

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.

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.
- Sec. 5. Statement of appropriations.

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ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Agricultural Programs
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APPROPRIATIONS ACT, 2009

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- Title I—Department of Defense—Civil: Department of the Army
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- Title I—Department of the Treasury
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DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$429,870,000, to remain available until September 30, 2010, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than \$48,592,000 shall be for Manufacturing and Services; not less than \$42,332,000 shall be for Market Access and Compliance; not less than \$66,357,000 shall be for the Import Administration of which \$5,900,000 shall be for the Office of China Compliance; not less than \$237,739,000 shall be for the United States and Foreign Commercial Service; and not less than \$25,411,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained

in the Trade Act of 2002, Public Law 107–210: *Provided further*, That within the amounts appropriated, \$4,400,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$83,676,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$240,000,000, to remain available until expended: *Provided*, That of the amounts provided, no more than \$4,000,000 may be transferred to “Economic Development Administration, Salaries and Expenses” to conduct management oversight and administration of public works grants.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$32,800,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

[House Appropriations Committee Print]

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

**DIVISION B—COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES APPROPRIATIONS
ACT, 2009**

[CLERK'S NOTE: Reproduced below is the material relating to division B contained in the "Explanatory Statement Submitted by Mr. Obey, Chairman of the House Committee on Appropriations, Regarding H.R. 1105, Omnibus Appropriations Act, 2009".^{1]}

DIVISION B—COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I—DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The bill includes \$429,870,000 in total resources for the programs of the International Trade Administration (ITA). This amount includes a direct appropriation of \$420,431,000 and estimated offsetting fee collections of \$9,439,000. Funds are to be available for the following activities at no less than the following amounts:

Import administration	\$66,357,000
Market access and compliance (MAC)	42,332,000
Manufacturing and services	48,592,000
Executive direction	25,411,000
U.S. & Foreign Commercial Service	237,739,000

Reporting requirements.—ITA is directed to submit to the House and Senate Committees on Appropriations, not later than 60 days after the enactment of this Act, a spending plan for all ITA units that incorporates any carryover balances from prior fiscal years, and is updated to reflect the obligation of funds on a quarterly basis.

The positive and negative effects of a free trade agenda are difficult to balance, but it is critical that the United States government upholds its responsibility to enforce trade laws, particularly with China. If trading partners do not abide by the rules that are set in the global trading system, United States firms are unable to compete on a level playing field. The United States government has an obligation to ensure that U.S. companies are not forced to compete with foreign companies that are engaged in unfair trading practices.

Import Administration.—The bill includes not less than \$66,357,000 for the Import Administration (IA). ITA is urged to implement proactive trade enforcement activities, including textile safeguard actions with respect to China's World Trade Organization Accession Agreement, bilateral quotas on non-WTO members,

¹This Explanatory Statement was submitted for printing in the *Congressional Record* on February 23, prior to House consideration of the bill and as directed by the House of Representatives in section 2 of H. Res. 92 (as amended by section 2 of H. Res. 108). The Statement appears in the February 23 *Congressional Record*, beginning on page H1653.

and textile provision of the United States preferential programs and agreements, through filling of vacancies in enforcement offices.

The bill designates \$5,900,000 for the Office of China Compliance within the IA appropriation. The office is under-staffed and undergoing a reorganization that may potentially damage its long-term effectiveness. IA is directed to fully staff anti-dumping (AD) efforts and to ensure that the office consists of experienced investigators, accountants, trade analysts, and technical experts to aggressively investigate AD cases. The office shall notify the House and Senate Committees on Appropriations of any impediments to hiring or retaining this expertise. IA is further directed to expand the size of the AD and countervailing duty (CVD) verification teams and ensure new analysts receive on-site training in verification practices and techniques.

IA's absorption of \$2,000,000 in fees in recent years has eroded resources that otherwise would have been expended in conducting investigations and reviews of AD/CVD cases. U.S. industries should not have to pay fees to file AD/CVD petitions; therefore, IA should not be charged for fees.

Import monitoring.—ITA is expected to undertake apparel import monitoring, focusing on prices of imports from China and Vietnam and whether their state-run industries are illegally pricing products and dumping in the U.S. market.

Travel expenditures.—The Department is directed to increase the number of investigative teams traveling to China and India, the sources of most trade complaints, to verify documentation of information provided by foreign companies. The Department is expected to submit quarterly reports to the House and Senate Committees on Appropriations regarding ITA's travel expenditures, including separate breakouts of funding, number of trips and the purposes of travel to both China and India.

Appalachian-Turkish Trade Project (ATTP).—The Commercial Service is commended for its leadership role in helping to implement the mission of the ATTP, and is expected to continue to be a prominent ATTP sponsor.

World Trade Organization.—The Department of Commerce is directed, in consultation with the United States Trade Representative, to continue to negotiate within the WTO to seek express recognition of the existing right of WTO Members to distribute monies collected from antidumping and countervailing duties. The agency shall consult with and provide regular reports every 60 days to the House and Senate Committees on Appropriations. In addition, negotiations shall be conducted within the WTO consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210, to maintain strong U.S. trade remedies laws, prevent overreaching by WTO Panels and the WTO Appellate Body, and prevent the creation of obligations never negotiated or agreed to by the United States.

