

A REQUEST FOR FY 2010 BUDGET AMENDMENTS

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REQUEST FOR FY 2010 BUDGET AMENDMENTS FOR THE DEPARTMENTS OF COMMERCE, DEFENSE, EDUCATION, HEALTH AND HUMAN SERVICES, HOMELAND SECURITY, JUSTICE, AND STATE, AND OTHER INTERNATIONAL PROGRAMS, AS WELL AS THE DISTRICT OF COLUMBIA.



JUNE 12, 2009.—Referred to the Committee on Appropriations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

79-011

WASHINGTON : 2009

THE WHITE HOUSE,
Washington, May 21, 2009.

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

DEAR MADAM SPEAKER: I ask the Congress to consider the enclosed Fiscal Year 2010 Budget amendments for the Departments of Commerce, Defense, Education, Health and Human Services, Homeland Security, Justice, and State and Other International Programs, as well as the District of Columbia. Also included are amendments to general provisions included in Title VI of the Financial Services and General Government Appropriations Act, 2009. These amendments would not affect the totals in my FY 2010 Budget.

In addition, this transmittal contains an FY 2010 amendment for the Legislative Branch. As a matter of comity and per tradition, this appropriations request for the Legislative Branch is transmitted without change.

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

Sincerely,

BARACK OBAMA.

Enclosure.

Estimate No. 4, 111th Cong., 1st Sess.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 21, 2009.

The PRESIDENT,
The White House.

Submitted for your consideration are requests for the Departments of Commerce, Defense, Education, Health and Human Services, Homeland Security, Justice, and State and Other International Programs, as well as the District of Columbia. Also included are amendments to general provisions included in Title VI of the Financial Services and General Government Appropriations Act, 2009. These amendments are necessary to correctly reflect policies assumed in your Fiscal Year 2010 Budget. The proposed Budget totals would not be affected by these requests.

In addition, the Budget *Appendix* volume contains an incorrect description of the Commodity Futures Trading Commission, Salaries and Expenses account. The narrative portion of the account was not updated from the FY 2009 Budget request and was inadvertently carried forward for the FY 2010 narrative. The FY 2010 Budget does not propose to collect a fee for the Commodity Futures Trading Commission on contract settlements for commodity futures. The narrative language in the 2010 Budget *Appendix*, however, inadvertently refers to a proposal to establish such a fee. This error is restricted to just the narrative description; the appropriations language, Budget schedules, and Budget totals correctly reflect the FY 2010 policy.

This transmittal contains an FY 2010 amendment for the Legislative Branch. As a matter of comity and per tradition, this appropriations request for the Legislative Branch is transmitted without change.

RECOMMENDATION

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

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

Agency: DEPARTMENT OF COMMERCE

Bureau: NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

Heading: Operations, Research, and Facilities

FY 2010 Budget
Appendix Page: 214-215

FY 2010
Pending Request: \$3,087,537,000

Proposed Amendment: Language

Revised Request: \$3,087,537,000

(In the appropriations language under the above heading, add the following to the first paragraph directly before the ending period:)

: Provided further, That of the amounts provided herein, \$61,000,000 shall be available for Species Recovery Grants for the conservation and recovery of threatened or endangered marine species, of which \$50,000,000 shall be transferred to "Pacific Coastal Salmon Recovery"

This amendment would clarify that funding for Pacific salmon recovery is included in the sums made available for the new Species Recovery Grant program. The proposed Budget totals would not be affected by this amendment transferring funds to the "Pacific Coastal Salmon Recovery" account.

Agency: DEPARTMENT OF COMMERCE

Bureau: NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

Heading: Pacific Coastal Salmon Recovery

FY 2010 Budget
Appendix Page: 218

FY 2010
Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In the appropriations language under the above heading, remove the opening and closing brackets in the heading; remove the closing bracket in the language; insert a closing bracket in the first proviso immediately following "herein"; and insert the following language directly following the just-inserted closing bracket:)

Of the funds transferred to this account,

(Insert the following new proviso after the "developed by the Secretary of Commerce:")

Provided, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities:

This amendment would clarify that funding for Pacific salmon recovery is included in the sums made available for the new Species Recovery Grant program. The proposed Budget totals would not be affected by this amendment, as an accompanying transfer is included in the "Operations, Research, and Facilities" account.

