

A REQUEST FOR BUDGET AMENDMENTS FOR FISCAL
YEAR 2008

COMMUNICATION

FROM

THE DIRECTOR
THE EXECUTIVE OFFICE OF THE
PRESIDENT

TRANSMITTING

A REQUEST FOR FY 2008 BUDGET AMENDMENTS FOR THE DEPARTMENTS OF COMMERCE, ENERGY, HOMELAND SECURITY, JUSTICE, AND TRANSPORTATION, AS WELL AS THE LEGAL SERVICES CORPORATION



JUNE 13, 2007.—Referred to the Committee on Appropriations and ordered to be printed

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WASHINGTON : 2007

THE WHITE HOUSE,
Washington, DC, June 8, 2007.

Hon. NANCY PELOSI,
*Speaker of the House of Representatives,
Washington, DC.*

DEAR MADAM SPEAKER: I ask the Congress to consider the enclosed FY 2008 Budget amendments for the Departments of Commerce, Energy, Homeland Security, Justice, and Transportation, as well as the Legal Services Corporation. Overall, the discretionary budget authority proposed in my FY 2008 Budget would not be increased by these requests.

This transmittal also contains FY 2007 proposals and FY 2008 Budget amendments for the Legislative Branch. As a matter of comity between branches, appropriations requests of the Legislative Branch are transmitted without change.

The details of these amended requests and proposals are set forth in the enclosed letter from the Director of the Office of Management and Budget.

Sincerely,

GEORGE W. BUSH.

[Estimate No. 4, 110th Cong., 1st Sess.]

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 7, 2007.

The PRESIDENT,
The White House.

Submitted for your consideration are amended budget requests for the Departments of Commerce, Energy, Homeland Security, Justice, and Transportation, as well as the Legal Services Corporation. These amendments are necessary to reflect correctly policies assumed in your FY 2008 Budget. Overall, the discretionary budget authority in your Budget would not be increased by these requests.

This transmittal also contains FY 2007 proposals and FY 2008 Budget amendments for the Legislative Branch. As a matter of comity, appropriations requests for the Legislative Branch are commonly transmitted without change. In total, the Legislative Branch requests would increase FY 2007 discretionary resources by \$7.2 million and FY 2008 discretionary resources by \$34.9 million.

Recommendation

I have reviewed the Executive Branch amended requests and am satisfied that they are necessary at this time. Therefore, I join the heads of the affected agencies in recommending that you transmit the amended requests and proposals to the Congress.

Sincerely,

ROB PORTMAN,
Director.

Enclosures.

DEPARTMENT OF COMMERCE
U.S. PATENT AND TRADEMARK OFFICE
SALARIES AND EXPENSES

FY 2008 Budget Appendix Page: 208

FY 2008 Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In the appropriations language under the above heading, in the third proviso delete “, but shall not be available for obligation until October 1, 2008” and insert: *Provided further, That amounts received in excess of \$1,915,500,000 in fiscal year 2008, in an amount up to \$100,000,000, shall remain available until expended.*)

This proposal would amend the pending appropriations language to allow the U.S. Patent and Trademark Office (PTO) to have fuller access to fees, including up to \$100 million in fees collected above original estimates, in the year the fees are collected. PTO would still be scored as having zero budget authority because fees would continue to offset all spending. The original FY 2008 proposed language would have given PTO deferred access in FY 2009 to fees collected above the original FY 2008 estimates, but that would have the unintended effect of scoring those fees as an FY 2009 appropriation.

The proposed budget totals would not be affected by this amendment.

