the procedures set  
19 forth in that section: Provided further, That in addition  
20 there is hereby appropriated \$6,833,000 for reimbursement  
21 of expenses of the Department of Justice associated with  
22 processing cases under the National Childhood Vaccine In-  
23 jury Act of 1986, to be appropriated from the Vaccine In-  
24 jury Compensation Trust Fund.

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ANTITRUST DIVISION

SALARIES AND EXPENSES

*For expenses necessary for the enforcement of antitrust and kindred laws, \$155,097,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, not to exceed \$139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than \$16,097,000.*

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

*For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,747,822,000: Provided, That of the total amount appropriated, not to exceed \$8,000,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$20,000,000 shall remain available until expended.*

1                    *UNITED STATES TRUSTEE SYSTEM FUND*

2            *For necessary expenses of the United States Trustee*  
3 *Program, as authorized, \$231,899,000, to remain available*  
4 *until expended and to be derived from the United States*  
5 *Trustee System Fund: Provided, That, notwithstanding any*  
6 *other provision of law, deposits to the Fund shall be avail-*  
7 *able in such amounts as may be necessary to pay refunds*  
8 *due depositors: Provided further, That, notwithstanding*  
9 *any other provision of law, \$184,000,000 of offsetting collec-*  
10 *tions pursuant to 28 U.S.C. 589a(b) shall be retained and*  
11 *used for necessary expenses in this appropriation and shall*  
12 *remain available until expended: Provided further, That the*  
13 *sum herein appropriated from the Fund shall be reduced*  
14 *as such offsetting collections are received during fiscal year*  
15 *2008, so as to result in a final fiscal year 2008 appropria-*  
16 *tion from the Fund estimated at \$0.*

17                    *FOREIGN CLAIMS SETTLEMENT COMMISSION*18                    *SALARIES AND EXPENSES*

19            *For expenses necessary to carry out the activities of*  
20 *the Foreign Claims Settlement Commission, including serv-*  
21 *ices as authorized by section 3109 of title 5, United States*  
22 *Code, \$1,709,000.*

23                    *UNITED STATES MARSHALS SERVICE*24                    *SALARIES AND EXPENSES*

25            *For necessary expenses of the United States Marshals*  
26 *Service, \$896,860,000; of which not to exceed \$20,000 shall*

1 *be available for official reception and representation ex-*  
2 *penses; of which not to exceed \$4,000,000 shall be for infor-*  
3 *mation technology systems and shall remain available until*  
4 *expended: Provided, That not less than \$12,397,000 shall*  
5 *be available for the costs of courthouse security equipment,*  
6 *including furnishings, relocations, and telephone systems*  
7 *and cabling, and shall remain available until expended:*  
8 *Provided further, That an additional \$7,845,000 shall be*  
9 *available to carry out the Adam Walsh Child Protection*  
10 *and Safety Act of 2006 offset by a reduction in the amount*  
11 *available for the Advanced Technology Program under the*  
12 *heading “INDUSTRIAL TECHNOLOGY SERVICES” in title I*  
13 *of \$7,845,000.*

14 *CONSTRUCTION*

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

18 *FEES AND EXPENSES OF WITNESSES*

19 *For fees and expenses of witnesses, for expenses of con-*  
20 *tracts for the procurement and supervision of expert wit-*  
21 *nesses, for private counsel expenses, including advances,*  
22 *and for expenses of foreign counsel, \$168,300,000, to remain*  
23 *available until expended: Provided, That, not to exceed*  
24 *\$10,000,000 may be made available for construction of*  
25 *buildings for protected witness safesites: Provided further,*

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

9 *COMMUNITY RELATIONS SERVICE*

10 *SALARIES AND EXPENSES*

11 *For necessary expenses of the Community Relations*  
12 *Service, \$10,230,000: Provided, That notwithstanding sec-*  
13 *tion 105 of this Act, upon a determination by the Attorney*  
14 *General that emergent circumstances require additional*  
15 *funding for conflict resolution and violence prevention ac-*  
16 *tivities of the Community Relations Service, the Attorney*  
17 *General may transfer such amounts to the Community Re-*  
18 *lations Service, from available appropriations for the cur-*  
19 *rent fiscal year for the Department of Justice, as may be*  
20 *necessary to respond to such circumstances: Provided fur-*  
21 *ther, That any transfer pursuant to the previous proviso*  
22 *shall be treated as a reprogramming under section 505 of*  
23 *this Act and shall not be available for obligation or expendi-*  
24 *ture except in compliance with the procedures set forth in*  
25 *that section: Provided further, That of the amount appro-*

1 *priated under this heading, \$2,000,000 shall be used for sal-*  
2 *aries and expenses for hiring additional conciliators for the*  
3 *regional offices of the Community Relations Service of the*  
4 *Department of Justice: Provided further, That not less than*  
5 *3 of the conciliators hired under the preceding proviso shall*  
6 *be employed in region 6.*

7 *ASSETS FORFEITURE FUND*

8 *For expenses authorized by subparagraphs (B), (F),*  
9 *and (G) of section 524(c)(1) of title 28, United States Code,*  
10 *\$20,990,000, to be derived from the Department of Justice*  
11 *Assets Forfeiture Fund.*

12 *NATIONAL SECURITY DIVISION*

13 *SALARIES AND EXPENSES*

14 *For expenses necessary to carry out the activities of*  
15 *the National Security Division, \$78,056,000; of which not*  
16 *to exceed \$5,000,000 for information technology systems*  
17 *shall remain available until expended: Provided, That not-*  
18 *withstanding section 204 of this Act, upon a determination*  
19 *by the Attorney General that emergent circumstances re-*  
20 *quire additional funding for the activities of the National*  
21 *Security Division, the Attorney General may transfer such*  
22 *amounts to this heading from available appropriations for*  
23 *the current fiscal year for the Department of Justice, as*  
24 *may be necessary to respond to such circumstances: Pro-*  
25 *vided further, That any transfer pursuant to the previous*  
26 *proviso shall be treated as a reprogramming under section*

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

4 *INTERAGENCY LAW ENFORCEMENT*

5 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

6 *For necessary expenses for the identification, inves-*  
7 *tigation, and prosecution of individuals associated with the*  
8 *most significant drug trafficking and affiliated money*  
9 *laundering organizations not otherwise provided for, to in-*  
10 *clude inter-governmental agreements with State and local*  
11 *law enforcement agencies engaged in the investigation and*  
12 *prosecution of individuals involved in organized crime drug*  
13 *trafficking, \$509,154,000, of which \$50,000,000 shall re-*  
14 *main available until expended: Provided, That any*  
15 *amounts obligated from appropriations under this heading*  
16 *may be used under authorities available to the organiza-*  
17 *tions reimbursed from this appropriation.*

18 *FEDERAL BUREAU OF INVESTIGATION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Federal Bureau of Inves-*  
21 *tigation for detection, investigation, and prosecution of*  
22 *crimes against the United States, \$6,372,250,000; of which*  
23 *not to exceed \$150,000,000 shall remain available until ex-*  
24 *pended; and of which \$2,308,580,000 shall be for*  
25 *counterterrorism investigations, foreign counterintelligence,*

1 *and other activities related to national security: Provided,*  
2 *That not to exceed \$205,000 shall be available for official*  
3 *reception and representation expenses: Provided further,*  
4 *That not to exceed \$170,000 shall be available for expenses*  
5 *associated with the celebration of the 100th anniversary of*  
6 *the FBI: Provided further, That not later than 60 days after*  
7 *the enactment of this Act, the Director of the FBI shall sub-*  
8 *mit to the Committee on Appropriations and the Committee*  
9 *on Judiciary of each House a report that evaluates the*  
10 *FBI's current work force allocation and assesses the right-*  
11 *sizing and realignment of agents, analysts and support per-*  
12 *sonnel currently in field offices to better meet the FBI's mis-*  
13 *sion requirements and priorities.*

14 *CONSTRUCTION*

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



1                    *DRUG ENFORCEMENT ADMINISTRATION*2                                    *SALARIES AND EXPENSES*

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

15                    *BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND*16                                    *EXPLOSIVES*17                                    *SALARIES AND EXPENSES*

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

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

1 *the functions, missions, or activities of the Bureau of Alco-*  
2 *hol, Tobacco, Firearms, and Explosives to other agencies or*  
3 *Departments in fiscal year 2008: Provided further, That no*  
4 *funds appropriated under this or any other Act with respect*  
5 *to any previous fiscal year, fiscal year 2008, and any fiscal*  
6 *year thereafter may be used to disclose all or part of any*  
7 *information received or generated by the Bureau of Alcohol,*  
8 *Tobacco, Firearms and Explosives in connection with any*  
9 *request to trace a firearm, or information required to be*  
10 *kept by licensees pursuant to 923(g) of title 18, United*  
11 *States Code, or required to be reported pursuant to para-*  
12 *graphs (3) and (7) of title 18, United States Code, except—*

13           (1) *to an official of a Federal, State, tribal,*  
14 *local, or foreign law enforcement agency or a Federal,*  
15 *State, or local prosecutor, who certifies that the infor-*  
16 *mation is sought solely in connection with and for use*  
17 *in a bona fide criminal investigation or bona fide*  
18 *criminal prosecution, or for national security or in-*  
19 *telligence purposes, and will not be used or disclosed*  
20 *for any other purpose;*

21           (2) *for use in an action or proceeding com-*  
22 *menced by the Attorney General to enforce the provi-*  
23 *sions of chapter 44 of title 18, United States Code;*  
24 *chapter 53 of title 26, United States Code; chapter 3*

1        *of the Arms Export Control Act; or a review of such*  
2        *an action or proceeding; or*

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

8        *Provided further, That nothing in the previous proviso shall*  
9        *be construed to prevent the sharing or exchange of such in-*  
10       *formation among and between Federal, State, tribal, local*  
11       *or foreign law enforcement agencies or Federal, State, or*  
12       *local prosecutors, or national security, intelligence, or*  
13       *counterterrorism officials, provided that such information,*  
14       *regardless of its source, is shared, exchanged, or used solely*  
15       *in connection with bona fide criminal investigations or*  
16       *bona fide criminal prosecutions or for national security or*  
17       *intelligence purposes: Provided further, That information*  
18       *in the Firearms Trace System database maintained by the*  
19       *National Trace Center, including all information received*  
20       *or generated by of the Bureau of Alcohol, Tobacco, Firearms*  
21       *and Explosives shall be immune from legal process, shall*  
22       *not be subject to subpoena or other discovery, shall not be*  
23       *used, relied on, or disclosed in any manner, and, regardless*  
24       *of when disclosed including previously disclosed informa-*  
25       *tion, shall not be admissible as evidence, nor shall testimony*

1 *or other evidence based on such data be admissible as evi-*  
2 *dence, in any civil action pending on or filed after the effec-*  
3 *tive date of this subparagraph in any State or Federal court*  
4 *(including any court in the District of Columbia), or in*  
5 *any administrative proceeding other than a proceeding*  
6 *commenced by the Bureau of Alcohol, Tobacco, Firearms*  
7 *and Explosives to enforce the provisions of chapter 44 of*  
8 *title 18, United States Code; chapter 53 of title 26, United*  
9 *States Code; chapter 3 of the Arms Export Control Act; a*  
10 *proceeding commenced by the Secretary of the Treasury to*  
11 *enforce part III of subchapter D of chapter 32 of the Inter-*  
12 *nal Revenue Code of 1986; or judicial review of such actions*  
13 *or proceedings. This provision shall not be construed to pre-*  
14 *vent the disclosure of statistical information concerning*  
15 *total production, importation, and exportation by each li-*  
16 *censed importer (as defined in section 921(a)(19) of title*  
17 *18) and licensed manufacturer (as defined in section*  
18 *921(a)(10) of title 18): Provided further, That no funds*  
19 *made available by this or any other Act shall be expended*  
20 *to promulgate or implement any rule requiring a physical*  
21 *inventory of any business licensed under section 923 of title*  
22 *18, United States Code: Provided further, That no funds*  
23 *under this Act may be used to electronically retrieve infor-*  
24 *mation gathered pursuant to 18 U.S.C. 923(g)(4) by name*  
25 *or any personal identification code: Provided further, That*

1 *no funds authorized or made available under this or any*  
2 *other Act may be used to deny any application for a license*  
3 *under section 923 of title 18, United States Code, or renewal*  
4 *of such a license due to a lack of business activity, provided*  
5 *that the applicant is otherwise eligible to receive such a li-*  
6 *cence, and is eligible to report business income or to claim*  
7 *an income tax deduction for business expenses under the*  
8 *Internal Revenue Code of 1986: Provided further, That not-*  
9 *withstanding any other provision of law, home to work*  
10 *transportation currently allotted to Bureau of Alcohol, To-*  
11 *bacco, Firearms and Explosives field operations is extended*  
12 *to headquarters executive Special Agents and designees.*

13 *CONSTRUCTION*

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

20 *FEDERAL PRISON SYSTEM*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Federal Prison System*  
23 *for the administration, operation, and maintenance of Fed-*  
24 *eral penal and correctional institutions, including purchase*  
25 *(not to exceed 640, of which 605 are for replacement only)*  
26 *and hire of law enforcement and passenger motor vehicles,*

1 *and for the provision of technical assistance and advice on*  
2 *corrections related issues to foreign governments,*  
3 *\$5,151,440,000: Provided, That the Attorney General may*  
4 *transfer to the Health Resources and Services Administra-*  
5 *tion such amounts as may be necessary for direct expendi-*  
6 *tures by that Administration for medical relief for inmates*  
7 *of Federal penal and correctional institutions: Provided*  
8 *further, That the Director of the Federal Prison System,*  
9 *where necessary, may enter into contracts with a fiscal*  
10 *agent or fiscal intermediary claims processor to determine*  
11 *the amounts payable to persons who, on behalf of the Fed-*  
12 *eral Prison System, furnish health services to individuals*  
13 *committed to the custody of the Federal Prison System: Pro-*  
14 *vided further, That not to exceed \$6,000 shall be available*  
15 *for official reception and representation expenses: Provided*  
16 *further, That not to exceed \$50,000,000 shall remain avail-*  
17 *able for necessary operations until September 30, 2009:*  
18 *Provided further, That, of the amounts provided for Con-*  
19 *tract Confinement, not to exceed \$20,000,000 shall remain*  
20 *available until expended to make payments in advance for*  
21 *grants, contracts and reimbursable agreements, and other*  
22 *expenses authorized by section 501(c) of the Refugee Edu-*  
23 *cation Assistance Act of 1980 (8 U.S.C. 1522 note), for the*  
24 *care and security in the United States of Cuban and Hai-*  
25 *tian entrants: Provided further, That the Director of the*

1 *Federal Prison System may accept donated property and*  
2 *services relating to the operation of the prison card program*  
3 *from a not-for-profit entity which has operated such pro-*  
4 *gram in the past notwithstanding the fact that such not-*  
5 *for-profit entity furnishes services under contracts to the*  
6 *Federal Prison System relating to the operation of pre-re-*  
7 *lease services, halfway houses, or other custodial facilities.*

8 *BUILDINGS AND FACILITIES*

9 *For planning, acquisition of sites and construction of*  
10 *new facilities; purchase and acquisition of facilities and re-*  
11 *modeling, and equipping of such facilities for penal and*  
12 *correctional use, including all necessary expenses incident*  
13 *thereto, by contract or force account; and constructing, re-*  
14 *modeling, and equipping necessary buildings and facilities*  
15 *at existing penal and correctional institutions, including*  
16 *all necessary expenses incident thereto, by contract or force*  
17 *account, \$495,000,000, to remain available until expended,*  
18 *of which not to exceed \$14,000,000 shall be available to con-*  
19 *struct areas for inmate work programs: Provided, That*  
20 *labor of United States prisoners may be used for work per-*  
21 *formed under this appropriation.*

22 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

23 *The Federal Prison Industries, Incorporated, is hereby*  
24 *authorized to make such expenditures, within the limits of*  
25 *funds and borrowing authority available, and in accord*



1 *with the law, and to make such contracts and commitments,*  
2 *without regard to fiscal year limitations as provided by sec-*  
3 *tion 9104 of title 31, United States Code, as may be nec-*  
4 *essary in carrying out the program set forth in the budget*  
5 *for the current fiscal year for such corporation, including*  
6 *purchase (not to exceed five for replacement only) and hire*  
7 *of passenger motor vehicles.*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*  
9 *PRISON INDUSTRIES, INCORPORATED*

