

Calendar No. 877110TH CONGRESS
2^D SESSION**S. 3260****[Report No. 110-417]**

Making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2008

Mr. DURBIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for financial services and general government 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF THE TREASURY
3 DEPARTMENTAL OFFICES
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Departmental Offices
7 including operation and maintenance of the Treasury
8 Building and Annex; hire of passenger motor vehicles;
9 maintenance, repairs, and improvements of, and purchase
10 of commercial insurance policies for, real properties leased
11 or owned overseas, when necessary for the performance
12 of official business, \$273,895,000, of which not to exceed
13 \$11,097,000 is for executive direction program activities;
14 not to exceed \$10,495,000 is for general counsel program
15 activities; not to exceed \$45,853,000 is for economic poli-
16 cies and programs activities; not to exceed \$34,735,000
17 is for financial policies and programs activities; not to ex-
18 ceed \$61,712,000 is for terrorism and financial intel-
19 ligence activities; not to exceed \$19,009,000 is for Treas-
20 ury-wide management policies and programs activities;
21 and not to exceed \$90,994,000 is for administration pro-
22 grams activities: *Provided*, That the Secretary of the
23 Treasury is authorized to transfer funds appropriated for
24 any program activity of the Departmental Offices to any
25 other program activity of the Departmental Offices upon
26 notification to the House and Senate Committees on Ap-

1 appropriations: *Provided further*, That no appropriation for
2 any program activity shall be increased or decreased by
3 more than 5 percent by all such transfers: *Provided fur-*
4 *ther*, That any change in funding greater than 5 percent
5 shall be submitted for approval to the House and Senate
6 Committees on Appropriations: *Provided further*, That of
7 the amount appropriated under this heading, not to exceed
8 \$3,000,000, to remain available until September 30, 2010,
9 is for information technology modernization requirements;
10 not to exceed \$200,000 is for official reception and rep-
11 resentation expenses; and not to exceed \$258,000 is for
12 unforeseen emergencies of a confidential nature, to be allo-
13 cated and expended under the direction of the Secretary
14 of the Treasury and to be accounted for solely on his cer-
15 tificate: *Provided further*, That of the amount appro-
16 priated under this heading, \$5,232,443, to remain avail-
17 able until September 30, 2010, is for the Treasury-wide
18 Financial Statement Audit and Internal Control Program,
19 of which such amounts as may be necessary may be trans-
20 ferred to accounts of the Department's offices and bureaus
21 to conduct audits: *Provided further*, That this transfer au-
22 thority shall be in addition to any other provided in this
23 Act: *Provided further*, That of the amount appropriated
24 under this heading, \$500,000, to remain available until
25 September 30, 2010, is for secure space requirements:

1 *Provided further*, That of the amount appropriated under
2 this heading, \$1,100,000, to remain available until Sep-
3 tember 30, 2010, is for salary and benefits for hiring of
4 personnel whose work will require completion of a security
5 clearance investigation in order to perform highly classi-
6 fied work to further the activities of the Office of Ter-
7 rorism and Financial Intelligence: *Provided further*, That
8 of the amount appropriated under this heading,
9 \$3,400,000, to remain available until September 30, 2011,
10 is to develop and implement programs within the Office
11 of Critical Infrastructure Protection and Compliance Pol-
12 icy, including entering into cooperative agreements: *Pro-*
13 *vided further*, That of the amount appropriated under this
14 heading, \$3,000,000, to remain available until September
15 30, 2011, is for modernizing the Office of Debt Manage-
16 ment's information technology.

17 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

18 INVESTMENTS PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

20 For development and acquisition of automatic data
21 processing equipment, software, and services for the De-
22 partment of the Treasury, \$26,975,000, to remain avail-
23 able until September 30, 2011: *Provided*, That
24 \$11,518,000 is for repairs to the Treasury Annex Build-
25 ing: *Provided further*, That these funds shall be trans-
26 ferred to accounts and in amounts as necessary to satisfy

1 the requirements of the Department's offices, bureaus,
2 and other organizations: *Provided further*, That this trans-
3 fer authority shall be in addition to any other transfer au-
4 thority provided in this Act: *Provided further*, That none
5 of the funds appropriated under this heading shall be used
6 to support or supplement "Internal Revenue Service, Op-
7 erations Support" or "Internal Revenue Service, Business
8 Systems Modernization".

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 For necessary expenses of the Office of Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, not to exceed \$2,000,000 for official
14 travel expenses, including hire of passenger motor vehicles;
15 and not to exceed \$100,000 for unforeseen emergencies
16 of a confidential nature, to be allocated and expended
17 under the direction of the Inspector General of the Treas-
18 ury, \$19,356,000, of which not to exceed \$2,500 shall be
19 available for official reception and representation ex-
20 penses.

21 TREASURY INSPECTOR GENERAL FOR TAX

22 ADMINISTRATION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Treasury Inspector
25 General for Tax Administration in carrying out the In-
26 spector General Act of 1978, including purchase (not to

1 exceed 150 for replacement only for police-type use) and
2 hire of passenger motor vehicles (31 U.S.C. 1343(b));
3 services authorized by 5 U.S.C. 3109, at such rates as
4 may be determined by the Inspector General for Tax Ad-
5 ministration; \$145,736,000, of which not to exceed
6 \$6,000,000 shall be available for official travel expenses;
7 of which not to exceed \$500,000 shall be available for un-
8 foreseen emergencies of a confidential nature, to be allo-
9 cated and expended under the direction of the Inspector
10 General for Tax Administration; and of which not to ex-
11 ceed \$1,500 shall be available for official reception and
12 representation expenses.

13 FINANCIAL CRIMES ENFORCEMENT NETWORK

14 SALARIES AND EXPENSES

15 For necessary expenses of the Financial Crimes En-
16 forcement Network, including hire of passenger motor ve-
17 hicles; travel and training expenses of non-Federal and
18 foreign government personnel to attend meetings and
19 training concerned with domestic and foreign financial in-
20 telligence activities, law enforcement, and financial regula-
21 tion; not to exceed \$14,000 for official reception and rep-
22 resentation expenses; and for assistance to Federal law en-
23 forcement agencies, with or without reimbursement,
24 \$91,335,000, of which not to exceed \$16,340,000 shall re-
25 main available until September 30, 2011; and of which

1 \$9,178,000 shall remain available until September 30,
2 2010: *Provided*, That funds appropriated in this account
3 may be used to procure personal services contracts.

4 FINANCIAL MANAGEMENT SERVICE

5 SALARIES AND EXPENSES

6 For necessary expenses of the Financial Management
7 Service, \$239,344,000, of which not to exceed \$9,220,000
8 shall remain available until September 30, 2011, for infor-
9 mation systems modernization initiatives; and of which not
10 to exceed \$2,500 shall be available for official reception
11 and representation expenses.

12 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

13 SALARIES AND EXPENSES

14 For necessary expenses of carrying out section 1111
15 of the Homeland Security Act of 2002, including hire of
16 passenger motor vehicles, \$98,900,000; of which not to ex-
17 ceed \$6,000 for official reception and representation ex-
18 penses; not to exceed \$50,000 for cooperative research and
19 development programs for laboratory services; and provi-
20 sion of laboratory assistance to State and local agencies
21 with or without reimbursement: *Provided*, That of the
22 amount appropriated under this heading, \$2,000,000, to
23 remain available until September 30, 2010, is for informa-
24 tion technology management.

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding through
5 the United States Mint Public Enterprise Fund for costs
6 associated with the production of circulating coins, numis-
7 matic coins, and protective services, including both oper-
8 ating expenses and capital investments. The aggregate
9 amount of new liabilities and obligations incurred during
10 fiscal year 2009 under such section 5136 for circulating
11 coinage and protective service capital investments of the
12 United States Mint shall not exceed \$42,150,000.

13 BUREAU OF THE PUBLIC DEBT

14 ADMINISTERING THE PUBLIC DEBT

15 For necessary expenses connected with any public-
16 debt issues of the United States, \$187,054,000, of which
17 not to exceed \$2,500 shall be available for official recep-
18 tion and representation expenses, and of which not to ex-
19 ceed \$2,000,000 shall remain available until September
20 30, 2011, for systems modernization: *Provided*, That the
21 sum appropriated herein from the general fund for fiscal
22 year 2009 shall be reduced by not more than \$10,000,000
23 as definitive security issue fees and Legacy Treasury Di-
24 rect Investor Account Maintenance fees are collected, so
25 as to result in a final fiscal year 2009 appropriation from

1 the general fund estimated at \$177,054,000. In addition,
2 \$90,000 to be derived from the Oil Spill Liability Trust
3 Fund to reimburse the Bureau for administrative and per-
4 sonnel expenses for financial management of the Fund,
5 as authorized by section 1012 of Public Law 101–380.

6 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

7 FUND PROGRAM ACCOUNT

8 To carry out the Community Development Banking
9 and Financial Institutions Act of 1994 (Public Law 103–
10 325), including services authorized by 5 U.S.C. 3109, but
11 at rates for individuals not to exceed the per diem rate
12 equivalent to the rate for ES–3, \$100,000,000, to remain
13 available until September 30, 2010, of which \$8,280,000
14 shall be for financial assistance, technical assistance,
15 training and outreach programs designed to benefit Native
16 American, Native Hawaiian, and Alaskan Native commu-
17 nities and provided primarily through qualified community
18 development lender organizations with experience and ex-
19 pertise in community development banking and lending in
20 Indian country, Native American organizations, tribes and
21 tribal organizations and other suitable providers, and up
22 to \$14,750,000 may be used for administrative expenses,
23 including administration of the New Markets Tax Credit,
24 up to \$6,100,000 may be used for the cost of direct loans,
25 and up to \$250,000 may be used for administrative ex-

1 penses to carry out the direct loan program: *Provided*,
2 That the cost of direct loans, including the cost of modi-
3 fying such loans, shall be as defined in section 502 of the
4 Congressional Budget Act of 1974: *Provided further*, That
5 these funds are available to subsidize gross obligations for
6 the principal amount of direct loans not to exceed
7 \$16,000,000.

8 INTERNAL REVENUE SERVICE

9 TAXPAYER SERVICES

10 For necessary expenses of the Internal Revenue Serv-
11 ice to provide taxpayer services, including pre-filing assist-
12 ance and education, filing and account services, taxpayer
13 advocacy services, and other services as authorized by 5
14 U.S.C. 3109, at such rates as may be determined by the
15 Commissioner, \$2,213,350,000, of which not less than
16 \$4,000,000 shall be for the Tax Counseling for the Elderly
17 Program, of which not less than \$9,000,000 shall be avail-
18 able for low-income taxpayer clinic grants, of which not
19 less than \$8,000,000, to remain available until September
20 30, 2010, shall be available for a Community Volunteer
21 Income Tax Assistance matching grants demonstration
22 program for tax return preparation assistance, and of
23 which not less than \$194,073,500 shall be available for
24 operating expenses of the Taxpayer Advocate Service.

1 ENFORCEMENT

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Internal Revenue Serv-
4 ice to determine and collect owed taxes, to provide legal
5 and litigation support, to conduct criminal investigations,
6 to enforce criminal statutes related to violations of inter-
7 nal revenue laws and other financial crimes, to purchase
8 (for police-type use, not to exceed 850) and hire passenger
9 motor vehicles (31 U.S.C. 1343(b)), and to provide other
10 services as authorized by 5 U.S.C. 3109, at such rates
11 as may be determined by the Commissioner,
12 \$5,117,267,000, of which not less than \$57,252,000 shall
13 be for the Interagency Crime and Drug Enforcement pro-
14 gram: *Provided*, That up to \$10,000,000 may be trans-
15 ferred as necessary from this account to the Internal Rev-
16 enue Service, "Operations Support" appropriations solely
17 for the purposes of the Interagency Crime and Drug En-
18 forcement program: *Provided further*, That this transfer
19 authority shall be in addition to any other transfer author-
20 ity provided in this Act.

21 OPERATIONS SUPPORT

22 For necessary expenses of the Internal Revenue Serv-
23 ice to operate and support taxpayer services and enforce-
24 ment programs, including rent payments; facilities serv-
25 ices; printing; postage; physical security; headquarters and
26 other IRS-wide administration activities; research and sta-

1 tistics of income; telecommunications; information tech-
2 nology development, enhancement, operations, mainte-
3 nance, and security; the hire of passenger motor vehicles
4 (31 U.S.C. 1343(b)); and other services as authorized by
5 5 U.S.C. 3109, at such rates as may be determined by
6 the Commissioner; \$3,896,650,000, of which \$75,000,000
7 shall remain available until September 30, 2010, for infor-
8 mation technology support; of which not to exceed
9 \$1,000,000 shall remain available until September 30,
10 2011, for research; of which not less than \$2,000,000
11 shall be for the Internal Revenue Service Oversight Board;
12 and of which not to exceed \$25,000 shall be for official
13 reception and representation.

14 BUSINESS SYSTEMS MODERNIZATION

15 For necessary expenses of the Internal Revenue Serv-
16 ice's business systems modernization program,
17 \$282,175,000, to remain available until September 30,
18 2011, for the capital asset acquisition of information tech-
19 nology systems, including management and related con-
20 tractual costs of said acquisitions, including related Inter-
21 nal Revenue Service labor costs, and contractual costs as-
22 sociated with operations authorized by 5 U.S.C. 3109:
23 *Provided*, That, with the exception of labor costs, none of
24 these funds may be obligated until the Internal Revenue
25 Service submits to the Committees on Appropriations, and
26 such Committees approve, a plan for expenditure that: (1)

1 meets the capital planning and investment control review
 2 requirements established by the Office of Management
 3 and Budget, including Circular A–11; (2) complies with
 4 the Internal Revenue Service’s enterprise architecture, in-
 5 cluding the modernization blueprint; (3) conforms with the
 6 Internal Revenue Service’s enterprise life cycle method-
 7 ology; (4) is approved by the Internal Revenue Service,
 8 the Department of the Treasury, and the Office of Man-
 9 agement and Budget; (5) has been reviewed by the Gov-
 10 ernment Accountability Office; and (6) complies with the
 11 acquisition rules, requirements, guidelines, and systems
 12 acquisition management practices of the Federal Govern-
 13 ment.

14 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

15 For expenses necessary to implement the health in-
 16 surance tax credit included in the Trade Act of 2002
 17 (Public Law 107–210), \$15,406,000.

18 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

19 SERVICE

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 101. Not to exceed 5 percent of any appropria-
 22 tion made available in this Act to the Internal Revenue
 23 Service or not to exceed 3 percent of appropriations under
 24 the heading “Enforcement” may be transferred to any
 25 other Internal Revenue Service appropriation upon the ad-
 26 vance approval of the Committees on Appropriations.

1 SEC. 102. The Internal Revenue Service shall main-
2 tain a training program to ensure that Internal Revenue
3 Service employees are trained in taxpayers' rights, in deal-
4 ing courteously with taxpayers, and in cross-cultural rela-
5 tions.

6 SEC. 103. The Internal Revenue Service shall insti-
7 tute and enforce policies and procedures that will safe-
8 guard the confidentiality of taxpayer information.

9 SEC. 104. Funds made available by this or any other
10 Act to the Internal Revenue Service shall be available for
11 improved facilities and increased staffing to provide suffi-
12 cient and effective 1-800 help line service for taxpayers.
13 The Commissioner shall continue to make the improve-
14 ment of the Internal Revenue Service 1-800 help line serv-
15 ice a priority and allocate resources necessary to increase
16 phone lines and staff to improve the Internal Revenue
17 Service 1-800 help line service.

18 SEC. 105. Of the funds made available by this Act
19 to the Internal Revenue Service, not less than
20 \$6,997,000,000 shall be available only for tax enforce-
21 ment. In addition, of the funds made available by this Act
22 to the Internal Revenue Service, and subject to the same
23 terms and conditions, \$490,000,000 shall be available for
24 enhanced tax law enforcement.

1 work, and Bureau of the Public Debt, may be transferred
2 between such appropriations upon the advance approval
3 of the Committees on Appropriations: *Provided*, That no
4 transfer may increase or decrease any such appropriation
5 by more than 2 percent.

6 SEC. 109. Not to exceed 2 percent of any appropria-
7 tion made available in this Act to the Internal Revenue
8 Service may be transferred to the Treasury Inspector Gen-
9 eral for Tax Administration's appropriation upon the ad-
10 vance approval of the Committees on Appropriations: *Pro-*
11 *vided*, That no transfer may increase or decrease any such
12 appropriation by more than 2 percent.

13 SEC. 110. Of the funds available for the purchase of
14 law enforcement vehicles, no funds may be obligated until
15 the Secretary of the Treasury certifies that the purchase
16 by the respective Treasury bureau is consistent with de-
17 partmental vehicle management principles: *Provided*, That
18 the Secretary may delegate this authority to the Assistant
19 Secretary for Management.

20 SEC. 111. None of the funds appropriated in this Act
21 or otherwise available to the Department of the Treasury
22 or the Bureau of Engraving and Printing may be used
23 to redesign the \$1 Federal Reserve note.

24 SEC. 112. The Secretary of the Treasury may trans-
25 fer funds from Financial Management Service, Salaries

1 and Expenses to Debt Collection Fund as necessary to
2 cover the costs of debt collection: *Provided*, That such
3 amounts shall be reimbursed to such salaries and expenses
4 account from debt collections received in the Debt Collec-
5 tion Fund.

6 SEC. 113. Section 122(g)(1) of Public Law 105–119
7 (5 U.S.C. 3104 note) is further amended by striking “10
8 years” and inserting “11 years”.

9 SEC. 114. None of the funds appropriated or other-
10 wise made available by this or any other Act may be used
11 by the United States Mint to construct or operate any mu-
12 seum without the explicit approval of the House Com-
13 mittee on Financial Services, the Senate Committee on
14 Banking, Housing, and Urban Affairs, and the Senate
15 Committee on Appropriations.

16 SEC. 115. None of the funds appropriated or other-
17 wise made available by this or any other Act or source
18 to the Department of the Treasury, the Bureau of Engrav-
19 ing and Printing, and the United States Mint, individually
20 or collectively, may be used to consolidate any or all func-
21 tions of the Bureau of Engraving and Printing and the
22 United States Mint without the explicit approval of the
23 House Committee on Financial Services; the Senate Com-
24 mittee on Banking, Housing, and Urban Affairs; the

1 House Committee on Appropriations; and the Senate
2 Committee on Appropriations.

3 SEC. 116. Funds appropriated by this Act, or made
4 available by the transfer of funds in this Act, for the De-
5 partment of the Treasury's intelligence or intelligence re-
6 lated activities are deemed to be specifically authorized by
7 the Congress for purposes of section 504 of the National
8 Security Act of 1947 (50 U.S.C. 414) during fiscal year
9 2009 until the enactment of the Intelligence Authorization
10 Act for Fiscal Year 2009.

11 SEC. 117. Section 101(e)(1) of the Economic Stim-
12 ulus Act of 2008 is amended by inserting:

13 “(C) TRANSFER AUTHORITY.—The Sec-
14 retary of the Treasury is authorized to transfer
15 funds provided by paragraph (1)(A) among the
16 accounts specified in paragraph (1)(A) to carry
17 out the rebates upon the advance notification of
18 the Committees on Appropriations: *Provided*,
19 That any proposed transfer of funds greater
20 than \$5,000,000 shall be subject to the advance
21 approval of the Committees on Appropria-
22 tions.”.

23 SEC. 118. Not to exceed \$5,000 shall be made avail-
24 able from the Bureau of Engraving and Printing's Indus-

1 trial Revolving Fund for necessary official reception and
2 representation expenses.

3 This title may be cited as the “Department of the
4 Treasury Appropriations Act, 2009”.

5 TITLE II
6 EXECUTIVE OFFICE OF THE PRESIDENT AND
7 FUNDS APPROPRIATED TO THE PRESIDENT
8 COMPENSATION OF THE PRESIDENT

9 For compensation of the President, including an ex-
10 pense allowance at the rate of \$50,000 per annum as au-
11 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
12 of the funds made available for official expenses shall be
13 expended for any other purpose and any unused amount
14 shall revert to the Treasury pursuant to section 1552 of
15 title 31, United States Code.

16 WHITE HOUSE OFFICE
17 SALARIES AND EXPENSES

18 For necessary expenses for the White House as au-
19 thorized by law, including not to exceed \$3,850,000 for
20 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
21 subsistence expenses as authorized by 3 U.S.C. 105, which
22 shall be expended and accounted for as provided in that
23 section; hire of passenger motor vehicles, newspapers,
24 periodicals, teletype news service, and travel (not to exceed
25 \$100,000 to be expended and accounted for as provided

1 by 3 U.S.C. 103); and not to exceed \$19,000 for official
2 entertainment expenses, to be available for allocation with-
3 in the Executive Office of the President; \$52,499,000.

4 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
5 OPERATING EXPENSES

6 For the care, maintenance, repair and alteration, re-
7 furnishing, improvement, heating, and lighting, including
8 electric power and fixtures, of the Executive Residence at
9 the White House and official entertainment expenses of
10 the President, \$13,363,000, to be expended and accounted
11 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

12 REIMBURSABLE EXPENSES

13 For the reimbursable expenses of the Executive Resi-
14 dence at the White House, such sums as may be nec-
15 essary: *Provided*, That all reimbursable operating expenses
16 of the Executive Residence shall be made in accordance
17 with the provisions of this paragraph: *Provided further*,
18 That, notwithstanding any other provision of law, such
19 amount for reimbursable operating expenses shall be the
20 exclusive authority of the Executive Residence to incur ob-
21 ligations and to receive offsetting collections, for such ex-
22 penses: *Provided further*, That the Executive Residence
23 shall require each person sponsoring a reimbursable polit-
24 ical event to pay in advance an amount equal to the esti-
25 mated cost of the event, and all such advance payments
26 shall be credited to this account and remain available until

1 expended: *Provided further*, That the Executive Residence
2 shall require the national committee of the political party
3 of the President to maintain on deposit \$25,000, to be
4 separately accounted for and available for expenses relat-
5 ing to reimbursable political events sponsored by such
6 committee during such fiscal year: *Provided further*, That
7 the Executive Residence shall ensure that a written notice
8 of any amount owed for a reimbursable operating expense
9 under this paragraph is submitted to the person owing
10 such amount within 60 days after such expense is in-
11 curred, and that such amount is collected within 30 days
12 after the submission of such notice: *Provided further*, That
13 the Executive Residence shall charge interest and assess
14 penalties and other charges on any such amount that is
15 not reimbursed within such 30 days, in accordance with
16 the interest and penalty provisions applicable to an out-
17 standing debt on a United States Government claim under
18 section 3717 of title 31, United States Code: *Provided fur-*
19 *ther*, That each such amount that is reimbursed, and any
20 accompanying interest and charges, shall be deposited in
21 the Treasury as miscellaneous receipts: *Provided further*,
22 That the Executive Residence shall prepare and submit
23 to the Committees on Appropriations, by not later than
24 90 days after the end of the fiscal year covered by this
25 Act, a report setting forth the reimbursable operating ex-

1 penses of the Executive Residence during the preceding
2 fiscal year, including the total amount of such expenses,
3 the amount of such total that consists of reimbursable offi-
4 cial and ceremonial events, the amount of such total that
5 consists of reimbursable political events, and the portion
6 of each such amount that has been reimbursed as of the
7 date of the report: *Provided further*, That the Executive
8 Residence shall maintain a system for the tracking of ex-
9 penses related to reimbursable events within the Executive
10 Residence that includes a standard for the classification
11 of any such expense as political or nonpolitical: *Provided*
12 *further*, That no provision of this paragraph may be con-
13 strued to exempt the Executive Residence from any other
14 applicable requirement of subchapter I or II of chapter
15 37 of title 31, United States Code.

16 WHITE HOUSE REPAIR AND RESTORATION

17 For the repair, alteration, and improvement of the
18 Executive Residence at the White House, \$1,600,000, to
19 remain available until expended, for required maintenance,
20 safety and health issues, and continued preventative main-
21 tenance.

22 COUNCIL OF ECONOMIC ADVISERS

23 SALARIES AND EXPENSES

24 For necessary expenses of the Council of Economic
25 Advisers in carrying out its functions under the Employ-
26 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,118,000.

1 OFFICE OF POLICY DEVELOPMENT

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Policy Devel-
4 opment, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, \$5,250,000, of which \$1,400,000 shall
6 be available until September 30, 2010 for developing and
7 overseeing implementation of a domestic AIDS strategy,
8 of which \$300,000 shall be available until September 30,
9 2010 for Symposiums on Faith and Science.

10 NATIONAL SECURITY COUNCIL

11 SALARIES AND EXPENSES

12 For necessary expenses of the National Security
13 Council, including services as authorized by 5 U.S.C.
14 3109, \$9,029,000.

15 OFFICE OF ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Administra-
18 tion, including services as authorized by 5 U.S.C. 3109
19 and 3 U.S.C. 107, and hire of passenger motor vehicles,
20 \$95,633,000, of which \$11,923,000 shall remain available
21 until expended for continued modernization of the infor-
22 mation technology infrastructure within the Executive Of-
23 fice of the President.

