

1 DIVISION D—FINANCIAL SERVICES AND GEN-  
2 ERAL GOVERNMENT APPROPRIATIONS ACT,  
3 2009

4 TITLE I

5 DEPARTMENT OF THE TREASURY

6 DEPARTMENTAL OFFICES

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses of the Departmental Offices  
10 including operation and maintenance of the Treasury  
11 Building and Annex; hire of passenger motor vehicles;  
12 maintenance, repairs, and improvements of, and purchase  
13 of commercial insurance policies for, real properties leased  
14 or owned overseas, when necessary for the performance  
15 of official business, \$278,870,000, of which not to exceed  
16 \$21,619,000 is for executive direction program activities;  
17 not to exceed \$45,910,000 is for economic policies and  
18 programs activities; not to exceed \$36,039,000 is for fi-  
19 nancial policies and programs activities; not to exceed  
20 \$62,098,000 is for terrorism and financial intelligence ac-  
21 tivities; not to exceed \$21,600,000 is for Treasury-wide  
22 management policies and programs activities; and not to  
23 exceed \$91,604,000 is for administration programs activi-  
24 ties: *Provided*, That the Secretary of the Treasury is au-  
25 thorized to transfer funds appropriated for any program

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

1 Act: *Provided further*, That of the amount appropriated  
2 under this heading, \$500,000, to remain available until  
3 September 30, 2010, is for secure space requirements:  
4 *Provided further*, That of the amount appropriated under  
5 this heading, \$1,100,000, to remain available until Sep-  
6 tember 30, 2010, is for salary and benefits for hiring of  
7 personnel whose work will require completion of a security  
8 clearance investigation in order to perform highly classi-  
9 fied work to further the activities of the Office of Ter-  
10 rorism and Financial Intelligence: *Provided further*, That  
11 of the amount appropriated under this heading,  
12 \$3,400,000, to remain available until September 30, 2011,  
13 is to develop and implement programs within the Office  
14 of Critical Infrastructure Protection and Compliance Pol-  
15 icy, including entering into cooperative agreements: Pro-  
16 vided further, That of the amount appropriated under this  
17 heading \$3,000,000 to remain available until September  
18 30, 2011, is for modernizing the Office of Debt Manage-  
19 ment's information technology.

20 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

21 INVESTMENTS PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For development and acquisition of automatic data  
24 processing equipment, software, and services for the De-  
25 partment of the Treasury, \$26,975,000, to remain avail-

1 able until September 30, 2011: *Provided*, That  
2 \$11,518,000 is for repairs to the Treasury Annex Build-  
3 ing: *Provided further*, That these funds shall be trans-  
4 ferred to accounts and in amounts as necessary to satisfy  
5 the requirements of the Department's offices, bureaus,  
6 and other organizations: *Provided further*, That this trans-  
7 fer authority shall be in addition to any other transfer au-  
8 thority provided in this Act: *Provided further*, That none  
9 of the funds appropriated under this heading shall be used  
10 to support or supplement "Internal Revenue Service, Op-  
11 erations Support" or "Internal Revenue Service, Business  
12 Systems Modernization".

13 OFFICE OF INSPECTOR GENERAL

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978, not to exceed \$2,000,000 for official  
18 travel expenses, including hire of passenger motor vehicles;  
19 and not to exceed \$100,000 for unforeseen emergencies  
20 of a confidential nature, to be allocated and expended  
21 under the direction of the Inspector General of the Treas-  
22 ury, \$26,125,000, of which not to exceed \$2,500 shall be  
23 available for official reception and representation ex-  
24 penses.

## 1           TREASURY INSPECTOR GENERAL FOR TAX

## 2                           ADMINISTRATION

## 3                                   SALARIES AND EXPENSES

4           For necessary expenses of the Treasury Inspector  
5 General for Tax Administration in carrying out the In-  
6 spector General Act of 1978, including purchase (not to  
7 exceed 150 for replacement only for police-type use) and  
8 hire of passenger motor vehicles (31 U.S.C. 1343(b));  
9 services authorized by 5 U.S.C. 3109, at such rates as  
10 may be determined by the Inspector General for Tax Ad-  
11 ministration; \$146,083,000, of which not to exceed  
12 \$6,000,000 shall be available for official travel expenses;  
13 of which not to exceed \$500,000 shall be available for un-  
14 foreseen emergencies of a confidential nature, to be allo-  
15 cated and expended under the direction of the Inspector  
16 General for Tax Administration; and of which not to ex-  
17 ceed \$1,500 shall be available for official reception and  
18 representation expenses.

## 19           FINANCIAL CRIMES ENFORCEMENT NETWORK

## 20                           SALARIES AND EXPENSES

21           For necessary expenses of the Financial Crimes En-  
22 forcement Network, including hire of passenger motor ve-  
23 hicles; travel and training expenses of non-Federal and  
24 foreign government personnel to attend meetings and  
25 training concerned with domestic and foreign financial in-  
26 telligence activities, law enforcement, and financial regula-

1 tion; not to exceed \$14,000 for official reception and rep-  
2 resentation expenses; and for assistance to Federal law en-  
3 forcement agencies, with or without reimbursement,  
4 \$91,465,000, of which not to exceed \$16,340,000 shall re-  
5 main available until September 30, 2011; and of which  
6 \$9,178,000 shall remain available until September 30,  
7 2010: *Provided*, That funds appropriated in this account  
8 may be used to procure personal services contracts.

9                   TREASURY FORFEITURE FUND

10                                   (RESCISSION)

11       Of the unobligated balances available under this  
12 heading, \$30,000,000 are rescinded.

13                   FINANCIAL MANAGEMENT SERVICE

14                                   SALARIES AND EXPENSES

15       For necessary expenses of the Financial Management  
16 Service, \$239,785,000, of which not to exceed \$9,220,000  
17 shall remain available until September 30, 2011, for infor-  
18 mation systems modernization initiatives; and of which not  
19 to exceed \$2,500 shall be available for official reception  
20 and representation expenses.

21                   ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

22                                   SALARIES AND EXPENSES

23       For necessary expenses of carrying out section 1111  
24 of the Homeland Security Act of 2002, including hire of  
25 passenger motor vehicles, \$99,065,000; of which not to ex-

1 ceed \$6,000 for official reception and representation ex-  
2 penses; not to exceed \$50,000 for cooperative research and  
3 development programs for laboratory services; and provi-  
4 sion of laboratory assistance to State and local agencies  
5 with or without reimbursement: *Provided*, That of the  
6 amount appropriated under this heading, \$2,000,000, to  
7 remain available until September 30, 2010, is for informa-  
8 tion technology management.

9 UNITED STATES MINT

10 UNITED STATES MINT PUBLIC ENTERPRISE FUND

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

21 BUREAU OF THE PUBLIC DEBT

22 ADMINISTERING THE PUBLIC DEBT

23 For necessary expenses connected with any public-  
24 debt issues of the United States, \$187,352,000, of which  
25 not to exceed \$2,500 shall be available for official recep-

1 tion and representation expenses, and of which not to ex-  
2 ceed \$2,000,000 shall remain available until September  
3 30, 2011, for systems modernization: *Provided*, That the  
4 sum appropriated herein from the general fund for fiscal  
5 year 2009 shall be reduced by not more than \$10,000,000  
6 as definitive security issue fees and Legacy Treasury Di-  
7 rect Investor Account Maintenance fees are collected, so  
8 as to result in a final fiscal year 2009 appropriation from  
9 the general fund estimated at \$177,352,000. In addition,  
10 \$90,000 to be derived from the Oil Spill Liability Trust  
11 Fund to reimburse the Bureau for administrative and per-  
12 sonnel expenses for financial management of the Fund,  
13 as authorized by section 1012 of Public Law 101-380.

14 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS  
15 FUND PROGRAM ACCOUNT

16 To carry out the Community Development Banking  
17 and Financial Institutions Act of 1994 (Public Law 103-  
18 325), including services authorized by 5 U.S.C. 3109, but  
19 at rates for individuals not to exceed the per diem rate  
20 equivalent to the rate for ES-3, \$107,000,000, to remain  
21 available until September 30, 2010, of which \$8,500,000  
22 shall be for financial assistance, technical assistance,  
23 training and outreach programs designed to benefit Native  
24 American, Native Hawaiian, and Alaskan Native commu-  
25 nities and provided primarily through qualified community



1 development lender organizations with experience and ex-  
2 pertise in community development banking and lending in  
3 Indian country, Native American organizations, tribes and  
4 tribal organizations and other suitable providers,  
5 \$2,000,000 shall be available for the pilot project grant  
6 program under section 1132(d) of division A of the Hous-  
7 ing and Economic Recovery Act of 2008 (Public Law 110-  
8 289), up to \$14,750,000 may be used for administrative  
9 expenses, including administration of the New Markets  
10 Tax Credit, up to \$7,500,000 may be used for the cost  
11 of direct loans, and up to \$250,000 may be used for ad-  
12 ministrative expenses to carry out the direct loan program:  
13 *Provided*, That the cost of direct loans, including the cost  
14 of modifying such loans, shall be as defined in section 502  
15 of the Congressional Budget Act of 1974: *Provided fur-*  
16 *ther*, That these funds are available to subsidize gross obli-  
17 gations for the principal amount of direct loans not to ex-  
18 ceed \$16,000,000.

19 INTERNAL REVENUE SERVICE

20 TAXPAYER SERVICES

21 For necessary expenses of the Internal Revenue Serv-  
22 ice to provide taxpayer services, including pre-filing assist-  
23 ance and education, filing and account services, taxpayer  
24 advocacy services, and other services as authorized by 5  
25 U.S.C. 3109, at such rates as may be determined by the

1 Commissioner, \$2,293,000,000, of which not less than  
2 \$5,100,000 shall be for the Tax Counseling for the Elderly  
3 Program, of which not less than \$9,500,000 shall be avail-  
4 able for low-income taxpayer clinic grants, of which not  
5 less than \$8,000,000, to remain available until September  
6 30, 2010, shall be available for a Community Volunteer  
7 Income Tax Assistance matching grants demonstration  
8 program for tax return preparation assistance, and of  
9 which not less than \$193,000,000 shall be available for  
10 operating expenses of the Taxpayer Advocate Service.

11 ENFORCEMENT

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses of the Internal Revenue Serv-  
14 ice to determine and collect owed taxes, to provide legal  
15 and litigation support, to conduct criminal investigations,  
16 to enforce criminal statutes related to violations of inter-  
17 nal revenue laws and other financial crimes, to purchase  
18 (for police-type use, not to exceed 850) and hire passenger  
19 motor vehicles (31 U.S.C. 1343(b)), and to provide other  
20 services as authorized by 5 U.S.C. 3109, at such rates  
21 as may be determined by the Commissioner,  
22 \$5,117,267,000, of which not less than \$57,252,000 shall  
23 be for the Interagency Crime and Drug Enforcement pro-  
24 gram: *Provided*, That up to \$10,000,000 may be trans-  
25 ferred as necessary from this account to "Operations Sup-  
26 port" solely for the purposes of the Interagency Crime and

1 Drug Enforcement program: *Provided further*, That this  
2 transfer authority shall be in addition to any other trans-  
3 fer authority provided in this Act.

4 OPERATIONS SUPPORT

5 For necessary expenses of the Internal Revenue Serv-  
6 ice to support taxpayer services and enforcement pro-  
7 grams, including rent payments; facilities services; print-  
8 ing; postage; physical security; headquarters and other  
9 IRS-wide administration activities; research and statistics  
10 of income; telecommunications; information technology de-  
11 velopment, enhancement, operations, maintenance, and se-  
12 curity; the hire of passenger motor vehicles (31 U.S.C.  
13 1343(b)); and other services as authorized by 5 U.S.C.  
14 3109, at such rates as may be determined by the Commis-  
15 sioner; \$3,867,011,000, of which up to \$75,000,000 shall  
16 remain available until September 30, 2010, for informa-  
17 tion technology support; of which not to exceed  
18 \$1,000,000 shall remain available until September 30,  
19 2011, for research; of which not less than \$2,000,000  
20 shall be for the Internal Revenue Service Oversight Board;  
21 and of which not to exceed \$25,000 shall be for official  
22 reception and representation.

23 BUSINESS SYSTEMS MODERNIZATION

24 For necessary expenses of the Internal Revenue Serv-  
25 ice's business systems modernization program,  
26 \$229,914,000, to remain available until September 30,

1 2011, for the capital asset acquisition of information tech-  
2 nology systems, including management and related con-  
3 tractual costs of said acquisitions, including related Inter-  
4 nal Revenue Service labor costs, and contractual costs as-  
5 sociated with operations authorized by 5 U.S.C. 3109:  
6 *Provided*, That, with the exception of labor costs, none of  
7 these funds may be obligated until the Internal Revenue  
8 Service submits to the Committees on Appropriations, and  
9 such Committees approve, a plan for expenditure that: (1)  
10 meets the capital planning and investment control review  
11 requirements established by the Office of Management  
12 and Budget, including Circular A-11; (2) complies with  
13 the Internal Revenue Service's enterprise architecture, in-  
14 cluding the modernization blueprint; (3) conforms with the  
15 Internal Revenue Service's enterprise life cycle method-  
16 ology; (4) is approved by the Internal Revenue Service,  
17 the Department of the Treasury, and the Office of Man-  
18 agement and Budget; (5) has been reviewed by the Gov-  
19 ernment Accountability Office; and (6) complies with the  
20 acquisition rules, requirements, guidelines, and systems  
21 acquisition management practices of the Federal Govern-  
22 ment.

1 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

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

5 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

6 SERVICE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 101. Not to exceed 5 percent of any appropria-  
9 tion made available in this Act to the Internal Revenue  
10 Service or not to exceed 3 percent of appropriations under  
11 the heading “Enforcement” may be transferred to any  
12 other Internal Revenue Service appropriation upon the ad-  
13 vance approval of the Committees on Appropriations.

14 SEC. 102. The Internal Revenue Service shall main-  
15 tain a training program to ensure that Internal Revenue  
16 Service employees are trained in taxpayers’ rights, in deal-  
17 ing courteously with taxpayers, and in cross-cultural rela-  
18 tions.

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

22 SEC. 104. Funds made available by this or any other  
23 Act to the Internal Revenue Service shall be available for  
24 improved facilities and increased staffing to provide suffi-  
25 cient and effective 1–800 help line service for taxpayers.  
26 The Commissioner shall continue to make the improve-

1 ment of the Internal Revenue Service 1-800 help line serv-  
2 ice a priority and allocate resources necessary to increase  
3 phone lines and staff to improve the Internal Revenue  
4 Service 1-800 help line service.

5 SEC. 105. Of the funds made available by this Act  
6 to the Internal Revenue Service, not less than  
7 \$6,997,000,000 shall be available only for tax enforce-  
8 ment. In addition, of the funds made available by this Act  
9 to the Internal Revenue Service, and subject to the same  
10 terms and conditions, \$490,000,000 shall be available for  
11 enhanced tax law enforcement.

12 SEC. 106. None of the funds made available in this  
13 Act may be used to enter into, renew, extend, administer,  
14 implement, enforce, or provide oversight of any qualified  
15 tax collection contract (as defined in section 6306 of the  
16 Internal Revenue Code of 1986).

17 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE

18 TREASURY

19 (INCLUDING TRANSFERS OF FUNDS)

20 SEC. 107. Appropriations to the Department of the  
21 Treasury in this Act shall be available for uniforms or al-  
22 lowances therefor, as authorized by law (5 U.S.C. 5901),  
23 including maintenance, repairs, and cleaning; purchase of  
24 insurance for official motor vehicles operated in foreign  
25 countries; purchase of motor vehicles without regard to the

1 general purchase price limitations for vehicles purchased  
2 and used overseas for the current fiscal year; entering into  
3 contracts with the Department of State for the furnishing  
4 of health and medical services to employees and their de-  
5 pendants serving in foreign countries; and services author-  
6 ized by 5 U.S.C. 3109.

7       SEC. 108. Not to exceed 2 percent of any appropria-  
8 tions in this Act made available to the Departmental Of-  
9 fices—Salaries and Expenses, Office of Inspector General,  
10 Financial Management Service, Alcohol and Tobacco Tax  
11 and Trade Bureau, Financial Crimes Enforcement Net-  
12 work, and Bureau of the Public Debt, may be transferred  
13 between such appropriations upon the advance approval  
14 of the Committees on Appropriations: *Provided*, That no  
15 transfer may increase or decrease any such appropriation  
16 by more than 2 percent.

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

24       SEC. 110. Of the funds available for the purchase of  
25 law enforcement vehicles, no funds may be obligated until

1 the Secretary of the Treasury certifies that the purchase  
2 by the respective Treasury bureau is consistent with de-  
3 partmental vehicle management principles: *Provided*, That  
4 the Secretary may delegate this authority to the Assistant  
5 Secretary for Management.

6 SEC. 111. None of the funds appropriated in this Act  
7 or otherwise available to the Department of the Treasury  
8 or the Bureau of Engraving and Printing may be used  
9 to redesign the \$1 Federal Reserve note.

10 SEC. 112. The Secretary of the Treasury may trans-  
11 fer funds from Financial Management Service, Salaries  
12 and Expenses to the Debt Collection Fund as necessary  
13 to cover the costs of debt collection: *Provided*, That such  
14 amounts shall be reimbursed to such salaries and expenses  
15 account from debt collections received in the Debt Collec-  
16 tion Fund.

17 SEC. 113. Section 122(g)(1) of Public Law 105–119  
18 (5 U.S.C. 3104 note), is further amended by striking “10  
19 years” and inserting “11 years”.

20 SEC. 114. None of the funds appropriated or other-  
21 wise made available by this or any other Act may be used  
22 by the United States Mint to construct or operate any mu-  
23 seum without the explicit approval of the Committees on  
24 Appropriations of the House of Representatives and the  
25 Senate, the House Committee on Financial Services, and



1 the Senate Committee on Banking, Housing, and Urban  
2 Affairs.

3       SEC. 115. None of the funds appropriated or other-  
4 wise made available by this or any other Act or source  
5 to the Department of the Treasury, the Bureau of Engrav-  
6 ing and Printing, and the United States Mint, individually  
7 or collectively, may be used to consolidate any or all func-  
8 tions of the Bureau of Engraving and Printing and the  
9 United States Mint without the explicit approval of the  
10 House Committee on Financial Services; the Senate Com-  
11 mittee on Banking, Housing, and Urban Affairs; the  
12 House Committee on Appropriations; and the Senate  
13 Committee on Appropriations.

14       SEC. 116. Funds appropriated by this Act, or made  
15 available by the transfer of funds in this Act, for the De-  
16 partment of the Treasury's intelligence or intelligence re-  
17 lated activities are deemed to be specifically authorized by  
18 the Congress for purposes of section 504 of the National  
19 Security Act of 1947 (50 U.S.C. 414) during fiscal year  
20 2009 until the enactment of the Intelligence Authorization  
21 Act for Fiscal Year 2009.

22       SEC. 117. Not to exceed \$5,000 shall be made avail-  
23 able from the Bureau of Engraving and Printing's Indus-  
24 trial Revolving Fund for necessary official reception and  
25 representation expenses.

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

3 TITLE II  
4 EXECUTIVE OFFICE OF THE PRESIDENT AND  
5 FUNDS APPROPRIATED TO THE PRESIDENT  
6 COMPENSATION OF THE PRESIDENT

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

14 WHITE HOUSE OFFICE  
15 SALARIES AND EXPENSES

16 For necessary expenses for the White House as au-  
17 thorized by law, including not to exceed \$3,850,000 for  
18 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;  
19 subsistence expenses as authorized by 3 U.S.C. 105, which  
20 shall be expended and accounted for as provided in that  
21 section; hire of passenger motor vehicles, newspapers,  
22 periodicals, teletype news service, and travel (not to exceed  
23 \$100,000 to be expended and accounted for as provided  
24 by 3 U.S.C. 103); and not to exceed \$19,000 for official  
25 entertainment expenses, to be available for allocation with-

1 in the Executive Office of the President; \$53,899,000, of  
2 which \$1,400,000 shall be for the Office of National AIDS  
3 Policy.

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.

C&SC

## 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, \$3,550,000.

## 6 NATIONAL SECURITY COUNCIL

## 7 SALARIES AND EXPENSES

8 For necessary expenses of the National Security  
9 Council, including services as authorized by 5 U.S.C.  
10 3109, \$9,029,000.

## 11 OFFICE OF ADMINISTRATION

## 12 SALARIES AND EXPENSES

13 For necessary expenses of the Office of Administra-  
14 tion, including services as authorized by 5 U.S.C. 3109  
15 and 3 U.S.C. 107, and hire of passenger motor vehicles,  
16 \$101,333,000, of which not less than \$5,700,000 shall be  
17 for e-mail restoration activities, and of which \$11,923,000  
18 shall remain available until expended for continued mod-  
19 ernization of the information technology infrastructure  
20 within the Executive Office of the President.