10 *Not to exceed \$2,477,000 of the funds of the Federal*  
11 *Prison Industries, Incorporated shall be available for its ad-*  
12 *ministrative expenses, and for services as authorized by sec-*  
13 *tion 3109 of title 5, United States Code, to be computed*  
14 *on an accrual basis to be determined in accordance with*  
15 *the corporation's current prescribed accounting system, and*  
16 *such amounts shall be exclusive of depreciation, payment*  
17 *of claims, and expenditures which such accounting system*  
18 *requires to be capitalized or charged to cost of commodities*  
19 *acquired or produced, including selling and shipping ex-*  
20 *penses, and expenses in connection with acquisition, con-*  
21 *struction, operation, maintenance, improvement, protec-*  
22 *tion, or disposition of facilities and other property belong-*  
23 *ing to the corporation or in which it has an interest.*

1                    *OFFICE ON VIOLENCE AGAINST WOMEN*  
2                    *VIOLENCE AGAINST WOMEN PREVENTION AND*  
3                    *PROSECUTION PROGRAMS*

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

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

3           (2) \$186,500,000 is for grants to combat violence  
4           and violent crimes against women, as authorized by  
5           part T of the 1968 Act, of which—

6                 (A) \$2,000,000 shall be for the National In-  
7                 stitute of Justice for research and evaluation of  
8                 violence against women; and

9                 (B) \$17,000,000 shall be for transitional  
10                housing assistance grants for victims of domestic  
11                violence, stalking, or sexual assault as authorized  
12                by section 40299(a) of the 1994 Act;

13           (3) \$55,000,000 is for grants to encourage arrest  
14           policies as authorized by part U of the 1968 Act;

15           (4) \$39,500,000 is for rural domestic violence  
16           and child abuse enforcement assistance grants, as au-  
17           thorized by section 40295 of the 1994 Act;

18           (5) \$5,500,000 is for training programs to assist  
19           probation and parole officers as authorized by section  
20           40152 of the 1994 Act, and for related local dem-  
21           onstration projects;

22           (6) \$3,900,000 is for grants to improve the stalk-  
23           ing and domestic violence databases, as authorized by  
24           section 40602 of the 1994 Act;

1           (7) \$10,000,000 to reduce violent crimes against  
2 women on campus, as authorized by section 304(a) of  
3 the 2005 Act;

4           (8) \$46,000,000 is for legal assistance for vic-  
5 tims, as authorized by section 1201(c) of the 2000  
6 Act;

7           (9) \$4,500,000 is for enhancing protection for  
8 older and disabled women from domestic violence and  
9 sexual assault, as authorized by section 40802(a) of  
10 the 1994 Act;

11           (10) \$14,500,000 is for the safe havens for chil-  
12 dren pilot program, as authorized by section 1301(a)  
13 of the 2000 Act;

14           (11) \$7,100,000 is for education and training to  
15 end violence against and abuse of women with dis-  
16 abilities, as authorized by section 1402(a) of the 2000  
17 Act;

18           (12) \$10,000,000 is for sexual assault services, as  
19 authorized by section 202 of the 2005 Act;

20           (13) \$2,000,000 is for services to advocate and  
21 respond to youth, as authorized by section 401 of the  
22 2005 Act;

23           (14) \$2,000,000 is for grants to assist children  
24 and youth exposed to violence, as authorized by sec-  
25 tion 303 of the 2005 Act;

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

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

7                           OFFICE OF JUSTICE PROGRAMS

8                                   JUSTICE ASSISTANCE

9           For grants, contracts, cooperative agreements, and  
10          other assistance authorized by title I of the Omnibus Crime  
11          Control and Safe Streets Act of 1968; the Missing Children’s  
12          Assistance Act (42 U.S.C. 5771 et seq.); including salaries  
13          and expenses in connection therewith, the Prosecutorial  
14          Remedies and Other Tools to end the Exploitation of Chil-  
15          dren Today Act of 2003 (Public Law 108–21); the Justice  
16          for All Act of 2004 (Public Law 108–405; 108 Stat. 2260);  
17          the Victims of Child Abuse Act of 1990 (Public Law 101–  
18          647; 104 Stat. 4792) (“the 1990 Act”); the Violence Against  
19          Women and Department of Justice Reauthorization Act of  
20          2005 (Public Law 109–162); and the Victims of Crime Act  
21          of 1984 (Public Law 98–473; 98 Stat. 2170), \$240,000,000,  
22          to remain available until expended: Provided, That grants  
23          under subparagraphs (1)(A) and (B) of Public Law 98–  
24          473 are issued pursuant to rules or guidelines that generally  
25          establish a publicly-announced, competitive process: Pro-

1 *vided further, That not more than \$35,000,000 of balances*  
2 *made available as a result of prior year deobligations may*  
3 *be obligated for program management and administration:*  
4 *Provided further, That any balances made available as a*  
5 *result of prior year deobligations in excess of \$35,000,000*  
6 *shall only be obligated in accordance with section 505 of*  
7 *this Act: Provided further, That amounts under this head-*  
8 *ing, or amounts transferred to and merged with this ac-*  
9 *count, for salaries and expenses are for not less than 590*  
10 *permanent positions and not less than 600 full-time equiva-*  
11 *lent workyears.*

12 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

13 *For grants, contracts, cooperative agreements, and*  
14 *other assistance authorized by the Violent Crime Control*  
15 *and Law Enforcement Act of 1994 (Public Law 103–322)*  
16  *(“the 1994 Act”); the Omnibus Crime Control and Safe*  
17 *Streets Act of 1968 (“the 1968 Act”); the Justice for All*  
18 *Act of 2004 (Public Law 108–405); the Victims of Child*  
19 *Abuse Act of 1990 (Public Law 101–647; 104 Stat. 9792)*  
20  *(“the 1990 Act”); the Trafficking Victims Protection Reau-*  
21 *thorization Act of 2005 (Public Law 109–164; 119 Stat.*  
22 *3558); the Violence Against Women and Department of Jus-*  
23 *tice Reauthorization Act of 2005 (Public Law 109–162);*  
24 *and the Victims of Trafficking and Violence Protection Act*  
25 *of 2000 (Public Law 106–386); and other programs;*

1 \$1,430,000,000 (including amounts for administrative  
2 costs, which shall be transferred to and merged with the  
3 “Justice Assistance” account): Provided, That funding pro-  
4 vided under this heading shall remain available until ex-  
5 pended, as follows—

6 (1) \$660,000,000 for the Edward Byrne Memo-  
7 rial Justice Assistance Grant Program as authorized  
8 by subpart 1 of part E of title I of the 1968 Act, as  
9 amended by section 1111 of Public Law 109–162, of  
10 which—

11 (A) \$75,000,000 for Boys and Girls Clubs  
12 in public housing facilities and other areas in  
13 cooperation with State and local law enforce-  
14 ment, as authorized by section 401 of the Eco-  
15 nomic Espionage Act of 1996 (42 U.S.C. 13751  
16 note); and

17 (B) \$5,000,000 is for a program to improve  
18 State and local law enforcement intelligence ca-  
19 pabilities including antiterrorism training and  
20 training to ensure that constitutional rights,  
21 civil liberties, civil rights, and privacy interests  
22 are protected throughout the intelligence process;

23 (2) \$420,000,000 for the State Criminal Alien  
24 Assistance Program, as authorized by section  
25 241(i)(5) of the Immigration and Nationality Act (8

1 *U.S.C. 1231(i)(5)), of which \$30,000,000 for the*  
2 *Southwest Border Prosecutor Initiative to reimburse*  
3 *State, county, parish, tribal, or municipal govern-*  
4 *ments only for costs associated with the prosecution of*  
5 *criminal cases declined by local United States Attor-*  
6 *neys offices, and of which \$20,000,000 for a Northern*  
7 *Border Prosecutor Initiative to reimburse State, coun-*  
8 *ty, parish, tribal, or municipal governments only for*  
9 *costs associated with the prosecution of criminal cases*  
10 *declined by local United States Attorneys offices, sub-*  
11 *ject to section 505 of this Act; and the amount appro-*  
12 *propriated in this title under the heading “GENERAL AD-*  
13 *MINISTRATION” is reduced by \$20,000,000.*

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

17 *(4) \$15,000,000 for victim services programs for*  
18 *victims of trafficking, as authorized by section*  
19 *107(b)(2) of Public Law 106–386;*

20 *(5) \$40,000,000 for Drug Courts, as authorized*  
21 *by section 1001(25)(A) of title I of the 1968 Act: Pro-*  
22 *vided, That of the unobligated balances available to*  
23 *the Department of Justice (except for amounts made*  
24 *available for Drug Courts, as authorized by section*  
25 *1001(25)(A) of title I of the 1968 Act), \$15,000,000*



1     *are rescinded: Provided further, That within 30 days*  
2     *after the enactment of this Act the Attorney General*  
3     *shall submit to the Committee on Appropriations of*  
4     *the House of Representatives and the Senate a report*  
5     *specifying the amount of each rescission made pursu-*  
6     *ant to this section;*

7             (6) \$10,000,000 for grants for residential sub-  
8     *stance abuse treatment for State prisoners, as author-*  
9     *ized by part S of the 1968 Act;*

10            (7) \$25,000,000 for the Capital Litigation Im-  
11     *provement Grant Program as authorized by sections*  
12     *421, 422, and 426 of Public Law 108–405, to be*  
13     *equally divided between the Capital Prosecution Im-*  
14     *provement Grants and Capital Representation Im-*  
15     *provement Grants;*

16            (8) \$10,000,000 for mental health courts and  
17     *adult and juvenile collaboration program grants, as*  
18     *authorized by parts V and HH of title I of the 1968*  
19     *Act;*

20            (9) \$2,000,000 for the National Sex Offender  
21     *Public Registry;*

22            (10) \$1,000,000 for the Missing Alzheimer’s Dis-  
23     *ease Patient Alert Program, as authorized by section*  
24     *240001(c) of Public Law 106–386;*

1           (11) \$28,000,000 for assistance to Indian tribes,  
2       of which—

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

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

8           (C) \$5,000,000 shall be available for dem-  
9       onstrations projects on alcohol and crime in In-  
10      dian County;

11          (12) \$5,000,000 for prison rape prevention and  
12      prosecution programs, as authorized by the Prison  
13      Rape Elimination Act of 2003 (Public Law 108–79);

14          (13) \$15,000,000 is for the court appointed advo-  
15      cate program, as authorized by section 217 of the  
16      1990 Act;

17          (14) \$4,000,000 is for child abuse training pro-  
18      grams for judicial personnel and practitioners, as au-  
19      thorized by section 222 of the 1990 Act; and

20          (15) \$5,000,000 for prescription drug monitoring  
21      program:

22      *Provided further, That, if a unit of local government uses*  
23      *any of the funds made available under this title to increase*  
24      *the number of law enforcement officers, the unit of local gov-*  
25      *ernment shall achieve a net gain in the number of law en-*

1 *forcement officers who perform nonadministrative public*  
2 *safety service.*

3 *WEED AND SEED PROGRAM FUND*

4 *For necessary expenses, including salaries and related*  
5 *expenses of the Executive Office for Weed and Seed, to im-*  
6 *plement “Weed and Seed” program activities, \$50,000,000,*  
7 *to remain available until September 30, 2008, for inter-*  
8 *governmental agreements, including grants, cooperative*  
9 *agreements, and contracts, with State and local law enforce-*  
10 *ment agencies, nonprofit organizations, and agencies of*  
11 *local government engaged in the investigation and prosecu-*  
12 *tion of violent and gang-related crimes and drug offenses*  
13 *in “Weed and Seed” designated communities, and for either*  
14 *reimbursements or transfers to appropriation accounts of*  
15 *the Department of Justice and other Federal agencies which*  
16 *shall be specified by the Attorney General to execute the*  
17 *“Weed and Seed” program strategy: Provided, That funds*  
18 *designated by Congress through language for other Depart-*  
19 *ment of Justice appropriation accounts for “Weed and*  
20 *Seed” program activities shall be managed and executed by*  
21 *the Attorney General through the Executive Office for Weed*  
22 *and Seed: Provided further, That the Attorney General may*  
23 *direct the use of other Department of Justice funds and per-*  
24 *sonnel in support of “Weed and Seed” program activities*  
25 *only after the Attorney General notifies the Senate Com-*

1 *mittee on Appropriations in accordance with section 505*  
2 *of this Act: Provided further, That of the funds appro-*  
3 *priated for the Executive Office for Weed and Seed, not to*  
4 *exceed \$2,000,000 shall be directed for comprehensive com-*  
5 *munity development training and technical assistance.*

6 *COMMUNITY ORIENTED POLICING SERVICES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For activities authorized by the Violent Crime Control*  
9 *and Law Enforcement Act of 1994 (Public Law 103–322)*  
10 *(including administrative costs), the Omnibus Crime Con-*  
11 *trol and Safe Streets Act of 1968 (“the 1968 Act”), the Jus-*  
12 *tice for All Act of 2004 (Public Law 108–405), the Violence*  
13 *Against Women and Department of Justice Reauthorization*  
14 *Act of 2005 (Public Law 109–162), the USA PATRIOT Im-*  
15 *provement and Reauthorization Act (Public Law 109–177;*  
16 *120 Stat. 192) (including administrative costs), the Pros-*  
17 *ecutorial Remedies and Other Tools to End the Exploitation*  
18 *of Children Today Act of 2003 (Public Law 108–21),*  
19 *\$660,000,000, to remain available until expended: Pro-*  
20 *vided, That of the funds under this heading, not to exceed*  
21 *\$2,575,000 shall be available for the Office of Justice Pro-*  
22 *grams for any and all reimbursable services, functions and*  
23 *activities associated with programs administered by the Of-*  
24 *fice of Community Oriented Policing Services including ac-*  
25 *tivities authorized by sections 1158 and 1159 of Public Law*

1 109–162: *Provided further, That section 1703(b) and (c) of*  
2 *the 1968 Act shall not apply to non-hiring grants made*  
3 *pursuant to part Q of title I (42 U.S.C. 3796dd et seq.):*  
4 *Provided further, That the \$15,000,000 provided to the Na-*  
5 *tional Institute of Standards and Technology’s Office of*  
6 *Law Enforcement Standards under this section shall be*  
7 *transferred directly to the National Institute of Standards*  
8 *and Technology’s Office of Law Enforcement Standards*  
9 *from the Community Oriented Policing Services Office:*  
10 *Provided further, That the Attorney General shall waive in*  
11 *whole the matching requirement under section 1701(g) of*  
12 *the Omnibus Crime Control and Safe Streets Act of 1968*  
13 *(42 U.S.C. 3796dd(g)) for any grant recipient located in*  
14 *a county or parish in which the President declared a major*  
15 *disaster (as that term is defined in section 102 of the Robert*  
16 *T. Stafford Disaster Relief and Emergency Assistance Act*  
17 *(42 U.S.C. 5122)) in response to Hurricane Katrina of*  
18 *2005 or Hurricane Rita of 2005: Provided further, That*  
19 *of the amounts provided—*

20           (1) *\$25,000,000 is for the matching grant pro-*  
21 *gram for law enforcement armor vests as authorized*  
22 *by section 2501 of part Y of the 1968 Act;*

23           (2) *\$80,000,000 is for policing initiatives to*  
24 *combat illegal methamphetamine production, sale and*

1        *use in “drug hot spots” as authorized by section 754*  
2        *of Public Law 109–177;*

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

5            (4) *\$5,000,000 is for grants to upgrade criminal*  
6        *records, as authorized under the Crime Identification*  
7        *Technology Act of 1998 (42 U.S.C. 14601);*

8            (5) *\$10,000,000 is for an offender re-entry pro-*  
9        *gram;*

10           (6) *\$169,000,000 is for DNA analysis and capac-*  
11        *ity enhancement program, and for other State, local*  
12        *and Federal forensic activities, of which—*

13                (A) *\$151,000,000 for the Debbie Smith DNA*  
14        *Backlog Grants as authorized by Public Law*  
15        *108–405 section 202;*

16                (B) *\$5,000,000 for the Kirk Bloodsworth*  
17        *Post-Conviction DNA Testing Grant Program as*  
18        *authorized by Public Law 108–405 section 412*  
19        *and section 413;*

20                (C) *\$6,000,000 for DNA Training and Edu-*  
21        *cation for Law Enforcement, Correctional Per-*  
22        *sonnel, and Court Officers as authorized by Pub-*  
23        *lic Law 108–405 section 303;*

1           (D) \$5,000,000 for DNA Research and De-  
2           velopment as authorized by Public Law 108–405  
3           section 305;

4           (E) \$2,000,000 for the DNA Identification  
5           of Missing Persons as authorized by Public Law  
6           108–405 section 308;

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

10          (8) \$6,000,000 is for training and technical as-  
11          sistance;

12          (9) \$40,000,000 is for Paul Coverdell Forensic  
13          Sciences Improvement Grants under part BB of title  
14          I of the 1968 Act (42 U.S.C. 3797j et seq.);

15          (10) \$5,000,000 is for the National District At-  
16          torneys Association to conduct prosecutorial training  
17          by the National Advocacy Center;

