

111TH CONGRESS  
1ST SESSION

# H. R. 1105

Making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2009

Mr. OBEY introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

Making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Omnibus Appropria-  
5 tions Act, 2009”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.

1 only for the USPTO contribution in a cooperative or joint  
2 agreement or agreements with a non-profit organization  
3 or organizations, successfully audited within the previous  
4 year, and with previous experience in such programs, to  
5 conduct policy studies, including studies relating to activi-  
6 ties of United Nations Specialized agencies and other  
7 international organizations, as well as conferences and  
8 other development programs, in support of fair inter-  
9 national protection of intellectual property rights.

10 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

11 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

12 For necessary expenses of the National Institute of  
13 Standards and Technology, \$472,000,000, to remain  
14 available until expended, of which not to exceed  
15 \$9,000,000 may be transferred to the “Working Capital  
16 Fund”: *Provided*, That not to exceed \$5,000 shall be for  
17 official reception and representation expenses: *Provided*  
18 *further*, That within the amounts appropriated,  
19 \$3,000,000 shall be used for the projects, and in the  
20 amounts, specified in the explanatory statement described  
21 in section 4 (in the matter preceding division A of this  
22 consolidated Act).

23 INDUSTRIAL TECHNOLOGY SERVICES

24 For necessary expenses of the Hollings Manufac-  
25 turing Extension Partnership of the National Institute of  
26 Standards and Technology, \$110,000,000, to remain

1 available until expended. In addition, for necessary ex-  
2 penses of the Technology Innovation Program of the Na-  
3 tional Institute of Standards and Technology,  
4 \$65,000,000, to remain available until expended.

5 **CONSTRUCTION OF RESEARCH FACILITIES**

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

1 clude an estimate of the budgetary requirements for each  
2 such project for each of the five subsequent fiscal years.

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

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

1 tion 1201(b) of such Act; and \$4,100,000 for educational  
2 assistance, as authorized by section 1212 of such Act.

3 COMMUNITY ORIENTED POLICING SERVICES

4 For activities authorized by the Violent Crime Con-  
5 trol and Law Enforcement Act of 1994 (Public Law 103–  
6 322); the Omnibus Crime Control and Safe Streets Act  
7 of 1968 (“the 1968 Act”); the Violence Against Women  
8 and Department of Justice Reauthorization Act of 2005  
9 (Public Law 109–162); subtitle D of title II of the Home-  
10 land Security Act of 2002 (Public Law 107–296), which  
11 may include research and development; and the USA PA-  
12 TRIOT Improvement and Reauthorization Act of 2005  
13 (Public Law 109–177); the Second Chance Act of 2007  
14 (Public Law 110–199); the NICS Improvement Amend-  
15 ments Act of 2007 (Public Law 110–180); the Adam  
16 Walsh Child Protection and Safety Act of 2006 (Public  
17 Law 109–248) (the “Adam Walsh Act”); and the Justice  
18 for All Act of 2004 (Public Law 108–405), \$550,500,000,  
19 to remain available until expended: *Provided*, That any  
20 balances made available through prior year deobligations  
21 shall only be available in accordance with section 505 of  
22 this Act. Of the amount provided (which shall be by trans-  
23 fer, for programs administered by the Office of Justice  
24 Programs)—

25 (1) \$25,000,000 is for the matching grant pro-  
26 gram for armor vests for law enforcement officers,

1 as authorized by section 2501 of title I of the 1968  
2 Act: *Provided*, That \$1,500,000 is transferred di-  
3 rectly to the National Institute of Standards and  
4 Technology’s Office of Law Enforcement Standards  
5 from the Community Oriented Policing Services Of-  
6 fice for research, testing, and evaluation programs:

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

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

14 (2) \$39,500,000 is for grants to entities de-  
15 scribed in section 1701 of title I of the 1968 Act,  
16 to address public safety and methamphetamine man-  
17 ufacturing, sale, and use in hot spots as authorized  
18 by section 754 of Public Law 109–177, and for  
19 other anti-methamphetamine-related activities: *Pro-*  
20 *vided*, That within the amounts appropriated,  
21 \$34,500,000 shall be used for the projects, and in  
22 the amounts, specified in the explanatory statement  
23 described in section 4 (in the matter preceding divi-  
24 sion A of this consolidated Act);



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

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

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

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

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

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

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

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

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

1 for fiscal year 2009 to the Committees on Appropriations  
2 of the House of Representatives and the Senate.

3 CONSUMER PRODUCT SAFETY COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Consumer Product  
6 Safety Commission (CPSC), including hire of passenger  
7 motor vehicles, services as authorized by 5 U.S.C. 3109,  
8 but at rates for individuals not to exceed the per diem  
9 rate equivalent to the maximum rate payable under 5  
10 U.S.C. 5376, purchase of nominal awards to recognize  
11 non-Federal officials' contributions to Commission activi-  
12 ties, and not to exceed \$2,000 for official reception and  
13 representation expenses, \$105,404,000, of which  
14 \$6,000,000 shall remain available for obligation until Sep-  
15 tember 30, 2011 for costs associated with the relocation  
16 of CPSC's laboratory to a modern facility and the upgrade  
17 of laboratory equipment, and of which \$2,000,000 shall  
18 remain available for obligation until September 30, 2010  
19 to implement the Virginia Graeme Baker Pool and Spa  
20 Safety Act grant program as provided by section 1405 of  
21 Public Law 110-140 (15 U.S.C. 8004).

22 ELECTION ASSISTANCE COMMISSION

23 SALARIES AND EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to carry out the Help Amer-  
26 ica Vote Act of 2002, \$17,959,000, of which \$4,000,000

1 shall be transferred to the National Institute of Standards  
2 and Technology for election reform activities authorized  
3 under the Help America Vote Act of 2002: *Provided*, That  
4 \$750,000 shall be for the Help America Vote College Pro-  
5 gram as provided by the Help America Vote Act of 2002  
6 (Public Law 107–252): *Provided further*, That \$300,000  
7 shall be for a competitive grant program to support com-  
8 munity involvement in student and parent mock elections.

#### 9 ELECTION REFORM PROGRAMS

10 For necessary expenses relating to election reform  
11 programs, \$106,000,000, to remain available until ex-  
12 pended, of which \$100,000,000 shall be for requirements  
13 payments under part 1 of subtitle D of title II of the Help  
14 America Vote Act of 2002 (Public Law 107–252),  
15 \$5,000,000 shall be for grants to carry out research on  
16 voting technology improvements as authorized under part  
17 3 of subtitle D of title II of such Act, and \$1,000,000,  
18 shall be to conduct a pilot program for grants to States  
19 and units of local government for pre-election logic and  
20 accuracy testing and post-election voting systems  
21 verification.

#### 22 FEDERAL COMMUNICATIONS COMMISSION

#### 23 SALARIES AND EXPENSES

#### 24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses of the Federal Communica-  
26 tions Commission, as authorized by law, including uni-