## 21 OFFICE OF MANAGEMENT AND BUDGET

## 22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Management  
24 and Budget, including hire of passenger motor vehicles  
25 and services as authorized by 5 U.S.C. 3109 and to carry

1 out the provisions of chapter 35 of title 44, United States  
2 Code, \$87,972,000, of which not to exceed \$3,000 shall  
3 be available for official representation expenses: *Provided*,  
4 That none of the funds appropriated in this Act for the  
5 Office of Management and Budget may be used for the  
6 purpose of reviewing any agricultural marketing orders or  
7 any activities or regulations under the provisions of the  
8 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.  
9 601 et seq.): *Provided further*, That none of the funds  
10 made available for the Office of Management and Budget  
11 by this Act may be expended for the altering of the tran-  
12 script of actual testimony of witnesses, except for testi-  
13 mony of officials of the Office of Management and Budget,  
14 before the Committees on Appropriations or their sub-  
15 committees: *Provided further*, That none of the funds pro-  
16 vided in this or prior Acts shall be used, directly or indi-  
17 rectly, by the Office of Management and Budget, for eval-  
18 uating or determining if water resource project or study  
19 reports submitted by the Chief of Engineers acting  
20 through the Secretary of the Army are in compliance with  
21 all applicable laws, regulations, and requirements relevant  
22 to the Civil Works water resource planning process: *Pro-*  
23 *vided further*, That the Office of Management and Budget  
24 shall have not more than 60 days in which to perform  
25 budgetary policy reviews of water resource matters on

1 which the Chief of Engineers has reported: *Provided fur-*  
2 *ther*, That the Director of the Office of Management and  
3 Budget shall notify the appropriate authorizing and ap-  
4 propriating committees when the 60-day review is initi-  
5 ated: *Provided further*, That if water resource reports have  
6 not been transmitted to the appropriate authorizing and  
7 appropriating committees within 15 days after the end of  
8 the Office of Management and Budget review period based  
9 on the notification from the Director, Congress shall as-  
10 sume Office of Management and Budget concurrence with  
11 the report and act accordingly.

12 OFFICE OF NATIONAL DRUG CONTROL POLICY

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of National  
15 Drug Control Policy; for research activities pursuant to  
16 the Office of National Drug Control Policy Reauthoriza-  
17 tion Act of 2006 (Public Law 109-469); not to exceed  
18 \$10,000 for official reception and representation expenses;  
19 and for participation in joint projects or in the provision  
20 of services on matters of mutual interest with nonprofit,  
21 research, or public organizations or agencies, with or with-  
22 out reimbursement, \$27,200,000; of which \$1,300,000  
23 shall remain available until expended for policy research  
24 and evaluation: *Provided*, That the Office is authorized to  
25 accept, hold, administer, and utilize gifts, both real and



1 personal, public and private, without fiscal year limitation,  
2 for the purpose of aiding or facilitating the work of the  
3 Office.

4 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER  
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses for the Counterdrug Tech-  
7 nology Assessment Center for research activities pursuant  
8 to the Office of National Drug Control Policy Reauthor-  
9 ization Act of 2006 (Public Law 109-469), \$3,000,000,  
10 which shall remain available until expended for counter-  
11 narcotics research and development projects: *Provided,*  
12 That such amount shall be available for transfer to other  
13 Federal departments or agencies: *Provided further,* That  
14 the Office of National Drug Control Policy shall submit  
15 for approval by the Committees on Appropriations of the  
16 House of Representatives and the Senate, a detailed  
17 spending plan for the use of these funds no later than  
18 90 days after enactment of this Act.

19 FEDERAL DRUG CONTROL PROGRAMS  
20 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM  
21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Office of National  
23 Drug Control Policy's High Intensity Drug Trafficking  
24 Areas Program, \$234,000,000, to remain available until  
25 September 30, 2010, for drug control activities consistent  
26 with the approved strategy for each of the designated

1 High Intensity Drug Trafficking Areas, of which no less  
2 than 51 percent shall be transferred to State and local  
3 entities for drug control activities, which shall be obligated  
4 within 120 days after enactment of this Act: *Provided,*  
5 That up to 49 percent may be transferred to Federal  
6 agencies and departments at a rate to be determined by  
7 the Director, of which up to \$2,100,000 may be used for  
8 auditing services and associated activities, and up to  
9 \$250,000 of the \$2,100,000 shall be used to ensure the  
10 continued operation and maintenance of the Performance  
11 Management System: *Provided further,* That High Inten-  
12 sity Drug Trafficking Areas Programs designated as of  
13 September 30, 2008, shall be funded at no less than the  
14 fiscal year 2008 initial allocation levels (as revised by the  
15 letter from the Director of the Office of National Drug  
16 Control Policy to the Committees on Appropriations of the  
17 House of Representatives and the Senate dated April 8,  
18 2008) or \$3,000,000, whichever is greater, unless the Di-  
19 rector submits to the Committees on Appropriations of the  
20 House of Representatives and the Senate, and the Com-  
21 mittees approve, justification for changes in those levels  
22 based on clearly articulated priorities for the High Inten-  
23 sity Drug Trafficking Areas Programs, as well as pub-  
24 lished Office of National Drug Control Policy performance  
25 measures of effectiveness: *Provided further,* That no High

1 Intensity Drug Trafficking Area shall receive more than  
2 \$47,457,447 as its fiscal year 2009 initial allocation level:  
3 *Provided further*, That, notwithstanding the requirements  
4 of Public Law 106–58, any unexpended funds obligated  
5 prior to fiscal year 2007 for programs addressing the  
6 treatment or prevention of drug use as part of the ap-  
7 proved strategy for a designated High Intensity Drug  
8 Trafficking Area may be used for other approved activities  
9 of that High Intensity Drug Trafficking Area: *Provided*  
10 *further*, That the Office of National Drug Control Policy  
11 (ONDCP) shall notify the Committees on Appropriations  
12 of the House of Representatives and the Senate of the ini-  
13 tial High-Intensity Drug Trafficking Area (HIDTA) allo-  
14 cation funding within 45 days after the enactment of this  
15 Act: *Provided further*, That ONDCP shall submit rec-  
16 ommendations for approval to the Committees on Appro-  
17 priations for the use of discretionary HIDTA funding, ac-  
18 cording to a framework proposed jointly by the HIDTA  
19 Directors and ONDCP, within 90 days after the enact-  
20 ment of this Act.

21 OTHER FEDERAL DRUG CONTROL PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For activities to support a national anti-drug cam-  
24 paign for youth, and for other purposes, authorized by the  
25 Office of National Drug Control Policy Reauthorization  
26 Act of 2006 (Public Law 109–469), \$174,700,000, to re-

1 main available until expended, of which the amounts are  
2 available as follows: \$70,000,000 to support a national  
3 media campaign, of which at least \$8,000,000 shall be  
4 designated for methamphetamine prevention messages:  
5 *Provided*, That the Office of National Drug Control Policy  
6 shall maintain funding for non-advertising services for the  
7 media campaign at no less than the fiscal year 2003 ratio  
8 of service funding to total funds and shall continue the  
9 corporate outreach program; \$90,000,000 to continue a  
10 program of matching grants to drug-free communities, of  
11 which \$2,000,000 shall be made available as directed by  
12 section 4 of Public Law 107-82, as amended by Public  
13 Law 109-469 (21 U.S.C. 1521 note): *Provided further*,  
14 That any grantee seeking a renewal grant (year 2 through  
15 5, or year 7 through 10) that is determined to be ineligible  
16 or not entitled to continuation funding for any reason,  
17 shall be afforded a fair, timely, and independent appeal  
18 prior to the beginning of the subsequent funding year be-  
19 fore being denied a renewal grant; \$1,250,000 for the Na-  
20 tional Drug Court Institute; \$9,800,000 for the United  
21 States Anti-Doping Agency for anti-doping activities;  
22 \$1,900,000 for the United States membership dues to the  
23 World Anti-Doping Agency; \$1,250,000 for the National  
24 Alliance for Model State Drug Laws; and \$500,000 for  
25 evaluations and research related to National Drug Control

1 Program performance measures: *Provided further*, That  
2 such funds may be transferred to other Federal depart-  
3 ments and agencies to carry out such activities: *Provided*  
4 *further*, That of the amounts appropriated for a national  
5 media campaign, not to exceed 10 percent shall be for ad-  
6 ministration, advertising production, research and testing,  
7 labor, and related costs of the national media campaign.

8 UNANTICIPATED NEEDS

9 For expenses necessary to enable the President to  
10 meet unanticipated needs, in furtherance of the national  
11 interest, security, or defense which may arise at home or  
12 abroad during the current fiscal year, as authorized by  
13 3 U.S.C. 108, \$1,000,000, to remain available until Sep-  
14 tember 30, 2010.

15 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

16 (INCLUDING TRANSFER OF FUNDS)

17 For expenses of the Office of Administration to carry  
18 out the Presidential Transition Act of 1963 and similar  
19 expenses, in addition to amounts otherwise appropriated  
20 by law, \$8,000,000; *Provided*, That such funds may be  
21 transferred to other accounts that provide funding for of-  
22 fices within the Executive Office of the President and the  
23 Office of the Vice President in this Act or any other Act,  
24 to carry out such purposes.

## 1           SPECIAL ASSISTANCE TO THE PRESIDENT

## 2                           SALARIES AND EXPENSES

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

## 10          OFFICIAL RESIDENCE OF THE VICE PRESIDENT

## 11                           OPERATING EXPENSES

12                           (INCLUDING TRANSFER OF FUNDS)

13          For the care, operation, refurnishing, improvement,  
14 and to the extent not otherwise provided for, heating and  
15 lighting, including electric power and fixtures, of the offi-  
16 cial residence of the Vice President; the hire of passenger  
17 motor vehicles; and not to exceed \$90,000 for official en-  
18 tertainment expenses of the Vice President, to be ac-  
19 counted for solely on his certificate, \$323,000: *Provided,*  
20 That advances or repayments or transfers from this ap-  
21 propriation may be made to any department or agency for  
22 expenses of carrying out such activities.

1 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF  
2 THE PRESIDENT AND FUNDS APPROPRIATED TO  
3 THE PRESIDENT

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. From funds made available in this Act  
6 under the headings “White House Office”, “Executive  
7 Residence at the White House”, “White House Repair and  
8 Restoration”, “Council of Economic Advisors”, “National  
9 Security Council”, “Office of Administration”, “Office of  
10 Policy Development”, “Special Assistance to the Presi-  
11 dent”, and “Official Residence of the Vice President”, the  
12 Director of the Office of Management and Budget (or  
13 such other officer as the President may designate in writ-  
14 ing), may, 15 days after giving notice to the Committees  
15 on Appropriations of the House of Representatives and the  
16 Senate, transfer not to exceed 10 percent of any such ap-  
17 propriation to any other such appropriation, to be merged  
18 with and available for the same time and for the same  
19 purposes as the appropriation to which transferred: *Pro-*  
20 *vided*, That the amount of an appropriation shall not be  
21 increased by more than 50 percent by such transfers: *Pro-*  
22 *vided further*, That no amount shall be transferred from  
23 “Special Assistance to the President” or “Official Resi-  
24 dence of the Vice President” without the approval of the  
25 Vice President.

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

21      SEC. 203. Not to exceed 2 percent of any appropria-  
22      tions in this Act made available to the Office of National  
23      Drug Control Policy may be transferred between appro-  
24      priated programs upon the advance approval of the Com-  
25      mittees on Appropriations: *Provided*, That no transfer



1 may increase or decrease any such appropriation by more  
2 than 3 percent.

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

8 This title may be cited as the "Executive Office of  
9 the President Appropriations Act, 2009".

### 10 TITLE III

#### 11 THE JUDICIARY

##### 12 SUPREME COURT OF THE UNITED STATES

##### 13 SALARIES AND EXPENSES

14 For expenses necessary for the operation of the Su-  
15 preme Court, as required by law, excluding care of the  
16 building and grounds, including purchase or hire, driving,  
17 maintenance, and operation of an automobile for the Chief  
18 Justice, not to exceed \$10,000 for the purpose of trans-  
19 porting Associate Justices, and hire of passenger motor  
20 vehicles as authorized by 31 U.S.C. 1343 and 1344; not  
21 to exceed \$10,000 for official reception and representation  
22 expenses; and for miscellaneous expenses, to be expended  
23 as the Chief Justice may approve, \$69,777,000, of which  
24 \$2,000,000 shall remain available until expended.

1                   CARE OF THE BUILDING AND GROUNDS

2           For such expenditures as may be necessary to enable  
3 the Architect of the Capitol to carry out the duties im-  
4 posed upon the Architect by the Act approved May 7,  
5 1934 (40 U.S.C. 13a–13b), \$18,447,000, which shall re-  
6 main available until expended.

7           UNITED STATES COURT OF APPEALS FOR THE FEDERAL  
8                                   CIRCUIT

9                                   SALARIES AND EXPENSES

10          For salaries of the chief judge, judges, and other offi-  
11 cers and employees, and for necessary expenses of the  
12 court, as authorized by law, \$30,384,000.

13          UNITED STATES COURT OF INTERNATIONAL TRADE

14                                   SALARIES AND EXPENSES

15          For salaries of the chief judge and eight judges, sala-  
16 ries of the officers and employees of the court, services,  
17 and necessary expenses of the court, as authorized by law,  
18 \$19,605,000.

19          COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

20                                   JUDICIAL SERVICES

21                                   SALARIES AND EXPENSES

22          For the salaries of circuit and district judges (includ-  
23 ing judges of the territorial courts of the United States),  
24 justices and judges retired from office or from regular ac-  
25 tive service, judges of the United States Court of Federal

1 Claims, bankruptcy judges, magistrate judges, and all  
2 other officers and employees of the Federal Judiciary not  
3 otherwise specifically provided for, and necessary expenses  
4 of the courts, as authorized by law, \$4,801,369,000 (in-  
5 cluding the purchase of firearms and ammunition); of  
6 which not to exceed \$27,817,000 shall remain available  
7 until expended for space alteration projects and for fur-  
8 niture and furnishings related to new space alteration and  
9 construction projects.

10 In addition, for expenses of the United States Court  
11 of Federal Claims associated with processing cases under  
12 the National Childhood Vaccine Injury Act of 1986 (Pub-  
13 lic Law 99-660), not to exceed \$4,253,000, to be appro-  
14 priated from the Vaccine Injury Compensation Trust  
15 Fund.

16 DEFENDER SERVICES

17 For the operation of Federal Defender organizations;  
18 the compensation and reimbursement of expenses of attor-  
19 neys appointed to represent persons under section 3006A  
20 of title 18, United States Code, and also under section  
21 3599 of title 18, United States Code, in cases in which  
22 a defendant is charged with a crime that may be punish-  
23 able by death; the compensation and reimbursement of ex-  
24 penses of persons furnishing investigative, expert, and  
25 other services under section 3006A(e) of title 18, United  
26 States Code, and also under section 3599(f) and (g)(2)

1 of title 18, United States Code, in cases in which a defend-  
2 ant is charged with a crime that may be punishable by  
3 death; the compensation (in accordance with the maxi-  
4 mums under section 3006A of title 18, United States  
5 Code) and reimbursement of expenses of attorneys ap-  
6 pointed to assist the court in criminal cases where the de-  
7 fendant has waived representation by counsel; the com-  
8 pensation and reimbursement of travel expenses of guard-  
9 ians ad litem acting on behalf of financially eligible minor  
10 or incompetent offenders in connection with transfers  
11 from the United States to foreign countries with which  
12 the United States has a treaty for the execution of penal  
13 sentences; the compensation and reimbursement of ex-  
14 penses of attorneys appointed to represent jurors in civil  
15 actions for the protection of their employment, as author-  
16 ized by 28 U.S.C. 1875(d); the compensation and reim-  
17 bursement of expenses of attorneys appointed under 18  
18 U.S.C. 983(b)(1) in connection with certain judicial civil  
19 forfeiture proceedings; and for necessary training and gen-  
20 eral administrative expenses, \$849,400,000, to remain  
21 available until expended.

22 FEES OF JURORS AND COMMISSIONERS

23 For fees and expenses of jurors as authorized by 28  
24 U.S.C. 1871 and 1876; compensation of jury commis-  
25 sioners as authorized by 28 U.S.C. 1863; and compensa-  
26 tion of commissioners appointed in condemnation cases

1 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-  
2 cedure (28 U.S.C. Appendix Rule 71A(h)), \$62,206,000,  
3 to remain available until expended: *Provided*, That the  
4 compensation of land commissioners shall not exceed the  
5 daily equivalent of the highest rate payable under section  
6 5332 of title 5, United States Code.

7 COURT SECURITY

8 (INCLUDING TRANSFERS OF FUNDS)

9 For necessary expenses, not otherwise provided for,  
10 incident to the provision of protective guard services for  
11 United States courthouses and other facilities housing  
12 Federal court operations, and the procurement, installa-  
13 tion, and maintenance of security systems and equipment  
14 for United States courthouses and other facilities housing  
15 Federal court operations, including building ingress-egress  
16 control, inspection of mail and packages, directed security  
17 patrols, perimeter security, basic security services provided  
18 by the Federal Protective Service, and other similar activi-  
19 ties as authorized by section 1010 of the Judicial Improve-  
20 ment and Access to Justice Act (Public Law 100-702),  
21 \$428,858,000, of which not to exceed \$15,000,000 shall  
22 remain available until expended, to be expended directly  
23 or transferred to the United States Marshals Service,  
24 which shall be responsible for administering the Judicial  
25 Facility Security Program consistent with standards or  
26 guidelines agreed to by the Director of the Administrative

1 Office of the United States Courts and the Attorney Gen-  
2 eral.

3 ADMINISTRATIVE OFFICE OF THE UNITED STATES

4 COURTS

5 SALARIES AND EXPENSES

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

13 FEDERAL JUDICIAL CENTER

14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Judicial Cen-  
16 ter, as authorized by Public Law 90-219, \$25,725,000;  
17 of which \$1,800,000 shall remain available through Sep-  
18 tember 30, 2010, to provide education and training to  
19 Federal court personnel; and of which not to exceed  
20 \$1,500 is authorized for official reception and representa-  
21 tion expenses.

22 JUDICIAL RETIREMENT FUNDS

23 PAYMENT TO JUDICIARY TRUST FUNDS

24 For payment to the Judicial Officers' Retirement  
25 Fund, as authorized by 28 U.S.C. 377(o), \$65,340,000;

1 to the Judicial Survivors' Annuities Fund, as authorized  
2 by 28 U.S.C. 376(c), \$6,600,000; and to the United  
3 States Court of Federal Claims Judges' Retirement Fund,  
4 as authorized by 28 U.S.C. 178(l), \$4,200,000.

5 UNITED STATES SENTENCING COMMISSION

6 SALARIES AND EXPENSES

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

11 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

12 (INCLUDING TRANSFER OF FUNDS)

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

16 SEC. 302. Not to exceed 5 percent of any appropria-  
17 tion made available for the current fiscal year for the Judi-  
18 ciary in this Act may be transferred between such appro-  
19 priations, but no such appropriation, except "Courts of  
20 Appeals, District Courts, and Other Judicial Services, De-  
21 fender Services" and "Courts of Appeals, District Courts,  
22 and Other Judicial Services, Fees of Jurors and Commis-  
23 sioners", shall be increased by more than 10 percent by  
24 any such transfers: *Provided*, That any transfer pursuant  
25 to this section shall be treated as a reprogramming of

1 funds under sections 604 and 608 of this Act and shall  
2 not be available for obligation or expenditure except in  
3 compliance with the procedures set forth in section 608.

4 SEC. 303. Notwithstanding any other provision of  
5 law, the salaries and expenses appropriation for “Courts  
6 of Appeals, District Courts, and Other Judicial Services”  
7 shall be available for official reception and representation  
8 expenses of the Judicial Conference of the United States:  
9 *Provided*, That such available funds shall not exceed  
10 \$11,000 and shall be administered by the Director of the  
11 Administrative Office of the United States Courts in the  
12 capacity as Secretary of the Judicial Conference.

13 SEC. 304. Within 90 days after the date of the enact-  
14 ment of this Act, the Administrative Office of the U.S.  
15 Courts shall submit to the Committees on Appropriations  
16 a comprehensive financial plan for the Judiciary allocating  
17 all sources of available funds including appropriations, fee  
18 collections, and carryover balances, to include a separate  
19 and detailed plan for the Judiciary Information Tech-  
20 nology Fund.

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

24 SEC. 306. In accordance with 28 U.S.C. 561–569,  
25 and notwithstanding any other provision of law, the



1 United States Marshals Service shall provide, for such  
2 courthouses as its Director may designate in consultation  
3 with the Director of the Administrative Office of the  
4 United States Courts, for purposes of a pilot program, the  
5 security services that 40 U.S.C. 1315 authorizes the De-  
6 partment of Homeland Security to provide, except for the  
7 services specified in 40 U.S.C. 1315(b)(2)(E). For build-  
8 ing-specific security services at these courthouses, the Di-  
9 rector of the Administrative Office of the United States  
10 Courts shall reimburse the United States Marshals Service  
11 rather than the Department of Homeland Security.

12       SEC. 307. (a). IN GENERAL.—Section 604(a)(5) of  
13 title 28, United States Code, is amended by striking  
14 “magistrate judges appointed under section 631 of this  
15 title,” and inserting the following: “, United States mag-  
16 istrate judges, bankruptcy judges appointed under chapter  
17 6 of this title, judges of the District Court of Guam,  
18 judges of the District Court for the Northern Mariana Is-  
19 lands, judges of the District Court of the Virgin Islands,  
20 bankruptcy judges and magistrate judges retired under  
21 section 377 of this title, and judges retired under section  
22 373 of this title, who are”.

23       (b) CONSTRUCTION.—For purposes of construing  
24 and applying chapter 87 of title 5, United States Code,  
25 including any adjustment of insurance rates by regulation

1 or otherwise, the following categories of judicial officers  
2 shall be deemed to be judges of the United States as de-  
3 scribed under section 8701 of title 5, United States Code:

4 (1) United States magistrate judges.

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

7 (3) Judges of the District Court of Guam,  
8 judges of the District Court for the Northern Mar-  
9 iana Islands, and judges of the District Court of the  
10 Virgin Islands.

11 (4) Bankruptcy judges and magistrate judges  
12 retired under section 377 of title 28, United States  
13 Code.

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

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

21 SEC. 308. Subsection (c) of section 407 of the Trans-  
22 portation, Treasury, Housing and Urban Development,  
23 the Judiciary, the District of Columbia, and Independent  
24 Agencies Appropriations Act, 2006 (division A, title IV,

1 of Public Law 109–115; 119 Stat. 2396, 2471) is re-  
2 pealed.