18          (11) \$55,000,000 is for a national grant pro-  
19          gram to arrest and prosecute child predators as au-  
20          thorized by section 1701(d) of part Q of title I of the  
21          1968 Act as amended by section 341 of Public Law  
22          108–21;

23          (12) \$110,000,000 is for grants under section  
24          1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for  
25          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) not to exceed \$11,000,000 is for program*  
4       *management and administration.*

5                               *JUVENILE JUSTICE PROGRAMS*

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

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

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

23               *(3) \$76,500,000 is for demonstration projects, as*  
24       *authorized by sections 261 and 262 of the 1974 Act;*



1           (4) \$5,000,000 is for juvenile mentoring pro-  
2           grams;

3           (5) \$65,000,000 is for delinquency prevention, as  
4           authorized by section 505 of the 1974 Act, of which—

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

7                   (B) \$25,000,000 shall be for grants of  
8           \$360,000 to each State and \$6,640,000 shall be  
9           available for discretionary grants to States, for  
10          programs and activities to enforce State laws  
11          prohibiting the sale of alcoholic beverages to mi-  
12          nors or the purchase or consumption of alcoholic  
13          beverages by minors, prevention and reduction of  
14          consumption of alcoholic beverages by minors,  
15          and for technical assistance and training;

16          (6) \$10,000,000 is for the Secure Our Schools  
17          Act as authorized by part AA of the 1968 Act;

18          (7) \$20,000,000 for programs authorized by the  
19          Victims of Child Abuse Act of 1990;

20          (8) \$80,000,000 for the Juvenile Accountability  
21          Block Grants program as authorized by part R of the  
22          1968 Act and Guam shall be considered a State for  
23          the purpose of that program; and

24          (9) \$10,000,000 shall be for gang resistance edu-  
25          cation and training and programs:

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

9 *PUBLIC SAFETY OFFICERS BENEFITS*

10 *For payments and expenses authorized by part L of*  
11 *title I of the Omnibus Crime Control and Safe Streets Act*  
12 *of 1968 (42 U.S.C. 3796), such sums as are necessary, as*  
13 *authorized by section 6093 of Public Law 100–690 (102*  
14 *Stat. 4339–4340) (including amounts for administrative*  
15 *costs, which amounts shall be paid to the “Justice Assist-*  
16 *ance” account), to remain available until expended; and*  
17 *\$5,000,000 for payments authorized by section 1201(b) of*  
18 *such Act; and \$4,100,000 for educational assistance, as au-*  
19 *thorized by section 1212 of such Act: Provided, That, here-*  
20 *after, funds available to conduct appeals under section*  
21 *1205(c) of the 1968 Act, which includes all claims proc-*  
22 *essing, shall be available also for the same under subpart*  
23 *2 of such part L and under any statute authorizing pay-*  
24 *ment of benefits described under subpart 1 thereof, and for*  
25 *appeals from final decisions of the Bureau (under such part*  
26 *or any such statute) to the Court of Appeals for the Federal*

1 *Circuit, which shall have exclusive jurisdiction thereof (in-*  
2 *cluding those pending), and for expenses of representation*  
3 *of hearing examiners (who shall be presumed irrebuttably*  
4 *to enjoy quasi-judicial immunity in the discharge of their*  
5 *duties under such part or any such statute) in connection*  
6 *with litigation against them arising from such discharge.*

7 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

8 *SEC. 201. None of the funds appropriated by this title*  
9 *shall be available to pay for an abortion, except where the*  
10 *life of the mother would be endangered if the fetus were car-*  
11 *ried to term, or in the case of rape: Provided, That should*  
12 *this prohibition be declared unconstitutional by a court of*  
13 *competent jurisdiction, this section shall be null and void.*

14 *SEC. 202. None of the funds appropriated under this*  
15 *title shall be used to require any person to perform, or fa-*  
16 *cilitate in any way the performance of, any abortion.*

17 *SEC. 203. Nothing in the preceding section shall re-*  
18 *move the obligation of the Director of the Bureau of Prisons*  
19 *to provide escort services necessary for a female inmate to*  
20 *receive such service outside the Federal facility: Provided,*  
21 *That nothing in this section in any way diminishes the*  
22 *effect of section 202 intended to address the philosophical*  
23 *beliefs of individual employees of the Bureau of Prisons.*

24 *SEC. 204. Not to exceed 5 percent of any appropriation*  
25 *made available for the current fiscal year for the Depart-*

1 *ment of Justice in this Act may be transferred between such*  
2 *appropriations, but no such appropriation, except as other-*  
3 *wise specifically provided, shall be increased by more than*  
4 *10 percent by any such transfers: Provided, That any trans-*  
5 *fer pursuant to this section shall be treated as a reprogram-*  
6 *ming of funds under section 505 of this Act and shall not*  
7 *be available for obligation except in compliance with the*  
8 *procedures set forth in that section: Provided further, That*  
9 *none of the funds appropriated to “Buildings and Facili-*  
10 *ties, Federal Prison System” in this or any other Act may*  
11 *be transferred to “Salaries and Expenses, Federal Prison*  
12 *System”, or any other Department of Justice account, un-*  
13 *less the President certifies that such a transfer is necessary*  
14 *to the national security interests of the United States, and*  
15 *such authority shall not be delegated, and shall be subject*  
16 *to section 505 of this Act.*

17       *SEC. 205. The Attorney General is authorized to extend*  
18 *through September 30, 2009, the Personnel Management*  
19 *Demonstration Project transferred to the Attorney General*  
20 *pursuant to section 1115 of the Homeland Security Act of*  
21 *2002, Public Law 107–296 (6 U.S.C. 533) without limita-*  
22 *tion on the number of employees or the positions covered.*

23       *SEC. 206. Notwithstanding any other provision of law,*  
24 *Public Law 102–395 section 102(b) shall extend to the Bu-*  
25 *reau of Alcohol, Tobacco, Firearms and Explosives in the*

1 *conduct of undercover investigative operations and shall*  
2 *apply without fiscal year limitation with respect to any*  
3 *undercover investigative operation initiated by the Bureau*  
4 *of Alcohol, Tobacco, Firearms and Explosives that is nec-*  
5 *essary for the detection and prosecution of crimes against*  
6 *the United States.*

7       *SEC. 207. None of the funds made available to the De-*  
8 *partment of Justice in this Act may be used for the purpose*  
9 *of transporting an individual who is a prisoner pursuant*  
10 *to conviction for crime under State or Federal law and is*  
11 *classified as a maximum or high security prisoner, other*  
12 *than to a prison or other facility certified by the Federal*  
13 *Bureau of Prisons as appropriately secure for housing such*  
14 *a prisoner.*

15       *SEC. 208. (a) None of the funds appropriated by this*  
16 *Act may be used by Federal prisons to purchase cable tele-*  
17 *vision services, to rent or purchase videocassettes, video-*  
18 *cassette recorders, or other audiovisual or electronic equip-*  
19 *ment used primarily for recreational purposes.*

20       *(b) Subsection (a) shall not preclude the renting,*  
21 *maintenance, or purchase of audiovisual or electronic*  
22 *equipment for inmate training, religious, or educational*  
23 *programs.*

24       *SEC. 209. Any deviation from the amounts designated*  
25 *for specific activities in this Act and accompanying report,*

1 *or any use of deobligated balances of funds provided under*  
2 *this title in previous years, shall be subject to the procedures*  
3 *set forth in section 505 of this Act.*

4 *SEC. 210. Section 112 of title I as contained in divi-*  
5 *sion B of the Consolidated Appropriations Act, 2004 (Pub-*  
6 *lic Law 108–199) is amended as follows:*

7 *(1) by inserting in paragraph (a)(2)(A) “the*  
8 *Commissioner of Health & Social Services for Alaska,*  
9 *a representative of an Alaska Native healthcare pro-*  
10 *vider” after “Village Public Safety Officer pro-*  
11 *grams,”;*

12 *(2) by inserting in paragraph (a)(2)(A) “and a*  
13 *non-voting judge” after “non-voting representative”;*  
14 *and*

15 *(3) by inserting in paragraph (a)(2)(A) “The*  
16 *Chief Justice of the Alaska Supreme Court may ap-*  
17 *point a non-voting representative of the Alaska Su-*  
18 *preme Court to provide technical support.” at the end*  
19 *of the paragraph.*

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

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

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

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

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

3           SEC. 212. (a) Section 1930(a) of title 28, United States  
4 Code, is amended in paragraph (6) by striking everything  
5 after “whichever occurs first.” and inserting in lieu thereof:  
6 “The fee shall be \$325 for each quarter in which disburse-  
7 ments total less than \$15,000; \$650 for each quarter in  
8 which disbursements total \$15,000 or more but less than  
9 \$75,000; \$975 for each quarter in which disbursements total  
10 \$75,000 or more but less than \$150,000; \$1,625 for each  
11 quarter in which disbursements total \$150,000 or more but  
12 less than \$225,000; \$1,950 for each quarter in which dis-  
13 bursements total \$225,000 or more but less than \$300,000;  
14 \$4,875 for each quarter in which disbursements total  
15 \$300,000 or more but less than \$1,000,000; \$6,500 for each  
16 quarter in which disbursements total \$1,000,000 or more  
17 but less than \$2,000,000; \$9,750 for each quarter in which  
18 disbursements total \$2,000,000 or more but less than  
19 \$3,000,000; \$10,400 for each quarter in which disburse-  
20 ments total \$3,000,000 or more but less than \$5,000,000;  
21 \$13,000 for each quarter in which disbursements total  
22 \$5,000,000 or more but less than \$15,000,000; \$20,000 for  
23 each quarter in which disbursements total \$15,000,000 or  
24 more but less than \$30,000,000; \$30,000 for each quarter  
25 in which disbursements total more than \$30,000,000. The

1 *fee shall be payable on the last day of the calendar month*  
2 *following the calendar quarter for which the fee is owed.”.*

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

6 *SEC. 213. Notwithstanding any other provision of law,*  
7 *during fiscal year 2008, Federal reimbursement to the Dis-*  
8 *trict of Columbia for felons newly sentenced by the District*  
9 *of Columbia Superior Court shall commence no later than*  
10 *the date of sentencing for such felons; and Federal reim-*  
11 *bursement to the District of Columbia for recommitted Dis-*  
12 *trict of Columbia parolees shall commence no later than the*  
13 *date of the commitment of such parolees to prison: Provided,*  
14 *That no more than \$8,000,000 shall be made available for*  
15 *such reimbursements from funds made available in this Act.*

16 *SEC. 214. Notwithstanding any other provision of law,*  
17 *no funds shall be available for the salary, benefits, or ex-*  
18 *penses of any United States Attorney assigned dual or addi-*  
19 *tional responsibilities by the Attorney General or his des-*  
20 *ignee that exempt that United States Attorney from the*  
21 *residency requirements of 28 U.S.C. 545.*

22 *SEC. 215. Of the funds appropriated in this Act for*  
23 *the Federal Bureau of Investigation’s Sentinel program,*  
24 *\$25,000,000 shall not be available for obligation until 60*  
25 *days after the Committees on Appropriations receive from*



1 *the Federal Bureau of Investigation a report on the results*  
2 *of a completed integrated baseline review for that program:*  
3 *Provided, That the report shall be submitted simultaneously*  
4 *to the Government Accountability Office: Provided further,*  
5 *That the Government Accountability Office shall review the*  
6 *Bureau's performance measurement baseline for the Sen-*  
7 *tinel program and shall submit its findings to the Commit-*  
8 *tees on Appropriations of the Senate and House of Rep-*  
9 *resentatives within 60 days of its receipt of the report.*

10       *SEC. 216. None of the funds appropriated in this or*  
11 *any other Act shall be obligated for the initiation of a future*  
12 *phase or increment of the Federal Bureau of Investigation's*  
13 *Sentinel program until the Attorney General certifies to the*  
14 *Committees on Appropriations that existing phases or in-*  
15 *crements currently under contract for development or field-*  
16 *ing have completed 70 percent of the work for that phase*  
17 *or increment under the performance measurement baseline*  
18 *validated by the integrated baseline review referred to in*  
19 *section 215 of this Act: Provided, That this restriction does*  
20 *not apply to planning and design activities for future*  
21 *phases or increments: Provided further, That the Bureau*  
22 *will notify the Committees of any significant changes to the*  
23 *baseline.*

24       *SEC. 217. Notwithstanding any other provision of this*  
25 *title—*

1           (1) *the amount appropriated under the heading*  
2           *“JUSTICE INFORMATION SHARING TECHNOLOGY”*  
3           *under the heading “GENERAL ADMINISTRATION”*  
4           *under this title is reduced by \$5,000,000;*

5           (2) *the amount appropriated under the heading*  
6           *“JUVENILE JUSTICE PROGRAMS” under the heading*  
7           *“OFFICE OF JUSTICE PROGRAMS” under this title is*  
8           *increased by \$5,000,000; and*

9           (3) *of the amount appropriated under the head-*  
10          *ing “JUVENILE JUSTICE PROGRAMS” under the head-*  
11          *ing “OFFICE OF JUSTICE PROGRAMS” under this*  
12          *title, \$10,000,000 is for juvenile mentoring programs.*  
13          *SEC. 218. Notwithstanding any other provision of this*  
14          *title—*

15          (1) *the amount appropriated in this title under*  
16          *the heading “GENERAL ADMINISTRATION” is reduced*  
17          *by \$10,000,000;*

18          (2) *the amount appropriated in this title under*  
19          *the heading “VIOLENCE AGAINST WOMEN PREVENTION*  
20          *AND PROSECUTION PROGRAMS” under the heading*  
21          *“OFFICE ON VIOLENCE AGAINST WOMEN” is in-*  
22          *creased by \$10,000,000; and*

23          (3) *of the amount appropriated in this title*  
24          *under the heading “VIOLENCE AGAINST WOMEN PRE-*

1       VENTION AND PROSECUTION PROGRAMS” under the  
2       heading “OFFICE ON VIOLENCE AGAINST WOMEN”—

3               (A) \$60,000,000 is for grants to encourage  
4       arrest policies, as authorized by part U of the  
5       Omnibus Crime Control and Safe Streets Act of  
6       1968 (42 U.S.C. 3796hh et seq.);

7               (B) \$4,000,000 is for engaging men and  
8       youth in prevention programs, as authorized by  
9       section 41305 of the Violence Against Women Act  
10      of 1994 (42 U.S.C. 14043d-4); and

11              (C) \$1,000,000 is for the National Resource  
12      Center on Workplace Responses to assist victims  
13      of domestic violence, as authorized by section  
14      41501 of the Violence Against Women Act of  
15      1994 (42 U.S.C. 14043f).

16      SEC. 219. (a) The Attorney General shall submit quar-  
17      terly reports to the Inspector General of the Department of  
18      Justice regarding the costs and contracting procedures re-  
19      lating to each conference held by the Department of Justice  
20      during fiscal year 2008 for which the cost to the Govern-  
21      ment was more than \$20,000.