1 OFFICE OF MANAGEMENT AND BUDGET

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Management
4 and Budget, including hire of passenger motor vehicles
5 and services as authorized by 5 U.S.C. 3109 and to carry
6 out the provisions of chapter 35 of title 44, United States
7 Code, \$80,172,000, of which not to exceed \$3,000 shall
8 be available for official representation expenses: *Provided*,
9 That none of the funds appropriated in this Act for the
10 Office of Management and Budget may be used for the
11 purpose of reviewing any agricultural marketing orders or
12 any activities or regulations under the provisions of the
13 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
14 601 et seq.): *Provided further*, That none of the funds
15 made available for the Office of Management and Budget
16 by this Act may be expended for the altering of the tran-
17 script of actual testimony of witnesses, except for testi-
18 mony of officials of the Office of Management and Budget,
19 before the Committees on Appropriations or their sub-
20 committees: *Provided further*, That none of the funds pro-
21 vided in this or prior Acts shall be used, directly or indi-
22 rectly, by the Office of Management and Budget, for eval-
23 uating or determining if water resource project or study
24 reports submitted by the Chief of Engineers acting
25 through the Secretary of the Army are in compliance with

1 all applicable laws, regulations, and requirements relevant
2 to the Civil Works water resource planning process: *Pro-*
3 *vided further*, That the Office of Management and Budget
4 shall have not more than 60 days in which to perform
5 budgetary policy reviews of water resource matters on
6 which the Chief of Engineers has reported: *Provided fur-*
7 *ther*, That the Director of the Office of Management and
8 Budget shall notify the appropriate authorizing and ap-
9 propriating committees when the 60-day review is initi-
10 ated: *Provided further*, That if water resource reports have
11 not been transmitted to the appropriate authorizing and
12 appropriating committees within 15 days after the end of
13 the Office of Management and Budget review period based
14 on the notification from the Director, Congress shall as-
15 sume Office of Management and Budget concurrence with
16 the report and act accordingly.

17 OFFICE OF NATIONAL DRUG CONTROL POLICY

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of National
20 Drug Control Policy (ONDCP); for research activities
21 pursuant to the Office of National Drug Control Policy
22 Reauthorization Act of 2006 (Public Law 109–469); not
23 to exceed \$10,000 for official reception and representation
24 expenses; and for participation in joint projects or in the
25 provision of services on matters of mutual interest with

1 nonprofit, research, or public organizations or agencies,
 2 with or without reimbursement, \$27,900,000; of which
 3 \$1,300,000 shall remain available until expended for pol-
 4 icy research and evaluation: *Provided*, That of the funds
 5 provided under this heading, \$500,000 shall be allocated
 6 for the National Academy of Public Administration to con-
 7 duct an independent review of ONDCP's grant-based pro-
 8 grams: *Provided further*, That within 2 months after the
 9 date of enactment of this Act, the ONDCP shall contract
 10 with the National Academy of Public Administration for
 11 purposes as described in the previous proviso: *Provided*
 12 *further*, That the Office is authorized to accept, hold, ad-
 13 minister, and utilize gifts, both real and personal, public
 14 and private, without fiscal year limitation, for the purpose
 15 of aiding or facilitating the work of the Office.

16 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
 17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses for the Counterdrug Tech-
 19 nology Assessment Center for research activities pursuant
 20 to the Office of National Drug Control Policy Reauthor-
 21 ization Act of 2006 (Public Law 109-469), \$5,000,000,
 22 which shall remain available until expended for counter-
 23 narcotics research and development projects: *Provided*,
 24 That such amount shall be available for transfer to other
 25 Federal departments or agencies: *Provided further*, That
 26 the Office of National Drug Control Policy shall submit

1 for approval by the Committees on Appropriations of the
2 House of Representatives and the Senate, a detailed
3 spending plan for the use of these funds no later than
4 90 days after enactment of this Act.

5 FEDERAL DRUG CONTROL PROGRAMS
6 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
7 (INCLUDING TRANSFERS OF FUNDS)

8 For necessary expenses of the Office of National
9 Drug Control Policy's High Intensity Drug Trafficking
10 Areas Program, \$235,000,000, to remain available until
11 September 30, 2010, for drug control activities consistent
12 with the approved strategy for each of the designated
13 High Intensity Drug Trafficking Areas, of which no less
14 than 51 percent shall be transferred to State and local
15 entities for drug control activities, which shall be obligated
16 within 120 days after enactment of this Act: *Provided*,
17 That up to 49 percent may be transferred to Federal
18 agencies and departments at a rate to be determined by
19 the Director, of which up to \$2,100,000 may be used for
20 auditing services and associated activities, and up to
21 \$250,000 of the \$2,100,000 shall be used to ensure the
22 continued operation and maintenance of the Performance
23 Management System: *Provided further*, That High Inten-
24 sity Drug Trafficking Areas Programs designated as of
25 September 30, 2008, shall be funded at no less than the
26 fiscal year 2008 initial allocation levels (as revised by the

1 letter from the Director of the Office of National Drug
2 Control Policy to the Committees on Appropriations of the
3 House of Representatives and the Senate dated April 8,
4 2008) or \$3,000,000, whichever is greater, unless the Di-
5 rector submits to the Committees on Appropriations of the
6 House of Representatives and the Senate, and the Com-
7 mittees approve, justification for changes in those levels
8 based on clearly articulated priorities for the High Inten-
9 sity Drug Trafficking Areas Programs, as well as pub-
10 lished Office of National Drug Control Policy performance
11 measures of effectiveness: *Provided further*, That no High
12 Intensity Drug Trafficking Area shall receive more than
13 \$47,457,447 as its fiscal year 2009 initial allocation level:
14 *Provided further*, That, notwithstanding the requirements
15 of Public Law 106–58, any unexpended funds obligated
16 prior to fiscal year 2007 for programs addressing the
17 treatment or prevention of drug use as part of the ap-
18 proved strategy for a designated High Intensity Drug
19 Trafficking Area may be used for other approved activities
20 of that High Intensity Drug Trafficking Area: *Provided*
21 *further*, That the Office of National Drug Control Policy
22 (ONDCP) shall submit recommendations for approval to
23 the Committees on Appropriations for both the initial
24 High-Intensity Drug Trafficking Area (HIDTA) alloca-
25 tion funding within 90 days after the enactment of this

1 Act and the discretionary HIDTA funding, according to
2 the framework proposed jointly by the HIDTA Directors
3 and ONDCP, within 120 days after the enactment of this
4 Act: *Provided further*, That within the discretionary fund-
5 ing amount, plans for use of such funds shall be subject
6 to committee approval: *Provided further*, That at least
7 \$500,000 may be available for new counties.

8 OTHER FEDERAL DRUG CONTROL PROGRAMS

9 (INCLUDING TRANSFER OF FUNDS)

10 For activities to support a national anti-drug cam-
11 paign for youth, and for other purposes, authorized by the
12 Office of National Drug Control Policy Reauthorization
13 Act of 2006 (Public Law 109–469), \$204,250,000, to re-
14 main available until expended, of which the amounts are
15 available as follows: \$100,000,000 to support a national
16 media campaign, of which \$10,000,000 shall be des-
17 ignated for methamphetamine prevention messages: *Pro-*
18 *vided*, That the Office of National Drug Control Policy
19 shall maintain funding for non-advertising services for the
20 media campaign at no less than the fiscal year 2003 ratio
21 of service funding to total funds and should continue the
22 corporate outreach program; \$90,000,000 to continue a
23 program of matching grants to drug-free communities, of
24 which \$2,000,000 shall be made available as directed by
25 section 4 of Public Law 107–82, as amended by Public
26 Law 109–469 (21 U.S.C. 1521 note): *Provided further*,

1 That, any grantee seeking a renewal grant (year 2 through
2 5, or year 7 through 10), that is determined to be ineli-
3 gible or not entitled to continuation funding for any rea-
4 son, shall be afforded a fair, timely, and independent ap-
5 peal prior to the beginning of the subsequent funding year
6 before being denied a renewal grant; \$1,000,000 for the
7 National Drug Court Institute; \$9,600,000 for the United
8 States Anti-Doping Agency for anti-doping activities;
9 \$1,900,000 for the United States membership dues to the
10 World Anti-Doping Agency; \$1,250,000 for the National
11 Alliance for Model State Drug Laws; and \$500,000 for
12 evaluations and research related to National Drug Control
13 Program performance measures: *Provided further*, That
14 such funds may be transferred to other Federal depart-
15 ments and agencies to carry out such activities: *Provided*
16 *further*, That of the amounts appropriated for a national
17 media campaign, not to exceed 10 percent shall be for ad-
18 ministration, advertising production, research and testing,
19 labor, and related costs of the national media campaign.

20 UNANTICIPATED NEEDS

21 For expenses necessary to enable the President to
22 meet unanticipated needs, in furtherance of the national
23 interest, security, or defense which may arise at home or
24 abroad during the current fiscal year, as authorized by
25 3 U.S.C. 108, \$1,000,000.

1 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

2 For expenses of the Office of Administration to carry
3 out the Presidential Transition Act of 1963, and similar
4 expenses, in addition to amounts otherwise appropriated
5 by law, \$8,000,000: *Provided*, That such funds may be
6 transferred to other accounts that provide funding for of-
7 fices within the Executive Office of the President and the
8 Office of the Vice President in this Act or any other Act,
9 to carry out such purposes.

10 SPECIAL ASSISTANCE TO THE PRESIDENT

11 SALARIES AND EXPENSES

12 For necessary expenses to enable the Vice President
13 to provide assistance to the President in connection with
14 specially assigned functions; services as authorized by 5
15 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
16 penses as authorized by 3 U.S.C. 106, which shall be ex-
17 pended and accounted for as provided in that section; and
18 hire of passenger motor vehicles, \$4,496,000.

19 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

20 OPERATING EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For the care, operation, refurnishing, improvement,
23 and to the extent not otherwise provided for, heating and
24 lighting, including electric power and fixtures, of the offi-
25 cial residence of the Vice President; the hire of passenger
26 motor vehicles; and not to exceed \$90,000 for official en-

1 tertainment expenses of the Vice President, to be ac-
2 counted for solely on his certificate, \$323,000: *Provided*,
3 That advances or repayments or transfers from this ap-
4 propriation may be made to any department or agency for
5 expenses of carrying out such activities.

6 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
7 THE PRESIDENT AND FUNDS APPROPRIATED TO
8 THE PRESIDENT
9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 201. From funds made available in this Act
11 under the headings “White House Office”, “Executive
12 Residence at the White House”, “White House Repair and
13 Restoration”, “Council of Economic Advisors”, “National
14 Security Council”, “Office of Administration”, “Office of
15 Policy Development”, “Special Assistance to the Presi-
16 dent”, and “Official Residence of the Vice President”, the
17 Director of the Office of Management and Budget (or
18 such other officer as the President may designate in writ-
19 ing), may, 15 days after giving notice to the House and
20 Senate Committees on Appropriations, transfer not to ex-
21 ceed 10 percent of any such appropriation to any other
22 such appropriation, to be merged with and available for
23 the same time and for the same purposes as the appropria-
24 tion to which transferred: *Provided*, That the amount of
25 an appropriation shall not be increased by more than 50

1 percent by such transfers: *Provided further*, That no
2 amount shall be transferred from “Special Assistance to
3 the President” or “Official Residence of the Vice Presi-
4 dent” without the approval of the Vice President.

5 SEC. 202. The President shall submit to the Commit-
6 tees on Appropriations not later than 60 days after the
7 date of the enactment of this Act, and prior to the initial
8 obligation of funds appropriated under the heading “Of-
9 fice of National Drug Control Policy”, a detailed narrative
10 and financial plan on the proposed uses of all funds under
11 the heading by program, project, and activity, for which
12 the obligation of funds is anticipated: *Provided*, That up
13 to 20 percent of funds appropriated under this heading
14 may be obligated before the submission of the report sub-
15 ject to prior approval of the Committees on Appropria-
16 tions: *Provided further*, That the report shall be updated
17 and submitted to the Committees on Appropriations every
18 6 months and shall include information detailing how the
19 estimates and assumptions contained in previous reports
20 have changed: *Provided further*, That any new projects
21 and changes in funding of ongoing projects shall be sub-
22 ject to the prior approval of the Committees on Appropria-
23 tions.

24 SEC. 203. Not to exceed 2 percent of any appropria-
25 tions in this Act made available to the Office of National

1 Drug Control Policy may be transferred between appro-
2 priated programs upon the advance approval of the Com-
3 mittees on Appropriations: *Provided*, That no transfer
4 may increase or decrease any such appropriation by more
5 than 3 percent.

6 SEC. 204. Not to exceed \$1,000,000 of any appro-
7 priations in this Act made available to the Office of Na-
8 tional Drug Control Policy may be reprogrammed within
9 a program, project, or activity upon the advance approval
10 of the Committees on Appropriations.

11 SEC. 205. For fiscal year 2009 and thereafter, the
12 Office of Management and Budget shall use funds pro-
13 vided under the heading “Office of Management and
14 Budget, Salaries and Expenses” to pay the costs for the
15 printing of a sufficient number of paper copies of the doc-
16 uments associated with the President’s annual budget re-
17 quest for submission to the Congress.

18 This title may be cited as the “Executive Office of
19 the President Appropriations Act, 2009”.

20 TITLE III

21 THE JUDICIARY

22 SUPREME COURT OF THE UNITED STATES

23 SALARIES AND EXPENSES

24 For expenses necessary for the operation of the Su-
25 preme Court, as required by law, excluding care of the

1 building and grounds, including purchase or hire, driving,
2 maintenance, and operation of an automobile for the Chief
3 Justice, not to exceed \$10,000 for the purpose of trans-
4 porting Associate Justices, and hire of passenger motor
5 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
6 to exceed \$10,000 for official reception and representation
7 expenses; and for miscellaneous expenses, to be expended
8 as the Chief Justice may approve, \$69,776,000, of which
9 \$2,000,000 shall remain available until expended.

10 CARE OF THE BUILDING AND GROUNDS

11 For such expenditures as may be necessary to enable
12 the Architect of the Capitol to carry out the duties im-
13 posed upon the Architect by the Act approved May 7,
14 1934 (40 U.S.C. 13a–13b), \$18,447,000, which shall re-
15 main available until expended.

16 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
17 CIRCUIT

18 SALARIES AND EXPENSES

19 For salaries of the chief judge, judges, and other offi-
20 cers and employees, and for necessary expenses of the
21 court, as authorized by law, \$31,482,000.

22 UNITED STATES COURT OF INTERNATIONAL TRADE

23 SALARIES AND EXPENSES

24 For salaries of the chief judge and eight judges, sala-
25 ries of the officers and employees of the court, services,

1 and necessary expenses of the court, as authorized by law,
2 \$19,605,000.

3 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
4 JUDICIAL SERVICES
5 SALARIES AND EXPENSES

6 For the salaries of circuit and district judges (includ-
7 ing judges of the territorial courts of the United States),
8 justices and judges retired from office or from regular ac-
9 tive service, judges of the United States Court of Federal
10 Claims, bankruptcy judges, magistrate judges, and all
11 other officers and employees of the Federal Judiciary not
12 otherwise specifically provided for, and necessary expenses
13 of the courts, as authorized by law, \$4,832,760,000 (in-
14 cluding the purchase of firearms and ammunition); of
15 which not to exceed \$27,817,000 shall remain available
16 until expended for space alteration projects and for fur-
17 niture and furnishings related to new space alteration and
18 construction projects.

19 In addition, for expenses of the United States Court
20 of Federal Claims associated with processing cases under
21 the National Childhood Vaccine Injury Act of 1986 (Pub-
22 lic Law 99-660), not to exceed \$4,253,000, to be appro-
23 priated from the Vaccine Injury Compensation Trust
24 Fund.

DEFENDER SERVICES

1
2 For the operation of Federal Defender organizations;
3 the compensation and reimbursement of expenses of attor-
4 neys appointed to represent persons under section 3006A
5 of title 18, United States Code, and also under section
6 3599 of title 18, United States Code, in cases in which
7 a defendant is charged with a crime that may be punish-
8 able by death; the compensation and reimbursement of ex-
9 penses of persons furnishing investigative, expert, and
10 other services under section 3006A(e) of title 18, United
11 States Code, and also under section 3599(f) and (g)(2)
12 of title 18, United States Code, in cases in which a defend-
13 ant is charged with a crime that may be punishable by
14 death; the compensation (in accordance with the maxi-
15 mums under section 3006A of title 18, United States
16 Code) and reimbursement of expenses of attorneys ap-
17 pointed to assist the court in criminal cases where the de-
18 fendant has waived representation by counsel; the com-
19 pensation and reimbursement of travel expenses of guard-
20 ians ad litem acting on behalf of financially eligible minor
21 or incompetent offenders in connection with transfers
22 from the United States to foreign countries with which
23 the United States has a treaty for the execution of penal
24 sentences; the compensation and reimbursement of ex-
25 penses of attorneys appointed to represent jurors in civil

1 actions for the protection of their employment, as author-
2 ized by 28 U.S.C. 1875(d); the compensation and reim-
3 bursement of expenses of attorneys appointed under 18
4 U.S.C. 983 (b)(1) in connection with certain judicial civil
5 forfeiture proceedings; and for necessary training and gen-
6 eral administrative expenses, \$854,204,000, to remain
7 available until expended.

8 FEES OF JURORS AND COMMISSIONERS

9 For fees and expenses of jurors as authorized by 28
10 U.S.C. 1871 and 1876; compensation of jury commis-
11 sioners as authorized by 28 U.S.C. 1863; and compensa-
12 tion of commissioners appointed in condemnation cases
13 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-
14 cedure (28 U.S.C. Appendix Rule 71A(h)), \$62,206,000,
15 to remain available until expended: *Provided*, That the
16 compensation of land commissioners shall not exceed the
17 daily equivalent of the highest rate payable under section
18 5332 of title 5, United States Code.

19 COURT SECURITY

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses, not otherwise provided for,
22 incident to the provision of protective guard services for
23 United States courthouses and other facilities housing
24 Federal court operations, and the procurement, installa-
25 tion, and maintenance of security systems and equipment
26 for United States courthouses and other facilities housing

1 Federal court operations, including building ingress-egress
2 control, inspection of mail and packages, directed security
3 patrols, perimeter security, basic security services provided
4 by the Federal Protective Service, and other similar activi-
5 ties as authorized by section 1010 of the Judicial Improve-
6 ment and Access to Justice Act (Public Law 100-702),
7 \$428,004,000, of which not to exceed \$15,000,000 shall
8 remain available until expended, to be expended directly
9 or transferred to the United States Marshals Service,
10 which shall be responsible for administering the Judicial
11 Facility Security Program consistent with standards or
12 guidelines agreed to by the Director of the Administrative
13 Office of the United States Courts and the Attorney Gen-
14 eral.

15 ADMINISTRATIVE OFFICE OF THE UNITED STATES

16 COURTS

17 SALARIES AND EXPENSES

18 For necessary expenses of the Administrative Office
19 of the United States Courts as authorized by law, includ-
20 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
21 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
22 advertising and rent in the District of Columbia and else-
23 where, \$79,049,000, of which not to exceed \$8,500 is au-
24 thorized for official reception and representation expenses.

1 FEDERAL JUDICIAL CENTER

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Judicial Cen-
4 ter, as authorized by Public Law 90-219, \$25,468,000;
5 of which \$1,800,000 shall remain available through Sep-
6 tember 30, 2010, to provide education and training to
7 Federal court personnel; and of which not to exceed
8 \$1,500 is authorized for official reception and representa-
9 tion expenses.

10 JUDICIAL RETIREMENT FUNDS

11 PAYMENT TO JUDICIARY TRUST FUNDS

12 For payment to the Judicial Officers' Retirement
13 Fund, as authorized by 28 U.S.C. 377(o), \$65,340,000;
14 to the Judicial Survivors' Annuities Fund, as authorized
15 by 28 U.S.C. 376(c), \$6,600,000; and to the United
16 States Court of Federal Claims Judges' Retirement Fund,
17 as authorized by 28 U.S.C. 178(l), \$4,200,000.

18 UNITED STATES SENTENCING COMMISSION

19 SALARIES AND EXPENSES

20 For the salaries and expenses necessary to carry out
21 the provisions of chapter 58 of title 28, United States
22 Code, \$16,225,000, of which not to exceed \$1,000 is au-
23 thorized for official reception and representation expenses.

1 ADMINISTRATIVE PROVISIONS—THE JUDICIARY
2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Appropriations and authorizations made in
4 this title which are available for salaries and expenses shall
5 be available for services as authorized by 5 U.S.C. 3109.

6 SEC. 302. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the Judi-
8 ciary in this Act may be transferred between such appro-
9 priations, but no such appropriation, except “Courts of
10 Appeals, District Courts, and Other Judicial Services, De-
11 fender Services” and “Courts of Appeals, District Courts,
12 and Other Judicial Services, Fees of Jurors and Commis-
13 sioners”, shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under sections 604 and 608 of this Act and shall
17 not be available for obligation or expenditure except in
18 compliance with the procedures set forth in that section.

19 SEC. 303. Notwithstanding any other provision of
20 law, the salaries and expenses appropriation for “Courts
21 of Appeals, District Courts, and Other Judicial Services”
22 shall be available for official reception and representation
23 expenses of the Judicial Conference of the United States:
24 *Provided*, That such available funds shall not exceed
25 \$11,000 and shall be administered by the Director of the

1 Administrative Office of the United States Courts in the
2 capacity as Secretary of the Judicial Conference.

3 SEC. 304. Within 90 days after the date of the enact-
4 ment of this Act, the Administrative Office of the U.S.
5 Courts shall submit to the Committees on Appropriations
6 a comprehensive financial plan for the Judiciary allocating
7 all sources of available funds including appropriations, fee
8 collections, and carryover balances, to include a separate
9 and detailed plan for the Judiciary Information Tech-
10 nology fund.

11 SEC. 305. Section 3314(a) of title 40, United States
12 Code, shall be applied by substituting “Federal” for “exec-
13 utive” each place it appears.

14 SEC. 306. In accordance with 28 U.S.C. 561–569,
15 and notwithstanding any other provision of law, the
16 United States Marshals Service shall provide, for such
17 courthouses as its Director may designate in consultation
18 with the Director of the Administrative Office of the
19 United States Courts, for purposes of a pilot program, the
20 security services that 40 U.S.C. 1315 authorizes the De-
21 partment of Homeland Security to provide, except for the
22 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
23 ing-specific security services at these courthouses, the Di-
24 rector of the Administrative Office of the United States

1 Courts shall reimburse the United States Marshals Service
2 rather than the Department of Homeland Security.

3 SEC. 307. (a). IN GENERAL.—Section 604(a)(5) of
4 title 28, United States Code, is amended by striking
5 “magistrate judges appointed under section 631 of this
6 title,” and inserting the following: “, United States mag-
7 istrate judges, bankruptcy judges appointed under chapter
8 6 of this title, judges of the District Court of Guam,
9 judges of the District Court for the Northern Mariana Is-
10 lands, judges of the District Court of the Virgin Islands,
11 bankruptcy judges and magistrate judges retired under
12 section 377 of this title, and judges retired under section
13 373 of this title, who are”.

14 (b) CONSTRUCTION.—For purposes of construing
15 and applying chapter 87 of title 5, United States Code,
16 including any adjustment of insurance rates by regulation
17 or otherwise, the following categories of judicial officers
18 shall be deemed to be judges of the United States as de-
19 scribed under section 8701 of title 5, United States Code:

20 (1) United States magistrate judges.

21 (2) Bankruptcy judges appointed under chapter
22 6 of title 28, United States Code.

23 (3) Judges of the District Court of Guam,
24 judges of the District Court for the Northern Mar-

1 iana Islands, and judges of the District Court of the
2 Virgin Islands.

3 (4) Bankruptcy judges and magistrate judges
4 retired under section 377 of title 28, United States
5 Code.

6 (5) Judges retired under section 373 of title 28,
7 United States Code.

8 (c) EFFECTIVE DATE.—Subsection (b) and the
9 amendment made by subsection (a) shall apply with re-
10 spect to any payment made on or after the first day of
11 the first applicable pay period beginning on or after the
12 date of the enactment of Public Law 110–177.

13 SEC. 308. Subsection (c) of section 407 of the Trans-
14 portation, Treasury, Housing and Urban Development,
15 the Judiciary, the District of Columbia, and Independent
16 Agencies Appropriations Act, 2006 (division A, title IV,
17 of Public Law 109–115; 119 Stat. 2396, 2471) is re-
18 pealed.

19 SEC. 309. Section 3672 of title 18, United States
20 Code, is amended in the fourth sentence in the seventh
21 undesignated paragraph—

22 (1) by inserting “to expend funds or” after “He
23 also shall have the authority”; and

24 (2) by striking “this Act” and inserting “this
25 paragraph”.

1 ized: *Provided further*, That the District of Columbia gov-
 2 ernment shall maintain a dedicated account for the Resi-
 3 dent Tuition Support Program that shall consist of the
 4 Federal funds appropriated to the Program in this Act
 5 and any subsequent appropriations, any unobligated bal-
 6 ances from prior fiscal years, and any interest earned in
 7 this or any fiscal year: *Provided further*, That the account
 8 shall be under the control of the District of Columbia
 9 Chief Financial Officer, who shall use those funds solely
 10 for the purposes of carrying out the Resident Tuition Sup-
 11 port Program: *Provided further*, That the Office of the
 12 Chief Financial Officer shall provide a quarterly financial
 13 report to the Committees on Appropriations of the House
 14 of Representatives and the Senate for these funds show-
 15 ing, by object class, the expenditures made and the pur-
 16 pose therefor: *Provided further*, That not more than 7 per-
 17 cent of the total amount appropriated for this program
 18 may be used for administrative expenses.