3 SEC. 309. Section 203(e) of the Judicial Improve-  
4 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133  
5 note), is amended—

6 (1) in the second sentence, by inserting “the  
7 district of Hawaii,” after “Pennsylvania,”;

8 (2) in the third sentence (relating to the Dis-  
9 trict of Kansas), by striking “17 years” and insert-  
10 ing “18 years”;

11 (3) in the sixth sentence (relating to the North-  
12 ern District of Ohio), by striking “17 years” and in-  
13 serting “18 years”.

14 (4) by inserting “The first vacancy in the office  
15 of the district judge in the district of Hawaii occur-  
16 ring 15 years or more after the confirmation date of  
17 the judge named to fill the temporary judgeship cre-  
18 ated under this subsection shall not be filled.” after  
19 the sixth sentence.

20 SEC. 310. Pursuant to section 140 of Public Law 97–  
21 92, and from funds appropriated in this Act, Justices and  
22 judges of the United States are authorized during fiscal  
23 year 2009, to receive a salary adjustment in accordance  
24 with 28 U.S.C. 461.

1 This title may be cited as the “Judiciary Appropria-  
2 tions Act, 2009”.

3 TITLE IV  
4 DISTRICT OF COLUMBIA  
5 FEDERAL FUNDS

6 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

7 For a Federal payment to the District of Columbia,  
8 to be deposited into a dedicated account, for a nationwide  
9 program to be administered by the Mayor, for District of  
10 Columbia resident tuition support, \$35,100,000, to remain  
11 available until expended: *Provided*, That such funds, in-  
12 cluding any interest accrued thereon, may be used on be-  
13 half of eligible District of Columbia residents to pay an  
14 amount based upon the difference between in-State and  
15 out-of-State tuition at public institutions of higher edu-  
16 cation, or to pay up to \$2,500 each year at eligible private  
17 institutions of higher education: *Provided further*, That the  
18 awarding of such funds may be prioritized on the basis  
19 of a resident’s academic merit, the income and need of  
20 eligible students and such other factors as may be author-  
21 ized: *Provided further*, That the District of Columbia gov-  
22 ernment shall maintain a dedicated account for the Resi-  
23 dent Tuition Support Program that shall consist of the  
24 Federal funds appropriated to the Program in this Act  
25 and any subsequent appropriations, any unobligated bal-

1 ances from prior fiscal years, and any interest earned in  
2 this or any fiscal year: *Provided further*, That the account  
3 shall be under the control of the District of Columbia  
4 Chief Financial Officer, who shall use those funds solely  
5 for the purposes of carrying out the Resident Tuition Sup-  
6 port Program: *Provided further*, That the Office of the  
7 Chief Financial Officer shall provide a quarterly financial  
8 report to the Committees on Appropriations of the House  
9 of Representatives and the Senate for these funds show-  
10 ing, by object class, the expenditures made and the pur-  
11 pose therefor.

12 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND  
13 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

14 For a Federal payment of necessary expenses, as de-  
15 termined by the Mayor of the District of Columbia in writ-  
16 ten consultation with the elected county or city officials  
17 of surrounding jurisdictions, \$39,177,000, to remain  
18 available until expended and in addition any funds that  
19 remain available from prior year appropriations under this  
20 heading for the District of Columbia Government, of  
21 which \$38,825,000 is for the costs of providing public  
22 safety at events related to the presence of the national  
23 capital in the District of Columbia, for the costs of pro-  
24 viding support requested by the Director of the United  
25 States Secret Service Division in carrying out protective  
26 duties under the direction of the Secretary of Homeland

1 Security, and for the costs of providing support to respond  
2 to immediate and specific terrorist threats or attacks in  
3 the District of Columbia or surrounding jurisdictions; and  
4 of which \$352,000 is for the District of Columbia National  
5 Guard retention and college access program.

6 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

7 COURTS

8 For salaries and expenses for the District of Colum-  
9 bia Courts, \$248,409,000 to be allocated as follows: for  
10 the District of Columbia Court of Appeals, \$12,630,000,  
11 of which not to exceed \$1,500 is for official reception and  
12 representation expenses; for the District of Columbia Su-  
13 perior Court, \$104,277,000, of which not to exceed \$1,500  
14 is for official reception and representation expenses; for  
15 the District of Columbia Court System, \$55,426,000, of  
16 which not to exceed \$1,500 is for official reception and  
17 representation expenses; and \$76,076,000, to remain  
18 available until September 30, 2010, for capital improve-  
19 ments for District of Columbia courthouse facilities, in-  
20 cluding structural improvements to the District of Colum-  
21 bia cell block at the Moultrie Courthouse: *Provided*, That  
22 funds made available for capital improvements shall be ex-  
23 pended consistent with the General Services Administra-  
24 tion (GSA) master plan study and building evaluation re-  
25 port: *Provided further*, That notwithstanding any other  
26 provision of law, all amounts under this heading shall be

1 apportioned quarterly by the Office of Management and  
2 Budget and obligated and expended in the same manner  
3 as funds appropriated for salaries and expenses of other  
4 Federal agencies, with payroll and financial services to be  
5 provided on a contractual basis with the GSA, and such  
6 services shall include the preparation of monthly financial  
7 reports, copies of which shall be submitted directly by GSA  
8 to the President and to the Committees on Appropriations  
9 of the House of Representatives and the Senate, the Com-  
10 mittee on Oversight and Government Reform of the House  
11 of Representatives, and the Committee on Homeland Se-  
12 curity and Governmental Affairs of the Senate: *Provided*  
13 *further*, That 30 days after providing written notice to the  
14 Committees on Appropriations of the House of Represent-  
15 atives and the Senate, the District of Columbia Courts  
16 may reallocate not more than \$1,000,000 of the funds pro-  
17 vided under this heading among the items and entities  
18 funded under this heading for operations, and not more  
19 than 4 percent of the funds provided under this heading  
20 for facilities.

21 DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

22 For payments authorized under section 11-2604 and  
23 section 11-2605, D.C. Official Code (relating to represen-  
24 tation provided under the District of Columbia Criminal  
25 Justice Act), payments for counsel appointed in pro-  
26 ceedings in the Family Court of the Superior Court of the

1 District of Columbia under chapter 23 of title 16, D.C.  
2 Official Code, or pursuant to contractual agreements to  
3 provide guardian ad litem representation, training, tech-  
4 nical assistance, and such other services as are necessary  
5 to improve the quality of guardian ad litem representation,  
6 payments for counsel appointed in adoption proceedings  
7 under chapter 3 of title 16, D.C. Code, and payments for  
8 counsel authorized under section 21-2060, D.C. Official  
9 Code (relating to representation provided under the Dis-  
10 trict of Columbia Guardianship, Protective Proceedings,  
11 and Durable Power of Attorney Act of 1986),  
12 \$52,475,000, to remain available until expended: *Pro-*  
13 *vided*, That the funds provided in this Act under the head-  
14 ing "Federal Payment to the District of Columbia Courts"  
15 (other than the \$76,076,000 provided under such heading  
16 for capital improvements for District of Columbia court-  
17 house facilities) may also be used for payments under this  
18 heading: *Provided further*, That in addition to the funds  
19 provided under this heading, the Joint Committee on Ju-  
20 dicial Administration in the District of Columbia may use  
21 funds provided in this Act under the heading "Federal  
22 Payment to the District of Columbia Courts" (other than  
23 the \$76,076,000 provided under such heading for capital  
24 improvements for District of Columbia courthouse facili-  
25 ties), to make payments described under this heading for



1 obligations incurred during any fiscal year: *Provided fur-*  
2 *ther*, That funds provided under this heading shall be ad-  
3 ministered by the Joint Committee on Judicial Adminis-  
4 tration in the District of Columbia: *Provided further*, That  
5 notwithstanding any other provision of law, this appro-  
6 priation shall be apportioned quarterly by the Office of  
7 Management and Budget and obligated and expended in  
8 the same manner as funds appropriated for expenses of  
9 other Federal agencies, with payroll and financial services  
10 to be provided on a contractual basis with the General  
11 Services Administration (GSA), and such services shall in-  
12 clude the preparation of monthly financial reports, copies  
13 of which shall be submitted directly by GSA to the Presi-  
14 dent and to the Committees on Appropriations of the  
15 House of Representatives and the Senate, the Committee  
16 on Oversight and Government Reform of the House of  
17 Representatives, and the Committee on Homeland Secu-  
18 rity and Governmental Affairs of the Senate.

19 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-  
20 FENDER SUPERVISION AGENCY FOR THE DISTRICT  
21 OF COLUMBIA

22 For salaries and expenses, including the transfer and  
23 hire of motor vehicles, of the Court Services and Offender  
24 Supervision Agency for the District of Columbia, as au-  
25 thorized by the National Capital Revitalization and Self-  
26 Government Improvement Act of 1997, \$203,490,000, of

1 which not to exceed \$2,000 is for official reception and  
2 representation expenses related to Community Supervision  
3 and Pretrial Services Agency programs; of which not to  
4 exceed \$25,000 is for dues and assessments relating to  
5 the implementation of the Court Services and Offender  
6 Supervision Agency Interstate Supervision Act of 2002;  
7 of which not to exceed \$400,000 for the Community Su-  
8 pervision Program and \$160,000 for the Pretrial Services  
9 Program, both to remain available until September 30,  
10 2010, are for information technology infrastructure en-  
11 hancement acquisitions; of which \$148,652,000 shall be  
12 for necessary expenses of Community Supervision and Sex  
13 Offender Registration, to include expenses relating to the  
14 supervision of adults subject to protection orders or the  
15 provision of services for or related to such persons; of  
16 which \$54,838,000 shall be available to the Pretrial Serv-  
17 ices Agency: *Provided*, That notwithstanding any other  
18 provision of law, all amounts under this heading shall be  
19 apportioned quarterly by the Office of Management and  
20 Budget and obligated and expended in the same manner  
21 as funds appropriated for salaries and expenses of other  
22 Federal agencies: *Provided further*, That not less than  
23 \$2,000,000 shall be available for re-entrant housing in the  
24 District of Columbia: *Provided further*, That the Director  
25 is authorized to accept and use gifts in the form of in-

1 kind contributions of space and hospitality to support of-  
2 fender and defendant programs, and equipment and voca-  
3 tional training services to educate and train offenders and  
4 defendants: *Provided further*, That the Director shall keep  
5 accurate and detailed records of the acceptance and use  
6 of any gift or donation under the previous proviso, and  
7 shall make such records available for audit and public in-  
8 spection: *Provided further*, That the Court Services and  
9 Offender Supervision Agency Director is authorized to ac-  
10 cept and use reimbursement from the District of Columbia  
11 Government for space and services provided on a cost re-  
12 imburseable basis.

13 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

14 PUBLIC DEFENDER SERVICE

15 For salaries and expenses, including the transfer and  
16 hire of motor vehicles, of the District of Columbia Public  
17 Defender Service, as authorized by the National Capital  
18 Revitalization and Self-Government Improvement Act of  
19 1997, \$35,659,000, of which \$700,000 is to remain avail-  
20 able until September 30, 2010: *Provided*, That notwith-  
21 standing any other provision of law, all amounts under  
22 this heading shall be apportioned quarterly by the Office  
23 of Management and Budget and obligated and expended  
24 in the same manner as funds appropriated for salaries and  
25 expenses of Federal agencies. *Provided further*, That for  
26 fiscal year 2009 and thereafter, the Public Defender Serv-

1 ice is authorized to charge fees to cover costs of materials  
2 distributed and training provided to attendees of edu-  
3 cational events, including conferences, sponsored by the  
4 Public Defender Service, and notwithstanding 31 U.S.C.  
5 3302, such fees shall be credited to this account, to be  
6 available until expended without further appropriation.

7 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
8 WATER AND SEWER AUTHORITY

9 For a Federal payment to the District of Columbia  
10 Water and Sewer Authority, \$16,000,000, to remain avail-  
11 able until expended, to continue implementation of the  
12 Combined Sewer Overflow Long-Term Plan: *Provided,*  
13 That the District of Columbia Water and Sewer Authority  
14 provides a 100 percent match for this payment.

15 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE  
16 COORDINATING COUNCIL

17 For a Federal payment to the Criminal Justice Co-  
18 ordinating Council, \$1,774,000, to remain available until  
19 expended, to support initiatives related to the coordination  
20 of Federal and local criminal justice resources in the Dis-  
21 trict of Columbia.

22 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF  
23 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

24 For a Federal payment to the Office of the Chief Fi-  
25 nancial Officer of the District of Columbia, \$4,887,622:  
26 *Provided,* That each entity that receives funding under

1 this heading shall submit to the Office of the Chief Finan-  
2 cial Officer of the District of Columbia (CFO) a detailed  
3 budget and comprehensive description of the activities to  
4 be carried out with such funds no later than 60 days after  
5 enactment of this Act, and the CFO shall submit a com-  
6 prehensive report to the Committees on Appropriations of  
7 the House of Representatives and the Senate no later than  
8 June 1, 2009.

9 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

10 For a Federal payment for a school improvement pro-  
11 gram in the District of Columbia, \$54,000,000, to be allo-  
12 cated as follows: for the District of Columbia Public  
13 Schools, \$20,000,000 to improve public school education  
14 in the District of Columbia; for the State Education Of-  
15 fice, \$20,000,000 to expand quality public charter schools  
16 in the District of Columbia, to remain available until ex-  
17 pended; for the Secretary of the Department of Education,  
18 \$14,000,000 to provide opportunity scholarships for stu-  
19 dents in the District of Columbia in accordance with divi-  
20 sion C, title III of the District of Columbia Appropriations  
21 Act, 2004 (Public Law 108–199; 118 Stat. 126), of which  
22 up to \$1,000,000 may be used to administer and fund as-  
23 sessments: *Provided*, That none of the funds provided in  
24 this Act or any other Act for opportunity scholarships may  
25 be used by an eligible student to enroll in a participating  
26 school under the D.C. School Choice Incentive Act of 2003

1 unless (1) the participating school has and maintains a  
2 valid certificate of occupancy issued by the District of Co-  
3 lumbia; and (2) the core subject matter teachers of the  
4 eligible student hold 4-year bachelor's degrees: *Provided*  
5 *further*, That use of any funds in this Act or any other  
6 Act for opportunity scholarships after school year 2009–  
7 2010 shall only be available upon enactment of reauthor-  
8 ization of that program by Congress and the adoption of  
9 legislation by the District of Columbia approving such re-  
10 authorization.

11 FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL  
12 REFORM

13 For a Federal payment to jump start public school  
14 reform in the District of Columbia, \$20,000,000, of which  
15 \$3,500,000 is to support the recruitment, development  
16 and training of principals and other school leaders;  
17 \$7,000,000 is to develop optimal school programs and in-  
18 tervene in low performing schools; \$7,500,000 is for a cus-  
19 tomized data reporting and accountability system on stu-  
20 dent performance as well as increased outreach and train-  
21 ing for parents and community members; and \$2,000,000  
22 is to support data reporting requirements associated with  
23 the District of Columbia Public Schools teacher incentive  
24 program: *Provided*, That up to \$500,000 or 10 percent,  
25 whichever is less, of the amounts above may be transferred

1 as necessary from one activity to another activity: *Pro-*  
2 *vided further*, That the Committees on Appropriations of  
3 the House of Representatives and Senate are notified in  
4 writing 15 days in advance of the transfer: *Provided fur-*  
5 *ther*, That any amount provided under this heading shall  
6 be available only after such amount has been apportioned  
7 pursuant to chapter 15 of title 31, United States Code.

8 FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY  
9 FACILITY

10 For a Federal payment to the District of Columbia,  
11 \$21,000,000, to remain available until September 30,  
12 2010, for costs associated with the construction of a con-  
13 solidated bioterrorism and forensics laboratory: *Provided*,  
14 That the District of Columbia provides a 100 percent  
15 match for this payment.

16 FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH  
17 LOCATIONS

18 For a Federal payment to the District of Columbia,  
19 \$7,000,000, to remain available until expended, for the  
20 Federal contribution for costs associated with the renova-  
21 tion and rehabilitation of District libraries.

22 FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE  
23 MAYOR OF THE DISTRICT OF COLUMBIA

24 For a Federal payment to the Executive Office of the  
25 Mayor of the District of Columbia to enhance the quality  
26 of life for District residents, \$3,387,500, of which

1 \$1,250,000 shall be available as matching funds to tempo-  
2 rarily continue Federal benefits for low-income couples  
3 who decide to marry, and of which \$2,137,500 shall be  
4 to continue Marriage Development Accounts in the Dis-  
5 trict of Columbia: *Provided*, That no funds shall be ex-  
6 pended until the Mayor of the District of Columbia sub-  
7 mits a detailed expenditure plan, including performance  
8 measures, to the Committees on Appropriations of the  
9 House of Representatives and the Senate: *Provided fur-*  
10 *ther*, That the District submit a preliminary progress re-  
11 port on activities no later than June 1, 2009, and a final  
12 report including a detailed description of outcomes  
13 achieved no later than February 1, 2010.

14 DISTRICT OF COLUMBIA FUNDS

15 The following amounts are appropriated for the Dis-  
16 trict of Columbia for the current fiscal year out of the  
17 General Fund of the District of Columbia (“General  
18 Fund”), except as otherwise specifically provided: *Pro-*  
19 *vided*, That notwithstanding any other provision of law,  
20 except as provided in section 450A of the District of Co-  
21 lumbia Home Rule Act, approved November 2, 2000 (114  
22 Stat. 2440; D.C. Official Code § 1–204.50a), and provi-  
23 sions of this Act, the total amount appropriated in this  
24 Act for operating expenses for the District of Columbia  
25 for fiscal year 2009 under this heading shall not exceed



1 the lesser of the sum of the total revenues of the District  
2 of Columbia for such fiscal year or \$9,888,095,000 (of  
3 which \$6,082,474,000 shall be from local funds (including  
4 \$420,119,000 from dedicated taxes), \$2,177,382,000 shall  
5 be from Federal grant funds, \$1,621,929,000 shall be  
6 from other funds, and \$6,310,000 shall be from private  
7 funds); in addition, \$202,326,130 from funds previously  
8 appropriated in this Act as Federal payments: *Provided*  
9 *further*, That of the local funds, such amounts as may be  
10 necessary may be derived from the District's General  
11 Fund balance: *Provided further*, That of these funds the  
12 District's intradistrict authority shall be \$725,461,000: in  
13 addition, for capital construction projects, an increase of  
14 \$1,482,977,000, of which \$1,121,734,000 shall be from  
15 local funds, \$107,794,000 from the Local Street Mainte-  
16 nance fund, \$60,708,000 from the District of Columbia  
17 Highway Trust Fund, \$192,741,000 from Federal grant  
18 funds, and a rescission of \$353,447,000 from local funds  
19 and a rescission of \$37,500,000 from Local Street Mainte-  
20 nance funds appropriated under this heading in prior fis-  
21 cal years for a net amount of \$1,092,030,000 to remain  
22 available until expended: *Provided further*, That the  
23 amounts provided under this heading are to be available,  
24 allocated and expended as proposed under "Title III—  
25 District of Columbia Funds Division of Expenses" of the

1 Fiscal Year 2009 Proposed Budget and Financial Plan  
2 submitted to the Congress by the District of Columbia on  
3 June 9, 2008 and such title is hereby incorporated by ref-  
4 erence as though set forth fully herein: *Provided further,*  
5 That this amount may be increased by proceeds of one-  
6 time transactions which are expended for emergency or  
7 unanticipated operating or capital needs: *Provided further,*  
8 That such increases shall be approved by enactment of  
9 local District law and shall comply with all reserve require-  
10 ments contained in the District of Columbia Home Rule  
11 Act approved December 24, 1973 (87 Stat. 777; D.C. Of-  
12 ficial Code § 1-201.01 et seq.), as amended by this Act:  
13 *Provided further,* That the Chief Financial Officer of the  
14 District of Columbia shall take such steps as are necessary  
15 to assure that the District of Columbia meets these re-  
16 quirements, including the apportioning by the Chief Fi-  
17 nancial Officer of the appropriations and funds made  
18 available to the District during fiscal year 2009, except  
19 that the Chief Financial Officer may not reprogram for  
20 operating expenses any funds derived from bonds, notes,  
21 or other obligations issued for capital projects.

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

1 TITLE V  
2 INDEPENDENT AGENCIES  
3 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES  
4 SALARIES AND EXPENSES  
5 For necessary expenses of the Administrative Con-  
6 ference of the United States, authorized by 5 U.S.C. 591  
7 et seq., \$1,500,000, of which, not to exceed \$1,000 is for  
8 official reception and representation expenses.

9 CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION  
10 SALARIES AND EXPENSES  
11 For payment to the Christopher Columbus Fellow-  
12 ship Foundation, established by section 423 of Public Law  
13 102-281, \$1,000,000, to remain available until expended.

14 COMMODITY FUTURES TRADING COMMISSION  
15 SALARIES AND EXPENSES  
16 For necessary expenses to carry out the provisions  
17 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-  
18 cluding the purchase and hire of passenger motor vehicles,  
19 and the rental of space (to include multiple year leases)  
20 in the District of Columbia and elsewhere, \$146,000,000,  
21 including not to exceed \$3,000 for official reception and  
22 representation expenses: *Provided*, That \$34,734,000 of  
23 the total amount appropriated under this heading shall  
24 not be available for obligation until the Commodity Fu-  
25 tures Trading Commission submits an expenditure plan

1 for fiscal year 2009 to the Committees on Appropriations  
2 of the House of Representatives and the Senate.

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 \$2,000 for official reception and  
13 representation expenses, \$105,404,000, of which  
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, \$17,959,000, 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: *Provided*, That  
26 \$750,000 shall be for the Help America Vote College Pro-

, and of which \$2,000,000 shall remain available for obligation until September 30, 2010 to  
implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by  
section 1405 of P.L. 110-140 (15 U.S.C. 8004)

1 gram as provided by the Help America Vote Act of 2002  
2 (Public Law 107-252): *Provided further*, That \$300,000  
3 shall be for a competitive grant program to support com-  
4 munity involvement in student and parent mock elections.