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

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

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

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

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

7           *and*

8                   (C) *a discussion of the methodology used to*  
9           *determine which costs relate to that conference;*

10          *and*

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

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

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

18          *SEC. 220. LIMITATIONS ON FUNDING FOR CERTAIN*  
19          *CONFERENCES. Notwithstanding any other provision of this*  
20          *Act, not more than \$15,000,000 of all funds made available*  
21          *to the Department of Justice under this Act, may be avail-*  
22          *able for any expenses related to conferences, including for*  
23          *conference programs, travel costs, and related expenses. No*  
24          *funds appropriated under this Act may be used to support*  
25          *a conference sponsored by any organization named as an*

1 *unindicted co-conspirator by the Government in any crimi-*  
2 *nal prosecution.*

3       *SEC. 221. DEPUTY UNITED STATES MARSHALS. (a)*  
4 *INCREASE POSITIONS.—In each of the fiscal years 2008*  
5 *through 2012, the Attorney General, subject to the avail-*  
6 *ability of appropriations, may increase by not less than 50*  
7 *the number of positions for full-time active duty Deputy*  
8 *United States Marshals assigned to work on immigration-*  
9 *related matters, including transporting prisoners and work-*  
10 *ing in Federal courthouses.*

11       *(b) AUTHORIZATION OF APPROPRIATIONS.—There are*  
12 *authorized to be appropriated to the Attorney General such*  
13 *sums as may be necessary for each of the fiscal years 2008*  
14 *through 2012 to carry out subsection (a).*

15       *SEC. 222. ANNUAL REPORT ON DELAYED BACK-*  
16 *GROUND CHECKS. (a) IN GENERAL.—Not later than 60*  
17 *days after the end of each fiscal year, the Director of the*  
18 *Federal Bureau of Investigation shall submit a report to*  
19 *the congressional committees listed in subsection (b) that*  
20 *contains, with respect to the most recently completed fiscal*  
21 *year—*

22               *(1) a statistical analysis of the number of back-*  
23               *ground checks processed and pending, including check*  
24               *requests in process at the time of the report and check*

1       *requests that have been received but are not yet in*  
2       *process;*

3             (2) *the average time taken to complete each type*  
4       *of background check;*

5             (3) *a description of the efforts and progress made*  
6       *by the Director in addressing any delays in com-*  
7       *pleting such background checks; and*

8             (4) *a description of the progress that has been*  
9       *made in automating files used in the name check*  
10       *process, including investigative files of the Federal*  
11       *Bureau of Investigation.*

12       (b) *RECIPIENTS.—The congressional committees listed*  
13       *in this subsection are—*

14             (1) *the Committee on the Judiciary of the Sen-*  
15       *ate;*

16             (2) *the Committee on Homeland Security and*  
17       *Governmental Affairs of the Senate;*

18             (3) *the Committee on the Judiciary of the House*  
19       *of Representatives; and*

20             (4) *the Committee on Homeland Security of the*  
21       *House of Representatives.*

22       *SEC. 223. Notwithstanding any other provision of law,*  
23       *a public or private institution of higher education may offer*  
24       *or provide an officer or employee of any branch of the*  
25       *United States Government or of the District of Columbia,*

1 *who is a current or former student of such institution, fi-*  
2 *nancial assistance for the purpose of repaying a student*  
3 *loan or forbearance of student loan repayment, and an offi-*  
4 *cer or employee of any branch of the United States Govern-*  
5 *ment or of the District of Columbia may seek or receive*  
6 *such assistance or forbearance.*

7       *SEC. 224. Of the unobligated balances made available*  
8 *for the Department of Justice in prior fiscal years,*  
9 *\$15,000,000 are rescinded: Provided, That within 30 days*  
10 *after the date of the enactment of this section the Attorney*  
11 *General shall submit to the Committee on Appropriations*  
12 *of the House of Representatives and the Senate a report*  
13 *specifying the amount of each rescission made pursuant to*  
14 *this section.*

15       *SEC. 225. FEDERAL BUREAU OF INVESTIGATION*  
16 *ANALYSIS OF DNA SAMPLES. (a) IN GENERAL.—The*  
17 *amount appropriated under the heading “SALARIES AND*  
18 *EXPENSES ” under the heading “FEDERAL BUREAU OF IN-*  
19 *VESTIGATION” under this title is increased by \$23,000,000,*  
20 *which shall be used for personnel, equipment, build-out/ac-*  
21 *quisition of space, and other resources to be used for the*  
22 *analysis of DNA samples.*

23       *(b) REDUCTIONS.—Notwithstanding any other provi-*  
24 *sion of this Act, the amount appropriated for the Advanced*  
25 *Technology Program under the heading “INDUSTRIAL*

1 *TECHNOLOGY SERVICES* ” under the heading “*NATIONAL IN-*  
2 *STITUTE OF STANDARDS AND TECHNOLOGY*” under title I  
3 *of this Act is reduced by \$23,000,000.*

4 *SEC. 226. The Attorney General shall make available*  
5 *\$10,000,000 from the Department of Justice Working Cap-*  
6 *ital Fund to incrementally expand Operation Streamline*  
7 *across the entire southwest border of the United States, be-*  
8 *ginning with the border sector that had the highest rate of*  
9 *illegal entries during the most recent 12-month period.*

10 *SEC. 227. ADDITIONAL PROSECUTORS FOR OFFENSES*  
11 *RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.*

12 *(a) IN GENERAL.—The amount appropriated under the*  
13 *heading “SALARIES AND EXPENSES” under the heading*  
14 *“UNITED STATES ATTORNEYS” under this title is increased*  
15 *by \$30,000,000, which shall be used for salaries and ex-*  
16 *penses for hiring 200 additional assistant United States at-*  
17 *torneys to carry out section 704 of the Adam Walsh Child*  
18 *Protection and Safety Act of 2006 (Public Law 109–248;*  
19 *120 Stat. 649) concerning the prosecution of offenses relat-*  
20 *ing to the sexual exploitation of children.*

21 *(b) REDUCTIONS.—Notwithstanding any other provi-*  
22 *sion of this Act, the amount appropriated under the heading*  
23 *“PROCUREMENT, ACQUISITION AND CONSTRUCTION” under*  
24 *the heading “NATIONAL OCEANIC AND ATMOSPHERIC AD-*



1 *MINISTRATION*” under title I of this Act is reduced by  
2 \$30,000,000.

3 *SEC. 228. NATIVE AMERICAN METHAMPHETAMINE EN-*  
4 *FORCEMENT AND TREATMENT ACT OF 2007. (a) SHORT*  
5 *TITLE.—This section may be cited as the “Native American*  
6 *Methamphetamine Enforcement and Treatment Act of*  
7 *2007”.*

8 *(b) NATIVE AMERICAN PARTICIPATION IN METH-*  
9 *AMPHETAMINE GRANTS.—*

10 *(1) IN GENERAL.—Section 2996(a) of the Omni-*  
11 *bus Crime Control and Safe Streets Act of 1968 (42*  
12 *U.S.C. 3797cc(a)) is amended—*

13 *(A) in paragraph (1)—*

14 *(i) in the matter preceding subpara-*  
15 *graph (A), by inserting “, territories, and*  
16 *Indian tribes (as defined in section 2704)”*  
17 *after “to assist States”; and*

18 *(ii) in subparagraph (B), by striking*  
19 *“and local” and inserting “, territorial,*  
20 *Tribal, and local”;*

21 *(B) in paragraph (2), by inserting “, terri-*  
22 *ories, and Indian tribes” after “make grants to*  
23 *States”;*

24 *(C) in paragraph (3)(C), by inserting “,*  
25 *Tribal,” after “support State”; and*

1           (D) by adding at the end the following:

2           “(4) *EFFECT OF SUBSECTION.*—Nothing in this  
3 subsection, or in the award or denial of any grant  
4 pursuant to this subsection—

5           “(A) allows grants authorized under para-  
6 graph (3)(A) to be made to, or used by, an entity  
7 for law enforcement activities that the entity  
8 lacks jurisdiction to perform; or

9           “(B) has any effect other than to authorize,  
10 award, or deny a grant of funds to a State, ter-  
11 ritory, or Indian tribe for the purpose described  
12 in this subsection.”.

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

21           (3) *GRANT PROGRAMS TO ADDRESS METH-*  
22 *AMPHETAMINE USE BY PREGNANT AND PARENTING*  
23 *WOMEN OFFENDERS.*—Section 756 of the *USA PA-*  
24 *TRIBUT Improvement and Reauthorization Act of*  
25 *2005* (42 *U.S.C. 3797cc–3*) is amended—

1           (A) in subsection (a)(2), by inserting “, ter-  
2           ritorial, or Tribal” after “State”;

3           (B) in subsection (b)—

4                 (i) in paragraph (1)—

5                         (I) by inserting “, territorial, or  
6                         Tribal” after “State”; and

7                         (II) by striking “and/or” and in-  
8                         serting “or”;

9                 (ii) in paragraph (2)—

10                         (I) by inserting “, territory, In-  
11                         dian tribe,” after “agency of the  
12                         State”; and

13                         (II) by inserting “, territory, In-  
14                         dian tribe,” after “criminal laws of  
15                         that State”; and

16                 (iii) by adding at the end the fol-  
17                 lowing:

18                 “(C) INDIAN TRIBE.—The term ‘Indian  
19                 tribe’ has the meaning given the term in section  
20                 2704 of the Omnibus Crime Control and Safe  
21                 Streets Act of 1968 (42 U.S.C. 3797d).”;

22           (C) in subsection (c)—

23                 (i) in paragraph (3), by striking “In-  
24                 dian Tribes” and inserting “Indian tribes”;  
25                 and

- 1                   (ii) in paragraph (4)—  
 2                   (I) in the matter preceding sub-  
 3                   paragraph (A)—  
 4                   (aa) by striking “State’s”;  
 5                   and  
 6                   (bb) by striking “and/or”  
 7                   and inserting “or”;  
 8                   (II) in subparagraph (A), by  
 9                   striking “State”;  
 10                  (III) in subparagraph (C), by in-  
 11                  serting “, Indian tribes,” after “in-  
 12                  volved counties”; and  
 13                  (IV) in subparagraph (D), by in-  
 14                  serting “, Tribal” after “Federal,  
 15                  State”.

16           *This title may be cited as the “Department of Justice*  
 17 *Appropriations Act, 2008”.*

18                                   *TITLE III*

19                                   *SCIENCE*

20                   *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

21           *For necessary expenses of the Office of Science and*  
 22 *Technology Policy, in carrying out the purposes of the Na-*  
 23 *tional Science and Technology Policy, Organization, and*  
 24 *Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of pas-*  
 25 *senger motor vehicles, and services as authorized by 5*

1 *U.S.C. 3109, not to exceed \$2,500 for official reception and*  
2 *representation expenses, and rental of conference rooms in*  
3 *the District of Columbia, \$5,715,000.*

4 *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*

5 *SCIENCE, AERONAUTICS AND EXPLORATION*

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

1 shall be reduced by \$70,000,000 in corporate and general  
2 administrative expenses and the reduction shall be applied  
3 proportionally to each amount therein: Provided further,  
4 That within the amounts provided under this heading,  
5 management and operations of National Aeronautics and  
6 Atmospheric Administration centers shall not exceed  
7 \$1,150,800,000; corporate general and administrative costs  
8 shall not exceed \$345,000,000; and institutional invest-  
9 ments, including planning, design, maintenance, repair, re-  
10 habilitation and modification of existing facilities, con-  
11 struction of new facilities, acquisition and condemnation  
12 of real property as authorized by law, and environmental  
13 compliance and restoration shall not exceed \$195,500,000:  
14 Provided further, That funds provided under this heading  
15 shall be available only according to the terms and condi-  
16 tions specified in the committee report of the Senate accom-  
17 panying this Act: Provided further, That of the amounts  
18 appropriated or otherwise made available under this head-  
19 ing for cross-agency support programs, \$10,000,000 may be  
20 made available, and distributed in equal increments, to  
21 each of NASA's 10 centers for the development of edu-  
22 cational activities in science, technology, engineering, and  
23 mathematics related to the civilian space program of the  
24 United States.



1 *ments, including planning, design, maintenance, repair, re-*  
2 *habilitation and modification of existing facilities, con-*  
3 *struction of new facilities, acquisition and condemnation*  
4 *of real property as authorized by law, and environmental*  
5 *compliance and restoration shall not exceed \$124,200,000:*  
6 *Provided further, That funds provided under this heading*  
7 *shall be available only according to the terms and condi-*  
8 *tions specified in the committee report of the Senate accom-*  
9 *panying this Act.*

10 *OFFICE OF INSPECTOR GENERAL*

11 *For necessary expenses of the Office of Inspector Gen-*  
12 *eral in carrying out the Inspector General Act of 1978, as*  
13 *amended, \$34,600,000.*

14 *RETURN TO FLIGHT*

15 *For necessary expenses, not otherwise provided for, in*  
16 *carrying out return to flight activities associated with the*  
17 *space shuttle and activities from which funds were trans-*  
18 *ferred to accommodate return to flight activities,*  
19 *\$1,000,000,000 to remain available until expended with*  
20 *such sums as determined by the Administrator of the Na-*  
21 *tional Aeronautics and Space Administration as available*  
22 *for transfer to “Exploration Capabilities” and “Science,*  
23 *Aeronautics, And Exploration” for restoration of funds pre-*  
24 *viously reallocated to meet return to flight activities: Pro-*  
25 *vided, That the amount provided under this heading is des-*



1 *ignated as an emergency requirement 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).*

4 *ADMINISTRATIVE PROVISION*

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

9 (1) *The actual, current, proposed funding level,*  
10 *and estimated budgets for the next five fiscal years by*  
11 *directorates, themes, programs, projects and activities*  
12 *within each appropriations account.*

13 (2) *The budget for headquarters including—*

14 (A) *the budget by office for the actual, cur-*  
15 *rent, proposed funding level, and estimated budg-*  
16 *ets for the next five fiscal years;*

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

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

23 (3) *Concurrent with the submission of the budget*  
24 *to the Congress an accompanying volume shall be pro-*  
25 *vided to the Committee on Appropriations containing*  
26 *the following information for each center and feder-*

1 *ally funded research and development center operated*  
2 *by the National Aeronautics and Space Administra-*  
3 *tion:*

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

8 (B) *The proposed programmatic and non-*  
9 *programmatic construction of facilities;*

10 (C) *The number of civil service full time*  
11 *equivalent positions per center for each identified*  
12 *fiscal year;*

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

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

22 *NATIONAL SCIENCE FOUNDATION*

23 *RESEARCH AND RELATED ACTIVITIES*

24 *For necessary expenses in carrying out the National*  
25 *Science Foundation Act of 1950, as amended (42 U.S.C.*

1 1861–1875), and the Act to establish a National Medal of  
2 Science (42 U.S.C. 1880–1881); services as authorized by  
3 5 U.S.C. 3109; maintenance and operation of aircraft and  
4 purchase of flight services for research support; acquisition  
5 of aircraft; and authorized travel; \$5,156,090,000, to re-  
6 main available until September 30, 2009, of which not to  
7 exceed \$510,000,000 shall remain available until expended  
8 for Polar research and operations support, and for reim-  
9 bursement to other Federal agencies for operational and  
10 science support and logistical and other related activities  
11 for the United States Antarctic program: Provided, That  
12 from funds specified in the fiscal year 2008 budget request  
13 for icebreaking services, up to \$57,000,000 shall be available  
14 for the procurement of polar icebreaking services: Provided  
15 further, That the National Science Foundation shall only  
16 reimburse the Coast Guard for such sums as are agreed to  
17 according to the existing memorandum of agreement: Pro-  
18 vided further, That receipts for scientific support services  
19 and materials furnished by the National Research Centers  
20 and other National Science Foundation supported research  
21 facilities may be credited to this appropriation.

22 MAJOR RESEARCH EQUIPMENT AND FACILITIES

23 CONSTRUCTION

24 For necessary expenses for the acquisition, construc-  
25 tion, commissioning, and upgrading of major research

1 *equipment, facilities, and other such capital assets pursuant*  
2 *to the National Science Foundation Act of 1950, as amend-*  
3 *ed, including authorized travel, \$244,740,000, to remain*  
4 *available until expended.*

5 *EDUCATION AND HUMAN RESOURCES*

6 *For necessary expenses in carrying out science and en-*  
7 *gineering education and human resources programs and ac-*  
8 *tivities pursuant to the National Science Foundation Act*  
9 *of 1950, as amended (42 U.S.C. 1861–1875), including*  
10 *services as authorized by 5 U.S.C. 3109, authorized travel,*  
11 *and rental of conference rooms in the District of Columbia,*  
12 *\$850,600,000, to remain available until September 30,*  
13 *2009.*

14 *AGENCY OPERATIONS AND AWARD MANAGEMENT*

15 *For salaries and expenses necessary in carrying out*  
16 *the National Science Foundation Act of 1950, as amended*  
17 *(42 U.S.C. 1861–1875); services authorized by 5 U.S.C.*  
18 *3109; hire of passenger motor vehicles; not to exceed \$9,000*  
19 *for official reception and representation expenses; uniforms*  
20 *or allowances therefor, as authorized by 5 U.S.C. 5901–*  
21 *5902; rental of conference rooms in the District of Colum-*  
22 *bia; and reimbursement of the General Services Adminis-*  
23 *tration for security guard services; \$285,590,000: Provided,*  
24 *That contracts may be entered into under “Agency Oper-*  
25 *ations and Award Management” in fiscal year 2008 for*

1 *maintenance and operation of facilities, and for other serv-*  
2 *ices, to be provided during the next fiscal year.*

3 *OFFICE OF THE NATIONAL SCIENCE BOARD*

4 *For necessary expenses (including payment of salaries,*  
5 *authorized travel, hire of passenger motor vehicles, the rent-*  
6 *al of conference rooms in the District of Columbia, and the*  
7 *employment of experts and consultants under section 3109*  
8 *of title 5, United States Code) involved in carrying out sec-*  
9 *tion 4 of the National Science Foundation Act of 1950 (42*  
10 *U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et*  
11 *seq.), \$4,030,000: Provided, That not to exceed \$9,000 shall*  
12 *be available for official reception and representation ex-*  
13 *penses.*

14 *OFFICE OF INSPECTOR GENERAL*

15 *For necessary expenses of the Office of Inspector Gen-*  
16 *eral as authorized by the Inspector General Act of 1978,*  
17 *as amended, \$12,350,000, to remain available until Sep-*  
18 *tember 30, 2009.*

