

Calendar No. 26

111TH CONGRESS
1ST SESSION**H. R. 1105**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2009

Received and read the first time

FEBRUARY 26, 2009

Read the second time and placed on the calendar

AN ACT

Making omnibus appropriations for the fiscal year ending
September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Omnibus Appropria-
5 tions Act, 2009”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.

Sec. 5. Statement of appropriations.

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ACT, 2009

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Title I—Department of Transportation
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DIVISION J—FURTHER PROVISIONS RELATING TO THE
 DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
 3 to “this Act” contained in any division of this Act shall
 4 be treated as referring only to the provisions of that divi-
 5 sion.

6 **SEC. 4. EXPLANATORY STATEMENT.**

7 The explanatory statement regarding this Act printed
 8 in the House of Representatives section of the Congres-
 9 sional Record on or about February 23, 2009 by the
 10 Chairman of the Committee on Appropriations of the
 11 House shall have the same effect with respect to the allo-

1 cation of funds and implementation of this Act as if it
2 were a joint explanatory statement of a committee of con-
3 ference.

4 **SEC. 5. STATEMENT OF APPROPRIATIONS.**

5 The following sums in this Act are appropriated, out
6 of any money in the Treasury not otherwise appropriated,
7 for the fiscal year ending September 30, 2009.

8 DIVISION A—AGRICULTURE, RURAL DEVELOP-
9 MENT, FOOD AND DRUG ADMINISTRATION,
10 AND RELATED AGENCIES APPROPRIATIONS
11 ACT, 2009

12 TITLE I

13 AGRICULTURAL PROGRAMS

14 PRODUCTION, PROCESSING AND MARKETING

15 OFFICE OF THE SECRETARY

16 For necessary expenses of the Office of the Secretary
17 of Agriculture, \$5,174,000: *Provided*, That not to exceed
18 \$11,000 of this amount shall be available for official recep-
19 tion and representation expenses, not otherwise provided
20 for, as determined by the Secretary.

21 EXECUTIVE OPERATIONS

22 OFFICE OF THE CHIEF ECONOMIST

23 For necessary expenses of the Office of the Chief
24 Economist, \$10,651,000.

1 NATIONAL APPEALS DIVISION

2 For necessary expenses of the National Appeals Divi-
3 sion, \$14,711,000.

4 OFFICE OF BUDGET AND PROGRAM ANALYSIS

5 For necessary expenses of the Office of Budget and
6 Program Analysis, \$9,054,000.

7 OFFICE OF HOMELAND SECURITY

8 For necessary expenses of the Office of Homeland Se-
9 curity, \$974,000.

10 OFFICE OF THE CHIEF INFORMATION OFFICER

11 For necessary expenses of the Office of the Chief In-
12 formation Officer, \$17,527,000.

13 OFFICE OF THE CHIEF FINANCIAL OFFICER

14 For necessary expenses of the Office of the Chief Fi-
15 nancial Officer, \$5,954,000: *Provided*, That no funds
16 made available by this appropriation may be obligated for
17 FAIR Act or Circular A-76 activities until the Secretary
18 has submitted to the Committees on Appropriations of
19 both Houses of Congress and the Committee on Oversight
20 and Government Reform of the House of Representatives
21 a report on the Department's contracting out policies, in-
22 cluding agency budgets for contracting out.

23 OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL
24 RIGHTS

25 For necessary expenses of the Office of the Assistant
26 Secretary for Civil Rights, \$871,000.

1 OFFICE OF CIVIL RIGHTS

2 For necessary expenses of the Office of Civil Rights,
3 \$21,551,000.

4 OFFICE OF THE ASSISTANT SECRETARY FOR
5 ADMINISTRATION

6 For necessary expenses of the Office of the Assistant
7 Secretary for Administration, \$687,000.

8 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
9 PAYMENTS

10 (INCLUDING TRANSFERS OF FUNDS)

11 For payment of space rental and related costs pursu-
12 ant to Public Law 92-313, including authorities pursuant
13 to the 1984 delegation of authority from the Adminis-
14 trator of General Services to the Department of Agri-
15 culture under 40 U.S.C. 486, for programs and activities
16 of the Department which are included in this Act, and for
17 alterations and other actions needed for the Department
18 and its agencies to consolidate unneeded space into con-
19 figurations suitable for release to the Administrator of
20 General Services, and for the operation, maintenance, im-
21 provement, and repair of Agriculture buildings and facili-
22 ties, and for related costs, \$244,244,000, to remain avail-
23 able until expended, of which \$168,901,000 shall be avail-
24 able for payments to the General Services Administration
25 for rent; of which \$13,500,000 for payment to the Depart-

1 ment of Homeland Security for building security activities;
2 and of which \$61,843,000 for buildings operations and
3 maintenance expenses: *Provided*, That the Secretary is au-
4 thorized to transfer funds from a Departmental agency
5 to this account to recover the full cost of the space and
6 security expenses of that agency that are funded by this
7 account when the actual costs exceed the agency estimate
8 which will be available for the activities and payments de-
9 scribed herein.

10 HAZARDOUS MATERIALS MANAGEMENT

11 (INCLUDING TRANSFERS OF FUNDS)

12 For necessary expenses of the Department of Agri-
13 culture, to comply with the Comprehensive Environmental
14 Response, Compensation, and Liability Act (42 U.S.C.
15 9601 et seq.) and the Resource Conservation and Recovery
16 Act (42 U.S.C. 6901 et seq.), \$5,100,000, to remain avail-
17 able until expended: *Provided*, That appropriations and
18 funds available herein to the Department for Hazardous
19 Materials Management may be transferred to any agency
20 of the Department for its use in meeting all requirements
21 pursuant to the above Acts on Federal and non-Federal
22 lands.

1 DEPARTMENTAL ADMINISTRATION
2 (INCLUDING TRANSFERS OF FUNDS)

3 For Departmental Administration, \$27,011,000, to
4 provide for necessary expenses for management support
5 services to offices of the Department and for general ad-
6 ministration, security, repairs and alterations, and other
7 miscellaneous supplies and expenses not otherwise pro-
8 vided for and necessary for the practical and efficient work
9 of the Department: *Provided*, That this appropriation shall
10 be reimbursed from applicable appropriations in this Act
11 for travel expenses incident to the holding of hearings as
12 required by 5 U.S.C. 551–558.

13 OFFICE OF THE ASSISTANT SECRETARY FOR
14 CONGRESSIONAL RELATIONS
15 (INCLUDING TRANSFERS OF FUNDS)

16 For necessary expenses of the Office of the Assistant
17 Secretary for Congressional Relations to carry out the pro-
18 grams funded by this Act, including programs involving
19 intergovernmental affairs and liaison within the executive
20 branch, \$3,877,000: *Provided*, That these funds may be
21 transferred to agencies of the Department of Agriculture
22 funded by this Act to maintain personnel at the agency
23 level: *Provided further*, That no funds made available by
24 this appropriation may be obligated after 30 days from
25 the date of enactment of this Act, unless the Secretary

1 has notified the Committees on Appropriations of both
2 Houses of Congress on the allocation of these funds by
3 USDA agency: *Provided further*, That no other funds ap-
4 propriated to the Department by this Act shall be available
5 to the Department for support of activities of congres-
6 sional relations.

7 OFFICE OF COMMUNICATIONS

8 For necessary expenses of the Office of Communica-
9 tions, \$9,514,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
12 General, including employment pursuant to the Inspector
13 General Act of 1978, \$85,766,000, including such sums
14 as may be necessary for contracting and other arrange-
15 ments with public agencies and private persons pursuant
16 to section 6(a)(9) of the Inspector General Act of 1978,
17 and including not to exceed \$125,000 for certain confiden-
18 tial operational expenses, including the payment of inform-
19 ants, to be expended under the direction of the Inspector
20 General pursuant to Public Law 95-452 and section 1337
21 of Public Law 97-98.

22 OFFICE OF THE GENERAL COUNSEL

23 For necessary expenses of the Office of the General
24 Counsel, \$41,620,000.

1 OFFICE OF THE UNDER SECRETARY FOR RESEARCH,
2 EDUCATION AND ECONOMICS

3 For necessary expenses of the Office of the Under
4 Secretary for Research, Education and Economics,
5 \$609,000.

6 ECONOMIC RESEARCH SERVICE

7 For necessary expenses of the Economic Research
8 Service, \$79,500,000.

9 NATIONAL AGRICULTURAL STATISTICS SERVICE

10 For necessary expenses of the National Agricultural
11 Statistics Service, \$151,565,000, of which up to
12 \$37,265,000 shall be available until expended for the Cen-
13 sus of Agriculture.

14 AGRICULTURAL RESEARCH SERVICE

15 SALARIES AND EXPENSES

16 For necessary expenses of the Agricultural Research
17 Service and for acquisition of lands by donation, exchange,
18 or purchase at a nominal cost not to exceed \$100, and
19 for land exchanges where the lands exchanged shall be of
20 equal value or shall be equalized by a payment of money
21 to the grantor which shall not exceed 25 percent of the
22 total value of the land or interests transferred out of Fed-
23 eral ownership, \$1,140,406,000, of which \$112,571,000
24 shall be for the purposes, and in the amounts, specified
25 in the table titled "Agricultural Research Service, Salaries

1 and Expenses, Congressionally-designated Projects” in the
2 explanatory statement described in section 4 (in the mat-
3 ter preceding division A of this consolidated Act): *Pro-*
4 *vided*, That appropriations hereunder shall be available for
5 the operation and maintenance of aircraft and the pur-
6 chase of not to exceed one for replacement only: *Provided*
7 *further*, That appropriations hereunder shall be available
8 pursuant to 7 U.S.C. 2250 for the construction, alteration,
9 and repair of buildings and improvements, but unless oth-
10 erwise provided, the cost of constructing any one building
11 shall not exceed \$375,000, except for headhouses or green-
12 houses which shall each be limited to \$1,200,000, and ex-
13 cept for 10 buildings to be constructed or improved at a
14 cost not to exceed \$750,000 each, and the cost of altering
15 any one building during the fiscal year shall not exceed
16 10 percent of the current replacement value of the build-
17 ing or \$375,000, whichever is greater: *Provided further*,
18 That the limitations on alterations contained in this Act
19 shall not apply to modernization or replacement of existing
20 facilities at Beltsville, Maryland: *Provided further*, That
21 appropriations hereunder shall be available for granting
22 easements at the Beltsville Agricultural Research Center:
23 *Provided further*, That the foregoing limitations shall not
24 apply to replacement of buildings needed to carry out the
25 Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*,

1 That funds may be received from any State, other political
2 subdivision, organization, or individual for the purpose of
3 establishing or operating any research facility or research
4 project of the Agricultural Research Service, as authorized
5 by law.

6 BUILDINGS AND FACILITIES

7 For acquisition of land, construction, repair, improve-
8 ment, extension, alteration, and purchase of fixed equip-
9 ment or facilities as necessary to carry out the agricultural
10 research programs of the Department of Agriculture,
11 where not otherwise provided, \$46,752,000, of which
12 \$46,752,000 shall be for the purposes, and in the
13 amounts, specified in the table titled “Agricultural Re-
14 search Service, Buildings and Facilities Congressionally-
15 designated Projects” in the explanatory statement de-
16 scribed in section 4 (in the matter preceding division A
17 of this consolidated Act), to remain available until ex-
18 pended.

19 COOPERATIVE STATE RESEARCH, EDUCATION, AND
20 EXTENSION SERVICE

21 RESEARCH AND EDUCATION ACTIVITIES

22 For payments to agricultural experiment stations, for
23 cooperative forestry and other research, for facilities, and
24 for other expenses, \$691,043,000, of which \$113,275,000
25 shall be for the purposes, and in the amounts, specified
26 in the table titled “Cooperative State Research, Edu-

1 cation, and Extension Service, Research and Education
2 Activities, Congressionally-designated Projects” in the ex-
3 planatory statement described in section 4 (in the matter
4 preceding division A of this consolidated Act), as follows:
5 to carry out the provisions of the Hatch Act of 1887 (7
6 U.S.C. 361a–i), \$207,106,000; for grants for cooperative
7 forestry research (16 U.S.C. 582a through a–7),
8 \$27,535,000; for payments to eligible institutions (7
9 U.S.C. 3222), \$45,504,000, provided that each institution
10 receives no less than \$1,000,000; for special grants (7
11 U.S.C. 450i(c)), \$84,499,000; for competitive grants on
12 improved pest control (7 U.S.C. 450i(c)), \$15,945,000; for
13 competitive grants (7 U.S.C. 450(i)(b)), \$201,504,000, to
14 remain available until expended; for the support of animal
15 health and disease programs (7 U.S.C. 3195), \$2,950,000;
16 for supplemental and alternative crops and products (7
17 U.S.C. 3319d), \$819,000; for grants for research pursu-
18 ant to the Critical Agricultural Materials Act (7 U.S.C.
19 178 et seq.), \$1,083,000, to remain available until ex-
20 pended; for the 1994 research grants program for 1994
21 institutions pursuant to section 536 of Public Law 103–
22 382 (7 U.S.C. 301 note), \$1,610,000, to remain available
23 until expended; for rangeland research grants (7 U.S.C.
24 3333), \$983,000; for higher education graduate fellowship
25 grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain

1 available until expended (7 U.S.C. 2209b); for a program
2 pursuant to section 1415A of the National Agricultural
3 Research, Extension, and Teaching Policy Act of 1977 (7
4 U.S.C. 3151a), \$2,950,000, to remain available until ex-
5 pended; for higher education challenge grants (7 U.S.C.
6 3152(b)(1)), \$5,654,000; for a higher education multicul-
7 tural scholars program (7 U.S.C. 3152(b)(5)), \$981,000,
8 to remain available until expended (7 U.S.C. 2209b); for
9 an education grants program for Hispanic-serving Institu-
10 tions (7 U.S.C. 3241), \$6,237,000; for competitive grants
11 for the purpose of carrying out all provisions of 7 U.S.C.
12 3156 to individual eligible institutions or consortia of eligi-
13 ble institutions in Alaska and in Hawaii, with funds
14 awarded equally to each of the States of Alaska and Ha-
15 waii, \$3,196,000; for a secondary agriculture education
16 program and 2-year post-secondary education (7 U.S.C.
17 3152(j)), \$983,000; for aquaculture grants (7 U.S.C.
18 3322), \$3,928,000; for sustainable agriculture research
19 and education (7 U.S.C. 5811), \$14,399,000; for a pro-
20 gram of capacity building grants (7 U.S.C. 3152(b)(4))
21 to institutions eligible to receive funds under 7 U.S.C.
22 3221 and 3222, \$15,000,000, to remain available until ex-
23 pended (7 U.S.C. 2209b); for payments to the 1994 Insti-
24 tutions pursuant to section 534(a)(1) of Public Law 103-
25 382, \$3,342,000; for resident instruction grants for insu-

1 lar areas under section 1491 of the National Agricultural
2 Research, Extension, and Teaching Policy Act of 1977 (7
3 U.S.C. 3363), \$800,000; for a new era rural technology
4 program pursuant to section 1473E of the National Agri-
5 cultural Research, Extension, and Teaching Act of 1977
6 (7 U.S.C. 3319e), \$750,000; and for necessary expenses
7 of Research and Education Activities, \$39,426,000, of
8 which \$2,704,000 for the Research, Education, and Eco-
9 nomics Information System and \$2,136,000 for the Elec-
10 tronic Grants Information System, are to remain available
11 until expended.

12 NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

13 For the Native American Institutions Endowment
14 Fund authorized by Public Law 103–382 (7 U.S.C. 301
15 note), \$11,880,000, to remain available until expended.

16 EXTENSION ACTIVITIES

17 For payments to States, the District of Columbia,
18 Puerto Rico, Guam, the Virgin Islands, Micronesia, the
19 Northern Marianas, and American Samoa, \$474,250,000,
20 of which \$9,388,000 shall be for the purposes, and in the
21 amounts, specified in the table titled “Cooperative State
22 Research, Education, and Extension Service, Extension
23 Activities, Congressionally-designated Projects” in the ex-
24 planatory statement described in section 4 (in the matter
25 preceding division A of this consolidated Act), as follows:
26 payments for cooperative extension work under the Smith-

1 Lever Act, to be distributed under sections 3(b) and 3(c)
2 of said Act, and under section 208(c) of Public Law 93–
3 471, for retirement and employees’ compensation costs for
4 extension agents, \$288,548,000; payments for extension
5 work at the 1994 Institutions under the Smith-Lever Act
6 (7 U.S.C. 343(b)(3)), \$3,321,000; payments for the nutri-
7 tion and family education program for low-income areas
8 under section 3(d) of the Act, \$66,155,000; payments for
9 the pest management program under section 3(d) of the
10 Act, \$9,791,000; payments for the farm safety program
11 under section 3(d) of the Act, \$4,863,000; payments for
12 New Technologies for Ag Extension under section 3(d) of
13 the Act, \$1,500,000; payments to upgrade research, exten-
14 sion, and teaching facilities at institutions eligible to re-
15 ceive funds under 7 U.S.C. 3221 and 3222, \$18,000,000,
16 to remain available until expended; payments for youth-
17 at-risk programs under section 3(d) of the Smith-Lever
18 Act, \$8,182,000; for youth farm safety education and cer-
19 tification extension grants, to be awarded competitively
20 under section 3(d) of the Act, \$479,000; payments for car-
21 rying out the provisions of the Renewable Resources Ex-
22 tension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,008,000;
23 payments for the federally-recognized Tribes Extension
24 Program under section 3(d) of the Smith-Lever Act,
25 \$3,000,000; payments for sustainable agriculture pro-

1 grams under section 3(d) of the Act, \$4,568,000; pay-
2 ments for rural health and safety education as authorized
3 by section 502(i) of Public Law 92–419 (7 U.S.C.
4 2662(i)), \$1,738,000; payments for cooperative extension
5 work by eligible institutions (7 U.S.C. 3221),
6 \$40,150,000, provided that each institution receives no
7 less than \$1,000,000; for grants to youth organizations
8 pursuant to 7 U.S.C. 7630, \$1,767,000; payments to
9 carry out the food animal residue avoidance database pro-
10 gram as authorized by 7 U.S.C. 7642, \$806,000; and for
11 necessary expenses of Extension Activities, \$17,374,000.

12 INTEGRATED ACTIVITIES

13 For the integrated research, education, and extension
14 grants programs, including necessary administrative ex-
15 penses, \$56,864,000, as follows: for competitive grants
16 programs authorized under section 406 of the Agricultural
17 Research, Extension, and Education Reform Act of 1998
18 (7 U.S.C. 7626), \$41,990,000, including \$12,649,000 for
19 the water quality program, \$14,596,000 for the food safe-
20 ty program, \$4,096,000 for the regional pest management
21 centers program, \$4,388,000 for the Food Quality Protec-
22 tion Act risk mitigation program for major food crop sys-
23 tems, \$1,365,000 for the crops affected by Food Quality
24 Protection Act implementation, \$3,054,000 for the methyl
25 bromide transition program, and \$1,842,000 for the or-
26 ganic transition program; for a competitive international

1 science and education grants program authorized under
2 section 1459A of the National Agricultural Research, Ex-
3 tension, and Teaching Policy Act of 1977 (7 U.S.C.
4 3292b), to remain available until expended, \$3,000,000;
5 for grants programs authorized under section 2(c)(1)(B)
6 of Public Law 89–106, as amended, \$732,000, to remain
7 available until September 30, 2010, for the critical issues
8 program; \$1,312,000 for the regional rural development
9 centers program; and \$9,830,000 for the Food and Agri-
10 culture Defense Initiative authorized under section 1484
11 of the National Agricultural Research, Extension, and
12 Teaching Act of 1977, to remain available until September
13 30, 2010.

14 OFFICE OF THE UNDER SECRETARY FOR MARKETING
15 AND REGULATORY PROGRAMS

16 For necessary expenses of the Office of the Under
17 Secretary for Marketing and Regulatory Programs,
18 \$737,000.

19 ANIMAL AND PLANT HEALTH INSPECTION SERVICE
20 SALARIES AND EXPENSES
21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses of the Animal and Plant
23 Health Inspection Service, including up to \$30,000 for
24 representation allowances and for expenses pursuant to
25 the Foreign Service Act of 1980 (22 U.S.C. 4085),

1 \$876,675,000, of which \$23,494,000 shall be for the pur-
2 poses, and in the amounts, specified in the table titled
3 “Animal and Plant Health Inspection Service, Congres-
4 sionally-designated Projects” in the explanatory statement
5 described in section 4 (in the matter preceding division
6 A of this consolidated Act), of which \$2,025,000 shall be
7 available for the control of outbreaks of insects, plant dis-
8 eases, animal diseases and for control of pest animals and
9 birds to the extent necessary to meet emergency condi-
10 tions; of which \$29,590,000 shall be used for the cotton
11 pests program for cost share purposes or for debt retire-
12 ment for active eradication zones; of which \$14,500,000
13 shall be for a National Animal Identification program, of
14 which \$3,500,000 is for information technology infrastruc-
15 ture and services, and \$9,395,000 is for field implementa-
16 tion, and \$1,605,000 is for program administration; of
17 which \$60,594,000 shall be used to prevent and control
18 avian influenza and shall remain available until expended;
19 of which \$1,015,000 of the plum pox program shall re-
20 main available until September 30, 2010: *Provided*, That
21 funds provided for the contingency fund to meet emer-
22 gency conditions, information technology infrastructure,
23 fruit fly program, emerging plant pests, cotton pests pro-
24 gram, grasshopper and mormon cricket program, the Na-
25 tional Veterinary Stockpile, up to \$12,895,000 in animal

1 health monitoring and surveillance for the animal identi-
2 fication system, up to \$1,500,000 in the scrapie program
3 for indemnities, up to \$1,000,000 for wildlife services
4 methods development, up to \$1,000,000 of the wildlife
5 services operations program for aviation safety, and up to
6 25 percent of the screwworm program shall remain avail-
7 able until expended: *Provided further*, That no funds shall
8 be used to formulate or administer a brucellosis eradi-
9 cation program for the current fiscal year that does not
10 require minimum matching by the States of at least 40
11 percent: *Provided further*, That this appropriation shall be
12 available for the operation and maintenance of aircraft
13 and the purchase of not to exceed four, of which two shall
14 be for replacement only: *Provided further*, That, in addi-
15 tion, in emergencies which threaten any segment of the
16 agricultural production industry of this country, the Sec-
17 retary may transfer from other appropriations or funds
18 available to the agencies or corporations of the Depart-
19 ment such sums as may be deemed necessary, to be avail-
20 able only in such emergencies for the arrest and eradi-
21 cation of contagious or infectious disease or pests of ani-
22 mals, poultry, or plants, and for expenses in accordance
23 with sections 10411 and 10417 of the Animal Health Pro-
24 tection Act (7 U.S.C. 8310 and 8316) and sections 431
25 and 442 of the Plant Protection Act (7 U.S.C. 7751 and

1 7772), and any unexpended balances of funds transferred
2 for such emergency purposes in the preceding fiscal year
3 shall be merged with such transferred amounts: *Provided*
4 *further*, That appropriations hereunder shall be available
5 pursuant to law (7 U.S.C. 2250) for the repair and alter-
6 ation of leased buildings and improvements, but unless
7 otherwise provided the cost of altering any one building
8 during the fiscal year shall not exceed 10 percent of the
9 current replacement value of the building.

10 In fiscal year 2009, the agency is authorized to collect
11 fees to cover the total costs of providing technical assist-
12 ance, goods, or services requested by States, other political
13 subdivisions, domestic and international organizations,
14 foreign governments, or individuals, provided that such
15 fees are structured such that any entity's liability for such
16 fees is reasonably based on the technical assistance, goods,
17 or services provided to the entity by the agency, and such
18 fees shall be credited to this account, to remain available
19 until expended, without further appropriation, for pro-
20 viding such assistance, goods, or services.

21 BUILDINGS AND FACILITIES

22 For plans, construction, repair, preventive mainte-
23 nance, environmental support, improvement, extension, al-
24 teration, and purchase of fixed equipment or facilities, as
25 authorized by 7 U.S.C. 2250, and acquisition of land as

1 authorized by 7 U.S.C. 428a, \$4,712,000, to remain avail-
2 able until expended.

3 AGRICULTURAL MARKETING SERVICE

4 MARKETING SERVICES

5 For necessary expenses of the Agricultural Marketing
6 Service, \$86,711,000: *Provided*, That this appropriation
7 shall be available pursuant to law (7 U.S.C. 2250) for the
8 alteration and repair of buildings and improvements, but
9 the cost of altering any one building during the fiscal year
10 shall not exceed 10 percent of the current replacement
11 value of the building.

12 Fees may be collected for the cost of standardization
13 activities, as established by regulation pursuant to law (31
14 U.S.C. 9701).

15 LIMITATION ON ADMINISTRATIVE EXPENSES

16 Not to exceed \$62,888,000 (from fees collected) shall
17 be obligated during the current fiscal year for administra-
18 tive expenses: *Provided*, That if crop size is understated
19 and/or other uncontrollable events occur, the agency may
20 exceed this limitation by up to 10 percent with notification
21 to the Committees on Appropriations of both Houses of
22 Congress.

1 FUNDS FOR STRENGTHENING MARKETS, INCOME, AND
2 SUPPLY (SECTION 32)
3 (INCLUDING TRANSFERS OF FUNDS)

4 Funds available under section 32 of the Act of Au-
5 gust 24, 1935 (7 U.S.C. 612c), shall be used only for com-
6 modity program expenses as authorized therein, and other
7 related operating expenses, including not less than
8 \$10,000,000 for replacement of a system to support com-
9 modity purchases, except for: (1) transfers to the Depart-
10 ment of Commerce as authorized by the Fish and Wildlife
11 Act of August 8, 1956; (2) transfers otherwise provided
12 in this Act; and (3) not more than \$17,270,000 for formu-
13 lation and administration of marketing agreements and
14 orders pursuant to the Agricultural Marketing Agreement
15 Act of 1937 and the Agricultural Act of 1961.

16 PAYMENTS TO STATES AND POSSESSIONS

17 For payments to departments of agriculture, bureaus
18 and departments of markets, and similar agencies for
19 marketing activities under section 204(b) of the Agricul-
20 tural Marketing Act of 1946 (7 U.S.C. 1623(b)),
21 \$1,334,000.

22 GRAIN INSPECTION, PACKERS AND STOCKYARDS

23 ADMINISTRATION

24 SALARIES AND EXPENSES

25 For necessary expenses of the Grain Inspection,
26 Packers and Stockyards Administration, \$40,342,000:

1 *Provided*, That this appropriation shall be available pursu-
2 ant to law (7 U.S.C. 2250) for the alteration and repair
3 of buildings and improvements, but the cost of altering
4 any one building during the fiscal year shall not exceed
5 10 percent of the current replacement value of the build-
6 ing.

7 LIMITATION ON INSPECTION AND WEIGHING SERVICES

8 EXPENSES

9 Not to exceed \$42,463,000 (from fees collected) shall
10 be obligated during the current fiscal year for inspection
11 and weighing services: *Provided*, That if grain export ac-
12 tivities require additional supervision and oversight, or
13 other uncontrollable factors occur, this limitation may be
14 exceeded by up to 10 percent with notification to the Com-
15 mittees on Appropriations of both Houses of Congress.

16 OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

17 For necessary expenses of the Office of the Under
18 Secretary for Food Safety, \$613,000.

19 FOOD SAFETY AND INSPECTION SERVICE

20 For necessary expenses to carry out services author-
21 ized by the Federal Meat Inspection Act, the Poultry
22 Products Inspection Act, and the Egg Products Inspection
23 Act, including not to exceed \$50,000 for representation
24 allowances and for expenses pursuant to section 8 of the
25 Act approved August 3, 1956 (7 U.S.C. 1766),
26 \$971,566,000; and in addition, \$1,000,000 may be cred-

1 ited to this account from fees collected for the cost of lab-
2 oratory accreditation as authorized by section 1327 of the
3 Food, Agriculture, Conservation and Trade Act of 1990
4 (7 U.S.C. 138f): *Provided*, That no fewer than 120 full-
5 time equivalent positions shall be employed during fiscal
6 year 2009 for purposes dedicated solely to inspections and
7 enforcement related to the Humane Methods of Slaughter
8 Act: *Provided further*, That of the amount available under
9 this heading, \$3,000,000 shall be obligated to maintain
10 the Humane Animal Tracking System as part of the Pub-
11 lic Health Data Communication Infrastructure System:
12 *Provided further*, That this appropriation shall be available
13 pursuant to law (7 U.S.C. 2250) for the alteration and
14 repair of buildings and improvements, but the cost of al-
15 tering any one building during the fiscal year shall not
16 exceed 10 percent of the current replacement value of the
17 building.

18 OFFICE OF THE UNDER SECRETARY FOR FARM AND

19 FOREIGN AGRICULTURAL SERVICES

20 For necessary expenses of the Office of the Under
21 Secretary for Farm and Foreign Agricultural Services,
22 \$646,000.

1 FARM SERVICE AGENCY
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Farm Service Agency,
5 \$1,170,273,000: *Provided*, That the Secretary is author-
6 ized to use the services, facilities, and authorities (but not
7 the funds) of the Commodity Credit Corporation to make
8 program payments for all programs administered by the
9 Agency: *Provided further*, That other funds made available
10 to the Agency for authorized activities may be advanced
11 to and merged with this account.

12 STATE MEDIATION GRANTS

13 For grants pursuant to section 502(b) of the Agricul-
14 tural Credit Act of 1987, as amended (7 U.S.C. 5101-
15 5106), \$4,369,000.

16 GRASSROOTS SOURCE WATER PROTECTION PROGRAM

17 For necessary expenses to carry out wellhead or
18 groundwater protection activities under section 12400 of
19 the Food Security Act of 1985 (16 U.S.C. 3839bb-2),
20 \$5,000,000, to remain available until expended.

21 DAIRY INDEMNITY PROGRAM
22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses involved in making indemnity
24 payments to dairy farmers and manufacturers of dairy
25 products under a dairy indemnity program, such sums as
26 may be necessary, to remain available until expended: *Pro-*

1 For the cost of direct and guaranteed loans, including
2 the cost of modifying loans as defined in section 502 of
3 the Congressional Budget Act of 1974, as follows: farm
4 ownership loans, \$16,803,000, of which \$4,088,000 shall
5 be for unsubsidized guaranteed loans, and \$12,715,000
6 shall be for direct loans; operating loans, \$130,371,000,
7 of which \$25,336,000 shall be for unsubsidized guaran-
8 teed loans, \$37,231,000 shall be for subsidized guaranteed
9 loans, and \$67,804,000 shall be for direct loans; and In-
10 dian tribe land acquisition loans, \$248,000.

11 In addition, for administrative expenses necessary to
12 carry out the direct and guaranteed loan programs,
13 \$317,323,000, of which \$309,403,000 shall be transferred
14 to and merged with the appropriation for “Farm Service
15 Agency, Salaries and Expenses”.

16 Funds appropriated by this Act to the Agricultural
17 Credit Insurance Program Account for farm ownership
18 and operating direct loans and guaranteed loans may be
19 transferred among these programs: *Provided*, That the
20 Committees on Appropriations of both Houses of Congress
21 are notified at least 15 days in advance of any transfer.

22 RISK MANAGEMENT AGENCY

23 For necessary expenses of the Risk Management
24 Agency, \$77,177,000: *Provided*, That the funds made
25 available under section 522(e) of the Federal Crop Insur-

1 ance Act (7 U.S.C. 1522(e)) may be used for the Common
 2 Information Management System: *Provided further*, That
 3 not to exceed \$1,000 shall be available for official recep-
 4 tion and representation expenses, as authorized by 7
 5 U.S.C. 1506(i).

6 **CORPORATIONS**

7 The following corporations and agencies are hereby
 8 authorized to make expenditures, within the limits of
 9 funds and borrowing authority available to each such cor-
 10 poration or agency and in accord with law, and to make
 11 contracts and commitments without regard to fiscal year
 12 limitations as provided by section 104 of the Government
 13 Corporation Control Act as may be necessary in carrying
 14 out the programs set forth in the budget for the current
 15 fiscal year for such corporation or agency, except as here-
 16 inafter provided.

17 **FEDERAL CROP INSURANCE CORPORATION FUND**

18 For payments as authorized by section 516 of the
 19 Federal Crop Insurance Act (7 U.S.C. 1516), such sums
 20 as may be necessary, to remain available until expended.

21 **COMMODITY CREDIT CORPORATION FUND**

22 **REIMBURSEMENT FOR NET REALIZED LOSSES**

23 (INCLUDING TRANSFERS OF FUNDS)

24 For the current fiscal year, such sums as may be nec-
 25 essary to reimburse the Commodity Credit Corporation for

1 net realized losses sustained, but not previously reim-
2 bursed, pursuant to section 2 of the Act of August 17,
3 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds
4 available to the Commodity Credit Corporation under sec-
5 tion 11 of the Commodity Credit Corporation Charter Act
6 (15 U.S.C. 714i) for the conduct of its business with the
7 Foreign Agricultural Service, up to \$5,000,000 may be
8 transferred to and used by the Foreign Agricultural Serv-
9 ice for information resource management activities of the
10 Foreign Agricultural Service that are not related to Com-
11 modity Credit Corporation business.

12 HAZARDOUS WASTE MANAGEMENT

13 (LIMITATION ON EXPENSES)

14 For the current fiscal year, the Commodity Credit
15 Corporation shall not expend more than \$5,000,000 for
16 site investigation and cleanup expenses, and operations
17 and maintenance expenses to comply with the requirement
18 of section 107(g) of the Comprehensive Environmental
19 Response, Compensation, and Liability Act (42 U.S.C.
20 9607(g)), and section 6001 of the Resource Conservation
21 and Recovery Act (42 U.S.C. 6961).

1 TITLE II
2 CONSERVATION PROGRAMS
3 OFFICE OF THE UNDER SECRETARY FOR NATURAL
4 RESOURCES AND ENVIRONMENT

5 For necessary expenses of the Office of the Under
6 Secretary for Natural Resources and Environment,
7 \$758,000.

8 NATURAL RESOURCES CONSERVATION SERVICE
9 CONSERVATION OPERATIONS

10 For necessary expenses for carrying out the provi-
11 sions of the Act of April 27, 1935 (16 U.S.C. 590a–f),
12 including preparation of conservation plans and establish-
13 ment of measures to conserve soil and water (including
14 farm irrigation and land drainage and such special meas-
15 ures for soil and water management as may be necessary
16 to prevent floods and the siltation of reservoirs and to con-
17 trol agricultural related pollutants); operation of conserva-
18 tion plant materials centers; classification and mapping of
19 soil; dissemination of information; acquisition of lands,
20 water, and interests therein for use in the plant materials
21 program by donation, exchange, or purchase at a nominal
22 cost not to exceed \$100 pursuant to the Act of August
23 3, 1956 (7 U.S.C. 428a); purchase and erection or alter-
24 ation or improvement of permanent and temporary build-
25 ings; and operation and maintenance of aircraft,

1 \$853,400,000, to remain available until September 30,
2 2010, of which \$31,650,000 shall be for the purposes, and
3 in the amounts, specified in the table titled “Natural Re-
4 sources Conservation Service, Conservation Operations
5 Congressionally-designated Projects” in the explanatory
6 statement described in section 4 (in the matter preceding
7 division A of this consolidated Act): *Provided*, That appro-
8 priations hereunder shall be available pursuant to 7
9 U.S.C. 2250 for construction and improvement of build-
10 ings and public improvements at plant materials centers,
11 except that the cost of alterations and improvements to
12 other buildings and other public improvements shall not
13 exceed \$250,000: *Provided further*, That when buildings
14 or other structures are erected on non-Federal land, that
15 the right to use such land is obtained as provided in 7
16 U.S.C. 2250a.

17 WATERSHED AND FLOOD PREVENTION OPERATIONS

18 For necessary expenses to carry out preventive meas-
19 ures, including but not limited to research, engineering op-
20 erations, methods of cultivation, the growing of vegetation,
21 rehabilitation of existing works and changes in use of land,
22 in accordance with the Watershed Protection and Flood
23 Prevention Act (16 U.S.C. 1001–1005 and 1007–1009),
24 the provisions of the Act of April 27, 1935 (16 U.S.C.
25 590a–f), and in accordance with the provisions of laws re-
26 lating to the activities of the Department, \$24,289,000,

1 to remain available until expended, of which \$23,643,000
2 shall be for the purposes, and in the amounts, specified
3 in the table titled “Natural Resources Conservation Serv-
4 ice, Watershed and Flood Prevention Operations Congres-
5 sionally-designated Projects” in the explanatory statement
6 described in section 4 (in the matter preceding division
7 A of this consolidated Act): *Provided*, That not to exceed
8 \$15,000,000 of this appropriation shall be available for
9 technical assistance.

10 WATERSHED REHABILITATION PROGRAM

11 For necessary expenses to carry out rehabilitation of
12 structural measures, in accordance with section 14 of the
13 Watershed Protection and Flood Prevention Act (16
14 U.S.C. 1012), and in accordance with the provisions of
15 laws relating to the activities of the Department,
16 \$40,000,000, to remain available until expended.

17 RESOURCE CONSERVATION AND DEVELOPMENT

18 For necessary expenses in planning and carrying out
19 projects for resource conservation and development and
20 for sound land use pursuant to the provisions of sections
21 31 and 32 of the Bankhead-Jones Farm Tenant Act (7
22 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27,
23 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of
24 the Agriculture and Food Act of 1981 (16 U.S.C. 3451–
25 3461), \$50,730,000: *Provided*, That not to exceed

1 \$3,073,000 shall be available for national headquarters ac-
2 tivities.

3 TITLE III

4 RURAL DEVELOPMENT PROGRAMS

5 OFFICE OF THE UNDER SECRETARY FOR RURAL
6 DEVELOPMENT

7 For necessary expenses of the Office of the Under
8 Secretary for Rural Development, \$646,000.

9 RURAL DEVELOPMENT SALARIES AND EXPENSES

10 (INCLUDING TRANSFERS OF FUNDS)

11 For necessary expenses for carrying out the adminis-
12 tration and implementation of programs in the Rural De-
13 velopment mission area, including activities with institu-
14 tions concerning the development and operation of agricul-
15 tural cooperatives; and for cooperative agreements;
16 \$192,484,000: *Provided*, That notwithstanding any other
17 provision of law, funds appropriated under this section
18 may be used for advertising and promotional activities
19 that support the Rural Development mission area: *Pro-*
20 *vided further*, That not more than \$10,000 may be ex-
21 pended to provide modest nonmonetary awards to non-
22 USDA employees: *Provided further*, That any balances
23 available from prior years for the Rural Utilities Service,
24 Rural Housing Service, and the Rural Business-Coopera-

1 tive Service salaries and expenses accounts shall be trans-
2 ferred to and merged with this appropriation.

3 **RURAL HOUSING SERVICE**

4 **RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT**

5 (INCLUDING TRANSFERS OF FUNDS)

6 For gross obligations for the principal amount of di-
7 rect and guaranteed loans as authorized by title V of the
8 Housing Act of 1949, to be available from funds in the
9 rural housing insurance fund, as follows: \$7,345,347,000
10 for loans to section 502 borrowers, of which
11 \$1,121,488,000 shall be for direct loans, and of which
12 \$6,223,859,000 shall be for unsubsidized guaranteed
13 loans; \$34,410,000 for section 504 housing repair loans;
14 \$69,512,000 for section 515 rental housing; \$129,090,000
15 for section 538 guaranteed multi-family housing loans;
16 \$5,045,000 for section 524 site loans; \$11,447,000 for
17 credit sales of acquired property, of which up to
18 \$1,447,000 may be for multi-family credit sales; and
19 \$4,970,000 for section 523 self-help housing land develop-
20 ment loans.

21 For the cost of direct and guaranteed loans, including
22 the cost of modifying loans, as defined in section 502 of
23 the Congressional Budget Act of 1974, as follows: section
24 502 loans, \$154,407,000, of which \$75,364,000 shall be
25 for direct loans, and of which \$79,043,000, to remain
26 available until expended, shall be for unsubsidized guaran-

1 teed loans; section 504 housing repair loans, \$9,246,000;
2 repair, rehabilitation, and new construction of section 515
3 rental housing, \$28,611,000; section 538 multi-family
4 housing guaranteed loans, \$8,082,000; credit sales of ac-
5 quired property, \$523,000; and section 523 self-help hous-
6 ing and development loans, \$82,000: *Provided*, That of the
7 total amount appropriated in this paragraph, \$2,500,000
8 shall be available through June 30, 2009, for authorized
9 empowerment zones and enterprise communities and com-
10 munities designated by the Secretary of Agriculture as
11 Rural Economic Area Partnership Zones: *Provided fur-*
12 *ther*, That, for applications received under the 2009 notice
13 of funding availability, section 538 multi-family housing
14 guaranteed loans funded pursuant to this paragraph shall
15 not be subject to a guarantee fee and the interest on such
16 loans may not be subsidized: *Provided further*, That any
17 balances for a demonstration program for the preservation
18 and revitalization of the section 515 multi-family rental
19 housing properties as authorized by Public Law 109–97
20 and Public Law 110–5 shall be transferred to and merged
21 with the “Rural Housing Service, Multi-family Housing
22 Revitalization Program Account”.

23 In addition, for administrative expenses necessary to
24 carry out the direct and guaranteed loan programs,
25 \$460,217,000, which shall be transferred to and merged

1 with the appropriation for “Rural Development, Salaries
2 and Expenses”.

3 RENTAL ASSISTANCE PROGRAM

4 For rental assistance agreements entered into or re-
5 newed pursuant to the authority under section 521(a)(2)
6 or agreements entered into in lieu of debt forgiveness or
7 payments for eligible households as authorized by section
8 502(c)(5)(D) of the Housing Act of 1949, \$902,500,000,
9 to remain available through September 30, 2010; and, in
10 addition, such sums as may be necessary, as authorized
11 by section 521(c) of the Act, to liquidate debt incurred
12 prior to fiscal year 1992 to carry out the rental assistance
13 program under section 521(a)(2) of the Act: *Provided*,
14 That of this amount, up to \$5,958,000 shall be available
15 for debt forgiveness or payments for eligible households
16 as authorized by section 502(c)(5)(D) of the Act, and not
17 to exceed \$50,000 per project for advances to nonprofit
18 organizations or public agencies to cover direct costs
19 (other than purchase price) incurred in purchasing
20 projects pursuant to section 502(c)(5)(C) of the Act: *Pro-*
21 *vided further*, That of this amount not less than
22 \$2,030,000 is available for newly constructed units fi-
23 nanced by section 515 of the Housing Act of 1949, and
24 not less than \$3,400,000 is for newly constructed units
25 financed under sections 514 and 516 of the Housing Act
26 of 1949: *Provided further*, That rental assistance agree-

1 ments entered into or renewed during the current fiscal
2 year shall be funded for a one-year period: *Provided fur-*
3 *ther*, That any unexpended balances remaining at the end
4 of such one-year agreements may be transferred and used
5 for the purposes of any debt reduction; maintenance, re-
6 pair, or rehabilitation of any existing projects; preserva-
7 tion; and rental assistance activities authorized under title
8 V of the Act: *Provided further*, That rental assistance pro-
9 vided under agreements entered into prior to fiscal year
10 2009 for a farm labor multi-family housing project fi-
11 nanced under section 514 or 516 of the Act may not be
12 recaptured for use in another project until such assistance
13 has remained unused for a period of 12 consecutive
14 months, if such project has a waiting list of tenants seek-
15 ing such assistance or the project has rental assistance
16 eligible tenants who are not receiving such assistance: *Pro-*
17 *vided further*, That such recaptured rental assistance shall,
18 to the extent practicable, be applied to another farm labor
19 multi-family housing project financed under section 514
20 or 516 of the Act.

21 MULTI-FAMILY HOUSING REVITALIZATION PROGRAM

22 ACCOUNT

23 For the rural housing voucher program as authorized
24 under section 542 of the Housing Act of 1949, but not-
25 withstanding subsection (b) of such section, for the cost
26 to conduct a housing demonstration program to provide

1 revolving loans for the preservation of low-income multi-
2 family housing projects, and for additional costs to con-
3 duct a demonstration program for the preservation and
4 revitalization of multi-family rental housing properties de-
5 scribed in this paragraph, \$27,714,000, to remain avail-
6 able until expended: *Provided*, That of the funds made
7 available under this heading, \$4,965,000 shall be available
8 for rural housing vouchers to any low-income household
9 (including those not receiving rental assistance) residing
10 in a property financed with a section 515 loan which has
11 been prepaid after September 30, 2005: *Provided further*,
12 That the amount of such voucher shall be the difference
13 between comparable market rent for the section 515 unit
14 and the tenant paid rent for such unit: *Provided further*,
15 That funds made available for such vouchers shall be sub-
16 ject to the availability of annual appropriations: *Provided*
17 *further*, That the Secretary shall, to the maximum extent
18 practicable, administer such vouchers with current regula-
19 tions and administrative guidance applicable to section 8
20 housing vouchers administered by the Secretary of the De-
21 partment of Housing and Urban Development (including
22 the ability to pay administrative costs related to delivery
23 of the voucher funds): *Provided further*, That if the Sec-
24 retary determines that the amount made available for
25 vouchers in this or any other Act is not needed for vouch-

1 ers, the Secretary may use such funds for the demonstra-
2 tion programs for the preservation and revitalization of
3 multi-family rental housing properties described in this
4 paragraph: *Provided further*, That of the funds made avail-
5 able under this heading, \$2,889,000 shall be available for
6 the cost of loans to private non-profit organizations, or
7 such non-profit organizations' affiliate loan funds and
8 State and local housing finance agencies, to carry out a
9 housing demonstration program to provide revolving loans
10 for the preservation of low-income multi-family housing
11 projects: *Provided further*, That loans under such dem-
12 onstration program shall have an interest rate of not more
13 than 1 percent direct loan to the recipient: *Provided fur-*
14 *ther*, That the Secretary may defer the interest and prin-
15 cipal payment to the Rural Housing Service for up to 3
16 years and the term of such loans shall not exceed 30 years:
17 *Provided further*, That of the funds made available under
18 this heading, \$19,860,000 shall be available for a dem-
19 onstration program for the preservation and revitalization
20 of the section 514, 515, and 516 multi-family rental hous-
21 ing properties to restructure existing USDA multi-family
22 housing loans, as the Secretary deems appropriate, ex-
23 pressly for the purposes of ensuring the project has suffi-
24 cient resources to preserve the project for the purpose of
25 providing safe and affordable housing for low-income resi-

1 dents and farm laborers including reducing or eliminating
2 interest; deferring loan payments, subordinating, reducing
3 or reamortizing loan debt; and other financial assistance
4 including advances, payments and incentives (including
5 the ability of owners to obtain reasonable returns on in-
6 vestment) required by the Secretary: *Provided further,*
7 That the Secretary shall as part of the preservation and
8 revitalization agreement obtain a restrictive use agreement
9 consistent with the terms of the restructuring: *Provided*
10 *further,* That if the Secretary determines that additional
11 funds for vouchers described in this paragraph are needed,
12 funds for the preservation and revitalization demonstra-
13 tion program may be used for such vouchers: *Provided fur-*
14 *ther,* That the Secretary may use any unobligated funds
15 appropriated for the rural housing voucher program in a
16 prior fiscal year to support information technology activi-
17 ties of the Rural Housing Service to the extent the Sec-
18 retary determines that additional funds are not needed for
19 this fiscal year to provide vouchers described in this para-
20 graph: *Provided further,* That if Congress enacts legisla-
21 tion to permanently authorize a section 515 multi-family
22 rental housing loan restructuring program similar to the
23 demonstration program described herein, the Secretary
24 may use funds made available for the demonstration pro-
25 gram under this heading to carry out such legislation with

1 the prior approval of the Committees on Appropriations
2 of both Houses of Congress.

3 MUTUAL AND SELF-HELP HOUSING GRANTS

4 For grants and contracts pursuant to section
5 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C.
6 1490c), \$38,727,000, to remain available until expended:
7 *Provided*, That of the total amount appropriated,
8 \$1,000,000 shall be available through June 30, 2009, for
9 authorized empowerment zones and enterprise commu-
10 nities and communities designated by the Secretary of Ag-
11 riculture as Rural Economic Area Partnership Zones.

12 RURAL HOUSING ASSISTANCE GRANTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For grants and contracts for very low-income housing
15 repair, supervisory and technical assistance, compensation
16 for construction defects, and rural housing preservation
17 made by the Rural Housing Service, as authorized by 42
18 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,500,000,
19 to remain available until expended: *Provided*, That of the
20 total amount appropriated, \$1,200,000 shall be available
21 through June 30, 2009, for authorized empowerment
22 zones and enterprise communities and communities des-
23 igned by the Secretary of Agriculture as Rural Economic
24 Area Partnership Zones: *Provided further*, That any bal-
25 ances to carry out a housing demonstration program to
26 provide revolving loans for the preservation of low-income

1 multi-family housing projects as authorized in Public Law
2 108–447 and Public Law 109–97 shall be transferred to
3 and merged with the “Rural Housing Service, Multi-fam-
4 ily Housing Revitalization Program Account”.

5 FARM LABOR PROGRAM ACCOUNT

6 For the cost of direct loans, grants, and contracts,
7 as authorized by 42 U.S.C. 1484 and 1486, \$18,269,000,
8 to remain available until expended, for direct farm labor
9 housing loans and domestic farm labor housing grants and
10 contracts.

11 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

12 (INCLUDING TRANSFERS OF FUNDS)

13 For the cost of direct loans, loan guarantees, and
14 grants for rural community facilities programs as author-
15 ized by section 306 and described in section 381E(d)(1)
16 of the Consolidated Farm and Rural Development Act,
17 \$63,830,000, to remain available until expended: *Pro-*
18 *vided*, That \$6,256,000 of the amount appropriated under
19 this heading shall be available for a Rural Community De-
20 velopment Initiative: *Provided further*, That such funds
21 shall be used solely to develop the capacity and ability of
22 private, nonprofit community-based housing and commu-
23 nity development organizations, low-income rural commu-
24 nities, and Federally Recognized Native American Tribes
25 to undertake projects to improve housing, community fa-
26 cilities, community and economic development projects in

1 rural areas: *Provided further*, That such funds shall be
2 made available to qualified private, nonprofit and public
3 intermediary organizations proposing to carry out a pro-
4 gram of financial and technical assistance: *Provided fur-*
5 *ther*, That such intermediary organizations shall provide
6 matching funds from other sources, including Federal
7 funds for related activities, in an amount not less than
8 funds provided: *Provided further*, That \$10,000,000 of the
9 amount appropriated under this heading shall be to pro-
10 vide grants for facilities in rural communities with extreme
11 unemployment and severe economic depression (Public
12 Law 106–387), with up to 5 percent for administration
13 and capacity building in the State rural development of-
14 fices: *Provided further*, That \$3,972,000 of the amount ap-
15 propriated under this heading shall be available for com-
16 munity facilities grants to tribal colleges, as authorized by
17 section 306(a)(19) of such Act: *Provided further*, That not
18 to exceed \$1,000,000 of the amount appropriated under
19 this heading shall be available through June 30, 2009, for
20 authorized empowerment zones and enterprise commu-
21 nities and communities designated by the Secretary of Ag-
22 riculture as Rural Economic Area Partnership Zones for
23 the rural community programs described in section
24 381E(d)(1) of the Consolidated Farm and Rural Develop-
25 ment Act: *Provided further*, That sections 381E–H and

1 381N of the Consolidated Farm and Rural Development
2 Act are not applicable to the funds made available under
3 this heading: *Provided further*, That any prior balances in
4 the Rural Development, Rural Community Advancement
5 Program account for programs authorized by section 306
6 and described in section 381E(d)(1) of such Act be trans-
7 ferred and merged with this account and any other prior
8 balances from the Rural Development, Rural Community
9 Advancement Program account that the Secretary deter-
10 mines is appropriate to transfer.

11 RURAL BUSINESS—COOPERATIVE SERVICE

12 RURAL BUSINESS PROGRAM ACCOUNT

13 (INCLUDING TRANSFERS OF FUNDS)

14 For the cost of loan guarantees and grants, for the
15 rural business development programs authorized by sec-
16 tions 306 and 310B and described in sections 310B(f) and
17 381E(d)(3) of the Consolidated Farm and Rural Develop-
18 ment Act, \$87,385,000, to remain available until ex-
19 pended: *Provided*, That of the amount appropriated under
20 this heading, not to exceed \$500,000 shall be made avail-
21 able for a grant to a qualified national organization to pro-
22 vide technical assistance for rural transportation in order
23 to promote economic development and \$2,979,000 shall be
24 for grants to the Delta Regional Authority (7 U.S.C. 1921
25 et seq.) for any Rural Community Advancement Program
26 purpose as described in section 381E(d) of the Consoli-

1 dated Farm and Rural Development Act, of which not
2 more than 5 percent may be used for administrative ex-
3 penses: *Provided further*, That \$4,000,000 of the amount
4 appropriated under this heading shall be for business
5 grants to benefit Federally Recognized Native American
6 Tribes, including \$250,000 for a grant to a qualified na-
7 tional organization to provide technical assistance for
8 rural transportation in order to promote economic develop-
9 ment: *Provided further*, That not to exceed \$8,300,000 of
10 the amount appropriated under this heading shall be avail-
11 able through June 30, 2009, for authorized empowerment
12 zones and enterprise communities and communities des-
13 igned by the Secretary of Agriculture as Rural Economic
14 Area Partnership Zones for the rural business and cooper-
15 ative development programs described in section
16 381E(d)(3) of the Consolidated Farm and Rural Develop-
17 ment Act: *Provided further*, That sections 381E–H and
18 381N of the Consolidated Farm and Rural Development
19 Act are not applicable to funds made available under this
20 heading: *Provided further*, That any prior balances in the
21 Rural Development, Rural Community Advancement Pro-
22 gram account for programs authorized by sections 306
23 and 310B and described in sections 310B(f) and
24 381E(d)(3) of such Act be transferred and merged with
25 this account and any other prior balances from the Rural

1 Development, Rural Community Advancement Program
2 account that the Secretary determines is appropriate to
3 transfer.

4 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT
5 (INCLUDING TRANSFER OF FUNDS)

6 For the principal amount of direct loans, as author-
7 ized by the Rural Development Loan Fund (42 U.S.C.
8 9812(a)), \$33,536,000.

9 For the cost of direct loans, \$14,035,000, as author-
10 ized by the Rural Development Loan Fund (42 U.S.C.
11 9812(a)), of which \$1,724,000 shall be available through
12 June 30, 2009, for Federally Recognized Native American
13 Tribes and of which \$3,449,000 shall be available through
14 June 30, 2009, for Mississippi Delta Region counties (as
15 determined in accordance with Public Law 100–460): *Pro-*
16 *vided*, That such costs, including the cost of modifying
17 such loans, shall be as defined in section 502 of the Con-
18 gressional Budget Act of 1974: *Provided further*, That of
19 the total amount appropriated, \$880,000 shall be available
20 through June 30, 2009, for the cost of direct loans for
21 authorized empowerment zones and enterprise commu-
22 nities and communities designated by the Secretary of Ag-
23 riculture as Rural Economic Area Partnership Zones.

24 In addition, for administrative expenses to carry out
25 the direct loan programs, \$4,853,000 shall be transferred

1 to and merged with the appropriation for “Rural Develop-
2 ment, Salaries and Expenses”.

3 RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM

4 ACCOUNT

5 (INCLUDING RESCISSION OF FUNDS)

6 For the principal amount of direct loans, as author-
7 ized under section 313 of the Rural Electrification Act,
8 for the purpose of promoting rural economic development
9 and job creation projects, \$33,077,000.

10 Of the funds derived from interest on the cushion of
11 credit payments, as authorized by section 313 of the Rural
12 Electrification Act of 1936, \$20,000,000 shall not be obli-
13 gated and \$20,000,000 are rescinded.

14 RURAL COOPERATIVE DEVELOPMENT GRANTS

15 For rural cooperative development grants authorized
16 under section 310B(e) of the Consolidated Farm and
17 Rural Development Act (7 U.S.C. 1932), \$12,636,000, of
18 which \$300,000 shall be for a cooperative research agree-
19 ment with a qualified academic institution to conduct re-
20 search on the national economic impact of all types of co-
21 operatives; and of which \$2,582,000 shall be for coopera-
22 tive agreements for the appropriate technology transfer
23 for rural areas program: *Provided*, That not to exceed
24 \$1,463,000 shall be for cooperatives or associations of co-
25 operatives whose primary focus is to provide assistance to
26 small, socially disadvantaged producers and whose gov-

1 erning board and/or membership is comprised of at least
2 75 percent socially disadvantaged members; and of which
3 \$3,867,000, to remain available until expended, shall be
4 for value-added agricultural product market development
5 grants, as authorized by section 231 of the Agricultural
6 Risk Protection Act of 2000 (7 U.S.C. 1621 note).

7 RURAL EMPOWERMENT ZONES AND ENTERPRISE
8 COMMUNITIES GRANTS

9 For grants in connection with empowerment zones
10 and enterprise communities, \$8,130,000, to remain avail-
11 able until expended, for designated rural empowerment
12 zones and rural enterprise communities, as authorized by
13 the Taxpayer Relief Act of 1997 and the Omnibus Consoli-
14 dated and Emergency Supplemental Appropriations Act,
15 1999 (Public Law 105–277): *Provided*, That the funds
16 provided under this paragraph shall be made available to
17 empowerment zones and enterprise communities in a man-
18 ner and with the same priorities such funds were made
19 available during the 2007 fiscal year.

20 RURAL ENERGY FOR AMERICA PROGRAM

21 For the cost of a program of loan guarantees and
22 grants, under the same terms and conditions as authorized
23 by section 9007 of the Farm Security and Rural Invest-
24 ment Act of 2002 (7 U.S.C. 8107), \$5,000,000: *Provided*,
25 That the cost of loan guarantees, including the cost of

1 modifying such loans, shall be as defined in section 502
2 of the Congressional Budget Act of 1974.

3 RURAL UTILITIES SERVICE

4 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT
5 (INCLUDING TRANSFERS OF FUNDS)

6 For the cost of direct loans, loan guarantees, and
7 grants for the rural water, waste water, waste disposal,
8 and solid waste management programs authorized by sec-
9 tions 306, 306A, 306C, 306D, and 310B and described
10 in sections 306C(a)(2), 306D, and 381E(d)(2) of the Con-
11 solidated Farm and Rural Development Act,
12 \$556,268,000, to remain available until expended, of
13 which not to exceed \$497,000 shall be available for the
14 rural utilities program described in section 306(a)(2)(B)
15 of such Act, and of which not to exceed \$993,000 shall
16 be available for the rural utilities program described in
17 section 306E of such Act: *Provided*, That \$65,000,000 of
18 the amount appropriated under this heading shall be for
19 loans and grants including water and waste disposal sys-
20 tems grants authorized by 306C(a)(2)(B) and 306D of the
21 Consolidated Farm and Rural Development Act and for
22 Federally-recognized Native American Tribes authorized
23 by 306C(a)(1): *Provided further*, That not to exceed
24 \$19,000,000 of the amount appropriated under this head-
25 ing shall be for technical assistance grants for rural water
26 and waste systems pursuant to section 306(a)(14) of such

1 Act, unless the Secretary makes a determination of ex-
2 treme need, of which \$5,600,000 shall be made available
3 for a grant to a qualified non-profit multi-state regional
4 technical assistance organization, with experience in work-
5 ing with small communities on water and waste water
6 problems, the principal purpose of such grant shall be to
7 assist rural communities with populations of 3,300 or less,
8 in improving the planning, financing, development, oper-
9 ation, and management of water and waste water systems,
10 and of which not less than \$800,000 shall be for a quali-
11 fied national Native American organization to provide
12 technical assistance for rural water systems for tribal com-
13 munities: *Provided further*, That not to exceed
14 \$14,000,000 of the amount appropriated under this head-
15 ing shall be for contracting with qualified national organi-
16 zations for a circuit rider program to provide technical as-
17 sistance for rural water systems: *Provided further*, That
18 not to exceed \$12,700,000 of the amount appropriated
19 under this heading shall be available through June 30,
20 2009, for authorized empowerment zones and enterprise
21 communities and communities designated by the Secretary
22 of Agriculture as Rural Economic Area Partnership Zones
23 for the rural utilities programs described in section
24 381E(d)(2) of such Act: *Provided further*, That
25 \$17,500,000 of the amount appropriated under this head-

1 ing shall be transferred to, and merged with, the Rural
 2 Utilities Service, High Energy Cost Grants Account to
 3 provide grants authorized under section 19 of the Rural
 4 Electrification Act of 1936 (7 U.S.C. 918a): *Provided fur-*
 5 *ther*, That any prior year balances for high cost energy
 6 grants authorized by section 19 of the Rural Electrifica-
 7 tion Act of 1936 (7 U.S.C. 901(19)) shall be transferred
 8 to and merged with the Rural Utilities Service, High En-
 9 ergy Costs Grants Account: *Provided further*, That sec-
 10 tions 381E–H and 381N of the Consolidated Farm and
 11 Rural Development Act are not applicable to the funds
 12 made available under this heading: *Provided further*, That
 13 any prior balances in the Rural Development, Rural Com-
 14 munity Advancement Program account programs author-
 15 ized by sections 306, 306A, 306C, 306D, and 310B and
 16 described in sections 306C(a)(2), 306D, and 381E(d)(2)
 17 of such Act be transferred to and merged with this ac-
 18 count and any other prior balances from the Rural Devel-
 19 opment, Rural Community Advancement Program account
 20 that the Secretary determines is appropriate to transfer.

21 RURAL ELECTRIFICATION AND TELECOMMUNICATIONS

22 LOANS PROGRAM ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 The principal amount of direct and guaranteed loans
 25 as authorized by section 305 of the Rural Electrification
 26 Act of 1936 (7 U.S.C. 935) shall be made as follows: 5

1 percent rural electrification loans, \$100,000,000; loans
2 made pursuant to section 306 of that Act, rural electric,
3 \$6,500,000,000; 5 percent rural telecommunications
4 loans, \$145,000,000; cost of money rural telecommuni-
5 cations loans, \$250,000,000; and for loans made pursuant
6 to section 306 of that Act, rural telecommunications loans,
7 \$295,000,000.

8 For the cost, as defined in section 502 of the Con-
9 gressional Budget Act of 1974, including the cost of modi-
10 fying loans, of direct and guaranteed loans authorized by
11 sections 305 and 306 of the Rural Electrification Act of
12 1936 (7 U.S.C. 935 and 936), as follows: the cost of tele-
13 communications loans, \$525,000: *Provided*, That notwith-
14 standing section 305(d)(2) of the Rural Electrification Act
15 of 1936, borrower interest rates may exceed 7 percent per
16 year.

17 In addition, for administrative expenses necessary to
18 carry out the direct and guaranteed loan programs,
19 \$39,245,000, which shall be transferred to and merged
20 with the appropriation for “Rural Development, Salaries
21 and Expenses”.

22 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
23 PROGRAM
24 (INCLUDING RESCISSION OF FUNDS)

25 For the principal amount of broadband telecommuni-
26 cation loans, \$400,487,000.

1 For grants for telemedicine and distance learning
2 services in rural areas, as authorized by 7 U.S.C. 950aaa
3 et seq., \$34,755,000, to remain available until expended:
4 *Provided*, That the Secretary may use funds under this
5 heading for grants authorized by 379(g) of the Consoli-
6 dated Farm and Rural Development Act: *Provided further*,
7 That \$4,965,000 shall be made available to convert analog
8 to digital operation those noncommercial educational tele-
9 vision broadcast stations that serve rural areas and are
10 qualified for Community Service Grants by the Corpora-
11 tion for Public Broadcasting under section 396(k) of the
12 Communications Act of 1934, including associated trans-
13 lators and repeaters, regardless of the location of their
14 main transmitter, studio-to-transmitter links, and equip-
15 ment to allow local control over digital content and pro-
16 gramming through the use of high-definition broadcast,
17 multi-casting and datacasting technologies.

18 For the cost of broadband loans, as authorized by
19 section 601 of the Rural Electrification Act, \$15,619,000,
20 to remain available until expended: *Provided*, That the
21 cost of direct loans shall be as defined in section 502 of
22 the Congressional Budget Act of 1974: *Provided further*,
23 That of the unobligated balances available for the cost of
24 the broadband loans, \$6,404,000 are rescinded.

1 In addition, \$13,406,000, to remain available until
2 expended, for a grant program to finance broadband
3 transmission in rural areas eligible for Distance Learning
4 and Telemedicine Program benefits authorized by 7
5 U.S.C. 950aaa.

6 TITLE IV

7 DOMESTIC FOOD PROGRAMS

8 OFFICE OF THE UNDER SECRETARY FOR FOOD,
9 NUTRITION AND CONSUMER SERVICES

10 For necessary expenses of the Office of the Under
11 Secretary for Food, Nutrition and Consumer Services,
12 \$610,000.

13 FOOD AND NUTRITION SERVICE

14 CHILD NUTRITION PROGRAMS

15 (INCLUDING TRANSFERS OF FUNDS)

16 In lieu of the amounts made available in section
17 14222(b) of the Food, Conservation, and Energy Act of
18 2008, for necessary expenses to carry out the Richard B.
19 Russell National School Lunch Act (42 U.S.C. 1751 et
20 seq.), except section 21, and the Child Nutrition Act of
21 1966 (42 U.S.C. 1771 et seq.), except sections 17 and
22 21; \$14,951,911,000, to remain available through Sep-
23 tember 30, 2010, of which \$8,496,109,000 is hereby ap-
24 propriated and \$6,455,802,000 shall be derived by trans-
25 fer from funds available under section 32 of the Act of
26 August 24, 1935 (7 U.S.C. 612c).

1 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
2 WOMEN, INFANTS, AND CHILDREN (WIC)

3 For necessary expenses to carry out the special sup-
4 plemental nutrition program as authorized by section 17
5 of the Child Nutrition Act of 1966 (42 U.S.C. 1786),
6 \$6,860,000,000, to remain available through September
7 30, 2010, of which such sums as are necessary to restore
8 the contingency reserve to \$125,000,000 shall be placed
9 in reserve, to remain available until expended, to be allo-
10 cated as the Secretary deems necessary, notwithstanding
11 section 17(i) of such Act, to support participation should
12 cost or participation exceed budget estimates: *Provided*,
13 That of the total amount available, the Secretary shall ob-
14 ligate not less than \$14,850,000 for a breastfeeding sup-
15 port initiative in addition to the activities specified in sec-
16 tion 17(h)(3)(A): *Provided further*, That, notwithstanding
17 section 17(h)(10)(A) of such Act, only the provisions of
18 section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall
19 be effective in 2009; including \$14,000,000 for the pur-
20 poses specified in section 17(h)(10)(B)(i): *Provided fur-*
21 *ther*, That funds made available for the purposes specified
22 in section 17(h)(10)(B)(ii) shall only be made available
23 upon determination by the Secretary that funds are avail-
24 able to meet caseload requirements without the use of the
25 contingency reserve funds after the date of enactment of

1 this Act: *Provided further*, That hereafter none of the
2 funds in this Act shall be available to pay administrative
3 expenses of WIC clinics except those that have an an-
4 nounced policy of prohibiting smoking within the space
5 used to carry out the program: *Provided further*, That
6 none of the funds provided in this account shall be avail-
7 able for the purchase of infant formula except in accord-
8 ance with the cost containment and competitive bidding
9 requirements specified in section 17 of such Act: *Provided*
10 *further*, That none of the funds provided shall be available
11 for activities that are not fully reimbursed by other Fed-
12 eral Government departments or agencies unless author-
13 ized by section 17 of such Act.

14 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

15 For necessary expenses to carry out the Food and
16 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
17 \$53,969,246,000, of which \$3,000,000,000, to remain
18 available through September 30, 2010, shall be placed in
19 reserve for use only in such amounts and at such times
20 as may become necessary to carry out program operations:
21 *Provided*, That funds provided herein shall be expended
22 in accordance with section 16 of the Food and Nutrition
23 Act of 2008: *Provided further*, That this appropriation
24 shall be subject to any work registration or workfare re-
25 quirements as may be required by law: *Provided further*,
26 That funds made available for Employment and Training

1 under this heading shall remain available until expended,
2 as authorized by section 16(h)(1) of the Food and Nutri-
3 tion Act of 2008: *Provided further*, That funds made avail-
4 able under this heading may be used to enter into con-
5 tracts and employ staff to conduct studies, evaluations, or
6 to conduct activities related to program integrity provided
7 that such activities are authorized by the Food and Nutri-
8 tion Act of 2008.

9 COMMODITY ASSISTANCE PROGRAM

10 For necessary expenses to carry out disaster assist-
11 ance and the Commodity Supplemental Food Program as
12 authorized by section 4(a) of the Agriculture and Con-
13 sumer Protection Act of 1973 (7 U.S.C. 612c note); the
14 Emergency Food Assistance Act of 1983; special assist-
15 ance for the nuclear affected islands, as authorized by sec-
16 tion 103(f)(2) of the Compact of Free Association Amend-
17 ments Act of 2003 (Public Law 108–188); and the Farm-
18 ers’ Market Nutrition Program, as authorized by section
19 17(m) of the Child Nutrition Act of 1966, \$230,800,000,
20 to remain available through September 30, 2010: *Pro-*
21 *vided*, That none of these funds shall be available to reim-
22 burse the Commodity Credit Corporation for commodities
23 donated to the program: *Provided further*, That notwith-
24 standing any other provision of law, effective with funds
25 made available in fiscal year 2009 to support the Seniors
26 Farmers’ Market Nutrition Program, as authorized by

1 section 4402 of the Farm Security and Rural Investment
2 Act of 2002, such funds shall remain available through
3 September 30, 2010: *Provided further*, That of the funds
4 made available under section 27(a) of the Food and Nutri-
5 tion Act of 2008 (7 U.S.C. 2036(a)), the Secretary may
6 use up to 10 percent for costs associated with the distribu-
7 tion of commodities.

8 NUTRITION PROGRAMS ADMINISTRATION

9 For necessary administrative expenses of the Food
10 and Nutrition Service for carrying out any domestic nutri-
11 tion assistance program, \$142,595,000.

12 TITLE V

13 FOREIGN ASSISTANCE AND RELATED
14 PROGRAMS

15 FOREIGN AGRICULTURAL SERVICE

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFERS OF FUNDS)

18 For necessary expenses of the Foreign Agricultural
19 Service, including not to exceed \$158,000 for representa-
20 tion allowances and for expenses pursuant to section 8 of
21 the Act approved August 3, 1956 (7 U.S.C. 1766),
22 \$165,436,000: *Provided*, That the Service may utilize ad-
23 vances of funds, or reimburse this appropriation for ex-
24 penditures made on behalf of Federal agencies, public and
25 private organizations and institutions under agreements
26 executed pursuant to the agricultural food production as-

1 sistance programs (7 U.S.C. 1737) and the foreign assist-
2 ance programs of the United States Agency for Inter-
3 national Development: *Provided further*, That funds made
4 available for the cost of agreements under title I of the
5 Agricultural Trade Development and Assistance Act of
6 1954 and for title I ocean freight differential may be used
7 interchangeably between the two accounts with prior no-
8 tice to the Committees on Appropriations of both Houses
9 of Congress.

10 PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR
11 PROGRESS PROGRAM ACCOUNT
12 (INCLUDING TRANSFERS OF FUNDS)

13 For administrative expenses to carry out the credit
14 program of title I, Public Law 83-480 and the Food for
15 Progress Act of 1985, \$2,736,000, to be transferred to
16 and merged with the appropriation for “Farm Service
17 Agency, Salaries and Expenses”.

18 PUBLIC LAW 480 TITLE II GRANTS

19 For expenses during the current fiscal year, not oth-
20 erwise recoverable, and unrecovered prior years’ costs, in-
21 cluding interest thereon, under the Food for Peace Act,
22 for commodities supplied in connection with dispositions
23 abroad under title II of said Act, \$1,225,900,000, to re-
24 main available until expended.

1 TITLE VI
2 RELATED AGENCY AND FOOD AND DRUG
3 ADMINISTRATION
4 DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES
6 FOOD AND DRUG ADMINISTRATION
7 SALARIES AND EXPENSES

8 For necessary expenses of the Food and Drug Ad-
9 ministration, including hire and purchase of passenger
10 motor vehicles; for payment of space rental and related
11 costs pursuant to Public Law 92–313 for programs and
12 activities of the Food and Drug Administration which are
13 included in this Act; for rental of special purpose space
14 in the District of Columbia or elsewhere; for miscellaneous
15 and emergency expenses of enforcement activities, author-
16 ized and approved by the Secretary and to be accounted
17 for solely on the Secretary’s certificate, not to exceed
18 \$25,000; and notwithstanding section 521 of Public Law
19 107–188; \$2,622,267,000, of which \$7,641,000 shall be
20 for the purposes, and in the amounts, specified in the final
21 paragraph under “Food and Drug Administration, Sala-
22 ries and Expenses” in the explanatory statement described
23 in section 4 (in the matter preceding division A of this
24 consolidated Act): *Provided*, That of the amount provided
25 under this heading, \$510,665,000 shall be derived from

1 prescription drug user fees authorized by 21 U.S.C. 379h
2 shall be credited to this account and remain available until
3 expended, and shall not include any fees pursuant to 21
4 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2010
5 but collected in fiscal year 2009; \$52,547,000 shall be de-
6 rived from medical device user fees authorized by 21
7 U.S.C. 379j, and shall be credited to this account and re-
8 main available until expended; \$15,260,000 shall be de-
9 rived from animal drug user fees authorized by 21 U.S.C.
10 379j, and shall be credited to this account and remain
11 available until expended; and \$4,831,000 shall be derived
12 from animal generic drug user fees authorized by 21
13 U.S.C. 379f, and shall be credited to this account and
14 shall remain available until expended: *Provided further*,
15 That fees derived from prescription drug, medical device,
16 animal drug, and animal generic drug assessments for fis-
17 cal year 2009 received during fiscal year 2009, including
18 any such fees assessed prior to fiscal year 2009 but cred-
19 ited for fiscal year 2009, shall be subject to the fiscal year
20 2009 limitations: *Provided further*, That none of these
21 funds shall be used to develop, establish, or operate any
22 program of user fees authorized by 31 U.S.C. 9701: *Pro-*
23 *vided further*, That of the total amount appropriated: (1)
24 \$648,722,000 shall be for the Center for Food Safety and
25 Applied Nutrition and related field activities in the Office

1 of Regulatory Affairs; (2) \$777,437,000 shall be for the
2 Center for Drug Evaluation and Research and related
3 field activities in the Office of Regulatory Affairs, of which
4 no less than \$41,358,000 shall be available for the Office
5 of Generic Drugs; (3) \$271,490,000 shall be for the Cen-
6 ter for Biologics Evaluation and Research and for related
7 field activities in the Office of Regulatory Affairs; (4)
8 \$134,344,000 shall be for the Center for Veterinary Medi-
9 cine and for related field activities in the Office of Regu-
10 latory Affairs; (5) \$310,547,000 shall be for the Center
11 for Devices and Radiological Health and for related field
12 activities in the Office of Regulatory Affairs; (6)
13 \$52,511,000 shall be for the National Center for Toxi-
14 cological Research; (7) not to exceed \$111,758,000 shall
15 be for Rent and Related activities, of which \$41,281,000
16 is for White Oak Consolidation, other than the amounts
17 paid to the General Services Administration for rent; (8)
18 not to exceed \$155,425,000 shall be for payments to the
19 General Services Administration for rent; and (9)
20 \$160,033,000 shall be for other activities, including the
21 Office of the Commissioner; the Office of Scientific and
22 Medical Programs; the Office of Policy, Planning and Pre-
23 paredness; the Office of International and Special Pro-
24 grams; the Office of Operations; and central services for
25 these offices: *Provided further*, That none of the funds

1 made available under this heading shall be used to trans-
2 fer funds under section 770(n) of the Federal Food, Drug,
3 and Cosmetic Act (21 U.S.C. 379dd): *Provided further*,
4 That funds may be transferred from one specified activity
5 to another with the prior approval of the Committees on
6 Appropriations of both Houses of Congress.

7 In addition, mammography user fees authorized by
8 42 U.S.C. 263b, export certification user fees authorized
9 by 21 U.S.C. 381, and priority review user fees authorized
10 by 21 U.S.C. 360n may be credited to this account, to
11 remain available until expended.

12 BUILDINGS AND FACILITIES

13 For plans, construction, repair, improvement, exten-
14 sion, alteration, and purchase of fixed equipment or facili-
15 ties of or used by the Food and Drug Administration,
16 where not otherwise provided, \$12,433,000, to remain
17 available until expended.

18 INDEPENDENT AGENCY

19 FARM CREDIT ADMINISTRATION

20 LIMITATION ON ADMINISTRATIVE EXPENSES

21 Not to exceed \$49,000,000 (from assessments col-
22 lected from farm credit institutions, including the Federal
23 Agricultural Mortgage Corporation) shall be obligated
24 during the current fiscal year for administrative expenses
25 as authorized under 12 U.S.C. 2249: *Provided*, That this

1 limitation shall not apply to expenses associated with re-
2 ceiverships.

3 TITLE VII

4 GENERAL PROVISIONS

5 (INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

6 SEC. 701. Within the unit limit of cost fixed by law,
7 appropriations and authorizations made for the Depart-
8 ment of Agriculture for the current fiscal year under this
9 Act shall be available for the purchase, in addition to those
10 specifically provided for, of not to exceed 327 passenger
11 motor vehicles, of which 315 shall be for replacement only,
12 and for the hire of such vehicles.

13 SEC. 702. New obligational authority provided for the
14 following appropriation items in this Act shall remain
15 available until expended: Food Safety and Inspection Serv-
16 ice, Public Health Data Communication Infrastructure
17 System; Farm Service Agency, salaries and expenses
18 funds made available to county committees; Foreign Agri-
19 cultural Service, middle-income country training program,
20 and up to \$2,000,000 of the Foreign Agricultural Service
21 appropriation solely for the purpose of offsetting fluctua-
22 tions in international currency exchange rates, subject to
23 documentation by the Foreign Agricultural Service.

24 SEC. 703. The Secretary of Agriculture may transfer
25 unobligated balances of discretionary funds appropriated

1 by this Act or other available unobligated discretionary
2 balances of the Department of Agriculture to the Working
3 Capital Fund for the acquisition of plant and capital
4 equipment necessary for the financial management mod-
5 ernization initiative and the delivery of financial, adminis-
6 trative, and information technology services of primary
7 benefit to the agencies of the Department of Agriculture:
8 *Provided*, That none of the funds made available by this
9 Act or any other Act shall be transferred to the Working
10 Capital Fund without the prior approval of the agency ad-
11 ministrator: *Provided further*, That none of the funds
12 transferred to the Working Capital Fund pursuant to this
13 section shall be available for obligation without the prior
14 approval of the Committees on Appropriations of both
15 Houses of Congress: *Provided further*, That none of the
16 funds appropriated by this Act or made available to the
17 Department's Working Capital Fund shall be available for
18 obligation or expenditure to make any changes to the De-
19 partment's National Finance Center without prior ap-
20 proval of the Committees on Appropriations of both
21 Houses of Congress as required by section 712 of this Act.

22 SEC. 704. No part of any appropriation contained in
23 this Act shall remain available for obligation beyond the
24 current fiscal year unless expressly so provided herein.

1 SEC. 705. No funds appropriated by this Act may be
2 used to pay negotiated indirect cost rates on cooperative
3 agreements or similar arrangements between the United
4 States Department of Agriculture and nonprofit institu-
5 tions in excess of 10 percent of the total direct cost of
6 the agreement when the purpose of such cooperative ar-
7 rangements is to carry out programs of mutual interest
8 between the two parties. This does not preclude appro-
9 priate payment of indirect costs on grants and contracts
10 with such institutions when such indirect costs are com-
11 puted on a similar basis for all agencies for which appro-
12 priations are provided in this Act.

13 SEC. 706. Appropriations to the Department of Agri-
14 culture for the cost of direct and guaranteed loans made
15 available in the current fiscal year shall remain available
16 until expended to disburse obligations made in the current
17 fiscal year for the following accounts: the Rural Develop-
18 ment Loan Fund program account, the Rural Electrifica-
19 tion and Telecommunication Loans program account, and
20 the Rural Housing Insurance Fund program account.

21 SEC. 707. Of the funds made available by this Act,
22 not more than \$1,800,000 shall be used to cover necessary
23 expenses of activities related to all advisory committees,
24 panels, commissions, and task forces of the Department
25 of Agriculture, except for panels used to comply with nego-

1 tiated rule makings and panels used to evaluate competi-
2 tively awarded grants.

3 SEC. 708. None of the funds appropriated by this Act
4 may be used to carry out section 410 of the Federal Meat
5 Inspection Act (21 U.S.C. 679a) or section 30 of the Poul-
6 try Products Inspection Act (21 U.S.C. 471).

7 SEC. 709. No employee of the Department of Agri-
8 culture may be detailed or assigned from an agency or
9 office funded by this Act to any other agency or office
10 of the Department for more than 30 days unless the indi-
11 vidual's employing agency or office is fully reimbursed by
12 the receiving agency or office for the salary and expenses
13 of the employee for the period of assignment.

14 SEC. 710. None of the funds appropriated or other-
15 wise made available to the Department of Agriculture or
16 the Food and Drug Administration shall be used to trans-
17 mit or otherwise make available to any non-Department
18 of Agriculture or non-Department of Health and Human
19 Services employee questions or responses to questions that
20 are a result of information requested for the appropria-
21 tions hearing process.

22 SEC. 711. None of the funds made available to the
23 Department of Agriculture by this Act may be used to ac-
24 quire new information technology systems or significant
25 upgrades, as determined by the Office of the Chief Infor-

1 mation Officer, without the approval of the Chief Informa-
2 tion Officer and the concurrence of the Executive Informa-
3 tion Technology Investment Review Board: *Provided*, That
4 notwithstanding any other provision of law, none of the
5 funds appropriated or otherwise made available by this
6 Act may be transferred to the Office of the Chief Informa-
7 tion Officer without the prior approval of the Committees
8 on Appropriations of both Houses of Congress: *Provided*
9 *further*, That none of the funds available to the Depart-
10 ment of Agriculture for information technology shall be
11 obligated for projects over \$25,000 prior to receipt of writ-
12 ten approval by the Chief Information Officer.

13 SEC. 712. (a) None of the funds provided by this Act,
14 or provided by previous Appropriations Acts to the agen-
15 cies funded by this Act that remain available for obligation
16 or expenditure in the current fiscal year, or provided from
17 any accounts in the Treasury of the United States derived
18 by the collection of fees available to the agencies funded
19 by this Act, shall be available for obligation or expenditure
20 through a reprogramming of funds which—

- 21 (1) creates new programs;
- 22 (2) eliminates a program, project, or activity;
- 23 (3) increases funds or personnel by any means
24 for any project or activity for which funds have been
25 denied or restricted;

1 (4) relocates an office or employees;

2 (5) reorganizes offices, programs, or activities;

3 or

4 (6) contracts out or privatizes any functions or
5 activities presently performed by Federal employees;

6 unless the Committees on Appropriations of both
7 Houses of Congress are notified 15 days in advance
8 of such reprogramming of funds.

9 (b) None of the funds provided by this Act, or pro-
10 vided by previous Appropriations Acts to the agencies
11 funded by this Act that remain available for obligation or
12 expenditure in the current fiscal year, or provided from
13 any accounts in the Treasury of the United States derived
14 by the collection of fees available to the agencies funded
15 by this Act, shall be available for obligation or expenditure
16 for activities, programs, or projects through a reprogram-
17 ming of funds in excess of \$500,000 or 10 percent, which-
18 ever is less, that: (1) augments existing programs,
19 projects, or activities; (2) reduces by 10 percent funding
20 for any existing program, project, or activity, or numbers
21 of personnel by 10 percent as approved by Congress; or
22 (3) results from any general savings from a reduction in
23 personnel which would result in a change in existing pro-
24 grams, activities, or projects as approved by Congress; un-
25 less the Committees on Appropriations of both Houses of

1 Congress are notified 15 days in advance of such re-
2 programming of funds.

3 (c) The Secretary of Agriculture or the Secretary of
4 Health and Human Services shall notify the Committees
5 on Appropriations of both Houses of Congress before im-
6 plementing a program or activity not carried out during
7 the previous fiscal year unless the program or activity is
8 funded by this Act or specifically funded by any other Act.

9 SEC. 713. None of the funds appropriated by this or
10 any other Act shall be used to pay the salaries and ex-
11 penses of personnel who prepare or submit appropriations
12 language as part of the President's Budget submission to
13 the Congress of the United States for programs under the
14 jurisdiction of the Appropriations Subcommittees on Agri-
15 culture, Rural Development, Food and Drug Administra-
16 tion, and Related Agencies that assumes revenues or re-
17 flects a reduction from the previous year due to user fees
18 proposals that have not been enacted into law prior to the
19 submission of the Budget unless such Budget submission
20 identifies which additional spending reductions should
21 occur in the event the user fees proposals are not enacted
22 prior to the date of the convening of a committee of con-
23 ference for the fiscal year 2010 appropriations Act.

24 SEC. 714. None of the funds made available by this
25 or any other Act may be used to close or relocate a Rural

1 Development office unless or until the Secretary of Agri-
2 culture determines the cost effectiveness and/or enhance-
3 ment of program delivery: *Provided*, That not later than
4 120 days before the date of the proposed closure or reloca-
5 tion, the Secretary notifies the Committees on Appropria-
6 tion of the House and Senate, and the members of Con-
7 gress from the State in which the office is located of the
8 proposed closure or relocation and provides a report that
9 describes the justifications for such closures and reloca-
10 tions.

11 SEC. 715. None of the funds made available to the
12 Food and Drug Administration by this Act shall be used
13 to close or relocate, or to plan to close or relocate, the
14 Food and Drug Administration Division of Pharma-
15 ceutical Analysis in St. Louis, Missouri, outside the city
16 or county limits of St. Louis, Missouri.

17 SEC. 716. There is hereby appropriated \$434,000, to
18 remain available until expended, for the Denali Commis-
19 sion to address deficiencies in solid waste disposal sites
20 which threaten to contaminate rural drinking water sup-
21 plies.

22 SEC. 717. None of the funds appropriated or other-
23 wise made available by this or any other Act shall be used
24 to pay the salaries and expenses of personnel to carry out
25 an environmental quality incentives program authorized

1 by chapter 4 of subtitle D of title XII of the Food Security
2 Act of 1985 (16 U.S.C. 3839aa, et seq.) in excess of
3 \$1,067,000,000.

4 SEC. 718. None of the funds made available in fiscal
5 year 2009 or preceding fiscal years for programs author-
6 ized under the Food for Peace Act (7 U.S.C. 1691 et seq.)
7 in excess of \$20,000,000 shall be used to reimburse the
8 Commodity Credit Corporation for the release of eligible
9 commodities under section 302(f)(2)(A) of the Bill Emer-
10 son Humanitarian Trust Act (7 U.S.C. 1736f-1): *Pro-*
11 *vided*, That any such funds made available to reimburse
12 the Commodity Credit Corporation shall only be used pur-
13 suant to section 302(b)(2)(B)(i) of the Bill Emerson Hu-
14 manitarian Trust Act.