5 ELECTION REFORM PROGRAMS

6 For necessary expenses relating to election reform  
7 programs, \$106,000,000, to remain available until ex-  
8 pended, of which \$100,000,000 shall be for requirements  
9 payments under part 1 of subtitle D of title II of the Help  
10 America Vote Act of 2002 (Public Law 107-252),  
11 \$5,000,000 shall be for grants to carry out research on  
12 voting technology improvements as authorized under part  
13 3 of subtitle D of title II of such Act, and \$1,000,000,  
14 shall be to conduct a pilot program for grants to States  
15 and units of local government for pre-election logic and  
16 accuracy testing and post-election voting systems  
17 verification.

18 FEDERAL COMMUNICATIONS COMMISSION

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Federal Communica-  
22 tions Commission, as authorized by law, including uni-  
23 forms and allowances therefor, as authorized by 5 U.S.C.  
24 5901-5902; not to exceed \$4,000 for official reception and  
25 representation expenses; purchase and hire of motor vehi-  
26 cles; special counsel fees; and services as authorized by

1 5 U.S.C. 3109, \$341,875,000: *Provided*, That of the funds  
2 provided, not less than \$3,000,000 shall be available to  
3 establish and administer a State Broadband Data and De-  
4 velopment matching grants program for State-level  
5 broadband demand aggregation activities and creation of  
6 geographic inventory maps of broadband service to iden-  
7 tify gaps in service and provide a baseline assessment of  
8 statewide broadband deployment: *Provided further*, That  
9 \$341,875,000 of offsetting collections shall be assessed  
10 and collected pursuant to section 9 of title I of the Com-  
11 munications Act of 1934, shall be retained and used for  
12 necessary expenses in this appropriation, and shall remain  
13 available until expended: *Provided further*, That the sum  
14 herein appropriated shall be reduced as such offsetting  
15 collections are received during fiscal year 2009 so as to  
16 result in a final fiscal year 2009 appropriation estimated  
17 at \$0: *Provided further*, That any offsetting collections re-  
18 ceived in excess of \$341,875,000 in fiscal year 2009 shall  
19 not be available for obligation: *Provided further*, That re-  
20 maining offsetting collections from prior years collected in  
21 excess of the amount specified for collection in each such  
22 year and otherwise becoming available on October 1, 2008,  
23 shall not be available for obligation: *Provided further*, That  
24 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from  
25 the use of a competitive bidding system that may be re-

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

9 ADMINISTRATIVE PROVISIONS—FEDERAL

10 COMMUNICATIONS COMMISSION

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

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

23 FEDERAL DEPOSIT INSURANCE CORPORATION

24 OFFICE OF INSPECTOR GENERAL

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

1 General Act of 1978, \$27,495,000, to be derived from the  
2 Deposit Insurance Fund or, only when appropriate, the  
3 FSLIC Resolution Fund.

4 FEDERAL ELECTION COMMISSION  
5 SALARIES AND EXPENSES

6 For necessary expenses to carry out the provisions  
7 of the Federal Election Campaign Act of 1971,  
8 \$63,618,000, of which not to exceed \$5,000 shall be avail-  
9 able for reception and representation expenses.

10 FEDERAL LABOR RELATIONS AUTHORITY  
11 SALARIES AND EXPENSES

12 For necessary expenses to carry out functions of the  
13 Federal Labor Relations Authority, pursuant to Reorga-  
14 nization Plan Numbered 2 of 1978, and the Civil Service  
15 Reform Act of 1978, including services authorized by 5  
16 U.S.C. 3109, and including hire of experts and consult-  
17 ants, hire of passenger motor vehicles, and rental of con-  
18 ference rooms in the District of Columbia and elsewhere,  
19 \$22,674,000: *Provided*, That public members of the Fed-  
20 eral Service Impasses Panel may be paid travel expenses  
21 and per diem in lieu of subsistence as authorized by law.  
22 (5 U.S.C. 5703) for persons employed intermittently in  
23 the Government service, and compensation as authorized  
24 by 5 U.S.C. 3109: *Provided further*, That notwithstanding  
25 31 U.S.C. 3302, funds received from fees charged to non-



1 Federal participants at labor-management relations con-  
2 ferences shall be credited to and merged with this account,  
3 to be available without further appropriation for the costs  
4 of carrying out these conferences.

5 FEDERAL TRADE COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Trade Com-  
8 mission, including uniforms or allowances therefor, as au-  
9 thorized by 5 U.S.C. 5901–5902; services as authorized  
10 by 5 U.S.C. 3109; hire of passenger motor vehicles; and  
11 not to exceed \$2,000 for official reception and representa-  
12 tion expenses, \$259,200,000, to remain available until ex-  
13 pended: *Provided*, That not to exceed \$300,000 shall be  
14 available for use to contract with a person or persons for  
15 collection services in accordance with the terms of 31  
16 U.S.C. 3718: *Provided further*, That, notwithstanding any  
17 other provision of law, not to exceed \$168,000,000 of off-  
18 setting collections derived from fees collected for  
19 premerger notification filings under the Hart-Scott-Ro-  
20 dino Antitrust Improvements Act of 1976 (15 U.S.C.  
21 18a), regardless of the year of collection, shall be retained  
22 and used for necessary expenses in this appropriation:  
23 *Provided further*, That, notwithstanding any other provi-  
24 sion of law, not to exceed \$21,000,000 in offsetting collec-  
25 tions derived from fees sufficient to implement and enforce

1 the Telemarketing Sales Rule, promulgated under the  
2 Telemarketing and Consumer Fraud and Abuse Preven-  
3 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this  
4 account, and be retained and used for necessary expenses  
5 in this appropriation: *Provided further*, That the sum here-  
6 in appropriated from the general fund shall be reduced  
7 as such offsetting collections are received during fiscal  
8 year 2009, so as to result in a final fiscal year 2009 appro-  
9 priation from the general fund estimated at not more than  
10 \$70,200,000: *Provided further*, That none of the funds  
11 made available to the Federal Trade Commission may be  
12 used to implement subsection (e)(2)(B) of section 43 of  
13 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

14                   GENERAL SERVICES ADMINISTRATION

15                               REAL PROPERTY ACTIVITIES

16                                       FEDERAL BUILDINGS FUND

17   LIMITATIONS ON AVAILABILITY OF REVENUE

18       For an additional amount to be deposited in the Fed-  
19 eral Buildings Fund, \$651,198,000. To carry out the pur-  
20 poses of the Fund established pursuant to section 592 of  
21 title 40, United States Code, the revenues and collections  
22 deposited into the Fund shall be available for necessary  
23 expenses of real property management and related activi-  
24 ties not otherwise provided for, including operation, main-  
25 tenance, and protection of federally owned and leased

1 buildings; rental of buildings in the District of Columbia;  
2 restoration of leased premises; moving governmental agen-  
3 cies (including space adjustments and telecommunications  
4 relocation expenses) in connection with the assignment, al-  
5 location and transfer of space; contractual services inci-  
6 dent to cleaning or servicing buildings, and moving; repair  
7 and alteration of federally owned buildings including  
8 grounds, approaches and appurtenances; care and safe-  
9 guarding of sites; maintenance, preservation, demolition,  
10 and equipment; acquisition of buildings and sites by pur-  
11 chase, condemnation, or as otherwise authorized by law;  
12 acquisition of options to purchase buildings and sites; con-  
13 version and extension of federally owned buildings; pre-  
14 liminary planning and design of projects by contract or  
15 otherwise; construction of new buildings (including equip-  
16 ment for such buildings); and payment of principal, inter-  
17 est, and any other obligations for public buildings acquired  
18 by installment purchase and purchase contract; in the ag-  
19 gregate amount of \$8,427,771,000, of which: (1)  
20 \$746,317,000 shall remain available until expended for  
21 construction (including funds for sites and expenses and  
22 associated design and construction services) of additional  
23 projects at the following locations:

24           New Construction:

25                   Alabama:

1 Tuscaloosa Federal Building,

2 \$25,000,000.

3 California:

4 San Diego, United States Courthouse

5 Annex, \$110,362,000.

6 San Ysidro, Land Port of Entry,

7 \$58,910,000.

8 Colorado:

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

11 District of Columbia:

12 DHS Consolidation and development  
13 of St. Elizabeths Campus, \$331,390,000.

14 Federal Office Building 8,  
15 \$15,000,000.

16 St. Elizabeths West Campus Infra-  
17 structure, \$8,249,000.

18 St. Elizabeths West Campus Site Ac-  
19 quisition, \$7,000,000.

20 Maryland:

21 Montgomery County, Food and Drug  
22 Administration Consolidation,

23 \$163,530,000.

1 North Dakota:

2 Portal, Land Port of Entry,

3 \$15,204,000:

4 *Provided*, That each of the foregoing limits of costs on  
5 new construction projects may be exceeded to the extent  
6 that savings are affected in other such projects, but not  
7 to exceed 10 percent of the amounts included in an ap-  
8 proved prospectus, if required, unless advance approval is  
9 obtained from the Committees on Appropriations of a  
10 greater amount: *Provided further*, That all funds for direct  
11 construction projects shall expire on September 30, 2010  
12 and remain in the Federal Buildings Fund except for  
13 funds for projects as to which funds for design or other  
14 funds have been obligated in whole or in part prior to such  
15 date: *Provided further*, That for fiscal year 2010 and  
16 thereafter, the annual budget submission of the General  
17 Services Administration shall include a detailed 5-year  
18 plan for Federal building construction projects with a  
19 yearly update of total projected future funding needs: *Pro-*  
20 *vided further*, That for fiscal year 2010 and thereafter,  
21 the annual budget submission of the General Services Ad-  
22 ministration shall, in consultation with U.S. Customs and  
23 Border Protection, include a detailed 5-year plan for Fed-  
24 eral land port-of-entry projects with a yearly update of  
25 total projected future funding needs; (2) \$692,374,000

1 shall remain available until expended for repairs and alter-  
2 ations, which includes associated design and construction  
3 services:

4           Repairs and Alterations:

5                 District of Columbia:

6                     Eisenhower Executive Office Building,  
7                     CBR, \$14,700,000.

8                     Eisenhower Executive Office Building,  
9                     Phase III, \$51,075,000.

10                    West Wing Infrastructure Systems  
11                    Replacement, \$76,487,000.

12                 Illinois:

13                     Chicago,       Dirksen        Courthouse,  
14                     \$152,825,000.

15                 North Carolina:

16                     New Bern, United States Post Office  
17                     and Courthouse, \$10,640,000.

18                 Special Emphasis Programs:

19                     Energy and Water Retrofit and Con-  
20                     servation Measures, \$36,647,000.

21                     Basic        Repairs        and        Alterations,  
22                     \$350,000,000:

23 *Provided further*, That funds made available in this or any  
24 previous Act in the Federal Buildings Fund for Repairs  
25 and Alterations shall, for prospectus projects, be limited

1 to the amount identified for each project, except each  
2 project in this or any previous Act may be increased by  
3 an amount not to exceed 10 percent unless advance ap-  
4 proval is obtained from the Committees on Appropriations  
5 of a greater amount: *Provided further*, That additional  
6 projects for which prospectuses have been fully approved  
7 may be funded under this category only if advance ap-  
8 proval is obtained from the Committees on Appropria-  
9 tions: *Provided further*, That the amounts provided in this  
10 or any prior Act for “Repairs and Alterations” may be  
11 used to fund costs associated with implementing security  
12 improvements to buildings necessary to meet the minimum  
13 standards for security in accordance with current law and  
14 in compliance with the reprogramming guidelines of the  
15 appropriate Committees of the House and Senate: *Pro-*  
16 *vided further*, That the difference between the funds ap-  
17 propriated and expended on any projects in this or any  
18 prior Act, under the heading “Repairs and Alterations”,  
19 may be transferred to Basic Repairs and Alterations or  
20 used to fund authorized increases in prospectus projects:  
21 *Provided further*, That all funds for repairs and alterations  
22 prospectus projects shall expire on September 30, 2010  
23 and remain in the Federal Buildings Fund except funds  
24 for projects as to which funds for design or other funds  
25 have been obligated in whole or in part prior to such date:

1 *Provided further*, That the amount provided in this or any  
2 prior Act for Basic Repairs and Alterations may be used  
3 to pay claims against the Government arising from any  
4 projects under the heading "Repairs and Alterations" or  
5 used to fund authorized increases in prospectus projects;  
6 (3) \$149,570,000 for installment acquisition payments in-  
7 cluding payments on purchase contracts which shall re-  
8 main available until expended; (4) \$4,642,156,000 for  
9 rental of space which shall remain available until ex-  
10 pended; and (5) \$2,197,354,000 for building operations  
11 which shall remain available until expended: *Provided fur-*  
12 *ther*, That funds available to the General Services Admin-  
13 istration shall not be available for expenses of any con-  
14 struction, repair, alteration and acquisition project for  
15 which a prospectus, if required by the Public Buildings  
16 Act of 1959, has not been approved, except that necessary  
17 funds may be expended for each project for required ex-  
18 penses for the development of a proposed prospectus: *Pro-*  
19 *vided further*, That funds available in the Federal Build-  
20 ings Fund may be expended for emergency repairs when  
21 advance approval is obtained from the Committees on Ap-  
22 propriations: *Provided further*, That amounts necessary to  
23 provide reimbursable special services to other agencies  
24 under section 210(f)(6) of the Federal Property and Ad-  
25 ministrative Services Act of 1949 (40 U.S.C. 592(b)(2))



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

16

## GENERAL ACTIVITIES

17

## GOVERNMENT-WIDE POLICY

18 For expenses authorized by law, not otherwise pro-  
19 vided for, for Government-wide policy and evaluation ac-  
20 tivities associated with the management of real and per-  
21 sonal property assets and certain administrative services;  
22 Government-wide policy support responsibilities relating to  
23 acquisition, telecommunications, information technology  
24 management, and related technology activities; and serv-  
25 ices as authorized by 5 U.S.C. 3109; \$54,578,000.

## 1 OPERATING EXPENSES

2 For expenses authorized by law, not otherwise pro-  
3 vided for, for Government-wide activities associated with  
4 utilization and donation of surplus personal property; dis-  
5 posal of real property; agency-wide policy direction, man-  
6 agement, and communications; Civilian Board of Contract  
7 Appeals; services as authorized by 5 U.S.C. 3109; and not  
8 to exceed \$7,500 for official reception and representation  
9 expenses; \$70,645,000.

## 10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector  
12 General and service authorized by 5 U.S.C. 3109,  
13 \$54,000,000: *Provided*, That not to exceed \$15,000 shall  
14 be available for payment for information and detection of  
15 fraud against the Government, including payment for re-  
16 covery of stolen Government property: *Provided further*,  
17 That not to exceed \$2,500 shall be available for awards  
18 to employees of other Federal agencies and private citizens  
19 in recognition of efforts and initiatives resulting in en-  
20 hanced Office of Inspector General effectiveness.

## 21 ALLOWANCES AND OFFICE STAFF FOR FORMER

## 22 PRESIDENTS

## 23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out the provisions of the Act of August  
25 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,  
26 \$2,934,000: *Provided*, That the Administrator of General

1 Services shall transfer to the Secretary of the Treasury  
2 such sums as may be necessary to carry out the provisions  
3 of such Acts.

4 PRESIDENTIAL TRANSITION EXPENSES

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

9 FEDERAL CITIZEN SERVICES FUND

10 For necessary expenses of the Office of Citizen Serv-  
11 ices, including services authorized by 5 U.S.C. 3109,  
12 \$36,096,000, to be deposited into the Federal Citizen  
13 Services Fund: *Provided*, That the appropriations, reve-  
14 nues, and collections deposited into the Fund shall be  
15 available for necessary expenses of Federal Citizen Serv-  
16 ices activities in the aggregate amount not to exceed  
17 \$50,000,000. Appropriations, revenues, and collections ac-  
18 cruing to this Fund during fiscal year 2009 in excess of  
19 such amount shall remain in the Fund and shall not be  
20 available for expenditure except as authorized in appro-  
21 priations Acts.

1 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

2 ADMINISTRATION

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 510. Funds available to the General Services  
5 Administration shall be available for the hire of passenger  
6 motor vehicles.

7 SEC. 511. Funds in the Federal Buildings Fund  
8 made available for fiscal year 2009 for Federal Buildings  
9 Fund activities may be transferred between such activities  
10 only to the extent necessary to meet program require-  
11 ments: *Provided*, That any proposed transfers shall be ap-  
12 proved in advance by the Committees on Appropriations.

13 SEC. 512. Except as otherwise provided in this title,  
14 funds made available by this Act shall be used to transmit  
15 a fiscal year 2010 request for United States Courthouse  
16 construction only if the request: (1) meets the design guide  
17 standards for construction as established and approved by  
18 the General Services Administration, the Judicial Con-  
19 ference of the United States, and the Office of Manage-  
20 ment and Budget; (2) reflects the priorities of the Judicial  
21 Conference of the United States as set out in its approved  
22 5-year construction plan; and (3) includes a standardized  
23 courtroom utilization study of each facility to be con-  
24 structed, replaced, or expanded.

1           SEC. 513. None of the funds provided in this Act may  
2 be used to increase the amount of occupiable square feet,  
3 provide cleaning services, security enhancements, or any  
4 other service usually provided through the Federal Build-  
5 ings Fund, to any agency that does not pay the rate per  
6 square foot assessment for space and services as deter-  
7 mined by the General Services Administration in compli-  
8 ance with the Public Buildings Amendments Act of 1972  
9 (Public Law 92-313).

10          SEC. 514. From funds made available under the  
11 heading "Federal Buildings Fund, Limitations on Avail-  
12 ability of Revenue", claims against the Government of less  
13 than \$250,000 arising from direct construction projects  
14 and acquisition of buildings may be liquidated from sav-  
15 ings effected in other construction projects with prior noti-  
16 fication to the Committees on Appropriations.

17          SEC. 515. In any case in which the Committee on  
18 Transportation and Infrastructure of the House of Rep-  
19 resentatives and the Committee on Environment and Pub-  
20 lic Works of the Senate adopt a resolution granting lease  
21 authority pursuant to a prospectus transmitted to Con-  
22 gress by the Administrator of General Services under sec-  
23 tion 3307 of title 40, United States Code, the Adminis-  
24 trator shall ensure that the delineated area of procurement  
25 is identical to the delineated area included in the pro-

1 spectus for all lease agreements, except that, if the Admin-  
2 istrator determines that the delineated area of the pro-  
3 curement should not be identical to the delineated area  
4 included in the prospectus, the Administrator shall provide  
5 an explanatory statement to each of such committees and  
6 the House and Senate Committees on Appropriations  
7 prior to exercising any lease authority provided in the res-  
8 olution.

9 SEC. 516. Subsections (a) and (b)(1) of section 323  
10 of title 40, United States Code, are each amended by strik-  
11 ing “Consumer Information Center” and inserting “Fed-  
12 eral Citizen Services”; and subsection (a) is further  
13 amended by striking “consumer”.

14 SEC. 517. In furtherance of the emergency manage-  
15 ment policy set forth in the Robert T. Stafford Disaster  
16 Relief and Emergency Assistance Act, the Administrator  
17 of the General Services Administration may provide for  
18 the use of the Federal supply schedules of the General  
19 Services Administration by relief and disaster assistance  
20 organizations as described in section 309 of that Act. Pur-  
21 chases under this authority shall be limited to use in prep-  
22 aration for, response to, and recovery from hazards as de-  
23 fined in section 602 of that Act.

24 SEC. 518. WORKING CAPITAL FUND. (a) PURPOSE  
25 AND OPERATION OF WORKING CAPITAL FUND.—Sub-

1 sections (a), (b) and (c) of section 3173 of title 40, United  
2 States Code, are amended to read as follows:

3       “(a) ESTABLISHMENT AND PURPOSE.—There is a  
4 working capital fund for the necessary expenses of admin-  
5 istrative support services including accounting, budget,  
6 personnel, legal support and other related services; and  
7 the maintenance and operation of printing and reproduc-  
8 tion facilities in support of the functions of the General  
9 Services Administration, other Federal agencies, and other  
10 entities; and other such administrative and management  
11 services that the Administrator of GSA deems appropriate  
12 and advantageous (subject to prior notice to the Office of  
13 Management and Budget).

14       “(b) COMPOSITION.—

15               “(1) IN GENERAL.—Amounts received shall be  
16 credited to and merged with the Fund, to remain  
17 available until expended, for operating costs and  
18 capital outlays of the Fund: *Provided*, That entities  
19 for which such services are performed shall be  
20 charged at rates which will return in full all costs of  
21 providing such services.

22               “(2) COST AND CAPITAL REQUIREMENTS.—The  
23 Administrator shall determine the cost and capital  
24 requirements of the Fund for each fiscal year and  
25 shall develop a plan concerning such requirements in

1       consultation with the Chief Financial Officer of the  
2       General Services Administration. Any change to the  
3       cost and capital requirements of the Fund for a fis-  
4       cal year shall be approved by the Administrator. The  
5       Administrator shall establish rates to be charged to  
6       entities for which services are performed, in accord-  
7       ance with the plan.

8       “(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREAS-  
9       URY.—At the close of each fiscal year, after making provi-  
10      sion for anticipated operating needs reflected in the cost  
11      and capital plan developed under subsection (b), the un-  
12      committed balance of any funds remaining in the Fund  
13      shall be transferred to the general fund of the Treasury  
14      as miscellaneous receipts.”.

