

One Hundred Eleventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the sixth day of January, two thousand and nine*

An Act

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

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus Appropriations Act,
2009”.

SEC. 2. TABLE OF CONTENTS.

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DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF
HOMELAND SECURITY AND OTHER MATTERS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$330,308,000, of which \$650,000 shall remain available until September 30, 2010.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$67,008,000, of which \$45,795,000 shall remain available until September 30, 2011: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$50,711,000, to remain available until expended: *Provided*, That the Archivist is authorized to construct an addition to the John F. Kennedy Presidential Library and Museum; and of the funds provided, \$22,000,000 shall be available for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition; \$17,500,000 is for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York; and \$2,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and Museum that is under the joint control and custody of the University of Texas: *Provided further*, That such funds shall remain available until expended for this purpose and may be transferred directly to the University and used, together with University funds, for the repair and restoration of the plaza: *Provided further*, That such funds shall be spent

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in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: *Provided further*, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government for this project: *Provided further*, That hereafter, no further Federal funding shall be provided for this plaza project.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$11,250,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, \$2,000,000 shall be transferred to the operating expenses account of the National Archives and Records Administration for operating expenses of the National Historical Publications and Records Commission.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION

Hereafter, the National Archives and Records Administration shall include in its annual budget submission a comprehensive capital needs assessment for funding provided under the “Repairs and Restoration” appropriations account to be updated yearly: *Provided*, That funds proposed under the “Repairs and Restoration” appropriations account for each fiscal year shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2009, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2009 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,000,000 shall be available until September 30, 2010 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services

[House Appropriations Committee Print]

Omnibus Appropriations Act, 2009
(H.R. 1105; Public Law 111-8)

**DIVISION D—FINANCIAL SERVICES AND GEN-
ERAL GOVERNMENT APPROPRIATIONS ACT,
2009**

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

The bill includes \$500,000 for the Harry S Truman Scholarship Foundation Trust Fund. The bill also directs the Secretary of the Treasury to invest in par value special securities at the request of the Board of Trustees of the Foundation.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The bill includes \$38,811,000 in direct appropriations and \$2,579,000 from appropriate trust funds, for salaries and expenses of the Merit Systems Protection Board.

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

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$3,750,000 for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund. Up to 60 percent of these funds may be transferred, and \$50,000 shall be used to conduct financial audits.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The bill includes \$2,100,000 for the Environmental Dispute Resolution Fund to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The bill includes \$330,308,000 for operating expenses of the National Archives and Records Administration (NARA). The fiscal year 2008 Appropriations Act included funding for an increase in archivist staff, and these additional staff will continue to be funded in fiscal year 2009 within this appropriation. In addition, this bill includes \$875,000 to provide a further increase in the number of archivist staff, in order to continue to reverse the staffing reductions that had occurred between fiscal year 2002 and fiscal year 2007. NARA is directed to report to the House and Senate Appropriations Committees, within 30 days of enactment of this Act, as to the specific steps it is taking to continue to restore NARA's archivist workforce levels.

Also included in the amount is \$1,000,000 for NARA's new Office of Government Information Services. The Administration had proposed, in its fiscal year 2009 budget request, to fund this office at the Department of Justice. This bill funds the office at NARA, as authorized by the OPEN Government Act of 2007 (Public Law 110-175).

In addition, of the amount provided, \$650,000, available until September 30, 2010, is directed to be used to complete the review of U.S. Government documents pertaining to the activities of the Nazis and the Japanese Imperial Government. These documents are being declassified pursuant to the Nazi War Crimes Disclosure Act of 1998 (Public Law 105-246) and the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106-567). These laws directed that Government agencies ensure the declassification of files pertaining to the activities of the Nazis and the Japanese Imperial Government. In 2007, following the declassification and review of thousands of files containing newly-disclosed information about the Nazis and the Japanese Imperial Government, NARA issued a report summarizing the new historical insights gained as a result of the NARA-supervised review of these documents. However, a number of additional U.S. Army and CIA/OSS documents were discovered too late in the process to be included in NARA's 2007 report. This funding is directed to be used to report separately on these remaining documents. NARA is directed to report to the House and Senate Committees on Appropriations, within 90 days of enactment of this Act, with a proposed schedule for completing the review and historical analysis of these documents and releasing a supplemental report, to serve as a companion to NARA's 2007 report.