15 SEC. 719. No funds shall be used to pay salaries and
16 expenses of the Department of Agriculture to carry out
17 or administer the program authorized by section 14(h)(1)
18 of the Watershed Protection and Flood Prevention Act (16
19 U.S.C. 1012(h)(1)).

20 SEC. 720. Funds made available under section 1240I
21 and section 1241(a) of the Food Security Act of 1985 and
22 section 524(b) of the Federal Crop Insurance Act (7
23 U.S.C. 1524(b)) in the current fiscal year shall remain
24 available until expended to disburse obligations made in
25 the current fiscal year.

1 SEC. 721. Unless otherwise authorized by existing
2 law, none of the funds provided in this Act, may be used
3 by an executive branch agency to produce any pre-
4 packaged news story intended for broadcast or distribution
5 in the United States unless the story includes a clear noti-
6 fication within the text or audio of the prepackaged news
7 story that the prepackaged news story was prepared or
8 funded by that executive branch agency.

9 SEC. 722. Notwithstanding any other provision of
10 law, any former RUS borrower that has repaid or prepaid
11 an insured, direct or guaranteed loan under the Rural
12 Electrification Act, or any not-for-profit utility that is eli-
13 gible to receive an insured or direct loan under such Act,
14 shall be eligible for assistance under section 313(b)(2)(B)
15 of such Act in the same manner as a borrower under such
16 Act.

17 SEC. 723. None of the funds appropriated or other-
18 wise made available by this or any other Act shall be used
19 to pay the salaries and expenses of personnel to carry out
20 a program under subsection (b)(2)(A)(i) of section 14222
21 of Public Law 110–246 in excess of \$1,071,530,000: *Pro-*
22 *vided*, That none of the funds made available in this Act
23 or any other Act shall be used for salaries and expenses
24 to carry out section 19(i)(1)(B) of the Richard B. Russell
25 National School Lunch Act as amended by section 4304

1 of Public Law 110–246 in excess of \$16,000,000 until Oc-
2 tober 1, 2009: *Provided further*, of the unobligated bal-
3 ances under section 32 of the Act of August 24, 1935,
4 \$293,530,000 are hereby rescinded.

5 SEC. 724. Notwithstanding any other provision of
6 law, the Secretary of Agriculture is authorized to make
7 funding and other assistance available through the emer-
8 gency watershed protection program under section 403 of
9 the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to
10 repair and prevent damage to non-Federal land in water-
11 sheds that have been impaired by fires initiated by the
12 Federal Government and shall waive cost sharing require-
13 ments for the funding and assistance.

14 SEC. 725. There is hereby appropriated \$3,497,000,
15 to remain available until expended, for a grant to the Na-
16 tional Center for Natural Products Research for construc-
17 tion or renovation to carry out the research objectives of
18 the natural products research grant issued by the Food
19 and Drug Administration.

20 SEC. 726. There is hereby appropriated \$469,000, to
21 remain available until expended, for the planning and de-
22 sign of construction of an agriculture pest facility in the
23 State of Hawaii.

24 SEC. 727. None of the funds made available in this
25 Act may be used to establish or implement a rule allowing

1 poultry products to be imported into the United States
2 from the People's Republic of China.

3 SEC. 728. There is hereby appropriated \$794,000 to
4 the Farm Service Agency to carry out a pilot program to
5 demonstrate the use of new technologies that increase the
6 rate of growth of re-forested hardwood trees on private
7 non-industrial forests lands, enrolling lands on the coast
8 of the Gulf of Mexico that were damaged by Hurricane
9 Katrina in 2005.

10 SEC. 729. None of the funds made available to the
11 Department of Agriculture in this Act may be used to im-
12 plement the risk-based inspection program in the 30 pro-
13 totype locations announced on February 22, 2007, by the
14 Under Secretary for Food Safety, or at any other loca-
15 tions, until the USDA Office of Inspector General has pro-
16 vided its findings to the Food Safety and Inspection Serv-
17 ice and the Committees on Appropriations of the House
18 of Representatives and the Senate on the data used in sup-
19 port of the development and design of the risk-based in-
20 spection program and FSIS has addressed and resolved
21 issues identified by OIG.

22 SEC. 730. Notwithstanding any other provision of
23 law, and until receipt of the decennial Census in the year
24 2010, the Secretary of Agriculture shall consider—

1 (1) the City of Palmview, Texas; the City of
2 Pharr, Texas; the City of Hidalgo, Texas; the City
3 of Alton, Texas; the City of La Joya, Texas; the
4 City of Penitas, Texas; the City of Schertz, Texas;
5 the City of Converse, Texas; the City of Cibolo,
6 Texas; and the Township of Bern, Pennsylvania (in-
7 cluding individuals and entities with projects within
8 the cities), eligible for loans and grants funded
9 through the Rural Business Program account;

10 (2) the County of Nueces, Texas (including in-
11 dividuals and entities with projects within the coun-
12 ty), eligible under the Business and Industry Loan
13 Guarantee Program for the purposes of financing a
14 beef processing facility;

15 (3) the City of Asheboro, North Carolina (in-
16 cluding individuals and entities with projects within
17 the city), eligible for loans and grants funded
18 through the Rural Community Facilities Program
19 account;

20 (4) the City of Healdsburg, California; the City
21 of Imperial, California; the City of Havelock, North
22 Carolina; and the City of Newton, North Carolina
23 (including individuals and entities with projects
24 within the cities), eligible for loans and grants fund-

1 ed through the Rural Water and Waste Disposal
2 Program account; and

3 (5) the City of Aptos, California (including indi-
4 viduals and entities with projects within the city), el-
5 igible for loans and grants funded under the housing
6 programs of the Rural Housing Service.

7 SEC. 731. There is hereby appropriated \$2,347,000
8 for section 4404 of Public Law 107–171.

9 SEC. 732. Notwithstanding any other provision of
10 law, there is hereby appropriated:

11 (1) \$1,877,000 of which \$1,408,000 shall be for
12 a grant to the Wisconsin Department of Agriculture,
13 Trade, and Consumer Protection, and \$469,000
14 shall be for a grant to the Vermont Agency of Agri-
15 culture, Foods, and Markets, as authorized by sec-
16 tion 6402 of the Farm Security and Rural Invest-
17 ment Act of 2002 (7 U.S.C. 1621 note);

18 (2) \$338,000 for a grant to the Wisconsin De-
19 partment of Agriculture, Trade and Consumer Pro-
20 tection; and

21 (3) \$94,000 for a grant to the Graham Avenue
22 Business Improvement District in the State of New
23 York.

1 SEC. 733. Section 382K(c) of the Consolidated Farm
2 and Rural Development Act (7 U.S.C. 2009aa–10(c)) is
3 repealed.

4 SEC. 734. Notwithstanding any other provision of
5 law, the Natural Resources Conservation Service shall pro-
6 vide financial and technical assistance—

7 (1) through the Watershed and Flood Preven-
8 tion Operations program for the Pocasset River
9 Floodplain Management Project in the State of
10 Rhode Island;

11 (2) through the Watershed and Flood Preven-
12 tion Operations program to carry out the East Lo-
13 cust Creek Watershed Plan Revision in Missouri, in-
14 cluding up to 100 percent of the engineering assist-
15 ance and 75 percent cost share for construction cost
16 of site RW1;

17 (3) through the Watershed and Flood Preven-
18 tion Operations program to carry out the Little
19 Otter Creek Watershed project in Missouri. The
20 sponsoring local organization may obtain land rights
21 by perpetual easements;

22 (4) through the Watershed and Flood Preven-
23 tion Operations program to carry out the Churchill
24 Woods Dam Removal project in DuPage County, Il-
25 linois;

1 (5) through the Watershed and Flood Preven-
2 tion Operations program to carry out the Dunloup
3 Creek Watershed Project in Fayette and Raleigh
4 Counties, West Virginia;

5 (6) through the Watershed and Flood Preven-
6 tion Operations program to carry out the Alameda
7 Creek Watershed Project in Alameda County, Cali-
8 fornia;

9 (7) through the Watershed and Flood Preven-
10 tion Operations program to carry out the Colgan
11 Creek Restoration project in Sonoma County, Cali-
12 fornia;

13 (8) through the Watershed and Flood Preven-
14 tion Operations program to carry out the Hurricane
15 Katrina-Related Watershed Restoration project in
16 Jackson County, Mississippi;

17 (9) through the Watershed and Flood Preven-
18 tion Operations program to carry out the Lake
19 George Watershed Protection project in Warren
20 County, New York; and

21 (10) through the Watershed and Flood Preven-
22 tion Operations program to carry out the Pidcock-
23 Mill Creeks Watershed project in Bucks County,
24 Pennsylvania.

1 SEC. 735. Section 17(r)(5) of the Richard B. Russell
2 National School Lunch Act (42 U.S.C. 1766(r)(5)) is
3 amended—

4 (1) by striking “eight” and inserting “ten”;

5 (2) by striking “six” and inserting “eight”; and

6 (3) by inserting “Vermont, Maryland,” after
7 the first instance of “States shall be”.

8 SEC. 736. Notwithstanding any other provision of
9 law, for the purposes of a grant under section 412 of the
10 Agricultural Research, Extension, and Education Reform
11 Act of 1998, none of the funds in this or any other Act
12 may be used to prohibit the provision of in-kind support
13 from non-Federal sources under section 412(e)(3) in the
14 form of unrecovered indirect costs not otherwise charged
15 against the grant, consistent with the indirect rate of cost
16 approved for a recipient.

17 SEC. 737. None of the funds made available by this
18 Act may be used to pay the salaries and expenses of any
19 individual to conduct any activities that would allow the
20 importation into the United States of any ruminant or
21 swine, or any fresh (including chilled or frozen) meat or
22 product of any ruminant or swine, that is born, raised,
23 or slaughtered in Argentina: *Provided*, That this section
24 shall not prevent the Secretary from conducting all nec-
25 essary activities to review this proposal and issue a report

1 on the findings to the Committees on Appropriations of
2 the House and Senate: *Provided further*, That this section
3 shall only have effect until the Secretary of Agriculture
4 has reviewed the domestic animal health aspects of the
5 pending proposal to allow the importation of such products
6 into the United States and has issued a report to the Com-
7 mittees on the findings of such review.

8 SEC. 738. Except as otherwise specifically provided
9 by law, unobligated balances remaining available at the
10 end of the fiscal year from appropriations made available
11 for salaries and expenses in this Act for the Farm Service
12 Agency and the Rural Development mission area, shall re-
13 main available through September 30, 2010, for informa-
14 tion technology expenses.

15 SEC. 739. None of the funds made available in this
16 Act may be used to pay the salaries or expenses of per-
17 sonnel to—

18 (1) inspect horses under section 3 of the Fed-
19 eral Meat Inspection Act (21 U.S.C. 603);

20 (2) inspect horses under section 903 of the
21 Federal Agriculture Improvement and Reform Act of
22 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

23 (3) implement or enforce section 352.19 of title
24 9, Code of Federal Regulations.

1 mountable exhibition structures for use abroad; payment
2 of tort claims, in the manner authorized in the first para-
3 graph of 28 U.S.C. 2672 when such claims arise in foreign
4 countries; not to exceed \$327,000 for official representa-
5 tion expenses abroad; purchase of passenger motor vehi-
6 cles for official use abroad, not to exceed \$45,000 per vehi-
7 cle; obtaining insurance on official motor vehicles; and
8 rental of tie lines, \$429,870,000, to remain available until
9 September 30, 2010, of which \$9,439,000 is to be derived
10 from fees to be retained and used by the International
11 Trade Administration, notwithstanding 31 U.S.C. 3302:
12 *Provided*, That not less than \$48,592,000 shall be for
13 Manufacturing and Services; not less than \$42,332,000
14 shall be for Market Access and Compliance; not less than
15 \$66,357,000 shall be for the Import Administration of
16 which \$5,900,000 shall be for the Office of China Compli-
17 ance; not less than \$237,739,000 shall be for the United
18 States and Foreign Commercial Service; and not less than
19 \$25,411,000 shall be for Executive Direction and Admin-
20 istration: *Provided further*, That the provisions of the first
21 sentence of section 105(f) and all of section 108(c) of the
22 Mutual Educational and Cultural Exchange Act of 1961
23 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying
24 out these activities without regard to section 5412 of the
25 Omnibus Trade and Competitiveness Act of 1988 (15

1 U.S.C. 4912); and that for the purpose of this Act, con-
2 tributions under the provisions of the Mutual Educational
3 and Cultural Exchange Act of 1961 shall include payment
4 for assessments for services provided as part of these ac-
5 tivities: *Provided further*, That the International Trade
6 Administration shall be exempt from the requirements of
7 Circular A-25 (or any successor administrative regulation
8 or policy) issued by the Office of Management and Budg-
9 et: *Provided further*, That negotiations shall be conducted
10 within the World Trade Organization to recognize the
11 right of members to distribute monies collected from anti-
12 dumping and countervailing duties: *Provided further*, That
13 negotiations shall be conducted within the World Trade
14 Organization consistent with the negotiating objectives
15 contained in the Trade Act of 2002, Public Law 107-210:
16 *Provided further*, That within the amounts appropriated,
17 \$4,400,000 shall be used for the projects, and in the
18 amounts, specified in the explanatory statement described
19 in section 4 (in the matter preceding division A of this
20 consolidated Act).

21 BUREAU OF INDUSTRY AND SECURITY

22 OPERATIONS AND ADMINISTRATION

23 For necessary expenses for export administration and
24 national security activities of the Department of Com-
25 merce, including costs associated with the performance of

1 export administration field activities both domestically and
2 abroad; full medical coverage for dependent members of
3 immediate families of employees stationed overseas; em-
4 ployment of Americans and aliens by contract for services
5 abroad; payment of tort claims, in the manner authorized
6 in the first paragraph of 28 U.S.C. 2672 when such claims
7 arise in foreign countries; not to exceed \$15,000 for offi-
8 cial representation expenses abroad; awards of compensa-
9 tion to informers under the Export Administration Act of
10 1979, and as authorized by 22 U.S.C. 401(b); and pur-
11 chase of passenger motor vehicles for official use and
12 motor vehicles for law enforcement use with special re-
13 quirement vehicles eligible for purchase without regard to
14 any price limitation otherwise established by law,
15 \$83,676,000, to remain available until expended, of which
16 \$14,767,000 shall be for inspections and other activities
17 related to national security: *Provided*, That the provisions
18 of the first sentence of section 105(f) and all of section
19 108(c) of the Mutual Educational and Cultural Exchange
20 Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply
21 in carrying out these activities: *Provided further*, That
22 payments and contributions collected and accepted for ma-
23 terials or services provided as part of such activities may
24 be retained for use in covering the cost of such activities,
25 and for providing information to the public with respect

1 to the export administration and national security activi-
2 ties of the Department of Commerce and other export con-
3 trol programs of the United States and other govern-
4 ments.

5 ECONOMIC DEVELOPMENT ADMINISTRATION

6 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

7 For grants for economic development assistance as
8 provided by the Public Works and Economic Development
9 Act of 1965, and for trade adjustment assistance,
10 \$240,000,000, to remain available until expended: *Pro-*
11 *vided*, That of the amounts provided, no more than
12 \$4,000,000 may be transferred to “Economic Develop-
13 ment Administration, Salaries and Expenses” to conduct
14 management oversight and administration of public works
15 grants.

16 SALARIES AND EXPENSES

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

1 MINORITY BUSINESS DEVELOPMENT AGENCY

2 MINORITY BUSINESS DEVELOPMENT

3 For necessary expenses of the Department of Com-
4 merce in fostering, promoting, and developing minority
5 business enterprise, including expenses of grants, con-
6 tracts, and other agreements with public or private organi-
7 zations, \$29,825,000: *Provided*, That within the amounts
8 appropriated, \$825,000 shall be used for the projects, and
9 in the amounts, specified in the explanatory statement de-
10 scribed in section 4 (in the matter preceding division A
11 of this consolidated Act).

12 ECONOMIC AND STATISTICAL ANALYSIS

13 SALARIES AND EXPENSES

14 For necessary expenses, as authorized by law, of eco-
15 nomic and statistical analysis programs of the Department
16 of Commerce, \$90,621,000, to remain available until Sep-
17 tember 30, 2010.

18 BUREAU OF THE CENSUS

19 SALARIES AND EXPENSES

20 For expenses necessary for collecting, compiling, ana-
21 lyzing, preparing, and publishing statistics, provided for
22 by law, \$233,588,000.

23 PERIODIC CENSUSES AND PROGRAMS

24 For necessary expenses to collect and publish statis-
25 tics for periodic censuses and programs provided for by
26 law, \$2,906,262,000, to remain available until September

1 30, 2010: *Provided*, That none of the funds provided in
2 this or any other Act for any fiscal year may be used for
3 the collection of census data on race identification that
4 does not include “some other race” as a category: *Pro-*
5 *vided further*, That from amounts provided herein, funds
6 may be used for additional promotion, outreach, and mar-
7 keting activities: *Provided further*, That none of the funds
8 made available in this Act shall be used for the conduct
9 of sweepstakes in the 2010 Decennial Census.

10 NATIONAL TELECOMMUNICATIONS AND INFORMATION

11 ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses, as provided for by law, of
14 the National Telecommunications and Information Ad-
15 ministration (NTIA), \$19,218,000, to remain available
16 until September 30, 2010: *Provided*, That, notwith-
17 standing 31 U.S.C. 1535(d), the Secretary of Commerce
18 shall charge Federal agencies for costs incurred in spec-
19 trum management, analysis, operations, and related serv-
20 ices, and such fees shall be retained and used as offsetting
21 collections for costs of such spectrum services, to remain
22 available until expended: *Provided further*, That the Sec-
23 retary of Commerce is authorized to retain and use as off-
24 setting collections all funds transferred, or previously
25 transferred, from other Government agencies for all costs

1 incurred in telecommunications research, engineering, and
2 related activities by the Institute for Telecommunication
3 Sciences of NTIA, in furtherance of its assigned functions
4 under this paragraph, and such funds received from other
5 Government agencies shall remain available until ex-
6 pended.

7 PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING
8 AND CONSTRUCTION

9 For the administration of grants, authorized by sec-
10 tion 392 of the Communications Act of 1934,
11 \$20,000,000, to remain available until expended as au-
12 thorized by section 391 of the Act: *Provided*, That not to
13 exceed \$2,000,000 shall be available for program adminis-
14 tration as authorized by section 391 of the Act: *Provided*
15 *further*, That, notwithstanding the provisions of section
16 391 of the Act, the prior year unobligated balances may
17 be made available for grants for projects for which appli-
18 cations have been submitted and approved during any fis-
19 cal year.

20 UNITED STATES PATENT AND TRADEMARK OFFICE
21 SALARIES AND EXPENSES

22 For necessary expenses of the United States Patent
23 and Trademark Office (USPTO) provided for by law, in-
24 cluding defense of suits instituted against the Under Sec-
25 retary of Commerce for Intellectual Property and Director
26 of the United States Patent and Trademark Office,

1 \$2,010,100,000, to remain available until expended: *Pro-*
2 *vided*, That the sum herein appropriated from the general
3 fund shall be reduced as offsetting collections assessed and
4 collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41
5 and 376 are received during fiscal year 2009, so as to re-
6 sult in a fiscal year 2009 appropriation from the general
7 fund estimated at \$0: *Provided further*, That during fiscal
8 year 2009, should the total amount of offsetting fee collec-
9 tions be less than \$2,010,100,000, this amount shall be
10 reduced accordingly: *Provided further*, That \$750,000 may
11 be transferred to “Departmental Management, Salaries
12 and Expenses” for activities associated with the National
13 Intellectual Property Law Enforcement Coordination
14 Council: *Provided further*, That from amounts provided
15 herein, not to exceed \$1,000 shall be made available in
16 fiscal year 2009 for official reception and representation
17 expenses: *Provided further*, That of the amounts provided
18 to the USPTO within this account, \$5,000,000 shall not
19 become available for obligation until the Director of the
20 USPTO has completed a comprehensive review of the as-
21 sumptions behind the patent examiner expectancy goals
22 and adopted a revised set of expectancy goals for patent
23 examination: *Provided further*, That in fiscal year 2009
24 from the amounts made available for “Salaries and Ex-
25 penses” for the USPTO, the amounts necessary to pay:

1 (1) the difference between the percentage of basic pay con-
2 tributed by the USPTO and employees under section
3 8334(a) of title 5, United States Code, and the normal
4 cost percentage (as defined by section 8331(17) of that
5 title) of basic pay, of employees subject to subchapter III
6 of chapter 83 of that title; and (2) the present value of
7 the otherwise unfunded accruing costs, as determined by
8 the Office of Personnel Management, of post-retirement
9 life insurance and post-retirement health benefits coverage
10 for all USPTO employees, shall be transferred to the Civil
11 Service Retirement and Disability Fund, the Employees
12 Life Insurance Fund, and the Employees Health Benefits
13 Fund, as appropriate, and shall be available for the au-
14 thorized purposes of those accounts: *Provided further,*
15 That sections 801, 802, and 803 of division B, Public Law
16 108–447 shall remain in effect during fiscal year 2009:
17 *Provided further,* That the Director may, this year, reduce
18 by regulation fees payable for documents in patent and
19 trademark matters, in connection with the filing of docu-
20 ments filed electronically in a form prescribed by the Di-
21 rector: *Provided further,* That \$2,000,000 shall be trans-
22 ferred to Office of Inspector General for activities associ-
23 ated with carrying out investigations and audits related
24 to the USPTO: *Provided further,* That from the amounts
25 provided herein, no less than \$4,000,000 shall be available

1 only for the USPTO contribution in a cooperative or joint
2 agreement or agreements with a non-profit organization
3 or organizations, successfully audited within the previous
4 year, and with previous experience in such programs, to
5 conduct policy studies, including studies relating to activi-
6 ties of United Nations Specialized agencies and other
7 international organizations, as well as conferences and
8 other development programs, in support of fair inter-
9 national protection of intellectual property rights.

10 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
11 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

12 For necessary expenses of the National Institute of
13 Standards and Technology, \$472,000,000, to remain
14 available until expended, of which not to exceed
15 \$9,000,000 may be transferred to the “Working Capital
16 Fund”: *Provided*, That not to exceed \$5,000 shall be for
17 official reception and representation expenses: *Provided*
18 *further*, That within the amounts appropriated,
19 \$3,000,000 shall be used for the projects, and in the
20 amounts, specified in the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act).

23 INDUSTRIAL TECHNOLOGY SERVICES

24 For necessary expenses of the Hollings Manufac-
25 turing Extension Partnership of the National Institute of
26 Standards and Technology, \$110,000,000, to remain

1 available until expended. In addition, for necessary ex-
2 penses of the Technology Innovation Program of the Na-
3 tional Institute of Standards and Technology,
4 \$65,000,000, to remain available until expended.

5 CONSTRUCTION OF RESEARCH FACILITIES

6 For construction of new research facilities, including
7 architectural and engineering design, and for renovation
8 and maintenance of existing facilities, not otherwise pro-
9 vided for the National Institute of Standards and Tech-
10 nology, as authorized by 15 U.S.C. 278e–278e,
11 \$172,000,000, to remain available until expended, of
12 which \$30,000,000 is for a competitive construction grant
13 program for research science buildings: *Provided*, That
14 within the amounts appropriated, \$44,000,000 shall be
15 used for the projects, and in the amounts, specified in the
16 explanatory statement described in section 4 (in the mat-
17 ter preceding division A of this consolidated Act): *Provided*
18 *further*, That the Secretary of Commerce shall include in
19 the budget justification materials that the Secretary sub-
20 mits to Congress in support of the Department of Com-
21 merce budget (as submitted with the budget of the Presi-
22 dent under section 1105(a) of title 31, United States
23 Code) an estimate for each National Institute of Stand-
24 ards and Technology construction project having a total
25 multi-year program cost of more than \$5,000,000 and si-
26 multaneously the budget justification materials shall in-

1 clude an estimate of the budgetary requirements for each
2 such project for each of the five subsequent fiscal years.

3 NATIONAL OCEANIC AND ATMOSPHERIC
4 ADMINISTRATION
5 OPERATIONS, RESEARCH, AND FACILITIES
6 (INCLUDING TRANSFERS OF FUNDS)

7 For necessary expenses of activities authorized by law
8 for the National Oceanic and Atmospheric Administration,
9 including maintenance, operation, and hire of aircraft and
10 vessels; grants, contracts, or other payments to nonprofit
11 organizations for the purposes of conducting activities
12 pursuant to cooperative agreements; and relocation of fa-
13 cilities, \$3,045,549,000, to remain available until Sep-
14 tember 30, 2010, except for funds provided for cooperative
15 enforcement, which shall remain available until September
16 30, 2011: *Provided*, That fees and donations received by
17 the National Ocean Service for the management of na-
18 tional marine sanctuaries may be retained and used for
19 the salaries and expenses associated with those activities,
20 notwithstanding 31 U.S.C. 3302: *Provided further*, That
21 in addition, \$3,000,000 shall be derived by transfer from
22 the fund entitled “Coastal Zone Management” and in ad-
23 dition \$79,000,000 shall be derived by transfer from the
24 fund entitled “Promote and Develop Fishery Products and
25 Research Pertaining to American Fisheries”: *Provided*
26 *further*, That of the \$3,133,549,000 provided for in direct

1 obligations under this heading \$3,045,549,000 is appro-
2 priated from the general fund, \$82,000,000 is provided
3 by transfer, and \$6,000,000 is derived from recoveries of
4 prior year obligations: *Provided further*, That the total
5 amount available for the National Oceanic and Atmos-
6 pheric Administration corporate services administrative
7 support costs shall not exceed \$226,809,000: *Provided fur-*
8 *ther*, That payments of funds made available under this
9 heading to the Department of Commerce Working Capital
10 Fund including Department of Commerce General Coun-
11 sel legal services shall not exceed \$36,583,000: *Provided*
12 *further*, That within the amounts appropriated,
13 \$129,970,000 shall be used for the projects, and in the
14 amounts, specified in the explanatory statement described
15 in section 4 (in the matter preceding division A of this
16 consolidated Act): *Provided further*, That any deviation
17 from the amounts designated for specific activities in the
18 report accompanying this Act, or any use of deobligated
19 balances of funds provided under this heading in previous
20 years, shall be subject to the procedures set forth in sec-
21 tion 505 of this Act: *Provided further*, That in allocating
22 grants under sections 306 and 306A of the Coastal Zone
23 Management Act of 1972, as amended, no coastal State
24 shall receive more than 5 percent or less than 1 percent
25 of increased funds appropriated over the previous fiscal

1 year: *Provided further*, That the number of authorized offi-
2 cers in the NOAA Commissioned Officer Corps shall re-
3 main at 321 until such time as section 6 of Public Law
4 110–386 takes effect.

5 In addition, for necessary retired pay expenses under
6 the Retired Serviceman’s Family Protection and Survivor
7 Benefits Plan, and for payments for the medical care of
8 retired personnel and their dependents under the Depend-
9 ents Medical Care Act (10 U.S.C. 55), such sums as may
10 be necessary.

11 PROCUREMENT, ACQUISITION AND CONSTRUCTION

12 For procurement, acquisition and construction of
13 capital assets, including alteration and modification costs,
14 of the National Oceanic and Atmospheric Administration,
15 \$1,243,647,000, to remain available until September 30,
16 2011, except funds provided for construction of facilities
17 which shall remain available until expended: *Provided*,
18 That of the \$1,245,647,000 provided for in direct obliga-
19 tions under this heading \$1,243,647,000 is appropriated
20 from the general fund and \$2,000,000 is provided from
21 recoveries of prior year obligations: *Provided further*, That
22 of the amounts provided for the National Polar-orbiting
23 Operational Environmental Satellite System, funds shall
24 only be made available on a dollar-for-dollar matching
25 basis with funds provided for the same purpose by the De-
26 partment of Defense: *Provided further*, That except to the

1 extent expressly prohibited by any other law, the Depart-
2 ment of Defense may delegate procurement functions re-
3 lated to the National Polar-orbiting Operational Environ-
4 mental Satellite System to officials of the Department of
5 Commerce pursuant to section 2311 of title 10, United
6 States Code: *Provided further*, That any deviation from
7 the amounts designated for specific activities in the report
8 accompanying this Act, or any use of deobligated balances
9 of funds provided under this heading in previous years,
10 shall be subject to the procedures set forth in section 505
11 of this Act: *Provided further*, That within the amounts ap-
12 propriated, \$29,610,000 shall be used for the projects, and
13 in the amounts, specified in the explanatory statement de-
14 scribed in section 4 (in the matter preceding division A
15 of this consolidated Act).

16 PACIFIC COASTAL SALMON RECOVERY

17 For necessary expenses associated with the restora-
18 tion of Pacific salmon populations, \$80,000,000, to re-
19 main available until September 30, 2010: *Provided*, That
20 of the funds provided herein the Secretary of Commerce
21 may issue grants to the States of Washington, Oregon,
22 Idaho, Nevada, California, and Alaska, and Federally-rec-
23 ognized tribes of the Columbia River and Pacific Coast
24 for projects necessary for restoration of salmon and
25 steelhead populations that are listed as threatened or en-
26 dangered, or identified by a State as at-risk to be so-listed,

1 for maintaining populations necessary for exercise of tribal
2 treaty fishing rights or native subsistence fishing, or for
3 conservation of Pacific coastal salmon and steelhead habi-
4 tat, based on guidelines to be developed by the Secretary
5 of Commerce: *Provided further*, That funds disbursed to
6 States shall be subject to a matching requirement of funds
7 or documented in-kind contributions of at least 33 percent
8 of the Federal funds.

9 COASTAL ZONE MANAGEMENT FUND

10 (INCLUDING TRANSFER OF FUNDS)

11 Of amounts collected pursuant to section 308 of the
12 Coastal Zone Management Act of 1972 (16 U.S.C.
13 1456a), not to exceed \$3,000,000 shall be transferred to
14 the “Operations, Research, and Facilities” account to off-
15 set the costs of implementing such Act.

16 FISHERIES FINANCE PROGRAM ACCOUNT

17 Subject to section 502 of the Congressional Budget
18 Act of 1974, during fiscal year 2009, obligations of direct
19 loans may not exceed \$8,000,000 for Individual Fishing
20 Quota loans and not to exceed \$59,000,000 for traditional
21 direct loans as authorized by the Merchant Marine Act
22 of 1936: *Provided*, That none of the funds made available
23 under this heading may be used for direct loans for any
24 new fishing vessel that will increase the harvesting capac-
25 ity in any United States fishery.

1 DEPARTMENTAL MANAGEMENT
2 SALARIES AND EXPENSES

3 For expenses necessary for the departmental manage-
4 ment of the Department of Commerce provided for by law,
5 including not to exceed \$5,000 for official entertainment,
6 \$53,000,000: *Provided*, That the Secretary, within 120
7 days of enactment of this Act, shall provide a report to
8 the Committees on Appropriations that audits and evalu-
9 ates all decision documents and expenditures by the Bu-
10 reau of the Census as they relate to the 2010 Census: *Pro-*
11 *vided further*, That of the amounts provided to the Sec-
12 retary within this account, \$5,000,000 shall not become
13 available for obligation until the Secretary certifies to the
14 Committees on Appropriations that the Bureau of the
15 Census has followed and met all standards and best prac-
16 tices, and all Office of Management and Budget guidelines
17 related to information technology projects and contract
18 management.

19 HERBERT C. HOOVER BUILDING RENOVATION AND
20 MODERNIZATION

21 For expenses necessary, including blast windows, for
22 the renovation and modernization of the Herbert C. Hoo-
23 ver Building, \$5,000,000, to remain available until ex-
24 pended.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978 (5 U.S.C. App.), \$25,800,000.

5 GENERAL PROVISIONS—DEPARTMENT OF COMMERCE
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 101. During the current fiscal year, applicable
8 appropriations and funds made available to the Depart-
9 ment of Commerce by this Act shall be available for the
10 activities specified in the Act of October 26, 1949 (15
11 U.S.C. 1514), to the extent and in the manner prescribed
12 by the Act, and, notwithstanding 31 U.S.C. 3324, may
13 be used for advanced payments not otherwise authorized
14 only upon the certification of officials designated by the
15 Secretary of Commerce that such payments are in the
16 public interest.

17 SEC. 102. During the current fiscal year, appropria-
18 tions made available to the Department of Commerce by
19 this Act for salaries and expenses shall be available for
20 hire of passenger motor vehicles as authorized by 31
21 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C.
22 3109; and uniforms or allowances therefor, as authorized
23 by law (5 U.S.C. 5901–5902).

24 SEC. 103. Not to exceed 5 percent of any appropria-
25 tion made available for the current fiscal year for the De-

1 partment of Commerce in this Act may be transferred be-
2 tween such appropriations, but no such appropriation shall
3 be increased by more than 10 percent by any such trans-
4 fers: *Provided*, That any transfer pursuant to this section
5 shall be treated as a reprogramming of funds under sec-
6 tion 505 of this Act and shall not be available for obliga-
7 tion or expenditure except in compliance with the proce-
8 dures set forth in that section: *Provided further*, That the
9 Secretary of Commerce shall notify the Committees on Ap-
10 propriations at least 15 days in advance of the acquisition
11 or disposal of any capital asset (including land, structures,
12 and equipment) not specifically provided for in this Act
13 or any other law appropriating funds for the Department
14 of Commerce: *Provided further*, That for the National Oce-
15 anic and Atmospheric Administration this section shall
16 provide for transfers among appropriations made only to
17 the National Oceanic and Atmospheric Administration
18 and such appropriations may not be transferred and re-
19 programmed to other Department of Commerce bureaus
20 and appropriation accounts.

21 SEC. 104. Any costs incurred by a department or
22 agency funded under this title resulting from personnel
23 actions taken in response to funding reductions included
24 in this title or from actions taken for the care and protec-
25 tion of loan collateral or grant property shall be absorbed

1 within the total budgetary resources available to such de-
2 partment or agency: *Provided*, That the authority to trans-
3 fer funds between appropriations accounts as may be nec-
4 essary to carry out this section is provided in addition to
5 authorities included elsewhere in this Act: *Provided fur-*
6 *ther*, That use of funds to carry out this section shall be
7 treated as a reprogramming of funds under section 505
8 of this Act and shall not be available for obligation or ex-
9 penditure except in compliance with the procedures set
10 forth in that section.

11 SEC. 105. Hereafter, notwithstanding any other pro-
12 vision of law, no funds appropriated under this Act or any
13 other Act shall be used to register, issue, transfer, or en-
14 force any trademark of the phrase “Last Best Place”.

15 SEC. 106. Hereafter, the Secretary of Commerce is
16 permitted to prescribe and enforce standards or regula-
17 tions affecting safety and health in the context of scientific
18 and occupational diving within the National Oceanic and
19 Atmospheric Administration.

20 SEC. 107. The requirements set forth by section 112
21 of division B of Public Law 110–161 are hereby adopted
22 by reference.

23 SEC. 108. Notwithstanding any other law, the Sec-
24 retary may furnish services (including but not limited to
25 utilities, telecommunications, and security services) nec-

1 essary to support the operation, maintenance, and im-
2 provement of space that persons, firms or organizations
3 are authorized pursuant to the Public Buildings Coopera-
4 tive Use Act of 1976 or other authority to use or occupy
5 in the Herbert C. Hoover Building, Washington, D.C., or
6 other buildings, the maintenance, operation, and protec-
7 tion of which has been delegated to the Secretary from
8 the Administrator of General Services pursuant to the
9 Federal Property and Administrative Services Act of
10 1949, as amended, on a reimbursable or non-reimbursable
11 basis. Amounts received as reimbursement for services
12 provided under this section or the authority under which
13 the use or occupancy of the space is authorized, up to
14 \$200,000, shall be credited to the appropriation or fund
15 which initially bears the costs of such services.

16 SEC. 109. The amounts made available under section
17 213 of Public Law 108–199 for a New England lobster
18 fishing capacity reduction program shall be available for
19 transfer by the National Oceanic and Atmospheric Admin-
20 istration from the Fisheries Finance Program Account to
21 the Operations, Research, and Facilities appropriation, to
22 remain available until expended, for the Southern New
23 England Cooperative Research Initiative for cooperative
24 research, marine debris removal, and gear modification for
25 conservation in Rhode Island.

1 for Intergovernmental Relations/External Affairs;
2 \$12,254,000 is for Executive Support/Professional Re-
3 sponsibility; and \$72,504,000 is for the Justice Manage-
4 ment Division: *Provided further*, That any change in
5 amounts specified in the preceding proviso greater than
6 5 percent shall be submitted for approval to the House
7 and Senate Committees on Appropriations consistent with
8 the terms of section 505 of this Act: *Provided further*,
9 That this transfer authority is in addition to transfers au-
10 thorized under section 505 of this Act.

11 JUSTICE INFORMATION SHARING TECHNOLOGY

12 For necessary expenses for information sharing tech-
13 nology, including planning, development, deployment and
14 departmental direction, \$80,000,000, to remain available
15 until expended, of which \$7,132,000 is for the unified fi-
16 nancial management system.

17 TACTICAL LAW ENFORCEMENT WIRELESS

18 COMMUNICATIONS

19 For the costs of developing and implementing a na-
20 tion-wide Integrated Wireless Network supporting Federal
21 law enforcement, and for the costs of operations and main-
22 tenance of existing Land Mobile Radio legacy systems,
23 \$185,000,000, to remain available until expended: *Pro-*
24 *vided*, That the Attorney General shall transfer to this ac-
25 count all funds made available to the Department of Jus-
26 tice for the purchase of portable and mobile radios: *Pro-*

1 *vided further*, That any transfer made under the preceding
2 proviso shall be subject to section 505 of this Act.

3 ADMINISTRATIVE REVIEW AND APPEALS

4 For expenses necessary for the administration of par-
5 don and clemency petitions and immigration-related activi-
6 ties, \$270,000,000, of which \$4,000,000 shall be derived
7 by transfer from the Executive Office for Immigration Re-
8 view fees deposited in the “Immigration Examinations
9 Fee” account.

10 DETENTION TRUSTEE

11 For necessary expenses of the Federal Detention
12 Trustee, \$1,295,319,000, to remain available until ex-
13 pended: *Provided*, That the Trustee shall be responsible
14 for managing the Justice Prisoner and Alien Transpor-
15 tation System: *Provided further*, That not to exceed
16 \$5,000,000 shall be considered “funds appropriated for
17 State and local law enforcement assistance” pursuant to
18 18 U.S.C. 4013(b).

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector
21 General, \$75,681,000, including not to exceed \$10,000 to
22 meet unforeseen emergencies of a confidential character.

23 UNITED STATES PAROLE COMMISSION

24 SALARIES AND EXPENSES

25 For necessary expenses of the United States Parole
26 Commission as authorized, \$12,570,000.

1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses necessary for the legal activities of the
5 Department of Justice, not otherwise provided for, includ-
6 ing not to exceed \$20,000 for expenses of collecting evi-
7 dence, to be expended under the direction of, and to be
8 accounted for solely under the certificate of, the Attorney
9 General; and rent of private or Government-owned space
10 in the District of Columbia, \$804,007,000, of which not
11 to exceed \$10,000,000 for litigation support contracts
12 shall remain available until expended: *Provided*, That of
13 the total amount appropriated, not to exceed \$10,000 shall
14 be available to the United States National Central Bu-
15 reau, INTERPOL, for official reception and representa-
16 tion expenses: *Provided further*, That notwithstanding sec-
17 tion 205 of this Act, upon a determination by the Attorney
18 General that emergent circumstances require additional
19 funding for litigation activities of the Civil Division, the
20 Attorney General may transfer such amounts to “Salaries
21 and Expenses, General Legal Activities” from available
22 appropriations for the current fiscal year for the Depart-
23 ment of Justice, as may be necessary to respond to such
24 circumstances: *Provided further*, That any transfer pursu-
25 ant to the previous proviso shall be treated as a re-
26 programming under section 505 of this Act and shall not

1 be available for obligation or expenditure except in compli-
2 ance with the procedures set forth in that section: *Pro-*
3 *vided further*, That of the amount appropriated, such sums
4 as may be necessary shall be available to reimburse the
5 Office of Personnel Management for salaries and expenses
6 associated with the Federal observer program under sec-
7 tion 8 of the Voting Rights Act of 1965 (42 U.S.C.
8 1973f): *Provided further*, That of the amounts provided
9 under this heading for the Federal observer program
10 \$3,390,000 shall remain available until expended, of which
11 \$1,090,000, previously transferred to the Department of
12 Justice by the Office of Personnel Management under sec-
13 tion 126 of division A of Public Law 110–329, shall be
14 transferred back to the Office of Personnel Management
15 by the Department of Justice.

16 In addition, for reimbursement of expenses of the De-
17 partment of Justice associated with processing cases
18 under the National Childhood Vaccine Injury Act of 1986,
19 not to exceed \$7,833,000, to be appropriated from the
20 Vaccine Injury Compensation Trust Fund.

21 SALARIES AND EXPENSES, ANTITRUST DIVISION

22 For expenses necessary for the enforcement of anti-
23 trust and kindred laws, \$157,788,000, to remain available
24 until expended: *Provided*, That notwithstanding any other
25 provision of law, fees collected for premerger notification
26 filings under the Hart-Scott-Rodino Antitrust Improve-

1 ments Act of 1976 (15 U.S.C. 18a), regardless of the year
2 of collection (and estimated to be \$157,788,000 in fiscal
3 year 2009), shall be retained and used for necessary ex-
4 penses in this appropriation, and shall remain available
5 until expended: *Provided further*, That the sum herein ap-
6 propriated from the general fund shall be reduced as such
7 offsetting collections are received during fiscal year 2009,
8 so as to result in a final fiscal year 2009 appropriation
9 from the general fund estimated at \$0.

10 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

11 For necessary expenses of the Offices of the United
12 States Attorneys, including inter-governmental and coop-
13 erative agreements, \$1,836,336,000: *Provided*, That of the
14 total amount appropriated, not to exceed \$8,000 shall be
15 available for official reception and representation ex-
16 penses: *Provided further*, That not to exceed \$25,000,000
17 shall remain available until expended: *Provided further*,
18 That of the amount provided under this heading, not less
19 than \$33,600,000 shall be used for salaries and expenses
20 for assistant U.S. Attorneys to carry out section 704 of
21 the Adam Walsh Child Protection and Safety Act of 2006
22 (Public Law 109–248) concerning the prosecution of of-
23 fenses relating to the sexual exploitation of children.

24 UNITED STATES TRUSTEE SYSTEM FUND

25 For necessary expenses of the United States Trustee
26 Program, as authorized, \$217,416,000, to remain avail-

1 able until expended and to be derived from the United
2 States Trustee System Fund: *Provided*, That notwith-
3 standing any other provision of law, deposits to the Fund
4 shall be available in such amounts as may be necessary
5 to pay refunds due depositors: *Provided further*, That, not-
6 withstanding any other provision of law, \$160,000,000 of
7 offsetting collections pursuant to 28 U.S.C. 589a(b) shall
8 be retained and used for necessary expenses in this appro-
9 priation and shall remain available until expended: *Pro-*
10 *vided further*, That the sum herein appropriated from the
11 Fund shall be reduced as such offsetting collections are
12 received during fiscal year 2009, so as to result in a final
13 fiscal year 2009 appropriation from the Fund estimated
14 at \$52,416,000.

15 SALARIES AND EXPENSES, FOREIGN CLAIMS

16 SETTLEMENT COMMISSION

17 For expenses necessary to carry out the activities of
18 the Foreign Claims Settlement Commission, including
19 services as authorized by section 3109 of title 5, United
20 States Code, \$1,823,000.

21 FEES AND EXPENSES OF WITNESSES

22 For fees and expenses of witnesses, for expenses of
23 contracts for the procurement and supervision of expert
24 witnesses, for private counsel expenses, including ad-
25 vances, and for expenses of foreign counsel, \$168,300,000,
26 to remain available until expended: *Provided*, That not to

1 exceed \$10,000,000 may be made available for construc-
2 tion of buildings for protected witness safesites: *Provided*
3 *further*, That not to exceed \$3,000,000 may be made avail-
4 able for the purchase and maintenance of armored and
5 other vehicles for witness security caravans: *Provided fur-*
6 *ther*, That not to exceed \$9,000,000 may be made avail-
7 able for the purchase, installation, maintenance, and up-
8 grade of secure telecommunications equipment and a se-
9 cure automated information network to store and retrieve
10 the identities and locations of protected witnesses.

11 SALARIES AND EXPENSES, COMMUNITY RELATIONS

12 SERVICE

13 For necessary expenses of the Community Relations
14 Service, \$9,873,000: *Provided*, That notwithstanding sec-
15 tion 205 of this Act, upon a determination by the Attorney
16 General that emergent circumstances require additional
17 funding for conflict resolution and violence prevention ac-
18 tivities of the Community Relations Service, the Attorney
19 General may transfer such amounts to the Community Re-
20 lations Service, from available appropriations for the cur-
21 rent fiscal year for the Department of Justice, as may be
22 necessary to respond to such circumstances: *Provided fur-*
23 *ther*, That any transfer pursuant to the preceding proviso
24 shall be treated as a reprogramming under section 505
25 of this Act and shall not be available for obligation or ex-

1 penditure except in compliance with the procedures set
2 forth in that section.

3 ASSETS FORFEITURE FUND

4 For expenses authorized by 28 U.S.C. 524(c)(1)(B),
5 (F), and (G), \$20,990,000, to be derived from the Depart-
6 ment of Justice Assets Forfeiture Fund.

7 UNITED STATES MARSHALS SERVICE

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Mar-
10 shals Service, \$950,000,000; of which not to exceed
11 \$30,000 shall be available for official reception and rep-
12 resentation expenses; of which not to exceed \$4,000,000
13 shall remain available until expended for information tech-
14 nology systems; and of which not less than \$12,625,000
15 shall be available for the costs of courthouse security
16 equipment, including furnishings, relocations, and tele-
17 phone systems and cabling, and shall remain available
18 until expended.

19 CONSTRUCTION

20 For construction in space controlled, occupied or uti-
21 lized by the United States Marshals Service for prisoner
22 holding and related support, \$4,000,000, to remain avail-
23 able until expended.

1 NATIONAL SECURITY DIVISION

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the activities of
4 the National Security Division, \$83,789,000; of which not
5 to exceed \$5,000,000 for information technology systems
6 shall remain available until expended: *Provided*, That not-
7 withstanding section 205 of this Act, upon a determina-
8 tion by the Attorney General that emergent circumstances
9 require additional funding for the activities of the National
10 Security Division, the Attorney General may transfer such
11 amounts to this heading from available appropriations for
12 the current fiscal year for the Department of Justice, as
13 may be necessary to respond to such circumstances: *Pro-*
14 *vided further*, That any transfer pursuant to the preceding
15 proviso shall be treated as a reprogramming under section
16 505 of this Act and shall not be available for obligation
17 or expenditure except in compliance with the procedures
18 set forth in that section.

19 INTERAGENCY LAW ENFORCEMENT

20 INTERAGENCY CRIME AND DRUG ENFORCEMENT

21 For necessary expenses for the identification, inves-
22 tigation, and prosecution of individuals associated with the
23 most significant drug trafficking and affiliated money
24 laundering organizations not otherwise provided for, to in-
25 clude inter-governmental agreements with State and local

1 law enforcement agencies engaged in the investigation and
2 prosecution of individuals involved in organized crime drug
3 trafficking, \$515,000,000, of which \$50,000,000 shall re-
4 main available until expended: *Provided*, That any
5 amounts obligated from appropriations under this heading
6 may be used under authorities available to the organiza-
7 tions reimbursed from this appropriation.

8 FEDERAL BUREAU OF INVESTIGATION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Federal Bureau of In-
11 vestigation for detection, investigation, and prosecution of
12 crimes against the United States; \$7,065,100,000; of
13 which not to exceed \$150,000,000 shall remain available
14 until expended: *Provided*, That not to exceed \$205,000
15 shall be available for official reception and representation
16 expenses.

17 CONSTRUCTION

18 For necessary expenses to construct or acquire build-
19 ings and sites by purchase, or as otherwise authorized by
20 law (including equipment for such buildings); conversion
21 and extension of federally-owned buildings; and prelimi-
22 nary planning and design of projects; \$153,491,000, to
23 remain available until expended.

1 DRUG ENFORCEMENT ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Drug Enforcement Ad-
4 ministration, including not to exceed \$70,000 to meet un-
5 foreseen emergencies of a confidential character pursuant
6 to 28 U.S.C. 530C; and expenses for conducting drug edu-
7 cation and training programs, including travel and related
8 expenses for participants in such programs and the dis-
9 tribution of items of token value that promote the goals
10 of such programs, \$1,939,084,000; of which not to exceed
11 \$75,000,000 shall remain available until expended; and of
12 which not to exceed \$100,000 shall be available for official
13 reception and representation expenses.

14 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND

15 EXPLOSIVES

16 SALARIES AND EXPENSES

17 For necessary expenses of the Bureau of Alcohol, To-
18 bacco, Firearms and Explosives, not to exceed \$40,000 for
19 official reception and representation expenses; for training
20 of State and local law enforcement agencies with or with-
21 out reimbursement, including training in connection with
22 the training and acquisition of canines for explosives and
23 fire accelerants detection; and for provision of laboratory
24 assistance to State and local law enforcement agencies,
25 with or without reimbursement, \$1,054,215,000, of which

1 not to exceed \$1,000,000 shall be available for the pay-
2 ment of attorneys' fees as provided by section 924(d)(2)
3 of title 18, United States Code; and of which \$10,000,000
4 shall remain available until expended: *Provided*, That no
5 funds appropriated herein shall be available for salaries
6 or administrative expenses in connection with consoli-
7 dating or centralizing, within the Department of Justice,
8 the records, or any portion thereof, of acquisition and dis-
9 position of firearms maintained by Federal firearms li-
10 censees: *Provided further*, That no funds appropriated
11 herein shall be used to pay administrative expenses or the
12 compensation of any officer or employee of the United
13 States to implement an amendment or amendments to 27
14 CFR 478.118 or to change the definition of "Curios or
15 relics" in 27 CFR 478.11 or remove any item from ATF
16 Publication 5300.11 as it existed on January 1, 1994:
17 *Provided further*, That none of the funds appropriated
18 herein shall be available to investigate or act upon applica-
19 tions for relief from Federal firearms disabilities under 18
20 U.S.C. 925(c): *Provided further*, That such funds shall be
21 available to investigate and act upon applications filed by
22 corporations for relief from Federal firearms disabilities
23 under section 925(c) of title 18, United States Code: *Pro-*
24 *vided further*, That no funds made available by this or any
25 other Act may be used to transfer the functions, missions,

1 or activities of the Bureau of Alcohol, Tobacco, Firearms
2 and Explosives to other agencies or Departments in fiscal
3 year 2009: *Provided further*, That, beginning in fiscal year
4 2009 and thereafter, no funds appropriated under this or
5 any other Act may be used to disclose part or all of the
6 contents of the Firearms Trace System database main-
7 tained by the National Trace Center of the Bureau of Al-
8 cohol, Tobacco, Firearms and Explosives or any informa-
9 tion required to be kept by licensees pursuant to section
10 923(g) of title 18, United States Code, or required to be
11 reported pursuant to paragraphs (3) and (7) of such sec-
12 tion 923(g), except to: (1) a Federal, State, local, tribal,
13 or foreign law enforcement agency, or a Federal, State,
14 or local prosecutor, solely in connection with and for use
15 in a criminal investigation or prosecution; or (2) a Federal
16 agency for a national security or intelligence purpose; and
17 all such data shall be immune from legal process, shall
18 not be subject to subpoena or other discovery, shall be in-
19 admissible in evidence, and shall not be used, relied on,
20 or disclosed in any manner, nor shall testimony or other
21 evidence be permitted based on the data, in a civil action
22 in any State (including the District of Columbia) or Fed-
23 eral court or in an administrative proceeding other than
24 a proceeding commenced by the Bureau of Alcohol, To-
25 bacco, Firearms and Explosives to enforce the provisions

1 of chapter 44 of such title, or a review of such an action
2 or proceeding; except that this proviso shall not be con-
3 strued to prevent: (A) the disclosure of statistical informa-
4 tion concerning total production, importation, and expor-
5 tation by each licensed importer (as defined in section
6 921(a)(9) of such title) and licensed manufacturer (as de-
7 fined in section 921(a)(10) of such title); (B) the sharing
8 or exchange of such information among and between Fed-
9 eral, State, local, or foreign law enforcement agencies,
10 Federal, State, or local prosecutors, and Federal national
11 security, intelligence, or counterterrorism officials; or (C)
12 the publication of annual statistical reports on products
13 regulated by the Bureau of Alcohol, Tobacco, Firearms
14 and Explosives, including total production, importation,
15 and exportation by each licensed importer (as so defined)
16 and licensed manufacturer (as so defined), or statistical
17 aggregate data regarding firearms traffickers and traf-
18 ficking channels, or firearms misuse, felons, and traf-
19 ficking investigations: *Provided further*, That no funds
20 made available by this or any other Act shall be expended
21 to promulgate or implement any rule requiring a physical
22 inventory of any business licensed under section 923 of
23 title 18, United States Code: *Provided further*, That no
24 funds under this Act may be used to electronically retrieve
25 information gathered pursuant to 18 U.S.C. 923(g)(4) by

1 name or any personal identification code: *Provided further*,
2 That no funds authorized or made available under this or
3 any other Act may be used to deny any application for
4 a license under section 923 of title 18, United States Code,
5 or renewal of such a license due to a lack of business activ-
6 ity, provided that the applicant is otherwise eligible to re-
7 ceive such a license, and is eligible to report business in-
8 come or to claim an income tax deduction for business ex-
9 penses under the Internal Revenue Code of 1986.

10 FEDERAL PRISON SYSTEM

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Prison System
13 for the administration, operation, and maintenance of
14 Federal penal and correctional institutions, including pur-
15 chase (not to exceed 810, of which 766 are for replacement
16 only) and hire of law enforcement and passenger motor
17 vehicles, and for the provision of technical assistance and
18 advice on corrections related issues to foreign govern-
19 ments, \$5,595,754,000: *Provided*, That the Attorney Gen-
20 eral may transfer to the Health Resources and Services
21 Administration such amounts as may be necessary for di-
22 rect expenditures by that Administration for medical relief
23 for inmates of Federal penal and correctional institutions:
24 *Provided further*, That the Director of the Federal Prison
25 System, where necessary, may enter into contracts with

1 a fiscal agent or fiscal intermediary claims processor to
2 determine the amounts payable to persons who, on behalf
3 of the Federal Prison System, furnish health services to
4 individuals committed to the custody of the Federal Prison
5 System: *Provided further*, That not to exceed \$6,000 shall
6 be available for official reception and representation ex-
7 penses: *Provided further*, That not to exceed \$50,000,000
8 shall remain available for necessary operations until Sep-
9 tember 30, 2010: *Provided further*, That, of the amounts
10 provided for contract confinement, not to exceed
11 \$20,000,000 shall remain available until expended to
12 make payments in advance for grants, contracts and reim-
13 bursable agreements, and other expenses authorized by
14 section 501(c) of the Refugee Education Assistance Act
15 of 1980 (8 U.S.C. 1522 note), for the care and security
16 in the United States of Cuban and Haitian entrants: *Pro-*
17 *vided further*, That the Director of the Federal Prison Sys-
18 tem may accept donated property and services relating to
19 the operation of the prison card program from a not-for-
20 profit entity which has operated such program in the past
21 notwithstanding the fact that such not-for-profit entity
22 furnishes services under contracts to the Federal Prison
23 System relating to the operation of pre-release services,
24 halfway houses, or other custodial facilities.

1 BUILDINGS AND FACILITIES

2 For planning, acquisition of sites and construction of
3 new facilities; purchase and acquisition of facilities and re-
4 modeling, and equipping of such facilities for penal and
5 correctional use, including all necessary expenses incident
6 thereto, by contract or force account; and constructing,
7 remodeling, and equipping necessary buildings and facili-
8 ties at existing penal and correctional institutions, includ-
9 ing all necessary expenses incident thereto, by contract or
10 force account, \$575,807,000, to remain available until ex-
11 pended, of which not less than \$110,627,000 shall be
12 available only for modernization, maintenance and repair,
13 and of which not to exceed \$14,000,000 shall be available
14 to construct areas for inmate work programs: *Provided,*
15 That labor of United States prisoners may be used for
16 work performed under this appropriation.

17 FEDERAL PRISON INDUSTRIES, INCORPORATED

18 The Federal Prison Industries, Incorporated, is here-
19 by authorized to make such expenditures, within the limits
20 of funds and borrowing authority available, and in accord
21 with the law, and to make such contracts and commit-
22 ments, without regard to fiscal year limitations as pro-
23 vided by section 9104 of title 31, United States Code, as
24 may be necessary in carrying out the program set forth
25 in the budget for the current fiscal year for such corpora-

1 tion, including purchase (not to exceed five for replace-
2 ment only) and hire of passenger motor vehicles.

3 LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL
4 PRISON INDUSTRIES, INCORPORATED

5 Not to exceed \$2,328,000 of the funds of the Federal
6 Prison Industries, Incorporated shall be available for its
7 administrative expenses, and for services as authorized by
8 section 3109 of title 5, United States Code, to be com-
9 puted on an accrual basis to be determined in accordance
10 with the corporation's current prescribed accounting sys-
11 tem, and such amounts shall be exclusive of depreciation,
12 payment of claims, and expenditures which such account-
13 ing system requires to be capitalized or charged to cost
14 of commodities acquired or produced, including selling and
15 shipping expenses, and expenses in connection with acqui-
16 sition, construction, operation, maintenance, improvement,
17 protection, or disposition of facilities and other property
18 belonging to the corporation or in which it has an interest.

19 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES
20 OFFICE ON VIOLENCE AGAINST WOMEN
21 VIOLENCE AGAINST WOMEN PREVENTION AND
22 PROSECUTION PROGRAMS

23 For grants, contracts, cooperative agreements, and
24 other assistance for the prevention and prosecution of vio-
25 lence against women, as authorized by the Omnibus Crime
26 Control and Safe Streets Act of 1968 (42 U.S.C. 3711

1 et seq.) (“the 1968 Act”); the Violent Crime Control and
2 Law Enforcement Act of 1994 (Public Law 103–322)
3 (“the 1994 Act”); the Victims of Child Abuse Act of 1990
4 (Public Law 101–647) (“the 1990 Act”); the Prosecu-
5 torial Remedies and Other Tools to end the Exploitation
6 of Children Today Act of 2003 (Public Law 108–21); the
7 Juvenile Justice and Delinquency Prevention Act of 1974
8 (42 U.S.C. 5601 et seq.) (“the 1974 Act”); the Victims
9 of Trafficking and Violence Protection Act of 2000 (Public
10 Law 106–386) (“the 2000 Act”); and the Violence
11 Against Women and Department of Justice Reauthoriza-
12 tion Act of 2005 (Public Law 109–162) (“the 2005 Act”);
13 and for related victims services, \$415,000,000, to remain
14 available until expended: *Provided*, That except as other-
15 wise provided by law, not to exceed 3 percent of funds
16 made available under this heading may be used for ex-
17 penses related to evaluation, training, and technical assist-
18 ance: *Provided further*, That of the amount provided
19 (which shall be by transfer, for programs administered by
20 the Office of Justice Programs)—

21 (1) \$15,000,000 for the court-appointed special
22 advocate program, as authorized by section 217 of
23 the 1990 Act;

1 (2) \$2,500,000 for child abuse training pro-
2 grams for judicial personnel and practitioners, as
3 authorized by section 222 of the 1990 Act;

4 (3) \$190,000,000 for grants to combat violence
5 against women, as authorized by part T of the 1968
6 Act, of which—

7 (A) \$18,000,000 shall be for transitional
8 housing assistance grants for victims of domes-
9 tic violence, stalking or sexual assault as au-
10 thorized by section 40299 of the 1994 Act; and

11 (B) \$1,880,000 shall be for the National
12 Institute of Justice for research and evaluation
13 of violence against women and related issues
14 addressed by grant programs of the Office on
15 Violence Against Women;

16 (4) \$60,000,000 for grants to encourage arrest
17 policies as authorized by part U of the 1968 Act;

18 (5) \$12,000,000 for sexual assault victims as-
19 sistance, as authorized by section 41601 of the 1994
20 Act;

21 (6) \$41,000,000 for rural domestic violence and
22 child abuse enforcement assistance grants, as au-
23 thorized by section 40295 of the 1994 Act;

1 (7) \$3,500,000 for training programs as au-
2 thORIZED by section 40152 of the 1994 Act, and for
3 related local demonstration projects;

4 (8) \$3,000,000 for grants to improve the stalk-
5 ing and domestic violence databases, as authorized
6 by section 40602 of the 1994 Act;

7 (9) \$9,500,000 for grants to reduce violent
8 crimes against women on campus, as authorized by
9 section 304 of the 2005 Act;

10 (10) \$37,000,000 for legal assistance for vic-
11 tims, as authorized by section 1201 of the 2000 Act;

12 (11) \$4,250,000 for enhanced training and
13 services to end violence against and abuse of women
14 in later life, as authorized by section 40802 of the
15 1994 Act;

16 (12) \$14,000,000 for the safe havens for chil-
17 dren program, as authorized by section 1301 of the
18 2000 Act;

19 (13) \$6,750,000 for education and training to
20 end violence against and abuse of women with dis-
21 abilities, as authorized by section 1402 of the 2000
22 Act;

23 (14) \$3,000,000 for an engaging men and
24 youth in prevention program, as authorized by sec-
25 tion 41305 of the 1994 Act;

1 (15) \$1,000,000 for analysis and research on
2 violence against Indian women, as authorized by sec-
3 tion 904 of the 2005 Act;

4 (16) \$1,000,000 for tracking of violence against
5 Indian women, as authorized by section 905 of the
6 2005 Act;

7 (17) \$3,500,000 for services to advocate and
8 respond to youth, as authorized by section 41201 of
9 the 1994 Act;

10 (18) \$3,000,000 for grants to assist children
11 and youth exposed to violence, as authorized by sec-
12 tion 41303 of the 1994 Act;

13 (19) \$3,000,000 for the court training and im-
14 provements program, as authorized by section 41002
15 of the 1994 Act;

16 (20) \$1,000,000 for the National Resource
17 Center on Workplace Responses to assist victims of
18 domestic violence, as authorized by section 41501 of
19 the 1994 Act; and

20 (21) \$1,000,000 for grants for televised testi-
21 mony, as authorized by part N of title I of the 1968
22 Act.

1 OFFICE OF JUSTICE PROGRAMS

2 JUSTICE ASSISTANCE

3 For grants, contracts, cooperative agreements, and
4 other assistance authorized by title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968; the Missing
6 Children's Assistance Act (42 U.S.C. 5771 et seq.); the
7 Prosecutorial Remedies and Other Tools to end the Ex-
8 ploitation of Children Today Act of 2003 (Public Law
9 108–21); the Justice for All Act of 2004 (Public Law
10 108–405); the Violence Against Women and Department
11 of Justice Reauthorization Act of 2005 (Public Law 109–
12 162); the Victims of Child Abuse Act of 1990 (Public Law
13 101-647); the Victims of Crime Act of 1984 (Public Law
14 98–473); the Adam Walsh Child Protection and Safety
15 Act of 2006 (Public Law 109–248); the PROTECT Our
16 Children Act of 2008 (Public Law 110–401); subtitle D
17 of title II of the Homeland Security Act of 2002 (Public
18 Law 107–296), which may include research and develop-
19 ment; and other programs (including the Statewide Auto-
20 mated Victim Notification Program); \$220,000,000, to re-
21 main available until expended, of which:

22 (1) \$45,000,000 is for criminal justice statistics
23 programs, pursuant to part C of the 1968 Act, of
24 which \$26,000,000 is for the National Crime Victim-
25 ization Survey; and

1 (2) \$48,000,000 is for research, development,
2 and evaluation programs:

3 *Provided*, That section 1404(c)(3)(E)(i) of the Victims of
4 Crime Act of 1984, as amended (42 U.S.C. 10603) is
5 amended after “internships” by inserting “and for grants
6 under subparagraphs (1)(A) and (B), pursuant to rules
7 or guidelines that generally establish a publicly-an-
8 nounced, competitive process”.

9 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

10 For grants, contracts, cooperative agreements, and
11 other assistance authorized by the Violent Crime Control
12 and Law Enforcement Act of 1994 (Public Law 103–322)
13 (“the 1994 Act”); the Omnibus Crime Control and Safe
14 Streets Act of 1968 (“the 1968 Act”); the Justice for All
15 Act of 2004 (Public Law 108–405); the Victims of Child
16 Abuse Act of 1990 (Public Law 101–647) (“the 1990
17 Act”); the Trafficking Victims Protection Reauthorization
18 Act of 2005 (Public Law 109–164); the Violence Against
19 Women and Department of Justice Reauthorization Act
20 of 2005 (Public Law 109–162); the Adam Walsh Child
21 Protection and Safety Act of 2006 (Public Law 109–248);
22 and the Victims of Trafficking and Violence Protection
23 Act of 2000 (Public Law 106–386); and other programs;
24 \$1,328,500,000, to remain available until expended as fol-
25 lows:

1 (1) \$546,000,000 for the Edward Byrne Memo-
2 rial Justice Assistance Grant program as authorized
3 by subpart 1 of part E of title I of the 1968 Act,
4 (except that section 1001(c), and the special rules
5 for Puerto Rico under section 505(g), of the 1968
6 Act, shall not apply for purposes of this Act), of
7 which \$5,000,000 is for use by the National Insti-
8 tute of Justice in assisting units of local government
9 to identify, select, develop, modernize, and purchase
10 new technologies for use by law enforcement,
11 \$2,000,000 is for a program to improve State and
12 local law enforcement intelligence capabilities includ-
13 ing antiterrorism training and training to ensure
14 that constitutional rights, civil liberties, civil rights,
15 and privacy interests are protected throughout the
16 intelligence process, \$7,000,000 is to reimburse
17 State and local law enforcement for security and re-
18 lated costs, including overtime, associated with the
19 extraordinary security required to protect the Presi-
20 dent-elect during the Presidential transition period;
21 and \$20,000,000 is to reimburse State and local
22 governments for extraordinary costs associated with
23 the 2009 Presidential Inauguration;

24 (2) \$400,000,000 for the State Criminal Alien
25 Assistance Program, as authorized by section

1 241(i)(5) of the Immigration and Nationality Act (8
2 U.S.C. 1231(i)(5));

3 (3) \$31,000,000 for the Southwest Border
4 Prosecutor Initiative to reimburse State, county,
5 parish, tribal, or municipal governments for costs as-
6 sociated with the prosecution of criminal cases de-
7 clined by local offices of the United States Attor-
8 neys;

9 (4) \$3,000,000 for the Northern Border Pros-
10 ecutor Initiative to reimburse State, county, parish,
11 tribal or municipal governments for the costs associ-
12 ated with the prosecution of criminal cases declined
13 by local offices of United States Attorneys;

14 (5) \$178,500,000 for discretionary grants to
15 improve the functioning of the criminal justice sys-
16 tem, to prevent or combat juvenile delinquency, and
17 to assist victims of crime (other than compensation):
18 *Provided*, That within the amounts appropriated,
19 \$178,500,000 shall be used for the projects, and in
20 the amounts specified in the explanatory statement
21 described in section 4 (in the matter preceding divi-
22 sion A of this consolidated Act);

23 (6) \$30,000,000 for competitive grants to im-
24 prove the functioning of the criminal justice system,

1 to prevent or combat juvenile delinquency, and to as-
2 sist victims of crime (other than compensation);

3 (7) \$2,000,000 for the purposes described in
4 the Missing Alzheimer's Disease Patient Alert Pro-
5 gram (section 240001 of the 1994 Act);

6 (8) \$10,000,000 for victim services programs
7 for victims of trafficking, as authorized by section
8 107(b)(2) of Public Law 106-386 and for programs
9 authorized under Public Law 109-164;

10 (9) \$40,000,000 for Drug Courts, as authorized
11 by section 1001(25)(A) of title I of the 1968 Act;

12 (10) \$7,000,000 for a prescription drug moni-
13 toring program;

14 (11) \$12,500,000 for prison rape prevention
15 and prosecution and other programs, as authorized
16 by the Prison Rape Elimination Act of 2003 (Public
17 Law 108-79);

18 (12) \$10,000,000 for grants for Residential
19 Substance Abuse Treatment for State Prisoners, as
20 authorized by part S of title I of the 1968 Act;

21 (13) \$5,500,000 for the Capital Litigation Im-
22 provement Grant Program, as authorized by section
23 426 of Public Law 108-405, and for grants for
24 wrongful prosecution review;

1 (14) \$10,000,000 for mental health courts and
2 adult and juvenile collaboration program grants, as
3 authorized by parts V and HH of title I of the 1968
4 Act, and the Mentally Ill Offender Treatment and
5 Crime Reduction Reauthorization and Improvement
6 Act of 2008 (Public Law 110–416);

7 (15) \$25,000,000 for assistance to Indian
8 tribes, of which—

9 (A) \$10,000,000 shall be available for
10 grants under section 20109 of subtitle A of title
11 II of the 1994 Act;

12 (B) \$9,000,000 shall be available for the
13 Tribal Courts Initiative; and

14 (C) \$6,000,000 shall be available for tribal
15 alcohol and substance abuse reduction assist-
16 ance grants; and

17 (16) \$18,000,000 for economic, high technology
18 and Internet crime prevention grants:

19 *Provided*, That, if a unit of local government uses any of
20 the funds made available under this heading to increase
21 the number of law enforcement officers, the unit of local
22 government will achieve a net gain in the number of law
23 enforcement officers who perform nonadministrative pub-
24 lic safety service.

1 WEED AND SEED PROGRAM FUND

2 For necessary expenses, including salaries and re-
3 lated expenses of the Office of Weed and Seed Strategies,
4 \$25,000,000, to remain available until expended, as au-
5 thorized by section 103 of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968.

7 JUVENILE JUSTICE PROGRAMS

8 For grants, contracts, cooperative agreements, and
9 other assistance authorized by the Juvenile Justice and
10 Delinquency Prevention Act of 1974 (“the 1974 Act”), the
11 Omnibus Crime Control and Safe Streets Act of 1968
12 (“the 1968 Act”), the Violence Against Women and De-
13 partment of Justice Reauthorization Act of 2005 (Public
14 Law 109–162), the Missing Children’s Assistance Act (42
15 U.S.C. 5771 et seq.); the Prosecutorial Remedies and
16 Other Tools to end the Exploitation of Children Today Act
17 of 2003 (Public Law 108–21); the Victims of Child Abuse
18 Act of 1990 (Public Law 101–647); the Adam Walsh
19 Child Protection and Safety Act of 2006 (Public Law
20 109–248); the PROTECT Our Children Act of 2008
21 (Public Law 110–401), and other juvenile justice pro-
22 grams, \$374,000,000, to remain available until expended
23 as follows:

24 (1) \$75,000,000 for programs authorized by
25 section 221 of the 1974 Act, and for training and

1 technical assistance to assist small, non-profit orga-
2 nizations with the Federal grants process;

3 (2) \$82,000,000 for grants and projects, as au-
4 thorized by sections 261 and 262 of the 1974 Act:
5 *Provided*, That within the amounts appropriated,
6 \$82,000,000 shall be used for the projects, and in
7 the amounts, specified in the explanatory statement
8 described in section 4 (in the matter preceding divi-
9 sion A of this consolidated Act);

10 (3) \$80,000,000 for youth mentoring grants;

11 (4) \$62,000,000 for delinquency prevention, as
12 authorized by section 505 of the 1974 Act, of which,
13 pursuant to sections 261 and 262 thereof—

14 (A) \$25,000,000 shall be for the Tribal
15 Youth Program;

16 (B) \$10,000,000 shall be for a gang resist-
17 ance education and training program; and

18 (C) \$25,000,000 shall be for grants of
19 \$360,000 to each State and \$4,840,000 shall be
20 available for discretionary grants, for programs
21 and activities to enforce State laws prohibiting
22 the sale of alcoholic beverages to minors or the
23 purchase or consumption of alcoholic beverages
24 by minors, for prevention and reduction of con-

1 sumption of alcoholic beverages by minors, and
2 for technical assistance and training;

3 (5) \$20,000,000 for programs authorized by
4 the Victims of Child Abuse Act of 1990; and

5 (6) \$55,000,000 for the Juvenile Accountability
6 Block Grants program as authorized by part R of
7 title I of the 1968 Act and Guam shall be considered
8 a State:

9 *Provided*, That not more than 10 percent of each amount
10 may be used for research, evaluation, and statistics activi-
11 ties designed to benefit the programs or activities author-
12 ized: *Provided further*, That not more than 2 percent of
13 each amount may be used for training and technical as-
14 sistance: *Provided further*, That the previous two provisos
15 shall not apply to grants and projects authorized by sec-
16 tions 261 and 262 of the 1974 Act.

17 PUBLIC SAFETY OFFICER BENEFITS

18 For payments and expenses authorized by part L of
19 title I of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (42 U.S.C. 3796), such sums as are necessary,
21 as authorized by section 6093 of Public Law 100–690
22 (102 Stat. 4339–4340) (including amounts for adminis-
23 trative costs, which amounts shall be paid to the “Salaries
24 and Expenses” account), to remain available until ex-
25 pended; and \$5,000,000 for payments authorized by sec-

1 tion 1201(b) of such Act; and \$4,100,000 for educational
2 assistance, as authorized by section 1212 of such Act.

3 COMMUNITY ORIENTED POLICING SERVICES

4 For activities authorized by the Violent Crime Con-
5 trol and Law Enforcement Act of 1994 (Public Law 103–
6 322); the Omnibus Crime Control and Safe Streets Act
7 of 1968 (“the 1968 Act”); the Violence Against Women
8 and Department of Justice Reauthorization Act of 2005
9 (Public Law 109–162); subtitle D of title II of the Home-
10 land Security Act of 2002 (Public Law 107–296), which
11 may include research and development; and the USA PA-
12 TRIOT Improvement and Reauthorization Act of 2005
13 (Public Law 109–177); the Second Chance Act of 2007
14 (Public Law 110–199); the NICS Improvement Amend-
15 ments Act of 2007 (Public Law 110–180); the Adam
16 Walsh Child Protection and Safety Act of 2006 (Public
17 Law 109–248) (the “Adam Walsh Act”); and the Justice
18 for All Act of 2004 (Public Law 108–405), \$550,500,000,
19 to remain available until expended: *Provided*, That any
20 balances made available through prior year deobligations
21 shall only be available in accordance with section 505 of
22 this Act. Of the amount provided (which shall be by trans-
23 fer, for programs administered by the Office of Justice
24 Programs)—

25 (1) \$25,000,000 is for the matching grant pro-
26 gram for armor vests for law enforcement officers,

1 as authorized by section 2501 of title I of the 1968
2 Act: *Provided*, That \$1,500,000 is transferred di-
3 rectly to the National Institute of Standards and
4 Technology’s Office of Law Enforcement Standards
5 from the Community Oriented Policing Services Of-
6 fice for research, testing, and evaluation programs:
7 *Provided further*, That section 2501(f) of part Y of
8 title I of the 1968 Act (42 U.S.C. 3796ll(f)), is
9 amended by inserting at the end the following:

10 “(3) WAIVER.—The Director may waive in
11 whole or in part, the match requirement of para-
12 graph (1) in the case of fiscal hardship, as deter-
13 mined by the Director.”;

14 (2) \$39,500,000 is for grants to entities de-
15 scribed in section 1701 of title I of the 1968 Act,
16 to address public safety and methamphetamine man-
17 ufacturing, sale, and use in hot spots as authorized
18 by section 754 of Public Law 109–177, and for
19 other anti-methamphetamine-related activities: *Pro-*
20 *vided*, That within the amounts appropriated,
21 \$34,500,000 shall be used for the projects, and in
22 the amounts, specified in the explanatory statement
23 described in section 4 (in the matter preceding divi-
24 sion A of this consolidated Act);

1 (3) \$187,000,000 is for a law enforcement tech-
2 nologies and interoperable communications program,
3 and related law enforcement and public safety equip-
4 ment: *Provided*, That within the amounts appro-
5 priated, \$185,500,000 shall be used for the projects,
6 and in the amounts, specified in the explanatory
7 statement described in section 4 (in the matter pre-
8 ceding division A of this consolidated Act);

9 (4) \$25,000,000 is for offender re-entry pro-
10 grams, as authorized under section 101 and 211 of
11 the Second Chance Act of 2007 (Public Law 110–
12 199), of which \$15,000,000 is for grants for adult
13 and juvenile offender state and local reentry dem-
14 onstration projects, and \$10,000,000 is for grants
15 for mentoring and transitional services;

16 (5) \$10,000,000 is for grants to assist States
17 and tribal governments as authorized by the NICS
18 Improvements Amendments Act of 2007 (Public
19 Law 110–180);

20 (6) \$10,000,000 is for grants to upgrade crimi-
21 nal records, as authorized under the Crime Identifi-
22 cation Technology Act of 1998 (42 U.S.C. 14601);

23 (7) \$156,000,000 is for DNA related and foren-
24 sic programs and activities as follows:

1 (A) \$151,000,000 for a DNA analysis and
2 capacity enhancement program and for other
3 local, state, and Federal forensic activities in-
4 cluding the purposes of section 2 of the DNA
5 Analysis Backlog Elimination Act of 2000 (the
6 Debbie Smith DNA Backlog Grant Program);
7 and

8 (B) \$5,000,000 for the purposes described
9 in the Kirk Bloodsworth Post-Conviction DNA
10 Testing Program (Public Law 108–405, section
11 412);

12 (8) \$20,000,000 is for improving tribal law en-
13 forcement, including equipment and training;

14 (9) \$15,000,000 is for programs to reduce gun
15 crime and gang violence;

16 (10) \$4,000,000 is for training and technical
17 assistance;

18 (11) \$18,000,000 is for a national grant pro-
19 gram the purpose of which is to assist State and
20 local law enforcement to locate, arrest and prosecute
21 child sexual predators and exploiters, and to enforce
22 sex offender registration laws described in section
23 1701(b) of the 1968 Act, of which:

24 (A) \$5,000,000 is for sex offender manage-
25 ment assistance as authorized by the Adam

1 Walsh Act and the Violent Crime Control Act
2 of 1994 (Public Law 103–322); and

3 (B) \$1,000,000 is for the National Sex Of-
4 fender Public Registry;

5 (12) \$16,000,000 is for expenses authorized by
6 part AA of the 1968 Act (Secure our Schools); and

7 (13) \$25,000,000 is for Paul Coverdell Forensic
8 Science Improvement Grants under part BB of title
9 I of the 1968 Act.

10 SALARIES AND EXPENSES

11 For necessary expenses, not elsewhere specified in
12 this title, for management and administration of programs
13 within the Office on Violence Against Women, the Office
14 of Justice Programs and the Community Oriented Policing
15 Services Office, \$174,000,000, of which not to exceed
16 \$14,000,000 shall be available for the Office on Violence
17 Against Women; not to exceed \$130,000,000 shall be
18 available for the Office of Justice Programs; not to exceed
19 \$30,000,000 shall be available for the Community Ori-
20 ented Policing Services Office: *Provided*, That, notwith-
21 standing section 109 of title I of Public Law 90–351, an
22 additional amount, not to exceed \$21,000,000 shall be
23 available for authorized activities of the Office of Audit,
24 Assessment, and Management: *Provided further*, That the
25 total amount available for management and administra-
26 tion of such programs shall not exceed \$195,000,000.

1 GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

2 SEC. 201. In addition to amounts otherwise made
3 available in this title for official reception and representa-
4 tion expenses, a total of not to exceed \$50,000 from funds
5 appropriated to the Department of Justice in this title
6 shall be available to the Attorney General for official re-
7 ception and representation expenses.

8 SEC. 202. None of the funds appropriated by this
9 title shall be available to pay for an abortion, except where
10 the life of the mother would be endangered if the fetus
11 were carried to term, or in the case of rape: *Provided*,
12 That should this prohibition be declared unconstitutional
13 by a court of competent jurisdiction, this section shall be
14 null and void.

15 SEC. 203. None of the funds appropriated under this
16 title shall be used to require any person to perform, or
17 facilitate in any way the performance of, any abortion.

18 SEC. 204. Nothing in the preceding section shall re-
19 move the obligation of the Director of the Bureau of Pris-
20 ons to provide escort services necessary for a female in-
21 mate to receive such service outside the Federal facility:
22 *Provided*, That nothing in this section in any way dimin-
23 ishes the effect of section 203 intended to address the phil-
24 osophical beliefs of individual employees of the Bureau of
25 Prisons.

1 SEC. 205. Not to exceed 5 percent of any appropria-
2 tion made available for the current fiscal year for the De-
3 partment of Justice in this Act may be transferred be-
4 tween such appropriations, but no such appropriation, ex-
5 cept as otherwise specifically provided, shall be increased
6 by more than 10 percent by any such transfers: *Provided*,
7 That any transfer pursuant to this section shall be treated
8 as a reprogramming of funds under section 505 of this
9 Act and shall not be available for obligation except in com-
10 pliance with the procedures set forth in that section: *Pro-*
11 *vided further*, That none of the funds appropriated to
12 “Buildings and Facilities, Federal Prison System” in this
13 or any other Act may be transferred to “Salaries and Ex-
14 penses, Federal Prison System”, or any other Department
15 of Justice account, unless the President certifies that such
16 a transfer is necessary to the national security interests
17 of the United States, and such authority shall not be dele-
18 gated, and shall be subject to section 505 of this Act.

19 SEC. 206. The Attorney General is authorized to ex-
20 tend through September 30, 2010, the Personnel Manage-
21 ment Demonstration Project transferred to the Attorney
22 General pursuant to section 1115 of the Homeland Secu-
23 rity Act of 2002, Public Law 107–296 (6 U.S.C. 533)
24 without limitation on the number of employees or the posi-
25 tions covered.

1 SEC. 207. Notwithstanding any other provision of
2 law, Public Law 102–395 section 102(b) shall extend to
3 the Bureau of Alcohol, Tobacco, Firearms and Explosives
4 in the conduct of undercover investigative operations and
5 shall apply without fiscal year limitation with respect to
6 any undercover investigative operation initiated by the Bu-
7 reau of Alcohol, Tobacco, Firearms and Explosives that
8 is necessary for the detection and prosecution of crimes
9 against the United States.

10 SEC. 208. None of the funds made available to the
11 Department of Justice in this Act may be used for the
12 purpose of transporting an individual who is a prisoner
13 pursuant to conviction for crime under State or Federal
14 law and is classified as a maximum or high security pris-
15 oner, other than to a prison or other facility certified by
16 the Federal Bureau of Prisons as appropriately secure for
17 housing such a prisoner.

18 SEC. 209. (a) None of the funds appropriated by this
19 Act may be used by Federal prisons to purchase cable tele-
20 vision services, to rent or purchase videocassettes, video-
21 cassette recorders, or other audiovisual or electronic equip-
22 ment used primarily for recreational purposes.

23 (b) The preceding sentence does not preclude the
24 renting, maintenance, or purchase of audiovisual or elec-

1 tronic equipment for inmate training, religious, or edu-
2 cational programs.

3 SEC. 210. None of the funds made available under
4 this title shall be obligated or expended for Sentinel, or
5 for any other major new or enhanced information tech-
6 nology program having total estimated development costs
7 in excess of \$100,000,000, unless the Deputy Attorney
8 General and the investment review board certify to the
9 Committees on Appropriations that the information tech-
10 nology program has appropriate program management
11 and contractor oversight mechanisms in place, and that
12 the program is compatible with the enterprise architecture
13 of the Department of Justice.

14 SEC. 211. The notification thresholds and procedures
15 set forth in section 505 of this Act shall apply to devi-
16 ations from the amounts designated for specific activities
17 in this Act and accompanying statement, and to any use
18 of deobligated balances of funds provided under this title
19 in previous years.

20 SEC. 212. None of the funds appropriated by this Act
21 may be used to plan for, begin, continue, finish, process,
22 or approve a public-private competition under the Office
23 of Management and Budget Circular A-76 or any suc-
24 cessor administrative regulation, directive, or policy for

1 work performed by employees of the Bureau of Prisons
2 or of Federal Prison Industries, Incorporated.

3 SEC. 213. Notwithstanding any other provision of
4 law, no funds shall be available for the salary, benefits,
5 or expenses of any United States Attorney assigned dual
6 or additional responsibilities by the Attorney General or
7 his designee that exempt that United States Attorney
8 from the residency requirements of 28 U.S.C. 545.

9 SEC. 214. None of the funds appropriated in this or
10 any other Act shall be obligated for the initiation of a fu-
11 ture phase of the Federal Bureau of Investigation's Sen-
12 tinel program until the Attorney General certifies to the
13 Committees on Appropriations that existing phases cur-
14 rently under contract for development or fielding have
15 completed a majority of the work for that phase under
16 the performance measurement baseline validated by the
17 integrated baseline review conducted in 2008: *Provided*,
18 That this restriction does not apply to planning and design
19 activities for future phases: *Provided further*, That the Bu-
20 reau will notify the Committees on Appropriations of any
21 significant changes to the baseline.

22 SEC. 215. (a) The Attorney General shall submit
23 quarterly reports to the Inspector General of the Depart-
24 ment of Justice regarding the costs and contracting proce-
25 dures relating to each conference held by the Department

1 of Justice during fiscal year 2009 for which the cost to
2 the Government was more than \$20,000.

3 (b) Each report submitted under subsection (a) shall
4 include, for each conference described in that subsection
5 held during the applicable quarter—

6 (1) a description of the subject of and number
7 of participants attending that conference;

8 (2) a detailed statement of the costs to the Gov-
9 ernment relating to that conference, including—

10 (A) the cost of any food or beverages;

11 (B) the cost of any audio-visual services;

12 and

13 (C) a discussion of the methodology used
14 to determine which costs relate to that con-
15 ference; and

16 (3) a description of the contracting procedures
17 relating to that conference, including—

18 (A) whether contracts were awarded on a
19 competitive basis for that conference; and

20 (B) a discussion of any cost comparison
21 conducted by the Department of Justice in eval-
22 uating potential contractors for that conference.

23 This title may be cited as the “Department of Justice
24 Appropriations Act, 2009”.

1 TITLE III

2 SCIENCE

3 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

4 For necessary expenses of the Office of Science and
5 Technology Policy, in carrying out the purposes of the Na-
6 tional Science and Technology Policy, Organization, and
7 Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of
8 passenger motor vehicles, and services as authorized by
9 5 U.S.C. 3109, not to exceed \$2,500 for official reception
10 and representation expenses, and rental of conference
11 rooms in the District of Columbia, \$5,303,000.