19 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
 20 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

21 For a Federal payment of necessary expenses, as de-
 22 termined by the Mayor of the District of Columbia in writ-
 23 ten consultation with the elected county or city officials
 24 of surrounding jurisdictions, \$15,400,000, to remain
 25 available until expended and in addition any funds that
 26 remain available from prior year appropriations under this

1 heading for the District of Columbia Government, of
2 which \$15,000,000 is for the costs of providing public
3 safety at events related to the presence of the national
4 capital in the District of Columbia, for the costs of pro-
5 viding support requested by the Director of the United
6 States Secret Service Division in carrying out their protec-
7 tive duties under the direction of the Secretary of Home-
8 land Security, and for the costs of providing support to
9 respond to immediate and specific terrorist threats or at-
10 tacks in the District of Columbia or surrounding jurisdic-
11 tions; and of which \$400,000 is for the District of Colum-
12 bia National Guard retention and college access program.

13 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

14 COURTS

15 For salaries and expenses for the District of Colum-
16 bia Courts, \$251,625,000 to be allocated as follows: for
17 the District of Columbia Court of Appeals, \$13,983,000,
18 of which not to exceed \$1,500 is for official reception and
19 representation expenses; for the District of Columbia Su-
20 perior Court, \$110,135,000, of which not to exceed \$1,500
21 is for official reception and representation expenses; for
22 the District of Columbia Court System, \$57,002,000, of
23 which not to exceed \$1,500 is for official reception and
24 representation expenses; and \$70,505,000, to remain
25 available until September 30, 2010, for capital improve-
26 ments for District of Columbia courthouse facilities, in-

1 cluding structural improvements to the District of Colum-
2 bia cell block at the Moultrie Courthouse: *Provided*, That
3 notwithstanding any other provision of law, a single con-
4 tract or related contracts for development and construc-
5 tion of facilities may be employed which collectively include
6 the full scope of the project: *Provided further*, That the
7 solicitation and contract shall contain the clause “avail-
8 ability of Funds” found at 48 CFR 52.232–18: *Provided*
9 *further*, That funds made available for capital improve-
10 ments shall be expended consistent with the General Serv-
11 ices Administration (GSA) master plan study and building
12 evaluation report: *Provided further*, That notwithstanding
13 any other provision of law, all amounts under this heading
14 shall be apportioned quarterly by the Office of Manage-
15 ment and Budget and obligated and expended in the same
16 manner as funds appropriated for salaries and expenses
17 of other Federal agencies, with payroll and financial serv-
18 ices to be provided on a contractual basis with the GSA,
19 and such services shall include the preparation of monthly
20 financial reports, copies of which shall be submitted di-
21 rectly by GSA to the President and to the Committees
22 on Appropriations of the House of Representatives and the
23 Senate, the Committee on Oversight and Government Re-
24 form of the House of Representatives, and the Committee
25 on Homeland Security and Governmental Affairs of the

1 Senate: *Provided further*, That 30 days after providing
2 written notice to the Committees on Appropriations of the
3 House of Representatives and the Senate, the District of
4 Columbia Courts may reallocate not more than
5 \$1,000,000 of the funds provided under this heading
6 among the items and entities funded under this heading
7 for operations, and not more than 4 percent of the funds
8 provided under this heading for facilities.

9 DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

10 For payments authorized under section 11–2604 and
11 section 11–2605, D.C. Official Code (relating to represen-
12 tation provided under the District of Columbia Criminal
13 Justice Act), payments for counsel appointed in pro-
14 ceedings in the Family Court of the Superior Court of the
15 District of Columbia under chapter 23 of title 16, D.C.
16 Official Code, or pursuant to contractual agreements to
17 provide guardian ad litem representation, training, tech-
18 nical assistance, and such other services as are necessary
19 to improve the quality of guardian ad litem representation,
20 payments for counsel appointed in adoption proceedings
21 under chapter 3 of title 16, D.C. Code, and payments for
22 counsel authorized under section 21–2060, D.C. Official
23 Code (relating to representation provided under the Dis-
24 trict of Columbia Guardianship, Protective Proceedings,
25 and Durable Power of Attorney Act of 1986),
26 \$52,475,000, to remain available until expended: *Pro-*

1 *vided*, That the funds provided in this Act under the head-
2 ing “Federal Payment to the District of Columbia Courts”
3 (other than the \$70,505,000 provided under such heading
4 for capital improvements for District of Columbia court-
5 house facilities) may also be used for payments under this
6 heading: *Provided further*, That in addition to the funds
7 provided under this heading, the Joint Committee on Ju-
8 dicial Administration in the District of Columbia may use
9 funds provided in this Act under the heading “Federal
10 Payment to the District of Columbia Courts” (other than
11 the \$70,505,000 provided under such heading for capital
12 improvements for District of Columbia courthouse facili-
13 ties), to make payments described under this heading for
14 obligations incurred during any fiscal year: *Provided fur-*
15 *ther*, That funds provided under this heading shall be ad-
16 ministered by the Joint Committee on Judicial Adminis-
17 tration in the District of Columbia: *Provided further*, That
18 notwithstanding any other provision of law, this appro-
19 priation shall be apportioned quarterly by the Office of
20 Management and Budget and obligated and expended in
21 the same manner as funds appropriated for expenses of
22 other Federal agencies, with payroll and financial services
23 to be provided on a contractual basis with the General
24 Services Administration (GSA), and such services shall in-
25 clude the preparation of monthly financial reports, copies

1 of which shall be submitted directly by GSA to the Presi-
2 dent and to the Committees on Appropriations of the
3 House of Representatives and the Senate, the Committee
4 on Oversight and Government Reform of the House of
5 Representatives, and the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Senate.

7 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
8 FENDER SUPERVISION AGENCY FOR THE DISTRICT
9 OF COLUMBIA

10 For salaries and expenses, including the transfer and
11 hire of motor vehicles, of the Court Services and Offender
12 Supervision Agency for the District of Columbia, as au-
13 thorized by the National Capital Revitalization and Self-
14 Government Improvement Act of 1997, \$203,490,000, of
15 which not to exceed \$2,000 is for official reception and
16 representation expenses related to Community Supervision
17 and Pretrial Services Agency programs; of which not to
18 exceed \$25,000 is for dues and assessments relating to
19 the implementation of the Court Services and Offender
20 Supervision Agency Interstate Supervision Act of 2002;
21 of which not to exceed \$400,000 for the Community Su-
22 pervision Program and \$160,000 for the Pretrial Services
23 Program, both to remain available until September 30,
24 2010, are for information technology infrastructure en-
25 hancement acquisitions; of which \$148,652,000 shall be
26 for necessary expenses of Community Supervision and Sex

1 Offender Registration, to include expenses relating to the
2 supervision of adults subject to protection orders or the
3 provision of services for or related to such persons; of
4 which \$54,838,000 shall be available to the Pretrial Serv-
5 ices Agency: *Provided*, That notwithstanding any other
6 provision of law, all amounts under this heading shall be
7 apportioned quarterly by the Office of Management and
8 Budget and obligated and expended in the same manner
9 as funds appropriated for salaries and expenses of other
10 Federal agencies: *Provided further*, That not less than
11 \$2,000,000 shall be available for re-entrant housing in the
12 District of Columbia: *Provided further*, That the Director
13 is authorized to accept and use gifts in the form of in-
14 kind contributions of space and hospitality to support of-
15 fender and defendant programs, and equipment and voca-
16 tional training services to educate and train offenders and
17 defendants: *Provided further*, That the Director shall keep
18 accurate and detailed records of the acceptance and use
19 of any gift or donation under the previous proviso, and
20 shall make such records available for audit and public in-
21 spection: *Provided further*, That the Court Services and
22 Offender Supervision Agency Director is authorized to ac-
23 cept and use reimbursement from the District of Columbia
24 Government for space and services provided on a cost re-
25 imburseable basis.

1 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

2 PUBLIC DEFENDER SERVICE

3 For salaries and expenses, including the transfer and
4 hire of motor vehicles, of the District of Columbia Public
5 Defender Service, as authorized by the National Capital
6 Revitalization and Self-Government Improvement Act of
7 1997, \$35,659,000: *Provided*, That notwithstanding any
8 other provision of law, all amounts under this heading
9 shall be apportioned quarterly by the Office of Manage-
10 ment and Budget and obligated and expended in the same
11 manner as funds appropriated for salaries and expenses
12 of Federal agencies: *Provided further*, That for fiscal year
13 2009 and thereafter, the Public Defender Service is au-
14 thorized to charge fees to cover costs of materials distrib-
15 uted and training provided to attendees of educational
16 events, including conferences, sponsored by the Public De-
17 fender Service, and notwithstanding 31 U.S.C. 3302, such
18 fees shall be credited to this account, to be available until
19 expended without further appropriation.

20 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

21 WATER AND SEWER AUTHORITY

22 For a Federal payment to the District of Columbia
23 Water and Sewer Authority, \$16,000,000, to remain avail-
24 able until expended, to continue implementation of the
25 Combined Sewer Overflow Long-Term Plan: *Provided*,

1 That the District of Columbia Water and Sewer Authority
2 provides a 50 percent match for this payment.

3 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

4 COORDINATING COUNCIL

5 For a Federal payment to the Criminal Justice Co-
6 ordinating Council, \$1,774,000, to remain available until
7 expended, to support initiatives related to the coordination
8 of Federal and local criminal justice resources in the Dis-
9 trict of Columbia.

10 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF

11 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

12 For a Federal payment to the Office of the Chief Fi-
13 nancial Officer of the District of Columbia, \$5,000,000:
14 *Provided*, That each entity that receives funding under
15 this heading shall submit a detailed budget and com-
16 prehensive description to the Office of the Chief Financial
17 Officer of the District of Columbia (CFO) and to the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate no later than June 1, 2009 on the activi-
20 ties to be carried out with such funds.

21 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

22 For a Federal payment for a school improvement pro-
23 gram in the District of Columbia, \$54,000,000, to be allo-
24 cated as follows: for the District of Columbia Public
25 Schools, \$20,000,000 to improve public school education
26 in the District of Columbia; for the State Education Of-

1 fice, \$20,000,000 to expand quality public charter schools
2 in the District of Columbia, to remain available until ex-
3 pended; for the Secretary of the Department of Education,
4 \$14,000,000 to provide opportunity scholarships for stu-
5 dents in the District of Columbia in accordance with divi-
6 sion C, title III of the District of Columbia Appropriations
7 Act, 2004 (Public Law 108–199; 118 Stat. 126), of which
8 up to \$1,000,000 may be used to administer and fund as-
9 sessments: *Provided*, That none of the funds provided in
10 this Act or any other Act for opportunity scholarships may
11 be used by an eligible student to enroll in a participating
12 school under the D.C. School Choice Incentive Act of 2003
13 unless (1) the participating school has and maintains a
14 valid certificate of occupancy issued by the District of Co-
15 lumbia; and (2) the core subject matter teachers of the
16 eligible student hold 4-year bachelor’s degrees: *Provided*
17 *further*, That use of any funds in this Act or any other
18 Act for opportunity scholarships after school year 2009–
19 2010 shall only be available upon enactment of reauthor-
20 ization of that program by Congress and the adoption of
21 legislation by the District of Columbia approving such re-
22 authorization.

23 FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY
24 FACILITY

25 For a Federal payment to the District of Columbia,
26 \$21,000,000, to remain available until September 30,

1 2010, for costs associated with the construction of a con-
2 solidated bioterrorism and forensics laboratory: *Provided*,
3 That the District of Columbia provides a 100 percent
4 match for this payment.

5 FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL
6 REFORM

7 For a Federal payment to jump start public school
8 reform in the District of Columbia, \$20,000,000, of which
9 \$3,500,000 is to support the recruitment, development
10 and training of principals and other school leaders;
11 \$7,000,000 is to develop optimal school programs and in-
12 tervene in low performing schools; \$7,500,000 is for a cus-
13 tomized data reporting and accountability system on stu-
14 dent performance as well as increased outreach and train-
15 ing for parents and community members; and \$2,000,000
16 is to support data reporting requirements associated with
17 the District of Columbia Public Schools teacher incentive
18 program: *Provided*, That up to \$500,000 or 10 percent,
19 whichever is less, of the amounts above may be transferred
20 as necessary from one activity to another activity: *Pro-*
21 *vided further*, That the President and the Committees on
22 Appropriations of the House of Representatives and the
23 Senate are notified in writing 15 days in advance of the
24 transfer: *Provided further*, That any amount provided
25 under this heading shall be available only after such

1 amount has been apportioned pursuant to chapter 15 of
2 title 31, United States Code.

3 FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH
4 LOCATIONS

5 For a Federal payment to the District of Columbia,
6 \$7,000,000, to remain available until expended, for the
7 Federal contribution for costs associated with the renova-
8 tion and rehabilitation of District libraries.

9 FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE
10 MAYOR OF THE DISTRICT OF COLUMBIA

11 For a Federal payment to the Executive Office of the
12 Mayor of the District of Columbia to enhance the quality
13 of life for District residents, \$3,500,000, of which
14 \$1,250,000 shall be available as Federal matching funds
15 to temporarily continue benefits for low-income couples
16 who decide to marry, and \$2,250,000 of which shall be
17 to continue Marriage Development Accounts in the Dis-
18 trict of Columbia: *Provided*, That no funds shall be ex-
19 pended until the Mayor of the District of Columbia sub-
20 mits a detailed expenditure plan, including performance
21 measures, to the Committees on Appropriations of the
22 House of Representatives and the Senate: *Provided fur-*
23 *ther*, That the District submit a preliminary progress re-
24 port on activities no later than June 1, 2009, and a final
25 report including a detailed description of outcomes
26 achieved no later than February 1, 2010.

1 DISTRICT OF COLUMBIA FUNDS

2 The following amounts are appropriated for the Dis-
3 trict of Columbia for the current fiscal year out of the
4 General Fund of the District of Columbia (“General
5 Fund”), except as otherwise specifically provided: *Pro-*
6 *vided*, That notwithstanding any other provision of law,
7 except as provided in section 450A of the District of Co-
8 lumbia Home Rule Act, approved November 2, 2000 (114
9 Stat. 2440; D.C. Official Code, section 1–204.50a) and
10 provisions of this Act, the total amount appropriated in
11 this Act for operating expenses for the District of Colum-
12 bia for fiscal year 2009 under this heading shall not ex-
13 ceed the lesser of the sum of the total revenues of the
14 District of Columbia for such fiscal year or
15 \$10,011,231,000 (of which \$6,203,795,000 shall be from
16 local funds, (including \$441,319,000 from dedicated
17 taxes), \$2,177,373,000 shall be from Federal grant funds,
18 \$1,623,754,000 shall be from other funds, and \$6,310,000
19 shall be from private funds), in addition, \$178,774,000
20 from funds previously appropriated in this Act as Federal
21 payments: *Provided further*, That of the local funds, such
22 amounts as may be necessary may be derived from the
23 District’s General Fund balance: *Provided further*, That
24 of these funds the District’s intradistrict authority shall
25 be \$725,461,000: in addition for capital construction

1 projects, an increase of \$1,482,977,000, of which
2 \$1,121,734,000 shall be from local funds, \$60,708,000
3 from the District of Columbia Highway Trust fund,
4 \$107,794,000 from the Local Street Maintenance fund,
5 \$192,741,000 from Federal grant funds, and a rescission
6 of \$353,447,000 from local funds and a rescission of
7 \$37,500,000 from Local Street Maintenance funds appro-
8 priated under this heading in prior fiscal years for a net
9 amount of \$1,092,030,000, to remain available until ex-
10 pended: *Provided further*, That the amounts provided
11 under this heading are to be available, allocated and ex-
12 pended as proposed under “Title III—District of Colum-
13 bia Funds Division of Expenses” of the Fiscal Year 2009
14 Proposed Budget and Financial Plan submitted to the
15 Congress of the United States by the District of Columbia
16 on June 9, 2008 and such title is hereby incorporated by
17 reference as though set forth fully herein: *Provided fur-*
18 *ther*, That this amount may be increased by proceeds of
19 one-time transactions, which are expended for emergency
20 or unanticipated operating or capital needs: *Provided fur-*
21 *ther*, That such increases shall be approved by enactment
22 of local District law and shall comply with all reserve re-
23 quirements contained in the District of Columbia Home
24 Rule Act approved December 24, 1973 (87 Stat. 777;
25 D.C. Official Code § 1–201.01 et seq.), as amended by this

1 Act: *Provided further*, That the Chief Financial Officer of
 2 the District of Columbia shall take such steps as are nec-
 3 essary to assure that the District of Columbia meets these
 4 requirements, including the apportioning by the Chief Fi-
 5 nancial Officer of the appropriations and funds made
 6 available to the District during fiscal year 2009, except
 7 that the Chief Financial Officer may not reprogram for
 8 operating expenses any funds derived from bonds, notes,
 9 or other obligations issued for capital projects.

10 This title may be cited as the “District of Columbia
 11 Appropriations Act, 2009”.

12 TITLE V

13 INDEPENDENT AGENCIES

14 CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

15 SALARIES AND EXPENSES

16 For payment to the Christopher Columbus Fellow-
 17 ship Foundation, established by section 423 of Public Law
 18 102–281, \$1,000,000, to remain available until expended.

19 COMMODITY FUTURES TRADING COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses to carry out the provisions
 22 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
 23 cluding the purchase and hire of passenger motor vehicles,
 24 and the rental of space (to include multiple year leases)
 25 in the District of Columbia and elsewhere, \$157,000,000,

1 including not to exceed \$3,000 for official reception and
2 representation expenses.

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 \$1,000 for official reception and
13 representation expenses, \$95,000,000: *Provided*, That
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.

18 ELECTION ASSISTANCE COMMISSION

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to carry out the Help Amer-
22 ica Vote Act of 2002, \$16,679,000, of which \$4,000,000
23 shall be transferred to the National Institute of Standards
24 and Technology for election reform activities authorized
25 under the Help America Vote Act of 2002.

1 FEDERAL COMMUNICATIONS COMMISSION
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses of the Federal Communica-
5 tions Commission, as authorized by law, including uni-
6 forms and allowances therefor, as authorized by 5 U.S.C.
7 5901–5902; not to exceed \$4,000 for official reception and
8 representation expenses; purchase and hire of motor vehi-
9 cles; special counsel fees; and services as authorized by
10 5 U.S.C. 3109, \$341,875,000: *Provided*, That
11 \$341,875,000 of offsetting collections shall be assessed
12 and collected pursuant to section 9 of title I of the Com-
13 munications Act of 1934, shall be retained and used for
14 necessary expenses in this appropriation, and shall remain
15 available until expended: *Provided further*, That the sum
16 herein appropriated shall be reduced as such offsetting
17 collections are received during fiscal year 2009 so as to
18 result in a final fiscal year 2009 appropriation estimated
19 at \$0: *Provided further*, That any offsetting collections re-
20 ceived in excess of \$341,875,000 in fiscal year 2009 shall
21 not be available for obligation: *Provided further*, That re-
22 maining offsetting collections from prior years collected in
23 excess of the amount specified for collection in each such
24 year and otherwise becoming available on October 1, 2008,
25 shall not be available for obligation: *Provided further*, That
26 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from

1 the use of a competitive bidding system that may be re-
2 tained and made available for obligation shall not exceed
3 \$85,000,000 for fiscal year 2009: *Provided further*, That,
4 in addition, not to exceed \$25,480,000 may be transferred
5 from the Universal Service Fund in fiscal year 2009 to
6 remain available until expended, to monitor the Universal
7 Service Fund program to prevent and remedy waste, fraud
8 and abuse, and to conduct audits and investigations by
9 the Office of Inspector General.

10 ADMINISTRATIVE PROVISIONS—FEDERAL

11 COMMUNICATIONS COMMISSION

12 SEC. 501. Section 302 of the Universal Service
13 Antideficiency Temporary Suspension Act is amended by
14 striking “December 31, 2008”, each place it appears and
15 inserting “December 31, 2009”.

16 SEC. 502. None of the funds appropriated by this Act
17 may be used by the Federal Communications Commission
18 to modify, amend, or change its rules or regulations for
19 universal service support payments to implement the Feb-
20 ruary 27, 2004 recommendations of the Federal-State
21 Joint Board on Universal Service regarding single connec-
22 tion or primary line restrictions on universal service sup-
23 port payments.

24 SEC. 503. Of the funds provided, not less than
25 \$3,000,000 shall be available to establish and administer
26 a State Broadband Data and Development matching

1 grants program for State-level broadband demand aggre-
2 gation activities and creation of geographic inventory
3 maps of broadband service to identify gaps in service and
4 provide a baseline assessment of statewide broadband de-
5 ployment.

6 FEDERAL DEPOSIT INSURANCE CORPORATION

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, \$27,495,000, to be derived from the
11 Deposit Insurance Fund and the FSLIC Resolution Fund.

12 FEDERAL ELECTION COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses to carry out the provisions
15 of the Federal Election Campaign Act of 1971,
16 \$63,618,000, of which not to exceed \$5,000 shall be avail-
17 able for reception and representation expenses.

18 FEDERAL LABOR RELATIONS AUTHORITY

19 SALARIES AND EXPENSES

20 For necessary expenses to carry out functions of the
21 Federal Labor Relations Authority, pursuant to Reorga-
22 nization Plan Numbered 2 of 1978, and the Civil Service
23 Reform Act of 1978, including services authorized by 5
24 U.S.C. 3109, and including hire of experts and consult-
25 ants, hire of passenger motor vehicles, and rental of con-

1 ference rooms in the District of Columbia and elsewhere,
2 \$22,674,000: *Provided*, That public members of the Fed-
3 eral Service Impasses Panel may be paid travel expenses
4 and per diem in lieu of subsistence as authorized by law
5 (5 U.S.C. 5703) for persons employed intermittently in
6 the Government service, and compensation as authorized
7 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
8 31 U.S.C. 3302, funds received from fees charged to non-
9 Federal participants at labor-management relations con-
10 ferences shall be credited to and merged with this account,
11 to be available without further appropriation for the costs
12 of carrying out these conferences.