15      (b) TRANSFER AND USE OF AMOUNTS FOR MAJOR  
16      EQUIPMENT ACQUISITIONS.—Section 3173 of title 40,  
17      United States Code, is amended to add subsection (d), as  
18      follows:

19      “(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR  
20      EQUIPMENT ACQUISITIONS.—

21             “(1) IN GENERAL.—Subject to subparagraph  
22             (2), unobligated balances of amounts appropriated  
23             or otherwise made available to the General Services  
24             Administration for operating expenses and salaries  
25             and expenses may be transferred and merged into



1 the 'Major equipment acquisitions and development  
2 activity' of the working capital fund of the General  
3 Services Administration for agency-wide acquisition  
4 of capital equipment, automated data processing sys-  
5 tems and financial management and management in-  
6 formation systems: *Provided*, That acquisitions are  
7 limited to those needed to implement the Chief Fi-  
8 nancial Officers Act of 1990 (Public Law 101-576,  
9 104 Stat. 2838) and related laws or regulations.

10 “(2) REQUIREMENTS AND AVAILABILITY.—

11 “(A) TIME FOR TRANSFER.—Transfer of  
12 an amount under this section must be done no  
13 later than the end of the fifth fiscal year after  
14 the fiscal year for which the amount is appro-  
15 priated or otherwise made available.

16 “(B) APPROVAL FOR USE.—An amount  
17 transferred under this section may be used only  
18 with the advance approval of the Committees on  
19 Appropriations of the House of Representatives  
20 and the Senate.

21 “(C) AVAILABILITY.—An amount trans-  
22 ferred under this section remains available until  
23 expended.”

24 (c) CONFORMING AND CLERICAL AMENDMENTS.—

25 (1) Section 312 of such title is repealed.

1           (2) The heading for section 3173 of such title  
2           is amended to read as follows:

3   **“§3173. Working capital fund for General Services**  
4                           **Administration”.**

5           HARRY S TRUMAN SCHOLARSHIP FOUNDATION

6                           SALARIES AND EXPENSES

7           For payment to the Harry S Truman Scholarship  
8   Foundation Trust Fund, established by section 10 of Pub-  
9   lic Law 93-642, \$500,000, to remain available until ex-  
10   pended: *Provided*, That hereafter, all requests of the  
11   Board of Trustees to the Secretary of the Treasury pro-  
12   vided for in this section shall be binding on the Secretary,  
13   including requests for the issuance at par of special obliga-  
14   tions exclusively to the fund as provided for in section  
15   10(b), which the Secretary shall implement without regard  
16   to the determination related to the public interest required  
17   by the last sentence of that section.

18                           MERIT SYSTEMS PROTECTION BOARD

19                           SALARIES AND EXPENSES

20                           (INCLUDING TRANSFER OF FUNDS)

21           For necessary expenses to carry out functions of the  
22   Merit Systems Protection Board pursuant to Reorganiza-  
23   tion Plan Numbered 2 of 1978, the Civil Service Reform  
24   Act of 1978, and the Whistleblower Protection Act of  
25   1989 (5 U.S.C. 5509 note), including services as author-

1 ized by 5 U.S.C. 3109, rental of conference rooms in the  
2 District of Columbia and elsewhere, hire of passenger  
3 motor vehicles, direct procurement of survey printing, and  
4 not to exceed \$2,000 for official reception and representa-  
5 tion expenses, \$38,811,000 together with not to exceed  
6 \$2,579,000 for administrative expenses to adjudicate re-  
7 tirement appeals to be transferred from the Civil Service  
8 Retirement and Disability Fund in amounts determined  
9 by the Merit Systems Protection Board.

10 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN  
11 NATIONAL ENVIRONMENTAL POLICY FOUNDATION  
12 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN  
13 NATIONAL ENVIRONMENTAL POLICY TRUST FUND  
14 (INCLUDING TRANSFER OF FUNDS)

15 For payment to the Morris K. Udall Scholarship and  
16 Excellence in National Environmental Policy Trust Fund,  
17 pursuant to the Morris K. Udall Scholarship and Excel-  
18 lence in National Environmental and Native American  
19 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),  
20 \$3,750,000, to remain available until expended, of which  
21 up to \$50,000 shall be used to conduct financial audits  
22 pursuant to the Accountability of Tax Dollars Act of 2002  
23 (Public Law 107-289) notwithstanding sections 8 and 9  
24 of Public Law 102-259: *Provided*, That up to 60 percent  
25 of such funds may be transferred by the Morris K. Udall

1 Scholarship and Excellence in National Environmental  
2 Policy Foundation for the necessary expenses of the Na-  
3 tive Nations Institute.

4 ENVIRONMENTAL DISPUTE RESOLUTION FUND

5 For payment to the Environmental Dispute Resolu-  
6 tion Fund to carry out activities authorized in the Envi-  
7 ronmental Policy and Conflict Resolution Act of 1998,  
8 \$2,100,000, to remain available until expended.

9 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

10 OPERATING EXPENSES

11 For necessary expenses in connection with the admin-  
12 istration of the National Archives and Records Adminis-  
13 tration (including the Information Security Oversight Of-  
14 fice) and archived Federal records and related activities,  
15 as provided by law, and for expenses necessary for the re-  
16 view and declassification of documents and the activities  
17 of the Public Interest Declassification Board, and for the  
18 hire of passenger motor vehicles, and for uniforms or al-  
19 lowances therefor, as authorized by law (5 U.S.C. 5901  
20 et seq.), including maintenance, repairs, and cleaning,  
21 \$330,308,000, of which \$650,000 shall remain available  
22 until September 30, 2010.

23 ELECTRONIC RECORDS ARCHIVES

24 For necessary expenses in connection with the devel-  
25 opment of the electronic records archives, to include all

1 direct project costs associated with research, analysis, de-  
2 sign, development, and program management,  
3 \$67,008,000, of which \$45,795,000 shall remain available  
4 until September 30, 2011: *Provided*, That none of the  
5 multi-year funds may be obligated until the National Ar-  
6 chives and Records Administration submits to the Com-  
7 mittees on Appropriations, and such Committees approve,  
8 a plan for expenditure that: (1) meets the capital planning  
9 and investment control review requirements established by  
10 the Office of Management and Budget, including Circular  
11 A-11; (2) complies with the National Archives and  
12 Records Administration's enterprise architecture; (3) con-  
13 forms with the National Archives and Records Adminis-  
14 tration's enterprise life cycle methodology; (4) is approved  
15 by the National Archives and Records Administration and  
16 the Office of Management and Budget; (5) has been re-  
17 viewed by the Government Accountability Office; and (6)  
18 complies with the acquisition rules, requirements, guide-  
19 lines, and systems acquisition management practices of  
20 the Federal Government.

21 REPAIRS AND RESTORATION

22 For the repair, alteration, and improvement of ar-  
23 chives facilities, and to provide adequate storage for hold-  
24 ings, \$50,711,000, to remain available until expended:  
25 *Provided*, That the Archivist is authorized to construct an  
26 addition to the John F. Kennedy Presidential Library and

1 Museum; and of the funds provided, \$22,000,000 shall be  
2 available for construction costs and related services for  
3 building the addition to the John F. Kennedy Presidential  
4 Library and Museum and other necessary expenses, in-  
5 cluding renovating the Library as needed in constructing  
6 the addition; \$17,500,000 is for necessary expenses re-  
7 lated to the repair and renovation of the Franklin D. Roo-  
8 sevelt Presidential Library and Museum in Hyde Park,  
9 New York; and \$2,000,000 is for the repair and restora-  
10 tion of the plaza that surrounds the Lyndon Baines John-  
11 son Presidential Library and Museum that is under the  
12 joint control and custody of the University of Texas: *Pro-*  
13 *vided further*, That such funds shall remain available until  
14 expended for this purpose and may be transferred directly  
15 to the University and used, together with University  
16 funds, for the repair and restoration of the plaza: *Provided*  
17 *further*, That such funds shall be spent in accordance with  
18 the construction plan submitted to the Committees on Ap-  
19 propriations on March 14, 2005: *Provided further*, That  
20 the Archivist shall be prohibited from entering into any  
21 agreement with the University or any other party that re-  
22 quires additional funding commitments on behalf of the  
23 Federal Government for this project: *Provided further*,  
24 That hereafter, no further Federal funding shall be pro-  
25 vided for this plaza project.

1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

2 COMMISSION

3 GRANTS PROGRAM

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for allocations and grants for  
6 historical publications and records as authorized by 44  
7 U.S.C. 2504, \$11,250,000, to remain available until ex-  
8 pended: *Provided*, That of the funds provided in this para-  
9 graph, \$2,000,000 shall be transferred to the operating  
10 expenses account of the National Archives and Records  
11 Administration for operating expenses of the National  
12 Historical Publications and Records Commission.

13 ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND  
14 RECORDS ADMINISTRATION

15 Hereafter, the National Archives and Records Ad-  
16 ministration shall include in its annual budget submission  
17 a comprehensive capital needs assessment for funding pro-  
18 vided under the “Repairs and Restoration” appropriations  
19 account to be updated yearly: *Provided*, That funds pro-  
20 posed under the “Repairs and Restoration” appropriations  
21 account for each fiscal year shall be allocated to projects  
22 on a priority basis established under a comprehensive cap-  
23 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 be the amount authorized by  
7 section 307(a)(4)(A) of the Federal Credit Union Act (12  
8 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative ex-  
9 penses of the Central Liquidity Facility in fiscal year 2009  
10 shall not exceed \$1,250,000.

## 11 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

12 For the Community Development Revolving Loan  
13 Fund program as authorized by 42 U.S.C. 9812, 9822  
14 and 9910, \$1,000,000 shall be available until September  
15 30, 2010 for technical assistance to low-income designated  
16 credit unions.

## 17 OFFICE OF GOVERNMENT ETHICS

## 18 SALARIES AND EXPENSES

19 For necessary expenses to carry out functions of the  
20 Office of Government Ethics pursuant to the Ethics in  
21 Government Act of 1978, and the Ethics Reform Act of  
22 1989, including services as authorized by 5 U.S.C. 3109,  
23 rental of conference rooms in the District of Columbia and  
24 elsewhere, hire of passenger motor vehicles, and not to ex-  
25 ceed \$1,500 for official reception and representation ex-  
26 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 \$1,828,000, and in addition, not to exceed \$18,755,000  
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), \$1,500,000, to remain available  
23 until September 30, 2010.

## 1           SECURITIES AND EXCHANGE COMMISSION

## 2                           SALARIES AND EXPENSES

3           For necessary expenses for the Securities and Ex-  
4 change Commission, including services as authorized by  
5 5 U.S.C. 3109, the rental of space (to include multiple  
6 year leases) in the District of Columbia and elsewhere, and  
7 not to exceed \$3,500 for official reception and representa-  
8 tion expenses, \$943,000,000, to remain available until ex-  
9 pended; of which not to exceed \$20,000 may be used to-  
10 ward funding a permanent secretariat for the Inter-  
11 national Organization of Securities Commissions; and of  
12 which not to exceed \$130,000 shall be available for ex-  
13 penses for consultations and meetings hosted by the Com-  
14 mission with foreign governmental and other regulatory  
15 officials, members of their delegations, appropriate rep-  
16 resentatives and staff to exchange views concerning devel-  
17 opments relating to securities matters, development and  
18 implementation of cooperation agreements concerning se-  
19 curities matters and provision of technical assistance for  
20 the development of foreign securities markets, such ex-  
21 penses to include necessary logistic and administrative ex-  
22 penses and the expenses of Commission staff and foreign  
23 invitees in attendance at such consultations and meetings  
24 including: (1) such incidental expenses as meals taken in  
25 the course of such attendance; (2) any travel and trans-

1 portation to or from such meetings; and (3) any other re-  
2 lated lodging or subsistence: *Provided*, That fees and  
3 charges authorized by sections 6(b) of the Securities Ex-  
4 change Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g)  
5 and 31 of the Securities Exchange Act of 1934 (15 U.S.C.  
6 78m(e), 78n(g), and 78ee), shall be credited to this ac-  
7 count as offsetting collections: *Provided further*, That not  
8 to exceed \$894,356,000 of such offsetting collections shall  
9 be available until expended for necessary expenses of this  
10 account: *Provided further*, That \$48,644,000 shall be de-  
11 rived from prior year unobligated balances from funds pre-  
12 viously appropriated to the Securities and Exchange Com-  
13 mission: *Provided further*, That the total amount appro-  
14 priated under this heading from the general fund for fiscal  
15 year 2009 shall be reduced as such offsetting fees are re-  
16 ceived so as to result in a final total fiscal year 2009 ap-  
17 propriation from the general fund estimated at not more  
18 than \$0.

19 SELECTIVE SERVICE SYSTEM

20 SALARIES AND EXPENSES

21 For necessary expenses of the Selective Service Sys-  
22 tem, including expenses of attendance at meetings and of  
23 training for uniformed personnel assigned to the Selective  
24 Service System, as authorized by 5 U.S.C. 4101–4118 for  
25 civilian employees; purchase of uniforms, or allowances

1 therefor, as authorized by 5 U.S.C. 5901–5902; hire of  
2 passenger motor vehicles; services as authorized by 5  
3 U.S.C. 3109; and not to exceed \$750 for official reception  
4 and representation expenses; \$22,000,000: *Provided*, That  
5 during the current fiscal year, the President may exempt  
6 this appropriation from the provisions of 31 U.S.C. 1341,  
7 whenever the President deems such action to be necessary  
8 in the interest of national defense: *Provided further*, That  
9 none of the funds appropriated by this Act may be ex-  
10 pended for or in connection with the induction of any per-  
11 son into the Armed Forces of the United States.

## 12 SMALL BUSINESS ADMINISTRATION

### 13 SALARIES AND EXPENSES

14 For necessary expenses, not otherwise provided for,  
15 of the Small Business Administration as authorized by  
16 Public Law 108–447, including hire of passenger motor  
17 vehicles as authorized by 31 U.S.C. 1343 and 1344, and  
18 not to exceed \$3,500 for official reception and representa-  
19 tion expenses, \$386,896,000: *Provided*, That the Adminis-  
20 trator is authorized to charge fees to cover the cost of pub-  
21 lications developed by the Small Business Administration,  
22 and certain loan program activities, including fees author-  
23 ized by section 5(b) of the Small Business Act: *Provided*  
24 *further*, That, notwithstanding 31 U.S.C. 3302, revenues  
25 received from all such activities shall be credited to this



1 account, to remain available until expended, for carrying  
2 out these purposes without further appropriations: *Pro-*  
3 *vided further*, That \$110,000,000 shall be available to  
4 fund grants for performance in fiscal year 2009 or fiscal  
5 year 2010 as authorized, of which \$1,000,000 shall be for  
6 the Veterans Assistance and Services Program authorized  
7 by section 21(n) of the Small Business Act, as added by  
8 section 107 of Public Law 110-186, and of which  
9 \$1,000,000 shall be for the Small Business Energy Effi-  
10 ciency Program authorized by section 1203(e) of Public  
11 Law 110-140: *Provided further*, That \$7,654,400 shall be  
12 available for the Loan Modernization and Accounting Sys-  
13 tem, to be available until September 30, 2010.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector  
16 General in carrying out the provisions of the Inspector  
17 General Act of 1978, \$16,750,000.

18 SURETY BOND GUARANTEES REVOLVING FUND

19 For additional capital for the Surety Bond Guar-  
20 tees Revolving Fund, authorized by the Small Business  
21 Investment Act of 1958, \$2,000,000, to remain available  
22 until expended.

23 BUSINESS LOANS PROGRAM ACCOUNT

24 (INCLUDING TRANSFERS OF FUNDS)

25 For the cost of direct loans, \$2,500,000, to remain  
26 available until expended: *Provided*, That such costs, in-

1 cluding the cost of modifying such loans, shall be as de-  
2 fined in section 502 of the Congressional Budget Act of  
3 1974: *Provided further*, That subject to section 502 of the  
4 Congressional Budget Act of 1974, during fiscal year  
5 2009 commitments to guarantee loans under section 503  
6 of the Small Business Investment Act of 1958 shall not  
7 exceed \$7,500,000,000: *Provided further*, That during fis-  
8 cal year 2009 commitments for general business loans au-  
9 thorized under section 7(a) of the Small Business Act  
10 shall not exceed \$17,500,000,000: *Provided further*, That  
11 during fiscal year 2009 commitments to guarantee loans  
12 for debentures under section 303(b) of the Small Business  
13 Investment Act of 1958, shall not exceed \$3,000,000,000:  
14 *Provided further*, That during fiscal year 2009, guarantees  
15 of trust certificates authorized by section 5(g) of the Small  
16 Business Act shall not exceed a principal amount of  
17 \$12,000,000,000. In addition, for administrative expenses  
18 to carry out the direct and guaranteed loan programs,  
19 \$138,480,000, which may be transferred to and merged  
20 with the appropriations for Salaries and Expenses.

21 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

22 ADMINISTRATION

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 520. Not to exceed 5 percent of any appropria-  
25 tion made available for the current fiscal year for the  
26 Small Business Administration in this Act may be trans-

1 ferred between such appropriations, but no such appro-  
2 priation shall be increased by more than 10 percent by  
3 any such transfers: *Provided*, That any transfer pursuant  
4 to this paragraph shall be treated as a reprogramming of  
5 funds under section 608 of this Act and shall not be avail-  
6 able for obligation or expenditure except in compliance  
7 with the procedures set forth in that section.

8       SEC. 521. All disaster loans issued in Alaska or  
9 North Dakota shall be administered by the Small Business  
10 Administration and shall not be sold during fiscal year  
11 2009.

12       SEC. 522. None of the funds made available under  
13 this Act may be used by the Small Business Administra-  
14 tion to implement the rule relating to women-owned small  
15 business Federal contract assistance procedures published  
16 in the Federal Register on October 1, 2008 (73 Fed. Reg.  
17 56940 et seq.).

18       SEC. 523. Of the amount made available under the  
19 heading "State and Tribal Assistance Grants" under title  
20 II of division F of the Consolidated Appropriations Act,  
21 2008 (Public Law 110-161; 121 Stat. 2125) for the  
22 Mingo County Redevelopment Authority, \$2,953,000 is  
23 transferred to the "Salaries and Expenses" account of the  
24 Small Business Administration. The amount transferred  
25 under this section shall be for the Mingo County Redevel-

1 opment Authority and shall be available for use under the  
2 terms and conditions otherwise applicable to amounts ap-  
3 propriated for the “Salaries and Expenses” account of the  
4 Small Business Administration and shall remain available  
5 until expended.

6 SEC. 524. Funds made available under section 534  
7 of Public Law 110–161 (121 Stat. 2125) for the Alabama  
8 Small Business Institute of Commerce, Small Business In-  
9 cubator, Rainbow City, Alabama shall be made available  
10 to Alabama Small Business Institute of Commerce, Rain-  
11 bow City, Alabama.

12 SEC. 525. For an additional amount under the head-  
13 ing “Small Business Administration, Salaries and Ex-  
14 penses”, \$65,653,678, to remain available until September  
15 30, 2010, shall be for initiatives related to small business  
16 development and entrepreneurship, including pro-  
17 grammatic and construction activities, and in the amounts  
18 specified in the table that appears under the heading “Ad-  
19 ministrative Provisions—Small Business Administration”  
20 in the explanatory statement described in section 4 (in the  
21 matter preceding division A of this consolidated Act).

22 UNITED STATES POSTAL SERVICE

23 PAYMENT TO THE POSTAL SERVICE FUND

24 For payment to the Postal Service Fund for revenue  
25 forgone on free and reduced rate mail, pursuant to sub-

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

18 OFFICE OF INSPECTOR GENERAL  
19 SALARIES AND EXPENSES  
20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Office of Inspector  
22 General in carrying out the provisions of the Inspector  
23 General Act of 1978, \$239,356,000, to be derived by  
24 transfer from the Postal Service Fund and expended as  
25 authorized by section 603(b)(3) of the Postal Account-  
26 ability and Enhancement Act (Public Law 109-435).

## 1 UNITED STATES TAX COURT

## 2 SALARIES AND EXPENSES

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

## 7 TITLE VI

## 8 GENERAL PROVISIONS—THIS ACT

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

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

18 SEC. 603. The expenditure of any appropriation  
19 under this Act for any consulting service through procure-  
20 ment contract pursuant to section 3109 of title 5, United  
21 States Code, shall be limited to those contracts where such  
22 expenditures are a matter of public record and available  
23 for public inspection, except where otherwise provided  
24 under existing law, or under existing Executive order  
25 issued pursuant to existing law.

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

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

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

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

21       SEC. 608. Except as otherwise provided in this Act,  
22 none of the funds provided in this Act, provided by pre-  
23 vious appropriations Acts to the agencies or entities fund-  
24 ed in this Act that remain available for obligation or ex-  
25 penditure in fiscal year 2009, or provided from any ac-

1 counts in the Treasury derived by the collection of fees  
2 and available to the agencies funded by this Act, shall be  
3 available for obligation or expenditure through a re-  
4 programming of funds that: (1) creates a new program;  
5 (2) eliminates a program, project, or activity; (3) increases  
6 funds or personnel for any program, project, or activity  
7 for which funds have been denied or restricted by the Con-  
8 gress; (4) proposes to use funds directed for a specific ac-  
9 tivity by either the House or Senate Committees on Ap-  
10 propriations for a different purpose; (5) augments existing  
11 programs, projects, or activities in excess of \$5,000,000  
12 or 10 percent, whichever is less; (6) reduces existing pro-  
13 grams, projects, or activities by \$5,000,000 or 10 percent,  
14 whichever is less; or (7) creates or reorganizes offices, pro-  
15 grams, or activities unless prior approval is received from  
16 the Committees on Appropriations of the House of Rep-  
17 resentatives and the Senate: *Provided*, That prior to any  
18 significant reorganization or restructuring of offices, pro-  
19 grams, or activities, each agency or entity funded in this  
20 Act shall consult with the Committees on Appropriations  
21 of the House of Representatives and the Senate: *Provided*  
22 *further*, That not later than 60 days after the date of en-  
23 actment of this Act, each agency funded by this Act shall  
24 submit a report to the Committees on Appropriations of  
25 the House of Representatives and the Senate to establish



1 the baseline for application of reprogramming and trans-  
2 fer authorities for the current fiscal year: *Provided further*,  
3 That the report shall include: (1) a table for each appro-  
4 priation with a separate column to display the President's  
5 budget request, adjustments made by Congress, adjust-  
6 ments due to enacted rescissions, if appropriate, and the  
7 fiscal year enacted level; (2) a delineation in the table for  
8 each appropriation both by object class and program,  
9 project, and activity as detailed in the budget appendix  
10 for the respective appropriation; and (3) an identification  
11 of items of special congressional interest: *Provided further*,  
12 That the amount appropriated or limited for salaries and  
13 expenses for an agency shall be reduced by \$100,000 per  
14 day for each day after the required date that the report  
15 has not been submitted to the Congress.