DEPARTMENT OF ENERGY
ENERGY PROGRAMS
NUCLEAR WASTE DISPOSAL

FY 2008 Budget Appendix Page: 374
FY 2008 Pending Request: \$202,454,000
Proposed Amendment: Language
Revised Request: \$202,454,000

(In the appropriations language under the above heading, delete “\$2,500,000” and substitute \$5,000,000; delete “\$1,200,000” and substitute \$1,000,000; delete “\$4,000,000” and substitute \$9,000,000. In the seventh proviso, after “Governor of the State of Nevada” insert *and the affected units of local government.*)

This proposal would adjust funding requested for affected units of local government (AULG) and the State of Nevada to conduct effective oversight of Yucca Mountain activities during FY 2008. Specifically within the total proposed in the FY 2008 Budget, additional funding is required to enable AULG and the State of Nevada to prepare for review of the license application that the Department of Energy will submit to the Nuclear Regulatory Commission by June 30, 2008, and to support their proactive participation in the licensing process. This reallocation would support higher priority oversight activities within the original funding request for Financial Assistance. Further, language is proposed that would require AULG to certify that all expenditures from this appropriation are for activities authorized by this act and by the Nuclear Waste Policy Act of 1982, as amended.

The proposed budget totals would not be affected by this amendment.

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
STATE AND LOCAL PROGRAMS

FY 2008 Budget Appendix Page: 480
FY 2008 Pending Request: \$1,896,000,000
Proposed Amendment: Language
Revised Request: \$1,896,000,000

(In the appropriations language under the above heading, delete “\$62,500,000” and substitute *25 percent* in section (2)(A) and delete “\$200,000,000” and substitute *25 percent* in section (2)(B).)

This proposal would amend the pending appropriations language to fund law enforcement terrorism prevention grants as a percentage of State and Urban Area grants rather than at explicit dollar amounts.

The proposed budget totals would not be affected by this amendment.

DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
ADMINISTRATIVE REVIEW AND APPEALS

FY 2008 Budget Appendix Page: 642
FY 2008 Pending Request: \$247,512,000
Proposed Amendment: Language
Revised Request: \$251,499,000

(In the appropriations language under the above heading, delete
“\$247,512,000” and substitute \$251,499,000.)

This proposal would correct an inadvertent error in proposed appropriations language for the Administrative Review and Appeals account. The total appropriations request should have included the \$4 million requested from the transfer of fees from the Immigration Examination Fee account in the Department of Homeland Security. The corrected amount is consistent with Administration policy and the data published in the President’s Budget.

The proposed budget totals would not be affected by this amendment.

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

FY 2008 Budget Appendix Page: 787

FY 2008 Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In the appropriations language under the above heading, delete
“\$96,196,936,000” and substitute \$96,197,000.)

This proposal would correct an inadvertent print error in proposed appropriations language for the Office of the Secretary, Salaries and Expenses account. The appropriations language in the Budget Appendix contained three extra zeroes and should have been \$96 million rather than \$96 billion. The corrected amount is consistent with the amounts reflected in the program and financing schedules and the data published in the President’s Budget and the Department of Transportation’s budget justification submitted to the Congress.

The proposed budget totals would not be affected by this amendment.

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

FY 2008 Budget Appendix Page: 1090

FY 2008 Pending Request: — — —

Proposed Amendment: Language

Revised Request: — — —

(Immediately following the material under the heading “Legal Services Corporation, Payment to the Legal Services Corporation” on page 1090, insert the new heading *Administrative Provision—Legal Services Corporation* along with the following appropriations language: *None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501 through 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2007 and 2008, respectively.*)

This amendment would make explicit the policy assumed in the FY 2008 Budget and included in previous Budgets that would require the Legal Service Commission (LSC) to make all grant awards competitively, to distribute funds geographically based on poverty rates, and to provide an equal figure per individual in poverty in each geographic area. The language would require LSC to ensure that only eligible persons or entities receive funding, that no funding is provided for membership dues, and that no person or entity receiving funds from LSC is allowed to sue LSC. Under these provisions, LSC is required to annually audit all persons or entities that receive funding from LSC and may debar recipients for good cause.

The proposed budget totals would not be affected by this amendment.