13 FEDERAL TRADE COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Trade Com-
16 mission, including uniforms or allowances therefor, as au-
17 thorized by 5 U.S.C. 5901–5902; services as authorized
18 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
19 not to exceed \$2,000 for official reception and representa-
20 tion expenses, \$256,200,000, to remain available until ex-
21 pended: *Provided*, That not to exceed \$300,000 shall be
22 available for use to contract with a person or persons for
23 collection services in accordance with the terms of 31
24 U.S.C. 3718: *Provided further*, That, notwithstanding any
25 other provision of law, not to exceed \$168,000,000 of off-

1 setting collections derived from fees collected for
2 premerger notification filings under the Hart-Scott-Ro-
3 dino Antitrust Improvements Act of 1976 (15 U.S.C.
4 18a), regardless of the year of collection, shall be retained
5 and used for necessary expenses in this appropriation:
6 *Provided further*, That, notwithstanding any other provi-
7 sion of law, not to exceed \$19,300,000 in offsetting collec-
8 tions derived from fees sufficient to implement and enforce
9 the Telemarketing Sales Rule, promulgated under the
10 Telemarketing and Consumer Fraud and Abuse Preven-
11 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
12 account, and be retained and used for necessary expenses
13 in this appropriation: *Provided further*, That the sum here-
14 in appropriated from the general fund shall be reduced
15 as such offsetting collections are received during fiscal
16 year 2009, so as to result in a final fiscal year 2009 appro-
17 priation from the general fund estimated at not more than
18 \$68,900,000: *Provided further*, That none of the funds
19 made available to the Federal Trade Commission may be
20 used to implement subsection (e)(2)(B) of section 43 of
21 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 For an additional amount to be deposited in the Fed-
6 eral Buildings Fund, \$671,872,000. Amounts in the
7 Fund, including revenues and collections deposited into
8 the Fund, shall be available for necessary expenses of real
9 property management and related activities not otherwise
10 provided for, including operation, maintenance, and pro-
11 tection of federally owned and leased buildings; rental of
12 buildings in the District of Columbia; restoration of leased
13 premises; moving governmental agencies (including space
14 adjustments and telecommunications relocation expenses)
15 in connection with the assignment, allocation, and transfer
16 of space; contractual services incident to cleaning or serv-
17 icing buildings, and moving; repair and alteration of feder-
18 ally owned buildings including grounds, approaches and
19 appurtenances; care and safeguarding of sites; mainte-
20 nance, preservation, demolition, and equipment; acquisi-
21 tion of buildings and sites by purchase, condemnation, or
22 as otherwise authorized by law; acquisition of options to
23 purchase buildings and sites; conversion and extension of
24 federally owned buildings; preliminary planning and de-
25 sign of projects by contract or otherwise; construction of
26 new buildings (including equipment for such buildings);

1 and payment of principal, interest, and any other obliga-
2 tions for public buildings acquired by installment purchase
3 and purchase contract; in the aggregate amount of
4 \$8,524,445,000, of which: (1) \$766,991,000 shall remain
5 available until expended for construction (including funds
6 for sites and expenses and associated design and construc-
7 tion services) of additional projects at the following loca-
8 tions:

9 New Construction:

10 Alabama:

11 Tuscaloosa Federal Building,
12 \$25,000,000.

13 California:

14 San Diego, United States Courthouse
15 Annex, \$110,362,000.

16 San Ysidro, Land Port of Entry,
17 \$58,910,000.

18 Colorado:

19 Lakewood, Denver Federal Center Re-
20 mediation, \$10,472,000.

21 District of Columbia:

22 DHS Consolidation and development
23 of St. Elizabeths Campus, \$331,390,000.

24 St. Elizabeths West Campus Infra-
25 structure, \$8,249,000.

1 St. Elizabeths West Campus Site Ac-
2 quisition, \$7,000,000.

3 Maryland:

4 Montgomery County, Food and Drug
5 Administration Consolidation,
6 \$200,404,000.

7 North Dakota:

8 Portal, Land Port of Entry,
9 \$15,204,000:

10 *Provided*, That each of the foregoing limits of costs on
11 new construction projects may be exceeded to the extent
12 that savings are affected in other such projects, but not
13 to exceed 10 percent of the amounts included in an ap-
14 proved prospectus, if required, unless advance approval is
15 obtained from the Committees on Appropriations of a
16 greater amount: *Provided further*, That all funds for direct
17 construction projects shall expire on September 30, 2010
18 and remain in the Federal Buildings Fund except for
19 funds for projects as to which funds for design or other
20 funds have been obligated in whole or in part prior to such
21 date: *Provided further*, That for fiscal year 2010 and
22 thereafter, the annual budget submission of the General
23 Services Administration shall include a detailed 5-year
24 plan for Federal building construction projects with a
25 yearly update of total projected future funding needs: *Pro-*

1 *vided further*, That for fiscal year 2010 and thereafter,
2 the annual budget submission of the General Services Ad-
3 ministration shall, in consultation with U.S. Customs and
4 Border Patrol, include a detailed 5-year plan for Federal
5 land port-of-entry projects with a yearly update of total
6 projected future funding needs; (2) \$692,374,000 shall re-
7 main available until expended for repairs and alterations,
8 which includes associated design and construction services:

9 Repairs and Alterations:

10 District of Columbia:

11 Eisenhower Executive Office Building,
12 CBR, \$14,700,000.

13 Eisenhower Executive Office Building,
14 Phase III, \$51,075,000.

15 West Wing Infrastructure Systems
16 Replacement, \$76,487,000.

17 Illinois:

18 Chicago, Dirksen Courthouse,
19 \$152,825,000.

20 North Carolina:

21 New Bern, United States Post Office
22 and Courthouse, \$10,640,000.

23 Special Emphasis Programs:

24 Energy and Water Retrofit and Con-
25 servation Measures, \$36,647,000.

1 Basic Repairs and Alterations,
2 \$350,000,000:

3 *Provided further*, That funds made available in this or any
4 previous Act in the Federal Buildings Fund for Repairs
5 and Alterations shall, for prospectus projects, be limited
6 to the amount identified for each project, except each
7 project in this or any previous Act may be increased by
8 an amount not to exceed 10 percent unless advance ap-
9 proval is obtained from the Committees on Appropriations
10 of a greater amount: *Provided further*, That additional
11 projects for which prospectuses have been fully approved
12 may be funded under this category only if advance ap-
13 proval is obtained from the Committees on Appropria-
14 tions: *Provided further*, That the amounts provided in this
15 or any prior Act for “Repairs and Alterations” may be
16 used to fund costs associated with implementing security
17 improvements to buildings necessary to meet the minimum
18 standards for security in accordance with current law and
19 in compliance with the reprogramming guidelines of the
20 appropriate Committees of the House and Senate: *Pro-*
21 *vided further*, That the difference between the funds ap-
22 propriated and expended on any projects in this or any
23 prior Act, under the heading “Repairs and Alterations”,
24 may be transferred to Basic Repairs and Alterations or
25 used to fund authorized increases in prospectus projects:

1 *Provided further*, That all funds for repairs and alterations
2 prospectus projects shall expire on September 30, 2010
3 and remain in the Federal Buildings Fund except funds
4 for projects as to which funds for design or other funds
5 have been obligated in whole or in part prior to such date:
6 *Provided further*, That the amount provided in this or any
7 prior Act for Basic Repairs and Alterations may be used
8 to pay claims against the Government arising from any
9 projects under the heading “Repairs and Alterations” or
10 used to fund authorized increases in prospectus projects;
11 (3) \$149,570,000 for installment acquisition payments in-
12 cluding payments on purchase contracts which shall re-
13 main available until expended; (4) \$4,692,156,000 for
14 rental of space which shall remain available until ex-
15 pended; and (5) \$2,223,354,000 for building operations
16 which shall remain available until expended: *Provided fur-*
17 *ther*, That funds available to the General Services Admin-
18 istration shall not be available for expenses of any con-
19 struction, repair, alteration and acquisition project for
20 which a prospectus, if required by the Public Buildings
21 Act of 1959, has not been approved, except that necessary
22 funds may be expended for each project for required ex-
23 penses for the development of a proposed prospectus: *Pro-*
24 *vided further*, That funds available in the Federal Build-
25 ings Fund may be expended for emergency repairs when

1 advance approval is obtained from the Committees on Ap-
2 propriations: *Provided further*, That amounts necessary to
3 provide reimbursable special services to other agencies
4 under section 210(f)(6) of the Federal Property and Ad-
5 ministrative Services Act of 1949 (40 U.S.C. 592(b)(2))
6 and amounts to provide such reimbursable fencing, light-
7 ing, guard booths, and other facilities on private or other
8 property not in Government ownership or control as may
9 be appropriate to enable the United States Secret Service
10 to perform its protective functions pursuant to 18 U.S.C.
11 3056, shall be available from such revenues and collec-
12 tions: *Provided further*, That revenues and collections and
13 any other sums accruing to this Fund during fiscal year
14 2009, excluding reimbursements under section 210(f)(6)
15 of the Federal Property and Administrative Services Act
16 of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate
17 new obligational authority authorized for Real Property
18 Activities of the Federal Buildings Fund in this Act shall
19 remain in the Fund and shall not be available for expendi-
20 ture except as authorized in appropriations Acts.

21 GENERAL ACTIVITIES

22 GOVERNMENT-WIDE POLICY

23 For expenses authorized by law, not otherwise pro-
24 vided for, for Government-wide policy and evaluation ac-
25 tivities associated with the management of real and per-
26 sonal property assets and certain administrative services;

1 Government-wide policy support responsibilities relating to
2 acquisition, telecommunications, information technology
3 management, and related technology activities; and serv-
4 ices as authorized by 5 U.S.C. 3109; \$54,578,000.

5 OPERATING EXPENSES

6 For expenses authorized by law, not otherwise pro-
7 vided for, for Government-wide activities associated with
8 utilization and donation of surplus personal property; dis-
9 posal of real property; agency-wide policy direction, man-
10 agement, and communications; Civilian Board of Contract
11 Appeals; services as authorized by 5 U.S.C. 3109; and not
12 to exceed \$7,500 for official reception and representation
13 expenses, \$69,349,000.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General and service authorized by 5 U.S.C. 3109,
17 \$54,000,000: *Provided*, That not to exceed \$15,000 shall
18 be available for payment for information and detection of
19 fraud against the Government, including payment for re-
20 covery of stolen Government property: *Provided further*,
21 That not to exceed \$2,500 shall be available for awards
22 to employees of other Federal agencies and private citizens
23 in recognition of efforts and initiatives resulting in en-
24 hanced Office of Inspector General effectiveness.

1 ELECTRONIC GOVERNMENT FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in support of interagency
4 projects that enable the Federal Government to expand
5 its ability to conduct activities electronically, through the
6 development and implementation of innovative uses of the
7 Internet and other electronic methods, \$1,000,000, to re-
8 main available until expended: *Provided*, That these funds
9 may be transferred to Federal agencies to carry out the
10 purposes of the Fund: *Provided further*, That this transfer
11 authority shall be in addition to any other transfer author-
12 ity provided in this Act: *Provided further*, That such trans-
13 fers may not be made until 10 days after a proposed
14 spending plan and explanation for each project to be un-
15 dertaken has been submitted to the Committees on Appro-
16 priations.

17 ALLOWANCES AND OFFICE STAFF FOR FORMER
18 PRESIDENTS
19 (INCLUDING TRANSFER OF FUNDS)

20 For carrying out the provisions of the Act of August
21 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
22 \$2,934,000: *Provided*, That the Administrator of General
23 Services shall transfer to the Secretary of the Treasury
24 such sums as may be necessary to carry out the provisions
25 of such Acts.

1 PRESIDENTIAL TRANSITION EXPENSES

2 For expenses necessary to carry out the Presidential
3 Transition Act of 1963, \$8,520,000, of which not to ex-
4 ceed \$1,000,000 is for activities authorized by subsections
5 3(a)(8) and (9) of the Act.

6 FEDERAL CITIZEN SERVICES FUND

7 For necessary expenses of the Office of Citizen Serv-
8 ices, including services authorized by 5 U.S.C. 3109,
9 \$36,558,000, to be deposited into the Federal Citizen
10 Services Fund: *Provided*, That the appropriations, reve-
11 nues, and collections deposited into the Fund shall be
12 available for necessary expenses of Federal Citizen Serv-
13 ices activities in the aggregate amount not to exceed
14 \$50,000,000. Appropriations, revenues, and collections ac-
15 cruing to this Fund during fiscal year 2009 in excess of
16 such amount shall remain in the Fund and shall not be
17 available for expenditure except as authorized in appro-
18 priations Acts.

19 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

20 ADMINISTRATION

21 (INCLUDING TRANSFERS OF FUNDS)

22 SEC. 510. Funds available to the General Services
23 Administration shall be available for the hire of passenger
24 motor vehicles.

25 SEC. 511. Funds in the Federal Buildings Fund
26 made available for fiscal year 2009 for Federal Buildings

1 Fund activities may be transferred between such activities
2 only to the extent necessary to meet program require-
3 ments: *Provided*, That any proposed transfers shall be ap-
4 proved in advance by the Committees on Appropriations.

5 SEC. 512. Except as otherwise provided in this title,
6 funds made available by this Act shall be used to transmit
7 a fiscal year 2010 request for United States Courthouse
8 construction only if the request: (1) meets the design guide
9 standards for construction as established and approved by
10 the General Services Administration, the Judicial Con-
11 ference of the United States, and the Office of Manage-
12 ment and Budget; (2) reflects the priorities of the Judicial
13 Conference of the United States as set out in its approved
14 5-year construction plan; and (3) includes a standardized
15 courtroom utilization study of each facility to be con-
16 structed, replaced, or expanded.

17 SEC. 513. None of the funds provided in this Act may
18 be used to increase the amount of occupiable square feet,
19 provide cleaning services, security enhancements, or any
20 other service usually provided through the Federal Build-
21 ings Fund, to any agency that does not pay the rate per
22 square foot assessment for space and services as deter-
23 mined by the General Services Administration in compli-
24 ance with the Public Buildings Amendments Act of 1972
25 (Public Law 92–313).

1 SEC. 514. From funds made available under the
2 heading “Federal Buildings Fund, Limitations on Avail-
3 ability of Revenue”, claims against the Government of less
4 than \$250,000 arising from direct construction projects
5 and acquisition of buildings may be liquidated from sav-
6 ings effected in other construction projects with prior noti-
7 fication to the Committees on Appropriations.

8 SEC. 515. Subsections (a) and (b)(1) of section 323
9 of title 40, United States Code, are amended by striking
10 “Consumer Information Center” and inserting “Federal
11 Citizen Services”; subsection (a) is further amended by
12 striking “consumer”.

13 SEC. 516. In furtherance of the emergency manage-
14 ment strategy set forth by the Department of Homeland
15 Security’s National Response Framework, the Adminis-
16 trator may provide for the use of the Federal supply
17 schedules of the General Services Administration by non-
18 governmental organizations referenced in the National Re-
19 sponse Framework. Purchases under this authority shall
20 be limited to use in preparation for, response to, and re-
21 covery from an emergency incident contemplated in the
22 National Response Framework.

1 MERIT SYSTEMS PROTECTION BOARD
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978, the Civil Service Reform
7 Act of 1978, and the Whistleblower Protection Act of
8 1989 (5 U.S.C. 5509 note), including services as author-
9 ized by 5 U.S.C. 3109, rental of conference rooms in the
10 District of Columbia and elsewhere, hire of passenger
11 motor vehicles, direct procurement of survey printing, and
12 not to exceed \$2,000 for official reception and representa-
13 tion expenses, \$38,811,000 together with not to exceed
14 \$2,579,000 for administrative expenses to adjudicate re-
15 tirement appeals to be transferred from the Civil Service
16 Retirement and Disability Fund in amounts determined
17 by the Merit Systems Protection Board.

18 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
19 NATIONAL ENVIRONMENTAL POLICY FOUNDATION
20 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
21 NATIONAL ENVIRONMENTAL POLICY TRUST FUND
22 (INCLUDING TRANSFER OF FUNDS)

23 For payment to the Morris K. Udall Scholarship and
24 Excellence in National Environmental Policy Trust Fund,
25 pursuant to the Morris K. Udall Scholarship and Excel-
26 lence in National Environmental and Native American

1 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
2 \$3,750,000, to remain available until expended, of which
3 up to \$50,000 shall be used to conduct financial audits
4 pursuant to the Accountability of Tax Dollars Act of 2002
5 (Public Law 107–289) notwithstanding sections 8 and 9
6 of Public Law 102–259: *Provided*, That up to 60 percent
7 of such funds may be transferred by the Morris K. Udall
8 Scholarship and Excellence in National Environmental
9 Policy Foundation for the necessary expenses of the Na-
10 tive Nations Institute.

11 ENVIRONMENTAL DISPUTE RESOLUTION FUND

12 For payment to the Environmental Dispute Resolu-
13 tion Fund to carry out activities authorized in the Envi-
14 ronmental Policy and Conflict Resolution Act of 1998,
15 \$2,000,000, to remain available until expended.

16 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

17 OPERATING EXPENSES

18 For necessary expenses in connection with the admin-
19 istration of the National Archives and Records Adminis-
20 tration (including the Information Security Oversight Of-
21 fice) and archived Federal records and related activities,
22 as provided by law, and for expenses necessary for the re-
23 view and declassification of documents and the activities
24 of the Public Interest Declassification Board, and for the
25 hire of passenger motor vehicles, and for uniforms or al-
26 lowances therefor, as authorized by law (5 U.S.C. 5901

1 et seq.), including maintenance, repairs, and cleaning,
2 \$330,883,000.

3 ELECTRONIC RECORDS ARCHIVES

4 For necessary expenses in connection with the devel-
5 opment of the electronic records archives, to include all
6 direct project costs associated with research, analysis, de-
7 sign, development, and program management,
8 \$67,008,000, of which \$45,795,000 shall remain available
9 until September 30, 2010: *Provided*, That none of the
10 multi-year funds may be obligated until the National Ar-
11 chives and Records Administration submits to the Com-
12 mittees on Appropriations, and such Committees approve,
13 a plan for expenditure that: (1) meets the capital planning
14 and investment control review requirements established by
15 the Office of Management and Budget, including Circular
16 A-11; (2) complies with the National Archives and
17 Records Administration's enterprise architecture; (3) con-
18 forms with the National Archives and Records Adminis-
19 tration's enterprise life cycle methodology; (4) is approved
20 by the National Archives and Records Administration and
21 the Office of Management and Budget; (5) has been re-
22 viewed by the Government Accountability Office; and (6)
23 complies with the acquisition rules, requirements, guide-
24 lines, and systems acquisition management practices of
25 the Federal Government.

1 REPAIRS AND RESTORATION

2 For the repair, alteration, and improvement of ar-
3 chives facilities, and to provide adequate storage for hold-
4 ings, \$33,211,000, to remain available until expended:
5 *Provided*, That the Archivist is authorized to construct an
6 addition to the John F. Kennedy Presidential Library and
7 Museum; and of the funds provided, \$22,000,000 shall be
8 available for construction costs and related services for
9 building the addition to the John F. Kennedy Presidential
10 Library and Museum and other necessary expenses, in-
11 cluding renovating the Library as needed in constructing
12 the addition; and \$2,000,000 is for the repair and restora-
13 tion of the plaza that surrounds the Lyndon Baines John-
14 son Presidential Library and Museum that is under the
15 joint control and custody of the University of Texas: *Pro-*
16 *vided further*, That such funds shall remain available until
17 expended for this purpose and may be transferred directly
18 to the University and used, together with University
19 funds, for the repair and restoration of the plaza: *Provided*
20 *further*, That such funds shall be spent in accordance with
21 the construction plan submitted to the Committees on Ap-
22 propriations on March 14, 2005: *Provided further*, That
23 the Archivist shall be prohibited from entering into any
24 agreement with the University or any other party that re-
25 quires additional funding commitments on behalf of the

1 Federal Government for this project: *Provided further*,
2 That hereafter, no further Federal funding shall be pro-
3 vided for this plaza project.

4 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

5 COMMISSION

6 GRANTS PROGRAM

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for allocations and grants for
9 historical publications and records as authorized by 44
10 U.S.C. 2504, \$10,500,000, to remain available until ex-
11 pended: *Provided*, That of the funds provided in this para-
12 graph, \$2,000,000 shall be transferred to the operating
13 expenses account of the National Archives and Records
14 Administration for operating expenses of the National
15 Historical Publications and Records Commission.

16 ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND

17 RECORDS ADMINISTRATION

18 Hereafter, the National Archives and Records Ad-
19 ministration shall include in its annual budget submission
20 a comprehensive capital needs assessment for funding pro-
21 vided under the “Repairs and Restoration” appropriations
22 account to be updated yearly: *Provided*, That funds pro-
23 posed under the “Repairs and Restoration” appropriations
24 account for each fiscal year shall be allocated to projects
25 on a priority basis established under a comprehensive cap-
26 ital needs assessment.

1 NATIONAL CREDIT UNION ADMINISTRATION

2 CENTRAL LIQUIDITY FACILITY

3 During fiscal year 2009, gross obligations of the Cen-
4 tral Liquidity Facility for the principal amount of new di-
5 rect loans to member credit unions, as authorized by 12
6 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: *Pro-*
7 *vided*, That administrative expenses of the Central Liquid-
8 ity Facility in fiscal year 2009 shall not exceed \$334,000.

9 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

10 For the Community Development Revolving Loan
11 Fund program as authorized by 42 U.S.C. 9812, 9822
12 and 9910, \$1,000,000 shall be available until September
13 30, 2010 for technical assistance to low-income designated
14 credit unions.

15 OFFICE OF GOVERNMENT ETHICS

16 SALARIES AND EXPENSES

17 For necessary expenses to carry out functions of the
18 Office of Government Ethics pursuant to the Ethics in
19 Government Act of 1978, and the Ethics Reform Act of
20 1989, including services as authorized by 5 U.S.C. 3109,
21 rental of conference rooms in the District of Columbia and
22 elsewhere, hire of passenger motor vehicles, and not to ex-
23 ceed \$1,500 for official reception and representation ex-
24 penses, \$13,000,000.

1 OFFICE OF PERSONNEL MANAGEMENT
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF TRUST FUNDS)

4 For necessary expenses to carry out functions of the
5 Office of Personnel Management pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978 and the Civil Service Re-
7 form Act of 1978, including services as authorized by 5
8 U.S.C. 3109; medical examinations performed for veterans
9 by private physicians on a fee basis; rental of conference
10 rooms in the District of Columbia and elsewhere; hire of
11 passenger motor vehicles; not to exceed \$2,500 for official
12 reception and representation expenses; advances for reim-
13 bursements to applicable funds of the Office of Personnel
14 Management and the Federal Bureau of Investigation for
15 expenses incurred under Executive Order No. 10422 of
16 January 9, 1953, as amended; and payment of per diem
17 and/or subsistence allowances to employees where Voting
18 Rights Act activities require an employee to remain over-
19 night at his or her post of duty, \$92,829,000, of which
20 \$5,851,000 shall remain available until expended for the
21 Enterprise Human Resources Integration project;
22 \$1,351,000 shall remain available until expended for the
23 Human Resources Line of Business project; and in addi-
24 tion \$118,082,000 for administrative expenses, to be
25 transferred from the appropriate trust funds of the Office
26 of Personnel Management without regard to other stat-

1 utes, including direct procurement of printed materials,
2 for the retirement and insurance programs, of which
3 \$15,200,000 shall remain available until expended for the
4 cost of automating the retirement recordkeeping systems:
5 *Provided*, That the provisions of this appropriation shall
6 not affect the authority to use applicable trust funds as
7 provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of
8 title 5, United States Code: *Provided further*, That no part
9 of this appropriation shall be available for salaries and ex-
10 penses of the Legal Examining Unit of the Office of Per-
11 sonnel Management established pursuant to Executive
12 Order No. 9358 of July 1, 1943, or any successor unit
13 of like purpose: *Provided further*, That the President's
14 Commission on White House Fellows, established by Exec-
15 utive Order No. 11183 of October 3, 1964, may, during
16 fiscal year 2009, accept donations of money, property, and
17 personal services: *Provided further*, That such donations,
18 including those from prior years, may be used for the de-
19 velopment of publicity materials to provide information
20 about the White House Fellows, except that no such dona-
21 tions shall be accepted for travel or reimbursement of trav-
22 el expenses, or for the salaries of employees of such Com-
23 mission: *Provided further*, That within the funds provided,
24 the Office of Personnel Management shall carry out the
25 Intergovernmental Personnel Act Mobility Program, with

1 special attention to Federal agencies employing more than
 2 2,000 nurses: *Provided further*, That funding may be allo-
 3 cated to develop guidelines that provide Federal agencies
 4 direction in using their authority under the Intergovern-
 5 mental Personnel Act Mobility Program, according to the
 6 directives outlined in the accompanying report.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF TRUST FUNDS)

10 For necessary expenses of the Office of Inspector
 11 General in carrying out the provisions of the Inspector
 12 General Act of 1978, including services as authorized by
 13 5 U.S.C. 3109, hire of passenger motor vehicles,
 14 \$2,136,000, and in addition, not to exceed \$20,428,000
 15 for administrative expenses to audit, investigate, and pro-
 16 vide other oversight of the Office of Personnel Manage-
 17 ment's retirement and insurance programs, to be trans-
 18 ferred from the appropriate trust funds of the Office of
 19 Personnel Management, as determined by the Inspector
 20 General: *Provided*, That the Inspector General is author-
 21 ized to rent conference rooms in the District of Columbia
 22 and elsewhere.

23 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

24 HEALTH BENEFITS

25 For payment of Government contributions with re-
 26 spect to retired employees, as authorized by chapter 89

1 of title 5, United States Code, and the Retired Federal
2 Employees Health Benefits Act (74 Stat. 849), such sums
3 as may be necessary.

4 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
5 LIFE INSURANCE

6 For payment of Government contributions with re-
7 spect to employees retiring after December 31, 1989, as
8 required by chapter 87 of title 5, United States Code, such
9 sums as may be necessary.

10 PAYMENT TO CIVIL SERVICE RETIREMENT AND
11 DISABILITY FUND

12 For financing the unfunded liability of new and in-
13 creased annuity benefits becoming effective on or after Oc-
14 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
15 nuities under special Acts to be credited to the Civil Serv-
16 ice Retirement and Disability Fund, such sums as may
17 be necessary: *Provided*, That annuities authorized by the
18 Act of May 29, 1944, and the Act of August 19, 1950
19 (33 U.S.C. 771–775), may hereafter be paid out of the
20 Civil Service Retirement and Disability Fund.

21 OFFICE OF SPECIAL COUNSEL
22 SALARIES AND EXPENSES

23 For necessary expenses to carry out functions of the
24 Office of Special Counsel pursuant to Reorganization Plan
25 Numbered 2 of 1978, the Civil Service Reform Act of
26 1978 (Public Law 95–454), the Whistleblower Protection

1 Act of 1989 (Public Law 101–12), Public Law 107–304,
2 and the Uniformed Services Employment and Reemploy-
3 ment Rights Act of 1994 (Public Law 103–353), including
4 services as authorized by 5 U.S.C. 3109, payment of fees
5 and expenses for witnesses, rental of conference rooms in
6 the District of Columbia and elsewhere, and hire of pas-
7 senger motor vehicles; \$17,468,000.

8 POSTAL REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of the Postal Regulatory
12 Commission in carrying out the provisions of the Postal
13 Accountability and Enhancement Act (Public Law 109–
14 435), \$14,043,000, to be derived by transfer from the
15 Postal Service Fund and expended as authorized by sec-
16 tion 603(a) of such Act.

17 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses of the Privacy and Civil Lib-
20 erties Oversight Board, as authorized by section 1061 of
21 the Intelligence Reform and Terrorism Prevention Act of
22 2004 (5 U.S.C. 601 note), as amended, \$2,000,000.

