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SENATE

{ REPORT  
110-417

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FINANCIAL SERVICES AND GENERAL GOVERNMENT  
APPROPRIATIONS BILL, 2009

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JULY 14, 2008.—Ordered to be printed

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Mr. DURBIN, from the Committee on Appropriations,  
submitted the following

**REPORT**

[To accompany S. 3260]

The Committee on Appropriations reports the bill (S. 3260) making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes, reports favorably thereon and recommends that the bill do pass.

*Amounts of new budget (obligational) authority for fiscal year 2009*

Total of bill as reported to the Senate .....	\$44,755,883,000
Amount of 2008 appropriations .....	43,658,154,000
Amount of 2009 budget estimate .....	44,226,913,000
Bill as recommended to Senate compared to—	
2008 appropriations .....	+ 1,097,729,000
2009 budget estimate .....	+ 528,970,000

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## SUMMARY OF THE BILL

Fiscal year 2009 marks the second year for the Financial Services and General Government appropriations bill. The bill provides funding for the Department of the Treasury, including the Internal Revenue Service; the Executive Office of the President; the Judiciary; the District of Columbia; and more than two dozen independent Federal agencies.

The Committee recommends \$44,755,883,000 in discretionary and mandatory appropriations. This represents an increase of \$1,097,729,000 over the fiscal year 2008 enacted level, and an increase of \$528,970,000 over the budget request. Of the total, \$22,870,000,000 is provided in discretionary appropriations, \$502,726,000 above the budget request of \$22,367,274,000. Mandatory appropriations total \$21,885,883,000.

The Committee-recommended bill is consistent with the allocation for the Financial Services and General Government appropriations bill. The Committee has made difficult but necessary decisions to craft a bill that is within strict fiscal limitations. The President's budget request for the agencies funded by this bill leaves gaps in funding for community development financial assistance, valuable drug control programs, tax systems modernization, regulatory oversight and enforcement of financial and futures markets, repair of historical buildings, inspector general audits, and support for small businesses.

### PROJECT FUNDING

Agency	Items in Senate bill at President's request	Congressionally directed spending in Senate bill
District of Columbia .....		\$5,250,000
General Services Administration .....	\$925,846,000	146,872,000
National Archives and Records Administration .....		24,000,000
Office of National Drug Control Policy .....		2,250,000
Small Business Administration .....		34,725,500
Total .....	925,846,000	213,097,500
Combined Total Project Funding in bill .....	1,138,943,500	

The Small Business Administration account includes congressionally directed spending totaling \$34,725,000 for 74 projects. Total funding for congressionally directed spending in the Small Business Administration account is the same as the fiscal year 2008 enacted level. The President did not request any specific projects. The Committee includes two congressionally directed spending items for the District of Columbia. Within the General Services Administration, the President requested \$925,846,000, of which \$620,119,000 is for construction of Federal buildings and of which \$305,727,000 is for repair of Federal buildings. The Com-

mittee includes \$146,872,000 above the budget request for two Federal building construction projects, one to complete the project and the other to help keep the project on schedule. Within the National Archives and Records Administration, the President requested \$9,211,000 for basic repairs and the Committee provides an additional \$24,000,000 in additional funding for repair of presidential libraries. The Committee includes funding for two drug programs within the Office of National Drug Control Policy that were zeroed out by the President.

#### PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 2009, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to appropriations contained in the accompanying bill, the terms “program, project, and activity” [PPA] shall mean any item for which a dollar amount is contained in appropriations acts (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference.

#### REPROGRAMMING GUIDELINES

The Committee includes a provision (sec. 608) establishing the authority of agencies to reprogram funds and the limitation on that authority. The provision specifically requires the advance approval of the House and Senate Committees on Appropriations of any proposal to reprogram funds that: (1) creates a new program; (2) eliminates a program, project, or activity [PPA]; (3) increases funds or personnel for any PPA for which funds have been denied or restricted by the Congress; (4) proposes to redirect funds that were directed in such reports for a specific activity to a different purpose; (5) augments an existing PPA in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces an existing PPA by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures offices different from the congressional budget justifications or the table at the end of the Committee report, whichever is more detailed.

The Committee retains the requirement that each agency submit an operating plan to the House and Senate Committees on Appropriations not later than 60 days after enactment of this act to establish the baseline for application of reprogramming and transfer authorities provided in this act. Specifically, each agency should provide a table for each appropriation with columns displaying the budget request; adjustments made by Congress; adjustments for rescissions, if appropriate; and the fiscal year enacted level. The table shall delineate the appropriation both by object class and by PPA. The report must also identify items of special congressional interest.

The Committee expects the agencies and bureaus to submit reprogramming requests in a timely manner and to provide a thorough explanation of the proposed reallocations, including a detailed justification of increases and reductions and the specific impact the proposed changes will have on the budget request for the following

fiscal year. Except in emergency situations, reprogramming requests should be submitted no later than June 30.

The Committee expects each agency to manage its programs and activities within the amounts appropriated by Congress. The Committee reminds agencies that reprogramming requests should be submitted only in the case of an unforeseeable emergency or a situation that could not have been anticipated when formulating the budget request for the current fiscal year. Further, the Committee notes that when a Department or agency submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and the Senate, it is the responsibility of the Department to reconcile the House and the Senate differences before proceeding, and if reconciliation is not possible, to consider the request to reprogram funds unapproved.

#### RELATIONSHIP WITH BUDGET OFFICES

Through the years, the Committee has channeled most of its inquiries and requests for information and assistance through the budget offices of the various departments, agencies, offices, and commissions. The Committee has often pointed to the natural affinity and relationship between the budget offices and the Committee which makes such a relationship workable. The Committee reiterates its longstanding position that while the Committee reserves the right to call upon any office or officer in the departments, agencies, and commissions, the primary conjunction between the Committee and these entities must be through the budget offices. To help ensure the Committee's ability to perform its responsibilities, the Committee insists on having direct, unobstructed, and timely access to the budget offices and expects to be able to receive forthright and complete responses from those offices and their employees.

#### CONGRESSIONAL BUDGET JUSTIFICATIONS

Budget justifications are prepared not for the use of the agency, but instead are the primary tool used by the House and Senate Committees on Appropriations to evaluate the resource requirements and fiscal needs of agencies. The Committee is aware that the format and presentation of budget materials is largely left to the agency within presentation objectives set forth by OMB. In fact, OMB Circular A-11, part 6 specifically states that the "agency should consult with your congressional committees beforehand to ensure their awareness of your plans to modify the format of agency budget documents." The Committee expects all the budget justifications to adhere to this directive and provide the data needed to make appropriate and meaningful funding decisions.

The Committee directs that justifications submitted with the fiscal year 2010 budget requests by agencies funded under this act must contain the customary level of detailed data and explanatory statements to support the appropriations requests at the level of detail contained in the funding table included at the end of the report. Among other items, agencies shall provide a detailed discussion of proposed new initiatives, proposed changes in the agency's financial plan from prior year enactment, and detailed data on all

programs and comprehensive information on any office or agency restructurings. At a minimum, each agency must also provide adequate justification for funding and staffing changes for each individual office and materials that compare programs, projects, and activities that are proposed for fiscal year 2010 to the fiscal year 2009 enacted level.

The Committee is aware that the analytical materials required for review by the Committee are unique to each agency in this act. Therefore, the Committee expects that each agency will coordinate with the House and Senate Committees on Appropriations in advance on its planned presentation for its budget justification materials in support of the fiscal year 2010 budget request.

TITLE I  
DEPARTMENT OF THE TREASURY  
DEPARTMENTAL OFFICES  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$248,360,000
Budget estimate, 2009 .....	273,895,000
Committee recommendation .....	273,895,000

PROGRAM DESCRIPTION

The Departmental Offices consist of the Office of the Secretary and Deputy Secretary, the Office of International Affairs, the Office of Domestic Finance, the Office of Terrorism and Financial Intelligence, the Office of Tax Policy, the Office of Economic Policy, the Office of the General Counsel, the Office of Legislative Affairs, the Office of Public Affairs, the Office of the Treasurer, and the Office of Management. The Secretary of the Treasury has the primary role in formulating and managing the domestic and international tax and financial policies of the Federal Government. The Secretary's responsibilities funded by the Salaries and Expenses appropriation include: recommending and implementing United States domestic and international economic and tax policy; formulating fiscal policy; governing the fiscal operations of the Government; executing the Nation's financial sanction policies; disrupting and dismantling terrorist financial infrastructure; protecting the United States and international financial system from terrorist financing, money laundering, and other financial crimes; managing the public debt; managing international development policy; representing the United States on international monetary, trade and investment issues; overseeing Department of the Treasury overseas operations; and directing the administrative operations of the Department of the Treasury. The majority of the Salaries and Expenses appropriation provides resources for policy formulation and implementation in the areas of domestic and international finance, terrorist financing and financial crimes, tax, economic, trade, financial operations and general fiscal policy. This appropriation also provides resources to support the Secretary, policy components, and departmental administrative policies in financial and personnel management, procurement operations, and information systems and telecommunications.

COMMITTEE RECOMMENDATION

The Committee recommends \$273,895,000 for the Salaries and Expenses appropriation of the Departmental Offices account of the



Department of the Treasury for fiscal year 2009. This amount is equal to the budget request and \$25,535,000 above the fiscal year 2008 enacted level. Within the funds provided under this account, the Committee has provided \$3,000,000 for information technology modernization; \$200,000 for official reception and representation expenses; \$258,000 for unforeseen emergencies; and \$5,232,443 for the Treasury-wide financial statement audits and other Treasury office and bureau audits.

The following table compares the fiscal year 2008 enacted level to the fiscal year 2009 budget estimate and the Committee's recommendation for each office:

[In thousands of dollars]

	Fiscal year 2008 enacted	Fiscal year 2009 budget estimate	Committee recommendation
Executive direction .....	10,840	11,097	11,097
General counsel .....	9,909	10,495	10,495
Economic policies and programs .....	44,242	45,853	45,853
Financial policies and programs .....	29,464	34,735	34,735
Terrorism and financial intelligence .....	56,775	61,712	61,712
Treasury-wide management and programs .....	18,505	19,009	19,009
Administration .....	78,625	90,994	90,994

The Committee has approved the following significant program increases in the bill:

*State Sponsored Terrorism (Terrorism and Financial Intelligence): +\$1,380,000/ +4 FTE.*—Building on resources provided in fiscal year 2008, the Committee recommends an increase of \$1,380,000 for the Office of Foreign Asset Control [OFAC] to further enhance capacity to administer and implement economic sanctions to State sponsors of terrorism, such as Iran and Sudan, as well as terrorists, terrorist groups, and their support networks. Additional resources shall support the hiring of additional sanctions investigators, enforcement, compliance, licensing, blocking, and civil penalties officers, Freedom of Information Act specialists, and program advisor and records management specialists to support these efforts.

*Counterintelligence and Security Capabilities (Terrorism and Financial Intelligence): +\$1,433,000/ +3 FTE.*—The Committee recommends an increase of \$1,433,000 above the fiscal year 2008 level for the Office of Intelligence and Analysis to address current and emerging threats affecting the Department's national security mission. Additional resources will enhance efforts to prevent espionage in the Department; thwart adversarial threats to its personnel, programs, and facilities; and identify and mitigate threats from compromise of Treasury critical programs.

*Global Finance Initiative (Terrorism and Financial Intelligence): +\$1,000,000/ +10 FTE.*—The Committee recommends an increase of \$2,000,000, including a realignment of \$1,000,000 in base resources, for the Office of Intelligence and Analysis to improve the Department's coordination of global finance intelligence issues with the intelligence community. Targeted financial measures supported by financial intelligence have become one of the most effective weapons against national security threats, and Treasury's efforts in this area have been instrumental in disrupting terrorist financing. Additional resources shall focus on developing and capitalizing on

new sources of information, enhancing analysis in coordination with the intelligence community, expanding the Department's role and relationships within the intelligence community, and ensuring Treasury's infrastructure is sufficient to support these expanding responsibilities. This initiative is aligned with key tasks and objectives of the National Security Strategy, the National Intelligence Strategy, and the National Implementation Plan for the War on Terror.

*Support for the Committee on Foreign Investment in the United States (Office of General Counsel): +\$483,000 / +2 FTE.*—The Committee on Foreign Investment in the United States [CFIUS] is responsible for investigating the merger or acquisition of U.S. companies by foreign persons for national security implications. Building on resources provided in fiscal year 2008, the Committee recommends an increase of \$483,000 for the Office of General Counsel to hire additional legal support needed as a result of the continuing increase in the number and significance of CFIUS cases.

*Improving Security of U.S. Financial Services Sector (Financial Policies and Programs): +\$1,300,000 / +0 FTE.*—The Committee recommends an increase of \$1,300,000 above the fiscal year 2008 level to support the Office of Critical Infrastructure Protection in continuing improvement to the security of the American financial services sector against natural and man-made disasters. Ongoing initiatives support cooperative, public-private sector efforts to identify threats and vulnerabilities, share critical information, and mitigate risks to the financial services sector in order to protect the U.S. economy and national security. Additional resources shall support extensive mapping of the financial sector, the establishment of secure communications with financial institutions, and further international exercises with entities such as the European Central Bank.

*Debt Management Analytical Support (Financial Policies and Programs): +\$3,000,000 / +2 FTE.*—The Committee recommends an increase of \$3,000,000 above the fiscal year 2008 level to overhaul the Office of Debt Management's [ODM] information technology systems to improve the accuracy, reliability, and speed of the financial models used to manage the Federal Government's \$9,000,000,000,000 debt portfolio. A successful overhaul of ODM's systems will improve the financial data that capital markets and Treasury decisionmakers rely upon daily, significantly reduce the risk of operational failure, improve national security, and create potential cost savings for taxpayers as the Federal debt is managed more efficiently.

*Operations Center (Administration): +\$6,200,000 / +24 FTE.*—The Committee recommends an increase of \$6,200,000 above the fiscal year 2008 level to establish a 24/7 Operations Center to centralize and enhance crisis management at the Department. The new Operations Center shall expand the existing Market Room's capacity to monitor international and domestic financial markets, coordinate actions with Federal agencies, foreign governments, and global financial markets, including the financial analysis of terrorist organizations, and manage the Department's global operations on a daily basis.

The Committee is encouraged by reports from the Treasury Office of Inspector General [IG] indicating that the Department is making progress in building a stronger and more sustainable corporate management structure. However, the Committee remains concerned with the significant management challenges faced by the Department, particularly regarding management of capital investments.

*Management of Capital Investments.*—The Committee recognizes efforts the Department has made to emphasize capital investment management Department-wide and agrees that effective management of major capital investments is the responsibility of all executives. The Committee directs the Department to continue improving the management of capital investments, specifically focusing on integrating all of the Department's bureaus into improvement efforts and institutionalizing improvements so that taxpayers will benefit from better management of future capital projects. The Committee directs the Office of the Chief Information Officer to ensure that adequate resources are devoted both to projects in the capital phase, such as the Enterprise Content Management system, and to proper maintenance and modernization of existing systems, such as the Treasury Secure Data Network.

*Information Security.*—The IG continues to cite the Department's information security as a top management and performance challenge. While the IG notes that Treasury has made improvements regarding information security, significant challenges remain, including protection of certain personally identifiable information and configuration management. The Committee urges the Department to address the IG's findings and undertake prompt and meaningful corrective action.

*Sudan Accountability and Divestment Act of 2007.*—The Committee directs the Department to fully implement all sanctions and divestment measures, particularly those applicable to Burma, Iran, and Sudan. The Committee notes that the signing statement accompanying the Sudan Accountability and Divestment Act of 2007 raised serious concerns about the administration's willingness to enforce this law. The Committee expects full and unfettered implementation of the provisions of this law and directs the Department to promptly notify the Committee of any resource constraints that adversely impact the implementation of any sanctions program.

*Nuclear Proliferation.*—The Committee is concerned that the World Bank is contractually obligated to execute certain contracts with entities in Iran, despite Iran's failure to fully cooperate with International Atomic Energy Agency inspections and various resolutions passed by the United Nations Security Council. Therefore, the Committee directs the Department to work with the World Bank to include in the International Bank for Reconstruction and Development's General Conditions for Loans a clause that provides for the termination of future contracts if the recipient state fails to cooperate with International Atomic Energy Agency inspections, violates international laws related to the proliferation of weapons of mass destruction, or is sanctioned for failing to cooperate with the International Atomic Energy Agency or for the proliferation of nuclear weapons or nuclear weapons technology by the United Nations Security Council.

*Subprime Crisis.*—The Committee is concerned with the rising number of foreclosures associated with subprime mortgages. In an attempt to address the subprime crisis, the Department created the HOPE NOW alliance within the financial services sector, including mortgage counselors, mortgage servicers, and investors. The Committee is concerned, however, that HOPE NOW may be an inadequate response to address the magnitude of the foreclosure crisis. The Committee urges the Department to expand its efforts to address the subprime housing crisis beyond the scope of HOPE NOW and to keep the Committee promptly and regularly apprised of such efforts.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$18,710,000
Budget estimate, 2009 .....	26,975,000
Committee recommendation .....	26,975,000

PROGRAM DESCRIPTION

The 1997 Treasury and General Government Appropriations Act established this account, which is authorized to be used by or on behalf of Treasury bureaus, at the Secretary's discretion, to modernize business processes and increase efficiency through technology investments, as well as other activities that involve more than one Treasury bureau or Treasury's interface with other Government agencies.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$26,975,000 for Department-wide systems and capital investment programs [DSCIP]. This amount is equal to the budget request and \$8,265,000 above the fiscal year 2008 enacted level.

The following table compares the Committee recommendation with the budget request and the fiscal year 2008 enacted levels.

DSCIP Initiative	Fiscal year 2008 enacted	Fiscal year 2009 budget estimate	Committee recommendation
Cyber Security—Critical Infrastructure Program .....	\$400,000	.....	.....
DO/Treasury Backup Disaster Recovery .....	4,000,000	.....	.....
Integrated Wireless Network .....	2,000,000	.....	.....
E-Government Enterprise Architecture .....	300,000	.....	.....
Cyber Security—Information Security .....	1,844,000	\$3,000,000	\$3,000,000
E-Government Initiatives .....	2,166,000	2,057,000	2,057,000
Enterprise Content Management .....	6,000,000	6,000,000	6,000,000
Treasury Secure Data Network .....	2,000,000	4,400,000	4,400,000
Annex Repair and Renovation .....	.....	11,518,000	11,518,000
<b>Total .....</b>	<b>18,710,000</b>	<b>26,975,000</b>	<b>26,975,000</b>

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$18,450,000
Budget estimate, 2009 .....	19,356,000
Committee recommendation .....	19,356,000

PROGRAM DESCRIPTION

As a result of the 1988 amendments to the Inspector General [IG] Act, the Secretary of the Treasury established the Office of Inspector General [OIG] in 1989.

The OIG conducts and supervises audits, evaluations, and investigations designed to: (1) promote economy, efficiency, and effectiveness and prevent fraud, waste, and abuse in departmental programs and operations; and (2) keep the Secretary and Congress fully and currently informed of problems and deficiencies in the administration of departmental programs and operations. The audit function provides program audit, contract audit, and financial statement audit services. Contract audits provide professional advice to agency contracting officials on accounting and financial matters relative to negotiation, award, administration, repricing, and settlement of contracts. Program audits review and audit all facets of agency operations. Financial statement audits assess whether financial statements fairly present the agency's financial condition and results of operations, the adequacy of accounting controls, and compliance with laws and regulations. These audits contribute significantly to improved financial management by helping Treasury managers identify improvements needed in their accounting and internal control systems. The evaluations function reviews program performance and issues critical to the mission of the Department. The investigative function provides for the detection and investigation of improper and illegal activities involving programs, personnel, and operations.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$19,356,000 for salaries and expenses of the Office of Inspector General. This amount is the same as the budget request and \$906,000 above the fiscal year 2008 enacted level.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$140,533,000
Budget estimate, 2009 .....	145,736,000
Committee recommendation .....	145,736,000

PROGRAM DESCRIPTION

The Treasury Inspector General for Tax Administration [TIGTA] was established by the IRS Restructuring and Reform Act of 1998 (Public Law 105-206). TIGTA was created to provide independent audit and investigative services necessary to improve the quality and credibility of oversight of the Internal Revenue Service [IRS]. Funding was first appropriated for this account in the fiscal year 2000 Treasury and General Government Appropriations Act (Public Law 106-58).

TIGTA conducts audits, investigations, and evaluations to assess the operations and programs of the IRS and related entities, the IRS Oversight Board and the Office of Chief Counsel to (1) promote the economic, efficient and effective administration of the Nation's

tax laws and to detect and deter fraud and abuse in IRS programs and operations; and (2) recommend actions to resolve fraud and other serious problems, abuses, and deficiencies in these programs and operations, and keep the Secretary and Congress fully and currently informed of these issues and the progress made in resolving them. TIGTA reviews existing and proposed legislation and regulations relating to the programs and operations of the IRS and related entities and makes recommendations concerning the impact of such legislation and regulations on the economy and efficiency in the administration of programs and operations of the IRS and related entities. The audit function provides program audit, limited contract audit, and financial audit services. Program audits review and audit all facets of the IRS and related entities in an effort to improve IRS systems and operations, while ensuring fair and equitable treatment of taxpayers. Contract audits focus on invoices/vouchers submitted to the IRS to determine whether charges are valid and to identify erroneous and improper payments. The investigative function provides for the detection and investigation of improper and illegal activities involving IRS programs and operations and protects the IRS and related entities against external attempts to corrupt or threaten the administration of the tax laws.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$145,736,000 for the Treasury Inspector General for Tax Administration. This amount is an increase of \$5,203,000 above the fiscal year 2008 enacted level and the same as the budget request.

The Committee commends TIGTA for its ongoing review of the IRS's business systems modernization program and other information technology projects. The Committee also acknowledges the critical importance of the priorities TIGTA has identified for fiscal year 2009, including ensuring the privacy and security of taxpayer information from internal and external threats. The Committee shares TIGTA's concern that the IRS is developing and launching its modernized systems without adequately contemplating the security implications. The Committee urges continued TIGTA oversight of tax gap issues, including data reliability, tax law enforcement, and taxpayer assistance, to ensure that the IRS enhances voluntary compliance by balancing taxpayer services and enforcement without jeopardizing taxpayer rights.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$85,844,000
Budget estimate, 2009 .....	91,335,000
Committee recommendation .....	91,335,000

PROGRAM DESCRIPTION

The Financial Crimes Enforcement Network [FinCEN], a bureau within the Treasury Department's Office of Terrorism and Financial Intelligence, is the largest overt collector of financial intelligence in the United States. FinCEN's mission is to safeguard the financial system from the abuses of financial crime, including ter-

rorist financing, money laundering, and other illicit activity. FinCEN accomplishes its mission by administering the Bank Secrecy Act, a collection of statutes that form the Nation's anti-money laundering/counter-terrorist financing regulatory regime. As the delegated administrator of the Bank Secrecy Act, FinCEN is responsible for the development and implementation of regulations, rules, and guidance issued under the Bank Secrecy Act. FinCEN also oversees the work of eight Federal agencies that have been delegated responsibility to examine various sectors of the financial industry for compliance with the Bank Secrecy Act's requirements. FinCEN is responsible for collecting, maintaining, and disseminating the information reported by financial institutions under the Bank Secrecy Act through a Government-wide access service. FinCEN is the United States' Financial Intelligence Unit [FIU] and a founding member of the Egmont Group of Financial Intelligence Units. As the United States FIU, FinCEN routinely shares information and cooperates with other FIUs around the world to address the global problems of terrorist financing, money laundering, and other illicit activity.

#### COMMITTEE RECOMMENDATION

The Committee recommends \$91,335,000 for the Financial Crimes Enforcement Network [FinCEN]. This amount is \$5,491,000 above the fiscal year 2008 enacted level and the same as the budget request.

The Committee is concerned with the Treasury Inspector General's finding that a large share of Suspicious Activity Reports filed with FinCEN under the Bank Secrecy Act are missing critical data elements. Incomplete data limits the ability of FinCEN, regulators, and other law enforcement agencies to detect trends and ultimately identify money laundering or terrorist activity. The Committee directs FinCEN to focus management, regulatory, and enforcement efforts on the consistency of Suspicious Activity Reports.

The bill includes the following program increases for fiscal year 2009:

*Improve BSA Effectiveness/Consistency: +\$1,139,000/ +5 FTE.*—The Committee recommends an increase of \$1,139,000 above the fiscal year 2008 enacted level to support the implementation of the Bank Secrecy Act [BSA]. Administration of the BSA requires timely exchange of information, consistent application of laws and regulations, and tailored outreach to regulated industries. Additional resources are provided to enable FinCEN to bring certain sectors subject to a mandate under the USA PATRIOT Act, such as the insurance sector, under the BSA administration and compliance framework. Funds also shall support management of regulatory requirements imposed on the financial industry and enhanced communication with law enforcement and State and Federal regulators to combat the financing of terrorism and money laundering.

*Strengthen Global Anti-Money Laundering Efforts: +\$865,000/ +2 FTE.*—The Committee recommends an increase of \$865,000 above the fiscal year 2008 enacted level to improve collaboration with other Financial Intelligence Units around the world regarding international anti-money laundering and terrorist financing.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$234,423,000
Supplemental appropriation, 2008 .....	64,175,000
Budget estimate, 2009 .....	239,344,000
Committee recommendation .....	239,344,000

PROGRAM DESCRIPTION

In 1940, the United States Department of the Treasury established the Fiscal Service, which consisted of the Bureau of Accounts, the Bureau of the Public Debt, and the Office of the Treasurer. A 1974 reorganization of the Fiscal Service created the Bureau of Government Financial Operations, which was formed from a merger of the Bureau of Accounts and most functions of the Office of the Treasurer. In 1984, the Bureau of Government Financial Operations was renamed the Financial Management Service [FMS].

FMS implements payment policy and procedures for the Federal program agencies, issues and distributes payments, promotes the use of electronics in the payment process, and assists agencies in converting payments from paper checks to electronic funds transfer [EFT]. FMS provides debt collection operational services to client agencies, implements collections policy, regulations, standards, and procedures for the Federal Government, and assists agencies in converting collections from paper to electronic media.

FMS provides financial accounting, reporting, and financing services to the Federal Government and the Government's agents who participate in the payments and collections process by generating a series of daily, monthly, quarterly, and annual Government-wide reports. FMS also works directly with agencies to help reconcile reporting differences.

COMMITTEE RECOMMENDATION

The Committee recommends \$239,344,000 for salaries and expenses for FMS. This amount is the same as the budget request and \$4,921,000 above the fiscal year 2008 enacted level, excluding emergency supplemental appropriations. Emergency supplemental funding of \$64,175,000 was provided for FMS to support the administration of economic stimulus payments under the Economic Stimulus Act (Public Law 110-285).

A number of Federal agencies accept credit and debit cards as payment for goods and services provided by the Federal Government. FMS processes credit and debit card transactions on behalf of agencies in all three branches of the Federal Government and a host of other associated entities. The Committee is concerned that Federal agencies may be paying excessive fees for accepting credit and debit cards for these transactions. GAO reported that credit card interchange fees and merchant discount fees cost the Federal Government over \$400,000,000 in fiscal year 2007 (GAO-08-558). The Committee is pleased that FMS has initiated a program to identify potential cost savings and efficiencies regarding such fees at several Federal agencies and directs FMS to continue



its plans to expand the program to other Federal agencies so that credit card transaction costs can be minimized for taxpayers.

#### ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

##### SALARIES AND EXPENSES

Appropriations, 2008 .....	\$93,515,000
Budget estimate, 2009 .....	96,900,000
Committee recommendation .....	98,900,000

##### PROGRAM DESCRIPTION

The Homeland Security Act created the Alcohol and Tobacco Tax and Trade Bureau [TTB] within the Department of the Treasury and charged TTB with collecting revenue and protecting the public.

TTB enforces the Federal laws and regulations relating to alcohol and tobacco. TTB works directly and in cooperation with others to maintain a sound revenue management and collection system that continues to reduce the regulatory burden, improve service, collect the revenue due, and prevent tax evasion and other criminal conduct. The TTB is also responsible for preventing consumer deception, ensuring that regulated products comply with Federal commodity, safety, and distribution requirements, and providing customer service.

##### COMMITTEE RECOMMENDATION

The Committee recommends \$98,900,000 for TTB for fiscal year 2009. This amount is an increase of \$2,000,000 over the budget request and an increase of \$5,385,000 over the fiscal year 2008 enacted level. The increase over the budget request is provided to enable TTB to begin implementation of comprehensive lifecycle planning for IT equipment.

#### UNITED STATES MINT

##### UNITED STATES MINT PUBLIC ENTERPRISE FUND

##### PROGRAM DESCRIPTION

The United States Mint manufactures coins, sells numismatic and investment products, and provides for security and asset protection. Public Law 104–52 established the U.S. Mint Public Enterprise Fund (the Fund). The Fund encompasses the previous Salaries and Expenses, Coinage Profit Fund, Coinage Metal Fund, and the Numismatic Public Enterprise Fund. The Mint submits annual audited business-type financial statements to the Secretary of the Treasury and to Congress in support of the operations of the revolving fund.

The operations of the Mint are divided into two major activities: Manufacturing and Sales (including circulating coinage and numismatic and investment products); and Protection. The Mint is credited with receipts from its circulating coinage operations, equal to the full cost of producing and distributing coins that are put into circulation, including depreciation of the Mint's plant and equipment on the basis of current replacement value. Those receipts pay for the costs of the Mint's operations, which include the costs of

production and distribution. The difference between the face value of the coins and these costs is a profit, which is deposited as seigniorage to the general fund. In fiscal year 2007, the Mint transferred \$825,000,000 to the general fund. Any seigniorage used to finance the Mint's capital acquisitions is recorded as budget authority in the year that funds are obligated for this purpose and as receipts over the life of the asset.

COMMITTEE RECOMMENDATION

The Committee recommends a spending level of \$42,150,000 for circulating coinage and protective service capital investments for the Mint. This amount is an increase of \$8,950,000 above the fiscal year 2008 enacted level and is equal to the budget request.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Appropriations, 2008 .....	\$172,871,000
Budget estimate, 2009 .....	177,054,000
Committee recommendation .....	177,054,000

PROGRAM DESCRIPTION

The Public Debt Service was formed in 1919 with the appointment of the first Commissioner of the Public Debt. The Public Debt Service took general charge of debt operations including debt accounting and securities issue and retirement, which had been conducted by several independent divisions within the Treasury. Acting under the authorization of the Reorganization Act of 1939, the President created the Bureau of the Public Debt, which was established as part of the Fiscal Service in the Department of the Treasury effective June 30, 1940 (31 U.S.C. 306). In 1993, the Savings Bonds Division, a separate organization, was made part of the Bureau.

This appropriation provides funds for the conduct of all public debt operations and the promotion of the sale of U.S. savings-type securities.

COMMITTEE RECOMMENDATION

The Committee recommends \$177,054,000 for the Bureau of the Public Debt for fiscal year 2009. This amount is an increase of \$4,183,000 above the fiscal year 2008 enacted level and is equal to the budget request.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriations, 2008 .....	\$94,000,000
Budget estimate, 2009 .....	28,620,000
Committee recommendation .....	100,000,000

PROGRAM DESCRIPTION

The Community Development Financial Institutions Fund makes investments in the form of grants, loans, equity investments, de-

posits, and technical assistance grants to new and existing community development financial institutions [CDFIs] through the CDFI program. CDFIs include community development banks, credit unions, venture capital funds, revolving loan funds, and microloan funds, among others. Recipient institutions engage in lending and investment for affordable housing, small business, and community development within underserved communities. The CDFI Fund administers the Bank Enterprise Award [BEA] Program, which provides a financial incentive to insured depository institutions to undertake community development financing activities. The CDFI Fund also administers the New Markets Tax Credit Program, a program that provides an incentive to investors in the form of a tax credit, which is expected to stimulate private community and economic development activities.

#### COMMITTEE RECOMMENDATION

The Committee recommends \$100,000,000 for the CDFI Fund, which is \$6,000,000 above the fiscal year 2008 enacted level and \$71,380,000 above the budget request.

The Committee is again concerned about the proposed reductions to CDFI and the respective programs within CDFI, such as the Bank Enterprise Award [BEA]. These programs play an important role in providing financial services to underserved communities in both urban and rural areas across the country, a role that is particularly crucial during times of economic downturn. The Committee expects the BEA program to be funded in accordance with the authorizing statute, 12 U.S.C. 4718(a)(4).

The Committee recommends a set-aside of \$8,280,000 for grants, loans, and technical assistance and training programs to benefit Native American, Alaskan Natives, and Native Hawaiian communities in the coordination of development strategies, increased access to equity investments, and loans for development activities.

Leveraging outside funds is a fundamental goal of the CDFI program. The Committee encourages CDFI to improve its measurement of the extent that Federal program funds leverage other non-Federal funds for CDFIs across the country. GAO found that the current method used by CDFI may be underestimating how Federal funding attracts other sources of funding for CDFIs (GAO 08-136). The Committee stresses the importance of accurately measuring the return on the Federal contribution to CDFIs for use in future funding decisions.

#### BUREAU OF ENGRAVING AND PRINTING

##### PROGRAM DESCRIPTION

The Bureau of Engraving and Printing [BEP] has been the sole manufacturer of U.S. paper currency for almost 150 years. The origin of the BEP is traced to an Act of Congress passed on February 25, 1862, 12 Stat. 345, authorizing the Secretary of the Treasury to issue a new currency—United States notes. While this law was the cornerstone authority for the operations of the engraving and printing division of the Treasury for many years, it was not until an Act of June 20, 1874, 18 Stat. 100, that the Congress first referred to this division as the “Bureau of Engraving and Printing.”

The Bureau's status as a distinct bureau within the Department of the Treasury was solidified by section 1 of the Act of June 4, 1897, 30 Stat. 18, which placed all of the business of the BEP under the immediate control of a director, subject to the direction of the Secretary of the Treasury. The 1897 law is now codified in 31 U.S.C. 303.

The BEP designs, manufactures, and supplies Federal Reserve notes and other security documents issued by the Federal Government.

The operations of the BEP are currently financed by means of a revolving fund established in accordance with the provisions of Public Law 656, August 4, 1950 (31 U.S.C. 181), which requires the BEP to be reimbursed by customer agencies for all costs of manufacturing products and services performed. The BEP is also authorized to assess amounts to acquire capital equipment and provide for working capital needs.

No direct appropriation is required to cover the activities of the BEP.

#### INTERNAL REVENUE SERVICE

##### PROGRAM DESCRIPTION

The Internal Revenue Service [IRS] administers the Nation's tax laws and collects the revenue that funds over 96 percent of the Federal Government's operations and public services. The IRS's mission is to provide taxpayers with quality service by helping them understand and meet their tax responsibilities and by applying the tax law with integrity and fairness to all. The IRS focuses its enforcement programs toward increasing voluntary tax compliance by deterring taxpayers inclined to evade their tax obligations while vigorously pursuing those who violate the law. Each year, IRS employees deal directly with more American taxpayers than any other institution, public or private. In 2007, the IRS collected more than \$2,400,000,000,000 in revenue, net of refunds, and processed more than 235 million tax returns. During the 2007 filing season, more than half of all individual taxpayers (over 78 million) filed electronically. Also, in fiscal year 2007, the IRS customer assistance call centers answered 33.2 million assistor telephone calls and 21.1 million automated calls. Over 129 million taxpayers were assisted through taxpayer education programs. There were over 7 million contacts at Taxpayer Assistance Centers, and nearly 215 million visits to the IRS website. An important focus for the IRS in recent years has been to undertake a major modernization of its systems, including expanding its Internet services, and business operations to better serve taxpayers and enforce the law.

##### COMMITTEE RECOMMENDATION

The Committee recommends \$11,524,848,000 for the Internal Revenue Service for fiscal year 2009. This is an increase of \$430,329,000 above the fiscal year 2008 enacted level and \$163,339,000 above the budget request.

*Tax Gap.*—The vast majority of Americans pay their fair share of taxes, yet there is still a “tax gap.” The tax gap is the difference between what taxpayers are supposed to pay and what they actu-

ally do pay. In its update of the results of a 3-year study, the IRS found that for tax year 2001, about 84 percent of owed taxes were paid voluntarily and timely. However, a significant number of taxpayers do not comply with the Tax Code resulting in an estimated gross tax gap of \$345,000,000,000. The IRS estimates that after enforcement and other late payments are factored into the gross tax gap, the net tax gap is about \$290,000,000,000. The most current estimate of the tax gap remains largely unchanged from the IRS's initial update conducted in 2006, and has remained relatively stable for the past three decades based on previous IRS studies. The accuracy of the tax gap, however, is uncertain given the use of outdated and incomplete information and questionable methodology. Some experts, including the GAO and TIGTA, believe that the tax gap may actually be higher than estimated by the IRS. The Committee strongly believes that the IRS must and can reduce the tax gap if the IRS is given additional resources and is able to improve its operational capabilities (most notably through the Business Systems Modernization program).

To reduce the tax gap, experts recommend a number of approaches, including: improving information reporting, improving taxpayer services, increasing research on noncompliance, improving the partnership between the IRS and the tax administration community, and leveraging technology to improve IRS's systems. The Committee supports all of these approaches in combination.

The Committee acknowledges the Department of the Treasury and the IRS's August 2007 publication, "Reducing the Tax Gap: A Report on Improving Voluntary Compliance." The Committee shares the concern that the steps outlined in that report are preliminary, and that absent a better understanding of the current sources of noncompliance, efforts to improve compliance may be hampered, misdirected, and difficult to measure. To gain meaningful insights into taxpayer behavior, the Committee strongly supports the work of the National Research Program.

The Committee notes that as part of its budget submission, the IRS proposes 16 legislative reforms in four categories, to recoup \$36,000,000,000, or 12 percent of the \$290,000,000,000 net tax gap over 10 years. The Committee is concerned that such an approach is far from aggressive, and amounts to a meager return of just slightly more than a penny on the dollar.

*Operating Plan and Notification.*—In addition to the normal operating plan requirements detailed in the introduction in this report, the Committee directs the IRS to include details on any planned reorganization, job reductions or increases to offices or activities within the agency, and modifications to any service or enforcement activity. Some past examples that would qualify under this directive include: the Modernization and Information Technology Systems [MITS] reorganization and the proposed closure of taxpayer assistance centers. The Committee also directs the IRS to obtain and include comments of the IRS Oversight Board as part of its operating plan submission to the Committee. Further, the IRS should promptly notify the Committee and the IRS Oversight Board if there are any substantial changes to these plans.