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

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*TITLE IV*

*RELATED AGENCIES*

*COMMISSION ON CIVIL RIGHTS*

*SALARIES AND EXPENSES*

*For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,000,000: Provided, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.*

*EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*

*SALARIES AND EXPENSES*

*For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$37,000,000 for payments to State and local enforcement agencies for services to the Commis-*

1 *sion pursuant to title VII of the Civil Rights Act of 1964,*  
2 *sections 6 and 14 of the Age Discrimination in Employ-*  
3 *ment Act, the Americans with Disabilities Act of 1990, and*  
4 *the Civil Rights Act of 1991, \$378,000,000: Provided, That*  
5 *funds made available under this heading shall only be allo-*  
6 *cated in the manner specified in the report accompanying*  
7 *this Act: Provided further, That no funds made available*  
8 *under this heading may be used to operate the National*  
9 *Contact Center: Provided further, That the Commission*  
10 *may take no action to implement any workforce repo-*  
11 *sitioning, restructuring, or reorganization until such time*  
12 *as the Senate Committee on Appropriations has been noti-*  
13 *fied of such proposals, in accordance with the reprogram-*  
14 *ming requirements of section 505 of this Act.*

15 *INTERNATIONAL TRADE COMMISSION*

16 *SALARIES AND EXPENSES*

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

22 *LEGAL SERVICES CORPORATION*

23 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

24 *For payment to the Legal Services Corporation to*  
25 *carry out the purposes of the Legal Services Corporation*

1 *Act of 1974, \$390,000,000, of which \$373,000,000 is for*  
2 *basic field programs and required independent audits;*  
3 *\$3,200,000 is for the Office of Inspector General, of which*  
4 *such amounts as may be necessary may be used to conduct*  
5 *additional audits of recipients; \$13,800,000 is for manage-*  
6 *ment and administration; \$3,000,000 is for client self-help*  
7 *and information technology: Provided, That the Legal Serv-*  
8 *ices Corporation may continue to provide locality pay to*  
9 *officers and employees at a rate no greater than that pro-*  
10 *vided by the Federal Government to Washington, DC-based*  
11 *employees as authorized by 5 United States Code 5304, not-*  
12 *withstanding section 1005(d) of the Legal Services Corpora-*  
13 *tion Act, 42 United States Code 2996(d).*

14           *ADMINISTRATIVE PROVISION—LEGAL SERVICES*

15                           *CORPORATION*

16           *None of the funds appropriated in this Act to the Legal*  
17 *Services Corporation shall be expended for any purpose pro-*  
18 *hibited or limited by, or contrary to any of the provisions*  
19 *of, sections 501, 502, 503, 504, 505, and 506 of Public Law*  
20 *105–119, and all funds appropriated in this Act to the*  
21 *Legal Services Corporation shall be subject to the same*  
22 *terms and conditions set forth in such sections, except that*  
23 *all references in sections 502 and 503 to 1997 and 1998*  
24 *shall be deemed to refer instead to 2006 and 2007, respec-*  
25 *tively.*



1 *MARINE MAMMAL COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Marine Mammal Com-*  
4 *mission as authorized by title II of Public Law 92-522,*  
5 *\$3,000,000.*

6 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Office of the United*  
9 *States Trade Representative, including the hire of passenger*  
10 *motor vehicles and the employment of experts and consult-*  
11 *ants as authorized by 5 U.S.C. 3109, \$47,800,000, of which*  
12 *\$1,000,000 shall remain available until expended: Provided,*  
13 *That not to exceed \$124,000 shall be available for official*  
14 *reception and representation expenses: Provided further,*  
15 *That negotiations shall be conducted within the World*  
16 *Trade Organization to recognize the right of members to*  
17 *distribute monies collected from antidumping and counter-*  
18 *vailing duties: Provided further, That negotiations shall be*  
19 *conducted within the World Trade Organization consistent*  
20 *with the negotiating objectives contained in the Trade Act*  
21 *of 2002, Public Law 107-210.*

22 *STATE JUSTICE INSTITUTE*23 *SALARIES AND EXPENSES*

24 *For necessary expenses of the State Justice Institute,*  
25 *as authorized by the State Justice Institute Authorization*

1 *Act of 1992 (Public Law 102-572), \$3,500,000: Provided,*  
2 *That not to exceed \$2,500 shall be available for official re-*  
3 *ception and representation expenses.*

4 *TITLE V*

5 *GENERAL PROVISIONS*

6 *SEC. 501. The Departments of Commerce and Justice,*  
7 *the National Science Foundation, and the National Aero-*  
8 *navitics and Space Administration shall provide to the Sen-*  
9 *ate Committee on Appropriations a quarterly accounting*  
10 *of the cumulative balances of any unobligated funds that*  
11 *were made available to any such agency in any previous*  
12 *appropriations Act.*

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

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

23 *SEC. 504. If any provision of this Act or the applica-*  
24 *tion of such provision to any person or circumstances shall*  
25 *be held invalid, the remainder of the Act and the applica-*

1 *tion of each provision to persons or circumstances other*  
2 *than those as to which it is held invalid shall not be affected*  
3 *thereby.*

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

21       *(b) None of the funds provided under this Act, or pro-*  
22 *vided under previous appropriations Acts to the agencies*  
23 *funded by this Act that remain available for obligation or*  
24 *expenditure in fiscal year 2008, or provided from any ac-*  
25 *counts in the Treasury of the United States derived by the*

1 *collection of fees available to the agencies funded by this*  
2 *Act, shall be available for obligation or expenditure for ac-*  
3 *tivities, programs, or projects through a reprogramming of*  
4 *funds in excess of \$500,000 or 10 percent, whichever is less,*  
5 *that: (1) augments existing programs, projects, or activities;*  
6 *(2) reduces by 10 percent funding for any existing program,*  
7 *project, or activity, or numbers of personnel by 10 percent*  
8 *as approved by Congress; or (3) results from any general*  
9 *savings, including savings from a reduction in personnel,*  
10 *which would result in a change in existing programs, ac-*  
11 *tivities, or projects as approved by Congress; unless the Sen-*  
12 *ate Committee on Appropriations is notified 15 days in ad-*  
13 *vance of such reprogramming of funds.*

14       *SEC. 506. Hereafter, none of the funds made available*  
15 *in this Act or any other Act may be used for the construc-*  
16 *tion, repair (other than emergency repair), overhaul, con-*  
17 *version, or modernization of vessels for the National Oce-*  
18 *anic and Atmospheric Administration in shipyards located*  
19 *outside of the United States.*

20       *SEC. 507. If it has been finally determined by a court*  
21 *or Federal agency that any person intentionally affixed a*  
22 *label bearing a “Made in America” inscription, or any in-*  
23 *scription with the same meaning, to any product sold in*  
24 *or shipped to the United States that is not made in the*  
25 *United States, the person shall be ineligible to receive any*

1 *contract or subcontract made with funds made available in*  
2 *this Act, pursuant to the debarment, suspension, and ineli-*  
3 *gibility procedures described in sections 9.400 through*  
4 *9.409 of title 48, Code of Federal Regulations.*

5       *SEC. 508. Any costs incurred by a department or agen-*  
6 *cy funded under this Act resulting from personnel actions*  
7 *taken in response to funding reductions included in this*  
8 *Act shall be absorbed within the total budgetary resources*  
9 *available to such department or agency: Provided, That the*  
10 *authority to transfer funds between appropriations ac-*  
11 *counts as may be necessary to carry out this section is pro-*  
12 *vided in addition to authorities included elsewhere in this*  
13 *Act: Provided further, That use of funds to carry out this*  
14 *section shall be treated as a reprogramming of funds under*  
15 *section 505 of this Act and shall not be available for obliga-*  
16 *tion or expenditure except in compliance with the proce-*  
17 *dures set forth in that section.*

18       *SEC. 509. None of the funds provided by this Act shall*  
19 *be available to promote the sale or export of tobacco or to-*  
20 *bacco products, or to seek the reduction or removal by any*  
21 *foreign country of restrictions on the marketing of tobacco*  
22 *or tobacco products, except for restrictions which are not*  
23 *applied equally to all tobacco or tobacco products of the*  
24 *same type.*

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

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

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

17       *SEC. 511. Notwithstanding any other provision of law,*  
18 *amounts deposited or available in the Fund established*  
19 *under 42 U.S.C. 10601 in any fiscal year in excess of*  
20 *\$625,000,000 shall not be available for obligation until the*  
21 *following fiscal year.*

22       *SEC. 512. None of the funds made available to the De-*  
23 *partment of Justice in this Act may be used to discriminate*  
24 *against or denigrate the religious or moral beliefs of stu-*  
25 *dents who participate in programs for which financial as-*

1 *sistance is provided from those funds, or of the parents or*  
2 *legal guardians of such students.*

3       *SEC. 513. None of the funds made available in this*  
4 *Act may be transferred to any department, agency, or in-*  
5 *strumentality of the United States Government, except pur-*  
6 *suant to a transfer made by, or transfer authority provided*  
7 *in, this Act or any other appropriations Act.*

8       *SEC. 514. With the consent of the President, the Sec-*  
9 *retary of Commerce shall represent the United States Gov-*  
10 *ernment in negotiating and monitoring international*  
11 *agreements regarding fisheries, marine mammals, or sea*  
12 *turtles: Provided, That the Secretary of Commerce shall be*  
13 *responsible for the development and interdepartmental co-*  
14 *ordination of the policies of the United States with respect*  
15 *to the international negotiations and agreements referred*  
16 *to in this section.*

17       *SEC. 515. Any funds provided in this Act used to im-*  
18 *plement E-Government Initiatives shall be subject to the*  
19 *procedures set forth in section 505 of this Act.*

20       *SEC. 516. ACCOUNTABILITY AND TRANSPARENCY OF*  
21 *ACTIVITIES CARRIED OUT WITH FUNDS PROVIDED BY THIS*  
22 *ACT. (a) AUDIT PROGRESS REPORTS.—The Inspectors Gen-*  
23 *eral of the Department of Commerce, the Department of*  
24 *Justice, the National Aeronautics and Space Administra-*  
25 *tion, and the National Science Foundation shall conduct*

1 audits, pursuant to the Inspector General Act (5 U.S.C.  
2 App.), of grants or contracts for which funds are appro-  
3 priated by this Act, and shall submit reports to Congress  
4 on the progress of such audits, which may include prelimi-  
5 nary findings and a description of areas of particular in-  
6 terest, within 180 days after initiating such an audit and  
7 every 180 days thereafter until any such audit is completed.

8 (b) *AVAILABILITY TO THE PUBLIC.*—Within 60 days  
9 after the date on which an audit described in subsection  
10 (a) by an Inspector General is completed, the Secretary, At-  
11 torney General, Administrator, or Director, as appropriate,  
12 shall make the results of the audit available to the public  
13 on the Internet website maintained by the Department, Ad-  
14 ministration, or Foundation, respectively. The results shall  
15 be made available in redacted form to exclude—

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

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

22 (c) *PROHIBITED USE OF FUNDS.*—A grant or contract  
23 funded by amounts appropriated by this Act may not be  
24 used for the purpose of defraying the costs of a banquet or  
25 conference that is not directly and programmatically re-



1 *lated to the purpose for which the grant or contract was*  
2 *awarded, such as a banquet or conference held in connection*  
3 *with planning, training, assessment, review, or other rou-*  
4 *tine purposes related to a project funded by the grant or*  
5 *contract.*

6       *(d) CONFLICT OF INTEREST STATEMENT.—Any person*  
7 *awarded a grant or contract funded by amounts appro-*  
8 *priated by this Act shall submit a statement to the Sec-*  
9 *retary of Commerce, the Attorney General, the Adminis-*  
10 *trator, or the Director, as appropriate, certifying that no*  
11 *funds derived from the grant or contract will be made avail-*  
12 *able through a subcontract or in any other manner to an-*  
13 *other person who has a financial interest in the person*  
14 *awarded the grant or contract.*

15       *(e) APPLICATION TO OTHER FEDERAL GRANTS AND*  
16 *CONTRACTS.—The provisions of the preceding subsections*  
17 *of this section shall take effect 30 days after the date on*  
18 *which the Director of the Office and Management and*  
19 *Budget, in consultation with the Director of the Office of*  
20 *Government Ethics, determines that a uniform set of rules*  
21 *and requirements, substantially similar to the requirements*  
22 *in such subsections, consistently apply under the executive*  
23 *branch ethics program to all Federal departments, agencies,*  
24 *and entities.*

1        *SEC. 517. None of the funds appropriated or otherwise*  
2 *made available under this Act may be used to issue patents*  
3 *on claims directed to or encompassing a human organism.*

4        *SEC. 518. 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 *navitics 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 Senate*  
13 *Committee on Appropriations within 30 days in writing*  
14 *of such increase, and shall include in such notice: the date*  
15 *on which such determination was made; a statement of the*  
16 *reasons for such increases; the action taken and proposed*  
17 *to be taken to control future cost growth of the project;*  
18 *changes made in the performance or schedule milestones*  
19 *and the degree to which such changes have contributed to*  
20 *the increase in total program costs or procurement costs;*  
21 *new estimates of the total project or procurement costs; and*  
22 *a statement validating that the project's management struc-*  
23 *ture is adequate to control total project or procurement*  
24 *costs.*

1        *SEC. 519. None of the funds made available in this*  
2 *Act shall be used in any way whatsoever to support or jus-*  
3 *tify the use of torture by any official or contract employee*  
4 *of the United States Government.*

5        *SEC. 520. Notwithstanding section 505 of this Act, no*  
6 *funds shall be reprogrammed within or transferred between*  
7 *appropriations after June 30, except in extraordinary cir-*  
8 *cumstances.*

9        *SEC. 521. Funds appropriated by this Act, or made*  
10 *available by the transfer of funds in this Act, for intelligence*  
11 *or intelligence related activities are deemed to be specifi-*  
12 *cally authorized by the Congress for purposes of section 504*  
13 *of the National Security Act of 1947 (50 U.S.C. 414) during*  
14 *fiscal year 2008 until the enactment of the Intelligence Au-*  
15 *thorization Act for Fiscal Year 2008.*

16        *SEC. 522. The Offices of Inspectors General funded*  
17 *under this Act shall forward copies of all audit reports to*  
18 *the Senate Committee on Appropriations immediately after*  
19 *they are issued and immediately make the Committee aware*  
20 *of any review that recommends cancellation of, or modifica-*  
21 *tion to, any major acquisition project or grant, or that rec-*  
22 *ommends significant budgetary savings: Provided, That the*  
23 *Offices of Inspectors General funded under this Act shall*  
24 *withhold from public distribution for a period of 15 days*

1 *any final audit or investigation report that was requested*  
2 *by the Senate Committee on Appropriations.*

3       *SEC. 523. Hereafter, none of the funds made available*  
4 *by the Congress may be used to implement, administer, or*  
5 *enforce any guidelines of the Equal Employment Oppor-*  
6 *tunity Commission covering harassment based on religion,*  
7 *when it is made known to the Federal entity or official to*  
8 *which such funds are made available that such guidelines*  
9 *do not differ in any respect from the proposed guidelines*  
10 *published by the Commission on October 1, 1993 (58 Fed.*  
11 *Reg. 51266).*

12       *SEC. 524. None of the funds in this Act or prior Acts*  
13 *making appropriations for the Department of Justice may*  
14 *be used to make a grant allocation, a discretionary grant*  
15 *award, or a discretionary contract award that is specified*  
16 *in the report accompanying this Act, or to publicly an-*  
17 *nounce the intention to make such an award, unless the*  
18 *Attorney General, Secretary, Administrator or Director of*  
19 *the appropriate agency or bureau notifies the Senate Com-*  
20 *mittee on Appropriations, at least three full business days*  
21 *in advance: Provided, That no notification shall involve*  
22 *funds that are not available for obligation.*

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

1        *SEC. 526. (a) MODIFICATION OF ENHANCED-USE*  
2        *LEASE AUTHORITY FOR NASA.—Subsection (a) of section*  
3        *315 of the National Aeronautics and Space Administration*  
4        *Act of 1958 (42 U.S.C. 2459j) is amended—*

5                *(1) by striking “Notwithstanding any other pro-*  
6                *vision of law, the Administrator” and inserting “The*  
7                *Administrator”; and*

8                *(2) by striking “any real property” and insert-*  
9                *ing “any non-excess real property and related per-*  
10                *sonal property”; and*

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

14        *(b) CONSIDERATION.—Subsection (b) of such section is*  
15        *amended—*

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

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

22                *(3) by redesignating paragraph (3) as para-*  
23                *graph (2); and*

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

1           (A) in subparagraph (B), by striking  
2           “maintenance” and all that follows through  
3           “centers selected for this demonstration pro-  
4           gram” and inserting “capital revitalization and  
5           construction projects and improvements of real  
6           property assets and related personal property  
7           under the jurisdiction of the Administrator”;  
8           and

9           (B) by adding at the end the following new  
10          subparagraph:

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

13          (c) *LEASE RESTRICTIONS.*—Subsection (e) of such sec-  
14          tion is amended—

15               (1) by striking “*LEASE RESTRICTIONS.—NASA*”  
16               and inserting the following: “*LEASE RESTRIC-*  
17               *TIONS.—*

18               “(1) *NASA*”; and

19               (2) by adding at the end the following new para-  
20               graph:

21               “(2) *NASA* is not authorized to enter into an  
22               out-lease under this section unless the Administrator  
23               certifies that such out-lease will not have a negative  
24               impact on *NASA’s* mission.”.