23 SECURITIES AND EXCHANGE COMMISSION

24 SALARIES AND EXPENSES

25 For necessary expenses for the Securities and Ex-
26 change Commission, including services as authorized by

1 5 U.S.C. 3109, the rental of space (to include multiple
2 year leases) in the District of Columbia and elsewhere, and
3 not to exceed \$3,500 for official reception and representa-
4 tion expenses, \$938,000,000, to remain available until ex-
5 pended; of which not to exceed \$20,000 may be used to-
6 ward funding a permanent secretariat for the Inter-
7 national Organization of Securities Commissions; and of
8 which not to exceed \$100,000 shall be available for ex-
9 penses for consultations and meetings hosted by the Com-
10 mission with foreign governmental and other regulatory
11 officials, members of their delegations, appropriate rep-
12 resentatives and staff to exchange views concerning devel-
13 opments relating to securities matters, development and
14 implementation of cooperation agreements concerning se-
15 curities matters and provision of technical assistance for
16 the development of foreign securities markets, such ex-
17 penses to include necessary logistic and administrative ex-
18 penses and the expenses of Commission staff and foreign
19 invitees in attendance at such consultations and meetings
20 including: (1) such incidental expenses as meals taken in
21 the course of such attendance; (2) any travel and trans-
22 portation to or from such meetings; and (3) any other re-
23 lated lodging or subsistence: *Provided*, That fees and
24 charges authorized by sections 6(b) of the Securities Ex-
25 change Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g)

1 and 31 of the Securities Exchange Act of 1934 (15 U.S.C.
 2 78m(e), 78n(g), and 78ee), shall be credited to this ac-
 3 count as offsetting collections: *Provided further*, That not
 4 to exceed \$890,000,000 of such offsetting collections shall
 5 be available until expended for necessary expenses of this
 6 account: *Provided further*, That \$48,000,000 shall be de-
 7 rived from prior year unobligated balances from funds pre-
 8 viously appropriated to the Securities and Exchange Com-
 9 mission: *Provided further*, That the total amount appro-
 10 priated under this heading from the general fund for fiscal
 11 year 2009 shall be reduced as such offsetting fees are re-
 12 ceived so as to result in a final total fiscal year 2009 ap-
 13 propriation from the general fund estimated at not more
 14 than \$0.

15 SELECTIVE SERVICE SYSTEM

16 SALARIES AND EXPENSES

17 For necessary expenses of the Selective Service Sys-
 18 tem, including expenses of attendance at meetings and of
 19 training for uniformed personnel assigned to the Selective
 20 Service System, as authorized by 5 U.S.C. 4101–4118 for
 21 civilian employees; purchase of uniforms, or allowances
 22 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
 23 passenger motor vehicles; services as authorized by 5
 24 U.S.C. 3109; and not to exceed \$750 for official reception
 25 and representation expenses; \$22,000,000: *Provided*, That

1 during the current fiscal year, the President may exempt
2 this appropriation from the provisions of 31 U.S.C. 1341,
3 whenever the President deems such action to be necessary
4 in the interest of national defense: *Provided further*, That
5 none of the funds appropriated by this Act may be ex-
6 pended for or in connection with the induction of any per-
7 son into the Armed Forces of the United States.

8 SMALL BUSINESS ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses, not otherwise provided for,
11 of the Small Business Administration as authorized by
12 Public Law 108–447, including hire of passenger motor
13 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
14 not to exceed \$3,500 for official reception and representa-
15 tion expenses, \$447,250,000: *Provided*, That the Adminis-
16 trator is authorized to charge fees to cover the cost of pub-
17 lications developed by the Small Business Administration,
18 and certain loan program activities, including fees author-
19 ized by section 5(b) of the Small Business Act: *Provided*
20 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
21 received from all such activities shall be credited to this
22 account, to remain available until expended, for carrying
23 out these purposes without further appropriations: *Pro-*
24 *vided further*, That \$110,000,000 shall be available to
25 fund grants for performance in fiscal year 2009 or fiscal

1 year 2010 as authorized, of which \$1,000,000 shall be for
2 the Veterans Assistance and Services Program authorized
3 by section 21(n) of the Small Business Act, as added by
4 section 107 of Public Law 110–186, and of which
5 \$1,000,000 shall be for the Small Business Energy Effi-
6 ciency Program authorized by section 1203(c) of Public
7 Law 110–140: *Provided further*, That \$7,654,400 shall be
8 available for the Loan Modernization and Accounting Sys-
9 tem, to be available until September 30, 2010: *Provided*
10 *further*, That \$69,451,000, to remain available until Sep-
11 tember 30, 2010, shall be for initiatives related to small
12 business development and entrepreneurship, including pro-
13 grammatic and construction activities, of which \$250,000
14 shall be for the Adelante Development Center for its AC-
15 CENT School-to-Work Transition Program, Albuquerque,
16 New Mexico; \$1,100,000 shall be for the Alaska Manufac-
17 turing Extension Partnership, Inc., for a rural Alaska e-
18 commerce training project, Anchorage, Alaska; \$245,000
19 shall be for the Albuquerque Hispano Chamber of Com-
20 merce workforce training, Albuquerque, New Mexico;
21 \$600,000 shall be for the Alcorn State University for a
22 Systems Research Institute, Alcorn State, Mississippi;
23 \$750,000 shall be for the Appalachian State University
24 to study the effects of economic growth resulting from viti-
25 culture and agritourism in western North Carolina,

1 Boone, North Carolina; \$145,000 shall be for the Associa-
2 tion of Vermont Credit Unions, Student financial literacy,
3 Burlington, Vermont; \$3,500,000 shall be for the Busi-
4 ness and infrastructure development, Mingo County Rede-
5 velopment Authority, Williamson, West Virginia;
6 \$520,000 shall be for the Business incubator, Arkansas
7 Biosciences Institute, Arkansas State University;
8 \$245,000 shall be for the Cedarbridge small business incu-
9 bator, Lakewood, New Jersey; \$300,000 shall be for the
10 Center for Economic Growth, Watervliet Innovation Cen-
11 ter, Albany, New York; \$225,000 shall be for the City of
12 Baton Rouge, Louisiana, Small business investment initia-
13 tive for technical assistance to business enterprises;
14 \$100,000 shall be for the City of San Diego, California,
15 One-stop small business resource center; \$245,000 shall
16 be for the Colorado Enterprise Fund for operating ex-
17 penses and technical assistance to borrowers, Denver, Col-
18 orado; \$250,000 shall be for the Colorado State University
19 Sustainable Biofuels Development Center, Fort Collins,
20 Colorado; \$250,000 shall be for the Community Links Ha-
21 waii for planning and development of Oahu Technology
22 and Innovation Park, Oahu, Hawaii; \$100,000 shall be for
23 the E4 Entrepreneurship for immigrants, minorities,
24 women, and people with disabilities in southwest King
25 County, Washington; \$200,000 shall be for the Eastern

1 Washington University, Accelerating economic develop-
2 ment in rural, underserved communities of NE Wash-
3 ington; \$640,000 shall be for the Economic development
4 assistance for Wells, Nevada; \$245,000 shall be for the
5 Economic Development for Central Oregon, Bend Venture
6 Catalyst, Bend, Oregon; \$100,000 shall be for the Eco-
7 nomic Development Training Program, Camden, New Jer-
8 sey; \$350,000 shall be for the Entrepreneurial Develop-
9 ment Center business accelerator, Cedar Rapids, Iowa;
10 \$500,000 shall be for the First responder education initia-
11 tive, Benedictine University, Lisle, Illinois; \$245,000 shall
12 be for the Florida Institute of Technology, Florida Ad-
13 vanced Combustion Center; \$250,000 shall be for the
14 Grambling State University, Expanding Minority Entre-
15 preneurship Regionally Across the Louisiana Delta [EM-
16 ERALD] program; \$450,000 shall be for the Grays Har-
17 bor sustainable industries research and development facil-
18 ity and incubator, Port of Grays Harbor, Aberdeen, Wash-
19 ington; \$450,000 shall be for the Grow Inglewood, small
20 business development, Inglewood, California; \$245,000
21 shall be for the Indiana University, Indiana innovation in-
22 cubator, Bloomington, Indiana; \$225,500 shall be for the
23 International Trade Compliance in Agra-Business, Wich-
24 ita, Kansas; \$310,000 shall be for the Jackie Joyner-
25 Kersee Center for job training and placement services,

1 East St. Louis, Illinois; \$600,000 shall be for the Jackson
2 State University for Lynch Street Corridor Redevelop-
3 ment, Jackson, Mississippi; \$550,000 shall be for the
4 Kansas Bioscience Authority for the Kansas Small Busi-
5 ness Biobased Polymer Initiative, Olathe, Kansas;
6 \$300,000 shall be for the Kansas Farm Bureau for the
7 Kansas Hometown Prosperity Alliance, Manhattan, Kan-
8 sas; \$400,000 shall be for the Macomb County business
9 accelerator, Macomb County, Michigan; \$260,000 shall be
10 for the Massachusetts Technology Collaborative Renew-
11 able Energy Economic Development Center, Boston, Mas-
12 sachusetts; \$500,000 shall be for the Mississippi Bio-
13 technology Association for a Feasibility Study and Capac-
14 ity Building, Jackson, Mississippi; \$600,000 shall be for
15 the Mississippi State University for Convergence of Sci-
16 entists and Entrepreneurs to Expedite Commercialization
17 (SCEEC), Starkville, Mississippi; \$600,000 shall be for
18 the Mississippi Technology Alliance for the Center for In-
19 novation and Entrepreneurial Services, Jackson, Mis-
20 sissippi; \$1,000,000 shall be for the Missouri Western
21 State University for the Biotechnology Mobile Workforce
22 Development Center, St. Joseph, Missouri; \$520,000 shall
23 be for the Montana Department of Commerce, for tech-
24 nical assistance and operating expenses of the Native
25 American and WIRED program; \$500,000 shall be for the

1 Montgomery County Action Council for the development
2 of economic growth and the recruitment of small busi-
3 nesses, Independence, Kansas; \$1,000,000 shall be for the
4 Myrtle Beach International Trade & Convention Center,
5 Myrtle Beach, South Carolina; \$500,000 shall be for the
6 National Center for Aviation Training for a Technical
7 Education and Training, Wichita, Kansas; \$300,000 shall
8 be for the Native Hawaiian Organizations Association,
9 Entrepreneurial Development & Government Procurement
10 Center, Honolulu, Hawaii; \$300,000 shall be for the Ne-
11 braska Community Foundation, HomeTown Competitive-
12 ness, Lincoln, Nebraska; \$520,000 shall be for the New
13 Castle County Chamber of Commerce, Emerging Enter-
14 prise Center, business incubator, Delaware; \$375,000
15 shall be for the North Dakota State College of Science,
16 Nanotechnology Applied Science Laboratory; \$300,000
17 shall be for the Northern Community Development Cor-
18 poration, Northeast Kingdom (NEK) wireless LINC,
19 Vermont; \$2,000,000 shall be for the Northern Kentucky
20 University's College of Informatics, Highland Heights,
21 Kentucky; \$245,000 shall be for the Ohio University, Eco-
22 nomic Development through Entrepreneurship in Appa-
23 lachia [EDEA]; \$700,000 shall be for the Pellissippi Re-
24 search Centre on the Oak Ridge Corridor, Alcoa, Ten-
25 nessee; \$245,000 shall be for the Pittsburgh Life Sciences

1 Greenhouse, Tech Belt Biosciences Initiative, Pittsburgh,
2 Pennsylvania; \$100,000 shall be for the ReCycle North,
3 Green-collar enterprise program, Burlington, Vermont;
4 \$350,000 shall be for the Rhode Island Rural Develop-
5 ment Council and Farm Fresh Rhode Island, for Rhode
6 Island small business development; \$250,000 shall be for
7 the Rural Economic Area Partnership [REAP] Zones,
8 Rugby, North Dakota; \$500,000 shall be for the Rural
9 Enterprise Institute's Native American Rural Business
10 and Resource Center at Eastern Oklahoma State College,
11 Wilburton, Oklahoma; \$500,000 shall be for the Safer
12 Foundation for transitional employment placement, Chi-
13 cago, Illinois; \$375,000 shall be for the Small Business
14 and Economic Opportunity Office, Essex County, New
15 Jersey; \$245,000 shall be for the Small business green
16 development, City of East Providence, Rhode Island;
17 \$100,000 shall be for the Small business trade assistance
18 office, Prince George's County, Maryland; \$475,000 shall
19 be for the South Dakota State University, technology-
20 based economic development; \$500,000 shall be for the
21 Southern Illinois University for the Southern Research
22 Park, Carbondale, Illinois; \$700,000 shall be for the
23 Southwestern Pennsylvania Advanced Robotics Business
24 Accelerator, Pittsburgh, Pennsylvania; \$500,000 shall be
25 for the St. Leo Residence for Veterans for job training,

1 Catholic Charities, Chicago, Illinois; \$175,000 shall be for
2 the TechTown Small Business Clinic, Wayne State Law
3 School; \$120,000 shall be for the University of Con-
4 necticut Avery Point, business incubator, Groton, Con-
5 necticut; \$325,000 shall be for the University of Con-
6 necticut Health Center business incubator, Farmington,
7 Connecticut; \$450,000 shall be for the University of Kan-
8 sas for Equipment for Pharmaceutical Small Business De-
9 velopment, Kansas City, Kansas; \$700,000 shall be for the
10 University of Kansas Hospital for Medical Faculty Small
11 Business Development, Kansas City, Kansas; \$450,000
12 shall be for the University of Maryland—Baltimore
13 BioPark; \$260,000 shall be for the University of Massa-
14 chusetts Dartmouth, Advanced Technical and Manufac-
15 turing Center business incubator, Fall River, Massachu-
16 setts; \$600,000 shall be for the University of Southern
17 Mississippi for Early Stage Entrepreneur Development,
18 Hattiesburg, Mississippi; \$300,000 shall be for the Uni-
19 versity of Wisconsin-Milwaukee, University-industry part-
20 nership to foster rapid development of businesses in water
21 industries; \$500,000 shall be for the University Tech-
22 nology Park, Illinois Institute of Technology, Chicago, Illi-
23 nois; \$250,000 shall be for the Virginia’s Center for Inno-
24 vative Technology, Mine safety technology and commu-
25 nication improvements, Herndon, Virginia; \$250,000 shall

1 be for the Washington Hancock Community Agency for
 2 a Microbusiness Assistance Program, Milbridge, Maine;
 3 and \$400,000 shall be for the World Trade Center Utah
 4 Partnership Initiative, Salt Lake City, Utah.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
 7 General in carrying out the provisions of the Inspector
 8 General Act of 1978, \$15,500,000.

9 SURETY BOND GUARANTEES REVOLVING FUND

10 For additional capital for the Surety Bond Guarant-
 11 tees Revolving Fund, authorized by the Small Business
 12 Investment Act of 1958, \$2,000,000, to remain available
 13 until expended.

14 BUSINESS LOANS PROGRAM ACCOUNT

15 (INCLUDING TRANSFERS OF FUNDS)

16 For the cost of direct loans, \$2,500,000, to remain
 17 available until expended: *Provided*, That such costs, in-
 18 cluding the cost of modifying such loans, shall be as de-
 19 fined in section 502 of the Congressional Budget Act of
 20 1974: *Provided further*, That subject to section 502 of the
 21 Congressional Budget Act of 1974, during fiscal year
 22 2009 commitments to guarantee loans under section 503
 23 of the Small Business Investment Act of 1958 shall not
 24 exceed \$7,500,000,000: *Provided further*, That during fis-
 25 cal year 2009 commitments for general business loans au-
 26 thorized under section 7(a) of the Small Business Act

1 shall not exceed \$17,500,000,000: *Provided further*, That
2 during fiscal year 2009 commitments to guarantee loans
3 for debentures under section 303(b) of the Small Business
4 Investment Act of 1958, shall not exceed \$3,000,000,000:
5 *Provided further*, That during fiscal year 2009, guarantees
6 of trust certificates authorized by section 5(g) of the Small
7 Business Act shall not exceed a principal amount of
8 \$12,000,000,000. In addition, for administrative expenses
9 to carry out the direct and guaranteed loan programs,
10 \$138,480,000, which may be transferred to and merged
11 with the appropriations for Salaries and Expenses.

12 DISASTER LOAN PROGRAM ACCOUNT

13 (INCLUDING TRANSFERS OF FUNDS)

14 For administrative expenses to carry out the direct
15 loan program authorized by section 7(b) of the Small
16 Business Act, \$160,068,000, to be available until ex-
17 pended, of which \$1,000,000 is for the Office of Inspector
18 General of the Small Business Administration for audits
19 and reviews of disaster loans and the disaster loan pro-
20 gram and shall be transferred to and merged with the ap-
21 propriations for the Office of Inspector General; of which
22 \$150,068,000 is for direct administrative expenses of loan
23 making and servicing to carry out the direct loan program,
24 which may be transferred to and merged with the appro-
25 priations for Salaries and Expenses; and of which
26 \$9,000,000 is for indirect administrative expenses, which

1 may be transferred to and merged with the appropriations
2 for Salaries and Expenses.

3 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

4 ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 520. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the
8 Small Business Administration in this Act may be trans-
9 ferred between such appropriations, but no such appro-
10 priation shall be increased by more than 10 percent by
11 any such transfers: *Provided*, That any transfer pursuant
12 to this paragraph shall be treated as a reprogramming of
13 funds under section 610 of this Act and shall not be avail-
14 able for obligation or expenditure except in compliance
15 with the procedures set forth in that section.

16 SEC. 521. All disaster loans issued in Alaska or
17 North Dakota shall be administered by the Small Business
18 Administration and shall not be sold during fiscal year
19 2009.

20 SEC. 522. None of the funds made available under
21 this Act may be used by the Small Business Administra-
22 tion to implement the proposed rule relating to women-
23 owned small business Federal contract assistance proce-
24 dures published in the Federal Register on December 27,
25 2007 (72 Fed. Reg. 73285 et seq.).

1 UNITED STATES POSTAL SERVICE

2 PAYMENT TO THE POSTAL SERVICE FUND

3 For payment to the Postal Service Fund for revenue
4 forgone on free and reduced rate mail, pursuant to sub-
5 sections (c) and (d) of section 2401 of title 39, United
6 States Code, \$111,831,000, of which \$82,831,000 shall
7 not be available for obligation until October 1, 2009: *Pro-*
8 *vided*, That mail for overseas voting and mail for the blind
9 shall continue to be free: *Provided further*, That 6-day de-
10 livery and rural delivery of mail shall continue at not less
11 than the 1983 level: *Provided further*, That none of the
12 funds made available to the Postal Service by this Act
13 shall be used to implement any rule, regulation, or policy
14 of charging any officer or employee of any State or local
15 child support enforcement agency, or any individual par-
16 ticipating in a State or local program of child support en-
17 forcement, a fee for information requested or provided
18 concerning an address of a postal customer: *Provided fur-*
19 *ther*, That none of the funds provided in this Act shall
20 be used to consolidate or close small rural and other small
21 post offices in fiscal year 2009.

22 OFFICE OF INSPECTOR GENERAL

23 SALARIES AND EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses of the Office of Inspector
26 General in carrying out the provisions of the Inspector

1 General Act of 1978, \$239,356,000, to be derived by
2 transfer from the Postal Service Fund and expended as
3 authorized by section 603(b)(3) of the Postal Account-
4 ability and Enhancement Act (Public Law 109–435).

5 UNITED STATES TAX COURT

6 SALARIES AND EXPENSES

7 For necessary expenses, including contract reporting
8 and other services as authorized by 5 U.S.C. 3109,
9 \$48,463,000: *Provided*, That travel expenses of the judges
10 shall be paid upon the written certificate of the judge.

11 TITLE VI

12 GENERAL PROVISIONS—THIS ACT

13 SEC. 601. None of the funds in this Act shall be used
14 for the planning or execution of any program to pay the
15 expenses of, or otherwise compensate, non-Federal parties
16 intervening in regulatory or adjudicatory proceedings
17 funded in this Act.

18 SEC. 602. None of the funds appropriated in this Act
19 shall remain available for obligation beyond the current
20 fiscal year, nor may any be transferred to other appropria-
21 tions, unless expressly so provided herein.

22 SEC. 603. The expenditure of any appropriation
23 under this Act for any consulting service through procure-
24 ment contract pursuant to section 3109 of title 5, United
25 States Code, shall be limited to those contracts where such

1 expenditures are a matter of public record and available
2 for public inspection, except where otherwise provided
3 under existing law, or under existing Executive order
4 issued pursuant to existing law.

5 SEC. 604. None of the funds made available in this
6 Act may be transferred to any department, agency, or in-
7 strumentality of the United States Government, except
8 pursuant to a transfer made by, or transfer authority pro-
9 vided in, this Act or any other appropriations Act.

10 SEC. 605. None of the funds made available by this
11 Act shall be available for any activity or for paying the
12 salary of any Government employee where funding an ac-
13 tivity or paying a salary to a Government employee would
14 result in a decision, determination, rule, regulation, or pol-
15 icy that would prohibit the enforcement of section 307 of
16 the Tariff Act of 1930 (19 U.S.C. 1307).

17 SEC. 606. No funds appropriated pursuant to this
18 Act may be expended by an entity unless the entity agrees
19 that in expending the assistance the entity will comply
20 with the Buy American Act (41 U.S.C. 10a–10c).

21 SEC. 607. No funds appropriated or otherwise made
22 available under this Act shall be made available to any
23 person or entity that has been convicted of violating the
24 Buy American Act (41 U.S.C. 10a–10c).

1 SEC. 608. Except as otherwise provided in this Act,
2 none of the funds provided in this Act, provided by pre-
3 vious appropriations Acts to the agencies or entities fund-
4 ed in this Act that remain available for obligation or ex-
5 penditure in fiscal year 2009, or provided from any ac-
6 counts in the Treasury derived by the collection of fees
7 and available to the agencies funded by this Act, shall be
8 available for obligation or expenditure through a re-
9 programming of funds that: (1) creates a new program;
10 (2) eliminates a program, project, or activity; (3) increases
11 funds or personnel for any program, project, or activity
12 for which funds have been denied or restricted by the Con-
13 gress; (4) proposes to use funds directed for a specific ac-
14 tivity by either the House of Representatives or the Senate
15 Committees on Appropriations for a different purpose; (5)
16 augments existing programs, projects, or activities in ex-
17 cess of \$5,000,000 or 10 percent, whichever is less; (6)
18 reduces existing programs, projects, or activities by
19 \$5,000,000 or 10 percent, whichever is less; or (7) creates
20 or reorganizes offices, programs, or activities unless prior
21 approval is received from the House of Representatives
22 and the Senate Committees on Appropriations: *Provided*,
23 That prior to any significant reorganization or restruc-
24 turing of offices, programs, or activities, each agency or
25 entity funded in this Act shall consult with the Commit-

tees 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 Commit-
tees on Appropriations of the House of Representatives
and the Senate 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 de-
lineation 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.

SEC. 609. Except as otherwise specifically provided
by law, not to exceed 50 percent of unobligated balances
remaining available at the end of fiscal year 2009 from
appropriations made available for salaries and expenses
for fiscal year 2009 in this Act, shall remain available

1 through September 30, 2010, for each such account for
2 the purposes authorized: *Provided*, That a request shall
3 be submitted to the Committees on Appropriations of the
4 House of Representatives and the Senate for approval
5 prior to the expenditure of such funds: *Provided further*,
6 That these requests shall be made in compliance with re-
7 programming guidelines.

8 SEC. 610. None of the funds made available in this
9 Act may be used by the Executive Office of the President
10 to request from the Federal Bureau of Investigation any
11 official background investigation report on any individual,
12 except when—

13 (1) such individual has given his or her express
14 written consent for such request not more than 6
15 months prior to the date of such request and during
16 the same presidential administration; or

17 (2) such request is required due to extraor-
18 dinary circumstances involving national security.

19 SEC. 611. The cost accounting standards promul-
20 gated under section 26 of the Office of Federal Procure-
21 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)
22 shall not apply with respect to a contract under the Fed-
23 eral Employees Health Benefits Program established
24 under chapter 89 of title 5, United States Code.

1 SEC. 612. For the purpose of resolving litigation and
2 implementing any settlement agreements regarding the
3 nonforeign area cost-of-living allowance program, the Of-
4 fice of Personnel Management may accept and utilize
5 (without regard to any restriction on unanticipated travel
6 expenses imposed in an Appropriations Act) funds made
7 available to the Office of Personnel Management pursuant
8 to court approval.

9 SEC. 613. In order to promote Government access to
10 commercial information technology, the restriction on pur-
11 chasing nondomestic articles, materials, and supplies set
12 forth in the Buy American Act (41 U.S.C. 10a et seq.),
13 shall not apply to the acquisition by the Federal Govern-
14 ment of information technology (as defined in section
15 11101 of title 40, United States Code), that is a commer-
16 cial item (as defined in section 4(12) of the Office of Fed-
17 eral Procurement Policy Act (41 U.S.C. 403(12))).

18 SEC. 614. Notwithstanding section 1353 of title 31,
19 United States Code, no officer or employee of any regu-
20 latory agency or commission funded by this Act may ac-
21 cept on behalf of that agency, nor may such agency or
22 commission accept, payment or reimbursement from a
23 non-Federal entity for travel, subsistence, or related ex-
24 penses for the purpose of enabling an officer or employee
25 to attend and participate in any meeting or similar func-

1 tion relating to the official duties of the officer or em-
2 ployee when the entity offering payment or reimbursement
3 is a person or entity subject to regulation by such agency
4 or commission, or represents a person or entity subject
5 to regulation by such agency or commission, unless the
6 person or entity is an organization exempt from taxation
7 pursuant to section 501(c)(3) of the Internal Revenue
8 Code of 1986.