The Committee remains concerned about any efforts to reduce specific taxpayer services, including face-to-face services. Therefore,

the Committee directs that if the IRS proposes further reductions in taxpayer services, such reductions must be consistent with the budget justification, operating plan, and Taxpayer Assistance Blueprint, and the IRS must demonstrate that such reductions will not result in a decline in voluntary compliance. Where such reductions involve a reduction in face-to-face service, the IRS must demonstrate that the proposed reductions do not adversely impact compliance by taxpayers who are dependent on such services, by showing, through such means as a successful pilot program, survey, or other empirical study, that there is an effective and viable service alternative available.

*Administration of the Economic Stimulus Act.*—As part of the enactment of the Economic Stimulus Act (Public Law 110–285) to spur economic growth, Congress approved payments to approximately 128 million Americans. Emergency supplemental funding of \$202,135,000 was provided for the IRS to administer the program, of which \$50,720,000 was designated for the Taxpayer Services account and \$151,415,000 was allocated for the Operations Support account.

The Committee acknowledges the enormous challenges posed by the timing of this law at the height of the 2008 filing season, particularly the need to hire, train, and deploy staff. The Committee is pleased that, while the IRS administered two filing seasons concurrently, the initial distribution of stimulus payments occurred ahead of schedule, and that through June 13, 2008, the IRS has processed payments to over 76 million taxpayers totaling almost \$64,000,000,000. The Committee commends IRS's "It's Not Too Late" program to identify and reach individuals who are eligible for the stimulus payment but who have not filed a 2007 tax return.

The Committee is concerned that in order to quickly implement and manage the economic stimulus program, the IRS was forced to reassign some employees from its Accounts Management and Automated Collection System functions to respond to a surge in the volume of telephone calls and visits to walk-in centers related to the economic stimulus payment program. The Committee understands that as a result of these temporary staffing reassignments, the IRS estimates that the loss in collection revenue will be approximately \$565,000,000.

The Committee is also concerned about the problems encountered in the child tax credit area, the misdirection of some direct deposits into wrong accounts, and delays experienced by taxpayers who arranged Refund Anticipation Loans [RALs] or Refund Anticipation Checks [RACs].

The Committee directs the IRS to provide an assessment of lessons learned from the administration of the 2008 economic stimulus program, including recommendations for managing similar programs in the future and minimizing declines in level of core services, to the Committees on Appropriations no later than 120 days after enactment of this act. As part of such report, the Committee requests that the IRS include an analysis of the feasibility, including costs savings, of converting taxpayers who receive paper checks to electronic or debit card payment systems.

*IRS Staffing Plans.*—The Committee continues to support adequate staffing levels for effective tax administration and supports

the staffing plans for the Internal Revenue Service facilities in the communities of Martinsburg and Beckley, West Virginia. Therefore, the Committee urges the IRS, within the constraints of the fiscal year 2009 funding levels, to make no staffing reductions at the Martinsburg National Computing Center and the programmed level at the Finance Center in Beckley, West Virginia. Further, the Committee directs the IRS to provide an annual report to the Committee on its efforts to protect and increase staffing levels at the Martinsburg and Beckley IRS facilities.

*Taxpayer Services in Alaska and Hawaii.*—Given the remote distance of Alaska and Hawaii from the U.S. mainland and the difficulty experienced by Alaska and Hawaii taxpayers in receiving needed tax assistance by the national toll-free line, it is imperative that the Taxpayer Advocate Service Center in each of these States is fully staffed and capable of resolving taxpayer problems of the most complex nature. The Committee directs the Internal Revenue Service to continue to staff each Taxpayer Advocate Service Center in each of these States with a Collection Technical Advisor and an Examination Technical Advisor in addition to the current complement of office staff.

TAXPAYER SERVICES

Appropriations, 2008 .....	\$2,150,000,000
Supplemental appropriation, 2008 .....	50,720,000
Budget estimate, 2009 .....	2,150,000,000
Committee recommendation .....	2,213,350,000

PROGRAM DESCRIPTION

The Taxpayer Services appropriation provides for taxpayer services, including forms and publications; processing tax returns and related documents; filing and account services; taxpayer advocacy services; and assisting taxpayers to understand their tax obligations, correctly file their returns, and pay taxes due in a timely manner.

COMMITTEE RECOMMENDATION

The Committee recommends \$2,213,350,000 for Taxpayer Services, which is \$63,350,000 above the fiscal year 2008 enacted level, excluding emergency supplemental appropriations, and \$63,350,000 above the budget request. Bill language is included providing not less than \$4,000,000 for the tax counseling for the elderly program, not less than \$9,000,000 for low-income taxpayer clinic grants, not less than \$8,000,000, to be available for 2 years, for a community volunteer income tax assistance matching grant program for tax return preparation assistance and \$194,073,500 for the Taxpayer Advocate Service.

The Committee disagrees with the President's proposal to provide no increase in funding for Taxpayer Services. The Committee is concerned that maintaining this account at the fiscal year 2008 enacted level will pose a considerable challenge to the ability of the IRS to fully implement the Taxpayer Assistance Blueprint. The Committee observes that one of the four core principles of the Treasury Department's comprehensive strategy for reducing the tax gap is to combine enforcement activities with a commitment to

taxpayer service. The Committee finds that proposed program decreases to Taxpayer Assistance Centers and outreach and reduced funding for pre-filing taxpayer assistance and education disregard that commitment.

The Committee strongly believes that “Service + Enforcement = Compliance” and provides an additional \$63,350,000 above the President’s request for Taxpayer Services. The Committee directs the IRS to restore appropriated resources devoted to the pre-filing taxpayer assistance and education component of this account to not less than the fiscal year 2008 enacted level of \$645,375,000. In addition, the Committee expects the IRS to devote not less than \$6,300,000 to maintain its processing of essential pension plan return information while transitioning to a new mandated electronic filing system in 2010.

*Taxpayer Assistance Blueprint.*—In response to the Committee’s directive in the fiscal year 2006 Treasury Appropriations Act, the IRS, in consultation with the IRS Oversight Board and the National Taxpayer Advocate, developed a “Taxpayer Assistance Blueprint” to institute a 5-year strategic plan for taxpayer services. As directed by the Committee, the IRS reviewed its portfolio of taxpayer services and explored other types of services to meet the needs of taxpayers. The plan details how the IRS plans to meet the service needs on a geographic basis (by State and major metropolitan area), including proposals to realign existing resources to improve taxpayer access to services, and addresses how the IRS will improve taxpayer service based on reliable data on taxpayer service needs. The plan incorporates activities to expand efforts to partner with State and local governments and private entities to improve taxpayer services. The Committee commends the IRS, the IRS Oversight Board, and the National Taxpayer Advocate for their efforts to produce the Blueprint. The Committee supports ongoing efforts to conduct research on taxpayer needs and taxpayer service performance.

The Committee directs the IRS, the IRS Oversight Board, and the National Taxpayer Advocate to submit to Congress annual updates to the Taxpayer Assistance Blueprint identifying any changes to its strategic plan for taxpayer service, including the results of any new research and relevant findings, and any open issues requiring additional research.

*E-Filing.*—The Committee is heartened by the IRS’s improved performance in increasing the number of tax filers who submit their returns electronically and without additional cost. Eighty million tax returns were e-filed in 2007. While the IRS did not meet its congressionally mandated goal of having 80 percent of tax returns filed electronically by 2007 it achieved an overall e-file rate of 65 percent, up over 9 percent. The Committee directs the IRS, in consultation with stakeholders, including the National Taxpayer Advocate, to implement a strategy to achieve the 80 percent e-file goal. This plan should address alternate electronic filing strategies, including Telefile and 2-D Bar Coding and methods of e-filing directly with the IRS for free.

The Committee believes that the IRS will deliver better taxpayer service, achieve improved compliance, and reduce the tax gap if taxpayer behavior is better understood and applied research is in-



tegrated into the development of taxpayer service and enforcement initiatives. Toward that end, the Committee looks forward to the results of the study by the National Taxpayer Advocate and the IRS Office of Research on factors that influence taxpayer compliance behavior, including how and the extent to which various factors influence such behavior, as well as any recommendations made in the report for the establishment of a cognitive learning and applied research laboratory.

*EITC.*—The Committee is concerned that many low-income taxpayers and their families are having their Earned Income Tax Credit [EITC] benefits unnecessarily diminished through high-cost, short-term products such as refund anticipation loans [RALs]. The Committee directs the Internal Revenue Service, in consultation with the National Taxpayer Advocate, to educate consumers about the costs associated with these products and expand access to alternative methods of obtaining timely tax refunds.

IRS data reflect that in 2006, 22,400,000 households received a total of \$43,700,000,000 through the EITC through reduced taxes and refunds. Concerns have been raised that an estimated 7,500,000 families failed to take advantage of the credit because they did not know they were eligible, leaving about \$14,500,000,000 in the Treasury. The Committee strongly urges the IRS to take immediate steps to increase outreach and education to increase the number of eligible taxpayers who may benefit from this program.

*Community Volunteer Income Tax Assistance.*—The Volunteer Income Tax Assistance [VITA] program is an important aspect of IRS efforts to provide income tax preparation assistance programs for low-income taxpayers. The Committee provides \$8,000,000 to the IRS to be available for 2 years specifically for exclusive use as part of continuing a matching grant program established and administered by the IRS, in consultation with the Taxpayer Advocate Service, for not for profit organizations which provide volunteer income tax return preparation services for lower income individual taxpayers.

As outlined in the Explanatory Statement for Division D, Financial Services and General Government Appropriations, 2008 (Public Law 110–161), this program shall provide direct funds to enable VITA programs to extend services to underserved populations and hardest-to-reach areas, both urban and non-urban, as well as to increase the capacity to file returns electronically, heighten quality control, enhance training of volunteers, and significantly improve the accuracy rate of returns prepared by VITA sites. The Committee reinforces its expectation that the IRS should employ an equitable selection methodology which takes into account geographic diversity, and include an evaluation component to measure the overall effectiveness of the program and the results achieved.

The IRS is not permitted to treat any in-kind contributions from the IRS as counting toward the \$8,000,000 appropriation nor shall the IRS reduce any current contributions toward tax return preparation services. As the IRS promotes this grant program, the Committee strongly urges the IRS to take steps to address the concerns identified by both the GAO and the TIGTA regarding the accuracy of tax preparation services provided at VITA sites in the past.

*Charitable Exempt Organizations.*—The Committee is encouraged by recent IRS actions to invest greater resources in activities that educate charitable exempt organizations about their obligations under the tax code, helping to increase voluntary compliance and strengthen charities’ ability to improve lives and communities. The Committee anticipates that the IRS will utilize the increased resources in this appropriation to continue to expand outreach to and education of charitable organizations, particularly in light of significant changes to tax-exempt laws in the Pension Protection Act and other statutes.

A recent TIGTA audit found that efforts by the IRS to educate tax-exempt organizations about prohibited political activities were increased, and several internal processes were enhanced. The Committee urges the IRS to incorporate TIGTA’s recommendations to improve the effectiveness of efforts as a way to increase the likelihood that tax-exempt organizations will discontinue prohibited activities before the relevant election and that tax-exempt organization activities will be evaluated consistently and fairly.

*IRS Free File Program.*—The Free File Program allows taxpayers meeting certain income requirements to electronically prepare and file their income tax returns free of charge. The IRS administers the Program as a partnership with the Free File Alliance, a consortium of tax software companies. The Committee is encouraged that usage has increased over 18 percent. The Committee has had longstanding concern that eligible taxpayers are not taking full advantage of this program. The Committee expects IRS to place a high priority on improving marketing and administration of the program as outlined by TIGTA. The Committee further urges the IRS to devote the resources necessary to ensure that individual taxpayers who access the IRS Website are not subjected to cross-marketing and selling activity when utilizing Free File. The IRS should likewise promote public awareness of the availability of this program among those who can most benefit from its free services, particularly lower income, disadvantaged, the working poor and other underserved populations.

ENFORCEMENT

Appropriations, 2008 .....	\$4,780,000,000
Budget estimate, 2009 .....	5,117,267,000
Committee recommendation .....	5,117,267,000

PROGRAM DESCRIPTION

The Enforcement appropriation provides for the examination of tax returns, both domestic and international; the administrative and judicial settlement of taxpayer appeals of examination findings; technical rulings; monitoring employee pension plans; determining qualifications of organizations seeking tax-exempt status; examining tax returns of exempt organizations; enforcing statutes relating to detection and investigation of criminal violations of the internal revenue laws; identifying underreporting of tax obligations; securing unfiled tax returns; and collecting unpaid accounts.

## COMMITTEE RECOMMENDATION

The Committee recommends the budget request level of \$5,117,267,000 for enforcement activities for fiscal year 2009. This amount is \$337,267,000 above the fiscal year 2008 enacted level and the same as the budget request. Bill language is included to transfer not less than \$57,252,000 to the Interagency Crime and Drug Enforcement [ICDE] program and to transfer up to \$10,000,000 from the Enforcement account to the Operations Support account to support the ICDE program.

*National Research Program.*—As noted previously, the Committee strongly supports the work of the National Research Program [NRP] to increase understanding of the tax gap. While the IRS's NRP has done a commendable job in updating the tax gap estimates, significant challenges remain in obtaining complete and timely data and in developing reliable methods for interpreting the data. The IRS and others have expressed concerns with the certainty of the overall tax gap estimate in part because some aspects of the estimate rely on data from the 1970s and 1980s and in other areas, no estimates are available. The Committee agrees with GAO, TIGTA, the National Taxpayer Advocate, and the IRS Oversight Board which have all recommended greater and more frequent data collection and studies of the tax gap.

The Committee believes that an understanding of the causes of inadvertent noncompliance and the role of preparers in facilitating both inadvertent and intentional noncompliance will improve tax administration and should inform IRS's allocation of resources. Thus, in administering its NRP for fiscal year 2009, the Committee directs the IRS to collect information on the causes of noncompliance, including inadvertent noncompliance, the type of return preparation method (self, volunteer, paid preparer, or IRS preparer), whether the taxpayer was represented during the examination, and the extent to which that taxpayer sought and received IRS services. The Committee further directs the IRS to use an independent external survey firm to conduct interviews with NRP taxpayers in order to identify the causes of taxpayer noncompliance. The Committee directs the National Taxpayer Advocate to assist with this effort.

*Misclassification of Contractors.*—The Committee continues to be highly concerned with the misclassification of workers as independent contractors, who file using IRS Form 1099. Many of these workers should be correctly classified as employees and should file using W-2 forms. This misclassification leads to the underreporting and underpayment of employment and payroll taxes by employers and individuals, which accounts for a substantial portion of the gross tax gap. Therefore, the Committee strongly urges the IRS to provide increased tax enforcement in industries where misclassification of employees is widespread.

The Committee is also concerned about disturbing reports about companies establishing offshore subsidiaries to hire employees so as to avoid payment of U.S. payroll taxes, and strongly urges the IRS to investigate and take action in response to such schemes, which constitute an estimated annual loss to the Treasury of \$100,000,000.

*Charitable Exempt Organizations.*—The Committee notes enactment of sweeping changes to the tax laws governing charitable exempt organizations designed to strengthen the accountability and transparency of the nonprofit community. The Committee is aware that funding for Internal Revenue Service oversight of exempt organizations has remained relatively constant over the past 20 years while the nonprofit community has nearly doubled in size and grown in complexity.

#### OPERATIONS SUPPORT

Appropriations, 2008 .....	\$3,680,059,000
Supplemental appropriation, 2008 .....	151,415,000
Budget estimate, 2009 .....	3,856,172,000
Committee recommendation .....	3,896,650,000

#### PROGRAM DESCRIPTION

The Operations Support appropriation provides for overall planning and direction of the IRS including shared service support related to facilities services, rent payments, printing, postage, and security; other support functions that are considered overhead but essential to the successful operation of IRS programs including resources for headquarters management activities, including IRS-wide support for strategic planning, communications and liaison, finance, human resources, EEO and diversity; research and statistics of income; and necessary expenses for information systems and telecommunication support, including developmental information systems and operational information systems.

#### COMMITTEE RECOMMENDATION

The Committee recommends \$3,896,650,000 for Operations Support for fiscal year 2009. This amount is \$216,591,000 above the fiscal year 2008 enacted level, excluding emergency supplemental appropriations and \$40,478,000 above the budget request. Bill language is included allowing \$75,000,000 of these funds to remain available until September 30, 2010 for information technology support and not to exceed \$1,000,000 to remain available until September 30, 2011, for research; not less than \$2,000,000 for the Internal Revenue Oversight Board; and \$25,000,000 for official reception and representation. The Committee has provided additional reception and representation funds due to the IRS's growing role in international tax administration. These funds will be used to host meetings with international tax organizations such as the Joint International Tax Shelter Information Centre, Inter-American Center for Tax Administrators, and others.

*Information Technology [IT] Management and Oversight.*—The IRS has made significant strides in improving the management and oversight of its business systems modernization [BSM] program. The IRS needs to vigilantly address major systemic problems with its non-BSM portfolio of information technology projects. TIGTA has identified problems in several areas of IT management and oversight including, but not limited to, such areas as classification of investment projects, oversight and governance structure, risk management, contingency planning, and contractor performance and accountability.

The Committee expects the IRS to monitor its entire non-BSM IT portfolio (regardless of tier classification) and make any changes as necessary to ensure that each project has (1) been properly classified for investment decision and management purposes, (2) the appropriate governance structure in place (such as an executive steering committee), (3) a risk management plan, (4) a contingency plan in case of breakdowns or failures in scheduled deliverables, (5) adequate provisions in the contracts to ensure penalties and repayment to the agency if performance is not met, (6) adequate contractor staffing and management in place to fulfill the contract terms and deliverables, and (7) been certified by the head of the relevant IRS business unit that the project is deemed necessary for its operations and meets its requirements.

BUSINESS SYSTEMS MODERNIZATION

Appropriations, 2008 .....	\$267,090,000
Budget estimate, 2009 .....	222,664,000
Committee recommendation .....	282,175,000

PROGRAM DESCRIPTION

The Business Systems Modernization account provides for re-vamping business practices and acquiring new technology. The IRS has undertaken a multi-year, multi-billion dollar effort to migrate from its antiquated legacy system to bring the IRS tax administration system to a level of public and private sector best practices. The IRS is using a formal methodology to prioritize, approve, fund, and evaluate its portfolio of business systems modernization investments. This methodology is designed to enforce a documented, repeatable, and measurable process for managing investments throughout their life cycle. The process is reviewed by the Government Accountability Office on a regular basis as part of the submission requirements for expenditure plans to the House and Senate Committees on Appropriations. The expenditure plan approval process prior to the use of appropriated funds continues for fiscal year 2009.

COMMITTEE RECOMMENDATION

The Committee recommends \$282,175,000 for Business Systems Modernization [BSM] for fiscal year 2009. This amount is \$15,085,000 above the fiscal year 2008 enacted level and \$59,511,000 above the budget request. The Committee concurs with the belief, espoused by the IRS Oversight Board in its March 2008 Special Report on its Fiscal Year 2009 IRS Budget Recommendation, that when fully implemented, modernized IRS information systems will save billions of dollars in burden reduction for American taxpayers and significantly improve the efficiency of the IRS. For example, the replacement of the aging, vintage 1969 Individual Master File with the new Customer Account Data Engine [CADE] will permit daily rather than weekly updating of individual tax accounts. With CADE as its centerpiece, systems modernization by the IRS promotes enhanced customer service, more expeditious refund processing, and better administration of the tax system.

The Committee views a reduction in funding for Business Systems Modernization as highly imprudent and short-sighted given

the progress made to date and the long-term benefits that the new systems will provide. The Committee expects that of the funds recommended for the Business Systems Modernization account, not less than \$78,000,000 should be for continued development of the Customer Account Data Engine [CADE] project, not less than \$35,500,000 should be for Accounts Management Services, and not less than \$35,000,000 should be for Modernized e-File.

The Committee continues to believe that BSM is the IRS’s highest management and administrative priority. As one of the Federal Government’s largest, most visible, and sensitive modernization efforts, managing the risks inherent in BSM will require vigilant management attention for several years. To the IRS’s credit, the program has made steady progress over the past few years.

The Committee is dismayed that the budget request fails to reflect the criticality of continued progress in modernizing IRS’s outmoded tax administration and financial systems. The Committee is concerned about potential setbacks to needed progress as a result of reduced funding. Furthermore, the Committee is cognizant of the cost implications of any delays in releasing components of the BSM deliverables and appreciates regular progress updates and quarterly briefings.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

Appropriations, 2008 .....	\$15,235,000
Budget estimate, 2009 .....	15,406,000
Committee recommendation .....	15,406,000

PROGRAM DESCRIPTION

This appropriation provides operating funds to administer the advance payment feature of a refundable Trade Adjustment Assistance health insurance tax credit program to assist dislocated workers with their health insurance premiums. The tax credit program was enacted by the Trade Act of 2002 (Public Law 107–210) and became effective in August 2003.

COMMITTEE RECOMMENDATION

The Committee recommendation provides the budget request level of \$15,406,000 for the Health Insurance Tax Credit Administration in fiscal year 2009. This amount is \$171,000 above the fiscal year 2008 enacted level, and the same as the budget request.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

The Committee has included four administrative provisions carried in prior appropriations acts and two new administrative provisions. The administrative provisions are as follows:

Section 101 continues a provision allowing the IRS to transfer up to 5 percent of any appropriation made available to the Agency in fiscal year 2009 to any other IRS account, with the exception of the Enforcement account, which is limited to 3 percent. The IRS is directed to follow the Committee’s reprogramming procedures outlined earlier in this report.

Section 102 continues a provision maintaining a training program in taxpayers’ rights and cross-cultural relations.

Section 103 continues a provision requiring the IRS to institute and enforce policies and procedures, which will safeguard the confidentiality of taxpayer information.

Section 104 continues a provision directing that funds shall be available for improved facilities and increased staffing to support a 1–800 help line service for taxpayers.

Section 105 is a new provision designating not less than \$6,997,000,000 for enhanced tax enforcement to address the Federal tax gap and an additional \$490,000,000 for the Internal Revenue Service for enhanced tax enforcement activities. This provision is consistent with section 312(c)(2)(B) of the concurrent resolution on the budget for fiscal year 2009 (House Report 110–659).

Section 106 is a new provision that prohibits the use of funds in this act to enter into, renew, extend, administer, implement, enforce, provide oversight of, or make any payment related to any qualified tax collection contract.

#### ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

The Committee includes 10 administrative provisions carried over from prior appropriations acts and two new administrative provisions. The administrative provisions are as follows:

Section 107 authorizes certain basic services within the Treasury Department in fiscal year 2009, including purchase of uniforms; maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; and contracts with the Department of State for health and medical services to employees and their dependents serving in foreign countries.

Section 108 authorizes transfers, up to 2 percent, between Departmental Offices, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and the Bureau of the Public Debt appropriations under certain circumstances.

Section 109 authorizes transfer, up to 2 percent, between the Internal Revenue Service and the Treasury Inspector General for Tax Administration under certain circumstances.

Section 110 requires that the purchase of law enforcement vehicles be consistent with departmental vehicle management principles.

Section 111 prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the \$1 Federal Reserve Note.

Section 112 authorizes the Secretary of the Treasury to transfer funds from Salaries and Expenses, Financial Management Service, to the Debt Collection Fund as necessary to cover the costs of debt collection. Such amounts shall be reimbursed to the Salaries and Expenses account from debt collections received in the Debt Collection Fund.

Section 113 extends for 1 year the authority to conduct a personnel management demonstration project.

Section 114 requires prior approval for the construction and operation of a museum by the United States Mint.

Section 115 prohibits the merger of the United States Mint and the Bureau of Engraving and Printing without prior approval of the committees of jurisdiction.

Section 116 is a provision that authorizes the Department's intelligence activities.

Section 117 permits the Department of the Treasury to transfer, among the Treasury Financial Management Services, Internal Revenue Service Taxpayer Services, and Internal Revenue Service Operations Support accounts, funds provided in Public Law 110-185 to carry out the stimulus tax rebates. Such transfer authority is intended to facilitate administration of the program and is subject to advance notification to the Committees on Appropriations. However, any transfer of funds exceeding \$5,000,000 is subject to advance approval of the Committee on Appropriations.

Section 118 permits the Bureau of Engraving and printing to use \$5,000 from the Industrial Revolving Fund for reception and representation expenses.



TITLE II  
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS  
APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

Appropriations, 2008 .....	\$450,000
Budget estimate, 2009 .....	450,000
Committee recommendation .....	450,000

PROGRAM DESCRIPTION

This account provides for the compensation of the President, including an expense allowance as authorized by 3 U.S.C. 102.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$450,000 for compensation of the President, including an expense allowance of \$50,000. This is the same as the fiscal year 2008 enacted level and the same as the budget estimate. The expense account is for official use as authorized by title 3, United States Code and is not considered taxable to the President. The bill specifies that any unused amount shall revert to the Treasury consistent with 31 U.S.C. 1552.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$51,656,000
Budget estimate, 2009 .....	(1)
Committee recommendation .....	52,499,000

<sup>1</sup>The budget proposes a consolidation of most accounts for the White House of \$190,078,000, including this account.

PROGRAM DESCRIPTION

The “Salaries and Expenses” account of the White House Office provides staff assistance and administrative services for the direct support of the President. The office also serves as the President’s representative before the media. In accordance with 3 U.S.C. 105, the office also supports and assists the activities of the spouse of the President.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$52,499,000 for White House Office Salaries and Expenses. The recommendation is \$843,000 more than the fiscal year 2008 enacted level and is equal to certain assumptions in the budget estimate.

The Committee has rejected the administration's request to include many of the offices under the Executive Office of the President under a single, consolidated account, including this account. The Committee objects to the overall proposal since it would undermine the ability of the Congress to exercise adequate oversight regarding how these funds are expended.

#### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

##### OPERATING EXPENSES

Appropriations, 2008 .....	\$12,814,000
Budget estimate, 2009 .....	( <sup>1</sup> )
Committee recommendation .....	13,363,000

<sup>1</sup>The budget proposes a consolidation of most accounts for the White House of \$190,078,000 including this account.

##### PROGRAM DESCRIPTION

These funds provide for the care, maintenance, repair, alteration, refurbishing, improvement, air-conditioning, heating, and lighting of the White House and the official and ceremonial functions of the President.

##### COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$13,363,000 for the Executive Residence at the White House. The Committee recommendation is \$549,000 more than the fiscal year 2008 enacted level and is equal to certain assumptions in the budget estimate. The administration's request includes many of the accounts under the Executive Office of the President under a single, consolidated account, including this account. The Committee objects to the overall proposal since it would undermine the ability of the Congress to exercise adequate oversight regarding how these funds are expended. The accompanying bill also continues certain restrictions on reimbursable expenses for use of the Executive Residence.

#### WHITE HOUSE REPAIR AND RESTORATION

Appropriations, 2008 .....	\$1,600,000
Budget estimate, 2009 .....	( <sup>1</sup> )
Committee recommendation .....	1,600,000

<sup>1</sup>The budget proposes a consolidation of most accounts for the White House of \$190,078,000 including this account.

##### PROGRAM DESCRIPTION

This account funds the repair, alteration, and improvement of the Executive Residence at the White House. A separate account was established in fiscal year 1996 to program and track expenditures for the capital improvement projects at the Executive Residence at the White House.

##### COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$1,600,000 for White House Repair and Restoration, the same amount as assumed in the overall budget request and the same as the fiscal year 2008 enacted level.

## COUNCIL OF ECONOMIC ADVISERS

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$4,118,000
Budget estimate, 2009 .....	( <sup>1</sup> )
Committee recommendation .....	4,118,000

<sup>1</sup>The budget proposes a consolidation of most accounts for the White House of \$190,078,000 including this account.

## PROGRAM DESCRIPTION

The Council of Economic Advisers analyzes the national economy and its various segments, advises the President on economic developments, recommends policies for economic growth and stability, appraises economic programs and policies of the Federal Government, and assists in the preparation of the annual Economic Report of the President to Congress.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$4,118,000 for salaries and expenses of the Council of Economic Advisers. This amount is the same as the amount assumed in the overall budget request and is equal to the fiscal year 2008 enacted level.

## OFFICE OF POLICY DEVELOPMENT

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$3,482,000
Budget estimate, 2009 .....	( <sup>1</sup> )
Committee recommendation .....	5,250,000

<sup>1</sup>The budget proposes a consolidation of most accounts of the White House of \$190,078,000 including this account.

## PROGRAM DESCRIPTION

The Office of Policy Development supports the National Economic Council and the Domestic Policy Council in carrying out their responsibilities to advise and assist the President in the formulation, coordination, and implementation of economic and domestic policy. The Office of Policy Development also provides support for other domestic policy development and implementation activities as directed by the President.

## COMMITTEE RECOMMENDATION

The Committee recommends \$5,250,000 for the Office of Policy Development. This is \$1,700,000 higher than the amount assumed in the budget request and \$1,768,000 above the fiscal year 2008 enacted level. The administration's request includes many of the accounts under the Executive Office of the President under a single, consolidated account, including this account. The Committee objects to the overall proposal since it would undermine the ability of the Congress to exercise adequate oversight regarding how these funds are expended.

The recommendation includes \$1,400,000 for the Office of Policy Development to develop and implement a domestic AIDS strategy. The Committee is concerned that the Office of National AIDS Pol-

icy has been eliminated under the current administration. Yet, reports indicate that HIV infection rates in the United States have not declined in over a decade and that half of those living with HIV/AIDS in the United States are not receiving adequate health care. The Committee is perplexed that although countries receiving assistance from the United States are required develop an AIDS strategy for improving results, the administration has made no such effort for the United States in recent years. The Committee directs the Office of Policy Development to coordinate a government-wide effort to develop and implement a domestic AIDS strategy, including targets for improved prevention and treatment outcomes, and to issue a report to the Committee on Appropriations within 180 days of enactment on the activities the administration is conducting to develop a national AIDS strategy.

Tobacco remains the number one preventable cause of death in the world, claiming the lives of more than 5 million people each year. In the United States, every year, tobacco causes the death of more than 438,000 Americans and costs more than \$167,000,000 in both direct health care costs and lost productivity. The Committee believes that the Framework Convention on Tobacco Control is a comprehensive and coordinated approach to address the impact of tobacco on the public's health. The United States is one of 168 countries that have signed the Framework Convention on Tobacco Control. The Committee urges the President to send the Framework Convention on Tobacco Control to the Senate for ratification.

The Committee has provided \$300,000 within the White House Office of Policy Development to support international symposiums to discuss ways to improve the relationship between faith and science. The participants shall include as many as 30 internationally-renowned scientists and theologians, equally divided. The symposiums should be open to the public. At the end of each symposium, the participants shall produce a written record of their discussions and the progress made in furthering the mutual respect of science and faith. The Committee directs that these reports be made available on [www.whitehouse.gov](http://www.whitehouse.gov).

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$8,640,000
Budget estimate, 2009 .....	( <sup>1</sup> )
Committee recommendation .....	9,029,000

<sup>1</sup>The budget proposes a consolidation of most accounts of the White House of \$190,078,000 including this account.

PROGRAM DESCRIPTION

The National Security Council advises the President in integrating domestic, foreign, and military policies related to national security.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$9,029,000 for the salaries and expenses of the National Security Council. This

amount is the same as assumed in the budget request and \$389,000 more than the fiscal year 2008 enacted level.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$91,745,000
Budget estimate, 2009 .....	(1)
Committee recommendation .....	95,633,000

<sup>1</sup>The budget proposes a consolidation of most accounts of the White House of \$190,078,000 including this account.

PROGRAM DESCRIPTION

The Office of Administration’s mission is to provide high-quality, cost-effective administrative services to the Executive Office of the President. These services, defined by Executive Order 12028 of 1977, include financial, personnel, library and records services, information management systems support, and general office services.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$95,633,000 for the Office of Administration for fiscal year 2009, an increase of \$3,888,000 over the fiscal year 2008 enacted level and equal to the amount assumed in the budget request.

The Committee has not included space rental costs for the Office of Management and Budget [OMB] and the Office of National Drug Control Policy [ONDCP] in this account. Funding for these costs is included within the accounts of the respective offices.

The Committee supports the National Archives and Records Administration [NARA] in its efforts to make all appropriate electronic records public regardless of original formatting. The Committee is concerned, however, about the lack of information from the White House on the format and volume of records to be transferred for the current administration. This poses a significant challenge to NARA as it works to complete the documentation effort for the current administration. The Committee directs the Office of Administration to work closely to meet NARA requirements and deadlines so that a complete record is available for the next administration, the Congress, and the public.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$78,000,000
Budget estimate, 2009 .....	72,800,000
Committee recommendation .....	80,172,000

PROGRAM DESCRIPTION

The Office of Management and Budget [OMB] assists the President in the discharge of his budgetary, management, and other executive responsibilities.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$80,172,000 for the Office of Management and Budget which is \$2,172,000 more than the fiscal year 2008 enacted level and \$7,372,000 more than the amount specified in the budget request.

Of the increase over the budget request, the Committee provides \$200,000 for printing paper copies of the documents associated with the President’s annual budget request for submission to the Congress. The Committee has included space rental costs in this account, rather than in the Office of Administration as assumed in the budget request, which accounts for the remainder of the increase over the budget estimate.

The Committee urges the President to establish the Task Force on International Cooperation for Clean and Efficient Technologies as required under section 916 of the Energy Independence and Security Act of 2007 (Public Law 110–140).

The Committee reminds OMB of the report due to Congress no later than March 1, 2009, regarding the extent to which executive departments and agencies that administer directed funding allocate the designated amounts to intended recipients at a level less than specified in any enacted bill or accompanying report.

The bill includes a general provision that directs all departments and agencies to include information in the fiscal year 2010 budget justifications submitted to Congress regarding redirection of congressionally directed funding.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$26,402,000
Budget estimate, 2009 .....	23,697,000
Committee recommendation .....	27,900,000

PROGRAM DESCRIPTION

The Office of National Drug Control Policy [ONDCP], established by the Anti-Drug Abuse Act of 1988, and reauthorized by Public Law 109–469, is charged with developing policies, objectives, and priorities for the National Drug Control Program. In addition, ONDCP administers the Counterdrug Technology Assessment Center, the High Intensity Drug Trafficking Areas program, the National Youth Anti-Drug Media Campaign, the Drug-Free Communities Program, and several other related initiatives.

This account provides funding for personnel compensation, travel, and other basic operations of the Office, and for general policy research to support the formulation of the National Drug Control Strategy.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$27,900,000 for ONDCP’s salaries and expenses. This amount is \$1,498,000 above the fiscal year 2008 enacted level and \$4,203,000 above the budget request.

An amount of \$3,114,000 is provided under this heading for rental payments to the General Services Administration [GSA] instead of providing these funds under the heading "Office of Administration".

The Committee does not agree with ONDCP's proposal to reorganize 3 of the agency's 12 components, therefore the Committee has again included a provision to continue the prohibition against the reorganization.

Last year, the Committee requested numerous reports from ONDCP, many of which were considerably late, and one of which remains overdue as of the writing of this report. Furthermore, the Committee stated in various communications (orally and by bicameral and bipartisan letter) both last year and this year, that consultation with the Committee was expected prior to decisions regarding HIDTA funding, yet that still did not occur.

ONDCP often disregards the intent of Congress; defying statutory law and directives enacted in previous legislation, such as not undoing the reorganization of the budget and CTAC offices. The Committee is aware that other entities requiring interaction with ONDCP have troubled relationships as well.

Over a number of years, the Committee has asked ONDCP for information relating to such items as staffing levels, political appointees, and agency travel, and has received other input as well. The Committee is disturbed by such data as a result of these inquiries. In particular, the Committee finds that:

From fiscal year 2000 to fiscal year 2008, ONDCP staffing levels have declined by approximately 14 percent to a current level of 106 employees, and both racial/ethnicity and female representation have declined significantly as a percentage of the total workforce. Political appointments (with the largest portion being Schedule C appointments) constitute almost a quarter of the workforce at this "non-partisan" organization, a level greater than other EOP components. Among career staff, the level of turnover in some years has raised concerns about continuity of leadership as well as sufficiency of expertise. Management policies and practices, particularly those relating to human capital, have resulted in a highly centralized and non-transparent structure. More than one-half of ONDCP employees report directly or secondarily to the chief of staff (a non-career SES position), while the deputy director of ONDCP, a Senate-confirmed Presidential appointee, has no supervisory responsibilities. With the likely departure of all political appointees by January 20, 2009, there will be a void in senior-level decisionmaking and institutional knowledge.

Since its ill-advised and unapproved reorganization, staffing at ONDCP appears mismatched when comparing statutory responsibilities to funding. In particular, the Office of Performance and Budget, given its role in budget review and certification, is understaffed; and the Counterdrug Technology Assessment Center, given its limited annual budget, is excessively staffed.

Like all components of the Executive Office of the President except OMB, ONDCP does not participate in OPM's human capital survey. Nor does it conduct a comparable internal sur-

vey of its employees to gain their input. While ONDCP conducts a customer service survey, it does not measure morale, job satisfaction, career development opportunities, leadership, or Equal Employment Opportunity issues. Furthermore, ONDCP does not conduct exit interviews, as recommended by PriceWaterhouseCoopers in its 2000 report to ONDCP. Therefore, neither ONDCP nor the Committee has a solid basis upon which to measure the health of the organization or the quality of the work environment.

During the period from fiscal year 2003 through fiscal year 2007, travel by ONDCP political appointees increased disproportionately as a percentage of total ONDCP travel. Travel expenditures by political appointees for the agency peaked in fiscal year 2006.

As a result of these concerns as well as others, the Committee directed in the fiscal year 2008 appropriations bill that the National Academy of Public Administration and GAO conduct independent reviews of ONDCP.

In addition, the Committee believes that an independent review of ONDCP's grant-based programs is necessary to determine whether Federal resources are being adequately utilized to develop common metrics against which program health and outcomes can be assessed, and to facilitate the transfer of effective practices. Given that ONDCP has not consistently maintained an internal program review capability, the Committee believes that this type of evaluation is long overdue. Therefore, the Committee includes a provision in the bill providing funding for ONDCP to contract with the National Academy of Public Administration [NAPA] to develop a framework and test it against selected ONDCP grant-based programs. The study shall be completed by the end of fiscal year 2009.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$1,000,000
Budget estimate, 2009 .....	5,000,000
Committee recommendation .....	5,000,000

PROGRAM DESCRIPTION

The Counterdrug Technology Assessment Center [CTAC] was established by the Counter-Narcotics Technology Act of 1990 (Public Law 101-510) and reauthorized in 1998 (Public Law 105-277) to serve as the central counterdrug technology research and development organization for the United States Government. Historically, CTAC has encompassed two separate functions: (1) the Research and Development program [R&D], which supports improvements to counterdrug capabilities that transcend the need of any single Federal agency; and (2) the Technology Transfer Program [TTP], which provides state-of-the-art, affordable, easily integrated and maintainable tools to enhance the capabilities of State and local law enforcement agencies for counterdrug missions.