LEGISLATIVE BRANCH

SENATE

SALARIES, OFFICERS AND EMPLOYEES

FY 2008 Budget Appendix Page: 13
 FY 2008 Pending Request: \$154,973,000
 Proposed Amendment: \$11,678,000
 Revised Request: \$166,651,000

This proposal would increase the pending request by \$11,678,000 for the Salaries, Officers and Employees account, and accordingly the following subaccounts: Office of the Vice President; Office of the President Pro Tempore; Office of the President Pro Tempore Emeritus; Offices of the Majority and Minority Leaders; Offices of the Majority and Minority Whips; Committee on Appropriations; Conference Committees; Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority; Policy Committees; Office of the Chaplain; Office of the Secretary; Office of the Sergeant at Arms and Doorkeeper; Offices of the Secretaries for the Majority and Minority; and Agency Contributions and Related Expenses.

FY 2008 outlays would increase by the same amount. The details of the subaccount proposals follow.

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF THE VICE PRESIDENT

FY 2008 Budget Appendix Page: 13
 FY 2008 Pending Request: \$2,246,000
 Proposed Amendment: \$70,000
 Revised Request: \$2,316,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF THE PRESIDENT PRO TEMPORE

FY 2008 Budget Appendix Page: 13
 FY 2008 Pending Request: \$600,000
 Proposed Amendment: \$20,000
 Revised Request: \$620,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

FY 2008 Budget Appendix Page: 13
 FY 2008 Pending Request: \$299,000
 Proposed Amendment: \$10,000
 Revised Request: \$309,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICES OF THE MAJORITY AND MINORITY LEADERS

FY 2008 Budget Appendix Page: 13
 FY 2008 Pending Request: \$4,470,000
 Proposed Amendment: \$326,000
 Revised Request: \$4,796,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICES OF THE MAJORITY AND
MINORITY WHIPS

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$2,722,000
Proposed Amendment: \$190,000
Revised Request: \$2,912,000

SALARIES, OFFICERS AND EMPLOYEES, COMMITTEE ON
APPROPRIATIONS

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$14,161,000
Proposed Amendment: \$754,000
Revised Request: \$14,915,000

SALARIES, OFFICERS AND EMPLOYEES, CONFERENCE COMMITTEES

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$3,028,000
Proposed Amendment: \$146,000
Revised Request: \$3,174,000

(In the appropriations language under the above heading, delete
“\$1,514,000” and substitute \$1,587,000; delete “\$3,028,000” and
substitute \$3,174,000.)

SALARIES, OFFICERS AND EMPLOYEES, OFFICES OF THE SECRETARIES
OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF
THE MINORITY

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$752,000
Proposed Amendment: \$26,000
Revised Request: \$778,000

SALARIES, OFFICERS AND EMPLOYEES, POLICY COMMITTEES

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$3,140,000
Proposed Amendment: \$100,000
Revised Request: \$3,240,000

(In the appropriations language under the above heading, delete
“\$1,570,000” and substitute \$1,620,000; delete “\$3,140,000” and
substitute \$3,240,000.)

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF THE CHAPLAIN

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$366,000
Proposed Amendment: \$13,000
Revised Request: \$379,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF THE SECRETARY

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$22,121,000
Proposed Amendment: \$1,379,000
Revised Request: \$23,500,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICE OF THE SERGEANT AT
ARMS AND DOORKEEPER

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$58,814,000
Proposed Amendment: \$5,629,000
Revised Request: \$64,443,000

SALARIES, OFFICERS AND EMPLOYEES, OFFICES OF THE SECRETARIES
FOR THE MAJORITY AND MINORITY

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$1,632,000
Proposed Amendment: \$52,000
Revised Request: \$1,684,000

SALARIES, OFFICERS AND EMPLOYEES, AGENCY CONTRIBUTIONS AND
RELATED EXPENSES

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$40,622,000
Proposed Amendment: \$2,963,000
Revised Request: \$43,585,000