12 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

13 SCIENCE

14 For necessary expenses, not otherwise provided for,
15 in the conduct and support of science research and devel-
16 opment activities, including research, development, oper-
17 ations, support, and services; maintenance; construction of
18 facilities including repair, rehabilitation, revitalization,
19 and modification of facilities, construction of new facilities
20 and additions to existing facilities, facility planning and
21 design, and restoration, and acquisition or condemnation
22 of real property, as authorized by law; environmental com-
23 pliance and restoration; space flight, spacecraft control,
24 and communications activities; program management; per-
25 sonnel and related costs, including uniforms or allowances

1 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
2 penses; purchase and hire of passenger motor vehicles; and
3 purchase, lease, charter, maintenance, and operation of
4 mission and administrative aircraft, \$4,503,019,000 to re-
5 main available until September 30, 2010.

6 AERONAUTICS

7 For necessary expenses, not otherwise provided for,
8 in the conduct and support of aeronautics research and
9 development activities, including research, development,
10 operations, support, and services; maintenance; construc-
11 tion of facilities including repair, rehabilitation, revitaliza-
12 tion, and modification of facilities, construction of new fa-
13 cilities and additions to existing facilities, facility planning
14 and design, and restoration, and acquisition or condemna-
15 tion of real property, as authorized by law; environmental
16 compliance and restoration; space flight, spacecraft con-
17 trol, and communications activities; program manage-
18 ment; personnel and related costs, including uniforms or
19 allowances therefor, as authorized by 5 U.S.C. 5901–
20 5902; travel expenses; purchase and hire of passenger
21 motor vehicles; and purchase, lease, charter, maintenance,
22 and operation of mission and administrative aircraft,
23 \$500,000,000 to remain available until September 30,
24 2010.

EXPLORATION

1
2 For necessary expenses, not otherwise provided for,
3 in the conduct and support of exploration research and
4 development activities, including research, development,
5 operations, support, and services; maintenance; construc-
6 tion of facilities including repair, rehabilitation, revitaliza-
7 tion, and modification of facilities, construction of new fa-
8 cilities and additions to existing facilities, facility planning
9 and design, and restoration, and acquisition or condemna-
10 tion of real property, as authorized by law; environmental
11 compliance and restoration; space flight, spacecraft con-
12 trol, and communications activities; program manage-
13 ment, personnel and related costs, including uniforms or
14 allowances therefor, as authorized by 5 U.S.C. 5901–
15 5902; travel expenses; purchase and hire of passenger
16 motor vehicles; and purchase, lease, charter, maintenance,
17 and operation of mission and administrative aircraft,
18 \$3,505,469,000 to remain available until September 30,
19 2010.

SPACE OPERATIONS

20
21 For necessary expenses, not otherwise provided for,
22 in the conduct and support of space operations research
23 and development activities, including research, develop-
24 ment, operations, support and services; space flight, space-
25 craft control and communications activities including oper-

1 ations, production, and services; maintenance; construc-
2 tion of facilities including repair, rehabilitation, revitaliza-
3 tion and modification of facilities, construction of new fa-
4 cilities and additions to existing facilities, facility planning
5 and design, and restoration, and acquisition or condemna-
6 tion of real property, as authorized by law; environmental
7 compliance and restoration; program management; per-
8 sonnel and related costs, including uniforms or allowances
9 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
10 penses; purchase and hire of passenger motor vehicles; and
11 purchase, lease, charter, maintenance and operation of
12 mission and administrative aircraft, \$5,764,710,000, to
13 remain available until September 30, 2010: *Provided,*
14 That of the amounts provided under this heading,
15 \$2,981,724,000 shall be for Space Shuttle operations, pro-
16 duction, research, development, and support,
17 \$2,060,162,000 shall be for International Space Station
18 operations, production, research, development, and sup-
19 port, and \$722,824,000 shall be for Space and Flight sup-
20 port.

21 EDUCATION

22 For necessary expenses, not otherwise provided for,
23 in carrying out aerospace and aeronautical education re-
24 search and development activities, including research, de-
25 velopment, operations, support, and services; program

1 management; personnel and related costs, uniforms or al-
2 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
3 travel expenses; purchase and hire of passenger motor ve-
4 hicles; and purchase, lease, charter, maintenance, and op-
5 eration of mission and administrative aircraft,
6 \$169,200,000, to remain available until September 30,
7 2010.

8 CROSS AGENCY SUPPORT

9 For necessary expenses, not otherwise provided for,
10 in the conduct and support of science, aeronautics, explo-
11 ration, space operations and education research and devel-
12 opment activities, including research, development, oper-
13 ations, support, and services; maintenance; construction of
14 facilities including repair, rehabilitation, revitalization,
15 and modification of facilities, construction of new facilities
16 and additions to existing facilities, facility planning and
17 design, and restoration, and acquisition or condemnation
18 of real property, as authorized by law; environmental com-
19 pliance and restoration; space flight, spacecraft control,
20 and communications activities; program management; per-
21 sonnel and related costs, including uniforms or allowances
22 therefor, as authorized by 5 U.S.C. 5901–5902; travel ex-
23 penses; purchase and hire of passenger motor vehicles; not
24 to exceed \$70,000 for official reception and representation
25 expenses; and purchase, lease, charter, maintenance, and
26 operation of mission and administrative aircraft,

1 \$3,306,387,000, to remain available until September 30,
2 2010: *Provided*, That \$2,024,000,000, together with not
3 more than \$9,000,000 to be derived from receipts pursu-
4 ant to 42 U.S.C. 2459j, shall be available for center man-
5 agement and operations: *Provided further*, That notwith-
6 standing 42 U.S.C. 2459j, proceeds from enhanced use
7 leases that may be made available for obligation for fiscal
8 year 2009 shall not exceed \$9,000,000: *Provided further*,
9 That each annual budget request shall include an annual
10 estimate of gross receipts and collections and proposed use
11 of all funds collected pursuant to 42 U.S.C. 2459j: *Pro-*
12 *vided further*, That not less than \$45,000,000 shall be
13 available for independent verification and validation activi-
14 ties, of which \$5,000,000 shall be available to develop core
15 verification and validation competencies with small busi-
16 nesses, and \$40,000,000 shall be available for operations
17 of the independent verification and validation facility: *Pro-*
18 *vided further*, That within the amounts appropriated
19 \$67,500,000 shall be used for the projects, and in the
20 amounts, specified in the explanatory statement described
21 in section 4 (in the matter preceding division A of this
22 consolidated Act).

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General in carrying out the Inspector General Act of 1978,

1 \$33,600,000, to remain available until September 30,
2 2010.

3 ADMINISTRATIVE PROVISIONS

4 Notwithstanding the limitation on the duration of
5 availability of funds appropriated to the National Aero-
6 nautics and Space Administration for any account in this
7 Act, except for “Office of Inspector General”, when any
8 activity has been initiated by the incurrence of obligations
9 for construction of facilities or environmental compliance
10 and restoration activities as authorized by law, such
11 amount available for such activity shall remain available
12 until expended. This provision does not apply to the
13 amounts appropriated for institutional minor revitaliza-
14 tion and minor construction of facilities, and institutional
15 facility planning and design.

16 Notwithstanding the limitation on the availability of
17 funds appropriated to the National Aeronautics and Space
18 Administration for any account in this Act, except for “Of-
19 fice of Inspector General”, the amounts appropriated for
20 construction of facilities shall remain available until Sep-
21 tember 30, 2011.

22 Funds for announced prizes otherwise authorized
23 shall remain available, without fiscal year limitation, until
24 the prize is claimed or the offer is withdrawn.

25 Not to exceed 5 percent of any appropriation made
26 available for the current fiscal year for the National Aero-

1 nautics and Space Administration in this Act may be
2 transferred between such appropriations, but no such ap-
3 propriation, except as otherwise specifically provided, shall
4 be increased by more than 10 percent by any such trans-
5 fers. Any transfer pursuant to this provision shall be treat-
6 ed as a reprogramming of funds under section 505 of this
7 Act and shall not be available for obligation except in com-
8 pliance with the procedures set forth in that section.

9 Notwithstanding any other provision of law, no funds
10 shall be used to implement any Reduction in Force or
11 other involuntary separations (except for cause) by the
12 National Aeronautics and Space Administration prior to
13 September 30, 2009.

14 The unexpired balances of the Science, Aeronautics,
15 and Exploration account, for activities for which funds are
16 provided under this Act, may be transferred to the new
17 accounts established in this Act that provide such activity.
18 Balances so transferred shall be merged with the funds
19 in the newly established accounts, but shall be available
20 under the same terms, conditions and period of time as
21 previously appropriated.

22 For the closeout of all Space Shuttle contracts and
23 associated programs, amounts that have expired but have
24 not been cancelled in the Human Space Flight, Space
25 Flight Capabilities, and Exploration Capabilities appro-

1 priations accounts shall remain available through fiscal
2 year 2015 for the liquidation of valid obligations incurred
3 during the period of fiscal year 2001 through fiscal year
4 2009.

5 Funding designations and minimum funding require-
6 ments contained in any other Act shall not be applicable
7 to funds appropriated by this title for the National Aero-
8 nautics and Space Administration.

9 The Administrator of NASA shall, not later than
10 February 2, 2009, submit to the appropriate committees
11 of Congress a report that delineates by fiscal year, mission
12 directorate and object class the full costs necessary for
13 Space Shuttle retirement and transition activities for fis-
14 cal years 2006 through 2015 that includes, but is not lim-
15 ited to, the following:

16 (1) the costs for environmental compliance and
17 remediation;

18 (2) the gross and net proceeds from exchange
19 sales of excess Space Shuttle equipment;

20 (3) the costs to maintain required facilities at
21 Kennedy Space Center during the gap in human
22 space flight;

23 (4) the costs associated with preservation of
24 historic properties;

25 (5) the costs of workforce transition; and

1 (6) other costs related to Space Shuttle retire-
2 ment and transition.

3 NATIONAL SCIENCE FOUNDATION

4 RESEARCH AND RELATED ACTIVITIES

5 For necessary expenses in carrying out the National
6 Science Foundation Act of 1950, as amended (42 U.S.C.
7 1861–1875), and the Act to establish a National Medal
8 of Science (42 U.S.C. 1880–1881); services as authorized
9 by 5 U.S.C. 3109; maintenance and operation of aircraft
10 and purchase of flight services for research support; acqui-
11 sition of aircraft; and authorized travel; \$5,183,100,000,
12 to remain available until September 30, 2010, of which
13 not to exceed \$540,000,000 shall remain available until
14 expended for polar research and operations support, and
15 for reimbursement to other Federal agencies for oper-
16 ational and science support and logistical and other re-
17 lated activities for the United States Antarctic program:
18 *Provided*, That from funds specified in the fiscal year
19 2009 budget request for icebreaking services, up to
20 \$54,000,000 shall be available for the procurement of
21 polar icebreaking services: *Provided further*, That the Na-
22 tional Science Foundation shall only reimburse the Coast
23 Guard for such sums as are agreed to according to the
24 existing memorandum of agreement: *Provided further*,
25 That receipts for scientific support services and materials

1 furnished by the National Research Centers and other Na-
2 tional Science Foundation supported research facilities
3 may be credited to this appropriation: *Provided further*,
4 That not less than \$133,000,000 shall be available for ac-
5 tivities authorized by section 7002(b)(2)(A)(iv) of Public
6 Law 110–69.

7 MAJOR RESEARCH EQUIPMENT AND FACILITIES

8 CONSTRUCTION

9 For necessary expenses for the acquisition, construc-
10 tion, commissioning, and upgrading of major research
11 equipment, facilities, and other such capital assets pursu-
12 ant to the National Science Foundation Act of 1950, as
13 amended (42 U.S.C. 1861–1875), including authorized
14 travel, \$152,010,000, to remain available until expended.

15 EDUCATION AND HUMAN RESOURCES

16 For necessary expenses in carrying out science and
17 engineering education and human resources programs and
18 activities pursuant to the National Science Foundation
19 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
20 ing services as authorized by 5 U.S.C. 3109, authorized
21 travel, and rental of conference rooms in the District of
22 Columbia, \$845,260,000, to remain available until Sep-
23 tember 30, 2010: *Provided further*, That not less than
24 \$55,000,000 shall be available until expended for activities
25 authorized by section 7030 of Public Law 110–69.

1 AGENCY OPERATIONS AND AWARD MANAGEMENT

2 For agency operations and award management nec-
3 essary in carrying out the National Science Foundation
4 Act of 1950, as amended (42 U.S.C. 1861–1875); services
5 authorized by 5 U.S.C. 3109; hire of passenger motor ve-
6 hicles; not to exceed \$9,000 for official reception and rep-
7 resentation expenses; uniforms or allowances therefor, as
8 authorized by 5 U.S.C. 5901–5902; rental of conference
9 rooms in the District of Columbia; and reimbursement of
10 the Department of Homeland Security for security guard
11 services; \$294,000,000: *Provided*, That contracts may be
12 entered into under this heading in fiscal year 2009 for
13 maintenance and operation of facilities, and for other serv-
14 ices, to be provided during the next fiscal year.

15 OFFICE OF THE NATIONAL SCIENCE BOARD

16 For necessary expenses (including payment of sala-
17 ries, authorized travel, hire of passenger motor vehicles,
18 the rental of conference rooms in the District of Columbia,
19 and the employment of experts and consultants under sec-
20 tion 3109 of title 5, United States Code) involved in car-
21 rying out section 4 of the National Science Foundation
22 Act of 1950, as amended (42 U.S.C. 1863) and Public
23 Law 86–209 (42 U.S.C. 1880 et seq.), \$4,030,000: *Pro-*
24 *vided*, That not to exceed \$2,500 shall be available for offi-
25 cial reception and representation expenses.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General as authorized by the Inspector General Act of
4 1978, as amended, \$12,000,000.

5 This title may be cited as the “Science Appropria-
6 tions Act, 2009”.

7 TITLE IV

8 RELATED AGENCIES

9 COMMISSION ON CIVIL RIGHTS

10 SALARIES AND EXPENSES

11 For necessary expenses of the Commission on Civil
12 Rights, including hire of passenger motor vehicles,
13 \$8,800,000: *Provided*, That none of the funds appro-
14 priated in this paragraph shall be used to employ in excess
15 of four full-time individuals under Schedule C of the Ex-
16 cepted Service exclusive of one special assistant for each
17 Commissioner: *Provided further*, That none of the funds
18 appropriated in this paragraph shall be used to reimburse
19 Commissioners for more than 75 billable days, with the
20 exception of the chairperson, who is permitted 125 billable
21 days.

22 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

23 SALARIES AND EXPENSES

24 For necessary expenses of the Equal Employment
25 Opportunity Commission as authorized by title VII of the

1 Civil Rights Act of 1964, the Age Discrimination in Em-
2 ployment Act of 1967, the Equal Pay Act of 1963, the
3 Americans with Disabilities Act of 1990, and the Civil
4 Rights Act of 1991, including services as authorized by
5 5 U.S.C. 3109; hire of passenger motor vehicles as author-
6 ized by 31 U.S.C. 1343(b); nonmonetary awards to private
7 citizens; and not to exceed \$26,000,000 for payments to
8 State and local enforcement agencies for authorized serv-
9 ices to the Commission, \$343,925,000: *Provided*, That the
10 Commission is authorized to make available for official re-
11 ception and representation expenses not to exceed \$2,500
12 from available funds: *Provided further*, That the Commis-
13 sion may take no action to implement any workforce repo-
14 sitioning, restructuring, or reorganization until such time
15 as the House and Senate Committees on Appropriations
16 have been notified of such proposals, in accordance with
17 the reprogramming requirements of section 505 of this
18 Act: *Provided further*, That the Chair is authorized to ac-
19 cept and use any gift or donation to carry out the work
20 of the Commission.

21 INTERNATIONAL TRADE COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the International Trade
24 Commission, including hire of passenger motor vehicles,
25 and services as authorized by 5 U.S.C. 3109, and not to

1 exceed \$2,500 for official reception and representation ex-
2 penses, \$75,100,000, to remain available until expended.

3 LEGAL SERVICES CORPORATION

4 PAYMENT TO THE LEGAL SERVICES CORPORATION

5 For payment to the Legal Services Corporation to
6 carry out the purposes of the Legal Services Corporation
7 Act of 1974, \$390,000,000, of which \$365,800,000 is for
8 basic field programs and required independent audits;
9 \$4,200,000 is for the Office of Inspector General, of which
10 such amounts as may be necessary may be used to conduct
11 additional audits of recipients; \$16,000,000 is for manage-
12 ment and administration; \$3,000,000 is for client self-help
13 and information technology; and \$1,000,000 is for loan
14 repayment assistance: *Provided*, That the Legal Services
15 Corporation may continue to provide locality pay to offi-
16 cers and employees at a rate no greater than that provided
17 by the Federal Government to Washington, DC-based em-
18 ployees as authorized by 5 U.S.C. 5304, notwithstanding
19 section 1005(d) of the Legal Services Corporation Act, 42
20 U.S.C. 2996(d).

21 ADMINISTRATIVE PROVISION—LEGAL SERVICES

22 CORPORATION

23 None of the funds appropriated in this Act to the
24 Legal Services Corporation shall be expended for any pur-
25 pose prohibited or limited by, or contrary to any of the

1 provisions of, sections 501, 502, 503, 504, 505, and 506
2 of Public Law 105–119, and all funds appropriated in this
3 Act to the Legal Services Corporation shall be subject to
4 the same terms and conditions set forth in such sections,
5 except that all references in sections 502 and 503 to 1997
6 and 1998 shall be deemed to refer instead to 2008 and
7 2009, respectively.

8 MARINE MAMMAL COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Marine Mammal Com-
11 mission as authorized by title II of Public Law 92–522,
12 \$3,200,000.

13 OFFICE OF THE UNITED STATES TRADE

14 REPRESENTATIVE

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the United
17 States Trade Representative, including the hire of pas-
18 senger motor vehicles and the employment of experts and
19 consultants as authorized by 5 U.S.C. 3109, \$47,272,000,
20 of which \$1,000,000 shall remain available until expended:
21 *Provided*, That not to exceed \$124,000 shall be available
22 for official reception and representation expenses: *Pro-*
23 *vided further*, That negotiations shall be conducted within
24 the World Trade Organization to recognize the right of
25 members to distribute monies collected from antidumping

1 and countervailing duties: *Provided further*, That negotia-
2 tions shall be conducted within the World Trade Organiza-
3 tion consistent with the negotiating objectives contained
4 in the Trade Act of 2002, Public Law 107–210.

5 STATE JUSTICE INSTITUTE

6 SALARIES AND EXPENSES

7 For necessary expenses of the State Justice Institute,
8 as authorized by the State Justice Institute Authorization
9 Act of 1984 (42 U.S.C. 10701 et. seq.) \$4,100,000, of
10 which \$250,000 shall remain available until September 30,
11 2010: *Provided*, That not to exceed \$2,500 shall be avail-
12 able for official reception and representation expenses.

13 TITLE V

14 GENERAL PROVISIONS

15 SEC. 501. No part of any appropriation contained in
16 this Act shall be used for publicity or propaganda purposes
17 not authorized by the Congress.

18 SEC. 502. No part of any appropriation contained in
19 this Act shall remain available for obligation beyond the
20 current fiscal year unless expressly so provided herein.

21 SEC. 503. The expenditure of any appropriation
22 under this Act for any consulting service through procure-
23 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
24 to those contracts where such expenditures are a matter
25 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-
2 isting Executive order issued pursuant to existing law.

3 SEC. 504. If any provision of this Act or the applica-
4 tion of such provision to any person or circumstances shall
5 be held invalid, the remainder of the Act and the applica-
6 tion of each provision to persons or circumstances other
7 than those as to which it is held invalid shall not be af-
8 fected thereby.

9 SEC. 505. (a) None of the funds provided under this
10 Act, or provided under previous appropriations Acts to the
11 agencies funded by this Act that remain available for obli-
12 gation or expenditure in fiscal year 2009, or provided from
13 any accounts in the Treasury of the United States derived
14 by the collection of fees available to the agencies funded
15 by this Act, shall be available for obligation or expenditure
16 through the reprogramming of funds that:

17 (1) creates or initiates a new program, project or ac-
18 tivity;

19 (2) eliminates a program, project or activity, unless
20 the House and Senate Committees on Appropriations are
21 notified 15 days in advance of such reprogramming of
22 funds;

23 (3) increases funds or personnel by any means for
24 any project or activity for which funds have been denied
25 or restricted by this Act, unless the House and Senate

1 Committees on Appropriations are notified 15 days in ad-
2 vance of such reprogramming of funds;

3 (4) relocates an office or employees, unless the House
4 and Senate Committees on Appropriations are notified 15
5 days in advance of such reprogramming of funds;

6 (5) reorganizes or renames offices, programs or ac-
7 tivities, unless the House and Senate Committees on Ap-
8 propriations are notified 15 days in advance of such re-
9 programming of funds;

10 (6) contracts out or privatizes any functions or activi-
11 ties presently performed by Federal employees, unless the
12 House and Senate Committees on Appropriations are noti-
13 fied 15 days in advance of such reprogramming of funds;

14 (7) proposes to use funds directed for a specific activ-
15 ity by either the House or Senate Committee on Appro-
16 priations for a different purpose, unless the House and
17 Senate Committees on Appropriations are notified 15 days
18 in advance of such reprogramming of funds;

19 (8) augments funds for existing programs, projects
20 or activities in excess of \$500,000 or 10 percent, which-
21 ever is less, or reduces by 10 percent funding for any pro-
22 gram, project or activity, or numbers of personnel by 10
23 percent as approved by Congress, unless the House and
24 Senate Committees on Appropriations are notified 15 days
25 in advance of such reprogramming of funds; or

1 (9) results from any general savings, including sav-
2 ings from a reduction in personnel, which would result in
3 a change in existing programs, projects or activities as ap-
4 proved by Congress, unless the House and Senate Com-
5 mittees on Appropriations are notified 15 days in advance
6 of such reprogramming of funds.

7 (b) None of the funds in provided under this Act, or
8 provided under previous appropriations Acts to the agen-
9 cies funded by this Act that remain available for obligation
10 or expenditure in fiscal year 2009, or provided from any
11 accounts in the Treasury of the United States derived by
12 the collection of fees available to the agencies funded by
13 this Act, shall be available for obligation or expenditure
14 through the reprogramming of funds after August 1, ex-
15 cept in extraordinary circumstances, and only after the
16 House and Senate Committees on Appropriations are noti-
17 fied 30 days in advance of such reprogramming of funds.

18 SEC. 506. Hereafter, none of the funds made avail-
19 able in this or any other Act may be used to implement,
20 administer, or enforce any guidelines of the Equal Em-
21 ployment Opportunity Commission covering harassment
22 based on religion, when it is made known to the Federal
23 entity or official to which such funds are made available
24 that such guidelines do not differ in any respect from the

1 proposed guidelines published by the Commission on Octo-
2 ber 1, 1993 (58 Fed. Reg. 51266).

3 SEC. 507. If it has been finally determined by a court
4 or Federal agency that any person intentionally affixed a
5 label bearing a “Made in America” inscription, or any in-
6 scription with the same meaning, to any product sold in
7 or shipped to the United States that is not made in the
8 United States, the person shall be ineligible to receive any
9 contract or subcontract made with funds made available
10 in this Act, pursuant to the debarment, suspension, and
11 ineligibility procedures described in sections 9.400 through
12 9.409 of title 48, Code of Federal Regulations.

13 SEC. 508. The Departments of Commerce and Jus-
14 tice, the National Science Foundation, and the National
15 Aeronautics and Space Administration, shall provide to
16 the House and Senate Committees on Appropriations a
17 quarterly accounting of the cumulative balances of any un-
18 obligated funds that were received by such agency during
19 any previous fiscal year.

20 SEC. 509. Any costs incurred by a department or
21 agency funded under this Act resulting from, or to pre-
22 vent, personnel actions taken in response to funding re-
23 ductions included in this Act shall be absorbed within the
24 total budgetary resources available to such department or
25 agency: *Provided*, That the authority to transfer funds be-

1 tween appropriations accounts as may be necessary to
2 carry out this section is provided in addition to authorities
3 included elsewhere in this Act: *Provided further*, That use
4 of funds to carry out this section shall be treated as a
5 reprogramming of funds under section 505 of this Act and
6 shall not be available for obligation or expenditure except
7 in compliance with the procedures set forth in that section.

8 SEC. 510. None of the funds provided by this Act
9 shall be available to promote the sale or export of tobacco
10 or tobacco products, or to seek the reduction or removal
11 by any foreign country of restrictions on the marketing
12 of tobacco or tobacco products, except for restrictions
13 which are not applied equally to all tobacco or tobacco
14 products of the same type.

15 SEC. 511. None of the funds appropriated pursuant
16 to this Act or any other provision of law may be used for—

17 (1) the implementation of any tax or fee in con-
18 nection with the implementation of subsection 922(t)
19 of title 18, United States Code; and

20 (2) any system to implement subsection 922(t)
21 of title 18, United States Code, that does not re-
22 quire and result in the destruction of any identifying
23 information submitted by or on behalf of any person
24 who has been determined not to be prohibited from
25 possessing or receiving a firearm no more than 24

1 hours after the system advises a Federal firearms li-
2 censee that possession or receipt of a firearm by the
3 prospective transferee would not violate subsection
4 (g) or (n) of section 922 of title 18, United States
5 Code, or State law.

6 SEC. 512. Notwithstanding any other provision of
7 law, amounts deposited or available in the Fund estab-
8 lished under 42 U.S.C. 10601 in any fiscal year in excess
9 of \$635,000,000 shall not be available for obligation until
10 the following fiscal year.

11 SEC. 513. None of the funds made available to the
12 Department of Justice in this Act may be used to discrimi-
13 nate against or denigrate the religious or moral beliefs of
14 students who participate in programs for which financial
15 assistance is provided from those funds, or of the parents
16 or legal guardians of such students.

17 SEC. 514. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government, except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this Act or any other appropriations Act.

22 SEC. 515. Any funds provided in this Act used to im-
23 plement E-Government Initiatives shall be subject to the
24 procedures set forth in section 505 of this Act.

1 SEC. 516. (a) Tracing studies conducted by the Bu-
2 reau of Alcohol, Tobacco, Firearms and Explosives are re-
3 leased without adequate disclaimers regarding the limita-
4 tions of the data.

5 (b) The Bureau of Alcohol, Tobacco, Firearms and
6 Explosives shall include in all such data releases, language
7 similar to the following that would make clear that trace
8 data cannot be used to draw broad conclusions about fire-
9 arms-related crime:

10 (1) Firearm traces are designed to assist law
11 enforcement authorities in conducting investigations
12 by tracking the sale and possession of specific fire-
13 arms. Law enforcement agencies may request fire-
14 arms traces for any reason, and those reasons are
15 not necessarily reported to the Federal Government.
16 Not all firearms used in crime are traced and not all
17 firearms traced are used in crime.

18 (2) Firearms selected for tracing are not chosen
19 for purposes of determining which types, makes, or
20 models of firearms are used for illicit purposes. The
21 firearms selected do not constitute a random sample
22 and should not be considered representative of the
23 larger universe of all firearms used by criminals, or
24 any subset of that universe. Firearms are normally
25 traced to the first retail seller, and sources reported

1 for firearms traced do not necessarily represent the
2 sources or methods by which firearms in general are
3 acquired for use in crime.

4 SEC. 517. (a) The Inspectors General of the Depart-
5 ment of Commerce, the Department of Justice, the Na-
6 tional Aeronautics and Space Administration, the Na-
7 tional Science Foundation, and the Legal Services Cor-
8 poration shall conduct audits, pursuant to the Inspector
9 General Act (5 U.S.C. App.), of grants or contracts for
10 which funds are appropriated by this Act, and shall submit
11 reports to Congress on the progress of such audits, which
12 may include preliminary findings and a description of
13 areas of particular interest, within 180 days after initi-
14 ating such an audit and every 180 days thereafter until
15 any such audit is completed.

16 (b) Within 60 days after the date on which an audit
17 described in subsection (a) by an Inspector General is
18 completed, the Secretary, Attorney General, Adminis-
19 trator, Director, or President, as appropriate, shall make
20 the results of the audit available to the public on the Inter-
21 net website maintained by the Department, Administra-
22 tion, Foundation, or Corporation, respectively. The results
23 shall be made available in redacted form to exclude—

24 (1) any matter described in section 552(b) of
25 title 5, United States Code; and

1 (2) sensitive personal information for any indi-
2 vidual, the public access to which could be used to
3 commit identity theft or for other inappropriate or
4 unlawful purposes.

5 (c) A grant or contract funded by amounts appro-
6 priated by this Act may not be used for the purpose of
7 defraying the costs of a banquet or conference that is not
8 directly and programmatically related to the purpose for
9 which the grant or contract was awarded, such as a ban-
10 quet or conference held in connection with planning, train-
11 ing, assessment, review, or other routine purposes related
12 to a project funded by the grant or contract.

13 (d) Any person awarded a grant or contract funded
14 by amounts appropriated by this Act shall submit a state-
15 ment to the Secretary of Commerce, the Attorney General,
16 the Administrator, Director, or President, as appropriate,
17 certifying that no funds derived from the grant or contract
18 will be made available through a subcontract or in any
19 other manner to another person who has a financial inter-
20 est in the person awarded the grant or contract.

21 (e) The provisions of the preceding subsections of this
22 section shall take effect 30 days after the date on which
23 the Director of the Office of Management and Budget, in
24 consultation with the Director of the Office of Government
25 Ethics, determines that a uniform set of rules and require-

1 ments, substantially similar to the requirements in such
2 subsections, consistently apply under the executive branch
3 ethics program to all Federal departments, agencies, and
4 entities.

5 SEC. 518. None of the funds appropriated or other-
6 wise made available under this Act may be used to issue
7 patents on claims directed to or encompassing a human
8 organism.

9 SEC. 519. None of the funds made available in this
10 Act shall be used in any way whatsoever to support or
11 justify the use of torture by any official or contract em-
12 ployee of the United States Government.

13 SEC. 520. (a) Notwithstanding any other provision
14 of law or treaty, none of the funds appropriated or other-
15 wise made available under this Act or any other Act may
16 be expended or obligated by a department, agency, or in-
17 strumentality of the United States to pay administrative
18 expenses or to compensate an officer or employee of the
19 United States in connection with requiring an export li-
20 cense for the export to Canada of components, parts, ac-
21 cessories or attachments for firearms listed in Category
22 I, section 121.1 of title 22, Code of Federal Regulations
23 (International Trafficking in Arms Regulations (ITAR),
24 part 121, as it existed on April 1, 2005) with a total value
25 not exceeding \$500 wholesale in any transaction, provided

1 that the conditions of subsection (b) of this section are
2 met by the exporting party for such articles.

3 (b) The foregoing exemption from obtaining an ex-
4 port license—

5 (1) does not exempt an exporter from filing any
6 Shipper's Export Declaration or notification letter
7 required by law, or from being otherwise eligible
8 under the laws of the United States to possess, ship,
9 transport, or export the articles enumerated in sub-
10 section (a); and

11 (2) does not permit the export without a license
12 of—

13 (A) fully automatic firearms and compo-
14 nents and parts for such firearms, other than
15 for end use by the Federal Government, or a
16 Provincial or Municipal Government of Canada;

17 (B) barrels, cylinders, receivers (frames) or
18 complete breech mechanisms for any firearm
19 listed in Category I, other than for end use by
20 the Federal Government, or a Provincial or Mu-
21 nicipal Government of Canada; or

22 (C) articles for export from Canada to an-
23 other foreign destination.

24 (c) In accordance with this section, the District Di-
25 rectors of Customs and postmasters shall permit the per-

1 manent or temporary export without a license of any un-
2 classified articles specified in subsection (a) to Canada for
3 end use in Canada or return to the United States, or tem-
4 porary import of Canadian-origin items from Canada for
5 end use in the United States or return to Canada for a
6 Canadian citizen.

7 (d) The President may require export licenses under
8 this section on a temporary basis if the President deter-
9 mines, upon publication first in the Federal Register, that
10 the Government of Canada has implemented or main-
11 tained inadequate import controls for the articles specified
12 in subsection (a), such that a significant diversion of such
13 articles has and continues to take place for use in inter-
14 national terrorism or in the escalation of a conflict in an-
15 other nation. The President shall terminate the require-
16 ments of a license when reasons for the temporary require-
17 ments have ceased.

18 SEC. 521. Notwithstanding any other provision of
19 law, no department, agency, or instrumentality of the
20 United States receiving appropriated funds under this Act
21 or any other Act shall obligate or expend in any way such
22 funds to pay administrative expenses or the compensation
23 of any officer or employee of the United States to deny
24 any application submitted pursuant to 22 U.S.C.
25 2778(b)(1)(B) and qualified pursuant to 27 CFR section

1 478.112 or .113, for a permit to import United States ori-
2 gin “curios or relics” firearms, parts, or ammunition.

3 SEC. 522. None of the funds made available in this
4 Act may be used to include in any new bilateral or multi-
5 lateral trade agreement the text of—

6 (1) paragraph 2 of article 16.7 of the United
7 States-Singapore Free Trade Agreement;

8 (2) paragraph 4 of article 17.9 of the United
9 States-Australia Free Trade Agreement; or

10 (3) paragraph 4 of article 15.9 of the United
11 States-Morocco Free Trade Agreement.

12 SEC. 523. None of the funds made available in this
13 Act may be used to authorize or issue a national security
14 letter in contravention of any of the following laws author-
15 izing the Federal Bureau of Investigation to issue national
16 security letters: The Right to Financial Privacy Act; The
17 Electronic Communications Privacy Act; The Fair Credit
18 Reporting Act; The National Security Act of 1947; USA
19 PATRIOT Act; and the laws amended by these Acts.

20 SEC. 524. If at any time during any quarter, the pro-
21 gram manager of a project within the jurisdiction of the
22 Departments of Commerce or Justice, the National Aero-
23 nautics and Space Administration, or the National Science
24 Foundation totaling more than \$75,000,000 has reason-
25 able cause to believe that the total program cost has in-

1 creased by 10 percent, the program manager shall imme-
2 diately inform the Secretary, Administrator, or Director.
3 The Secretary, Administrator, or Director shall notify the
4 House and Senate Committees on Appropriations within
5 30 days in writing of such increase, and shall include in
6 such notice: the date on which such determination was
7 made; a statement of the reasons for such increases; the
8 action taken and proposed to be taken to control future
9 cost growth of the project; changes made in the perform-
10 ance or schedule milestones and the degree to which such
11 changes have contributed to the increase in total program
12 costs or procurement costs; new estimates of the total
13 project or procurement costs; and a statement validating
14 that the project's management structure is adequate to
15 control total project or procurement costs.

16 SEC. 525. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for intel-
18 ligence or intelligence related activities are deemed to be
19 specifically authorized by the Congress for purposes of sec-
20 tion 504 of the National Security Act of 1947 (50 U.S.C.
21 414) during fiscal year 2009 until the enactment of the
22 Intelligence Authorization Act for fiscal year 2009.

23 SEC. 526. The Departments, agencies, and commis-
24 sions funded under this Act, shall establish and maintain
25 on the homepages of their Internet websites—

1 (1) a direct link to the Internet websites of
2 their Offices of Inspectors General; and

3 (2) a mechanism on the Offices of Inspectors
4 General website by which individuals may anony-
5 mously report cases of waste, fraud, or abuse with
6 respect to those Departments, agencies, and commis-
7 sions.

8 SEC. 527. None of the funds appropriated or other-
9 wise made available by this Act may be used to enter into
10 a contract in an amount greater than \$5,000,000 or to
11 award a grant in excess of such amount unless the pro-
12 spective contractor or grantee certifies in writing to the
13 agency awarding the contract or grant that, to the best
14 of its knowledge and belief, the contractor or grantee has
15 filed all Federal tax returns required during the three
16 years preceding the certification, has not been convicted
17 of a criminal offense under the Internal Revenue Code of
18 1986, and has not, more than 90 days prior to certifi-
19 cation, been notified of any unpaid Federal tax assessment
20 for which the liability remains unsatisfied, unless the as-
21 sessment is the subject of an installment agreement or
22 offer in compromise that has been approved by the Inter-
23 nal Revenue Service and is not in default, or the assess-
24 ment is the subject of a non-frivolous administrative or
25 judicial proceeding.

1 tions, the following funds are hereby rescinded from the
2 following accounts and programs in the specified amounts:

3 (1) “Economic Development Administration,
4 Economic Development Assistance Programs”,
5 \$15,000,000;

6 (2) “National Institute of Standards and Tech-
7 nology, Industrial Technology Services”, \$5,000,000;

8 (3) “National Telecommunications and Infor-
9 mation Administration, Salaries and Expenses”,
10 \$3,000,000;

11 (4) “National Telecommunications and Infor-
12 mation Administration, Public Telecommunications,
13 Facilities, Planning and Construction”, \$1,600,000;
14 and

15 (5) “Bureau of the Census, Periodic Censuses
16 and Programs”, \$1,000,000.

17 (b) Of the unobligated balances available to the De-
18 partment of Justice from prior appropriations, the fol-
19 lowing funds are hereby rescinded, not later than Sep-
20 tember 30, 2009, from the following accounts in the speci-
21 fied amounts:

22 (1) “General Administration, Working Capital
23 Fund”, \$100,000,000;

24 (2) “Legal Activities, Assets Forfeiture Fund”,
25 \$285,000,000;

1 (3) “Office of Justice Programs”,
2 \$100,000,000; and

3 (4) “Community Oriented Policing Services”,
4 \$100,000,000.

5 (c) Each department affected by the rescissions con-
6 tained in subsections (a) and (b) shall, within 30 days of
7 enactment of this Act, submit to the Committee on Appro-
8 priations of the House of Representatives and the Senate
9 a report specifying the amount of each rescission made
10 pursuant to this section.

11 (d) The rescissions contained in this section shall not
12 apply to funds provided in this Act.

13 SEC. 530. None of the funds made available in this
14 Act may be used to purchase first class or premium airline
15 travel in contravention of sections 301–10.122 through
16 301–10.124 of title 41 of the Code of Federal Regulations.

17 SEC. 531. None of the funds made available in this
18 Act may be used to send or otherwise pay for the attend-
19 ance of more than 50 employees from a Federal depart-
20 ment or agency at any single conference occurring outside
21 the United States.

22 This division may be cited as the “Commerce, Jus-
23 tice, Science, and Related Agencies Appropriations Act,
24 2009”.

1 DIVISION C—ENERGY AND WATER DEVELOP-
2 MENT AND RELATED AGENCIES APPRO-
3 PRIATIONS ACT, 2009

4 TITLE I

5 DEPARTMENT OF DEFENSE—CIVIL

6 DEPARTMENT OF THE ARMY

7 CORPS OF ENGINEERS—CIVIL

8 The following appropriations shall be expended under
9 the direction of the Secretary of the Army and the super-
10 vision of the Chief of Engineers for authorized civil func-
11 tions of the Department of the Army pertaining to rivers
12 and harbors, flood and storm damage reduction, shore
13 protection, aquatic ecosystem restoration, and related ef-
14 forts.

15 INVESTIGATIONS

16 For expenses necessary where authorized by law for
17 the collection and study of basic information pertaining
18 to river and harbor, flood and storm damage reduction,
19 shore protection, aquatic ecosystem restoration, and re-
20 lated needs; for surveys and detailed studies, and plans
21 and specifications of proposed river and harbor, flood and
22 storm damage reduction, shore protection, and aquatic
23 ecosystem restoration projects and related efforts prior to
24 construction; for restudy of authorized projects; and for
25 miscellaneous investigations and, when authorized by law,
26 surveys and detailed studies, and plans and specifications

1 of projects prior to construction, \$168,100,000, to remain
2 available until expended: *Provided*, That, except as pro-
3 vided in section 101 of this Act, the amounts made avail-
4 able under this paragraph shall be expended as authorized
5 in law for the projects and activities specified in the text
6 and table under this heading in the explanatory statement
7 described in section 4 (in the matter preceding division
8 A of this consolidated Act).

9 CONSTRUCTION

10 For expenses necessary for the construction of river
11 and harbor, flood and storm damage reduction, shore pro-
12 tection, aquatic ecosystem restoration, and related
13 projects authorized by law; for conducting detailed studies,
14 and plans and specifications, of such projects (including
15 those involving participation by States, local governments,
16 or private groups) authorized or made eligible for selection
17 by law (but such detailed studies, and plans and specifica-
18 tions, shall not constitute a commitment of the Govern-
19 ment to construction); \$2,141,677,000, to remain avail-
20 able until expended; of which such sums as are necessary
21 to cover the Federal share of construction costs for facili-
22 ties under the Dredged Material Disposal Facilities pro-
23 gram shall be derived from the Harbor Maintenance Trust
24 Fund as authorized by Public Law 104–303; and of which
25 such sums as are necessary pursuant to Public Law 99–
26 662 shall be derived from the Inland Waterways Trust

1 Fund, to cover one-half of the costs of construction, re-
2 placement, rehabilitation, and expansion of inland water-
3 ways projects (including only Chickamauga Lock, Ten-
4 nessee; Kentucky Lock and Dam, Tennessee River, Ken-
5 tucky; Lock and Dams 2, 3, and 4 Monongahela River,
6 Pennsylvania; Marmet Lock and Dam, West Virginia;
7 McAlpine Lock and Dam, Kentucky and Indiana; Olmsted
8 Lock and Dam, Illinois and Kentucky; Gray's Landing
9 Lock and Dam, Pennsylvania; R.C. Byrd Lock and Dam,
10 Ohio and West Virginia; and Point Marion Lock and
11 Dam, Pennsylvania) shall be derived from the Inland Wa-
12 terways Trust Fund: *Provided*, That the Chief of Engi-
13 neers is directed to use \$13,000,000 of the funds appro-
14 priated herein for the Dallas Floodway Extension, Texas,
15 project, including the Cadillac Heights feature, generally
16 in accordance with the Chief of Engineers report dated
17 December 7, 1999: *Provided further*, That the Chief of
18 Engineers is directed to use \$8,000,000 of the funds ap-
19 propriated herein for planning, engineering, design or con-
20 struction of the Grundy, Buchanan County, and
21 Dickenson County, Virginia, elements of the Levisa and
22 Tug Forks of the Big Sandy River and Upper Cumberland
23 River Project: *Provided further*, That the Chief of Engi-
24 neers is directed to use \$8,500,000 of the funds appro-
25 priated herein to continue planning, engineering, design

1 or construction of the Lower Mingo County, Upper Mingo
2 County, Wayne County, McDowell County, West Virginia,
3 elements of the Levisa and Tug Forks of the Big Sandy
4 River and Upper Cumberland River Project: *Provided fur-*
5 *ther*, That the Secretary of the Army, acting through the
6 Chief of Engineers, is directed to use \$9,000,000 of the
7 funds appropriated herein for the Clover Fork, City of
8 Cumberland, Town of Martin, Pike County (including
9 Levisa Fork and Tug Fork Tributaries), Bell County,
10 Harlan County in accordance with the Draft Detailed
11 Project Report dated January 2002, Floyd County, Mar-
12 tin County, Johnson County, and Knox County, Kentucky,
13 detailed project report, elements of the Levisa and Tug
14 Forks of the Big Sandy River and Upper Cumberland
15 River: *Provided further*, That the Chief of Engineers is
16 directed to use \$17,048,000 of the funds provided herein
17 for planning and design and construction of a rural health
18 care facility on the Fort Berthold Reservation of the Three
19 Affiliated Tribes, North Dakota: *Provided further*, That,
20 except as provided in section 101 of this Act, the amounts
21 made available under this paragraph shall be expended as
22 authorized in law for the projects and activities specified
23 in the text and table under this heading in the explanatory
24 statement described in section 4 (in the matter preceding
25 division A of the consolidated Act).

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For expenses necessary for flood damage reduction
3 projects and related efforts in the Mississippi River allu-
4 vial valley below Cape Girardeau, Missouri, as authorized
5 by law, \$383,823,000, to remain available until expended,
6 of which such sums as are necessary to cover the Federal
7 share of eligible operation and maintenance costs for in-
8 land harbors shall be derived from the Harbor Mainte-
9 nance Trust Fund: *Provided*, That the Chief of Engineers
10 is directed to use \$5,000,000 of the funds provided herein
11 for design and real estate activities and pump supply ele-
12 ments for the Yazoo Basin, Yazoo Backwater Pumping
13 Plant, Mississippi: *Provided further*, That the Secretary of
14 the Army, acting through the Chief of Engineers is di-
15 rected to use \$8,000,000 appropriated herein for construc-
16 tion of water withdrawal features of the Grand Prairie,
17 Arkansas, project: *Provided further*, That, except as pro-
18 vided in section 101 of this Act, the amounts made avail-
19 able under this paragraph shall be expended as authorized
20 in law for the projects and activities specified in the text
21 and table under this heading in the explanatory statement
22 described in section 4 (in the matter preceding division
23 A of this consolidated Act).

24 OPERATION AND MAINTENANCE

25 For expenses necessary for the operation, mainte-
26 nance, and care of existing river and harbor, flood and

1 storm damage reduction, aquatic ecosystem restoration,
2 and related projects authorized by law; providing security
3 for infrastructure owned or operated by the Corps, includ-
4 ing administrative buildings and laboratories; maintaining
5 harbor channels provided by a State, municipality, or
6 other public agency that serve essential navigation needs
7 of general commerce, where authorized by law; surveying
8 and charting northern and northwestern lakes and con-
9 necting waters; clearing and straightening channels; and
10 removing obstructions to navigation, \$2,201,900,000, to
11 remain available until expended, of which such sums as
12 are necessary to cover the Federal share of eligible oper-
13 ation and maintenance costs for coastal harbors and chan-
14 nels, and for inland harbors shall be derived from the Har-
15 bor Maintenance Trust Fund; of which such sums as be-
16 come available from the special account for the Corps es-
17 tablished by the Land and Water Conservation Act of
18 1965, as amended (16 U.S.C. 4601–6a(i)), shall be derived
19 from that account for resource protection, research, inter-
20 pretation, and maintenance activities related to resource
21 protection in the areas at which outdoor recreation is
22 available; and of which such sums as become available
23 from fees collected under section 217 of the Water Re-
24 sources Development Act of 1996 (Public Law 104–303),
25 shall be used to cover the cost of operation and mainte-

1 nance of the dredged material disposal facilities for which
2 such fees have been collected: *Provided*, That of the
3 amounts provided herein, not to exceed \$500,000 is pro-
4 vided to the Secretary of the Army to reimburse travel
5 expenses as provided for in section 9003(f) of the Water
6 Resources Development Act of 2007, Public Law 110–114
7 (121 Stat. 1289–1290): *Provided further*, That 2 percent
8 of the total amount of funds provided for each of the pro-
9 grams, projects or activities funded under this heading
10 shall not be allocated to a field operating activity prior
11 to the beginning of the fourth quarter of the fiscal year
12 and shall be available for use by the Chief of Engineers
13 to fund such emergency activities as the Chief of Engi-
14 neers determines to be necessary and appropriate; and
15 that the Chief of Engineers shall allocate during the
16 fourth quarter any remaining funds which have not been
17 used for emergency activities proportionally in accordance
18 with the amounts provided for the programs, projects or
19 activities: *Provided further*, That, except as provided in
20 section 101 of this Act, the amounts made available under
21 this paragraph shall be expended as authorized in law for
22 the projects and activities specified in the text and table
23 under the heading in the explanatory statement described
24 in section 4 (in the matter preceding division A of this
25 consolidated Act).

REGULATORY PROGRAM

1
2 For expenses necessary for administration of laws
3 pertaining to regulation of navigable waters and wetlands,
4 \$183,000,000, to remain available until expended: *Pro-*
5 *vided*, That the Secretary of the Army, acting through the
6 Chief of Engineers, may use up to \$3,200,000 of the funds
7 appropriated herein to reimburse the Port of Arlington,
8 Gillam County, Oregon, for those direct construction costs
9 determined by the Secretary to have been incurred by the
10 Port as a result of and following issuance of the Depart-
11 ment of the Army Regulatory Program permit for the con-
12 struction of a commercial dock and offload facility at the
13 Port in February 2007, including the removal of the com-
14 mercial dock and offload facility.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

15
16 For expenses necessary to clean up contamination
17 from sites in the United States resulting from work per-
18 formed as part of the Nation's early atomic energy pro-
19 gram, \$140,000,000, to remain available until expended.

EXPENSES

20
21 For expenses necessary for the supervision and gen-
22 eral administration of the civil works program in the head-
23 quarters of the United States Army Corps of Engineers,
24 and the offices of the Division Engineers; and for the man-
25 agement and operation of the Humphreys Engineer Cen-
26 ter Support Activity, the Institute for Water Resources,

1 the United States Army Engineer Research and Develop-
2 ment Center, and the United States Army Corps of Engi-
3 neers Finance Center, \$179,365,000, to remain available
4 until expended, of which not to exceed \$5,000 may be used
5 for official reception and representation purposes and only
6 during the current fiscal year: *Provided*, That no part of
7 any other appropriation provided in title I of this Act shall
8 be available to fund the civil works activities of the Office
9 of the Chief of Engineers or the civil works executive di-
10 rection and management activities of the division offices.

11 OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL
12 WORKS)

13 For the Office of Assistant Secretary of the Army
14 (Civil Works) as authorized by 10 U.S.C. 3016(b)(3),
15 \$4,500,000, to remain available until expended.

16 ADMINISTRATIVE PROVISION

17 The Revolving Fund, Corps of Engineers, shall be
18 available during the current fiscal year for purchase (not
19 to exceed 100 for replacement only) and hire of passenger
20 motor vehicles for the civil works program.

21 GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

22 SEC. 101. (a) None of the funds provided in title I
23 of this Act, or provided by previous appropriations Acts
24 to the agencies or entities funded in title I of this Act
25 that remain available for obligation or expenditure in fiscal

1 year 2009, shall be available for obligation or expenditure
2 through a reprogramming of funds that:

3 (1) creates or initiates a new program, project,
4 or activity;

5 (2) eliminates a program, project, or activity;

6 (3) increases funds or personnel for any pro-
7 gram, project, or activity for which funds have been
8 denied or restricted by this Act, unless prior ap-
9 proval is received from the House and Senate Com-
10 mittees on Appropriations;

11 (4) proposes to use funds directed for a specific
12 activity for a different purpose, unless prior approval
13 is received from the House and Senate Committees
14 on Appropriations;

15 (5) augments or reduces existing programs,
16 projects or activities in excess of the amounts con-
17 tained in subsections 6 through 10, unless prior ap-
18 proval is received from the House and Senate Com-
19 mittees on Appropriations;

20 (6) INVESTIGATIONS.—For a base level over
21 \$100,000, reprogramming of 25 percent of the base
22 amount up to a limit of \$150,000 per project, study
23 or activity is allowed: *Provided*, That for a base level
24 less than \$100,000, the reprogramming limit is
25 \$25,000; *Provided further*, That up to \$25,000 may

1 be reprogrammed into any continuing study or activ-
2 ity that did not receive an appropriation for existing
3 obligations and concomitant administrative expenses;

4 (7) CONSTRUCTION.—For a base level over
5 \$2,000,000, reprogramming of 15 percent of the
6 base amount up to a limit of \$3,000,000 per project,
7 study or activity is allowed: *Provided*, That for a
8 base level less than \$2,000,000, the reprogramming
9 limit is \$300,000: *Provided further*, That up to
10 \$3,000,000 may be reprogrammed for settled con-
11 tractor claims, changed conditions, or real estate de-
12 ficiency judgments: *Provided further*, That up to
13 \$300,000 may be reprogrammed into any continuing
14 study or activity that did not receive an appropria-
15 tion for existing obligations and concomitant admin-
16 istrative expenses;

17 (8) OPERATION AND MAINTENANCE.—Unlim-
18 ited reprogramming authority is granted in order for
19 the Corps to be able to respond to emergencies: *Pro-*
20 *vided*, That the Chief of Engineers must notify the
21 House and Senate Committees on Appropriations of
22 these emergency actions as soon thereafter as prac-
23 ticable: *Provided further*, That for a base level over
24 \$1,000,000, reprogramming of 15 percent of the
25 base amount up to a limit of \$5,000,000 per project,

1 study or activity is allowed: *Provided further*, That
2 for a base level less than \$1,000,000, the re-
3 programming limit is \$150,000: *Provided further*,
4 That \$150,000 may be reprogrammed into any con-
5 tinuing study or activity that did not receive an ap-
6 propriation;

7 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
8 The same reprogramming guidelines for the Inves-
9 tigation, Construction, and Operation and Mainte-
10 nance portions of the Mississippi River and Tribu-
11 taries Account as listed above; and

12 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
13 TION PROGRAM.—Reprogramming of up to 15 per-
14 cent of the base of the receiving project is permitted.

15 (b) CONTINUING AUTHORITIES PROGRAM.—Sub-
16 section (a)(1) shall not apply to any project or activity
17 funded under the continuing authorities program.

18 (c) Not later than 60 days after the date of enact-
19 ment of this Act, the Corps of Engineers shall submit a
20 report to the House and Senate Committees on Appropria-
21 tions to establish the baseline for application of re-
22 programming and transfer authorities for the current fis-
23 cal year: *Provided*, That the report shall include:

24 (1) A table for each appropriation with a sepa-
25 rate column to display the President's budget re-

1 quest, adjustments made by Congress, adjustments
2 due to enacted rescissions, if appropriate, and the
3 fiscal year enacted level;

4 (2) A delineation in the table for each appro-
5 priation both by object class and program, project
6 and activity as detailed in the budget appendix for
7 the respective appropriations; and

8 (3) An identification of items of special congres-
9 sional interest: *Provided further*, That the amount
10 appropriated for salaries and expenses of the Corps
11 of Engineers shall be reduced by \$100,000 per day
12 for each day after the required date that the report
13 has not been submitted to the Congress.

14 SEC. 102. None of the funds in this Act, or previous
15 Acts, making funds available for Energy and Water Devel-
16 opment, shall be used to implement any pending or future
17 competitive sourcing actions under OMB Circular A-76
18 or High Performing Organizations for the U.S. Army
19 Corps of Engineers.

20 SEC. 103. None of the funds made available in this
21 title may be used to award or modify any contract that
22 commits an amount for a project in excess of the amounts
23 appropriated for that project that remain unobligated.

24 SEC. 104. Within 90 days of the date of the Chief
25 of Engineers Report on a water resource matter, the As-

1 sistant Secretary of the Army (Civil Works) shall submit
2 the report to the appropriate authorizing and appro-
3 priating committees of the Congress.

4 SEC. 105. WATER REALLOCATION, LAKE CUM-
5 BERLAND, KENTUCKY. (a) IN GENERAL.—Subject to sub-
6 section (b), none of the funds made available by this Act
7 may be used to carry out any water reallocation project
8 or component under the Wolf Creek Project, Lake Cum-
9 berland, Kentucky, authorized under the Act of June 28,
10 1938 (52 Stat. 1215, ch. 795) and the Act of July 24,
11 1946 (60 Stat. 636, ch. 595).

12 (b) EXISTING REALLOCATIONS.—Subsection (a) shall
13 not apply to any water reallocation for Lake Cumberland,
14 Kentucky, that is carried out subject to an agreement or
15 payment schedule in effect on the date of enactment of
16 this Act.

17 SEC. 106. Section 121 of the Energy and Water De-
18 velopment Appropriations Act, 2006 (Public Law 109–
19 103; 119 Stat. 2256) is amended by striking subsection
20 (a) and inserting the following:

21 “(a) Hereafter, the Secretary of the Army may carry
22 out and fund planning studies, watershed surveys and as-
23 sessments, or technical studies at 100 percent Federal ex-
24 pense to accomplish the purposes of the 2003 Biological
25 Opinion described in section 205(b) of the Energy and

1 Water Development Appropriations Act, 2005 (Public
2 Law 108–447; 118 Stat. 2949) as amended by subsection
3 (b) or any related subsequent biological opinion, and the
4 collaborative program long-term plan. In carrying out a
5 study, survey, or assessment under this subsection, the
6 Secretary of the Army shall consult with Federal, State,
7 tribal and local governmental entities, as well as entities
8 participating in the Middle Rio Grande Endangered Spe-
9 cies Collaborative Program referred to in section 205 of
10 this Act: *Provided*, That the Secretary of the Army may
11 also provide planning and administrative assistance to the
12 Middle Rio Grande Endangered Species Collaborative Pro-
13 gram, which shall not be subject to cost sharing require-
14 ments with non-Federal interests.”.

15 SEC. 107. None of the funds in this Act, or previous
16 Acts, making funds available for Energy and Water Devel-
17 opment shall be used to award any continuing contract
18 that commits additional funding from the Inland Water-
19 way Trust Fund unless or until such time that a perma-
20 nent solution to enhance revenues in the fund is enacted.

21 SEC. 108. The Secretary is authorized to conduct a
22 study of the Missouri River Projects located within the
23 Missouri River basin at a total cost of \$25,000,000 with
24 the express purpose to review the original project purposes
25 based on the Flood Control Act of 1944, as amended, and

1 other subsequent relevant legislation and judicial rulings
2 to determine if changes to the authorized project purposes
3 and existing Federal water resource infrastructure may be
4 warranted: *Provided*, That this study shall be undertaken
5 at full Federal expense.

6 SEC. 109. Section 134 of Public Law 108–137 (117
7 Stat. 1842), as amended by section 128(b) of Public Law
8 109–103 (119 Stat. 2260), is further amended by striking
9 “\$30,000,000” wherever it appears and inserting
10 “\$48,300,000” in lieu thereof.

11 SEC. 110. Section 101(a)(5) of the Water Resources
12 Development Act of 1996 (110 Stat. 3663) is amended—

13 (1) by inserting “(A) IN GENERAL.—” before
14 “The”; and

15 (2) by adding at the end the following:

16 “(B) CREDIT TOWARD NON-FEDERAL
17 SHARE.—The Secretary shall credit toward the
18 non-Federal share of the project the costs ex-
19 pended by non-Federal interests for the replace-
20 ment and reconstruction of the Soquel Avenue
21 Bridge.

22 “(C) MAXIMUM AMOUNT OF CREDIT.—The
23 credit under paragraph (B) may not exceed
24 \$2,000,000.

1 “(D) LIMITATION OF TOTAL PROJECT
2 COST.—The Secretary shall not include the
3 costs to be credited under paragraphs (B) and
4 (C) in total project costs in determining the
5 amounts of the Federal and non-Federal con-
6 tributions.”.

7 SEC. 111. The Missouri River Levee System (MRLS)
8 Unit L-385 Project, Riverside, Missouri, authorized by
9 the Flood Control Act of 1941, Public Law 77-228, and
10 the Flood Control Act of 1944, Public Law 78-534, is
11 modified to direct the Secretary, acting through the Chief
12 of Engineers, to take such action as is necessary to correct
13 deficiencies in the L-385 levee system in Riverside, Mis-
14 souri at full Federal expense at a cost of no more than
15 \$7,000,000.

16 SEC. 112. Section 115 of the Energy and Water De-
17 velopment and Related Agencies Appropriations Act, 2008
18 as contained in division C of Public Law 110-161, is
19 amended by striking “\$20,000,000. The Secretary shall
20 transfer this facility to the Secretary of the Interior for
21 operation and maintenance upon the completion of con-
22 struction.” and inserting in lieu thereof, “\$20,000,000:
23 *Provided*, That the Secretary shall transfer ownership of
24 this facility to the Secretary of Health and Human Serv-

1 ices for operation and maintenance upon the completion
2 of construction.”.

3 SEC. 113. Section 103(c)(7) of the Water Resources
4 Development Act of 1992 (106 Stat. 4811–12), as amend-
5 ed by section 117 of the Energy and Water Development
6 Appropriations Act of 2006 (119 Stat. 2255), is further
7 amended by striking “15,000,000” and inserting
8 “26,000,000”.

9 SEC. 114. Section 3118 of Public Law 110–114 (121
10 Stat. 1137) is amended by—

11 (1) in paragraph (b) by inserting after “New
12 Mexico” the following: “in accordance with the plans
13 recommended in the feasibility report for the Middle
14 Rio Grande Bosque, New Mexico, scheduled for com-
15 pletion in December 2008”;

16 (2) redesignating subsection (d) as subsection
17 (e); and

18 (3) inserting a new subsection (d):

19 “(d) COST SHARING.—Any requirement for non-Fed-
20 eral participation in a project carried out in the bosque
21 of Bernalillo County, New Mexico, pursuant to this section
22 shall be limited to the provision of lands, easements,
23 rights-of-way, relocations, and dredged material disposal
24 areas necessary for construction, operation and mainte-
25 nance of the project.”.

1 SEC. 115. The non-Federal interest for the project
2 referenced in section 3154 of the Water Resources Devel-
3 opment Act of 2007 (Public Law 110–114; 121 Stat.
4 1148) may carry out design and construction work on the
5 project in advance of Federal appropriations or may pro-
6 vide funds directly to the Secretary for the Secretary to
7 carry out such work: *Provided*, That the Secretary of the
8 Army shall reimburse the non-Federal interest for any
9 costs incurred by the non-Federal interest that are in ex-
10 cess of the non-Federal share of total project costs subject
11 to the availability of appropriations.

12 SEC. 116. The Colorado Department of Natural Re-
13 sources is authorized to perform modifications of the facil-
14 ity (Chatfield Reservoir, Colorado), and any required miti-
15 gation which results from implementation of the project:
16 *Provided*, That in carrying out the reassignment of storage
17 space provided for in this section, the Secretary shall col-
18 laborate with the Colorado Department of Natural Re-
19 sources and local interests to determine costs to be repaid
20 for storage that reflects the limited reliability of the re-
21 sources and the capability of non-Federal interests to
22 make use of the reallocated storage space in Chatfield Res-
23 ervoir, Colorado.

24 SEC. 117. Section 117 of the Energy and Water De-
25 velopment and Related Agencies Appropriations Act,

1 2005, as contained in division C of Public Law 108–447,
2 is hereby repealed.

3 SEC. 118. The Secretary of Army, acting through the
4 Chief of Engineers, shall reassign the regulatory bound-
5 aries of the Chicago District to align with the existing civil
6 works boundaries of the Chicago District.

7 TITLE II

8 DEPARTMENT OF THE INTERIOR

9 CENTRAL UTAH PROJECT

10 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

11 For carrying out activities authorized by the Central
12 Utah Project Completion Act, \$40,360,000, to remain
13 available until expended, of which \$987,000 shall be de-
14 posited into the Utah Reclamation Mitigation and Con-
15 servation Account for use by the Utah Reclamation Miti-
16 gation and Conservation Commission. In addition, for nec-
17 essary expenses incurred in carrying out related respon-
18 sibilities of the Secretary of the Interior, \$1,640,000, to
19 remain available until expended. For fiscal year 2009, the
20 Commission may use an amount not to exceed \$1,500,000
21 for administrative expenses.

22 BUREAU OF RECLAMATION

23 The following appropriations shall be expended to
24 execute authorized functions of the Bureau of Reclama-
25 tion:

1 WATER AND RELATED RESOURCES
2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian tribes, and others, \$920,259,000, to re-
11 main available until expended, of which \$46,655,000 shall
12 be available for transfer to the Upper Colorado River
13 Basin Fund and \$24,962,000 shall be available for trans-
14 fer to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund; of which not
17 more than \$500,000 is for high priority projects which
18 shall be carried out by the Youth Conservation Corps, as
19 authorized by 16 U.S.C. 1706: *Provided*, That such trans-
20 fers may be increased or decreased within the overall ap-
21 propriation under this heading: *Provided further*, That of
22 the total appropriated, the amount for program activities
23 that can be financed by the Reclamation Fund or the Bu-
24 reau of Reclamation special fee account established by 16
25 U.S.C. 4601–6a(i) shall be derived from that Fund or ac-
26 count: *Provided further*, That funds contributed under 43

1 U.S.C. 395 are available until expended for the purposes
2 for which contributed: *Provided further*, That funds ad-
3 vanced under 43 U.S.C. 397a shall be credited to this ac-
4 count and are available until expended for the same pur-
5 poses as the sums appropriated under this heading: *Pro-*
6 *vided further*, That funds available for expenditure for the
7 Departmental Irrigation Drainage Program may be ex-
8 pended by the Bureau of Reclamation for site remediation
9 on a nonreimbursable basis: *Provided further*, That funds
10 provided for the Friant-Kern and Madera Canals improve-
11 ments may be expended on a non-reimbursable basis: *Pro-*
12 *vided further*, That \$4,000,000 of the funds appropriated
13 under this heading shall be deposited in the San Gabriel
14 Basin Restoration Fund established by section 110 of title
15 I of appendix D of Public Law 106–554: *Provided further*,
16 That, except as provided in section 201 of this Act, the
17 amounts made available under this paragraph shall be ex-
18 pended as authorized in law for the projects and activities
19 specified in the text and table under this heading in the
20 explanatory statement described in section 4 (in the mat-
21 ter preceding division A of this consolidated Act).

22 CENTRAL VALLEY PROJECT RESTORATION FUND

23 For carrying out the programs, projects, plans, habi-
24 tat restoration, improvement, and acquisition provisions of
25 the Central Valley Project Improvement Act, \$56,079,000,
26 to be derived from such sums as may be collected in the

1 Central Valley Project Restoration Fund pursuant to sec-
2 tions 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of
3 Public Law 102–575, to remain available until expended:
4 *Provided*, That the Bureau of Reclamation is directed to
5 assess and collect the full amount of the additional mitiga-
6 tion and restoration payments authorized by section
7 3407(d) of Public Law 102–575: *Provided further*, That
8 none of the funds made available under this heading may
9 be used for the acquisition or leasing of water for in-
10 stream purposes if the water is already committed to in-
11 stream purposes by a court adopted decree or order.

12 CALIFORNIA BAY-DELTA RESTORATION

13 (INCLUDING TRANSFERS OF FUNDS)

14 For carrying out activities authorized by the Water
15 Supply, Reliability, and Environmental Improvement Act,
16 consistent with plans to be approved by the Secretary of
17 the Interior, \$40,000,000, to remain available until ex-
18 pended, of which such amounts as may be necessary to
19 carry out such activities may be transferred to appropriate
20 accounts of other participating Federal agencies to carry
21 out authorized purposes: *Provided*, That funds appro-
22 priated herein may be used for the Federal share of the
23 costs of CALFED Program management: *Provided fur-*
24 *ther*, That the use of any funds provided to the California
25 Bay-Delta Authority for program-wide management and
26 oversight activities shall be subject to the approval of the

1 Secretary of the Interior: *Provided further*, That CALFED
2 implementation shall be carried out in a balanced manner
3 with clear performance measures demonstrating concur-
4 rent progress in achieving the goals and objectives of the
5 Program.

6 POLICY AND ADMINISTRATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of policy, administration, and
9 related functions in the Office of the Commissioner, the
10 Denver office, and offices in the five regions of the Bureau
11 of Reclamation, to remain available until expended,
12 \$59,400,000, to be derived from the Reclamation Fund
13 and be nonreimbursable as provided in 43 U.S.C. 377:
14 *Provided*, That no part of any other appropriation in this
15 Act shall be available for activities or functions budgeted
16 as policy and administration expenses: *Provided further*,
17 That, of the funds provided under this heading,
18 \$10,000,000 shall be transferred to “Water and Related
19 Resources” upon the expiration of the 90-day period fol-
20 lowing the date of enactment of this Act if during such
21 period, the Secretary of the Interior has not submitted to
22 the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate the Bureau of Reclamation’s
24 five-year budget plan.

1 ADMINISTRATIVE PROVISION

2 Appropriations for the Bureau of Reclamation shall
3 be available for purchase of not to exceed seven passenger
4 motor vehicles, which are for replacement only.

5 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

6 SEC. 201. (a) None of the funds provided in title II
7 of this Act for Water and Related Resources, or provided
8 by previous appropriations Acts to the agencies or entities
9 funded in title II of this Act for Water and Related Re-
10 sources that remain available for obligation or expenditure
11 in fiscal year 2009, shall be available for obligation or ex-
12 penditure through a reprogramming of funds that—

13 (1) initiates or creates a new program, project,
14 or activity;

15 (2) eliminates a program, project, or activity;

16 (3) increases funds for any program, project, or
17 activity for which funds have been denied or re-
18 stricted by this Act, unless prior approval is received
19 from the Committees on Appropriations of the
20 House of Representatives and the Senate;

21 (4) restarts or resumes any program, project or
22 activity for which funds are not provided in this Act,
23 unless prior approval is received from the Commit-
24 tees on Appropriations of the House of Representa-
25 tives and the Senate;

1 (5) transfers funds in excess of the following
2 limits, unless prior approval is received from the
3 Committees on Appropriations of the House of Rep-
4 resentatives and the Senate:

5 (A) 15 percent for any program, project or
6 activity for which \$2,000,000 or more is avail-
7 able at the beginning of the fiscal year; or

8 (B) \$300,000 for any program, project or
9 activity for which less than \$2,000,000 is avail-
10 able at the beginning of the fiscal year;

11 (6) transfers more than \$500,000 from either
12 the Facilities Operation, Maintenance, and Rehabili-
13 tation category or the Resources Management and
14 Development category to any program, project, or
15 activity in the other category, unless prior approval
16 is received from the Committees on Appropriations
17 of the House of Representatives and the Senate; or

18 (7) transfers, where necessary to discharge legal
19 obligations of the Bureau of Reclamation, more than
20 \$5,000,000 to provide adequate funds for settled
21 contractor claims, increased contractor earnings due
22 to accelerated rates of operations, and real estate de-
23 ficiency judgments, unless prior approval is received
24 from the Committees on Appropriations of the
25 House of Representatives and the Senate.

1 (b) Subsection (a)(5) shall not apply to any transfer
2 of funds within the Facilities Operation, Maintenance, and
3 Rehabilitation category.

4 (c) For purposes of this section, the term “transfer”
5 means any movement of funds into or out of a program,
6 project, or activity.

7 (d) The Bureau of Reclamation shall submit reports
8 on a quarterly basis to the Committees on Appropriations
9 of the House of Representatives and the Senate detailing
10 all the funds reprogrammed between programs, projects,
11 activities, or categories of funding. The first quarterly re-
12 port shall be submitted not later than 60 days after the
13 date of enactment of this Act.

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program-
3 Alternative Repayment Plan” and the “SJVDP-Alternative
4 Repayment Plan” described in the report entitled “Repay-
5 ment Report, Kesterson Reservoir Cleanup Program and
6 San Joaquin Valley Drainage Program, February 1995”,
7 prepared by the Department of the Interior, Bureau of
8 Reclamation. Any future obligations of funds by the
9 United States relating to, or providing for, drainage serv-
10 ice or drainage studies for the San Luis Unit shall be fully
11 reimbursable by San Luis Unit beneficiaries of such serv-
12 ice or studies pursuant to Federal reclamation law.

13 SEC. 203. None of the funds appropriated or other-
14 wise made available by this or any other Act may be used
15 to pay the salaries and expenses of personnel to purchase
16 or lease water in the Middle Rio Grande or the Carlsbad
17 Projects in New Mexico unless said purchase or lease is
18 in compliance with the purchase requirements of section
19 202 of Public Law 106–60.

20 SEC. 204. Funds under this title for Drought Emer-
21 gency Assistance shall be made available primarily for
22 leasing of water for specified drought related purposes
23 from willing lessors, in compliance with existing State laws
24 and administered under State water priority allocation.

1 SEC. 205. The Secretary of the Interior, acting
2 through the Commissioner of the Bureau of Reclamation,
3 is authorized to enter into grants, cooperative agreements,
4 and other agreements with irrigation or water districts
5 and States to fund up to 50 percent of the cost of plan-
6 ning, designing, and constructing improvements that will
7 conserve water, increase water use efficiency, or enhance
8 water management through measurement or automation,
9 at existing water supply projects within the States identi-
10 fied in the Act of June 17, 1902, as amended, and supple-
11 mented: *Provided*, That when such improvements are to
12 federally owned facilities, such funds may be provided in
13 advance on a nonreimbursable basis to an entity operating
14 affected transferred works or may be deemed nonreim-
15 bursable for nontransferred works: *Provided further*, That
16 the calculation of the non-Federal contribution shall pro-
17 vide for consideration of the value of any in-kind contribu-
18 tions, but shall not include funds received from other Fed-
19 eral agencies: *Provided further*, That the cost of operating
20 and maintaining such improvements shall be the responsi-
21 bility of the non-Federal entity: *Provided further*, That
22 this section shall not supercede any existing project-spe-
23 cific funding authority: *Provided further*, That the Sec-
24 retary is also authorized to enter into grants or coopera-

1 tive agreements with universities or nonprofit research in-
2 stitutions to fund water use efficiency research.

3 SEC. 206. (a) Section 209 of the Energy and Water
4 Development Appropriations Act, 2004 (Public Law 108–
5 137; 117 Stat. 1850) is repealed.

6 (b) The Secretary of the Interior (referred to in this
7 section as the “Secretary”) shall establish and maintain
8 an Executive Committee of the Middle Rio Grande Endan-
9 gered Species Collaborative Program (referred to in this
10 section as the “Executive Committee”) consistent with the
11 bylaws of the Middle Rio Grande Endangered Species Col-
12 laborative Program adopted on October 2, 2006.

13 (c) Hereafter, in compliance with applicable Federal
14 and State laws, the Secretary (acting through the Com-
15 missioner of Reclamation), in collaboration with the Exec-
16 utive Committee, may enter into any grants, contracts, co-
17 operative agreements, interagency agreements, or other
18 agreements that the Secretary determines to be necessary
19 to comply with the 2003 Biological Opinion described in
20 section 205(b) of the Energy and Water Development Ap-
21 propriations Act, 2005 (Public Law 108–447; 118 Stat.
22 2949) as amended by section 121(b) of the Energy and
23 Water Development Appropriations Act, 2006 (Public
24 Law 109–103; 119 Stat. 2256) or any related subsequent

1 biological opinion or in furtherance of the objectives set
2 forth in the collaborative program long-term plan.

3 (d)(1) The acquisition of water under subsection (c)
4 and any administrative costs associated with carrying out
5 subsection (c) shall be at full Federal expense.

6 (2) Not more than 15 percent of amounts appro-
7 priated to carry out subsection (c) shall be made available
8 for the payment of administrative expenses associated with
9 carrying out that subsection.

10 (e)(1) The non-Federal share of activities carried out
11 under subsection (c) (other than an activity or a cost de-
12 scribed in subsection (d)(1)) shall be 25 percent. The non-
13 Federal cost share shall be determined on a programmatic,
14 rather than a project-by-project basis.

15 (2) The non-Federal share required under paragraph
16 (1) may be in the form of in-kind contributions, the value
17 of which shall be determined by the Secretary in consulta-
18 tion with the executive committee.

19 (f) Nothing in this section modifies or expands the
20 discretion of the Secretary with respect to operating res-
21 ervoir facilities under the jurisdiction of the Secretary in
22 the Rio Grande Valley, New Mexico.

23 SEC. 207. Section 208 of the Energy and Water De-
24 velopment and Related Agencies Appropriations Act, 2008
25 (Public Law 110–161; 121 Stat. 1953) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2)(B), by inserting “, as
3 determined by the nonprofit conservation orga-
4 nization” after “Lake”; and

5 (B) in paragraph (4), by striking “retire-
6 ment of water rights” and all that follows
7 through the semicolon at the end and inserting
8 “retirement of water rights;”; and

9 (2) in subsection (b), by striking “June 30,
10 2010” and inserting “June 30, 2012”.

11 SEC. 208. Notwithstanding any other provision of
12 law, of amounts made available under section 2507 of the
13 Farm Security and Rural Investment Act of 2002 (43
14 U.S.C. 2211 note; Public Law 107–171), the Secretary
15 of the Interior acting through the Commissioner of Rec-
16 lamation, shall allocate—

17 (1) \$300,000 to the Desert Research Institute
18 for LIDAR acquisition data in the Walker River
19 Basin, to supplement water rights research and data
20 funded under section 208(a)(1) of the Energy and
21 Water Development Appropriations Act, 2006 (Pub-
22 lic Law 109–103; 119 Stat. 2268); and

23 (2) \$300,000 to the Director of the United
24 States Fish and Wildlife Service to conduct a
25 multiyear assessment of and monitoring of the abil-

1 ity of west central Nevada lakes to support migra-
2 tory loons, and identification of wintering areas and
3 annual range of loons using Walker Lake during mi-
4 gration.

5 TITLE III

6 DEPARTMENT OF ENERGY

7 ENERGY PROGRAMS

8 ENERGY EFFICIENCY AND RENEWABLE ENERGY

9 For Department of Energy expenses including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment, and other expenses necessary for energy
12 efficiency and renewable energy activities in carrying out
13 the purposes of the Department of Energy Organization
14 Act (42 U.S.C. 7101 et seq.), including the acquisition or
15 condemnation of any real property or any facility or for
16 plant or facility acquisition, construction, or expansion,
17 and the purchase of not to exceed two passenger vehicles
18 for replacement, \$1,928,540,000, to remain available until
19 expended: *Provided*, That, of the amount appropriated in
20 this paragraph, \$228,803,380 shall be used for projects
21 specified in the table that appears under the heading
22 “Congressionally Directed Energy Efficiency and Renew-
23 able Energy Projects” in the text and table under this
24 heading in the explanatory statement described in section

1 4 (in the matter preceding division A of this consolidated
2 Act).

3 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

4 For Department of Energy expenses including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment, and other expenses necessary for elec-
7 tricity delivery and energy reliability activities in carrying
8 out the purposes of the Department of Energy Organiza-
9 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
10 tion or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, \$137,000,000, to remain available until expended:
13 *Provided*, That, of the amount appropriated in this para-
14 graph, \$19,648,475 shall be used for projects specified in
15 the table that appears under the heading “Congressionally
16 Directed Electricity Delivery and Energy Reliability
17 Projects” in the text and table under this heading in the
18 explanatory statement described in section 4 (in the mat-
19 ter preceding division A of this consolidated Act).

20 NUCLEAR ENERGY

21 (INCLUDING TRANSFER OF FUNDS)

22 For Department of Energy expenses including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment, and other expenses necessary for nuclear
25 energy activities in carrying out the purposes of the De-

1 partment of Energy Organization Act (42 U.S.C. 7101 et
2 seq.), including the acquisition or condemnation of any
3 real property or any facility or for plant or facility acquisi-
4 tion, construction, or expansion, and the purchase of not
5 to exceed 29 passenger motor vehicles, including three new
6 buses and 26 replacement vehicles, including one ambu-
7 lance, \$792,000,000, to remain available until expended:
8 *Provided*, That, of the amount appropriated in this para-
9 graph, \$2,854,500 shall be used for projects specified in
10 the table that appears under the heading “Congressionally
11 Directed Nuclear Energy Projects” in the text and table
12 under this heading in the explanatory statement described
13 in section 4 (in the matter preceding division A of this
14 consolidated Act).

15 CLEAN COAL TECHNOLOGY

16 (INCLUDING TRANSFER OF FUNDS)

17 Of the funds made available under this heading for
18 obligation in prior years, \$149,000,000 of uncommitted
19 balances are transferred to Fossil Energy Research and
20 Development to be used until expended: *Provided*, That
21 funds made available in previous appropriations Acts shall
22 be made available for any ongoing project regardless of
23 the separate request for proposal under which the project
24 was selected.

1 FOSSIL ENERGY RESEARCH AND DEVELOPMENT
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses in carrying out fossil energy
4 research and development activities, under the authority
5 of the Department of Energy Organization Act (Public
6 Law 95–91), including the acquisition of interest, includ-
7 ing defeasible and equitable interests in any real property
8 or any facility or for plant or facility acquisition or expan-
9 sion, and for conducting inquiries, technological investiga-
10 tions and research concerning the extraction, processing,
11 use, and disposal of mineral substances without objection-
12 able social and environmental costs (30 U.S.C. 3, 1602,
13 and 1603), \$876,320,000, to remain available until ex-
14 pended, of which \$149,000,000 shall be derived by trans-
15 fer from “Clean Coal Technology”: *Provided*, That of the
16 amounts provided, \$288,174,000 is available for the Clean
17 Coal Power Initiative Round III solicitation, pursuant to
18 title IV of the Public Law 109–58: *Provided further*, That
19 funds appropriated for prior solicitations under the Clean
20 Coal Technology Program, Power Plant Improvement Ini-
21 tiative, Clean Coal Power Initiative, and FutureGen, but
22 not required by the Department to meet its obligations
23 on projects selected under such solicitations, may be uti-
24 lized for the Clean Coal Power Initiative Round III solici-
25 tation under this Act in accordance with the requirements

1 of this Act rather than the Acts under which the funds
2 were appropriated: *Provided further*, That no Clean Coal
3 Power Initiative project may be selected for which full
4 funding is not available to provide for the total project:
5 *Provided further*, That if a Clean Coal Power Initiative
6 project selected after enactment of this legislation for ne-
7 gotiation under this or any other Act in any fiscal year,
8 is not awarded within 2 years from the date the applica-
9 tion was selected, negotiations shall cease and the Federal
10 funds committed to the application shall be retained by
11 the Department for future coal-related research, develop-
12 ment and demonstration projects, except that the time
13 limit may be extended at the Secretary's discretion for
14 matters outside the control of the applicant, or if the Sec-
15 retary determines that extension of the time limit is in
16 the public interest: *Provided further*, That the Secretary
17 may not delegate this responsibility for applications great-
18 er than \$10,000,000: *Provided further*, That financial as-
19 sistance for costs in excess of those estimated as of the
20 date of award of original Clean Coal Power Initiative fi-
21 nancial assistance may not be provided in excess of the
22 proportion of costs borne by the Government in the origi-
23 nal agreement and shall be limited to 25 percent of the
24 original financial assistance: *Provided further*, That funds
25 shall be expended in accordance with the provisions gov-

1 erving the use of funds contained under the heading
2 “Clean Coal Technology” in 42 U.S.C. 5903d as well as
3 those contained under the heading “Clean Coal Tech-
4 nology” in prior appropriations: *Provided further*, That
5 any technology selected under these programs shall be
6 considered a Clean Coal Technology, and any project se-
7 lected under these programs shall be considered a Clean
8 Coal Technology Project, for the purposes of 42 U.S.C.
9 7651n, and chapters 51, 52, and 60 of title 40 of the Code
10 of Federal Regulations: *Provided further*, That funds
11 available for the Clean Coal Power Initiative Round III
12 Funding Opportunity Announcement may be used to sup-
13 port any technology that meets the requirements of the
14 Round III Announcement relating to carbon capture and
15 storage or other beneficial uses of CO₂, without regard
16 to the 70 and 30 percent funding allocations specified in
17 section 402(b)(1)(A) and 402(b)(2)(A) of Public Law
18 109–58: *Provided further*, That no part of the sum herein
19 made available shall be used for the field testing of nuclear
20 explosives in the recovery of oil and gas: *Provided further*,
21 That, of the amount appropriated in this paragraph,
22 \$43,864,150 shall be used for projects specified in the
23 table that appears under the heading “Congressionally Di-
24 rected Fossil Energy Projects” in the text and table under
25 this heading in the explanatory statement described in sec-

1 tion 4 (in the matter preceding division A of this consoli-
2 dated Act).

3 NAVAL PETROLEUM AND OIL SHALE RESERVES

4 For expenses necessary to carry out naval petroleum
5 and oil shale reserve activities, including the hire of pas-
6 senger motor vehicles, \$19,099,000, to remain available
7 until expended: *Provided*, That, notwithstanding any other
8 provision of law, unobligated funds remaining from prior
9 years shall be available for all naval petroleum and oil
10 shale reserve activities.

11 STRATEGIC PETROLEUM RESERVE

12 For necessary expenses for Strategic Petroleum Re-
13 serve facility development and operations and program
14 management activities pursuant to the Energy Policy and
15 Conservation Act of 1975, as amended (42 U.S.C. 6201
16 et seq.), \$205,000,000, to remain available until expended,
17 of which \$31,507,000 shall be provided to initiate new site
18 expansion activities, beyond land acquisition, consistent
19 with the budget request: *Provided*, That none of the funds
20 provided for new site expansion activities may be obligated
21 or expended for authorized activities until the Secretary
22 has submitted a report to the Congress on the effects of
23 expansion of the Reserve on the domestic petroleum mar-
24 ket, which is required to be submitted within 45 days of
25 enactment of this Act.

1 NORTHEAST HOME HEATING OIL RESERVE

2 For necessary expenses for Northeast Home Heating
3 Oil Reserve storage, operation, and management activities
4 pursuant to the Energy Policy and Conservation Act,
5 \$9,800,000, to remain available until expended.

6 ENERGY INFORMATION ADMINISTRATION

7 For necessary expenses in carrying out the activities
8 of the Energy Information Administration, \$110,595,000,
9 to remain available until expended.

10 NON-DEFENSE ENVIRONMENTAL CLEANUP

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other expenses necessary for non-de-
14 fense environmental cleanup activities in carrying out the
15 purposes of the Department of Energy Organization Act
16 (42 U.S.C. 7101 et seq.), including the acquisition or con-
17 demnation of any real property or any facility or for plant
18 or facility acquisition, construction, or expansion,
19 \$261,819,000, to remain available until expended: *Pro-*
20 *vided*, That the appropriation includes funds for environ-
21 mental remediation activities associated with the Energy
22 Technology and Engineering Center (ETEC) at the Santa
23 Susana Field Laboratory (SSFL), subject to the following:
24 (1) the Department shall use a portion of this funding
25 to enter into an interagency agreement with the Environ-

1 mental Protection Agency (EPA) regarding a comprehen-
2 sive radioactive site characterization of Area IV of the
3 SSFL and (2) the Department shall provide the amount
4 required by EPA for the radioactive site characterization
5 in fiscal year 2009 from within the available funds: *Pro-*
6 *vided further*, That of the amounts provided, \$5,000,000
7 is available for necessary expenses for the purpose of car-
8 rying out remedial actions under this title at real property
9 in the vicinity of the Tuba City processing site designated
10 in section 102(a)(1), of the Uranium Mill Tailings Radi-
11 ation Control Act of 1978 (Public Law 95–604, as amend-
12 ed; 42 U.S.C. 7901, et seq.), notwithstanding section 112
13 of that Act, at a dump site immediately adjacent to the
14 north-northwest section of the Tuba City processing site,
15 and on the north side of Highway 160: *Provided further*,
16 That, of the amount appropriated in this paragraph,
17 \$4,757,500 shall be used for projects specified in the table
18 that appears under the heading “Congressionally Directed
19 Non-Defense Environmental Cleanup Projects” in the text
20 and table under this heading in the explanatory statement
21 described in section 4 (in the matter preceding division
22 A of this consolidated Act).

1 graph, \$93,686,593 shall be used for projects specified in
2 the table that appears under the heading “Congressionally
3 Directed Science Projects” in the text and table under this
4 heading in the explanatory statement described in section
5 4 (in the matter preceding division A of this consolidated
6 Act).