COMMITTEE RECOMMENDATION

Due to the lackluster performance of, and lack of confidence in, the current director of this program, the Committee continues to refuse to invest higher levels of funding in the two stated functions of the CTAC program.

Due to the need to augment reduced requested funding levels in other important drug control programs in the fiscal year 2009 budget, the Committee is constrained to provide additional resources for this program. However, the Committee remains hopeful that the fiscal year 2010 budget will reinvigorate the CTAC program with additional requested funds and new leadership, allowing this once valuable program to again flourish. The Committee notes that the fiscal year 2003 funding level for CTAC was \$46,538,000.

FUNDS APPROPRIATED TO THE PRESIDENT  
 FEDERAL DRUG CONTROL PROGRAMS  
 HIGH INTENSITY DRUG TRAFFICKING AREAS  
 (INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$230,000,000
Budget estimate, 2009 .....	200,000,000
Committee recommendation .....	235,000,000

PROGRAM DESCRIPTION

The High Intensity Drug Trafficking Areas [HIDTA] program was established by the Anti-Drug Abuse Act of 1988 (Public Law 100-690) and the Office of National Drug Control Policy's reauthorization (Public Law 109-469) to provide assistance to Federal, State, and local law enforcement entities operating in those areas most adversely affected by drug trafficking.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$235,000,000 for the HIDTA program, an increase of \$5,000,000 over the fiscal year 2008 level and \$35,000,000 more than the budget request. With the increased funding, the Committee expects ONDCP to provide a program adjustment for HIDTAs that qualify under performance measurement criteria to be distributed on an equal percent basis for qualifying HIDTAs, excluding HIDTAs that received at least a \$100,000 program adjustment bringing them up to \$3,000,000 in fiscal year 2007. ONDCP is directed to consult with the HIDTAs in advance of deciding programmatic spending allocations for discretionary (supplemental) funding. As a result of the many new counties established with fiscal year 2007 funds, ONDCP provided no funding for new counties in fiscal year 2008 with the Committee's concurrence, and for fiscal year 2009, the Committee suggests that \$500,000 may be provided for new counties if the need is warranted and the criteria has been met.

The Committee recommendation specifies that up to \$2,100,000 may be used for auditing services and associated activities, and up to \$250,000 shall be used to ensure the continued operation and maintenance of the Performance Management System.

The Committee directs that funding shall be provided for the existing HIDTAs at no less than the fiscal year 2008 initial allocation level (as revised by the letter from the Director of the Office of National Drug Control Policy to the Committees on Appropriations of the House of Representatives and the Senate dated April 8, 2008) or \$3,000,000, whichever is greater; and no High Intensity Drug Trafficking Area shall receive more than \$47,457,447 as its fiscal year 2009 initial allocation level, unless the Director submits to the House and Senate Committees on Appropriations, and the Committees approve, a request for reprogramming of the funds based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness. The Committee directs that the HIDTA funds be transferred to the appropriate drug control agencies expeditiously and includes provisions in the bill to prevent delay.

The Committee recognizes the National HIDTA Assistance Center for providing programmatic support to the HIDTA program to include training, financial management/audit review, and other essential services.

The Committee includes a new provision allowing unexpended funds obligated prior to 2 years ago for programs addressing the treatment or prevention of drug use to be used for other approved HIDTA activities upon 30-days notification to the Committee.

In allocating HIDTA funds, the Committee expects the Director of ONDCP to ensure that the entities receiving these limited resources make use of them strictly for implementing the strategy for each HIDTA, taking into consideration local conditions and resource requirements. In this regard, methamphetamine is a primary illicit drug threat across the country. Its widespread use and resulting addiction, combined with the overwhelming availability of high purity, low cost methamphetamine is cause for serious concern. Cocaine and heroin also represent significant threats and Ecstasy is an increasing danger. Marijuana is readily available and widely abused across the United States. The prevalence of Canadian-produced marijuana, commonly known as BC Bud, and potent marijuana from the Appalachian States are two examples that demonstrate the need for and value of marijuana eradication programs.

The HIDTA funds should not be used to supplant existing support for ongoing Federal, State, or local drug control operations normally funded out of the operating budgets of each agency. ONDCP is directed to withhold all HIDTA funds from a State until such time as a State or locality has met its financial obligation.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$164,300,000
Budget estimate, 2009 .....	189,685,000
Committee recommendation .....	204,250,000

PROGRAM DESCRIPTION

The Anti-Drug Abuse Act of 1988 (Public Law 100-690), and the Office of National Drug Control Policy Reauthorization Act (Public

Law 109–469) established this account to be administered by the Director of the Office of National Drug Control Policy. The funds appropriated to the program support high-priority drug control programs and may be transferred to drug control agencies.

This account includes the following programs: National Youth Anti-Drug Media Campaign, Drug-Free Communities Support Program, National Drug Court Institute, U.S. Anti-Doping Agency, World Anti-Doping Agency [WADA] membership dues, National Alliance for Model State Drug Laws, and Performance Measures Development.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$204,250,000 for Other Federal Drug Control Programs, which is \$39,950,000 more than the fiscal year 2008 enacted level and \$14,565,000 more than the budget request. Within this amount, the Committee provides the following funding levels:

	Amount
National Youth Anti-Drug Media Campaign .....	\$100,000,000
Drug-Free Communities Support Program .....	90,000,000
National Community Anti-Drug Coalition training .....	2,000,000
National Drug Court Institute .....	1,000,000
U.S. Anti-Doping Agency .....	9,600,000
World Anti-Doping Agency [WADA] .....	1,900,000
National Alliance for Model State Drug Laws .....	1,250,000
Performance Measures Development .....	500,000

*National Youth Anti-Drug Media Campaign.*—The Committee has provided consistent monetary support for the National Youth Anti-Drug Media Campaign since it was initially funded by Congress in fiscal year 1998. The Committee continues to be concerned about the direction and efficacy of the Media Campaign as it is currently structured, and notes that independent reports have concluded that the Media Campaign has not had a demonstrable nationwide effect on reducing drug use among the Campaign’s target population. Furthermore, the GAO confirms that the Media Campaign has not been effective in reducing youth drug use. The Committee is concerned that meth is having a disproportional impact on our rural communities, rendering the addiction an epidemic in the lives of so many Americans from the Nation’s farmlands, reservations, and small towns. Most of these communities, because they are located outside of urban areas, lack the comprehensive support services needed to effectively address the addiction and its devastating grip on so many families. The Committee provides \$100,000,000 for the Media Campaign, of which at least \$10,000,000 shall be for meth prevention ads. The Committee directs that no more than 10 percent of the funding provided for the Media Campaign be used for administrative costs. ONDCP is encouraged to work with State and local governments to increase visibility of the Media Campaign. In order to combat methamphetamine abuse within scarce resources, the Committee encourages ONDCP, to the degree possible, to focus meth prevention advertising on geographic areas with the highest level of drug problem within a State. ONDCP is encouraged to use research-based adver-

tising campaigns and to collaborate with statewide or regional meth prevention programs when possible.

*Drug-Free Communities Support Program.*—ONDCP directs the Drug-Free Communities Support Program [DFCSP] in partnership with the Substance Abuse and Mental Health Services Administration. DFCSP provides dollar for dollar matching grants of up to \$125,000 to local coalitions that mobilize their communities to prevent youth alcohol, tobacco, illicit drug, and inhalant abuse. Such grants support coalitions of youth; parents; media; law enforcement; school officials; faith-based organizations; fraternal organizations; State, local, and tribal government agencies; healthcare professionals; and other community representatives. The DFCSP enables these coalitions to strengthen their coordination and prevention efforts, encourage citizen participation in substance abuse reduction efforts, and disseminate information about effective programs. The Committee provides \$90,000,000 for the continuation of the DFCSP.

The Committee includes a provision in the bill directing ONDCP to provide \$2,000,000 of DFCSP funds for training and related purposes as authorized by section 4 of Public Law 107–82, as amended by Public Law 109–469.

The Committee includes a provision, at the request of the authorizing committee, clarifying the intent of sec. 802 of Public Law 109–469 (21 U.S.C. § 1521, et seq.) that renewal grantees found to be ineligible for continuation funding under the Drug Free Communities Act are required to be afforded a fair, timely, and independent appeals process prior to any determination that a renewal grantee is ineligible or otherwise not entitled to continuation funding.

*United States Anti-Doping Agency.*—The United States Anti-Doping Agency [USADA] is the independent anti-doping agency for Olympic sports in the United States, and is responsible for managing the testing and adjudication process for U.S. Olympic, Pan Am and Paralympic athletes. As a nonprofit corporation under the leadership of an independent Board of Directors, USADA has the authority to set forth guiding principles in anti-doping policy and to enforce any doping violations. In addition to managing collection and testing procedures, USADA is also responsible for enhancing research efforts and promoting educational programs to inform athletes of the rules governing the use of performance enhancing substances, as well as the ethics of doping and its harmful health effects.

The Committee provides \$9,600,000 for USADA, which is the same as the fiscal year 2008 enacted level and \$2,315,000 more than the budget request.

*World Anti-Doping Agency.*—ONDCP represents the United States in the World Anti-Doping Agency [WADA], which promotes and coordinates international activities against doping in all forms of sports. The Committee provides \$1,900,000 for membership dues to the WADA.

*National Drug Court Institute.*—The National Drug Court Institute facilitates the growth of the drug court movement by promoting and disseminating education, research, and scholarship concerning drug court programs and providing a comprehensive drug

court training series for practitioners. Drug courts provide an effective means to fight drug-related crime through the cooperative efforts of State and local law enforcement, the judicial system, and the public health treatment network. The Committee provides \$1,000,000 for the National Drug Court Institute.

*National Alliance For Model State Drug Laws.*—The National Alliance for Model State Drug Laws [NAMSDL] is a national organization that drafts, researches, and analyzes model drug and alcohol laws and related State statutes, provides access to a national network of drug and alcohol experts, and facilitates working relationships among State and community leaders and drug and alcohol professionals. In doing so, NAMSDL encourages States to adopt and implement laws, policies, and regulations to reduce drug trafficking, drug use, and their related consequences. The Committee provides \$1,250,000 to NAMSDL and directs ONDCP to provide the entire amount directly to NAMSDL within 30 days after enactment of this act.

*National Drug Control Performance Measures.*—Performance Measures funding is used to conduct evaluation research for assessing the effectiveness of the National Drug Control Strategy. The Committee provides \$500,000 for this program and directs ONDCP to outline and submit to the Committee a detailed plan for projects that assess the effectiveness of the strategy in achieving its goals and objectives, and develop and improve needed data sources, including specific funding levels, no later than 120 days after enactment of this act.

UNANTICIPATED NEEDS

Appropriations, 2008 .....	\$1,000,000
Budget estimate, 2009 .....	1,000,000
Committee recommendation .....	1,000,000

PROGRAM DESCRIPTION

These funds enable the President to meet unanticipated exigencies in support of the national interest, security, or defense.

COMMITTEE RECOMMENDATION

The Committee recommends \$1,000,000 which is equal to the amount appropriated in fiscal year 2008 and the same as the budget request.

PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

Appropriations, 2008 .....	
Budget estimate, 2009 .....	\$8,000,000
Committee recommendation .....	8,000,000

PROGRAM DESCRIPTION

This account supports the Office of Administration for expenses associated with the transition to the next Presidential administration.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$8,000,000 for Presidential Transition Administrative Support, which is equal to the budget estimate. The account was not funded in fiscal year 2008 because there was no presidential transition in that year.

## SPECIAL ASSISTANCE TO THE PRESIDENT

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$4,432,000
Budget estimate, 2009 .....	4,496,000
Committee recommendation .....	4,496,000

## PROGRAM DESCRIPTION

This appropriation provides for staff and expenses to enable the Vice President to provide assistance to the President in connection with the performance of executive duties and responsibilities. The Vice President also has a staff funded by the Senate to assist him in the performance of his legislative duties. These funds also support the official activities of the spouse of the Vice President.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$4,496,000 for special assistance to the President. This amount is the same as the budget request and \$64,000 above the fiscal year 2008 enacted level.

## OFFICIAL RESIDENCE OF THE VICE PRESIDENT

## OPERATING EXPENSES

Appropriations, 2008 .....	\$320,000
Budget estimate, 2009 .....	323,000
Committee recommendation .....	323,000

## PROGRAM DESCRIPTION

This account supports the care and operation of the Vice President's residence on the grounds of the Naval Observatory. These funds specifically support equipment, furnishings, dining facilities, and services required to perform and discharge the Vice President's official duties, functions, and obligations.

Funds to renovate the residence are provided through the Department of the Navy budget. The Committee has had a long-standing interest in the condition of the residence and expects to be kept fully apprised by the Vice President's office of any and all renovations and alterations made to the residence by the Navy.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$323,000 for the official residence of the Vice President. This amount is the same as the budget request and \$3,000 above the fiscal year 2008 enacted level.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE  
PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Section 201 continues a provision that provides flexibility in the use of funds in accounts under the Executive Office of the President.

Section 202 requires a detailed financial plan by the Director of the ONDCP prior to the obligation of funds in fiscal year 2009.

Section 203 allows for the transfer of up to 2 percent among programs within ONDCP.

Section 204 establishes reprogramming requirements for ONDCP.

Section 205 provides that in fiscal year 2009 and thereafter, funds provided for the Office of Management and Budget shall support the costs of the printing of a sufficient number of copies of the documents associated with the President's annual budget request for submission to the Congress.

TITLE III  
THE JUDICIARY

PROGRAM DESCRIPTION

Established under Article III of the Constitution, the judicial branch of Government is a separate but equal branch. The Federal Judiciary consists of the Supreme Court, United States Courts of Appeals, District Courts, Bankruptcy Courts, Court of International Trade, Court of Federal Claims, and several other entities and programs. The organization of the judiciary, the district and circuit boundaries, the places of holding court, and the number of Federal judges are legislated by the Congress and signed into law by the President.

The Committee's recommended funding levels support the Federal judiciary's role of providing equal justice under the law and include sufficient funds to support this critical mission. The recommended funding level includes the salaries of judges and support staff and the operation and security of our Nation's courts.

The judicial branch is reminded that it, too, is subject to the same funding constraints facing the executive and legislative branches and continues to urge the Federal judiciary to devote its resources primarily to the retention of staff. Further, the judiciary is encouraged to contain controllable costs such as travel, construction, and other non-essential expenses.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$66,526,000
Budget estimate, 2009 .....	69,777,000
Committee recommendation .....	69,776,000

PROGRAM DESCRIPTION

The United States Supreme Court consists of nine justices appointed under Article III of the Constitution of the United States, one of whom is appointed as Chief Justice of the United States. The Supreme Court acts as the final arbiter in the Federal court system.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$69,776,000 for the Justices, their supporting personnel, and the costs of operating the Supreme Court, excluding the care of the building and grounds. The recommendation is \$3,250,000 above the fiscal year 2008 funding level and approximately the same as the request.



## CARE OF THE BUILDING AND GROUNDS

Appropriations, 2008 .....	\$12,201,000
Budget estimate, 2009 .....	18,447,000
Committee recommendation .....	18,447,000

## PROGRAM DESCRIPTION

Care of the Building and Grounds, for expenditure by the Architect of the Capitol, provides for the structural and mechanical care of the United States Supreme Court Building and Grounds, including maintenance and operation of mechanical, electrical, and electronic equipment.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$18,447,000 for personnel and other services related to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol. The recommendation is \$6,246,000 above the fiscal year 2008 funding level and identical to the budget request. The Committee directs the Court to report to the Committee no later than 90 days after enactment of this act on its construction and modernization plans and to update the Committee as the Court becomes aware of any changes in schedule or budgetary needs.

## UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$27,072,000
Budget estimate, 2009 .....	32,357,000
Committee recommendation .....	31,482,000

## PROGRAM DESCRIPTION

The United States Court of Appeals for the Federal Circuit was established under Article III of the Constitution on October 1, 1982. The court was formed by the merger of the United States Court of Customs and Patent Appeals and the appellate division of the United States Court of Claims. The court consists of 12 judges who are appointed by the President, with the advice and consent of the Senate. Judges are appointed to the court under Article III of the Constitution of the United States.

The Federal Circuit has nationwide jurisdiction in a variety of subject matter, including international trade, government contracts, patents, certain claims for money from the United States Government, Federal personnel, and veterans' benefits. Appeals to the court come from all Federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Veterans Appeals. The court also takes appeals of certain administrative agencies' decisions, including the Merit Systems Protection Board, the Board of Contract Appeals, the Board of Patent Appeals and Interferences, and the Trademark Trial and Appeals Board. Decisions of the United States International Trade Commission, the Office of Compliance of the United States Congress, and the Government Accountability Office Personnel Appeals Board are also reviewable by the court.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$31,482,000. The recommendation is \$4,410,000 above the fiscal year 2008 funding level, and \$875,000 below the budget request.

Of the amount provided, the Committee has provided funding for leased space for three senior judges and associated staffing for one senior judge instead of providing leased space for five judges eligible for senior status but who have not yet expressed an intention to do so in fiscal year 2009, and associated staffing for three judges. The Committee urges judges eligible for senior status to declare their intention at the earliest possible opportunity in order to maximize leased space opportunities.

## U.S. COURT OF INTERNATIONAL TRADE

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$16,632,000
Budget estimate, 2009 .....	19,622,000
Committee recommendation .....	19,605,000

## PROGRAM DESCRIPTION

The United States Court of International Trade, located in New York City, consists of nine Article III judges. The court has exclusive nationwide jurisdiction over civil actions brought against the United States, its agencies and officers, and certain civil actions brought by the United States, arising out of import transactions and the administration and enforcement of the Federal customs and international trade laws.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$19,605,000. The recommendation is \$2,973,000 above the fiscal year 2008 funding level and consistent with the Judiciary's re-estimate of fiscal year 2009 requirements.

## COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

## SALARIES AND EXPENSES

Appropriations, 2008 <sup>1</sup> .....	\$4,619,262,000
Budget estimate, 2009 .....	4,963,091,000
Committee recommendation .....	4,832,760,000

<sup>1</sup> Of this amount, \$14,500,000 was designated as emergency funding.

## PROGRAM DESCRIPTION

Salaries and Expenses is one of four accounts that provide total funding for the Courts of Appeals, District Courts, and Other Judicial Services. In addition to funding the salaries of judges and support staff, this account also funds the operating costs of appellate, district, and bankruptcy courts, the Court of Federal Claims, and probation and pretrial services offices.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$4,832,760,000. The recommendation is \$213,498,000 above the fiscal year 2008 funding level and \$130,331,000 below the budget request.

*Judiciary's Efforts To Contain Costs and Control Rent.*—The Committee has long noted its concern about the rising costs associated with the Judiciary's rent bill. For example, in Senate Report 109–109, accompanying the fiscal year 2006 appropriations bill, the Committee expressed support for the Judiciary's efforts to work with the General Services Administration to find ways to reduce rising rent costs and to reduce this rapidly-growing burden, and urged the Judicial Conference to continue to carefully consider the size and scope of future construction projects as well as to consider other remedies.

In Senate Report 109–495, accompanying the fiscal year 2007 appropriations bill, the Committee encouraged the Judicial Conference to ensure that adequate checks remain in place to guarantee that future construction requests and projects are subjected to the highest standards of cost-efficiencies. A June 2006 GAO report noted that there were then no incentives for district and circuit courts to make more efficient use of their space. The Administrative Office was directed to report on steps taken to encourage more efficient use of space by district and circuit courts.

In Senate Report 110–129, accompanying the fiscal year 2008 appropriations bill, the Committee acknowledged the cost containment measures undertaken by the judiciary and strongly urged the continuation of those efforts. The Administrative Office was directed to report on steps taken to encourage more efficient use of space by district and circuit courts.

In its report, the Administrative Office indicated the following initiatives were underway to further control rent costs and to encourage more efficient use of space by district and circuit courts:

- In September 2006, the Judicial Conference set an annual rent cap for future rent requirements at an average annual growth rate of 4.9 percent for fiscal years 2009 through 2016.
- In September 2007, the Judicial Conference approved creation of the Circuit Rent Budget [CRB] program. The CRB is designed to promote greater discipline in the management of the Judiciary's use of space by aligning, at the circuit council level, the budget responsibility for rent, with the authority to determine space need.

With the Judicial Conference's adoption of the CRB program, rent budgets are now allocated to the circuits to cover the cost of space, and each circuit council must now choose to fund only those space expansion projects which the council can afford. The CRB initiative provides several incentives to encourage efficient space use decisions by circuit and district courts. For example, an incentive for space relinquishment allows the circuit to capture the value of rental costs savings associated with space relinquishment, for use to pay for new space in another location. This enables the court units to surrender nonutilized or underutilized space, and capture the value of the rent savings for use where space is truly needed.

The Committee understands that, at its September 2008 meeting, the Judicial Conference will act on the recommendations of its Space and Facilities Committee with regard to the Circuit Rent Budget program, including the Third Circuit's rent budget request. The Committee expects the Easton Courthouse to remain open until the opening of the new court facility in Lancaster County, Pennsylvania.

VACCINE INJURY COMPENSATION TRUST FUND

Appropriations, 2008 .....	\$4,099,000
Budget estimate, 2009 .....	4,253,000
Committee recommendation .....	4,253,000

PROGRAM DESCRIPTION

Enacted by the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), the Vaccine Injury Compensation Program is a Federal no-fault program designed to resolve a perceived crisis in vaccine tort liability claims that threatened the continued availability of childhood vaccines nationwide. The statute's primary intention is the creation of a more efficient adjudicatory mechanism that ensures a no-fault compensation result for those allegedly injured or killed by certain covered vaccines. This program protects the availability of vaccines in the United States by diverting a substantial number of claims from the tort arena.

Not only did this act create a special fund to pay judgments awarded under the act, but it also created the Office of Special Masters [OSM] within the United States Court of Federal Claims to hear vaccine injury cases. The act stipulates that up to eight special masters may be appointed for this purpose. The special masters expenditures are reimbursed to the judiciary for vaccine injury cases from a special fund set up under the Vaccine Act.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$4,253,000. The recommendation is \$154,000 above the fiscal year 2008 funding level and consistent with the budget request.

DEFENDER SERVICES

Appropriations, 2008 <sup>1</sup> .....	\$846,101,000
Budget estimate, 2009 .....	911,408,000
Committee recommendation .....	854,204,000

<sup>1</sup> Of this amount, \$10,500,000 was designated as emergency funding.

PROGRAM DESCRIPTION

The Defender Services program ensures the right to counsel guaranteed by the Sixth Amendment, the Criminal Justice Act (18 U.S.C. 3006A(e)) and other congressional mandates for those who cannot afford to retain counsel and other necessary defense services. The Criminal Justice Act provides that courts appoint counsel from Federal public and community defender organizations or from a panel of private attorneys established by the court. The Defender Services program helps to maintain public confidence in the Nation's commitment to equal justice under the law and ensures the

successful operation of the constitutionally based adversary system of justice by which Federal criminal laws and federally guaranteed rights are enforced.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$854,204,000. The recommendation is \$8,103,000 above the fiscal year 2008 funding level and \$57,204,000 below the budget request.

*Panel Attorney Pay Rates.*—The Committee has increased the non-capital panel attorney rate per hour from \$100 to \$102 as well as the capital panel attorney rate per hour from \$170 to \$174 in fiscal year 2009.

FEEES OF JURORS AND COMMISSIONERS

Appropriations, 2008 .....	\$63,081,000
Budget estimate, 2009 .....	62,206,000
Committee recommendation .....	62,206,000

PROGRAM DESCRIPTION

This account provides for the statutory fees and allowances of grand and petit jurors and for the compensation of jury and land commissioners. Budgetary requirements depend primarily upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries being convened by the courts at the request of the United States Attorneys.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$62,206,000. The recommendation is \$875,000 less than the fiscal year 2008 funding level and consistent with the budget request.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2008 .....	\$410,000,000
Budget estimate, 2009 .....	439,915,000
Committee recommendation .....	428,004,000

PROGRAM DESCRIPTION

The Court Security appropriation was established in 1983 and funds the necessary expenses incident to the provision of protective guard services, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building access control, inspection of mail and packages, directed security patrols, perimeter security provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702).

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$428,004,000. The recommendation is \$18,004,000 above the fiscal year 2008 funding level and \$11,911,000 below the budget request.

The Committee recommends funding for new U.S. Marshals Service positions as well as requested reimbursements to the Marshals Service.

## ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$76,036,000
Budget estimate, 2009 .....	81,959,000
Committee recommendation .....	79,049,000

## PROGRAM DESCRIPTION

The Administrative Office [AO] of the United States Courts was created in 1939 by an Act of Congress. It serves the Federal judiciary in carrying out its constitutional mission to provide equal justice under the law. Beyond providing numerous services to the Federal courts, the AO provides support and staff counsel to the Judicial Conference of the United States and its committees, and implements Judicial Conference policies as well as applicable Federal statutes and regulations. The AO is the focal point for communication and coordination within the judiciary and with Congress, the executive branch, and the public on behalf of the judiciary.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$79,049,000. This recommendation is \$3,013,000 above the fiscal year 2008 funding level and \$2,910,000 below the budget request.

## FEDERAL JUDICIAL CENTER

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$24,187,000
Budget estimate, 2009 .....	25,759,000
Committee recommendation .....	25,468,000

## PROGRAM DESCRIPTION

The Federal Judicial Center, located in Washington, DC, improves the management of Federal judicial dockets and court administration through education for judges and staff and research, evaluation, and planning assistance for the courts and the Judicial Conference. The Center's responsibilities include educating judges and other judicial branch personnel about legal developments and efficient litigation management and court administration. Additionally, the Center also analyzes the efficacy of case and court management procedures and ensures the Federal judiciary is aware of the methods of best practice.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$25,468,000. The recommendation is \$1,281,000 above the fiscal year 2008 funding level and \$291,000 below the budget request.

The Committee has included half the funds requested for both education, research, and technology, as well as education and training enhancements. The Committee directs the Federal Judicial Center to keep the Committee apprised of staff brought on board throughout fiscal years 2008 and 2009.

## JUDICIAL RETIREMENT FUNDS

## PAYMENT TO JUDICIARY TRUST FUNDS

Appropriations, 2008 .....	\$65,400,000
Budget estimate, 2009 .....	76,140,000
Committee recommendation .....	76,140,000

## PROGRAM DESCRIPTION

The funds in this account cover the estimated future benefit payments to be made to retired bankruptcy judges and magistrate judges, claims court judges, and spouses and dependent children of deceased judicial officers.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$76,140,000 for payments to the Judicial Officers' Retirement Fund and the Claims Court Judges Retirement Fund. The recommendation is \$10,740,000 above the fiscal year 2008 funding level and consistent with the budget request.

## UNITED STATES SENTENCING COMMISSION

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$15,477,000
Budget estimate, 2009 .....	16,257,000
Committee recommendation .....	16,225,000

## PROGRAM DESCRIPTION

The United States Sentencing Commission establishes, reviews, and revises sentencing guidelines, policies, and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$16,225,000. The recommendation is \$748,000 above the fiscal year 2008 funding level and consistent with the Judiciary's re-estimate of fiscal year 2009 requirements.

## ADMINISTRATIVE PROVISIONS—THE JUDICIARY

The Committee recommends the following administrative provisions for the judiciary.

Section 301 allows the judiciary to expend funds for the employment of experts and consultative services.

Section 302 allows the judiciary, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 303 limits official reception and representation expenses incurred by the Judicial Conference of the United States to no more than \$11,000.

Section 304 requires the Administrative Office to submit an annual financial plan for the judiciary within 90 days of enactment of this act.

Section 305 grants the judicial branch the same tenant alteration authorities as the executive branch.

Section 306 provides authority for a court security pilot program.

Section 307 authorizes the Director of the Administrative Office of the U.S. Courts to pay premium rate increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999 for bankruptcy judges and territorial district court judges, upon reaching age 65, consistent with Article III judges and magistrate judges, effective January 7, 2008.

Section 308 repeals the sunset provision in Section 407(a) of Public Law 109-115, making permanent certain contracting authorities to the Judiciary.

Section 309 amends the Director of the Administrative Office of the U.S. Courts' authorities with regard to the expenditure of funds for offender supervision.

Section 310 allows for a salary adjustment for Justices and judges.



TITLE IV  
DISTRICT OF COLUMBIA  
FEDERAL PAYMENTS  
FEDERAL FUNDS

A total of \$722,023,000 in Federal funds are estimated to be available to the District of Columbia government, the District of Columbia Courts, the District of Columbia Court Services and Offender Supervision Agency, and other D.C. entities. This is \$112,170,000 above the fiscal year 2008 enacted level and \$55,105,000 above the budget request. A total of \$2,177,373,000 in Federal funds will be received by the District government from the various Federal grant programs, including Federal reimbursements from such programs as Medicaid and Medicare.

FEDERAL PAYMENT FOR DISTRICT OF COLUMBIA RESIDENT TUITION  
SUPPORT

Appropriations, 2008 .....	\$33,000,000
Budget estimate, 2009 .....	35,100,000
Committee recommendation .....	35,100,000

PROGRAM DESCRIPTION

The Resident Tuition Support program was created by the District of Columbia College Access Act of 1999 (Public Law 106-98), expanded through the District of Columbia College Access Improvement Act of 2002 (Public Law 107-157), and amended and reauthorized through Public Law 110-97. This program provides eligible college-bound District residents the opportunity to expand their higher education choices.

Under the program, financial assistance is available to qualified District residents who attend public colleges outside of the District of Columbia, private postsecondary institutions in the District of Columbia, Maryland, or Virginia, or any historically black college or university. The private-school tuition grants are restricted to nonprofit institutions. Students who attend public schools receive assistance equal to the difference between the tuition paid by residents of the State in which the institution is located and the tuition charged to nonresident students, with an annual limit of \$10,000 and a lifetime limit of \$50,000. Private-school students receive a \$2,500 maximum annual grant, with a lifetime limit of \$12,500.

Since its inception, the program has disbursed over \$160,000,000 for the benefit of over 12,775 District of Columbia residents. Thirty-eight percent of the grantees are the first members of their families to attend college.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$35,100,000 for the resident tuition support program, an increase of \$2,100,000 over the fiscal year 2008 enacted level and the same as the budget request. The Committee understands that the program will have \$200,000 in carryover funds available in fiscal year 2009. The Committee urges the State Education Office to continue its efforts to improve the college graduation rate of program participants. Because program costs have the potential of growing beyond a level for which increased Federal funding may be available and sustainable, the Committee directs the Mayor and the State Education Office to institute effective cost containment measures and regularly report to Congress on the effects of these efforts. The Committee further directs the District to fully explore non-Federal sources of additional funds to augment the Federal investment to meet program needs. As specified in Public Law 106-98 which established the program, the Committee directs the Mayor to address any insufficiency in funding through ratable reductions and other adjustments or prioritization considerations based on the income and need of eligible students.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS  
IN THE DISTRICT OF COLUMBIA

Appropriations, 2008 .....	\$3,352,000
Budget estimate, 2009 .....	15,000,000
Committee recommendation .....	15,400,000

PROGRAM DESCRIPTION

Due to the fact that the District of Columbia is the seat of the Federal Government and headquarters of many international organizations, District police, fire, and emergency personnel have had to provide security for a number of events. As the need for the District of Columbia to provide security increases, overtime costs for personnel escalate and divert local police from neighborhood patrols. The President has supported reimbursing the District for these costs.

In addition, the District of Columbia National Guard, under the exclusive jurisdiction of the President of the United States, is specifically trained to support law enforcement during critical missions, such as demonstrations, Presidential inaugurations and funerals, and emergency services for weather-related contingencies. The D.C. Air Guard patrols the skies over the District on round-the-clock alert. However, residency restrictions preclude a significant number of Guard members from eligibility for tuition assistance programs, which has severely hampered recruitment and retention efforts.

COMMITTEE RECOMMENDATION

The Committee recommends a payment of \$15,000,000 to the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, for the costs of providing support requested by the United States Secret Service Division in carrying out their protec-

tive duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

In addition, the District may use any funds remaining from prior year appropriations under this heading. The District may use the payment to cover the costs of Executive transportation support including motorcades and helicopter landings. The Committee directs the Mayor to provide an annual report to the Committee outlining the purposes and amounts expended using those funds, with the first report due no later than June 1, 2009.

In addition, the Committee recommends \$400,000 for a tuition assistance program for non-resident District of Columbia National Guard members. The total funding is \$12,048,000 above the fiscal year 2008 enacted level and \$400,000 above the budget request.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Appropriations, 2008 .....	\$223,920,000
Budget estimate, 2009 .....	223,920,000
Committee recommendation .....	251,625,000

PROGRAM DESCRIPTION

Under the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33, title XI), the Federal Government is required to finance the District of Columbia Courts. This Federal payment to the District of Columbia Courts funds the operations of the District of Columbia Court of Appeals, Superior Court, the Court System, and the Capital Improvement Program. Capital improvements include a complete renovation of the historic Old Courthouse, as well as design and renovation work on the H. Carl Moultrie I Courthouse and several other buildings in Judiciary Square. By law, the annual budget includes estimates of the expenditures for the operations of the Courts prepared by the Joint Committee on Judicial Administration and the President's recommendation for funding the Courts' operations.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment to the District of Columbia Courts of \$251,625,000, which is \$27,705,000 above the fiscal year 2008 enacted level and \$27,705,000 above the President's budget request. This amount includes \$13,983,000 for the Court of Appeals, \$110,135,000 for the Superior Court, \$57,002,000 for the Court System, and \$70,505,000 for capital improvements to courthouse facilities.

For the District of Columbia Court of Appeals, the Committee recommendation is \$1,353,000 above the President's recommended funding of \$12,630,000, and will permit the Court of Appeals to make investments in equipment and furniture for the restored Old Courthouse scheduled to reopen in 2009, and to provide an increase in public transit subsidy benefits. The Committee recommendation for the Superior Court of the District of Columbia is \$5,858,000 above the President's recommended funding of \$104,277,000, and will permit the Court to enhance juvenile probation services through a community-based drop-in center to supervise youth, en-

hance services for defendants with mental illness, and provide a rate increase for court interpreters. The Committee recommendation for the District of Columbia Court System is \$1,576,000 above the President's recommended funding of \$55,426,000, and will permit the Court System to enhance juror technology and address human resources workforce planning in light of the increasing number of employees eligible for retirement.

The Committee is disappointed that the President's recommended funding for capital improvements does not adequately provide for critical renovations and improvements, particularly in the adult holding facilities and space occupied by the United States Marshals Service in the H. Carl Moultrie I Courthouse. The Committee recommendation for capital improvements provides \$18,918,000 above the President's recommendation of \$51,587,000 to address this concern.

The Committee acknowledges that the courts have taken steps to address concerns about the substandard working conditions of the United States Marshals Service at the Moultrie Courthouse. The Committee provides as additional \$18,918,000 above the President's recommendation of \$11,000,000 for renovation of the adult holding facility and the United States Marshals Service workspace. The Committee urges the District of Columbia Courts to continue progress on the plan to upgrade the conditions to an acceptable level. The Committee directs the District of Columbia Courts to keep the Committee regularly informed on the status of the renovations, including prompt notification of any significant cost increases or schedule delays.

DEFENDER SERVICES IN THE DISTRICT OF COLUMBIA COURTS

Appropriations, 2008 .....	\$47,975,000
Budget estimate, 2009 .....	47,975,000
Committee recommendation .....	52,475,000

PROGRAM DESCRIPTION

The District of Columbia Courts appoint and compensate attorneys to represent persons who are financially unable to obtain such representation. The Defender Services programs provide counsel for indigent persons who are charged with criminal offenses, for family proceedings involving child abuse, neglect, and termination of parental rights, and for guardianship proceedings for protection of mentally incapacitated individuals and minors whose parents are deceased.

In addition to legal representation, these programs provide indigent persons with services such as transcripts of court proceedings, expert witness testimony, foreign and sign language interpretation, and investigations and genetic testing.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$52,475,000 for Defender Services in the District of Columbia Courts. This is \$4,500,000 above the fiscal year 2008 enacted level and \$4,500,000 above the budget request.

To promote access to justice and ensure that high quality legal representation remains available to the indigent in the District of

Columbia Courts, the Committee’s recommended increase provides for a compensation adjustment from \$80 to \$90 per hour for attorneys appointed to represent persons under the Criminal Justice Act [CJA], the Counsel for Child Abuse and Neglect [CCAN] program, and the Guardianship program.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Appropriations, 2008 .....	\$190,343,000
Budget estimate, 2009 .....	202,490,000
Committee recommendation .....	203,490,000

PROGRAM DESCRIPTION

The Court Services and Offender Supervision Agency [CSOSA] for the District of Columbia is an independent Federal agency created by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33, title XI). CSOSA acquired the operational responsibilities for the former District agencies in charge of probation and parole, and houses the Pretrial Services Agency within its framework. The mission of CSOSA is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community. The CSOSA appropriation supports the Community Supervision Program which monitors or supervises approximately 15,000 offenders on a daily basis and the Pretrial Services Agency which monitors approximately 5,500 defendants at any given time.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$203,490,000, which is \$13,147,000 above the fiscal year 2008 enacted level and \$1,000,000 above the budget request. The Committee notes that the increased resources will enable CSOSA to enhance the information technology capability and resources for the Community Supervision Program’s offender case management system [SMART] infrastructure and improve critical data sharing with CSOSA’s law enforcement partners. In addition, funds are provided to enable the Pretrial Services Agency to collaborate with the District of Columbia Superior Court and the Office of the Attorney General to address the unique problems and service requirements of mentally ill and substance abusing arrestees in misdemeanor and traffic cases.

The Committee is concerned that even with the proposed budget increase, funding for CSOSA for offender contract treatment, including substance abuse, halfway-back residential sanctions, mental health and sex offender assessments, and transitional housing is constrained.