LEGISLATIVE BRANCH

SENATE

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$5,390,000
Proposed Amendment: \$890,000
Revised Request: \$6,280,000

This proposal would increase the pending request by \$890,000 for the Office of the Legislative Counsel of the Senate. FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH

SENATE

OFFICE OF SENATE LEGAL COUNSEL

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$1,309,000
Proposed Amendment: \$130,000
Revised Request: \$1,439,000

This proposal would increase the pending request by \$130,000 for the Office of Senate Legal Counsel. FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE, SECRETARY OF THE SENATE

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$1,900,000
Proposed Amendment: \$100,000
Revised Request: \$2,000,000

This proposal would increase the pending request by \$100,000 for the Secretary of the Senate. FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE, SERGEANT AT ARMS AND
DOORKEEPER OF THE SENATE

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$150,576,000
Proposed Amendment: \$11,874,000
Revised Request: \$162,450,000

This proposal would increase the pending request by \$11,874,000 for the Sergeant at Arms and Doorkeeper of the Senate. FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE, SENATORS' OFFICIAL
PERSONNEL AND OFFICE EXPENSE ACCOUNT

FY 2008 Budget Appendix Page: 13
FY 2008 Pending Request: \$396,664,000
Proposed Amendment: -\$599,000
Revised Request: \$396,065,000

This proposal would decrease the pending request by \$599,000 for the Senators' Official Personnel and Office Expense Account. FY 2008 outlays would decrease by the same amount.

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

FY 2008 Budget Appendix Page: 15
FY 2008 Pending Request: \$4,448,000
Proposed Amendment: \$6,428,000
Revised Request: \$10,876,000

This proposal would increase the pending request by \$6,428,000 for the Capitol Guide Service and Special Services Office. FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH
ARCHITECT OF THE CAPITOL
ADMINISTRATIVE PROVISIONS

FY 2008 Budget Appendix Pages: 24–25

FY 2008 Pending Request:

Proposed Amendment: Language

Revised Request:

(In the appropriations language under the above heading, insert the following new provision after Sec. 210.)

SEC. 211. CONTINUED BENEFITS FOR CERTAIN SENATE RESTAURANTS EMPLOYEES.

(a) **DEFINITIONS.**—*In this section:*

(1) **CONTRACTOR.**—*The term “contractor” means the private business concern that enters into a food services contract with the Architect of the Capitol or the Director of the Capitol Visitor Center.*

(2) **COVERED INDIVIDUAL.**—*The term “covered individual” means any individual—*

(A) *who—*

(i) *during the period beginning on September 23, 2005, through the day before the transfer date is a Senate Restaurants employee who is continuously employed as a permanent, full-time employee of the Architect of the Capitol; or*

[(ii)] *I was provided benefits under section 133 of the Legislative Branch Appropriations Act, 2002 (Public Law 107-68; 115 Stat. 581); and]*

[(ii)] *II during the period beginning on September 23, 2001, through the day before the transfer date is a Senate Restaurants employee who is continuously employed as an employee of the Architect of the Capitol;]*

(B) *who becomes an employee of the contractor under a food services contract on the transfer date; and*

(C) *who, with respect to benefits under subsection (c)(2) or (3), files an election before the transfer date with the Office of Human Resources of the Architect of the Capitol to have 1 or more benefits continued in accordance with this section.*

(3) **FOOD SERVICES CONTRACT.**—*The term “food services contract” means a contract under which food services operations of the Senate Restaurants are transferred to, and performed by, a private business concern.*

(4) **TRANSFER DATE.**—*The term “transfer date” means the date on which a contractor begins the performance of food services operations under a food services contract.*

(b) **ELECTION OF COVERAGE.**—*Beginning in fiscal year 2008 and thereafter.*

(1) **IN GENERAL.**—*Not later than the day before the transfer date, an individual described under subsection (a)(2)(A) and (B) may file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage of any benefit*

under subsection (c)(2) or (3) for which that individual is covered on that day.