9 SEC. 615. Section 5112 of title 31, United States
10 Code (as amended by Public Law 110–161), is amended—

11 (1) by redesignating the second subsection (r)
12 as subsection (s), and

13 (2) by striking “paragraph (4)” each place it
14 appears in subsection (s)(5) (as redesignated by
15 paragraph (1)) and inserting “paragraph (3)”.

16 SEC. 616. LIFE INSURANCE FOR TAX COURT
17 JUDGES AGE 65 OR OVER. (a) IN GENERAL.—Section
18 7472 of title 26 is amended by inserting after the word
19 “imposed” where it appears in the second sentence the
20 following phrase “after April 24, 1999, that is incurred”.

21 (b) EFFECTIVE DATE.—This amendment shall take
22 effect as if included in the amendment made by section
23 852 of the Pension Protection Act of 2006.

24 SEC. 617. The Public Company Accounting Oversight
25 Board shall have authority to obligate funds for the schol-

1 arship program established by section 109(c)(2) of the
2 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an
3 aggregate amount not exceeding the amount of funds col-
4 lected by the Board as of September 30, 2008, including
5 accrued interest, as a result of the assessment of monetary
6 penalties. Funds available for obligation in fiscal year
7 2009 shall remain available until expended.

8 SEC. 618. None of the funds made available in this
9 Act may be used to administer, implement, or enforce the
10 amendment made to section 515.533 of title 31, Code of
11 Federal Regulations, that was published in the Federal
12 Register on February 25, 2005.

13 SEC. 619. Section 910(a) of the Trade Sanctions Re-
14 form and Export Enhancement Act of 2000 (22 U.S.C.
15 7209(a)) is amended to read as follows:

16 “(a) AUTHORIZATION OF TRAVEL RELATING TO
17 COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL
18 GOODS.—The Secretary of the Treasury shall promulgate
19 regulations under which the travel-related transactions
20 listed in paragraph (c) of section 515.560 of title 31, Code
21 of Federal Regulations, are authorized by general license
22 for travel to, from, or within Cuba for the marketing and
23 sale of agricultural and medical goods pursuant to the pro-
24 visions of this title.”.

1 SEC. 620. None of the funds made available in this
2 Act may be used to administer, implement, or enforce the
3 amendments made to section 515.560 and section 515.561
4 of title 31, Code of Federal Regulations, related to travel
5 to visit relatives in Cuba, that were published in the Fed-
6 eral Register on June 16, 2004.

7 SEC. 621. Through September 30, 2012, notwith-
8 standing any other provision of law, neither the Board of
9 Governors of the Federal Reserve System nor the Sec-
10 retary of the Treasury may determine, by rule, regulation,
11 order, or otherwise, for the purposes of section 4(K) of
12 the Bank Holding Company Act of 1956, or section 5136A
13 of the Revised Statutes of the United States, that real es-
14 tate brokerage activity or real estate management activity
15 (which for purposes of this paragraph shall be defined to
16 mean “real estate brokerage” and “property manage-
17 ment” respectively, as those terms were understood by the
18 Federal Reserve Board prior to March 11, 2000) is an
19 activity that is financial in nature, is incidental to any fi-
20 nancial activity, or is complementary to a financial activ-
21 ity. For purposes of this paragraph, “real estate brokerage
22 activity” shall mean “real estate brokerage”, and “real es-
23 tate management activity” shall mean “property manage-
24 ment” as those terms were understood by the Federal Re-
25 serve Board prior to March 11, 2000.

1 SEC. 622. CHRISTOPHER COLUMBUS FELLOWSHIP
2 AUTHORIZATION. The Christopher Columbus Fellowship
3 Act (20 U.S.C. 5701 et seq.) is amended—

4 (1) in section 426(a) (20 U.S.C. 5705(a))—

5 (A) in paragraph (3), by striking “and” at
6 the end;

7 (B) by redesignating paragraph (4) as
8 paragraph (5); and

9 (C) by inserting after paragraph (3) the
10 following:

11 “(4) amounts appropriated to the Foundation,
12 as authorized under section 430; and”;

13 (2) by adding at the end the following new sec-
14 tion:

15 **“SEC. 430. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to the
17 Foundation, such sums as may be necessary to carry out
18 this subtitle.”.

19 SEC. 623. (a) Within 90 days after the date of enact-
20 ment of this Act, the Federal Trade Commission shall ini-
21 tiate a rulemaking proceeding with respect to subprime
22 mortgage loans and nontraditional mortgage loans in ac-
23 cordance with section 553 of title 5, United States Code.
24 Any violation of a rule prescribed under this subsection
25 shall be treated as a violation of a rule under section 18

1 of the Federal Trade Commission Act (15 U.S.C. 57a) re-
2 garding unfair or deceptive acts or practices.

3 (b)(1) Except as provided in paragraph (6), a State,
4 as *parens patriae*, may bring a civil action on behalf of
5 its residents in an appropriate State or district court of
6 the United States to enforce the provisions of section 128
7 of the Truth in Lending Act (15 U.S.C. 1638), any other
8 provision of the Truth in Lending Act, or any subprime
9 mortgage loan rule or nontraditional mortgage loan rule
10 promulgated by the Federal Trade Commission to obtain
11 penalties and relief provided under such Act or rule when-
12 ever the attorney general of the State has reason to believe
13 that the interests of the residents of the State have been
14 or are being threatened or adversely affected by a violation
15 of such Act or rule.

16 (2) The State shall serve written notice to the Com-
17 mission of any civil action under paragraph (1) at least
18 60 days prior to initiating such civil action. The notice
19 shall include a copy of the complaint to be filed to initiate
20 such civil action, except that if it is not feasible for the
21 State to provide such prior notice, the State shall provide
22 notice immediately upon instituting such civil action.

23 (3) Upon receiving the notice required by paragraph
24 (2), the Commission may intervene in such civil action and
25 upon intervening—

1 (A) be heard on all matters arising in such civil
2 action;

3 (B) remove the action to the appropriate
4 United States district court; and

5 (C) file petitions for appeal of a decision in
6 such civil action.

7 (4) Nothing in this subsection shall prevent the attor-
8 ney general of a State from exercising the powers con-
9 ferred on the attorney general by the laws of such State
10 to conduct investigations or to administer oaths or affir-
11 mations or to compel the attendance of witnesses or the
12 production of documentary and other evidence. Nothing
13 in this section shall prohibit the attorney general of a
14 State, or other authorized State officer, from proceeding
15 in State or Federal court on the basis of an alleged viola-
16 tion of any civil or criminal statute of that State.

17 (5) In a civil action brought under paragraph (1)—

18 (A) the venue shall be a judicial district in
19 which the defendant is found, is an inhabitant, or
20 transacts business or wherever venue is proper under
21 section 1391 of title 28, United States Code; and

22 (B) process may be served without regard to
23 the territorial limits of the district or of the State
24 in which the civil action is instituted.

1 (6) Whenever a civil action or an administrative ac-
2 tion has been instituted by or on behalf of the Commission
3 for violation of any provision of law or rule described in
4 paragraph (1), no State may, during the pendency of such
5 action instituted by or on behalf of the Commission, insti-
6 tute a civil action under that paragraph against any de-
7 fendant named in the complaint in such action for viola-
8 tion of any law or rule as alleged in such complaint.

9 (7) If the attorney general of a State prevails in any
10 civil action under paragraph (1), the State can recover
11 reasonable costs and attorney fees from the lender or re-
12 lated party.

13 (c) Section 129 of the Truth in Lending Act (15
14 U.S.C. 1639) is amended by adding at the end the fol-
15 lowing:

16 “(m) CIVIL PENALTIES IN FEDERAL TRADE COM-
17 MISSION ENFORCEMENT ACTIONS.—For purposes of en-
18 forcement by the Federal Trade Commission, any violation
19 of a regulation issued by the Federal Reserve Board pur-
20 suant to subsection (1)(2) of this section shall be treated
21 as a violation of a rule promulgated under section 18 of
22 the Federal Trade Commission Act (15 U.S.C. 57a) re-
23 garding unfair or deceptive acts or practices.”.

1 TITLE VII
2 GENERAL PROVISIONS GOVERNMENT-WIDE
3 DEPARTMENTS, AGENCIES, AND CORPORATIONS
4 SEC. 701. No department, agency, or instrumentality
5 of the United States receiving appropriated funds under
6 this or any other Act for fiscal year 2009 shall obligate
7 or expend any such funds, unless such department, agen-
8 cy, or instrumentality has in place, and will continue to
9 administer in good faith, a written policy designed to en-
10 sure that all of its workplaces are free from the illegal
11 use, possession, or distribution of controlled substances
12 (as defined in the Controlled Substances Act (21 U.S.C.
13 802)) by the officers and employees of such department,
14 agency, or instrumentality.
15 SEC. 702. Unless otherwise specifically provided, the
16 maximum amount allowable during the current fiscal year
17 in accordance with section 16 of the Act of August 2, 1946
18 (60 Stat. 810), for the purchase of any passenger motor
19 vehicle (exclusive of buses, ambulances, law enforcement,
20 and undercover surveillance vehicles), is hereby fixed at
21 \$13,197 except station wagons for which the maximum
22 shall be \$13,631: *Provided*, That these limits may be ex-
23 ceeded by not to exceed \$3,700 for police-type vehicles,
24 and by not to exceed \$4,000 for special heavy-duty vehi-
25 cles: *Provided further*, That the limits set forth in this sec-

1 tion may not be exceeded by more than 5 percent for elec-
2 tric or hybrid vehicles purchased for demonstration under
3 the provisions of the Electric and Hybrid Vehicle Re-
4 search, Development, and Demonstration Act of 1976:
5 *Provided further*, That the limits set forth in this section
6 may be exceeded by the incremental cost of clean alter-
7 native fuels vehicles acquired pursuant to Public Law
8 101–549 over the cost of comparable conventionally fueled
9 vehicles.

10 SEC. 703. Appropriations of the executive depart-
11 ments and independent establishments for the current fis-
12 cal year available for expenses of travel, or for the ex-
13 penses of the activity concerned, are hereby made available
14 for quarters allowances and cost-of-living allowances, in
15 accordance with 5 U.S.C. 5922–5924.

16 SEC. 704. Unless otherwise specified during the cur-
17 rent fiscal year, no part of any appropriation contained
18 in this or any other Act shall be used to pay the compensa-
19 tion of any officer or employee of the Government of the
20 United States (including any agency the majority of the
21 stock of which is owned by the Government of the United
22 States) whose post of duty is in the continental United
23 States unless such person: (1) is a citizen of the United
24 States; (2) is a person in the service of the United States
25 on the date of the enactment of this Act who, being eligible

1 for citizenship, has filed a declaration of intention to be-
2 come a citizen of the United States prior to such date and
3 is actually residing in the United States; (3) is a person
4 who owes allegiance to the United States; (4) is an alien
5 from Cuba, Poland, South Vietnam, the countries of the
6 former Soviet Union, or the Baltic countries lawfully ad-
7 mitted to the United States for permanent residence; (5)
8 is a South Vietnamese, Cambodian, or Laotian refugee pa-
9 roled in the United States after January 1, 1975; or (6)
10 is a national of the People's Republic of China who quali-
11 fies for adjustment of status pursuant to the Chinese Stu-
12 dent Protection Act of 1992 (Public Law 102-404): *Pro-*
13 *vided*, That for the purpose of this section, an affidavit
14 signed by any such person shall be considered prima facie
15 evidence that the requirements of this section with respect
16 to his or her status have been complied with: *Provided fur-*
17 *ther*, That any person making a false affidavit shall be
18 guilty of a felony, and, upon conviction, shall be fined no
19 more than \$4,000 or imprisoned for not more than 1 year,
20 or both: *Provided further*, That the above penal clause
21 shall be in addition to, and not in substitution for, any
22 other provisions of existing law: *Provided further*, That
23 any payment made to any officer or employee contrary to
24 the provisions of this section shall be recoverable in action
25 by the Federal Government. This section shall not apply

1 to citizens of Ireland, Israel, or the Republic of the Phil-
2ippines, or to nationals of those countries allied with the
3 United States in a current defense effort, or to inter-
4 national broadcasters employed by the Broadcasting
5 Board of Governors, or to temporary employment of trans-
6 lators, or to temporary employment in the field service
7 (not to exceed 60 days) as a result of emergencies: *Pro-*
8 *vided*, That this section does not apply to the employment
9 as Wildland firefighters for not more than 120 days of
10 nonresident aliens employed by the Department of the In-
11terior or the USDA Forest Service pursuant to an agree-
12ment with another country.

13 SEC. 705. Appropriations available to any depart-
14ment or agency during the current fiscal year for nec-
15essary expenses, including maintenance or operating ex-
16penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 479), the Public Buildings Amendments
22 of 1972 (86 Stat. 216), or other applicable law.

23 SEC. 706. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25ceive and use funds resulting from the sale of materials,

1 including Federal records disposed of pursuant to a
2 records schedule recovered through recycling or waste pre-
3 vention programs. Such funds shall be available until ex-
4 pended for the following purposes:

5 (1) Acquisition, waste reduction and prevention,
6 and recycling programs as described in Executive
7 Order No. 13423 (January 24, 2007), including any
8 such programs adopted prior to the effective date of
9 the Executive order.

10 (2) Other Federal agency environmental man-
11 agement programs, including, but not limited to, the
12 development and implementation of hazardous waste
13 management and pollution prevention programs.

14 (3) Other employee programs as authorized by
15 law or as deemed appropriate by the head of the
16 Federal agency.

17 SEC. 707. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

1 Act by which they are made available: *Provided*, That in
2 the event any functions budgeted as administrative ex-
3 penses are subsequently transferred to or paid from other
4 funds, the limitations on administrative expenses shall be
5 correspondingly reduced.

6 SEC. 708. No part of any appropriation contained in
7 this or any other Act shall be available for interagency
8 financing of boards (except Federal Executive Boards),
9 commissions, councils, committees, or similar groups
10 (whether or not they are interagency entities) which do
11 not have a prior and specific statutory approval to receive
12 financial support from more than one agency or instru-
13 mentality.

14 SEC. 709. None of the funds made available pursuant
15 to the provisions of this Act shall be used to implement,
16 administer, or enforce any regulation which has been dis-
17 approved pursuant to a joint resolution duly adopted in
18 accordance with the applicable law of the United States.

19 SEC. 710. (a) Notwithstanding any other provision
20 of law, and except as otherwise provided in this section,
21 no part of any of the funds appropriated for fiscal year
22 2009, by this or any other Act, may be used to pay any
23 prevailing rate employee described in section
24 5342(a)(2)(A) of title 5, United States Code—

1 (1) during the period from the date of expira-
2 tion of the limitation imposed by the comparable sec-
3 tion for previous fiscal years until the normal effec-
4 tive date of the applicable wage survey adjustment
5 that is to take effect in fiscal year 2009, in an
6 amount that exceeds the rate payable for the appli-
7 cable grade and step of the applicable wage schedule
8 in accordance with such section; and

9 (2) during the period consisting of the remain-
10 der of fiscal year 2009, in an amount that exceeds,
11 as a result of a wage survey adjustment, the rate
12 payable under paragraph (1) by more than the sum
13 of—

14 (A) the percentage adjustment taking ef-
15 fect in fiscal year 2009 under section 5303 of
16 title 5, United States Code, in the rates of pay
17 under the General Schedule; and

18 (B) the difference between the overall aver-
19 age percentage of the locality-based com-
20 parability payments taking effect in fiscal year
21 2009 under section 5304 of such title (whether
22 by adjustment or otherwise), and the overall av-
23 erage percentage of such payments which was
24 effective in the previous fiscal year under such
25 section.

1 (b) Notwithstanding any other provision of law, no
2 prevailing rate employee described in subparagraph (B) or
3 (C) of section 5342(a)(2) of title 5, United States Code,
4 and no employee covered by section 5348 of such title,
5 may be paid during the periods for which subsection (a)
6 is in effect at a rate that exceeds the rates that would
7 be payable under subsection (a) were subsection (a) appli-
8 cable to such employee.

9 (c) For the purposes of this section, the rates payable
10 to an employee who is covered by this section and who
11 is paid from a schedule not in existence on September 30,
12 2008, shall be determined under regulations prescribed by
13 the Office of Personnel Management.

14 (d) Notwithstanding any other provision of law, rates
15 of premium pay for employees subject to this section may
16 not be changed from the rates in effect on September 30,
17 2008, except to the extent determined by the Office of
18 Personnel Management to be consistent with the purpose
19 of this section.

20 (e) This section shall apply with respect to pay for
21 service performed after September 30, 2008.

22 (f) For the purpose of administering any provision
23 of law (including any rule or regulation that provides pre-
24 mium pay, retirement, life insurance, or any other em-
25 ployee benefit) that requires any deduction or contribu-

1 tion, or that imposes any requirement or limitation on the
2 basis of a rate of salary or basic pay, the rate of salary
3 or basic pay payable after the application of this section
4 shall be treated as the rate of salary or basic pay.

5 (g) Nothing in this section shall be considered to per-
6 mit or require the payment to any employee covered by
7 this section at a rate in excess of the rate that would be
8 payable were this section not in effect.

9 (h) The Office of Personnel Management may provide
10 for exceptions to the limitations imposed by this section
11 if the Office determines that such exceptions are necessary
12 to ensure the recruitment or retention of qualified employ-
13 ees.

14 SEC. 711. During the period in which the head of
15 any department or agency, or any other officer or civilian
16 employee of the Federal Government appointed by the
17 President of the United States, holds office, no funds may
18 be obligated or expended in excess of \$5,000 to furnish
19 or redecorate the office of such department head, agency
20 head, officer, or employee, or to purchase furniture or
21 make improvements for any such office, unless advance
22 notice of such furnishing or redecoration is expressly ap-
23 proved by the Committees on Appropriations of the House
24 of Representatives and the Senate. For the purposes of
25 this section, the term "office" shall include the entire suite

1 of offices assigned to the individual, as well as any other
2 space used primarily by the individual or the use of which
3 is directly controlled by the individual.

4 SEC. 712. Notwithstanding section 1346 of title 31,
5 United States Code, or section 708 of this Act, funds
6 made available for the current fiscal year by this or any
7 other Act shall be available for the interagency funding
8 of national security and emergency preparedness tele-
9 communications initiatives which benefit multiple Federal
10 departments, agencies, or entities, as provided by Execu-
11 tive Order No. 12472 (April 3, 1984).

12 SEC. 713. (a) None of the funds appropriated by this
13 or any other Act may be obligated or expended by any
14 Federal department, agency, or other instrumentality for
15 the salaries or expenses of any employee appointed to a
16 position of a confidential or policy-determining character
17 excepted from the competitive service pursuant to section
18 3302 of title 5, United States Code, without a certification
19 to the Office of Personnel Management from the head of
20 the Federal department, agency, or other instrumentality
21 employing the Schedule C appointee that the Schedule C
22 position was not created solely or primarily in order to
23 detail the employee to the White House.

1 (b) The provisions of this section shall not apply to
2 Federal employees or members of the armed forces de-
3 tailed to or from—

4 (1) the Central Intelligence Agency;

5 (2) the National Security Agency;

6 (3) the Defense Intelligence Agency;

7 (4) the National Geospatial-Intelligence Agency;

8 (5) the offices within the Department of De-
9 fense for the collection of specialized national foreign
10 intelligence through reconnaissance programs;

11 (6) the Bureau of Intelligence and Research of
12 the Department of State;

13 (7) any agency, office, or unit of the Army,
14 Navy, Air Force, and Marine Corps, the Department
15 of Homeland Security, the Federal Bureau of Inves-
16 tigation and the Drug Enforcement Administration
17 of the Department of Justice, the Department of
18 Transportation, the Department of the Treasury,
19 and the Department of Energy performing intel-
20 ligence functions; and

21 (8) the Director of National Intelligence or the
22 Office of the Director of National Intelligence.

23 SEC. 714. No part of any appropriation contained in
24 this or any other Act shall be available for the payment

1 of the salary of any officer or employee of the Federal
2 Government, who—

3 (1) prohibits or prevents, or attempts or threat-
4 ens to prohibit or prevent, any other officer or em-
5 ployee of the Federal Government from having any
6 direct oral or written communication or contact with
7 any Member, committee, or subcommittee of the
8 Congress in connection with any matter pertaining
9 to the employment of such other officer or employee
10 or pertaining to the department or agency of such
11 other officer or employee in any way, irrespective of
12 whether such communication or contact is at the ini-
13 tiative of such other officer or employee or in re-
14 sponse to the request or inquiry of such Member,
15 committee, or subcommittee; or

16 (2) removes, suspends from duty without pay,
17 demotes, reduces in rank, seniority, status, pay, or
18 performance or efficiency rating, denies promotion
19 to, relocates, reassigns, transfers, disciplines, or dis-
20 criminates in regard to any employment right, enti-
21 tlement, or benefit, or any term or condition of em-
22 ployment of, any other officer or employee of the
23 Federal Government, or attempts or threatens to
24 commit any of the foregoing actions with respect to
25 such other officer or employee, by reason of any

1 communication or contact of such other officer or
2 employee with any Member, committee, or sub-
3 committee of the Congress as described in paragraph
4 (1).

5 SEC. 715. (a) None of the funds made available in
6 this or any other Act may be obligated or expended for
7 any employee training that—

8 (1) does not meet identified needs for knowl-
9 edge, skills, and abilities bearing directly upon the
10 performance of official duties;

11 (2) contains elements likely to induce high lev-
12 els of emotional response or psychological stress in
13 some participants;

14 (3) does not require prior employee notification
15 of the content and methods to be used in the train-
16 ing and written end of course evaluation;

17 (4) contains any methods or content associated
18 with religious or quasi-religious belief systems or
19 “new age” belief systems as defined in Equal Em-
20 ployment Opportunity Commission Notice N-
21 915.022, dated September 2, 1988; or

22 (5) is offensive to, or designed to change, par-
23 ticipants’ personal values or lifestyle outside the
24 workplace.

1 (b) Nothing in this section shall prohibit, restrict, or
2 otherwise preclude an agency from conducting training
3 bearing directly upon the performance of official duties.

4 SEC. 716. No funds appropriated in this or any other
5 Act may be used to implement or enforce the agreements
6 in Standard Forms 312 and 4414 of the Government or
7 any other nondisclosure policy, form, or agreement if such
8 policy, form, or agreement does not contain the following
9 provisions: “These restrictions are consistent with and do
10 not supersede, conflict with, or otherwise alter the em-
11 ployee obligations, rights, or liabilities created by Execu-
12 tive Order No. 12958; section 7211 of title 5, United
13 States Code (governing disclosures to Congress); section
14 1034 of title 10, United States Code, as amended by the
15 Military Whistleblower Protection Act of 1989 (governing
16 disclosure to Congress by members of the military); sec-
17 tion 2302(b)(8) of title 5, United States Code, as amended
18 by the Whistleblower Protection Act (governing disclo-
19 sures of illegality, waste, fraud, abuse or public health or
20 safety threats); the Intelligence Identities Protection Act
21 of 1982 (50 U.S.C. 421 et seq.) (governing disclosures
22 that could expose confidential Government agents); and
23 the statutes which protect against disclosure that may
24 compromise the national security, including sections 641,
25 793, 794, 798, and 952 of title 18, United States Code,

1 and section 4(b) of the Subversive Activities Act of 1950
2 (50 U.S.C. 783(b)). The definitions, requirements, obliga-
3 tions, rights, sanctions, and liabilities created by said Ex-
4 ecutive order and listed statutes are incorporated into this
5 agreement and are controlling.”: *Provided*, That notwith-
6 standing the preceding paragraph, a nondisclosure policy
7 form or agreement that is to be executed by a person con-
8 nected with the conduct of an intelligence or intelligence-
9 related activity, other than an employee or officer of the
10 United States Government, may contain provisions appro-
11 priate to the particular activity for which such document
12 is to be used. Such form or agreement shall, at a min-
13 imum, require that the person will not disclose any classi-
14 fied information received in the course of such activity un-
15 less specifically authorized to do so by the United States
16 Government. Such nondisclosure forms shall also make it
17 clear that they do not bar disclosures to Congress, or to
18 an authorized official of an executive agency or the De-
19 partment of Justice, that are essential to reporting a sub-
20 stantial violation of law.

21 SEC. 717. No part of any funds appropriated in this
22 or any other Act shall be used by an agency of the execu-
23 tive branch, other than for normal and recognized execu-
24 tive-legislative relationships, for publicity or propaganda
25 purposes, and for the preparation, distribution or use of

1 any kit, pamphlet, booklet, publication, radio, television,
2 or film presentation designed to support or defeat legisla-
3 tion pending before the Congress, except in presentation
4 to the Congress itself.

5 SEC. 718. None of the funds appropriated by this or
6 any other Act may be used by an agency to provide a Fed-
7 eral employee's home address to any labor organization
8 except when the employee has authorized such disclosure
9 or when such disclosure has been ordered by a court of
10 competent jurisdiction.

11 SEC. 719. None of the funds made available in this
12 Act or any other Act may be used to provide any non-
13 public information such as mailing or telephone lists to
14 any person or any organization outside of the Federal
15 Government without the approval of the Committees on
16 Appropriations of the House of Representatives and the
17 Senate.

18 SEC. 720. No part of any appropriation contained in
19 this or any other Act shall be used directly or indirectly,
20 including by private contractor, for publicity or propa-
21 ganda purposes within the United States not heretofor au-
22 thorized by the Congress.