7 NUCLEAR WASTE DISPOSAL

8 For nuclear waste disposal activities to carry out the
9 purposes of the Nuclear Waste Policy Act of 1982, Public
10 Law 97–425, as amended (the “NWPA”), including the
11 acquisition of real property or facility construction or ex-
12 pansion, \$145,390,000, to remain available until ex-
13 pended, and to be derived from the Nuclear Waste Fund:
14 *Provided*, That of the funds made available in this Act
15 for Nuclear Waste Disposal, \$5,000,000 shall be provided
16 to the Office of the Attorney General of the State of Ne-
17 vada solely for expenditures, other than salaries and ex-
18 penses of State employees, to conduct scientific oversight
19 responsibilities and participate in licensing activities pur-
20 suant to the Act: *Provided further*, That notwithstanding
21 the lack of a written agreement with the State of Nevada
22 under section 117(c) of the NWPA, \$1,000,000 shall be
23 provided to Nye County, Nevada, for on-site oversight ac-
24 tivities under section 117(d) of that Act: *Provided further*,
25 That \$9,000,000 shall be provided to affected units of

1 local government, as defined in the NWPA, to conduct ap-
2 propriate activities and participate in licensing activities:
3 *Provided further*, That of the \$9,000,000 provided 7.5 per-
4 cent of the funds provided shall be made available to af-
5 fected units of local government in California with the bal-
6 ance made available to affected units of local government
7 in Nevada for distribution as determined by the Nevada
8 units of local government: *Provided further*, That this
9 funding shall be provided to affected units of local govern-
10 ment, as defined in the NWPA: *Provided further*, That
11 \$500,000 shall be provided to the Timbisha-Shoshone
12 Tribe solely for expenditures, other than salaries and ex-
13 penses of tribal employees, to conduct appropriate activi-
14 ties and participate in licensing activities under section
15 118(b) of the NWPA: *Provided further*, That notwith-
16 standing the provisions of chapters 65 and 75 of title 31,
17 United States Code, the Department shall have no moni-
18 toring, auditing or other oversight rights or responsibil-
19 ities over amounts provided to affected units of local gov-
20 ernment: *Provided further*, That the funds for the State
21 of Nevada shall be made available solely to the Office of
22 the Attorney General by direct payment and to units of
23 local government by direct payment: *Provided further*,
24 That within 90 days of the completion of each Federal
25 fiscal year, the Office of the Attorney General of the State

1 of Nevada and each of the affected units of local govern-
2 ment shall provide certification to the Department of En-
3 ergy that all funds expended from such payments have
4 been expended for activities authorized by the NWPA and
5 this Act: *Provided further*, That failure to provide such
6 certification shall cause such entity to be prohibited from
7 any further funding provided for similar activities: *Pro-*
8 *vided further*, That none of the funds herein appropriated
9 may be: (1) used directly or indirectly to influence legisla-
10 tive action, except for normal and recognized executive-
11 legislative communications, on any matter pending before
12 Congress or a State legislature or for lobbying activity as
13 provided in 18 U.S.C. 1913; (2) used for litigation ex-
14 penses; or (3) used to support multi-State efforts or other
15 coalition building activities inconsistent with the restric-
16 tions contained in this Act: *Provided further*, That all pro-
17 ceeds and recoveries realized by the Secretary in carrying
18 out activities authorized by the NWPA, including but not
19 limited to, any proceeds from the sale of assets, shall be
20 available without further appropriation and shall remain
21 available until expended: *Provided further*, That no funds
22 provided in this Act or any previous Act may be used to
23 pursue repayment or collection of funds provided in any
24 fiscal year to affected units of local government for over-
25 sight activities that had been previously approved by the

1 Department of Energy, or to withhold payment of any
2 such funds: *Provided further*, That, of the amount appro-
3 priated in this paragraph, \$1,855,425 shall be used for
4 projects specified in the table that appears under the head-
5 ing “Congressionally Directed Nuclear Waste Disposal
6 Projects” in the text and table under this heading in the
7 explanatory statement described in section 4 (in the mat-
8 ter preceding division A of this consolidated Act).

9 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
10 PROGRAM

11 Subject to section 502 of the Congressional Budget
12 Act of 1974, commitments to guarantee loans under title
13 XVII of the Energy Policy Act of 2005, shall not exceed
14 a total principal amount of \$47,000,000,000 for eligible
15 projects, to remain available until committed, and of which
16 \$18,500,000,000 shall be for nuclear power facilities: *Pro-*
17 *vided*, That these amounts are in addition to the authority
18 provided under section 20320 of Division B of Public Law
19 109–289, as amended by Public Law 110–5: *Provided fur-*
20 *ther*, That such sums as are derived from amounts re-
21 ceived from borrowers pursuant to section 1702(b)(2) of
22 the Energy Policy Act of 2005 under this heading in this
23 and prior Acts, shall be collected in accordance with sec-
24 tion 502(7) of the Congressional Budget Act of 1974: *Pro-*
25 *vided further*, That the source of such payment received

1 from borrowers is not a loan or other debt obligation that
2 is guaranteed by the Federal Government: *Provided fur-*
3 *ther*, That pursuant to section 1702(b)(2) of the Energy
4 Policy Act of 2005, no appropriations are available to pay
5 the subsidy cost of such guarantees: *Provided further*,
6 That for necessary administrative expenses to carry out
7 this Loan Guarantee program, \$19,880,000 is appro-
8 priated, to remain available until expended: *Provided fur-*
9 *ther*, That \$19,880,000 of the fees collected pursuant to
10 section 1702(h) of the Energy Policy Act of 2005 shall
11 be credited as offsetting collections to this account to cover
12 administrative expenses and shall remain available until
13 expended, so as to result in a final fiscal year 2009 appro-
14 priations from the general fund estimated at not more
15 than \$0: *Provided further*, That none of the funds made
16 available in this Act shall be available for the execution
17 of a new solicitation with respect to such guaranteed loans
18 until 30 days after the Department of Energy has sub-
19 mitted to the Committees on Appropriations of the House
20 of Representatives and the Senate a loan guarantee imple-
21 mentation plan that defines the proposed award levels and
22 eligible technologies: *Provided further*, That none of the
23 loan guarantee authority made available in this Act shall
24 be available for commitments to guarantee loans for any
25 projects where funds, personnel, or property (tangible or

1 intangible) of any Federal agency, instrumentality, per-
2 sonnel or affiliated entity are expected to be used (directly
3 or indirectly) through acquisitions, contracts, demonstra-
4 tions, exchanges, grants, incentives, leases, procurements,
5 sales, other transaction authority, or other arrangements,
6 to support the project or to obtain goods or services from
7 the project: *Provided further*, That the previous proviso
8 shall not be interpreted as precluding the use of the loan
9 guarantee authority in this Act for commitments to guar-
10 antee loans for projects as a result of such projects bene-
11 fitting from (a) otherwise allowable Federal income tax
12 benefits; (b) being located on Federal land pursuant to
13 a lease or right-of-way agreement for which all consider-
14 ation for all uses is (i) paid exclusively in cash, (ii) depos-
15 ited in the Treasury as offsetting receipts, and (iii) equal
16 to the fair market value as determined by the head of the
17 relevant Federal agency; (c) Federal insurance programs,
18 including Price-Anderson; or (d) for electric generation
19 projects, use of transmission facilities owned or operated
20 by a Federal Power Marketing Administration or the Ten-
21 nessee Valley Authority that have been authorized, ap-
22 proved, and financed independent of the project receiving
23 the guarantee: *Provided further*, That none of the loan
24 guarantee authority made available in this Act shall be
25 available for any project unless the Director of the Office

1 of Management and Budget has certified in advance in
2 writing that the loan guarantee and the project comply
3 with the provisions under this title.

4 DEPARTMENTAL ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

6 For salaries and expenses of the Department of En-
7 ergy necessary for departmental administration in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the hire
10 of passenger motor vehicles and official reception and rep-
11 resentation expenses not to exceed \$30,000,
12 \$272,643,000, to remain available until expended, plus
13 such additional amounts as necessary to cover increases
14 in the estimated amount of cost of work for others not-
15 withstanding the provisions of the Anti-Deficiency Act (31
16 U.S.C. 1511 et seq.): *Provided*, That such increases in
17 cost of work are offset by revenue increases of the same
18 or greater amount, to remain available until expended:
19 *Provided further*, That moneys received by the Department
20 for miscellaneous revenues estimated to total
21 \$117,317,000 in fiscal year 2009 may be retained and
22 used for operating expenses within this account, and may
23 remain available until expended, as authorized by section
24 201 of Public Law 95–238, notwithstanding the provisions
25 of 31 U.S.C. 3302: *Provided further*, That the sum herein

1 appropriated shall be reduced by the amount of miscella-
2 neous revenues received during 2009, and any related ap-
3 propriated receipt account balances remaining from prior
4 years' miscellaneous revenues, so as to result in a final
5 fiscal year 2009 appropriation from the general fund esti-
6 mated at not more than \$155,326,000.

7 OFFICE OF THE INSPECTOR GENERAL

8 For necessary expenses of the Office of the Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, as amended, \$51,927,000, to remain
11 available until expended.

12 ATOMIC ENERGY DEFENSE ACTIVITIES

13 NATIONAL NUCLEAR SECURITY ADMINISTRATION

14 WEAPONS ACTIVITIES

15 For Department of Energy expenses, including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment and other incidental expenses necessary for
18 atomic energy defense weapons activities in carrying out
19 the purposes of the Department of Energy Organization
20 Act (42 U.S.C. 7101 et seq.), including the acquisition or
21 condemnation of any real property or any facility or for
22 plant or facility acquisition, construction, or expansion,
23 the purchase of not to exceed two passenger motor vehi-
24 cles, and one ambulance; \$6,380,000,000, to remain avail-
25 able until expended: *Provided*, That \$19,300,000 is au-

1 thorized to be appropriated for the 09–D–007 LANSCE
2 Refurbishment, PED, Los Alamos National Laboratory,
3 Los Alamos, New Mexico: *Provided further*, That, of the
4 amount appropriated in this paragraph, \$22,836,000 shall
5 be used for projects specified in the table that appears
6 under the heading “Congressionally Directed Weapons Ac-
7 tivities Projects” in the text and table under this heading
8 in the explanatory statement described in section 4 (in the
9 matter preceding division A of this consolidated Act).

10 DEFENSE NUCLEAR NONPROLIFERATION

11 For Department of Energy expenses, including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment and other incidental expenses necessary for
14 defense nuclear nonproliferation activities, in carrying out
15 the purposes of the Department of Energy Organization
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or
17 condemnation of any real property or any facility or for
18 plant or facility acquisition, construction, or expansion,
19 and the purchase of not to exceed one passenger motor
20 vehicle for replacement only, \$1,482,350,000, to remain
21 available until expended: *Provided*, That, of the amount
22 appropriated in this paragraph, \$1,903,000 shall be used
23 for projects specified under the heading “Congressionally
24 Directed Defense Nuclear Nonproliferation Projects” in
25 the text and table under this heading in the explanatory

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP
4 (INCLUDING TRANSFER OF FUNDS)

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other expenses necessary for atomic
8 energy defense environmental cleanup activities in car-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
11 sition or condemnation of any real property or any facility
12 or for plant or facility acquisition, construction, or expan-
13 sion, and the purchase of not to exceed four ambulances
14 and three passenger motor vehicles for replacement only,
15 \$5,657,250,000, to remain available until expended, of
16 which \$463,000,000 shall be transferred to the “Uranium
17 Enrichment Decontamination and Decommissioning
18 Fund”: *Provided*, That, of the amount appropriated in this
19 paragraph, \$17,908,391 shall be used for projects speci-
20 fied in the table that appears under the heading “Congres-
21 sionally Directed Defense Environmental Cleanup
22 Projects” in the text and table under this heading in the
23 explanatory statement described in section 4 (in the mat-
24 ter preceding division A of this consolidated Act).

1 DEFENSE NUCLEAR WASTE DISPOSAL

2 For nuclear waste disposal activities to carry out the
3 purposes of Public Law 97–425, as amended, including
4 the acquisition of real property or facility construction or
5 expansion, \$143,000,000, to remain available until ex-
6 pended.

7 POWER MARKETING ADMINISTRATIONS

8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-
10 tion Fund, established pursuant to Public Law 93–454,
11 are approved for official reception and representation ex-
12 penses in an amount not to exceed \$1,500. During fiscal
13 year 2009, no new direct loan obligations may be made.

14 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
15 ADMINISTRATION

16 For necessary expenses of operation and maintenance
17 of power transmission facilities and of marketing electric
18 power and energy, including transmission wheeling and
19 ancillary services pursuant to section 5 of the Flood Con-
20 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
21 eastern power area, \$7,420,000, to remain available until
22 expended: *Provided*, That, notwithstanding 31 U.S.C.
23 3302, up to \$49,520,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

1 shall be credited to this account as offsetting collections,
2 to remain available until expended for the sole purpose
3 of making purchase power and wheeling expenditures.

4 OPERATION AND MAINTENANCE, SOUTHWESTERN
5 POWER ADMINISTRATION

6 For necessary expenses of operation and maintenance
7 of power transmission facilities and of marketing electric
8 power and energy, for construction and acquisition of
9 transmission lines, substations and appurtenant facilities,
10 and for administrative expenses, including official recep-
11 tion and representation expenses in an amount not to ex-
12 ceed \$1,500 in carrying out section 5 of the Flood Control
13 Act of 1944 (16 U.S.C. 825s), as applied to the South-
14 western Power Administration, \$28,414,000, to remain
15 available until expended: *Provided*, That, notwithstanding
16 31 U.S.C. 3302, up to \$35,000,000 collected by the
17 Southwestern Power Administration pursuant to the
18 Flood Control Act of 1944 to recover purchase power and
19 wheeling expenses shall be credited to this account as off-
20 setting collections, to remain available until expended for
21 the sole purpose of making purchase power and wheeling
22 expenditures.

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, including official reception and representation ex-
9 penses in an amount not to exceed \$1,500; \$218,346,000,
10 to remain available until expended, of which \$208,642,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That of the amount herein ap-
13 propriated, \$7,342,000 is for deposit into the Utah Rec-
14 lamation Mitigation and Conservation Account pursuant
15 to title IV of the Reclamation Projects Authorization and
16 Adjustment Act of 1992: *Provided further*, That notwith-
17 standing the provision of 31 U.S.C. 3302, up to
18 \$403,118,000 collected by the Western Area Power Ad-
19 ministration pursuant to the Flood Control Act of 1944
20 and the Reclamation Project Act of 1939 to recover pur-
21 chase power and wheeling expenses shall be credited to
22 this account as offsetting collections, to remain available
23 until expended for the sole purpose of making purchase
24 power and wheeling expenditures.

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$2,959,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 423 of the Foreign
9 Relations Authorization Act, Fiscal Years 1994 and 1995.

10 FEDERAL ENERGY REGULATORY COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Energy Regu-
13 latory Commission to carry out the provisions of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including services as authorized by 5 U.S.C. 3109,
16 the hire of passenger motor vehicles, and official reception
17 and representation expenses not to exceed \$3,000,
18 \$273,400,000, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding any other provision of law,
20 not to exceed \$273,400,000 of revenues from fees and an-
21 nual charges, and other services and collections in fiscal
22 year 2009 shall be retained and used for necessary ex-
23 penses in this account, and shall remain available until
24 expended: *Provided further*, That the sum herein appro-
25 priated from the general fund shall be reduced as revenues

1 and setting forth, in specificity, the substantive reasons
2 why the Secretary believes the requirement for competition
3 should be waived for this particular award.

4 (c) In this section the term “competitive procedures”
5 has the meaning provided in section 4 of the Office of Fed-
6 eral Procurement Policy Act (41 U.S.C. 403) and includes
7 procedures described in section 303 of the Federal Prop-
8 erty and Administrative Services Act of 1949 (41 U.S.C.
9 253) other than a procedure that solicits a proposal from
10 only one source.

11 SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS.
12 None of the funds appropriated by this Act may be used
13 to prepare or initiate Requests For Proposals (RFPs) for
14 a program if the program has not been funded by Con-
15 gress.

16 SEC. 303. DEPARTMENT OF ENERGY DEFENSE NU-
17 CLEAR FACILITIES WORKFORCE RESTRUCTURING. None
18 of the funds appropriated by this Act may be used—

19 (1) to augment the funds made available for ob-
20 ligation by this Act for severance payments and
21 other benefits and community assistance grants
22 under section 4604 of the Atomic Energy Defense
23 Act (50 U.S.C. 2704) unless the Department of En-
24 ergy submits a reprogramming request to the appro-
25 priate congressional committees; or

1 (2) to provide enhanced severance payments or
2 other benefits for employees of the Department of
3 Energy under such section; or

4 (3) develop or implement a workforce restruc-
5 turing plan that covers employees of the Department
6 of Energy.

7 SEC. 304. UNEXPENDED BALANCES. The unex-
8 pended balances of prior appropriations provided for ac-
9 tivities in this Act may be available to the same appropria-
10 tion accounts for such activities established pursuant to
11 this title. Available balances may be merged with funds
12 in the applicable established accounts and thereafter may
13 be accounted for as one fund for the same time period
14 as originally enacted.

15 SEC. 305. BONNEVILLE POWER AUTHORITY SERV-
16 ICE TERRITORY. None of the funds in this or any other
17 Act for the Administrator of the Bonneville Power Admin-
18 istration may be used to enter into any agreement to per-
19 form energy efficiency services outside the legally defined
20 Bonneville service territory, with the exception of services
21 provided internationally, including services provided on a
22 reimbursable basis, unless the Administrator certifies in
23 advance that such services are not available from private
24 sector businesses.

1 SEC. 306. USER FACILITIES. When the Department
2 of Energy makes a user facility available to universities
3 or other potential users, or seeks input from universities
4 or other potential users regarding significant characteris-
5 ties or equipment in a user facility or a proposed user fa-
6 cility, the Department shall ensure broad public notice of
7 such availability or such need for input to universities and
8 other potential users. When the Department of Energy
9 considers the participation of a university or other poten-
10 tial user as a formal partner in the establishment or oper-
11 ation of a user facility, the Department shall employ full
12 and open competition in selecting such a partner. For pur-
13 poses of this section, the term “user facility” includes, but
14 is not limited to: (1) a user facility as described in section
15 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.
16 13503(a)(2)); (2) a National Nuclear Security Adminis-
17 tration Defense Programs Technology Deployment Cen-
18 ter/User Facility; and (3) any other Departmental facility
19 designated by the Department as a user facility.

20 SEC. 307. INTELLIGENCE ACTIVITIES. Funds appro-
21 priated by this or any other Act, or made available by the
22 transfer of funds in this Act, for intelligence activities are
23 deemed to be specifically authorized by the Congress for
24 purposes of section 504 of the National Security Act of
25 1947 (50 U.S.C. 414) during fiscal year 2009 until the

1 enactment of the Intelligence Authorization Act for fiscal
2 year 2009.

3 SEC. 308. LABORATORY DIRECTED RESEARCH AND
4 DEVELOPMENT. Of the funds made available by the De-
5 partment of Energy for activities at government-owned,
6 contractor-operated laboratories funded in this Act or sub-
7 sequent Energy and Water Development Appropriations
8 Acts, the Secretary may authorize a specific amount, not
9 to exceed 8 percent of such funds, to be used by such lab-
10 oratories for laboratory directed research and develop-
11 ment: *Provided*, That the Secretary may also authorize a
12 specific amount not to exceed 4 percent of such funds,
13 to be used by the plant manager of a covered nuclear
14 weapons production plant or the manager of the Nevada
15 Site Office for plant or site directed research and develop-
16 ment: *Provided further*, That notwithstanding Department
17 of Energy order 413.2A, dated January 8, 2001, begin-
18 ning in fiscal year 2006 and thereafter, all DOE labora-
19 tories may be eligible for laboratory directed research and
20 development funding.

21 SEC. 309. RELIABLE REPLACEMENT WARHEAD.
22 None of the funds provided in this Act shall be available
23 for the Reliable Replacement Warhead (RRW).

24 SEC. 310. GENERAL PLANT PROJECTS. Plant or con-
25 struction projects for which amounts are made available

1 under this and subsequent appropriation Acts with a cur-
2 rent estimated cost of less than \$10,000,000 are consid-
3 ered for purposes of section 4703 of Public Law 107–314
4 as a plant project for which the approved total estimated
5 cost does not exceed the minor construction threshold and
6 for purposes of section 4704 of Public Law 107–314 as
7 a construction project with a current estimated cost of less
8 than a minor construction threshold.

9 SEC. 311. ENERGY PRODUCTION. The Secretary of
10 Energy shall provide funding to the National Academy of
11 Sciences to conduct an inventory of the energy develop-
12 ment potential on all lands currently managed by the De-
13 partment of Energy together with a report, to be sub-
14 mitted not later than July 1, 2009, which includes (1) a
15 detailed analysis of all such resources including oil, gas,
16 coal, solar, wind, geothermal and other renewable re-
17 sources on such lands, (2) a delineation of the resources
18 presently available for development as well as those poten-
19 tially available in the future, and (3) an analysis of the
20 environmental impacts associated with any future develop-
21 ment including actions necessary to mitigate negative im-
22 pacts.

23 SEC. 312. RENO HYDROGEN FUEL PROJECT. (a) The
24 non-Federal share of project costs shall be 20 percent.

1 (b) The cost of project vehicles, related facilities, and
2 other activities funded from the Federal Transit Adminis-
3 tration sections 5307, 5308, 5309, and 5314 program, in-
4 cluding the non-Federal share for the FTA funds, is an
5 eligible component of the non-Federal share for this
6 project.

7 (c) Contribution of the non-Federal share of project
8 costs for all grants made for this project may be deferred
9 until the entire project is completed.

10 (d) All operations and maintenance costs associated
11 with vehicles, equipment, and facilities utilized for this
12 project are eligible project costs.

13 (e) This section applies to project appropriations be-
14 ginning in fiscal year 2004.

15 SEC. 313. INTEGRATED UNIVERSITY PROGRAM. (a)
16 The Secretary of Energy, along with the Administrator
17 of the National Nuclear Security Administration and the
18 Chairman of the Nuclear Regulatory Commission, shall es-
19 tablish an Integrated University Program.

20 (b) For the purposes of carrying out this section,
21 \$45,000,000 is authorized to be appropriated in each of
22 fiscal years 2009 to 2019 as follows:

23 (1) \$15,000,000 for the Department of Energy;

24 (2) \$15,000,000 for the Nuclear Regulatory

25 Commission; and

1 be taken from within that State's allocation in the fiscal
2 year in which it is provided.

3 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

4 SALARIES AND EXPENSES

5 For necessary expenses of the Defense Nuclear Fa-
6 cilities Safety Board in carrying out activities authorized
7 by the Atomic Energy Act of 1954, as amended by Public
8 Law 100-456, section 1441, \$25,000,000, to remain
9 available until expended.

10 DELTA REGIONAL AUTHORITY

11 SALARIES AND EXPENSES

12 For necessary expenses of the Delta Regional Author-
13 ity and to carry out its activities, as authorized by the
14 Delta Regional Authority Act of 2000, as amended, not-
15 withstanding sections 382C(b)(2), 382F(d), 382M, and
16 382N of said Act, \$13,000,000, to remain available until
17 expended.

18 DENALI COMMISSION

19 For expenses of the Denali Commission including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment as necessary and other expenses,
22 \$11,800,000, to remain available until expended, notwith-
23 standing the limitations contained in section 306(g) of the
24 Denali Commission Act of 1998.

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission in car-
4 rying out the purposes of the Energy Reorganization Act
5 of 1974, as amended, and the Atomic Energy Act of 1954,
6 as amended, including official representation expenses
7 (not to exceed \$25,000), \$1,034,656,000, to remain avail-
8 able until expended: *Provided*, That of the amount appro-
9 priated herein, \$49,000,000 shall be derived from the Nu-
10 clear Waste Fund: *Provided further*, That revenues from
11 licensing fees, inspection services, and other services and
12 collections estimated at \$860,857,000 in fiscal year 2009
13 shall be retained and used for necessary salaries and ex-
14 penses in this account, notwithstanding 31 U.S.C. 3302,
15 and shall remain available until expended: *Provided fur-*
16 *ther*, That the sum herein appropriated shall be reduced
17 by the amount of revenues received during fiscal year
18 2009 so as to result in a final fiscal year 2009 appropria-
19 tion estimated at not more than \$173,799,000: *Provided*
20 *further*, That such funds as are made available for nec-
21 essary expenses of the Commission by this Act or any
22 other Act may be used for the acquisition and lease of
23 additional office space provided by the General Services
24 Administration for personnel of the U.S. Nuclear Regu-
25 latory Commission as close as reasonably possible to the

1 Commission's headquarters location in Rockville, Mary-
2 land, and of such square footage and for such lease term,
3 as are determined by the Commission to be necessary to
4 maintain the agency's regulatory effectiveness, efficiency,
5 and emergency response capability: *Provided further*, That
6 notwithstanding any other provision of law or any pre-
7 vailing practice, the acquisition and lease of space for such
8 purpose shall, to the extent necessary to obtain the space,
9 be based on the prevailing rates in the immediate vicinity
10 of the Commission's headquarters.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, \$10,860,000, to remain available
15 until expended: *Provided*, That revenues from licensing
16 fees, inspection services, and other services and collections
17 estimated at \$9,774,000 in fiscal year 2009 shall be re-
18 tained and be available until expended, for necessary sala-
19 ries and expenses in this account, notwithstanding 31
20 U.S.C. 3302: *Provided further*, That the sum herein ap-
21 propriated shall be reduced by the amount of revenues re-
22 ceived during fiscal year 2009 so as to result in a final
23 fiscal year 2009 appropriation estimated at not more than
24 \$1,086,000.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses of the Nuclear Waste Tech-
4 nical Review Board, as authorized by Public Law 100-
5 203, section 5051, \$3,811,000, to be derived from the Nu-
6 clear Waste Fund, and to remain available until expended.

7 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA
8 NATURAL GAS TRANSPORTATION PROJECTS

9 For necessary expenses for the Office of the Federal
10 Coordinator for Alaska Natural Gas Transportation
11 Projects pursuant to the Alaska Natural Gas Pipeline Act
12 of 2004, \$4,400,000: *Provided*, That any fees, charges, or
13 commissions received pursuant to section 802 of Public
14 Law 110-140 in fiscal year 2009 in excess of \$4,660,000
15 shall not be available for obligation until appropriated in
16 a subsequent Act of Congress.

17 TITLE V

18 GENERAL PROVISIONS

19 SEC. 501. None of the funds appropriated by this Act
20 may be used in any way, directly or indirectly, to influence
21 congressional action on any legislation or appropriation
22 matters pending before Congress, other than to commu-
23 nicate to Members of Congress as described in 18 U.S.C.
24 1913.

1 nancial policies and programs activities; not to exceed
2 \$62,098,000 is for terrorism and financial intelligence ac-
3 tivities; not to exceed \$21,600,000 is for Treasury-wide
4 management policies and programs activities; and not to
5 exceed \$91,604,000 is for administration programs activi-
6 ties: *Provided*, That the Secretary of the Treasury is au-
7 thorized to transfer funds appropriated for any program
8 activity of the Departmental Offices to any other program
9 activity of the Departmental Offices upon notification to
10 the House and Senate Committees on Appropriations:
11 *Provided further*, That no appropriation for any program
12 activity shall be increased or decreased by more than 4
13 percent by all such transfers: *Provided further*, That any
14 change in funding greater than 4 percent shall be sub-
15 mitted for approval to the House and Senate Committees
16 on Appropriations: *Provided further*, That of the amount
17 appropriated under this heading, not to exceed
18 \$3,000,000, to remain available until September 30, 2010,
19 is for information technology modernization requirements;
20 not to exceed \$200,000 is for official reception and rep-
21 resentation expenses; and not to exceed \$258,000 is for
22 unforeseen emergencies of a confidential nature, to be allo-
23 cated and expended under the direction of the Secretary
24 of the Treasury and to be accounted for solely on his cer-
25 tificate: *Provided further*, That of the amount appro-

1 priated under this heading, \$5,232,443, to remain avail-
2 able until September 30, 2010, is for the Treasury-wide
3 Financial Statement Audit and Internal Control Program,
4 of which such amounts as may be necessary may be trans-
5 ferred to accounts of the Department's offices and bureaus
6 to conduct audits: *Provided further*, That this transfer au-
7 thority shall be in addition to any other provided in this
8 Act: *Provided further*, That of the amount appropriated
9 under this heading, \$500,000, to remain available until
10 September 30, 2010, is for secure space requirements:
11 *Provided further*, That of the amount appropriated under
12 this heading, \$1,100,000, to remain available until Sep-
13 tember 30, 2010, is for salary and benefits for hiring of
14 personnel whose work will require completion of a security
15 clearance investigation in order to perform highly classi-
16 fied work to further the activities of the Office of Ter-
17 rorism and Financial Intelligence: *Provided further*, That
18 of the amount appropriated under this heading,
19 \$3,400,000, to remain available until September 30, 2011,
20 is to develop and implement programs within the Office
21 of Critical Infrastructure Protection and Compliance Pol-
22 icy, including entering into cooperative agreements: Pro-
23 vided further, That of the amount appropriated under this
24 heading \$3,000,000 to remain available until September

1 30, 2011, is for modernizing the Office of Debt Manage-
2 ment's information technology.

3 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

4 INVESTMENTS PROGRAMS

5 (INCLUDING TRANSFER OF FUNDS)

6 For development and acquisition of automatic data
7 processing equipment, software, and services for the De-
8 partment of the Treasury, \$26,975,000, to remain avail-
9 able until September 30, 2011: *Provided*, That
10 \$11,518,000 is for repairs to the Treasury Annex Build-
11 ing: *Provided further*, That these funds shall be trans-
12 ferred to accounts and in amounts as necessary to satisfy
13 the requirements of the Department's offices, bureaus,
14 and other organizations: *Provided further*, That this trans-
15 fer authority shall be in addition to any other transfer au-
16 thority provided in this Act: *Provided further*, That none
17 of the funds appropriated under this heading shall be used
18 to support or supplement "Internal Revenue Service, Op-
19 erations Support" or "Internal Revenue Service, Business
20 Systems Modernization".

21 OFFICE OF INSPECTOR GENERAL

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, not to exceed \$2,000,000 for official
26 travel expenses, including hire of passenger motor vehicles;

1 and not to exceed \$100,000 for unforeseen emergencies
2 of a confidential nature, to be allocated and expended
3 under the direction of the Inspector General of the Treas-
4 ury, \$26,125,000, of which not to exceed \$2,500 shall be
5 available for official reception and representation ex-
6 penses.

7 TREASURY INSPECTOR GENERAL FOR TAX

8 ADMINISTRATION

9 SALARIES AND EXPENSES

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

1 FINANCIAL CRIMES ENFORCEMENT NETWORK
2 SALARIES AND EXPENSES

3 For necessary expenses of the Financial Crimes En-
4 forcement Network, including hire of passenger motor ve-
5 hicles; travel and training expenses of non-Federal and
6 foreign government personnel to attend meetings and
7 training concerned with domestic and foreign financial in-
8 telligence activities, law enforcement, and financial regula-
9 tion; not to exceed \$14,000 for official reception and rep-
10 resentation expenses; and for assistance to Federal law en-
11 forcement agencies, with or without reimbursement,
12 \$91,465,000, of which not to exceed \$16,340,000 shall re-
13 main available until September 30, 2011; and of which
14 \$9,178,000 shall remain available until September 30,
15 2010: *Provided*, That funds appropriated in this account
16 may be used to procure personal services contracts.

17 TREASURY FORFEITURE FUND
18 (RESCISSION)

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

21 FINANCIAL MANAGEMENT SERVICE
22 SALARIES AND EXPENSES

23 For necessary expenses of the Financial Management
24 Service, \$239,785,000, of which not to exceed \$9,220,000
25 shall remain available until September 30, 2011, for infor-

1 mation systems modernization initiatives; and of which not
2 to exceed \$2,500 shall be available for official reception
3 and representation expenses.

4 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
5 SALARIES AND EXPENSES

6 For necessary expenses of carrying out section 1111
7 of the Homeland Security Act of 2002, including hire of
8 passenger motor vehicles, \$99,065,000; of which not to ex-
9 ceed \$6,000 for official reception and representation ex-
10 penses; not to exceed \$50,000 for cooperative research and
11 development programs for laboratory services; and provi-
12 sion of laboratory assistance to State and local agencies
13 with or without reimbursement: *Provided*, That of the
14 amount appropriated under this heading, \$2,000,000, to
15 remain available until September 30, 2010, is for informa-
16 tion technology management.

17 UNITED STATES MINT

18 UNITED STATES MINT PUBLIC ENTERPRISE FUND

19 Pursuant to section 5136 of title 31, United States
20 Code, the United States Mint is provided funding through
21 the United States Mint Public Enterprise Fund for costs
22 associated with the production of circulating coins, numis-
23 matic coins, and protective services, including both oper-
24 ating expenses and capital investments. The aggregate
25 amount of new liabilities and obligations incurred during

1 fiscal year 2009 under such section 5136 for circulating
2 coinage and protective service capital investments of the
3 United States Mint shall not exceed \$42,150,000.

4 BUREAU OF THE PUBLIC DEBT

5 ADMINISTERING THE PUBLIC DEBT

6 For necessary expenses connected with any public-
7 debt issues of the United States, \$187,352,000, of which
8 not to exceed \$2,500 shall be available for official recep-
9 tion and representation expenses, and of which not to ex-
10 ceed \$2,000,000 shall remain available until September
11 30, 2011, for systems modernization: *Provided*, That the
12 sum appropriated herein from the general fund for fiscal
13 year 2009 shall be reduced by not more than \$10,000,000
14 as definitive security issue fees and Legacy Treasury Di-
15 rect Investor Account Maintenance fees are collected, so
16 as to result in a final fiscal year 2009 appropriation from
17 the general fund estimated at \$177,352,000. In addition,
18 \$90,000 to be derived from the Oil Spill Liability Trust
19 Fund to reimburse the Bureau for administrative and per-
20 sonnel expenses for financial management of the Fund,
21 as authorized by section 1012 of Public Law 101-380.

22 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

23 FUND PROGRAM ACCOUNT

24 To carry out the Community Development Banking
25 and Financial Institutions Act of 1994 (Public Law 103-

1 325), including services authorized by 5 U.S.C. 3109, but
2 at rates for individuals not to exceed the per diem rate
3 equivalent to the rate for ES-3, \$107,000,000, to remain
4 available until September 30, 2010, of which \$8,500,000
5 shall be for financial assistance, technical assistance,
6 training and outreach programs designed to benefit Native
7 American, Native Hawaiian, and Alaskan Native commu-
8 nities and provided primarily through qualified community
9 development lender organizations with experience and ex-
10 pertise in community development banking and lending in
11 Indian country, Native American organizations, tribes and
12 tribal organizations and other suitable providers,
13 \$2,000,000 shall be available for the pilot project grant
14 program under section 1132(d) of division A of the Hous-
15 ing and Economic Recovery Act of 2008 (Public Law 110-
16 289), up to \$14,750,000 may be used for administrative
17 expenses, including administration of the New Markets
18 Tax Credit, up to \$7,500,000 may be used for the cost
19 of direct loans, and up to \$250,000 may be used for ad-
20 ministrative expenses to carry out the direct loan program:
21 *Provided*, That the cost of direct loans, including the cost
22 of modifying such loans, shall be as defined in section 502
23 of the Congressional Budget Act of 1974: *Provided fur-*
24 *ther*, That these funds are available to subsidize gross obli-

1 gations for the principal amount of direct loans not to ex-
2 ceed \$16,000,000.

3 INTERNAL REVENUE SERVICE

4 TAXPAYER SERVICES

5 For necessary expenses of the Internal Revenue Serv-
6 ice to provide taxpayer services, including pre-filing assist-
7 ance and education, filing and account services, taxpayer
8 advocacy services, and other services as authorized by 5
9 U.S.C. 3109, at such rates as may be determined by the
10 Commissioner, \$2,293,000,000, of which not less than
11 \$5,100,000 shall be for the Tax Counseling for the Elderly
12 Program, of which not less than \$9,500,000 shall be avail-
13 able for low-income taxpayer clinic grants, of which not
14 less than \$8,000,000, to remain available until September
15 30, 2010, shall be available for a Community Volunteer
16 Income Tax Assistance matching grants demonstration
17 program for tax return preparation assistance, and of
18 which not less than \$193,000,000 shall be available for
19 operating expenses of the Taxpayer Advocate Service.

20 ENFORCEMENT

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses of the Internal Revenue Serv-
23 ice to determine and collect owed taxes, to provide legal
24 and litigation support, to conduct criminal investigations,
25 to enforce criminal statutes related to violations of inter-
26 nal revenue laws and other financial crimes, to purchase

1 (for police-type use, not to exceed 850) and hire passenger
2 motor vehicles (31 U.S.C. 1343(b)), and to provide other
3 services as authorized by 5 U.S.C. 3109, at such rates
4 as may be determined by the Commissioner,
5 \$5,117,267,000, of which not less than \$57,252,000 shall
6 be for the Interagency Crime and Drug Enforcement pro-
7 gram: *Provided*, That up to \$10,000,000 may be trans-
8 ferred as necessary from this account to “Operations Sup-
9 port” solely for the purposes of the Interagency Crime and
10 Drug Enforcement program: *Provided further*, That this
11 transfer authority shall be in addition to any other trans-
12 fer authority provided in this Act.

13 OPERATIONS SUPPORT

14 For necessary expenses of the Internal Revenue Serv-
15 ice to support taxpayer services and enforcement pro-
16 grams, including rent payments; facilities services; print-
17 ing; postage; physical security; headquarters and other
18 IRS-wide administration activities; research and statistics
19 of income; telecommunications; information technology de-
20 velopment, enhancement, operations, maintenance, and se-
21 curity; the hire of passenger motor vehicles (31 U.S.C.
22 1343(b)); and other services as authorized by 5 U.S.C.
23 3109, at such rates as may be determined by the Commis-
24 sioner; \$3,867,011,000, of which up to \$75,000,000 shall
25 remain available until September 30, 2010, for informa-
26 tion technology support; of which not to exceed

1 \$1,000,000 shall remain available until September 30,
2 2011, for research; of which not less than \$2,000,000
3 shall be for the Internal Revenue Service Oversight Board;
4 and of which not to exceed \$25,000 shall be for official
5 reception and representation.

6 BUSINESS SYSTEMS MODERNIZATION

7 For necessary expenses of the Internal Revenue Serv-
8 ice's business systems modernization program,
9 \$229,914,000, to remain available until September 30,
10 2011, for the capital asset acquisition of information tech-
11 nology systems, including management and related con-
12 tractual costs of said acquisitions, including related Inter-
13 nal Revenue Service labor costs, and contractual costs as-
14 sociated with operations authorized by 5 U.S.C. 3109:
15 *Provided*, That, with the exception of labor costs, none of
16 these funds may be obligated until the Internal Revenue
17 Service submits to the Committees on Appropriations, and
18 such Committees approve, a plan for expenditure that: (1)
19 meets the capital planning and investment control review
20 requirements established by the Office of Management
21 and Budget, including Circular A-11; (2) complies with
22 the Internal Revenue Service's enterprise architecture, in-
23 cluding the modernization blueprint; (3) conforms with the
24 Internal Revenue Service's enterprise life cycle method-
25 ology; (4) is approved by the Internal Revenue Service,
26 the Department of the Treasury, and the Office of Man-

1 agement and Budget; (5) has been reviewed by the Gov-
2 ernment Accountability Office; and (6) complies with the
3 acquisition rules, requirements, guidelines, and systems
4 acquisition management practices of the Federal Govern-
5 ment.

6 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

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

10 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

11 SERVICE

12 (INCLUDING TRANSFER OF FUNDS)

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

19 SEC. 102. The Internal Revenue Service shall main-
20 tain a training program to ensure that Internal Revenue
21 Service employees are trained in taxpayers’ rights, in deal-
22 ing courteously with taxpayers, and in cross-cultural rela-
23 tions.

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

1 SEC. 104. Funds made available by this or any other
2 Act to the Internal Revenue Service shall be available for
3 improved facilities and increased staffing to provide suffi-
4 cient and effective 1–800 help line service for taxpayers.
5 The Commissioner shall continue to make the improve-
6 ment of the Internal Revenue Service 1–800 help line serv-
7 ice a priority and allocate resources necessary to increase
8 phone lines and staff to improve the Internal Revenue
9 Service 1–800 help line service.

10 SEC. 105. Of the funds made available by this Act
11 to the Internal Revenue Service, not less than
12 \$6,997,000,000 shall be available only for tax enforce-
13 ment. In addition, of the funds made available by this Act
14 to the Internal Revenue Service, and subject to the same
15 terms and conditions, \$490,000,000 shall be available for
16 enhanced tax law enforcement.

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

1 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
2 TREASURY
3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 107. Appropriations to the Department of the
5 Treasury in this Act shall be available for uniforms or al-
6 lowances therefor, as authorized by law (5 U.S.C. 5901),
7 including maintenance, repairs, and cleaning; purchase of
8 insurance for official motor vehicles operated in foreign
9 countries; purchase of motor vehicles without regard to the
10 general purchase price limitations for vehicles purchased
11 and used overseas for the current fiscal year; entering into
12 contracts with the Department of State for the furnishing
13 of health and medical services to employees and their de-
14 pendants serving in foreign countries; and services author-
15 ized by 5 U.S.C. 3109.

16 SEC. 108. Not to exceed 2 percent of any appropria-
17 tions in this Act made available to the Departmental Of-
18 fices—Salaries and Expenses, Office of Inspector General,
19 Financial Management Service, Alcohol and Tobacco Tax
20 and Trade Bureau, Financial Crimes Enforcement Net-
21 work, and Bureau of the Public Debt, may be transferred
22 between such appropriations upon the advance approval
23 of the Committees on Appropriations: *Provided*, That no
24 transfer may increase or decrease any such appropriation
25 by more than 2 percent.

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

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

15 SEC. 111. None of the funds appropriated in this Act
16 or otherwise available to the Department of the Treasury
17 or the Bureau of Engraving and Printing may be used
18 to redesign the \$1 Federal Reserve note.

19 SEC. 112. The Secretary of the Treasury may trans-
20 fer funds from Financial Management Service, Salaries
21 and Expenses to the Debt Collection Fund as necessary
22 to cover the costs of debt collection: *Provided*, That such
23 amounts shall be reimbursed to such salaries and expenses
24 account from debt collections received in the Debt Collec-
25 tion Fund.

1 SEC. 113. Section 122(g)(1) of Public Law 105–119
2 (5 U.S.C. 3104 note), is further amended by striking “10
3 years” and inserting “11 years”.

4 SEC. 114. None of the funds appropriated or other-
5 wise made available by this or any other Act may be used
6 by the United States Mint to construct or operate any mu-
7 seum without the explicit approval of the Committees on
8 Appropriations of the House of Representatives and the
9 Senate, the House Committee on Financial Services, and
10 the Senate Committee on Banking, Housing, and Urban
11 Affairs.

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

23 SEC. 116. Funds appropriated by this Act, or made
24 available by the transfer of funds in this Act, for the De-
25 partment of the Treasury’s intelligence or intelligence re-

1 lated activities are deemed to be specifically authorized by
2 the Congress for purposes of section 504 of the National
3 Security Act of 1947 (50 U.S.C. 414) during fiscal year
4 2009 until the enactment of the Intelligence Authorization
5 Act for Fiscal Year 2009.

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

10 This title may be cited as the "Department of the
11 Treasury Appropriations Act, 2009".

12 TITLE II

13 EXECUTIVE OFFICE OF THE PRESIDENT AND

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 COMPENSATION OF THE PRESIDENT

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

1 WHITE HOUSE OFFICE
2 SALARIES AND EXPENSES

3 For necessary expenses for the White House as au-
4 thorized by law, including not to exceed \$3,850,000 for
5 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
6 subsistence expenses as authorized by 3 U.S.C. 105, which
7 shall be expended and accounted for as provided in that
8 section; hire of passenger motor vehicles, newspapers,
9 periodicals, teletype news service, and travel (not to exceed
10 \$100,000 to be expended and accounted for as provided
11 by 3 U.S.C. 103); and not to exceed \$19,000 for official
12 entertainment expenses, to be available for allocation with-
13 in the Executive Office of the President; \$53,899,000, of
14 which \$1,400,000 shall be for the Office of National AIDS
15 Policy.

16 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
17 OPERATING EXPENSES

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

24 REIMBURSABLE EXPENSES

25 For the reimbursable expenses of the Executive Resi-
26 dence at the White House, such sums as may be nec-

1 essary: *Provided*, That all reimbursable operating expenses
2 of the Executive Residence shall be made in accordance
3 with the provisions of this paragraph: *Provided further*,
4 That, notwithstanding any other provision of law, such
5 amount for reimbursable operating expenses shall be the
6 exclusive authority of the Executive Residence to incur ob-
7 ligations and to receive offsetting collections, for such ex-
8 penses: *Provided further*, That the Executive Residence
9 shall require each person sponsoring a reimbursable polit-
10 ical event to pay in advance an amount equal to the esti-
11 mated cost of the event, and all such advance payments
12 shall be credited to this account and remain available until
13 expended: *Provided further*, That the Executive Residence
14 shall require the national committee of the political party
15 of the President to maintain on deposit \$25,000, to be
16 separately accounted for and available for expenses relat-
17 ing to reimbursable political events sponsored by such
18 committee during such fiscal year: *Provided further*, That
19 the Executive Residence shall ensure that a written notice
20 of any amount owed for a reimbursable operating expense
21 under this paragraph is submitted to the person owing
22 such amount within 60 days after such expense is in-
23 curred, and that such amount is collected within 30 days
24 after the submission of such notice: *Provided further*, That
25 the Executive Residence shall charge interest and assess

1 penalties and other charges on any such amount that is
2 not reimbursed within such 30 days, in accordance with
3 the interest and penalty provisions applicable to an out-
4 standing debt on a United States Government claim under
5 section 3717 of title 31, United States Code: *Provided fur-*
6 *ther*, That each such amount that is reimbursed, and any
7 accompanying interest and charges, shall be deposited in
8 the Treasury as miscellaneous receipts: *Provided further*,
9 That the Executive Residence shall prepare and submit
10 to the Committees on Appropriations, by not later than
11 90 days after the end of the fiscal year covered by this
12 Act, a report setting forth the reimbursable operating ex-
13 penses of the Executive Residence during the preceding
14 fiscal year, including the total amount of such expenses,
15 the amount of such total that consists of reimbursable offi-
16 cial and ceremonial events, the amount of such total that
17 consists of reimbursable political events, and the portion
18 of each such amount that has been reimbursed as of the
19 date of the report: *Provided further*, That the Executive
20 Residence shall maintain a system for the tracking of ex-
21 penses related to reimbursable events within the Executive
22 Residence that includes a standard for the classification
23 of any such expense as political or nonpolitical: *Provided*
24 *further*, That no provision of this paragraph may be con-
25 strued to exempt the Executive Residence from any other

1 applicable requirement of subchapter I or II of chapter
2 37 of title 31, United States Code.

3 WHITE HOUSE REPAIR AND RESTORATION

4 For the repair, alteration, and improvement of the
5 Executive Residence at the White House, \$1,600,000, to
6 remain available until expended, for required maintenance,
7 safety and health issues, and continued preventative main-
8 tenance.

9 COUNCIL OF ECONOMIC ADVISERS

10 SALARIES AND EXPENSES

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

14 OFFICE OF POLICY DEVELOPMENT

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Policy Devel-
17 opment, including services as authorized by 5 U.S.C. 3109
18 and 3 U.S.C. 107, \$3,550,000.

19 NATIONAL SECURITY COUNCIL

20 SALARIES AND EXPENSES

21 For necessary expenses of the National Security
22 Council, including services as authorized by 5 U.S.C.
23 3109, \$9,029,000.

1 OFFICE OF ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Administra-
4 tion, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,
6 \$101,333,000, of which not less than \$5,700,000 shall be
7 for e-mail restoration activities, and of which \$11,923,000
8 shall remain available until expended for continued mod-
9 ernization of the information technology infrastructure
10 within the Executive Office of the President.

11 OFFICE OF MANAGEMENT AND BUDGET

12 SALARIES AND EXPENSES

13 For necessary expenses of the Office of Management
14 and Budget, including hire of passenger motor vehicles
15 and services as authorized by 5 U.S.C. 3109 and to carry
16 out the provisions of chapter 35 of title 44, United States
17 Code, \$87,972,000, of which not to exceed \$3,000 shall
18 be available for official representation expenses: *Provided*,
19 That none of the funds appropriated in this Act for the
20 Office of Management and Budget may be used for the
21 purpose of reviewing any agricultural marketing orders or
22 any activities or regulations under the provisions of the
23 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
24 601 et seq.): *Provided further*, That none of the funds
25 made available for the Office of Management and Budget

1 by this Act may be expended for the altering of the tran-
2 script of actual testimony of witnesses, except for testi-
3 mony of officials of the Office of Management and Budget,
4 before the Committees on Appropriations or their sub-
5 committees: *Provided further*, That none of the funds pro-
6 vided in this or prior Acts shall be used, directly or indi-
7 rectly, by the Office of Management and Budget, for eval-
8 uating or determining if water resource project or study
9 reports submitted by the Chief of Engineers acting
10 through the Secretary of the Army are in compliance with
11 all applicable laws, regulations, and requirements relevant
12 to the Civil Works water resource planning process: *Pro-*
13 *vided further*, That the Office of Management and Budget
14 shall have not more than 60 days in which to perform
15 budgetary policy reviews of water resource matters on
16 which the Chief of Engineers has reported: *Provided fur-*
17 *ther*, That the Director of the Office of Management and
18 Budget shall notify the appropriate authorizing and ap-
19 propriating committees when the 60-day review is initi-
20 ated: *Provided further*, That if water resource reports have
21 not been transmitted to the appropriate authorizing and
22 appropriating committees within 15 days after the end of
23 the Office of Management and Budget review period based
24 on the notification from the Director, Congress shall as-

1 sume Office of Management and Budget concurrence with
2 the report and act accordingly.

3 OFFICE OF NATIONAL DRUG CONTROL POLICY

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of National
6 Drug Control Policy; for research activities pursuant to
7 the Office of National Drug Control Policy Reauthoriza-
8 tion Act of 2006 (Public Law 109–469); not to exceed
9 \$10,000 for official reception and representation expenses;
10 and for participation in joint projects or in the provision
11 of services on matters of mutual interest with nonprofit,
12 research, or public organizations or agencies, with or with-
13 out reimbursement, \$27,200,000; of which \$1,300,000
14 shall remain available until expended for policy research
15 and evaluation: *Provided*, That the Office is authorized to
16 accept, hold, administer, and utilize gifts, both real and
17 personal, public and private, without fiscal year limitation,
18 for the purpose of aiding or facilitating the work of the
19 Office.

20 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for the Counterdrug Tech-
23 nology Assessment Center for research activities pursuant
24 to the Office of National Drug Control Policy Reauthor-
25 ization Act of 2006 (Public Law 109–469), \$3,000,000,
26 which shall remain available until expended for counter-

1 narcotics research and development projects: *Provided*,
2 That such amount shall be available for transfer to other
3 Federal departments or agencies: *Provided further*, That
4 the Office of National Drug Control Policy shall submit
5 for approval by the Committees on Appropriations of the
6 House of Representatives and the Senate, a detailed
7 spending plan for the use of these funds no later than
8 90 days after enactment of this Act.

9 FEDERAL DRUG CONTROL PROGRAMS

10 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

11 (INCLUDING TRANSFERS OF FUNDS)

12 For necessary expenses of the Office of National
13 Drug Control Policy's High Intensity Drug Trafficking
14 Areas Program, \$234,000,000, to remain available until
15 September 30, 2010, for drug control activities consistent
16 with the approved strategy for each of the designated
17 High Intensity Drug Trafficking Areas, of which no less
18 than 51 percent shall be transferred to State and local
19 entities for drug control activities, which shall be obligated
20 within 120 days after enactment of this Act: *Provided*,
21 That up to 49 percent may be transferred to Federal
22 agencies and departments at a rate to be determined by
23 the Director, of which up to \$2,100,000 may be used for
24 auditing services and associated activities, and up to
25 \$250,000 of the \$2,100,000 shall be used to ensure the
26 continued operation and maintenance of the Performance

1 Management System: *Provided further*, That High Inten-
2 sity Drug Trafficking Areas Programs designated as of
3 September 30, 2008, shall be funded at no less than the
4 fiscal year 2008 initial allocation levels (as revised by the
5 letter from the Director of the Office of National Drug
6 Control Policy to the Committees on Appropriations of the
7 House of Representatives and the Senate dated April 8,
8 2008) or \$3,000,000, whichever is greater, unless the Di-
9 rector submits to the Committees on Appropriations of the
10 House of Representatives and the Senate, and the Com-
11 mittees approve, justification for changes in those levels
12 based on clearly articulated priorities for the High Inten-
13 sity Drug Trafficking Areas Programs, as well as pub-
14 lished Office of National Drug Control Policy performance
15 measures of effectiveness: *Provided further*, That no High
16 Intensity Drug Trafficking Area shall receive more than
17 \$47,457,447 as its fiscal year 2009 initial allocation level:
18 *Provided further*, That, notwithstanding the requirements
19 of Public Law 106–58, any unexpended funds obligated
20 prior to fiscal year 2007 for programs addressing the
21 treatment or prevention of drug use as part of the ap-
22 proved strategy for a designated High Intensity Drug
23 Trafficking Area may be used for other approved activities
24 of that High Intensity Drug Trafficking Area: *Provided*
25 *further*, That the Office of National Drug Control Policy

1 (ONDCP) shall notify the Committees on Appropriations
2 of the House of Representatives and the Senate of the ini-
3 tial High-Intensity Drug Trafficking Area (HIDTA) allo-
4 cation funding within 45 days after the enactment of this
5 Act: *Provided further*, That ONDCP shall submit rec-
6 ommendations for approval to the Committees on Appro-
7 priations for the use of discretionary HIDTA funding, ac-
8 cording to a framework proposed jointly by the HIDTA
9 Directors and ONDCP, within 90 days after the enact-
10 ment of this Act.

11 OTHER FEDERAL DRUG CONTROL PROGRAMS

12 (INCLUDING TRANSFER OF FUNDS)

13 For activities to support a national anti-drug cam-
14 paign for youth, and for other purposes, authorized by the
15 Office of National Drug Control Policy Reauthorization
16 Act of 2006 (Public Law 109–469), \$174,700,000, to re-
17 main available until expended, of which the amounts are
18 available as follows: \$70,000,000 to support a national
19 media campaign, of which at least \$8,000,000 shall be
20 designated for methamphetamine prevention messages:
21 *Provided*, That the Office of National Drug Control Policy
22 shall maintain funding for non-advertising services for the
23 media campaign at no less than the fiscal year 2003 ratio
24 of service funding to total funds and shall continue the
25 corporate outreach program; \$90,000,000 to continue a
26 program of matching grants to drug-free communities, of

1 which \$2,000,000 shall be made available as directed by
2 section 4 of Public Law 107–82, as amended by Public
3 Law 109–469 (21 U.S.C. 1521 note): *Provided further*,
4 That any grantee seeking a renewal grant (year 2 through
5 5, or year 7 through 10) that is determined to be ineligible
6 or not entitled to continuation funding for any reason,
7 shall be afforded a fair, timely, and independent appeal
8 prior to the beginning of the subsequent funding year be-
9 fore being denied a renewal grant; \$1,250,000 for the Na-
10 tional Drug Court Institute; \$9,800,000 for the United
11 States Anti-Doping Agency for anti-doping activities;
12 \$1,900,000 for the United States membership dues to the
13 World Anti-Doping Agency; \$1,250,000 for the National
14 Alliance for Model State Drug Laws; and \$500,000 for
15 evaluations and research related to National Drug Control
16 Program performance measures: *Provided further*, That
17 such funds may be transferred to other Federal depart-
18 ments and agencies to carry out such activities: *Provided*
19 *further*, That of the amounts appropriated for a national
20 media campaign, not to exceed 10 percent shall be for ad-
21 ministration, advertising production, research and testing,
22 labor, and related costs of the national media campaign.

23 UNANTICIPATED NEEDS

24 For expenses necessary to enable the President to
25 meet unanticipated needs, in furtherance of the national

1 interest, security, or defense which may arise at home or
2 abroad during the current fiscal year, as authorized by
3 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
4 tember 30, 2010.

5 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT
6 (INCLUDING TRANSFER OF FUNDS)

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

15 SPECIAL ASSISTANCE TO THE PRESIDENT
16 SALARIES AND EXPENSES

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

1 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

2 OPERATING EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

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

14 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
15 THE PRESIDENT AND FUNDS APPROPRIATED TO
16 THE PRESIDENT

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 201. From funds made available in this Act
19 under the headings “White House Office”, “Executive
20 Residence at the White House”, “White House Repair and
21 Restoration”, “Council of Economic Advisors”, “National
22 Security Council”, “Office of Administration”, “Office of
23 Policy Development”, “Special Assistance to the Presi-
24 dent”, and “Official Residence of the Vice President”, the
25 Director of the Office of Management and Budget (or
26 such other officer as the President may designate in writ-

1 ing), may, 15 days after giving notice to the Committees
2 on Appropriations of the House of Representatives and the
3 Senate, transfer not to exceed 10 percent of any such ap-
4 propriation to any other such appropriation, to be merged
5 with and available for the same time and for the same
6 purposes as the appropriation to which transferred: *Pro-*
7 *vided*, That the amount of an appropriation shall not be
8 increased by more than 50 percent by such transfers: *Pro-*
9 *vided further*, That no amount shall be transferred from
10 “Special Assistance to the President” or “Official Resi-
11 dence of the Vice President” without the approval of the
12 Vice President.

13 SEC. 202. The President shall submit to the Commit-
14 tees on Appropriations of the House of Representatives
15 and the Senate not later than 60 days after the date of
16 the enactment of this Act, and prior to the initial obliga-
17 tion of funds appropriated under the heading “Office of
18 National Drug Control Policy”, a detailed narrative and
19 financial plan on the proposed uses of all funds under the
20 heading by program, project, and activity, for which the
21 obligation of funds is anticipated: *Provided*, That up to
22 20 percent of funds appropriated under this heading may
23 be obligated before the submission of the report subject
24 to prior approval of the Committees on Appropriations:
25 *Provided further*, That the report shall be updated and

1 submitted to the Committees on Appropriations every 6
2 months and shall include information detailing how the
3 estimates and assumptions contained in previous reports
4 have changed: *Provided further*, That any new projects
5 and changes in funding of ongoing projects shall be sub-
6 ject to the prior approval of the Committees on Appropria-
7 tions.

8 SEC. 203. Not to exceed 2 percent of any appropria-
9 tions in this Act made available to the Office of National
10 Drug Control Policy may be transferred between appro-
11 priated programs upon the advance approval of the Com-
12 mittees on Appropriations: *Provided*, That no transfer
13 may increase or decrease any such appropriation by more
14 than 3 percent.

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

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

1 TITLE III
2 THE JUDICIARY
3 SUPREME COURT OF THE UNITED STATES
4 SALARIES AND EXPENSES

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

16 CARE OF THE BUILDING AND GROUNDS

17 For such expenditures as may be necessary to enable
18 the Architect of the Capitol to carry out the duties im-
19 posed upon the Architect by the Act approved May 7,
20 1934 (40 U.S.C. 13a–13b), \$18,447,000, which shall re-
21 main available until expended.

1 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
2 CIRCUIT

3 SALARIES AND EXPENSES

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

7 UNITED STATES COURT OF INTERNATIONAL TRADE

8 SALARIES AND EXPENSES

9 For salaries of the chief judge and eight judges, sala-
10 ries of the officers and employees of the court, services,
11 and necessary expenses of the court, as authorized by law,
12 \$19,605,000.

13 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

14 JUDICIAL SERVICES

15 SALARIES AND EXPENSES

16 For the salaries of circuit and district judges (includ-
17 ing judges of the territorial courts of the United States),
18 justices and judges retired from office or from regular ac-
19 tive service, judges of the United States Court of Federal
20 Claims, bankruptcy judges, magistrate judges, and all
21 other officers and employees of the Federal Judiciary not
22 otherwise specifically provided for, and necessary expenses
23 of the courts, as authorized by law, \$4,801,369,000 (in-
24 cluding the purchase of firearms and ammunition); of
25 which not to exceed \$27,817,000 shall remain available

1 until expended for space alteration projects and for fur-
2 niture and furnishings related to new space alteration and
3 construction projects.

4 In addition, for expenses of the United States Court
5 of Federal Claims associated with processing cases under
6 the National Childhood Vaccine Injury Act of 1986 (Pub-
7 lic Law 99–660), not to exceed \$4,253,000, to be appro-
8 priated from the Vaccine Injury Compensation Trust
9 Fund.

10 DEFENDER SERVICES

11 For the operation of Federal Defender organizations;
12 the compensation and reimbursement of expenses of attor-
13 neys appointed to represent persons under section 3006A
14 of title 18, United States Code, and also under section
15 3599 of title 18, United States Code, in cases in which
16 a defendant is charged with a crime that may be punish-
17 able by death; the compensation and reimbursement of ex-
18 penses of persons furnishing investigative, expert, and
19 other services under section 3006A(e) of title 18, United
20 States Code, and also under section 3599(f) and (g)(2)
21 of title 18, United States Code, in cases in which a defend-
22 ant is charged with a crime that may be punishable by
23 death; the compensation (in accordance with the maxi-
24 mums under section 3006A of title 18, United States
25 Code) and reimbursement of expenses of attorneys ap-
26 pointed to assist the court in criminal cases where the de-

1 fendant has waived representation by counsel; the com-
2 pensation and reimbursement of travel expenses of guard-
3 ians ad litem acting on behalf of financially eligible minor
4 or incompetent offenders in connection with transfers
5 from the United States to foreign countries with which
6 the United States has a treaty for the execution of penal
7 sentences; the compensation and reimbursement of ex-
8 penses of attorneys appointed to represent jurors in civil
9 actions for the protection of their employment, as author-
10 ized by 28 U.S.C. 1875(d); the compensation and reim-
11 bursement of expenses of attorneys appointed under 18
12 U.S.C. 983(b)(1) in connection with certain judicial civil
13 forfeiture proceedings; and for necessary training and gen-
14 eral administrative expenses, \$849,400,000, to remain
15 available until expended.

16 FEES OF JURORS AND COMMISSIONERS

17 For fees and expenses of jurors as authorized by 28
18 U.S.C. 1871 and 1876; compensation of jury commis-
19 sioners as authorized by 28 U.S.C. 1863; and compensa-
20 tion of commissioners appointed in condemnation cases
21 pursuant to rule 71A(h) of the Federal Rules of Civil Pro-
22 cedure (28 U.S.C. Appendix Rule 71A(h)), \$62,206,000,
23 to remain available until expended: *Provided*, That the
24 compensation of land commissioners shall not exceed the
25 daily equivalent of the highest rate payable under section
26 5332 of title 5, United States Code.

1 COURT SECURITY

2 (INCLUDING TRANSFERS OF FUNDS)

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

1 ADMINISTRATIVE OFFICE OF THE UNITED STATES

2 COURTS

3 SALARIES AND EXPENSES

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

11 FEDERAL JUDICIAL CENTER

12 SALARIES AND EXPENSES

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

20 JUDICIAL RETIREMENT FUNDS

21 PAYMENT TO JUDICIARY TRUST FUNDS

22 For payment to the Judicial Officers' Retirement
23 Fund, as authorized by 28 U.S.C. 377(o), \$65,340,000;
24 to the Judicial Survivors' Annuities Fund, as authorized
25 by 28 U.S.C. 376(c), \$6,600,000; and to the United

1 States Court of Federal Claims Judges' Retirement Fund,
2 as authorized by 28 U.S.C. 178(1), \$4,200,000.

3 UNITED STATES SENTENCING COMMISSION

4 SALARIES AND EXPENSES

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

9 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

10 (INCLUDING TRANSFER OF FUNDS)

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

14 SEC. 302. Not to exceed 5 percent of any appropria-
15 tion made available for the current fiscal year for the Judi-
16 ciary in this Act may be transferred between such appropria-
17 tions, but no such appropriation, except “Courts of
18 Appeals, District Courts, and Other Judicial Services, De-
19 fender Services” and “Courts of Appeals, District Courts,
20 and Other Judicial Services, Fees of Jurors and Commis-
21 sioners”, shall be increased by more than 10 percent by
22 any such transfers: *Provided*, That any transfer pursuant
23 to this section shall be treated as a reprogramming of
24 funds under sections 604 and 608 of this Act and shall

1 not be available for obligation or expenditure except in
2 compliance with the procedures set forth in section 608.

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

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

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

23 SEC. 306. In accordance with 28 U.S.C. 561–569,
24 and notwithstanding any other provision of law, the
25 United States Marshals Service shall provide, for such

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

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

22 (b) CONSTRUCTION.—For purposes of construing
23 and applying chapter 87 of title 5, United States Code,
24 including any adjustment of insurance rates by regulation
25 or otherwise, the following categories of judicial officers

1 shall be deemed to be judges of the United States as de-
2 scribed under section 8701 of title 5, United States Code:

3 (1) United States magistrate judges.

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

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

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

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

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

20 SEC. 308. Subsection (c) of section 407 of the Trans-
21 portation, Treasury, Housing and Urban Development,
22 the Judiciary, the District of Columbia, and Independent
23 Agencies Appropriations Act, 2006 (division A, title IV,
24 of Public Law 109–115; 119 Stat. 2396, 2471) is re-
25 pealed.

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

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

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

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

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

18 SEC. 310. Pursuant to section 140 of Public Law 97–
19 92, and from funds appropriated in this Act, Justices and
20 judges of the United States are authorized during fiscal
21 year 2009, to receive a salary adjustment in accordance
22 with 28 U.S.C. 461.

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

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

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

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

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

1 the District of Columbia or surrounding jurisdictions; and
2 of which \$352,000 is for the District of Columbia National
3 Guard retention and college access program.

4 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
5 COURTS

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

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

19 DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

20 For payments authorized under section 11–2604 and
21 section 11–2605, D.C. Official Code (relating to represen-
22 tation provided under the District of Columbia Criminal
23 Justice Act), payments for counsel appointed in pro-
24 ceedings in the Family Court of the Superior Court of the
25 District of Columbia under chapter 23 of title 16, D.C.
26 Official Code, or pursuant to contractual agreements to

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

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

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

20 For salaries and expenses, including the transfer and
21 hire of motor vehicles, of the Court Services and Offender
22 Supervision Agency for the District of Columbia, as au-
23 thorized by the National Capital Revitalization and Self-
24 Government Improvement Act of 1997, \$203,490,000, of
25 which not to exceed \$2,000 is for official reception and
26 representation expenses related to Community Supervision

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

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

11 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

12 PUBLIC DEFENDER SERVICE

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

1 cational events, including conferences, sponsored by the
2 Public Defender Service, and notwithstanding 31 U.S.C.
3 3302, such fees shall be credited to this account, to be
4 available until expended without further appropriation.

5 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
6 WATER AND SEWER AUTHORITY

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

13 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
14 COORDINATING COUNCIL

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

20 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF
21 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

22 For a Federal payment to the Office of the Chief Fi-
23 nancial Officer of the District of Columbia, \$4,887,622:
24 *Provided*, That each entity that receives funding under
25 this heading shall submit to the Office of the Chief Finan-
26 cial Officer of the District of Columbia (CFO) a detailed

1 budget and comprehensive description of the activities to
2 be carried out with such funds no later than 60 days after
3 enactment of this Act, and the CFO shall submit a com-
4 prehensive report to the Committees on Appropriations of
5 the House of Representatives and the Senate no later than
6 June 1, 2009.

7 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

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

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

9 FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL

10 REFORM

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

1 the House of Representatives and Senate are notified in
2 writing 15 days in advance of the transfer: *Provided fur-*
3 *ther*, That any amount provided under this heading shall
4 be available only after such amount has been apportioned
5 pursuant to chapter 15 of title 31, United States Code.

6 FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY

7 FACILITY

8 For a Federal payment to the District of Columbia,
9 \$21,000,000, to remain available until September 30,
10 2010, for costs associated with the construction of a con-
11 solidated bioterrorism and forensics laboratory: *Provided*,
12 That the District of Columbia provides a 100 percent
13 match for this payment.

14 FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH

15 LOCATIONS

16 For a Federal payment to the District of Columbia,
17 \$7,000,000, to remain available until expended, for the
18 Federal contribution for costs associated with the renova-
19 tion and rehabilitation of District libraries.

20 FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE

21 MAYOR OF THE DISTRICT OF COLUMBIA

22 For a Federal payment to the Executive Office of the
23 Mayor of the District of Columbia to enhance the quality
24 of life for District residents, \$3,387,500, of which
25 \$1,250,000 shall be available as matching funds to tempo-
26 rarily continue Federal benefits for low-income couples

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

12 DISTRICT OF COLUMBIA FUNDS

13 The following amounts are appropriated for the Dis-
14 trict of Columbia for the current fiscal year out of the
15 General Fund of the District of Columbia (“General
16 Fund”), except as otherwise specifically provided: *Pro-*
17 *vided*, That notwithstanding any other provision of law,
18 except as provided in section 450A of the District of Co-
19 lumbia Home Rule Act, approved November 2, 2000 (114
20 Stat. 2440; D.C. Official Code § 1–204.50a), and provi-
21 sions of this Act, the total amount appropriated in this
22 Act for operating expenses for the District of Columbia
23 for fiscal year 2009 under this heading shall not exceed
24 the lesser of the sum of the total revenues of the District
25 of Columbia for such fiscal year or \$9,888,095,000 (of

1 which \$6,082,474,000 shall be from local funds (including
2 \$420,119,000 from dedicated taxes), \$2,177,382,000 shall
3 be from Federal grant funds, \$1,621,929,000 shall be
4 from other funds, and \$6,310,000 shall be from private
5 funds); in addition, \$202,326,130 from funds previously
6 appropriated in this Act as Federal payments: *Provided*
7 *further*, That of the local funds, such amounts as may be
8 necessary may be derived from the District's General
9 Fund balance: *Provided further*, That of these funds the
10 District's intradistrict authority shall be \$725,461,000: in
11 addition, for capital construction projects, an increase of
12 \$1,482,977,000, of which \$1,121,734,000 shall be from
13 local funds, \$107,794,000 from the Local Street Mainte-
14 nance fund, \$60,708,000 from the District of Columbia
15 Highway Trust Fund, \$192,741,000 from Federal grant
16 funds, and a rescission of \$353,447,000 from local funds
17 and a rescission of \$37,500,000 from Local Street Mainte-
18 nance funds appropriated under this heading in prior fis-
19 cal years for a net amount of \$1,092,030,000 to remain
20 available until expended: *Provided further*, That the
21 amounts provided under this heading are to be available,
22 allocated and expended as proposed under "Title III—
23 District of Columbia Funds Division of Expenses" of the
24 Fiscal Year 2009 Proposed Budget and Financial Plan
25 submitted to the Congress by the District of Columbia on

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

20 This title may be cited as the “District of Columbia
21 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, and of which \$2,000,000 shall
18 remain available for obligation until September 30, 2010
19 to implement the Virginia Graeme Baker Pool and Spa
20 Safety Act grant program as provided by section 1405 of
21 Public Law 110–140 (15 U.S.C. 8004).

22 ELECTION ASSISTANCE COMMISSION

23 SALARIES AND EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to carry out the Help Amer-
26 ica Vote Act of 2002, \$17,959,000, of which \$4,000,000

1 shall be transferred to the National Institute of Standards
2 and Technology for election reform activities authorized
3 under the Help America Vote Act of 2002: *Provided*, That
4 \$750,000 shall be for the Help America Vote College Pro-
5 gram as provided by the Help America Vote Act of 2002
6 (Public Law 107–252): *Provided further*, That \$300,000
7 shall be for a competitive grant program to support com-
8 munity involvement in student and parent mock elections.

9 ELECTION REFORM PROGRAMS

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

22 FEDERAL COMMUNICATIONS COMMISSION

23 SALARIES AND EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses of the Federal Communica-
26 tions Commission, as authorized by law, including uni-

1 forms and allowances therefor, as authorized by 5 U.S.C.
2 5901–5902; not to exceed \$4,000 for official reception and
3 representation expenses; purchase and hire of motor vehi-
4 cles; special counsel fees; and services as authorized by
5 5 U.S.C. 3109, \$341,875,000: *Provided*, That of the funds
6 provided, not less than \$3,000,000 shall be available to
7 establish and administer a State Broadband Data and De-
8 velopment matching grants program for State-level
9 broadband demand aggregation activities and creation of
10 geographic inventory maps of broadband service to iden-
11 tify gaps in service and provide a baseline assessment of
12 statewide broadband deployment: *Provided further*, That
13 \$341,875,000 of offsetting collections shall be assessed
14 and collected pursuant to section 9 of title I of the Com-
15 munications Act of 1934, shall be retained and used for
16 necessary expenses in this appropriation, and shall remain
17 available until expended: *Provided further*, That the sum
18 herein appropriated shall be reduced as such offsetting
19 collections are received during fiscal year 2009 so as to
20 result in a final fiscal year 2009 appropriation estimated
21 at \$0: *Provided further*, That any offsetting collections re-
22 ceived in excess of \$341,875,000 in fiscal year 2009 shall
23 not be available for obligation: *Provided further*, That re-
24 maining offsetting collections from prior years collected in
25 excess of the amount specified for collection in each such

1 year and otherwise becoming available on October 1, 2008,
2 shall not be available for obligation: *Provided further*, That
3 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from
4 the use of a competitive bidding system that may be re-
5 tained and made available for obligation shall not exceed
6 \$85,000,000 for fiscal year 2009: *Provided further*, That,
7 in addition, not to exceed \$25,480,000 may be transferred
8 from the Universal Service Fund in fiscal year 2009 to
9 remain available until expended, to monitor the Universal
10 Service Fund program to prevent and remedy waste, fraud
11 and abuse, and to conduct audits and investigations by
12 the Office of Inspector General.

13 ADMINISTRATIVE PROVISIONS—FEDERAL

14 COMMUNICATIONS COMMISSION

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

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

1 FEDERAL DEPOSIT INSURANCE CORPORATION

2 OFFICE OF INSPECTOR GENERAL

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$27,495,000, to be derived from the
6 Deposit Insurance Fund or, only when appropriate, the
7 FSLIC Resolution Fund.

8 FEDERAL ELECTION COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses to carry out the provisions
11 of the Federal Election Campaign Act of 1971,
12 \$63,618,000, of which not to exceed \$5,000 shall be avail-
13 able for reception and representation expenses.

14 FEDERAL LABOR RELATIONS AUTHORITY

15 SALARIES AND EXPENSES

16 For necessary expenses to carry out functions of the
17 Federal Labor Relations Authority, pursuant to Reorga-
18 nization Plan Numbered 2 of 1978, and the Civil Service
19 Reform Act of 1978, including services authorized by 5
20 U.S.C. 3109, and including hire of experts and consult-
21 ants, hire of passenger motor vehicles, and rental of con-
22 ference rooms in the District of Columbia and elsewhere,
23 \$22,674,000: *Provided*, That public members of the Fed-
24 eral Service Impasses Panel may be paid travel expenses
25 and per diem in lieu of subsistence as authorized by law

1 (5 U.S.C. 5703) for persons employed intermittently in
2 the Government service, and compensation as authorized
3 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
4 31 U.S.C. 3302, funds received from fees charged to non-
5 Federal participants at labor-management relations con-
6 ferences shall be credited to and merged with this account,
7 to be available without further appropriation for the costs
8 of carrying out these conferences.

9 FEDERAL TRADE COMMISSION

10 SALARIES AND EXPENSES

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

1 and used for necessary expenses in this appropriation:
2 *Provided further*, That, notwithstanding any other provi-
3 sion of law, not to exceed \$21,000,000 in offsetting collec-
4 tions derived from fees sufficient to implement and enforce
5 the Telemarketing Sales Rule, promulgated under the
6 Telemarketing and Consumer Fraud and Abuse Preven-
7 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
8 account, and be retained and used for necessary expenses
9 in this appropriation: *Provided further*, That the sum here-
10 in appropriated from the general fund shall be reduced
11 as such offsetting collections are received during fiscal
12 year 2009, so as to result in a final fiscal year 2009 appro-
13 priation from the general fund estimated at not more than
14 \$70,200,000: *Provided further*, That none of the funds
15 made available to the Federal Trade Commission may be
16 used to implement subsection (e)(2)(B) of section 43 of
17 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

18 GENERAL SERVICES ADMINISTRATION

19 REAL PROPERTY ACTIVITIES

20 FEDERAL BUILDINGS FUND

21 LIMITATIONS ON AVAILABILITY OF REVENUE

22 For an additional amount to be deposited in the Fed-
23 eral Buildings Fund, \$651,198,000. To carry out the pur-
24 poses of the Fund established pursuant to section 592 of
25 title 40, United States Code, the revenues and collections

1 deposited into the Fund shall be available for necessary
2 expenses of real property management and related activi-
3 ties not otherwise provided for, including operation, main-
4 tenance, and protection of federally owned and leased
5 buildings; rental of buildings in the District of Columbia;
6 restoration of leased premises; moving governmental agen-
7 cies (including space adjustments and telecommunications
8 relocation expenses) in connection with the assignment, al-
9 location and transfer of space; contractual services inci-
10 dent to cleaning or servicing buildings, and moving; repair
11 and alteration of federally owned buildings including
12 grounds, approaches and appurtenances; care and safe-
13 guarding of sites; maintenance, preservation, demolition,
14 and equipment; acquisition of buildings and sites by pur-
15 chase, condemnation, or as otherwise authorized by law;
16 acquisition of options to purchase buildings and sites; con-
17 version and extension of federally owned buildings; pre-
18 liminary planning and design of projects by contract or
19 otherwise; construction of new buildings (including equip-
20 ment for such buildings); and payment of principal, inter-
21 est, and any other obligations for public buildings acquired
22 by installment purchase and purchase contract; in the ag-
23 gregate amount of \$8,427,771,000, of which: (1)
24 \$746,317,000 shall remain available until expended for
25 construction (including funds for sites and expenses and

1 associated design and construction services) of additional
2 projects at the following locations:

3 New Construction:

4 Alabama:

5 Tuscaloosa Federal Building,
6 \$25,000,000.

7 California:

8 San Diego, United States Courthouse
9 Annex, \$110,362,000.

10 San Ysidro, Land Port of Entry,
11 \$58,910,000.

12 Colorado:

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

15 District of Columbia:

16 DHS Consolidation and development
17 of St. Elizabeths Campus, \$331,390,000.

18 Federal Office Building 8,
19 \$15,000,000.

20 St. Elizabeths West Campus Infra-
21 structure, \$8,249,000.

22 St. Elizabeths West Campus Site Ac-
23 quisition, \$7,000,000.

24 Maryland:

1 Montgomery County, Food and Drug
2 Administration Consolidation,
3 \$163,530,000.

4 North Dakota:

5 Portal, Land Port of Entry,
6 \$15,204,000:

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

1 Border Protection, include a detailed 5-year plan for Fed-
2 eral land port-of-entry projects with a yearly update of
3 total projected future funding needs; (2) \$692,374,000
4 shall remain available until expended for repairs and alter-
5 ations, which includes associated design and construction
6 services:

7 Repairs and Alterations:

8 District of Columbia:

9 Eisenhower Executive Office Building,
10 CBR, \$14,700,000.

11 Eisenhower Executive Office Building,
12 Phase III, \$51,075,000.

13 West Wing Infrastructure Systems
14 Replacement, \$76,487,000.

15 Illinois:

16 Chicago, Dirksen Courthouse,
17 \$152,825,000.

18 North Carolina:

19 New Bern, United States Post Office
20 and Courthouse, \$10,640,000.

21 Special Emphasis Programs:

22 Energy and Water Retrofit and Con-
23 servation Measures, \$36,647,000.

24 Basic Repairs and Alterations,
25 \$350,000,000:

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

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

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

19 GENERAL ACTIVITIES

20 GOVERNMENT-WIDE POLICY

21 For expenses authorized by law, not otherwise pro-
22 vided for, for Government-wide policy and evaluation ac-
23 tivities associated with the management of real and per-
24 sonal property assets and certain administrative services;
25 Government-wide policy support responsibilities relating to
26 acquisition, telecommunications, information technology

1 management, and related technology activities; and serv-
2 ices as authorized by 5 U.S.C. 3109; \$54,578,000.

3 OPERATING EXPENSES

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

12 OFFICE OF INSPECTOR GENERAL

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

1 ALLOWANCES AND OFFICE STAFF FOR FORMER
2 PRESIDENTS
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out the provisions of the Act of August
5 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
6 \$2,934,000: *Provided*, That the Administrator of General
7 Services shall transfer to the Secretary of the Treasury
8 such sums as may be necessary to carry out the provisions
9 of such Acts.

10 PRESIDENTIAL TRANSITION EXPENSES

11 For expenses necessary to carry out the Presidential
12 Transition Act of 1963, \$8,520,000, of which not to ex-
13 ceed \$1,000,000 is for activities authorized by subsections
14 3(a)(8) and (9) of the Act.

15 FEDERAL CITIZEN SERVICES FUND

16 For necessary expenses of the Office of Citizen Serv-
17 ices, including services authorized by 5 U.S.C. 3109,
18 \$36,096,000, to be deposited into the Federal Citizen
19 Services Fund: *Provided*, That the appropriations, reve-
20 nues, and collections deposited into the Fund shall be
21 available for necessary expenses of Federal Citizen Serv-
22 ices activities in the aggregate amount not to exceed
23 \$50,000,000. Appropriations, revenues, and collections ac-
24 cruing to this Fund during fiscal year 2009 in excess of
25 such amount shall remain in the Fund and shall not be

1 available for expenditure except as authorized in appro-
2 priations Acts.

3 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

4 ADMINISTRATION

5 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

1 courtroom utilization study of each facility to be con-
2 structed, replaced, or expanded.

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

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

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

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

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

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

1 SEC. 518. WORKING CAPITAL FUND. (a) PURPOSE
2 AND OPERATION OF WORKING CAPITAL FUND.—Sub-
3 sections (a), (b) and (c) of section 3173 of title 40, United
4 States Code, are amended to read as follows:

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

16 “(b) COMPOSITION.—

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

24 “(2) COST AND CAPITAL REQUIREMENTS.—The
25 Administrator shall determine the cost and capital

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

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

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

21 “(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR
22 EQUIPMENT ACQUISITIONS.—

23 “(1) IN GENERAL.—Subject to subparagraph
24 (2), unobligated balances of amounts appropriated
25 or otherwise made available to the General Services

1 Administration for operating expenses and salaries
2 and expenses may be transferred and merged into
3 the ‘Major equipment acquisitions and development
4 activity’ of the working capital fund of the General
5 Services Administration for agency-wide acquisition
6 of capital equipment, automated data processing sys-
7 tems and financial management and management in-
8 formation systems: *Provided*, That acquisitions are
9 limited to those needed to implement the Chief Fi-
10 nancial Officers Act of 1990 (Public Law 101–576,
11 104 Stat. 2838) and related laws or regulations.

12 “(2) REQUIREMENTS AND AVAILABILITY.—

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

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

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

1 (c) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

5 **“§ 3173. Working capital fund for General Services**
6 **Administration”.**

7 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

8 SALARIES AND EXPENSES

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

20 MERIT SYSTEMS PROTECTION BOARD

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out functions of the
24 Merit Systems Protection Board pursuant to Reorganiza-
25 tion Plan Numbered 2 of 1978, the Civil Service Reform

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

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

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

1 of Public Law 102–259: *Provided*, That up to 60 percent
2 of such funds may be transferred by the Morris K. Udall
3 Scholarship and Excellence in National Environmental
4 Policy Foundation for the necessary expenses of the Na-
5 tive Nations Institute.

6 ENVIRONMENTAL DISPUTE RESOLUTION FUND

7 For payment to the Environmental Dispute Resolu-
8 tion Fund to carry out activities authorized in the Envi-
9 ronmental Policy and Conflict Resolution Act of 1998,
10 \$2,100,000, to remain available until expended.

11 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

12 OPERATING EXPENSES

13 For necessary expenses in connection with the admin-
14 istration of the National Archives and Records Adminis-
15 tration (including the Information Security Oversight Of-
16 fice) and archived Federal records and related activities,
17 as provided by law, and for expenses necessary for the re-
18 view and declassification of documents and the activities
19 of the Public Interest Declassification Board, and for the
20 hire of passenger motor vehicles, and for uniforms or al-
21 lowances therefor, as authorized by law (5 U.S.C. 5901
22 et seq.), including maintenance, repairs, and cleaning,
23 \$330,308,000, of which \$650,000 shall remain available
24 until September 30, 2010.

1 ELECTRONIC RECORDS ARCHIVES

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

24 REPAIRS AND RESTORATION

25 For the repair, alteration, and improvement of ar-
26 chives facilities, and to provide adequate storage for hold-

1 ings, \$50,711,000, to remain available until expended:
2 *Provided*, That the Archivist is authorized to construct an
3 addition to the John F. Kennedy Presidential Library and
4 Museum; and of the funds provided, \$22,000,000 shall be
5 available for construction costs and related services for
6 building the addition to the John F. Kennedy Presidential
7 Library and Museum and other necessary expenses, in-
8 cluding renovating the Library as needed in constructing
9 the addition; \$17,500,000 is for necessary expenses re-
10 lated to the repair and renovation of the Franklin D. Roo-
11 sevelt Presidential Library and Museum in Hyde Park,
12 New York; and \$2,000,000 is for the repair and restora-
13 tion of the plaza that surrounds the Lyndon Baines John-
14 son Presidential Library and Museum that is under the
15 joint control and custody of the University of Texas: *Pro-*
16 *vided further*, That such funds shall remain available until
17 expended for this purpose and may be transferred directly
18 to the University and used, together with University
19 funds, for the repair and restoration of the plaza: *Provided*
20 *further*, That such funds shall be spent in accordance with
21 the construction plan submitted to the Committees on Ap-
22 propriations on March 14, 2005: *Provided further*, That
23 the Archivist shall be prohibited from entering into any
24 agreement with the University or any other party that re-
25 quires additional funding commitments on behalf of the

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

4 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

5 COMMISSION

6 GRANTS PROGRAM

7 (INCLUDING TRANSFER OF FUNDS)

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

16 ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND
17 RECORDS ADMINISTRATION

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

1 NATIONAL CREDIT UNION ADMINISTRATION

2 CENTRAL LIQUIDITY FACILITY

3 During fiscal year 2009, gross obligations of the Cen-
4 tral Liquidity Facility for the principal amount of new di-
5 rect loans to member credit unions, as authorized by 12
6 U.S.C. 1795 et seq., shall 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(c) 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(c)(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 (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 criminate 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 employment 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 dis-
21 closure 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. Notwithstanding section 1346 of title 31,
10 United States Code, and section 708 of this Act and any
11 other provision of law, the head of each appropriate execu-
12 tive department and agency shall transfer to or reimburse
13 the Federal Aviation Administration, upon the direction
14 of the Director of the Office of Management and Budget,
15 funds made available by this or any other Act for the pur-
16 poses described below, and shall submit budget requests
17 for such purposes. These funds shall be administered by
18 the Federal Aviation Administration, in consultation with
19 the appropriate interagency groups designated by the Di-
20 rector and shall be used to ensure the uninterrupted, con-
21 tinuous operation of the Midway Atoll Airfield by the Fed-
22 eral Aviation Administration pursuant to an operational
23 agreement with the Department of the Interior for the en-
24 tirety of fiscal year 2009 and any period thereafter that
25 precedes the enactment of the Financial Services and Gen-

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

20 SEC. 735. Section 739(a)(1) of division D of the Con-
21 solidated Appropriations Act, 2008 (Public Law 110–161;
22 121 Stat. 2029) is amended by striking “more than 10”.