The Committee is supportive of CSOSA’s efforts to successfully return ex-offenders to their communities. For a number of years, CSOSA has worked with grassroots, nonprofit providers of transitional housing, including faith-based organizations, that offer counseling, mentoring, and life skills training to men and women returning home from prison. The Committee notes that this is a model program for the Nation. The Committee provides an additional \$1,000,000 above the President’s request and intends that

not less than \$2,000,000 be available to continue and expand this important work.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

Appropriations, 2008 .....	\$32,710,000
Budget estimate, 2009 .....	35,659,000
Committee recommendation .....	35,659,000

PROGRAM DESCRIPTION

The Public Defender Service [PDS] for the District of Columbia, an independent organization established by a District of Columbia statute (16 D.C. Code 2-1601-1608), has a distinct mission to provide and promote quality legal representation services within the District of Columbia justice system. PDS provides legal representation to indigent adults and children facing loss of liberty and provides support in the form of training, consultation, and legal reference services to members of the local bar appointed as counsel in criminal, juvenile, and mental health cases involving indigent individuals.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment to the Public Defender Service for the District of Columbia of \$35,659,000, which is \$2,949,000 above the fiscal year 2008 enacted level and the same as the budget request. The increased funding will support a new case management system as well as costs to secure space for relocation of the Public Defender Service’s Mental Health Division.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

Appropriations, 2008 .....	\$8,000,000
Budget estimate, 2009 .....	14,000,000
Committee recommendation .....	16,000,000

PROGRAM DESCRIPTION

Approximately one-third of the District is served by a combined sewer system, constructed by the Federal Government in 1890, in which both sanitary waste and storm water flow through the same pipes. When the collection system or the Blue Plains treatment plant reach capacity, typically during periods of heavy rainfall, the system is designed to overflow the excess water. This mixture of sewage and storm water runoff is discharged to the Anacostia and Potomac Rivers, Rock Creek and tributary waters between 60 and 75 times each year. Under a judicial consent decree, the Water and Sewer Authority is undertaking a 20-year, \$2,200,000,000 sewer construction program to reduce combined sewer overflows [CSO]. The program includes deep underground storage tunnels, side tunnels to reduce flooding, pump station rehabilitation, and the elimination of over a dozen CSO outfalls along the Potomac and Anacostia Rivers and Rock Creek. When completed in 2025, this project is expected to vastly improve water quality and significantly reduce debris in our Nation’s capital waterways.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$16,000,000, to be matched by at least \$8,000,000 provided by the Water and Sewer Authority, to continue implementation of the Long-Term Combined Sewer Overflow Control Plan. This is an increase of \$8,000,000 above the fiscal year 2008 enacted level and \$2,000,000 above the budget request.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

Appropriations, 2008 .....	\$1,300,000
Budget estimate, 2009 .....	1,774,000
Committee recommendation .....	1,774,000

PROGRAM DESCRIPTION

The Criminal Justice Coordinating Council for the District of Columbia [CJCC] is the primary forum in which District of Columbia criminal justice agencies can identify and address interagency coordination issues. Its mission is to address coordination difficulties among District of Columbia criminal justice agencies and address criminal justice issues, such as drugs, juvenile justice, halfway houses, information technology, and identification of arrestees. The CJCC was originally established pursuant to a Memorandum of Agreement in May 1998 and operates as an independent working group to foster cooperation among the more than a dozen Federal and local governmental agencies which have law enforcement responsibility in our Nation's Capital. As part of a local enactment in August 2001, the CJCC was established as an independent agency within the District of Columbia.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$1,774,000 to the Criminal Justice Coordinating Council [CJCC]. This is \$474,000 above the fiscal year 2008 enacted level and the same as the budget request. The Committee directs the CJCC to submit annual performance measures in an annual report, which should also describe progress made on individual CJCC initiatives.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

Appropriations, 2008 .....	\$5,453,000
Budget estimate, 2009 .....	
Committee recommendation .....	5,000,000

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$5,000,000 to the Office of the Chief Financial Officer of the District of Columbia. This is \$453,000 below the fiscal year 2008 enacted level and \$5,000,000 above the budget request. These funds are for health, education, environmental, social service, and economic development initiatives in the District of Columbia. The Committee directs that of this amount, \$3,000,000 be allocated to the Children's National Medical Center in Washington, DC, as a contribution toward con-

struction of new and renovated operating rooms and additional procedure rooms to address the growing demand for pediatric services throughout the region, meet architectural standards for complex surgical care, and expand sterile processing space to comply with new infection control standards.

The Committee directs each grantee of funding under this account to submit a detailed budget and a comprehensive description of the activities to be carried out with the funds no later than March 15, 2009 to the Chief Financial Officer and the Committees on Appropriations. The Committee further directs that any funds made available to any grantee under this account must be spent primarily in the District of Columbia to benefit District of Columbia residents.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

Appropriations, 2008 .....	\$40,800,000
Budget estimate, 2009 .....	54,000,000
Committee recommendation .....	54,000,000

PROGRAM DESCRIPTION

The Committee continues and enhances a three-sector funding arrangement to provide resources for the District of Columbia Public Schools, public charter schools, and for a scholarship program for low-income students to attend private schools. The Committee is encouraged by the progress to date to implement the Mayor’s initiative to chart a new management course for the District’s troubled public school system in response to Public Law 110–33, which vested authority over the school superintendent, operating budget, and capital program in the mayor. The Committee acknowledges the daunting challenges this undertaking presents, given that District of Columbia public school students chronically perform well below national averages in reading and mathematics, fewer than half of the core courses in District schools are taught by teachers who have earned a degree or passed competency classes in their subjects, antiquated administrative recordkeeping system falls woefully short of any reasonable standards, and school buildings throughout the city suffer from disrepair, including hazardous defects, and delays of months or even years for necessary repairs.

Public charter schools in the District of Columbia have grown considerably since the first two opened in 1996 and served 160 students. Today, there are 55 tuition-free, autonomous public charter schools on 82 campuses operating in the District, enrolling approximately 22,000 students, 30 percent of all District of Columbia public school students. The District of Columbia School Reform Act of 1995 (Public Law 104–134), one of the strongest charter school laws in the Nation, guarantees charter school autonomy from the District of Columbia Public Schools and from the District government and mandates uniform per student funding of all public school students, both traditional and charter.

Congress established the private school scholarship program as a 5-year pilot in 2003. The intent of this program, operated by the Washington Scholarship Fund under a grant from the Department of Education, is to help increase the District of Columbia’s capacity to provide parents, particularly low-income parents whose children



attend low-performing schools, more options for quality education. In school year 2007–2008, over 1,900 students participated in the program at 54 non-public schools.

#### COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$54,000,000, which is \$13,200,000 above the fiscal year 2008 enacted level and the same as budget request. These funds are allocated as follows: \$20,000,000 for the District of Columbia Public Schools to improve public school education; \$20,000,000 to expand quality charter schools; and \$14,000,000 to the Secretary of Education for opportunity scholarships for low-income students in the District of Columbia, \$1,000,000 of which may be used for administrative expenses. The Committee believes that any school enrolling a scholarship participant should satisfy certain minimum reasonable expectations as an educational setting. Therefore, the Committee expressly provides that none of the funds provided for opportunity scholarships shall be used by an eligible student to enroll in any participating school under the D.C. School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible students hold 4-year bachelor's degrees.

The Committee emphasizes that the authorization for the private scholarship program expires on September 30, 2008. Accordingly, the Committee directs that funds provided for the scholarship program shall be used for currently enrolled participants rather than new scholarship applicants. The Committee is particularly sensitive to the potential impact of disrupting students' educational settings without reasonable notice. Therefore, the Committee does not eliminate funding for fiscal year 2009 but makes abundantly clear its intent that use of any funds in this act or any other act for opportunity scholarships after school year 2009–2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization. The Committee expects the Chancellor of the District of Columbia Public Schools to promptly take steps to ensure smooth transition for any students seeking enrollment in the public school system as a result of any changes made to the private scholarship program.

The Committee is aware that seven of the participating private schools have recently closed but have been approved to reopen as public charter schools for school year 2008–2009. These schools enrolled several hundred students, many of whom received scholarships through the Federal program. The Committee notes that potentially 600 private school students will become public charter students in the fall of 2008 which imposes an estimated additional \$7,000,000 impact on the District's local budget and demand on the uniform per pupil funding. In recognition of these circumstances, the Committee recommends an increase of \$2,000,000 above the \$18,000,000 requested for the public charter school Federal funding segment.

In November 2007, the Government Accountability Office [GAO] detailed several program shortcomings in some of the participating

schools in the scholarship program, including unsuitable learning environments, teachers without bachelor’s degrees, and lack of occupancy permits. GAO also cited concerns about the sufficiency of financial controls and management issues, including failure to determine accreditation of participating schools. A federally mandated evaluation of the program is being conducted by the Department of Education’s Institute of Education Sciences [IES]. Results assessing the overall impact of the program after the first 2 years of implementation, released by IES in June 2008, reflect that student test scores in reading and math showed no statistically significant difference between voucher students and non-voucher students; reading scores were slightly higher for students from three subgroups of the voucher program consisting of students who were already achieving at a higher level or had previously attended better schools; and the program had a positive impact on parents’ perception of safety and satisfaction.

The Committee supports the District’s proposed use of the funds for public charter schools facilities, school-level grants to improve academic performance, and the replication of existing high-quality charter school programs to expand the supply of high-quality public charter schools in the District. The Committee directs the District to submit a detailed budget proposal outlining specific activities no later than 60 days after enactment of this act. The Committee is concerned about the diminishing availability of Federal funding for public charter schools and is pleased to provide these additional funds to augment the public charter schools in the District.

Over the years, public charter schools have moved into and revitalized 14 former District of Columbia Public School [DCPS] school buildings that otherwise would have been developed into condominiums or used for other commercial purposes. These buildings, including several historic structures, often long-abandoned and severely blighting neighborhoods, have been converted to public charter schools. The Committee expects the Mayor to implement the District of Columbia School Reform Act of 1995 (Public Law 104–134) with regard to the many DCPS school buildings that were closed at the end of the 2007–2008 school year. Under that law, the District’s public charter schools are to be given the right of first offer on former DCPS school buildings that are slated to be sold, leased, transferred, or used in a new way. The Committee is concerned that since enactment of the 1995 act, the right of first offer requirement has not been consistently followed.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

Appropriations, 2008 .....	\$5,000,000
Budget estimate, 2009 .....	5,000,000
Committee recommendation .....	21,000,000

PROGRAM DESCRIPTION

The District’s forensics laboratory capacity has not kept pace with the innovations in the field and is therefore unable to meet the demands of the current workload. As a result, the District is forced to seek help from the FBI crime laboratory in Quantico, Virginia. Because the FBI has its own workload capacity, it strictly limits the evidence it will process for the District in violent crime

cases. The lack of capacity and outmoded technology have led to many so-called “cold” or unsolved crime cases in the District. The District of Columbia Metropolitan Police Department has a backlog of thousands of sexual assault and homicide cases, and the volume continues to grow. A new comprehensive laboratory, housing both anti-terrorism and criminal forensic components under one roof, will not only allow the District to more effectively and efficiently process crime cases, but it will be an essential element in processing evidence associated with potential bioterrorism attacks.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$21,000,000 for costs associated with the construction of a new comprehensive laboratory facility in the District of Columbia. This is \$16,000,000 above the fiscal year 2008 enacted level, and \$16,000,000 above the budget request. The Committee believes that enhanced funding will help avoid schedule delays and escalating construction costs and expedite completion of this vital project. The Committee directs that this Federal payment be equally matched with local funds.

FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL REFORM

Appropriations, 2008 .....	
Budget estimate, 2009 .....	\$20,000,000
Committee recommendation .....	20,000,000

PROGRAM DESCRIPTION

With the enactment of Public Law 110–33 providing the Mayor of the District of Columbia with authority over the budget and administrative functions of the District of Columbia school system, the District of Columbia has launched an aggressive and comprehensive reform of its failing public school system. Under the direction of the Chancellor of the District of Columbia Public Schools, a multitude of critical initiatives are underway. A one-time Federal contribution toward those efforts will support the recruitment and training of principals and other school leaders; the development of optimal school programs; and the enhancement of the District’s data reporting capabilities.

COMMITTEE RECOMMENDATION

The Committee recommends a one-time Federal payment of \$20,000,000 to jump start public school reform in the District of Columbia. This is an increase of \$20,000,000 above the fiscal year 2008 enacted level and the same as the budget request.

The funds include \$3,500,000 to support the recruitment, development and training of principals and other school leaders; \$7,000,000 to develop optimal school programs and intervene in low performing schools; \$7,500,000 for a customized data reporting and accountability system on student performance as well as increased outreach and training for parents and community members; and \$2,000,000 to support data reporting requirements associated with the District of Columbia Public Schools’ teacher incentive program. This one-time payment is in addition to funds provided through the “Federal Payment for School Improvement” account within this title.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

Appropriations, 2008 .....	\$9,000,000
Budget estimate, 2009 .....	7,000,000
Committee recommendation .....	7,000,000

PROGRAM DESCRIPTION

The District’s libraries are in a state of significant disrepair and are poorly equipped. The adult illiteracy rate in the District of Columbia is 37 percent. In many major metropolitan areas around the country, new libraries have revitalized many distressed neighborhoods. A Blue Ribbon Task Force of local and national experts recommended the creation of a state-of-the-art library system to add multi-lingual support, hundreds of new computers with broadband technology, and deep reference materials and children’s programs.

The District of Columbia Public Library is undergoing a transformation that includes services, programs, collections, and buildings. The Library is in the process of rebuilding four neighborhood libraries—Anacostia, Benning, Tenley-Friendship, and Watha T. Daniel/Shaw. Old buildings have been razed and library services are being provided by interim facilities in the four neighborhoods. Construction of the new state-of-the-art libraries is scheduled to begin in late summer 2008 and expected to be completed by the end of 2009 in order to open to the public in the spring of 2010.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of \$7,000,000 as a Federal contribution toward the costs associated with the renovation and rehabilitation of District of Columbia libraries. This is \$2,000,000 below the fiscal year 2008 enacted level and the same as the budget request.

The Committee is pleased that the District library system is beginning a long-needed, multi-year facilities modernization project, with four new libraries under construction, and investing in literacy initiatives that will complement and support the Mayor’s education reform agenda.

FEDERAL PAYMENT TO REIMBURSE THE FEDERAL BUREAU OF INVESTIGATION

Appropriations, 2008 .....	\$4,000,000
Budget estimate, 2009 .....	5,000,000
Committee recommendation .....	

PROGRAM DESCRIPTION

Due to lack of capacity at its laboratory, the District of Columbia has relied on the services of the Federal Bureau of Investigations [FBI] to perform evidence examination and analysis in criminal cases to help process backlogged cases and help solve cold cases. Nearly one third of the FBI’s lab analytical capacity at its Quantico facility is dedicated to the local needs of the District of Columbia.

COMMITTEE RECOMMENDATION

The Committee does not recommend a Federal payment for fiscal year 2009 to the District of Columbia to reimburse the Federal Bu-

reau of Investigation [FBI] for laboratory services for District of Columbia cases. This is \$4,000,000 below the fiscal year 2008 enacted level, and \$5,000,000 below the budget request. In fiscal year 2008, the funds provided under this heading were made available until September 30, 2010 for the purposes of paying costs incurred by the FBI for evidence examination and subsequent DNA analysis for the District of Columbia cold case DNA backlog, expansion of resources dedicated to the processing of District of Columbia cases, including an increase in personnel, after October 1, 2007, and data entry and analysis for District of Columbia cold cases.

The Committee believes that instead of providing further funding for reimbursement of the FBI which lacks extra in-house capacity to handle additional District of Columbia cases and would need to outsource the work, it is preferable to provide additional funds to the District of Columbia for laboratory construction. Under the heading “Federal Payment for Consolidated Laboratory Facility” in this title, the Committee recommends an enhanced Federal contribution toward the construction of a consolidated forensics laboratory facility. When fully operational, this critical public safety enhancement will eliminate the District of Columbia’s dependency on the FBI to evaluate evidence and conduct forensic analysis in local criminal matters.

FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

Appropriations, 2008 .....	\$5,000,000
Budget estimate, 2009 .....	.....
Committee recommendation .....	3,500,000

COMMITTEE RECOMMENDATION

The Committee provides \$3,500,000 as a Federal payment to the Executive Office of the Mayor of the District of Columbia to enhance the quality of life for the District’s residents. The Committee intends that of this amount, \$1,250,000 shall be available to the District of Columbia as Federal matching funds to temporarily continue benefits for low-income couples who decide to marry. Most low-income couples lose Federal benefits such as Medicaid, TANF, SCHIP, and food stamps when they marry because their incomes are too high to continue to qualify for benefits. The loss of benefits is a strong disincentive to marriage and is one reason why the nationwide marriage rate among couples in the bottom quintile of income is less than 18 percent.

Funds provided in the bill will be available to match up to 75 percent of every dollar that the Mayor uses to provide payments to newly-married couples to make up for the loss of Federal benefits. The Committee notes that the Mayor can use TANF funds for this purpose. The Committee further notes that the Department of Health and Human Services’ Administration for Children and Families has designed a marriage penalty calculator that social services caseworkers can use to calculate a couple’s marriage penalty.

The Committee believes that newly-married couples should not lose benefits for a period of 3 years. During this period, couples will have the opportunity to realize the economic benefits of marriage

and stabilize their financial situation before Government benefits cease.

The Committee further intends that \$2,250,000 of the amount shall be to continue Marriage Development Accounts in the District of Columbia. The Committee directs that these funds be distributed to the partnership comprised of the National Center for Fathering, *LifeSTARTS* (formerly the East Capitol Center for Change), and the Capital Area Asset Building Corporation for continuation of the Marriage Development Accounts/Pre-Marriage Development Accounts and the Together is Better Campaign Demonstration Program in the District of Columbia.

Marriage Development Accounts [MDAs], which offer low-income married or engaged couples the opportunity to save for the purchase of a home, to start a business, or to pay for post-secondary education or job training for themselves or their children. Couples must meet income and asset requirements to qualify for an MDA. Participating couples have a high incentive to save because their contributions will be matched at a ratio of 3:1 by the Federal Government and partnering private institutions.

Using Federal funds, community-based organizations provide participating couples with financial counseling, couples' mentoring, couples' counseling, and relationship training. These organizations also reach out to the community through a media campaign and by hosting informational events and "family fun days" in neighborhood churches, civic centers, and parks.

The Committee directs the Mayor to submit a detailed spending plan, including performance measures, before these funds may be expended. The Committee requests that the Mayor provide this plan within 30 days of the enactment of this act. The Committee further directs the Mayor to submit a progress report on activities conducted no later than June 1, 2009, and a final report, including a detailed description of outcomes achieved, no later than February 1, 2010.

#### DISTRICT OF COLUMBIA LOCAL OPERATING BUDGET

The Committee recommends a total of \$10,011,231,000 for the operating expenses of the District of Columbia as contained in the fiscal year 2009 budget submitted to the Congress by the Government of the District of Columbia on June 9, 2008. Of the total, \$6,203,795,000 is from local funds, \$2,177,337,000 is from Federal grant funds, \$1,623,754,000 is from other funds, and \$6,310,000 is from private funds. The Committee directs that any changes to the financial plan as submitted by the District must follow the re-programming guidelines.

TITLE V  
INDEPENDENT AGENCIES

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

Appropriations, 2008 .....	\$1,000,000
Budget estimate, 2009 .....	
Committee recommendation .....	\$1,000,000

PROGRAM DESCRIPTION

The Christopher Columbus Fellowship Foundation is an independent agency established by Congress in 1992 (Public Law 102–281) to encourage and support research, study, and labor designed to produce new discoveries in all fields of endeavor for the benefit of mankind. Its mission is accomplished through the sponsorship of national competitions designed to recognize and award cutting-edge innovation in the fields of homeland security, life sciences, and education. During its 15-year existence, the Foundation has awarded approximately \$7,600,000 to worthy American scientists, student inventors, and exemplary teachers who inspire despite especially challenging educational environments or personal physical disabilities.

The Committee acknowledges that initial funding for the Christopher Columbus Fellowship Foundation was derived from the sale of three denominations of specially minted coins sold by the United States Mint from August 1992 through June 1993. Revenues from the coin sales surcharges were deposited in the Christopher Columbus Fellowship Fund at the Department of the Treasury, and made available to the Foundation. The Committee understands the funds are nearly depleted. Congress provided the Christopher Columbus Fellowship Foundation with \$600,000 in appropriated funds for fiscal year 2008.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$1,000,000 for the Christopher Columbus Fellowship Foundation. This is \$400,000 above the fiscal year 2008 enacted level and \$1,000,000 above the budget request.

COMMODITY FUTURES TRADING COMMISSION

Appropriations, 2008 .....	\$111,266,000
Budget estimate, 2009 .....	130,000,000
Committee recommendation .....	157,000,000

## PROGRAM DESCRIPTION

The Commodity Futures Trading Commission [CFTC] was established as an independent agency by the Commodity Futures Trading Commission Act of 1974 (88 Stat. 1389; 7 U.S.C. 4a).

The Commission administers the Commodity Exchange Act, 7 U.S.C. section 1, et seq. The 1974 Act brought under Federal regulation futures trading in all goods, articles, services, rights, and interests; commodity options trading; and leverage trading in gold and silver bullion and coins; and otherwise strengthened the regulation of the commodity futures trading industry. It established a comprehensive regulatory structure to oversee the volatile futures trading complex.

The CFTC is the sole Federal regulator responsible for overseeing the futures markets by encouraging competitiveness and efficiency, ensuring market integrity, and protecting market participants against manipulation, abusive trading practices, fraud, and other unscrupulous activities. Effective oversight by the CFTC enables the markets to better serve their designated functions of providing a price discovery mechanism and a means to offset price risk.

Programs in support of the overall mission include market surveillance analysis and research; registration, audits, and contract markets; enforcement; reparations; proceedings; legal counsel; agency direction; and administrative support services. CFTC activities are carried out in Washington, DC and in regional offices located in Chicago, New York City, and Kansas City.

The enacted 2008 farm bill (Public Law 110–234) reauthorized the CFTC and made several amendments to the Commodity Exchange Act to (1) clarify the CFTC’s jurisdiction over retail financial contracts based on foreign currencies; (2) make the CFTC’s anti-fraud authority applicable to certain off-exchange or over-the-counter derivatives contracts; (3) increase civil monetary and criminal penalties for violations; (4) permit cross-margining of accounts in security futures and options; and (5) establish CFTC regulation over certain exchange-like trading facilities that are currently exempt from most regulation.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$157,000,000 to support 596 FTEs for the Commodity Futures Trading Commission. This is \$27,000,000 above the budget request, and \$45,734,000 above the fiscal year 2008 enacted level. The Committee supports the need for significantly increased resources for the CFTC to ensure appropriate oversight of the futures markets, which are expanding steadily in volume and new users, and rapidly evolving in their complexity and diversity. The Committee further acknowledges the need for CFTC to make mission-critical investments in technology.

In the past decade, trading volume has increased more than 10-fold—reaching well over 3 billion trades in 2007, and actively traded contracts have quintupled—from 258 in 1997 to 1,540 in 2007. Approximately \$5,000,000,000,000 of notional transactions flow through U.S. exchanges and clearing houses daily. Despite this



phenomenal surge in activity, CFTC staffing levels have not kept pace, and in fact, have dropped 21 percent. The globalized, electronic, and round-the-clock nature of the marketplace and the emergence of derivatives and hedge funds have transformed the regulatory environment.

New authorities recently added through enactment of the 2008 farm bill (Public Law 110-234), coupled with escalating public concern about record energy and agricultural commodity prices, and compounded by a growing influx of financial funds into the futures markets, make the CFTC's staffing situation unsustainable. These combined factors underscore the importance of the Committee's recommended funding increase.

The Committee directs the CFTC to devote the additional resources provided to promptly implementing the CFTC's new responsibilities as mandated in the 2008 farm bill and to conducting aggressive market surveillance and oversight in the energy arena and enhancing the collection, timeliness, and transparency of information, particularly with respect to index traders and swap dealers in the energy markets.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$80,000,000
Budget estimate, 2009 .....	80,000,000
Committee recommendation .....	95,000,000

PROGRAM DESCRIPTION

The Commission is an independent regulatory agency that was established on May 14, 1973, and is responsible for protecting the public against unreasonable risks of injury from consumer products; assisting consumers to evaluate the comparative safety of consumer products; developing uniform safety standards for consumer products and minimizing conflicting State and local regulations; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

In carrying out its mandate, the Commission establishes mandatory product safety standards, where appropriate, to reduce the unreasonable risk of injury to consumers from consumer products; helps industry develop voluntary safety standards; bans unsafe products if it finds that a safety standard is not feasible; monitors recalls of defective products; informs and educates consumers about product hazards; conducts research and develops test methods; collects and publishes injury and hazard data, and promotes uniform product regulations by governmental units.

COMMITTEE RECOMMENDATION

The Committee recommends \$95,000,000 for the Consumer Product Safety Commission, which is \$15,000,000 above the fiscal year 2008 funding level and \$15,000,000 above the budget request.

Of the additional funding provided, \$9,400,000 shall be for the creation of a database for consumer complaints, and \$5,600,000 shall be for staffing, including for the Office of the Inspector Gen-

eral and for potential new rulemakings, as well as a Regional Product Safety Officer and a Foreign Service National to be based out of the U.S. Embassy in Beijing, Peoples' Republic of China to better enable the CPSC to aggressively promote compliance with U.S. product safety standards, requirements, and expectations by Chinese and other Asian governments, manufacturers, and exporters.

*Infant Crib Safety.*—The Committee is aware that current regulations concerning infant crib safety do not require that cribs be tested to determine durability. As a result, crib collapses have occurred that may have been prevented had the cribs been durability-tested. In addition, CPSC does not require crib manufacturers to warn consumers about using soft bedding in cribs, which can cause infant suffocation. The Committee directs CPSC to consider promulgating regulations that require cribs to be durability-tested and contain warning labels against the use of soft bedding.

#### ELECTION ASSISTANCE COMMISSION

##### SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$16,530,000
Budget estimate, 2009 .....	16,679,000
Committee recommendation .....	16,679,000

##### PROGRAM DESCRIPTION

The Election Assistance Commission [EAC] was created by the Help America Vote Act of 2002 [HAVA] (Public Law 107–252). Under HAVA, the EAC's role is to promulgate voluntary State guidelines for election systems, develop a national certification program for voting equipment, and provide related guidance. The EAC is also charged with awarding grants to improve election administration and to enhance election equipment.

##### COMMITTEE RECOMMENDATION

The Committee provides \$16,679,000 for EAC's administrative expenses, which is \$149,000 more than the fiscal year 2008 enacted level and the same as the budget request. The accompanying bill provides \$4,000,000 of these funds for transfer to the National Institute for Standards and Technology for technical assistance related to the development of voluntary State voting systems guidelines.

#### FEDERAL COMMUNICATIONS COMMISSION

##### SALARIES AND EXPENSES

Appropriations, 2008 .....	\$313,000,000
Budget estimate, 2009 .....	338,875,000
Committee recommendation .....	341,875,000

##### PROGRAM DESCRIPTION

The Federal Communications Commission [FCC] is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. The FCC is also charged with

promoting the safety of life and property through wire and radio communications. The mandate of the FCC under the Communications Act is to make available to all people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communication service. The FCC performs five major functions to fulfill this charge: spectrum allocation, creating rules to promote fair competition and protect consumers where required by market conditions, authorization of service, enhancing public safety and homeland security, and enforcement.

#### COMMITTEE RECOMMENDATION

The Committee recommendation provides \$341,875,000 for the salaries and expenses of the Federal Communications Commission [FCC], of which \$341,875,000 is to be derived from the collection of fees. The recommendation is \$28,875,000 above the fiscal year 2008 enacted level and \$3,000,000 above the budget request.

The Committee provides funding to support the FCC's continued efforts in facilitating the nationwide transition of broadcast television signals from analog to digital on February 17, 2009. The Committee is concerned that many viewers may not be adequately prepared for the transition. The Committee directs the FCC to continue collaborating with the National Telecommunications and Information Administration, other Government agencies, and in particular broadcasters and other private sector entities involved in the effort to ensure a smooth transition.

The Committee has provided \$3,000,000 for a competitive grant program for State broadband data and development (section 503). The Committee believes that access to high-speed Internet service is a critical element of infrastructure affecting economic development, health, education, and competitiveness. Recipients shall be non-profit entities, contribute non-Federal matching funds of not less than 20 percent, and demonstrate the capability to work with State agencies and private sector partners. Funding shall be used to establish local technology planning teams, create programs to improve computer ownership and Internet access for unserved and underserved populations, and create a geographic inventory map of broadband service to identify gaps in such service at the census block level.

*Broadcast Television Standards.*—The Committee continues to be concerned about the declining standards of broadcast television and the impact this decline is having on America's children. Overall sexual content, foul language, and violence have greatly increased over the past decade. The Committee directs the FCC to continue to report to Congress on the issues associated with resurrecting a broadcast industry code of conduct for content of programming that, if adhered to by the broadcast industry, would protect against the further erosion of broadcasting standards.

*Universal Service Fund.*—The Committee notes that the Congress established the Universal Service Fund [USF] in 1996 to help provide communities across the country with affordable telecommunications services. FCC delegated the management of the USF to the Universal Service Administrative Company [USAC]. USAC administers USF programs for high cost companies serving

rural areas, low-income consumers, rural health care providers, and schools and libraries.

The Committee is concerned about the FCC's lack of proper oversight over the USF programs. For example, according to the Government Accountability Office [GAO], the schools and libraries and rural health programs have experienced problems with waste, fraud, and abuse. The FCC's Inspector General [IG] has reported that the schools and libraries program has a payment error rate of 13 percent, the high cost program has an error rate of 16.6 percent, and the rural health care program has a payment error rate of 20 percent, far exceeding the government-wide average payment error rate of 3 percent and the 2.5 percent threshold that the Office of Management and Budget sets for a program to be "at-risk." The Committee is concerned that management oversight by FCC and USAC has not addressed these improper payment rates.

The Committee recommendation includes \$25,480,000 for the FCC's IG to conduct limited audits of USF, an increase of \$4,000,000 over the amount provided for fiscal year 2008. Audits should focus on all USF programs, including the high cost program, schools and libraries program, and the rural health care program. The Committee directs the FCC to follow the recommendations of both the IG and the GAO and to assume greater managerial control over these important programs, including improvement of the improper payment rates.

*Radio and Television Broadcasts on School Buses.*—The Committee directs the Commission to issue a report to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation within 180 days of enactment on commercial proposals for broadcasting radio or television programs for reception onboard specially-equipped school buses operated by, or under contract with, local public educational agencies. The study shall examine the nature of the material proposed to be broadcast and whether it is age appropriate for the passengers; the amount and nature of commercial advertising to be broadcast; and whether such broadcasts for reception by public school buses are in the public interest.

*First Responder Networks on the Northern Border.*—The Committee is concerned that emergency personnel and first responders along the northern border have had difficulty securing licenses for the appropriate communications frequency from the Commission. The Committee directs the Commission to work with Canadian officials and applicants to devise a strategy for ensuring that licensing along the northern border proceeds without delay. The Committee directs the Commission, in coordination with the Department of Homeland Security, to issue a report to the Committee on Appropriations no later than 270 days after enactment that evaluates the Federal guidance provided to States working to establish interoperable first responder communications networks, describes the degree to which the guidance is coordinated with the Canadian Government, and identifies methods to avoid future coordination problems.

The Committee has included language (sec. 501) to extend FCC's exemption from the Anti-deficiency Act [ADA] until December 31, 2009. The ADA contains accounting rules which would derail the operation of the FCC's universal service electronic rate program.

Requiring the FCC to adhere to the ADA would result in the disruption of payments to schools and libraries for broadband services.

The Committee has included language (sec. 502) that prohibits the FCC from enacting certain recommendations regarding universal service that were made to it by the Joint Board of FCC members and State Utility Commissioners. The recommendation would limit universal support to one line. This would be harmful to small businesses, especially in rural areas, which need a second line for a fax or for other business purposes.

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### OFFICE OF INSPECTOR GENERAL

Appropriations, 2008 .....	(\$26,848,000)
Budget estimate, 2009 .....	(27,495,000)
Committee recommendation .....	(27,495,000)

##### PROGRAM DESCRIPTION

The FDIC Office of Inspector General conducts audits, investigations, and other reviews to assist and augment the FDIC's contribution to the stability of, and public confidence in, the Nation's financial system. A separate appropriation more effectively ensures the OIG's independence consistent with the Inspector General Act of 1978 and other legislation.

##### COMMITTEE RECOMMENDATION

The Committee recommends \$27,495,000 for the FDIC inspector general, the same as the budget request and \$647,000 more than the fiscal year 2008 enacted level. Funds are to be derived by transfer from the Deposit Insurance Fund and the FSLIC resolution fund.

#### FEDERAL ELECTION COMMISSION

##### SALARIES AND EXPENSES

Appropriations, 2008 .....	\$59,224,000
Budget estimate, 2009 .....	63,618,000
Committee recommendation .....	63,618,000

##### PROGRAM DESCRIPTION

The Federal Election Commission [FEC] was created through the 1974 Amendments to the Federal Election Campaign Act of 1971 (Public Law 93-443). Consistent with its duty of executing our Nation's Federal campaign finance laws, and in pursuit of its mission of maintaining public faith in the integrity of the Federal campaign finance system, FEC conducts three major regulatory programs: (1) providing public disclosure of funds raised and spent to influence Federal elections; (2) enforcing compliance with restrictions on contributions and expenditures made to influence Federal elections; and (3) administering public financing of Presidential campaigns.

## COMMITTEE RECOMMENDATION

The Committee recommends \$63,618,000 for the Federal Election Commission, which is the same as the budget request and \$4,394,000 more than the fiscal year 2008 enacted level.

The Committee directs the Commission to report to the Committee on Appropriations no later than 270 days following enactment an assessment of the feasibility, including estimates of cost, time, and personnel required, to gather and make public data regarding the media expenditures of Federal campaigns.

## FEDERAL LABOR RELATIONS AUTHORITY

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$23,641,000
Budget estimate, 2009 .....	22,674,000
Committee recommendation .....	22,674,000

## PROGRAM DESCRIPTION

The Federal Labor Relations Authority [FLRA] is an independent administrative Federal agency created by title VII of the Civil Service Reform Act of 1978 (Public Law 95-454) with a mission to carry out five statutory responsibilities: (1) determining the appropriateness of units for labor organization representation; (2) resolving complaints of unfair labor practices; (3) adjudicating exceptions to arbitrator's awards; (4) adjudicating legal issues relating to the duty to bargain; and (5) resolving impasses during negotiations.

The FLRA's authority is divided by law and by delegation among a three-member authority and an Office of General Counsel, appointed by the President and subject to Senate confirmation; and the Federal Service Impasses Panel, which consists of seven part-time members appointed by the President.

In addition, the FLRA is engaged in case-related interventions, training and facilitation of labor-management partnerships, and resolving disputes. FLRA promotes labor-management cooperation by providing training and assistance to labor organizations and agencies on resolving disputes, facilitates the creation of partnerships, and trains the parties on rights and responsibilities under the Federal Labor Relations Management statute.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$22,674,000 for the Federal Labor Relations Authority. This amount is the same as the budget request and \$967,000 below the fiscal year 2008 enacted level.

The Committee directs the FLRA to issue a report to the Committee on Appropriations within 90 days after enactment on all activities, including cost, that the FLRA has taken in the previous 24-month period regarding the integration and upgrade of information technology systems.

## FEDERAL TRADE COMMISSION

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$243,864,000
Budget estimate, 2009 .....	256,200,000
Committee recommendation .....	256,200,000

## PROGRAM DESCRIPTION

The Federal Trade Commission [FTC] administers a variety of Federal antitrust and consumer protection laws. Activities in the antitrust area include detection and elimination of illegal collusion, anticompetitive mergers, unlawful single-firm conduct, and injurious vertical agreements. The FTC regulates advertising practices, service industry practices, marketing practices, and credit practices as it addresses fraud and other consumer concerns.

## COMMITTEE RECOMMENDATION

The Committee recommendation provides \$256,200,000. The recommendation is \$12,336,000 above the fiscal year 2008 enacted level and the same as the budget request.

Of the amounts provided, \$168,000,000 is from Hart-Scott-Rodino pre-merger filing fees and \$19,300,000 is from Do-Not-Call fees. The total amount of direct appropriations for this account is therefore \$68,900,000. The Committee notes that this change reflects a net increase in offsetting fee collection receipts since last year.

*Do-Not-Call Initiative.*—The recommendation includes \$19,300,000 for the FTC Do-Not-Call initiative and implementation of the Telemarketing Sales Rule [TSR], of which the entire amount is to be derived from the collection of fees. The Do-Not-Call initiative was launched pursuant to the FTC's amended TSR to establish a national database of telephone numbers of consumers who choose not to receive telephone solicitations from telemarketers. The Do-Not-Call initiative has received broad support from, and will provide significant benefits to, consumers from all corners of the United States.

*Gas and Diesel Prices.*—The activities of the Commission include review of mergers, acquisitions, and other transactions within the oil and natural gas industries and investigation of potential anti-competitive behaviors in those industries. The Committee is seriously concerned about the rapid rise in gas and diesel prices. The Committee is pleased that the Commission continues to monitor fuel prices on a day-to-day basis, and is encouraged that the agency has initiated a broader-scale investigation based on recent price spikes. The Committee is also pleased to see that the Commission has initiated a rulemaking to prohibit market manipulation in the petroleum industry pursuant to the Energy Independence and Security Act of 2007 (Public Law 110–140). The Committee is encouraged by the Commission's goal to have a rulemaking in place by the end of calendar year 2008. The Committee directs the Commission to keep the Committee apprised of findings made regarding fuel prices and other planned activities and investigations regarding the oil and gas industries.

*Subprime Lending.*—The Committee is concerned about the role that deceptive and misleading practices in the financial services in-

dustry have played in to the recent housing crisis. American consumers should expect, at a minimum, clear and reliable information from the financial services industry in order to make prudent financial decisions. This should especially be a concern for mortgage brokers, loan servicers, and other lending services, as two-thirds of Americans make their largest investment in their homes. The Committee is pleased that the Commission has been actively participating in the rulemaking process conducted by the Federal Reserve Board under the Truth in Lending Act and the Home Ownership Equity Protection Act and directs the Commission to continue to focus enforcement efforts in the area of subprime lending.