ELECTRONIC RECORDS ARCHIVES

The bill provides \$67,008,000 for the Electronic Records Archives (ERA) project. The bill also retains the directive requiring NARA to submit, and for the Committees on Appropriations to approve, a GAO-reviewed spending plan for ERA prior to the obligation of funds.

Although there is some evidence of improvement in the ERA program, the Appropriations Committees continue to be concerned about the program, NARA's oversight of the program, and the reliability of the work of the ERA contractor, especially given the previous cost overrun, widespread replacement of contractor staff, and nine month delay in achievement of Initial Operating Capability. In order to overcome the schedule delays that occurred in 2007 and 2008, and to prepare NARA to receive the electronic records of the outgoing Administration in time for the January 20, 2009 change in Administrations, NARA and the contractor have had to develop a two-pronged development strategy, focusing on building a base ERA system, plus a second system devoted to receiving the Executive Office of the President electronic records of the outgoing Administration.

NARA is directed to provide quarterly ERA progress reports, beginning no later than 90 days after enactment of this Act, to both GAO and to the House and Senate Committees on Appropriations, and to immediately report to the Committees and to GAO any potential delays, cost overruns, or other problems associated with ERA development. As recommended by GAO, the quarterly progress reports should include summary measures of project performance against ERA cost and schedule estimates.

REPAIRS AND RESTORATION

The bill provides \$50,711,000 for repairs and restoration. This amount includes: (1) \$17,500,000 for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, NY, which NARA has listed as its top capital improvement priority; (2) \$22,000,000 to complete construction of an addition to the John F. Kennedy Presidential Library in Boston, MA; and (3) \$2,000,000 to complete the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library in Austin, TX.

The Appropriations Committees recognize that they have more than adequately provided funding for NARA's portion of the LBJ Presidential Library plaza project; therefore, the Library and the university are on notice not to return to the Committees for any further funding for this project.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION
GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The bill includes \$11,250,000 for NARA's grant program. Of the amount provided, \$2,000,000 is to be transferred to the operating expenses account.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION

The bill 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

The bill provides the National Credit Union Administration (NCUA)—Central Liquidity Facility (CLF) the ability to lend, during fiscal year 2009, up to the maximum level provided for by section 307(a)(4)(A) of the Federal Credit Union Act. This provision gives the NCUA flexibility to assist with credit unions' financial liquidity during the current economic downturn. The NCUA will be expected to keep the House and Senate Committees on Appropriations fully informed on the activities of the CLF.

The bill also provides a limitation of \$1,250,000 for the administrative expenses of the CLF.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

The bill provides \$1,000,000 for the Community Development Revolving Loan Fund for technical assistance grants.

GSA	San Ysidro Land Port of Entry, California	\$58,910,000	The President, Filner	The President, Feinstein
GSA	Tuscaloosa Federal Building, Alabama	\$25,000,000		Shelby
GSA	US Post Office and Courthouse, New Bern, North Carolina	\$10,640,000	The President	The President, Dole
GSA	West Wing Infrastructure Systems Replacement	\$76,487,000	The President	The President
NARA	FDR Presidential Library and Museum Renovation	\$17,500,000	Gillibrand	Reid, Schumer
NARA	JFK Presidential Library	\$22,000,000	Markey, Lynch	Kerry
NARA	LBJ Presidential Library	\$2,000,000		Hutchison
ONDCP	National Alliance for Model State Drug Laws	\$1,250,000	Rogers (KY)	Durbin
ONDCP	National Drug Court Institute	\$1,250,000		Durbin