(2) **NOTIFICATION TO THE OFFICE OF PERSONNEL MANAGEMENT.**—The Office of Human Resources of the Architect of the Capitol shall provide timely notification to the Office of Personnel Management of any election filed under paragraph (1).

(c) **CONTINUITY OF BENEFITS.**—

(1) **PAY.**—The rate of basic pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service may not be reduced to a rate less than the rate of basic pay paid to that individual as an employee of the Architect of the Capitol on September 23, 2005, except for cause.

(2) **RETIREMENT AND LIFE INSURANCE BENEFITS.**—For purposes of chapters 83, 84, and 87 of title 5, United States Code—

(A) any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(B) the rate of basic pay of the covered individual during the period described under sub paragraph (A) shall be deemed to be the rate of basic pay of that individual as an employee of the Architect of the Capitol on September 23, 2005.

(3) **HEALTH INSURANCE BENEFITS.**—For purposes of chapters 89, 89A, and 89B of title 5, United States Code, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(4) **LEAVE.**—

(A) **CREDIT OF LEAVE.**—Subject to section 6304 of title 5, United States Code, annual and sick leave balances of any covered individual shall be credited to the leave accounts of that individual as an employee of the contractor, or any successor contractor. A food services contract may include provisions similar to regulations prescribed under section 6308 of title 5, United States Code, to implement this subparagraph.

(B) **ACCRUAL RATE.**—During any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, that individual shall continue to accrue annual and sick leave at rates not less than the rates applicable to that individual on the day before the transfer date.

(C) **TECHNICAL AND CONFORMING AMENDMENT.**—The second and third provisos under the subheading “SENATE OFFICE BUILDINGS” under the heading “CAPITOL BUILDINGS AND GROUNDS” under the heading “ARCHITECT OF THE CAPITOL” in the Legislative Branch Appropriations Act. 1972 (2 U.S.C. 2048) are repealed.

(5) **TRANSIT SUBSIDY.**—For purposes of any benefit under section 7905 of title 5, United States Code, any period of continuous service performed by a covered individual as an employee

of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

(6) **EMPLOYEE PAY; GOVERNMENT CONTRIBUTIONS; TRANSIT SUBSIDY PAYMENTS; AND OTHER BENEFITS.**—

(A) **PAYMENT BY CONTRACTOR.**—A contractor, or any successor to the contractor, shall pay—

- (i) the pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service;
- (ii) Government contributions for the benefits of a covered individual under paragraph (2) or (3);
- (iii) any transit subsidy for a covered individual under paragraph (5); and
- (iv) any payment for any other benefit for a covered individual in accordance with a food services contract.

(B) **REIMBURSEMENTS AND PAYMENTS BY ARCHITECT OF THE CAPITOL.**—Beginning in fiscal year 2008 and thereafter, from appropriations made available to the Architect of the Capitol under the heading “SENATE OFFICE BUILDINGS” under the heading “ARCHITECT OF THE CAPITOL”, the Architect of the Capitol shall—

- (i) reimburse a contractor, or any successor contractor, for that portion of any payment under subparagraph (A) which the Architect of the Capitol agreed to pay under a food services contract; and
- (ii) pay a contractor, or any successor contractor, for any administrative fee (or portion of an administrative fee) which the Architect of the Capitol agreed to pay under a food services contract.

(7) **REGULATIONS.**—After consultation with the Architect of the Capitol, the Office of the Personnel Management shall prescribe regulations to provide for the continuity of benefits under paragraphs (2) and (3).

(d) **COVERED INDIVIDUALS NOT ENTITLED TO SEVERANCE PAY.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), a covered individual shall not be entitled to severance pay under section 5595 of title 5, United States Code, by reason of—

(A) separation from service with the Architect of the Capitol and becoming an employee of a contractor under a food services contract; or

(B) termination of employment with a contractor, or successor to a contractor.