Reduced fees.—ITA reduced fees for export promotion services and trade missions for 2005 hurricane-affected companies. In light of the ongoing need to encourage exporting and assist local businesses with their economic recovery efforts, ITA is encouraged to find ways to extend these fee reductions through fiscal year 2009 for companies affected by hurricanes in the Gulf region.

Within the appropriation, \$4,400,000 is provided for the following activities:

International Trade Administration
 Congressionally-designated Items
 (\$ in thousands)

Recipient	Project	Location	Amount
Auburn University	for novel polymeric material research at Auburn University.	Auburn, AL	1,000
Cornell University	National Textile Center	Ithaca, NY	200
Georgia Institute of Technology	National Textile Center	Atlanta, Georgia	100
National Textile Center and the Textile/Clothing Technology Corporation [TC]2	National Textile Center/[TC]2	Raleigh, NC and Cary, NC	100
National Textile Centers program	National Textile Centers	Spring House, PA	250
NC State University	NC State Textile Research	Raleigh, NC	1,000
St. Francis University and St. Vincent College	Saint Francis University Center for Global Competitiveness	Loretto, PA and Latrobe, PA	350
Textile/Clothing Technology Corporation [TC]	[TC]2 Textile Research	Cary, NC	1,000
Vermont Global Trade Partnership	to assist small businesses to participate in trade missions.	Montpelier, VT	400

COMMERCE, JUSTICE, SCIENCE

Agency	Account	Recipient	Purpose	Location	Amount	Requester(s)	
						House	Senate
Department of Commerce	International Trade Administration	Auburn University	for novel polymeric material research at Auburn University	Auburn, AL	\$1,000,000	Aderholt, Robert B.; Rogers (AL), Mike	Shelby
Department of Commerce	International Trade Administration	Cornell University	National Textile Center	Ithaca, NY	\$200,000	Hinchey, Maurice D.	
Department of Commerce	International Trade Administration	Georgia Institute of Technology	National Textile Center	Atlanta, Georgia	\$100,000	Lewis, John; Scott, David; Johnson, Jr., Henry C. Hank	Chambliss, Isakson
Department of Commerce	International Trade Administration	National Textile Center and the Textile/Clothing Technology Corporation [TC]2	National Textile Center/[TC]2	Raleigh, NC and Cary, NC	\$100,000	Watt, Melvin L.; Myrick, Sue Wilkins; Hayes, Robin; Shuler, Heath; Butterfield, G. K.; Coble, Howard	
Department of Commerce	International Trade Administration	National Textile Centers program	National Textile Centers	Spring House, PA	\$250,000	Frank, Barney	Kennedy, Kerry
Department of Commerce	International Trade Administration	NC State University	NC State Textile Research	Raleigh, NC	\$1,000,000	Price, David E.	
Department of Commerce	International Trade Administration	St. Francis University and St. Vincent College	Saint Francis University Center for Global Competitiveness	Loretto, PA and Latrobe, PA	\$350,000	Murtha, John P.; Shuster, Bill	

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COMMERCE, JUSTICE, SCIENCE—Continued

Agency	Account	Recipient	Purpose	Location	Amount	Requester(s)	
						House	Senate
Department of Commerce	International Trade Administration	Textile/Clothing Technology Corporation [TC]	[TC]2 Textile Research	Cary, NC	\$1,000,000	Price, David E.; Aderholt, Robert B.	
Department of Commerce	International Trade Administration	Vermont Global Trade Partnership	to assist small businesses to participate in trade missions	Montpelier, VT	\$400,000		Leahy
Department of Commerce	Minority Business Development Agency	Rural Enterprises of Oklahoma, Inc. (REI)	REI Business and Resource Center at Eastern Oklahoma State College	Durant, OK	\$175,000	Boren, Dan	
Department of Commerce	Minority Business Development Agency	Team NEO	Northeast Ohio Minority Business Attraction Initiative	Cleveland, Ohio	\$150,000	Jones, Stephanie Tubbs	Brown
Department of Commerce	Minority Business Development Agency	West Liberty State College	Emerging Minority Business Leaders	West Liberty, West Virginia	\$500,000	Mollohan, Alan B.	
Department of Commerce	NIST—Construction of Research Facilities	Mississippi State University	for construction for a research and technology park	Starkville, MS	\$6,500,000	Pickering, Charles W. Chip	Cochran, Wicker
Department of Commerce	NIST—Construction of Research Facilities	The University of Mississippi Medical Center	for developing a biotechnology research park	Jackson, MS	\$6,500,000	Pickering, Charles W. Chip	Cochran, Wicker
Department of Commerce	NIST—Construction of Research Facilities	The University of Southern Mississippi	to create, develop, and commercialize new technology for advanced materials	Hattiesburg, MS	\$1,000,000		Cochran, Wicker