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 resents 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”.

14 DIVISION E—DEPARTMENT OF THE INTERIOR,
15 ENVIRONMENT, AND RELATED AGENCIES
16 APPROPRIATIONS ACT, 2009

17 TITLE I

18 DEPARTMENT OF THE INTERIOR

19 BUREAU OF LAND MANAGEMENT

20 MANAGEMENT OF LANDS AND RESOURCES

21 For necessary expenses for protection, use, improve-
22 ment, development, disposal, cadastral surveying, classi-
23 fication, acquisition of easements and other interests in
24 lands, and performance of other functions, including main-
25 tenance of facilities, as authorized by law, in the manage-

1 ment of lands and their resources under the jurisdiction
2 of the Bureau of Land Management, including the general
3 administration of the Bureau, and assessment of mineral
4 potential of public lands pursuant to Public Law 96–487
5 (16 U.S.C. 3150(a)), \$890,194,000, to remain available
6 until expended, of which not to exceed \$79,478,000 is
7 available for oil and gas management; and of which
8 \$1,500,000 is for high priority projects, to be carried out
9 by the Youth Conservation Corps; and of which
10 \$3,000,000 shall be available in fiscal year 2009 subject
11 to a match by at least an equal amount by the National
12 Fish and Wildlife Foundation for cost-shared projects sup-
13 porting conservation of Bureau lands; and such funds
14 shall be advanced to the Foundation as a lump sum grant
15 without regard to when expenses are incurred.

16 In addition, \$36,400,000 is for the processing of ap-
17 plications for permit to drill and related use authoriza-
18 tions, to remain available until expended, to be reduced
19 by amounts collected by the Bureau and credited to this
20 appropriation that shall be derived from \$4,000 per new
21 application for permit to drill that the Bureau shall collect
22 upon submission of each new application, and in addition,
23 \$34,696,000 is for Mining Law Administration program
24 operations, including the cost of administering the mining
25 claim fee program; to remain available until expended, to

1 be reduced by amounts collected by the Bureau and cred-
2 ited to this appropriation from annual mining claim fees
3 so as to result in a final appropriation estimated at not
4 more than \$890,194,000, and \$2,000,000, to remain
5 available until expended, from communication site rental
6 fees established by the Bureau for the cost of admin-
7 istering communication site activities.

8 CONSTRUCTION

9 For construction of buildings, recreation facilities,
10 roads, trails, and appurtenant facilities, \$6,590,000, to re-
11 main available until expended.

12 LAND ACQUISITION

13 For expenses necessary to carry out sections 205,
14 206, and 318(d) of Public Law 94-579, including admin-
15 istrative expenses and acquisition of lands or waters, or
16 interests therein, \$14,775,000, to be derived from the
17 Land and Water Conservation Fund and to remain avail-
18 able until expended.

19 OREGON AND CALIFORNIA GRANT LANDS

20 For expenses necessary for management, protection,
21 and development of resources and for construction, oper-
22 ation, and maintenance of access roads, reforestation, and
23 other improvements on the revested Oregon and California
24 Railroad grant lands, on other Federal lands in the Or-
25 egon and California land-grant counties of Oregon, and
26 on adjacent rights-of-way; and acquisition of lands or in-

1 terests therein, including existing connecting roads on or
2 adjacent to such grant lands; \$109,949,000, to remain
3 available until expended: *Provided*, That 25 percent of the
4 aggregate of all receipts during the current fiscal year
5 from the revested Oregon and California Railroad grant
6 lands is hereby made a charge against the Oregon and
7 California land-grant fund and shall be transferred to the
8 General Fund in the Treasury in accordance with the sec-
9 ond paragraph of subsection (b) of title II of the Act of
10 August 28, 1937 (50 Stat. 876).

11 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
12 (REVOLVING FUND, SPECIAL ACCOUNT)

13 In addition to the purposes authorized in Public Law
14 102–381, funds made available in the Forest Ecosystem
15 Health and Recovery Fund can be used for the purpose
16 of planning, preparing, implementing and monitoring sal-
17 vage timber sales and forest ecosystem health and recovery
18 activities, such as release from competing vegetation and
19 density control treatments. The Federal share of receipts
20 (defined as the portion of salvage timber receipts not paid
21 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
22 1181f–1 et seq., and Public Law 106–393) derived from
23 treatments funded by this account shall be deposited into
24 the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

1
2 For rehabilitation, protection, and acquisition of
3 lands and interests therein, and improvement of Federal
4 rangelands pursuant to section 401 of the Federal Land
5 Policy and Management Act of 1976 (43 U.S.C. 1701),
6 notwithstanding any other Act, sums equal to 50 percent
7 of all moneys received during the prior fiscal year under
8 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
9 315 et seq.) and the amount designated for range improve-
10 ments from grazing fees and mineral leasing receipts from
11 Bankhead-Jones lands transferred to the Department of
12 the Interior pursuant to law, but not less than
13 \$10,000,000, to remain available until expended: *Pro-*
14 *vided*, That not to exceed \$600,000 shall be available for
15 administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

16
17 For administrative expenses and other costs related
18 to processing application documents and other authoriza-
19 tions for use and disposal of public lands and resources,
20 for costs of providing copies of official public land docu-
21 ments, for monitoring construction, operation, and termi-
22 nation of facilities in conjunction with use authorizations,
23 and for rehabilitation of damaged property, such amounts
24 as may be collected under Public Law 94-579, as amend-
25 ed, and Public Law 93-153, to remain available until ex-
26 pended: *Provided*, That, notwithstanding any provision to

1 the contrary of section 305(a) of Public Law 94–579 (43
2 U.S.C. 1735(a)), any moneys that have been or will be
3 received pursuant to that section, whether as a result of
4 forfeiture, compromise, or settlement, if not appropriate
5 for refund pursuant to section 305(c) of that Act (43
6 U.S.C. 1735(c)), shall be available and may be expended
7 under the authority of this Act by the Secretary to im-
8 prove, protect, or rehabilitate any public lands adminis-
9 tered through the Bureau of Land Management which
10 have been damaged by the action of a resource developer,
11 purchaser, permittee, or any unauthorized person, without
12 regard to whether all moneys collected from each such ac-
13 tion are used on the exact lands damaged which led to
14 the action: *Provided further*, That any such moneys that
15 are in excess of amounts needed to repair damage to the
16 exact land for which funds were collected may be used to
17 repair other damaged public lands.

18 MISCELLANEOUS TRUST FUNDS

19 In addition to amounts authorized to be expended
20 under existing laws, there is hereby appropriated such
21 amounts as may be contributed under section 307 of the
22 Act of October 21, 1976 (43 U.S.C. 1701), and such
23 amounts as may be advanced for administrative costs, sur-
24 veys, appraisals, and costs of making conveyances of omit-
25 ted lands under section 211(b) of that Act, to remain
26 available until expended.

1 tions for which the cooperators share the cost of printing
2 either in cash or in services, and the Bureau determines
3 the cooperator is capable of meeting accepted quality
4 standards: *Provided further*, That projects to be funded
5 pursuant to a written commitment by a State government
6 to provide an identified amount of money in support of
7 the project may be carried out by the Bureau on a reim-
8 bursable basis.

9 In fiscal year 2009 and each fiscal year thereafter,
10 the Bureau of Land Management shall collect mining law
11 administration fees; such fees shall be collected in the
12 same manner as those authorized by 30 U.S.C. 28f and
13 28g only to the extent provided in advance in appropria-
14 tions Acts.

15 The provisions of law codified at sections 28f(a) and
16 28g of title 30, United States Code, are amended to re-
17 move the modifications made under the heading “adminis-
18 trative provisions”, under the heading “Bureau of Land
19 Management” in title I of the Department of the Interior,
20 Environment, and Related Agencies Appropriations Act,
21 2008 (division F of Public Law 110–161; 121 Stat. 2101).

22 Sums not to exceed 1 percent of the total value of
23 procurements received by the Bureau of Land Manage-
24 ment from vendors under enterprise information tech-
25 nology-procurements that the Department of the Interior

1 and other Federal Government agencies may use to order
2 information technology hereafter may be deposited into
3 the Management of Lands and Resources account to offset
4 costs incurred in conducting the procurement.

5 UNITED STATES FISH AND WILDLIFE SERVICE
6 RESOURCE MANAGEMENT

7 For necessary expenses of the United States Fish and
8 Wildlife Service, as authorized by law, and for scientific
9 and economic studies, maintenance of the herd of long-
10 horned cattle on the Wichita Mountains Wildlife Refuge,
11 general administration, and for the performance of other
12 authorized functions related to such resources by direct
13 expenditure, contracts, grants, cooperative agreements
14 and reimbursable agreements with public and private enti-
15 ties, \$1,140,962,000, to remain available until September
16 30, 2010 except as otherwise provided herein: *Provided*,
17 That \$2,500,000 is for high priority projects, which shall
18 be carried out by the Youth Conservation Corps: *Provided*
19 *further*, That not to exceed \$19,266,000 shall be used for
20 implementing subsections (a), (b), (c), and (e) of section
21 4 of the Endangered Species Act, as amended, for species
22 that are indigenous to the United States (except for proc-
23 essing petitions, developing and issuing proposed and final
24 regulations, and taking any other steps to implement ac-
25 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or

1 (c)(2)(B)(ii)), of which not to exceed \$10,458,000 shall
2 be used for any activity regarding the designation of crit-
3 ical habitat, pursuant to subsection (a)(3), excluding liti-
4 gation support, for species listed pursuant to subsection
5 (a)(1) prior to October 1, 2008: *Provided further*, That
6 of the amount available for law enforcement, up to
7 \$400,000, to remain available until expended, may at the
8 discretion of the Secretary be used for payment for infor-
9 mation, rewards, or evidence concerning violations of laws
10 administered by the Service, and miscellaneous and emer-
11 gency expenses of enforcement activity, authorized or ap-
12 proved by the Secretary and to be accounted for solely on
13 the Secretary's certificate: *Provided further*, That of the
14 amount provided for environmental contaminants, up to
15 \$1,000,000 may remain available until expended for con-
16 taminant sample analyses.

17 CONSTRUCTION

18 (INCLUDING RESCISSION OF FUNDS)

19 For construction, improvement, acquisition, or re-
20 moval of buildings and other facilities required in the con-
21 servation, management, investigation, protection, and uti-
22 lization of fishery and wildlife resources, and the acquisi-
23 tion of lands and interests therein; \$35,587,000, to remain
24 available until expended: *Provided*, That of the unobli-
25 gated balances made available in Public Law 101-512 to

1 carry out the Anadromous Fish Conservation Act, all re-
2 maining amounts are permanently rescinded.

3 LAND ACQUISITION

4 For expenses necessary to carry out the Land and
5 Water Conservation Fund Act of 1965, as amended (16
6 U.S.C. 4601–4 through 11), including administrative ex-
7 penses, and for acquisition of land or waters, or interest
8 therein, in accordance with statutory authority applicable
9 to the United States Fish and Wildlife Service,
10 \$42,455,000, to be derived from the Land and Water Con-
11 servation Fund and to remain available until expended,
12 of which, notwithstanding 16 U.S.C. 4601–9, not more
13 than \$1,500,000 shall be for land conservation partner-
14 ships authorized by the Highlands Conservation Act of
15 2004: *Provided*, That none of the funds appropriated for
16 specific land acquisition projects can be used to pay for
17 any administrative overhead, planning or other manage-
18 ment costs.

19 COOPERATIVE ENDANGERED SPECIES CONSERVATION

20 FUND

21 (INCLUDING RESCISSION OF FUNDS)

22 For expenses necessary to carry out section 6 of the
23 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
24 as amended, \$80,001,000, to remain available until ex-
25 pended, of which \$25,307,000 is to be derived from the
26 Cooperative Endangered Species Conservation Fund, of

1 which \$5,145,706 shall be for the Idaho Salmon and
2 Clearwater River Basins Habitat Account pursuant to the
3 Snake River Water Rights Act of 2004; and of which
4 \$54,694,000 is to be derived from the Land and Water
5 Conservation Fund: *Provided*, That of the unobligated bal-
6 ances available under this heading, \$4,500,000 are perma-
7 nently rescinded.

8 NATIONAL WILDLIFE REFUGE FUND

9 For expenses necessary to implement the Act of Octo-
10 ber 17, 1978 (16 U.S.C. 715s), \$14,100,000.

11 NORTH AMERICAN WETLANDS CONSERVATION FUND

12 For expenses necessary to carry out the provisions
13 of the North American Wetlands Conservation Act, as
14 amended (16 U.S.C. 4401–4414), \$42,647,000, to remain
15 available until expended.

16 NEOTROPICAL MIGRATORY BIRD CONSERVATION

17 For expenses necessary to carry out the Neotropical
18 Migratory Bird Conservation Act, as amended, (16 U.S.C.
19 6101 et seq.), \$4,750,000, to remain available until ex-
20 pended.

21 MULTINATIONAL SPECIES CONSERVATION FUND

22 For expenses necessary to carry out the African Ele-
23 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
24 4214, 4221–4225, 4241–4246, and 1538), the Asian Ele-
25 phant Conservation Act of 1997 (16 U.S.C. 4261–4266),
26 the Rhinoceros and Tiger Conservation Act of 1994 (16

1 U.S.C. 5301–5306), the Great Ape Conservation Act of
2 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Con-
3 servation Act of 2004 (16 U.S.C. 6601–6606),
4 \$10,000,000, to remain available until expended.

5 STATE AND TRIBAL WILDLIFE GRANTS

6 For wildlife conservation grants to States and to the
7 District of Columbia, Puerto Rico, Guam, the United
8 States Virgin Islands, the Northern Mariana Islands,
9 American Samoa, and federally-recognized Indian tribes
10 under the provisions of the Fish and Wildlife Act of 1956
11 and the Fish and Wildlife Coordination Act, for the devel-
12 opment and implementation of programs for the benefit
13 of wildlife and their habitat, including species that are not
14 hunted or fished, \$75,000,000, to remain available until
15 expended: *Provided*, That of the amount provided herein,
16 \$7,000,000 is for a competitive grant program for Indian
17 tribes not subject to the remaining provisions of this ap-
18 propriation: *Provided further*, That \$5,000,000 is for a
19 competitive grant program for States, territories, and
20 other jurisdictions with approved plans, not subject to the
21 remaining provisions of this appropriation: *Provided fur-*
22 *ther*, That the Secretary shall, after deducting
23 \$11,106,000 and administrative expenses, apportion the
24 amount provided herein in the following manner: (1) to
25 the District of Columbia and to the Commonwealth of

1 Puerto Rico, each a sum equal to not more than one-half
2 of 1 percent thereof; and (2) to Guam, American Samoa,
3 the United States Virgin Islands, and the Commonwealth
4 of the Northern Mariana Islands, each a sum equal to not
5 more than one-fourth of 1 percent thereof: *Provided fur-*
6 *ther*, That the Secretary shall apportion the remaining
7 amount in the following manner: (1) one-third of which
8 is based on the ratio to which the land area of such State
9 bears to the total land area of all such States; and (2)
10 two-thirds of which is based on the ratio to which the pop-
11 ulation of such State bears to the total population of all
12 such States: *Provided further*, That the amounts appor-
13 tioned under this paragraph shall be adjusted equitably
14 so that no State shall be apportioned a sum which is less
15 than 1 percent of the amount available for apportionment
16 under this paragraph for any fiscal year or more than 5
17 percent of such amount: *Provided further*, That the Fed-
18 eral share of planning grants shall not exceed 75 percent
19 of the total costs of such projects and the Federal share
20 of implementation grants shall not exceed 50 percent of
21 the total costs of such projects: *Provided further*, That the
22 non-Federal share of such projects may not be derived
23 from Federal grant programs: *Provided further*, That no
24 State, territory, or other jurisdiction shall receive a grant
25 if its comprehensive wildlife conservation plan is dis-

1 approved and such funds that would have been distributed
2 to such State, territory, or other jurisdiction shall be dis-
3 tributed equitably to States, territories, and other jurisdic-
4 tions with approved plans: *Provided further*, That any
5 amount apportioned in 2009 to any State, territory, or
6 other jurisdiction that remains unobligated as of Sep-
7 tember 30, 2010, shall be reapportioned, together with
8 funds appropriated in 2011, in the manner provided here-
9 in.

10 WILDLIFE CONSERVATION AND APPRECIATION FUND

11 (RESCISSION)

12 Of the unobligated balances available under this
13 heading from prior year appropriations, all remaining
14 amounts are permanently rescinded.

15 ADMINISTRATIVE PROVISIONS

16 Appropriations and funds available to the United
17 States Fish and Wildlife Service shall be available for re-
18 pair of damage to public roads within and adjacent to res-
19 ervation areas caused by operations of the Service; options
20 for the purchase of land at not to exceed \$1 for each op-
21 tion; facilities incident to such public recreational uses on
22 conservation areas as are consistent with their primary
23 purpose; and the maintenance and improvement of aquar-
24 ia, buildings, and other facilities under the jurisdiction of
25 the Service and to which the United States has title, and
26 which are used pursuant to law in connection with man-

1 agement, and investigation of fish and wildlife resources:
2 *Provided*, That notwithstanding 44 U.S.C. 501, the Serv-
3 ice may, under cooperative cost sharing and partnership
4 arrangements authorized by law, procure printing services
5 from cooperators in connection with jointly produced pub-
6 lications for which the cooperators share at least one-half
7 the cost of printing either in cash or services and the Serv-
8 ice determines the cooperator is capable of meeting accept-
9 ed quality standards: *Provided further*, That, notwith-
10 standing any other provision of law, the Service may use
11 up to \$2,000,000 from funds provided for contracts for
12 employment-related legal services: *Provided further*, That
13 the Service may accept donated aircraft as replacements
14 for existing aircraft.

15 NATIONAL PARK SERVICE

16 OPERATION OF THE NATIONAL PARK SYSTEM

17 For expenses necessary for the management, oper-
18 ation, and maintenance of areas and facilities adminis-
19 tered by the National Park Service (including expenses to
20 carry out programs of the United States Park Police), and
21 for the general administration of the National Park Serv-
22 ice, \$2,131,529,000, of which \$9,851,000 for planning
23 and interagency coordination in support of Everglades res-
24 toration and \$99,586,000 for maintenance, repair or reha-
25 bilitation projects for constructed assets, operation of the

1 National Park Service automated facility management
2 software system, and comprehensive facility condition as-
3 sessments shall remain available until September 30,
4 2010.

5 NATIONAL RECREATION AND PRESERVATION

6 For expenses necessary to carry out recreation pro-
7 grams, natural programs, cultural programs, heritage
8 partnership programs, environmental compliance and re-
9 view, international park affairs, statutory or contractual
10 aid for other activities, and grant administration, not oth-
11 erwise provided for, \$59,684,000.

12 HISTORIC PRESERVATION FUND

13 (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

14 For expenses necessary in carrying out the Historic
15 Preservation Act of 1966, as amended (16 U.S.C. 470),
16 and the Omnibus Parks and Public Lands Management
17 Act of 1996 (Public Law 104–333), \$69,500,000, to be
18 derived from the Historic Preservation Fund and to re-
19 main available until September 30, 2010; of which
20 \$20,000,000 shall be for Save America’s Treasures for
21 preservation of nationally significant sites, structures, and
22 artifacts: *Provided*, That any individual Save America’s
23 Treasures grant shall be matched by non-Federal funds;
24 individual projects shall only be eligible for one grant; and
25 all projects to be funded shall be approved by the Sec-
26 retary of the Interior in consultation with the House and

1 Senate Committees on Appropriations: *Provided further*,
2 That Save America's Treasures funds allocated for Fed-
3 eral projects, following approval, shall be available by
4 transfer to appropriate accounts of individual agencies:
5 *Provided further*, That of the unobligated balances in this
6 account, \$516,000 are permanently rescinded.

7 CONSTRUCTION

8 (INCLUDING RESCISSION OF FUNDS)

9 For construction, improvements, repair or replace-
10 ment of physical facilities, including a portion of the ex-
11 pense for the modifications authorized by section 104 of
12 the Everglades National Park Protection and Expansion
13 Act of 1989, \$233,158,000, to remain available until ex-
14 pended: *Provided*, That funds appropriated in this Act, or
15 in any prior Act of Congress, for the implementation of
16 the Modified Water Deliveries to Everglades National
17 Park Project, shall be made available to the Army Corps
18 of Engineers which shall, notwithstanding any other provi-
19 sion of law, immediately and without further delay con-
20 struct or cause to be constructed Alternative 3.2.2.a to
21 U.S. Highway 41 (the Tamiami Trail) consistent with the
22 Limited Reevaluation Report with Integrated Environ-
23 mental Assessment and addendum, approved August
24 2008: *Provided further*, That the Secretary of the Interior,
25 acting through the National Park Service, is directed to
26 immediately evaluate the feasibility of additional bridge

1 length, beyond that to be constructed pursuant to the
2 Modified Water Deliveries to Everglades National Park
3 Project (16 U.S.C. § 410r–8), including a continuous
4 bridge, or additional bridges or some combination thereof,
5 for the Tamiami Trail (U.S. Highway 41) to restore more
6 natural water flow to Everglades National Park and Flor-
7 ida Bay and for the purpose of restoring habitat within
8 the Park and the ecological connectivity between the Park
9 and the Water Conservation Areas. The feasibility study
10 and the recommendation of the Secretary shall be sub-
11 mitted to the Congress no later than 12 months from the
12 date of enactment of this Act: *Provided further*, That for
13 fiscal year 2009 and hereafter, fees paid by the National
14 Park Service to the West Yellowstone/Hebgen Basin Solid
15 Waste District will be restricted to operations and mainte-
16 nance costs of the facility, given the capital contribution
17 made by the National Park Service: *Provided further*,
18 That, notwithstanding any other provision of law, a single
19 procurement for the construction project at the Jefferson
20 Memorial plaza and seawall in Washington, DC, may be
21 issued which includes the full scope of the project: *Pro-*
22 *vided further*, That the solicitation and the contract shall
23 contain the clause “availability of funds” found at 48 CFR
24 52.232.18: *Provided further*, That the National Park Serv-
25 ice shall grant funds not to exceed \$3,000,000 to the St.

1 Louis Metropolitan Park and Recreation District for the
2 purpose of planning and constructing a pedestrian bridge
3 to provide safe visitor access to the Jefferson National Ex-
4 pansion Memorial Arch: *Provided further*, That the unobli-
5 gated balances in the Federal Infrastructure Improvement
6 Fund under this heading are permanently rescinded.

7 LAND AND WATER CONSERVATION FUND

8 (RESCISSION)

9 The contract authority provided for fiscal year 2009
10 by 16 U.S.C. 460l–10a is rescinded.

11 LAND ACQUISITION AND STATE ASSISTANCE

12 (INCLUDING RESCISSION OF FUNDS)

13 For expenses necessary to carry out the Land and
14 Water Conservation Act of 1965, as amended (16 U.S.C.
15 460l–4 through 11), including administrative expenses,
16 and for acquisition of lands or waters, or interest therein,
17 in accordance with the statutory authority applicable to
18 the National Park Service, \$65,190,000, to be derived
19 from the Land and Water Conservation Fund and to re-
20 main available until expended, of which \$20,000,000 is for
21 the State assistance program and of which \$4,000,000 is
22 available for grants, subject to a match by at least an
23 equal amount, to States, regional entities, local commu-
24 nities, and the private sector for cost-shared fee simple
25 acquisition of land or permanent, protective interests in
26 land, to preserve, conserve, and enhance nationally signifi-

1 cant Civil War Battlefields: *Provided*, That of the unobli-
2 gated balances under this heading for State Assistance,
3 \$1,000,000 are permanently rescinded.

4 URBAN PARK AND RECREATION FUND
5 (RESCISSION)

6 Of the unobligated balances available under this
7 heading, \$1,300,000 are rescinded.

8 ADMINISTRATIVE PROVISIONS

9 In addition to other uses set forth in section 407(d)
10 of Public Law 105–391, franchise fees credited to a sub-
11 account shall be available for expenditure by the Sec-
12 retary, without further appropriation, for use at any unit
13 within the National Park System to extinguish or reduce
14 liability for Possessory Interest or leasehold surrender in-
15 terest. Such funds may only be used for this purpose to
16 the extent that the benefiting unit anticipated franchise
17 fee receipts over the term of the contract at that unit ex-
18 ceed the amount of funds used to extinguish or reduce
19 liability. Franchise fees at the benefiting unit shall be
20 credited to the sub-account of the originating unit over
21 a period not to exceed the term of a single contract at
22 the benefiting unit, in the amount of funds so expended
23 to extinguish or reduce liability.

24 For fiscal year 2009 and hereafter, a willing seller
25 from whom the Service acquires title to real property may
26 be considered a “displaced person” for purposes of the

1 Uniform Relocation Assistance and Real Property Acquisi-
2 tion Policy Act and its implementing regulations, whether
3 or not the Service has the authority to acquire such prop-
4 erty by eminent domain.

5 For the costs of administration of the Land and
6 Water Conservation Fund grants authorized by section
7 105(a)(2)(B) of the Gulf of Mexico Energy Security Act
8 of 2006 (Public Law 109–432), the National Park Service
9 may retain up to 3 percent of the amounts which are au-
10 thorized to be disbursed under such section, such retained
11 amounts to remain available until expended.

12 Section 3(f) of the Act of August 21, 1935 (16 U.S.C.
13 463(f)), related to the National Park System Advisory
14 Board, is amended in the first sentence by striking
15 “2009” and inserting “2010”.

16 UNITED STATES GEOLOGICAL SURVEY

17 SURVEYS, INVESTIGATIONS, AND RESEARCH

18 For expenses necessary for the United States Geo-
19 logical Survey to perform surveys, investigations, and re-
20 search covering topography, geology, hydrology, biology,
21 and the mineral and water resources of the United States,
22 its territories and possessions, and other areas as author-
23 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
24 to their mineral and water resources; give engineering su-
25 pervision to power permittees and Federal Energy Regu-

1 latory Commission licensees; administer the minerals ex-
2 ploration program (30 U.S.C. 641); conduct inquiries into
3 the economic conditions affecting mining and materials
4 processing industries (30 U.S.C. 3, 21a, and 1603; 50
5 U.S.C. 98g(1)) and related purposes as authorized by law;
6 and to publish and disseminate data relative to the fore-
7 going activities; \$1,043,803,000, to remain available until
8 September 30, 2010, of which \$64,078,000 shall be avail-
9 able only for cooperation with States or municipalities for
10 water resources investigations; of which \$40,150,000 shall
11 remain available until expended for satellite operations;
12 and of which \$7,321,000 shall be available until expended
13 for deferred maintenance and capital improvement
14 projects that exceed \$100,000 in cost: *Provided*, That
15 none of the funds provided for the biological research ac-
16 tivity shall be used to conduct new surveys on private
17 property, unless specifically authorized in writing by the
18 property owner: *Provided further*, That no part of this ap-
19 propriation shall be used to pay more than one-half the
20 cost of topographic mapping or water resources data col-
21 lection and investigations carried on in cooperation with
22 States and municipalities.

23 ADMINISTRATIVE PROVISIONS

24 From within the amount appropriated for activities
25 of the United States Geological Survey such sums as are

1 necessary shall be available for reimbursement to the Gen-
2 eral Services Administration for security guard services;
3 contracting for the furnishing of topographic maps and
4 for the making of geophysical or other specialized surveys
5 when it is administratively determined that such proce-
6 dures are in the public interest; construction and mainte-
7 nance of necessary buildings and appurtenant facilities;
8 acquisition of lands for gauging stations and observation
9 wells; expenses of the United States National Committee
10 on Geology; and payment of compensation and expenses
11 of persons on the rolls of the Survey duly appointed to
12 represent the United States in the negotiation and admin-
13 istration of interstate compacts: *Provided*, That activities
14 funded by appropriations herein made may be accom-
15 plished through the use of contracts, grants, or coopera-
16 tive agreements as defined in 31 U.S.C. 6302 et seq.: *Pro-*
17 *vided further*, That the United States Geological Survey
18 may enter into contracts or cooperative agreements di-
19 rectly with individuals or indirectly with institutions or
20 nonprofit organizations, without regard to 41 U.S.C. 5,
21 for the temporary or intermittent services of students or
22 recent graduates, who shall be considered employees for
23 the purpose of chapters 57 and 81 of title 5, United States
24 Code, relating to compensation for travel and work inju-
25 ries, and chapter 171 of title 28, United States Code, re-

1 lating to tort claims, but shall not be considered to be Fed-
2 eral employees for any other purposes.

3 MINERALS MANAGEMENT SERVICE

4 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

5 For expenses necessary for minerals leasing and envi-
6 ronmental studies, regulation of industry operations, and
7 collection of royalties, as authorized by law; for enforcing
8 laws and regulations applicable to oil, gas, and other min-
9 erals leases, permits, licenses and operating contracts; for
10 energy-related or other authorized marine-related pur-
11 poses on the Outer Continental Shelf; and for matching
12 grants or cooperative agreements, \$157,373,000, to re-
13 main available until September 30, 2010, of which
14 \$86,684,000 shall be available for royalty management ac-
15 tivities; and an amount not to exceed \$146,730,000, to
16 be credited to this appropriation and to remain available
17 until expended, from additions to receipts resulting from
18 increases to rates in effect on August 5, 1993, and from
19 cost recovery fees: *Provided*, That in fiscal year 2009 and
20 each fiscal year thereafter, fees and charges authorized by
21 31 U.S.C. 9701 may be collected only to the extent pro-
22 vided in advance in appropriations Acts: *Provided further*,
23 That notwithstanding 31 U.S.C. 3302, in fiscal year 2009,
24 such amounts as are assessed under 31 U.S.C. 9701 shall
25 be collected and credited to this account and shall be avail-

1 able until expended for necessary expenses: *Provided fur-*
2 *ther*, That to the extent \$146,730,000 in addition to re-
3 ceipts are not realized from the sources of receipts stated
4 above, the amount needed to reach \$146,730,000 shall be
5 credited to this appropriation from receipts resulting from
6 rental rates for Outer Continental Shelf leases in effect
7 before August 5, 1993: *Provided further*, That the term
8 “qualified Outer Continental Shelf revenues”, as defined
9 in section 102(9)(A) of the Gulf of Mexico Energy Secu-
10 rity Act, division C of Public Law 109–432, shall include
11 only the portion of rental revenues that would have been
12 collected at the rental rates in effect before August 5,
13 1993: *Provided further*, That not to exceed \$3,000 shall
14 be available for reasonable expenses related to promoting
15 volunteer beach and marine cleanup activities: *Provided*
16 *further*, That notwithstanding any other provision of law,
17 \$15,000 under this heading shall be available for refunds
18 of overpayments in connection with certain Indian leases
19 in which the Director of MMS concurred with the claimed
20 refund due, to pay amounts owed to Indian allottees or
21 tribes, or to correct prior unrecoverable erroneous pay-
22 ments.

23

OIL SPILL RESEARCH

24 For necessary expenses to carry out title I, section
25 1016, title IV, sections 4202 and 4303, title VII, and title
26 VIII, section 8201 of the Oil Pollution Act of 1990,

1 \$6,303,000, which shall be derived from the Oil Spill Li-
2 ability Trust Fund, to remain available until expended.

3 ADMINISTRATIVE PROVISION

4 Notwithstanding the provisions of section 35(b) of
5 the Mineral Leasing Act, as amended (30 U.S.C. 191(b)),
6 the Secretary shall deduct 2 percent from the amount pay-
7 able to each State in fiscal year 2009 and deposit the
8 amount deducted to miscellaneous receipts of the Treas-
9 ury.

10 OFFICE OF SURFACE MINING RECLAMATION AND

11 ENFORCEMENT

12 REGULATION AND TECHNOLOGY

13 For necessary expenses to carry out the provisions
14 of the Surface Mining Control and Reclamation Act of
15 1977, Public Law 95–87, as amended, \$120,156,000, to
16 remain available until September 30, 2010: *Provided*,
17 That, in fiscal year 2009 and thereafter, the Secretary of
18 the Interior, pursuant to regulations, may use directly or
19 through grants to States, moneys collected for civil pen-
20 alties assessed under section 518 of the Surface Mining
21 Control and Reclamation Act of 1977 (30 U.S.C. 1268),
22 to reclaim lands adversely affected by coal mining prac-
23 tices after August 3, 1977, to remain available until ex-
24 pended: *Provided further*, That appropriations for the Of-
25 fice of Surface Mining Reclamation and Enforcement may
26 provide for the travel and per diem expenses of State and

1 tribal personnel attending Office of Surface Mining Rec-
2 lamation and Enforcement sponsored training.

3 ABANDONED MINE RECLAMATION FUND

4 (INCLUDING RESCISSION OF FUNDS)

5 For necessary expenses to carry out title IV of the
6 Surface Mining Control and Reclamation Act of 1977,
7 Public Law 95–87, as amended, \$52,946,000, to be de-
8 rived from receipts of the Abandoned Mine Reclamation
9 Fund and to remain available until expended: *Provided*,
10 That pursuant to Public Law 97–365, the Department of
11 the Interior is authorized to use up to 20 percent from
12 the recovery of the delinquent debt owed to the United
13 States Government to pay for contracts to collect these
14 debts: *Provided further*, That in fiscal year 2009 and here-
15 after, the State of Maryland may set aside the greater of
16 \$1,000,000 or 10 percent of the total of the grants made
17 available to the State under title IV of the Act, if the
18 amount set aside is deposited in an acid mine drainage
19 abatement and treatment fund established under a State
20 law, pursuant to which law the amount, together with all
21 interest earned on the amount, is expended by the State
22 to undertake acid mine drainage abatement and treatment
23 projects, except that before any amounts greater than 10
24 percent of its title IV grants are deposited in an acid mine
25 drainage abatement and treatment fund, the State of

1 Maryland must first complete all Surface Mining Control
2 and Reclamation Act priority one projects: *Provided fur-*
3 *ther*, That of the unobligated balances available under this
4 heading, \$8,500,000 are permanently rescinded: *Provided*
5 *further*, That amounts provided under this heading may
6 be used for the travel and per diem expenses of State and
7 tribal personnel attending Office of Surface Mining Rec-
8 lamation and Enforcement sponsored training.

9 ADMINISTRATIVE PROVISION

10 With funds available for the Technical Innovation
11 and Professional Services program in this Act, the Sec-
12 retary may transfer title for computer hardware, software
13 and other technical equipment to State and tribal regu-
14 latory and reclamation programs.

15 BUREAU OF INDIAN AFFAIRS

16 OPERATION OF INDIAN PROGRAMS

17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses necessary for the operation of Indian
19 programs, as authorized by law, including the Snyder Act
20 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
21 termination and Education Assistance Act of 1975 (25
22 U.S.C. 450 et seq.), as amended, the Education Amend-
23 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
24 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
25 as amended, \$2,128,630,000, to remain available until

1 September 30, 2010 except as otherwise provided herein;
2 of which not to exceed \$8,500 may be for official reception
3 and representation expenses; of which not to exceed
4 \$74,915,000 shall be for welfare assistance payments:
5 *Provided*, That in cases of designated Federal disasters,
6 the Secretary may exceed such cap, from the amounts pro-
7 vided herein, to provide for disaster relief to Indian com-
8 munities affected by the disaster; notwithstanding any
9 other provision of law, including but not limited to the
10 Indian Self-Determination Act of 1975, as amended, not
11 to exceed \$147,294,000 shall be available for payments
12 for contract support costs associated with ongoing con-
13 tracts, grants, compacts, or annual funding agreements
14 entered into with the Bureau prior to or during fiscal year
15 2009, as authorized by such Act, except that tribes and
16 tribal organizations may use their tribal priority alloca-
17 tions for unmet contract support costs of ongoing con-
18 tracts, grants, or compacts, or annual funding agreements
19 and for unmet welfare assistance costs; of which not to
20 exceed \$499,470,000 for school operations costs of Bu-
21 reau-funded schools and other education programs shall
22 become available on July 1, 2009, and shall remain avail-
23 able until September 30, 2010; and of which not to exceed
24 \$58,623,000 shall remain available until expended for
25 housing improvement, road maintenance, attorney fees,

1 litigation support, the Indian Self-Determination Fund,
2 land records improvement, and the Navajo-Hopi Settle-
3 ment Program: *Provided further*, That notwithstanding
4 any other provision of law, including but not limited to
5 the Indian Self-Determination Act of 1975, as amended,
6 and 25 U.S.C. 2008, not to exceed \$43,373,000 within
7 and only from such amounts made available for school op-
8 erations shall be available for administrative cost grants
9 associated with ongoing grants entered into with the Bu-
10 reau prior to or during fiscal year 2008 for the operation
11 of Bureau-funded schools, and up to \$500,000 within and
12 only from such amounts made available for administrative
13 cost grants shall be available for the transitional costs of
14 initial administrative cost grants to grantees that assume
15 operation on or after July 1, 2008, of Bureau-funded
16 schools: *Provided further*, That any forestry funds allo-
17 cated to a tribe which remain unobligated as of September
18 30, 2010, may be transferred during fiscal year 2011 to
19 an Indian forest land assistance account established for
20 the benefit of the holder of the funds within the holder's
21 trust fund account: *Provided further*, That any such unob-
22 ligated balances not so transferred shall expire on Sep-
23 tember 30, 2011.

1 CONSTRUCTION

2 (INCLUDING TRANSFER OF FUNDS)

3 For construction, repair, improvement, and mainte-
4 nance of irrigation and power systems, buildings, utilities,
5 and other facilities, including architectural and engineer-
6 ing services by contract; acquisition of lands, and interests
7 in lands; and preparation of lands for farming, and for
8 construction of the Navajo Indian Irrigation Project pur-
9 suant to Public Law 87-483, \$217,688,000, to remain
10 available until expended: *Provided*, That such amounts as
11 may be available for the construction of the Navajo Indian
12 Irrigation Project may be transferred to the Bureau of
13 Reclamation: *Provided further*, That not to exceed 6 per-
14 cent of contract authority available to the Bureau of In-
15 dian Affairs from the Federal Highway Trust Fund may
16 be used to cover the road program management costs of
17 the Bureau: *Provided further*, That any funds provided for
18 the Safety of Dams program pursuant to 25 U.S.C. 13
19 shall be made available on a nonreimbursable basis: *Pro-*
20 *vided further*, That for fiscal year 2009, in implementing
21 new construction or facilities improvement and repair
22 project grants in excess of \$100,000 that are provided to
23 grant schools under Public Law 100-297, as amended, the
24 Secretary of the Interior shall use the Administrative and
25 Audit Requirements and Cost Principles for Assistance

1 Programs contained in 43 CFR part 12 as the regulatory
2 requirements: *Provided further*, That such grants shall not
3 be subject to section 12.61 of 43 CFR; the Secretary and
4 the grantee shall negotiate and determine a schedule of
5 payments for the work to be performed: *Provided further*,
6 That in considering grant applications, the Secretary shall
7 consider whether such grantee would be deficient in assur-
8 ing that the construction projects conform to applicable
9 building standards and codes and Federal, tribal, or State
10 health and safety standards as required by 25 U.S.C.
11 2005(b), with respect to organizational and financial man-
12 agement capabilities: *Provided further*, That if the Sec-
13 retary declines a grant application, the Secretary shall fol-
14 low the requirements contained in 25 U.S.C. 2504(f): *Pro-*
15 *vided further*, That any disputes between the Secretary
16 and any grantee concerning a grant shall be subject to
17 the disputes provision in 25 U.S.C. 2507(e): *Provided fur-*
18 *ther*, That in order to ensure timely completion of con-
19 struction projects, the Secretary may assume control of
20 a project and all funds related to the project, if, within
21 eighteen months of the date of enactment of this Act, any
22 grantee receiving funds appropriated in this Act or in any
23 prior Act, has not completed the planning and design
24 phase of the project and commenced construction: *Pro-*
25 *vided further*, That this appropriation may be reimbursed

1 from the Office of the Special Trustee for American Indi-
2 ans appropriation for the appropriate share of construc-
3 tion costs for space expansion needed in agency offices to
4 meet trust reform implementation.

5 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
6 MISCELLANEOUS PAYMENTS TO INDIANS

7 For payments and necessary administrative expenses
8 for implementation of Indian land and water claim settle-
9 ments pursuant to Public Laws 99-264, 100-580, 101-
10 618, 108-447, 109-379, and 109-479, and for implemen-
11 tation of other land and water rights settlements,
12 \$21,627,000, to remain available until expended.

13 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

14 For the cost of guaranteed loans, \$8,186,000, of
15 which \$1,600,000 is for administrative expenses, as au-
16 thorized by the Indian Financing Act of 1974, as amend-
17 ed: *Provided*, That of the amounts provided herein for ad-
18 ministrative expenses, \$500,000 is for the modernization
19 of a management and accounting system: *Provided further*,
20 That such costs, including the cost of modifying such
21 loans, shall be as defined in section 502 of the Congres-
22 sional Budget Act of 1974: *Provided further*, That these
23 funds are available to subsidize total loan principal, any
24 part of which is to be guaranteed, not to exceed
25 \$85,200,517.

1 ADMINISTRATIVE PROVISIONS

2 The Bureau of Indian Affairs may carry out the oper-
3 ation of Indian programs by direct expenditure, contracts,
4 cooperative agreements, compacts and grants, either di-
5 rectly or in cooperation with States and other organiza-
6 tions.

7 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
8 Affairs may contract for services in support of the man-
9 agement, operation, and maintenance of the Power Divi-
10 sion of the San Carlos Irrigation Project.

11 Appropriations for the Bureau of Indian Affairs (ex-
12 cept the Revolving Fund for Loans Liquidating Account,
13 Indian Loan Guaranty and Insurance Fund Liquidating
14 Account, Indian Guaranteed Loan Financing Account, In-
15 dian Direct Loan Financing Account, and the Indian
16 Guaranteed Loan Program account) shall be available for
17 expenses of exhibits.

18 Notwithstanding any other provision of law, no funds
19 available to the Bureau of Indian Affairs for central office
20 oversight and Executive Direction and Administrative
21 Services (except executive direction and administrative
22 services funding for Tribal Priority Allocations, regional
23 offices, and facilities operations and maintenance) shall be
24 available for contracts, grants, compacts, or cooperative
25 agreements with the Bureau of Indian Affairs under the

1 provisions of the Indian Self-Determination Act or the
2 Tribal Self-Governance Act of 1994 (Public Law 103–
3 413).

4 In the event any tribe returns appropriations made
5 available by this Act to the Bureau of Indian Affairs, this
6 action shall not diminish the Federal Government’s trust
7 responsibility to that tribe, or the government-to-govern-
8 ment relationship between the United States and that
9 tribe, or that tribe’s ability to access future appropria-
10 tions.

11 Notwithstanding any other provision of law, no funds
12 available to the Bureau, other than the amounts provided
13 herein for assistance to public schools under 25 U.S.C.
14 452 et seq., shall be available to support the operation of
15 any elementary or secondary school in the State of Alaska.

16 Appropriations made available in this or any other
17 Act for schools funded by the Bureau shall be available
18 only to the schools in the Bureau school system as of Sep-
19 tember 1, 1996. No funds available to the Bureau shall
20 be used to support expanded grades for any school or dor-
21 mitory beyond the grade structure in place or approved
22 by the Secretary of the Interior at each school in the Bu-
23 reau school system as of October 1, 1995. Funds made
24 available under this Act may not be used to establish a
25 charter school at a Bureau-funded school (as that term

1 is defined in section 1146 of the Education Amendments
2 of 1978 (25 U.S.C. 2026)), except that a charter school
3 that is in existence on the date of the enactment of this
4 Act and that has operated at a Bureau-funded school be-
5 fore September 1, 1999, may continue to operate during
6 that period, but only if the charter school pays to the Bu-
7 reau a pro rata share of funds to reimburse the Bureau
8 for the use of the real and personal property (including
9 buses and vans), the funds of the charter school are kept
10 separate and apart from Bureau funds, and the Bureau
11 does not assume any obligation for charter school pro-
12 grams of the State in which the school is located if the
13 charter school loses such funding. Employees of Bureau-
14 funded schools sharing a campus with a charter school and
15 performing functions related to the charter schools oper-
16 ation and employees of a charter school shall not be treat-
17 ed as Federal employees for purposes of chapter 171 of
18 title 28, United States Code.

19 Notwithstanding any other provision of law, including
20 section 113 of title I of appendix C of Public Law 106-
21 113, if in fiscal year 2003 or 2004 a grantee received indi-
22 rect and administrative costs pursuant to a distribution
23 formula based on section 5(f) of Public Law 101-301, the
24 Secretary shall continue to distribute indirect and admin-

1 istrative cost funds to such grantee using the section 5(f)
2 distribution formula.

3 DEPARTMENTAL OFFICES

4 OFFICE OF THE SECRETARY

5 SALARIES AND EXPENSES

6 For necessary expenses for management of the De-
7 partment of the Interior, \$107,264,000; of which not to
8 exceed \$15,000 may be for official reception and represen-
9 tation expenses; and of which up to \$1,000,000 shall be
10 available for workers compensation payments and unem-
11 ployment compensation payments associated with the or-
12 derly closure of the United States Bureau of Mines: *Pro-*
13 *vided*, That, for fiscal year 2009 up to \$400,000 of the
14 payments authorized by the Act of October 20, 1976, as
15 amended (31 U.S.C. 6901–6907) may be retained for ad-
16 ministrative expenses of the Payments in Lieu of Taxes
17 Program: *Provided further*, That no payment shall be
18 made pursuant to that Act to otherwise eligible units of
19 local government if the computed amount of the payment
20 is less than \$100.

1 MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE
2 USES
3 (RESCISSION)

4 The unobligated balances under this heading as of
5 the date of enactment of this provision are permanently
6 rescinded.

7 INSULAR AFFAIRS
8 ASSISTANCE TO TERRITORIES

9 For expenses necessary for assistance to territories
10 under the jurisdiction of the Department of the Interior,
11 \$78,665,000, of which: (1) \$69,815,000 shall remain
12 available until expended for technical assistance, including
13 maintenance assistance, disaster assistance, insular man-
14 agement controls, coral reef initiative activities, and brown
15 tree snake control and research; grants to the judiciary
16 in American Samoa for compensation and expenses, as au-
17 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
18 ment of American Samoa, in addition to current local rev-
19 enues, for construction and support of governmental func-
20 tions; grants to the Government of the Virgin Islands as
21 authorized by law; grants to the Government of Guam,
22 as authorized by law; and grants to the Government of
23 the Northern Mariana Islands as authorized by law (Pub-
24 lic Law 94-241; 90 Stat. 272); and (2) \$8,850,000 shall
25 be available until September 30, 2010 for salaries and ex-

1 penses of the Office of Insular Affairs: *Provided*, That all
2 financial transactions of the territorial and local govern-
3 ments herein provided for, including such transactions of
4 all agencies or instrumentalities established or used by
5 such governments, may be audited by the Government Ac-
6 countability Office, at its discretion, in accordance with
7 chapter 35 of title 31, United States Code: *Provided fur-*
8 *ther*, That Northern Mariana Islands Covenant grant
9 funding shall be provided according to those terms of the
10 Agreement of the Special Representatives on Future
11 United States Financial Assistance for the Northern Mar-
12 iana Islands approved by Public Law 104–134: *Provided*
13 *further*, That of the amounts provided for technical assist-
14 ance, sufficient funds shall be made available for a grant
15 to the Pacific Basin Development Council: *Provided fur-*
16 *ther*, That of the amounts provided for technical assist-
17 ance, sufficient funding shall be made available for a grant
18 to the Close Up Foundation: *Provided further*, That the
19 funds for the program of operations and maintenance im-
20 provement are appropriated to institutionalize routine op-
21 erations and maintenance improvement of capital infra-
22 structure with territorial participation and cost sharing to
23 be determined by the Secretary based on the grantee’s
24 commitment to timely maintenance of its capital assets:
25 *Provided further*, That any appropriation for disaster as-

1 sistance under this heading in this Act or previous appro-
2 priations Acts may be used as non-Federal matching
3 funds for the purpose of hazard mitigation grants provided
4 pursuant to section 404 of the Robert T. Stafford Disaster
5 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

6 COMPACT OF FREE ASSOCIATION

7 For grants and necessary expenses, \$5,318,000, to
8 remain available until expended, as provided for in sec-
9 tions 221(a)(2), 221(b), and 233 of the Compact of Free
10 Association for the Republic of Palau; and section
11 221(a)(2) of the Compacts of Free Association for the
12 Government of the Republic of the Marshall Islands and
13 the Federated States of Micronesia, as authorized by Pub-
14 lic Law 99–658 and Public Law 108–188.

15 OFFICE OF THE SOLICITOR

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of the Solicitor,
18 \$62,050,000.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of Inspector
22 General, \$45,953,000.

1 which the beneficiary can determine whether there has
2 been a loss: *Provided further*, That, notwithstanding any
3 other provision of law, the Secretary shall not be required
4 to provide a quarterly statement of performance for any
5 Indian trust account that has not had activity for at least
6 18 months and has a balance of \$15.00 or less: *Provided*
7 *further*, That the Secretary shall issue an annual account
8 statement and maintain a record of any such accounts and
9 shall permit the balance in each such account to be with-
10 drawn upon the express written request of the account
11 holder: *Provided further*, That not to exceed \$50,000 is
12 available for the Secretary to make payments to correct
13 administrative errors of either disbursements from or de-
14 posits to Individual Indian Money or Tribal accounts after
15 September 30, 2002: *Provided further*, That erroneous
16 payments that are recovered shall be credited to and re-
17 main available in this account for this purpose: *Provided*
18 *further*, That not to exceed \$6,000,000 may be transferred
19 from unobligated balances (Treasury Accounts 14X6039,
20 14X6803 and 14X8030) for the purpose of one-time ac-
21 counting reconciliations of the balances, as sanctioned by
22 the Chief Financial Officers Act of 1990, American Indian
23 Trust Fund Management Reform Act of 1994 and the
24 Federal Managers' Financial Integrity Act (FMFIA).

1 DEPARTMENT-WIDE PROGRAMS
2 WILDLAND FIRE MANAGEMENT
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses for fire preparedness, sup-
5 pression operations, fire science and research, emergency
6 rehabilitation, hazardous fuels reduction, and rural fire as-
7 sistance by the Department of the Interior, \$859,453,000,
8 to remain available until expended, of which not to exceed
9 \$6,137,000 shall be for the renovation or construction of
10 fire facilities: *Provided*, That such funds are also available
11 for repayment of advances to other appropriation accounts
12 from which funds were previously transferred for such
13 purposes: *Provided further*, That persons hired pursuant
14 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
15 ing without cost from funds available from this appropria-
16 tion: *Provided further*, That notwithstanding 42 U.S.C.
17 1856d, sums received by a bureau or office of the Depart-
18 ment of the Interior for fire protection rendered pursuant
19 to 42 U.S.C. 1856 et seq., protection of United States
20 property, may be credited to the appropriation from which
21 funds were expended to provide that protection, and are
22 available without fiscal year limitation: *Provided further*,
23 That using the amounts designated under this title of this
24 Act, the Secretary of the Interior may enter into procure-
25 ment contracts, grants, or cooperative agreements, for
26 hazardous fuels reduction activities, and for training and

1 monitoring associated with such hazardous fuels reduction
2 activities, on Federal land, or on adjacent non-Federal
3 land for activities that benefit resources on Federal land:
4 *Provided further*, That the costs of implementing any co-
5 operative agreement between the Federal Government and
6 any non-Federal entity may be shared, as mutually agreed
7 on by the affected parties: *Provided further*, That notwith-
8 standing requirements of the Competition in Contracting
9 Act, the Secretary, for purposes of hazardous fuels reduc-
10 tion activities, may obtain maximum practicable competi-
11 tion among: (1) local private, nonprofit, or cooperative en-
12 tities; (2) Youth Conservation Corps crews, Public Lands
13 Corps (Public Law 109–154), or related partnerships with
14 State, local, or non-profit youth groups; (3) small or
15 micro-businesses; or (4) other entities that will hire or
16 train locally a significant percentage, defined as 50 per-
17 cent or more, of the project workforce to complete such
18 contracts: *Provided further*, That in implementing this sec-
19 tion, the Secretary shall develop written guidance to field
20 units to ensure accountability and consistent application
21 of the authorities provided herein: *Provided further*, That
22 funds appropriated under this head may be used to reim-
23 burse the United States Fish and Wildlife Service and the
24 National Marine Fisheries Service for the costs of carrying
25 out their responsibilities under the Endangered Species

1 Act of 1973 (16 U.S.C. 1531 et seq.) to consult and con-
2 ference, as required by section 7 of such Act, in connection
3 with wildland fire management activities: *Provided further*,
4 That the Secretary of the Interior may use wildland fire
5 appropriations to enter into non-competitive sole source
6 leases of real property with local governments, at or below
7 fair market value, to construct capitalized improvements
8 for fire facilities on such leased properties, including but
9 not limited to fire guard stations, retardant stations, and
10 other initial attack and fire support facilities, and to make
11 advance payments for any such lease or for construction
12 activity associated with the lease: *Provided further*, That
13 the Secretary of the Interior and the Secretary of Agri-
14 culture may authorize the transfer of funds appropriated
15 for wildland fire management, in an aggregate amount not
16 to exceed \$10,000,000, between the Departments when
17 such transfers would facilitate and expedite jointly funded
18 wildland fire management programs and projects: *Pro-*
19 *vided further*, That funds provided for wildfire suppression
20 shall be available for support of Federal emergency re-
21 sponse actions.

22 CENTRAL HAZARDOUS MATERIALS FUND

23 For necessary expenses of the Department of the In-
24 terior and any of its component offices and bureaus for
25 the remedial action, including associated activities, of haz-

1 arduous waste substances, pollutants, or contaminants pur-
2 suant to the Comprehensive Environmental Response,
3 Compensation, and Liability Act, as amended (42 U.S.C.
4 9601 et seq.), \$10,148,000, to remain available until ex-
5 pended.

6 NATURAL RESOURCE DAMAGE ASSESSMENT AND
7 RESTORATION
8 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

9 To conduct natural resource damage assessment and
10 restoration activities by the Department of the Interior
11 necessary to carry out the provisions of the Comprehensive
12 Environmental Response, Compensation, and Liability
13 Act, as amended (42 U.S.C. 9601 et seq.), the Federal
14 Water Pollution Control Act, as amended (33 U.S.C. 1251
15 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701
16 et seq.), and Public Law 101–337, as amended (16 U.S.C.
17 19jj et seq.), \$6,338,000, to remain available until ex-
18 pended.

19 WORKING CAPITAL FUND

20 For the acquisition of a departmental financial and
21 business management system, \$73,435,000, to remain
22 available until expended: *Provided*, That none of the funds
23 in this Act or previous appropriations Acts may be used
24 to establish reserves in the Working Capital Fund account
25 other than for accrued annual leave and depreciation of

1 equipment without prior approval of the House and Senate
2 Committees on Appropriations.

3 ADMINISTRATIVE PROVISIONS

4 There is hereby authorized for acquisition from avail-
5 able resources within the Working Capital Fund, 15 air-
6 craft, 10 of which shall be for replacement and which may
7 be obtained by donation, purchase or through available ex-
8 cess surplus property: *Provided*, That existing aircraft
9 being replaced may be sold, with proceeds derived or
10 trade-in value used to offset the purchase price for the
11 replacement aircraft.

12 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR
13 (INCLUDING TRANSFERS OF FUNDS)

14 SEC. 101. Appropriations made in this title shall be
15 available for expenditure or transfer (within each bureau
16 or office), with the approval of the Secretary, for the emer-
17 gency reconstruction, replacement, or repair of aircraft,
18 buildings, utilities, or other facilities or equipment dam-
19 aged or destroyed by fire, flood, storm, or other unavail-
20 able causes: *Provided*, That no funds shall be made avail-
21 able under this authority until funds specifically made
22 available to the Department of the Interior for emer-
23 gencies shall have been exhausted: *Provided further*, That
24 all funds used pursuant to this section must be replenished

1 by a supplemental appropriation which must be requested
2 as promptly as possible.

3 SEC. 102. The Secretary may authorize the expendi-
4 ture or transfer of any no year appropriation in this title,
5 in addition to the amounts included in the budget pro-
6 grams of the several agencies, for the suppression or emer-
7 gency prevention of wildland fires on or threatening lands
8 under the jurisdiction of the Department of the Interior;
9 for the emergency rehabilitation of burned-over lands
10 under its jurisdiction; for emergency actions related to po-
11 tential or actual earthquakes, floods, volcanoes, storms, or
12 other unavoidable causes; for contingency planning subse-
13 quent to actual oil spills; for response and natural resource
14 damage assessment activities related to actual oil spills;
15 for the prevention, suppression, and control of actual or
16 potential grasshopper and Mormon cricket outbreaks on
17 lands under the jurisdiction of the Secretary, pursuant to
18 the authority in section 1773(b) of Public Law 99–198
19 (99 Stat. 1658); for emergency reclamation projects under
20 section 410 of Public Law 95–87; and shall transfer, from
21 any no year funds available to the Office of Surface Min-
22 ing Reclamation and Enforcement, such funds as may be
23 necessary to permit assumption of regulatory authority in
24 the event a primacy State is not carrying out the regu-
25 latory provisions of the Surface Mining Act: *Provided,*

1 That appropriations made in this title for wildland fire
2 operations shall be available for the payment of obligations
3 incurred during the preceding fiscal year, and for reim-
4 bursement to other Federal agencies for destruction of ve-
5 hicles, aircraft, or other equipment in connection with
6 their use for wildland fire operations, such reimbursement
7 to be credited to appropriations currently available at the
8 time of receipt thereof: *Provided further*, That for wildland
9 fire operations, no funds shall be made available under
10 this authority until the Secretary determines that funds
11 appropriated for “wildland fire operations” shall be ex-
12 hausted within 30 days: *Provided further*, That all funds
13 used pursuant to this section must be replenished by a
14 supplemental appropriation which must be requested as
15 promptly as possible: *Provided further*, That such replen-
16 ishment funds shall be used to reimburse, on a pro rata
17 basis, accounts from which emergency funds were trans-
18 ferred.

19 SEC. 103. Appropriations made to the Department
20 of the Interior in this title shall be available for services
21 as authorized by 5 U.S.C. 3109, when authorized by the
22 Secretary, in total amount not to exceed \$500,000; pur-
23 chase and replacement of motor vehicles, including spe-
24 cially equipped law enforcement vehicles; hire, mainte-
25 nance, and operation of aircraft; hire of passenger motor

1 vehicles; purchase of reprints; payment for telephone serv-
2 ice in private residences in the field, when authorized
3 under regulations approved by the Secretary; and the pay-
4 ment of dues, when authorized by the Secretary, for li-
5 brary membership in societies or associations which issue
6 publications to members only or at a price to members
7 lower than to subscribers who are not members.

8 SEC. 104. Appropriations made in this Act under the
9 headings Bureau of Indian Affairs and Office of the Spe-
10 cial Trustee for American Indians and any unobligated
11 balances from prior appropriations Acts made under the
12 same headings shall be available for expenditure or trans-
13 fer for Indian trust management and reform activities.
14 Total funding for historical accounting activities shall not
15 exceed amounts specifically designated in this Act for such
16 purpose.

17 SEC. 105. Notwithstanding any other provision of
18 law, the Secretary of the Interior is authorized to redis-
19 tribute any Tribal Priority Allocation funds, including
20 tribal base funds, to alleviate tribal funding inequities by
21 transferring funds to address identified, unmet needs,
22 dual enrollment, overlapping service areas or inaccurate
23 distribution methodologies. No tribe shall receive a reduc-
24 tion in Tribal Priority Allocation funds of more than 10
25 percent in fiscal year 2009. Under circumstances of dual

1 enrollment, overlapping service areas or inaccurate dis-
2 tribution methodologies, the 10 percent limitation does not
3 apply.

4 SEC. 106. Notwithstanding any other provision of
5 law, in conveying the Twin Cities Research Center under
6 the authority provided by Public Law 104–134, as amend-
7 ed by Public Law 104–208, the Secretary may accept and
8 retain land and other forms of reimbursement: *Provided*,
9 That the Secretary may retain and use any such reim-
10 bursement until expended and without further appropria-
11 tion: (1) for the benefit of the National Wildlife Refuge
12 System within the State of Minnesota; and (2) for all ac-
13 tivities authorized by 16 U.S.C. 460zz.

14 SEC. 107. The Secretary of the Interior may use dis-
15 cretionary funds to pay private attorney fees and costs for
16 employees and former employees of the Department of the
17 Interior reasonably incurred in connection with *Cobell v.*
18 *Kempthorne* to the extent that such fees and costs are
19 not paid by the Department of Justice or by private insur-
20 ance. In no case shall the Secretary make payments under
21 this section that would result in payment of hourly fees
22 in excess of the highest hourly rate approved by the Dis-
23 trict Court for the District of Columbia for counsel in
24 *Cobell v. Kempthorne*.

1 SEC. 108. The United States Fish and Wildlife Serv-
2 ice shall, in carrying out its responsibilities to protect
3 threatened and endangered species of salmon, implement
4 a system of mass marking of salmonid stocks, intended
5 for harvest, that are released from federally operated or
6 federally financed hatcheries including but not limited to
7 fish releases of coho, chinook, and steelhead species.
8 Marked fish must have a visible mark that can be readily
9 identified by commercial and recreational fishers.

10 SEC. 109. No funds appropriated for the Department
11 of the Interior by this Act or any other Act shall be used
12 to study or implement any plan to drain Lake Powell or
13 to reduce the water level of the lake below the range of
14 water levels required for the operation of the Glen Canyon
15 Dam.

16 SEC. 110. Notwithstanding any other provision of
17 law, the Secretary of the Interior is authorized to acquire
18 lands, waters, or interests therein including the use of all
19 or part of any pier, dock, or landing within the State of
20 New York and the State of New Jersey, for the purpose
21 of operating and maintaining facilities in the support of
22 transportation and accommodation of visitors to Ellis,
23 Governors, and Liberty Islands, and of other program and
24 administrative activities, by donation or with appropriated
25 funds, including franchise fees (and other monetary con-

1 sideration), or by exchange; and the Secretary is author-
2 ized to negotiate and enter into leases, subleases, conces-
3 sion contracts or other agreements for the use of such fa-
4 cilities on such terms and conditions as the Secretary may
5 determine reasonable.

6 SEC. 111. Title 43 U.S.C. 1473, as amended by Pub-
7 lic Law 110–161, is further amended by deleting the
8 phrase “in fiscal year 2008 only” and inserting in lieu
9 thereof “in fiscal years 2008 and 2009 only”.

10 SEC. 112. No funds appropriated or otherwise made
11 available to the Department of the Interior may be used,
12 in relation to any proposal to store water for the purpose
13 of export, for approval of any right-of-way or similar au-
14 thorization on the Mojave National Preserve or lands man-
15 aged by the Needles Field Office of the Bureau of Land
16 Management, or for carrying out any activities associated
17 with such right-of-way or similar approval.

18 SEC. 113. The Secretary of the Interior may enter
19 into cooperative agreements with a State or political sub-
20 division (including any agency thereof), or any not-for-
21 profit organization if the agreement will: (1) serve a mu-
22 tual interest of the parties to the agreement in carrying
23 out the programs administered by the Department of the
24 Interior; and (2) all parties will contribute resources to
25 the accomplishment of these objectives. At the discretion

1 of the Secretary, such agreements shall not be subject to
2 a competitive process.

3 SEC. 114. Funds provided in this Act for Federal
4 land acquisition by the National Park Service for Shen-
5 andoah Valley Battlefields National Historic District and
6 Ice Age National Scenic Trail may be used for a grant
7 to a State, a local government, or any other land manage-
8 ment entity for the acquisition of lands without regard to
9 any restriction on the use of Federal land acquisition
10 funds provided through the Land and Water Conservation
11 Fund Act of 1965 as amended.

12 SEC. 115. Sections 109 and 110 of the Federal Oil
13 and Gas Royalty Management Act (30 U.S.C. 1719 and
14 1720) shall apply to any lease authorizing exploration for
15 or development of coal, any other solid mineral, or any
16 geothermal resource on any Federal or Indian lands and
17 any lease, easement, right of way, or other agreement, re-
18 gardless of form, for use of the Outer Continental Shelf
19 or any of its resources under sections 8(k) or 8(p) of the
20 Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)
21 and 1337(p)) to the same extent as if such lease, ease-
22 ment, right of way, or other agreement, regardless of
23 form, were an oil and gas lease, except that in such cases
24 the term “royalty payment” shall include any payment re-

1 quired by such lease, easement, right of way or other
2 agreement, regardless of form, or by applicable regulation.

3 SEC. 116. The Pittsford National Fish Hatchery in
4 Chittenden, Vermont is hereby renamed the Dwight D. Ei-
5 senhower National Fish Hatchery.

6 SEC. 117. Section 6 of the Great Sand Dunes Na-
7 tional Park and Preserve Act of 2000 (16 U.S.C. 410hhh-
8 4) is amended—

9 (1) in subsection (a)—

10 (A) by striking “(a) ESTABLISHMENT.—

11 (1) When” and inserting the following:

12 “(a) ESTABLISHMENT AND PURPOSE.—

13 “(1) ESTABLISHMENT.—

14 “(A) IN GENERAL.—When”;

15 (B) in paragraph (2), by striking “(2)
16 Such establishment” and inserting the fol-
17 lowing:

18 “(B) EFFECTIVE DATE.—The establish-
19 ment of the refuge under subparagraph (A)”;
20 and

21 (C) by adding at the end the following:

22 “(2) PURPOSE.—The purpose of the Baca Na-
23 tional Wildlife Refuge shall be to restore, enhance,
24 and maintain wetland, upland, riparian, and other

1 habitats for native wildlife, plant, and fish species in
2 the San Luis Valley.”;

3 (2) in subsection (c)—

4 (A) by striking “The Secretary” and in-
5 serting the following:

6 “(1) IN GENERAL.—The Secretary”; and

7 (B) by adding at the end the following:

8 “(2) REQUIREMENTS.—In administering the
9 Baca National Wildlife Refuge, the Secretary shall,
10 to the maximum extent practicable—

11 “(A) emphasize migratory bird conserva-
12 tion; and

13 “(B) take into consideration the role of the
14 Refuge in broader landscape conservation ef-
15 forts.”; and

16 (3) in subsection (d)—

17 (A) in paragraph (1), by striking “and” at
18 the end;

19 (B) in paragraph (2), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(3) subject to any agreement in existence as of
23 the date of enactment of this paragraph, and to the
24 extent consistent with the purposes of the Refuge,
25 use decreed water rights on the Refuge in approxi-

1 mately the same manner that the water rights have
2 been used historically.”.

3 SEC. 118. None of the funds in this Act may be used
4 to further reduce the number of Axis or Fallow deer at
5 Point Reyes National Seashore below the number as of
6 the date of enactment of this Act.

7 TITLE II

8 ENVIRONMENTAL PROTECTION AGENCY

9 SCIENCE AND TECHNOLOGY

10 For science and technology, including research and
11 development activities, which shall include research and
12 development activities under the Comprehensive Environ-
13 mental Response, Compensation, and Liability Act of
14 1980, as amended; necessary expenses for personnel and
15 related costs and travel expenses; procurement of labora-
16 tory equipment and supplies; and other operating expenses
17 in support of research and development, \$790,051,000, to
18 remain available until September 30, 2010.

19 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

20 For environmental programs and management, in-
21 cluding necessary expenses, not otherwise provided for, for
22 personnel and related costs and travel expenses; hire of
23 passenger motor vehicles; hire, maintenance, and oper-
24 ation of aircraft; purchase of reprints; library member-
25 ships in societies or associations which issue publications

1 to members only or at a price to members lower than to
2 subscribers who are not members; administrative costs of
3 the brownfields program under the Small Business Liabil-
4 ity Relief and Brownfields Revitalization Act of 2002; and
5 not to exceed \$19,000 for official reception and represen-
6 tation expenses, \$2,392,079,000, to remain available until
7 September 30, 2010: *Provided*, That of the funds included
8 under this heading, not less than \$95,846,000 shall be for
9 the Geographic Programs specified in the explanatory
10 statement described in section 4 (in the matter preceding
11 division A of this consolidated Act).

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, as amended, \$44,791,000, to remain
16 available until September 30, 2010.

17 BUILDINGS AND FACILITIES

18 For construction, repair, improvement, extension, al-
19 teration, and purchase of fixed equipment or facilities of,
20 or for use by, the Environmental Protection Agency,
21 \$35,001,000, to remain available until expended.

22 HAZARDOUS SUBSTANCE SUPERFUND

23 (INCLUDING TRANSFERS OF FUNDS)

24 For necessary expenses to carry out the Comprehen-
25 sive Environmental Response, Compensation, and Liabil-

1 ity Act of 1980 (CERCLA), as amended, including sec-
2 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
3 9611) \$1,285,024,000, to remain available until expended,
4 consisting of such sums as are available in the Trust Fund
5 on September 30, 2008, as authorized by section 517(a)
6 of the Superfund Amendments and Reauthorization Act
7 of 1986 (SARA) and up to \$1,285,024,000 as a payment
8 from general revenues to the Hazardous Substance Super-
9 fund for purposes as authorized by section 517(b) of
10 SARA, as amended: *Provided*, That funds appropriated
11 under this heading may be allocated to other Federal
12 agencies in accordance with section 111(a) of CERCLA:
13 *Provided further*, That of the funds appropriated under
14 this heading, \$9,975,000 shall be paid to the “Office of
15 Inspector General” appropriation to remain available until
16 September 30, 2010, and \$26,417,000 shall be paid to the
17 “Science and Technology” appropriation to remain avail-
18 able until September 30, 2010.

19 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
20 PROGRAM

21 For necessary expenses to carry out leaking under-
22 ground storage tank cleanup activities authorized by sub-
23 title I of the Solid Waste Disposal Act, as amended,
24 \$112,577,000, to remain available until expended, of
25 which \$77,077,000 shall be for carrying out leaking un-

1 derground storage tank cleanup activities authorized by
2 section 9003(h) of the Solid Waste Disposal Act, as
3 amended; \$35,500,000 shall be for carrying out the other
4 provisions of the Solid Waste Disposal Act specified in sec-
5 tion 9508(e) of the Internal Revenue Code, as amended:
6 *Provided*, That the Administrator is authorized to use ap-
7 propriations made available under this heading to imple-
8 ment section 9013 of the Solid Waste Disposal Act to pro-
9 vide financial assistance to federally recognized Indian
10 tribes for the development and implementation of pro-
11 grams to manage underground storage tanks.

12 OIL SPILL RESPONSE

13 For expenses necessary to carry out the Environ-
14 mental Protection Agency's responsibilities under the Oil
15 Pollution Act of 1990, \$17,687,000, to be derived from
16 the Oil Spill Liability trust fund, to remain available until
17 expended.

18 STATE AND TRIBAL ASSISTANCE GRANTS

19 For environmental programs and infrastructure as-
20 sistance, including capitalization grants for State revolv-
21 ing funds and performance partnership grants,
22 \$2,968,464,000, to remain available until expended, of
23 which \$689,080,000 shall be for making capitalization
24 grants for the Clean Water State Revolving Funds under
25 title VI of the Federal Water Pollution Control Act, as

1 amended (the “Act”); of which up to \$75,000,000 shall
2 be available for loans, including interest free loans as au-
3 thorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-
4 municipal, interstate, or State agencies or nonprofit enti-
5 ties for projects that provide treatment for or that mini-
6 mize sewage or stormwater discharges using one or more
7 approaches which include, but are not limited to, decen-
8 tralized or distributed stormwater controls, decentralized
9 wastewater treatment, low-impact development practices,
10 conservation easements, stream buffers, or wetlands res-
11 toration; \$829,029,000 shall be for capitalization grants
12 for the Drinking Water State Revolving Funds under sec-
13 tion 1452 of the Safe Drinking Water Act, as amended;
14 \$20,000,000 shall be for architectural, engineering, plan-
15 ning, design, construction and related activities in connec-
16 tion with the construction of high priority water and
17 wastewater facilities in the area of the United States-Mex-
18 ico Border, after consultation with the appropriate border
19 commission; \$18,500,000 shall be for grants to the State
20 of Alaska to address drinking water and waste infrastruc-
21 ture needs of rural and Alaska Native Villages: *Provided,*
22 That, of these funds: (1) the State of Alaska shall provide
23 a match of 25 percent; (2) no more than 5 percent of the
24 funds may be used for administrative and overhead ex-
25 penses; and (3) the State of Alaska shall make awards

1 consistent with the State-wide priority list established in
2 conjunction with the Agency and the U.S. Department of
3 Agriculture for all water, sewer, waste disposal, and simi-
4 lar projects carried out by the State of Alaska that are
5 funded under section 221 of the Federal Water Pollution
6 Control Act (33 U.S.C. 1301) or the Consolidated Farm
7 and Rural Development Act (7 U.S.C. 1921 et seq.) which
8 shall allocate not less than 25 percent of the funds pro-
9 vided for projects in regional hub communities;
10 \$145,000,000 shall be for making special project grants
11 for the construction of drinking water, wastewater and
12 storm water infrastructure and for water quality protec-
13 tion in accordance with the terms and conditions specified
14 for such grants in the explanatory statement described in
15 section 4 (in the matter preceding division A of this con-
16 solidated Act), and, for purposes of these grants, each
17 grantee shall contribute not less than 45 percent of the
18 cost of the project unless the grantee is approved for a
19 waiver by the Agency; \$97,000,000 shall be to carry out
20 section 104(k) of the Comprehensive Environmental Re-
21 sponse, Compensation, and Liability Act of 1980
22 (CERCLA), as amended, including grants, interagency
23 agreements, and associated program support costs;
24 \$60,000,000 shall be for grants under title VII, subtitle
25 G of the Energy Policy Act of 2005, as amended;

1 \$15,000,000 shall be for grants for cost-effective emission
2 reduction projects in accordance with the terms and condi-
3 tions of the explanatory statement described in section 4
4 (in the matter preceding division A of this consolidated
5 Act); and \$1,094,855,000 shall be for grants, including
6 associated program support costs, to States, federally rec-
7 ognized tribes, interstate agencies, tribal consortia, and air
8 pollution control agencies for multi-media or single media
9 pollution prevention, control and abatement and related
10 activities, including activities pursuant to the provisions
11 set forth under this heading in Public Law 104–134, and
12 for making grants under section 103 of the Clean Air Act
13 for particulate matter monitoring and data collection ac-
14 tivities subject to terms and conditions specified by the
15 Administrator, of which \$49,495,000 shall be for carrying
16 out section 128 of CERCLA, as amended, \$10,000,000
17 shall be for Environmental Information Exchange Net-
18 work grants, including associated program support costs,
19 \$18,500,000 of the funds available for grants under sec-
20 tion 106 of the Act shall be for water quality monitoring
21 activities, \$10,000,000 shall be for competitive grants to
22 communities to develop plans and demonstrate and imple-
23 ment projects which reduce greenhouse gas emissions,
24 and, in addition to funds appropriated under the heading
25 “Leaking Underground Storage Tank Trust Fund Pro-

1 gram” to carry out the provisions of the Solid Waste Dis-
2 posal Act specified in section 9508(c) of the Internal Rev-
3 enue Code other than section 9003(h) of the Solid Waste
4 Disposal Act, as amended, \$2,500,000 shall be for grants
5 to States under section 2007(f)(2) of the Solid Waste Dis-
6 posal Act, as amended: *Provided further*, That notwith-
7 standing section 603(d)(7) of the Federal Water Pollution
8 Control Act, the limitation on the amounts in a State
9 water pollution control revolving fund that may be used
10 by a State to administer the fund shall not apply to
11 amounts included as principal in loans made by such fund
12 in fiscal year 2009 and prior years where such amounts
13 represent costs of administering the fund to the extent
14 that such amounts are or were deemed reasonable by the
15 Administrator, accounted for separately from other assets
16 in the fund, and used for eligible purposes of the fund,
17 including administration: *Provided further*, That for fiscal
18 year 2009, and notwithstanding section 518(f) of the Act,
19 the Administrator is authorized to use the amounts appro-
20 priated for any fiscal year under section 319 of that Act
21 to make grants to federally recognized Indian tribes pur-
22 suant to sections 319(h) and 518(e) of that Act: *Provided*
23 *further*, That for fiscal year 2009, notwithstanding the
24 limitation on amounts in section 518(c) of the Act, up to
25 a total of 1½ percent of the funds appropriated for State

1 Revolving Funds under title VI of that Act may be re-
2 served by the Administrator for grants under section
3 518(c) of that Act: *Provided further*, That no funds pro-
4 vided by this appropriations Act to address the water,
5 wastewater and other critical infrastructure needs of the
6 colonias in the United States along the United States-
7 Mexico border shall be made available to a county or mu-
8 nicipal government unless that government has established
9 an enforceable local ordinance, or other zoning rule, which
10 prevents in that jurisdiction the development or construc-
11 tion of any additional colonia areas, or the development
12 within an existing colonia the construction of any new
13 home, business, or other structure which lacks water,
14 wastewater, or other necessary infrastructure.

15 ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL

16 PROTECTION AGENCY

17 (INCLUDING RESCISSION OF FUNDS)

18 For fiscal year 2009, notwithstanding 31 U.S.C.
19 6303(1) and 6305(1), the Administrator of the Environ-
20 mental Protection Agency, in carrying out the Agency's
21 function to implement directly Federal environmental pro-
22 grams required or authorized by law in the absence of an
23 acceptable tribal program, may award cooperative agree-
24 ments to federally recognized Indian Tribes or Intertribal
25 consortia, if authorized by their member Tribes, to assist

1 the Administrator in implementing Federal environmental
2 programs for Indian Tribes required or authorized by law,
3 except that no such cooperative agreements may be award-
4 ed from funds designated for State financial assistance
5 agreements.

6 The Administrator of the Environmental Protection
7 Agency is authorized to collect and obligate pesticide reg-
8 istration service fees in accordance with section 33 of the
9 Federal Insecticide, Fungicide, and Rodenticide Act, as
10 amended by Public Law 110–94, the Pesticide Registra-
11 tion Improvement Renewal Act.

12 For fiscal year 2009 and thereafter, the Science and
13 Technology and Environmental Programs and Manage-
14 ment Accounts are available for uniforms, or allowances
15 therefore, as authorized by 5 U.S.C. 5901–02 and for
16 services as authorized by 5 U.S.C. 3109, but at rates for
17 individuals not to exceed the daily equivalent of the rate
18 paid for level IV of the Executive Schedule. Unless specifi-
19 cally authorized by law, for fiscal year 2009 and there-
20 after, none of the funds available under this title for
21 grants may be used to pay for the salaries of individual
22 consultants at more than the daily equivalent of the rate
23 paid for level IV of the Executive Schedule.

24 None of the funds made available by this Act may
25 be used in contravention of, or to delay the implementa-

1 tion of, Executive Order No. 12898 of February 11, 1994
2 (59 Fed. Reg. 7629; relating to Federal actions to address
3 environmental justice in minority populations and low-in-
4 come populations).

5 Title II of Public Law 109–54, under the heading
6 Administrative Provisions, is amended: in the fourth para-
7 graph, strike “make not to exceed five appointments in
8 any fiscal year under the authority provided in 42 U.S.C.
9 209 for the Office of Research and Development” and in-
10 sert “employ up to thirty persons at any one time in the
11 Office of Research and Development under the authority
12 provided in 42 U.S.C. 209”.

13 From unobligated balances to carry out projects and
14 activities funded through the State and Tribal Assistance
15 Grants Account, \$10,000,000 are permanently rescinded.

16 Of the funds provided in the Environmental Pro-
17 grams and Management Account, not less than
18 \$6,500,000 shall be used for activities to develop and pub-
19 lish a final rule not later than June 26, 2009, and to begin
20 implementation, to require mandatory reporting of green-
21 house gas emissions above appropriate thresholds in all
22 sectors of the economy of the United States, as required
23 by Public Law 110–161.

24 For fiscal year 2009 and thereafter, the Science and
25 Technology, Environmental Programs and Management,

1 Office of Inspector General, Hazardous Substance Super-
2 fund, and Leaking Underground Storage Tank Trust
3 Fund Program Accounts, are available for the construc-
4 tion, alteration, repair, rehabilitation, and renovation of
5 facilities provided that the cost does not exceed \$85,000
6 per project.

7 TITLE III

8 RELATED AGENCIES

9 DEPARTMENT OF AGRICULTURE

10 FOREST SERVICE

11 FOREST AND RANGELAND RESEARCH

12 For necessary expenses of forest and rangeland re-
13 search as authorized by law, \$296,380,000, to remain
14 available until expended: *Provided*, That of the funds pro-
15 vided, \$60,770,000 is for the forest inventory and analysis
16 program.

17 STATE AND PRIVATE FORESTRY

18 For necessary expenses of cooperating with and pro-
19 viding technical and financial assistance to States, terri-
20 tories, possessions, and others, and for forest health man-
21 agement, including treatments of pests, pathogens, and
22 invasive or noxious plants and for restoring and rehabili-
23 tating forests damaged by pests or invasive plants, cooper-
24 ative forestry, and education and land conservation activi-
25 ties and conducting an international program as author-

1 ized, \$265,861,000, to remain available until expended, as
2 authorized by law; and of which \$49,445,000 is to be de-
3 rived from the Land and Water Conservation Fund.

4 NATIONAL FOREST SYSTEM

5 (INCLUDING RESCISSION OF FUNDS)

6 For necessary expenses of the Forest Service, not
7 otherwise provided for, for management, protection, im-
8 provement, and utilization of the National Forest System,
9 \$1,514,805,000, to remain available until expended, which
10 shall include 50 percent of all moneys received during
11 prior fiscal years as fees collected under the Land and
12 Water Conservation Fund Act of 1965, as amended, in
13 accordance with section 4 of the Act (16 U.S.C. 460l-
14 6a(i)): *Provided*, That of the unobligated balances in this
15 account, \$5,000,000 are rescinded.

16 CAPITAL IMPROVEMENT AND MAINTENANCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Forest Service, not
19 otherwise provided for, \$495,393,000, to remain available
20 until expended, for construction, capital improvement,
21 maintenance and acquisition of buildings and other facili-
22 ties and infrastructure; and for construction, capital im-
23 provement, decommissioning, and maintenance of forest
24 roads and trails by the Forest Service as authorized by
25 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*,
26 That \$50,000,000 shall be designated for urgently needed

1 road decommissioning, road and trail repair and mainte-
2 nance and associated activities, and removal of fish pas-
3 sage barriers, especially in areas where Forest Service
4 roads may be contributing to water quality problems in
5 streams and water bodies which support threatened, en-
6 dangered or sensitive species or community water sources:
7 *Provided further*, That up to \$40,000,000 of the funds
8 provided herein for road maintenance shall be available for
9 the decommissioning of roads, including unauthorized
10 roads not part of the transportation system, which are no
11 longer needed: *Provided further*, That no funds shall be
12 expended to decommission any system road until notice
13 and an opportunity for public comment has been provided
14 on each decommissioning project: *Provided further*, That
15 the decommissioning of unauthorized roads not part of the
16 official transportation system shall be expedited in re-
17 sponse to threats to public safety, water quality, or natural
18 resources: *Provided further*, That funds becoming available
19 in fiscal year 2009 under the Act of March 4, 1913 (16
20 U.S.C. 501) shall be transferred to the General Fund of
21 the Treasury and shall not be available for transfer or obli-
22 gation for any other purpose unless the funds are appro-
23 priated.

24 LAND ACQUISITION

25 For expenses necessary to carry out the provisions
26 of the Land and Water Conservation Fund Act of 1965,

1 as amended (16 U.S.C. 4601–4 through 11), including ad-
2 ministrative expenses, and for acquisition of land or wa-
3 ters, or interest therein, in accordance with statutory au-
4 thority applicable to the Forest Service, \$49,775,000, to
5 be derived from the Land and Water Conservation Fund
6 and to remain available until expended.

7 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
8 ACTS

9 For acquisition of lands within the exterior bound-
10 aries of the Cache, Uinta, and Wasatch National Forests,
11 Utah; the Toiyabe National Forest, Nevada; and the An-
12 geles, San Bernardino, Sequoia, and Cleveland National
13 Forests, California, as authorized by law, \$1,050,000, to
14 be derived from forest receipts.

15 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

16 For acquisition of lands, such sums, to be derived
17 from funds deposited by State, county, or municipal gov-
18 ernments, public school districts, or other public school au-
19 thorities, and for authorized expenditures from funds de-
20 posited by non-Federal parties pursuant to Land Sale and
21 Exchange Acts, pursuant to the Act of December 4, 1967,
22 as amended (16 U.S.C. 484a), to remain available until
23 expended. (16 U.S.C. 4601–516–617a, 555a; Public Law
24 96–586; Public Law 76–589, 76–591; and 78–310).

1 RANGE BETTERMENT FUND

2 For necessary expenses of range rehabilitation, pro-
3 tection, and improvement, 50 percent of all moneys re-
4 ceived during the prior fiscal year, as fees for grazing do-
5 mestic livestock on lands in National Forests in the 16
6 Western States, pursuant to section 401(b)(1) of Public
7 Law 94–579, as amended, to remain available until ex-
8 pended, of which not to exceed 6 percent shall be available
9 for administrative expenses associated with on-the-ground
10 range rehabilitation, protection, and improvements.

11 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
12 RANGELAND RESEARCH

13 For expenses authorized by 16 U.S.C. 1643(b),
14 \$50,000, to remain available until expended, to be derived
15 from the fund established pursuant to the above Act.

16 MANAGEMENT OF NATIONAL FOREST LANDS FOR
17 SUBSISTENCE USES

18 For necessary expenses of the Forest Service to man-
19 age Federal lands in Alaska for subsistence uses under
20 title VIII of the Alaska National Interest Lands Conserva-
21 tion Act (Public Law 96–487), \$5,000,000, to remain
22 available until expended.