23 SEC. 721. (a) In this section, the term "agency"—
24 (1) means an Executive agency, as defined
25 under section 105 of title 5, United States Code;

1 wide Policy” with the approval of the Director of the Of-
2 fice of Management and Budget, funds made available for
3 the current fiscal year by this or any other Act, including
4 rebates from charge card and other contracts: *Provided*,
5 That these funds shall be administered by the Adminis-
6 trator of General Services to support Government-wide fi-
7 nancial, information technology, procurement, and other
8 management innovations, initiatives, and activities, as ap-
9 proved by the Director of the Office of Management and
10 Budget, in consultation with the appropriate interagency
11 groups designated by the Director (including the Presi-
12 dent’s Management Council for overall management im-
13 provement initiatives, the Chief Financial Officers Council
14 for financial management initiatives, the Chief Informa-
15 tion Officers Council for information technology initia-
16 tives, the Chief Human Capital Officers Council for
17 human capital initiatives, and the Chief Acquisition Offi-
18 cers Council for procurement initiatives): *Provided further*,
19 That the total funds transferred or reimbursed shall not
20 exceed \$17,000,000: *Provided further*, That such transfers
21 or reimbursements may only be made after 15 days fol-
22 lowing notification of the Committees on Appropriations
23 by the Director of the Office of Management and Budget.

24 SEC. 724. Notwithstanding any other provision of
25 law, a woman may breastfeed her child at any location

1 in a Federal building or on Federal property, if the woman
2 and her child are otherwise authorized to be present at
3 the location.

4 SEC. 725. Notwithstanding section 1346 of title 31,
5 United States Code, or section 708 of this Act, funds
6 made available for the current fiscal year by this or any
7 other Act shall be available for the interagency funding
8 of specific projects, workshops, studies, and similar efforts
9 to carry out the purposes of the National Science and
10 Technology Council (authorized by Executive Order No.
11 12881), which benefit multiple Federal departments,
12 agencies, or entities: *Provided*, That the Office of Manage-
13 ment and Budget shall provide a report describing the
14 budget of and resources connected with the National
15 Science and Technology Council to the Committees on Ap-
16 propriations, the House Committee on Science and Tech-
17 nology, and the Senate Committee on Commerce, Science,
18 and Transportation 90 days after enactment of this Act.

19 SEC. 726. Any request for proposals, solicitation,
20 grant application, form, notification, press release, or
21 other publications involving the distribution of Federal
22 funds shall indicate the agency providing the funds, the
23 Catalog of Federal Domestic Assistance Number, as appli-
24 cable, and the amount provided: *Provided*, That this provi-

1 sion shall apply to direct payments, formula funds, and
2 grants received by a State receiving Federal funds.

3 SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY
4 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
5 the funds made available in this or any other Act may
6 be used by any Federal agency—

7 (1) to collect, review, or create any aggregation
8 of data, derived from any means, that includes any
9 personally identifiable information relating to an in-
10 dividual's access to or use of any Federal Govern-
11 ment Internet site of the agency; or

12 (2) to enter into any agreement with a third
13 party (including another government agency) to col-
14 lect, review, or obtain any aggregation of data, de-
15 rived from any means, that includes any personally
16 identifiable information relating to an individual's
17 access to or use of any nongovernmental Internet
18 site.

19 (b) EXCEPTIONS.—The limitations established in
20 subsection (a) shall not apply to—

21 (1) any record of aggregate data that does not
22 identify particular persons;

23 (2) any voluntary submission of personally iden-
24 tifiable information;

1 (3) any action taken for law enforcement, regu-
2 latory, or supervisory purposes, in accordance with
3 applicable law; or

4 (4) any action described in subsection (a)(1)
5 that is a system security action taken by the oper-
6 ator of an Internet site and is necessarily incident
7 to providing the Internet site services or to pro-
8 tecting the rights or property of the provider of the
9 Internet site.

10 (c) DEFINITIONS.—For the purposes of this section:

11 (1) The term ‘regulatory’ means agency actions
12 to implement, interpret or enforce authorities pro-
13 vided in law.

14 (2) The term ‘supervisory’ means examinations
15 of the agency’s supervised institutions, including as-
16 sessing safety and soundness, overall financial condi-
17 tion, management practices and policies and compli-
18 ance with applicable standards as provided in law.

19 SEC. 728. (a) None of the funds appropriated by this
20 Act may be used to enter into or renew a contract which
21 includes a provision providing prescription drug coverage,
22 except where the contract also includes a provision for con-
23 traceptive coverage.

24 (b) Nothing in this section shall apply to a contract
25 with—

1 (1) any of the following religious plans:

2 (A) Personal Care's HMO; and

3 (B) OSF HealthPlans, Inc.; and

4 (2) any existing or future plan, if the carrier
5 for the plan objects to such coverage on the basis of
6 religious beliefs.

7 (c) In implementing this section, any plan that enters
8 into or renews a contract under this section may not sub-
9 ject any individual to discrimination on the basis that the
10 individual refuses to prescribe or otherwise provide for
11 contraceptives because such activities would be contrary
12 to the individual's religious beliefs or moral convictions.

13 (d) Nothing in this section shall be construed to re-
14 quire coverage of abortion or abortion-related services.

15 SEC. 729. The Congress of the United States recog-
16 nizes the United States Anti-Doping Agency (USADA) as
17 the official anti-doping agency for Olympic, Pan Amer-
18 ican, and Paralympic sport in the United States.

19 SEC. 730. Notwithstanding any other provision of
20 law, funds appropriated for official travel by Federal de-
21 partments and agencies may be used by such departments
22 and agencies, if consistent with Office of Management and
23 Budget Circular A-126 regarding official travel for Gov-
24 ernment personnel, to participate in the fractional aircraft
25 ownership pilot program.

1 SEC. 731. Notwithstanding any other provision of
2 law, none of the funds appropriated or made available
3 under this Act or any other appropriations Act may be
4 used to implement or enforce restrictions or limitations on
5 the Coast Guard Congressional Fellowship Program, or to
6 implement the proposed regulations of the Office of Per-
7 sonnel Management to add sections 300.311 through
8 300.316 to part 300 of title 5 of the Code of Federal Reg-
9 ulations, published in the Federal Register, volume 68,
10 number 174, on September 9, 2003 (relating to the detail
11 of executive branch employees to the legislative branch).

12 SEC. 732. Notwithstanding any other provision of
13 law, no executive branch agency shall purchase, construct,
14 and/or lease any additional facilities, except within or con-
15 tiguous to existing locations, to be used for the purpose
16 of conducting Federal law enforcement training without
17 the advance approval of the Committees on Appropria-
18 tions, except that the Federal Law Enforcement Training
19 Center is authorized to obtain the temporary use of addi-
20 tional facilities by lease, contract, or other agreement for
21 training which cannot be accommodated in existing Center
22 facilities.

23 SEC. 733. (a) For fiscal year 2009, no funds shall
24 be available for transfers or reimbursements to the E-Gov-
25 ernment initiatives sponsored by the Office of Manage-

1 ment and Budget prior to 15 days following submission
2 of a report to the Committees on Appropriations by the
3 Director of the Office of Management and Budget and re-
4 ceipt of approval to transfer funds by the House and Sen-
5 ate Committees on Appropriations.

6 (b) The report in (a) and other required justification
7 materials shall include at a minimum—

8 (1) a description of each initiative including but
9 not limited to its objectives, benefits, development
10 status, risks, cost effectiveness (including estimated
11 net costs or savings to the government), and the es-
12 timated date of full operational capability;

13 (2) the total development cost of each initiative
14 by fiscal year including costs to date, the estimated
15 costs to complete its development to full operational
16 capability, and estimated annual operations and
17 maintenance costs; and

18 (3) the sources and distribution of funding by
19 fiscal year and by agency and bureau for each initia-
20 tive including agency contributions to date and esti-
21 mated future contributions by agency.

22 (c) No funds shall be available for obligation or ex-
23 penditure for new E-Government initiatives without the
24 explicit approval of the Committees on Appropriations of
25 the House of Representatives and the Senate.

1 SEC. 734. Notwithstanding section 1346 of title 31,
2 United States Code, and section 708 of this Act and any
3 other provision of law, the head of each appropriate execu-
4 tive department and agency shall transfer to or reimburse
5 the Federal Aviation Administration, upon the direction
6 of the Director of the Office of Management and Budget,
7 funds made available by this or any other Act for the pur-
8 poses described below, and shall submit budget requests
9 for such purposes. These funds shall be administered by
10 the Federal Aviation Administration, in consultation with
11 the appropriate interagency groups designated by the Di-
12 rector and shall be used to ensure the uninterrupted, con-
13 tinuous operation of the Midway Atoll Airfield by the Fed-
14 eral Aviation Administration pursuant to an operational
15 agreement with the Department of the Interior for the en-
16 tirety of fiscal year 2009 and any period thereafter that
17 precedes the enactment of the Financial Services and Gen-
18 eral Government Appropriations Act, 2010. The Director
19 of the Office of Management and Budget shall mandate
20 the necessary transfers after determining an equitable al-
21 location between the appropriate executive departments
22 and agencies of the responsibility for funding the contin-
23 uous operation of the Midway Atoll Airfield based on, but
24 not limited to, potential use, interest in maintaining avia-
25 tion safety, and applicability to governmental operations

1 and agency mission. The total funds transferred or reim-
2 bursed shall not exceed \$6,000,000 for any 12-month pe-
3 riod. Such sums shall be sufficient to ensure continued
4 operation of the airfield throughout the period cited above.
5 Funds shall be available for operation of the airfield or
6 airfield-related capital upgrades. The Director of the Of-
7 fice of Management and Budget shall notify the Commit-
8 tees on Appropriations of such transfers or reimburse-
9 ments within 15 days of this Act. Such transfers or reim-
10 bursements shall begin within 30 days of enactment of this
11 Act.

12 SEC. 735. Section 739 of division D of the Consoli-
13 dated Appropriations Act, 2008 (Public Law 110–161;
14 121 Stat. 2029) is amended by striking subsection (b) and
15 inserting the following:

16 “(b) GUIDELINES ON INSOURCING NEW AND CON-
17 TRACTED OUT FUNCTIONS.—

18 “(1) GUIDELINES REQUIRED.—

19 “(A) The heads of executive agencies sub-
20 ject to the Federal Activities Inventory Reform
21 Act (Public Law 105–270), shall devise and im-
22 plement guidelines and procedures to ensure
23 that consideration is given to using, on a reg-
24 ular basis, Federal employees to perform new
25 functions and functions that are performed by

1 contractors and could be performed by Federal
2 employees.

3 “(B) The guidelines and procedures re-
4 quired under subparagraph (A) may not include
5 any specific limitation or restriction on the
6 number of functions or activities that may be
7 converted to performance by Federal employees.

8 “(2) SPECIAL CONSIDERATION FOR CERTAIN
9 FUNCTIONS.—The guidelines and procedures re-
10 quired under paragraph (1) shall provide for special
11 consideration to be given to using Federal employees
12 to perform any function that

13 “(A) is performed by a contractor and—

14 “(i) has been performed by Federal
15 employees at any time during the previous
16 10 years;

17 “(ii) is a function closely associated
18 with the performance of an inherently gov-
19 ernmental function;

20 “(iii) has been performed pursuant to
21 a contract awarded on a non-competitive
22 basis; or

23 “(iv) has been performed poorly, as
24 determined by a contracting officer during
25 the 5-year period preceding the date of

1 such determination, because of excessive
2 costs or inferior quality; or

3 “(B) is a new requirement, with particular
4 emphasis given to a new requirement that is
5 similar to a function previously performed by
6 Federal employees or is a function closely asso-
7 ciated with the performance of an inherently
8 governmental function.

9 “(3) EXCLUSION OF CERTAIN FUNCTIONS FROM
10 COMPETITIONS.—The head of an executive agency
11 may not conduct a public-private competition under
12 Office of Management and Budget Circular A-76 or
13 any other provision of law or regulation before—

14 “(A) in the case of a new agency function,
15 assigning the performance of the function to
16 Federal employees;

17 “(B) in the case of any agency function de-
18 scribed in subsection (2), converting the func-
19 tion to performance by Federal employees; or

20 “(C) in the case of an agency function per-
21 formed by Federal employees, expanding the
22 scope of the function.

23 “(4) DEADLINE.—

24 “(A) The head of each executive agency
25 shall implement the guidelines and procedures

1 required under this section by not later than
2 120 days after the date of the enactment of this
3 Act.

4 “(B) Not later than 210 days after the
5 date of the enactment of this Act, the Govern-
6 ment Accountability Office shall submit a re-
7 port on the implementation of this subsection to
8 the Committees on Appropriations of the House
9 of Representatives and the Senate, the Com-
10 mittee on Oversight and Government Reform of
11 the House of Representatives, and the Com-
12 mittee on Homeland Security and Govern-
13 mental Affairs of the Senate.

14 “(5) DEFINITIONS.—In this section:

15 “(A) The term ‘inherently governmental
16 functions’ has the meaning given such term in
17 subpart 7.5 of part 7 of the Federal Acquisition
18 Regulation.

19 “(B) The term ‘functions closely associated
20 with inherently governmental functions’ means
21 the functions described in section 7.503(d) of
22 the Federal Acquisition Regulation.

23 “(6) APPLICABILITY.—This subsection shall not
24 apply to the Department of Defense.”.

1 SEC. 736. Section 739(a)(1) of division D of the Con-
2 solidated Appropriations Act, 2008 (Public Law 110–161;
3 121 Stat. 2029) is amended by striking “more than 10”.

4 SEC. 737. None of the funds appropriated or other-
5 wise made available by this or any other Act may be used
6 to begin or announce a study or public-private competition
7 regarding the conversion to contractor performance of any
8 function performed by Federal employees pursuant to Of-
9 fice of Management and Budget Circular A–76 or any
10 other administrative regulation, directive, or policy.

11 SEC. 738. (a) The adjustment in rates of basic pay
12 for employees under the statutory pay systems that takes
13 effect in fiscal year 2009 under sections 5303 and 5304
14 of title 5, United States Code, shall be an increase of 3.9
15 percent, and this adjustment shall apply to civilian em-
16 ployees in the Department of Homeland Security and shall
17 apply to civilian employees in the Department of Defense
18 who are represented by a labor organization as defined
19 in 5 U.S.C. 7103(a)(4). Such adjustment shall be effective
20 as of the first day of the first applicable pay period begin-
21 ning on or after January 1, 2009. Civilian employees in
22 the Department of Defense who are eligible to be rep-
23 resented by a labor organization as defined in 5 U.S.C.
24 7103(a)(4), but are not so represented, will receive the

1 adjustment provided for in this section unless the positions
2 are entitled to a pay adjustment under 5 U.S.C. 9902.

3 (b) Notwithstanding section 710 of this Act, the ad-
4 justment in rates of basic pay for the statutory pay sys-
5 tems that take place in fiscal year 2009 under sections
6 5344 and 5348 of title 5, United States Code, shall be
7 no less than the percentage in subsection (a) as employees
8 in the same location whose rates of basic pay are adjusted
9 pursuant to the statutory pay systems under section 5303
10 and 5304 of title 5, United States Code. Prevailing rate
11 employees at locations where there are no employees whose
12 pay is increased pursuant to sections 5303 and 5304 of
13 title 5 and prevailing rate employees described in section
14 5343(a)(5) of title 5 shall be considered to be located in
15 the pay locality designated as “Rest of U.S.” pursuant
16 to section 5304 of title 5 for purposes of this subsection.

17 (c) Funds used to carry out this section shall be paid
18 from appropriations, which are made to each applicable
19 department or agency for salaries and expenses for fiscal
20 year 2009.

21 SEC. 739. Unless otherwise authorized by existing
22 law, none of the funds provided in this Act or any other
23 Act may be used by an executive branch agency to produce
24 any prepackaged news story intended for broadcast or dis-
25 tribution in the United States, unless the story includes

1 a clear notification within the text or audio of the pre-
2 packaged news story that the prepackaged news story was
3 prepared or funded by that executive branch agency.

4 SEC. 740. None of the funds made available in this
5 Act may be used in contravention of section 552a of title
6 5, United States Code (popularly known as the Privacy
7 Act) and regulations implementing that section.

8 SEC. 741. Each executive department and agency
9 shall evaluate the creditworthiness of an individual before
10 issuing the individual a government travel charge card.
11 Such evaluations for individually-billed travel charge cards
12 shall include an assessment of the individual's consumer
13 report from a consumer reporting agency as those terms
14 are defined in section 603 of the Fair Credit Reporting
15 Act (Public Law 91-508): *Provided*, That the department
16 or agency may not issue a government travel charge card
17 to an individual that either lacks a credit history or is
18 found to have an unsatisfactory credit history as a result
19 of this evaluation: *Provided further*, That this restriction
20 shall not preclude issuance of a restricted-use charge,
21 debit, or stored value card made in accordance with agency
22 procedures to: (1) an individual with an unsatisfactory
23 credit history where such card is used to pay travel ex-
24 penses and the agency determines there is no suitable al-
25 ternative payment mechanism available before issuing the

1 card; or (2) an individual who lacks a credit history. Each
2 executive department and agency shall establish guidelines
3 and procedures for disciplinary actions to be taken against
4 agency personnel for improper, fraudulent, or abusive use
5 of government charge cards, which shall include appro-
6 priate disciplinary actions for use of charge cards for pur-
7 poses, and at establishments, that are inconsistent with
8 the official business of the Department or agency or with
9 applicable standards of conduct.

10 SEC. 742. CROSSCUT BUDGET. (a) DEFINITIONS.—
11 For purposes of this section the following definitions
12 apply:

13 (1) GREAT LAKES.—The terms “Great Lakes”
14 and “Great Lakes State” have the same meanings
15 as such terms have in section 506 of the Water Re-
16 sources Development Act of 2000 (42 U.S.C.
17 1962d–22).

18 (2) GREAT LAKES RESTORATION ACTIVITIES.—
19 The term “Great Lakes restoration activities”
20 means any Federal or State activity primarily or en-
21 tirely within the Great Lakes watershed that seeks
22 to improve the overall health of the Great Lakes eco-
23 system.

24 (b) REPORT.—Not later than 30 days after submis-
25 sion of the budget of the President to Congress, the Direc-

1 tor of the Office of Management and Budget, in coordina-
2 tion with the Governor of each Great Lakes State and the
3 Great Lakes Interagency Task Force, shall submit to the
4 appropriate authorizing and appropriating committees of
5 the Senate and the House of Representatives a financial
6 report, certified by the Secretary of each agency that has
7 budget authority for Great Lakes restoration activities,
8 containing—

9 (1) an interagency budget crosscut report
10 that—

11 (A) displays the budget proposed, including
12 any planned interagency or intra-agency trans-
13 fer, for each of the Federal agencies that car-
14 ries out Great Lakes restoration activities in
15 the upcoming fiscal year, separately reporting
16 the amount of funding to be provided under ex-
17 isting laws pertaining to the Great Lakes eco-
18 system; and

19 (B) identifies all expenditures since fiscal
20 year 2004 by the Federal Government and
21 State governments for Great Lakes restoration
22 activities;

23 (2) a detailed accounting of all funds received
24 and obligated by all Federal agencies and, to the ex-
25 tent available, State agencies using Federal funds,

1 for Great Lakes restoration activities during the cur-
2 rent and previous fiscal years;

3 (3) a budget for the proposed projects (includ-
4 ing a description of the project, authorization level,
5 and project status) to be carried out in the upcom-
6 ing fiscal year with the Federal portion of funds for
7 activities; and

8 (4) a listing of all projects to be undertaken in
9 the upcoming fiscal year with the Federal portion of
10 funds for activities.

11 SEC. 743. (a) IN GENERAL.—None of the funds ap-
12 propriated or otherwise made available by this or any
13 other Act may be used for any Federal Government con-
14 tract with any foreign incorporated entity which is treated
15 as an inverted domestic corporation under section 835(b)
16 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
17 or any subsidiary of such an entity.

18 (b) WAIVERS.—

19 (1) IN GENERAL.—Any Secretary shall waive
20 subsection (a) with respect to any Federal Govern-
21 ment contract under the authority of such Secretary
22 if the Secretary determines that the waiver is re-
23 quired in the interest of national security.

1 (2) REPORT TO CONGRESS.—Any Secretary
2 issuing a waiver under paragraph (1) shall report
3 such issuance to Congress.

4 (c) EXCEPTION.—This section shall not apply to any
5 Federal Government contract entered into before the date
6 of the enactment of this Act, or to any task order issued
7 pursuant to such contract.

8 SEC. 744. (a) Each executive department and agency
9 shall establish and maintain on the homepage of its
10 website, an obvious, direct link to the website of its respec-
11 tive Inspector General.

12 (b) Each Office of Inspector General shall: (1) post
13 on its website any public report or audit or portion of any
14 report or audit issued within one day of its release; (2)
15 provide a service on its website to allow an individual to
16 request automatic receipt of information relating to any
17 public report or audit or portion of that report or audit
18 and which permits electronic transmittal of the informa-
19 tion, or notice of the availability of the information with-
20 out further request; and (3) establish and maintain a di-
21 rect link on its website for individuals to anonymously re-
22 port waste, fraud and abuse.

23 SEC. 745. (a) None of the funds available under this
24 or any other Act may be used to carry out a public-private
25 competition or direct conversion under Office of Manage-

1 ment and Budget (OMB) Circular A-76, or any successor
2 regulation, directive or policy, relating to the Human Re-
3 sources Lines of Business initiative until 60 days after the
4 Director of the Office of Management and Budget submits
5 to the Committees on Appropriations of the House of Rep-
6 resentatives and the Senate a report on the use of public-
7 private competitions and direct conversion to contractor
8 performance as part of the Human Resources Lines of
9 Business initiative.

10 (b) The report required by this section shall address
11 the following:

12 (1) The role, if any, that public-private competi-
13 tions under Circular A-76 or direct conversions to
14 contractor performance are expected to play as part
15 of the Human Resources Lines of Business initia-
16 tive.

17 (2) The expected impact, if any, of the initiative
18 on employment levels at the Federal agencies in-
19 volved or across the Federal Government as a whole.

20 (3) An estimate of the annual and recurring
21 savings the initiative is expected to generate and a
22 description of the methodology used to derive that
23 estimate.

24 (4) An estimate of the total transition costs at-
25 tributable to the initiative.

1 (5) Guidance for use by agencies in evaluating
2 the benefits of the initiative and in developing alter-
3 native strategies should expected benefits fail to ma-
4 terialize.

5 (c) The Director of the Office of Management and
6 Budget shall provide a copy of the report to the Govern-
7 ment Accountability Office at the same time the report
8 is submitted to the Committees on Appropriations of the
9 House of Representatives and the Senate. The Govern-
10 ment Accountability Office shall review the report and
11 brief the Committees on its views concerning the report
12 within 45 days after receiving the report from the Direc-
13 tor.

14 SEC. 746. No later than 120 days after enactment
15 of this Act, the Office of Management and Budget shall
16 submit a status report on the pilot program, established
17 under section 748 of division D of Public Law 110–161,
18 to develop and implement an inventory to track the cost
19 and size (in contractor manpower equivalents) of service
20 contracts, particularly with respect to contracts that have
21 been performed poorly by a contractor because of excessive
22 costs or inferior quality, as determined by a contracting
23 officer within the last 5 years, involve inherently govern-
24 mental functions, or were undertaken without competition.

1 SEC. 747. Notwithstanding 18 U.S.C. 209, a public
2 or private institution of higher education may offer or pro-
3 vide an officer or employee of the executive branch of the
4 United States Government, of any independent agency of
5 the United States, or of the District of Columbia, who is
6 a current or former student of such institution, financial
7 assistance for the purpose of repaying a student loan or
8 forbearance of student loan repayment, in accordance with
9 a program of the institution of higher education that is
10 designed to enhance the recruitment of highly qualified in-
11 dividuals into Government service; and an officer or em-
12 ployee may seek or receive such assistance or forbearance
13 permitted by this paragraph.

14 SEC. 748. Effective after January 20, 2009, and for
15 each fiscal year thereafter, no part of any appropriation
16 contained in this or any other Act may be used for the
17 payment of services to any individual for the filling of any
18 position in an acting capacity if a nomination for that indi-
19 vidual to that position has been submitted to the Senate
20 but returned to the President under Rule XXXI of the
21 Standing Rules of the Senate without confirmation.

22 SEC. 749. None of the funds made available by this
23 or any other Act may be used to implement, administer,
24 enforce, or apply the rule entitled “Competitive Area”
25 published by the Office of Personnel Management in the

1 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
2 et seq.).

3 SEC. 750. NONREDUCTION IN PAY WHILE FEDERAL
4 EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE
5 UNIFORMED SERVICES OR NATIONAL GUARD. (a) IN
6 GENERAL.—Subchapter IV of chapter 55 of title 5,
7 United States Code, is amended by adding at the end the
8 following:

9 **“§ 5538. Nonreduction in pay while serving in the**
10 **uniformed services or National Guard**

11 “(a) An employee who is absent from a position of
12 employment with the Federal Government in order to per-
13 form active duty in the uniformed services pursuant to a
14 call or order to active duty under a provision of law re-
15 ferred to in section 101(a)(13)(B) of title 10 shall be enti-
16 tled, while serving on active duty, to receive, for each pay
17 period described in subsection (b), an amount equal to the
18 amount by which—

19 “(1) the amount of basic pay which would oth-
20 erwise have been payable to such employee for such
21 pay period if such employee’s civilian employment
22 with the Government had not been interrupted by
23 that service, exceeds (if at all)

24 “(2) the amount of pay and allowances which
25 (as determined under subsection (d))—

1 “(A) is payable to such employee for that
2 service; and

3 “(B) is allocable to such pay period.