*Childhood Obesity.*—The Committee has included \$250,000 for the Commission to establish a Study Commission on Food Marketed to Children (Study Commission). The Study Commission shall study and provide recommendations for a common approach to standards and categories for marketing and labeling of the nutritional quality of foods that are oriented to, or represent a significant dietary component for, children and youth. The Commission shall work in cooperation with the Food and Drug Administration and the Centers for Disease Control and Prevention in this effort. The Study Commission should be composed of nine members appointed through consultation among the three agencies, with appropriate scientific expertise and experience in child nutrition, child health, psychology, education, marketing, and other relevant fields. The Study Commission should develop nutrition standards for foods and beverages appropriate for labeling and marketing foods that represent a significant element of children's diets. These standards should consider: (1) both positive and negative contributions of nutrients, ingredients, and food (including calories, portion size, saturated fat, trans fat, sodium, and added sugars, and the presence of nutrients, fruits, vegetables, and whole grains) to the diets of children; and (2) evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods in preventing and promoting the development of obesity. The Study Commission should outline the full range of media and labeling to which nutrition standards for food marketing to children should apply. It should determine whether the current governmental authority over food marketing to children is adequate to address the effects of such marketing on child nutrition and obesity. The Committee directs the Study Commission to submit its findings and recommendations in a final report to Congress no later than January 15, 2010.

*Child Protection.*—In September of 2000, the FTC released a report entitled: "Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries." The report was highly critical of the entertainment industry and its persistent and calculated marketing of violent games, movies, and music to children. In response to this report, the entertainment industry has promised to impose tougher regulations on itself and to voluntarily comply with the report's recommendation. The FTC should continue with, and expand upon, its efforts in this area. The Committee directs the Commission to continue to engage in consumer



research and workshops, underage shopper-retail compliance surveys, and marketing data collection.

*Internet.*—The FTC is charged with monitoring compliance with the Children’s Online Privacy Protection Act (Public Law 105–277). The recommendation provides the Commission the funding resources it needs to meet the challenges of increased fraud on the Internet. The Committee commends the FTC for recognizing the unique and difficult challenge posed by the Internet, an international phenomenon that lacks borders, to protect the safety of our children.

#### GENERAL SERVICES ADMINISTRATION

##### PROGRAM DESCRIPTION

The General Services Administration [GSA] was established by the Federal Property and Administrative Services Act of 1949 (Public Law 81–152) when Congress mandated the consolidation of the Federal Government’s real property and administrative services. GSA is organized into the Public Buildings Service, the Federal Acquisition Service, the Office of Governmentwide Policy, and the Office of Citizen Services.

##### COMMITTEE RECOMMENDATION

*Annual 5-year Plans for Federal Buildings and Border Stations.*—GSA is directed to include in the annual budget submission, detailed 5-year plans for Federal building and land port of entry (border station) construction projects with yearly updates of total project future funding needs for construction. The 5-year plan for border stations shall be a coordinated effort between GSA and U.S. Customs and Border Protection.

*Formaldehyde Reduction in Federal High Performance Green Buildings.*—The Committee is aware that the Federal Director of the General Services Administration [GSA] Office of Federal High-Performance Green Buildings is required to develop a comprehensive “green” building certification system that considers indoor air quality (42 U.S.C. § 17092(h)(2)(E)(iii)) and a comprehensive indoor air quality program for Federal facilities that protects the safety of Federal employees and the public (42 U.S.C. § 17122(b)). The Committee is also aware that formaldehyde has been designated as a probable human carcinogen by the Environmental Protection Agency [EPA] and that new formaldehyde-free building material, such as ceiling tiles and insulation, are commercially available. It has been brought to the Committee’s attention that the EPA’s indoor air quality standards for formaldehyde in new facilities is 0.02 ppm above outside air concentrations. The Committee directs the Federal Director of the GSA Office of Federal High-Performance Green Buildings to consider adopting a formaldehyde standard consistent with the EPA standard in its “green” building certification and indoor air quality program and to specify formaldehyde-free building materials when it constructs new or renovates existing Federal buildings.

*Use of Stairs.*—The Committee expects a stronger effort to promote the use of stairs in Federal buildings. The use of stairs im-

proves health of Federal workers and the general population, while improving the efficiency of Federal buildings.

*Promoting Energy Efficiency Through Use of Revolving Doors.*—The Committee supports the promotion of the use of revolving doors over swing doors by staff, tenants, and visitors to Federal buildings, when possible and appropriate, as a significant role in energy conservation. One of the most common ways that outside air penetrates a building is through the doors. Revolving doors maintain the existing environment within a building because they create a seal that prevents outside air from flowing into a building. On average, eight times as much air is exchanged when a swing door is opened versus a revolving door. In addition to keeping heat and cold in or out, revolving doors create a better inside environment by reducing pollution, noise, and dirt. Unfortunately, the use of revolving doors is not as prevalent as it could be, resulting in less energy efficiency within the building. The Committee directs GSA to take steps, such as posting signage, to promote energy efficiency and encourage employees and visitors to use revolving doors when possible, and to report back to the Committee no later than 120 days after enactment of this act on intended steps and progress achieved to date.

*Strengthening Federal Environmental, Energy, and Transportation Management.*—The Committee is aware of the goals of the Federal Government to maximize energy efficiency and resource conservation, as part of Executive Order 13423 to Strengthen Federal Environmental, Energy, and Transportation Management. The Committee is further aware of re-usable plastic crates and their environmental benefits and encourages GSA to consider deploying them widely in order to maximize resource conservation.

*Custom House in New Orleans.*—The Committee is aware that Hurricane Katrina caused a roof collapse on one of the most architecturally and historically significant Government-owned structures in the southern United States, the U.S. Custom House in New Orleans, Louisiana. While renovations are being conducted by GSA and the Customs and Border Patrol, work has been proceeding slowly. The Committee is supportive of the project and is hopeful that GSA will use historic preservation funding and other resources to ensure that the Custom House can be remodeled and used productively in a timely manner by Federal and non-profit tenants as well as the community.

*GSA Per Diem in New Orleans.*—The Committee is aware that following Hurricane Katrina, Federal agencies were authorized to spend above per diem allowances in the New Orleans area, an authority that has expired. On October 1, 2007, the General Services Administration reduced the Federal Government per diem rate for the New Orleans area from \$148 to \$131 per day during peak season and from \$102 to \$99 per day during off-season for lodging expenses. According to the U.S. Department of Commerce, the tourism industry is the largest employer in the city of New Orleans, producing more than 80,000 jobs with a \$5,000,000,000 annual impact on the economy. During 2005, travel and tourism in New Orleans accounted for 44 percent of Louisiana's tourism revenue and contributed \$158,000,000 in annual State tax revenue. In light of the potential harmful impact of a reduction of Federal travel to

New Orleans on recovery efforts in the region, the Committee urges the General Services Administration to reconsider the impact of Federal per diem rates upon the larger recovery efforts of New Orleans and to take steps to maintain or increase the per diem rate for fiscal year 2009.

FEDERAL BUILDINGS FUND—LIMITATIONS ON AVAILABILITY OF  
REVENUE

(INCLUDING TRANSFER OF FUNDS)

Limitation on availability of revenue:	
Limitation on availability, 2008 .....	\$7,830,414,000
Limitation on availability, 2009 .....	8,377,573,000
Committee recommendation .....	8,524,445,000

The Federal Buildings Fund program consists of the following activities financed from rent charges:

*Construction and Acquisition of Facilities.*—Space is acquired through the construction or purchase of facilities and prospectus-level extensions to existing buildings. All costs directly attributable to site acquisition, construction, and the full range of design and construction services, and management and inspection of construction projects are funded under this activity.

*Repairs and Alterations.*—Repairs and alterations of public buildings as well as associated design and construction services are funded under this activity. Protection of the Government's investment, health and safety of building occupants, transfer of agencies from leased space, and cost effectiveness are the principal criteria used in establishing priorities. Primary consideration is given to repairs to prevent deterioration and damage to buildings, their support systems, and operating equipment. This activity also provides for conversion of existing facilities and non-prospectus extensions.

*Installment Acquisition Payments.*—Payments are made for liabilities incurred under purchase contract authority and lease purchase arrangements. The periodic payments cover principal, interest, and other requirements on the debt incurred for construction of Federal buildings.

*Rental of Space.*—Space is acquired through the leasing of buildings including space occupied by Federal agencies in U.S. Postal Service facilities, 174 million rentable square feet in fiscal year 2007, and 184 million rentable square feet in fiscal year 2008.

*Building Operations.*—Services are provided for Government-owned and leased facilities, including cleaning, utilities and fuel, maintenance, miscellaneous services (such as moving, evaluation of new materials and equipment, and field supervision), and general management and administration of all real property related programs including salaries and benefits paid from the Federal Buildings Fund.

*Other Programs.*—When requested by Federal agencies, the Public Buildings Service provides building services, such as tenant alterations, cleaning and other operations, and protection services which are in excess of those services provided under the commercial rental charge. For presentation purposes, the balances of the Unconditional Gifts of Real, Personal, or Other Property trust fund have been combined with the Federal Buildings Fund.

## CONSTRUCTION AND ACQUISITION

Limitation on availability, 2008 <sup>1</sup> .....	\$531,448,000
Limitation on availability, 2009 .....	620,119,000
Committee recommendation .....	766,991,000

<sup>1</sup> Of this amount, \$250,000,000 was designated as emergency funding.

## PROGRAM DESCRIPTION

The construction and acquisition fund shall be available for site, design, construction, management, and inspection costs for the construction of new Federal facilities.

## COMMITTEE RECOMMENDATION

The Committee recommends a limitation of \$766,991,000 for construction and acquisition, including non-prospectus projects.

## CONSTRUCTION AND ACQUISITION

State	Description	Amount
AL	Tuscaloosa, Federal Building .....	\$25,000,000
CA	San Ysidro, Land Port of Entry .....	58,910,000
CA	San Diego, U.S. Courthouse Annex .....	110,362,000
CO	Lakewood, Denver Federal Center Remediation .....	10,472,000
DC	DHS Consolidation and Development of St. Elizabeths Campus .....	331,390,000
DC	St. Elizabeths West Campus Infrastructure .....	8,249,000
DC	St. Elizabeths West Campus Site Acquisition .....	7,000,000
MD	Montgomery County, FDA Consolidation .....	200,404,000
ND	Portal, Land Port of Entry .....	15,204,000

## REPAIRS AND ALTERATIONS

Limitation on availability, 2008 .....	\$722,161,000
Limitation on availability, 2009 .....	692,374,000
Committee recommendation .....	692,374,000

## PROGRAM DESCRIPTION

Under this activity, the General Services Administration [GSA] executes its responsibility for repairs and alterations [R&A] of both Government-owned and leased facilities under the control of GSA. The primary goal of this activity is to provide commercially equivalent space to tenant agencies. Safety, quality, and operating efficiency of facilities are given primary consideration in carrying out this responsibility.

R&A workload requirements originate with scheduled onsite inspections of buildings by qualified regional engineers and building managers. The work identified through these inspections is programmed in order of priority into the Inventory Reporting Information System [IRIS] and incorporated into a 5-year plan for accomplishment, based upon funding availability, urgency, and the volume of R&A work that GSA has the capability to execute annually. Since fiscal year 1995, design and construction services activities associated with repair and alteration projects have been funded in this account.

## COMMITTEE RECOMMENDATION

The Committee recommends new obligational authority of \$692,374,000 for repairs and alterations in fiscal year 2009. This amount is the same as the President's request.

## REPAIRS AND ALTERATIONS

State	Description	Amount
DC	Eisenhower Executive Office Building-CBR .....	\$14,700,000
DC	West Wing Infrastructure Systems Replacement .....	76,487,000
DC	Eisenhower Executive Office Building Phase III .....	51,075,000
IL	Chicago, Dirksen Courthouse .....	152,825,000
NC	New Bern, U.S. Post Office and Courthouse .....	10,640,000

## INSTALLMENT ACQUISITION PAYMENTS

Limitation on availability, 2008 .....	\$155,781,000
Limitation on availability, 2009 .....	149,570,000
Committee recommendation .....	149,570,000

## PROGRAM DESCRIPTION

The Public Buildings Amendments of 1972 enable GSA to enter into contractual arrangements for the construction of a backlog of approved but unfunded projects. This activity provides for the payment of interest to the Federal Financing Bank related to facilities acquired pursuant to the Public Buildings Amendments of 1972 (40 U.S.C. 592).

## COMMITTEE RECOMMENDATION

The Committee recommends a limitation of \$149,570,000 for installment acquisition payments, the same as the budget request and \$6,211,000 below the fiscal year 2008 funding level.

## RENTAL OF SPACE

Limitation on availability, 2008 .....	\$4,315,534,000
Limitation on availability, 2009 .....	4,692,156,000
Committee recommendation .....	4,692,156,000

## PROGRAM DESCRIPTION

GSA is responsible for leasing general purpose space and land incident thereto for Federal agencies, except in cases where GSA has delegated its leasing authority. GSA's policy is to lease privately owned buildings and land only when: (1) Federal space needs cannot be otherwise accommodated satisfactorily in existing Government-owned or leased space; (2) leasing proves to be more efficient than the construction or alteration of a Federal building; (3) construction or alteration is not warranted because requirements in the community are insufficient or are indefinite in scope or duration; or (4) completion of a new Federal building within a reasonable time cannot be assured.

## COMMITTEE RECOMMENDATION

The Committee recommends a limitation of \$4,692,156,000 for rental of space. The Committee recommendation is the same as the

President's budget request and \$376,622,000 above the fiscal year 2008 enacted level.

BUILDING OPERATIONS

Limitation on availability, 2008 .....	\$2,105,490,000
Limitation on availability, 2009 .....	2,223,354,000
Committee recommendation .....	2,223,354,000

PROGRAM DESCRIPTION

This activity provides for the operation of all Government-owned facilities under the jurisdiction of GSA and building services in GSA-leased space where the terms of the lease do not require the lessor to furnish such services. Services included in building operations are cleaning, protection, maintenance, payments for utilities and fuel, grounds maintenance, and elevator operations. Other related supporting services include various real property management and staff support activities such as space acquisition and assignment; the moving of Federal agencies as a result of space alterations in order to provide better space utilization in existing buildings; onsite inspection of building services and operations accomplished by private contractors; and various highly specialized contract administration support functions.

The space, operations, and services referred to above are furnished by GSA to its tenant agencies in return for payment of rent. Due to considerations unique to their operation, GSA also provides varying levels of above-standard services in agency headquarters facilities, including those occupied by the Executive Office of the President, such as the east and west wings of the White House.

COMMITTEE RECOMMENDATION

The Committee recommends a limitation of \$2,223,354,000 for building operations. This amount is the same as the President's budget request and \$117,864,000 above the fiscal year 2008 enacted level.

GOVERNMENT-WIDE POLICY

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$52,891,000
Budget estimate, 2009 .....	56,578,000
Committee recommendation .....	54,578,000

PROGRAM DESCRIPTION

The Office of Government-wide Policy provides for Government-wide policy development, support, and evaluation functions associated with real and personal property, supplies, vehicles, aircraft, information technology, acquisition, transportation, and travel management. This office also provides for the Federal Procurement Data Center, Workplace Initiatives, Regulatory Information Service Center, the Catalog of Federal Domestic Assistance, and the Committee Management Secretariat. The Office of Government-wide Policy, working cooperatively with other agencies, provides the leadership needed to develop and evaluate the implementation of policies designed to achieve the most cost-effective solutions for the

delivery of administrative services and sound workplace practices, while reducing regulations and empowering employees.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$54,578,000 for Government-wide Policy. This amount is \$2,000,000 below the budget request and \$1,687,000 above the fiscal year 2008 enacted level.

OPERATING EXPENSES

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$85,870,000
Budget estimate, 2009 .....	71,811,000
Committee recommendation .....	69,349,000

PROGRAM DESCRIPTION

Operating Expenses provides for the salaries and expenses of: Government-wide activities associated with utilization and donation of surplus personal property and disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; and services as authorized by 5 U.S.C. 3109.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$69,349,000 for the Operating Expenses. This amount is \$2,462,000 below the budget request and \$16,521,000 below the fiscal year 2008 enacted level.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2008 .....	\$48,382,000
Budget estimate, 2009 .....	54,000,000
Committee recommendation .....	54,000,000

PROGRAM DESCRIPTION

This appropriation provides agency-wide audit and investigative functions to identify and correct management and administrative deficiencies within the General Services Administration [GSA], including conditions for existing or potential instances of fraud, waste, and mismanagement. This audit function provides internal audit and contract audit services. Contract audits provide professional advice to GSA contracting officials on accounting and financial matters relative to the negotiation, award, administration, repricing, and settlement of contracts. Internal audits review and evaluate all facets of GSA operations and programs, test internal control systems, and develop information to improve operating efficiencies and enhance customer services. The investigative function provides for the detection and investigation of improper and illegal activities involving GSA programs, personnel, and operations.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$54,000,000 for the Office of Inspector General. This amount is the same as the

budget request and \$5,618,000 above the fiscal year 2008 enacted level.

ELECTRONIC GOVERNMENT [E-GOV] FUND

Appropriations, 2008 .....	\$3,000,000
Budget estimate, 2009 .....	5,000,000
Committee recommendation .....	1,000,000

PROGRAM DESCRIPTION

This program supports interagency “electronic government” or “e-gov” initiatives, i.e., projects that use the Internet or other electronic methods to provide individuals, businesses, and other government agencies with simpler and more timely access to Federal information, benefits, services, and business opportunities.

Proposals for funding must meet capital planning guidelines and include adequate documentation to demonstrate a sound business case, attention to security and privacy, and a way to measure performance against planned results. In addition, a small portion of the funds could be used for awards to those project management teams that delivered the best product to meet customer needs.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$1,000,000 for the Electronic Government Fund. This amount is \$2,000,000 below the fiscal year 2008 enacted level and \$4,000,000 below the budget request.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$2,478,000
Budget estimate, 2009 .....	2,934,000
Committee recommendation .....	2,934,000

PROGRAM DESCRIPTION

This appropriation provides for an annual pension and compensation for office staffs and other related operating expenses for each former President pursuant to Public Law 85-745. The cost of franking privileges for the widows of former President Reagan and former President Ford are also funded in this appropriation.

COMMITTEE RECOMMENDATION

The Committee recommends \$2,934,000 for allowances and office staff for former Presidents, \$456,000 above the fiscal year 2008 funding level and the same as the budget request. An additional \$366,000 is provided as the budget requests for the commencement of benefits for President George W. Bush as a former President.

Below is listed a detailed analysis of the Committee’s recommendation for fiscal year 2009 funding:



## FISCAL YEAR 2009 BUDGET ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

[In thousands of dollars]

	Carter	G.H. Bush	Clinton	G.W. Bush	Widows	Total
Personnel Compensation .....	96	96	96	30	.....	318
Personnel Benefits .....	2	64	65	20	.....	151
Benefits for Former Presidents .....	194	194	204	146	.....	738
Travel .....	2	56	50	11	.....	119
Rental Payments to GSA .....	102	175	544	95	.....	916
Communications, Utilities, and Miscellaneous Charges:						
Telephone .....	10	17	79	15	.....	121
Postage .....	15	13	15	3	14	60
Printing .....	5	14	14	3	.....	36
Other Services .....	80	111	84	25	.....	300
Supplies & Materials .....	5	15	26	5	.....	51
Equipment .....	7	69	35	13	.....	124
Total Obligations .....	518	824	1,212	366	14	2,934

## PRESIDENTIAL TRANSITION EXPENSES

Appropriations, 2008 .....	.....
Budget estimate, 2009 .....	\$8,520,000
Committee recommendation .....	8,520,000

The appropriation provides for an orderly transfer of executive leadership, in accordance with the Presidential Transition Act of 1963. Funds are also authorized to finance the costs of briefings and training for personnel associated with the incoming administration. Funds are only requested during a presidential election year and are not available for obligation by the incumbent administration. The Committee recommends \$8,520,000 for presidential transition expenses, an amount equal to the budget estimate, of which \$1,000,000 is for briefing personnel associated with the incoming administration.

## FEDERAL CITIZEN SERVICES FUND

Appropriations, 2008 .....	\$17,328,000
Budget estimate, 2009 .....	36,558,000
Committee recommendation .....	36,558,000

## PROGRAM DESCRIPTION

The Federal Citizen Services Fund [FCSF] (formerly the Federal Citizen Information Center) appropriation provides for the salaries and expenses of the Office of Citizen Services [OCS]. The FCSF consolidates all of GSA's citizen-oriented programs into a single funding source by unifying OCS programs formerly funded by the Federal Citizen Information Center Fund and the Operating Expenses appropriations. The Office of Citizen Services provides citizens, businesses, other governments, and the media with access points to easily obtain Government information and services via the Internet, e-mail, print, and telephone.

The Office of Citizen Services [OCS] provides information and services to the public primarily through USA.gov and GobiernoUSA.gov, the official web portal of the U.S. Government. OCS also operates pueblo.gsa.gov, consumeraction.gov and consumidor.gov, webcontent.gov, and kids.gov websites. OCS pro-

vides direct telephone (1-800-FED-INFO), e-mail and on-line assistance to citizens through the National Contact Center, and offers simple and cost-effective contact center solutions to customer Federal agencies through the USA Services program. OCS also coordinates the publication and distribution of information through the Government Printing Office's Public Documents Distribution Center in Pueblo, Colorado.

OCS supports effective Government by training web and contact center managers across the Federal Government through Web Manager University, and provides administrative support to various interagency steering committees. OCS provides management of the USA.gov hosting infrastructure, including support for all Federal agency applications on USA.gov, and provides development and facilitation services to Federal agencies and initiatives to enhance their delivery of citizen services. OCS brings Federal, State, territorial, local and Indian tribal governments together to improve services to citizens through sharing of best practices, and serves as a point of contact to other nations to share experiences in delivering citizen services and to bring new solutions to the U.S. Government.

The Federal Citizen Services Fund is financed from annual appropriations to pay for the salaries and expenses of OCS staff. Reimbursements from Federal agencies pay for the direct costs of information services OCS provides on their behalf. The FCSF also receives funding from user fees for publications ordered by the public, payments from private entities for services rendered, and gifts from the public. All income is available without regard to fiscal year limitations, but is subject to an annual aggregate expenditure limit as set forth in appropriation acts.

#### COMMITTEE RECOMMENDATION

The Committee recommends \$36,558,000 for the Federal Services Center, an increase of \$19,230,000 above the fiscal year 2008 enacted level and consistent with the budget request. The funding level reflects a transfer from the "Operating Expenses" account to consolidate GSA's citizen-based services.

The appropriation will be augmented by reimbursements from Federal agencies for distribution of consumer publications, user fees from the public, and other income.

#### ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

Section 510 authorizes GSA to use funds for the hire of passenger motor vehicles.

Section 511 authorizes GSA to transfer funds within the Federal buildings fund for meeting program requirements.

Section 512 limits funding for courthouse construction which does not meet certain standards of a capital improvement plan.

Section 513 provides that no funds may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay the requested rate.

Section 514 continues the provision that permits GSA to pay small claims (up to \$250,000) made against the Government.

Section 515 changes the Federal Citizen Information Fund to the Federal Citizen Services Fund.

Section 516 authorizes GSA to allow volunteer and other non-governmental organizations supporting the National Response Framework, under Emergency Support Function [ESF] #6—Mass Care, Housing, and Human Services, access to GSA Sources of Supply.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$37,507,000
Budget estimate, 2009 .....	38,811,000
Committee recommendation .....	38,811,000

PROGRAM DESCRIPTION

The Merit Systems Protection Board [MSPB] was established by the Civil Service Reform Act of 1978. MSPB is an independent quasi-judicial agency manifested to protect Federal merit systems against partisan political and other prohibited personnel practices and to ensure adequate protection for employees against abuses by agency management.

MSPB assists Federal agencies in running a merit-based civil service system. This is accomplished on a case-by-case basis through hearing and deciding employee appeals and on a systemic basis by reviewing significant actions and regulations of the Office of Personnel Management [OPM] and conducting studies of the civil service and other merit systems. The intended results of MSPB's efforts are to assure that personnel actions taken against employees are processed within the law and that actions taken by OPM and other agencies support and enhance Federal merit principles.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$38,811,000 for the Merit Systems Protection Board. This is an increase of \$1,304,000 above the fiscal year 2008 enacted level and the same as the budget request. The Committee makes available no more than \$2,579,000 for adjudicating retirement appeals through an appropriation from the trust fund consistent with past practice.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Appropriations, 2008 .....	\$3,750,000
Budget estimate, 2009 .....	100,000
Committee recommendation .....	3,750,000

PROGRAM DESCRIPTION

The General Fund payment to the Morris K. Udall Fund is invested in Treasury securities with maturities suitable to the needs

of the Fund. Interest earnings from the investments are used to carry out the activities of the Morris K. Udall Foundation. The Foundation awards scholarships, fellowships, and grants, and funds activities of the Udall Center.

The Morris K. Udall Foundation also supports training programs for professionals in health care policy and public policy, such as the Native Nations Institute [NNI]. NNI, based at the University of Arizona, provides Native Americans with leadership and management training, and analyzes policies relevant to tribes.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$3,750,000 for the Morris K. Udall Foundation. This amount is \$3,650,000 above the budget request and is equal to the enacted 2008 level. The Committee includes language to allow up to 60 percent of the appropriation to be used for the expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

Appropriations, 2008 .....	\$2,000,000
Budget estimate, 2009 .....	850,000
Committee recommendation .....	2,000,000

PROGRAM DESCRIPTION

The U.S. Institute for Environmental Conflict Resolution is a Federal program established by Public Law 105–156 to assist parties in resolving environmental, natural resource, and public lands conflicts. The Institute is part of the Morris K. Udall Foundation and serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes. The Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties together for discussion, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or to resolve the conflict. In addition, the Institute maintains a roster of qualified facilitators and mediators with substantial experience in environmental conflict resolution and can help parties in selecting an appropriate neutral professional.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$2,000,000 for the Morris K. Udall Environmental Dispute Resolution Fund. This amount is equal to the fiscal year 2008 enacted level and \$1,150,000 above the budget request.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

The National Archives and Records Administration [NARA] is the national recordkeeper managing the Government’s archives and records, and operating the presidential libraries. NARA is an independent agency created by statute in 1934 to safeguard the records of all three branches of the Federal Government. NARA administers the Information Security Oversight Office [ISOO], is the

publisher of the Federal Register, and makes grants for historical documentation through the National Historical Publications and Records Commission [NHPRC]. In addition, NARA has recently been charged with additional responsibilities including mediating Freedom of Information Act disputes and coordinating controlled unclassified information.

#### OPERATING EXPENSES

Appropriations, 2008 .....	\$315,000,000
Budget estimate, 2009 .....	327,783,000
Committee recommendation .....	330,883,000

#### PROGRAM DESCRIPTION

This account provides for basic operations dealing with management of the Federal Government's archives and records, operation of Presidential Libraries, review for declassification of classified security information, and other duties.

#### COMMITTEE RECOMMENDATION

The Committee recommends \$330,883,000 for operating expenses of the National Archives and Records Administration for fiscal year 2009. This amount is \$15,883,000 above the fiscal year 2008 enacted level and \$3,100,000 above the budget request.

The Committee's recommendation includes requested funds to prepare for the new George W. Bush Presidential Library, process and declassify presidential records, and supplement criminal investigative staff.

In addition, the Committee provides \$1,200,000 above the request for continuance of public research hours, which is a base operating cost and should be part of the budget request. The Committee also recommends \$1,000,000 to fulfill the responsibility designated to NARA under the OPEN Government Act (Public Law 110-175) to manage the new Office of Government Information Services [OGIS], thereby disagreeing with the administration which placed this responsibility and funding with the Justice Department, which posed a conflict of interest given that department's responsibility to defend its government-agency clients in litigation brought by requesters. Finally, the Committee is aware that on May 9, 2008, the President signed a memorandum designating NARA as the executive agent for overseeing and managing the implementation of the designation and sharing of controlled unclassified information. The Committee is further aware that OMB has determined that the Office of the Director of National Intelligence shall provide funding to NARA to cover start-up costs of \$2,000,000 over fiscal year 2009. The Committee expects that NARA's budget submission for fiscal year 2010 will request funds for this purpose.

#### ELECTRONIC RECORDS ARCHIVES

Appropriations, 2008 .....	\$58,028,000
Budget estimate, 2009 .....	67,008,000
Committee recommendation .....	67,008,000

PROGRAM DESCRIPTION

National Archives and Records Administration [NARA] is developing an Electronic Records Archives [ERA] that will ensure the preservation of and access to Government electronic records. With the rapid changes in technology today, the formats in which records are stored become obsolete within a few years, making records inaccessible even if they are preserved intact with the most modern technology. ERA will preserve electronic records generated in a manner that enables requesters to access them on computer systems now and in the future.

COMMITTEE RECOMMENDATION

The Committee recommends \$67,008,000 for the Electronic Records Archives project. This amount is an increase of \$8,980,000 above the fiscal year 2008 enacted level and the same as the budget request. A provision is included in the bill requiring NARA to submit a spending plan for these funds.

The Committee strongly supports the Electronic Records Archives [ERA] program at the National Archives Records Administration. The Committee continues to emphasize the importance that amounts requested in the President’s budget be adequate to meet current program requirements for the development of systems to interface with agencies, receive all documents, and conduct all necessary training programs. The Committee remains committed to working to ensure that this program is adequately funded on an expedited basis so ERA can preserve the Nation’s important records at the earliest feasible date.

The Committee is gravely concerned about the lack of progress in developing ERA capabilities to ingest electronic records from the current presidential administration at the time of the January 2009 transition. Delays in negotiating the scope and timing of the system development with the contractor have left little time to develop, test, and deploy the proposed system. This delay puts NARA’s ability take custody of the current administration’s electronic records and make them available to authorized recipients during the next administration at significant risk. Because of the significant impact that delays in accessing presidential records could have on the succeeding administration, Congress, and the courts, NARA should develop a formal plan for ensuring the availability of electronic presidential records in the event that ERA is not capable of providing such access.

REPAIRS AND RESTORATION

Appropriations, 2008 .....	\$28,605,000
Budget estimate, 2009 .....	9,211,000
Committee recommendation .....	33,211,000

PROGRAM DESCRIPTION

This account provides for the repair, alteration, and improvement of Archives facilities and Presidential libraries nationwide, and provides adequate storage for holdings. It will better enable NARA to maintain its facilities in proper condition for public visitors, re-

searchers, and NARA employees, and also maintain the structural integrity of the buildings.

COMMITTEE RECOMMENDATION

The Committee recommends \$33,211,000 for the repairs and restoration account. This amount is \$4,606,000 above the fiscal year 2008 enacted level and \$24,000,000 above the budget request.

The Committee provides \$9,211,000 for ongoing repairs and restoration and recommends specific funding to be distributed as follows:

	Committee recommendation
JFK Presidential Library .....	22,000,000
LBJ Presidential Library .....	2,000,000

The Committee has prioritized funding under this account with input from NARA’s capital improvement plan and projects already underway. Therefore, the Committee has included \$2,000,000 to complete renovations for the Lyndon Baines Johnson [LBJ] Presidential Library and \$22,000,000 to complete construction of the JFK Presidential Library.

The Committee recognizes that it has more than adequately provided funding for NARA’s portion of the LBJ Presidential Library plaza project, therefore, the Library is on notice not to return to the Committee for any further funding for this project, a directive which is reflected in the bill.

The Committee is aware of the great need of repairs of presidential libraries, particularly the FDR Presidential Library, which suffers from flooding, whose infrastructure is dangerously deteriorated and outdated, and whose systems violate NARA’s standards for preservation, but is unfortunately constrained to provide funding for this worthwhile project.

The Committee also is aware of the need for roof repair at the Truman Presidential Library and encourages NARA to review its repair needs, considering the NARA on-going repair account as a source of funding.

The Committee makes permanent the directive requiring NARA to update its comprehensive capital needs assessment for its entire infrastructure of presidential libraries and records facilities, as part of its fiscal year 2010 budget submission and urges that an appropriate level of funding for repair of valuable historic presidential libraries be included in the fiscal year 2010 budget request.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

Appropriations, 2008 .....	\$9,500,000
Budget estimate, 2009 .....	
Committee recommendation .....	10,500,000

PROGRAM DESCRIPTION

The National Historical Publications and Records Commission [NHPRC] provides grants nationwide to preserve and publish records that document American history. Administered within the

National Archives, which preserves Federal records, NHPRC helps State, local, and private institutions preserve non-Federal records, helps publish the papers of major figures in American history, and helps archivists and records managers improve their techniques, training, and ability to serve a range of information users.

#### COMMITTEE RECOMMENDATION

The Committee recommends \$10,500,000 for the National Historical Publications and Records Commission [NHPRC]. This amount is \$1,000,000 above the fiscal year 2008 enacted level and \$10,500,000 above the budget request.

The Committee strongly supports the NHPRC program and has provided funding to continue this important program. This program has played a central role in the preservation and dissemination of the Nation's documentary heritage. Further, the program has been successful in leveraging private sector contributions.

#### ADMINISTRATIVE PROVISION

The Committee includes an administrative provision directing NARA to include in its annual budget submission each year a comprehensive capital needs assessment for its entire infrastructure of presidential libraries and records facilities. Funding should be included in each year's budget to address the highest priorities, including projects already underway.

#### NATIONAL CREDIT UNION ADMINISTRATION

##### CENTRAL LIQUIDITY FACILITY

	Direct loan limitation	Administrative expenses
Appropriations, 2008 .....	(\$1,500,000,000)	(\$329,000)
Budget estimate, 2009 .....	(1,500,000,000)	(334,000)
Committee recommendation .....	(1,500,000,000)	(334,000)

#### PROGRAM DESCRIPTION

The National Credit Union Administration [NCUA] Central Liquidity Facility [CLF] was created by the National Credit Union Central Liquidity Facility Act (Public Law 95-630). The CLF is a mixed-ownership Government corporation managed by the National Credit Union Administration Board and owned by its member credit unions.

The purpose of the CLF is to improve the general financial stability of credit unions by meeting their seasonal and emergency liquidity needs and thereby encourage savings, support consumer and mortgage lending, and provide basic financial resources to all segments of the economy. To become eligible for CLF services, credit unions invest in the capital stock of the CLF, and the facility uses the proceeds of such investments and the proceeds of borrowed funds to meet the liquidity needs of credit unions. The primary sources of funds for the CLF are stock subscriptions from credit unions and borrowings.



The CLF may borrow funds from any source, with the amount of borrowing limited to 12 times the amount of subscribed capital stock and surplus.

Loans are available to meet short-term requirements for funds attributable to emergency outflows from managerial difficulties or local economic downturns. Seasonal credit is also provided to accommodate fluctuations caused by cyclical changes in such areas as agriculture, education, and retail business. Loans can also be made to offset protracted credit problems caused by factors such as regional economic decline.

COMMITTEE RECOMMENDATION

The Committee recommends the budget request of limiting administrative expenses for the Central Liquidity Fund [CLF] to \$334,000,000 in fiscal year 2009. The Committee recommends a limitation of \$1,500,000,000 for the principal amount of new direct loans to member credit unions. These amounts are the same as the budget request.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

Appropriations, 2008 .....	\$975,000
Budget estimate, 2009 .....	1,000,000
Committee recommendation .....	1,000,000

PROGRAM DESCRIPTION

The Community Development Revolving Loan Fund Program [CDRLF] was established in 1979 to assist officially designated “low-income” credit unions in providing basic financial services to low-income communities. Low-interest loans and deposits are made available to assist these credit unions. Loans or deposits are normally repaid in 5 years, although shorter repayment periods may be considered. Technical assistance grants [TAGs] are also available to low-income credit unions for improving operations as well as addressing safety and soundness issues. Credit unions use TAG funds for specific initiatives, including taxpayer assistance, financial education, home ownership initiatives, and training assistance.

COMMITTEE RECOMMENDATION

The Committee recommends \$1,000,000 for technical assistance grants to community development credit unions. This funding level is equal to the budget request and is \$25,000 more than the fiscal year 2008 enacted level. The Committee expects the CDRLF to continue making loans from their available funds derived from repaid loans and interest earned on previous loans to designated credit unions.

The Committee supports NCUA’s outreach efforts to underserved rural and urban communities across America through technical assistance grants provided within CDRLF. The Committee encourages NCUA to continue its efforts to provide financial education, particularly regarding consumer credit and home mortgages, and to provide alternatives to predatory lending services through targeted technical assistance grants and support.

## OFFICE OF GOVERNMENT ETHICS

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$11,750,000
Budget estimate, 2009 .....	13,000,000
Committee recommendation .....	13,000,000

## PROGRAM DESCRIPTION

The Office of Government Ethics [OGE], a separate agency within the executive branch, was established by the Ethics in Government Act of 1978 (Public Law 95-521). OGE is charged by law to provide overall direction of executive branch policies designed to prevent conflicts of interest and ensure high ethical standards. OGE carries out these responsibilities by developing regulations pertaining to conflicts of interest, postemployment restrictions, standards of conduct, and public and confidential financial disclosure in the executive branch; by monitoring compliance with financial disclosure requirements by recommending appropriate corrective action when necessary; by evaluating the effectiveness of applicable laws; and by preparing advisory opinions and policy memoranda interpreting requirements regarding conflicts of interest, post employment restrictions, standards of conduct, and financial disclosure.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$13,000,000 for salaries and expenses of the Office of Government Ethics in fiscal year 2009. This amount is the same as the budget request and \$1,250,000 above the fiscal year 2008 enacted level. The Committee encourages OGE to keep the Committee regularly informed of any emerging needs resulting from enactment of any new legislation affecting ethics obligations of executive branch officials and employees, as well as initiatives undertaken to fulfill OGE's critical role in Presidential transition issues, including education on post-employment restrictions for outgoing officials and processing the expected surge of public financial disclosure reports filed by the incoming President's nominees for high level positions requiring Senate confirmation. The funding level will also allow OGE to provide the necessary training and guidance for new and experienced ethics officials to enable them to handle ethics issues that arise during the transition period.

## OFFICE OF PERSONNEL MANAGEMENT

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$101,765,000
Budget estimate, 2009 .....	92,829,000
Committee recommendation .....	92,829,000

## PROGRAM DESCRIPTION

The Office of Personnel Management [OPM] was established by Public Law 95-454, the Civil Service Reform Act of 1978, enacted on October 13, 1978. OPM is responsible for management of Federal human resources policy and oversight of the merit civil service

system. Although individual agencies are increasingly responsible for personnel operations, OPM provides a Governmentwide policy framework for personnel matters, advises and assists agencies (often on a reimbursable basis), and ensures that agency operations are consistent with requirements of law on issues such as veterans preference. OPM oversees examining of applicants for employment, issues regulations and policies on hiring, classification and pay, training, investigations, other aspects of personnel management, and operates a reimbursable training program for the Federal Government's managers and executives. OPM is also responsible for administering the retirement, health benefits, and life insurance programs affecting most Federal employees, retired Federal employees, and their survivors.