[(2) **SEPARATION DURING 90-DAY PERIOD.**—]

[(A) **IN GENERAL.**—]

[(i) **COVERED INDIVIDUALS.**—Except as provided under clause (ii), a covered individual shall be entitled to severance pay under section 5595 of title 5, United States Code, if during the 90-day period following the transfer date the employment of that individual with a contractor is terminated as provided under a food services contract.]

[(ii) EXCEPTION.—Clause (i) shall not apply to a covered individual who is terminated for cause.]

[(B) TREATMENT.—For purposes of section 5595 of title 5, United States Code—]

[(i) any period of continuous service performed by a covered individual described under subparagraph (A) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and]

[(ii) any termination of employment of a covered individual described under subparagraph (A) with a contractor shall be treated as a separation from service with the Architect of the Capitol.]

(e) EARLY RETIREMENT TREATMENT FOR CERTAIN SEPARATED EMPLOYEES.—

(1) IN GENERAL.—This subsection applies to—

(A) an employee of the Senate Restaurants of the Office of the Architect of the Capitol who—

(i) voluntarily separates from service on or after the date of enactment of this Act, but prior to the day before the transfer date; and

(ii) on such date of separation—

(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(II) has completed 20 years of such service and is at least 50 years of age; and

[(B) except as provided under paragraph (2), a covered individual—]

[(i) whose employment with a contractor is terminated as provided under a food services contract during the 90-day period following the transfer date; and]

[(ii) on the date of such termination—]

[(I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or]

[(II) has completed 20 years of such service and is at least 50 years of age.]

[(2) EXCEPTION.—Paragraph (1)(B) shall not apply to a covered individual who is terminated for cause.]

(3) TREATMENT.—

(A) ANNUITY.—Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

[(B) Separation during 90-day period.—For purposes of chapter 83 or 84 of title 5, United States Code—]

[(i) any period of continuous service performed by a covered individual described under paragraphs (1)(B) and (2) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and]

[ii] any termination of employment of a covered individual described under paragraphs (1)(B) and (2) with a contractor shall be treated as a separation from service with the Architect of the Capitol.]

(f) DEPOSIT OF COMMISSIONS.—

(1) IN GENERAL.—Any commissions paid by a contractor under a food services contract shall be deposited in the miscellaneous items account within the contingent fund of the Senate.

(2) USE OF FUNDS.—Any funds deposited under paragraph (1) shall be available for expenditure in the same manner as funds appropriated into that account.

This proposal would correct an inadvertent omission in the FY 2008 Budget.

The proposed budget totals would not be affected by this amendment.

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

FY 2008 Budget Appendix Page: 35

FY 2008 Pending Request: \$523,753,000

Proposed Amendment: -\$949,000

Revised Request: \$522,804,000

This proposal would reflect correctly the budget request for the Government Accountability Office (GAO), Salaries and Expenses account. The \$949,000 decrease is consistent with GAO's budget justification submitted to the Congress.

FY 2008 outlays would decrease by the same amount.

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

FY 2008 Budget Appendix Page: 35

FY 2008 Pending Request:

Proposed Amendment: Language

Revised Request:

(In the appropriations language under the above heading, insert the following new provision before the period.)

: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106-31 and section 593 of Public Law 106-429, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, and the earthquake relief and reconstruction efforts in El Salvador (section 561 of Public Law 107-115) shall also be available to the Comptroller General to monitor any other disaster assistance and recovery effort: Provided further, That there is established in the Government Accountability Office a Contract Appeals Board to hear and decide, in this and subsequent fiscal years, appeals from decisions of a contracting officer with respect to any contract made by a legislative branch agency. The Comptroller General shall appoint to the Contract Appeals Board at least three members, each of whom shall have not fewer than 5 years experience in public contract law and who shall be compensated in accordance with the pay systems applicable to the Office of General Counsel of the Government Accountability Office. For purposes of this section, "legislative branch agency" means the Architect of the Capitol, the United States Botanic Gardens, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Congressional Budget Office, the United States Capitol Police, and any other agency, office, board or commission established in the legislative branch. The provisions of the Contract Disputes Act, Public Law No. 95-563, as amended, shall apply to appeals before the Contract Appeals Board established by this section, except as otherwise provided in this section.