16 SEC. 609. Except as otherwise specifically provided  
17 by law, not to exceed 50 percent of unobligated balances  
18 remaining available at the end of fiscal year 2009 from  
19 appropriations made available for salaries and expenses  
20 for fiscal year 2009 in this Act, shall remain available  
21 through September 30, 2010, for each such account for  
22 the purposes authorized: *Provided*, That a request shall  
23 be submitted to the Committees on Appropriations of the  
24 House of Representatives and the Senate for approval  
25 prior to the expenditure of such funds: *Provided further*,

1 That these requests shall be made in compliance with re-  
2 programming guidelines.

3 SEC. 610. None of the funds made available in this  
4 Act may be used by the Executive Office of the President  
5 to request from the Federal Bureau of Investigation any  
6 official background investigation report on any individual,  
7 except when—

8 (1) such individual has given his or her express  
9 written consent for such request not more than 6  
10 months prior to the date of such request and during  
11 the same presidential administration; or

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

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

20 SEC. 612. For the purpose of resolving litigation and  
21 implementing any settlement agreements regarding the  
22 nonforeign area cost-of-living allowance program, the Of-  
23 fice of Personnel Management may accept and utilize  
24 (without regard to any restriction on unanticipated travel  
25 expenses imposed in an Appropriations Act) funds made

1 available to the Office of Personnel Management pursuant  
2 to court approval.

3 SEC. 613. No funds appropriated by this Act shall  
4 be available to pay for an abortion, or the administrative  
5 expenses in connection with any health plan under the  
6 Federal employees health benefits program which provides  
7 any benefits or coverage for abortions.

8 SEC. 614. The provision of section 613 shall not  
9 apply where the life of the mother would be endangered  
10 if the fetus were carried to term, or the pregnancy is the  
11 result of an act of rape or incest.

12 SEC. 615. In order to promote Government access to  
13 commercial information technology, the restriction on pur-  
14 chasing nondomestic articles, materials, and supplies set  
15 forth in the Buy American Act (41 U.S.C. 10a et seq.),  
16 shall not apply to the acquisition by the Federal Govern-  
17 ment of information technology (as defined in section  
18 11101 of title 40, United States Code), that is a commer-  
19 cial item (as defined in section 4(12) of the Office of Fed-  
20 eral Procurement Policy Act (41 U.S.C. 403(12))).

21 SEC. 616. Section 5112 of title 31, United States  
22 Code (as amended by Public Law 110-161), is amended—

23 (1) by redesignating the second subsection (r)  
24 as subsection (s), and

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

4           SEC. 617. Notwithstanding section 1353 of title 31,  
5           United States Code, no officer or employee of any regu-  
6           latory agency or commission funded by this Act may ac-  
7           cept on behalf of that agency, nor may such agency or  
8           commission accept, payment or reimbursement from a  
9           non-Federal entity for travel, subsistence, or related ex-  
10          penses for the purpose of enabling an officer or employee  
11          to attend and participate in any meeting or similar func-  
12          tion relating to the official duties of the officer or em-  
13          ployee when the entity offering payment or reimbursement  
14          is a person or entity subject to regulation by such agency  
15          or commission, or represents a person or entity subject  
16          to regulation by such agency or commission, unless the  
17          person or entity is an organization described in section  
18          501(c)(3) of the Internal Revenue Code of 1986 and ex-  
19          empt from tax under section 501(a) of such Code.

20          SEC. 618. LIFE INSURANCE FOR TAX COURT  
21          JUDGES AGE 65 OR OVER. (a) IN GENERAL.—Section  
22          7472 of title 26, United States Code, is amended by in-  
23          serting after the word “imposed” where it appears in the  
24          second sentence the following phrase “after April 24,  
25          1999, that is incurred”.

1 (b) EFFECTIVE DATE.—This amendment shall take  
2 effect as if included in the amendment made by section  
3 852 of the Pension Protection Act of 2006.

4 SEC. 619. The Public Company Accounting Oversight  
5 Board shall have authority to obligate funds for the schol-  
6 arship program established by section 109(e)(2) of the  
7 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an  
8 aggregate amount not exceeding the amount of funds col-  
9 lected by the Board as of December 31, 2008, including  
10 accrued interest, as a result of the assessment of monetary  
11 penalties. Funds available for obligation in fiscal year  
12 2009 shall remain available until expended.

13 SEC. 620. 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. 621. 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. 622. None of the funds made available in this  
8 Act may be used to administer, implement, or enforce the  
9 amendment made to section 515.533 of title 31, Code of  
10 Federal Regulations, that was published in the Federal  
11 Register on February 25, 2005.

12       SEC. 623. CHRISTOPHER COLUMBUS FELLOWSHIP  
13 AUTHORIZATION. The Christopher Columbus Fellowship  
14 Act (20 U.S.C. 5701 et seq.) is amended—

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

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

18                 (B) by redesignating paragraph (4) as  
19 paragraph (5); and

20                 (C) by inserting after paragraph (3) the  
21 following:

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

24             (2) by adding at the end the following new sec-  
25 tion:

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

2 “There are authorized to be appropriated to the  
3 Foundation, such sums as may be necessary to carry out  
4 this subtitle.”.

5 SEC. 624. Notwithstanding any other provision of  
6 law, for fiscal year 2009 and each fiscal year thereafter,  
7 neither the Board of Governors of the Federal Reserve  
8 System nor the Secretary of the Treasury may determine,  
9 by rule, regulation, order, or otherwise, for purposes of  
10 section 4(k) of the Bank Holding Company Act of 1956,  
11 or section 5136A of the Revised Statutes of the United  
12 States, that real estate brokerage activity or real estate  
13 management activity is an activity that is financial in na-  
14 ture, is incidental to any financial activity, or is com-  
15 plementary to a financial activity. For purposes of this  
16 section, “real estate brokerage activity” shall mean “real  
17 estate brokerage”, and “real estate management activity”  
18 shall mean “property management”, as those terms were  
19 understood by the Board of Governors of the Federal Re-  
20 serve System prior to March 11, 2000.

21 SEC. 625. (a) Section 102(a)(3)(B) of the Help  
22 America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is  
23 amended by striking “March 1, 2008” and inserting “No-  
24 vember 1, 2010”.

1 (b) The amendment made by subsection (a) shall take  
2 effect as if included in the enactment of the Help America  
3 Vote Act of 2002.

4 SEC. 626. (a) Within 90 days after the date of enact-  
5 ment of this Act, the Federal Trade Commission shall ini-  
6 tiate a rulemaking proceeding with respect to mortgage  
7 loans in accordance with section 553 of title 5, United  
8 States Code. Any violation of a rule prescribed under this  
9 subsection shall be treated as a violation of a rule under  
10 section 18 of the Federal Trade Commission Act (15  
11 U.S.C. 57a) regarding unfair or deceptive acts or prac-  
12 tices.

13 (b)(1) Except as provided in paragraph (6), a State,  
14 as *parens patriae*, may bring a civil action on behalf of  
15 its residents in an appropriate State or district court of  
16 the United States to enforce the provisions of section 128  
17 of the Truth in Lending Act (15 U.S.C. 1638), any other  
18 provision of the Truth in Lending Act, or any mortgage  
19 loan rule promulgated by the Federal Trade Commission  
20 to obtain penalties and relief provided under such Act or  
21 rule whenever the attorney general of the State has reason  
22 to believe that the interests of the residents of the State  
23 have been or are being threatened or adversely affected  
24 by a violation of such Act or rule.



1           (2) The State shall serve written notice to the Com-  
2 mission of any civil action under paragraph (1) at least  
3 60 days prior to initiating such civil action. The notice  
4 shall include a copy of the complaint to be filed to initiate  
5 such civil action, except that if it is not feasible for the  
6 State to provide such prior notice, the State shall provide  
7 notice immediately upon instituting such civil action.

8           (3) Upon receiving the notice required by paragraph  
9 (2), the Commission may intervene in such civil action and  
10 upon intervening—

11           (A) be heard on all matters arising in such civil  
12 action;

13           (B) remove the action to the appropriate  
14 United States district court; and

15           (C) file petitions for appeal of a decision in  
16 such civil action.

17           (4) Nothing in this subsection shall prevent the attor-  
18 ney general of a State from exercising the powers con-  
19 ferred on the attorney general by the laws of such State  
20 to conduct investigations or to administer oaths or affir-  
21 mations or to compel the attendance of witnesses or the  
22 production of documentary and other evidence. Nothing  
23 in this section shall prohibit the attorney general of a  
24 State, or other authorized State officer, from proceeding

1 in State or Federal court on the basis of an alleged viola-  
2 tion of any civil or criminal statute of that State.

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

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

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

11 (6) Whenever a civil action or an administrative ac-  
12 tion has been instituted by or on behalf of the Commission  
13 for violation of any provision of law or rule described in  
14 paragraph (1), no State may, during the pendency of such  
15 action instituted by or on behalf of the Commission, insti-  
16 tute a civil action under that paragraph against any de-  
17 fendant named in the complaint in such action for viola-  
18 tion of any law or rule as alleged in such complaint.

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

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

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

9

## TITLE VII

## 10 GENERAL PROVISIONS—GOVERNMENT-WIDE

## 11 DEPARTMENTS, AGENCIES, AND CORPORATIONS

12       SEC. 701. No department, agency, or instrumentality  
13 of the United States receiving appropriated funds under  
14 this or any other Act for fiscal year 2009 shall obligate  
15 or expend any such funds, unless such department, agen-  
16 cy, or instrumentality has in place, and will continue to  
17 administer in good faith, a written policy designed to en-  
18 sure that all of its workplaces are free from the illegal  
19 use, possession, or distribution of controlled substances  
20 (as defined in the Controlled Substances Act (21 U.S.C.  
21 802)) by the officers and employees of such department,  
22 agency, or instrumentality.

23       SEC. 702. Unless otherwise specifically provided, the  
24 maximum amount allowable during the current fiscal year  
25 in accordance with section 16 of the Act of August 2, 1946

1 (60 Stat. 810), for the purchase of any passenger motor  
2 vehicle (exclusive of buses, ambulances, law enforcement,  
3 and undercover surveillance vehicles), is hereby fixed at  
4 \$13,197 except station wagons for which the maximum  
5 shall be \$13,631: *Provided*, That these limits may be ex-  
6 ceeded by not to exceed \$3,700 for police-type vehicles,  
7 and by not to exceed \$4,000 for special heavy-duty vehi-  
8 cles: *Provided further*, That the limits set forth in this sec-  
9 tion may not be exceeded by more than 5 percent for elec-  
10 tric or hybrid vehicles purchased for demonstration under  
11 the provisions of the Electric and Hybrid Vehicle Re-  
12 search, Development, and Demonstration Act of 1976:  
13 *Provided further*, That the limits set forth in this section  
14 may be exceeded by the incremental cost of clean alter-  
15 native fuels vehicles acquired pursuant to Public Law  
16 101-549 over the cost of comparable conventionally fueled  
17 vehicles.

18 SEC. 703. Appropriations of the executive depart-  
19 ments and independent establishments for the current fis-  
20 cal year available for expenses of travel, or for the ex-  
21 penses of the activity concerned, are hereby made available  
22 for quarters allowances and cost-of-living allowances, in  
23 accordance with 5 U.S.C. 5922-5924.

24 SEC. 704. Unless otherwise specified during the cur-  
25 rent fiscal year, no part of any appropriation contained

1 in this or any other Act shall be used to pay the compensa-  
2 tion of any officer or employee of the Government of the  
3 United States (including any agency the majority of the  
4 stock of which is owned by the Government of the United  
5 States) whose post of duty is in the continental United  
6 States unless such person: (1) is a citizen of the United  
7 States; (2) is a person in the service of the United States  
8 on the date of the enactment of this Act who, being eligible  
9 for citizenship, has filed a declaration of intention to be-  
10 come a citizen of the United States prior to such date and  
11 is actually residing in the United States; (3) is a person  
12 who owes allegiance to the United States; (4) is an alien  
13 from Cuba, Poland, South Vietnam, the countries of the  
14 former Soviet Union, or the Baltic countries lawfully ad-  
15 mitted to the United States for permanent residence; (5)  
16 is a South Vietnamese, Cambodian, or Laotian refugee pa-  
17 roled in the United States after January 1, 1975; or (6)  
18 is a national of the People's Republic of China who quali-  
19 fies for adjustment of status pursuant to the Chinese Stu-  
20 dent Protection Act of 1992 (Public Law 102-404): *Pro-*  
21 *vided*, That for the purpose of this section, an affidavit  
22 signed by any such person shall be considered prima facie  
23 evidence that the requirements of this section with respect  
24 to his or her status have been complied with: *Provided fur-*  
25 *ther*, That any person making a false affidavit shall be

1 guilty of a felony, and, upon conviction, shall be fined no  
2 more than \$4,000 or imprisoned for not more than 1 year,  
3 or both: *Provided further*, That the above penal clause  
4 shall be in addition to, and not in substitution for, any  
5 other provisions of existing law: *Provided further*, That  
6 any payment made to any officer or employee contrary to  
7 the provisions of this section shall be recoverable in action  
8 by the Federal Government. This section shall not apply  
9 to citizens of Ireland, Israel, or the Republic of the Phil-  
10 ippines, or to nationals of those countries allied with the  
11 United States in a current defense effort, or to inter-  
12 national broadcasters employed by the Broadcasting  
13 Board of Governors, or to temporary employment of trans-  
14 lators, or to temporary employment in the field service  
15 (not to exceed 60 days) as a result of emergencies: *Pro-*  
16 *vided further*, That this section does not apply to the em-  
17 ployment as Wildland firefighters for not more than 120  
18 days of nonresident aliens employed by the Department  
19 of the Interior or the USDA Forest Service pursuant to  
20 an agreement with another country.

21       SEC. 705. Appropriations available to any depart-  
22 ment or agency during the current fiscal year for nec-  
23 essary expenses, including maintenance or operating ex-  
24 penses, shall also be available for payment to the General  
25 Services Administration for charges for space and services

1 and those expenses of renovation and alteration of build-  
2 ings and facilities which constitute public improvements  
3 performed in accordance with the Public Buildings Act of  
4 1959 (73 Stat. 479), the Public Buildings Amendments  
5 of 1972 (86 Stat. 216), or other applicable law.

6       SEC. 706. In addition to funds provided in this or  
7 any other Act, all Federal agencies are authorized to re-  
8 ceive and use funds resulting from the sale of materials,  
9 including Federal records disposed of pursuant to a  
10 records schedule recovered through recycling or waste pre-  
11 vention programs. Such funds shall be available until ex-  
12 pended for the following purposes:

13           (1) Acquisition, waste reduction and prevention,  
14 and recycling programs as described in Executive  
15 Order No. 13423 (January 24, 2007), including any  
16 such programs adopted prior to the effective date of  
17 the Executive order.

18           (2) Other Federal agency environmental man-  
19 agement programs, including, but not limited to, the  
20 development and implementation of hazardous waste  
21 management and pollution prevention programs.

22           (3) Other employee programs as authorized by  
23 law or as deemed appropriate by the head of the  
24 Federal agency.

1       SEC. 707. Funds made available by this or any other  
2 Act for administrative expenses in the current fiscal year  
3 of the corporations and agencies subject to chapter 91 of  
4 title 31, United States Code, shall be available, in addition  
5 to objects for which such funds are otherwise available,  
6 for rent in the District of Columbia; services in accordance  
7 with 5 U.S.C. 3109; and the objects specified under this  
8 head, all the provisions of which shall be applicable to the  
9 expenditure of such funds unless otherwise specified in the  
10 Act by which they are made available: *Provided*, That in  
11 the event any functions budgeted as administrative ex-  
12 penses are subsequently transferred to or paid from other  
13 funds, the limitations on administrative expenses shall be  
14 correspondingly reduced.

15       SEC. 708. No part of any appropriation contained in  
16 this or any other Act shall be available for interagency  
17 financing of boards (except Federal Executive Boards),  
18 commissions, councils, committees, or similar groups  
19 (whether or not they are interagency entities) which do  
20 not have a prior and specific statutory approval to receive  
21 financial support from more than one agency or instru-  
22 mentality.

23       SEC. 709. None of the funds made available pursuant  
24 to the provisions of this Act shall be used to implement,  
25 administer, or enforce any regulation which has been dis-



1 approved pursuant to a joint resolution duly adopted in  
2 accordance with the applicable law of the United States.

3 SEC. 710. (a) Notwithstanding any other provision  
4 of law, and except as otherwise provided in this section,  
5 no part of any of the funds appropriated for fiscal year  
6 2009, by this or any other Act, may be used to pay any  
7 prevailing rate employee described in section  
8 5342(a)(2)(A) of title 5, United States Code—

9 (1) during the period from the date of expira-  
10 tion of the limitation imposed by the comparable sec-  
11 tion for previous fiscal years until the normal effec-  
12 tive date of the applicable wage survey adjustment  
13 that is to take effect in fiscal year 2009, in an  
14 amount that exceeds the rate payable for the appli-  
15 cable grade and step of the applicable wage schedule  
16 in accordance with such section; and

17 (2) during the period consisting of the remain-  
18 der of fiscal year 2009, in an amount that exceeds,  
19 as a result of a wage survey adjustment, the rate  
20 payable under paragraph (1) by more than the sum  
21 of—

22 (A) the percentage adjustment taking ef-  
23 fect in fiscal year 2009 under section 5303 of  
24 title 5, United States Code, in the rates of pay  
25 under the General Schedule; and

1           (B) the difference between the overall aver-  
2           age percentage of the locality-based com-  
3           parability payments taking effect in fiscal year  
4           2009 under section 5304 of such title (whether  
5           by adjustment or otherwise), and the overall av-  
6           erage percentage of such payments which was  
7           effective in the previous fiscal year under such  
8           section.

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

17          (c) For the purposes of this section, the rates payable  
18          to an employee who is covered by this section and who  
19          is paid from a schedule not in existence on September 30,  
20          2008, shall be determined under regulations prescribed by  
21          the Office of Personnel Management.

22          (d) Notwithstanding any other provision of law, rates  
23          of premium pay for employees subject to this section may  
24          not be changed from the rates in effect on September 30,  
25          2008, except to the extent determined by the Office of

1 Personnel Management to be consistent with the purpose  
2 of this section.

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

5 (f) For the purpose of administering any provision  
6 of law (including any rule or regulation that provides pre-  
7 mium pay, retirement, life insurance, or any other em-  
8 ployee benefit) that requires any deduction or contribu-  
9 tion, or that imposes any requirement or limitation on the  
10 basis of a rate of salary or basic pay, the rate of salary  
11 or basic pay payable after the application of this section  
12 shall be treated as the rate of salary or basic pay.

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

17 (h) The Office of Personnel Management may provide  
18 for exceptions to the limitations imposed by this section  
19 if the Office determines that such exceptions are necessary  
20 to ensure the recruitment or retention of qualified employ-  
21 ees.

22 SEC. 711. During the period in which the head of  
23 any department or agency, or any other officer or civilian  
24 employee of the Federal Government appointed by the  
25 President of the United States, holds office, no funds may

1 be obligated or expended in excess of \$5,000 to furnish  
2 or redecorate the office of such department head, agency  
3 head, officer, or employee, or to purchase furniture or  
4 make improvements for any such office, unless advance  
5 notice of such furnishing or redecoration is transmitted  
6 to the Committees on Appropriations of the House of Rep-  
7 resentatives and the Senate. For the purposes of this sec-  
8 tion, the term "office" shall include the entire suite of of-  
9 fices assigned to the individual, as well as any other space  
10 used primarily by the individual or the use of which is  
11 directly controlled by the individual.

12 SEC. 712. Notwithstanding section 1346 of title 31,  
13 United States Code, or section 708 of this Act, funds  
14 made available for the current fiscal year by this or any  
15 other Act shall be available for the interagency funding  
16 of national security and emergency preparedness tele-  
17 communications initiatives which benefit multiple Federal  
18 departments, agencies, or entities, as provided by Execu-  
19 tive Order No. 12472 (April 3, 1984).

20 SEC. 713. (a) None of the funds appropriated by this  
21 or any other Act may be obligated or expended by any  
22 Federal department, agency, or other instrumentality for  
23 the salaries or expenses of any employee appointed to a  
24 position of a confidential or policy-determining character  
25 excepted from the competitive service pursuant to section

1 3302 of title 5, United States Code, without a certification  
2 to the Office of Personnel Management from the head of  
3 the Federal department, agency, or other instrumentality  
4 employing the Schedule C appointee that the Schedule C  
5 position was not created solely or primarily in order to  
6 detail the employee to the White House.