Agency: DEPARTMENT OF DEFENSE, OVERSEAS CONTINGENCY
OPERATIONS

Bureau: OPERATION AND MAINTENANCE

Heading: Operation and Maintenance, Defense-Wide

FY 2010 Budget
Appendix Page: 346

FY 2010
Pending Request: \$7,578,300,000

Proposed Amendment: Language

Revised Request: \$7,578,300,000

(In the appropriations language under the above heading, in paragraph (2) delete
"\$1,550,000,000" and substitute \$1,600,000,000.)

This amendment would increase by \$50 million the not-to-exceed amount for the
Coalition Support Funds, which are used to reimburse key cooperating nations. The proposed
Budget totals would not be affected by this amendment.

Agency: DEPARTMENT OF DEFENSE, OVERSEAS CONTINGENCY OPERATIONS

Bureau: OPERATION AND MAINTENANCE

Heading: Iraq Freedom Fund

FY 2010 Budget Appendix Page: 349

FY 2010 Pending Request: \$115,300,000

Proposed Amendment: Language

Revised Request: \$115,300,000

(In the appropriations language under the above heading, in paragraph (2) delete "\$15,000,000" and substitute \$15,300,000. Also, delete "servicemembers killed in combat operations" and substitute "members of the Armed Forces who die during military service in a combat zone".)

This amendment would increase by \$300,000 the amount available to the Secretary of Defense to transport the remains of members of the Armed Forces who die during military service in a combat zone. These funds were omitted inadvertently. Also, the proposed language has been modified to conform with 10 U.S.C. 1482(a)(8) and Section 562 of the Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. 1482 note), which apply to all servicemembers who die in a combat theater of operations. This amendment would reflect correctly the policy assumed in the FY 2010 Budget. The proposed Budget totals would not be affected by this amendment.

Agency: DEPARTMENT OF EDUCATION

Bureau: OFFICE OF INNOVATION AND IMPROVEMENT

Heading: Innovation and Improvement

FY 2010 Budget Appendix Page: 364

FY 2010 Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In the appropriations language under the above heading, at the end of the last proviso and immediately before the period insert the following new proviso:)

: *Provided further, That of the funds available for subpart 1 of part B of Title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve funds to make awards to charter management organizations and other entities for the replication of successful charter school models*

This amendment would supply the necessary, proposed appropriations language that was omitted inadvertently for the Innovation and Improvement account. This amendment reflects the FY 2010 policy in the Budget to provide funds for charter management organizations to replicate effective charter school models. The proposed Budget totals would not be affected by this amendment.

Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Bureau: CENTERS FOR DISEASE CONTROL AND PREVENTION

Heading: Disease Control, Research, and Training

FY 2010 Budget
Appendix Page: 465

FY 2010
Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In the appropriations language under the above heading, in the second paragraph insert a closing bracket after "reports" and before the colon and remove the closing bracket after "106-554".)

This amendment would restore the final proviso of the enacted language, which was deleted inadvertently. This amendment would reflect correctly the policy assumed in the FY 2010 Budget. The proposed Budget totals would not be affected by this amendment.

Agency: DEPARTMENT OF HOMELAND SECURITY

Bureau: NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

Heading: Federal Protective Service

FY 2010 Budget
Appendix Page: 543

FY 2010
Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(On page 543 immediately following the header "Federal Protective Service" and before the title "Program and Financing (in millions of dollars)", insert the following appropriations language:)

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service[*Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2008, that the operations of the Federal Protective Service will be fully funded in fiscal year 2009 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as 'in-service field staff')]. (Department of Homeland Security Appropriations Act, 2009.)

This amendment would supply the necessary, proposed appropriations language that was omitted inadvertently for the Federal Protective Service account. Funding for the Federal Protective Service (FPS) is provided through a security fee charged to all General Service Administration building tenants in FPS-protected buildings. This amendment would reflect correctly the policy assumed in the FY 2010 Budget.

The proposed Budget totals would not be affected by this amendment because the impact of the language is already included in the relevant Budget schedules.