This amendment is necessary to reflect the Government Accountability Office's proposed change in the proposed FY 2008 language included in the FY 2008 Budget.

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH BOARDS AND COMMISSIONS

COMMISSION ON SECURITY AND COOPERATION IN EUROPE, SALARIES
AND EXPENSES

FY 2008 Budget Appendix Page: 39
FY 2008 Pending Request: \$2,037,000
Proposed Amendment: \$333,000
Revised Request: \$2,370,000

This proposal would correct an inadvertent error in the FY 2008 Budget and reflect correctly the budget request for the Commission on Security and Cooperation in Europe (CSCE), Salaries and Expenses account. The \$333,000 increase is consistent with CSCE's budget justification submitted to the Congress.

FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH BOARDS AND COMMISSIONS

DWIGHT D. EISENHOWER MEMORIAL COMMISSION, SALARIES AND EXPENSES

FY 2008 Budget Appendix Pages: 39–40

FY 2008 Pending Request:

Proposed Amendment: \$1,500,000

Revised Request: \$1,500,000

(Immediately following the material under the heading “Congressional-Executive Commission on the People’s Republic of China, Salaries and Expenses” on page 39, insert the new account heading *Dwight D. Eisenhower Memorial Commission, Salaries and Expenses* along with the following appropriations language: *For necessary expenses of the Dwight D. Eisenhower Memorial Commission, as authorized by Public Law 106–79, \$1,500,000.*)

This proposal would provide an FY 2008 appropriation for the Eisenhower Memorial Commission, Salaries and Expenses account, which was inadvertently not submitted with the FY 2008 Budget.

FY 2008 outlays would increase by the same amount.

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH BOARDS AND COMMISSIONS

DWIGHT D. EISENHOWER MEMORIAL COMMISSION, CONSTRUCTION
DESIGN

FY 2008 Budget Appendix Pages: 39–40

FY 2008 Pending Request: — — —

Proposed Amendment: \$3,500,000

Revised Request: \$3,500,000

(Immediately following the new material under the heading “Dwight D. Eisenhower Commission, Salaries and Expenses” on page 39, insert the new account heading *Dwight D. Eisenhower Memorial Commission, Construction Design* along with the following appropriations language: *For necessary expenses of the Dwight D. Eisenhower Memorial Commission related to construction design, as authorized by Public Law 106-79, \$3,500,000, to remain available until expended.*)

This proposal would provide an FY 2008 appropriation for the Eisenhower Memorial Commission, Construction Design account, which was inadvertently not submitted with the FY 2008 Budget.

FY 2008 outlays would increase by the same amount.

FY 2007 Proposal

LEGISLATIVE BRANCH

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

CONSTRUCTION DESIGN

For an additional amount for design of the National Eisenhower Memorial, \$5,000,000, to remain available until expended.

As requested by the Eisenhower Memorial Commission, this proposal would provide additional funds for design costs associated with the construction of a memorial honoring Dwight D. Eisenhower.

This proposal would increase FY 2007 outlays by \$1.5 million.

FY 2007 Proposal

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for “Library of Congress, Salaries and Expenses” for the Library’s yearly assessment by the Department of State for the Capital Security Cost Sharing (CSCS) Program, under the authority of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999, as amended by section 629 of Division B of the Consolidated Appropriations Act, 2005 (Public Law 108-477), \$2,171,000.

As requested by the Legislative Branch, this proposal would provide additional funds to the Library of Congress, Salaries and Expenses account for the required FY 2007 Department of State CSCS yearly assessment.

This proposal would increase FY 2007 outlays by \$2.171 million.