1       (d) *REPEAL OF PLAN AND REPORTING REQUIRE-*  
2 *MENTS.*—*Such section is further amended by striking sub-*  
3 *section (f).*

4       (e) *SUNSET.*—*Such section is further amended by add-*  
5 *ing at the end the following new subsection (f):*

6       “(f) *SUNSET.*—*The authority to enter into leases under*  
7 *this section shall expire on the date that is ten years after*  
8 *the date of the enactment of the Commerce, Justice, Science,*  
9 *and Related Agencies Appropriations Act of 2008. The expi-*  
10 *ration under this subsection of authority to enter into leases*  
11 *under this section shall not affect the validity or term of*  
12 *leases or NASA’s retention of proceeds from leases entered*  
13 *into under this section before the date of the expiration of*  
14 *such authority.”.*

15       (f) *CONFORMING AMENDMENT.*—*The heading of such*  
16 *section is amended by striking “Enhanced-use lease of real*  
17 *property demonstration” and inserting “Lease of non-excess*  
18 *property”.*

19       *SEC. 527. LIMITATION. (a) IN GENERAL.*—*None of the*  
20 *funds made available in this Act shall be used to initiate*  
21 *or participate in a civil action by or on the behalf of the*  
22 *Equal Employment Opportunity Commission against an*  
23 *entity on the grounds that the entity requires an employee*  
24 *to speak English while engaged in work.*

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

4       *SEC. 528. FUNDS FOR TEACH FOR AMERICA.*—Of the  
5 funds provided in this Act for the National Aeronautics and  
6 Space Administration, under the heading “SCIENCE, AERO-  
7 NAUTICS, AND EXPLORATION”, \$3,000,000 may be for Teach  
8 for America for science, technology, engineering, and mathe-  
9 matics related activities.

10       *SEC. 529.* Not later than 30 days after the date of en-  
11 actment of this Act, the Departments, agencies, and com-  
12 missions funded under this Act, shall establish and main-  
13 tain on the homepages of their Internet websites—

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

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

21       *SEC. 530.* None of the funds appropriated or otherwise  
22 made available by this Act may be used to enter into a  
23 contract in an amount greater than \$5,000,000 or to award  
24 a grant in excess of such amount unless the prospective con-  
25 tractor or grantee certifies in writing to the agency award-



1 *ing the contract or grant that, to the best of its knowledge*  
2 *and belief, the contractor or grantee has filed all Federal*  
3 *tax returns required during the three years preceding the*  
4 *certification, has not been convicted of a criminal offense*  
5 *under the Internal Revenue Code of 1986, and has not, more*  
6 *than 90 days prior to certification, been notified of any*  
7 *unpaid Federal tax assessment for which the liability re-*  
8 *mains unsatisfied, unless the assessment is the subject of*  
9 *an installment agreement or offer in compromise that has*  
10 *been approved by the Internal Revenue Service and is not*  
11 *in default, or the assessment is the subject of a non-frivolous*  
12 *administrative or judicial proceeding.*

13       *SEC. 531. DIGITAL AND WIRELESS NETWORKS FOR*  
14 *HIGHER EDUCATION PILOT PROGRAM. (a) SHORT*  
15 *TITLE.—This section may be cited as the “ED 1.0 Act”.*

16       *(b) APPROPRIATIONS.—Notwithstanding any other*  
17 *provision of this Act, from the amount appropriated under*  
18 *title I under the heading “Technology Opportunities Pro-*  
19 *gram”, \$4,500,000 may be available for the pilot program*  
20 *under this section, to remain available until expended.*

21       *(c) DEFINITIONS.—In this section:*

22           *(1) ADMINISTRATOR.—The term “Adminis-*  
23 *trator” means the Administrator of the National Tele-*  
24 *communications and Information Administration.*

1           (2) *ELIGIBLE EDUCATIONAL INSTITUTION.*—*The*  
2 *term “eligible educational institution” means an in-*  
3 *stitution that is—*

4                   (A) *a historically Black college or univer-*  
5 *sity;*

6                   (B) *a Hispanic-serving institution as that*  
7 *term is defined in section 502(a)(5) of the High-*  
8 *er Education Act of 1965 (20 U.S.C.*  
9 *1101a(a)(5));*

10                  (C) *a tribally controlled college or univer-*  
11 *sity as that term is defined in section 2(a)(4) of*  
12 *the Tribally Controlled College or University As-*  
13 *sistance Act of 1978 (25 U.S.C. 1801(a)(4));*

14                  (D) *an Alaska Native-serving institution as*  
15 *that term is defined in section 317(b)(2) of the*  
16 *Higher Education Act of 1965 (20 U.S.C.*  
17 *1059d(b)(2)); or*

18                  (E) *a Native Hawaiian-serving institution*  
19 *as that term is defined in section 317(b)(4) of the*  
20 *Higher Education Act of 1965 (20 U.S.C.*  
21 *1059d(b)(4)).*

22           (3) *HISTORICALLY BLACK COLLEGE OR UNIVER-*  
23 *SITY.*—*The term “historically Black college or univer-*  
24 *sity” means a part B institution as that term is de-*

1 *fined in section 322(2) of the Higher Education Act*  
2 *of 1965 (20 U.S.C. 1061(2)).*

3 *(d) MINORITY ONLINE DEGREE PILOT PROGRAM.—*

4 *(1) PILOT PROGRAM ESTABLISHED.—*

5 *(A) IN GENERAL.—There is established*  
6 *within the National Telecommunications and In-*  
7 *formation Administration a pilot program under*  
8 *which the Administrator shall award 9 grants to*  
9 *eligible educational institutions to enable the eli-*  
10 *gible educational institutions to develop digital*  
11 *and wireless networks for online educational pro-*  
12 *grams of study within the eligible educational*  
13 *institutions. The Administrator shall award not*  
14 *less than 1 grant to each type of eligible edu-*  
15 *cational institution, enumerated under sub-*  
16 *section (c)(2).*

17 *(B) GRANT NUMBER AND AMOUNT.—*

18 *(i) NUMBER.—The Administrator shall*  
19 *award a total of 9 grants under this sub-*  
20 *section.*

21 *(ii) GRANT PAYMENT AMOUNTS.—The*  
22 *Administrator shall make grant payments*  
23 *under this subsection in the amount of*  
24 *\$500,000.*

25 *(2) PRIORITY.—*

1           (A) *IN GENERAL.*—*In awarding grants*  
2 *under this subsection the Administrator shall*  
3 *give priority to an eligible educational institu-*  
4 *tion that, according to the most recent data*  
5 *available (including data available from the Bu-*  
6 *reau of the Census), serves a county, or other ap-*  
7 *propriate political subdivision where no counties*  
8 *exist—*

9                   (i) *in which 50 percent of the residents*  
10 *of the county, or other appropriate political*  
11 *subdivision where no counties exist, are*  
12 *members of a racial or ethnic minority;*

13                   (ii) *in which less than 18 percent of*  
14 *the residents of the county, or other appro-*  
15 *priate political subdivision where no coun-*  
16 *ties exist, have obtained a baccalaureate de-*  
17 *gree or a higher education;*

18                   (iii) *that has an unemployment rate of*  
19 *7 percent or greater;*

20                   (iv) *in which 20 percent or more of the*  
21 *residents of the county, or other appropriate*  
22 *political subdivision where no counties*  
23 *exist, live in poverty;*

24                   (v) *that has a negative population*  
25 *growth rate; or*

1                   (vi) that has a family income of not  
2                   more than \$32,000.

3                   (B) *HIGHEST PRIORITY.*—In awarding  
4                   grants under this subsection the Administrator  
5                   shall give the highest priority to an eligible edu-  
6                   cational institution that meets the greatest num-  
7                   ber of requirements described in clauses (i)  
8                   through (vi) of subparagraph (A).

9                   (3) *USE OF FUNDS.*—An eligible educational in-  
10                  stitution receiving a grant under this subsection may  
11                  use the grant funds—

12                   (A) to acquire equipment, instrumentation,  
13                   networking capability, hardware, software, dig-  
14                   ital network technology, wireless technology, or  
15                   wireless infrastructure;

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

18                   (C) to develop strategic plans for informa-  
19                   tion technology investments.

20                  (4) *MATCHING NOT REQUIRED.*—The Adminis-  
21                  trator shall not require an eligible educational insti-  
22                  tution to provide matching funds for a grant awarded  
23                  under this subsection.

24                  (5) *CONSULTATIONS; REPORT.*—

1           (A) *CONSULTATIONS.*—*The Administrator*  
2           *shall consult with the Committee on Appropria-*  
3           *tions and the Committee on Commerce, Science,*  
4           *and Transportation of the Senate and the Com-*  
5           *mittee on Appropriations and the Committee on*  
6           *Energy and Commerce of the House of Rep-*  
7           *resentatives, on a quarterly basis regarding the*  
8           *pilot program assisted under this subsection.*

9           (B) *REPORT.*—*Not later than 1 year after*  
10           *the date of enactment of this section, the Admin-*  
11           *istrator shall submit to the committees described*  
12           *in subparagraph (A) a report evaluating the*  
13           *progress of the pilot program assisted under this*  
14           *subsection.*

15           (6) *LIMITATION ON USE OF OTHER FUNDS.*—*The*  
16           *Administrator shall carry out this subsection only*  
17           *with amounts appropriated in advance specifically to*  
18           *carry out this subsection.*

19           *SEC. 532. (a) The Administrator of the National Aero-*  
20           *navitics and Space Administration shall submit quarterly*  
21           *reports to the Inspector General of the National Aeronautics*  
22           *and Space Administration regarding the costs and con-*  
23           *tracting procedures relating to each conference or meeting,*  
24           *held by the National Aeronautics and Space Administra-*

1 *tion during fiscal year 2008, and each year thereafter, for*  
2 *which the cost to the Government was more than \$20,000.*

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

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

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

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

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

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

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

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

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

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

1        *SEC. 533. LIMITATION AND REPORTS ON TRAVEL EX-*  
2 *PENSES TO CONFERENCES. (a) In this section, the term con-*  
3 *ference means a meeting that—*

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

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

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

9            *(4) involves costs associated with travel and*  
10 *lodging for some participants; and*

11           *(5) is sponsored by 1 or more agencies, 1 or more*  
12 *organizations that are not agencies, or a combination*  
13 *of such agencies or organizations.*

14        *(b) The Administrator of NASA shall, not later than*  
15 *September 30, 2008, submit to the appropriate committees*  
16 *of Congress and post on the public Internet website of the*  
17 *agency in a searchable, electronic format, a report on each*  
18 *conference for which the agency paid travel expenses during*  
19 *fiscal year 2008 that includes—*

20           *(1) the itemized expenses paid by the agency, in-*  
21 *cluding travel expenses and any agency expenditure*  
22 *to otherwise support the conference;*

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

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



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

3                   (A) *justifies the location selected;*

4                   (B) *demonstrates the cost efficiency of the*  
5 *location;*

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

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

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

12       *SEC. 534. None of the funds appropriated or otherwise*  
13 *made available in this Act may be used in a manner that*  
14 *is inconsistent with the principal negotiating objective of*  
15 *the United States with respect to trade remedy laws to pre-*  
16 *serve the ability of the United States—*

17           (1) *to enforce vigorously its trade laws, including*  
18 *antidumping, countervailing duty, and safeguard*  
19 *laws;*

20           (2) *to avoid agreements that—*

21                   (A) *lessen the effectiveness of domestic and*  
22 *international disciplines on unfair trade, espe-*  
23 *cially dumping and subsidies; or*

24                   (B) *lessen the effectiveness of domestic and*  
25 *international safeguard provisions, in order to*

1           *ensure that United States workers, agricultural*  
2           *producers, and firms can compete fully on fair*  
3           *terms and enjoy the benefits of reciprocal trade*  
4           *concessions; and*

5           *(3) to address and remedy market distortions*  
6           *that lead to dumping and subsidization, including*  
7           *overcapacity, cartelization, and market-access bar-*  
8           *riers.*

9           *SEC. 535. None of the funds appropriated or otherwise*  
10          *made available by this Act may be made available for a*  
11          *public-private competition conducted under Office of Man-*  
12          *agement and Budget Circular A-76 or to convert a function*  
13          *performed by Federal employees to private sector perform-*  
14          *ance without such a competition unless a representative des-*  
15          *ignated by a majority of the employees engaged in the per-*  
16          *formance of the activity or function for which the public-*  
17          *private competition is conducted or which is to be converted*  
18          *without such a competition is treated as an interested party*  
19          *with respect to such competition or decision to convert to*  
20          *private sector performance for purposes of subchapter V of*  
21          *chapter 35 of title 31, United States Code.*

22          *SEC. 536. None of the funds made available under this*  
23          *Act may be used to circumvent any statutory or adminis-*  
24          *trative formula-driven or competitive awarding process to*  
25          *award funds to a project in response to a request from a*

1 *Member of Congress (or any employee of a Member or com-*  
2 *mittee of Congress), unless the specific project has been dis-*  
3 *closed in accordance with the rules of the Senate or House*  
4 *of Representatives, as applicable.*

5       *SEC. 537. None of the funds made available under this*  
6 *Act may be used to purchase first class or premium airline*  
7 *travel that would not be consistent with sections 301–10.123*  
8 *and 301–10.124 of title 41 of the Code of Federal Regula-*  
9 *tions.*

10       *SEC. 538. Section 2301 of the Implementing Rec-*  
11 *ommendations of the 9/11 Commission Act of 2007 (47*  
12 *U.S.C. 901 note) is amended by striking “the ‘Improving*  
13 *Emergency Communications Act of 2007.’” and inserting*  
14 *“the ‘911 Modernization Act.’”.*

15       *SEC. 539. Section 504(a)(11)(E) of the Omnibus Con-*  
16 *solidated Rescissions and Appropriations Act of 1996 (Pub-*  
17 *lic Law 104–134; 110 Stat. 1321–55) is amended by insert-*  
18 *ing before “an alien” the following: “a nonimmigrant work-*  
19 *er admitted to, or permitted to remain in, the United States*  
20 *under section 101(a)(15)(H)(ii)(b) of the Immigration and*  
21 *Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) for for-*  
22 *estry labor or”.*

23       *SEC. 540. SMALL AND SEASONAL BUSINESSES. (a) IN*  
24 *GENERAL.—Section 214(g)(9)(A) of the Immigration and*  
25 *Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended by*

1 striking “an alien who has already been counted toward  
 2 the numerical limitation of paragraph (1)(B) during fiscal  
 3 year 2004, 2005, or 2006 shall not again be counted toward  
 4 such limitation during fiscal year 2007.” and inserting “an  
 5 alien who has been present in the United States as an H–  
 6 2B nonimmigrant during any 1 of the 3 fiscal years imme-  
 7 diately preceding the fiscal year of the approved start date  
 8 of a petition for a nonimmigrant worker described in sec-  
 9 tion 101(a)(15)(H)(ii)(b) shall not be counted toward such  
 10 limitation for the fiscal year in which the petition is ap-  
 11 proved.”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 13 section (a) shall be effective during the 1-year period begin-  
 14 ning October 1, 2007.

