



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

February 7, 2008

The Honorable Robert Byrd  
Chairman  
Committee on Appropriations  
U.S. Senate  
The Capitol, Room S-128  
Washington, DC 20510-6025

The Honorable David R. Obey  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
The Capitol, Room H-218  
Washington, DC 20515-6015

Dear Mr. Chairmen:

Pursuant to Section 610 of Public Law 110-161, Consolidated Appropriations Act, 2008, the Office of Government Ethics is submitting the following Reprogramming Baseline Report for the FY 2008 Budget Operation Level.

A copy of this report is being provided to the chairmen and ranking members of the Subcommittee on Financial Services and General Government of the Senate and the Subcommittee on Financial Services and General Government of the House.

If you need additional information with regard to this report please contact Daniel D. Dunning, Deputy Director, Office of Administration and Information Resources Management, at 202-482-9203.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert I. Cusick".

Robert I. Cusick  
Director

Enclosure

The Honorable Robert Byrd  
The Honorable David R. Obey  
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cc: The Honorable Thad Cochran  
Ranking Member  
Committee on Appropriations  
U.S. Senate  
The Capital, Room S-131  
Washington, DC 20510

The Honorable Jerry Lewis  
Ranking Member  
Committee on Appropriations  
U.S. House of Representatives  
The Capitol, Room H-218  
Washington, DC 20515-6015

The Honorable Richard J. Durbin  
Chairman  
Subcommittee on Financial Services  
and General Government  
Committee on Appropriations  
U.S. Senate  
184 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Sam Brownback  
Ranking Member  
Subcommittee on Financial Services  
and General Government  
Committee on Appropriations  
U.S. Senate  
127 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable José Serrano  
Chairman  
Subcommittee on Financial Services  
and General Government  
Committee on Appropriations  
U.S. House of Representatives  
B-300, Rayburn House Office Building  
Washington, DC 20515

The Honorable Robert Byrd  
The Honorable David R. Obey  
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The Honorable Ralph Regula  
Ranking Member  
Subcommittee on Financial Services  
and General Government  
Committee on Appropriations  
U.S. House of Representatives  
1016 Longworth House Office Building  
Washington, DC 20515

**Office of Government Ethics**  
**Salaries and Expenses**  
**Reprogramming Baseline Report for the FY 2008 Budget Operation Level**  
**Identification Code 95-1100-0-1-805**  
**Source: FY 2008 Budget Appendix**  
**Public Law 110-161 Consolidated Appropriations Act, 2008**

**Requirements (Baseline for Reprogramming and Transfer Authorities)**

**1. Direct Program Activity**

<b>President's Budget Request</b>	<b>Congressional Adjustments</b>	<b>Rescissions</b>	<b>Enacted Appropriation</b>
<b>\$11,750,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$11,750,000</b>

**2. Object Classification**

(in millions of dollars)

<b>11.1 Personnel compensation: Full-time permanent</b>	<b>9</b>
<b>12.1 Civilian Personnel benefits</b>	<b>2</b>
<b>23.1 Rental Payments to GSA</b>	<b>1</b>
<b>99.0 Direct Obligations</b>	<b>12</b>
<b>99.9 Total new obligations</b>	<b>12</b>

**3. No items of special congressional interest.**

SEC. 607. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 608. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the 'Buy American Act').

SEC. 609. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 610. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

*anyone*  
SEC. 611. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 612. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation

INDEPENDENT AGENCIES

SELECTED WORKLOAD DATA

	2006 actual	2007 est.	2008 est.
Review activities:			
Cases pending beginning of year	40	27	28
Cases received	13	16	17
Cases disposed	26	15	20
Administrative law judge activities:			
Cases pending beginning of year	708	685	620
Cases received	2,002	2,000	2,200
Cases disposed:			
After assignment but without hearing	1,963	2,000	2,125
Held and decided by judge	62	65	75

Net budget authority and outlays:			
89.00	Budget authority	11	11
90.00	Outlays	11	11
			12

The Office of Government Ethics (OGE) is charged by law to provide overall direction of executive branch policies designed to prevent conflicts of interest and ensure high ethical standards. The OGE discharges its responsibilities to preserve and promote public confidence in the integrity of executive branch officials: by developing rules and regulations pertaining to conflicts of interest, post employment restrictions, standards of conduct, and public and confidential financial disclosure in the executive branch; by monitoring compliance with the public and confidential financial disclosure requirements of the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, to determine possible violations of applicable laws or regulations and recommending appropriate corrective action; by consulting with and assisting various officials in evaluating the effectiveness of applicable laws and the resolution of individual problems; and by preparing formal advisory opinions, informal letter opinions, policy memoranda, and Federal Register entries on how to interpret and comply with the requirements on conflicts of interest, post employment, standards of conduct, and financial disclosure.

Object Classification (in millions of dollars)

Identification code	2006 actual	2007 est.	2008 est.
95-2100-0-1-554			
Direct obligations:			
Personnel compensation: Full-time permanent	7	7	8
Civilian personnel benefits	1	1	2
Rental payments to GSA	1	1	1
Total new obligations	9	9	11
Below reporting threshold	1	1	
Total new obligations	10	10	11

Employment Summary

Identification code	2006 actual	2007 est.	2008 est.
95-2100-0-1-554			
Direct:			
Civilian full-time equivalent employment	58	67	67

Object Classification (in millions of dollars)

Identification code	2006 actual	2007 est.	2008 est.
95-1100-0-1-805			
Direct obligations:			
Personnel compensation: Full-time permanent	7	8	9
Civilian personnel benefits	1	2	2
Rental payments to GSA	1	1	1
Total new obligations	9	11	12
Below reporting threshold	2		
Total new obligations	11	11	12

Employment Summary

Identification code	2006 actual	2007 est.	2008 est.
95-1100-0-1-805			
Direct:			
Civilian full-time equivalent employment	72	80	80

OFFICE OF GOVERNMENT ETHICS

Federal Funds  
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, as amended, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$11,750,000.

Note.—A regular 2007 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 109-289, Division B, as amended). The amounts included for 2007 in this budget reflect the levels provided by the continuing resolution.

Program and Financing (in millions of dollars)

Identification code	2006 actual	2007 est.	2008 est.
95-1100-0-1-805			
Obligations by program activity:			
00.01 Direct program activity	11	11	12
10.00 Total new obligations	11	11	12
Budgetary resources available for obligation:			
72.00 New budget authority (gross)	11	11	12
23.95 Total new obligations	-11	-11	-12
New budget authority (gross), detail:			
40.00 Discretionary:			
Appropriation	11	11	12
Change in obligated balances:			
74.40 Obligated balance, start of year	2	2	2
73.10 Total new obligations	11	11	12
73.20 Total outlays (gross)	-11	-11	-11
74.40 Obligated balance, end of year	2	2	3
Outlays (gross), detail:			
86.90 Outlays from new discretionary authority	10	10	10
86.93 Outlays from discretionary balances	1	1	1
87.00 Total outlays (gross)	11	11	11

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

Federal Funds  
SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$9,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

Note.—A regular 2007 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 109-289, Division B, as amended). The amounts included for 2007 in this budget reflect the levels provided by the continuing resolution.

2008 Budget Approp...