23 WILDLAND FIRE MANAGEMENT

24 (INCLUDING TRANSFERS OF FUNDS)

25 For necessary expenses for forest fire presuppression
26 activities on National Forest System lands, for emergency

1 fire suppression on or adjacent to such lands or other
2 lands under fire protection agreement, hazardous fuels re-
3 duction on or adjacent to such lands, and for emergency
4 rehabilitation of burned-over National Forest System
5 lands and water, \$2,131,630,000, to remain available until
6 expended: *Provided*, That such funds including unobli-
7 gated balances under this heading, are available for repay-
8 ment of advances from other appropriations accounts pre-
9 viously transferred for such purposes: *Provided further*,
10 That such funds shall be available to reimburse State and
11 other cooperating entities for services provided in response
12 to wildfire and other emergencies or disasters to the extent
13 such reimbursements by the Forest Service for non-fire
14 emergencies are fully repaid by the responsible emergency
15 management agency: *Provided further*, That, notwith-
16 standing any other provision of law, \$8,000,000 of funds
17 appropriated under this appropriation shall be used for
18 Fire Science Research in support of the Joint Fire Science
19 Program: *Provided further*, That all authorities for the use
20 of funds, including the use of contracts, grants, and coop-
21 erative agreements, available to execute the Forest and
22 Rangeland Research appropriation, are also available in
23 the utilization of these funds for Fire Science Research:
24 *Provided further*, That funds provided shall be available
25 for emergency rehabilitation and restoration, hazardous

1 fuels reduction activities in the urban-wildland interface,
2 support to Federal emergency response, and wildfire sup-
3 pression activities of the Forest Service: *Provided further,*
4 That of the funds provided, \$328,086,000 is for hazardous
5 fuels reduction activities, \$11,500,000 is for rehabilitation
6 and restoration, \$23,917,000 is for research activities and
7 to make competitive research grants pursuant to the For-
8 est and Rangeland Renewable Resources Research Act, as
9 amended (16 U.S.C. 1641 et seq.), \$55,000,000 is for
10 State fire assistance, \$9,000,000 is for volunteer fire as-
11 sistance, \$17,252,000 is for forest health activities on
12 Federal lands and \$9,928,000 is for forest health activities
13 on State and private lands: *Provided further,* That
14 amounts in this paragraph may be transferred to the
15 “State and Private Forestry”, “National Forest System”,
16 and “Forest and Rangeland Research” accounts to fund
17 State fire assistance, volunteer fire assistance, forest
18 health management, forest and rangeland research, the
19 Joint Fire Science Program, vegetation and watershed
20 management, heritage site rehabilitation, and wildlife and
21 fish habitat management and restoration: *Provided fur-*
22 *ther,* That up to \$15,000,000 of the funds provided under
23 this heading for hazardous fuels treatments may be trans-
24 ferred to and made a part of the “National Forest Sys-
25 tem” account at the sole discretion of the Chief of the

1 Forest Service 30 days after notifying the House and the
2 Senate Committees on Appropriations: *Provided further*,
3 That the costs of implementing any cooperative agreement
4 between the Federal Government and any non-Federal en-
5 tity may be shared, as mutually agreed on by the affected
6 parties: *Provided further*, That in addition to funds pro-
7 vided for State Fire Assistance programs, and subject to
8 all authorities available to the Forest Service under the
9 State and Private Forestry Appropriation, up to
10 \$15,000,000 may be used on adjacent non-Federal lands
11 for the purpose of protecting communities when hazard
12 reduction activities are planned on national forest lands
13 that have the potential to place such communities at risk:
14 *Provided further*, That funds made available to implement
15 the Community Forest Restoration Act, Public Law 106-
16 393, title VI, shall be available for use on non-Federal
17 lands in accordance with authorities available to the For-
18 est Service under the State and Private Forestry Appro-
19 priation: *Provided further*, That the Secretary of the Inte-
20 rior and the Secretary of Agriculture may authorize the
21 transfer of funds appropriated for wildland fire manage-
22 ment, in an aggregate amount not to exceed \$10,000,000,
23 between the Departments when such transfers would fa-
24 cilitate and expedite jointly funded wildland fire manage-
25 ment programs and projects: *Provided further*, That of the

1 funds provided for hazardous fuels reduction, not to ex-
2 ceed \$5,000,000, may be used to make grants, using any
3 authorities available to the Forest Service under the State
4 and Private Forestry appropriation, for the purpose of
5 creating incentives for increased use of biomass from na-
6 tional forest lands: *Provided further*, That funds des-
7 ignated for wildfire suppression shall be assessed for cost
8 pools on the same basis as such assessments are calculated
9 against other agency programs.

10 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

11 Appropriations to the Forest Service for the current
12 fiscal year shall be available for: (1) purchase of passenger
13 motor vehicles; acquisition of passenger motor vehicles
14 from excess sources, and hire of such vehicles; purchase,
15 lease, operation, maintenance, and acquisition of aircraft
16 from excess sources to maintain the operable fleet for use
17 in Forest Service wildland fire programs and other Forest
18 Service programs; notwithstanding other provisions of law,
19 existing aircraft being replaced may be sold, with proceeds
20 derived or trade-in value used to offset the purchase price
21 for the replacement aircraft; (2) services pursuant to 7
22 U.S.C. 2225, and not to exceed \$100,000 for employment
23 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
24 ation of buildings and other public improvements (7
25 U.S.C. 2250); (4) acquisition of land, waters, and inter-
26 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses

1 pursuant to the Volunteers in the National Forest Act of
2 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
3 of uniforms as authorized by 5 U.S.C. 5901–5902; and
4 (7) for debt collection contracts in accordance with 31
5 U.S.C. 3718(c).

6 Any appropriations or funds available to the Forest
7 Service may be transferred to the Wildland Fire Manage-
8 ment appropriation for forest firefighting, emergency re-
9 habilitation of burned-over or damaged lands or waters
10 under its jurisdiction, and fire preparedness due to severe
11 burning conditions upon notification of the House and
12 Senate Committees on Appropriations and if and only if
13 all previously appropriated emergency contingent funds
14 under the heading “Wildland Fire Management” have
15 been released by the President and apportioned and all
16 wildfire suppression funds under the heading “Wildland
17 Fire Management” are obligated.

18 Funds appropriated to the Forest Service shall be
19 available for assistance to or through the Agency for Inter-
20 national Development in connection with forest and range-
21 land research, technical information, and assistance in for-
22 eign countries, and shall be available to support forestry
23 and related natural resource activities outside the United
24 States and its territories and possessions, including tech-

1 nical assistance, education and training, and cooperation
2 with United States and international organizations.

3 None of the funds made available to the Forest Serv-
4 ice in this Act or any other Act with respect to any fiscal
5 year shall be subject to transfer under the provisions of
6 section 702(b) of the Department of Agriculture Organic
7 Act of 1944 (7 U.S.C. 2257), section 442 of Public Law
8 106–224 (7 U.S.C. 7772), or section 10417(b) of Public
9 Law 107–107 (7 U.S.C. 8316(b)).

10 None of the funds available to the Forest Service may
11 be reprogrammed without the advance approval of the
12 House and Senate Committees on Appropriations in ac-
13 cordance with the reprogramming procedures contained in
14 the explanatory statement described in section 4 (in the
15 matter preceding division A of this consolidated Act).

16 Not more than \$73,285,000 of funds available to the
17 Forest Service shall be transferred to the Working Capital
18 Fund of the Department of Agriculture and not more than
19 \$19,400,000 of funds available to the Forest Service shall
20 be transferred to the Department of Agriculture for De-
21 partment Reimbursable Programs, commonly referred to
22 as Greenbook charges. Nothing in this paragraph shall
23 prohibit or limit the use of reimbursable agreements re-
24 quested by the Forest Service in order to obtain services

1 from the Department of Agriculture's National Informa-
2 tion Technology Center.

3 Funds available to the Forest Service shall be avail-
4 able to conduct a program of up to \$5,000,000 for priority
5 projects within the scope of the approved budget, of which
6 \$2,500,000 shall be carried out by the Youth Conservation
7 Corps and \$2,500,000 shall be carried out under the au-
8 thority of the Public Lands Corps Healthy Forests Res-
9 toration Act of 2005, Public Law 109-154.

10 Of the funds available to the Forest Service, \$4,000
11 is available to the Chief of the Forest Service for official
12 reception and representation expenses.

13 Pursuant to sections 405(b) and 410(b) of Public
14 Law 101-593, of the funds available to the Forest Service,
15 \$3,000,000 may be advanced in a lump sum to the Na-
16 tional Forest Foundation to aid conservation partnership
17 projects in support of the Forest Service mission, without
18 regard to when the Foundation incurs expenses, for ad-
19 ministrative expenses or projects on or benefitting Na-
20 tional Forest System lands or related to Forest Service
21 programs: *Provided*, That the Foundation shall obtain, by
22 the end of the period of Federal financial assistance, pri-
23 vate contributions to match on at least one-for-one basis
24 funds made available by the Forest Service: *Provided fur-*
25 *ther*, That the Foundation may transfer Federal funds to

1 Federal or a non-Federal recipient for a project at the
2 same rate that the recipient has obtained the non-Federal
3 matching funds: *Provided further*, That authorized invest-
4 ments of Federal funds held by the Foundation may be
5 made only in interest-bearing obligations of the United
6 States or in obligations guaranteed as to both principal
7 and interest by the United States.

8 Pursuant to section 2(b)(2) of Public Law 98-244,
9 \$3,000,000 of the funds available to the Forest Service
10 shall be advanced to the National Fish and Wildlife Foun-
11 dation in a lump sum to aid cost-share conservation
12 projects, without regard to when expenses are incurred,
13 on or benefitting National Forest System lands or related
14 to Forest Service programs: *Provided*, That such funds
15 shall be matched on at least a one-for-one basis by the
16 Foundation or its sub-recipients: *Provided further*, That
17 the Foundation may transfer Federal funds to a Federal
18 or non-Federal recipient for a project at the same rate
19 that the recipient has obtained the non-Federal matching
20 funds.

21 Funds appropriated to the Forest Service shall be
22 available for interactions with and providing technical as-
23 sistance to rural communities and natural resource-based
24 businesses for sustainable rural development purposes.

1 Funds appropriated to the Forest Service shall be
2 available for payments to counties within the Columbia
3 River Gorge National Scenic Area, pursuant to section
4 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
5 663.

6 An eligible individual who is employed in any project
7 funded under title V of the Older American Act of 1965
8 (42 U.S.C. 3056 et seq.) and administered by the Forest
9 Service shall be considered to be a Federal employee for
10 purposes of chapter 171 of title 28, United States Code.

11 Any funds appropriated to the Forest Service may
12 be used to meet the non-Federal share requirement in sec-
13 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
14 3056(c)(2)).

15 Funds available to the Forest Service, not to exceed
16 \$50,000,000, shall be assessed for the purpose of per-
17 forming facilities maintenance. Such assessments shall
18 occur using a square foot rate charged on the same basis
19 the agency uses to assess programs for payment of rent,
20 utilities, and other support services.

21 Notwithstanding any other provision of law, any ap-
22 propriations or funds available to the Forest Service not
23 to exceed \$500,000 may be used to reimburse the Office
24 of the General Counsel (OGC), Department of Agri-
25 culture, for travel and related expenses incurred as a re-

1 sult of OGC assistance or participation requested by the
2 Forest Service at meetings, training sessions, management
3 reviews, land purchase negotiations and similar non-litiga-
4 tion related matters. Future budget justifications for both
5 the Forest Service and the Department of Agriculture
6 should clearly display the sums previously transferred and
7 the requested funding transfers.

8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 INDIAN HEALTH SERVICE

11 INDIAN HEALTH SERVICES

12 For expenses necessary to carry out the Act of Au-
13 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
14 tion Act, the Indian Health Care Improvement Act, and
15 titles II and III of the Public Health Service Act with re-
16 spect to the Indian Health Service, \$3,190,956,000, to-
17 gether with payments received during the fiscal year pur-
18 suant to 42 U.S.C. 238(b) and 238b for services furnished
19 by the Indian Health Service: *Provided*, That funds made
20 available to tribes and tribal organizations through con-
21 tracts, grant agreements, or any other agreements or com-
22 pacts authorized by the Indian Self-Determination and
23 Education Assistance Act of 1975 (25 U.S.C. 450), shall
24 be deemed to be obligated at the time of the grant or con-
25 tract award and thereafter shall remain available to the

1 tribe or tribal organization without fiscal year limitation:
2 *Provided further*, That \$634,477,000 for contract medical
3 care, including \$31,000,000 for the Indian Catastrophic
4 Health Emergency Fund, shall remain available until ex-
5 pended: *Provided further*, That no less than \$36,189,000
6 is provided for maintaining operations of the urban Indian
7 health program: *Provided further*, That of the funds pro-
8 vided, up to \$32,000,000 shall remain available until ex-
9 pended for implementation of the loan repayment program
10 under section 108 of the Indian Health Care Improvement
11 Act: *Provided further*, That \$16,391,000 is provided for
12 the methamphetamine and suicide prevention and treat-
13 ment initiative and \$7,500,000 is provided for the domes-
14 tic violence prevention initiative and, notwithstanding any
15 other provision of law, the amounts available under this
16 proviso shall be allocated at the discretion of the Director
17 of the Indian Health Service and shall remain available
18 until expended: *Provided further*, That funds provided in
19 this Act may be used for one-year contracts and grants
20 which are to be performed in two fiscal years, so long as
21 the total obligation is recorded in the year for which the
22 funds are appropriated: *Provided further*, That the
23 amounts collected by the Secretary of Health and Human
24 Services under the authority of title IV of the Indian
25 Health Care Improvement Act shall remain available until

1 expended for the purpose of achieving compliance with the
2 applicable conditions and requirements of titles XVIII and
3 XIX of the Social Security Act (exclusive of planning, de-
4 sign, or construction of new facilities): *Provided further,*
5 That funding contained herein, and in any earlier appro-
6 priations Acts for scholarship programs under the Indian
7 Health Care Improvement Act (25 U.S.C. 1613) shall re-
8 main available until expended: *Provided further,* That
9 amounts received by tribes and tribal organizations under
10 title IV of the Indian Health Care Improvement Act shall
11 be reported and accounted for and available to the receiv-
12 ing tribes and tribal organizations until expended: *Pro-*
13 *vided further,* That, notwithstanding any other provision
14 of law, of the amounts provided herein, not to exceed
15 \$282,398,000 shall be for payments to tribes and tribal
16 organizations for contract or grant support costs associ-
17 ated with contracts, grants, self-governance compacts, or
18 annual funding agreements between the Indian Health
19 Service and a tribe or tribal organization pursuant to the
20 Indian Self-Determination Act of 1975, as amended, prior
21 to or during fiscal year 2009, of which not to exceed
22 \$5,000,000 may be used for contract support costs associ-
23 ated with new or expanded self-determination contracts,
24 grants, self-governance compacts, or annual funding
25 agreements: *Provided further,* That the Bureau of Indian

1 Affairs may collect from the Indian Health Service, tribes
2 and tribal organizations operating health facilities pursu-
3 ant to Public Law 93–638, such individually identifiable
4 health information relating to disabled children as may be
5 necessary for the purpose of carrying out its functions
6 under the Individuals with Disabilities Education Act (20
7 U.S.C. 1400, et seq.): *Provided further*, That the Indian
8 Health Care Improvement Fund may be used, as needed,
9 to carry out activities typically funded under the Indian
10 Health Facilities account.

11 INDIAN HEALTH FACILITIES

12 For construction, repair, maintenance, improvement,
13 and equipment of health and related auxiliary facilities,
14 including quarters for personnel; preparation of plans,
15 specifications, and drawings; acquisition of sites, purchase
16 and erection of modular buildings, and purchases of trail-
17 ers; and for provision of domestic and community sanita-
18 tion facilities for Indians, as authorized by section 7 of
19 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
20 Self-Determination Act, and the Indian Health Care Im-
21 provement Act, and for expenses necessary to carry out
22 such Acts and titles II and III of the Public Health Serv-
23 ice Act with respect to environmental health and facilities
24 support activities of the Indian Health Service,
25 \$390,168,000, to remain available until expended: *Pro-*
26 *vided*, That notwithstanding any other provision of law,

1 funds appropriated for the planning, design, construction
2 or renovation of health facilities for the benefit of an In-
3 dian tribe or tribes may be used to purchase land for sites
4 to construct, improve, or enlarge health or related facili-
5 ties: *Provided further*, That not to exceed \$500,000 shall
6 be used by the Indian Health Service to purchase
7 TRANSAM equipment from the Department of Defense
8 for distribution to the Indian Health Service and tribal
9 facilities: *Provided further*, That none of the funds appro-
10 priated to the Indian Health Service may be used for sani-
11 tation facilities construction for new homes funded with
12 grants by the housing programs of the United States De-
13 partment of Housing and Urban Development: *Provided*
14 *further*, That not to exceed \$2,700,000 from this account
15 and the “Indian Health Services” account shall be used
16 by the Indian Health Service to obtain ambulances for the
17 Indian Health Service and tribal facilities in conjunction
18 with an existing interagency agreement between the In-
19 dian Health Service and the General Services Administra-
20 tion: *Provided further*, That not to exceed \$500,000 shall
21 be placed in a Demolition Fund, available until expended,
22 to be used by the Indian Health Service for demolition
23 of Federal buildings.

24 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

25 Appropriations in this Act to the Indian Health Serv-
26 ice shall be available for services as authorized by 5 U.S.C.

1 3109 but at rates not to exceed the per diem rate equiva-
2 lent to the maximum rate payable for senior-level positions
3 under 5 U.S.C. 5376; hire of passenger motor vehicles and
4 aircraft; purchase of medical equipment; purchase of re-
5 prints; purchase, renovation and erection of modular
6 buildings and renovation of existing facilities; payments
7 for telephone service in private residences in the field,
8 when authorized under regulations approved by the Sec-
9 retary; and for uniforms or allowances therefor as author-
10 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
11 ance at meetings that relate to the functions or activities
12 for which the appropriation is made or otherwise con-
13 tribute to the improved conduct, supervision, or manage-
14 ment of those functions or activities.

15 In accordance with the provisions of the Indian
16 Health Care Improvement Act, non-Indian patients may
17 be extended health care at all tribally administered or In-
18 dian Health Service facilities, subject to charges, and the
19 proceeds along with funds recovered under the Federal
20 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
21 be credited to the account of the facility providing the
22 service and shall be available without fiscal year limitation.
23 Notwithstanding any other law or regulation, funds trans-
24 ferred from the Department of Housing and Urban Devel-
25 opment to the Indian Health Service shall be administered

1 under Public Law 86–121, the Indian Sanitation Facilities
2 Act and Public Law 93–638, as amended.

3 Funds appropriated to the Indian Health Service in
4 this Act, except those used for administrative and program
5 direction purposes, shall not be subject to limitations di-
6 rected at curtailing Federal travel and transportation.

7 None of the funds made available to the Indian
8 Health Service in this Act shall be used for any assess-
9 ments or charges by the Department of Health and
10 Human Services unless identified in the budget justifica-
11 tion and provided in this Act, or approved by the House
12 and Senate Committees on Appropriations through the re-
13 programming process.

14 Notwithstanding any other provision of law, funds
15 previously or herein made available to a tribe or tribal or-
16 ganization through a contract, grant, or agreement au-
17 thorized by title I or title V of the Indian Self-Determina-
18 tion and Education Assistance Act of 1975 (25 U.S.C.
19 450), may be deobligated and reobligated to a self-deter-
20 mination contract under title I, or a self-governance agree-
21 ment under title V of such Act and thereafter shall remain
22 available to the tribe or tribal organization without fiscal
23 year limitation.

24 None of the funds made available to the Indian
25 Health Service in this Act shall be used to implement the

1 final rule published in the Federal Register on September
2 16, 1987, by the Department of Health and Human Serv-
3 ices, relating to the eligibility for the health care services
4 of the Indian Health Service until the Indian Health Serv-
5 ice has submitted a budget request reflecting the increased
6 costs associated with the proposed final rule, and such re-
7 quest has been included in an appropriations Act and en-
8 acted into law.

9 With respect to functions transferred by the Indian
10 Health Service to tribes or tribal organizations, the Indian
11 Health Service is authorized to provide goods and services
12 to those entities, on a reimbursable basis, including pay-
13 ment in advance with subsequent adjustment. The reim-
14 bursements received therefrom, along with the funds re-
15 ceived from those entities pursuant to the Indian Self-De-
16 termination Act, may be credited to the same or subse-
17 quent appropriation account that provided the funding,
18 with such amounts to remain available until expended.

19 Reimbursements for training, technical assistance, or
20 services provided by the Indian Health Service will contain
21 total costs, including direct, administrative, and overhead
22 associated with the provision of goods, services, or tech-
23 nical assistance.

1 The appropriation structure for the Indian Health
2 Service may not be altered without advance notification
3 to the House and Senate Committees on Appropriations.

4 NATIONAL INSTITUTES OF HEALTH

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

6 SCIENCES

7 For necessary expenses for the National Institute of
8 Environmental Health Sciences in carrying out activities
9 set forth in section 311(a) of the Comprehensive Environ-
10 mental Response, Compensation, and Liability Act of
11 1980, as amended, and section 126(g) of the Superfund
12 Amendments and Reauthorization Act of 1986,
13 \$78,074,000.

14 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

15 REGISTRY

16 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

17 HEALTH

18 For necessary expenses for the Agency for Toxic Sub-
19 stances and Disease Registry (ATSDR) in carrying out
20 activities set forth in sections 104(i) and 111(c)(4) of the
21 Comprehensive Environmental Response, Compensation,
22 and Liability Act of 1980 (CERCLA), as amended; section
23 118(f) of the Superfund Amendments and Reauthoriza-
24 tion Act of 1986 (SARA), as amended; and section 3019
25 of the Solid Waste Disposal Act, as amended,

1 \$74,039,000, of which up to \$1,000 to remain available
2 until expended, is for Individual Learning Accounts for
3 full-time equivalent employees of the Agency for Toxic
4 Substances and Disease Registry: *Provided*, That notwith-
5 standing any other provision of law, in lieu of performing
6 a health assessment under section 104(i)(6) of CERCLA,
7 the Administrator of ATSDR may conduct other appro-
8 priate health studies, evaluations, or activities, including,
9 without limitation, biomedical testing, clinical evaluations,
10 medical monitoring, and referral to accredited health care
11 providers: *Provided further*, That in performing any such
12 health assessment or health study, evaluation, or activity,
13 the Administrator of ATSDR shall not be bound by the
14 deadlines in section 104(i)(6)(A) of CERCLA: *Provided*
15 *further*, That none of the funds appropriated under this
16 heading shall be available for ATSDR to issue in excess
17 of 40 toxicological profiles pursuant to section 104(i) of
18 CERCLA during fiscal year 2009, and existing profiles
19 may be updated as necessary.

20 OTHER RELATED AGENCIES

21 EXECUTIVE OFFICE OF THE PRESIDENT

22 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF 23 ENVIRONMENTAL QUALITY

24 For necessary expenses to continue functions as-
25 signed to the Council on Environmental Quality and Office

1 of Environmental Quality pursuant to the National Envi-
2 ronmental Policy Act of 1969, the Environmental Quality
3 Improvement Act of 1970, and Reorganization Plan No.
4 1 of 1977, and not to exceed \$750 for official reception
5 and representation expenses, \$2,703,000: *Provided*, That
6 notwithstanding section 202 of the National Environ-
7 mental Policy Act of 1970, the Council shall consist of
8 one member, appointed by the President, by and with the
9 advice and consent of the Senate, serving as chairman and
10 exercising all powers, functions, and duties of the Council.

11 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses in carrying out activities pur-
15 suant to section 112(r)(6) of the Clean Air Act, as amend-
16 ed, including hire of passenger vehicles, uniforms or allow-
17 ances therefor, as authorized by 5 U.S.C. 5901–5902, and
18 for services authorized by 5 U.S.C. 3109 but at rates for
19 individuals not to exceed the per diem equivalent to the
20 maximum rate payable for senior level positions under 5
21 U.S.C. 5376, \$10,199,000: *Provided*, That the Chemical
22 Safety and Hazard Investigation Board (Board) shall have
23 not more than three career Senior Executive Service posi-
24 tions: *Provided further*, That notwithstanding any other
25 provision of law, the individual appointed to the position
26 of Inspector General of the Environmental Protection

1 Agency (EPA) shall, by virtue of such appointment, also
2 hold the position of Inspector General of the Board: *Pro-*
3 *vided further*, That notwithstanding any other provision
4 of law, the Inspector General of the Board shall utilize
5 personnel of the Office of Inspector General of EPA in
6 performing the duties of the Inspector General of the
7 Board, and shall not appoint any individuals to positions
8 within the Board: *Provided further*, That of the funds ap-
9 propriated under this heading, \$300,000 shall be paid to
10 the “Office of Inspector General” appropriation of the En-
11 vironmental Protection Agency.

12 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of Navajo and
15 Hopi Indian Relocation as authorized by Public Law 93-
16 531, \$7,530,000, to remain available until expended: *Pro-*
17 *vided*, That funds provided in this or any other appropria-
18 tions Act are to be used to relocate eligible individuals and
19 groups including evictees from District 6, Hopi-partitioned
20 lands residents, those in significantly substandard hous-
21 ing, and all others certified as eligible and not included
22 in the preceding categories: *Provided further*, That none
23 of the funds contained in this or any other Act may be
24 used by the Office of Navajo and Hopi Indian Relocation
25 to evict any single Navajo or Navajo family who, as of

1 November 30, 1985, was physically domiciled on the lands
2 partitioned to the Hopi Tribe unless a new or replacement
3 home is provided for such household: *Provided further*,
4 That no relocatee will be provided with more than one new
5 or replacement home: *Provided further*, That the Office
6 shall relocate any certified eligible relocatees who have se-
7 lected and received an approved homesite on the Navajo
8 reservation or selected a replacement residence off the
9 Navajo reservation or on the land acquired pursuant to
10 25 U.S.C. 640d–10.

11 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
12 CULTURE AND ARTS DEVELOPMENT

13 PAYMENT TO THE INSTITUTE

14 For payment to the Institute of American Indian and
15 Alaska Native Culture and Arts Development, as author-
16 ized by title XV of Public Law 99–498, as amended (20
17 U.S.C. 56 part A), \$7,900,000.

18 SMITHSONIAN INSTITUTION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Smithsonian Institu-
21 tion, as authorized by law, including research in the fields
22 of art, science, and history; development, preservation, and
23 documentation of the National Collections; presentation of
24 public exhibits and performances; collection, preparation,
25 dissemination, and exchange of information and publica-

1 tions; conduct of education, training, and museum assist-
2 ance programs; maintenance, alteration, operation, lease
3 (for terms not to exceed 30 years), and protection of build-
4 ings, facilities, and approaches; not to exceed \$100,000
5 for services as authorized by 5 U.S.C. 3109; and purchase,
6 rental, repair, and cleaning of uniforms for employees,
7 \$593,400,000, of which not to exceed \$19,352,000 for the
8 instrumentation program, collections acquisition, exhi-
9 bition reinstallation, the National Museum of African
10 American History and Culture, and the repatriation of
11 skeletal remains program shall remain available until ex-
12 pended; and of which \$1,553,000 for fellowships and
13 scholarly awards shall remain available until September
14 30, 2010; and including such funds as may be necessary
15 to support American overseas research centers: *Provided,*
16 That funds appropriated herein are available for advance
17 payments to independent contractors performing research
18 services or participating in official Smithsonian presen-
19 tations.

20 FACILITIES CAPITAL

21 For necessary expenses of repair, revitalization, and
22 alteration of facilities owned or occupied by the Smithso-
23 nian Institution, by contract or otherwise, as authorized
24 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
25 and for construction, including necessary personnel,

1 \$123,000,000, to remain available until expended, of
2 which not to exceed \$10,000 is for services as authorized
3 by 5 U.S.C. 3109.

4 LEGACY FUND

5 For major restoration, renovation, and rehabilitation
6 of existing Smithsonian facilities, \$15,000,000, to remain
7 available until expended: *Provided*, That such funds may
8 be made available in incremental amounts for individual
9 projects after being matched by an equal amount in pri-
10 vate donations, which shall not include in-kind contribu-
11 tions: *Provided further*, That none of the funds made avail-
12 able under this heading, or any required matching funds,
13 shall be used for day-to-day maintenance, general salaries
14 and expenses, or programmatic purposes: *Provided further*,
15 That the total amount of private contributions may be ad-
16 justed to reflect any provision in this or any other appro-
17 priations Act that affects the overall amount of the Fed-
18 eral appropriation for this Fund.

19 NATIONAL GALLERY OF ART

20 SALARIES AND EXPENSES

21 For the upkeep and operations of the National Gal-
22 lery of Art, the protection and care of the works of art
23 therein, and administrative expenses incident thereto, as
24 authorized by the Act of March 24, 1937 (50 Stat. 51),
25 as amended by the public resolution of April 13, 1939
26 (Public Resolution 9, Seventy-sixth Congress), including

1 services as authorized by 5 U.S.C. 3109; payment in ad-
2 vance when authorized by the treasurer of the Gallery for
3 membership in library, museum, and art associations or
4 societies whose publications or services are available to
5 members only, or to members at a price lower than to the
6 general public; purchase, repair, and cleaning of uniforms
7 for guards, and uniforms, or allowances therefor, for other
8 employees as authorized by law (5 U.S.C. 5901–5902);
9 purchase or rental of devices and services for protecting
10 buildings and contents thereof, and maintenance, alter-
11 ation, improvement, and repair of buildings, approaches,
12 and grounds; and purchase of services for restoration and
13 repair of works of art for the National Gallery of Art by
14 contracts made, without advertising, with individuals,
15 firms, or organizations at such rates or prices and under
16 such terms and conditions as the Gallery may deem prop-
17 er, \$105,388,000, of which not to exceed \$3,350,000 for
18 the special exhibition program shall remain available until
19 expended.

20 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

21 For necessary expenses of repair, restoration and
22 renovation of buildings, grounds and facilities owned or
23 occupied by the National Gallery of Art, by contract or
24 otherwise, as authorized, \$17,368,000, to remain available
25 until expended: *Provided*, That contracts awarded for envi-
26 ronmental systems, protection systems, and exterior repair

1 or renovation of buildings of the National Gallery of Art
2 may be negotiated with selected contractors and awarded
3 on the basis of contractor qualifications as well as price.

4 JOHN F. KENNEDY CENTER FOR THE PERFORMING
5 ARTS
6 OPERATIONS AND MAINTENANCE

7 For necessary expenses for the operation, mainte-
8 nance and security of the John F. Kennedy Center for
9 the Performing Arts, \$21,300,000.

10 CAPITAL REPAIR AND RESTORATION

11 For necessary expenses for capital repair and restora-
12 tion of the existing features of the building and site of
13 the John F. Kennedy Center for the Performing Arts,
14 \$15,064,000, to remain available until expended.

15 WOODROW WILSON INTERNATIONAL CENTER FOR
16 SCHOLARS

17 SALARIES AND EXPENSES

18 For expenses necessary in carrying out the provisions
19 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
20 1356) including hire of passenger vehicles and services as
21 authorized by 5 U.S.C. 3109, \$10,000,000.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES
3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses to carry out the National
7 Foundation on the Arts and the Humanities Act of 1965,
8 as amended, \$155,000,000 shall be available to the Na-
9 tional Endowment for the Arts for the support of projects
10 and productions in the arts, including arts education and
11 public outreach activities, through assistance to organiza-
12 tions and individuals pursuant to section 5 of the Act, for
13 program support, and for administering the functions of
14 the Act, to remain available until expended: *Provided*,
15 That funds appropriated herein shall be expended in ac-
16 cordance with sections 309 and 311 of Public Law 108-
17 447: *Provided further*, That hereinafter funds previously
18 appropriated to the National Endowment for the Arts
19 “Challenge America” account may be transferred to and
20 merged with this account.

21 NATIONAL ENDOWMENT FOR THE HUMANITIES
22 GRANTS AND ADMINISTRATION

23 For necessary expenses to carry out the National
24 Foundation on the Arts and the Humanities Act of 1965,
25 as amended, \$155,000,000, to remain available until ex-
26 pended, of which \$140,700,000 shall be available for sup-

1 port of activities in the humanities, pursuant to section
2 7(c) of the Act and for administering the functions of the
3 Act; and \$14,300,000 shall be available to carry out the
4 matching grants program pursuant to section 10(a)(2) of
5 the Act including \$9,300,000 for the purposes of section
6 7(h): *Provided*, That appropriations for carrying out sec-
7 tion 10(a)(2) shall be available for obligation only in such
8 amounts as may be equal to the total amounts of gifts,
9 bequests, and devises of money, and other property accept-
10 ed by the chairman or by grantees of the Endowment
11 under the provisions of subsections 11(a)(2)(B) and
12 11(a)(3)(B) during the current and preceding fiscal years
13 for which equal amounts have not previously been appro-
14 priated.

15 ADMINISTRATIVE PROVISION

16 None of the funds appropriated to the National
17 Foundation on the Arts and the Humanities may be used
18 to process any grant or contract documents which do not
19 include the text of 18 U.S.C. 1913: *Provided*, That none
20 of the funds appropriated to the National Foundation on
21 the Arts and the Humanities may be used for official re-
22 ception and representation expenses: *Provided further*,
23 That funds from nonappropriated sources may be used as
24 necessary for official reception and representation ex-
25 penses: *Provided further*, That the Chairperson of the Na-
26 tional Endowment for the Arts may approve grants of up

1 to \$10,000, if in the aggregate this amount does not ex-
2 ceed 5 percent of the sums appropriated for grant-making
3 purposes per year: *Provided further*, That such small grant
4 actions are taken pursuant to the terms of an expressed
5 and direct delegation of authority from the National Coun-
6 cil on the Arts to the Chairperson.

7 COMMISSION OF FINE ARTS

8 SALARIES AND EXPENSES

9 For expenses made necessary by the Act establishing
10 a Commission of Fine Arts (40 U.S.C. 104), \$2,234,000:
11 *Provided*, That the Commission is authorized to charge
12 fees to cover the full costs of its publications, and such
13 fees shall be credited to this account as an offsetting col-
14 lection, to remain available until expended without further
15 appropriation.

16 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

17 For necessary expenses as authorized by Public Law
18 99–190 (20 U.S.C. 956a), as amended, \$9,500,000: *Pro-*
19 *vided*, That no organization shall receive a grant in excess
20 of \$650,000 in a single year.

21 ADVISORY COUNCIL ON HISTORIC PRESERVATION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Advisory Council on
24 Historic Preservation (Public Law 89–665, as amended),
25 \$5,498,000: *Provided*, That none of these funds shall be

1 available for compensation of level V of the Executive
2 Schedule or higher positions.

3 NATIONAL CAPITAL PLANNING COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, as authorized by the Na-
6 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
7 including services as authorized by 5 U.S.C. 3109,
8 \$8,328,000: *Provided*, That one-quarter of 1 percent of
9 the funds provided under this heading may be used for
10 official reception and representational expenses associated
11 with hosting international visitors engaged in the planning
12 and physical development of world capitals.

13 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

14 HOLOCAUST MEMORIAL MUSEUM

15 For expenses of the Holocaust Memorial Museum, as
16 authorized by Public Law 106–292 (36 U.S.C. 2301–
17 2310), \$47,260,000, of which \$515,000 for the Museum’s
18 equipment replacement program, \$1,900,000 for the mu-
19 seum’s repair and rehabilitation program and \$1,264,000
20 for the museum’s exhibition design and production pro-
21 gram shall remain available until expended.

22 PRESIDIO TRUST

23 PRESIDIO TRUST FUND

24 For necessary expenses to carry out title I of the Om-
25 nibus Parks and Public Lands Management Act of 1996,

1 \$17,450,000 shall be available to the Presidio Trust, to
2 remain available until expended.

3 DWIGHT D. EISENHOWER MEMORIAL COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, including the costs of con-
6 struction design, of the Dwight D. Eisenhower Memorial
7 Commission, \$2,000,000, to remain available until ex-
8 pended.

9 TITLE IV

10 GENERAL PROVISIONS

11 (INCLUDING TRANSFERS OF FUNDS)

12 SEC. 401. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
15 to those contracts where such expenditures are a matter
16 of public record and available for public inspection, except
17 where otherwise provided under existing law, or under ex-
18 isting Executive Order issued pursuant to existing law.

19 SEC. 402. No part of any appropriation contained in
20 this Act shall be available for any activity or the publica-
21 tion or distribution of literature that in any way tends to
22 promote public support or opposition to any legislative
23 proposal on which Congressional action is not complete
24 other than to communicate to Members of Congress as
25 described in 18 U.S.C. 1913.

1 SEC. 403. No part of any appropriation contained in
2 this Act shall remain available for obligation beyond the
3 current fiscal year unless expressly so provided herein.

4 SEC. 404. None of the funds provided in this Act to
5 any department or agency shall be obligated or expended
6 to provide a personal cook, chauffeur, or other personal
7 servants to any officer or employee of such department
8 or agency except as otherwise provided by law.

9 SEC. 405. Estimated overhead charges, deductions,
10 reserves or holdbacks from programs, projects, activities
11 and subactivities to support government-wide, depart-
12 mental, agency or bureau administrative functions or
13 headquarters, regional or central operations shall be pre-
14 sented in annual budget justifications and subject to ap-
15 proval by the Committees on Appropriations. Changes to
16 such estimates shall be presented to the Committees on
17 Appropriations for approval.

18 SEC. 406. None of the funds made available in this
19 Act may be transferred to any department, agency, or in-
20 strumentality of the United States Government except
21 pursuant to a transfer made by, or transfer provided in,
22 this Act or any other Act.

23 SEC. 407. None of the funds in this Act may be used
24 to plan, prepare, or offer for sale timber from trees classi-
25 fied as giant sequoia (*Sequoiadendron giganteum*) which

1 are located on National Forest System or Bureau of Land
2 Management lands in a manner different than such sales
3 were conducted in fiscal year 2006.

4 SEC. 408. (a) LIMITATION OF FUNDS.—None of the
5 funds appropriated or otherwise made available pursuant
6 to this Act shall be obligated or expended to accept or
7 process applications for a patent for any mining or mill
8 site claim located under the general mining laws.

9 (b) EXCEPTIONS.—The provisions of subsection (a)
10 shall not apply if the Secretary of the Interior determines
11 that, for the claim concerned: (1) a patent application was
12 filed with the Secretary on or before September 30, 1994;
13 and (2) all requirements established under sections 2325
14 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
15 for vein or lode claims and sections 2329, 2330, 2331,
16 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
17 37) for placer claims, and section 2337 of the Revised
18 Statutes (30 U.S.C. 42) for mill site claims, as the case
19 may be, were fully complied with by the applicant by that
20 date.

21 (c) REPORT.—On September 30, 2009, the Secretary
22 of the Interior shall file with the House and Senate Com-
23 mittees on Appropriations and the Committee on Natural
24 Resources of the House of Representatives and the Com-
25 mittee on Energy and Natural Resources of the Senate

1 a report on actions taken by the Department under the
2 plan submitted pursuant to section 314(e) of the Depart-
3 ment of the Interior and Related Agencies Appropriations
4 Act, 1997 (Public Law 104–208).

5 (d) MINERAL EXAMINATIONS.—In order to process
6 patent applications in a timely and responsible manner,
7 upon the request of a patent applicant, the Secretary of
8 the Interior shall allow the applicant to fund a qualified
9 third-party contractor to be selected by the Bureau of
10 Land Management to conduct a mineral examination of
11 the mining claims or mill sites contained in a patent appli-
12 cation as set forth in subsection (b). The Bureau of Land
13 Management shall have the sole responsibility to choose
14 and pay the third-party contractor in accordance with the
15 standard procedures employed by the Bureau of Land
16 Management in the retention of third-party contractors.

17 SEC. 409. Notwithstanding any other provision of
18 law, amounts appropriated to or otherwise designated in
19 committee reports for the Bureau of Indian Affairs and
20 the Indian Health Service by Public Laws 103–138, 103–
21 332, 104–134, 104–208, 105–83, 105–277, 106–113,
22 106–291, 107–63, 108–7, 108–108, 108–447, 109–54,
23 109–289, division B and Continuing Appropriations Reso-
24 lution, 2007 (division B of Public Law 109–289, as
25 amended by Public Laws 110–5 and 110–28), and Public

1 Law 110–161 for payments for contract support costs as-
2 sociated with self-determination or self-governance con-
3 tracts, grants, compacts, or annual funding agreements
4 with the Bureau of Indian Affairs or the Indian Health
5 Service as funded by such Acts, are the total amounts
6 available for fiscal years 1994 through 2008 for such pur-
7 poses, except that for the Bureau of Indian Affairs, tribes
8 and tribal organizations may use their tribal priority allo-
9 cations for unmet contract support costs of ongoing con-
10 tracts, grants, self-governance compacts, or annual fund-
11 ing agreements.

12 SEC. 410. Prior to October 1, 2009, the Secretary
13 of Agriculture shall not be considered to be in violation
14 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
15 Renewable Resources Planning Act of 1974 (16 U.S.C.
16 1604(f)(5)(A)) solely because more than 15 years have
17 passed without revision of the plan for a unit of the Na-
18 tional Forest System. Nothing in this section exempts the
19 Secretary from any other requirement of the Forest and
20 Rangeland Renewable Resources Planning Act (16 U.S.C.
21 1600 et seq.) or any other law: *Provided*, That if the Sec-
22 retary is not acting expeditiously and in good faith, within
23 the funding available, to revise a plan for a unit of the
24 National Forest System, this section shall be void with re-

1 spect to such plan and a court of proper jurisdiction may
2 order completion of the plan on an accelerated basis.

3 SEC. 411. No funds provided in this Act may be ex-
4 pended to conduct preleasing, leasing and related activities
5 under either the Mineral Leasing Act (30 U.S.C. 181 et
6 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
7 1331 et seq.) within the boundaries of a National Monu-
8 ment established pursuant to the Act of June 8, 1906 (16
9 U.S.C. 431 et seq.) as such boundary existed on January
10 20, 2001, except where such activities are allowed under
11 the Presidential proclamation establishing such monu-
12 ment.

13 SEC. 412. In entering into agreements with foreign
14 countries pursuant to the Wildfire Suppression Assistance
15 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
16 the Secretary of the Interior are authorized to enter into
17 reciprocal agreements in which the individuals furnished
18 under said agreements to provide wildfire services are con-
19 sidered, for purposes of tort liability, employees of the
20 country receiving said services when the individuals are
21 engaged in fire suppression: *Provided*, That the Secretary
22 of Agriculture or the Secretary of the Interior shall not
23 enter into any agreement under this provision unless the
24 foreign country (either directly or through its fire organi-
25 zation) agrees to assume any and all liability for the acts

1 or omissions of American firefighters engaged in fire-
2 fighting in a foreign country: *Provided further*, That when
3 an agreement is reached for furnishing fire fighting serv-
4 ices, the only remedies for acts or omissions committed
5 while fighting fires shall be those provided under the laws
6 of the host country, and those remedies shall be the exclu-
7 sive remedies for any claim arising out of fighting fires
8 in a foreign country: *Provided further*, That neither the
9 sending country nor any legal organization associated with
10 the firefighter shall be subject to any legal action whatso-
11 ever pertaining to or arising out of the firefighter's role
12 in fire suppression.

13 SEC. 413. In awarding a Federal contract with funds
14 made available by this Act, notwithstanding Federal Gov-
15 ernment procurement and contracting laws, the Secretary
16 of Agriculture and the Secretary of the Interior (the "Sec-
17 retaries") may, in evaluating bids and proposals, give con-
18 sideration to local contractors who are from, and who pro-
19 vide employment and training for, dislocated and displaced
20 workers in an economically disadvantaged rural commu-
21 nity, including those historically timber-dependent areas
22 that have been affected by reduced timber harvesting on
23 Federal lands and other forest-dependent rural commu-
24 nities isolated from significant alternative employment op-
25 portunities: *Provided*, That notwithstanding Federal Gov-

1 ernment procurement and contracting laws the Secretaries
2 may award contracts, grants or cooperative agreements to
3 local non-profit entities, Youth Conservation Corps or re-
4 lated partnerships with State, local or non-profit youth
5 groups, or small or micro-business or disadvantaged busi-
6 ness: *Provided further*, That the contract, grant, or cooper-
7 ative agreement is for forest hazardous fuels reduction,
8 watershed or water quality monitoring or restoration, wild-
9 life or fish population monitoring, or habitat restoration
10 or management: *Provided further*, That the terms “rural
11 community” and “economically disadvantaged” shall have
12 the same meanings as in section 2374 of Public Law 101-
13 624: *Provided further*, That the Secretaries shall develop
14 guidance to implement this section: *Provided further*, That
15 nothing in this section shall be construed as relieving the
16 Secretaries of any duty under applicable procurement
17 laws, except as provided in this section.

18 SEC. 414. None of the funds made available by this
19 or any other Act may be used in fiscal year 2009 for com-
20 petitive sourcing studies and any related activities involv-
21 ing Forest Service personnel.

22 SEC. 415. Unless otherwise provided herein, no funds
23 appropriated in this Act for the acquisition of lands or
24 interests in lands may be expended for the filing of dec-
25 larations of taking or complaints in condemnation without

1 the approval of the House and Senate Committees on Ap-
2 propriations: *Provided*, That this provision shall not apply
3 to funds appropriated to implement the Everglades Na-
4 tional Park Protection and Expansion Act of 1989, or to
5 funds appropriated for Federal assistance to the State of
6 Florida to acquire lands for Everglades restoration pur-
7 poses.

8 SEC. 416. None of the funds made available under
9 this Act may be used to promulgate or implement the En-
10 vironmental Protection Agency proposed regulations pub-
11 lished in the Federal Register on January 3, 2007 (72
12 Fed. Reg. 69).

13 SEC. 417. Section 337(a) of the Department of the
14 Interior and Related Agencies Appropriations Act, 2005
15 (Public Law 108–447; 118 Stat. 3012) is amended by
16 striking “September 30, 2006” and inserting “September
17 30, 2010”.

18 SEC. 418. Section 330 of Public Law 106–291 con-
19 cerning Service First authorities (114 Stat. 996), as
20 amended by section 428 of Public Law 109–54 (119 Stat.
21 555–556), is further amended by striking “2008” and in-
22 serting in lieu thereof “2011”.

23 SEC. 419. Section 422 of title IV of division F of
24 Public Law 110–161 is amended by inserting after “fiscal

1 year 2007” the following: “and subsequent fiscal years
2 through fiscal year 2014”.

3 SEC. 420. In addition to the amounts otherwise pro-
4 vided to the Environmental Protection Agency in this Act,
5 \$8,000,000, to remain available until expended, is pro-
6 vided to EPA to be transferred to the Department of the
7 Navy for clean-up activities at the Treasure Island Naval
8 Station—Hunters Point Annex.

9 SEC. 421. The boundaries of the Tongass National
10 Forest in the State of Alaska are modified to include the
11 approximately 1,043.38 acres of land acquired by the
12 United States from the Alaska Mental Health Trust Au-
13 thority, which is more particularly described as lots 1-B
14 and 1-C, Mt. Verstovia-Gavan Hill Subdivision of U.S.
15 Survey No. 3858 and U.S. Survey No. 3849.

16 SEC. 422. Title V of the Forest Service Realignment
17 and Enhancement Act, 2005, Public Law 109–54, 119
18 Stat. 559–563; 16 U.S.C. 580d note, is amended as fol-
19 lows:

20 (1) In section 503, subsection (f) by striking
21 “2008” and inserting in lieu thereof “2011” and;

22 (2) In section 504—

23 (A) in subsection (a)(3) by striking in
24 whole, and inserting in lieu thereof “TERMS,
25 CONDITIONS, AND RESERVATIONS.—The con-

1 veyance of an administrative site under this
2 title shall be subject to such terms, conditions,
3 and reservations as the Secretary determines to
4 be necessary to protect the public interest”;

5 (B) in subsection (d)(1) by striking “Sub-
6 chapter I of chapter 5”, and inserting in lieu
7 thereof “Chapter 5 of subtitle I”; and

8 (C) in subsection (d)(4)(B) by striking in
9 whole, and inserting in lieu thereof “determine
10 whether to include terms, conditions, and res-
11 ervations under subsection (a)(3); and”.

12 Sec. 423. LAKE TAHOE BASIN HAZARDOUS FUEL
13 REDUCTION PROJECTS. (a) Hereafter, subject to sub-
14 section (b), a proposal to authorize a hazardous fuel re-
15 duction project, not to exceed 5,000 acres, including no
16 more than 1,500 acres of mechanical thinning, on the
17 Lake Tahoe Basin Management Unit may be categorically
18 excluded from documentation in an environmental impact
19 statement or an environmental assessment under the Na-
20 tional Environmental Policy Act of 1969 (NEPA) (42
21 U.S.C. 4321 et seq.) if the project:

22 (1) is consistent with the Lake Tahoe Basin
23 Multi-Jurisdictional Fuel Reduction and Wildfire
24 Prevention Strategy published in December 2007
25 and any subsequent revisions to the Strategy;

1 (2) is not conducted in any wilderness areas;
2 and

3 (3) does not involve any new permanent roads.

4 (b) A proposal that is categorically excluded under
5 this section shall be subject to—

6 (1) the extraordinary circumstances procedures
7 established by the Forest Service pursuant to section
8 1508.4 of title 40, Code of Federal Regulations; and

9 (2) an opportunity for public input.

10 SEC. 424. Not later than June 30, 2009, the Admin-
11 istrator of the Environmental Protection Agency shall re-
12 consider, and confirm or reverse, the decision to deny the
13 request of the State of California to regulate greenhouse
14 gas emissions from new motor vehicles.

15 SEC. 425. TOXICS RELEASE INVENTORY REPORTING.
16 Notwithstanding any other provision of law—

17 (1) none of the funds made available by this or
18 any other Act may, hereafter, be used to implement
19 the final rule promulgated by the Administrator of
20 the Environmental Protection Agency entitled
21 “Toxics Release Inventory Burden Reduction Final
22 Rule” (71 Fed. Reg. 76932); and

23 (2) the final rule described in paragraph (1)
24 shall have no force or effect. The affected regulatory
25 text shall revert to what it was before the final rule

1 described in paragraph (1) became effective, until
2 any future action taken by the Administrator.

3 SEC. 426. Section 325 of Public Law 108–108 is
4 amended by striking “fiscal years 2004–2008” and insert-
5 ing “fiscal year 2009.”

6 SEC. 427. The Secretary of Agriculture and the Sec-
7 retary of the Interior shall execute an agreement that
8 transfers management and oversight including transfer of
9 function for the workforce, of the Centennial, Collbran,
10 Columbia Basin, Fort Simcoe, Treasure Lake, and Weber
11 Basin Job Corps Centers to the Forest Service. These Job
12 Corps centers shall continue to be administered as de-
13 scribed in section 147(c) of Public Law 105–220, Work-
14 force Investment Act of 1998.

15 SEC. 428. Section 434 of division F of Public Law
16 110–161 is amended by striking paragraph (3) and insert-
17 ing a new paragraph (3) as follows:

18 “(3) By adding at the end the following:

19 ““(m) Section 106 of Public Law 108–148 shall
20 apply to all projects authorized by this Act. Sections 104
21 and 105 of Public Law 108–148 may be applied to
22 projects authorized by this Act.’.”

23 SEC. 429. (a) During the 60-day period beginning on
24 the date of the enactment of this Act—

1 (1) the Secretary of the Interior and the Sec-
2 retary of Commerce may withdraw or reissue the
3 rule described in subsection (c)(1) without regard to
4 any provision of statute or regulation that estab-
5 lishes a requirement for such withdrawal; and

6 (2) the Secretary of the Interior may withdraw
7 or reissue the rule referred to in subsection (c)(2)
8 without regard to any provision of statute or regula-
9 tion that establishes a requirement for such with-
10 drawal.

11 (b) If the Secretary of the Interior or the Secretary
12 of Commerce (or both) withdraws a rule under subsection
13 (a), such Secretary shall implement the provisions of law
14 under which the rule was issued in accordance with the
15 regulations in effect under such provisions immediately be-
16 fore the effective date of such rule, except as otherwise
17 provided by any Act or rule that takes effect after the ef-
18 fective date of the rule that is withdrawn.

19 (c) The rules referred to in subsection (a) are the
20 following:

21 (1) The final rule relating to “Interagency Co-
22 operation under the Endangered Species Act”,
23 issued by the United States Fish and Wildlife Serv-
24 ice and the National Marine Fisheries Service and
25 signed November 26, 2008, by the Assistant Sec-

1 retary of Fish and Wildlife and Parks of the Depart-
2 ment of the Interior and the Deputy Assistant Ad-
3 ministrators for the Regulatory Programs of the Na-
4 tional Marine Fisheries Service.

5 (2) The final rule relating to “Endangered and
6 Threatened Wildlife and Plants; Special Rule for the
7 Polar Bear”, issued by the Assistant Secretary of
8 Fish and Wildlife and Parks of the Department of
9 the Interior on December 10, 2008.

10 SEC. 430. Within the amounts appropriated in this
11 division, funding shall be allocated in the amounts speci-
12 fied for those projects and purposes delineated in the table
13 titled “Congressionally Directed Spending” included in the
14 explanatory statement accompanying this Act (as de-
15 scribed in section 4, in the matter preceding division A
16 of this consolidated Act).

17 This division may be cited as the “Department of the
18 Interior, Environment, and Related Agencies Appropria-
19 tions Act, 2009”.

1 DIVISION F—DEPARTMENTS OF LABOR,
2 HEALTH AND HUMAN SERVICES, AND EDU-
3 CATION, AND RELATED AGENCIES APPRO-
4 PRIATIONS ACT, 2009

5 TITLE I

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Investment
10 Act of 1998 (“WIA”), the Denali Commission Act of
11 1998, and the Women in Apprenticeship and Non-Tradi-
12 tional Occupations Act of 1992, including the purchase
13 and hire of passenger motor vehicles, the construction, al-
14 teration, and repair of buildings and other facilities, and
15 the purchase of real property for training centers as au-
16 thorized by the WIA; \$3,626,448,000, plus reimburse-
17 ments, shall be available. Of the amounts provided:

18 (1) for grants to States for adult employment
19 and training activities, youth activities, and dis-
20 located worker employment and training activities,
21 \$2,969,449,000 as follows:

22 (A) \$861,540,000 for adult employment
23 and training activities, of which \$149,540,000
24 shall be available for the period July 1, 2009,
25 through June 30, 2010, and of which

1 \$712,000,000 shall be available for the period
2 October 1, 2009 through June 30, 2010;

3 (B) \$924,069,000 for youth activities,
4 which shall be available for the period April 1,
5 2009 through June 30, 2010; and

6 (C) \$1,183,840,000 for dislocated worker
7 employment and training activities, of which
8 \$335,840,000 shall be available for the period
9 July 1, 2009 through June 30, 2010, and of
10 which \$848,000,000 shall be available for the
11 period October 1, 2009 through June 30, 2010:

12 *Provided*, That notwithstanding the transfer limita-
13 tion under section 133(b)(4) of the WIA, up to 30
14 percent of such funds may be transferred by a local
15 board if approved by the Governor;

16 (2) for federally administered programs,
17 \$489,429,000 as follows:

18 (A) \$283,051,000 for the dislocated work-
19 ers assistance national reserve, of which
20 \$71,051,000 shall be available for the period
21 July 1, 2009 through June 30, 2010, and of
22 which \$212,000,000 shall be available for the
23 period October 1, 2009 through June 30, 2010:

24 *Provided*, That up to \$125,000,000 may be
25 made available for Community-Based Job

1 Training grants from funds reserved under sec-
2 tion 132(a)(2)(A) of the WIA and shall be used
3 to carry out such grants under section 171(d)
4 of such Act, except that the 10 percent limita-
5 tion otherwise applicable to the amount of
6 funds that may be used to carry out section
7 171(d) shall not be applicable to funds used for
8 Community-Based Job Training grants: *Pro-*
9 *vided further*, That funds provided to carry out
10 section 132(a)(2)(A) of the WIA may be used
11 to provide assistance to a State for State-wide
12 or local use in order to address cases where
13 there have been worker dislocations across mul-
14 tiple sectors or across multiple local areas and
15 such workers remain dislocated; coordinate the
16 State workforce development plan with emerg-
17 ing economic development needs; and train such
18 eligible dislocated workers: *Provided further*,
19 That funds provided to carry out section 171(d)
20 of the WIA may be used for demonstration
21 projects that provide assistance to new entrants
22 in the workforce and incumbent workers;

23 (B) \$52,758,000 for Native American pro-
24 grams, which shall be available for the period
25 July 1, 2009 through June 30, 2010;

1 (C) \$82,620,000 for migrant and seasonal
2 farmworker programs under section 167 of the
3 WIA, including \$76,710,000 for formula grants
4 (of which not less than 70 percent shall be for
5 employment and training services), \$5,400,000
6 for migrant and seasonal housing (of which not
7 less than 70 percent shall be for permanent
8 housing), and \$510,000 for other discretionary
9 purposes, which shall be available for the period
10 July 1, 2009 through June 30, 2010: *Provided*,
11 That notwithstanding any other provision of
12 law or related regulation, the Department of
13 Labor shall take no action limiting the number
14 or proportion of eligible participants receiving
15 related assistance services or discouraging
16 grantees from providing such services;

17 (D) \$1,000,000 for carrying out the
18 Women in Apprenticeship and Nontraditional
19 Occupations Act, which shall be available for
20 the period July 1, 2009 through June 30,
21 2010; and

22 (E) \$70,000,000 for YouthBuild activities
23 as described in section 173A of the WIA, which
24 shall be available for the period April 1, 2009
25 through June 30, 2010: *Provided*, That for pro-

1 gram years 2008 and 2009, the YouthBuild
2 program may serve an individual who has
3 dropped out of high school and re-enrolled in an
4 alternative school, if that re-enrollment is part
5 of a sequential service strategy;

6 (3) for national activities, \$167,570,000, as fol-
7 lows:

8 (A) \$48,781,000 for Pilots, Demonstra-
9 tions, and Research, which shall be available for
10 the period April 1, 2009 through June 30,
11 2010, of which \$5,000,000 shall be for competi-
12 tive grants to address the employment and
13 training needs of young parents (notwith-
14 standing the requirements of section
15 171(b)(2)(B) or 171(c)(4)(D) of the WIA), and
16 of which \$41,324,000 shall be used for the
17 projects, and in the amounts, specified under
18 the heading “Training and Employment Serv-
19 ices” in the explanatory statement described in
20 section 4 (in the matter preceding division A of
21 this consolidated Act): *Provided*, That funding
22 provided to carry out such projects shall not be
23 subject to the requirements of sections
24 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the
25 joint funding requirements of sections

1 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or
2 any time limit requirements of sections
3 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

4 (B) \$108,493,000 for ex-offender activi-
5 ties, under the authority of section 171 of the
6 WIA, which shall be available for the period
7 April 1, 2009 through June 30, 2010, notwith-
8 standing the requirements of section
9 171(b)(2)(B) or 171(c)(4)(D): *Provided*, That
10 not less than \$88,500,000 shall be for youthful
11 offender activities, of which \$35,000,000 shall
12 be for a program of competitive grants to local
13 educational agencies or community-based orga-
14 nizations to develop and implement mentoring
15 strategies that integrate educational and em-
16 ployment interventions designed to prevent
17 youth violence in schools identified as persist-
18 ently dangerous under section 9532 of the Ele-
19 mentary and Secondary Education Act;

20 (C) \$6,918,000 for Evaluation, which shall
21 be available for the period July 1, 2009 through
22 June 30, 2010; and

23 (D) \$3,378,000 for the Denali Commis-
24 sion, which shall be available for the period
25 July 1, 2009 through June 30, 2010.

1 Administration Account in the Unemployment Trust Fund
2 (“the Trust Fund”), of which:

3 (1) \$2,782,145,000 from the Trust Fund is for
4 grants to States for the administration of State un-
5 employment insurance laws as authorized under title
6 III of the Social Security Act (including
7 \$10,000,000 to conduct in-person reemployment and
8 eligibility assessments and unemployment insurance
9 improper payment reviews), the administration of
10 unemployment insurance for Federal employees and
11 for ex-service members as authorized under 5 U.S.C.
12 8501–8523, and the administration of trade read-
13 justment allowances and alternative trade adjust-
14 ment assistance under the Trade Act of 1974, and
15 shall be available for obligation by the States
16 through December 31, 2009, except that funds used
17 for automation acquisitions shall be available for ob-
18 ligation by the States through September 30, 2011,
19 and funds used for unemployment insurance work-
20 loads experienced by the States through September
21 30, 2009 shall be available for Federal obligation
22 through December 31, 2009;

23 (2) \$11,310,000 from the Trust Fund is for na-
24 tional activities necessary to support the administra-

1 tion of the Federal-State unemployment insurance
2 system;

3 (3) \$680,893,000 from the Trust Fund, to-
4 gether with \$22,683,000 from the General Fund of
5 the Treasury, is for grants to States in accordance
6 with section 6 of the Wagner-Peyser Act, and shall
7 be available for Federal obligation for the period
8 July 1, 2009 through June 30, 2010;

9 (4) \$20,869,000 from the Trust Fund is for na-
10 tional activities of the Employment Service, includ-
11 ing administration of the work opportunity tax cred-
12 it under section 51 of the Internal Revenue Code of
13 1986, and the provision of technical assistance and
14 staff training under the Wagner-Peyser Act, includ-
15 ing not to exceed \$1,228,000 that may be used for
16 amortization payments to States which had inde-
17 pendent retirement plans in their State employment
18 service agencies prior to 1980;

19 (5) \$67,950,000 from the Trust Fund is for the
20 administration of foreign labor certifications and re-
21 lated activities under the Immigration and Nation-
22 ality Act and related laws, of which \$52,821,000
23 shall be available for the Federal administration of
24 such activities, and \$15,129,000 shall be available

1 for grants to States for the administration of such
2 activities;

3 (6) \$51,720,000 from the General Fund is to
4 provide workforce information, national electronic
5 tools, and one-stop system building under the Wag-
6 ner-Peyser Act and section 171 (e)(2)(C) of the
7 Workforce Investment Act of 1998 and shall be
8 available for Federal obligation for the period July
9 1, 2009 through June 30, 2010; and

10 (7) \$17,295,000 from the General Fund is to
11 provide for work incentive grants to the States and
12 shall be available for the period July 1, 2009
13 through June 30, 2010:

14 *Provided*, That to the extent that the Average Weekly In-
15 sured Unemployment (“AWIU”) for fiscal year 2009 is
16 projected by the Department of Labor to exceed
17 3,487,000, an additional \$28,600,000 from the Trust
18 Fund shall be available for obligation for every 100,000
19 increase in the AWIU level (including a pro rata amount
20 for any increment less than 100,000) to carry out title
21 III of the Social Security Act: *Provided further*, That
22 funds appropriated in this Act that are allotted to a State
23 to carry out activities under title III of the Social Security
24 Act may be used by such State to assist other States in
25 carrying out activities under such title III if the other

1 States include areas that have suffered a major disaster
2 declared by the President under the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act: *Provided*
4 *further*, That the Secretary of Labor may use funds appro-
5 priated for grants to States under title III of the Social
6 Security Act to make payments on behalf of States for
7 the use of the National Directory of New Hires under sec-
8 tion 453(j)(8) of such Act: *Provided further*, That funds
9 appropriated in this Act which are used to establish a na-
10 tional one-stop career center system, or which are used
11 to support the national activities of the Federal-State un-
12 employment insurance or immigration programs, may be
13 obligated in contracts, grants, or agreements with non-
14 State entities: *Provided further*, That funds appropriated
15 under this Act for activities authorized under title III of
16 the Social Security Act and the Wagner-Peyser Act may
17 be used by States to fund integrated Unemployment In-
18 surance and Employment Service automation efforts, not-
19 withstanding cost allocation principles prescribed under
20 the Office of Management and Budget Circular A-87:
21 *Provided further*, That the Secretary, at the request of a
22 State participating in a consortium with other States, may
23 reallocate funds allotted to such State under title III of the
24 Social Security Act to other States participating in the
25 consortium in order to carry out activities that benefit the

1 administration of the unemployment compensation law of
2 the State making the request.

3 In addition, \$40,000,000 from the Employment Se-
4 curity Administration Account of the Unemployment
5 Trust Fund shall be available to conduct in-person reem-
6 ployment and eligibility assessments and unemployment
7 insurance improper payment reviews: *Provided*, That not
8 later than June 30, 2010, the Secretary shall submit an
9 interim report to the Congress that includes available in-
10 formation on expenditures, number of individuals as-
11 sessed, and outcomes from the assessments: *Provided fur-*
12 *ther*, That not later than June 30, 2011, the Secretary
13 of Labor shall submit to the Congress a final report con-
14 taining comprehensive information on the estimated sav-
15 ings that result from the assessments of claimants and
16 identification of best practices.

17 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
18 OTHER FUNDS

19 For repayable advances to the Unemployment Trust
20 Fund as authorized by sections 905(d) and 1203 of the
21 Social Security Act, and to the Black Lung Disability
22 Trust Fund as authorized by section 9501(c)(1) of the In-
23 ternal Revenue Code of 1954; and for nonrepayable ad-
24 vances to the Unemployment Trust Fund as authorized
25 by 5 U.S.C. 8509, and to the “Federal unemployment ben-

1 efits and allowances” account, to remain available through
2 September 30, 2010, \$422,000,000.

3 In addition, for making repayable advances to the
4 Black Lung Disability Trust Fund in the current fiscal
5 year after September 15, 2009, for costs incurred by the
6 Black Lung Disability Trust Fund in the current fiscal
7 year, such sums as may be necessary.

8 PROGRAM ADMINISTRATION

9 For expenses of administering employment and train-
10 ing programs, \$85,323,000, together with not to exceed
11 \$45,140,000, which may be expended from the Employ-
12 ment Security Administration Account in the Unemploy-
13 ment Trust Fund.

14 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses for the Employee Benefits
17 Security Administration, \$143,419,000.

18 PENSION BENEFIT GUARANTY CORPORATION

19 PENSION BENEFIT GUARANTY CORPORATION FUND

20 The Pension Benefit Guaranty Corporation (“Cor-
21 poration”) is authorized to make such expenditures, in-
22 cluding financial assistance authorized by subtitle E of
23 title IV of the Employee Retirement Income Security Act
24 of 1974, within limits of funds and borrowing authority
25 available to the Corporation, and in accord with law, and
26 to make such contracts and commitments without regard

1 to fiscal year limitations as provided by 31 U.S.C. 9104
2 as may be necessary in carrying out the program, includ-
3 ing associated administrative expenses, through Sep-
4 tember 30, 2009, for the Corporation: *Provided*, That
5 none of the funds available to the Corporation for fiscal
6 year 2009 shall be available for obligations for administra-
7 tive expenses in excess of \$444,722,000: *Provided further*,
8 That to the extent that the number of new plan partici-
9 pants in plans terminated by the Corporation exceeds
10 100,000 in fiscal year 2009, an amount not to exceed an
11 additional \$9,200,000 shall be available for obligation for
12 administrative expenses for every 20,000 additional termi-
13 nated participants: *Provided further*, That an additional
14 \$50,000 shall be made available for obligation for invest-
15 ment management fees for every \$25,000,000 in assets
16 received by the Corporation as a result of new plan termi-
17 nations or asset growth, after approval by the Office of
18 Management and Budget and notification of the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate: *Provided further*, That obligations in ex-
21 cess of the amounts provided in this paragraph may be
22 incurred for unforeseen and extraordinary pre-termination
23 expenses after approval by the Office of Management and
24 Budget and notification of the Committees on Appropria-
25 tions of the House of Representatives and the Senate.

1 EMPLOYMENT STANDARDS ADMINISTRATION
2 SALARIES AND EXPENSES
3 (INCLUDING RESCISSION)

4 For necessary expenses for the Employment Stand-
5 ards Administration, including reimbursement to State,
6 Federal, and local agencies and their employees for inspec-
7 tion services rendered, \$438,166,000, together with
8 \$2,101,000 which may be expended from the Special Fund
9 in accordance with sections 39(c), 44(d), and 44(j) of the
10 Longshore and Harbor Workers' Compensation Act: *Pro-*
11 *vided*, That the Secretary of Labor is authorized to estab-
12 lish and, in accordance with 31 U.S.C 3302, collect and
13 deposit in the Treasury fees for processing applications
14 and issuing certificates under sections 11(d) and 14 of the
15 Fair Labor Standards Act of 1938 and for processing ap-
16 plications and issuing registrations under title I of the Mi-
17 grant and Seasonal Agricultural Worker Protection Act.

18 Of the unobligated funds collected pursuant to sec-
19 tion 286(v) of the Immigration and Nationality Act,
20 \$97,000,000 are rescinded as of September 30, 2009.

21 SPECIAL BENEFITS
22 (INCLUDING TRANSFER OF FUNDS)

23 For the payment of compensation, benefits, and ex-
24 penses (except administrative expenses) accruing during
25 the current or any prior fiscal year authorized by 5 U.S.C.

1 81; continuation of benefits as provided for under the
2 heading “Civilian War Benefits” in the Federal Security
3 Agency Appropriation Act, 1947; the Employees’ Com-
4 pensation Commission Appropriation Act, 1944; sections
5 4(c) and 5(f) of the War Claims Act of 1948; and 50 per-
6 cent of the additional compensation and benefits required
7 by section 10(h) of the Longshore and Harbor Workers’
8 Compensation Act, \$163,000,000, together with such
9 amounts as may be necessary to be charged to the subse-
10 quent year appropriation for the payment of compensation
11 and other benefits for any period subsequent to August
12 15 of the current year: *Provided*, That amounts appro-
13 priated may be used under 5 U.S.C. 8104, by the Sec-
14 retary of Labor to reimburse an employer, who is not the
15 employer at the time of injury, for portions of the salary
16 of a reemployed, disabled beneficiary: *Provided further*,
17 That balances of reimbursements unobligated on Sep-
18 tember 30, 2008, shall remain available until expended for
19 the payment of compensation, benefits, and expenses: *Pro-*
20 *vided further*, That in addition there shall be transferred
21 to this appropriation from the Postal Service and from
22 any other corporation or instrumentality required under
23 5 U.S.C. 8147(c) to pay an amount for its fair share of
24 the cost of administration, such sums as the Secretary de-
25 termines to be the cost of administration for employees

1 of such fair share entities through September 30, 2009:
2 *Provided further*, That of those funds transferred to this
3 account from the fair share entities to pay the cost of ad-
4 ministration of the Federal Employees' Compensation Act,
5 \$52,720,000 shall be made available to the Secretary as
6 follows:

7 (1) For enhancement and maintenance of auto-
8 mated data processing systems and telecommuni-
9 cations systems, \$15,068,000;

10 (2) For automated workload processing oper-
11 ations, including document imaging, centralized mail
12 intake, and medical bill processing, \$23,273,000;

13 (3) For periodic roll management and medical
14 review, \$14,379,000; and

15 (4) The remaining funds shall be paid into the
16 Treasury as miscellaneous receipts:

17 *Provided further*, That the Secretary may require that any
18 person filing a notice of injury or a claim for benefits
19 under 5 U.S.C. 81, or the Longshore and Harbor Work-
20 ers' Compensation Act, provide as part of such notice and
21 claim, such identifying information (including Social Secu-
22 rity account number) as such regulations may prescribe.

23 SPECIAL BENEFITS FOR DISABLED COAL MINERS

24 For carrying out title IV of the Federal Mine Safety
25 and Health Act of 1977, as amended by Public Law 107-
26 275, \$188,130,000, to remain available until expended.

1 For making after July 31 of the current fiscal year,
2 benefit payments to individuals under title IV of such Act,
3 for costs incurred in the current fiscal year, such amounts
4 as may be necessary.

5 For making benefit payments under title IV for the
6 first quarter of fiscal year 2010, \$56,000,000, to remain
7 available until expended.

8 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

9 OCCUPATIONAL ILLNESS COMPENSATION FUND

10 For necessary expenses to administer the Energy
11 Employees Occupational Illness Compensation Program
12 Act, \$49,654,000, to remain available until expended: *Pro-*
13 *vided*, That the Secretary of Labor may require that any
14 person filing a claim for benefits under the Act provide
15 as part of such claim, such identifying information (in-
16 cluding Social Security account number) as may be pre-
17 scribed.

18 BLACK LUNG DISABILITY TRUST FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 In fiscal year 2009 and thereafter, such sums as may
21 be necessary from the Black Lung Disability Trust Fund
22 (“Fund”), to remain available until expended, for payment
23 of all benefits authorized by section 9501(d)(1), (2), (4),
24 and (7) of the Internal Revenue Code of 1954; and inter-
25 est on advances, as authorized by section 9501(c)(2) of
26 that Act. In addition, the following amounts may be ex-

1 pended from the Fund for fiscal year 2009 for expenses
2 of operation and administration of the Black Lung Bene-
3 fits program, as authorized by section 9501(d)(5): not to
4 exceed \$32,308,000 for transfer to the Employment
5 Standards Administration “Salaries and Expenses”; not
6 to exceed \$24,694,000 for transfer to Departmental Man-
7 agement, “Salaries and Expenses”; not to exceed
8 \$325,000 for transfer to Departmental Management, “Of-
9 fice of Inspector General”; and not to exceed \$356,000
10 for payments into miscellaneous receipts for the expenses
11 of the Department of the Treasury.

12 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
13 SALARIES AND EXPENSES

14 For necessary expenses for the Occupational Safety
15 and Health Administration, \$513,042,000, including not
16 to exceed \$92,593,000 which shall be the maximum
17 amount available for grants to States under section 23(g)
18 of the Occupational Safety and Health Act (“Act”), which
19 grants shall be no less than 50 percent of the costs of
20 State occupational safety and health programs required to
21 be incurred under plans approved by the Secretary of
22 Labor under section 18 of the Act; and, in addition, not-
23 withstanding 31 U.S.C. 3302, the Occupational Safety
24 and Health Administration may retain up to \$750,000 per
25 fiscal year of training institute course tuition fees, other-

1 wise authorized by law to be collected, and may utilize
2 such sums for occupational safety and health training and
3 education grants: *Provided*, That, notwithstanding 31
4 U.S.C. 3302, the Secretary is authorized, during the fiscal
5 year ending September 30, 2009, to collect and retain fees
6 for services provided to Nationally Recognized Testing
7 Laboratories, and may utilize such sums, in accordance
8 with the provisions of 29 U.S.C. 9a, to administer national
9 and international laboratory recognition programs that en-
10 sure the safety of equipment and products used by workers
11 in the workplace: *Provided further*, That none of the funds
12 appropriated under this paragraph shall be obligated or
13 expended to prescribe, issue, administer, or enforce any
14 standard, rule, regulation, or order under the Act which
15 is applicable to any person who is engaged in a farming
16 operation which does not maintain a temporary labor
17 camp and employs 10 or fewer employees: *Provided fur-*
18 *ther*, That no funds appropriated under this paragraph
19 shall be obligated or expended to administer or enforce
20 any standard, rule, regulation, or order under the Act with
21 respect to any employer of 10 or fewer employees who is
22 included within a category having a Days Away, Re-
23 stricted, or Transferred (DART) occupational injury and
24 illness rate, at the most precise industrial classification
25 code for which such data are published, less than the na-

1 tional average rate as such rates are most recently pub-
2 lished by the Secretary, acting through the Bureau of
3 Labor Statistics, in accordance with section 24 of the Act,
4 except—

5 (1) to provide, as authorized by the Act, con-
6 sultation, technical assistance, educational and train-
7 ing services, and to conduct surveys and studies;

8 (2) to conduct an inspection or investigation in
9 response to an employee complaint, to issue a cita-
10 tion for violations found during such inspection, and
11 to assess a penalty for violations which are not cor-
12 rected within a reasonable abatement period and for
13 any willful violations found;

14 (3) to take any action authorized by the Act
15 with respect to imminent dangers;

16 (4) to take any action authorized by the Act
17 with respect to health hazards;

18 (5) to take any action authorized by the Act
19 with respect to a report of an employment accident
20 which is fatal to one or more employees or which re-
21 sults in hospitalization of two or more employees,
22 and to take any action pursuant to such investiga-
23 tion authorized by the Act; and

1 (6) to take any action authorized by the Act
2 with respect to complaints of discrimination against
3 employees for exercising rights under the Act:

4 *Provided further*, That the foregoing proviso shall not
5 apply to any person who is engaged in a farming operation
6 which does not maintain a temporary labor camp and em-
7 ploys 10 or fewer employees: *Provided further*, That
8 \$10,000,000 shall be available for Susan Harwood train-
9 ing grants, of which \$3,144,000 shall be used for the In-
10 stitutional Competency Building training grants awarded
11 in February 2008, provided that a grantee has dem-
12 onstrated satisfactory performance: *Provided further*, That
13 such grants shall be awarded not later than 30 days after
14 the date of enactment of this Act.

15 MINE SAFETY AND HEALTH ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Mine Safety and
18 Health Administration, \$347,003,000, including purchase
19 and bestowal of certificates and trophies in connection
20 with mine rescue and first-aid work, and the hire of pas-
21 senger motor vehicles, including up to \$2,000,000 for
22 mine rescue and recovery activities, and \$1,808,000 to
23 continue the project with the United Mine Workers of
24 America, for classroom and simulated rescue training for
25 mine rescue teams; in addition, not to exceed \$750,000

1 may be collected by the National Mine Health and Safety
2 Academy for room, board, tuition, and the sale of training
3 materials, otherwise authorized by law to be collected, to
4 be available for mine safety and health education and
5 training activities, notwithstanding 31 U.S.C. 3302; and,
6 in addition, the Mine Safety and Health Administration
7 may retain up to \$1,000,000 from fees collected for the
8 approval and certification of equipment, materials, and ex-
9 plosives for use in mines, and may utilize such sums for
10 such activities; the Secretary of Labor is authorized to ac-
11 cept lands, buildings, equipment, and other contributions
12 from public and private sources and to prosecute projects
13 in cooperation with other agencies, Federal, State, or pri-
14 vate; the Mine Safety and Health Administration is au-
15 thorized to promote health and safety education and train-
16 ing in the mining community through cooperative pro-
17 grams with States, industry, and safety associations; the
18 Secretary is authorized to recognize the Joseph A. Holmes
19 Safety Association as a principal safety association and,
20 notwithstanding any other provision of law, may provide
21 funds and, with or without reimbursement, personnel, in-
22 cluding service of Mine Safety and Health Administration
23 officials as officers in local chapters or in the national or-
24 ganization; and any funds available to the Department of
25 Labor may be used, with the approval of the Secretary,

1 to provide for the costs of mine rescue and survival oper-
2 ations in the event of a major disaster.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-
6 tistics, including advances or reimbursements to State,
7 Federal, and local agencies and their employees for serv-
8 ices rendered, \$518,918,000, together with not to exceed
9 \$78,264,000, which may be expended from the Employ-
10 ment Security Administration Account in the Unemploy-
11 ment Trust Fund, of which \$1,500,000 may be used to
12 fund the mass layoff statistics program under section 15
13 of the Wagner-Peyser Act: *Provided*, That the Current
14 Employment Survey shall maintain the content of the sur-
15 vey issued prior to June 2005 with respect to the collection
16 of data for the women worker series.

17 OFFICE OF DISABILITY EMPLOYMENT POLICY

18 SALARIES AND EXPENSES

19 For necessary expenses for the Office of Disability
20 Employment Policy to provide leadership, develop policy
21 and initiatives, and award grants furthering the objective
22 of eliminating barriers to the training and employment of
23 people with disabilities, \$26,679,000.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Manage-
4 ment, including the hire of three sedans, and including
5 the management or operation, through contracts, grants
6 or other arrangements of Departmental activities con-
7 ducted by or through the Bureau of International Labor
8 Affairs, including bilateral and multilateral technical as-
9 sistance and other international labor activities,
10 \$313,871,000, of which \$86,074,000 is for the Bureau of
11 International Labor Affairs (including \$6,500,000 to im-
12 plement model programs to address worker rights issues
13 through technical assistance in countries with which the
14 United States has trade preference programs), and of
15 which \$21,286,000 is for the acquisition of Departmental
16 information technology, architecture, infrastructure,
17 equipment, software and related needs, which will be allo-
18 cated by the Department's Chief Information Officer in
19 accordance with the Department's capital investment
20 management process to assure a sound investment strat-
21 egy; together with not to exceed \$327,000, which may be
22 expended from the Employment Security Administration
23 Account in the Unemployment Trust Fund.

24 OFFICE OF JOB CORPS

25 To carry out subtitle C of title I of the Workforce
26 Investment Act of 1998, including Federal administrative

1 expenses, the purchase and hire of passenger motor vehi-
2 cles, the construction, alteration and repairs of buildings
3 and other facilities, and the purchase of real property for
4 training centers as authorized by the Workforce Invest-
5 ment Act; \$1,683,938,000, plus reimbursements, as fol-
6 lows:

7 (1) \$1,540,276,000 for Job Corps Operations,
8 of which \$949,276,000 shall be available for obliga-
9 tion for the period July 1, 2009 through June 30,
10 2010 and of which \$591,000,000 shall be available
11 for obligation for the period October 1, 2009
12 through June 30, 2010;

13 (2) \$115,000,000 for construction, rehabilita-
14 tion and acquisition of Job Corps Centers, of which
15 \$15,000,000 shall be available for the period July 1,
16 2009 through June 30, 2012 and \$100,000,000
17 shall be available for the period October 1, 2009
18 through June 30, 2012; and

19 (3) \$28,662,000 for necessary expenses of the
20 Office of Job Corps shall be available for obligation
21 for the period October 1, 2008 through September
22 30, 2009:

23 *Provided*, That the Office of Job Corps shall have con-
24 tracting authority: *Provided further*, That no funds from

1 any other appropriation shall be used to provide meal serv-
2 ices at or for Job Corps centers.

3 VETERANS EMPLOYMENT AND TRAINING

4 Not to exceed \$205,468,000 may be derived from the
5 Employment Security Administration Account in the Un-
6 employment Trust Fund to carry out the provisions of 38
7 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and
8 Public Law 103–353, and which shall be available for obli-
9 gation by the States through December 31, 2009, of which
10 \$1,949,000 is for the National Veterans’ Employment and
11 Training Services Institute. To carry out the Homeless
12 Veterans Reintegration Programs under section 5(a)(1) of
13 the Homeless Veterans Comprehensive Assistance Act of
14 2001 and the Veterans Workforce Investment Programs
15 under section 168 of the Workforce Investment Act,
16 \$33,971,000, of which \$7,641,000 shall be available for
17 obligation for the period July 1, 2009 through June 30,
18 2010.

19 OFFICE OF INSPECTOR GENERAL

20 For salaries and expenses of the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$76,326,000, together with not to
23 exceed \$5,815,000, which may be expended from the Em-
24 ployment Security Administration Account in the Unem-
25 ployment Trust Fund.

1 in part, by forced or indentured child labor in industries
2 and host countries already identified by the United States
3 Department of Labor prior to enactment of this Act.

4 SEC. 104. After September 30, 2008, the Secretary
5 of Labor shall issue a monthly transit subsidy of not less
6 than the full amount (of not less than \$115) that each
7 of its employees of the National Capital Region is eligible
8 to receive.

9 SEC. 105. None of the funds appropriated in this title
10 for grants under section 171 of the Workforce Investment
11 Act of 1998 may be obligated prior to the preparation and
12 submission of a report by the Secretary of Labor to the
13 Committees on Appropriations of the House of Represent-
14 atives and the Senate detailing the planned uses of such
15 funds.

16 SEC. 106. There is authorized to be appropriated
17 such sums as may be necessary to the Denali Commission
18 through the Department of Labor to conduct job training
19 of the local workforce where Denali Commission projects
20 will be constructed.

21 SEC. 107. None of the funds made available to the
22 Department of Labor for grants under section 414(c) of
23 the American Competitiveness and Workforce Improve-
24 ment Act of 1998 may be used for any purpose other than
25 training in the occupations and industries for which em-

1 ployers are using H-1B visas to hire foreign workers, and
2 the related activities necessary to support such training:
3 *Provided*, That the preceding limitation shall not apply to
4 multi-year grants awarded prior to June 30, 2007.

5 SEC. 108. None of the funds available in this Act or
6 available to the Secretary of Labor from other sources for
7 Community-Based Job Training grants and grants au-
8 thorized under section 414(c) of the American Competi-
9 tiveness and Workforce Improvement Act of 1998 shall
10 be obligated for a grant awarded on a non-competitive
11 basis.

12 SEC. 109. The Secretary of Labor shall take no ac-
13 tion to amend, through regulatory or administration ac-
14 tion, the definition established in section 667.220 of title
15 20 of the Code of Federal Regulations for functions and
16 activities under title I of the Workforce Investment Act
17 of 1998, or to modify, through regulatory or administra-
18 tive action, the procedure for redesignation of local areas
19 as specified in subtitle B of title I of that Act (including
20 applying the standards specified in section 116(a)(3)(B)
21 of that Act, but notwithstanding the time limits specified
22 in section 116(a)(3)(B) of that Act), until such time as
23 legislation reauthorizing the Act is enacted. Nothing in the
24 preceding sentence shall permit or require the Secretary
25 to withdraw approval for such redesignation from a State

1 that received the approval not later than October 12,
2 2005, or to revise action taken or modify the redesignation
3 procedure being used by the Secretary in order to complete
4 such redesignation for a State that initiated the process
5 of such redesignation by submitting any request for such
6 redesignation not later than October 26, 2005.

7 SEC. 110. None of the funds made available in this
8 or any other Act shall be available to finalize or implement
9 any proposed regulation under the Workforce Investment
10 Act of 1998, Wagner-Peyser Act of 1933, or the Trade
11 Adjustment Assistance Reform Act of 2002 until such
12 time as legislation reauthorizing the Workforce Invest-
13 ment Act of 1998 and the Trade Adjustment Assistance
14 Reform Act of 2002 is enacted.

15 SEC. 111. None of the funds appropriated in this Act
16 under the heading “Employment and Training Adminis-
17 tration” shall be used by a recipient or subrecipient of
18 such funds to pay the salary and bonuses of an individual,
19 either as direct costs or indirect costs, at a rate in excess
20 of Executive Level II. This limitation shall not apply to
21 vendors providing goods and services as defined in Office
22 of Management and Budget Circular A-133. Where
23 States are recipients of such funds, States may establish
24 a lower limit for salaries and bonuses of those receiving
25 salaries and bonuses from subrecipients of such funds,

1 taking into account factors including the relative cost-of-
2 living in the State, the compensation levels for comparable
3 State or local government employees, and the size of the
4 organizations that administer Federal programs involved
5 including Employment and Training Administration pro-
6 grams.