#### COMMITTEE RECOMMENDATION

The Committee recommends a general fund appropriation of \$92,829,000 for the salaries and expenses of the Office of Personnel Management, which is \$8,936,000 less than the fiscal year 2008 level and the same as the budget request.

The recommendation includes \$5,851,000 for the Enterprise Human Resources Integration project and \$1,315,000 for the Human Resources Line of Business project.

*Retirement Systems Modernization.*—The Committee is extremely concerned about whether OPM is effectively managing its retirement systems modernization program, particularly in light of findings reported by the Government Accountability Office [GAO] in January 2008 and OPM's February 2008 implementation of the RetireEZ system with capability that was significantly less than originally planned. On May 16, 2008, the Committee directed GAO to conduct a follow-up study to determine the status of OPM's efforts to fully develop and implement RetireEZ and to evaluate the agency's efforts to ensure the accuracy of the new system. In light of OPM's May 28, 2008 decision to stop work on a major contract that is critical to the retirement systems modernization program's success, the Committee further directs GAO to assess the impact of the stop work order on OPM's plans for developing and implementing RetireEZ.

*Child Care.*—Last year, the Committee directed OPM to work with and through the Chief Human Capital Officers Council, through several specific directives, to communicate with Federal agencies about dependent care programs. The Committee is aware of steps OPM is to be taking to improve communication about dependent care programs, and has seen some positive results, especially in the use of the Dependent Care Flexible Spending Account [DCFSA]. The Committee is supportive of OPM's future plans, many of which should be on-going activities. No later than 45 days after enactment, OPM shall report to the Committee timelines, including start and/or completion dates, for the following activities to ensure progress and provide for accountability:

- when OPM will expand its Open Season marketing campaign to include new touch points (e.g., floor graphics inside Metro stations) and redesign materials with a focus on dependent care;

- when OPM will follow through with targeting one or two agencies with very low enrollment and develop creative ways to encourage agencies to educate employees about the use of FSAFEDS, including the feasibility of whether this should be an annual activity;
- when OPM will conduct outreach to affinity groups such as Executive Women in Government and Blacks in Government to push the FSAFEDS Program, including the feasibility of whether this should be an annual activity;
- when GSA will begin working with the military to advertise tuition assistance, when these new advertising materials will be initially disbursed, and how often the materials will be provided (e.g. annually);
- when OPM will add a link on child care subsidies to the front page of the OPM website.

*Disability Policy and Leadership.*—OPM, as the personnel agency for the Federal Government, should be committed to helping the Federal Government become the model employer Congress and the law mandate that it be, with regard to individuals with disabilities. OPM's track record, of late, has not been stellar. Erroneous information and web links on OPM's disability website were not corrected over a lengthy period of time despite notification; a key OPM staff position dealing with disability issues has remained vacant for long periods of time; insufficient outreach has been conducted to the disability community, a population of more than 30 million working-age Americans available for public service. This is particularly disappointing given that 60 percent of the Federal workforce will be eligible for retirement within 10 years. In addition, inefficiencies exist within the USAJOBS electronic employment portal, making it more difficult for applicants who wish to be considered under Schedule A authority to bypass competitive requirements as authorized. Finally, OPM has neglected to provide clear guidance to Federal agencies, applicants, and Federal employees on the appropriate use of the Schedule A appointing authority. Until the involvement of this Committee, these problems languished.

The Committee acknowledges that OPM has begun steps to improve matters. The Committee remains dedicated to ensuring that these problems are corrected, urges OPM to redouble their efforts to solve these issues, and directs OPM to advise the Committee as improvements are achieved.

*Intergovernmental Personnel Act Mobility Program and Nursing Shortage.*—The Committee is concerned with the ongoing shortage of nurses, which is due in large part to the national shortage of nurse faculty, and encourages OPM to assist in alleviating the shortage through the Intergovernmental Personnel Act Mobility Program. The Intergovernmental Personnel Act Mobility Program provides for the temporary assignment of personnel between the Federal Government and State and local governments, colleges and universities, and other eligible entities. Federally-employed nurses could be given the opportunity to serve a temporary assignment in an accredited school of nursing. The U.S. Bureau of Labor Statistics projects that more than 1 million new and replacement Registered Nurses [RNs] will be needed by 2016. However, schools of nursing are forced to turn away thousands of qualified applicants

each year due to faculty shortages. The Federal Government currently employs more than 53,000 nurses domestically, and many have the educational background and expertise to teach the next generation of nurses, in the process gaining valuable experience and informing students about careers in government service.

The Committee directs OPM to carry out the Intergovernmental Personnel Act Mobility Program with special attention provided to Federal agencies employing more than 2,000 nurses. OPM may develop guidelines that provide Federal agencies direction or guidance in using their authority under the Intergovernmental Personnel Act Mobility Program—

- to provide financial assistance to Federal employees holding a degree in nursing to accept an assignment to teach in an accredited school of nursing in exchange for a commitment from the individual to serve for an additional term in Federal service or a commitment from the school of nursing to take additional steps to increase its number of nursing students that will commit to Federal service upon graduation;
- to provide financial assistance to Federal employees who have served as a nurse in the Federal Government and are eligible for retirement to allow such individuals to attend an accredited school of nursing to obtain the training to become a nurse faculty member in exchange for a commitment to encourage current and prospective students to pursue a career in nursing in the Federal Government and a commitment from the school of nursing to take additional steps to increase its number of nursing students that will commit to Federal service upon graduation; and
- to provide financial or other assistance to Federal employees who have served as a nurse in the Federal Government, are eligible for retirement, and are qualified to teach to expedite the transition of such individuals into nurse faculty positions.

The Committee directs OPM to report to the Committee no later than 120 days after enactment of this act on how the Intergovernmental Personnel Act Mobility Program is being used to alleviate the nursing shortage and on the demonstrable steps OPM has taken to encourage government-employed nurses to teach at accredited colleges of nursing.

*Employment for the Blind.*—The Committee applauds the administration's commitment to programs which support disabled Americans to become fully employed and integrated into their communities. To further advance this goal, the Committee requests the OPM to review the status of Federal employment policies and to consider any changes that may be necessary to help meet the goal of employing blind Americans. The Committee notes, for example, that the Internal Revenue Service has successfully operated a program with the Lions World Services for the Blind [LWSB] in Little Rock, Arkansas for the past 40 years. This program employs blind individuals trained by LWSB to work in IRS call centers, which could be a model for other Federal agencies. The Committee would be pleased to receive a report on this matter including the views of the Federal employee labor organizations by July 15, 2009.

LIMITATION

(TRANSFER OF TRUST FUNDS)

Limitation, 2008 .....	\$123,901,000
Budget estimate, 2009 .....	118,082,000
Committee recommendation .....	118,082,000

PROGRAM DESCRIPTION

These funds will be transferred from the appropriate trust funds of the Office of Personnel Management to cover administrative expenses for the retirement and insurance programs, including the cost of automating the retirement recordkeeping systems.

COMMITTEE RECOMMENDATION

The Committee recommends a limitation of \$118,082,000, which is \$5,819,000 less than the fiscal year 2008 level and the same as the budget request. The amount includes \$15,200,000 for retirement systems modernization, the same as the request.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$1,519,000
Budget estimate, 2009 .....	1,538,000
Committee recommendation .....	2,136,000

PROGRAM DESCRIPTION

The Office of Inspector General is charged with establishing policies for conducting and coordinating efforts which promote economy, efficiency, and integrity in the Office of Personnel Management's activities which prevent and detect fraud, waste, and mismanagement in the agency's programs. Contract audits provide professional advice to agency contracting officials on accounting and financial matters regarding the negotiation, award, administration, repricing, and settlement of contracts. Internal agency audits review and evaluate all facets of agency operations, including financial statements. Evaluation and inspection services provide detailed technical evaluations of agency operations. Insurance audits review the operations of health and life insurance carriers, health care providers, and insurance subscribers. The investigative function provides for the detection and investigation of improper and illegal activities involving programs, personnel, and operations. Administrative sanctions debar from participation in the health insurance program those health care providers whose conduct may pose a threat to the financial integrity of the program itself or to the well-being of insurance program enrollees.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$2,136,000 for salaries and expenses of the Office of Inspector General in fiscal year 2009. This amount is \$617,000 more than the fiscal year 2008 enacted level and \$598,000 more than the budget request.

## (LIMITATION ON TRANSFER FROM TRUST FUNDS)

Limitation, 2008 .....	\$17,081,000
Budget estimate, 2009 .....	16,462,000
Committee recommendation .....	20,428,000

## COMMITTEE RECOMMENDATION

The Committee recommends a limitation on transfers from the trust funds in support of the Office of Inspector General activities totaling \$20,428,000 for fiscal year 2009. This amount is \$3,347,000 more than the fiscal year 2008 enacted level, and \$3,966,000 above the budget request. The increased funds will help restore the OIG's budget to previous levels and permit additional audits and investigations.

## GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

Appropriations, 2008 .....	\$8,884,000,000
Budget estimate, 2009 .....	9,533,000,000
Committee recommendation .....	9,533,000,000

## PROGRAM DESCRIPTION

This appropriation covers the Government's share of the cost of health insurance for annuitants covered by the Federal Employees Health Benefits Program and the Retired Federal Employees Health Benefits Act of 1960, as well as administrative expenses incurred by OPM for these programs.

## COMMITTEE RECOMMENDATION

The Committee recommends a mandatory appropriation of \$9,553,000,000 for Government payments for annuitants, employees health benefits.

## GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

Appropriations, 2008 .....	\$41,000,000
Budget estimate, 2009 .....	46,000,000
Committee recommendation .....	46,000,000

## PROGRAM DESCRIPTION

Public Law 96-427, the Federal Employees' Group Life Insurance Act of 1980 requires that all employees under the age of 65 who separate from the Federal Government for purposes of retirement on or after January 1, 1990, continue to make contributions toward their basic life insurance coverage after retirement until they reach the age of 65. These retirees will contribute two-thirds of the cost of the basic life insurance premium, identical to the amount contributed by active Federal employees for basic life insurance coverage. As with the active Federal employees, the Government is required to contribute one-third of the cost of the premium for retirees' basic coverage. OPM, acting as the payroll office on behalf of Federal retirees, has requested, and the Committee has provided, the funding necessary to make the required Government contribu-

tion associated with annuitants' post-retirement life insurance coverage.

COMMITTEE RECOMMENDATION

The Committee recommends a mandatory appropriation of \$46,000,000 for the Government payment for annuitants, employee life insurance.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Appropriations, 2008 .....	\$11,941,000,000
Budget estimate, 2009 .....	10,550,000,000
Committee recommendation .....	10,550,000,000

PROGRAM DESCRIPTION

The civil service retirement and disability fund was established in 1920 to administer the financing and payment of annuities to retired Federal employees and their survivors. The fund covers the operation of the Civil Service Retirement System and the Federal Employees' Retirement System.

This appropriation provides for the Government's share of retirement costs, transfers of interest on the unfunded liability and annuity disbursements attributable to military service, and survivor annuities to eligible former spouses of some annuitants who did not elect survivor coverage.

COMMITTEE RECOMMENDATION

The Committee recommends a mandatory appropriation of \$10,550,000,000 for payment to the civil service retirement and disability fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$17,468,000
Budget estimate, 2009 .....	17,468,000
Committee recommendation .....	17,468,000

PROGRAM DESCRIPTION

The U.S. Office of Special Counsel [OSC] was first established on January 1, 1979. From 1979 until 1989, it operated as an autonomous investigative and prosecutorial arm of the Merit Systems Protection Board (the Board). In 1989, Congress enacted the Whistleblower Protection Act (Public Law 101-12), which made OSC an independent agency within the executive branch. In 1994, the Uniformed Services Employment and Reemployment Rights Act (Public Law 103-353) became law. It defined employment-related rights of persons in connection with military service, prohibited discrimination against them because of that service, and gave OSC new authority to pursue remedies for violations by Federal agencies.

OSC investigates Federal employee allegations of prohibited personnel practices with an emphasis on protecting Federal Government whistleblowers, and, when appropriate, prosecutes cases before the Merit Systems Protection Board and enforces the Hatch



Act. OSC also provides a channel for whistleblowing by Federal employees, and may transmit allegations of reprisal to whistleblowing to the agency head concerned and require an agency investigation and a report to Congress and the President when appropriate.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$17,468,000 for the Office of Special Counsel. This amount is the same as the budget request and is the same as the fiscal year 2008 enacted level.

The Committee strongly urges the OSC to work with whistleblower advocacy organizations to promote the highest level of confidence in the Whistleblower Protection Act and the OSC. The Committee acknowledges that OSC continues to experience growth in its caseload, as a result of heightened awareness of the Hatch Act stemming from media focus on several high-profile cases, a more vigorous focus on complaints under the Uniformed Services Employment and Reemployment Rights Act, and actions under the Whistleblower Protection Act.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	<sup>1</sup> (\$14,985,000)
Budget estimate, 2009 .....	14,043,000
Committee recommendation .....	14,043,000

<sup>1</sup>The Postal Accountability and Enhancement Act (Public Law 109-435, sec. 603(a)) authorizes appropriations for the Commission out of the off-budget Postal Service Fund beginning in fiscal year 2009. Prior to fiscal year 2009, the United States Postal Service Board of Governors determined the budget of the Commission.

PROGRAM DESCRIPTION

The Postal Regulatory Commission is an independent agency that has exercised regulatory oversight over the United States Postal Service [USPS] since its creation by the Postal Reorganization Act of 1970. For over three decades, that oversight consisted primarily of conducting public, on-the-record hearings concerning proposed rates, mail classification, and major service changes, and recommended decisions for action to the Postal Service Board of Governors.

The Postal Accountability and Enhancement Act [PAEA] (Public Law 109-435) assigned significant new responsibilities to the Commission. These enhanced authorities include providing regulatory oversight of the pricing of USPS products and services, ensuring USPS transparency and accountability, consulting on delivery service standards and performance measures, consulting on international postal policies, preventing cross-subsidization or other anticompetitive postal practices, and serving as a forum to act on complaints with postal products and services. The Commission provides leadership and recommends policies that foster a robust and viable postal system.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation, out of the Postal Fund, of \$14,043,000 for the Postal Regulatory Commission. This amount is the same as the budget request, and \$942,000 below the fiscal year 2008 funding level. The funds will support 74 FTEs and enable the Commission to conduct a comprehensive review of the universal service obligation and the postal monopoly, a financial review of the Postal Service report on costs, revenues, rates, and services, and a financial review of the Postal Service compliance with section 404 of the Sarbanes-Oxley Act.

## PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$2,000,000
Budget estimate, 2009 .....	2,000,000
Committee recommendation .....	2,000,000

## PROGRAM DESCRIPTION

Recommended by the July 22, 2004 report of the National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission), the Privacy and Civil Liberties Oversight Board [PCLOB] was originally established through the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458). The PCLOB was made a component of the White House Office within the Executive Office of the President.

Under the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), the PCLOB was reconstituted as an independent agency within the Executive Branch. The mission of the PCLOB is to (1) analyze and review actions the Executive Branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and (2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

## COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$2,000,000 for the PCLOB. The Committee strongly supports the mission of the PCLOB. The Committee notes that the former Board ceased to functionally exist after January 30, 2008. The Committee is concerned that the new PCLOB has not yet been reconstituted and staffed as required by Public Law 110-53. The Committee urges the PCLOB, once it is reconstituted, to promptly provide a detailed budget justification to the Committee.

## SECURITIES AND EXCHANGE COMMISSION

## SALARIES AND EXPENSES

Appropriations, 2008 .....	\$906,000,000
Budget estimate, 2009 .....	913,000,000
Committee recommendation .....	938,000,000

## PROGRAM DESCRIPTION

The Securities and Exchange Commission [SEC] is an independent agency responsible for administering many of the Nation's laws regulating the areas of securities and finance.

The mission of the SEC is to administer and enforce Federal securities laws in order to protect investors, maintain fair, honest, and efficient markets, and promote capital formation. This includes ensuring full disclosure of financial information, regulating the Nation's securities markets, and preventing and policing fraud and malpractice in the securities and financial markets. The strength of the American economy and our Nation's financial markets is dependent upon investors' confidence in the financial disclosures and statements released by publicly traded companies.

The Committee is concerned that American investors may be unwittingly investing in companies with ties to countries that sponsor terrorism or are linked to human rights violations. The Committee believes that a company's association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse result on a public company's operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment. In order to protect American investors' savings and to disclose these business relationships to investors, an Office of Global Security Risk was established within the Division of Corporation Finance. The Committee expects the work of the Office to remain a high priority during fiscal year 2009 and directs the SEC to continue to submit quarterly reports on its activities.

The Committee expects the SEC to implement key controls to effectively safeguard the confidentiality, integrity, and availability of its financial and sensitive information and systems.

The Committee encourages the SEC to continue its efforts to improve the timeliness of disbursement of funds to investors victimized by securities fraud. The Committee applauds the SEC's efforts to establish a specialized office devoted to ensuring that funds are promptly disbursed and install a new computer system to simplify the tracking, collection, and distribution of assessed penalties.

The Committee is pleased that the SEC has made strides to simplify complex information and improve electronic public access to investment information through interactive data systems.

With the markets experiencing a steady increase in the number of complex securities products and market participants and in light of problems plaguing the credit markets as a result of subprime lending, it is imperative that our Nation's top securities regulator has the resources to effectively meet its mandate. The Committee is disappointed that the President's budget falls short as it provides for 378 fewer employees than in 2005 when the SEC received additional funding due to Enron and other corporate scandals and almost 100 less full-time employees than provided for in fiscal year 2008. As the SEC intensifies its oversight of credit rating agencies in response to issues involving structured finance instruments, the SEC must have sufficient staff to evaluate the performance of new regulations and the quality of information that is available to investors. Staffing shortfalls impact the SEC's ability to ensure ade-

quate supervision of market participants and promote and sustain public confidence in the integrity of our capital markets.

The Committee is aware that a petition was filed with the Commission on September 18, 2007, calling for the issuance of an interpretative release clarifying the application of existing law to the disclosure of risks associated with climate change. The Commission is encouraged to give prompt consideration to this petition and to provide guidance on the appropriate disclosure of climate risk.

COMMITTEE RECOMMENDATION

The Committee recommends a total budget (obligational) authority of \$938,000,000 for the salaries and expenses of the SEC, including \$890,000,000 from new fee collections and \$48,000,000 from prior year balances. This total funding level is \$32,000,000 above the fiscal year 2008 enacted level and \$25,000,000 above the budget request, to allow the SEC to begin to address staffing shortfalls.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriations, 2008 .....	\$22,000,000
Budget estimate, 2009 .....	22,000,000
Committee recommendation .....	22,000,000

PROGRAM DESCRIPTION

The Selective Service System [SSS] is an independent Federal agency, operating with permanent authorization under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). The agency is not part of the Department of Defense [DOD], but its basic mission is to be prepared to supply manpower to the Armed Forces adequate to ensure the security of the United States during a time of national emergency. Since 1973, the Armed Forces have relied on volunteers to fill military manpower requirements. However, the Selective Service System remains the primary vehicle by which personnel will be brought into the military if Congress and the President should authorize a return to the draft.

In December 1987, Selective Service was tasked by law (Public Law 100-180, sec. 715) to develop plans for a post-mobilization health care personnel delivery system capable of providing the necessary critically skilled healthcare personnel to the Armed Forces in time of emergency. An automated system capable of handling mass registration and inductions is now complete, together with necessary draft legislation, a draft Presidential proclamation, prototype forms and letters, and other products. These products will be available should the need arise. The development of supplemental standby products, such as a compliance system for health care personnel, continues using very limited existing resources.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$22,000,000 for the Selective Service System. This amount is the same as the budget request and the same as the fiscal year 2008 enacted level. The Committee encourages the System to continue the development of

its Central Registrant Processing Portal Initiative, and to improve the cost effectiveness of the registration process by continuing to increase the percentage of electronic and automatic registrations.

The Committee is concerned that the Service recently experienced compliance problems under 31 U.S.C. 1341, but is encouraged that the Service has taken steps to correct the situation. The Committee urges the Service to exercise heightened diligence in its budgetary management controls to avoid any recurring issues in this area.

#### SMALL BUSINESS ADMINISTRATION

Appropriations, 2008 .....	\$568,988,000
Budget estimate, 2009 .....	658,508,000
Committee recommendation .....	765,798,000

The Committee recommendation provides \$765,798,000 for the Small Business Administration [SBA]. The recommendation is \$196,810,000 above the fiscal year 2008 enacted level and \$107,290,000 over the budget request. Funding is distributed among the SBA appropriation accounts as described below.

#### SALARIES AND EXPENSES

Appropriations, 2008 .....	\$413,574,000
Budget estimate, 2009 .....	328,159,000
Committee recommendation .....	447,250,000

The Committee recommendation provides \$447,250,000. The recommendation is \$33,676,000 above the fiscal year 2008 enacted level and \$119,091,000 above the budget request.

Within the amounts made available under this heading, the Committee recommends grants for the following organizations and programs:

Account	Description	Amount
SBA .....	Adelante Development Center for its ACCENT School-to-Work Transition Program, Albuquerque, NM.	\$250,000
SBA .....	Alaska Manufacturing Extension Partnership, Inc., for a rural Alaska e-commerce training project, Anchorage, AK.	1,100,000
SBA .....	Albuquerque Hispano Chamber of Commerce workforce training, Albuquerque, NM .....	245,000
SBA .....	Alcorn State University for a Systems Research Institute, Alcorn State, MS .....	600,000
SBA .....	Appalachian State University to study the effects of economic growth resulting from viticulture and agritourism in western North Carolina, Boone, NC.	750,000
SBA .....	Association of Vermont Credit Unions, Student financial literacy, Burlington, VT .....	145,000
SBA .....	Business and infrastructure development, Mingo County Redevelopment Authority, Williamson, WV.	3,500,000
SBA .....	Business incubator, Arkansas Biosciences Institute, Arkansas State University .....	520,000
SBA .....	Cedarbridge small business incubator, Lakewood, NJ .....	245,000
SBA .....	Center for Economic Growth, Watervliet Innovation Center, Albany, NY .....	300,000
SBA .....	City of Baton Rouge, Louisiana, Small business investment initiative for technical assistance to business enterprises.	225,000
SBA .....	City of San Diego, CA, One-stop small business resource center .....	100,000
SBA .....	Colorado Enterprise Fund for operating expenses and technical assistance to borrowers, Denver, CO.	245,000
SBA .....	Colorado State University Sustainable Biofuels Development Center, Fort Collins, CO .....	250,000
SBA .....	Community Links Hawaii for planning and development of Oahu Technology and Innovation Park, Oahu, HI.	250,000
SBA .....	E <sup>4</sup> Entrepreneurship for immigrants, minorities, women, and people with disabilities in southwest King County, WA.	100,000
SBA .....	Eastern Washington University, Accelerating economic development in rural, underserved communities of NE Washington.	200,000
SBA .....	Economic development assistance for Wells, NV .....	640,000

Account	Description	Amount
SBA .....	Economic Development for Central Oregon, Bend Venture Catalyst, Bend, OR .....	245,000
SBA .....	Economic Development Training Program, Camden, NJ .....	100,000
SBA .....	Entrepreneurial Development Center business accelerator, Cedar Rapids, IA .....	350,000
SBA .....	First responder education initiative, Benedictine University, Lisle, IL .....	500,000
SBA .....	Florida Institute of Technology , Florida Advanced Combustion Center .....	245,000
SBA .....	Grambling State University, Expanding Minority Entrepreneurship Regionally Across the Louisiana Delta [EMERALD] program.	250,000
SBA .....	Grays Harbor sustainable industries research and development facility and incubator, Port of Grays Harbor, Aberdeen, WA.	450,000
SBA .....	Grow Inglewood, small business development, Inglewood, CA .....	450,000
SBA .....	Indiana University, Indiana innovation incubator, Bloomington, IN .....	245,000
SBA .....	International Trade Compliance in Agra-Business, Wichita, KS .....	225,500
SBA .....	Jackie Joyner-Kersey Center for job training and placement services, East St. Louis, IL.	310,000
SBA .....	Jackson State University for Lynch Street Corridor Redevelopment, Jackson, MS .....	600,000
SBA .....	Kansas Bioscience Authority for the Kansas Small Business Biobased Polymer Initiative, Olathe, KS.	550,000
SBA .....	Kansas Farm Bureau for the Kansas Hometown Prosperity Alliance, Manhattan, KS .....	300,000
SBA .....	Macomb County business accelerator, Macomb County, MI .....	400,000
SBA .....	Massachusetts Technology Collaborative Renewable Energy Economic Development Center, Boston, MA.	260,000
SBA .....	Mississippi Biotechnology Association for a Feasibility Study and Capacity Building, Jackson, MS.	500,000
SBA .....	Mississippi State University for Convergence of Scientists and Entrepreneurs to Expedite Commercialization [SCEEC], Starkville, MS.	600,000
SBA .....	Mississippi Technology Alliance for the Center for Innovation and Entrepreneurial Services, Jackson, MS.	600,000
SBA .....	Missouri Western State University for the Biotechnology Mobile Workforce Development Center, St. Joseph, MO.	1,000,000
SBA .....	Montana Department of Commerce, for technical assistance and operating expenses of the Native American and WIRED program.	520,000
SBA .....	Montgomery County Action Council for the development of economic growth and the recruitment of small businesses, Independence, KS.	500,000
SBA .....	Myrtle Beach International Trade & Convention Center, Myrtle Beach, SC .....	1,000,000
SBA .....	National Center for Aviation Training for a Technical Education and Training, Wichita, KS.	500,000
SBA .....	Native Hawaiian Organizations Association, Entrepreneurial Development & Government Procurement Center, Honolulu, HI.	300,000
SBA .....	Nebraska Community Foundation, HomeTown Competitiveness, Lincoln, NE .....	300,000
SBA .....	New Castle County Chamber of Commerce, Emerging Enterprise Center, business incubator, DE.	520,000
SBA .....	North Dakota State College of Science, Nanotechnology Applied Science Laboratory .....	375,000
SBA .....	Northern Community Development Corporation, Northeast Kingdom [NEK] wireless LINC, VT.	300,000
SBA .....	Northern Kentucky University's College of Informatics, Highland Heights, KY .....	2,000,000
SBA .....	Ohio University, Economic Development through Entrepreneurship in Appalachia [EDEA]	245,000
SBA .....	Pellissippi Research Centre on the Oak Ridge Corridor, Alcoa, TN .....	700,000
SBA .....	Pittsburgh Life Sciences Greenhouse, Tech Belt Biosciences Initiative, Pittsburgh, PA .....	245,000
SBA .....	ReCycle North, Green-collar enterprise program, Burlington, VT .....	100,000
SBA .....	Rhode Island Rural Development Council and Farm Fresh Rhode Island, for Rhode Island small business development.	350,000
SBA .....	Rural Economic Area Partnership [REAP] Zones, Rugby, ND .....	250,000
SBA .....	Rural Enterprise Institute's Native American Rural Business and Resource Center at Eastern Oklahoma State College, Wilburton, OK.	500,000
SBA .....	Safer Foundation for transitional employment placement, Chicago, IL .....	500,000
SBA .....	Small Business and Economic Opportunity Office, Essex County, NJ .....	375,000
SBA .....	Small business green development, City of East Providence, RI .....	245,000
SBA .....	Small business trade assistance office, Prince George's County, MD .....	100,000
SBA .....	South Dakota State University, technology-based economic development .....	475,000
SBA .....	Southern Illinois University for the Southern Illinois Research Park, Carbondale, IL .....	500,000
SBA .....	Southwestern Pennsylvania Advanced Robotics Business Accelerator, Pittsburgh, PA .....	700,000
SBA .....	St. Leo Residence for Veterans for job training, Catholic Charities, Chicago, IL .....	500,000
SBA .....	TechTown Small Business Clinic, Wayne State Law School .....	175,000
SBA .....	University of Connecticut Avery Point, business incubator, Groton, CT .....	120,000
SBA .....	University of Connecticut Health Center business incubator, Farmington, CT .....	325,000

Account	Description	Amount
SBA .....	University of Kansas for Equipment for Pharmaceutical Small Business Development, Kansas City, KS.	450,000
SBA .....	University of Kansas Hospital for Medical Faculty Small Business Development, Kansas City, KS.	700,000
SBA .....	University of Maryland—Baltimore BioPark .....	450,000
SBA .....	University of Massachusetts Dartmouth, Advanced Technical and Manufacturing Center business incubator, Fall River, MA.	260,000
SBA .....	University of Southern Mississippi for Early Stage Entrepreneur Development, Hattiesburg, MS.	600,000
SBA .....	University of Wisconsin—Milwaukee, University-industry partnership to foster rapid development of businesses in water industries.	300,000
SBA .....	University Technology Park, Illinois Institute of Technology, Chicago, IL .....	500,000
SBA .....	Virginia's Center for Innovative Technology, Mine safety technology and communication improvements, Herndon, VA.	250,000
SBA .....	Washington Hancock Community Agency for a Microbusiness Assistance Program, Milbridge, ME.	250,000
SBA .....	World Trade Center Utah Partnership Initiative, Salt Lake City, UT .....	400,000

Within the amounts made available under this heading, the Committee recommendation provides \$160,257,000 for the SBA non-credit business assistance programs. The recommendation is \$49,240,000 above the budget request and \$19,311,000 above the 2008 enacted level.

The Committee recommendations for non-credit business assistance, by program, are displayed in the following table:

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS  
[In thousands of dollars]

	Committee recommendation
Small Business Development Centers .....	110,000
Drug-free Workplace Grants .....	1,020
SCORE .....	5,120
Women's Business Centers .....	13,450
Women's Business Council .....	775
Microloan Technical Assistance .....	20,000
Veterans Programs .....	1,200
PRIME .....	3,105
Native American Outreach .....	1,033
7(j) Technical Assistance .....	2,380
HUBZone .....	2,174
<b>Total, Non-credit Business Assistance Programs .....</b>	<b>160,257</b>

The Committee continues to support the Small Business Development Center [SBDC] Program. Of the amounts provided for the SBDC program, \$1,000,000 is for the Veterans Assistance and Services Program as authorized by Public Law 110–186 and \$1,000,000 is for the Small Business Energy Efficiency Program as authorized by Public Law 110–140. The Committee directs SBA to keep the Committee apprised of funding provided under these two programs for fiscal years 2008 and 2009.

The Committee provides \$1,200,000 for veterans programs, an increase of \$457,000 above both the budget request and the fiscal year 2008 enacted level to support additional grants to veterans business outreach centers. When determining the allocation of the additional funding, the Committee encourages SBA to consider cen-

ters with significant experience in conducting outreach to veterans, including those previously receiving Federal funding.

The Committee provides funds above the request to hire two additional staff in support of the agency-wide effort to modernize SBA's loan management and accounting systems. The Committee is encouraged by SBA's efforts towards modernizing the agency's core systems. Current systems are outdated and limit capabilities, and new systems are needed to enhance the management of SBA's \$85,000,000,000 loan portfolio. However, the Committee is concerned with the risk inherent in such a relatively large acquisition and the extent of reliance on contractor assistance. Additional funding is provided to hire one new staff within the Office of the Chief Financial Officer who shall be dedicated exclusively to quality assurance and contractor oversight for the loan management and accounting system and to hire one new executive-level staff who shall be dedicated exclusively to agency-wide management, coordination, and implementation of the new system. The Committee directs the agency to continue consultations with other Federal agencies regarding best practices involving design, acquisition, and implementation of new systems and regarding contractor oversight. SBA shall submit a quarterly written report to the Committee on Appropriations summarizing the agency's progress regarding the modernization effort, including milestones planned and achieved and progress on cost and schedule.

The Committee is concerned with deficiencies in SBA's oversight of supervised lenders, as detailed in a report from the SBA Inspector General [IG]. Lending is a core function of the SBA, and proper oversight is key to adequately protecting taxpayer dollars. The Committee urges SBA to implement the IG recommendations, particularly regarding the establishment of risk mitigation goals and the development of standard procedures and guidance to ensure that enforcement is sufficiently aggressive and consistent.

SBA shall submit a report to the Committee on Appropriations within 270 days of enactment on the Microloan program. The report shall include information regarding the program's outcome measures, the number and dollar amount of lending, borrower profiles, performance of loans, income growth and improved sustainability of businesses benefiting from the program, job creation resulting from the program, and potential unmet need in the program. The report shall also address performance of program participants, such as intermediaries and non-lending technical assistance providers, and steps SBA has taken to implement recommendations of the 2003 report from the SBA Inspector General, particularly regarding the enforcement of reporting requirements in the Microloan program.

The Committee encourages SBA to consider options for donating, or offering at discounted prices, used equipment, including computers, for appropriate use by small businesses located in the United States. The Committee directs SBA to report to the Committee on Appropriations within 270 days after enactment on potential plans for such donations.

The Committee directs the SBA Office of Advocacy to conduct a study on broadband penetration levels and payment of broadband services among small businesses in the United States. The Com-



mittee directs the SBA to provide a preliminary report to the Committee on Appropriations within 180 days of enactment and a final report within 1 year of enactment.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2008 .....	\$15,000,000
Budget estimate, 2009 .....	15,500,000
Committee recommendation .....	15,500,000

The Committee recommendation provides \$15,500,000 for the Office of Inspector General. The recommendation is \$500,000 above the fiscal year 2008 enacted level and the same as the budget request.

The Committee directs the Inspector General to continue routine analysis and reporting on SBA’s modernization of its loan management and accounting systems, including acquisition, contractor oversight, implementation, and progress regarding budget and schedule.

SURETY BOND GUARANTEES REVOLVING FUND

Appropriations, 2008 .....	\$3,000,000
Budget estimate, 2009 .....	2,000,000
Committee recommendation .....	2,000,000

The Committee recommendation provides \$2,000,000. The recommendation is \$1,000,000 below the fiscal year 2008 enacted level and the same as the budget request.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	\$137,414,000
Budget estimate, 2009 .....	138,480,000
Committee recommendation .....	140,980,000

The Committee recommendation provides \$140,980,000. The recommendation is \$3,566,000 above the fiscal year 2008 enacted level and \$2,500,000 above the budget request.

The recommendation provides \$138,480,000 for administrative expenses, which may be transferred to and merged with SBA salaries and expenses to cover the common overhead expenses associated with the business loans programs.

The recommendation provides \$2,500,000 for the Microloan direct loan program. The Committee is concerned with the administration’s request to increase the fees paid by small businesses seeking assistance under the Microloan program in order to eliminate Federal spending on the Microloan program.

DISASTER LOANS PROGRAM ACCOUNT

Appropriations, 2008 .....	
Budget estimate, 2009 .....	\$174,369,000
Committee recommendation .....	160,068,000

The Committee provides \$160,068,000 for necessary administrative expenses of the Disaster Loans program. Any direct loan subsidies required in fiscal year 2009 will be derived from available unobligated balances. As always, SBA is urged to seek out emergency funding in the event of a disaster requiring loan assistance.

ADMINISTRATIVE PROVISIONS

Section 520 continues a provision concerning transfer authority and availability of funds.

Section 521 provides that all disaster loans issued in Alaska or North Dakota shall not be sold.

Section 522 prohibits the Small Business Administration from implementing a proposed rule that would limit the use of sole-source contracts for women-owned small businesses to only four industries.

Section 523 provides for a transfer of previously appropriated funds into the account for salaries and expenses.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Appropriations, 2008 .....	.....
Budget estimate, 2009 .....	.....
Committee recommendation .....	\$500,000

PROGRAM DESCRIPTION

The Harry S. Truman Scholarship Foundation is an independent agency established by Congress in 1975 (Public Law 93-642) to encourage exceptional college students to pursue careers in public service through the Truman Scholarship program. The Truman Scholarship is a merit-based award available to college juniors who plan to pursue careers in Government or elsewhere in public service. Truman Scholars receive up to \$30,000 for graduate or professional school, participate in leadership development activities, and have special opportunities for internships and employment with the Federal Government.

The Foundation Trust Fund was established with a one-time \$30,000,000 appropriation in 1976. The authorizing legislation directed that this endowment be invested solely in U.S. Treasury Securities, the interest from which has funded the Foundation's operating budget. With the decline in interest rates, the Foundation has experienced a significant decline in Federal financial support. From fiscal year 2002 to fiscal year 2009, despite having cut expenditures by 27 percent, annual trust fund revenue has declined 25 percent. The Foundation anticipates a budget deficit of \$243,220 for fiscal year 2009 if appropriations are not provided.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$500,000 for the Harry S. Truman Scholarship Foundation. No funding was provided in fiscal year 2008 or in the budget request. The appropriation is provided to offset the decline in trust fund revenues, to increase direct financial support to scholars, to ensure compliance with government audit reporting requirements, and to invest in technology and financial development activities. The Committee includes a provision clarifying findings necessary to invest the Truman Scholarship Trust Fund in par value special Treasury securities.

UNITED STATES POSTAL SERVICE  
PAYMENT TO THE POSTAL SERVICE FUND

Appropriations, 2008 .....	\$117,864,000
Budget estimate, 2009 .....	82,831,000
Committee recommendation .....	111,831,000

PROGRAM DESCRIPTION

The Post Office dates back to 1775. It became the Postal Service in 1971 as an independent establishment of the executive branch of the United States Government. The Postal Service's basic function and obligation is to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. Its mission is to provide prompt, reliable, and efficient services to patrons in all areas and render postal services to all communities.

COMMITTEE RECOMMENDATION

The Committee recommends appropriations totaling \$111,831,000 for payment to the Postal Service Fund, an increase of \$29,000,000 above the budget request and \$6,033,000 below the fiscal year 2008 enacted level.

This amount includes \$29,000,000 for revenue forgone on free and reduced-rate mail pursuant to 39 U.S.C. 2401(d). The recommendation also includes \$82,831,000 as an advance appropriation for fiscal year 2010, which includes \$67,526,000 for 2009 costs and \$15,305,000 for 2006 reconciliation adjustments.

Revenue forgone on free and reduced-rate mail enables postage rates to be set at levels below the unsubsidized rates for certain categories of mail as authorized by subsections (c) and (d) of section 2401 of title 39, United States Code. Free mail for the blind and overseas voters will continue to be provided at the funding level recommended by the Committee.