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

10 (1) the Central Intelligence Agency;

11 (2) the National Security Agency;

12 (3) the Defense Intelligence Agency;

13 (4) the National Geospatial-Intelligence Agency;

14 (5) the offices within the Department of De-  
15 fense for the collection of specialized national foreign  
16 intelligence through reconnaissance programs;

17 (6) the Bureau of Intelligence and Research of  
18 the Department of State;

19 (7) any agency, office, or unit of the Army,  
20 Navy, Air Force, and Marine Corps, the Department  
21 of Homeland Security, the Federal Bureau of Inves-  
22 tigation and the Drug Enforcement Administration  
23 of the Department of Justice, the Department of  
24 Transportation, the Department of the Treasury,

1 and the Department of Energy performing intel-  
2 ligence functions; and

3 (8) the Director of National Intelligence or the  
4 Office of the Director of National Intelligence.

5 SEC. 714. No part of any appropriation contained in  
6 this or any other Act shall be available for the payment  
7 of the salary of any officer or employee of the Federal  
8 Government, who—

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

22 (2) removes, suspends from duty without pay,  
23 demotes, reduces in rank, seniority, status, pay, or  
24 performance or efficiency rating, denies promotion  
25 to, relocates, reassigns, transfers, disciplines, or dis-

1 criminales in regard to any employment right, enti-  
2 tlement, or benefit, or any term or condition of em-  
3 ployment of, any other officer or employee of the  
4 Federal Government, or attempts or threatens to  
5 commit any of the foregoing actions with respect to  
6 such other officer or employee, by reason of any  
7 communication or contact of such other officer or  
8 employee with any Member, committee, or sub-  
9 committee of the Congress as described in paragraph  
10 (1).

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

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

17 (2) contains elements likely to induce high lev-  
18 els of emotional response or psychological stress in  
19 some participants;

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

23 (4) contains any methods or content associated  
24 with religious or quasi-religious belief systems or  
25 “new age” belief systems as defined in Equal Em-

1       ployment Opportunity Commission Notice N-  
2       915.022, dated September 2, 1988; or

3             (5) is offensive to, or designed to change, par-  
4       ticipants' personal values or lifestyle outside the  
5       workplace.

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

9       SEC. 716. No funds appropriated in this or any other  
10      Act may be used to implement or enforce the agreements  
11      in Standard Forms 312 and 4414 of the Government or  
12      any other nondisclosure policy, form, or agreement if such  
13      policy, form, or agreement does not contain the following  
14      provisions: "These restrictions are consistent with and do  
15      not supersede, conflict with, or otherwise alter the em-  
16      ployee obligations, rights, or liabilities created by Execu-  
17      tive Order No. 12958; section 7211 of title 5, United  
18      States Code (governing disclosures to Congress); section  
19      1034 of title 10, United States Code, as amended by the  
20      Military Whistleblower Protection Act (governing disclo-  
21      sure to Congress by members of the military); section  
22      2302(b)(8) of title 5, United States Code, as amended by  
23      the Whistleblower Protection Act of 1989 (governing dis-  
24      closures of illegality, waste, fraud, abuse or public health  
25      or safety threats); the Intelligence Identities Protection



1 Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures  
2 that could expose confidential Government agents); and  
3 the statutes which protect against disclosure that may  
4 compromise the national security, including sections 641,  
5 793, 794, 798, and 952 of title 18, United States Code,  
6 and section 4(b) of the Subversive Activities Act of 1950  
7 (50 U.S.C. 783(b)). The definitions, requirements, obliga-  
8 tions, rights, sanctions, and liabilities created by said Ex-  
9 ecutive order and listed statutes are incorporated into this  
10 agreement and are controlling.”: *Provided*, That notwith-  
11 standing the preceding paragraph, a nondisclosure policy  
12 form or agreement that is to be executed by a person con-  
13 nected with the conduct of an intelligence or intelligence-  
14 related activity, other than an employee or officer of the  
15 United States Government, may contain provisions appro-  
16 priate to the particular activity for which such document  
17 is to be used. Such form or agreement shall, at a min-  
18 imum, require that the person will not disclose any classi-  
19 fied information received in the course of such activity un-  
20 less specifically authorized to do so by the United States  
21 Government. Such nondisclosure forms shall also make it  
22 clear that they do not bar disclosures to Congress, or to  
23 an authorized official of an executive agency or the De-  
24 partment of Justice, that are essential to reporting a sub-  
25 stantial violation of law.

1       SEC. 717. No part of any funds appropriated in this  
2 or any other Act shall be used by an agency of the execu-  
3 tive branch, other than for normal and recognized execu-  
4 tive-legislative relationships, for publicity or propaganda  
5 purposes, and for the preparation, distribution or use of  
6 any kit, pamphlet, booklet, publication, radio, television,  
7 or film presentation designed to support or defeat legisla-  
8 tion pending before the Congress, except in presentation  
9 to the Congress itself.

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

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

23       SEC. 720. No part of any appropriation contained in  
24 this or any other Act shall be used directly or indirectly,  
25 including by private contractor, for publicity or propa-

1 ganda purposes within the United States not heretofor au-  
2 thorized by the Congress.

3 SEC. 721. (a) In this section, the term “agency”—

4 (1) means an Executive agency, as defined  
5 under section 105 of title 5, United States Code;

6 (2) includes a military department, as defined  
7 under section 102 of such title, the Postal Service,  
8 and the Postal Regulatory Commission; and

9 (3) shall not include the Government Account-  
10 ability Office.

11 (b) Unless authorized in accordance with law or regu-  
12 lations to use such time for other purposes, an employee  
13 of an agency shall use official time in an honest effort  
14 to perform official duties. An employee not under a leave  
15 system, including a Presidential appointee exempted under  
16 section 6301(2) of title 5, United States Code, has an obli-  
17 gation to expend an honest effort and a reasonable propor-  
18 tion of such employee’s time in the performance of official  
19 duties.

20 SEC. 722. Notwithstanding 31 U.S.C. 1346 and sec-  
21 tion 708 of this Act, funds made available for the current  
22 fiscal year by this or any other Act to any department  
23 or agency, which is a member of the Federal Accounting  
24 Standards Advisory Board (FASAB), shall be available to

1 finance an appropriate share of FASAB administrative  
2 costs.

3 (TRANSFER OF FUNDS)

4 SEC. 723. Notwithstanding 31 U.S.C. 1346 and sec-  
5 tion 708 of this Act, the head of each Executive depart-  
6 ment and agency is hereby authorized to transfer to or  
7 reimburse "General Services Administration, Government-  
8 wide Policy" with the approval of the Director of the Of-  
9 fice of Management and Budget, funds made available for  
10 the current fiscal year by this or any other Act, including  
11 rebates from charge card and other contracts: *Provided*,  
12 That these funds shall be administered by the Adminis-  
13 trator of General Services to support Government-wide fi-  
14 nancial, information technology, procurement, and other  
15 management innovations, initiatives, and activities, as ap-  
16 proved by the Director of the Office of Management and  
17 Budget, in consultation with the appropriate interagency  
18 groups designated by the Director (including the Presi-  
19 dent's Management Council for overall management im-  
20 provement initiatives, the Chief Financial Officers Council  
21 for financial management initiatives, the Chief Informa-  
22 tion Officers Council for information technology initia-  
23 tives, the Chief Human Capital Officers Council for  
24 human capital initiatives, and the Chief Acquisition Offi-  
25 cers Council for procurement initiatives): *Provided further*,  
26 That the total funds transferred or reimbursed shall not

1 exceed \$17,000,000: *Provided further*, That such transfers  
2 or reimbursements may only be made after 15 days fol-  
3 lowing notification of the Committees on Appropriations  
4 by the Director of the Office of Management and Budget.

5 SEC. 724. Notwithstanding any other provision of  
6 law, a woman may breastfeed her child at any location  
7 in a Federal building or on Federal property, if the woman  
8 and her child are otherwise authorized to be present at  
9 the location.

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

1       SEC. 726. Any request for proposals, solicitation,  
2 grant application, form, notification, press release, or  
3 other publications involving the distribution of Federal  
4 funds shall indicate the agency providing the funds, the  
5 Catalog of Federal Domestic Assistance Number, as appli-  
6 cable, and the amount provided: *Provided*, That this provi-  
7 sion shall apply to direct payments, formula funds, and  
8 grants received by a State receiving Federal funds.

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

13             (1) to collect, review, or create any aggregation  
14 of data, derived from any means, that includes any  
15 personally identifiable information relating to an in-  
16 dividual's access to or use of any Federal Govern-  
17 ment Internet site of the agency; or

18             (2) to enter into any agreement with a third  
19 party (including another government agency) to col-  
20 lect, review, or obtain any aggregation of data, de-  
21 rived from any means, that includes any personally  
22 identifiable information relating to an individual's  
23 access to or use of any nongovernmental Internet  
24 site.

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

3 (1) any record of aggregate data that does not  
4 identify particular persons;

5 (2) any voluntary submission of personally iden-  
6 tifiable information;

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

10 (4) any action described in subsection (a)(1)  
11 that is a system security action taken by the oper-  
12 ator of an Internet site and is necessarily incident  
13 to providing the Internet site services or to pro-  
14 tecting the rights or property of the provider of the  
15 Internet site.

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

17 (1) The term “regulatory” means agency ac-  
18 tions to implement, interpret or enforce authorities  
19 provided in law.

20 (2) The term “supervisory” means examina-  
21 tions of the agency’s supervised institutions, includ-  
22 ing assessing safety and soundness, overall financial  
23 condition, management practices and policies and  
24 compliance with applicable standards as provided in  
25 law.

1       SEC. 728. (a) None of the funds appropriated by this  
2 Act may be used to enter into or renew a contract which  
3 includes a provision providing prescription drug coverage,  
4 except where the contract also includes a provision for con-  
5 traceptive coverage.

6       (b) Nothing in this section shall apply to a contract  
7 with—

8           (1) any of the following religious plans:

9                   (A) Personal Care's HMO; and

10                   (B) OSF HealthPlans, Inc.; and

11           (2) any existing or future plan, if the carrier  
12 for the plan objects to such coverage on the basis of  
13 religious beliefs.

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

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

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



1       SEC. 730. Notwithstanding any other provision of  
2 law, funds appropriated for official travel by Federal de-  
3 partments and agencies may be used by such departments  
4 and agencies, if consistent with Office of Management and  
5 Budget Circular A-126 regarding official travel for Gov-  
6 ernment personnel, to participate in the fractional aircraft  
7 ownership pilot program.

8       SEC. 731. Notwithstanding any other provision of  
9 law, none of the funds appropriated or made available  
10 under this Act or any other appropriations Act may be  
11 used to implement or enforce restrictions or limitations on  
12 the Coast Guard Congressional Fellowship Program, or to  
13 implement the proposed regulations of the Office of Per-  
14 sonnel Management to add sections 300.311 through  
15 300.316 to part 300 of title 5 of the Code of Federal Reg-  
16 ulations, published in the Federal Register, volume 68,  
17 number 174, on September 9, 2003 (relating to the detail  
18 of executive branch employees to the legislative branch).

19       SEC. 732. Notwithstanding any other provision of  
20 law, no executive branch agency shall purchase, construct,  
21 and/or lease any additional facilities, except within or con-  
22 tiguous to existing locations, to be used for the purpose  
23 of conducting Federal law enforcement training without  
24 the advance approval of the Committees on Appropria-  
25 tions, except that the Federal Law Enforcement Training

1 Center is authorized to obtain the temporary use of addi-  
2 tional facilities by lease, contract, or other agreement for  
3 training which cannot be accommodated in existing Center  
4 facilities.

5 SEC. 733. (a) For fiscal year 2009, no funds shall  
6 be available for transfers or reimbursements to the E-Gov-  
7 ernment initiatives sponsored by the Office of Manage-  
8 ment and Budget prior to 15 days following submission  
9 of a report to the Committees on Appropriations by the  
10 Director of the Office of Management and Budget and re-  
11 ceipt of approval to transfer funds by the Committees on  
12 Appropriations of the House of Representatives and the  
13 Senate.

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

16 (1) a description of each initiative including but  
17 not limited to its objectives, benefits, development  
18 status, risks, cost effectiveness (including estimated  
19 net costs or savings to the government), and the es-  
20 timated date of full operational capability;

21 (2) the total development cost of each initiative  
22 by fiscal year including costs to date, the estimated  
23 costs to complete its development to full operational  
24 capability, and estimated annual operations and  
25 maintenance costs; and

1 (3) the sources and distribution of funding by  
2 fiscal year and by agency and bureau for each initia-  
3 tive including agency contributions to date and esti-  
4 mated future contributions by agency.

5 (c) No funds shall be available for obligation or ex-  
6 penditure for new E-Government initiatives without the  
7 explicit approval of the Committees on Appropriations of  
8 the House of Representatives and the Senate.

9 ~~SEC. 734.~~ Section 739(a)(1) of division D of the Con-  
10 solidated Appropriations Act, 2008 (Public Law 110-161;  
11 121 Stat. 2029) is amended by striking "more than 10".

12 ~~SEC. 735.~~ Notwithstanding section 1346 of title 31,  
13 United States Code, and section 708 of this Act and any  
14 other provision of law, the head of each appropriate execu-  
15 tive department and agency shall transfer to or reimburse  
16 the Federal Aviation Administration, upon the direction  
17 of the Director of the Office of Management and Budget,  
18 funds made available by this or any other Act for the pur-  
19 poses described below, and shall submit budget requests  
20 for such purposes. These funds shall be administered by  
21 the Federal Aviation Administration, in consultation with  
22 the appropriate interagency groups designated by the Di-  
23 rector and shall be used to ensure the uninterrupted, con-  
24 tinuous operation of the Midway Atoll Airfield by the Fed-  
25 eral Aviation Administration pursuant to an operational

5

4  
GPO:  
Reorder  
Sections

1 agreement with the Department of the Interior for the en-  
2 tirety of fiscal year 2009 and any period thereafter that  
3 precedes the enactment of the Financial Services and Gen-  
4 eral Government Appropriations Act, 2010. The Director  
5 of the Office of Management and Budget shall mandate  
6 the necessary transfers after determining an equitable al-  
7 location between the appropriate executive departments  
8 and agencies of the responsibility for funding the contin-  
9 uous operation of the Midway Atoll Airfield based on, but  
10 not limited to, potential use, interest in maintaining avia-  
11 tion safety, and applicability to governmental operations  
12 and agency mission. The total funds transferred or reim-  
13 bursed shall not exceed \$6,000,000 for any 12-month pe-  
14 riod. Such sums shall be sufficient to ensure continued  
15 operation of the airfield throughout the period cited above.  
16 Funds shall be available for operation of the airfield or  
17 airfield-related capital upgrades. The Director of the Of-  
18 fice of Management and Budget shall notify the Commit-  
19 tees on Appropriations of such transfers or reimburse-  
20 ments within 15 days of this Act. Such transfers or reim-  
21 bursements shall begin within 30 days of enactment of this  
22 Act.

23 SEC. 736. Section 739 of division D of the Consoli-  
24 dated Appropriations Act, 2008 (Public Law 110-161;

1 121 Stat. 2030) is amended by striking subsection (b) and  
2 inserting the following:

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

5 “(1) GUIDELINES REQUIRED.—(A) The heads  
6 of executive agencies subject to the Federal Activi-  
7 ties Inventory Reform Act of 1998 (Public Law  
8 105–270; 31 U.S.C. 501 note) shall devise and im-  
9 plement guidelines and procedures to ensure that  
10 consideration is given to using, on a regular basis,  
11 Federal employees to perform new functions and  
12 functions that are performed by contractors and  
13 could be performed by Federal employees.

14 “(B) The guidelines and procedures required  
15 under subparagraph (A) may not include any spe-  
16 cific limitation or restriction on the number of func-  
17 tions or activities that may be converted to perform-  
18 ance by Federal employees.

19 “(2) SPECIAL CONSIDERATION FOR CERTAIN  
20 FUNCTIONS.—The guidelines and procedures re-  
21 quired under paragraph (1) shall provide for special  
22 consideration to be given to using Federal employees  
23 to perform any function that—

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

1                   “(i) has been performed by Federal  
2                   employees at any time during the previous  
3                   10 years;

4                   “(ii) is a function closely associated  
5                   with the performance of an inherently gov-  
6                   ernmental function;

7                   “(iii) has been performed pursuant to  
8                   a contract awarded on a non-competitive  
9                   basis; or

10                  “(iv) has been performed poorly, as  
11                  determined by a contracting officer during  
12                  the 5-year period preceding the date of  
13                  such determination, because of excessive  
14                  costs or inferior quality; or

15                  “(B) is a new requirement, with particular  
16                  emphasis given to a new requirement that is  
17                  similar to a function previously performed by  
18                  Federal employees or is a function closely asso-  
19                  ciated with the performance of an inherently  
20                  governmental function.

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

1           “(A) in the case of a new agency function,  
2           assigning the performance of the function to  
3           Federal employees;

4           “(B) in the case of any agency function de-  
5           scribed in paragraph (2), converting the func-  
6           tion to performance by Federal employees; or

7           “(C) in the case of an agency function per-  
8           formed by Federal employees, expanding the  
9           scope of the function.

10          “(4) DEADLINE.—(A) The head of each execu-  
11          tive agency shall implement the guidelines and pro-  
12          cedures required under this subsection by not later  
13          than 120 days after the date of the enactment of  
14          this subsection.

15          “(B) Not later than 210 days after the date of  
16          the enactment of this subsection, the Government  
17          Accountability Office shall submit a report on the  
18          implementation of this subsection to the Committees  
19          on Appropriations of the House of Representatives  
20          and the Senate, the Committee on Oversight and  
21          Government Reform of the House of Representa-  
22          tives, and the Committee on Homeland Security and  
23          Governmental Affairs of the Senate.

24          “(5) DEFINITIONS.—In this subsection:

1           “(A) The term ‘inherently governmental  
2           functions’ has the meaning given such term in  
3           subpart 7.5 of part 7 of the Federal Acquisition  
4           Regulation.

5           “(B) The term ‘functions closely associated  
6           with inherently governmental functions’ means  
7           the functions described in section 7.503(d) of  
8           the Federal Acquisition Regulation.

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

11          SEC. 737. None of the funds appropriated or other-  
12          wise made available by this or any other Act may be used  
13          to begin or announce a study or public-private competition  
14          regarding the conversion to contractor performance of any  
15          function performed by Federal employees pursuant to Of-  
16          fice of Management and Budget Circular A-76 or any  
17          other administrative regulation, directive, or policy.

18          SEC. 738. (a) Section 142(a) of division A of the Con-  
19          solidated Security, Disaster Assistance, and Continuing  
20          Appropriations Act, 2009 (Public Law 110-329; 122 Stat.  
21          3580) is amended by striking “Security.” and inserting  
22          “Security and shall apply to civilian employees in the De-  
23          partment of Defense who are represented by a labor orga-  
24          nization as defined in section 7103(a)(4) of title 5, United  
25          States Code.”.



1 (b) The amendment made by subsection (a) shall take  
2 effect as if included in the enactment of the Consolidated  
3 Security, Disaster Assistance, and Continuing Appropria-  
4 tions Act, 2009.

5 SEC. 739. Unless otherwise authorized by existing  
6 law, none of the funds provided in this Act or any other  
7 Act may be used by an executive branch agency to produce  
8 any prepackaged news story intended for broadcast or dis-  
9 tribution in the United States, unless the story includes  
10 a clear notification within the text or audio of the pre-  
11 packaged news story that the prepackaged news story was  
12 prepared or funded by that executive branch agency.

13 SEC. 740. None of the funds made available in this  
14 Act may be used in contravention of section 552a of title  
15 5, United States Code (popularly known as the Privacy  
16 Act) and regulations implementing that section.

17 SEC. 741. Each executive department and agency  
18 shall evaluate the creditworthiness of an individual before  
19 issuing the individual a government travel charge card.  
20 Such evaluations for individually-billed travel charge cards  
21 shall include an assessment of the individual's consumer  
22 report from a consumer reporting agency as those terms  
23 are defined in section 603 of the Fair Credit Reporting  
24 Act (Public Law 91-508): *Provided*, That the department  
25 or agency may not issue a government travel charge card

1 to an individual that either lacks a credit history or is  
2 found to have an unsatisfactory credit history as a result  
3 of this evaluation: *Provided further*, That this restriction  
4 shall not preclude issuance of a restricted-use charge,  
5 debit, or stored value card made in accordance with agency  
6 procedures to: (1) an individual with an unsatisfactory  
7 credit history where such card is used to pay travel ex-  
8 penses and the agency determines there is no suitable al-  
9 ternative payment mechanism available before issuing the  
10 card; or (2) an individual who lacks a credit history. Each  
11 executive department and agency shall establish guidelines  
12 and procedures for disciplinary actions to be taken against  
13 agency personnel for improper, fraudulent, or abusive use  
14 of government charge cards, which shall include appro-  
15 priate disciplinary actions for use of charge cards for pur-  
16 poses, and at establishments, that are inconsistent with  
17 the official business of the Department or agency or with  
18 applicable standards of conduct.

19 SEC. 742. CROSSCUT BUDGET. (a) DEFINITIONS.—  
20 For purposes of this section the following definitions  
21 apply:

22 (1) GREAT LAKES.—The terms “Great Lakes”  
23 and “Great Lakes State” have the same meanings  
24 as such terms have in section 506 of the Water Re-

1 sources Development Act of 2000 (42 U.S.C.  
2 1962d-22).

3 (2) GREAT LAKES RESTORATION ACTIVITIES.—

4 The term “Great Lakes restoration activities”  
5 means any Federal or State activity primarily or en-  
6 tirely within the Great Lakes watershed that seeks  
7 to improve the overall health of the Great Lakes eco-  
8 system.