7 This title may be cited as the “Department of Labor
8 Appropriations Act, 2009”.

9 TITLE II

10 DEPARTMENT OF HEALTH AND HUMAN

11 SERVICES

12 HEALTH RESOURCES AND SERVICES ADMINISTRATION

13 HEALTH RESOURCES AND SERVICES

14 For carrying out titles II, III, IV, VII, VIII, X, XI,
15 XII, XIX, and XXVI of the Public Health Service Act
16 (“PHS Act”), section 427(a) of the Federal Coal Mine
17 Health and Safety Act, title V and sections 711, 1128E,
18 and 1820 of the Social Security Act, the Health Care
19 Quality Improvement Act of 1986, the Native Hawaiian
20 Health Care Act of 1988, the Cardiac Arrest Survival Act
21 of 2000, section 712 of the American Jobs Creation Act
22 of 2004, and the Stem Cell Therapeutic and Research Act
23 of 2005, \$7,234,436,000, of which \$39,200,000 from gen-
24 eral revenues, notwithstanding section 1820(j) of the So-
25 cial Security Act, shall be available for carrying out the

1 Medicare rural hospital flexibility grants program under
2 such section: *Provided*, That of the funds made available
3 under this heading, \$129,000 shall be available until ex-
4 pended for facilities renovations at the Gillis W. Long
5 Hansen’s Disease Center: *Provided further*, That
6 \$56,000,000 of the funding provided for community
7 health centers shall be for base grant adjustments for ex-
8 isting health centers: *Provided further*, That in addition
9 to fees authorized by section 427(b) of the Health Care
10 Quality Improvement Act of 1986, fees shall be collected
11 for the full disclosure of information under the Act suffi-
12 cient to recover the full costs of operating the National
13 Practitioner Data Bank, and shall remain available until
14 expended to carry out that Act: *Provided further*, That fees
15 collected for the full disclosure of information under the
16 “Health Care Fraud and Abuse Data Collection Pro-
17 gram”, authorized by section 1128E(d)(2) of the Social
18 Security Act, shall be sufficient to recover the full costs
19 of operating the program, and shall remain available until
20 expended to carry out that Act: *Provided further*, That no
21 more than \$40,000 is available until expended for carrying
22 out the provisions of section 224(o) of the PHS Act in-
23 cluding associated administrative expenses and relevant
24 evaluations: *Provided further*, That no more than
25 \$44,055,000 is available until expended for carrying out

1 the provisions of Public Law 104–73 and for expenses in-
2 curred by the Department of Health and Human Services
3 pertaining to administrative claims made under such law:
4 *Provided further*, That of the funds made available under
5 this heading, \$307,491,000 shall be for the program under
6 title X of the PHS Act to provide for voluntary family
7 planning projects: *Provided further*, That amounts pro-
8 vided to said projects under such title shall not be ex-
9 pended for abortions, that all pregnancy counseling shall
10 be nondirective, and that such amounts shall not be ex-
11 pended for any activity (including the publication or dis-
12 tribution of literature) that in any way tends to promote
13 public support or opposition to any legislative proposal or
14 candidate for public office: *Provided further*, That of the
15 funds available under this heading, \$1,886,873,000 shall
16 remain available to the Secretary of Health and Human
17 Services through September 30, 2011, for parts A and B
18 of title XXVI of the PHS Act: *Provided further*, That
19 within the amounts provided for part A of title XXVI of
20 the PHS Act, \$10,853,000 is available to the Secretary
21 of Health and Human Services through September 30,
22 2011, and shall be available to qualifying jurisdictions,
23 within 30 days of enactment, for increasing supplemental
24 grants for fiscal year 2009 to metropolitan areas that re-
25 ceived grant funding in fiscal year 2008 under subpart

1 I of part A of title XXVI of the PHS Act to ensure that
2 an area's total funding under subpart I of part A for fiscal
3 year 2008, together with the amount of this additional
4 funding, is not less than 93.7 percent of the amount of
5 such area's total funding under part A for fiscal year
6 2006, and to transitional areas that received grant fund-
7 ing in fiscal year 2008 under subpart II of part A of title
8 XXVI of the PHS Act to ensure that an area's total fund-
9 ing under subpart II of part A for fiscal year 2008, to-
10 gether with the amount of this additional funding, is not
11 less than 88.7 percent of the amount of such area's total
12 funding under part A for fiscal year 2006: *Provided fur-*
13 *ther*, That notwithstanding section 2603(c)(1) of the PHS
14 Act, the additional funding to areas under the immediately
15 preceding proviso, which may be used for costs incurred
16 during fiscal year 2008, shall be available to the area for
17 obligation from the date of the award through the end of
18 the grant year for the award: *Provided further*, That
19 \$815,000,000 shall be for State AIDS Drug Assistance
20 Programs authorized by section 2616 of the PHS Act:
21 *Provided further*, That in addition to amounts provided
22 herein, \$25,000,000 shall be available from amounts avail-
23 able under section 241 of the PHS Act to carry out parts
24 A, B, C, and D of title XXVI of the PHS Act to fund
25 section 2691 Special Projects of National Significance:

1 *Provided further*, That notwithstanding section 502(a)(1)
2 and 502(b)(1) of the Social Security Act, not to exceed
3 \$92,551,000 is available for carrying out special projects
4 of regional and national significance pursuant to section
5 501(a)(2) of such Act and \$10,400,000 is available for
6 projects described in paragraphs (A) through (F) of sec-
7 tion 501(a)(3) of such Act: *Provided further*, That not-
8 withstanding section 747(e)(2) of the PHS Act, not less
9 than \$5,000,000 shall be for general dentistry programs,
10 not less than \$5,000,000 shall be for pediatric dentistry
11 programs including faculty loan repayment, and not less
12 than \$29,025,000 shall be for family medicine programs:
13 *Provided further*, That of the funds provided, \$19,642,000
14 shall be provided to the Denali Commission as a direct
15 lump payment pursuant to Public Law 106–113: *Provided*
16 *further*, That of the funds provided, \$26,000,000 shall be
17 provided for the Delta Health Initiative as authorized in
18 section 219 of division G of Public Law 110–161 and asso-
19 ciated administrative expenses: *Provided further*, That
20 funds provided under section 846 and subpart 3 of part
21 D of title III of the PHS Act may be used to make prior
22 year adjustments to awards made under these sections:
23 *Provided further*, That of the amount appropriated in this
24 paragraph, \$310,470,000 shall be used for the projects fi-
25 nancing the construction and renovation (including equip-

1 ment) of health care and other facilities and for other
2 health-related activities, and in the amounts, specified
3 under the heading “Health Resources and Services” in the
4 explanatory statement described in section 4 (in the mat-
5 ter preceding division A of this consolidated Act), and of
6 which up to one percent of the amount for each project
7 may be used for related agency administrative expenses:
8 *Provided further*, That notwithstanding section 338J(k) of
9 the PHS Act, \$9,201,000 is available for State Offices of
10 Rural Health: *Provided further*, That of the funds pro-
11 vided, \$15,000,000 is available for the Small Rural Hos-
12 pital Improvement Grant Program for quality improve-
13 ment and adoption of health information technology.

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-
17 pose of the program, as authorized by title VII of the Pub-
18 lic Health Service Act (“PHS Act”). For administrative
19 expenses to carry out the guaranteed loan program, in-
20 cluding section 709 of the PHS Act, \$2,847,000.

21 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

22 For payments from the Vaccine Injury Compensation
23 Program Trust Fund (“Trust Fund”), such sums as may
24 be necessary for claims associated with vaccine-related in-
25 jury or death with respect to vaccines administered after
26 September 30, 1988, pursuant to subtitle 2 of title XXI

1 of the Public Health Service Act, to remain available until
2 expended: *Provided*, That for necessary administrative ex-
3 penses, not to exceed \$5,404,000 shall be available from
4 the Trust Fund to the Secretary of Health and Human
5 Services.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, XIX,
9 XXI, and XXVI of the Public Health Service Act (“PHS
10 Act”), sections 101, 102, 103, 201, 202, 203, 301, 501,
11 and 514 of the Federal Mine Safety and Health Act of
12 1977, section 13 of the Mine Improvement and New
13 Emergency Response Act of 2006, sections 20, 21, and
14 22 of the Occupational Safety and Health Act of 1970,
15 title IV of the Immigration and Nationality Act, section
16 501 of the Refugee Education Assistance Act of 1980, and
17 for expenses necessary to support activities related to
18 countering potential biological, nuclear, radiological, and
19 chemical threats to civilian populations; including pur-
20 chase and insurance of official motor vehicles in foreign
21 countries; and purchase, hire, maintenance, and operation
22 of aircraft, \$6,283,350,000, of which \$151,500,000 shall
23 remain available until expended for acquisition of real
24 property, equipment, construction and renovation of facili-
25 ties; of which \$570,307,000 shall remain available until

1 expended for the Strategic National Stockpile under sec-
2 tion 319F–2 of the PHS Act; of which \$21,997,000 shall
3 be used for the projects, and in the amounts, specified
4 under the heading “Disease Control, Research, and Train-
5 ing” in the explanatory statement described in section 4
6 (in the matter preceding division A of this consolidated
7 Act); of which \$118,863,000 for international HIV/AIDS
8 shall remain available through September 30, 2010; and
9 of which \$70,000,000 shall be available until expended to
10 provide screening and treatment for first response emer-
11 gency services personnel, residents, students, and others
12 related to the September 11, 2001 terrorist attacks on the
13 World Trade Center: *Provided*, That in addition, such
14 sums as may be derived from authorized user fees, which
15 shall be credited to this account: *Provided further*, That
16 in addition to amounts provided herein, the following
17 amounts shall be available from amounts available under
18 section 241 of the PHS Act: (1) \$12,794,000 to carry out
19 the National Immunization Surveys; (2) \$124,701,000 to
20 carry out the National Center for Health Statistics sur-
21 veys; (3) \$24,751,000 to carry out information systems
22 standards development and architecture and applications-
23 based research used at local public health levels; (4)
24 \$46,780,000 for Health Marketing; (5) \$31,000,000 to
25 carry out Public Health Research; and (6) \$91,225,000

1 to carry out research activities within the National Occu-
2 pational Research Agenda: *Provided further*, That none of
3 the funds made available for injury prevention and control
4 at the Centers for Disease Control and Prevention may
5 be used, in whole or in part, to advocate or promote gun
6 control: *Provided further*, That of the funds made available
7 under this heading, up to \$1,000 per eligible employee of
8 the Centers for Disease Control and Prevention shall be
9 made available until expended for Individual Learning Ac-
10 counts: *Provided further*, That the Director may redirect
11 the total amount made available under authority of Public
12 Law 101-502, section 3, dated November 3, 1990, to ac-
13 tivities the Director may so designate: *Provided further*,
14 That the Committees on Appropriations of the House of
15 Representatives and the Senate are to be notified promptly
16 of any such redirection: *Provided further*, That not to ex-
17 ceed \$19,528,000 may be available for making grants
18 under section 1509 of the PHS Act to not less than 21
19 States, tribes, or tribal organizations: *Provided further*,
20 That notwithstanding any other provision of law, the Cen-
21 ters for Disease Control and Prevention shall award a sin-
22 gle contract or related contracts for development and con-
23 struction of the next building or facility designated in the
24 Buildings and Facilities Master Plan that collectively in-
25 clude the full scope of the project: *Provided further*, That

1 the solicitation and contract shall contain the clause
2 “availability of funds” found at 48 CFR 52.232–18: *Pro-*
3 *vided further*, That of the funds appropriated, \$10,000
4 shall be for official reception and representation expenses
5 when specifically approved by the Director of the Centers
6 for Disease Control and Prevention: *Provided further*,
7 That employees of the Centers for Disease Control and
8 Prevention or the Public Health Service, both civilian and
9 Commissioned Officers, detailed to States, municipalities,
10 or other organizations under authority of section 214 of
11 the PHS Act, or in overseas assignments, shall be treated
12 as non-Federal employees for reporting purposes only and
13 shall not be included within any personnel ceiling applica-
14 ble to the Agency, Service, or the Department of Health
15 and Human Services during the period of detail or assign-
16 ment: *Provided further*, That out of funds made available
17 under this heading for domestic HIV/AIDS testing, up to
18 \$15,000,000 shall be for States newly eligible in fiscal
19 year 2009 under section 2625 of the PHS Act as of De-
20 cember 31, 2008 and shall be distributed by May 31, 2009
21 based on standard criteria relating to a State’s epidemio-
22 logical profile, and of which not more than \$1,000,000
23 may be made available to any one State, and amounts that
24 have not been obligated by May 31, 2009 shall be made
25 available to States and local public health departments for

1 HIV testing activities: *Provided further*, That none of the
2 funds made available in this Act to carry out part A of
3 title XIX of the PHS Act may be used to provide more
4 than 75 percent of any State’s allotment under section
5 1902 of the PHS Act until such State certifies that it will
6 submit a plan to the Secretary of Health and Human
7 Services, not later than January 1, 2010, to reduce
8 healthcare-associated infections: *Provided further*, That
9 each such State plan shall be consistent with the Depart-
10 ment of Health and Human Services’ national action plan
11 for reducing healthcare-associated infections and include
12 measurable 5-year goals and interim milestones for reduc-
13 ing such infections: *Provided further*, That the Secretary
14 shall conduct a review of the State plans submitted pursu-
15 ant to the preceding proviso and report to the Committees
16 on Appropriations of the House of Representatives and the
17 Senate not later than June 1, 2010, regarding the ade-
18 quacy of such plans for achieving State and national goals
19 for reducing healthcare-associated infections: *Provided*
20 *further*, That for purposes of the two preceding provisos,
21 the term “State” means each of the several States, the
22 District of Columbia, and the Commonwealth of Puerto
23 Rico.

24 In addition, for necessary expenses to administer the
25 Energy Employees Occupational Illness Compensation

1 Program Act, \$55,358,000, to remain available until ex-
2 pended, of which \$4,500,000 shall be for use by or in sup-
3 port of the Advisory Board on Radiation and Worker
4 Health (“the Board”) to carry out its statutory respon-
5 sibilities, including obtaining audits, technical assistance,
6 and other support from the Board’s audit contractor with
7 regard to radiation dose estimation and reconstruction ef-
8 forts, site profiles, procedures, and review of Special Expo-
9 sure Cohort petitions and evaluation reports: *Provided*,
10 That this amount shall be available consistent with the
11 provision regarding administrative expenses in section
12 151(b) of division B, title I of Public Law 106–554.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL CANCER INSTITUTE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to cancer,
17 \$4,968,973,000, of which up to \$8,000,000 may be used
18 for facilities repairs and improvements at the National
19 Cancer Institute-Frederick Federally Funded Research
20 and Development Center in Frederick, Maryland.

21 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to cardiovascular, lung,
24 and blood diseases, and blood and blood products,
25 \$3,015,689,000.

1 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
2 RESEARCH

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to dental disease,
5 \$402,652,000.

6 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
7 KIDNEY DISEASES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to diabetes and diges-
10 tive and kidney disease, \$1,761,338,000.

11 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
12 AND STROKE

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to neurological dis-
15 orders and stroke, \$1,593,344,000.

16 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
17 DISEASES

18 (INCLUDING TRANSFER OF FUNDS)

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to allergy and infec-
21 tious diseases, \$4,702,572,000: *Provided*, That
22 \$300,000,000 may be made available to International As-
23 sistance Programs “Global Fund to Fight HIV/AIDS, Ma-
24 laria, and Tuberculosis”, to remain available until ex-
25 pended.

1 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to general medical
4 sciences, \$1,997,801,000.

5 EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF
6 CHILD HEALTH AND HUMAN DEVELOPMENT

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to child health and
9 human development, \$1,294,894,000.

10 NATIONAL EYE INSTITUTE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to eye diseases and
13 visual disorders, \$688,480,000.

14 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
15 SCIENCES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to environmental
18 health sciences, \$662,820,000.

19 NATIONAL INSTITUTE ON AGING

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to aging,
22 \$1,080,796,000.

1 NATIONAL INSTITUTE OF ARTHRITIS AND
2 MUSCULOSKELETAL AND SKIN DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to arthritis and mus-
5 culoskeletal and skin diseases, \$524,872,000.

6 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
7 COMMUNICATION DISORDERS

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to deafness and other
10 communication disorders, \$407,259,000.

11 NATIONAL INSTITUTE OF NURSING RESEARCH

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to nursing research,
14 \$141,879,000.

15 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
16 ALCOHOLISM

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to alcohol abuse and
19 alcoholism, \$450,230,000.

20 NATIONAL INSTITUTE ON DRUG ABUSE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to drug abuse,
23 \$1,032,759,000.

1 NATIONAL INSTITUTE OF MENTAL HEALTH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to mental health,
4 \$1,450,491,000.

5 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to human genome re-
8 search, \$502,367,000.

9 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
10 BIOENGINEERING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to biomedical imaging
13 and bioengineering research, \$308,208,000.

14 NATIONAL CENTER FOR RESEARCH RESOURCES

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to research resources
17 and general research support grants, \$1,226,263,000.

18 NATIONAL CENTER FOR COMPLEMENTARY AND
19 ALTERNATIVE MEDICINE

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to complementary and
22 alternative medicine, \$125,471,000.

1 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
2 DISPARITIES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to minority health and
5 health disparities research, \$205,959,000.

6 JOHN E. FOGARTY INTERNATIONAL CENTER

7 For carrying out the activities of the John E. Fogarty
8 International Center (described in subpart 2 of part E of
9 title IV of the Public Health Service Act), \$68,691,000.

10 NATIONAL LIBRARY OF MEDICINE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act (“PHS Act”) with respect to health
13 information communications, \$330,771,000, of which
14 \$4,000,000 shall be available until expended for improve-
15 ment of information systems: *Provided*, That in fiscal year
16 2009, the National Library of Medicine may enter into
17 personal services contracts for the provision of services in
18 facilities owned, operated, or constructed under the juris-
19 diction of the National Institutes of Health: *Provided fur-*
20 *ther*, That in addition to amounts provided herein,
21 \$8,200,000 shall be available from amounts available
22 under section 241 of the PHS Act to carry out the pur-
23 poses of the National Information Center on Health Serv-
24 ices Research and Health Care Technology established
25 under section 478A of the PHS Act and related health
26 services.

1 OFFICE OF THE DIRECTOR

2 For carrying out the responsibilities of the Office of
3 the Director, National Institutes of Health (“NIH”),
4 \$1,246,864,000, of which up to \$25,000,000 shall be used
5 to carry out section 214 of this Act: *Provided*, That fund-
6 ing shall be available for the purchase of not to exceed
7 29 passenger motor vehicles for replacement only: *Pro-*
8 *vided further*, That the NIH is authorized to collect third
9 party payments for the cost of clinical services that are
10 incurred in NIH research facilities and that such pay-
11 ments shall be credited to the NIH Management Fund:
12 *Provided further*, That all funds credited to such Fund
13 shall remain available for one fiscal year after the fiscal
14 year in which they are deposited: *Provided further*, That
15 up to \$192,300,000 shall be available for continuation of
16 the National Children’s Study: *Provided further*, That
17 \$541,133,000 shall be available for the Common Fund es-
18 tablished under section 402A(c)(1) of the Public Health
19 Service Act (“PHS Act”): *Provided further*, That of the
20 funds provided \$10,000 shall be for official reception and
21 representation expenses when specifically approved by the
22 Director of the NIH: *Provided further*, That the Office of
23 AIDS Research within the Office of the Director of the
24 NIH may spend up to \$8,000,000 to make grants for con-

1 construction or renovation of facilities as provided for in sec-
2 tion 2354(a)(5)(B) of the PHS Act.

3 BUILDINGS AND FACILITIES

4 For the study of, construction of, renovation of, and
5 acquisition of equipment for, facilities of or used by the
6 National Institutes of Health, including the acquisition of
7 real property, \$125,581,000, to remain available until ex-
8 pended.

9 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

10 ADMINISTRATION

11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

12 For carrying out titles III, V, and XIX of the Public
13 Health Service Act (“PHS Act”) with respect to substance
14 abuse and mental health services and the Protection and
15 Advocacy for Individuals with Mental Illness Act,
16 \$3,334,906,000, of which \$15,666,000 shall be used for
17 the projects, and in the amounts, specified under the head-
18 ing “Substance Abuse and Mental Health Services” in the
19 explanatory statement described in section 4 (in the mat-
20 ter preceding division A of this consolidated Act): *Pro-*
21 *vided*, That notwithstanding section 520A(f)(2) of the
22 PHS Act, no funds appropriated for carrying out section
23 520A are available for carrying out section 1971 of the
24 PHS Act: *Provided further*, That \$2,000,000 shall be
25 available to establish State-administered controlled sub-
26 stance monitoring systems as authorized by Public Law

1 109–60: *Provided further*, That \$772,000 shall be for re-
2 imbursing the General Services Administration for envi-
3 ronmental testing and remediation on the federally owned
4 facilities at St. Elizabeths Hospital, including but not lim-
5 ited to testing and remediation conducted prior to fiscal
6 year 2009: *Provided further*, That in addition to amounts
7 provided herein, the following amounts shall be available
8 under section 241 of the PHS Act: (1) \$79,200,000 to
9 carry out subpart II of part B of title XIX of the PHS
10 Act to fund section 1935(b) technical assistance, national
11 data, data collection and evaluation activities, and further
12 that the total available under this Act for section 1935(b)
13 activities shall not exceed 5 percent of the amounts appro-
14 priated for subpart II of part B of title XIX; (2)
15 \$21,039,000 to carry out subpart I of part B of title XIX
16 of the PHS Act to fund section 1920(b) technical assist-
17 ance, national data, data collection and evaluation activi-
18 ties, and further that the total available under this Act
19 for section 1920(b) activities shall not exceed 5 percent
20 of the amounts appropriated for subpart I of part B of
21 title XIX; (3) \$22,750,000 to carry out national surveys
22 on drug abuse and mental health; and (4) \$8,596,000 to
23 collect and analyze data and evaluate substance abuse
24 treatment programs: *Provided further*, That section

1 520E(b)(2) of the PHS Act shall not apply to funds ap-
2 propriated under this Act for fiscal year 2009.

3 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

4 HEALTHCARE RESEARCH AND QUALITY

5 For carrying out titles III and IX of the Public
6 Health Service Act (“PHS Act”), part A of title XI of
7 the Social Security Act, and section 1013 of the Medicare
8 Prescription Drug, Improvement, and Modernization Act
9 of 2003, amounts received from Freedom of Information
10 Act fees, reimbursable and interagency agreements, and
11 the sale of data shall be credited to this appropriation and
12 shall remain available until expended: *Provided*, That the
13 amount made available pursuant to section 937(c) of the
14 PHS Act shall not exceed \$372,053,000.

15 CENTERS FOR MEDICARE AND MEDICAID SERVICES

16 GRANTS TO STATES FOR MEDICAID

17 For carrying out, except as otherwise provided, titles
18 XI and XIX of the Social Security Act, \$149,335,031,000,
19 to remain available until expended.

20 For making, after May 31, 2009, payments to States
21 under title XIX of the Social Security Act for the last
22 quarter of fiscal year 2009 for unanticipated costs, in-
23 curred for the current fiscal year, such sums as may be
24 necessary.

1 For making payments to States or in the case of sec-
2 tion 1928 on behalf of States under title XIX of the Social
3 Security Act for the first quarter of fiscal year 2010,
4 \$71,700,038,000, to remain available until expended.

5 Payment under title XIX may be made for any quar-
6 ter with respect to a State plan or plan amendment in
7 effect during such quarter, if submitted in or prior to such
8 quarter and approved in that or any subsequent quarter.

9 PAYMENTS TO HEALTH CARE TRUST FUNDS

10 For payment to the Federal Hospital Insurance
11 Trust Fund and the Federal Supplementary Medical In-
12 surance Trust Fund, as provided under sections 217(g),
13 1844, and 1860D–16 of the Social Security Act, sections
14 103(c) and 111(d) of the Social Security Amendments of
15 1965, section 278(d) of Public Law 97–248, and for ad-
16 ministrative expenses incurred pursuant to section 201(g)
17 of the Social Security Act, \$195,383,000,000.

18 In addition, for making matching payments under
19 section 1844, and benefit payments under section 1860D–
20 16 of the Social Security Act, not anticipated in budget
21 estimates, such sums as may be necessary.

22 PROGRAM MANAGEMENT

23 For carrying out, except as otherwise provided, titles
24 XI, XVIII, XIX, and XXI of the Social Security Act, titles
25 XIII and XXVII of the Public Health Service Act (“PHS

1 Act”), and the Clinical Laboratory Improvement Amend-
2 ments of 1988, not to exceed \$3,305,386,000, to be trans-
3 ferred from the Federal Hospital Insurance Trust Fund
4 and the Federal Supplementary Medical Insurance Trust
5 Fund, as authorized by section 201(g) of the Social Secu-
6 rity Act; together with all funds collected in accordance
7 with section 353 of the PHS Act and section 1857(e)(2)
8 of the Social Security Act, funds retained by the Secretary
9 of Health and Human Services pursuant to section 302
10 of the Tax Relief and Health Care Act of 2006; and such
11 sums as may be collected from authorized user fees and
12 the sale of data, which shall be credited to this account
13 and remain available until expended: *Provided*, That all
14 funds derived in accordance with 31 U.S.C. 9701 from
15 organizations established under title XIII of the PHS Act
16 shall be credited to and available for carrying out the pur-
17 poses of this appropriation: *Provided further*, That
18 \$35,700,000, to remain available through September 30,
19 2010, shall be for contract costs for the Healthcare Inte-
20 grated General Ledger Accounting System: *Provided fur-*
21 *ther*, That \$108,900,000, to remain available through Sep-
22 tember 30, 2010, shall be for the Centers for Medicare
23 and Medicaid Services (“CMS”) Medicare contracting re-
24 form activities: *Provided further*, That funds appropriated
25 under this heading shall be available for the Healthy

1 Start, Grow Smart program under which the CMS may,
2 directly or through grants, contracts, or cooperative agree-
3 ments, produce and distribute informational materials in-
4 cluding, but not limited to, pamphlets and brochures on
5 infant and toddler health care to expectant parents en-
6 rolled in the Medicaid program and to parents and guard-
7 ians enrolled in such program with infants and children:
8 *Provided further*, That the Secretary is directed to collect
9 fees in fiscal year 2009 from Medicare Advantage organi-
10 zations pursuant to section 1857(e)(2) of the Social Secu-
11 rity Act and from eligible organizations with risk-sharing
12 contracts under section 1876 of that Act pursuant to sec-
13 tion 1876(k)(4)(D) of that Act: *Provided further*, That
14 \$4,542,000 shall be used for the projects, and in the
15 amounts, specified under the heading “Program Manage-
16 ment” in the explanatory statement described in section
17 4 (in the matter preceding division A of this consolidated
18 Act): *Provided further*, That \$75,000,000 is available for
19 the State high risk health insurance pool program as au-
20 thorized by the State High Risk Pool Funding Extension
21 Act of 2006.

22 HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

23 In addition to amounts otherwise available for pro-
24 gram integrity and program management, \$198,000,000,
25 to be transferred from the Federal Hospital Insurance

1 Trust Fund and the Federal Supplementary Medical In-
2 surance Trust Fund, as authorized by section 201(g) of
3 the Social Security Act, of which \$147,038,000 shall be
4 for the Medicare Integrity Program at the Centers for
5 Medicare and Medicaid Services to conduct oversight of
6 activities for Medicare Advantage and the Medicare Pre-
7 scription Drug Program authorized in title XVIII of the
8 Social Security Act, including activities listed in section
9 1893(b) of such Act; of which \$18,967,000 shall be for
10 the Department of Health and Human Services Office of
11 Inspector General; of which \$13,028,000 shall be for the
12 Medicaid and State Children’s Health Insurance Program
13 (“SCHIP”) program integrity activities; and of which
14 \$18,967,000 shall be for the Department of Justice: *Pro-*
15 *vided*, That the report required by section 1817(k)(5) of
16 the Social Security Act for fiscal year 2009 shall include
17 measures of the operational efficiency and impact on
18 fraud, waste, and abuse in the Medicare, Medicaid, and
19 SCHIP programs for the funds provided by this appro-
20 priation.

21 ADMINISTRATION FOR CHILDREN AND FAMILIES

22 PAYMENTS TO STATES FOR CHILD SUPPORT

23 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

24 For making payments to States or other non-Federal
25 entities under titles I, IV–D, X, XI, XIV, and XVI of the

1 Social Security Act and the Act of July 5, 1960,
2 \$2,759,078,000, to remain available until expended; and
3 for such purposes for the first quarter of fiscal year 2010,
4 \$1,000,000,000, to remain available until expended.

5 For making payments to each State for carrying out
6 the program of Aid to Families with Dependent Children
7 under title IV–A of the Social Security Act before the ef-
8 fective date of the program of Temporary Assistance for
9 Needy Families with respect to such State, such sums as
10 may be necessary: *Provided*, That the sum of the amounts
11 available to a State with respect to expenditures under
12 such title IV–A in fiscal year 1997 under this appropria-
13 tion and under such title IV–A as amended by the Per-
14 sonal Responsibility and Work Opportunity Reconciliation
15 Act of 1996 shall not exceed the limitations under section
16 116(b) of such Act.

17 For making, after May 31 of the current fiscal year,
18 payments to States or other non-Federal entities under
19 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
20 Act and the Act of July 5, 1960, for the last 3 months
21 of the current fiscal year for unanticipated costs, incurred
22 for the current fiscal year, such sums as may be necessary.

23 REFUGEE AND ENTRANT ASSISTANCE

24 For necessary expenses for refugee and entrant as-
25 sistance activities authorized by section 414 of the Immi-
26 gration and Nationality Act and section 501 of the Ref-

1 ugee Education Assistance Act of 1980, for carrying out
2 section 462 of the Homeland Security Act of 2002, for
3 costs associated with the care and placement of unaccom-
4 panied alien children, and for carrying out the Torture
5 Victims Relief Act of 1998, \$633,442,000, of which up
6 to \$9,814,000 shall be available to carry out the Traf-
7 ficking Victims Protection Act of 2000: *Provided*, That
8 funds appropriated under this heading pursuant to section
9 414(a) of the Immigration and Nationality Act and sec-
10 tion 462 of the Homeland Security Act of 2002 for fiscal
11 year 2009 shall be available for the costs of assistance pro-
12 vided and other activities to remain available through Sep-
13 tember 30, 2011.

14 PAYMENTS TO STATES FOR THE CHILD CARE AND
15 DEVELOPMENT BLOCK GRANT

16 For carrying out the Child Care and Development
17 Block Grant Act of 1990, \$2,127,081,000 shall be used
18 to supplement, not supplant State general revenue funds
19 for child care assistance for low-income families: *Provided*,
20 That \$18,960,000 shall be available for child care resource
21 and referral and school-aged child care activities, of which
22 \$1,000,000 shall be for the Child Care Aware toll-free hot-
23 line: *Provided further*, That, in addition to the amounts
24 required to be reserved by the States under section 658G,
25 \$271,401,000 shall be reserved by the States for activities
26 authorized under section 658G, of which \$99,534,000

1 shall be for activities that improve the quality of infant
2 and toddler care: *Provided further*, That \$9,910,000 shall
3 be for use by the Secretary of Health and Human Services
4 for child care research, demonstration, and evaluation ac-
5 tivities.

6 SOCIAL SERVICES BLOCK GRANT

7 For making grants to States pursuant to section
8 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
9 *vided*, That notwithstanding subparagraph (B) of section
10 404(d)(2) of such Act, the applicable percent specified
11 under such subparagraph for a State to carry out State
12 programs pursuant to title XX of such Act shall be 10
13 percent.

14 CHILDREN AND FAMILIES SERVICES PROGRAMS

15 For carrying out, except as otherwise provided, the
16 Runaway and Homeless Youth Act, the Developmental
17 Disabilities Assistance and Bill of Rights Act, the Head
18 Start Act, the Child Abuse Prevention and Treatment Act,
19 sections 310 and 316 of the Family Violence Prevention
20 and Services Act, the Native American Programs Act of
21 1974, title II of the Child Abuse Prevention and Treat-
22 ment and Adoption Reform Act of 1978 (adoption oppor-
23 tunities), sections 330F and 330G of the Public Health
24 Service Act (“PHS Act”), the Abandoned Infants Assist-
25 ance Act of 1988, sections 261 and 291 of the Help Amer-
26 ica Vote Act of 2002, part B–1 of title IV and sections

1 413, 1110, and 1115 of the Social Security Act; for mak-
2 ing payments under the Community Services Block Grant
3 Act (“CSBG Act”), sections 439(i), 473B, and 477(i) of
4 the Social Security Act, and the Assets for Independence
5 Act; and for necessary administrative expenses to carry
6 out such Acts and titles I, IV, V, X, XI, XIV, XVI, and
7 XX of the Social Security Act, the Act of July 5, 1960,
8 the Low-Income Home Energy Assistance Act of 1981,
9 title IV of the Immigration and Nationality Act, section
10 501 of the Refugee Education Assistance Act of 1980, and
11 section 505 of the Family Support Act of 1988,
12 \$9,301,111,000, of which \$36,500,000, to remain avail-
13 able through September 30, 2010, shall be for grants to
14 States for adoption incentive payments, as authorized by
15 section 473A of the Social Security Act and may be made
16 for adoptions completed before September 30, 2009: *Pro-*
17 *vided*, That without regard to the fiscal year limitations
18 set forth in section 473A of the Social Security Act, from
19 the amounts appropriated herein, the Secretary shall pay
20 adoption incentives for fiscal year 2008 in the same man-
21 ner as such incentives were awarded in fiscal year 2008
22 for the previous fiscal year: *Provided further*, That
23 \$7,112,786,000 shall be for making payments under the
24 Head Start Act, of which \$2,000,000, to remain available
25 through September 30, 2010, shall be designated to fund

1 section 657B: *Provided further*, That \$746,000,000 shall
2 be for making payments under the CSBG Act: *Provided*
3 *further*, That not less than \$10,000,000 shall be for sec-
4 tion 680(3)(B) of the CSBG Act: *Provided further*, That
5 in addition to amounts provided herein, \$5,762,000 shall
6 be available from amounts available under section 241 of
7 the PHS Act to carry out the provisions of section 1110
8 of the Social Security Act: *Provided further*, That to the
9 extent Community Services Block Grant funds are distrib-
10 uted as grant funds by a State to an eligible entity as
11 provided under the CSBG Act, and have not been ex-
12 pended by such entity, they shall remain with such entity
13 for carryover into the next fiscal year for expenditure by
14 such entity consistent with program purposes: *Provided*
15 *further*, That the Secretary of Health and Human Services
16 shall establish procedures regarding the disposition of in-
17 tangible assets and program income that permit such as-
18 sets acquired with, and program income derived from,
19 grant funds authorized under section 680 of the CSBG
20 Act to become the sole property of such grantees after a
21 period of not more than 12 years after the end of the
22 grant period for any activity consistent with section
23 680(a)(2)(A) of the CSBG Act: *Provided further*, That in-
24 tangible assets in the form of loans, equity investments
25 and other debt instruments, and program income may be

1 used by grantees for any eligible purpose consistent with
2 section 680(a)(2)(A) of the CSBG Act: *Provided further*,
3 That these procedures shall apply to such grant funds
4 made available after November 29, 1999: *Provided further*,
5 That funds appropriated for section 680(a)(2) of the
6 CSBG Act shall be available for financing construction
7 and rehabilitation and loans or investments in private
8 business enterprises owned by community development
9 corporations: *Provided further*, That \$47,688,000 shall be
10 for a compassion capital fund to provide grants to chari-
11 table organizations to emulate model social service pro-
12 grams and to encourage research on the best practices of
13 social service organizations: *Provided further*, That
14 \$17,410,000 shall be for activities authorized by the Help
15 America Vote Act of 2002, of which \$12,154,000 shall be
16 for payments to States to promote access for voters with
17 disabilities, and of which \$5,256,000 shall be for payments
18 to States for protection and advocacy systems for voters
19 with disabilities: *Provided further*, That \$94,659,000 shall
20 be for making competitive grants to provide abstinence
21 education (as defined by section 510(b)(2) of the Social
22 Security Act) to adolescents, and for Federal costs of ad-
23 ministering the grants: *Provided further*, That grants
24 under the immediately preceding proviso shall be made
25 only to public and private entities which agree that, with

1 respect to an adolescent to whom the entities provide ab-
2 stinence education under such grants, the entities will not
3 provide to that adolescent any other education regarding
4 sexual conduct, except that, in the case of an entity ex-
5 pressly required by law to provide health information or
6 services the adolescent shall not be precluded from seeking
7 health information or services from the entity in a dif-
8 ferent setting than the setting in which abstinence edu-
9 cation was provided: *Provided further*, That information
10 provided through such competitive grants for abstinence
11 education shall be scientifically accurate and shall comply
12 with section 317P(c)(2) of the PHS Act: *Provided further*,
13 That within amounts provided herein for abstinence edu-
14 cation for adolescents, up to \$10,000,000 may be available
15 for a national abstinence education campaign: *Provided*
16 *further*, That in addition to amounts provided herein for
17 abstinence education for adolescents, \$4,455,000 shall be
18 available from amounts available under section 241 of the
19 PHS Act to carry out evaluations (including longitudinal
20 evaluations) of adolescent pregnancy prevention ap-
21 proaches: *Provided further*, That up to \$2,000,000 shall
22 be for improving the Public Assistance Reporting Informa-
23 tion System, including grants to States to support data
24 collection for a study of the system's effectiveness: *Pro-*
25 *vided further*, That \$16,910,000 shall be used for the

1 projects, and in the amounts, specified under the heading
2 “Children and Families Services Programs” in the explan-
3 atory statement described in section 4 (in the matter pre-
4 ceding division A of this consolidated Act).

5 PROMOTING SAFE AND STABLE FAMILIES

6 For carrying out section 436 of the Social Security
7 Act, \$345,000,000 and section 437 of such Act,
8 \$63,311,000.

9 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
10 ASSISTANCE

11 For making payments to States or other non-Federal
12 entities under title IV–E of the Social Security Act,
13 \$5,050,000,000.

14 For making payments to States or other non-Federal
15 entities under title IV–E of the Social Security Act, for
16 the first quarter of fiscal year 2010, \$1,800,000,000.

17 For making, after May 31 of the current fiscal year,
18 payments to States or other non-Federal entities under
19 section 474 of title IV–E of the Social Security Act, for
20 the last 3 months of the current fiscal year for unantici-
21 pated costs, incurred for the current fiscal year, such sums
22 as may be necessary.

23 ADMINISTRATION ON AGING

24 AGING SERVICES PROGRAMS

25 For carrying out, to the extent not otherwise pro-
26 vided, the Older Americans Act of 1965, section 398 of

1 the Public Health Service Act, and section 119 of the
2 Medicare Improvements for Patients and Providers Act of
3 2008, \$1,491,343,000, of which \$5,500,000 shall be avail-
4 able for activities regarding medication management,
5 screening, and education to prevent incorrect medication
6 and adverse drug reactions: *Provided*, That \$5,123,000
7 shall be used for the projects, and in the amounts, speci-
8 fied under the heading “Aging Services Programs” in the
9 explanatory statement described in section 4 (in the mat-
10 ter preceding division A of this consolidated Act).

11 OFFICE OF THE SECRETARY

12 GENERAL DEPARTMENTAL MANAGEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses, not otherwise provided, for
15 general departmental management, including hire of six
16 sedans, and for carrying out titles III, XVII, XX, XXI,
17 and XXIX of the Public Health Service Act (“PHS Act”),
18 the United States-Mexico Border Health Commission Act,
19 and research studies under section 1110 of the Social Se-
20 curity Act, \$389,925,000, together with \$5,851,000 to be
21 transferred and expended as authorized by section
22 201(g)(1) of the Social Security Act from the Federal
23 Hospital Insurance Trust Fund and the Federal Supple-
24 mentary Medical Insurance Trust Fund, and \$46,756,000
25 from the amounts available under section 241 of the PHS

1 Act to carry out national health or human services re-
2 search and evaluation activities: *Provided*, That of this
3 amount, \$51,891,000 shall be for minority AIDS preven-
4 tion and treatment activities; \$5,789,000 shall be to assist
5 Afghanistan in the development of maternal and child
6 health clinics, consistent with section 103(a)(4)(H) of the
7 Afghanistan Freedom Support Act of 2002; and
8 \$1,000,000 shall be transferred, not later than 30 days
9 after enactment of this Act, to the National Institute of
10 Mental Health to administer the Interagency Autism Co-
11 ordinating Committee: *Provided further*, That of the funds
12 made available under this heading for carrying out title
13 XX of the PHS Act, \$13,120,000 shall be for activities
14 specified under section 2003(b)(2), all of which shall be
15 for prevention service demonstration grants under section
16 510(b)(2) of title V of the Social Security Act without ap-
17 plication of the limitation of section 2010(c) of such title
18 XX: *Provided further*, That funds provided in this Act for
19 embryo adoption activities may be used to provide, to indi-
20 viduals adopting embryos, through grants and other mech-
21 anisms, medical and administrative services deemed nec-
22 essary for such adoptions: *Provided further*, That such
23 services shall be provided consistent with 42 CFR
24 59.5(a)(4): *Provided further*, That \$2,854,000 shall be
25 used for the projects, and in the amounts, specified under

1 the heading “General Departmental Management” in the
2 explanatory statement described in section 4 (in the mat-
3 ter preceding division A of this consolidated Act): *Provided*
4 *further*, That specific information requests from the chair-
5 men and ranking members of the Subcommittees on
6 Labor, Health and Human Services, and Education, and
7 Related Agencies, on scientific research or any other mat-
8 ter, shall be transmitted to the Committees on Appropria-
9 tions of the House of Representatives and the Senate
10 (“Committees on Appropriations”) in a prompt, profes-
11 sional manner and within the time frame specified in the
12 request: *Provided further*, That scientific information, in-
13 cluding such information provided in congressional testi-
14 mony, requested by the Committees on Appropriations and
15 prepared by government researchers and scientists shall
16 be transmitted to the Committees on Appropriations, un-
17 censored and without delay.

18 OFFICE OF MEDICARE HEARINGS AND APPEALS

19 For expenses necessary for administrative law judges
20 responsible for hearing cases under title XVIII of the So-
21 cial Security Act (and related provisions of title XI of such
22 Act), \$64,604,000, to be transferred in appropriate part
23 from the Federal Hospital Insurance Trust Fund and the
24 Federal Supplementary Medical Insurance Trust Fund.

1 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH
2 INFORMATION TECHNOLOGY

3 For expenses necessary for the Office of the National
4 Coordinator for Health Information Technology, including
5 grants, contracts, and cooperative agreements for the de-
6 velopment and advancement of interoperable health infor-
7 mation technology, \$43,552,000: *Provided*, That in addi-
8 tion to amounts provided herein, \$17,679,000 shall be
9 available from amounts available under section 241 of the
10 Public Health Service Act.

11 OFFICE OF INSPECTOR GENERAL

12 For expenses necessary for the Office of Inspector
13 General, including the hire of passenger motor vehicles for
14 investigations, in carrying out the provisions of the Inspec-
15 tor General Act of 1978, \$45,279,000: *Provided*, That of
16 such amount, necessary sums shall be available for pro-
17 viding protective services to the Secretary of Health and
18 Human Services and investigating non-payment of child
19 support cases for which non-payment is a Federal offense
20 under 18 U.S.C. 228: *Provided further*, That at least forty
21 percent of the funds provided in this Act for the Office
22 of Inspector General shall be used only for investigations,
23 audits, and evaluations pertaining to the discretionary
24 programs funded in this Act.

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, \$36,785,000, together with not to exceed
4 \$3,314,000 to be transferred and expended as authorized
5 by section 201(g)(1) of the Social Security Act from the
6 Federal Hospital Insurance Trust Fund and the Federal
7 Supplementary Medical Insurance Trust Fund.

8 RETIREMENT PAY AND MEDICAL BENEFITS FOR
9 COMMISSIONED OFFICERS

10 For retirement pay and medical benefits of Public
11 Health Service Commissioned Officers as authorized by
12 law, for payments under the Retired Serviceman's Family
13 Protection Plan and Survivor Benefit Plan, and for med-
14 ical care of dependents and retired personnel under the
15 Dependents' Medical Care Act, such amounts as may be
16 required during the current fiscal year.

17 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
18 FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses necessary to support activities related
21 to countering potential biological, nuclear, radiological and
22 chemical threats to civilian populations, and for other pub-
23 lic health emergencies, \$537,704,000, of which not to ex-
24 ceed \$22,052,000 shall be to pay the costs described in

1 section 319F–2(c)(7)(B) of the Public Health Service Act
2 (“PHS Act”).

3 For expenses necessary to support advanced research
4 and development pursuant to section 319L of the PHS
5 Act, \$275,000,000, to be derived by transfer from funds
6 appropriated under the heading “Biodefense Counter-
7 measures” in the Department of Homeland Security Ap-
8 propriations Act, 2004, to remain available through Sep-
9 tember 30, 2010.

10 For expenses necessary to prepare for and respond
11 to an influenza pandemic, \$448,091,000, together with
12 \$137,000,000 to be derived by transfer from funds appro-
13 priated under the heading “Biodefense Countermeasures”
14 in the Department of Homeland Security Appropriations
15 Act, 2004, of which \$507,000,000 shall be available until
16 expended, for activities including the development and
17 purchase of vaccine, antivirals, necessary medical supplies,
18 diagnostics, and other surveillance tools: *Provided*, That
19 products purchased with these funds may, at the discre-
20 tion of the Secretary of Health and Human Services, be
21 deposited in the Strategic National Stockpile under section
22 319F–2 of the PHS Act: *Provided further*, That notwith-
23 standing section 496(b) of the PHS Act, funds may be
24 used for the construction or renovation of privately owned
25 facilities for the production of pandemic influenza vaccines

1 and other biologics, if the Secretary finds such construc-
2 tion or renovation necessary to secure sufficient supplies
3 of such vaccines or biologics: *Provided further*, That funds
4 appropriated herein may be transferred to other appro-
5 priation accounts of the Department of Health and
6 Human Services, as determined by the Secretary to be ap-
7 propriate, to be used for the purposes specified in this
8 paragraph.

9 GENERAL PROVISIONS

10 SEC. 201. Funds appropriated in this title shall be
11 available for not to exceed \$50,000 for official reception
12 and representation expenses when specifically approved by
13 the Secretary of Health and Human Services.

14 SEC. 202. The Secretary of Health and Human Serv-
15 ices shall make available through assignment not more
16 than 60 employees of the Public Health Service to assist
17 in child survival activities and to work in AIDS programs
18 through and with funds provided by the Agency for Inter-
19 national Development, the United Nations International
20 Children's Emergency Fund or the World Health Organi-
21 zation.

22 SEC. 203. None of the funds appropriated in this Act
23 for the National Institutes of Health, the Agency for
24 Healthcare Research and Quality, and the Substance
25 Abuse and Mental Health Services Administration shall

1 ferred between a program, project, or activity, but no such
2 program, project, or activity shall be increased by more
3 than 3 percent by any such transfer: *Provided*, That the
4 transfer authority granted by this section shall be avail-
5 able only to meet emergency needs and shall not be used
6 to create any new program or to fund any project or activ-
7 ity for which no funds are provided in this Act: *Provided*
8 *further*, That the Committees on Appropriations of the
9 House of Representatives and the Senate are notified at
10 least 15 days in advance of any transfer.

11 (TRANSFER OF FUNDS)

12 SEC. 207. The Director of the National Institutes of
13 Health, jointly with the Director of the Office of AIDS
14 Research, may transfer up to 3 percent among institutes
15 and centers from the total amounts identified by these two
16 Directors as funding for research pertaining to the human
17 immunodeficiency virus: *Provided*, That the Committees
18 on Appropriations of the House of Representatives and the
19 Senate are notified at least 15 days in advance of any
20 transfer.

21 (TRANSFER OF FUNDS)

22 SEC. 208. Of the amounts made available in this Act
23 for the National Institutes of Health, the amount for re-
24 search related to the human immunodeficiency virus, as
25 jointly determined by the Director of the National Insti-
26 tutes of Health and the Director of the Office of AIDS

1 Research, shall be made available to the “Office of AIDS
2 Research” account. The Director of the Office of AIDS
3 Research shall transfer from such account amounts nec-
4 essary to carry out section 2353(d)(3) of the Public
5 Health Service Act.

6 SEC. 209. None of the funds appropriated in this Act
7 may be made available to any entity under title X of the
8 Public Health Service Act unless the applicant for the
9 award certifies to the Secretary of Health and Human
10 Services that it encourages family participation in the de-
11 cision of minors to seek family planning services and that
12 it provides counseling to minors on how to resist attempts
13 to coerce minors into engaging in sexual activities.

14 SEC. 210. Notwithstanding any other provision of
15 law, no provider of services under title X of the Public
16 Health Service Act shall be exempt from any State law
17 requiring notification or the reporting of child abuse, child
18 molestation, sexual abuse, rape, or incest.

19 SEC. 211. None of the funds appropriated by this Act
20 (including funds appropriated to any trust fund) may be
21 used to carry out the Medicare Advantage program if the
22 Secretary of Health and Human Services denies participa-
23 tion in such program to an otherwise eligible entity (in-
24 cluding a Provider Sponsored Organization) because the
25 entity informs the Secretary that it will not provide, pay

1 for, provide coverage of, or provide referrals for abortions:
2 *Provided*, That the Secretary shall make appropriate pro-
3 spective adjustments to the capitation payment to such an
4 entity (based on an actuarially sound estimate of the ex-
5 pected costs of providing the service to such entity's enroll-
6 ees): *Provided further*, That nothing in this section shall
7 be construed to change the Medicare program's coverage
8 for such services and a Medicare Advantage organization
9 described in this section shall be responsible for informing
10 enrollees where to obtain information about all Medicare
11 covered services.

12 SEC. 212. (a) Except as provided by subsection (e)
13 none of the funds appropriated by this Act may be used
14 to withhold substance abuse funding from a State pursu-
15 ant to section 1926 of the Public Health Service Act if
16 such State certifies to the Secretary of Health and Human
17 Services by May 1, 2009, that the State will commit addi-
18 tional State funds, in accordance with subsection (b), to
19 ensure compliance with State laws prohibiting the sale of
20 tobacco products to individuals under 18 years of age.

21 (b) The amount of funds to be committed by a State
22 under subsection (a) shall be equal to 1 percent of such
23 State's substance abuse block grant allocation for each
24 percentage point by which the State misses the retailer

1 compliance rate goal established by the Secretary under
2 section 1926 of such Act.

3 (c) The State is to maintain State expenditures in
4 fiscal year 2009 for tobacco prevention programs and for
5 compliance activities at a level that is not less than the
6 level of such expenditures maintained by the State for fis-
7 cal year 2008, and adding to that level the additional
8 funds for tobacco compliance activities required under
9 subsection (a). The State is to submit a report to the Sec-
10 retary on all fiscal year 2008 State expenditures and all
11 fiscal year 2009 obligations for tobacco prevention and
12 compliance activities by program activity by July 31,
13 2009.

14 (d) The Secretary shall exercise discretion in enforce-
15 ing the timing of the State obligation of the additional
16 funds required by the certification described in subsection
17 (a) as late as July 31, 2009.

18 (e) None of the funds appropriated by this Act may
19 be used to withhold substance abuse funding pursuant to
20 section 1926 of the Public Health Service Act from a terri-
21 tory that receives less than \$1,000,000.

22 SEC. 213. In order for the Department of Health and
23 Human Services to carry out international health activi-
24 ties, including HIV/AIDS and other infectious disease,

1 chronic and environmental disease, and other health ac-
2 tivities abroad during fiscal year 2009:

3 (1) The Secretary of Health and Human Serv-
4 ices may exercise authority equivalent to that avail-
5 able to the Secretary of State in section 2(c) of the
6 State Department Basic Authorities Act of 1956.
7 The Secretary of Health and Human Services shall
8 consult with the Secretary of State and relevant
9 Chief of Mission to ensure that the authority pro-
10 vided in this section is exercised in a manner con-
11 sistent with section 207 of the Foreign Service Act
12 of 1980 and other applicable statutes administered
13 by the Department of State.

14 (2) The Secretary of Health and Human Serv-
15 ices is authorized to provide such funds by advance
16 or reimbursement to the Secretary of State as may
17 be necessary to pay the costs of acquisition, lease,
18 alteration, renovation, and management of facilities
19 outside of the United States for the use of the De-
20 partment of Health and Human Services. The De-
21 partment of State shall cooperate fully with the Sec-
22 retary of Health and Human Services to ensure that
23 the Department of Health and Human Services has
24 secure, safe, functional facilities that comply with
25 applicable regulation governing location, setback,

1 and other facilities requirements and serve the pur-
2 poses established by this Act. The Secretary of
3 Health and Human Services is authorized, in con-
4 sultation with the Secretary of State, through grant
5 or cooperative agreement, to make available to pub-
6 lic or nonprofit private institutions or agencies in
7 participating foreign countries, funds to acquire,
8 lease, alter, or renovate facilities in those countries
9 as necessary to conduct programs of assistance for
10 international health activities, including activities re-
11 lating to HIV/AIDS and other infectious diseases,
12 chronic and environmental diseases, and other health
13 activities abroad.

14 SEC. 214. (a) AUTHORITY.—Notwithstanding any
15 other provision of law, the Director of the National Insti-
16 tutes of Health (“Director”) may use funds available
17 under section 402(b)(7) or 402(b)(12) of the Public
18 Health Service Act (“PHS Act”) to enter into trans-
19 actions (other than contracts, cooperative agreements, or
20 grants) to carry out research identified pursuant to such
21 section 402(b)(7) (pertaining to the Common Fund) or re-
22 search and activities described in such section 402(b)(12).

23 (b) PEER REVIEW.—In entering into transactions
24 under subsection (a), the Director may utilize such peer
25 review procedures (including consultation with appropriate

1 scientific experts) as the Director determines to be appro-
2 priate to obtain assessments of scientific and technical
3 merit. Such procedures shall apply to such transactions
4 in lieu of the peer review and advisory council review pro-
5 cedures that would otherwise be required under sections
6 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492,
7 and 494 of the PHS Act.

8 SEC. 215. Funds which are available for Individual
9 Learning Accounts for employees of the Centers for Dis-
10 ease Control and Prevention (“CDC”) and the Agency for
11 Toxic Substances and Disease Registry (“ATSDR”) may
12 be transferred to “Disease Control, Research, and Train-
13 ing”, to be available only for Individual Learning Ac-
14 counts: *Provided*, That such funds may be used for any
15 individual full-time equivalent employee while such em-
16 ployee is employed either by CDC or ATSDR.

17 SEC. 216. Notwithstanding any other provisions of
18 law, funds made available in this Act may be used to con-
19 tinue operating the Council on Graduate Medical Edu-
20 cation established by section 301 of Public Law 102–408.

21 SEC. 217. The Director of the National Institutes of
22 Health (“NIH”) shall require in the current fiscal year
23 and thereafter that all investigators funded by the NIH
24 submit or have submitted for them to the National Library
25 of Medicine’s PubMed Central an electronic version of

1 proviso by striking “for” the first time it appears and in-
2 serting “in”.

3 SEC. 221. (a) IN GENERAL.—Section 1927(c)(1)(D)
4 of the Social Security Act (42 U.S.C. § 1396r–8(c)(1)(D)),
5 as added by section 6001(d)(2) of the Deficit Reduction
6 Act of 2005, is amended—

7 (1) in clause (i)—

8 (A) by redesignating subclause (IV) as sub-
9 clause (VI); and

10 (B) by inserting after subclause (III) the fol-
11 lowing:

12 “(IV) An entity that—

13 “(aa) is described in section
14 501(c)(3) of the Internal Rev-
15 enue Code of 1986 and exempt
16 from tax under section 501(a) of
17 such Act or is State-owned or op-
18 erated; and

19 “(bb) would be a covered en-
20 tity described in section
21 340(B)(a)(4) of the Public
22 Health Service Act insofar as the
23 entity provides the same type of
24 services to the same type of pop-
25 ulations as a covered entity de-

1 scribed in such section provides,
2 but does not receive funding
3 under a provision of law referred
4 to in such section;

5 “(V) A public or nonprofit entity,
6 or an entity based at an institution of
7 higher learning whose primary pur-
8 pose is to provide health care services
9 to students of that institution, that
10 provides a service or services de-
11 scribed under section 1001(a) of the
12 Public Health Service Act, 42 U.S.C.
13 300.”.

14 (2) by adding at the end the following new
15 clause:

16 “(iv) RULE OF CONSTRUCTION.—
17 Nothing in this subparagraph shall be con-
18 strued to alter any existing statutory or
19 regulatory prohibition on services with re-
20 spect to an entity described in clause
21 (i)(IV), including the prohibition set forth
22 in section 1008 of the Public Health Serv-
23 ice Act.”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 this subsection shall take effect as if included in the

1 amendment made by section 6001(d)(2) of the Deficit Re-
2 duction Act of 2005.

3 SEC. 222. Section 202 of Public Law 102-394 is
4 hereby amended by substituting “4,000” for “2,800”.

5 SEC. 223. Within 60 days of passage of this Act, the
6 Secretary of the Department of Health and Human Serv-
7 ices shall issue an Advanced Notice of Proposed Rule-
8 making to solicit public comment in advance of modifying
9 regulations at 42 CFR Part 50 Subpart F for the purpose
10 of strengthening Federal oversight and identifying en-
11 hancements of policies, including requirements for finan-
12 cial disclosure to institutions, governing financial conflicts
13 of interest among extramural investigators receiving grant
14 support from the National Institutes of Health.

15 SEC. 224. Hereafter, the activities authorized under
16 section 399M of the Public Health Service Act shall be
17 known as the “James T. Walsh Universal Newborn Hear-
18 ing Screening Program.”

19 (RESCISSION OF FUNDS)

20 SEC. 225. Of the funds available for carrying out sec-
21 tion 204 of the Ticket to Work and Work Incentives Im-
22 provement Act of 1999 (Public Law 106-170),
23 \$21,500,000 are rescinded: *Provided*, That notwith-
24 standing subsection (c)(3)(B) of such section, in no case
25 may the aggregate amount of payments made by the Sec-

1 retary of Health and Human Services to States under
2 such section exceed \$223,500,000.

3 SEC. 226. Section 1941(b)(1)(B) of the Social Secu-
4 rity Act, as added by section 7002(b) of the Supplemental
5 Appropriations Act, 2008, is amended by inserting “each
6 of” after “for”.

7 This title may be cited as the “Department of Health
8 and Human Services Appropriations Act, 2009”.

9 TITLE III

10 DEPARTMENT OF EDUCATION

11 EDUCATION FOR THE DISADVANTAGED

12 For carrying out title I of the Elementary and Sec-
13 ondary Education Act of 1965 (“ESEA”) and section
14 418A of the Higher Education Act of 1965,
15 \$15,760,086,000, of which \$4,739,881,000 shall become
16 available on July 1, 2009, and shall remain available
17 through September 30, 2010, and of which
18 \$10,841,176,000 shall become available on October 1,
19 2009, and shall remain available through September 30,
20 2010, for academic year 2009–2010: *Provided*, That
21 \$6,597,946,000 shall be for basic grants under section
22 1124 of the ESEA: *Provided further*, That up to
23 \$4,000,000 of these funds shall be available to the Sec-
24 retary of Education on October 1, 2008, to obtain annu-
25 ally updated local educational-agency-level census poverty

1 data from the Bureau of the Census: *Provided further*,
2 That \$1,365,031,000 shall be for concentration grants
3 under section 1124A of the ESEA: *Provided further*, That
4 \$3,264,712,000 shall be for targeted grants under section
5 1125 of the ESEA: *Provided further*, That
6 \$3,264,712,000 shall be for education finance incentive
7 grants under section 1125A of the ESEA: *Provided fur-*
8 *ther*, That \$9,167,000 shall be to carry out sections 1501
9 and 1503 of the ESEA.

10 IMPACT AID

11 For carrying out programs of financial assistance to
12 federally affected schools authorized by title VIII of the
13 Elementary and Secondary Education Act of 1965,
14 \$1,265,718,000, of which \$1,128,535,000 shall be for
15 basic support payments under section 8003(b),
16 \$48,602,000 shall be for payments for children with dis-
17 abilities under section 8003(d), \$17,509,000 shall be for
18 construction under section 8007(b) and shall remain avail-
19 able through September 30, 2010, \$66,208,000 shall be
20 for Federal property payments under section 8002, and
21 \$4,864,000, to remain available until expended, shall be
22 for facilities maintenance under section 8008: *Provided*,
23 That for purposes of computing the amount of a payment
24 for an eligible local educational agency under section
25 8003(a) for school year 2008–2009, children enrolled in

1 a school of such agency that would otherwise be eligible
2 for payment under section 8003(a)(1)(B) of such Act, but
3 due to the deployment of both parents or legal guardians,
4 or a parent or legal guardian having sole custody of such
5 children, or due to the death of a military parent or legal
6 guardian while on active duty (so long as such children
7 reside on Federal property as described in section
8 8003(a)(1)(B)), are no longer eligible under such section,
9 shall be considered as eligible students under such section,
10 provided such students remain in average daily attendance
11 at a school in the same local educational agency they at-
12 tended prior to their change in eligibility status.

13 SCHOOL IMPROVEMENT PROGRAMS

14 For carrying out school improvement activities au-
15 thorized by parts A, B, and D of title II, part B of title
16 IV, subparts 6 and 9 of part D of title V, parts A and
17 B of title VI, and parts B and C of title VII of the Elemen-
18 tary and Secondary Education Act of 1965 (“ESEA”); the
19 McKinney-Vento Homeless Assistance Act; section 203 of
20 the Educational Technical Assistance Act of 2002; the
21 Compact of Free Association Amendments Act of 2003;
22 and the Civil Rights Act of 1964, \$5,362,016,000, of
23 which \$3,495,865,000 shall become available on July 1,
24 2009, and remain available through September 30, 2010,
25 and of which \$1,681,441,000 shall become available on

1 October 1, 2009, and shall remain available through Sep-
2 tember 30, 2010, for academic year 2009–2010: *Provided*,
3 That of the funds available for section 2103(a) of the
4 ESEA, \$5,000,000 shall be available for a school leader-
5 ship partnership initiative and up to \$7,500,000 shall be
6 available for teacher and principal quality national activi-
7 ties administered by the Secretary of Education, as speci-
8 fied in the explanatory statement described in section 4
9 (in the matter preceding division A of this consolidated
10 Act): *Provided further*, That funds made available to carry
11 out part B of title VII of the ESEA may be used for con-
12 struction, renovation and modernization of any elementary
13 school, secondary school, or structure related to an ele-
14 mentary school or secondary school, run by the Depart-
15 ment of Education of the State of Hawaii, that serves a
16 predominantly Native Hawaiian student body: *Provided*
17 *further*, That from the funds referred to in the preceding
18 proviso, not less than \$1,500,000 shall be for a grant to
19 the Department of Education of the State of Hawaii for
20 the activities described in such proviso, and \$1,500,000
21 shall be for a grant to the University of Hawaii School
22 of Law for a Center of Excellence in Native Hawaiian law:
23 *Provided further*, That funds made available to carry out
24 part C of title VII of the ESEA may be used for construc-
25 tion: *Provided further*, That up to 100 percent of the funds

1 available to a State educational agency under part D of
2 title II of the ESEA may be used for subgrants described
3 in section 2412(a)(2)(B) of such Act: *Provided further,*
4 That \$57,113,000 shall be available to carry out section
5 203 of the Educational Technical Assistance Act of 2002:
6 *Provided further,* That \$33,791,000 shall be available to
7 carry out part D of title V of the ESEA: *Provided further,*
8 That no funds appropriated under this heading may be
9 used to carry out section 5494 under the ESEA: *Provided*
10 *further,* That \$17,687,000 shall be available to carry out
11 the Supplemental Education Grants program for the Fed-
12 erated States of Micronesia and the Republic of the Mar-
13 shall Islands: *Provided further,* That up to 5 percent of
14 these amounts may be reserved by the Federated States
15 of Micronesia and the Republic of the Marshall Islands
16 to administer the Supplemental Education Grants pro-
17 grams and to obtain technical assistance, oversight and
18 consultancy services in the administration of these grants
19 and to reimburse the United States Departments of
20 Labor, Health and Human Services, and Education for
21 such services: *Provided further,* That \$7,360,000 of the
22 funds available for the Foreign Language Assistance Pro-
23 gram shall be available for 5-year grants to local edu-
24 cational agencies that would work in partnership with one
25 or more institutions of higher education to establish or ex-

1 pand articulated programs of study in languages critical
2 to United States national security that will enable success-
3 ful students to advance from elementary school through
4 college to achieve a superior level of proficiency in those
5 languages.

6 INDIAN EDUCATION

7 For expenses necessary to carry out, to the extent
8 not otherwise provided, title VII, part A of the Elementary
9 and Secondary Education Act of 1965, \$122,282,000.

10 INNOVATION AND IMPROVEMENT

11 For carrying out activities authorized by part G of
12 title I, subpart 5 of part A and parts C and D of title
13 II, parts B, C, and D of title V, and section 1504 of the
14 Elementary and Secondary Education Act of 1965,
15 \$996,425,000: *Provided*, That \$10,649,000 shall be pro-
16 vided to the National Board for Professional Teaching
17 Standards to carry out section 2151(c), including
18 \$1,000,000 to develop a National Board certification for
19 principals of elementary and secondary schools: *Provided*
20 *further*, That from funds for subpart 4, part C of title
21 II, up to 3 percent shall be available to the Secretary of
22 Education for technical assistance and dissemination of
23 information: *Provided further*, That \$347,640,000 shall be
24 available to carry out part D of title V: *Provided further*,
25 That \$88,015,000 shall be used for the projects, and in

1 the amounts, specified under the heading “Innovation and
2 Improvement” in the explanatory statement described in
3 section 4 (in the matter preceding division A of this con-
4 solidated Act): *Provided further*, That \$97,270,000 of the
5 funds for subpart 1 shall be for competitive grants to local
6 educational agencies, including charter schools that are
7 local educational agencies, or States, or partnerships of:
8 (1) a local educational agency, a State, or both; and (2)
9 at least one non-profit organization to develop and imple-
10 ment performance-based teacher and principal compensa-
11 tion systems in high-need schools: *Provided further*, That
12 such performance-based compensation systems must con-
13 sider gains in student academic achievement as well as
14 classroom evaluations conducted multiple times during
15 each school year among other factors and provide edu-
16 cators with incentives to take on additional responsibilities
17 and leadership roles: *Provided further*, That up to 5 per-
18 cent of such funds for competitive grants shall be available
19 for technical assistance, training, peer review of applica-
20 tions, program outreach and evaluation activities: *Pro-*
21 *vided further*, That of the funds available for part B of
22 title V, the Secretary shall use up to \$21,031,000 to carry
23 out activities under section 5205(b) and under subpart 2,
24 and shall use not less than \$195,000,000 to carry out
25 other activities authorized under subpart 1.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subpart 3
3 of part C of title II, part A of title IV, and subparts 2,
4 3 and 10 of part D of title V of the Elementary and Sec-
5 ondary Education Act of 1965, \$690,370,000, of which
6 \$294,759,000 shall become available on July 1, 2009, and
7 remain available through September 30, 2010: *Provided*,
8 That \$294,759,000 shall be available for subpart 1 of part
9 A of title IV and \$220,240,000 shall be available for sub-
10 part 2 of part A of title IV: *Provided further*, That
11 \$141,912,000 shall be available to carry out part D of
12 title V: *Provided further*, That of the funds available to
13 carry out subpart 3 of part C of title II, up to \$13,383,000
14 may be used to carry out section 2345 and \$2,957,000
15 shall be used by the Center for Civic Education to imple-
16 ment a comprehensive program to improve public knowl-
17 edge, understanding, and support of the Congress and the
18 State legislatures.

19 ENGLISH LANGUAGE ACQUISITION

20 For carrying out part A of title III of the Elementary
21 and Secondary Education Act of 1965, \$730,000,000,
22 which shall become available on July 1, 2009, and shall
23 remain available through September 30, 2010, except that
24 6.5 percent of such amount shall be available on October
25 1, 2008, and shall remain available through September 30,

1 2010, to carry out activities under section 3111(c)(1)(C):
2 *Provided*, That the Secretary of Education shall use the
3 American Community Survey child counts to calculate
4 State allocations under such part but, for any State that
5 would otherwise receive greater than a 10-percent reduc-
6 tion from its previous year's allocation, the Secretary shall
7 carry out such calculation using the average of the Amer-
8 ican Community Survey child counts for the 3 most recent
9 years.

10 SPECIAL EDUCATION

11 For carrying out the Individuals with Disabilities
12 Education Act ("IDEA") and the Special Olympics Sport
13 and Empowerment Act of 2004, \$12,579,677,000, of
14 which \$3,726,354,000 shall become available on July 1,
15 2009, and shall remain available through September 30,
16 2010, and of which \$8,592,383,000 shall become available
17 on October 1, 2009, and shall remain available through
18 September 30, 2010, for academic year 2009–2010: *Pro-*
19 *vided*, That \$13,250,000 shall be for Recording for the
20 Blind and Dyslexic, Inc., to support the development, pro-
21 duction, and circulation of recorded educational materials:
22 *Provided further*, That \$737,000 shall be for the recipient
23 of funds provided by Public Law 105–78 under section
24 687(b)(2)(G) of the IDEA (as in effect prior to the enact-
25 ment of the Individuals with Disabilities Education Im-

1 improvement Act of 2004) to provide information on diag-
2 nosis, intervention, and teaching strategies for children
3 with disabilities: *Provided further*, That the amount for
4 section 611(b)(2) of the IDEA shall be equal to the lesser
5 of the amount available for that activity during fiscal year
6 2008, increased by the amount of inflation as specified
7 in section 619(d)(2)(B) of the IDEA, or the percentage
8 increase in the funds appropriated under section 611(i)
9 of the IDEA: *Provided further*, That funds made available
10 for the Special Olympics Sport and Empowerment Act of
11 2004 may be used to support expenses associated with the
12 Special Olympics National and World games hosted in the
13 United States.

14 REHABILITATION SERVICES AND DISABILITY RESEARCH

15 For carrying out, to the extent not otherwise pro-
16 vided, the Rehabilitation Act of 1973, the Assistive Tech-
17 nology Act of 1998, and the Helen Keller National Center
18 Act, \$3,387,762,000: *Provided*, That \$3,088,000 shall be
19 used for the projects, and in the amounts, specified under
20 the heading “Rehabilitation Services and Disability Re-
21 search” in the explanatory statement described in section
22 4 (in the matter preceding division A of this consolidated
23 Act).

1 cation Act of 2006, the Adult Education and Family Lit-
2 eracy Act, subpart 4 of part D of title V of the Elementary
3 and Secondary Education Act of 1965 (“ESEA”) and title
4 VIII–D of the Higher Education Amendments of 1998,
5 \$1,944,348,000, of which \$4,400,000 shall become avail-
6 able on October 1, 2008 and remain available until Sep-
7 tember 30, 2010, of which \$1,148,948,000 shall become
8 available on July 1, 2009, and shall remain available
9 through September 30, 2010, and of which \$791,000,000
10 shall become available on October 1, 2009, and shall re-
11 main available through September 30, 2010: *Provided*,
12 That of the amount provided for Adult Education State
13 Grants, \$67,896,000 shall be made available for inte-
14 grated English literacy and civics education services to im-
15 migrants and other limited English proficient populations:
16 *Provided further*, That of the amount reserved for inte-
17 grated English literacy and civics education, notwith-
18 standing section 211 of the Adult Education and Family
19 Literacy Act, 65 percent shall be allocated to States based
20 on a State’s absolute need as determined by calculating
21 each State’s share of a 10-year average of the United
22 States Citizenship and Immigration Services data for im-
23 migrants admitted for legal permanent residence for the
24 10 most recent years, and 35 percent allocated to States
25 that experienced growth as measured by the average of

1 the 3 most recent years for which United States Citizen-
2 ship and Immigration Services data for immigrants admit-
3 ted for legal permanent residence are available, except
4 that no State shall be allocated an amount less than
5 \$60,000: *Provided further*, That of the amounts made
6 available for the Adult Education and Family Literacy
7 Act, \$6,878,000 shall be for national leadership activities
8 under section 243 and \$6,468,000 shall be for the Na-
9 tional Institute for Literacy under section 242: *Provided*
10 *further*, That \$88,000,000 shall be available to support the
11 activities authorized under subpart 4 of part D of title
12 V of the ESEA, of which up to 5 percent shall become
13 available October 1, 2008, and shall remain available
14 through September 30, 2010, for evaluation, technical as-
15 sistance, school networks, peer review of applications, and
16 program outreach activities, and of which not less than
17 95 percent shall become available on July 1, 2009, and
18 remain available through September 30, 2010, for grants
19 to local educational agencies: *Provided further*, That funds
20 made available to local educational agencies under this
21 subpart shall be used only for activities related to estab-
22 lishing smaller learning communities within large high
23 schools or small high schools that provide alternatives for
24 students enrolled in large high schools.

1 STUDENT FINANCIAL ASSISTANCE
2 (INCLUDING DEFERRAL OF FUNDS)

3 For carrying out subparts 1, 3, and 4 of part A, part
4 C and part E of title IV of the Higher Education Act of
5 1965, \$19,156,973,000, which shall remain available
6 through September 30, 2010.

7 The maximum Pell Grant for which a student shall
8 be eligible during award year 2009–2010 shall be \$4,860.

9 Of the funds made available under section
10 401A(e)(1)(D) of the Higher Education Act of 1965,
11 \$887,000,000 shall not be available until October 1, 2009.

12 STUDENT AID ADMINISTRATION

13 For Federal administrative expenses to carry out part
14 D of title I, and subparts 1, 3, and 4 of part A, and parts
15 B, C, D, and E of title IV of the Higher Education Act
16 of 1965, \$753,402,000, which shall remain available until
17 expended.

18 HIGHER EDUCATION

19 For carrying out, to the extent not otherwise pro-
20 vided, titles II, III, IV, V, VI, and VII of the Higher Edu-
21 cation Act of 1965 (“HEA”), section 1543 of the Higher
22 Education Amendments of 1992, the Mutual Educational
23 and Cultural Exchange Act of 1961, title VIII of the
24 Higher Education Amendments of 1998, part I of subtitle
25 A of title VI of the America COMPETES Act, section 515

1 of the Federal Mine Safety and Health Act of 1977, and
2 section 117 of the Carl D. Perkins Career and Technical
3 Education Act of 2006, \$2,100,150,000: *Provided*, That
4 \$9,687,000, to remain available through September 30,
5 2010, shall be available to fund fellowships for academic
6 year 2010–2011 under subpart 1 of part A of title VII
7 of the HEA, under the terms and conditions of such sub-
8 part 1: *Provided further*, That \$609,000 shall be for data
9 collection and evaluation activities for programs under the
10 HEA, including such activities needed to comply with the
11 Government Performance and Results Act of 1993: *Pro-*
12 *vided further*, That notwithstanding any other provision
13 of law, funds made available in this Act to carry out title
14 VI of the HEA and section 102(b)(6) of the Mutual Edu-
15 cational and Cultural Exchange Act of 1961 may be used
16 to support visits and study in foreign countries by individ-
17 uals who are participating in advanced foreign language
18 training and international studies in areas that are vital
19 to United States national security and who plan to apply
20 their language skills and knowledge of these countries in
21 the fields of government, the professions, or international
22 development: *Provided further*, That of the funds referred
23 to in the preceding proviso up to 1 percent may be used
24 for program evaluation, national outreach, and informa-
25 tion dissemination activities: *Provided further*, That up to

1 \$6,556,000 shall be available to continue funding for re-
2 cipients of multi-year awards under section 204 of the
3 HEA, as that Act was in effect prior to the date of enact-
4 ment of the Higher Education Opportunity Act
5 (“HEOA”), in accordance with the terms of their awards:
6 *Provided further*, That notwithstanding any other provi-
7 sion of law, funds available under section 371 of the HEA
8 for Tribal Colleges and Universities may be used for con-
9 struction grants, including such funds to recipients of con-
10 tinuation grants for multi-year awards that were made in
11 fiscal year 2008 under section 316 of the HEA, as that
12 Act was in effect prior to the date of enactment of the
13 HEOA, in accordance with the terms of such multi-year
14 awards: *Provided further*, That notwithstanding any other
15 provision of law, a recipient of a multi-year award under
16 section 316 of the HEA, as that section was in effect prior
17 to the date of enactment of the HEOA, that would have
18 otherwise received a continuation award for fiscal year
19 2009 under that section, shall receive under section 316,
20 as amended by the HEOA, not less than the amount that
21 such recipient would have received under such a continu-
22 ation award: *Provided further*, That the portion of the
23 funds received under section 316 by a recipient described
24 in the preceding proviso that is equal to the amount of
25 such continuation award shall be used in accordance with

1 the terms of such continuation award: *Provided further,*
2 That \$1,000,000, to remain available until expended, shall
3 be available to carry out a scholarship program for the
4 purpose of increasing the skilled workforce for industrial
5 health and safety occupations, including mine safety: *Pro-*
6 *vided further,* That the Secretary of Education shall iden-
7 tify these scholarships as “Erma Byrd Scholarships”: *Pro-*
8 *vided further,* That such scholarships shall be awarded
9 without regard to an applicant’s prior work experience,
10 but the Secretary shall, notwithstanding section 437 of the
11 General Education Provisions Act and 5 U.S.C. 553, by
12 notice in the Federal Register, establish the eligibility re-
13 quirements, service obligations, payback requirements,
14 and other program requirements similar to those specified
15 in section 515 of the Federal Mine Safety and Health Act
16 as are necessary to implement such a program: *Provided*
17 *further,* That such scholarship funds may be used to re-
18 place a student’s expected family contribution, but institu-
19 tions accepting such scholarship funds may not use these
20 funds to supplant existing institutional aid: *Provided fur-*
21 *ther,* That the Secretary shall be authorized to accept con-
22 tributions for such scholarships from private sources: *Pro-*
23 *vided further,* That these funds shall be used for scholar-
24 ships for academic year 2009–2010 and may be available
25 for scholarships in academic year 2010–2011: *Provided*

1 without regard to paragraphs (1) and (2) of section
2 344(a).

3 For the cost of guaranteed loans, \$10,000,000, as au-
4 thorized pursuant to Part D of title III of the HEA: *Pro-*
5 *vided*, That such costs, including the cost of modifying
6 such loans, shall be as defined in section 502 of the Con-
7 gressional Budget Act of 1974: *Provided further*, That
8 these funds are available to subsidize total loan principal,
9 any part of which is to be guaranteed, not to exceed
10 \$100,000,000. In addition, for administrative expenses to
11 carry out the Historically Black College and University
12 Capital Financing Program entered into pursuant to part
13 D of title III of the HEA, \$354,000.

14 INSTITUTE OF EDUCATION SCIENCES

15 For carrying out activities authorized by the Edu-
16 cation Sciences Reform Act of 2002, the National Assess-
17 ment of Educational Progress Authorization Act, section
18 208 of the Educational Technical Assistance Act of 2002,
19 and section 664 of the Individuals with Disabilities Edu-
20 cation Act, \$617,175,000, of which \$312,241,000 shall be
21 available until September 30, 2010: *Provided*, That funds
22 available to carry out section 208 of the Educational Tech-
23 nical Assistance Act may be used for Statewide data sys-
24 tems that include postsecondary and workforce informa-
25 tion: *Provided further*, That up to \$5,000,000 of the funds

1 available to carry out section 208 of the Educational Tech-
2 nical Assistance Act may be used for State data coordina-
3 tors and for awards to public or private organizations or
4 agencies to improve data coordination.

5 DEPARTMENTAL MANAGEMENT

6 PROGRAM ADMINISTRATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Department of Education Organization Act, in-
9 cluding rental of conference rooms in the District of Co-
10 lumbia and hire of three passenger motor vehicles,
11 \$433,482,000, of which \$5,400,000, to remain available
12 until expended, shall be for relocation of, and renovation
13 of buildings occupied by, Department staff.

14 OFFICE FOR CIVIL RIGHTS

15 For expenses necessary for the Office for Civil
16 Rights, as authorized by section 203 of the Department
17 of Education Organization Act, \$96,826,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For expenses necessary for the Office of the Inspector
20 General, as authorized by section 212 of the Department
21 of Education Organization Act, \$54,539,000.

22 GENERAL PROVISIONS

23 SEC. 301. No funds appropriated in this Act may be
24 used for the transportation of students or teachers (or for
25 the purchase of equipment for such transportation) in
26 order to overcome racial imbalance in any school or school

1 be transferred between appropriations, but no such appro-
2 priation shall be increased by more than 3 percent by any
3 such transfer: *Provided*, That the transfer authority
4 granted by this section shall be available only to meet
5 emergency needs and shall not be used to create any new
6 program or to fund any project or activity for which no
7 funds are provided in this Act: *Provided further*, That the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate are notified at least 15 days in ad-
10 vance of any transfer.

11 SEC. 305. The signature pages submitted by Heart
12 Butte School District in Pondera County, Montana, as
13 part of its application for Impact Aid under title VIII of
14 the Elementary and Secondary Education Act of 1965,
15 shall be considered to have been timely and complete for
16 purposes of receiving funding under such program for fis-
17 cal year 2009.

18 SEC. 306. The Outlying Areas may consolidate funds
19 received under this Act as well as any remaining funds
20 received under the Department of Education Appropria-
21 tions Act, 2008, pursuant to 48 U.S.C. 1469a, under part
22 A of title V of the Elementary and Secondary Education
23 Act.

24 This title may be cited as the “Department of Edu-
25 cation Appropriations Act, 2009”.

1 TITLE IV
2 RELATED AGENCIES
3 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
4 BLIND OR SEVERELY DISABLED
5 SALARIES AND EXPENSES

6 For expenses necessary for the Committee for Pur-
7 chase From People Who Are Blind or Severely Disabled
8 established by Public Law 92–28, \$5,094,000.

9 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
10 OPERATING EXPENSES

11 For necessary expenses for the Corporation for Na-
12 tional and Community Service to carry out the Domestic
13 Volunteer Service Act of 1973 (“1973 Act”) and the Na-
14 tional and Community Service Act of 1990 (“1990 Act”),
15 \$680,564,000, of which \$309,835,000 shall be to carry
16 out the 1973 Act and \$370,729,000 shall be to carry out
17 the 1990 Act: *Provided*, That \$27,500,000 of the amount
18 provided under this heading shall be available to carry out
19 subtitle E of the 1990 Act at five campuses throughout
20 the United States: *Provided further*, That up to 1 percent
21 of program grant funds may be used to defray the costs
22 of conducting grant application reviews, including the use
23 of outside peer reviewers and electronic management of
24 the grants cycle: *Provided further*, That none of the funds
25 made available under this heading for activities authorized

1 by section 122 and part E of title II of the 1973 Act shall
2 be used to provide stipends or other monetary incentives
3 to program participants or volunteer leaders whose in-
4 comes exceed the income guidelines in subsections 211(e)
5 and 213(b) of the 1973 Act: *Provided further*, That not-
6 withstanding subtitle H of title I of the 1990 Act, none
7 of the funds provided for quality and innovation activities
8 shall be used to support salaries and related expenses (in-
9 cluding travel) attributable to Corporation for National
10 and Community Service employees: *Provided further*, That
11 of the amounts provided under this heading: (1) not more
12 than \$55,000,000 of grants made under subtitle C of the
13 1990 Act may be used to administer, reimburse, or sup-
14 port any national service program authorized under sec-
15 tion 129(d)(2) of the 1990 Act; and (2) \$11,790,000 shall
16 be to provide assistance to State commissions on national
17 and community service, under section 126(a) of the 1990
18 Act and notwithstanding section 501(a)(4) of the 1990
19 Act.

20 NATIONAL SERVICE TRUST

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses for the National Service
23 Trust established under subtitle D of title I of the Na-
24 tional and Community Service Act of 1990 (“1990 Act”),
25 \$131,075,000, to remain available until expended: *Pro-*

1 *vided*, That the Corporation for National and Community
2 Service may transfer additional funds from the amount
3 provided within “Operating Expenses” for grants made
4 under subtitle C of the 1990 Act to this appropriation
5 upon determination that such transfer is necessary to sup-
6 port the activities of national service participants and
7 after notice is transmitted to the Committees on Appro-
8 priations of the House of Representatives and the Senate:
9 *Provided further*, That amounts appropriated for or trans-
10 ferred to the National Service Trust may be invested
11 under section 145(b) of the 1990 Act without regard to
12 the requirement to apportion funds under 31 U.S.C.
13 1513(b).

14 SALARIES AND EXPENSES

15 For necessary expenses of administration as provided
16 under section 501(a)(4) of the National and Community
17 Service Act of 1990 and under section 504(a) of the Do-
18 mestic Volunteer Service Act of 1973, including payment
19 of salaries, authorized travel, hire of passenger motor vehi-
20 cles, the rental of conference rooms in the District of Co-
21 lumbia, the employment of experts and consultants au-
22 thorized under 5 U.S.C. 3109, and not to exceed \$2,500
23 for official reception and representation expenses,
24 \$71,715,000.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the Inspector General Act of 1978,
4 \$6,512,000.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 401. Notwithstanding any other provision of
7 law, the term “qualified student loan” with respect to na-
8 tional service education awards shall mean any loan deter-
9 mined by an institution of higher education to be nec-
10 essary to cover a student’s cost of attendance at such in-
11 stitution and made, insured, or guaranteed directly to a
12 student by a State agency, in addition to other meanings
13 under section 148(b)(7) of the National and Community
14 Service Act of 1990.

15 SEC. 402. Notwithstanding any other provision of
16 law, funds made available under section 129(d)(5)(B) of
17 the National and Community Service Act of 1990 (“1990
18 Act”) to assist entities in placing applicants who are indi-
19 viduals with disabilities may be provided to any entity that
20 receives a grant under section 121 of the 1990 Act.

21 SEC. 403. The Corporation for National and Commu-
22 nity Service (“the Corporation”) shall make any signifi-
23 cant changes to program requirements, service delivery or
24 policy only through public notice and comment rule-
25 making. For fiscal year 2009, during any grant selection
26 process, an officer or employee of the Corporation shall

1 not knowingly disclose any covered grant selection infor-
2 mation regarding such selection, directly or indirectly, to
3 any person other than an officer or employee of the Cor-
4 poration that is authorized by the Corporation to receive
5 such information.

6 SEC. 404. Professional Corps programs described in
7 section 122(a)(8) of the National and Community Service
8 Act of 1990 may apply to the Corporation for National
9 and Community Service for a waiver of application of sec-
10 tion 140(c)(2).

11 SEC. 405. Notwithstanding 31 U.S.C. 1342, the Cor-
12 poration for National and Community Service (“the Cor-
13 poration”) may solicit and accept the services of organiza-
14 tions and individuals (other than participants) to assist
15 the Corporation in carrying out the duties of the Corpora-
16 tion under the national service laws: *Provided*, That an
17 individual who provides services under this section shall
18 be subject to the same protections and limitations as vol-
19 unteers under section 196(a) of the National and Commu-
20 nity Service Act of 1990.

21 SEC. 406. Organizations operating projects under the
22 AmeriCorps Education Awards Program shall do so with-
23 out regard to the requirements of sections 121(d) and (e),
24 131(e), 132, and 140(a), (d), and (e) of the National and
25 Community Service Act of 1990.

1 SEC. 407. AmeriCorps programs receiving grants
2 under the National Service Trust program shall meet an
3 overall minimum share requirement of 24 percent for the
4 first three years that they receive AmeriCorps funding,
5 and thereafter shall meet the overall minimum share re-
6 quirement as provided in section 2521.60 of title 45, Code
7 of Federal Regulations, without regard to the operating
8 costs match requirement in section 121(e) or the member
9 support Federal share limitations in section 140 of the
10 National and Community Service Act of 1990, and subject
11 to partial waiver consistent with section 2521.70 of title
12 45, Code of Federal Regulations.

13 SEC. 408. Notwithstanding any other provision of
14 law, formula-based grants to States and territories under
15 section 129(a)(1)–(2) of the National and Community
16 Service Act of 1990 to operate AmeriCorps programs may
17 be made if the application describes proposed positions
18 into which participants will be placed, the proposed min-
19 imum qualifications of such participants, and includes an
20 assurance that the State will select national service pro-
21 grams for subgrants on a competitive basis, and an assur-
22 ance that the aforementioned information will be provided
23 for each subgrant awarded prior to the execution of such
24 subgrants.

(TRANSFER OF FUNDS)

1
2 SEC. 409. For fiscal year 2009 and thereafter, in ad-
3 dition to amounts otherwise provided to the National Serv-
4 ice Trust, at no later than the end of the fifth fiscal year
5 after the fiscal year for which funds are appropriated or
6 otherwise made available, unobligated balances of appro-
7 priations available for grants under the National Service
8 Trust Program under subtitle C of title I of the 1990 Act
9 during such fiscal year may be transferred to the National
10 Service Trust after notice is transmitted to the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate, if such funds are initially obligated before
13 the expiration of their period of availability.