The Committee includes provisions in the bill that would assure that mail for overseas voting and mail for the blind shall continue to be free; that 6-day delivery and rural delivery of mail shall continue without reduction; and that none of the funds provided be used to consolidate or close small rural and other small post offices in fiscal year 2009. These are services that must be maintained in fiscal year 2009 and beyond.

The Committee believes that 6-day mail delivery is one of the most important services provided by the Federal Government to its citizens. Especially in rural and small town America, this critical postal service is the linchpin that serves to bind the Nation together.

*Mail Delivery in Chicago.*—The Committee is encouraged by survey reports released in June 2008 indicating improvements in first-class mail delivery in Chicago, Illinois, and acknowledges the comprehensive review and changes instituted by the Postmaster General to upgrade postal operations and improve customer service. The Committee will continue to closely follow the Postal Service's management reform initiatives in order to secure and sustain the highest level of mail delivery service for postal consumers in Chicago.

*Postal Facility Restoration in Louisiana.*—The Committee strongly encourages the Postal Service to expedite its efforts to assess service needs, reestablish postal facilities, improve mail delivery, and enhance product and service offerings to customers in New Orleans and other Louisiana communities affected by Hurricanes Katrina and Rita which struck the Gulf Coast in 2005. The Committee commends the Postal Service's announced plans to restore retail facilities in Lakeview, Gentilly, and Chef Manteur districts by the end of 2008, and urges the Postal Service to keep pace with the needs of its residential and business customers as the communities rebuild.

*Mail-Related Recycling Initiatives.*—In 2006, the Postal Service discarded approximately 317,000 tons of undeliverable-as-addressed advertising mail. Such mail can be disposed of using incinerators, landfills, and other methods. As the Government Accountability Office recently reported, recycling undeliverable advertising mail and mail discarded by customers in postal facility lobbies provides the Postal Services with a means to generate substantial revenues, significantly reduce its waste disposal costs, and improve its financial position. The Committee understands that the Postal Service and the mailing industry have undertaken a variety of initiatives to increase the recycling of mail-related material and the amount of mail with environmentally preferable attributes, such as recycled paper. For example, the Postal Service has established annual goals to increase its revenue from mail-related recycling from \$7,500,000 in fiscal year 2007 to \$40,000,000 in fiscal year 2010 and has conducted a pilot recycling program in New York City. The Committee strongly urges the Postal Service to seek additional savings resulting from lower waste disposal costs which accompany increased recycling. The Committee encourages the Postal Service to routinely examine the cost, feasibility, and mission compatibility of other opportunities to fulfill its commitment to minimize the agency's impact on every aspect of the environment and demonstrate its commitment to environmental stewardship.

*Consolidation of Mail Processing Facilities.*—The Committee remains concerned about the findings of a Government Accountability Office [GAO] report released in June 2007, as well as GAO testimony before Congress in July 2007, that raise serious questions about the United States Postal Service's mail realignment efforts, including unclear criteria for selecting facilities and for making decision about area mail processing [AMP] consolidations, and a lack of appropriate stakeholder and public input when considering potential consolidations. The Committee awaits a GAO report on its evaluation of Postal Service reports providing updated AMP guidance on communications with the public and on a Facilities Plan. The Committee is aware that the Postal Service has decided not to proceed with AMPs in Aberdeen, South Dakota and Yakima, Washington. The Committee directs the Postal Service not to proceed with the Sioux City, Iowa AMP until after the GAO has reported to Congress and the Committee has had an opportunity to review GAO's findings.

*Emergency Preparedness.*—Congress appropriated funds in fiscal year 2005 for the Postal Service's use for a mail treatment facility in Washington, DC, in the aftermath of the anthrax attacks using

the U.S. mail. In fiscal year 2008, the Committee directed the Comptroller General to assess the status of the treatment process, including the cost of the treatment; the volume of treated mail and how it has changed over time; and the extent of delays in mail delivery as a result of the treatment step and how they have changed over time. That GAO study is underway. The Committee has learned that none of the funds designated for the facility construction have been spent. The Committee understands that the Postal Service expects to issue a solicitation for a new irradiation services contract later this year, and does not expect to make a final decision on the use of the funding until the solicitation process is concluded in early 2009. Once the solicitation process is concluded, the Committee directs the Postal Service to keep the Committee promptly and regularly informed on its treatment processes and to consult with the Committee on its future plans for securing mail irradiation services, including costs.

UNITED STATES POSTAL SERVICE  
OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2008 .....	<sup>1</sup> (\$233,440,000)
Budget estimate, 2009 .....	239,356,000
Committee recommendation .....	239,356,000

<sup>1</sup>The Postal Accountability and Enhancement Act (Public Law 109-435, sec. 603(b)(3)) authorizes appropriations for the Postal Service Inspector General out of the off-budget Postal Service Fund beginning in fiscal year 2009. Prior to fiscal year 2009, the United States Postal Service Board of Governors determined the budget of the Postal Service Office of Inspector General.

PROGRAM DESCRIPTION

The United States Postal Service [USPS] Office of Inspector General [OIG] is an independent organization established in 1996 and charged with reporting to Congress on the overall efficiency, effectiveness, and economy of USPS programs and operations. The OIG plays a key role in maintaining the integrity and accountability of America's postal service, its revenue and assets, and its employees. The OIG meets this responsibility by conducting and supervising objective and independent audits, investigations, and other reviews. In fiscal year 2007, the OIG identified potential financial impact on Postal Service operations of nearly \$1,970,000,000, recovered over \$24,000,000 to the Postal Service, and identified over \$150,000,000 in workers' compensation program cost avoidance. These results were identified by conducting over 300 audits and over 7,000 investigations.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation, out of the Postal Fund, of \$239,356,000 for the United States Postal Service Office of Inspector General. This amount is the same as the budget request, and \$5,916,000 above the fiscal year 2008 funding level. The funds will support 1,194 FTEs and enable the Office of Inspector General to concentrate on its fiscal year 2009 priorities of completing over 350 audits and 7,800 investigative cases and 100 percent of mandated audits, and referring over 5,500 fraud, waste, or

abuse investigative cases for criminal prosecution, civil litigation, or administrative action, as well as focus on Postal Service high risk areas.

#### UNITED STATES TAX COURT

##### SALARIES AND EXPENSES

Appropriations, 2008 .....	\$45,326,000
Budget estimate, 2009 .....	48,463,000
Committee recommendation .....	48,463,000

##### PROGRAM DESCRIPTION

The U.S. Tax Court is an independent judicial body in the legislative branch established in 1969 under Article I of the Constitution of the United States. The Court was created to provide a national forum for the resolution of disputes between taxpayers and the Internal Revenue Service, resolve cases expeditiously while giving careful consideration to the merits of each matter, and ensure the uniform interpretation of the Internal Revenue Code. The matters over which the Court has jurisdiction are set forth in various sections of title 26 of the United States Code.

The court is composed of 19 judges, one of whom the judges elect as chief judge. In their judicial duties the judges are assisted by senior judges, who participate in the adjudication of regular cases, and by special trial judges, who hear small tax cases and certain regular cases assigned to them by the chief judge.

The court conducts trial sessions throughout the United States, including Hawaii and Alaska. Decisions by the court are reviewable by the U.S. Courts of Appeals and, if certiorari is granted, by the Supreme Court.

##### COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of \$48,463,000 for the U.S. Tax Court. This amount is the same as the budget request and \$3,137,000 above the fiscal year 2008 enacted level. The Committee notes that the increased funding is expected to help the Tax Court comply with the Court Security Act of 2007 (Public Law 110-177) which authorizes the United States Marshals Service to provide protective services to the Tax Court at the same level as such services are provided to other Federal Courts on a reimbursable basis. This level of protection includes the presence of United States Marshals Service security personnel in courtrooms where the Tax Court presides. In addition, the funds will enable the Tax Court to fill necessary staff vacancies to fulfill its statutory mission.

##### STATEMENT CONCERNING GENERAL PROVISIONS

The Financial Services and General Government appropriation bill includes general provisions which govern both the activities of the agencies covered by the bill, and, in some cases, activities of agencies, programs, and general government activities that are not covered by the bill.

The bill contains a number of general provisions that have been carried in this bill for years and which are routine in nature and scope. General provisions in the bill are explained under this section of the report. Those general provisions that deal with a single agency only are shown immediately following that particular agency's or department's appropriation accounts in the bill. Those provisions that address activities or directives affecting all of the agencies covered in this bill are contained in title VI. General provisions that are governmentwide in scope are contained in title VII of this bill. General provisions applicable to the District of Columbia are contained in title VIII of this bill.

## TITLE VI

### GENERAL PROVISIONS THIS ACT

Section 601 continues the provision prohibiting pay and other expenses of non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this act.

Section 602 continues the provision prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly provided.

Section 603 continues the provision limiting expenditures for consulting service through procurement contracts where such expenditures are a matter of public record and available for public inspection.

Section 604 continues the provision prohibiting funds in this act to be transferred without express authority.

Section 605 continues the provision prohibiting the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act (46 Stat. 590).

Section 606 continues the provision prohibiting the use of funds unless the recipient agrees to comply with the Buy American Act.

Section 607 continues the provision prohibiting funding for any person or entity convicted of violating the Buy American Act.

Section 608 continues and modifies the provision authorizing the reprogramming of funds and specifies the reprogramming procedures for agencies funded by this act.

Section 609 continues the provision ensuring that 50 percent of unobligated balances may remain available for certain purposes.

Section 610 continues the provision restricting the use of funds for the Executive Office of the President to request official background reports from the Federal Bureau of Investigation without the written consent of the individual who is the subject of the report.

Section 611 continues the provision ensuring that the cost accounting standards shall not apply with respect to a contract under the Federal Employees Health Benefits Program.

Section 612 continues the provision referencing non-foreign area cost of living allowances.

Section 613 continues the provision waiving restrictions on the purchase of non-domestic articles, materials, and supplies in the case of acquisition by the Federal Government of information technology.

Section 614 continues a provision on the acceptance by agencies or commissions funded by this act, or by their officers or employees, of payment or reimbursement for travel, subsistence, or related expenses from any person or entity (or their representative) that engages in activities regulated by such agencies or commissions.



Section 615 makes technical corrections to changes made in Public Law 110–161 regarding the dollar coin.

Section 616 enables the United States Tax Court to implement a provision included in the Pension Protection Act of 2006 (Public Law 109–280) which authorized the payment of certain group life insurance premiums on behalf of its eligible judges.

Section 617 allows the Public Company Accounting Oversight Board to obligate amounts collected from monetary penalties for the purpose of funding scholarships for accounting students, as authorized by the Sarbanes-Oxley Act of 2002 (Public Law 107–204).

Section 618 prohibits the use of funds to enforce a provision of the Cuban Assets Control Regulations that impedes sales to Cuba.

Section 619 is a provision relating to travel to Cuba for commercial sales of agricultural and medical goods.

Section 620 is a provision relating to travel to visit family in Cuba.

Section 621 continues for 4 fiscal years the provision prohibiting the use of funds for a proposed rule related to the determination that real estate brokerage activities are financial activities.

Section 622 provides authorization for appropriations to the Christopher Columbus Fellowship Foundation.

Section 623 directs the Federal Trade Commission to conduct a rulemaking under the Administrative Procedures Act with respect to subprime mortgage loans and nontraditional mortgage loans.

## TITLE VII

### GENERAL PROVISIONS GOVERNMENT-WIDE, DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 701 continues the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 702 continues the provision setting specific limits on the cost of passenger vehicles purchased by the Federal Government with exceptions for police, heavy duty, electric hybrid, and clean fuels vehicles.

Section 703 continues the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 704 continues and modifies the provision prohibiting the government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental United States.

Section 705 continues the provision ensuring that agencies will have authority to pay the General Services Administration bills for space renovation and other services.

Section 706 continues the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 707 continues the provision providing that funds may be used to pay rent and other service costs in the District of Columbia.

Section 708 continues the provision precluding interagency financing of groups absent prior statutory approval.

Section 709 continues the provision prohibiting the use of appropriated funds for enforcing regulations disapproved in accordance with the applicable law of the United States.

Section 710 continues the provision limiting the pay increases of certain prevailing rate employees.

Section 711 continues the provision limiting the amount that can be used for redecoration of offices under certain circumstances.

Section 712 continues the provision that permits interagency funding of national security and emergency preparedness telecommunications initiatives, which benefit multiple Federal departments, agencies, and entities.

Section 713 continues the provision requiring agencies to certify that a schedule C appointment was not created solely or primarily to detail the employee to the White House and modifies the list of agencies to which the provision does not apply.

Section 714 continues the provision prohibiting the use of funds to prevent Federal employees from communicating with Congress or to take disciplinary or personnel actions against employees for such communication.

Section 715 continues the provision prohibiting Federal training not directly related to the performance of official duties.

Section 716 continues the provision prohibiting the expenditure of funds for the implementation of agreements in certain nondisclosure policies unless certain provisions are included in the policies.

Section 717 continues the provision prohibiting the use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending before Congress.

Section 718 continues the provision prohibiting the use of appropriated funds by an agency to provide home addresses of Federal employees to labor organizations, absent employee authorization or court order.

Section 719 continues the provision prohibiting the use of appropriated funds to provide non-public information such as mailing or telephone lists to any person or organization outside of the Government without approval of the Committees on Appropriations.

Section 720 continues the provision prohibiting the use of appropriated funds for publicity or propaganda purposes within the United States not authorized by Congress.

Section 721 continues the provision directing agencies' employees to use official time in an honest effort to perform official duties.

Section 722 continues the provision authorizing the use of current fiscal year funds to finance an appropriate share of the Federal Accounting Standards Advisory Board administrative costs.

Section 723 continues the provision authorizing agencies to transfer funds to or reimburse the Government-wide Policy account of the General Services Administration to finance an appropriate share of various government-wide boards and councils.

Section 724 continues the provision authorizing breastfeeding at any location in a Federal building or on Federal property.

Section 725 continues the provision permitting interagency funding of the National Science and Technology Council, and requiring an OMB report on the budget and resources of the Council.

Section 726 continues the provision requiring identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 727 continues the provision prohibiting the use of funds to monitor personal information relating to the use of Federal Internet sites.

Section 728 continues the provision regarding contraceptive coverage under the Federal Employees Health Benefits Plan.

Section 729 continues the provision recognizing the U.S. Anti-Doping Agency as the official anti-doping agency for Olympic, Pan American, and Paralympic sports in the United States.

Section 730 continues the provision allowing departments and agencies to use official travel funds to participate in the fractional aircraft ownership pilot programs.

Section 731 continues the provision prohibiting funds for implementation of OPM regulations limiting detailees to the legislative branch and placing certain limitations on the Coast Guard Congressional Fellowship program.

Section 732 continues the provision prohibiting the expenditure of funds for the acquisition of certain additional Federal law enforcement training facilities.

Section 733 continues the provision concerning the use of funds for the “e-Gov” initiative that were not appropriated specifically for that purpose.

Section 734 continues the provision providing funding for the Midway Atoll Airfield.

Section 735 is a new provision that amends section 739(b) of the Financial Services and General Government Appropriations Act, 2008, relating to insourcing of new and contracted out functions.

Section 736 is a new provision that amends section 739(a)(1) of the Financial Services and General Government Appropriations Act, 2008, relating to requirements for public-private competitions.

Section 737 is a new provision that prohibits the use of funds to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by civilian Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy. The provision is a 1-year moratorium on new A-76 studies so that the new Administration may have an opportunity to review and develop Federal workforce policies.

Section 738 continues a provision, with modifications, providing that the adjustment in rates of basic pay for employees under statutory pay systems taking effect in fiscal year 2009 shall be an increase of 3.9 percent.

Section 739 continues a provision that prohibits executive branch agencies from creating or funding prepackaged news stories that are broadcast or distributed in the United States unless specific notification conditions are met.

Section 740 continues the provision prohibiting funds used in contravention of the Privacy Act, section 552a of title 5, United States Code or section 522.224 of title 48 of the Code of Federal Regulations.

Section 741 continues the provision requiring each department and agency to evaluate the creditworthiness of an individual before issuing the individual a Government purchase charge card or travel card.

Section 742 continues a provision requiring the Office of Management and Budget to submit a crosscut budget report on Great Lakes restoration activities not later than 30 days after the submission of the budget of the President to Congress.

Section 743 includes a provision prohibiting funds from being used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation.

Section 744 includes a provision requiring improvements to enhance public access to information on agency Inspector General websites.

Section 745 prohibits the expenditure of funds on public-private competitions under Office of Management and Budget [OMB] Circular A-76, or direct conversions, related to the Human Resources Lines of Business initiative until 60 days after OMB submits a report to the Committees on Appropriations addressing several speci-

fied issues of concern. The section also would require that OMB submit a copy of its report to the Government Accountability Office [GAO] when it is submitted to the Committees. GAO is required to brief the Committees on its views of the OMB report within 45 days of receiving it. OMB shall provide GAO with full and timely access to the documents, analyses, and personnel the GAO determines it needs to conduct a thorough review of the OMB report and provide the Committees with its views.

Section 746 requires the Office of Management and Budget to provide a report no later than 120 days after enactment on the status of a pilot program to develop and implement an inventory to track the cost and size of service contracts in at least three cabinet-level departments, as required by section 748 of division D of Public Law 110-161.

Section 747 permits executive branch employees to participate in private sector programs that offer inducements such as the repayment or forgiveness of student loans, notwithstanding the prohibition of supplementation of salary under 18 U.S.C. 209.

Section 748 makes permanent a modification to existing law that prohibits funds to pay the salary of an individual for a position in an acting capacity for which that individual's nomination has been submitted to the Senate but returned to the President under Rule XXXI of the Standing Rules of the Senate without confirmation.

Section 749 prohibits the Office of Personnel Management or any other agency from using funds to implement regulations changing the competitive areas under reductions-in-force for Federal employees.

Section 750 is a new provision allowing Federal employees who are members of the National Guard and Reserve to maintain their normal Federal salary when called to active duty by requiring their employing agencies to make up the difference between their military pay and what they would have earned at their Federal job.

Section 751 directs agencies to include information in budget justifications submitted to Congress regarding redirection of congressionally directed funding.

Section 752 declares the inapplicability of these general provisions to title IV and title VIII.

Section 753 is a new provision requiring reports on Executive Branch workforce composition.

TITLE VIII  
GENERAL PROVISIONS  
DISTRICT OF COLUMBIA

Section 801 continues the provision that specifies that an appropriation for a particular purpose or object shall be considered as the maximum amount that may be expended for said purpose or object.

Section 802 continues the provision that permits funds for travel and payment of dues.

Section 803 continues the provision that appropriates funds for refunding overpayments of taxes collected and for paying settlements and judgments against the District of Columbia government.

Section 804 continues the provision that prohibits the use of the appropriation for publicity or propaganda purposes, and permits the use of local funds for carry out lobbying activity.

Section 805 continues the provision that establishes reprogramming and transfer requirements with respect to notification requirements for the reprogramming of local funds.

Section 806 continues the provision that restricts the use of funds only to the objects for which the appropriations were made.

Section 807 continues the provision that directs the Mayor of the District of Columbia to submit new fiscal year 2009 revenue estimates as of the end of the first quarter of the fiscal year.

Section 808 continues the provision that prohibits the use of Federal funds for salaries, expenses, or other costs associated with the offices of U.S. Senator or Representative under section 4(d) of the D.C. Statehood Constitutional Convention Initiatives of 1979.

Section 809 continues the provision restricting use of Federal funds for the implementation or enforcement of the Health Care Benefits Expansion Act of 1992.

Section 810 continues and makes permanent the provision that allows the mayor to accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this act.

Section 811 continues the provision that restricts the use of official vehicles to official duties and not between a residence and workplace, except under certain circumstances.

Section 812 continues the provision that prohibits the use of appropriated funds by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

Section 813 continues the provision that prohibits the use of any Federal funds in this act to carry out any program of distributing

sterile needles or syringes for the hypodermic injection of any illegal drug.

Section 814 continues the provision that requires the Chief Financial Officers of the District of Columbia to certify that they understand the duties and restrictions applicable to their agency as a result of this act.

Section 815 continues the provision that includes a “conscience clause” on legislation that pertains to contraceptive coverage by health insurance plans.

Section 816 modifies the provision that requires the Mayor of the District of Columbia to submit reports on various indicators pertaining to the District of Columbia.

Section 817 modifies the provision relating to the use of any funds in the act to pay the fees of an attorney who represents a party in an action or any attorney who defends any action, including an administrative proceeding, brought against D.C. Public Schools under the Individuals with Disabilities Education Act [IDEA].

Section 818 continues and makes permanent the provision that allows for appropriations in this act to be increased by no more than \$100,000,000 from unexpended general funds, and used only for one-time expenditures, to avoid deficit spending, for debt reduction, for program needs, or to avoid revenue shortfalls.

Section 819 continues and makes permanent the provision that allows the District to spend “other-type funds” under certain conditions.

Section 820 continues and makes permanent the provision that allows for short-term borrowing from the emergency and contingency reserve funds established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198; D.C. Official Code, sec. 1–204.50a) under certain circumstances.

Section 821 continues the provision prohibiting use of funds to change the legality of marijuana use.

Section 822 continues the provision relating to abortion.

Section 823 continues a provision to mitigate the necessity for dual budgeting of local funds when such funds are transferred but not expended.

Section 824 provides for a waiver of the Congressional review period in order to permit the Income Tax Secured Bond Authorization Act of 2008, as introduced on May 6, 2008 (D.C. Bill 17–741), to take effect on the date of its enactment by the District of Columbia.

Section 825 is a new provision authorizing an increase in the hourly rate paid to attorneys appointed to represent indigent persons in matters before the District of Columbia local courts.

Section 826 continues the provision which limits references to “this Act” as referring to only this title.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI, OF THE  
STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill “which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.”

Items providing funding for fiscal year 2009 which lack authorization are as follows:

*Department of the Treasury*

Departmental Offices  
Department-wide Systems and Capital Investments  
Office of the Inspector General  
Inspector General for Tax Administration  
Financial Crimes Enforcement Network  
Financial Management Service  
Alcohol and Tobacco Tax and Trade Bureau  
Bureau of the Public Debt  
Community Development and Financial Institutions Fund  
Internal Revenue Service:  
Taxpayer Services  
Enforcement  
Operations Support  
Business Systems Modernization  
Health Insurance Tax Credit Administration

*Executive Office of the President*

Office of Management and Budget  
ONDCP: Training for drug court professionals

*District of Columbia*

Federal Payment for the DC Water and Sewer Authority  
Federal Payment for School Improvement  
Federal Payment to Jumpstart Public School Reform  
Federal Payment for Central Library and Branch Locations  
Federal Payment for Consolidated Laboratory Facility  
Federal Payment to the Chief Financial Officer of the District of Columbia  
Federal Payment to the Executive Office of the Mayor

*Independent Agencies*

Consumer Product Safety Commission  
Election Assistance Commission  
Federal Communications Commission  
Federal Election Commission



Federal Trade Commission  
 General Services Administration:  
   Federal Building Fund  
   GSA E-government Fund  
 Office of Government Ethics  
 Office of Special Counsel  
 Merit Systems Protection Board  
 National Credit Union Administration: Community Development  
 Revolving Loan Fund  
 Securities and Exchange Commission

COMPLIANCE WITH PARAGRAPH 7(c), RULE XXVI, OF THE  
 STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on July 10, 2008, the Committee ordered reported an original bill (S. 3260) making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and authorized the chairman of the Committee or the chairman of the subcommittee to offer the text of the Senate bill as a Committee amendment in the nature of a substitute to the House companion measure, with the bill subject to amendment and subject to the budget allocations, by a recorded vote of 29–0, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Byrd	
Mr. Inouye	
Mr. Leahy	
Mr. Harkin	
Ms. Mikulski	
Mr. Kohl	
Mrs. Murray	
Mr. Dorgan	
Mrs. Feinstein	
Mr. Durbin	
Mr. Johnson	
Ms. Landrieu	
Mr. Reed	
Mr. Lautenberg	
Mr. Nelson	
Mr. Cochran	
Mr. Stevens	
Mr. Specter	
Mr. Domenici	
Mr. Bond	
Mr. McConnell	
Mr. Shelby	
Mr. Gregg	
Mr. Bennett	
Mr. Craig	
Mrs. Hutchison	
Mr. Brownback	
Mr. Allard	
Mr. Alexander	

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE  
STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include “(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the Committee.”

In compliance with this rule, the following changes in existing law proposed to be made by this bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italic; and existing law in which no change is proposed is shown in roman.

**TITLE 5—GOVERNMENT ORGANIZATION AND  
EMPLOYEES**

**PART III—EMPLOYEES**

**Subpart D—Pay and Allowances**

CHAPTER 55—PAY ADMINISTRATION

SUBCHAPTER IV—DUAL PAY AND DUAL EMPLOYMENT

5537. Fees for jury and witness service.

5538. *Nonreduction in pay while serving in the uniformed services or National Guard.*

\* \* \* \* \*

**§ 5537. Fees for jury and witness service**

(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives) or an individual employed by the government of the District of Columbia may not receive fees for service—

(1) as a juror in a court of the United States or the District of Columbia; or

(2) as a witness on behalf of the United States or the District of Columbia.

(b) An official of a court of the United States or the District of Columbia may not receive witness fees for attendance before a court, commissioner, or magistrate judge where he is officiating.

(c) For the purpose of this section, “court of the United States” has the meaning given it by section 451 of title 28 and includes the District Court of Guam and the District Court of the Virgin Islands.

**§5538. Nonreduction in pay while serving in the uniformed services or National Guard**

(a) *An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—*

*(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)*

*(2) the amount of pay and allowances which (as determined under subsection (d))—*

*(A) is payable to such employee for that service; and*

*(B) is allocable to such pay period.*

*(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—*

*(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and*

*(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.*

*(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—*

*(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and*

*(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).*

*(c) Any amount payable under this section to an employee shall be paid—*

*(1) by such employee's employing agency;*

*(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and*

*(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.*

*(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.*

*(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.*

(2) *The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.*

(f) *For purposes of this section—*

(1) *the terms “employee”, “Federal Government”, and “unformed services” have the same respective meanings as given those terms in section 4303 of title 38;*

(2) *the term “employing agency”, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and*

(3) *the term “basic pay” includes any amount payable under section 5304.*

\* \* \* \* \*

**TITLE 15—COMMERCE AND TRADE**

**CHAPTER 41—CONSUMER CREDIT PROTECTION**

**SUBCHAPTER I—CONSUMER CREDIT COST DISCLOSURE**

**Part B—Credit Transactions**

**§ 1639. Requirements for certain mortgages**

**(a) Disclosures**

\* \* \* \* \*

**(1) Discretionary regulatory authority of Board**

**(1) Exemptions**

The Board may, by regulation or order, exempt specific mortgage products or categories of mortgages from any or all of the prohibitions specified in subsections (c) through (i) of this section, if the Board finds that the exemption—

(A) is in the interest of the borrowing public; and

(B) will apply only to products that maintain and strengthen home ownership and equity protection.

**(2) Prohibitions**

The Board, by regulation or order, shall prohibit acts or practices in connection with—

(A) mortgage loans that the Board finds to be unfair, deceptive, or designed to evade the provisions of this section; and

(B) refinancing of mortgage loans that the Board finds to be associated with abusive lending practices, or that are otherwise not in the interest of the borrower.

(m) *CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Federal Reserve Board pursuant to subsection (l)(2) of this section shall be treated as a violation of a rule promulgated under section 18 of*

*the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.*

\* \* \* \* \*

**TITLE 18—CRIMES AND CRIMINAL PROCEDURE**

**PART II—CRIMINAL PROCEDURE**

**CHAPTER 232—MISCELLANEOUS SENTENCING PROVISIONS**

**§ 3672. Duties of Director of Administrative Office of the United States Courts**

The Director of the Administrative Office of the United States Courts, or his authorized agent, shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers.

He shall collect for publication statistical and other information concerning the work of the probation officers.

He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work.

He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts.

He shall, under the supervision and direction of the Judicial Conference of the United States, fix the salaries of probation officers and shall provide for their necessary expenses including clerical service and travel expenses.

He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts.

He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict or a drug-dependent person, or a person suffering from a psychiatric disorder within the meaning of section 2 of the Public Health Service Act. This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological and vocational services; corrective and preventative guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict or drug-dependent person, or a person suffering from a psychiatric disorder by eliminating his dependence on alcohol or addicting drugs, by controlling his dependence and his susceptibility to addiction, or by treating his psychiatric disorder. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes of the United States. He also shall have the authority to expend funds or to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community authorized by [this Act] *this paragraph*, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other reha-

bilitative services designed to protect the public and promote the successful reentry of the offender into the community.

He shall pay for presentence studies and reports by qualified consultants and presentence examinations and reports by psychiatric or psychological examiners ordered by the court under subsection (b) or (c) of section 3552, except for studies conducted by the Bureau of Prisons.

Whenever the court finds that funds are available for payment by or on behalf of a person furnished such services, training, or guidance, the court may direct that such funds be paid to the Director. Any moneys collected under this paragraph shall be used to reimburse the appropriations obligated and disbursed in payment for such services, training, or guidance.

\* \* \* \* \*

**TITLE 22—FOREIGN RELATIONS AND INTERCOURSE**

**CHAPTER 79—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT**

**§ 7209. Requirements relating to certain travel-related transactions with Cuba**

**[(a) Authorization of travel relating to commercial sale of agricultural commodities**

【The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, may be authorized on a case-by-case basis by a specific license for travel to, from, or within Cuba for the commercial export sale of agricultural commodities pursuant to the provisions of this chapter.】

*(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods pursuant to the provisions of this title.*

\* \* \* \* \*

**TITLE 26—INTERNAL REVENUE CODE**

**Subtitle F—Procedure and Administration**

**CHAPTER 76—JUDICIAL PROCEEDINGS**

**SUBCHAPTER C—THE TAX COURT**

**PART III—MISCELLANEOUS PROVISIONS**

**§ 7472. Expenditures**

The Tax Court is authorized to make such expenditures (including expenditures for personal services and rent at the seat of

Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary efficiently to execute the functions vested in the Tax Court. Notwithstanding any other provision of law, the Tax Court is authorized to pay on behalf of its judges, age 65 or over, any increase in the cost of Federal Employees' Group Life Insurance imposed *after April 24, 1999, that is incurred* after the date of the enactment of the Pension Protection Act of 2006, including any expenses generated by such payments, as authorized by the chief judge in a manner consistent with such payments authorized by the Judicial Conference of the United States pursuant to section 604(a)(5) of title 28, United States Code. Except as provided in section 7475, all expenditures of the Tax Court shall be allowed and paid, out of any moneys appropriated for purposes of the Tax Court, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the chief judge.

\* \* \* \* \*

**TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE**  
**PART III—COURT OFFICERS AND EMPLOYEES**  
**CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS**

**§ 604. Duties of Director generally**

- (a) \* \* \*
- (1) \* \* \*

\* \* \* \* \*

(5) Fix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law, and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior [magistrate judges appointed under section 631 of this title,], *United States magistrate judges, bankruptcy judges appointed under chapter 6 of this title, judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, judges of the District Court of the Virgin Islands, bankruptcy judges and magistrate judges retired under section 377 of this title, and judges retired under section 373 of this title, who are, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States;*

\* \* \* \* \*

**TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS**

**Subtitle I—Federal Property and Administrative Services**

**CHAPTER 3—ORGANIZATION OF GENERAL SERVICES ADMINISTRATION**

**SUBCHAPTER III—FUNDS**

**§ 323. Consumer Information Center Fund**

(a) EXISTENCE.—There is in the Treasury a [Consumer Information Center] *Federal Citizen Services* Fund, General Services Administration, for the purpose of disseminating Federal Government [consumer] information to the public and for other related purposes.

(b) DEPOSITS.—Money shall be deposited into the Fund from—

(1) appropriations from the Treasury for [Consumer Information Center] *Federal Citizen Services* activities;

\* \* \* \* \*

**CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION**

**§ 3313. Delegation**

(a) \* \* \*

(1) shall, except for the authority contained in section 3305(b) of this title, be delegated on request to the appropriate [executive] *federal* agency when the estimated cost of the project does not exceed \$100,000; and

(2) may be delegated to the appropriate [executive] *federal* agency when the Administrator determines that delegation will promote efficiency and economy.

\* \* \* \* \*

**CHRISTOPHER COLUMBUS FELLOWSHIP ACT**

**TITLE IV—CHRISTOPHER COLUMBUS QUINCENTENARY COINS AND FELLOWSHIP FOUNDATION**

**SUBTITLE B—CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION**

**SEC. 421. SHORT TITLE.**

This subtitle may be cited as the “Christopher Columbus Fellowship Act”.

\* \* \* \* \*

**SEC. 426. CHRISTOPHER COLUMBUS FELLOWSHIP FUND.**

(a) IN GENERAL.—There is established in the Treasury a fund to be known as the Christopher Columbus Scholarship Fund (hereafter in this subtitle referred to as the “fund”), which shall consist of—

- (1) amounts deposited under subsection (d);
- (2) obligations obtained under subsection (c);
- (3) amounts contributed to the Foundation; [and]



(4) amounts appropriated to the Foundation, as authorized under section 430; and

[(4)] (5) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Christopher Columbus Quincentenary Coin Act.

\* \* \* \* \*

**SEC. 429. ADMINISTRATIVE PROVISIONS.**

(a) The Foundation may—

\* \* \* \* \*

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Congress an annual report of its operations under this subtitle.

\* \* \* \* \*

**SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to the Foundation, such sums as may be necessary to carry out this subtitle.*

\* \* \* \* \*

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUICIARY, AND RELATED AGENCICES APPROPRIATIONS ACT, 1998, PUBLIC LAW 105-119**

**TITLE I—DEPARTMENT OF JUSTICE**

**GENERAL PROVISIONS—DEPARTMENT OF JUSTICE**

**SEC. 122. (a) \* \* \***

\* \* \* \* \*

(g)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary of the Treasury is authorized to establish, for a period of [10 years] *11 years* from date of enactment of this provision, a personnel management demonstration project providing for the compensation and performance management of not more than a combined total of 950 employees who fill critical scientific, technical, engineering, intelligence analyst, language translator, and medical positions in the Bureau of Alcohol, Tobacco and Firearms.

\* \* \* \* \*

**UNIVERSAL SERVICE ANTIDEFICIENCY TEMPORARY SUSPENSION ACT, PUBLIC LAW 108-494**

**TITLE III—UNIVERSAL SERVICE**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Universal Service Antideficiency Temporary Suspension Act”.

**SEC. 302. APPLICATION OF CERTAIN TITLE 31 PROVISIONS TO UNIVERSAL SERVICE FUND.**

(a) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on **December 31, 2008** *December 31, 2009*, section 1341 and subchapter II of chapter 15 of title 31, United States Code, do not apply—

(1) to any amount collected or received as Federal universal service contributions required by section 254 of the Communications Act of 1934 (47 U.S.C. 254), including any interest earned on such contributions; nor

(2) to the expenditure or obligation of amounts attributable to such contributions for universal service support programs established pursuant to that section.

(b) POST-2005 FULFILLMENT OF PROTECTED OBLIGATIONS.—Section 1341 and subchapter II of chapter 15 of title 31, United States Code, do not apply after **December 31, 2008** *December 31, 2009*, to an expenditure or obligation described in subsection (a)(2) made or authorized during the period described in subsection (a).

\* \* \* \* \*

**TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006, PUBLIC LAW 109-115**

**DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006**

**TITLE IV**

**THE JUDICIARY**

**ADMINISTRATIVE PROVISIONS—THE JUDICIARY**

**SEC. 407. (a) \* \* \***

\* \* \* \* \*

**[(c) The authorities granted in this section shall expire on September 30, 2010.]**

\* \* \* \* \*

**CONSOLIDATED APPROPRIATIONS ACT, 2008, PUBLIC LAW 110-161**

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

**TITLE VI**

**GENERAL PROVISIONS—THIS ACT**

**SEC. 622.** Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

“**[r]** (s) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR HONORING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

“(1) REDESIGN IN 2009.—

“(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

“(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

“(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

“(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

“(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(3) SELECTION OF DESIGN.—

“(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

“(i) selected by the Secretary after consultation with—

“(I) the chief executive of the District of Columbia or the territory being honored, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

“(II) the Commission of Fine Arts; and

“(ii) reviewed by the Citizens Coinage Advisory Committee.

“(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

“(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

“(D) STANDARDS.—Because it is important that the Nation’s coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or

inappropriate design for any quarter dollar minted under this subsection.

“(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

“(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(5) ISSUANCE.—

“(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under [paragraph (4)] *paragraph (3)* in uncirculated and proof qualities as the Secretary determines to be appropriate.

“(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under [paragraph (4)] *paragraph (3)* as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

“(C) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection honoring the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(6) OTHER PROVISIONS.—

“(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (1)(1), subsection (1)(7) shall apply, and this subsection shall not apply, with respect to such State.

“(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

“(7) TERRITORY DEFINED.—For purposes of this subsection, the term ‘territory’ means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.”.

\* \* \* \* \*

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

\* \* \* \* \*

SEC. 739. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency that, on or after the date of enactment of this Act, is performed by **[more than 10]** Federal employees unless—

\* \* \* \* \*

[(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A-76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.]

(b) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

(1) GUIDELINES REQUIRED.—

(A) *The heads of executive agencies subject to the Federal Activities Inventory Reform Act (Public Law 105-270), shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.*

(B) *The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.*

(2) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—*The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that*

(A) *is performed by a contractor and—*

(i) *has been performed by Federal employees at any time during the previous 10 years;*

(ii) *is a function closely associated with the performance of an inherently governmental function;*

(iii) *has been performed pursuant to a contract awarded on a non-competitive basis; or*

(iv) *has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or*

(B) *is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.*

(3) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—*The head of an executive agency may not conduct a*

*public-private competition under Office of Management and Budget Circular A-76 or any other provision of law or regulation before—*

*(A) in the case of a new agency function, assigning the performance of the function to Federal employees;*

*(B) in the case of any agency function described in subsection (2), converting the function to performance by Federal employees; or*

*(C) in the case of an agency function performed by Federal employees, expanding the scope of the function.*

*(4) DEADLINE.—*

*(A) The head of each executive agency shall implement the guidelines and procedures required under this section by not later than 120 days after the date of the enactment of this Act.*

*(B) Not later than 210 days after the date of the enactment of this Act, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.*

*(5) DEFINITIONS.—In this section:*

*(A) The term “inherently governmental functions” has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.*

*(B) The term “functions closely associated with inherently governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation.*

*(6) APPLICABILITY.—This subsection shall not apply to the Department of Defense.*

\* \* \* \* \*

**ECONOMIC STIMULUS ACT OF 2008, PUBLIC LAW 110-185**

**TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT**

**SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.**

(a) \* \* \*

\* \* \* \* \*

(e) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) DEPARTMENT OF THE TREASURY.—

(i) \* \* \*

\* \* \* \* \*

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for “Social Security Administration—Limitation on Administrative Expenses”, \$31,000,000, to remain available until September 30, 2008.