## 15 TITLE VI

### 16 RESCISSIONS

#### 17 DEPARTMENT OF COMMERCE

##### 18 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

##### 19 INDUSTRIAL TECHNOLOGY SERVICES

##### 20 (RESCISSION)

21 Of the unobligated balances available under this head-  
 22 ing, \$10,000,000 are rescinded.

#### 23 DEPARTMENT OF JUSTICE

##### 24 GENERAL ADMINISTRATION

25 Of the unobligated balances made available for the De-  
 26 partment of Justice in prior fiscal years, \$110,000,000 are

1 *rescinded: Provided, That within 30 days after the date of*  
2 *enactment of this section the Attorney General shall submit*  
3 *to the Committees on Appropriations of the House of Rep-*  
4 *resentatives and the Senate a report specifying the amount*  
5 *of each rescission made pursuant to this section.*

6 *WORKING CAPITAL FUND*

7 *(RESCISSION)*

8 *Of the unobligated balances available under this head-*  
9 *ing, \$41,000,000 are rescinded.*

10 *DETENTION TRUSTEE*

11 *(RESCISSION)*

12 *Of the unobligated balances available under this head-*  
13 *ing, \$135,000,000 are rescinded.*

14 *LEGAL ACTIVITIES*

15 *ASSETS FORFEITURE FUND*

16 *(RESCISSION)*

17 *Of the unobligated balances available under this head-*  
18 *ing, \$240,000,000 are rescinded.*

19 *OFFICE OF JUSTICE PROGRAMS*

20 *JUSTICE ASSISTANCE*

21 *(RESCISSION)*

22 *Of the unobligated balances available under this head-*  
23 *ing, \$87,500,000 are rescinded.*

1            *COMMUNITY ORIENTED POLICING SERVICES*2                            *(RESCISSION)*

3            *Of the unobligated balances available under this head-*  
4 *ing, \$37,500,000 are rescinded.*

5            ***TITLE VII—RESTITUTION***6        ***SEC. 701. SHORT TITLE.***

7            *This title may be cited as the “Restitution for Victims*  
8 *of Crime Act of 2007”.*

9                            ***Subtitle A—Collection of***  
10                            ***Restitution***

11        ***SEC. 721. SHORT TITLE.***

12            *This subtitle may be cited as the “Collection of Restitu-*  
13 *tion Improvement Act of 2007”.*

14        ***SEC. 722. PROCEDURE FOR ISSUANCE AND ENFORCEMENT***  
15                            ***OF RESTITUTION.***

16            *Section 3664(f) of title 18, United States Code, is*  
17 *amended by striking paragraphs (2) through (4) and insert-*  
18 *ing the following:*

19            *“(C)(i) Each restitution order shall—*

20                            *“(I) contain information sufficient to identify*  
21 *each victim to whom restitution is owed;*

22                            *“(II) require that a copy of the court order be*  
23 *sent to each such victim; and*

24                            *“(III) inform each such victim of the obligation*  
25 *to notify the appropriate entities of any change in*  
26 *address.*

1       “(ii) *It shall be the responsibility of each victim to*  
2 *whom restitution is owed to notify the Attorney General,*  
3 *or the appropriate entity of the court, by means of a form*  
4 *to be provided by the Attorney General or the court, of any*  
5 *change in the victim’s mailing address while restitution is*  
6 *still owed to the victim.*

7       “(iii) *The confidentiality of any information relating*  
8 *to a victim under this subparagraph shall be maintained.*

9       “(2) *The court shall order that the restitution imposed*  
10 *is due in full immediately upon imposition.*

11       “(3) *The court shall direct the defendant—*

12               “(A) *to make a good-faith effort to satisfy the*  
13 *restitution order in the shortest time in which full*  
14 *restitution can be reasonably made, and to refrain*  
15 *from taking any action that conceals or dissipates the*  
16 *defendant’s assets or income;*

17               “(B) *to notify the court of any change in resi-*  
18 *dence; and*

19               “(C) *to notify the United States Attorney for the*  
20 *district in which the defendant was sentenced of any*  
21 *change in residence, and of any material change in*  
22 *economic circumstances that might affect the defend-*  
23 *ant’s ability to pay restitution.*

24       “(4) *Compliance with all payment directions imposed*  
25 *under paragraphs (6) and (7) shall be prima facie evidence*

1 *of a good faith effort under paragraph (3)(A), unless it is*  
2 *shown that the defendant has concealed or dissipated assets.*

3       “(5) *Notwithstanding any other provision of law, for*  
4 *the purpose of enforcing a restitution order, a United States*  
5 *Attorney may receive, without the need for a court order,*  
6 *any financial information concerning the defendant ob-*  
7 *tained by the grand jury that indicted the defendant for*  
8 *the crime for which restitution has been awarded, the*  
9 *United States Probation Office, or the Bureau of Prisons.*  
10 *A victim may also provide financial information con-*  
11 *cerning the defendant to the United States Attorney.*

12       “(6)(A) *At sentencing, or at any time prior to the ter-*  
13 *mination of a restitution obligation under section 3613 of*  
14 *this title, the court may—*

15               “(i) *impose special payment directions upon the*  
16 *defendant or modify such directions; or*

17               “(ii) *direct the defendant to make a single, lump*  
18 *sum payment, partial payments at specified inter-*  
19 *vals, in-kind payments, or a combination of pay-*  
20 *ments at specified intervals and in-kind payments.*

21       “(B) *The period of time over which scheduled pay-*  
22 *ments are established for purposes of this paragraph shall*  
23 *be the shortest time in which full payment reasonably can*  
24 *be made.*



1       “(C) *In-kind payments may be in the form of the re-*  
2 *turn of property, replacement of property, or, if the victim*  
3 *agrees, services rendered to the victim or a person or organi-*  
4 *zation other than the victim.*

5       “(D) *In ordering restitution, the court may direct the*  
6 *defendant to—*

7             “(i) *repatriate any property that constitutes pro-*  
8 *ceeds of the offense of conviction, or property traceable*  
9 *to such proceeds; and*

10            “(ii) *surrender to the United States, or to the*  
11 *victim named in the restitution order, any interest of*  
12 *the defendant in any nonexempt asset.*

13       “(E) *The court may enter a restraining order or in-*  
14 *junction, require the execution of a satisfactory performance*  
15 *bond, or take any other action to preserve the availability*  
16 *of property for restitution.*

17       “(7)(A) *In determining whether to impose or modify*  
18 *specific payment directions, the court may consider—*

19             “(i) *the need to provide restitution to the victims*  
20 *of the offense;*

21             “(ii) *the financial ability of the defendant;*

22             “(iii) *the economic circumstances of the defend-*  
23 *ant, including the financial resources and other assets*  
24 *of the defendant and whether any of those assets are*  
25 *jointly controlled;*

1           “(iv) the projected earnings and other income of  
2           the defendant;

3           “(v) any financial obligations of the defendant,  
4           including obligations to dependents;

5           “(vi) whether the defendant has concealed or dis-  
6           sipated assets or income; and

7           “(vii) any other appropriate circumstances.

8           “(B) Any substantial resources from any source, in-  
9           cluding inheritance, settlement, or other judgment, shall be  
10          applied to any outstanding restitution obligation.

11          “(8)(A) If the court finds that the economic cir-  
12          cumstances of the defendant do not allow the payment of  
13          any substantial amount as restitution, the court may direct  
14          the defendant to make nominal payments of not less than  
15          \$100 per year toward the restitution obligation.

16          “(B) Any money received from the defendant under  
17          subparagraph (A) shall be disbursed so that any out-  
18          standing assessment imposed under section 3013 is paid  
19          first in full.

20          “(9) Court-imposed special payment directions shall  
21          not limit the ability of the Attorney General to maintain  
22          an Inmate Financial Responsibility Program that encour-  
23          ages sentenced inmates to meet their legitimate financial  
24          obligations.

1       “(10)(A) *The ability of the Attorney General to enforce*  
2 *restitution obligations ordered under paragraph (2) shall*  
3 *not be limited by appeal, or the possibility of a correction,*  
4 *modification, amendment, adjustment, or reimposition of a*  
5 *sentence, unless the court expressly so orders for good cause*  
6 *shown and stated on the record.*

7       “(B) *Absent exceptional circumstances, as determined*  
8 *by the court, an order limiting the enforcement of restitu-*  
9 *tion obligations shall—*

10               “(i) *require the defendant to deposit, in the reg-*  
11 *istry of the district court, any amount of the restitu-*  
12 *tion that is due;*

13               “(ii) *require the defendant to post a bond or*  
14 *other security to ensure payment of the restitution*  
15 *that is due; or*

16               “(iii) *impose additional restraints upon the de-*  
17 *fendant to prevent the defendant from transferring or*  
18 *dissipating assets.*

19       “(C) *No order described in subparagraph (B) shall re-*  
20 *strain the ability of the United States to continue its inves-*  
21 *tigation of the defendant’s financial circumstances, conduct*  
22 *discovery, record a lien, or seek any injunction or other re-*  
23 *lief from the court.”.*

1 **SEC. 723. IMPOSITION OF CRIMINAL FINES AND PAYMENT**2 **DIRECTIONS.**

3 *Subsection 3572(d) of title 18, United States Code, is*  
4 *amended to read as follows:*

5 “(d) *PAYMENT.*—

6 “(1) *IN GENERAL.*—*The court shall order that*  
7 *any fine or assessment imposed be due in full imme-*  
8 *diately upon imposition.*

9 “(2) *EFFORTS TO MAKE PAYMENT.*—*The court*  
10 *shall—*

11 “(A) *direct the defendant to make a good-*  
12 *faith effort to satisfy the fine and assessment in*  
13 *the shortest time in which full payment can be*  
14 *reasonably made, and to refrain from taking any*  
15 *action that conceals or dissipates the defendant’s*  
16 *assets or income;*

17 “(B) *direct the defendant to notify the court*  
18 *of any change in residence; and*

19 “(C) *order the defendant to notify the*  
20 *United States Attorney for the district in which*  
21 *the defendant was sentenced of any change in*  
22 *residence, and of any material change in eco-*  
23 *nomical circumstances that might affect the de-*  
24 *fendant’s ability to pay restitution.*

25 “(3) *GOOD FAITH.*—*Compliance with all pay-*  
26 *ment directions imposed by paragraphs (5) and (6)*

1 *shall be prima facie evidence of a good faith effort*  
2 *under paragraph (2)(A), unless it is shown that the*  
3 *defendant has concealed or dissipated assets;*

4 “(4) *ACCESS TO INFORMATION.—Notwith-*  
5 *standing any other provision of law, for the purpose*  
6 *of enforcing a fine or assessment, a United States At-*  
7 *torney may receive, without the need for a court*  
8 *order, any financial information concerning the de-*  
9 *fendant obtained by a grand jury, the United States*  
10 *Probation Office, or the Bureau of Prisons.*

11 “(5) *PAYMENT SCHEDULE.—*

12 “(A) *IN GENERAL.—At sentencing, or at*  
13 *any time prior to the termination of a restitu-*  
14 *tion obligation under section 3613 of this title,*  
15 *the court may—*

16 “(i) *impose special payment directions*  
17 *upon the defendant or modify such direc-*  
18 *tions; or*

19 “(ii) *direct the defendant to make a*  
20 *single, lump sum payment, or partial pay-*  
21 *ments at specified intervals.*

22 “(B) *PERIOD OF TIME.—The period of time*  
23 *over which scheduled payments are established*  
24 *for purposes of this paragraph shall be the short-*

1           *est time in which full payment can reasonably*  
2           *be made.*

3           “(C) *REPATRIATION.*—*The court may direct*  
4           *the defendant to repatriate any property that*  
5           *constitutes proceeds of the offense of conviction,*  
6           *or property traceable to such proceeds.*

7           “(D) *SURRENDER.*—*In ordering restitution,*  
8           *the court may direct the defendant to surrender*  
9           *to the United States any interest of the defend-*  
10          *ant in any non-exempt asset.*

11          “(E) *THIRD PARTIES.*—*If the court directs*  
12          *the defendant to repatriate or surrender any*  
13          *property in which it appears that any person*  
14          *other than the defendant may have a legal*  
15          *interest—*

16                 “(i) *the court shall take such action as*  
17                 *is necessary to protect such third party in-*  
18                 *terest; and*

19                 “(ii) *may direct the United States to*  
20                 *initiate any ancillary proceeding to deter-*  
21                 *mine such third party interests in accord-*  
22                 *ance with the procedures specified in section*  
23                 *413(n) of the Controlled Substances Act (21*  
24                 *U.S.C. 853(n)).*

1           “(F) *EXCLUSIVITY OF REMEDY.*—*Except as*  
2           *provided in this section, no person may com-*  
3           *mence an action against the United States con-*  
4           *cerning the validity of the party’s alleged inter-*  
5           *est in the property subject to reparation or sur-*  
6           *render.*

7           “(G) *PRESERVATION OF PROPERTY.*—*The*  
8           *court may enter a restraining order or injunc-*  
9           *tion, require the execution of a satisfactory per-*  
10          *formance bond, or take any other action to pre-*  
11          *serve the availability of property for payment of*  
12          *the fine or assessment.*

13          “(6) *CONSIDERATIONS.*—*In determining whether*  
14          *to impose or modify special payment directions, the*  
15          *court may consider—*

16               “(A) *the need to satisfy the fine or assess-*  
17               *ment;*

18               “(B) *the financial ability of the defendant;*

19               “(C) *the economic circumstances of the de-*  
20               *fendant, including the financial resources and*  
21               *other assets of the defendant, and whether any of*  
22               *those assets are jointly controlled;*

23               “(D) *the projected earnings and other in-*  
24               *come of the defendant;*

1           “(E) any financial obligations of the de-  
2           fendant, including obligations to dependents;

3           “(F) whether the defendant has concealed or  
4           dissipated assets or income; and

5           “(G) any other appropriate circumstances.

6           “(7) *USE OF RESOURCES.*—Any substantial re-  
7           sources from any source, including inheritance, settle-  
8           ment, or other judgment shall be applied to any fine  
9           or assessment still owed.

10          “(8) *NOMINAL PAYMENTS.*—If the court finds  
11          that the economic circumstances of the defendant do  
12          not allow the immediate payment of any substantial  
13          amount of the fine or assessment imposed, the court  
14          may direct the defendant to make nominal payments  
15          of not less than \$100 per year toward the fine or as-  
16          sessment imposed.

17          “(9) *INMATE FINANCIAL RESPONSIBILITY PRO-*  
18          *GRAM.*—Court-imposed special payment directions  
19          shall not limit the ability of the Attorney General to  
20          maintain an Inmate Financial Responsibility Pro-  
21          gram that encourages sentenced inmates to meet their  
22          legitimate financial obligations.

23          “(10) *ENFORCEMENT.*—

24                 “(A) *IN GENERAL.*—The ability of the At-  
25                 torney General to enforce the fines and assess-



1           *ment ordered under paragraph (1) shall not be*  
2           *limited by an appeal, or the possibility of a cor-*  
3           *rection, modification, amendment, adjustment,*  
4           *or reimposition of a sentence, unless the court ex-*  
5           *pressly so orders, for good cause shown and stat-*  
6           *ed on the record.*

7           “(B) *EXCEPTIONS.*—*Absent exceptional cir-*  
8           *cumstances, as determined by the court, an order*  
9           *limiting enforcement of a fine or assessment*  
10          *shall—*

11           “(i) *require the defendant to deposit,*  
12           *in the registry of the district court, any*  
13           *amount of the fine or assessment that is*  
14           *due;*

15           “(ii) *require the defendant to post a*  
16           *bond or other security to ensure payment of*  
17           *the fine or assessment that is due; or*

18           “(iii) *impose additional restraints*  
19           *upon the defendant to prevent the defendant*  
20           *from transferring or dissipating assets.*

21          “(C) *OTHER ACTIVITIES.*—*No order de-*  
22          *scribed in subparagraph (B) shall restrain the*  
23          *ability of the United States to continue its inves-*  
24          *tigation of the defendant’s financial cir-*  
25          *cumstances, conduct discovery, record a lien, or*

1           *seek any injunction or other relief from the*  
2           *court.*

3           “(11) *SPECIAL ASSESSMENTS.*—*The require-*  
4           *ments of this subsection shall apply to the imposition*  
5           *and enforcement of any assessment imposed under*  
6           *section 3013 of this title.”.*

7 **SEC. 724. COLLECTION OF UNPAID FINES OR RESTITUTION.**

8           *Section 3612(b) of title 18, United States Code, is*  
9           *amended to read as follows:*

10           “(b) *INFORMATION TO BE INCLUDED IN JUDGMENT;*  
11 *JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GEN-*  
12 *ERAL.*—

13           “(1) *IN GENERAL.*—*A judgment or order impos-*  
14           *ing, modifying, or remitting a fine or restitution*  
15           *order of more than \$100 shall include—*

16                   “(A) *the name, social security account num-*  
17                   *ber, mailing address, and residence address of*  
18                   *the defendant;*

19                   “(B) *the docket number of the case;*

20                   “(C) *the original amount of the fine or res-*  
21                   *titution order and the amount that is due and*  
22                   *unpaid;*

23                   “(D) *payment orders and directions im-*  
24                   *posed under section 3572(d) and section 3664(f)*  
25                   *of this title; and*

1           “(E) a description of any modification or  
2           remission.

3           “(2) *TRANSMITTAL OF COPIES.*—Not later than  
4           10 days after entry of the judgment or order described  
5           in paragraph (1), the court shall transmit a certified  
6           copy of the judgment or order to the Attorney Gen-  
7           eral.”.