Agency: DEPARTMENT OF JUSTICE

Heading: GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

FY 2010 Budget
Appendix Page: 763

FY 2010
Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In Sec. 202 under the above heading, remove the opening bracket after "except" and remove the closing bracket after "rape" and delete the language beginning with "(1)" through "performed".)

This amendment would modify the proposed language in the Budget so that it would reflect current law. The amended language would maintain the prohibition on the use of appropriated funds for abortions except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape. The proposed Budget totals would not be affected by this amendment.

Agency: DEPARTMENT OF STATE AND INTERNATIONAL PROGRAMS

Heading: GENERAL PROVISIONS

FY 2010 Budget Appendix Page: 893

FY 2010 Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In Sec. 7048(e)(2) under the above heading, insert for funds appropriated after the first "available" and before "for".)

This amendment would modify the proposed language in the Budget in order to clarify that the transfer authority provided in this section would apply prospectively only to funds appropriated for FY 2010 and subsequent fiscal years; this would reflect correctly the policy assumed in the FY 2010 Budget. Without this amendment, the transfer authority could be interpreted as a request for a reappropriation of funds for prior fiscal years. The proposed Budget totals would not be affected by this amendment.

Heading: TITLE VI—GENERAL PROVISIONS—THIS ACT

FY 2010

Budget Appendix Pages: 1019

FY 2010

Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(In Sec. 612 under the above heading, delete "609" and substitute 611.)

This request would provide the correct cross-reference to another section under this heading. The proposed Budget totals would not be affected by this amendment.

Heading: TITLE VI—GENERAL PROVISIONS—THIS ACT

FY 2010 Budget
Appendix Pages: 1021

FY 2010
Pending Request: ---

Proposed Amendments: Language

Revised Request: ---

(In Sec. 617 under the above heading, amend the references in the language as follows:)

Section 303(b), line 3, refers to section "301(b)"; the correct reference is section 301(c).
 Section 303(g)(1), line 5, refers to section "305(c)"; the correct reference is section 305(d).
 Section 303(g)(2), line 4, refers to section "305(c)"; the correct reference is section 305(d).

This request would provide the correct section references in the proposed language that would amend the Federal Alcohol Administration Act. The proposed Budget totals would not be affected by this amendment.

Agency: OTHER INDEPENDENT AGENCIES

Heading: TITLE VIII—GENERAL PROVISIONS—DISTRICT OF COLUMBIA

FY 2010 Budget Appendix Page: 1209

FY 2010 Pending Request: ---

Proposed Amendments: Language

Revised Request: ---

(In Sec. 815 under the above heading, remove the opening bracket before "None", insert Federal before "funds", remove the closing bracket after "incest" and delete the language beginning with "(a)" through "arrangement".)

(Under the above heading, delete Sec. 816 in its entirety and renumber the subsequent sections accordingly.)

This amendment would modify the proposed language in the Budget so that it continues the prohibition on the use of Federal funds except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of rape or incest, while lifting restrictions on the use of local funds for abortions. The proposed Budget totals would not be affected by this amendment.

Agency: LEGISLATIVE BRANCH

Bureau: LEGISLATIVE BRANCH BOARDS AND COMMISSIONS

Heading: Open World Leadership Center Trust Fund

FY 2010 Budget Appendix Page: 50

FY 2010 Pending Request: ---

Proposed Amendment: Language

Revised Request: ---

(On page 50 immediately after the Bodoni dash and before the Trust Funds header, insert the following appropriations language:)

ADMINISTRATIVE PROVISION

SEC. XXX. OPEN WORLD LEADERSHIP CENTER UPDATE. — (a) SHORT TITLE.—
This section may be cited as the "Open World Leadership Center Update Act of 2009".

(b) "ACT" DEFINED.— In this section, the "Act" means section 313 of the Legislative Branch Appropriations Act, 2001 (Pub. L. 106-554 1(a)(2) [H.R. 5657], 2 U.S.C. 1151) as amended by the Legislative Branch Appropriations Act, 2003 (Pub. L. 108-7, div. H, title I, § 1401(a)), the Legislative Branch Appropriations Act, 2005 (Pub. L. 108-447, div. G, title I, § 1501) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief, 2005 (Pub. L. 109-13, div. A, title III, § 3402(b)).