(C) TRANSFER AUTHORITY.—*The Secretary of the Treasury is authorized to transfer funds provided by paragraph (1)(A) among the accounts specified in paragraph (1)(A) to carry out the rebates upon the advance notification of the Committees on Appropriations: Provided, That any proposed transfer of funds greater than \$5,000,000 shall be subject to the advance approval of the Committees on Appropriations.*

\* \* \* \* \*

**DISTRICT OF COLUMBIA HOME RULE ACT**

ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET

SEC. 446B. (a) \* \* \*

\* \* \* \* \*

(f) EFFECTIVE DATE.—This section shall apply with respect to **[(fiscal years 2006 through 2008)]** *fiscal year 2006 and each succeeding fiscal year.*

\* \* \* \* \*

**DISTRICT OF COLUMBIA OFFICIAL CODE**

**TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURTS**

**CHAPTER 26—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES**

**§ 11-2604. Payment for representation**

(a) Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a fixed rate of **[\$65 per hour]** *\$90 per hour*. Such attorney shall be reimbursed for expenses reasonably incurred.

**[(b) For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the following maximum amounts:**

**[(1) \$1900 for misdemeanor cases;**

**[(2) \$3600 for felony cases; and**

**[(3) \$1900 for post-trial matters if the underlying case was a misdemeanor or \$3600 for post-trial matters if the underlying case was a felony.]**

*(b) The compensation to be paid to an attorney appointed pursuant to this chapter shall not exceed the following maximum amounts:*

(1) For representation of a defendant before the Superior Court of the District of Columbia for misdemeanors or felonies, the maximum amount set forth in section 3006A(d)(2) of title 18, United States Code, for representation of a defendant before the United States magistrate judge or the district court for misdemeanors or felonies (as the case may be).

(2) For representation of a defendant before the District of Columbia Court of Appeals, the maximum amount set forth in section 3006A(d)(2) of title 18, United States Code, for representation of a defendant in an appellate court.

(3) For representation of a defendant in post-trial matters for misdemeanors or felonies, the amount applicable under paragraph (1) for misdemeanors or felonies (as the case may be).

\* \* \* \* \*

**TITLE 16—PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS**

**CHAPTER 23—FAMILY DIVISION PROCEEDINGS**

**SUBCHAPTER I—PROCEEDINGS REGARDING DELINQUENCY, NEGLECT, OR NEED OF SUPERVISION**

**§ 16-2326.01. Compensation of attorneys in neglect and termination of parental rights proceedings**

(a) \* \* \*

(b) Compensation payable pursuant to this section shall be subject to the following limitations:

(1) for all proceedings from initial hearing through disposition, the maximum compensation shall be **[\$1,600]** \$1,980;

(2) for all subsequent proceedings other than termination of parental rights, the maximum compensation shall be **[\$1,600]** \$1,980 per year;

(3) for proceedings to terminate parental rights, the maximum compensation shall be **[\$2,200]** \$2,700; and

(4) for appeal of trial court orders, the maximum compensation shall be **[\$1,100]** \$1,350 per case.

\* \* \* \* \*



## BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC.  
308(a), PUBLIC LAW 93-344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount of bill	Committee allocation	Amount of bill
Comparison of amounts in the bill with Committee allocations to its subcommittees of amounts in the Budget Resolution for 2009: Subcommittee on Financial Services and General Government:				
Mandatory .....	20,661	20,661	20,663	<sup>1</sup> 20,663
Discretionary .....	22,380	22,870	22,809	<sup>1</sup> 23,019
Projections of outlays associated with the recommendation:				
2009 .....				<sup>2</sup> 38,594
2010 .....				3,266
2011 .....				618
2012 .....				345
2013 and future years .....				320
Financial assistance to State and local governments for 2009 .....	NA	708	NA	503

<sup>1</sup> Includes outlays from prior-year budget authority.

<sup>2</sup> Excludes outlays from prior-year budget authority.

NA: Not applicable.

NOTE: Consistent with the funding recommended in the bill for tax enforcement and in accordance with section 312(c)(2)(B) of Senate Concurrent Resolution 70 (110th Congress), the Committee anticipates that the Budget Committee will file a revised section 302(a) allocation for the Committee on Appropriations reflecting an upward adjustment of \$490,000,000 in budget authority and associated outlays.

### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

The Constitution vests in the Congress the power of the purse. The Committee believes strongly that Congress should make the decisions on how to allocate the people's money.

As defined in Rule XLIV of the Standing Rules of the Senate, the term "congressionally directed spending item" means a provision or report language included primarily at the request of a Senator, providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or congressional district, other than through a statutory or administrative, formula-driven, or competitive award process.

For each item, a Member is required to provide a certification that neither the Member nor the Senator's immediate family has a pecuniary interest in such congressionally directed spending item. Such certifications are available to the public on the website of the Senate Committee on Appropriations ([www.appropriations.senate.gov/senators.cfm](http://www.appropriations.senate.gov/senators.cfm)).

Following is a list of congressionally directed spending items included in the Senate recommendation discussed in this report, along with the name of each Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the Committee recommendation nor this report contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

CONGRESSIONALLY DIRECTED SPENDING ITEMS

Account	Project	Funding	Member
DC	Children's National Medical Center, pediatric surgical center renovations, Washington, DC	\$3,000,000	Senator Cochran
DC	LifeSTARTS Youth & Family Services, the Capital Area Asset Building Corporation, and the National Center for Fatherhood to administer Marriage Development Accounts in the District of Columbia.	2,250,000	Senator Brownback
GSA	Alabama, Tuscaloosa, Federal Building	25,000,000	Senator Shelby
GSA	California, San Diego United States Courthouse Annex	110,362,000	The President, Senators Feinstein and Boxer
GSA	California, San Ysidro, Port of Entry	58,910,000	The President, Senator Feinstein
GSA	Colorado, Lakewood, Denver Federal Center Remediation	10,472,000	The President
GSA	Illinois, Chicago, Dirksen Courthouse	152,825,000	The President
GSA	Maryland, Montgomery County, IMD, FDA	204,404,000	The President, Senators Mikulski and Cardin
GSA	North Carolina, New Bern, US PO and Courthouse	10,640,000	The President, Senator Dole
GSA	North Dakota, Portal, Port of Entry	15,204,000	The President
GSA	District of Columbia, DHS Consolidation and development of St. Elizabeths campus	331,390,000	The President
GSA	District of Columbia, St. Elizabeths West Campus Infrastructure	8,249,000	The President
GSA	District of Columbia, St. Elizabeths West Campus Site Acquisition	7,000,000	The President
GSA	District of Columbia, Eisenhower Executive Office Bldg CBR	14,700,000	The President
GSA	District of Columbia, Eisenhower Executive Office Bldg, Phase III	51,075,000	The President
GSA	District of Columbia, West Wing Infrastructure Systems Replacement	76,487,000	The President
NARA	JFK Presidential Library	22,000,000	Senator Kerry
NARA	LBI Presidential Library	2,000,000	Senator Hutchison
ONDCP	National Alliance of Model State Drug Laws	1,250,000	Senator Durbin
ONDCP	National Drug Court Institute	1,000,000	Senator Durbin
SBA	Adelante Development Center for its ACCENT School-to-Work Transition Program, Albuquerque, NM	250,000	Senators Domenici and Bingaman
SBA	Alaska Manufacturing Extension Partnership, Inc., for a rural Alaska e-commerce training project, Anchorage, AK	1,100,000	Senator Stevens
SBA	Albuquerque Hispano Chamber of Commerce workforce training, Albuquerque, NM	245,000	Senator Bingaman
SBA	Alcorn State University for a Systems Research Institute, Alcorn State, MS	600,000	Senator Cochran
SBA	Appalachian State University to study the effects of economic growth resulting from viticulture and agritourism in western North Carolina, Boone, NC	750,000	Senator Dole
SBA	Association of Vermont Credit Unions, Student financial literacy, Burlington, VT	145,000	Senator Sanders
SBA	Business and infrastructure development, Mingo County Redevelopment Authority, Williamson, WV	3,500,000	Senator Byrd
SBA	Business incubator, Arkansas Biosciences Institute, Arkansas State University	520,000	Senators Lincoln and Pryor

SBA	Cedarbridge small business incubator, Lakewood, NJ	245,000	Senators Lautenberg and Menendez
SBA	Center for Economic Growth, Watenvliet Innovation Center, Albany, NY	300,000	Senator Schumer
SBA	City of Baton Rouge, Louisiana, Small business investment initiative for technical assistance to business enterprises.	225,000	Senator Landrieu
SBA	City of San Diego, CA, One-stop small business resource center	100,000	Senator Boxer
SBA	Colorado Enterprise Fund for operating expenses and technical assistance to borrowers, Denver, CO.	245,000	Senator Salazar
SBA	Colorado State University Sustainable Biofuels Development Center, Fort Collins, CO	250,000	Senators Alard and Salazar
SBA	Community Links Hawaii for planning and development of Oahu Technology and Innovation Park, Oahu, HI.	250,000	Senators Inouye and Akaka
SBA	E4 Entrepreneurship for immigrants, minorities, women, and people with disabilities in southwest King County, WA.	100,000	Senator Cantwell
SBA	Eastern Washington University, Accelerating economic development in rural, underserved communities of NE Washington.	200,000	Senator Murray
SBA	Economic development assistance for Wells, NV	640,000	Senator Reid
SBA	Economic Development for Central Oregon, Bend Venture Catalyst, Bend, OR	245,000	Senator Wyden
SBA	Economic Development Training Program, Camden, NJ	100,000	Senators Lautenberg and Menendez
SBA	Entrepreneurial Development Center business accelerator, Cedar Rapids, IA	350,000	Senator Harkin
SBA	First responder education initiative, Benedictine University, Lisle, IL	500,000	Senator Durbin
SBA	Florida Institute of Technology, Florida Advanced Combustion Center	245,000	Senator Bill Nelson
SBA	Grambling State University, Expanding Minority Entrepreneurship Regionally Across the Louisiana Delta [EMERALD] program.	250,000	Senator Landrieu
SBA	Grays Harbor sustainable industries research and development facility and incubator, Port of Grays Harbor, Aberdeen, WA	450,000	Senators Cantwell and Murray
SBA	Grow Inglewood, small business development, Inglewood, CA	450,000	Senators Boxer and Feinstein
SBA	Indiana University, Indiana innovation incubator, Bloomington, IN	245,000	Senator Bayh
SBA	International Trade Compliance in Agra-Business, Wichita, KS	225,500	Senator Brownback
SBA	Jackie Joyner-Kersey Center for job training and placement services, East St. Louis, IL	310,000	Senator Durbin
SBA	Jackson State University for Lynch Street Corridor Redevelopment, Jackson, MS	600,000	Senators Cochran and Wicker
SBA	Kansas Bioscience Authority for the Kansas Small Business Biobased Polymer Initiative, Olathe, KS.	550,000	Senator Brownback
SBA	Kansas Farm Bureau for the Kansas Hometown Prosperity Alliance, Manhattan, KS	300,000	Senator Brownback
SBA	Macomb County business accelerator, Macomb County, MI	400,000	Senators Levin and Stabenow
SBA	Massachusetts Technology Collaborative Renewable Energy Economic Development Center, Boston, MA.	260,000	Senators Kennedy and Kerry
SBA	Mississippi Biotechnology Association for a Feasibility Study and Capacity Building, Jackson, MS.	500,000	Senator Cochran
SBA	Mississippi State University for Convergence of Scientists and Entrepreneurs to Expedite Commercialization (SCEEC), Starkville, MS.	600,000	Senators Cochran and Wicker

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

Account	Project	Funding	Member
SBA	Mississippi Technology Alliance for the Center for Innovation and Entrepreneurial Services, Jackson, MS.	600,000	Senators Cochran and Wicker
SBA	Missouri Western State University for the Biotechnology Mobile Workforce Development Center, St. Joseph, MO.	1,000,000	Senator Bond
SBA	Montana Department of Commerce, for technical assistance and operating expenses of the Native American and WIRED program.	520,000	Senators Baucus and Tester
SBA	Montgomery County Action Council for the development of economic growth and the recruitment of small businesses, Independence, KS.	500,000	Senator Roberts
SBA	Myrtle Beach International Trade & Convention Center, Myrtle Beach, SC	1,000,000	Senator Graham
SBA	National Center for Aviation Training for a Technical Education and Training, Wichita, KS	500,000	Senator Brownback
SBA	Native Hawaiian Organizations Association, Entrepreneurial Development & Government Procurement Center, Honolulu, HI.	300,000	Senators Inouye and Akaka
SBA	Nebraska Community Foundation, HomeTown Competitiveness, Lincoln, NE	300,000	Senator Ben Nelson
SBA	New Castle County Chamber of Commerce, Emerging Enterprise Center, business incubator, DE.	520,000	Senators Biden and Carper
SBA	North Dakota State College of Science, Nanotechnology Applied Science Laboratory	375,000	Senators Conrad and Dorgan
SBA	Northern Community Development Corporation, Northeast Kingdom (NEK) wireless LINC, VT	300,000	Senator Leahy
SBA	Northern Kentucky University's College of Informatics, Highland Heights, KY	2,000,000	Senator McConnell
SBA	Ohio University, Economic Development through Entrepreneurship in Appalachia [EDEA]	245,000	Senator Brown
SBA	Pellissippi Research Centre on the Oak Ridge Corridor, Alcoa, TN	700,000	Senators Alexander and Corker
SBA	Pittsburgh Life Sciences Greenhouse, Tech Belt Biosciences Initiative, Pittsburgh, PA	245,000	Senator Casey
SBA	ReCycle North, Green-collar enterprise program, Burlington, VT	100,000	Senator Sanders
SBA	Rhode Island Rural Development Council and Farm Fresh Rhode Island, for Rhode Island small business development.	350,000	Senators Reed and Whitehouse
SBA	Rural Economic Area Partnership [REAP] Zones, Rugby, ND	250,000	Senators Conrad and Dorgan
SBA	Rural Enterprise Institute's Native American Rural Business and Resource Center at Eastern Oklahoma State College, Wilburton, OK.	500,000	Senator Inhofe
SBA	Safer Foundation for transitional employment placement, Chicago, IL	500,000	Senator Durbin
SBA	Small Business and Economic Opportunity Office, Essex County, NJ	375,000	Senators Lautenberg and Menendez
SBA	Small business green development, City of East Providence, RI	245,000	Senators Reed and Whitehouse
SBA	Small business trade assistance office, Prince George's County, MD	100,000	Senator Cardin
SBA	South Dakota State University, technology-based economic development	475,000	Senator Johnson
SBA	Southern Illinois University for the Southern Illinois Research Park, Carbondale, IL	500,000	Senator Durbin
SBA	Southwestern Pennsylvania Advanced Robotics Business Accelerator, Pittsburgh, PA	700,000	Senators Specter and Casey
SBA	St. Leo Residence for Veterans for job training, Catholic Charities, Chicago, IL	500,000	Senator Durbin
SBA	TechTown Small Business Clinic, Wayne State Law School	175,000	Senators Levin and Stabenow

SBA	University of Connecticut Avery Point, business incubator, Groton, CT	120,000	Senators Dodd and Lieberman
SBA	University of Connecticut Health Center business incubator, Farmington, CT	325,000	Senators Dodd and Lieberman
SBA	University of Kansas for Equipment for Pharmaceutical Small Business Development, Kansas City, KS	450,000	Senator Brownback
SBA	University of Kansas Hospital for Medical Faculty Small Business Development, Kansas City, KS	700,000	Senator Brownback
SBA	University of Maryland-Baltimore BioPark	450,000	Senators Mikulski and Cardin
SBA	University of Massachusetts Dartmouth, Advanced Technical and Manufacturing Center business incubator, Fall River, MA	260,000	Senators Kennedy and Kerry
SBA	University of Southern Mississippi for Early Stage Entrepreneur Development, Hattiesburg, MS	600,000	Senators Cochran and Wicker
SBA	University of Wisconsin-Milwaukee, University-industry partnership to foster rapid development of businesses in water industries	300,000	Senator Kohl
SBA	University Technology Park, Illinois Institute of Technology, Chicago, IL	500,000	Senator Durbin
SBA	Virginia's Center for Innovative Technology, Mine safety technology and communication improvements, Herndon, VA	250,000	Senators Webb and Warner
SBA	Washington Hancock Community Agency for a Microbusiness Assistance Program, Milbridge, ME	250,000	Senators Collins and Snowe
SBA	World Trade Center Utah Partnership Initiative, Salt Lake City, UT	400,000	Senator Bennett

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2009

[In thousands of dollars]

Item	2008 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2008 appropriation	Budget estimate
TITLE I—DEPARTMENT OF THE TREASURY					
Departmental Offices					
Salaries and expenses					
Executive direction	248,360	273,895	273,895	+ 25,535	.....
General Counsel	(10,840)	(21,592)	(11,097)	(+ 257)	(- 10,495)
Economic policies and programs	(9,909)	.....	(10,495)	(+ 586)	(+ 10,495)
Financial policies and programs	(44,242)	(45,853)	(45,853)	(+ 1,611)	.....
Terrorism and Financial Intelligence	(29,464)	(34,735)	(34,735)	(+ 5,271)	.....
Treasury-wide management	(56,775)	(61,712)	(61,712)	(+ 4,937)	.....
	(18,505)	(19,009)	(19,009)	(+ 504)	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued  
(In thousands of dollars)

Item	2008 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2008 appropriation	Budget estimate
Administration .....	(78,625)	(90,994)	(90,994)	( + 12,369)	.....
Department-wide systems and capital investments programs .....	18,710	26,975	26,975	+ 8,265	.....
Office of Inspector General .....	18,450	19,356	19,356	+ 906	.....
Treasury Inspector General for Tax Administration .....	140,533	145,736	145,736	+ 5,203	.....
Air transportation stabilization program account .....	- 3,600	.....	.....	+ 3,600	.....
Financial Crimes Enforcement Network .....	85,844	91,335	91,335	+ 5,491	.....
Subtotal, Departmental Offices .....	508,297	557,297	557,297	+ 49,000	.....
Financial Management Service .....	234,423	239,344	239,344	+ 4,921	.....
Emergency appropriations (Public Law 110-185) .....	64,175	.....	.....	- 64,175	.....
Alcohol and Tobacco Tax and Trade Bureau:					
Salaries and expenses .....	93,515	96,900	98,900	+ 5,385	+ 2,000
Bureau of the Public Debt .....	172,871	177,054	177,054	+ 4,183	.....
Community development financial institutions fund program account .....	94,000	28,620	100,000	+ 6,000	+ 71,380
Payment of government losses in shipment .....	1,000	2,000	2,000	+ 1,000	.....
Total, Department of the Treasury, non-IHS .....	1,168,281	1,101,215	1,174,595	+ 6,314	+ 73,380
Internal Revenue Service					
Taxpayer services .....	2,150,000	2,150,000	2,213,350	+ 63,350	+ 63,350
Emergency appropriations (Public Law 110-185) .....	50,720	.....	.....	- 50,720	.....
Enforcement .....	4,780,000	5,117,267	5,117,267	+ 337,267	.....
Operations support .....	3,680,059	3,856,172	3,896,650	+ 216,591	+ 40,478
Emergency appropriations (Public Law 110-185) .....	151,415	.....	.....	- 151,415	.....
Business systems modernization .....	267,090	222,664	282,175	+ 15,085	+ 59,511
Health Insurance Tax Credit Administration .....	15,235	15,406	15,406	+ 171	.....
Total, Internal Revenue Service .....	11,094,519	11,361,509	11,524,848	+ 430,329	+ 163,339

Total, title I, Department of the Treasury .....	12,262,800	12,462,724	12,699,443	+ 436,643	+ 236,719
Appropriations .....	(11,996,490)	(12,462,724)	(12,699,443)	(+ 702,953)	(+ 236,719)
(Mandatory) .....	(1,000)	(2,000)	(2,000)	(+ 1,000)	.....
(Discretionary) .....	(11,995,490)	(12,460,724)	(12,697,443)	(+ 701,953)	(+ 236,719)
Emergency appropriations .....	266,310	.....	.....	- 266,310	.....
<b>TITLE II—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT</b>					
The White House					
Salaries and expenses .....	.....	190,078	.....	.....	- 190,078
Compensation of the President .....	.....	450	.....	.....	- 450
Salaries and expenses .....	450	.....	450	.....	+ 450
.....	51,656	.....	52,499	+ 843	+ 52,499
<b>Total, Salaries and expenses .....</b>	<b>.....</b>	<b>190,528</b>	<b>.....</b>	<b>.....</b>	<b>- 190,528</b>
Compensation of the President and the White House Office:	.....	.....	.....	.....	.....
Salaries and expenses .....	450	.....	450	.....	+ 450
.....	51,656	.....	52,499	+ 843	+ 52,499
Executive Residence at the White House:	.....	.....	.....	.....	.....
Operating expenses .....	12,814	.....	13,363	+ 549	+ 13,363
White House repair and restoration .....	1,600	.....	1,600	.....	+ 1,600
.....	4,118	.....	4,118	.....	+ 4,118
Council of Economic Advisers .....	3,482	.....	5,250	+ 1,768	+ 5,250
Office of Policy Development .....	8,640	.....	9,029	+ 389	+ 9,029
National Security Council .....	91,745	.....	95,633	+ 3,888	+ 95,633
Office of Administration .....	.....	.....	.....	.....	.....
<b>Total, The White House .....</b>	<b>174,505</b>	<b>190,528</b>	<b>181,942</b>	<b>+ 7,437</b>	<b>- 8,586</b>
Office of Management and Budget .....	78,000	72,800	80,172	+ 2,172	+ 7,372
.....	.....	.....	.....	.....	.....
Office of National Drug Control Policy	.....	.....	.....	.....	.....
Salaries and expenses .....	26,402	23,697	27,900	+ 1,498	+ 4,203
Countering Technology Assessment Center .....	1,000	5,000	5,000	+ 4,000	.....
High intensity drug trafficking areas program .....	230,000	200,000	235,000	+ 5,000	+ 35,000
Other Federal drug control programs .....	164,300	189,685	204,250	+ 39,950	+ 14,565
<b>Total, Office of National Drug Control Policy .....</b>	<b>421,702</b>	<b>418,382</b>	<b>472,150</b>	<b>+ 50,448</b>	<b>+ 53,768</b>
Unanticipated needs .....	1,000	1,000	1,000	.....	.....
Presidential transition administrative support .....	.....	8,000	8,000	+ 8,000	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued

[In thousands of dollars]

Item	2008 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2008 appropriation	Budget estimate
Special Assistance to the President and Official Residence of the Vice President:					
Salaries and expenses .....	4,432	4,496	4,496	+64	.....
Operating expenses .....	320	323	323	+3	.....
Total, title II, Executive Office of the President and Funds Appropriated to the President .....	679,959	695,529	748,083	+68,124	+52,554
Appropriations .....	(679,959)	(695,529)	(748,083)	(+68,124)	(+52,554)
(Mandatory) .....	(450)	(450)	(450)	.....	.....
(Discretionary) .....	(679,509)	(695,079)	(747,633)	(+68,124)	(+52,554)
TITLE III—THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices .....	2,149	2,119	2,119	-30	.....
Other salaries and expenses .....	64,377	67,658	67,657	+3,280	-1
Subtotal .....	66,526	69,777	69,776	+3,250	-1
Care of the building and grounds .....	12,201	18,447	18,447	+6,246	.....
Total, Supreme Court of the United States .....	78,727	88,224	88,223	+9,496	-1
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges .....	2,431	2,356	2,356	-75	.....
Other salaries and expenses .....	24,641	30,001	29,126	+4,485	-875
Total, US Court of Appeals for the Fed Circuit .....	27,072	32,357	31,482	+4,410	-875



United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,765	1,696	1,694	-71	-2
Other salaries and expenses	14,867	17,926	17,911	+ 3,044	-15
Total, US Court of International Trade	16,632	19,622	19,605	+ 2,973	-17
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	332,434	323,911	321,157	-11,277	-2,754
Judges COLA	5,000	6,000	6,000	+1,000	
Other salaries and expenses	4,267,328	4,633,180	4,505,603	+238,275	-127,577
Other salaries and expenses (emergency)	14,500			-14,500	
Subtotal, Salaries and expenses	4,619,262	4,963,091	4,832,760	+213,498	-130,331
Vaccine Injury Compensation Trust Fund	4,099	4,253	4,253	+154	
Defender services	835,601	911,408	854,204	+18,603	-57,204
Defender services (emergency)	10,500			-10,500	
Fees of jurors and commissioners	63,081	62,206	62,206	-875	
Court security	410,000	439,915	428,004	+18,004	-11,911
Total, Courts of Appeals, District Courts, and Other Judicial Services	5,942,543	6,380,873	6,181,427	+238,884	-199,446
Administrative Office of the United States Courts					
Salaries and expenses	76,036	81,959	79,049	+3,013	-2,910
Federal Judicial Center					
Salaries and expenses	24,187	25,759	25,468	+1,281	-291
Judicial Retirement Funds					
Payment to judiciary trust funds	65,400	76,140	76,140	+10,740	
United States Sentencing Commission					
Salaries and expenses	15,477	16,257	16,225	+748	-32
Total, title III, the Judiciary					
Appropriations	6,246,074	6,721,191	6,517,619	+271,545	-203,572
(Mandatory)	(6,221,074)	(6,721,191)	(6,517,619)	(+ 296,545)	(- 203,572)
(Discretionary)	(404,179)	(406,222)	(403,466)	(- 713)	(- 2,756)
	(5,816,895)	(6,314,969)	(6,114,153)	(+ 297,258)	(- 200,816)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued

(In thousands of dollars)

Item	2008 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2008 appropriation	Budget estimate
Emergency appropriations .....	(25,000)	.....	.....	(- 25,000)	.....
TITLE IV—DISTRICT OF COLUMBIA					
FEDERAL FUNDS					
Federal payment for Resident Tuition Support .....	33,000	35,100	35,100	+ 2,100	+ 2,000
Federal payment for Emergency Planning and Security Costs in the District of Columbia .....	3,352	15,000	15,400	+ 12,048	+ 400
Federal payment to the District of Columbia Courts .....	223,920	223,920	251,625	+ 27,705	+ 27,705
Defender Services in District of Columbia Courts .....	47,975	47,975	52,475	+ 4,500	+ 4,500
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia .....	190,343	202,490	203,490	+ 13,147	+ 1,000
Federal payment to the District of Columbia Public Defender Service .....	32,710	35,659	35,659	+ 2,949	.....
Federal payment to the District of Columbia Water and Sewer Authority .....	8,000	14,000	16,000	+ 8,000	+ 2,000
Federal payment to the Criminal Justice Coordinating Council .....	1,300	1,774	1,774	+ 474	.....
Federal payment to the Office of the Chief Financial Officer of the District of Columbia .....	5,453	.....	5,000	- 453	+ 5,000
Federal payment for School Improvement .....	40,800	54,000	54,000	+ 13,200	.....
Federal payment for consolidated laboratory facility .....	5,000	5,000	21,000	+ 16,000	+ 16,000
Federal payment for jumpstart public school reform .....	.....	20,000	20,000	+ 20,000	.....
Federal payment for Central Library/branch locations .....	9,000	7,000	7,000	- 2,000	.....
Federal payment to reimburse the FBI .....	4,000	5,000	.....	- 4,000	- 5,000
Federal payment to the Executive Office of the Mayor .....	5,000	.....	3,500	- 1,500	+ 3,500
Total, Title IV, District of Columbia .....	609,853	666,918	722,023	+ 112,170	+ 55,105
TITLE V—OTHER INDEPENDENT AGENCIES					
Christopher Columbus Fellowship Foundation .....	600	.....	1,000	+ 400	+ 1,000
Commodity Futures Trading Commission .....	111,266	130,000	157,000	+ 45,734	+ 27,000
Consumer Product Safety Commission .....	80,000	80,000	95,000	+ 15,000	+ 15,000

Election Assistance Commission					
Salaries and expenses .....	16,679	16,679	16,679	+ 149	.....
Election reform programs .....	115,000	.....	.....	- 115,000	.....
Election data collection grants .....	10,000	.....	.....	- 10,000	.....
Total, Election Assistance Commission .....	141,530	16,679	16,679	- 124,851	.....
Federal Communications Commission					
Salaries and expenses .....	313,000	338,875	341,875	+ 28,875	+ 3,000
Transfer from USF for OIG audits (by transfer) .....	(21,480)	(25,480)	(25,480)	(+ 4,000)	.....
Offsetting fee collections—current year .....	- 312,000	- 337,875	- 341,875	- 29,875	- 4,000
Direct appropriation .....	1,000	1,000	.....	- 1,000	- 1,000
Federal Deposit Insurance Corporation: Office of Inspector General (by transfer) .....	(26,848)	(27,495)	(27,495)	(+ 647)	.....
Federal Election Commission .....	59,224	63,618	63,618	+ 4,394	.....
Federal Labor Relations Authority .....	23,641	22,674	22,674	- 967	.....
Federal Trade Commission					
Salaries and expenses .....	243,864	256,200	256,200	+ 12,336	.....
Offsetting fee collections—current year .....	- 139,000	- 168,000	- 168,000	- 29,000	.....
Offsetting fee collections, telephone database .....	- 23,000	- 19,300	- 19,300	+ 3,700	.....
Direct appropriation .....	81,864	68,900	68,900	- 12,964	.....
General Services Administration					
Federal Buildings Fund					
Appropriations .....	(83,964)	(525,000)	(671,872)	(+ 587,908)	(+ 146,872)
Limitations on availability of revenue:					
Construction and acquisition of facilities .....	306,448	620,119	766,991	+ 460,543	+ 146,872
Construction (emergency) .....	225,000	.....	.....	- 225,000	.....
Repairs and alterations .....	722,161	692,374	692,374	- 29,787	.....
Installment acquisition payments .....	155,781	149,570	149,570	- 6,211	.....
Rental of space .....	4,315,534	4,692,156	4,692,156	+ 376,622	.....
Building operations .....	2,105,490	2,223,354	2,223,354	+ 117,864	.....
Subtotal .....	7,830,414	8,377,573	8,524,445	+ 694,031	+ 146,872
Repayment of debt .....	50,804	56,865	56,865	+ 6,061	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued

[In thousands of dollars]

Item	2008 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or -)	
				2008 appropriation	Budget estimate
Rental income to fund .....	- 7,916,272	- 8,134,239	- 8,134,239	- 217,967	.....
Total, Federal Buildings Fund .....	- 35,054	300,199	447,071	+ 482,125	+ 146,872
Government-wide policy .....	52,891	56,578	54,578	+ 1,687	- 2,000
Operating expenses .....	85,870	71,811	69,349	- 16,521	- 2,462
Office of Inspector General .....	48,382	54,000	54,000	+ 5,618	.....
Electronic Government Fund .....	3,000	5,000	1,000	- 2,000	- 4,000
Allowances and Office Staff for Former Presidents .....	2,478	2,934	2,934	+ 456	.....
Expenses, Presidential transition .....	.....	8,520	8,520	+ 8,520	.....
Federal Citizen Services Fund .....	17,328	36,558	36,558	+ 19,230	.....
Total, General Services Administration .....	174,895	535,600	674,010	+ 499,115	+ 138,410
Merit Systems Protection Board					
Salaries and expenses .....	37,507	38,811	38,811	+ 1,304	.....
Limitation on administrative expenses .....	2,579	2,579	2,579	.....	.....
Total, Merit Systems Protection Board .....	40,086	41,390	41,390	+ 1,304	.....
Morris K. Udall Foundation					
Morris K. Udall Trust Fund .....	3,750	100	3,750	.....	+ 3,650
Environmental Dispute Resolution Fund .....	2,000	850	2,000	.....	+ 1,150
Total, Morris K. Udall Foundation .....	5,750	950	5,750	.....	+ 4,800
National Archives and Records Administration					
Operating expenses .....	315,000	327,783	330,883	+ 15,883	+ 3,100
Reduction of debt .....	- 10,896	- 11,842	- 11,842	- 946	.....
Electronic records archive .....	58,028	67,008	67,008	+ 8,980	.....

Repairs and restoration .....	28,605	9,211	33,211	+ 4,606	+ 24,000
National Historical Publications and Records Commission- Grants program .....	9,500	.....	10,500	+ 1,000	+ 10,500
<b>Total, National Archives and Records Admin .....</b>	<b>400,237</b>	<b>392,160</b>	<b>429,760</b>	<b>+ 29,523</b>	<b>+ 37,600</b>
<b>National Credit Union Administration</b>					
Central liquidity facility:					
(Limitation on direct loans) .....	(1,500,000)	(1,500,000)	(1,500,000)	.....	.....
(Limitation on admin expenses, corporate funds) .....	(329)	(334)	(334)	(+ 5)	.....
Community development credit union revolving loan fund .....	975	1,000	1,000	+ 25	.....
Office of Government Ethics .....	11,750	13,000	13,000	+ 1,250	.....
<b>Office of Personnel Management</b>					
Salaries and expenses .....	101,765	92,829	92,829	- 8,936	.....
Limitation on administrative expenses .....	123,901	118,082	118,082	- 5,819	.....
Office of Inspector General .....	1,519	1,538	2,136	+ 617	+ 598
Limitation on administrative expenses .....	17,081	16,462	20,428	+ 3,347	+ 3,966
Govt Payment for Annuitants, Employees Health Benefits .....	8,884,000	9,533,000	9,533,000	+ 649,000	.....
Govt Payment for Annuitants, Employee Life Insurance .....	41,000	46,000	46,000	+ 5,000	.....
Payment to Civil Svc Retirement and Disability Fund .....	11,941,000	10,550,000	10,550,000	- 1,391,000	.....
<b>Total, Office of Personnel Management .....</b>	<b>21,110,266</b>	<b>20,357,911</b>	<b>20,362,475</b>	<b>- 747,791</b>	<b>+ 4,564</b>
Office of Special Counsel .....	17,468	17,468	17,468	.....	.....
Postal Regulatory Commission .....	.....	14,043	14,043	+ 14,043	.....
Privacy and Civil Liberties Oversight Board .....	2,000	2,000	2,000	.....	.....
<b>Securities and Exchange Commission</b>					
Salaries and expenses .....	906,000	913,000	938,000	+ 32,000	+ 25,000
Prior year unobligated balances .....	- 63,262	- 42,000	- 48,000	+ 15,262	- 6,000
<b>Direct appropriation .....</b>	<b>842,738</b>	<b>871,000</b>	<b>890,000</b>	<b>+ 47,262</b>	<b>+ 19,000</b>
Selective Service System .....	22,000	22,000	22,000	.....	.....
<b>Small Business Administration</b>					
Salaries and expenses .....	344,123	328,159	377,799	+ 33,676	+ 49,640
Office of Inspector General .....	15,000	15,500	15,500	+ 500	.....
Surety bond guarantees revolving fund .....	3,000	2,000	2,000	- 1,000	.....
Business Loans Program Account:					
Direct loans subsidy .....	2,000	.....	2,500	+ 500	+ 2,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2008 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL  
FOR FISCAL YEAR 2009—Continued

[In thousands of dollars]

Item	2008 appropriation	Budget estimate	Committee rec- ommendation	Senate Committee recommendation compared with (+ or -)	
				2008 appropriation	Budget estimate
Administrative expenses .....	135,414	138,480	138,480	+ 3,066	.....
Total, Business loans program account .....	137,414	138,480	140,980	+ 3,566	+ 2,500
Disaster Loans Program Account:					
Direct loans subsidy .....	.....	14,301	.....	.....	- 14,301
Administrative expenses .....	.....	160,068	160,068	+ 160,068	.....
Total, Disaster loans program account .....	.....	174,369	160,068	+ 160,068	- 14,301
Salaries and expenses, other .....	69,451	.....	69,451	.....	+ 69,451
Total, Small Business Administration .....	568,988	658,508	765,798	+ 196,810	+ 107,290
Harry S. Truman Scholarship Foundation .....	.....	.....	500	+ 500	+ 500
United States Postal Service					
Payment to the Postal Service Fund .....	29,000	.....	29,000	.....	+ 29,000
Advance appropriations .....	88,864	82,831	82,831	- 6,033	.....
Total, Payment to the Postal Service Fund .....	117,864	82,831	111,831	- 6,033	+ 29,000
Office of Inspector General .....	.....	239,356	239,356	+ 239,356	.....
Total, United States Postal Service .....	117,864	322,187	351,187	+ 233,323	+ 29,000
United States Tax Court .....	45,326	48,463	48,463	+ 3,137	.....
Total, title V, Independent Agencies .....	23,859,468	23,680,551	24,063,715	+ 204,247	+ 383,164
Appropriations .....	(23,545,604)	(23,597,720)	(23,980,884)	(+ 435,280)	(+ 383,164)
(Mandatory) .....	(20,866,000)	(20,129,000)	(20,129,000)	(- 737,000)	.....
(Discretionary) .....	(2,679,604)	(3,468,720)	(3,851,884)	(+ 1,172,280)	(+ 383,164)

Emergency appropriations .....	(225,000)	(82,831)	(82,831)	(- 225,000)	.....
Advances .....	(88,864)	(82,831)	(82,831)	(- 6,033)	.....
(by transfer) .....	(48,328)	(52,975)	(52,975)	(+ 4,647)	.....
Grand total .....	43,658,154	44,226,913	44,750,883	+ 1,092,729	+ 523,970
Appropriations .....	(43,052,980)	(44,144,082)	(44,668,052)	(+ 1,615,072)	(+ 523,970)
Emergency appropriations .....	(516,310)	.....	.....	(- 516,310)	.....
Advances .....	(88,864)	(82,831)	(82,831)	(- 6,033)	.....
(by transfer) .....	(48,328)	(52,975)	(52,975)	(+ 4,647)	.....
Discretionary total .....	20,710,266	22,367,274	22,870,000	+ 2,159,734	+ 502,726

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