9 (b) REPORT.—Not later than 45 days after submis-  
10 sion of the budget of the President to Congress, the Direc-  
11 tor of the Office of Management and Budget, in coordina-  
12 tion with the Governor of each Great Lakes State and the  
13 Great Lakes Interagency Task Force, shall submit to the  
14 appropriate authorizing and appropriating committees of  
15 the Senate and the House of Representatives a financial  
16 report, certified by the Secretary of each agency that has  
17 budget authority for Great Lakes restoration activities,  
18 containing—

19 (1) an interagency budget crosscut report  
20 that—

21 (A) displays the budget proposed, including  
22 any planned interagency or intra-agency trans-  
23 fer, for each of the Federal agencies that car-  
24 ries out Great Lakes restoration activities in  
25 the upcoming fiscal year, separately reporting

1 the amount of funding to be provided under ex-  
2 isting laws pertaining to the Great Lakes eco-  
3 system; and

4 (B) identifies all expenditures since fiscal  
5 year 2004 by the Federal Government and  
6 State governments for Great Lakes restoration  
7 activities;

8 (2) a detailed accounting of all funds received  
9 and obligated by all Federal agencies and, to the ex-  
10 tent available, State agencies using Federal funds,  
11 for Great Lakes restoration activities during the cur-  
12 rent and previous fiscal years;

13 (3) a budget for the proposed projects (includ-  
14 ing a description of the project, authorization level,  
15 and project status) to be carried out in the upcom-  
16 ing fiscal year with the Federal portion of funds for  
17 activities; and

18 (4) a listing of all projects to be undertaken in  
19 the upcoming fiscal year with the Federal portion of  
20 funds for activities.

21 SEC. 743. (a) IN GENERAL.—None of the funds ap-  
22 propriated or otherwise made available by this or any  
23 other Act may be used for any Federal Government con-  
24 tract with any foreign incorporated entity which is treated  
25 as an inverted domestic corporation under section 835(b)

1 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))  
2 or any subsidiary of such an entity.

3 (b) WAIVERS.—

4 (1) IN GENERAL.—Any Secretary shall waive  
5 subsection (a) with respect to any Federal Govern-  
6 ment contract under the authority of such Secretary  
7 if the Secretary determines that the waiver is re-  
8 quired in the interest of national security.

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

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

16 SEC. 744. (a) Each executive department and agency  
17 shall establish and maintain on the homepage of its  
18 website, an obvious, direct link to the website of its respec-  
19 tive Inspector General.

20 (b) Each Office of Inspector General shall: (1) post  
21 on its website any public report or audit or portion of any  
22 report or audit issued within one day of its release; (2)  
23 provide a service on its website to allow an individual to  
24 request automatic receipt of information relating to any  
25 public report or audit or portion of that report or audit

1 and which permits electronic transmittal of the informa-  
2 tion, or notice of the availability of the information with-  
3 out further request; and (3) establish and maintain a di-  
4 rect link on its website for individuals to anonymously re-  
5 port waste, fraud and abuse.

6 SEC. 745. None of the funds made available by this  
7 or any other Act may be used to implement, administer,  
8 enforce, or apply the rule entitled "Competitive Area"  
9 published by the Office of Personnel Management in the  
10 Federal Register on April 15, 2008 (73 Fed. Reg. 20180  
11 et seq.).

12 SEC. 746. None of the funds made available by this  
13 or any other Act may be used to implement, administer,  
14 or enforce section 5(b) of Executive Order 13422 (72 Fed.  
15 Reg. 2763; relating to Regulatory Policy Officer).

16 SEC. 747. No later than 120 days after enactment  
17 of this Act, the Office of Management and Budget shall  
18 submit a status report on the pilot program, established  
19 under section 748 of division D of Public Law 110-161,  
20 to develop and implement an inventory to track the cost  
21 and size (in contractor manpower equivalents) of service  
22 contracts, particularly with respect to contracts that have  
23 been performed poorly by a contractor because of excessive  
24 costs or inferior quality, as determined by a contracting

1 officer within the last 5 years, involve inherently govern-  
2 mental functions, or were undertaken without competition.

3 SEC. 748. Executive Order 13423 (72 Fed. Reg.  
4 3919; Jan. 24, 2007) shall remain in effect hereafter ex-  
5 cept as otherwise provided by law after the date of the  
6 enactment of this Act.

7 SEC. 749. Effective January 20, 2009, and for each  
8 fiscal year thereafter, no part of any appropriation con-  
9 tained in this or any other Act may be used for the pay-  
10 ment of services to any individual carrying out the respon-  
11 sibilities of any position requiring Senate advice and con-  
12 sent in an acting or temporary capacity after the second  
13 submission of a nomination for that individual to that po-  
14 sition has been withdrawn or returned to the President.

15 SEC. 750. Except as expressly provided otherwise,  
16 any reference to “this Act” contained in any title other  
17 than title IV or VIII shall not apply to such title IV or  
18 VIII.

19 SEC. 751. NONREDUCTION IN PAY WHILE FEDERAL  
20 EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE  
21 UNIFORMED SERVICES OR NATIONAL GUARD. (a) IN  
22 GENERAL.—Subchapter IV of chapter 55 of title 5,  
23 United States Code, is amended by adding at the end the  
24 following:

1 **“§ 5538. Nonreduction in pay while serving in the**  
2 **uniformed services or National Guard**

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

11 “(1) the amount of basic pay which would oth-  
12 erwise have been payable to such employee for such  
13 pay period if such employee’s civilian employment  
14 with the Government had not been interrupted by  
15 that service, exceeds (if at all)

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

18 “(A) is payable to such employee for that  
19 service; and

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

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

25 “(A) during which such employee is entitled to  
26 reemployment rights under chapter 43 of title 38



1 with respect to the position from which such em-  
2 ployee is absent (as referred to in subsection (a));  
3 and

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

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

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

14 “(B) shall include any period of time specified  
15 in section 4312(e) of title 38 within which an em-  
16 ployee may report or apply for employment or reem-  
17 ployment following completion of service on active  
18 duty to which called or ordered as described in sub-  
19 section (a).

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

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

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

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

5           “(d) The Office of Personnel Management shall, in  
6           consultation with Secretary of Defense, prescribe any reg-  
7           ulations necessary to carry out the preceding provisions  
8           of this section.

9           “(e)(1) The head of each agency referred to in section  
10          2302(a)(2)(C)(ii) shall, in consultation with the Office,  
11          prescribe procedures to ensure that the rights under this  
12          section apply to the employees of such agency.

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

17          “(f) For purposes of this section—

18                 “(1) the terms ‘employee’, ‘Federal Govern-  
19                 ment’, and ‘uniformed services’ have the same re-  
20                 spective meanings as given those terms in section  
21                 4303 of title 38;

22                 “(2) the term ‘employing agency’, as used with  
23                 respect to an employee entitled to any payments  
24                 under this section, means the agency or other entity  
25                 of the Government (including an agency referred to

1 in section 2302(a)(2)(C)(ii)) with respect to which  
2 such employee has reemployment rights under chap-  
3 ter 43 of title 38; and

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

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—

7 The table of sections for chapter 55 of title 5, United  
8 States Code, is amended by inserting after the item relat-  
9 ing to section 5537 the following:

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

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

15 SEC. 752. Not later than 120 days after enactment  
16 of this Act, each executive department and agency shall  
17 submit to the Director of the Office of Management and  
18 Budget a report stating the total size of its workforce, dif-  
19 ferentiated by number of civilian, military, and contract  
20 workers as of December 31, 2008. Not later than 180 days  
21 after enactment of this Act, the Director of the Office of  
22 Management and Budget shall submit to the Committee  
23 a comprehensive statement delineating the workforce data

1 by individual department and agency, as well as aggregate  
2 totals of civilian, military, and contract workers.

3

### TITLE VIII

4

### GENERAL PROVISIONS—DISTRICT OF

5

### COLUMBIA

6 SEC. 801. Whenever in this Act, an amount is speci-  
7 fied within an appropriation for particular purposes or ob-  
8 jects of expenditure, such amount, unless otherwise speci-  
9 fied, shall be considered as the maximum amount that  
10 may be expended for said purpose or object rather than  
11 an amount set apart exclusively therefor.

12 SEC. 802. Appropriations in this Act shall be avail-  
13 able for expenses of travel and for the payment of dues  
14 of organizations concerned with the work of the District  
15 of Columbia government, when authorized by the Mayor,  
16 or, in the case of the Council of the District of Columbia,  
17 funds may be expended with the authorization of the  
18 Chairman of the Council.

19 SEC. 803. There are appropriated from the applicable  
20 funds of the District of Columbia such sums as may be  
21 necessary for making refunds and for the payment of legal  
22 settlements or judgments that have been entered against  
23 the District of Columbia government.

24 SEC. 804. (a) None of the Federal funds provided in  
25 this Act shall be used for publicity or propaganda purposes

1 or implementation of any policy including boycott designed  
2 to support or defeat legislation pending before Congress  
3 or any State legislature.

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

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

16 (1) creates new programs;

17 (2) eliminates a program, project, or responsi-  
18 bility center;

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

21 (4) increases funds or personnel by any means  
22 for any program, project, or responsibility center for  
23 which funds have been denied or restricted;

24 (5) reestablishes any program or project pre-  
25 viously deferred through reprogramming;

1           (6) augments any existing program, project, or  
2           responsibility center through a reprogramming of  
3           funds in excess of \$3,000,000 or 10 percent, which-  
4           ever is less; or

5           (7) increases by 20 percent or more personnel  
6           assigned to a specific program, project or responsi-  
7           bility center,

8           unless in the case of Federal funds, the Committees on  
9           Appropriations of the House of Representatives and the  
10          Senate are notified in writing 15 days in advance of the  
11          reprogramming and in the case of local funds, the Com-  
12          mittees on Appropriations of the House of Representatives  
13          and the Senate are provided summary reports on April  
14          1, 2009 and October 1, 2009, setting forth detailed infor-  
15          mation regarding each such local funds reprogramming  
16          conducted subject to this subsection.

17          (b) None of the local funds contained in this Act may  
18          be available for obligation or expenditure for an agency  
19          through a transfer of any local funds in excess of  
20          \$3,000,000 from one appropriation heading to another un-  
21          less the Committees on Appropriations of the House of  
22          Representatives and the Senate are provided summary re-  
23          ports on April 1, 2009 and October 1, 2009, setting forth  
24          detailed information regarding each reprogramming con-  
25          ducted subject to this subsection.

1 (c) The District of Columbia government is author-  
2 ized to approve and execute reprogramming and transfer  
3 requests of local funds under this title through December  
4 1, 2009.

5 SEC. 806. Consistent with the provisions of section  
6 1301(a) of title 31, United States Code, appropriations  
7 under this Act shall be applied only to the objects for  
8 which the appropriations were made except as otherwise  
9 provided by law.

10 SEC. 807. None of the Federal funds made available  
11 in this Act may be used to implement or enforce the  
12 Health Care Benefits Expansion Act of 1992 (D.C. Law  
13 9-114; D.C. Official Code, sec. 32-701 et seq.) or to oth-  
14 erwise implement or enforce any system of registration of  
15 unmarried, cohabiting couples, including but not limited  
16 to registration for the purpose of extending employment,  
17 health, or governmental benefits to such couples on the  
18 same basis that such benefits are extended to legally mar-  
19 ried couples.

20 SEC. 808. (a) Section 446B(f) of the District of Co-  
21 lumbia Home Rule Act (sec. 1-204.46b(f), D.C. Official  
22 Code) is amended by striking “fiscal years 2006 through  
23 2008” and inserting “fiscal year 2006 and each suc-  
24 ceeding fiscal year”.

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

4 SEC. 809. None of the Federal funds provided in this  
5 Act may be used by the District of Columbia to provide  
6 for salaries, expenses, or other costs associated with the  
7 offices of United States Senator or United States Rep-  
8 resentative under section 4(d) of the District of Columbia  
9 Statehood Constitutional Convention Initiatives of 1979  
10 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

11 SEC. 810. Except as otherwise provided in this sec-  
12 tion, none of the funds made available by this Act or by  
13 any other Act may be used to provide any officer or em-  
14 ployee of the District of Columbia with an official vehicle  
15 unless the officer or employee uses the vehicle only in the  
16 performance of the officer's or employee's official duties.  
17 For purposes of this section, the term "official duties"  
18 does not include travel between the officer's or employee's  
19 residence and workplace, except in the case of—

20 (1) an officer or employee of the Metropolitan  
21 Police Department who resides in the District of Co-  
22 lumbia or a District of Columbia government em-  
23 ployee as may otherwise be designated by the Chief  
24 of the Department;



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. 811. (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. 812. 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. 813. Nothing in this Act may be construed to  
8 prevent the Council or Mayor of the District of Columbia  
9 from addressing the issue of the provision of contraceptive  
10 coverage by health insurance plans, but it is the intent  
11 of Congress that any legislation enacted on such issue  
12 should include a “conscience clause” which provides excep-  
13 tions for religious beliefs and moral convictions.

14 SEC. 814. (a) Notwithstanding section 615(i)(3)(B)  
15 of the Individuals With Disabilities Education Act (20  
16 U.S.C. 1415(i)(3)(B)), none of the funds contained in this  
17 Act or in any other Act making appropriations for the gov-  
18 ernment of the District of Columbia for fiscal year 2009  
19 or any succeeding fiscal year may be made available—

20 (1) to pay the fees of an attorney who rep-  
21 represents a party in or defends an IDEA proceeding  
22 which was initiated prior to the date of the enact-  
23 ment of this Act in an amount in excess of \$4,000  
24 for that proceeding; or

1           (2) to pay the fees of an attorney or firm who  
2           represents a party in or defends an IDEA pro-  
3           ceeding if the Chief Financial Officer of the District  
4           of Columbia determines that the attorney or firm  
5           has a pecuniary interest (either directly or through  
6           an attorney, officer, or employee of the firm) in any  
7           special education diagnostic services or schools or  
8           other special education service providers.

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

15          SEC. 815. The Mayor of the District of Columbia  
16          shall submit to the Committees on Appropriations of the  
17          House of Representatives and the Senate, the Committee  
18          on Oversight and Government Reform of the House of  
19          Representatives, and the Committee on Homeland Secu-  
20          rity and Governmental Affairs of the Senate annual re-  
21          ports addressing—

22                 (1) crime, including the homicide rate, imple-  
23                 mentation of community policing, the number of po-  
24                 lice officers on local beats, and the closing down of  
25                 open-air drug markets;

1           (2) access to substance and alcohol abuse treat-  
2           ment, including the number of treatment slots, the  
3           number of people served, the number of people on  
4           waiting lists, and the effectiveness of treatment pro-  
5           grams, the retention rates in treatment programs,  
6           and the recidivism/re-arrest rates for treatment par-  
7           ticipants;

8           (3) management of parolees and pre-trial vio-  
9           lent offenders, including the number of halfway  
10          houses escapes and steps taken to improve moni-  
11          toring and supervision of halfway house residents to  
12          reduce the number of escapes to be provided in con-  
13          sultation with the Court Services and Offender Su-  
14          pervision Agency for the District of Columbia;

15          (4) education, including access to special edu-  
16          cation services and student achievement to be pro-  
17          vided in consultation with the District of Columbia  
18          Public Schools and the District of Columbia public  
19          charter schools, repeated grade rates, high school  
20          graduation rates, post-secondary education attend-  
21          ance rates, and teen pregnancy rates;

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

24          (6) application for and management of Federal  
25          grants, including the number and type of grants for

1       which the District was eligible but failed to apply  
2       and the number and type of grants awarded to the  
3       District but for which the District failed to spend  
4       the amounts received;

5           (7) indicators of child and family well-being in-  
6       cluding child living arrangements by family struc-  
7       ture, number of children aging out of foster care,  
8       poverty rates by family structure, crime by family  
9       structure, marriage rates by income quintile, and  
10      out-of-wedlock births; and

11          (8) employment, including job status and par-  
12      ticipation in assistance programs by income, edu-  
13      cation and family structure.

14      SEC. 816. Beginning in fiscal year 2009 and each fis-  
15      cal year thereafter, the amount appropriated to the Dis-  
16      trict of Columbia may be increased by no more than  
17      \$100,000,000 from funds identified in the annual com-  
18      prehensive annual financial report as the District's imme-  
19      diately preceding fiscal year's unexpended general fund  
20      surplus. The District may obligate and expend these  
21      amounts only in accordance with the following conditions:

22          (1) The Chief Financial Officer of the District  
23      of Columbia shall certify that the use of any such  
24      amounts is not anticipated to have a negative impact

1 on the District's long-term financial, fiscal, and eco-  
2 nomic vitality.

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

5 (A) One-time expenditures.

6 (B) Expenditures to avoid deficit spending.

7 (C) Debt Reduction.

8 (D) Program needs.

9 (E) Expenditures to avoid revenue short-  
10 falls.

11 (3) The amounts shall be obligated and ex-  
12 pended in accordance with laws enacted by the  
13 Council in support of each such obligation or ex-  
14 penditure.

15 (4) The amounts may not be used to fund the  
16 agencies of the District of Columbia government  
17 under court ordered receivership.

18 (5) The amounts may not be obligated or ex-  
19 pended unless the Mayor notifies the Committees on  
20 Appropriations of the House of Representatives and  
21 the Senate not fewer than 30 days in advance of the  
22 obligation or expenditure.

23 SEC. 817. (a) Beginning in fiscal year 2009 and each  
24 fiscal year thereafter, consistent with revenue collections,

1 the amount appropriated as District of Columbia Funds  
2 may be increased—

3 (1) by an aggregate amount of not more than  
4 25 percent, in the case of amounts proposed to be  
5 allocated as “Other-Type Funds” in the annual Pro-  
6 posed Budget and Financial Plan submitted to Con-  
7 gress by the District of Columbia; and

8 (2) by an aggregate amount of not more than  
9 6 percent, in the case of any other amounts pro-  
10 posed to be allocated in such Proposed Budget and  
11 Financial Plan.

12 (b) The District of Columbia may obligate and ex-  
13 pend any increase in the amount of funds authorized  
14 under this section only in accordance with the following  
15 conditions:

16 (1) The Chief Financial Officer of the District  
17 of Columbia shall certify—

18 (A) the increase in revenue; and

19 (B) that the use of the amounts is not an-  
20 ticipated to have a negative impact on the long-  
21 term financial, fiscal, or economic health of the  
22 District.

23 (2) The amounts shall be obligated and ex-  
24 pended in accordance with laws enacted by the  
25 Council of the District of Columbia in support of

1 each such obligation and expenditure, consistent  
2 with the requirements of this Act.

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

6 (4) The amounts may not be obligated or ex-  
7 pended unless the Mayor has notified the Commit-  
8 tees on Appropriations of the House of Representa-  
9 tives and the Senate not fewer than 30 days in ad-  
10 vance of the obligation or expenditure.

11 SEC. 818. Beginning in fiscal year 2009 and each fis-  
12 cal year thereafter, the Chief Financial Officer for the Dis-  
13 trict of Columbia may, for the purpose of cash flow man-  
14 agement, conduct short-term borrowing from the emer-  
15 gency reserve fund and from the contingency reserve fund  
16 established under section 450A of the District of Columbia  
17 Home Rule Act (Public Law 93-198): *Provided*, That the  
18 amount borrowed shall not exceed 50 percent of the total  
19 amount of funds contained in both the emergency and con-  
20 tingency reserve funds at the time of borrowing: *Provided*  
21 *further*, That the borrowing shall not deplete either fund  
22 by more than 50 percent: *Provided further*, That 100 per-  
23 cent of the funds borrowed shall be replenished within 9  
24 months of the time of the borrowing or by the end of the  
25 fiscal year, whichever occurs earlier: *Provided further*,



1 That in the event that short-term borrowing has been con-  
2 ducted and the emergency or the contingency reserve  
3 funds are later depleted below 50 percent as a result of  
4 an emergency or contingency, an amount equal to the  
5 amount necessary to restore reserve levels to 50 percent  
6 of the total amount of funds contained in both the emer-  
7 gency and contingency reserve fund must be replenished  
8 from the amount borrowed within 60 days.

9       SEC. 819. (a) None of the funds contained in this  
10 Act may be used to enact or carry out any law, rule, or  
11 regulation to legalize or otherwise reduce penalties associ-  
12 ated with the possession, use, or distribution of any sched-  
13 ule I substance under the Controlled Substances Act (21  
14 U.S.C. 801 et seq.) or any tetrahydrocannabinols deriva-  
15 tive.

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

20       SEC. 820. None of the funds appropriated under this  
21 Act shall be expended for any abortion except where the  
22 life of the mother would be endangered if the fetus were  
23 carried to term or where the pregnancy is the result of  
24 an act of rape or incest.

1       SEC. 821. Amounts appropriated in this Act as oper-  
2 ating funds may be transferred to the District of Colum-  
3 bia's enterprise and capital funds and such amounts, once  
4 transferred shall retain appropriation authority consistent  
5 with the provisions of this Act.

6       SEC. 822. (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 “\$80 per hour” and inserting “\$90 per hour”.

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

15           (1) in paragraph (1), by striking “\$1,760” and  
16       inserting “\$1,980”;

17           (2) in paragraph (2), by striking “\$1,760” and  
18       inserting “\$1,980”;

19           (3) in paragraph (3), by striking “\$2,400” and  
20       inserting “\$2,700”; and

21           (4) in paragraph (4), by striking “\$1,200” and  
22       inserting “\$1,350”.

23       (c) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply with respect to cases and pro-

1 ceedings initiated on or after the date of enactment of this  
2 Act.

3 SEC. 823. Section 2 of the Act entitled “An Act Rel-  
4 ative to the control of wharf property and certain public  
5 spaces in the District of Columbia”, approved March 3,  
6 1899 (sec. 10-501.02(a), D.C. Official Code) is amended  
7 by striking the last sentence.

8 SEC. 824. Except as expressly provided otherwise,  
9 any reference to “this Act” contained in this title or in  
10 title IV shall be treated as referring only to the provisions  
11 of this title or of title IV.

12 This division may be cited as the “Financial Services  
13 and General Government Appropriations Act, 2009”.