(c) BOARD MEMBERSHIP. — The Act is amended in subsection (a) —

(1) in paragraph (2)(A) by striking "members" and inserting "Members of the House of Representatives"; and

(2) in paragraph (2)(B) by striking "members" and inserting "Senators".

(d) EXTENSION OF THE CULTURAL PROGRAM TO ELIGIBLE FOREIGN STATES, AND ALUMNI PROGRAM.— The Act is amended in subsection (b) in paragraph (1) —

(1) by striking "cultural leaders of Russia" and inserting "cultural leaders of eligible foreign states"; and

(2) by adding the following sentence at the end: "The Center may also engage with program alumni in educational and professional development activities in eligible foreign states."

(e) GRANT PROGRAM.— The Act is amended in subsection (b) in paragraph (2) —

(1) by inserting "and in eligible foreign states" after "United States"; and

(2) by adding the following new sentence at the end: "The Center may also award grants to program alumni in eligible foreign states to carry out activities directly related to their experience during their Open World visits to the United States."

(f) USE OF FUNDS.— The Act is amended in subsection (b) in paragraph (3)(C) —

(1) by striking "Grant funds" and inserting "Funds";

(2) by striking "and" at the end of item (ii);

(3) by adding a new item (iii): "the costs of program activities conducted with program alumni in eligible foreign states; and"; and

(4) by renumbering item (iii) to "(iv)".

(g) EXECUTIVE DIRECTOR.— The Act is amended in subsection (d) in the first sentence by striking "The Board shall appoint" and inserting "On behalf of the Board, the Librarian of Congress shall appoint".

(h) REEMPLOYMENT OF ANNUITANTS.— The Act is amended in subsection (e) by adding the following new paragraph (3) —

"(3) Notwithstanding the provisions of section 4064 of title 22, United States Code, at the direction of the Board and consistent with the authority provided to legislative branch officials under sections 8344 and 8468 of title 5, United States Code, the Librarian may grant waivers of annuity restrictions upon reemployment of annuitants in Center positions."

(i) EFFECTIVE DATE.— The amendment made by this section shall be effective on the date of enactment of this Act and shall remain in effect for fiscal year 2010 and fiscal years thereafter.

This proposal would correct an inadvertent omission in the FY 2010 Budget and reflect language consistent with Open World Leadership Center's budget justification submitted to the Congress.

This provision will update the Open World Leadership Center to improve the program's administration and to build upon the successful civic and cultural exchange programs by encouraging interaction with program alumni and extending the cultural program to new countries approved by the Board.

Subsection (c) will ensure that both chambers of the Congress are represented on the Open World Board of Trustees, as originally intended. The section provides that Congressional appointees to the Board will be Members of Congress, *ex officio*, so that when an appointee leaves the Senate or the House, the Congressional leadership is able to make a new appointment. Currently, the statute does not provide a mechanism for terminating membership on the Board; therefore, when a Congressional appointee retires or is not reelected, the individual remains as a Board member in his or her private capacity.

Subsection (d) will extend the successful cultural leaders program from Russian participants to cultural leaders from other eligible foreign states, as approved by the Board. The section also enables Open World to build on the program's investment in the cultural and civic leaders' visits to America by encouraging professional development and interaction among Open World alumni once they return home. Subsections (e) and (f) provide that Open World may make grants for such alumni programs.

Subsection (g) clarifies that the Board will act through the Librarian of Congress (in his official capacity as a member of the Board) to appoint the Open World Executive Director. This will clarify the Executive Director's status under civil service provisions of Title 5, United States Code.

Subsection (h) establishes that the Board, rather than the Secretary of State, may determine whether to waive annuity and salary restrictions when hiring a State Department retiree for a position in Open World. This gives the Board the authority it needs to ensure that positions in this legislative branch program appeal to the most experienced, qualified personnel (such as the two retired ambassadors who have served as Open World's recent Executive Directors.) Like other legislative branch agencies, the Board already has authority under 5 U.S.C. 8344 and 8468 to make case-by-case determinations to waive annuity and salary restrictions when hiring retirees from other Federal agencies.