8 **SEC. 725. ATTORNEY’S FEES FOR VICTIMS.**

9           (a) *ORDER OF RESTITUTION.*—Section 3663(b) of title  
10          18, *United States Code*, is amended—

11           (1) in paragraph (1)—

12                   (A) in subparagraph (A), by striking “or”  
13                   at the end;

14                   (B) by redesignating subparagraph (B) as  
15                   subparagraph (C);

16                   (C) by inserting after subparagraph (A) the  
17                   following:

18                           “(B) reimburse the victim for attorneys’ fees  
19                           reasonably incurred in an attempt to retrieve  
20                           damaged, lost, or destroyed property (which shall  
21                           not include payment of salaries of Government  
22                           attorneys); or”; and

23                   (D) in subparagraph (C), as so redesignated  
24                   by this subsection, by inserting “or (B)” after  
25                   “subparagraph (A)”;

1           (2) *in paragraph (4)*—

2                   (A) *by inserting “(including attorneys’ fees*  
3                   *necessarily and reasonably incurred for represen-*  
4                   *tation of the victim, which shall not include pay-*  
5                   *ment of salaries of Government attorneys)” after*  
6                   *“other expenses related to participation in the*  
7                   *investigation or prosecution of the offense”; and*

8                   (B) *by striking “and” at the end;*

9           (3) *in paragraph (5), by striking the period and*  
10           *inserting “; and”; and*

11           (4) *by adding at the end the following:*

12                   “*(6) in any case, reimburse the victim for rea-*  
13                   *sonably incurred attorneys’ fees that are necessary*  
14                   *and foreseeable results of the defendant’s crime (which*  
15                   *shall not include payment of salaries of Government*  
16                   *attorneys).”.*

17           (b) *MANDATORY RESTITUTION TO VICTIMS OF CER-*  
18           *TAIN CRIMES.—Section 3663A(b) of title 18, United States*  
19           *Code, is amended—*

20                   (1) *in paragraph (1)*—

21                           (A) *in subparagraph (A), by striking “or”*  
22                           *at the end;*

23                           (B) *by redesignating subparagraph (B) as*  
24                           *subparagraph (C);*

1           (C) by inserting after subparagraph (A) the  
2 following:

3           “(B) reimburse the victim for attorneys’ fees  
4 reasonably incurred in an attempt to retrieve  
5 damaged, lost, or destroyed property (which shall  
6 not include payment of salaries of Government  
7 attorneys); or”; and

8           (D) in subparagraph (C), as so redesignated  
9 by this subsection, by inserting “or (B)” after  
10 “subparagraph (A)”;

11          (2) in paragraph (3), by striking “and” at the  
12 end;

13          (3) in paragraph (4)—

14           (A) by inserting “(including attorneys’ fees  
15 necessarily and reasonably incurred for represen-  
16 tation of the victim, which shall not include pay-  
17 ment of salaries of Government attorneys)” after  
18 “other expenses related to participation in the  
19 investigation or prosecution of the offense”; and

20           (B) by striking the period and inserting “;  
21 and”; and

22          (4) by adding at the end the following:

23           “(5) in any case, reimburse the victim for rea-  
24 sonably incurred attorneys’ fees that are necessary  
25 and foreseeable results of the defendant’s crime (which

1       *shall not include payment of salaries of Government*  
2       *attorneys).”.*

3       ***Subtitle B—Preservation of Assets***  
4       ***for Restitution***

5       **SEC. 741. SHORT TITLE.**

6       *This subtitle may be cited as the “Preservation of As-*  
7       *sets for Restitution Act of 2007”.*

8       **SEC. 742. AMENDMENTS TO THE MANDATORY VICTIMS RES-**  
9       ***TITUTION ACT.***

10       *(a) IN GENERAL.—Chapter 232 of title 18, United*  
11       *States Code, is amended by inserting after section 3664 the*  
12       *following:*

13       ***“§ 3664A. Preservation of assets for restitution***

14       *“(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—*

15               *“(1) IN GENERAL.—Upon the Government’s ex*  
16       *parte application and a finding of probable cause to*  
17       *believe that a defendant, if convicted, will be ordered*  
18       *to satisfy an order of restitution for an offense pun-*  
19       *ishable by imprisonment for more than 1 year, the*  
20       *court—*

21                       *“(A) shall—*

22                               *“(i) enter a restraining order or in-*  
23       *junction;*

24                               *“(ii) require the execution of a satisfac-*  
25       *tory performance bond; or*

1                   “(iii) take any other action necessary  
2                   to preserve the availability of any property  
3                   traceable to the commission of the offense  
4                   charged; and

5                   “(B) if it determines that it is in the inter-  
6                   ests of justice to do so, shall issue any order nec-  
7                   essary to preserve any nonexempt asset (as de-  
8                   fined in section 3613) of the defendant that may  
9                   be used to satisfy such restitution order.

10                  “(2) PROCEDURES.—Applications and orders  
11                  issued under paragraph (1) shall be governed by the  
12                  procedures under section 413(e) of the Controlled Sub-  
13                  stances Act (21 U.S.C. 853(e)) and in this section.

14                  “(3) MONETARY INSTRUMENTS.—If the property  
15                  in question is a monetary instrument (as defined in  
16                  section 1956(c)(5)) or funds in electronic form, the  
17                  protective order issued under paragraph (1) may take  
18                  the form of a warrant authorizing the Government to  
19                  seize the property and to deposit it into an interest-  
20                  bearing account in the Registry of the Court in the  
21                  district in which the warrant was issued, or into an-  
22                  other such account maintained by a substitute prop-  
23                  erty custodian, as the court may direct.

24                  “(4) POST-INDICTMENT.—A post-indictment pro-  
25                  tective order entered under paragraph (1) shall re-

1     *main in effect through the conclusion of the criminal*  
2     *case, including sentencing and any post-sentencing*  
3     *proceedings, until seizure or other disposition of the*  
4     *subject property, unless modified by the court upon a*  
5     *motion by the Government or under subsection (b) or*  
6     *(c).*

7     “(b) *DEFENDANT’S RIGHT TO A HEARING.*—

8             “(1) *IN GENERAL.*—*In the case of a*  
9     *preindictment protective order entered under sub-*  
10    *section (a)(1), the defendant’s right to a post-restraint*  
11    *hearing shall be governed by paragraphs (1)(B) and*  
12    *(2) of section 413(e) of the Controlled Substances Act*  
13    *(21 U.S.C. 853(e)).*

14            “(2) *POST-INDICTMENT.*—*In the case of a post-*  
15    *indictment protective order entered under subsection*  
16    *(a)(1), the defendant shall have a right to a post-re-*  
17    *straint hearing regarding the continuation or modi-*  
18    *fication of the order if the defendant—*

19                    “(A) *establishes by a preponderance of the*  
20    *evidence that there are no assets, other than the*  
21    *restrained property, available to the defendant to*  
22    *retain counsel in the criminal case or to provide*  
23    *for a reasonable living allowance for the nec-*  
24    *essary expenses of the defendant and the defend-*  
25    *ant’s lawful dependents; and*



1           “(B) *makes a prima facie showing that*  
2           *there is bona fide reason to believe that the*  
3           *court’s ex parte finding of probable cause under*  
4           *subsection (a)(1) was in error.*

5           “(3) *HEARING.—*

6           “(A) *IN GENERAL.—If the court determines*  
7           *that the defendant has satisfied the requirements*  
8           *of paragraph (2), it may hold a hearing to deter-*  
9           *mine whether there is probable cause to believe*  
10           *that the defendant, if convicted, will be ordered*  
11           *to satisfy an order of restitution for an offense*  
12           *punishable by imprisonment for more than 1*  
13           *year, and that the seized or restrained property*  
14           *may be needed to satisfy such restitution order.*

15           “(B) *PROBABLE CAUSE.—If the court finds*  
16           *probable cause under subparagraph (A), the pro-*  
17           *TECTIVE ORDER shall remain in effect.*

18           “(C) *NO PROBABLE CAUSE.—If the court*  
19           *finds under subparagraph (A) that no probable*  
20           *cause exists as to some or all of the property, or*  
21           *determines that more property has been seized*  
22           *and restrained than may be needed to satisfy a*  
23           *restitution order, it shall modify the protective*  
24           *order to the extent necessary to release the prop-*  
25           *erty that should not have been restrained.*

1           “(4) *REBUTTAL.*—*If the court conducts an evi-*  
2           *dentiary hearing under paragraph (3), the court shall*  
3           *afford the Government an opportunity to present re-*  
4           *buttal evidence and to cross-examine any witness that*  
5           *the defendant may present.*

6           “(5) *PRETRIAL HEARING.*—*In any pretrial hear-*  
7           *ing on a protective order issued under subsection*  
8           *(a)(1), the court may not entertain challenges to the*  
9           *grand jury’s finding of probable cause regarding the*  
10           *criminal offense giving rise to a potential restitution*  
11           *order. The court shall ensure that such hearings are*  
12           *not used to obtain disclosure of evidence or the identi-*  
13           *ties of witnesses earlier than required by the Federal*  
14           *Rules of Criminal Procedure or other applicable law.*

15           “(c) *THIRD PARTY’S RIGHT TO POST-RESTRAINT*  
16 *HEARING.*—

17           “(1) *IN GENERAL.*—*A person other than the de-*  
18           *fendant who has a legal interest in property affected*  
19           *by a protective order issued under subsection (a)(1)*  
20           *may move to modify the order on the grounds that—*

21                   “(A) *the order causes an immediate and ir-*  
22                   *reparable hardship to the moving party; and*

23                   “(B) *less intrusive means exist to preserve*  
24                   *the property for the purpose of restitution.*

1           “(2) *MODIFICATION.*—*If, after considering any*  
2           *rebuttal evidence offered by the Government, the court*  
3           *determines that the moving party has made the*  
4           *showings required under paragraph (1), the court*  
5           *shall modify the order to mitigate the hardship, to the*  
6           *extent that it is possible to do so while preserving the*  
7           *asset for restitution.*

8           “(3) *INTERVENTION.*—

9                   “(A) *IN GENERAL.*—*Except as provided in*  
10            *subparagraph (B) or paragraph (1), a person*  
11            *other than a defendant has no right to intervene*  
12            *in the criminal case to object to the entry of any*  
13            *order issued under this section or otherwise to*  
14            *object to an order directing a defendant to pay*  
15            *restitution.*

16                   “(B) *EXCEPTION.*—*If, at the conclusion of*  
17            *the criminal case, the court orders the defendant*  
18            *to use particular assets to satisfy an order of res-*  
19            *titution (including assets that have been seized*  
20            *or restrained pursuant to this section) the court*  
21            *shall give persons other than the defendant the*  
22            *opportunity to object to the order on the ground*  
23            *that the property belonged in whole or in part*  
24            *to the third party and not to the defendant, as*

1           *provided in section 413(n) of the Controlled Sub-*  
2           *stances Act (21 U.S.C. 853(n)).*

3           “(d) *GEOGRAPHIC SCOPE OF ORDER.*—

4           “(1) *IN GENERAL.*—*A district court of the*  
5           *United States shall have jurisdiction to enter an*  
6           *order under this section without regard to the location*  
7           *of the property subject to the order.*

8           “(2) *OUTSIDE THE UNITED STATES.*—*If the*  
9           *property subject to an order issued under this section*  
10          *is located outside of the United States, the order may*  
11          *be transmitted to the central authority of any foreign*  
12          *state for service in accordance with any treaty or*  
13          *other international agreement.*

14          “(e) *NO EFFECT ON OTHER GOVERNMENT ACTION.*—  
15          *Nothing in this section shall be construed to preclude the*  
16          *Government from seeking the seizure, restraint, or forfeiture*  
17          *of assets under the asset forfeiture laws of the United States.*

18          “(f) *LIMITATION ON RIGHTS CONFERRED.*—*Nothing*  
19          *in this section shall be construed to create any enforceable*  
20          *right to have the Government seek the seizure or restraint*  
21          *of property for restitution.*

22          “(g) *RECEIVERS.*—

23          “(1) *IN GENERAL.*—*A court issuing an order*  
24          *under this section may appoint a receiver under sec-*  
25          *tion 1956(b)(4) to collect, marshal, and take custody,*

1     *control, and possession of all assets of the defendant,*  
 2     *wherever located, that have been restrained in accord-*  
 3     *ance with this section.*

4             “(2) *DISTRIBUTION OF PROPERTY.*—*The receiver*  
 5     *shall have the power to distribute property in its con-*  
 6     *trol to each victim identified in an order of restitu-*  
 7     *tion at such time, and in such manner, as the court*  
 8     *may authorize.”.*

9     (b) *CONFORMING AMENDMENT.*—*The section analysis*  
 10    *for chapter 232 of title 18, United States Code, is amended*  
 11    *by inserting after the item relating to section 3664 the fol-*  
 12    *lowing:*

   “*Sec. 3664A. Preservation of assets for restitution.*”.

13    **SEC. 743. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION**  
 14                                **STATUTE.**

15     *Section 1345(a) of title 18, United States Code, is*  
 16    *amended—*

17             (1) *in paragraph (1)—*

18                     (A) *in subparagraph (B), by striking “or”*  
 19             *at the end; and*

20                     (B) *by inserting after subparagraph (C) the*  
 21             *following:*

22                     “(D) *committing or about to commit a Fed-*  
 23             *eral offense that may result in an order of res-*  
 24             *titution;”;* *and*

25             (2) *in paragraph (2)—*

1           (A) by striking “a banking violation” and  
 2           all that follows through “healthcare offense” and  
 3           inserting “a violation or offense identified in  
 4           paragraph (1)”; and

5           (B) by inserting “or offense” after “trace-  
 6           able to such violation”.

7 **SEC. 744. AMENDMENTS TO THE FEDERAL DEBT COLLEC-**  
 8 **TION PROCEDURES ACT.**

9           (a) *PROCESS*.—Section 3004(b)(2) of title 28, United  
 10 States Code, is amended by inserting after “in which the  
 11 debtor resides.” the following: “In a criminal case, the dis-  
 12 trict court for the district in which the defendant was sen-  
 13 tenced may deny the request.”

14           (b) *PREJUDGMENT REMEDIES*.—Section 3101 of title  
 15 28, United States Code, is amended—

16           (1) in subsection (a)(1) by inserting after “the  
 17 filing of a civil action on a claim for a debt” the fol-  
 18 lowing: “or in any criminal action where the court  
 19 may enter an order of restitution”; and

20           (2) in subsection (d)—

21           (A) by inserting after “The Government  
 22 wants to make sure [name of debtor] will pay if  
 23 the court determines that this money is owed.’”  
 24 the following:

1       *“In a criminal action, use the following opening*  
2 *paragraph: You are hereby notified that this [property] is*  
3 *being taken by the United States Government [the Govern-*  
4 *ment], which says that [name of debtor], if convicted, may*  
5 *owe as restitution \$ [amount]. The Government says it*  
6 *must take this property at this time because [recite the per-*  
7 *tinent ground or grounds from section 3101(b)]. The Gov-*  
8 *ernment wants to make sure [name of debtor] will pay if*  
9 *the court determines that restitution is owed.’”;*

10       *(B) by inserting after “a statement that different prop-*  
11 *erty may be so exempted with respect to the State in which*  
12 *the debtor resides.]’” the following:*

13       *“[In a criminal action, the statement summarizing*  
14 *the types of property that may be exempt shall list only*  
15 *those types of property that may be exempt under section*  
16 *3613 of title 18.]’”;* and

17       *(C) by inserting after “You must also send a copy of*  
18 *your request to the Government at [address], so the Govern-*  
19 *ment will know you want the proceeding to be trans-*  
20 *ferred.’” the following:*

21       *“If this Notice is issued in conjunction with a crimi-*  
22 *nal case, the district court where the criminal action is*  
23 *pending may deny your request for a transfer of this pro-*  
24 *ceeding.’”.*

1       (c) *ENFORCEMENT.*—Section 3202(b) of title 28,  
2 *United States Code, is amended—*

3           (1) *by inserting after “a statement that different*  
4 *property may be so exempted with respect to the State*  
5 *in which the debtor resides.]’” the following:*

6       “*[In a criminal action, the statement summarizing*  
7 *the types of property that may be exempt shall list only*  
8 *those types of property that may be exempt under section*  
9 *3613 of title 18.]’”; and*

10           (2) *by inserting after “you want the proceeding*  
11 *to be transferred.’” the following:*

12       “*If this notice is issued in conjunction with a crimi-*  
13 *nal case, the district court where the criminal action is*  
14 *pending may deny your request for a transfer of this pro-*  
15 *ceeding.’”.*

16       *This Act may be cited as the “Departments of Com-*  
17 *merce and Justice, Science, and Related Agencies Appro-*  
18 *priations Act, 2008”.*

Attest:

*Secretary.*



110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 3093**

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**AMENDMENT**