4 “(b)(1) Amounts under this section shall be payable
5 with respect to each pay period (which would otherwise
6 apply if the employee’s civilian employment had not been
7 interrupted)—

8 “(A) during which such employee is entitled to
9 reemployment rights under chapter 43 of title 38
10 with respect to the position from which such em-
11 ployee is absent (as referred to in subsection (a));
12 and

13 “(B) for which such employee does not other-
14 wise receive basic pay (including by taking any an-
15 nual, military, or other paid leave) to which such
16 employee is entitled by virtue of such employee’s ci-
17 vilian employment with the Government.

18 “(2) For purposes of this section, the period during
19 which an employee is entitled to reemployment rights
20 under chapter 43 of title 38—

21 “(A) shall be determined disregarding the provi-
22 sions of section 4312(d) of title 38; and

23 “(B) shall include any period of time specified
24 in section 4312(e) of title 38 within which an em-
25 ployee may report or apply for employment or reem-

1 employment following completion of service on active
2 duty to which called or ordered as described in sub-
3 section (a).

4 “(c) Any amount payable under this section to an em-
5 ployee shall be paid—

6 “(1) by such employee’s employing agency;

7 “(2) from the appropriation or fund which
8 would be used to pay the employee if such employee
9 were in a pay status; and

10 “(3) to the extent practicable, at the same time
11 and in the same manner as would basic pay if such
12 employee’s civilian employment had not been inter-
13 rupted.

14 “(d) The Office of Personnel Management shall, in
15 consultation with Secretary of Defense, prescribe any reg-
16 ulations necessary to carry out the preceding provisions
17 of this section.

18 “(e)(1) The head of each agency referred to in section
19 2302(a)(2)(C)(ii) shall, in consultation with the Office,
20 prescribe procedures to ensure that the rights under this
21 section apply to the employees of such agency.

22 “(2) The Administrator of the Federal Aviation Ad-
23 ministration shall, in consultation with the Office, pre-
24 scribe procedures to ensure that the rights under this sec-
25 tion apply to the employees of that agency.

1 “(f) For purposes of this section—

2 “(1) the terms ‘employee’, ‘Federal Govern-
3 ment’, and ‘uniformed services’ have the same re-
4 spective meanings as given those terms in section
5 4303 of title 38;

6 “(2) the term ‘employing agency’, as used with
7 respect to an employee entitled to any payments
8 under this section, means the agency or other entity
9 of the Government (including an agency referred to
10 in section 2302(a)(2)(C)(ii)) with respect to which
11 such employee has reemployment rights under chap-
12 ter 43 of title 38; and

13 “(3) the term ‘basic pay’ includes any amount
14 payable under section 5304.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 The table of sections for chapter 55 of title 5, United
17 States Code, is amended by inserting after the item relat-
18 ing to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National
Guard.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply with respect to pay periods (as de-
21 scribed in section 5538(b) of title 5, United States Code,
22 as amended by this section) beginning on or after the date
23 of enactment of this Act.

1 SEC. 751. Each budget justification submitted to
2 Congress for fiscal year 2010 shall include a section titled
3 “Administration of Congressionally Directed Funding” for
4 each department or agency. Within such section, the budg-
5 et justification shall describe the extent to which the de-
6 partment or agency proposes to provide less than 100 per-
7 cent funding of congressionally directed projects to con-
8 gressionally directed recipients, should the Congress pro-
9 vide such funds. Information included in this section shall
10 include the percentage the agency or department proposes
11 to redirect from each congressionally directed project, pur-
12 poses such redirected funding would be used for, and the
13 authority under which such redirected spending would
14 occur. The absence of congressionally directed funding in
15 a fiscal year 2010 budget proposal shall not exempt any
16 department or agency from including the information re-
17 quired under this section in its fiscal year 2010 budget
18 justification.

19 SEC. 752. Except as expressly provided otherwise,
20 any reference to “this Act” contained in any title other
21 than title IV or VIII shall not apply to such title IV or
22 VIII.

23 SEC. 753. Not later than 120 days after enactment
24 of this Act, each executive department and agency shall
25 submit to the Director of the Office of Management and

1 Budget a report stating the total size of its workforce, dif-
2 ferentiated by number of civilian, military, and contract
3 workers as of December 31, 2008. Not later than 180 days
4 after enactment of this Act, the Director of the Office of
5 Management and Budget shall submit to the Committee
6 a comprehensive statement delineating the workforce data
7 by individual department and agency, as well as aggregate
8 totals of civilian, military, and contract workers.

9 TITLE VIII

10 GENERAL PROVISIONS—DISTRICT OF
11 COLUMBIA

12 SEC. 801. Whenever in this Act, an amount is speci-
13 fied within an appropriation for particular purposes or ob-
14 jects of expenditure, such amount, unless otherwise speci-
15 fied, shall be considered as the maximum amount that
16 may be expended for said purpose or object rather than
17 an amount set apart exclusively therefor.

18 SEC. 802. Appropriations in this Act shall be avail-
19 able for expenses of travel and for the payment of dues
20 of organizations concerned with the work of the District
21 of Columbia government, when authorized by the Mayor,
22 or, in the case of the Council of the District of Columbia,
23 funds may be expended with the authorization of the
24 Chairman of the Council.

1 SEC. 803. There are appropriated from the applicable
2 funds of the District of Columbia such sums as may be
3 necessary for making refunds and for the payment of legal
4 settlements or judgments that have been entered against
5 the District of Columbia government.

6 SEC. 804. (a) None of the Federal funds provided in
7 this Act shall be used for publicity or propaganda purposes
8 or implementation of any policy including boycott designed
9 to support or defeat legislation pending before Congress
10 or any State legislature.

11 (b) The District of Columbia may use local funds pro-
12 vided in this title to carry out lobbying activities on any
13 matter.

14 SEC. 805. (a) None of the funds provided under this
15 Act to the agencies funded by this Act, both Federal and
16 District government agencies, that remain available for
17 obligation or expenditure in fiscal year 2009, or provided
18 from any accounts in the Treasury of the United States
19 derived by the collection of fees available to the agencies
20 funded by this Act, shall be available for obligation or ex-
21 penditures for an agency through a reprogramming of
22 funds which—

23 (1) creates new programs;

24 (2) eliminates a program, project, activity, or
25 responsibility center;

1 (3) establishes or changes allocations specifi-
2 cally denied, limited or increased under this Act;

3 (4) increases funds or personnel by any means
4 for any program, project, activity, or responsibility
5 center for which funds have been denied or re-
6 stricted;

7 (5) reestablishes any program or project pre-
8 viously deferred through reprogramming;

9 (6) augments any existing program, project, ac-
10 tivity, or responsibility center through a reprogram-
11 ming of funds in excess of \$3,000,000 or 10 percent,
12 whichever is less; or

13 (7) increases by 20 percent or more personnel
14 assigned to a specific program, project, activity, or
15 responsibility center,

16 unless in the case of Federal funds, the Committees on
17 Appropriations of the House of Representatives and the
18 Senate are notified in writing 15 days in advance of the
19 reprogramming and in the case of local funds, the Com-
20 mittees on Appropriations of the House of Representatives
21 and the Senate are provided summary reports on April
22 1, 2009 and October 1, 2009, setting forth detailed infor-
23 mation regarding each such local funds reprogramming
24 conducted subject to this subsection.

1 (b) None of the local funds contained in this Act may
2 be available for obligation or expenditure for an agency
3 through a transfer of any local funds in excess of
4 \$3,000,000 from one appropriation heading to another un-
5 less the Committees on Appropriations of the House of
6 Representatives and the Senate are provided summary re-
7 ports on April 1, 2009 and October 1, 2009, setting forth
8 detailed information regarding each reprogramming con-
9 ducted subject to this subsection, except that in no event
10 may the amount of any funds transferred exceed 4 percent
11 of the local funds in the appropriations: *Provided*, That
12 this subsection shall not apply to any reprogramming sub-
13 mitted to the Council within 30 calendar days of the date
14 of the enactment of this Act.

15 (c) The District of Columbia Government is author-
16 ized to approve and execute reprogramming and transfer
17 requests of local funds under this title through November
18 1, 2009: *Provided*, That any reprogramming submitted
19 pursuant to this subsection in excess of \$1,000,000 shall
20 be submitted to the Council prior to the close of business
21 on September 30, 2009.

22 SEC. 806. Consistent with the provisions of section
23 1301(a) of title 31, United States Code, appropriations
24 under this Act shall be applied only to the objects for

1 which the appropriations were made except as otherwise
2 provided by law.

3 SEC. 807. No later than 30 days after the end of the
4 first quarter of fiscal year 2009, the Mayor of the District
5 of Columbia shall submit to the Council of the District
6 of Columbia and the Committees on Appropriations of the
7 House of Representatives and the Senate the new fiscal
8 year 2009 revenue estimates as of the end of such quarter.
9 These estimates shall be used in the budget request for
10 fiscal year 2010. The officially revised estimates at mid-
11 year shall be used for the midyear report.

12 SEC. 808. None of the Federal funds provided in this
13 Act may be used by the District of Columbia to provide
14 for salaries, expenses, or other costs associated with the
15 offices of United States Senator or United States Rep-
16 resentative under section 4(d) of the District of Columbia
17 Statehood Constitutional Convention Initiatives of 1979
18 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

19 SEC. 809. None of the Federal funds made available
20 in this Act may be used to implement or enforce the
21 Health Care Benefits Expansion Act of 1992 (D.C. Law
22 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
23 erwise implement or enforce any system of registration of
24 unmarried, cohabiting couples, including but not limited
25 to registration for the purpose of extending employment,

1 health, or governmental benefits to such couples on the
2 same basis that such benefits are extended to legally mar-
3 ried couples.

4 SEC. 810. (a) Section 446B(f) of the District of Co-
5 lumbia Home Rule Act (sec. 1–204.46b(f), D.C. Official
6 Code) is amended by striking “fiscal years 2006 through
7 2008” and inserting “fiscal year 2006 and each suc-
8 ceeding fiscal year”.

9 (b) The amendment made by subsection (a) shall take
10 effect as if included in the enactment of the 2005 District
11 of Columbia Omnibus Authorization Act.

12 SEC. 811. Except as otherwise provided in this sec-
13 tion, none of the funds made available by this Act or by
14 any other Act may be used to provide any officer or em-
15 ployee of the District of Columbia with an official vehicle
16 unless the officer or employee uses the vehicle only in the
17 performance of the officer’s or employee’s official duties.
18 For the purposes of this section, the term “official duties”
19 does not include travel between the officer’s or employee’s
20 residence and workplace, except in the case of—

21 (1) an officer or employee of the Metropolitan
22 Police Department who resides in the District of Co-
23 lumbia or is otherwise designated by the Chief of
24 Police;

1 (2) at the discretion of the Fire Chief, an offi-
2 cer or employee of the District of Columbia Fire and
3 Emergency Medical Services Department who re-
4 sides in the District of Columbia and is on call 24
5 hours a day or is otherwise designated by the Fire
6 Chief;

7 (3) at the discretion of the Director of the De-
8 partment of Corrections, an officer or employee of
9 the District of Columbia Department of Corrections
10 who resides in the District of Columbia and is on
11 call 24 hours a day or is otherwise designated by the
12 Director;

13 (4) the Mayor of the District of Columbia; and

14 (5) the Chairman of the Council of the District
15 of Columbia.

16 SEC. 812. (a) None of the Federal funds contained
17 in this Act may be used by the District of Columbia Attor-
18 ney General or any other officer or entity of the District
19 government to provide assistance for any petition drive or
20 civil action which seeks to require Congress to provide for
21 voting representation in Congress for the District of Co-
22 lumbia.

23 (b) Nothing in this section bars the District of Co-
24 lumbia Attorney General from reviewing or commenting

1 on briefs in private lawsuits, or from consulting with offi-
2 cials of the District government regarding such lawsuits.

3 SEC. 813. None of the Federal funds contained in
4 this Act may be used for any program of distributing ster-
5 ile needles or syringes for the hypodermic injection of any
6 illegal drug.

7 SEC. 814. None of the funds contained in this Act
8 may be used after the expiration of the 60-day period that
9 begins on the date of the enactment of this Act to pay
10 the salary of any chief financial officer of any office of
11 the District of Columbia government (including any inde-
12 pendent agency of the District of Columbia) who has not
13 filed a certification with the Mayor and the Chief Finan-
14 cial Officer of the District of Columbia that the officer
15 understands the duties and restrictions applicable to the
16 officer and the officer's agency as a result of this Act (and
17 the amendments made by this Act), including any duty
18 to prepare a report requested either in the Act or in any
19 of the reports accompanying the Act and the deadline by
20 which each report must be submitted: *Provided*, That the
21 Chief Financial Officer of the District of Columbia shall
22 provide to the Committees on Appropriations of the House
23 of Representatives and the Senate by April 1, 2009 and
24 October 1, 2009, a summary list showing each report, the
25 due date, and the date submitted to the Committees.

1 SEC. 815. Nothing in this Act may be construed to
2 prevent the Council or Mayor of the District of Columbia
3 from addressing the issue of the provision of contraceptive
4 coverage by health insurance plans, but it is the intent
5 of Congress that any legislation enacted on such issue
6 should include a “conscience clause” which provides excep-
7 tions for religious beliefs and moral convictions.

8 SEC. 816. The Mayor of the District of Columbia
9 shall submit to the Committees on Appropriations of the
10 House of Representatives and the Senate, the Committee
11 on Oversight and Government Reform of the House of
12 Representatives, and the Committee on Homeland Secu-
13 rity and Governmental Affairs of the Senate annual re-
14 ports addressing—

15 (1) crime, including the homicide rate, imple-
16 mentation of community policing, the number of po-
17 lice officers on local beats, and the closing down of
18 open-air drug markets;

19 (2) access to substance and alcohol abuse treat-
20 ment, including the number of treatment slots, the
21 number of people served, the number of people on
22 waiting lists, and the effectiveness of treatment pro-
23 grams, the retention rates in treatment programs,
24 and the recidivism/re-arrest rates for treatment par-
25 ticipants;

1 (3) management of parolees and pre-trial vio-
2 lent offenders, including the number of halfway
3 houses escapes and steps taken to improve moni-
4 toring and supervision of halfway house residents to
5 reduce the number of escapes to be provided in con-
6 sultation with the Court Services and Offender Su-
7 pervision Agency for the District of Columbia;

8 (4) education, including access to special edu-
9 cation services and student achievement to be pro-
10 vided in consultation with the District of Columbia
11 Public Schools and the District of Columbia public
12 charter schools, repeated grade rates, high school
13 graduation rates, post-secondary education attend-
14 ance rates, and teen pregnancy rates;

15 (5) improvement in basic District services, in-
16 cluding rat control and abatement;

17 (6) application for and management of Federal
18 grants, including the number and type of grants for
19 which the District was eligible but failed to apply
20 and the number and type of grants awarded to the
21 District but for which the District failed to spend
22 the amounts received;

23 (7) indicators of child and family well-being in-
24 cluding child living arrangements by family struc-
25 ture, number of children aging out of foster care,

1 poverty rates by family structure, crime by family
2 structure, marriage rates by income quintile, and
3 out-of-wedlock births; and

4 (8) employment, including job status and par-
5 ticipation in assistance programs by income, edu-
6 cation and family structure.

7 SEC. 817. (a) Notwithstanding section 615(i)(3)(B)
8 of the Individuals With Disabilities Education Act (20
9 U.S.C. 1415(i)(3)(B)), none of the funds contained in this
10 Act or in any other Act making appropriations for the gov-
11 ernment of the District of Columbia for fiscal year 2009
12 or any succeeding fiscal year may be made available—

13 (1) to pay the fees of an attorney who rep-
14 resents a party in or defends an IDEA proceeding
15 which was initiated prior to the date of the enact-
16 ment of this Act in an amount in excess of \$4,000
17 for that proceeding; or

18 (2) to pay the fees of an attorney or firm who
19 represents a party in or defends an IDEA pro-
20 ceeding which was initiated prior to the date of the
21 enactment of this Act if the Chief Financial Officer
22 of the District of Columbia determines that the at-
23 torney or firm has a pecuniary interest (either di-
24 rectly or through an attorney, officer, or employee of
25 the firm) in any special education diagnostic services

1 or schools or other special education service pro-
2 viders.

3 (b) In this section, the term “IDEA proceeding”
4 means any action or administrative proceeding (including
5 any ensuing or related proceedings before a court of com-
6 petent jurisdiction) brought against the District of Colum-
7 bia Public Schools under the Individuals with Disabilities
8 Education Act (20 U.S.C. 1400 et seq.).

9 SEC. 818. Beginning in fiscal year 2009 and each fis-
10 cal year thereafter, the amount appropriated to the Dis-
11 trict of Columbia may be increased by no more than
12 \$100,000,000 from funds identified in the annual com-
13 prehensive annual financial report as the District’s imme-
14 diately preceding fiscal year’s unexpended general fund
15 surplus. The District may obligate and expend these
16 amounts only in accordance with the following conditions:

17 (1) The Chief Financial Officer of the District
18 of Columbia shall certify that the use of any such
19 amounts is not anticipated to have a negative impact
20 on the District’s long-term financial, fiscal, and eco-
21 nomic vitality.

22 (2) The District of Columbia may only use
23 these funds for the following expenditures:

24 (A) One-time expenditures.

25 (B) Expenditures to avoid deficit spending.

1 (C) Debt Reduction.

2 (D) Program needs.

3 (E) Expenditures to avoid revenue short-
4 falls.

5 (3) The amounts shall be obligated and ex-
6 pended in accordance with laws enacted by the
7 Council in support of each such obligation or ex-
8 penditure.

9 (4) The amounts may not be used to fund the
10 agencies of the District of Columbia government
11 under court ordered receivership.

12 (5) The amounts may not be obligated or ex-
13 pended unless the Mayor notifies the Committees on
14 Appropriations of the House of Representatives and
15 the Senate not fewer than 15 days in advance of the
16 obligation or expenditure.

17 SEC. 819. (a) Beginning in fiscal year 2009 and each
18 fiscal year thereafter, consistent with revenue collections,
19 the amount appropriated as District of Columbia Funds
20 may be increased—

21 (1) by an aggregate amount of not more than
22 25 percent, in the case of amounts proposed to be
23 allocated as “Other-Type Funds” in the annual Pro-
24 posed Budget and Financial Plan submitted to Con-
25 gress by the District of Columbia; and

1 (2) by an aggregate amount of not more than
2 6 percent, in the case of any other amounts pro-
3 posed to be allocated in such Proposed Budget and
4 Financial Plan.

5 (b) The District of Columbia may obligate and ex-
6 pend any increase in the amount of funds authorized
7 under this section only in accordance with the following
8 conditions:

9 (1) The Chief Financial Officer of the District
10 of Columbia shall certify—

11 (A) the increase in revenue; and

12 (B) that the use of the amounts is not an-
13 ticipated to have a negative impact on the long-
14 term financial, fiscal, or economic health of the
15 District.

16 (2) The amounts shall be obligated and ex-
17 pended in accordance with laws enacted by the
18 Council of the District of Columbia in support of
19 each such obligation and expenditure, consistent
20 with the requirements of this Act.

21 (3) The amounts may not be used to fund any
22 agencies of the District government operating under
23 court-ordered receivership.

24 (4) The amounts may not be obligated or ex-
25 pended unless the Mayor has notified the Commit-

1 tees on Appropriations of the House of Representa-
2 tives and the Senate not fewer than 15 days in ad-
3 vance of the obligation or expenditure.

4 SEC. 820. Beginning in fiscal year 2009 and each fis-
5 cal year thereafter, the Chief Financial Officer for the Dis-
6 trict of Columbia may, for the purpose of cash flow man-
7 agement, conduct short-term borrowing from the emer-
8 gency reserve fund and from the contingency reserve fund
9 established under section 450A of the District of Columbia
10 Home Rule Act, approved November 22, 2000 (114 Stat.
11 2440; D.C. Official Code § 1–204.50a): *Provided*, That the
12 amount borrowed shall not exceed 50 percent of the total
13 amount of funds contained in both the emergency and con-
14 tingency reserve funds at the time of borrowing: *Provided*
15 *further*, That the borrowing shall not deplete either fund
16 by more than 50 percent: *Provided further*, That 100 per-
17 cent of the funds borrowed shall be replenished within 9
18 months of the time of the borrowing or by the end of the
19 fiscal year, whichever occurs earlier: *Provided further*,
20 That in the event that short-term borrowing has been con-
21 ducted and the emergency or the contingency reserve
22 funds are later depleted below 50 percent as a result of
23 an emergency or contingency, an amount equal to the
24 amount necessary to restore reserve levels to 50 percent
25 of the total amount of funds contained in both the emer-

1 gency and contingency reserve fund must be replenished
2 from the amount borrowed within 60 days.

3 SEC. 821. (a) None of the funds contained in this
4 Act may be used to enact or carry out any law, rule, or
5 regulation to legalize or otherwise reduce penalties associ-
6 ated with the possession, use, or distribution of any sched-
7 ule I substance under the Controlled Substances Act (21
8 U.S.C. 801 et seq.) or any tetrahydrocannabinols deriva-
9 tive.

10 (b) The Legalization of Marijuana for Medical Treat-
11 ment Initiative of 1998, also known as Initiative 59, ap-
12 proved by the electors of the District of Columbia on No-
13 vember 3, 1998, shall not take effect.

14 SEC. 822. None of the funds appropriated under this
15 Act shall be expended for any abortion except where the
16 life of the mother would be endangered if the fetus were
17 carried to term or where the pregnancy is the result of
18 an act of rape or incest.

19 SEC. 823. Amounts appropriated in this Act as oper-
20 ating funds may be transferred to the District of Colum-
21 bia's enterprise and capital funds and such amounts, once
22 transferred shall retain appropriation authority consistent
23 with the provisions of this Act.

24 SEC. 824. Notwithstanding section 602(c)(1) of the
25 District of Columbia Home Rule Act, approved December

1 24, 1973 (87 Stat. 813; D.C. Official Code §1–
2 206.02(c)(1)), the Income Tax Secured Bond Authoriza-
3 tion Act of 2008, as introduced on May 6, 2008 (D.C.
4 Bill 17–741), shall take effect on the date of its enactment
5 by the District of Columbia.

6 SEC. 825. (a) INCREASE IN THE HOURLY RATE FOR
7 ATTORNEYS REPRESENTING INDIGENT DEFENDANTS IN
8 THE DISTRICT OF COLUMBIA COURTS.—Section 11–
9 2604(a), District of Columbia Official Code, is amended
10 by striking “\$65 per hour” and inserting “\$90 per hour”.

11 (b) INCREASE IN CAPS ON TOTAL COMPENSATION
12 PAID FOR PARTICULAR CASES.—Section 11–2604(b),
13 District of Columbia Official Code, is amended to read as
14 follows:

15 “(b) The compensation to be paid to an attorney ap-
16 pointed pursuant to this chapter shall not exceed the fol-
17 lowing maximum amounts—

18 “(1) For representation of a defendant before
19 the Superior Court of the District of Columbia for
20 misdemeanors or felonies, the maximum amount set
21 forth in section 3006A(d)(2) of title 18, United
22 States Code, for representation of a defendant be-
23 fore the United States magistrate judge or the dis-
24 trict court for misdemeanors or felonies (as the case
25 may be).

1 “(2) For representation of a defendant before
2 the District of Columbia Court of Appeals, the max-
3 imum amount set forth in section 3006A(d)(2) of
4 title 18, United States Code, for representation of a
5 defendant in an appellate court.

6 “(3) For representation of a defendant in post-
7 trial matters for misdemeanors or felonies, the
8 amount applicable under paragraph (1) for mis-
9 demeanors or felonies (as the case may be).”.

10 (c) SPECIAL RULE FOR COMPENSATION OF ATTOR-
11 NEYS IN NEGLECT AND TERMINATION OF PARENTAL
12 RIGHTS PROCEEDINGS.—Section 16–2326.01(b), District
13 of Columbia Official Code, is amended—

14 (1) in paragraph (1), by striking “\$1,600” and
15 inserting “\$1,980”;

16 (2) in paragraph (2), by striking “\$1,600” and
17 inserting “\$1,980”;

18 (3) in paragraph (3), by striking “\$2,200” and
19 inserting “\$2,700”; and

20 (4) in paragraph (4), by striking “\$1,100” and
21 inserting “\$1,350”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to cases and pro-
24 ceedings initiated on or after the date of enactment of this
25 Act.

1 SEC. 826. Except as expressly provided otherwise,
2 any reference to “this Act” contained in this title or in
3 title IV shall be treated as referring only to the provisions
4 of this title or of title IV.

5 This Act may be cited as the “Financial Services and
6 General Government Appropriations Act, 2009”.

Calendar No. 877

110TH CONGRESS
2^D SESSION

S. 3260

[Report No. 110-417]

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes.

JULY 14, 2008

Read twice and placed on the calendar