14 SEC. 410. Of the amounts provided in this Act which
15 the Corporation for National and Community Service
16 (“the Corporation”) allocates for the provision of assist-
17 ance under subsections 129(a) and (b) of the National and
18 Community Service Act of 1990 (“1990 Act”), the Cor-
19 poration shall apply the formula in section 129(a)(1) of
20 the 1990 Act in such a manner so as to ensure that each
21 State shall receive a minimum of \$500,000: *Provided*,
22 That, in no event shall the total amount allotted under
23 section 129(a)(1) exceed $33\frac{1}{3}$ percent of the funds allo-
24 cated by the Corporation for the provision of assistance
25 under subsections 129(a) and (b) of the 1990 Act.

1 SEC. 411. Notwithstanding section 139(b) of the Na-
2 tional and Community Service Act of 1990 (“1990 Act”),
3 an individual in an approved national service position per-
4 forming full-time or part-time national service directly re-
5 lated to disaster relief efforts may continue in that term
6 of service for a period of 6 months beyond the periods
7 otherwise specified in sections 139(b) and 153(e) of the
8 1990 Act or section 104 of the Domestic Volunteer Service
9 Act of 1973. Service in an extended term as provided
10 under this section shall constitute a single term of service
11 for purposes of sections 146(b) and (c) of the 1990 Act.

12 SEC. 412. Donations made to the Corporation for Na-
13 tional and Community Service (“the Corporation”) under
14 section 196 of the National and Community Service Act
15 of 1990 (“1990 Act”) for the purposes of financing pro-
16 grams and operations under titles I and II of the 1973
17 Act or subtitles B, C, D, or E of title I of the 1990 Act
18 shall be used to supplement and not supplant current pro-
19 grams and operations.

20 CORPORATION FOR PUBLIC BROADCASTING

21 For payment to the Corporation for Public Broad-
22 casting (“Corporation”), as authorized by the Commu-
23 nications Act of 1934, an amount which shall be available
24 within limitations specified by that Act, for the fiscal year
25 2011, \$430,000,000: *Provided*, That no funds made avail-

1 able to the Corporation by this Act shall be used to pay
2 for receptions, parties, or similar forms of entertainment
3 for Government officials or employees: *Provided further*,
4 That none of the funds contained in this paragraph shall
5 be available or used to aid or support any program or ac-
6 tivity from which any person is excluded, or is denied ben-
7 efits, or is discriminated against, on the basis of race,
8 color, national origin, religion, or sex: *Provided further*,
9 That no funds made available to the Corporation by this
10 Act shall be used to apply any political test or qualification
11 in selecting, appointing, promoting, or taking any other
12 personnel action with respect to officers, agents, and em-
13 ployees of the Corporation: *Provided further*, That for fis-
14 cal year 2009, in addition to the amounts provided above,
15 \$34,591,000 shall be for costs related to digital program
16 production, development, and distribution, associated with
17 the transition of public broadcasting to digital broad-
18 casting, to be awarded as determined by the Corporation
19 in consultation with public radio and television licensees
20 or permittees, or their designated representatives: *Pro-*
21 *vided further*, That for fiscal year 2009, in addition to the
22 amounts provided above, \$26,642,000 is available pursu-
23 ant to section 396(k)(10) of the Communications Act of
24 1934 for replacement and upgrade of the public radio
25 interconnection system: *Provided further*, That none of the

1 funds made available to the Corporation by this Act, divi-
2 sion G of the Consolidated Appropriations Act, 2008, or
3 the Continuing Appropriations Resolution, 2007, shall be
4 used to support the Television Future Fund or any similar
5 purpose.

6 FEDERAL MEDIATION AND CONCILIATION SERVICE

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mediation
9 and Conciliation Service (“Service”) to carry out the func-
10 tions vested in it by the Labor Management Relations Act,
11 1947, including hire of passenger motor vehicles; for ex-
12 penses necessary for the Labor-Management Cooperation
13 Act of 1978; and for expenses necessary for the Service
14 to carry out the functions vested in it by the Civil Service
15 Reform Act, \$45,476,000: *Provided*, That notwithstanding
16 31 U.S.C. 3302, fees charged, up to full-cost recovery, for
17 special training activities and other conflict resolution
18 services and technical assistance, including those provided
19 to foreign governments and international organizations,
20 and for arbitration services shall be credited to and
21 merged with this account, and shall remain available until
22 expended: *Provided further*, That fees for arbitration serv-
23 ices shall be available only for education, training, and
24 professional development of the agency workforce: *Pro-*
25 *vided further*, That the Director of the Service is author-

1 ized to accept and use on behalf of the United States gifts
2 of services and real, personal, or other property in the aid
3 of any projects or functions within the Director’s jurisdic-
4 tion.

5 FEDERAL MINE SAFETY AND HEALTH REVIEW

6 COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mine Safety
9 and Health Review Commission, \$8,653,000.

10 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

11 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

12 AND ADMINISTRATION

13 For carrying out the Museum and Library Services
14 Act of 1996 and the National Museum of African Amer-
15 ican History and Culture Act, \$274,840,000, of which
16 \$10,737,000 shall be used for the projects, and in the
17 amounts, specified under the heading “Office of Museum
18 and Library Services: Grants and Administration” in the
19 explanatory statement described in section 4 (in the mat-
20 ter preceding division A of this consolidated Act): *Pro-*
21 *vided*, That funds may be made available for support
22 through inter-agency agreement or grant to commemora-
23 tive Federal commissions that support museum and li-
24 brary activities, in partnership with libraries and museums

1 that are eligible for funding under programs carried out
2 by the Institute of Museum and Library Services.

3 MEDICARE PAYMENT ADVISORY COMMISSION

4 SALARIES AND EXPENSES

5 For expenses necessary to carry out section 1805 of
6 the Social Security Act, \$11,403,000, to be transferred to
7 this appropriation from the Federal Hospital Insurance
8 Trust Fund and the Federal Supplementary Medical In-
9 surance Trust Fund.

10 NATIONAL COUNCIL ON DISABILITY

11 SALARIES AND EXPENSES

12 For expenses necessary for the National Council on
13 Disability as authorized by title IV of the Rehabilitation
14 Act of 1973, \$3,206,000.

15 NATIONAL LABOR RELATIONS BOARD

16 SALARIES AND EXPENSES

17 For expenses necessary for the National Labor Rela-
18 tions Board to carry out the functions vested in it by the
19 Labor-Management Relations Act, 1947, and other laws,
20 \$262,595,000: *Provided*, That no part of this appropria-
21 tion shall be available to organize or assist in organizing
22 agricultural laborers or used in connection with investiga-
23 tions, hearings, directives, or orders concerning bargaining
24 units composed of agricultural laborers as referred to in
25 section 2(3) of the Act of July 5, 1935, and as amended

1 by the Labor-Management Relations Act, 1947, and as de-
2 fined in section 3(f) of the Act of June 25, 1938, and
3 including in said definition employees engaged in the
4 maintenance and operation of ditches, canals, reservoirs,
5 and waterways when maintained or operated on a mutual,
6 nonprofit basis and at least 95 percent of the water stored
7 or supplied thereby is used for farming purposes.

8 NATIONAL MEDIATION BOARD

9 SALARIES AND EXPENSES

10 For expenses necessary to carry out the provisions
11 of the Railway Labor Act, including emergency boards ap-
12 pointed by the President, \$12,992,000.

13 OCCUPATIONAL SAFETY AND HEALTH REVIEW

14 COMMISSION

15 SALARIES AND EXPENSES

16 For expenses necessary for the Occupational Safety
17 and Health Review Commission, \$11,186,000.

18 RAILROAD RETIREMENT BOARD

19 DUAL BENEFITS PAYMENTS ACCOUNT

20 For payment to the Dual Benefits Payments Ac-
21 count, authorized under section 15(d) of the Railroad Re-
22 tirement Act of 1974, \$72,000,000, which shall include
23 amounts becoming available in fiscal year 2009 pursuant
24 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
25 tion, an amount, not to exceed 2 percent of the amount

1 provided herein, shall be available proportional to the
2 amount by which the product of recipients and the average
3 benefit received exceeds the amount available for payment
4 of vested dual benefits: *Provided*, That the total amount
5 provided herein shall be credited in 12 approximately
6 equal amounts on the first day of each month in the fiscal
7 year.

8 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

9 ACCOUNTS

10 For payment to the accounts established in the
11 Treasury for the payment of benefits under the Railroad
12 Retirement Act for interest earned on unnegotiated
13 checks, \$150,000, to remain available through September
14 30, 2010, which shall be the maximum amount available
15 for payment pursuant to section 417 of Public Law 98–
16 76.

17 LIMITATION ON ADMINISTRATION

18 For necessary expenses for the Railroad Retirement
19 Board (“Board”) for administration of the Railroad Re-
20 tirement Act and the Railroad Unemployment Insurance
21 Act, \$105,463,000, to be derived in such amounts as de-
22 termined by the Board from the railroad retirement ac-
23 counts and from moneys credited to the railroad unem-
24 ployment insurance administration fund.

1 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

2 For expenses necessary for the Office of Inspector
3 General (“Office”) for audit, investigatory and review ac-
4 tivities, as authorized by the Inspector General Act of
5 1978, not more than \$7,806,000, to be derived from the
6 railroad retirement accounts and railroad unemployment
7 insurance account: *Provided*, That none of the funds made
8 available in any other paragraph of this Act may be trans-
9 ferred to the Office; used to carry out any such transfer;
10 used to provide any office space, equipment, office sup-
11 plies, communications facilities or services, maintenance
12 services, or administrative services for the Office; used to
13 pay any salary, benefit, or award for any personnel of the
14 Office; used to pay any other operating expense of the Of-
15 fice; or used to reimburse the Office for any service pro-
16 vided, or expense incurred, by the Office, except as per-
17 mitted pursuant to the last proviso under this heading in
18 division G of the Consolidated Appropriations Act, 2008.

19 SOCIAL SECURITY ADMINISTRATION

20 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

21 For payment to the Federal Old-Age and Survivors
22 Insurance Trust Fund and the Federal Disability Insur-
23 ance Trust Fund, as provided under sections 201(m),
24 228(g), and 1131(b)(2) of the Social Security Act,
25 \$20,406,000.

1 SUPPLEMENTAL SECURITY INCOME PROGRAM

2 For carrying out titles XI and XVI of the Social Se-
3 curity Act, section 401 of Public Law 92–603, section 212
4 of Public Law 93–66, as amended, and section 405 of
5 Public Law 95–216, including payment to the Social Secu-
6 rity trust funds for administrative expenses incurred pur-
7 suant to section 201(g)(1) of the Social Security Act,
8 \$30,471,537,000, to remain available until expended: *Pro-*
9 *vided*, That any portion of the funds provided to a State
10 in the current fiscal year and not obligated by the State
11 during that year shall be returned to the Treasury.

12 For making, after June 15 of the current fiscal year,
13 benefit payments to individuals under title XVI of the So-
14 cial Security Act, for unanticipated costs incurred for the
15 current fiscal year, such sums as may be necessary.

16 For making benefit payments under title XVI of the
17 Social Security Act for the first quarter of fiscal year
18 2010, \$15,400,000,000, to remain available until ex-
19 pended.

20 LIMITATION ON ADMINISTRATIVE EXPENSES

21 For necessary expenses, including the hire of two pas-
22 senger motor vehicles, and not to exceed \$15,000 for offi-
23 cial reception and representation expenses, not more than
24 \$10,067,500,000 may be expended, as authorized by sec-
25 tion 201(g)(1) of the Social Security Act, from any one
26 or all of the trust funds referred to therein: *Provided*, That

1 not less than \$2,000,000 shall be for the Social Security
2 Advisory Board: *Provided further*, That unobligated bal-
3 ances of funds provided under this paragraph at the end
4 of fiscal year 2009 not needed for fiscal year 2009 shall
5 remain available until expended to invest in the Social Se-
6 curity Administration information technology and tele-
7 communications hardware and software infrastructure, in-
8 cluding related equipment and non-payroll administrative
9 expenses associated solely with this information technology
10 and telecommunications infrastructure: *Provided further*,
11 That reimbursement to the trust funds under this heading
12 for expenditures for official time for employees of the So-
13 cial Security Administration pursuant to 5 U.S.C. 7131,
14 and for facilities or support services for labor organiza-
15 tions pursuant to policies, regulations, or procedures re-
16 ferred to in section 7135(b) of such title shall be made
17 by the Secretary of the Treasury, with interest, from
18 amounts in the general fund not otherwise appropriated,
19 as soon as possible after such expenditures are made.

20 From funds provided under the first paragraph, not
21 less than \$264,000,000 shall be available for the cost asso-
22 ciated with conducting continuing disability reviews under
23 titles II and XVI of the Social Security Act and for the
24 cost associated with conducting redeterminations of eligi-
25 bility under title XVI of the Social Security Act.

1 In addition to the amounts made available above, and
2 subject to the same terms and conditions, \$240,000,000,
3 for additional continuing disability reviews and redeter-
4 minations of eligibility: *Provided*, That the Commissioner
5 shall provide to the Congress (at the conclusion of the fis-
6 cal year) a report on the obligation and expenditure of
7 these additional amounts, similar to the reports that were
8 required by section 103(d)(2) of Public Law 104–121 for
9 fiscal years 1996 through 2002.

10 In addition, \$145,000,000 to be derived from admin-
11 istration fees in excess of \$5.00 per supplementary pay-
12 ment collected pursuant to section 1616(d) of the Social
13 Security Act or section 212(b)(3) of Public Law 93–66,
14 which shall remain available until expended. To the extent
15 that the amounts collected pursuant to such sections in
16 fiscal year 2009 exceed \$145,000,000, the amounts shall
17 be available in fiscal year 2010 only to the extent provided
18 in advance in appropriations Acts.

19 In addition, up to \$1,000,000 to be derived from fees
20 collected pursuant to section 303(c) of the Social Security
21 Protection Act, which shall remain available until ex-
22 pended.

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, \$28,000,000, together with not to
6 exceed \$70,127,000, to be transferred and expended as
7 authorized by section 201(g)(1) of the Social Security Act
8 from the Federal Old-Age and Survivors Insurance Trust
9 Fund and the Federal Disability Insurance Trust Fund.

10 In addition, an amount not to exceed 3 percent of
11 the total provided in this appropriation may be transferred
12 from the "Limitation on Administrative Expenses", Social
13 Security Administration, to be merged with this account,
14 to be available for the time and purposes for which this
15 account is available: *Provided*, That notice of such trans-
16 fers shall be transmitted promptly to the Committees on
17 Appropriations of the House of Representatives and the
18 Senate.

19 TITLE V
20 GENERAL PROVISIONS

21 SEC. 501. The Secretaries of Labor, Health and
22 Human Services, and Education are authorized to transfer
23 unexpended balances of prior appropriations to accounts
24 corresponding to current appropriations provided in this
25 Act. Such transferred balances shall be used for the same

1 purpose, and for the same periods of time, for which they
2 were originally appropriated.

3 SEC. 502. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 503. (a) No part of any appropriation contained
7 in this Act shall be used, other than for normal and recog-
8 nized executive-legislative relationships, for publicity or
9 propaganda purposes, for the preparation, distribution, or
10 use of any kit, pamphlet, booklet, publication, radio, tele-
11 vision, or video presentation designed to support or defeat
12 legislation pending before the Congress or any State legis-
13 lature, except in presentation to the Congress or any State
14 legislature itself.

15 (b) No part of any appropriation contained in this
16 Act shall be used to pay the salary or expenses of any
17 grant or contract recipient, or agent acting for such recipi-
18 ent, related to any activity designed to influence legislation
19 or appropriations pending before the Congress or any
20 State legislature.

21 SEC. 504. The Secretaries of Labor and Education
22 are authorized to make available not to exceed \$28,000
23 and \$20,000, respectively, from funds available for sala-
24 ries and expenses under titles I and III, respectively, for
25 official reception and representation expenses; the Direc-

1 tor of the Federal Mediation and Conciliation Service is
2 authorized to make available for official reception and rep-
3 resentation expenses not to exceed \$5,000 from the funds
4 available for “Federal Mediation and Conciliation Service,
5 Salaries and expenses”; and the Chairman of the National
6 Mediation Board is authorized to make available for offi-
7 cial reception and representation expenses not to exceed
8 \$5,000 from funds available for “National Mediation
9 Board, Salaries and expenses”.

10 SEC. 505. Notwithstanding any other provision of
11 this Act, no funds appropriated in this Act shall be used
12 to carry out any program of distributing sterile needles
13 or syringes for the hypodermic injection of any illegal
14 drug.

15 SEC. 506. When issuing statements, press releases,
16 requests for proposals, bid solicitations and other docu-
17 ments describing projects or programs funded in whole or
18 in part with Federal money, all grantees receiving Federal
19 funds included in this Act, including but not limited to
20 State and local governments and recipients of Federal re-
21 search grants, shall clearly state—

22 (1) the percentage of the total costs of the pro-
23 gram or project which will be financed with Federal
24 money;

1 (2) the dollar amount of Federal funds for the
2 project or program; and

3 (3) percentage and dollar amount of the total
4 costs of the project or program that will be financed
5 by non-governmental sources.

6 SEC. 507. (a) None of the funds appropriated in this
7 Act, and none of the funds in any trust fund to which
8 funds are appropriated in this Act, shall be expended for
9 any abortion.

10 (b) None of the funds appropriated in this Act, and
11 none of the funds in any trust fund to which funds are
12 appropriated in this Act, shall be expended for health ben-
13 efits coverage that includes coverage of abortion.

14 (c) The term “health benefits coverage” means the
15 package of services covered by a managed care provider
16 or organization pursuant to a contract or other arrange-
17 ment.

18 SEC. 508. (a) The limitations established in the pre-
19 ceding section shall not apply to an abortion—

20 (1) if the pregnancy is the result of an act of
21 rape or incest; or

22 (2) in the case where a woman suffers from a
23 physical disorder, physical injury, or physical illness,
24 including a life-endangering physical condition
25 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 (d)(1) None of the funds made available in this Act
16 may be made available to a Federal agency or program,
17 or to a State or local government, if such agency, program,
18 or government subjects any institutional or individual
19 health care entity to discrimination on the basis that the
20 health care entity does not provide, pay for, provide cov-
21 erage of, or refer for abortions.

22 (2) In this subsection, the term "health care entity"
23 includes an individual physician or other health care pro-
24 fessional, a hospital, a provider-sponsored organization, a
25 health maintenance organization, a health insurance plan,

1 or any other kind of health care facility, organization, or
2 plan.

3 SEC. 509. (a) None of the funds made available in
4 this Act may be used for—

5 (1) the creation of a human embryo or embryos
6 for research purposes; or

7 (2) research in which a human embryo or em-
8 bryos are destroyed, discarded, or knowingly sub-
9 jected to risk of injury or death greater than that
10 allowed for research on fetuses in utero under 45
11 CFR 46.204(b) and section 498(b) of the Public
12 Health Service Act (42 U.S.C. 289g(b)).

13 (b) For purposes of this section, the term “human
14 embryo or embryos” includes any organism, not protected
15 as a human subject under 45 CFR 46 as of the date of
16 the enactment of this Act, that is derived by fertilization,
17 parthenogenesis, cloning, or any other means from one or
18 more human gametes or human diploid cells.

19 SEC. 510. (a) None of the funds made available in
20 this Act may be used for any activity that promotes the
21 legalization of any drug or other substance included in
22 schedule I of the schedules of controlled substances estab-
23 lished under section 202 of the Controlled Substances Act
24 except for normal and recognized executive-congressional
25 communications.

1 (b) The limitation in subsection (a) shall not apply
2 when there is significant medical evidence of a therapeutic
3 advantage to the use of such drug or other substance or
4 that federally sponsored clinical trials are being conducted
5 to determine therapeutic advantage.

6 SEC. 511. None of the funds made available in this
7 Act may be used to promulgate or adopt any final stand-
8 ard under section 1173(b) of the Social Security Act pro-
9 viding for, or providing for the assignment of, a unique
10 health identifier for an individual (except in an individ-
11 ual's capacity as an employer or a health care provider),
12 until legislation is enacted specifically approving the
13 standard.

14 SEC. 512. None of the funds made available in this
15 Act may be obligated or expended to enter into or renew
16 a contract with an entity if—

17 (1) such entity is otherwise a contractor with
18 the United States and is subject to the requirement
19 in 38 U.S.C. 4212(d) regarding submission of an
20 annual report to the Secretary of Labor concerning
21 employment of certain veterans; and

22 (2) such entity has not submitted a report as
23 required by that section for the most recent year for
24 which such requirement was applicable to such enti-
25 ty.

1 SEC. 513. 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 appropriation Act.

6 SEC. 514. None of the funds made available by this
7 Act to carry out the Library Services and Technology Act
8 may be made available to any library covered by para-
9 graph (1) of section 224(f) of such Act, as amended by
10 the Children's Internet Protection Act, unless such library
11 has made the certifications required by paragraph (4) of
12 such section.

13 SEC. 515. None of the funds made available by this
14 Act to carry out part D of title II of the Elementary and
15 Secondary Education Act of 1965 may be made available
16 to any elementary or secondary school covered by para-
17 graph (1) of section 2441(a) of such Act, as amended by
18 the Children's Internet Protection Act and the No Child
19 Left Behind Act, unless the local educational agency with
20 responsibility for such covered school has made the certifi-
21 cations required by paragraph (2) of such section.

22 SEC. 516. (a) None of the funds provided under this
23 Act, or provided under previous appropriations Acts to the
24 agencies funded by this Act that remain available for obli-
25 gation or expenditure in fiscal year 2009, or provided from

1 any accounts in the Treasury of the United States derived
2 by the collection of fees available to the agencies funded
3 by this Act, shall be available for obligation or expenditure
4 through a reprogramming of funds that—

5 (1) creates new programs;

6 (2) eliminates a program, project, or activity;

7 (3) increases funds or personnel by any means
8 for any project or activity for which funds have been
9 denied or restricted;

10 (4) relocates an office or employees;

11 (5) reorganizes or renames offices;

12 (6) reorganizes programs or activities; or

13 (7) contracts out or privatizes any functions or
14 activities presently performed by Federal employees;

15 unless the Committees on Appropriations of the House of
16 Representatives and the Senate are notified 15 days in
17 advance of such reprogramming or of an announcement
18 of intent relating to such reprogramming, whichever oc-
19 curs earlier.

20 (b) None of the funds provided under this Act, or
21 provided under previous appropriations Acts to the agen-
22 cies funded by this Act that remain available for obligation
23 or expenditure in fiscal year 2009, or provided from any
24 accounts in the Treasury of the United States derived by
25 the collection of fees available to the agencies funded by

1 this Act, shall be available for obligation or expenditure
2 through a reprogramming of funds in excess of \$500,000
3 or 10 percent, whichever is less, that—

4 (1) augments existing programs, projects (in-
5 cluding construction projects), or activities;

6 (2) reduces by 10 percent funding for any exist-
7 ing program, project, or activity, or numbers of per-
8 sonnel by 10 percent as approved by Congress; or

9 (3) results from any general savings from a re-
10 duction in personnel which would result in a change
11 in existing programs, activities, or projects as ap-
12 proved by Congress;

13 unless the Committees on Appropriations of the House of
14 Representatives and the Senate are notified 15 days in
15 advance of such reprogramming or of an announcement
16 of intent relating to such reprogramming, whichever oc-
17 curs earlier.

18 SEC. 517. (a) None of the funds made available in
19 this Act may be used to request that a candidate for ap-
20 pointment to a Federal scientific advisory committee dis-
21 close the political affiliation or voting history of the can-
22 didate or the position that the candidate holds with re-
23 spect to political issues not directly related to and nec-
24 essary for the work of the committee involved.

1 (b) None of the funds made available in this Act may
2 be used to disseminate scientific information that is delib-
3 erately false or misleading.

4 SEC. 518. Within 45 days of enactment of this Act,
5 each department and related agency funded through this
6 Act shall submit an operating plan that details at the pro-
7 gram, project, and activity level any funding allocations
8 for fiscal year 2009 that are different than those specified
9 in this Act, the accompanying detailed table in the explan-
10 atory statement described in section 4 (in the matter pre-
11 ceding division A of this consolidated Act), or the fiscal
12 year 2009 budget request.

13 SEC. 519. None of the funds in this Act may be used
14 to employ workers described in section 274A(h)(3) of the
15 Immigration and Nationality Act.

16 SEC. 520. The Secretaries of Labor, Health and
17 Human Services, and Education shall each prepare and
18 submit to the Committees on Appropriations of the House
19 of Representatives and the Senate a report on the number
20 and amount of contracts, grants, and cooperative agree-
21 ments exceeding \$100,000 in value and awarded by the
22 Department on a non-competitive basis during each quar-
23 ter of fiscal year 2009, but not to include grants awarded
24 on a formula basis or directed by law. Such report shall
25 include the name of the contractor or grantee, the amount

1 of funding, the governmental purpose, including a jus-
2 tification for issuing the award on a non-competitive basis.
3 Such report shall be transmitted to the Committees within
4 30 days after the end of the quarter for which the report
5 is submitted.

6 SEC. 521. None of the funds appropriated or other-
7 wise made available by this Act may be used to enter into
8 a contract in an amount greater than \$5,000,000 or to
9 award a grant in excess of such amount unless the pro-
10 spective contractor or grantee certifies in writing to the
11 agency awarding the contract or grant that, to the best
12 of its knowledge and belief, the contractor or grantee has
13 filed all Federal tax returns required during the three
14 years preceding the certification, has not been convicted
15 of a criminal offense under the Internal Revenue Code of
16 1986, and has not, more than 90 days prior to certifi-
17 cation, been notified of any unpaid Federal tax assessment
18 for which the liability remains unsatisfied, unless the as-
19 sessment is the subject of an installment agreement or
20 offer in compromise that has been approved by the Inter-
21 nal Revenue Service and is not in default, or the assess-
22 ment is the subject of a non-frivolous administrative or
23 judicial proceeding.

24 SEC. 522. None of the funds appropriated in this Act
25 shall be expended or obligated by the Commissioner of So-

1 cial Security, for purposes of administering Social Security
2 benefit payments under title II of the Social Security Act,
3 to process any claim for credit for a quarter of coverage
4 based on work performed under a social security account
5 number that is not the claimant's number and the per-
6 formance of such work under such number has formed the
7 basis for a conviction of the claimant of a violation of sec-
8 tion 208(a)(6) or (7) of the Social Security Act.

9 SEC. 523. (a) Section 14002(a)(2)(A)(i) of division
10 A of the American Recovery and Reinvestment Act of
11 2009 (Public Law 111–5) is amended, in the matter pre-
12 ceding subclause (I), by inserting “education” after “sec-
13 ondary”.

14 (b) Section 14002(b)(1) of such division is amended
15 by striking “14001” and inserting “14001(d)”.

16 (c) Section 14003(a) of such division is amended by
17 striking “the Adult and Family Literacy Act (20 U.S.C.
18 1400 et seq.)” and inserting “the Adult Education and
19 Family Literacy Act (20 U.S.C. 9201 et seq.)”.

20 (d) Section 14005(a) of such division is amended by
21 striking “14001” and inserting “14001(d)”.

22 (e) Section 14005(d)(4)(C) of such division is amend-
23 ed by striking “6401(e)(1)(9)(A)(ii)” and inserting
24 “6401(e)(1)(A)(ii)”.

1 (f) Section 14005(d)(5) of such division is amend-
2 ed—

3 (1) by striking “1116(a)(7)(C)(iv)” and insert-
4 ing “1116(b)(7)(C)(iv)”; and

5 (2) by striking “1116(a)(8)(B)” and inserting
6 “1116(b)(8)(B)”.

7 (g) Section 14011 of such division is amended by in-
8 serting before the period at the end the following: “, unless
9 such funds are used to provide special education and re-
10 lated services to children with disabilities, as authorized
11 by the Individuals with Disabilities Education Act (20
12 U.S.C. 1400 et seq.)”.

13 (h) Section 14012(e) of such division is amended to
14 read as follows:

15 “(c) CRITERIA.—The Secretary shall not grant a
16 waiver or modification under this section unless the Sec-
17 retary determines that the State receiving such waiver or
18 modification will not provide for elementary, secondary,
19 and public higher education, for the fiscal year under con-
20 sideration, a smaller percentage of the total revenues
21 available to the State than the percentage provided for
22 such purpose in the preceding fiscal year.”.

TITLE VI

2 AFGHAN ALLIES PROTECTION ACT OF 2009

3 **SEC. 601. SHORT TITLE.**

4 This Act may be cited as the “Afghan Allies Protec-
5 tion Act of 2009”.

6 **SEC. 602. PROTECTION FOR AFGHAN ALLIES.**

7 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of Congress” means—

10 (1) the Committee on Armed Services, the
11 Committee on Foreign Relations, and the Committee
12 on the Judiciary of the Senate; and

13 (2) the Committee on Armed Services, the
14 Committee on Foreign Affairs, and the Committee
15 on the Judiciary of the House of Representatives.

16 (b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AF-
17 GHANS.—

18 (1) IN GENERAL.—Subject to paragraph (3),
19 the Secretary of Homeland Security, or, notwith-
20 standing any other provision of law, the Secretary of
21 State in consultation with the Secretary of Home-
22 land Security, may provide an alien described in sub-
23 paragraph (A), (B), or (C) of paragraph (2) with
24 the status of a special immigrant under section

1 101(a)(27) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(27)), if the alien—

3 (A) or an agent acting on behalf of the
4 alien, submits a petition for classification under
5 section 203(b)(4) of such Act (8 U.S.C.
6 1153(b)(4));

7 (B) is otherwise eligible to receive an im-
8 migrant visa;

9 (C) is otherwise admissible to the United
10 States for permanent residence (excluding the
11 grounds for inadmissibility specified in section
12 212(a)(4) of such Act (8 U.S.C. 1182(a)(4));
13 and

14 (D) clears a background check and appro-
15 priate screening, as determined by the Sec-
16 retary of Homeland Security.

17 (2) ALIENS DESCRIBED.—

18 (A) PRINCIPAL ALIENS.—An alien is de-
19 scribed in this subparagraph if the alien—

20 (i) is a citizen or national of Afghani-
21 stan;

22 (ii) was or is employed by or on behalf
23 of the United States Government in Af-
24 ghanistan on or after October 7, 2001, for
25 not less than one year;

1 (iii) provided faithful and valuable
2 service to the United States Government,
3 which is documented in a positive rec-
4 ommendation or evaluation, subject to sub-
5 paragraph (D), from the employee's senior
6 supervisor or the person currently occu-
7 pying that position, or a more senior per-
8 son, if the employee's senior supervisor has
9 left the employer or has left Afghanistan;
10 and

11 (iv) has experienced or is experiencing
12 an ongoing serious threat as a consequence
13 of the alien's employment by the United
14 States Government.

15 (B) SPOUSE OR CHILD.—An alien is de-
16 scribed in this subparagraph if the alien—

17 (i) is the spouse or child of a principal
18 alien described in subparagraph (A); and

19 (ii) is accompanying or following to
20 join the principal alien in the United
21 States.

22 (C) SURVIVING SPOUSE OR CHILD.—An
23 alien is described in this subparagraph if the
24 alien—

1 (i) was the spouse or child of a prin-
2 cipal alien described in subparagraph (A)
3 who had a petition for classification ap-
4 proved pursuant to this section or section
5 1059 of the National Defense Authoriza-
6 tion Act for Fiscal Year 2006 (Public Law
7 109–163; 8 U.S.C. 1101 note) which in-
8 cluded the alien as an accompanying
9 spouse or child; and

10 (ii) due to the death of the principal
11 alien—

12 (I) such petition was revoked or
13 terminated (or otherwise rendered
14 null); and

15 (II) such petition would have
16 been approved if the principal alien
17 had survived.

18 (D) APPROVAL BY CHIEF OF MISSION RE-
19 QUIRED.—A recommendation or evaluation re-
20 quired under subparagraph (A)(iii) shall be ac-
21 companied by approval from the appropriate
22 Chief of Mission, or the designee of the appro-
23 priate Chief of Mission, who shall conduct a
24 risk assessment of the alien and an independent
25 review of records maintained by the United

1 States Government or hiring organization or
2 entity to confirm employment and faithful and
3 valuable service to the United States Govern-
4 ment prior to approval of a petition under this
5 section.

6 (3) NUMERICAL LIMITATIONS.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (C), the total number of principal
9 aliens who may be provided special immigrant
10 status under this section may not exceed 1,500
11 per year for each of the fiscal years 2009,
12 2010, 2011, 2012, and 2013.

13 (B) EXCLUSION FROM NUMERICAL LIMITA-
14 TIONS.—Aliens provided special immigrant sta-
15 tus under this subsection shall not be counted
16 against any numerical limitation under sections
17 201(d), 202(a), or 203(b)(4) of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1151(d),
19 1152(a), and 1153(b)(4)).

20 (C) CARRY FORWARD.—

21 (i) FISCAL YEARS 2009 THROUGH
22 2013.—If the numerical limitation specified
23 in subparagraph (A) is not reached during
24 a given fiscal year, with respect to fiscal
25 year 2009, 2010, 2011, 2012, or 2013, the

1 numerical limitation specified in such sub-
2 paragraph for the following fiscal year
3 shall be increased by a number equal to
4 the difference between—

5 (I) the numerical limitation spec-
6 ified in subparagraph (A) for the
7 given fiscal year; and

8 (II) the number of principal
9 aliens provided special immigrant sta-
10 tus under this section during the
11 given fiscal year.

12 (ii) FISCAL YEAR 2014.—If the numer-
13 ical limitation determined under clause (i)
14 is not reached in fiscal year 2013, the total
15 number of principal aliens who may be
16 provided special immigrant status under
17 this subsection for fiscal year 2014 shall be
18 equal to the difference between—

19 (I) the numerical limitation de-
20 termined under clause (i) for fiscal
21 year 2013; and

22 (II) the number of principal
23 aliens provided such status under this
24 section during fiscal year 2013.

1 (4) PROHIBITION ON FEES.—The Secretary of
2 Homeland Security or the Secretary of State may
3 not charge an alien described in subparagraph (A),
4 (B), or (C) of paragraph (2) any fee in connection
5 with an application for, or issuance of, a special im-
6 migrant visa under this section.

7 (5) ASSISTANCE WITH PASSPORT ISSUANCE.—
8 The Secretary of State shall make a reasonable ef-
9 fort to ensure that an alien described in subpara-
10 graph (A), (B), or (C) of paragraph (2) who is
11 issued a special immigrant visa pursuant to this sub-
12 section is provided with the appropriate series Af-
13 ghan passport necessary to enter the United States.

14 (6) PROTECTION OF ALIENS.—The Secretary of
15 State, in consultation with the heads of other appro-
16 priate Federal agencies, shall make a reasonable ef-
17 fort to provide an alien described in subparagraph
18 (A), (B), or (C) of paragraph (2) who is seeking spe-
19 cial immigrant status under this subsection protec-
20 tion or to immediately remove such alien from Af-
21 ghanistan, if possible, if the Secretary determines,
22 after consultation, that such alien is in imminent
23 danger.

24 (7) OTHER ELIGIBILITY FOR IMMIGRANT STA-
25 TUS.—No alien shall be denied the opportunity to

1 apply for admission under this subsection solely be-
2 cause such alien qualifies as an immediate relative
3 or is eligible for any other immigrant classification.

4 (8) RESETTLEMENT SUPPORT.—A citizen or
5 national of Afghanistan who is granted special immi-
6 grant status described in section 101(a)(27) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1101(a)(27)) shall be eligible for resettlement assist-
9 ance, entitlement programs, and other benefits avail-
10 able to refugees admitted under section 207 of such
11 Act (8 U.S.C. 1157) for a period not to exceed 8
12 months.

13 (9) ADJUSTMENT OF STATUS.—Notwith-
14 standing paragraph (2), (7), or (8) of subsection (c)
15 of section 245 of the Immigration and Nationality
16 Act (8 U.S.C. 1255), the Secretary of Homeland Se-
17 curity may adjust the status of an alien described in
18 subparagraph (A), (B), or (C) of paragraph (2) of
19 this subsection or in section 1244(b) of the Refugee
20 Crisis in Iraq Act of 2007 (Public Law 110–181;
21 122 Stat. 397) to that of an alien lawfully admitted
22 for permanent residence under subsection (a) of
23 such section 245 if the alien—

24 (A) was paroled or admitted as a non-
25 immigrant into the United States; and

1 (B) is otherwise eligible for special immi-
2 grant status under—

3 (i)(I) this subsection; or

4 (II) such section 1244(b); and

5 (ii) the Immigration and Nationality
6 Act (8 U.S.C. 1101 et seq.).

7 (10) REPORT ON IMPLEMENTATION AND AU-
8 THORITY TO CARRY OUT ADMINISTRATIVE MEAS-
9 URES.—

10 (A) REQUIREMENT FOR REPORT.—Not
11 later than one year after the date of the enact-
12 ment of this Act, the Secretary of Homeland
13 Security and the Secretary of State, in con-
14 sultation with the Secretary of Defense, shall
15 submit to the appropriate committees of Con-
16 gress a report on the implementation of this
17 subsection.

18 (B) CONTENT OF REPORT.—The report re-
19 quired by subparagraph (A) shall describe ac-
20 tions taken, and additional administrative
21 measures that may be needed, to ensure the in-
22 tegrity of the program established under this
23 subsection and the national security interests of
24 the United States related to such program.

1 (C) AUTHORITY TO CARRY OUT ADMINIS-
2 TRATIVE MEASURES.—The Secretary of Home-
3 land Security and the Secretary of State shall
4 implement any additional administrative meas-
5 ures described in subparagraph (B) as they
6 may deem necessary and appropriate to ensure
7 the integrity of the program established under
8 this subsection and the national security inter-
9 ests of the United States related to such pro-
10 gram.

11 (11) ANNUAL REPORT ON USE OF SPECIAL IM-
12 MIGRANT STATUS.—

13 (A) REQUIREMENT.—Not later than 120
14 days after the date of the enactment of this
15 Act, and annually thereafter, the Secretary of
16 Homeland Security shall submit to the appro-
17 priate committees of Congress a report on the
18 number of citizens or nationals of Afghanistan
19 or Iraq who have applied for status as special
20 immigrants under this subsection or section
21 1244 of the Refugee Crisis in Iraq Act of 2007
22 (Public Law 110–181; 122 Stat. 396).

23 (B) CONTENT.—Each report required by
24 subparagraph (A) submitted in a fiscal year

1 shall include the following information for the
2 previous fiscal year:

3 (i) The number of citizens or nation-
4 als of Afghanistan or Iraq who submitted
5 an application for status as a special immi-
6 grant pursuant to this section or section
7 1244 of the Refugee Crisis in Iraq Act of
8 2007 (Public Law 110–181; 122 Stat.
9 396), disaggregated—

10 (I) by the number of principal
11 aliens applying for such status; and

12 (II) by the number of spouses
13 and children of principal aliens apply-
14 ing for such status.

15 (ii) The number of applications re-
16 ferred to in clause (i) that—

17 (I) were approved; or

18 (II) were denied, including a de-
19 scription of the basis for each denial.

20 (c) INFORMATION REGARDING CITIZENS OR NATION-
21 ALS OF AFGHANISTAN EMPLOYED BY THE UNITED
22 STATES OR FEDERAL CONTRACTORS IN AFGHANISTAN.—

23 (1) REQUIREMENT TO COMPILE INFORMA-
24 TION.—

1 (A) IN GENERAL.—Not later than 120
2 days after the date of the enactment of this
3 Act, the Administrator of the United States
4 Agency for International Development, the Sec-
5 retary of Defense, the Secretary of Homeland
6 Security, the Secretary of State, and the Sec-
7 retary of the Treasury shall—

8 (i) review internal records and data-
9 bases of their respective agencies for infor-
10 mation that can be used to verify employ-
11 ment of citizens or nationals of Afghani-
12 stan by the United States Government;
13 and

14 (ii) request from each prime con-
15 tractor or grantee that has performed work
16 in Afghanistan since October 7, 2001,
17 under a contract, grant, or cooperative
18 agreement with their respective agencies
19 that is valued in excess of \$25,000, infor-
20 mation that may be used to verify the em-
21 ployment of such citizens or nationals by
22 such contractor or grantee.

23 (B) INFORMATION REQUIRED.—To the ex-
24 tent data is available, the information referred
25 to in subparagraph (A) shall include the name

1 and dates of employment of, biometric data for,
2 and other data that can be used to verify the
3 employment of each citizen or national of Af-
4 ghanistan who has performed work in Afghani-
5 stan since October 7, 2001, under a contract,
6 grant, or cooperative agreement with an execu-
7 tive agency.

8 (2) REPORT ON ESTABLISHMENT OF DATA-
9 BASE.—Not later than 120 days after the date of
10 the enactment of this Act, the Secretary of Defense,
11 in consultation with the Administrator of the United
12 States Agency for International Development, the
13 Secretary of Homeland Security, the Secretary of
14 State, and the Secretary of the Treasury, shall sub-
15 mit to the appropriate committees of Congress a re-
16 port examining the options for establishing a unified
17 and classified database of information related to
18 contracts, grants, or cooperative agreements entered
19 into by executive agencies for the performance of
20 work in Afghanistan since October 7, 2001, includ-
21 ing the information described and collected under
22 paragraph (1), to be used by relevant Federal de-
23 partments and agencies to adjudicate refugee, asy-
24 lum, special immigrant visa, and other immigration
25 claims and applications.

1 (3) REPORT ON NONCOMPLIANCE.—Not later
2 than 180 days after the date of the enactment of
3 this Act, the President shall submit to the appro-
4 priate committees of Congress a report that de-
5 scribes—

6 (A) the inability or unwillingness of any
7 contractor or grantee to provide the information
8 requested under paragraph (1)(A)(ii); and

9 (B) the reasons that such contractor or
10 grantee provided for failing to provide such in-
11 formation.

12 (4) EXECUTIVE AGENCY DEFINED.—In this
13 subsection, the term “executive agency” has the
14 meaning given that term in section 4 of the Office
15 of Federal Procurement Policy Act (41 U.S.C. 403).

16 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to affect the authority of the Sec-
18 retary of Homeland Security under section 1059 of the
19 National Defense Authorization Act for Fiscal Year 2006
20 (Public Law 109–163; 8 U.S.C. 1101 note).

21 This division may be cited as the “Departments of
22 Labor, Health and Human Services, and Education, and
23 Related Agencies Appropriations Act, 2009”.

1 DIVISION G—LEGISLATIVE BRANCH

2 APPROPRIATIONS ACT, 2009

3 TITLE I

4 LEGISLATIVE BRANCH

5 SENATE

6 EXPENSE ALLOWANCES

7 For expense allowances of the Vice President,
8 \$20,000; the President Pro Tempore of the Senate,
9 \$40,000; Majority Leader of the Senate, \$40,000; Minor-
10 ity Leader of the Senate, \$40,000; Majority Whip of the
11 Senate, \$10,000; Minority Whip of the Senate, \$10,000;
12 Chairmen of the Majority and Minority Conference Com-
13 mittees, \$5,000 for each Chairman; and Chairmen of the
14 Majority and Minority Policy Committees, \$5,000 for each
15 Chairman; in all, \$180,000.

16 REPRESENTATION ALLOWANCES FOR THE MAJORITY

17 AND MINORITY LEADERS

18 For representation allowances of the Majority and
19 Minority Leaders of the Senate, \$15,000 for each such
20 Leader; in all, \$30,000.

21 SALARIES, OFFICERS AND EMPLOYEES

22 For compensation of officers, employees, and others
23 as authorized by law, including agency contributions,
24 \$171,699,000, which shall be paid from this appropriation
25 without regard to the following limitations:

1 OFFICE OF THE VICE PRESIDENT

2 For the Office of the Vice President, \$2,413,000.

3 OFFICE OF THE PRESIDENT PRO TEMPORE

4 For the Office of the President Pro Tempore,
5 \$720,000.

6 OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

7 For the Office of the President Pro Tempore Emer-
8 itus, \$100,000.

9 OFFICES OF THE MAJORITY AND MINORITY LEADERS

10 For Offices of the Majority and Minority Leaders,
11 \$4,998,000.

12 OFFICES OF THE MAJORITY AND MINORITY WHIPS

13 For Offices of the Majority and Minority Whips,
14 \$3,096,000.

15 COMMITTEE ON APPROPRIATIONS

16 For salaries of the Committee on Appropriations,
17 \$15,200,000.

18 CONFERENCE COMMITTEES

19 For the Conference of the Majority and the Con-
20 ference of the Minority, at rates of compensation to be
21 fixed by the Chairman of each such committee,
22 \$1,655,000 for each such committee; in all, \$3,310,000.

1 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
2 THE MAJORITY AND THE CONFERENCE OF THE MINORITY
3 For Offices of the Secretaries of the Conference of
4 the Majority and the Conference of the Minority,
5 \$814,000.

6 POLICY COMMITTEES

7 For salaries of the Majority Policy Committee and
8 the Minority Policy Committee, \$1,690,000 for each such
9 committee; in all, \$3,380,000.

10 OFFICE OF THE CHAPLAIN

11 For Office of the Chaplain, \$397,000.

12 OFFICE OF THE SECRETARY

13 For Office of the Secretary, \$24,020,000.

14 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

15 For Office of the Sergeant at Arms and Doorkeeper,
16 \$66,800,000.

17 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
18 MINORITY

19 For Offices of the Secretary for the Majority and the
20 Secretary for the Minority, \$1,758,000.

21 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

22 For agency contributions for employee benefits, as
23 authorized by law, and related expenses, \$44,693,000.

24 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

25 For salaries and expenses of the Office of the Legisla-
26 tive Counsel of the Senate, \$6,743,000.

1 OFFICE OF SENATE LEGAL COUNSEL

2 For salaries and expenses of the Office of Senate
3 Legal Counsel, \$1,484,000.

4 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
5 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
6 THE SENATE, AND SECRETARIES FOR THE MAJOR-
7 ITY AND MINORITY OF THE SENATE

8 For expense allowances of the Secretary of the Sen-
9 ate, \$7,500; Sergeant at Arms and Doorkeeper of the Sen-
10 ate, \$7,500; Secretary for the Majority of the Senate,
11 \$7,500; Secretary for the Minority of the Senate, \$7,500;
12 in all, \$30,000.

13 CONTINGENT EXPENSES OF THE SENATE

14 INQUIRIES AND INVESTIGATIONS

15 For expenses of inquiries and investigations ordered
16 by the Senate, or conducted under paragraph 1 of rule
17 XXVI of the Standing Rules of the Senate, section 112
18 of the Supplemental Appropriations and Rescission Act,
19 1980 (Public Law 96–304), and Senate Resolution 281,
20 96th Congress, agreed to March 11, 1980, \$137,400,000.

21 EXPENSES OF THE UNITED STATES SENATE CAUCUS ON
22 INTERNATIONAL NARCOTICS CONTROL

23 For expenses of the United States Senate Caucus on
24 International Narcotics Control, \$520,000.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES
3 OF SENATORS. Effective on and after October 1, 2008,
4 each of the dollar amounts contained in the table under
5 section 105(d)(1)(A) of the Legislative Branch Appropria-
6 tions Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed
7 to be the dollar amounts in that table, as adjusted by law
8 and in effect on September 30, 2008, increased by an ad-
9 ditional \$50,000 each.

10 SEC. 2. CONSULTANTS. (a) IN GENERAL.—

11 (1) The first sentence of section 101(a) of the
12 Supplemental Appropriations Act, 1977 (2 U.S.C.
13 61h–6(a)) is amended by striking “eight individual
14 consultants” and inserting “nine individual consult-
15 ants”.

16 (2) The second sentence of section 101(a) of
17 the Supplemental Appropriations Act, 1977 (2
18 U.S.C. 61h–6(a)) is amended by striking “two indi-
19 vidual consultants” and inserting “three individual
20 consultants”.

21 (b) EFFECTIVE DATE.—This section shall take effect
22 on the date of enactment of this Act and shall apply to
23 fiscal year 2009 and each fiscal year thereafter.

1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For salaries and expenses of the House of Represent-
4 atives, \$1,301,267,000, as follows:

5 HOUSE LEADERSHIP OFFICES

6 For salaries and expenses, as authorized by law,
7 \$25,113,000, including: Office of the Speaker,
8 \$4,879,000, including \$25,000 for official expenses of the
9 Speaker; Office of the Majority Floor Leader, \$2,436,000,
10 including \$10,000 for official expenses of the Majority
11 Leader; Office of the Minority Floor Leader, \$4,390,000,
12 including \$10,000 for official expenses of the Minority
13 Leader; Office of the Majority Whip, including the Chief
14 Deputy Majority Whip, \$2,115,000, including \$5,000 for
15 official expenses of the Majority Whip; Office of the Mi-
16 nority Whip, including the Chief Deputy Minority Whip,
17 \$1,630,000, including \$5,000 for official expenses of the
18 Minority Whip; Speaker's Office for Legislative Floor Ac-
19 tivities, \$501,000; Republican Steering Committee,
20 \$950,000; Republican Conference, \$1,777,000; Repub-
21 lican Policy Committee, \$337,000; Democratic Steering
22 and Policy Committee, \$1,315,000; Democratic Caucus,
23 \$1,749,000; nine minority employees, \$1,502,000; train-
24 ing and program development—majority, \$290,000; train-
25 ing and program development—minority, \$290,000;

1 Cloakroom Personnel—majority, \$476,000; and Cloak-
2 room Personnel—minority, \$476,000.

3 MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUD-
4 ING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES
5 OF MEMBERS, AND OFFICIAL MAIL

6 For Members' representational allowances, including
7 Members' clerk hire, official expenses, and official mail,
8 \$609,000,000.

9 COMMITTEE EMPLOYEES

10 STANDING COMMITTEES, SPECIAL AND SELECT

11 For salaries and expenses of standing committees,
12 special and select, authorized by House resolutions,
13 \$154,000,000: *Provided*, That such amount shall remain
14 available for such salaries and expenses until December
15 31, 2010, except that \$9,500,000 of such amount shall
16 remain available until expended for committee room up-
17 grading.

18 COMMITTEE ON APPROPRIATIONS

19 For salaries and expenses of the Committee on Ap-
20 propriations, \$31,300,000, including studies and examina-
21 tions of executive agencies and temporary personal serv-
22 ices for such committee, to be expended in accordance with
23 section 202(b) of the Legislative Reorganization Act of
24 1946 and to be available for reimbursement to agencies
25 for services performed: *Provided*, That such amount shall

1 remain available for such salaries and expenses until De-
2 cember 31, 2010.

3 SALARIES, OFFICERS AND EMPLOYEES

4 For compensation and expenses of officers and em-
5 ployees, as authorized by law, \$187,954,000, including:
6 for salaries and expenses of the Office of the Clerk, includ-
7 ing not more than \$23,000, of which not more than
8 \$20,000 is for the Family Room, for official representa-
9 tion and reception expenses, \$27,457,000, of which
10 \$500,000 shall remain available until December 31, 2010
11 and \$2,060,000 shall remain available until expended; for
12 salaries and expenses of the Office of the Sergeant at
13 Arms, including the position of Superintendent of Ga-
14 rages, and including not more than \$3,000 for official rep-
15 resentation and reception expenses, \$8,355,000; for sala-
16 ries and expenses of the Office of the Chief Administrative
17 Officer, including not more than \$3,000 for official rep-
18 resentation and reception expenses, \$125,838,000, of
19 which \$7,057,000 shall remain available until expended;
20 for salaries and expenses of the Office of the Inspector
21 General, \$4,945,000; for salaries and expenses of the Of-
22 fice of Emergency Planning, Preparedness and Oper-
23 ations, \$3,974,000, to remain available until expended; for
24 salaries and expenses of the Office of General Counsel,
25 \$1,357,000; for the Office of the Chaplain, \$173,000; for

1 salaries and expenses of the Office of the Parliamentarian,
2 including the Parliamentarian, \$2,000 for preparing the
3 Digest of Rules, and not more than \$1,000 for official rep-
4 resentation and reception expenses, \$2,007,000; for sala-
5 ries and expenses of the Office of the Law Revision Coun-
6 sel of the House, \$3,057,000; for salaries and expenses
7 of the Office of the Legislative Counsel of the House,
8 \$8,337,000; for salaries and expenses of the Office of
9 Interparliamentary Affairs, \$777,000; for other author-
10 ized employees, \$1,158,000; and for salaries and expenses
11 of the Office of the Historian, including the costs of the
12 House Fellows Program (including lodging and related ex-
13 penses for visiting Program participants), \$519,000.

14 ALLOWANCES AND EXPENSES

15 For allowances and expenses as authorized by House
16 resolution or law, \$293,900,000, including: supplies, mate-
17 rials, administrative costs and Federal tort claims,
18 \$11,656,000, of which \$2,500,000 shall remain available
19 until expended; official mail for committees, leadership of-
20 fices, and administrative offices of the House, \$201,000;
21 Government contributions for health, retirement, Social
22 Security, and other applicable employee benefits,
23 \$260,703,000; supplies, materials, and other costs relating
24 to the House portion of expenses for the Capitol Visitor
25 Center, \$1,900,000, to remain available until expended;

1 Business Continuity and Disaster Recovery, \$18,698,000,
2 of which \$6,260,000 shall remain available until expended;
3 and miscellaneous items including purchase, exchange,
4 maintenance, repair and operation of House motor vehi-
5 cles, interparliamentary receptions, and gratuities to heirs
6 of deceased employees of the House, \$742,000.

7 CHILD CARE CENTER

8 For salaries and expenses of the House of Represent-
9 atives Child Care Center, such amounts as are deposited
10 in the account established by section 312(d)(1) of the Leg-
11 islative Branch Appropriations Act, 1992 (2 U.S.C. 2062),
12 subject to the level specified in the budget of the Center,
13 as submitted to the Committee on Appropriations of the
14 House of Representatives.

15 ADMINISTRATIVE PROVISIONS

16 SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN
17 MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE
18 USED FOR DEFICIT REDUCTION OR TO REDUCE THE
19 FEDERAL DEBT.—Notwithstanding any other provision of
20 law, any amounts appropriated under this Act for
21 “HOUSE OF REPRESENTATIVES—SALARIES AND
22 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
23 ANCES” shall be available only for fiscal year 2009. Any
24 amount remaining after all payments are made under such
25 allowances for fiscal year 2009 shall be deposited in the

1 Treasury and used for deficit reduction (or, if there is no
2 Federal budget deficit after all such payments have been
3 made, for reducing the Federal debt, in such manner as
4 the Secretary of the Treasury considers appropriate).

5 (b) REGULATIONS.—The Committee on House Ad-
6 ministration of the House of Representatives shall have
7 authority to prescribe regulations to carry out this section.

8 (c) DEFINITION.—As used in this section, the term
9 “Member of the House of Representatives” means a Rep-
10 resentative in, or a Delegate or Resident Commissioner
11 to, the Congress.

12 SEC. 102. (a) The Chief Administrative Officer of the
13 House of Representatives shall deposit all amounts re-
14 ceived as promotional rebates and incentives on credit card
15 purchases, balances, and payments into the House Serv-
16 ices Revolving Fund under section 105 of the Legislative
17 Branch Appropriations Act, 2005.

18 (b) Section 105(a) of the Legislative Branch Appro-
19 priations Act, 2005 (2 U.S.C. 117m(a)) is amended by
20 adding at the end the following new paragraph:

21 “(6) The collection of promotional rebates and
22 incentives on credit card purchases, balances, and
23 payments.”.

1 (c) The amendments made by this section shall apply
2 with respect to fiscal year 2009 and each succeeding fiscal
3 year.

4 SEC. 103. (a) Section 101 of the Legislative Branch
5 Appropriations Act, 1993 (2 U.S.C. 95b) is amended by
6 adding at the end the following new subsection:

7 “(d) Amounts appropriated for any fiscal year for the
8 House of Representatives under the heading ‘Allowances
9 and Expenses’ may be transferred to the Architect of the
10 Capitol and made available under the heading ‘House Of-
11 fice Buildings’, subject to the approval of the Committee
12 on Appropriations of the House of Representatives.”.

13 (b) The amendment made by subsection (a) shall
14 apply with respect to fiscal year 2009 and each succeeding
15 fiscal year.

16 SEC. 104. (a) Effective with respect to fiscal year
17 2008 and each succeeding fiscal year, the aggregate
18 amount otherwise authorized to be appropriated for a fis-
19 cal year for the lump-sum allowance for each of the fol-
20 lowing offices is increased as follows:

21 (1) The allowance for the office of the Majority
22 Floor Leader is increased by \$200,000.

23 (2) The allowance for the office of the Minority
24 Floor Leader is increased by \$200,000.

1 (b) Effective with respect to fiscal year 2009 and
2 each succeeding fiscal year, the aggregate amount other-
3 wise authorized to be appropriated for a fiscal year for
4 the lump-sum allowance for each of the following offices
5 is increased as follows:

6 (1) The allowance for the office of the Majority
7 Whip is increased by \$72,000.

8 (2) The allowance for the office of the Minority
9 Whip is increased by \$72,000.

10 SEC. 105. (a) Section 101 of the Legislative Branch
11 Appropriations Act, 1993 (2 U.S.C. 95b) is amended by
12 striking “transferred among” each place it appears in sub-
13 sections (a), (b), and (c)(1) and inserting “transferred
14 among and merged with”.

15 (b) Section 101(c)(2) of such Act (2 U.S.C. 95b(c))
16 is amended to read as follows:

17 “(2) The headings referred to in paragraph (1) are
18 ‘House Leadership Offices’, ‘Members’ Representational
19 Allowances’, ‘Committee Employees’, ‘Salaries, Officers
20 and Employees’, and ‘Allowances and Expenses’.”

21 (c) The amendments made by this section shall apply
22 with respect to fiscal year 2009 and each succeeding fiscal
23 year.

24 SEC. 106. PERMITTING HOUSE CHILD CARE CENTER
25 TO OFFER SERVICES FOR SCHOOL-AGE CHILDREN.—

1 Section 312(a)(1) of the Legislative Branch Appropria-
2 tions Act, 1992 (2 U.S.C. 2062(a)(1)) is amended by
3 striking “pre-school child care” and inserting the fol-
4 lowing: “pre-school child care and (subject to the approval
5 of regulations by the Committee on House Administra-
6 tion) child care for school age children other than during
7 the course of the ordinary school day”.

8 JOINT ITEMS

9 For Joint Committees, as follows:

10 JOINT ECONOMIC COMMITTEE

11 For salaries and expenses of the Joint Economic
12 Committee, \$4,626,000, to be disbursed by the Secretary
13 of the Senate.

14 JOINT COMMITTEE ON TAXATION

15 For salaries and expenses of the Joint Committee on
16 Taxation, \$10,719,000, to be disbursed by the Chief Ad-
17 ministrative Officer of the House of Representatives.

18 For other joint items, as follows:

19 OFFICE OF THE ATTENDING PHYSICIAN

20 For medical supplies, equipment, and contingent ex-
21 penses of the emergency rooms, and for the Attending
22 Physician and his assistants, including: (1) an allowance
23 of \$2,175 per month to the Attending Physician; (2) an
24 allowance of \$1,300 per month to one Senior Medical Offi-
25 cer; (3) an allowance of \$725 per month each to three

1 medical officers while on duty in the Office of the Attend-
2 ing Physician; (4) an allowance of \$725 per month to two
3 assistants and \$580 per month each not to exceed 11 as-
4 sistants on the basis heretofore provided for such assist-
5 ants; and (5) \$2,223,000 for reimbursement to the De-
6 partment of the Navy for expenses incurred for staff and
7 equipment assigned to the Office of the Attending Physi-
8 cian, which shall be advanced and credited to the applica-
9 ble appropriation or appropriations from which such sala-
10 ries, allowances, and other expenses are payable and shall
11 be available for all the purposes thereof, \$3,105,000, to
12 be disbursed by the Chief Administrative Officer of the
13 House of Representatives.

14 OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

15 SALARIES AND EXPENSES

16 For salaries and expenses of the Office of Congres-
17 sional Accessibility Services, \$800,000, to be disbursed by
18 the Secretary of the Senate.

19 CAPITOL GUIDE SERVICE AND SPECIAL

20 SERVICES OFFICE

21 SALARIES AND EXPENSES

22 For salaries and expenses of the Capitol Guide Serv-
23 ice, \$9,940,000, to be disbursed by the Secretary of the
24 Senate and Special Services Office.

1 STATEMENTS OF APPROPRIATIONS

2 For the preparation, under the direction of the Com-
3 mittees on Appropriations of the Senate and the House
4 of Representatives, of the statements for the second ses-
5 sion of the 110th Congress, showing appropriations made,
6 indefinite appropriations, and contracts authorized, to-
7 gether with a chronological history of the regular appro-
8 priations bills as required by law, \$30,000, to be paid to
9 the persons designated by the chairmen of such commit-
10 tees to supervise the work.

11 CAPITOL POLICE

12 SALARIES

13 For salaries of employees of the Capitol Police, in-
14 cluding overtime, hazardous duty pay differential, and
15 Government contributions for health, retirement, social se-
16 curity, professional liability insurance, and other applica-
17 ble employee benefits, \$248,000,000, to be disbursed by
18 the Chief of the Capitol Police or his designee.

19 GENERAL EXPENSES

20 For necessary expenses of the Capitol Police, includ-
21 ing motor vehicles, communications and other equipment,
22 security equipment and installation, uniforms, weapons,
23 supplies, materials, training, medical services, forensic
24 services, stenographic services, personal and professional
25 services, the employee assistance program, the awards pro-

1 gram, postage, communication services, travel advances,
2 relocation of instructor and liaison personnel for the Fed-
3 eral Law Enforcement Training Center, and not more
4 than \$5,000 to be expended on the certification of the
5 Chief of the Capitol Police in connection with official rep-
6 resentation and reception expenses, \$57,750,000, to be
7 disbursed by the Chief of the Capitol Police or his des-
8 ignee: *Provided*, That, notwithstanding any other provision
9 of law, the cost of basic training for the Capitol Police
10 at the Federal Law Enforcement Training Center for fis-
11 cal year 2009 shall be paid by the Secretary of Homeland
12 Security from funds available to the Department of Home-
13 land Security.

14 ADMINISTRATIVE PROVISION

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 1001. TRANSFER AUTHORITY.—Amounts ap-
17 propriated for fiscal year 2009 for the Capitol Police may
18 be transferred between the headings “SALARIES” and
19 “GENERAL EXPENSES” upon the approval of the Commit-
20 tees on Appropriations of the House of Representatives
21 and the Senate.

22 OFFICE OF COMPLIANCE

23 SALARIES AND EXPENSES

24 For salaries and expenses of the Office of Compli-
25 ance, as authorized by section 305 of the Congressional

1 Accountability Act of 1995 (2 U.S.C. 1385), \$4,072,000,
2 of which \$800,000 shall remain available until September
3 30, 2010: *Provided*, That the Executive Director of the
4 Office of Compliance may, within the limits of available
5 appropriations, dispose of surplus or obsolete personal
6 property by interagency transfer, donation, or discarding:
7 *Provided further*, That not more than \$500 may be ex-
8 pended on the certification of the Executive Director of
9 the Office of Compliance in connection with official rep-
10 resentation and reception expenses.

11 CONGRESSIONAL BUDGET OFFICE

12 SALARIES AND EXPENSES

13 For salaries and expenses necessary for operation of
14 the Congressional Budget Office, including not more than
15 \$6,000 to be expended on the certification of the Director
16 of the Congressional Budget Office in connection with offi-
17 cial representation and reception expenses, \$44,082,000.

18 ARCHITECT OF THE CAPITOL

19 GENERAL ADMINISTRATION

20 For salaries for the Architect of the Capitol, and
21 other personal services, at rates of pay provided by law;
22 for surveys and studies in connection with activities under
23 the care of the Architect of the Capitol; for all necessary
24 expenses for the general and administrative support of the
25 operations under the Architect of the Capitol including the

1 Botanic Garden; electrical substations of the Capitol, Sen-
2 ate and House office buildings, and other facilities under
3 the jurisdiction of the Architect of the Capitol; including
4 furnishings and office equipment; including not more than
5 \$5,000 for official reception and representation expenses,
6 to be expended as the Architect of the Capitol may ap-
7 prove; for purchase or exchange, maintenance, and oper-
8 ation of a passenger motor vehicle, \$90,659,000, of which
9 \$1,505,000 shall remain available until September 30,
10 2013.

11 CAPITOL BUILDING

12 For all necessary expenses for the maintenance, care
13 and operation of the Capitol, \$35,840,000, of which
14 \$10,681,000 shall remain available until September 30,
15 2013.

16 CAPITOL GROUNDS

17 For all necessary expenses for care and improvement
18 of grounds surrounding the Capitol, the Senate and House
19 office buildings, and the Capitol Power Plant, \$9,649,000,
20 of which \$340,000 shall remain available until September
21 30, 2013.

22 SENATE OFFICE BUILDINGS

23 For all necessary expenses for the maintenance, care
24 and operation of Senate office buildings; and furniture and
25 furnishings to be expended under the control and super-

1 vision of the Architect of the Capitol, \$69,359,000, of
2 which \$9,743,000 shall remain available until September
3 30, 2013.

4 HOUSE OFFICE BUILDINGS

5 For all necessary expenses for the maintenance, care
6 and operation of the House office buildings, \$65,814,000,
7 of which \$19,603,000 shall remain available until Sep-
8 tember 30, 2013.

9 CAPITOL POWER PLANT

10 For all necessary expenses for the maintenance, care
11 and operation of the Capitol Power Plant; lighting, heat-
12 ing, power (including the purchase of electrical energy)
13 and water and sewer services for the Capitol, Senate and
14 House office buildings, Library of Congress buildings, and
15 the grounds about the same, Botanic Garden, Senate ga-
16 rage, and air conditioning refrigeration not supplied from
17 plants in any of such buildings; heating the Government
18 Printing Office and Washington City Post Office, and
19 heating and chilled water for air conditioning for the Su-
20 preme Court Building, the Union Station complex, the
21 Thurgood Marshall Federal Judiciary Building and the
22 Folger Shakespeare Library, expenses for which shall be
23 advanced or reimbursed upon request of the Architect of
24 the Capitol and amounts so received shall be deposited
25 into the Treasury to the credit of this appropriation,

1 \$149,042,000, of which \$63,570,000 shall remain avail-
2 able until September 30, 2013: *Provided*, That not more
3 than \$8,000,000 of the funds credited or to be reimbursed
4 to this appropriation as herein provided shall be available
5 for obligation during fiscal year 2009.

6 LIBRARY BUILDINGS AND GROUNDS

7 For all necessary expenses for the mechanical and
8 structural maintenance, care and operation of the Library
9 buildings and grounds, \$39,094,000, of which
10 \$13,640,000 shall remain available until September 30,
11 2013.

12 CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

13 For all necessary expenses for the maintenance, care
14 and operation of buildings, grounds and security enhance-
15 ments of the United States Capitol Police, wherever lo-
16 cated, the Alternate Computer Facility, and AOC security
17 operations, \$18,996,000, of which \$3,497,000 shall re-
18 main available until September 30, 2013.

19 BOTANIC GARDEN

20 For all necessary expenses for the maintenance, care
21 and operation of the Botanic Garden and the nurseries,
22 buildings, grounds, and collections; and purchase and ex-
23 change, maintenance, repair, and operation of a passenger
24 motor vehicle; all under the direction of the Joint Com-
25 mittee on the Library, \$10,906,000, of which \$2,055,000

1 subchapter III of chapter 5 of subtitle I of title 40,
2 United States Code to the sale of surplus property
3 by an executive agency.

4 (2) EXCLUSION OF MATERIALS SUBJECT TO
5 OTHER PROGRAMS.—The program established under
6 this section shall not apply with respect to any mate-
7 rials which are subject to collection and sale under—

8 (A) the third undesignated paragraph
9 under the center heading “MISCELLA-
10 NEOUS” in the first section of the Act entitled
11 “An Act making appropriations for sundry civil
12 expenses of the government for the fiscal year
13 ending June thirtieth, eighteen hundred and
14 eighty-three, and for other purposes”, approved
15 August 7, 1882 (2 U.S.C. 117);

16 (B) section 104(a) of the Legislative
17 Branch Appropriations Act, 1987 (as enacted
18 by reference in identical form by section 101(j)
19 of Public Law 99–500 and Public Law 99–591)
20 (2 U.S.C. 117e);

21 (C) the Senate waste recycling program re-
22 ferred to in section 4 of the Legislative Branch
23 Appropriations Act, 2001 (2 U.S.C. 121f); or

24 (D) any other authorized program for the
25 collection and sale of recyclable materials.

1 (b) REVOLVING FUND.—

2 (1) IN GENERAL.—There is established in the
3 Treasury a revolving fund for the Office of the Ar-
4 chitect of the Capitol, which shall consist of—

5 (A) proceeds from the sale of recyclable
6 materials under the program established under
7 this section; and

8 (B) such amounts as may be appropriated
9 under law.

10 (2) USE OF FUND.—Amounts in the revolving
11 fund established under paragraph (1) shall be avail-
12 able without fiscal year limitation to the Architect of
13 the Capitol, subject to the Architect providing prior
14 notice to the Committees on Appropriations of the
15 House of Representatives and Senate—

16 (A) to carry out the program established
17 under this section;

18 (B) to carry out authorized programs and
19 activities of the Architect to improve the envi-
20 ronment; and

21 (C) to carry out authorized programs and
22 activities of the Architect to promote energy
23 savings.

24 (c) EFFECTIVE DATE.—This section shall apply with
25 respect to each of the fiscal years 2009 through 2013.

1 SEC. 1102. (a) PERMITTING LEASING OF SPACE.—
2 Subject to the availability of funds, the Architect of the
3 Capitol may acquire real property by lease for the use of
4 the Library of Congress in any State or the District of
5 Columbia if—

6 (1) the Architect of the Capitol and the Librar-
7 ian of Congress submit a joint request for the Archi-
8 tect to lease the property to the Joint Committee on
9 the Library and to the Committees on Appropria-
10 tions of the House of Representatives and Senate;
11 and

12 (2) the Joint Committee on the Library and the
13 Committees on Appropriations of the House of Rep-
14 resentatives and Senate each approve the request.

15 (b) TRANSFER OF FUNDS.—Subject to the approval
16 of the Joint Committee on the Library and the Commit-
17 tees on Appropriations of the House of Representatives
18 and the Senate, the Architect of the Capitol and the Li-
19 brarian of Congress may transfer between themselves ap-
20 propriations or other available funds to pay the costs in-
21 curred in acquiring real property pursuant to the author-
22 ity of this section and the costs of necessary expenses in-
23 curred in connection with the acquisition of the property.

1 (c) LIMIT ON OBLIGATIONS.—No obligation entered
2 into pursuant to the authority of this section shall be in
3 advance of, or in excess of, available appropriations.

4 (d) EFFECTIVE DATE.—This section shall apply with
5 respect to fiscal year 2009 and each succeeding fiscal year.

6 LIBRARY OF CONGRESS

7 SALARIES AND EXPENSES

8 For necessary expenses of the Library of Congress
9 not otherwise provided for, including development and
10 maintenance of the Library's catalogs; custody and custo-
11 dial care of the Library buildings; special clothing; clean-
12 ing, laundering and repair of uniforms; preservation of
13 motion pictures in the custody of the Library; operation
14 and maintenance of the American Folklife Center in the
15 Library; preparation and distribution of catalog records
16 and other publications of the Library; hire or purchase
17 of one passenger motor vehicle; and expenses of the Li-
18 brary of Congress Trust Fund Board not properly charge-
19 able to the income of any trust fund held by the Board,
20 \$419,030,000, of which not more than \$6,000,000 shall
21 be derived from collections credited to this appropriation
22 during fiscal year 2009, and shall remain available until
23 expended, under the Act of June 28, 1902 (chapter 1301;
24 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000
25 shall be derived from collections during fiscal year 2009

1 and shall remain available until expended for the develop-
2 ment and maintenance of an international legal informa-
3 tion database and activities related thereto: *Provided*,
4 That the Library of Congress may not obligate or expend
5 any funds derived from collections under the Act of June
6 28, 1902, in excess of the amount authorized for obliga-
7 tion or expenditure in appropriations Acts: *Provided fur-*
8 *ther*, That the total amount available for obligation shall
9 be reduced by the amount by which collections are less
10 than \$6,350,000: *Provided further*, That of the total
11 amount appropriated, \$17,959,000 shall remain available
12 until September 30, 2011 for the partial acquisition of
13 books, periodicals, newspapers, and all other materials in-
14 cluding subscriptions for bibliographic services for the Li-
15 brary, including \$40,000 to be available solely for the pur-
16 chase, when specifically approved by the Librarian, of spe-
17 cial and unique materials for additions to the collections:
18 *Provided further*, That of the total amount appropriated,
19 not more than \$12,000 may be expended, on the certifi-
20 cation of the Librarian of Congress, in connection with
21 official representation and reception expenses for the
22 Overseas Field Offices: *Provided further*, That of the total
23 amount appropriated, \$7,170,000 shall remain available
24 until expended for the digital collections and educational
25 curricula program: *Provided further*, That of the total

1 amount appropriated, \$1,495,000 shall remain available
2 until expended, and shall be transferred to the Abraham
3 Lincoln Bicentennial Commission for carrying out the pur-
4 poses of Public Law 106–173, of which \$10,000 may be
5 used for official representation and reception expenses of
6 the Abraham Lincoln Bicentennial Commission: *Provided*
7 *further*, That of the total amount appropriated, \$560,000
8 shall be transferred to the Federal Library and Informa-
9 tion Center’s FEDLINK Program: *Provided further*, That
10 of the total amount appropriated, \$190,000 shall be used
11 to provide a grant to the New York Historical Society for
12 the digitization of its collection: *Provided further*, That of
13 the total amount appropriated, \$95,000 shall be used to
14 provide a grant to the University of Florida for develop-
15 ment of a library of original case studies.

16 COPYRIGHT OFFICE

17 SALARIES AND EXPENSES

18 For necessary expenses of the Copyright Office,
19 \$51,592,000, of which not more than \$28,751,000, to re-
20 main available until expended, shall be derived from collec-
21 tions credited to this appropriation during fiscal year 2009
22 under section 708(d) of title 17, United States Code: *Pro-*
23 *vided*, That the Copyright Office may not obligate or ex-
24 pend any funds derived from collections under such sec-
25 tion, in excess of the amount authorized for obligation or

1 expenditure in appropriations Acts: *Provided further*, That
2 not more than \$4,564,000 shall be derived from collections
3 during fiscal year 2009 under sections 111(d)(2),
4 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided*
5 *further*, That the total amount available for obligation
6 shall be reduced by the amount by which collections are
7 less than \$33,315,000: *Provided further*, That not more
8 than \$100,000 of the amount appropriated is available for
9 the maintenance of an “International Copyright Institute”
10 in the Copyright Office of the Library of Congress for the
11 purpose of training nationals of developing countries in
12 intellectual property laws and policies: *Provided further*,
13 That not more than \$4,250 may be expended, on the cer-
14 tification of the Librarian of Congress, in connection with
15 official representation and reception expenses for activities
16 of the International Copyright Institute and for copyright
17 delegations, visitors, and seminars: *Provided further*, That
18 notwithstanding any provision of chapter 8 of title 17,
19 United States Code, any amounts made available under
20 this heading which are attributable to royalty fees and
21 payments received by the Copyright Office pursuant to
22 sections 111, 119, and chapter 10 of such title may be
23 used for the costs incurred in the administration of the
24 Copyright Royalty Judges program, with the exception of

1 the costs of salaries and benefits for the Copyright Royalty
2 Judges and staff under section 802(e).

3 CONGRESSIONAL RESEARCH SERVICE

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out the provisions
6 of section 203 of the Legislative Reorganization Act of
7 1946 (2 U.S.C. 166) and to revise and extend the Anno-
8 tated Constitution of the United States of America,
9 \$107,323,000: *Provided*, That no part of such amount
10 may be used to pay any salary or expense in connection
11 with any publication, or preparation of material therefor
12 (except the Digest of Public General Bills), to be issued
13 by the Library of Congress unless such publication has
14 obtained prior approval of either the Committee on House
15 Administration of the House of Representatives or the
16 Committee on Rules and Administration of the Senate.

17 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

18 SALARIES AND EXPENSES

19 For salaries and expenses to carry out the Act of
20 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
21 135a), \$68,816,000, of which \$30,155,000 shall remain
22 available until expended: *Provided*, That of the total
23 amount appropriated, \$650,000 shall be available to con-
24 tract to provide newspapers to blind and physically handi-
25 capped residents at no cost to the individual.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 1201. INCENTIVE AWARDS PROGRAM.—Of the
3 amounts appropriated to the Library of Congress in this
4 Act, not more than \$5,000 may be expended, on the cer-
5 tification of the Librarian of Congress, in connection with
6 official representation and reception expenses for the in-
7 centive awards program.

8 SEC. 1202. REIMBURSABLE AND REVOLVING FUND
9 ACTIVITIES. (a) IN GENERAL.—For fiscal year 2009, the
10 obligational authority of the Library of Congress for the
11 activities described in subsection (b) may not exceed
12 \$134,212,000.

13 (b) ACTIVITIES.—The activities referred to in sub-
14 section (a) are reimbursable and revolving fund activities
15 that are funded from sources other than appropriations
16 to the Library in appropriations Acts for the legislative
17 branch.

18 (c) TRANSFER OF FUNDS.—During fiscal year 2009,
19 the Librarian of Congress may temporarily transfer funds
20 appropriated in this Act, under the heading “Library of
21 Congress”, under the subheading “Salaries and ex-
22 penses”, to the revolving fund for the FEDLINK Program
23 and the Federal Research Program established under sec-
24 tion 103 of the Library of Congress Fiscal Operations Im-
25 provement Act of 2000 (Public Law 106–481; 2 U.S.C.

1 182c): *Provided*, That the total amount of such transfers
2 may not exceed \$1,900,000: *Provided further*, That the ap-
3 propriate revolving fund account shall reimburse the Li-
4 brary for any amounts transferred to it before the period
5 of availability of the Library appropriation expires.

6 SEC. 1203. TRANSFER AUTHORITY. (a) IN GEN-
7 ERAL.—Amounts appropriated for fiscal year 2009 for the
8 Library of Congress may be transferred during fiscal year
9 2009 between any of the headings under the heading “Li-
10 brary of Congress” upon the approval of the Committees
11 on Appropriations of the Senate and the House of Rep-
12 resentatives.

13 (b) LIMITATION.—Not more than 10 percent of the
14 total amount of funds appropriated to the account under
15 any heading under the heading “Library of Congress” for
16 fiscal year 2009 may be transferred from that account by
17 all transfers made under subsection (a).

18 SEC. 1204. ABRAHAM LINCOLN BICENTENNIAL COM-
19 MISSION. Section 5(d) of the Abraham Lincoln Bicen-
20 nial Commission Act (36 U.S.C. note prec. 101; Public
21 Law 106–173) is amended by striking “that member may
22 continue to serve on the Commission for not longer than
23 the 30-day period beginning on the date that member
24 ceases to be a Member of Congress” and inserting “that

1 member may continue to serve on the Commission for the
2 life of the Commission”.

3 GOVERNMENT PRINTING OFFICE

4 CONGRESSIONAL PRINTING AND BINDING

5 (INCLUDING TRANSFER OF FUNDS)

6 For authorized printing and binding for the Congress
7 and the distribution of Congressional information in any
8 format; printing and binding for the Architect of the Cap-
9 itol; expenses necessary for preparing the semimonthly
10 and session index to the Congressional Record, as author-
11 ized by law (section 902 of title 44, United States Code);
12 printing and binding of Government publications author-
13 ized by law to be distributed to Members of Congress; and
14 printing, binding, and distribution of Government publica-
15 tions authorized by law to be distributed without charge
16 to the recipient, \$96,828,000: *Provided*, That this appro-
17 priation shall not be available for paper copies of the per-
18 manent edition of the Congressional Record for individual
19 Representatives, Resident Commissioners or Delegates au-
20 thorized under section 906 of title 44, United States Code:
21 *Provided further*, That this appropriation shall be available
22 for the payment of obligations incurred under the appro-
23 priations for similar purposes for preceding fiscal years:
24 *Provided further*, That notwithstanding the 2-year limita-
25 tion under section 718 of title 44, United States Code,

1 none of the funds appropriated or made available under
2 this Act or any other Act for printing and binding and
3 related services provided to Congress under chapter 7 of
4 title 44, United States Code, may be expended to print
5 a document, report, or publication after the 27-month pe-
6 riod beginning on the date that such document, report,
7 or publication is authorized by Congress to be printed, un-
8 less Congress reauthorizes such printing in accordance
9 with section 718 of title 44, United States Code: *Provided*
10 *further*, That any unobligated or unexpended balances in
11 this account or accounts for similar purposes for preceding
12 fiscal years may be transferred to the Government Print-
13 ing Office revolving fund for carrying out the purposes of
14 this heading, subject to the approval of the Committees
15 on Appropriations of the House of Representatives and
16 Senate.

17 OFFICE OF SUPERINTENDENT OF DOCUMENTS

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses of the Office of Superintendent of Doc-
21 uments necessary to provide for the cataloging and index-
22 ing of Government publications and their distribution to
23 the public, Members of Congress, other Government agen-
24 cies, and designated depository and international exchange
25 libraries as authorized by law, \$38,744,000: *Provided*,
26 That amounts of not more than \$2,000,000 from current

1 year appropriations are authorized for producing and dis-
2 seminating Congressional serial sets and other related
3 publications for fiscal years 2007 and 2008 to depository
4 and other designated libraries: *Provided further*, That any
5 unobligated or unexpended balances in this account or ac-
6 counts for similar purposes for preceding fiscal years may
7 be transferred to the Government Printing Office revolv-
8 ing fund for carrying out the purposes of this heading,
9 subject to the approval of the Committees on Appropria-
10 tions of the House of Representatives and Senate.

11 GOVERNMENT PRINTING OFFICE REVOLVING FUND

12 For payment to the Government Printing Office Re-
13 volving Fund, \$4,995,000 for information technology de-
14 velopment and facilities repair: *Provided*, That the Gov-
15 ernment Printing Office is hereby authorized to make such
16 expenditures, within the limits of funds available and in
17 accordance with law, and to make such contracts and com-
18 mitments without regard to fiscal year limitations as pro-
19 vided by section 9104 of title 31, United States Code, as
20 may be necessary in carrying out the programs and pur-
21 poses set forth in the budget for the current fiscal year
22 for the Government Printing Office revolving fund: *Pro-*
23 *vided further*, That not more than \$5,000 may be ex-
24 pended on the certification of the Public Printer in connec-
25 tion with official representation and reception expenses:

1 *Provided further*, That the revolving fund shall be available
2 for the hire or purchase of not more than 12 passenger
3 motor vehicles: *Provided further*, That expenditures in con-
4 nection with travel expenses of the advisory councils to
5 the Public Printer shall be deemed necessary to carry out
6 the provisions of title 44, United States Code: *Provided*
7 *further*, That the revolving fund shall be available for tem-
8 porary or intermittent services under section 3109(b) of
9 title 5, United States Code, but at rates for individuals
10 not more than the daily equivalent of the annual rate of
11 basic pay for level V of the Executive Schedule under sec-
12 tion 5316 of such title: *Provided further*, That activities
13 financed through the revolving fund may provide informa-
14 tion in any format: *Provided further*, That the revolving
15 fund and the funds provided under the headings “Office
16 of Superintendent of Documents” and “Salaries and Ex-
17 penses” may not be used for contracted security services
18 at GPO’s passport facility in the District of Columbia.

19 GOVERNMENT ACCOUNTABILITY OFFICE

20 SALARIES AND EXPENSES

21 For necessary expenses of the Government Account-
22 ability Office, including not more than \$12,500 to be ex-
23 pended on the certification of the Comptroller General of
24 the United States in connection with official representa-
25 tion and reception expenses; temporary or intermittent

1 services under section 3109(b) of title 5, United States
2 Code, but at rates for individuals not more than the daily
3 equivalent of the annual rate of basic pay for level IV of
4 the Executive Schedule under section 5315 of such title;
5 hire of one passenger motor vehicle; advance payments in
6 foreign countries in accordance with section 3324 of title
7 31, United States Code; benefits comparable to those pay-
8 able under sections 901(5), (6), and (8) of the Foreign
9 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));
10 and under regulations prescribed by the Comptroller Gen-
11 eral of the United States, rental of living quarters in for-
12 eign countries, \$531,000,000: *Provided*, That not more
13 than \$5,375,000 of payments received under section 782
14 of title 31, United States Code, shall be available for use
15 in fiscal year 2009: *Provided further*, That not more than
16 \$2,260,000 of reimbursements received under section
17 9105 of title 31, United States Code, shall be available
18 for use in fiscal year 2009: *Provided further*, That this
19 appropriation and appropriations for administrative ex-
20 penses of any other department or agency which is a mem-
21 ber of the National Intergovernmental Audit Forum or a
22 Regional Intergovernmental Audit Forum shall be avail-
23 able to finance an appropriate share of either Forum's
24 costs as determined by the respective Forum, including
25 necessary travel expenses of non-Federal participants:

1 *Provided further*, That payments hereunder to the Forum
2 may be credited as reimbursements to any appropriation
3 from which costs involved are initially financed.

4 ADMINISTRATIVE PROVISION

5 SEC. 1301. REPEAL AND MODIFICATION OF CERTAIN
6 REPORTING REQUIREMENTS. (a) SPECTRUM RELOCATION
7 FUND TRANSFERS.—Section 118(e)(1)(B) of the National
8 Telecommunications and Information Administration Or-
9 ganization Act (47 U.S.C. 928(e)(1)(B)) is amended—

10 (1) in clause (ii) by adding “and” after the
11 semicolon;

12 (2) in clause (iii) by striking “; and” and in-
13 serting a period; and

14 (3) by striking clause (iv).

15 (b) USE OF FUNDS IN PROJECTS CONSTRUCTED
16 UNDER PROJECTED COST.—Section 211(d) of the Public
17 Works and Economic Development Act of 1965 (42
18 U.S.C. 3151(d)) is amended by striking subsection (d) and
19 inserting the following:

20 “(d) REVIEW BY COMPTROLLER GENERAL.—The
21 Comptroller General of the United States shall regularly
22 review the implementation of this section.”.

23 (c) GAO STUDY AND REPORT ON IMPACT OF SAFE
24 HARBOR ON MEDIGAP POLICIES.—Section 5201(b)(2) of
25 title V of division J of the Omnibus Consolidated and

1 Emergency Supplemental Appropriations Act, 1999 (Pub-
2 lic Law 105–277; 42 U.S.C. 1320a–7a note) is repealed.

3 (d) GAO REPORT ON DATE RAPE DRUG CAM-
4 PAIGN.—Section 7(b)(3) of the Hillary J. Farias and
5 Samantha Reid Date-Rape Drug Prohibition Act of 2000
6 (Public Law 106–172; 21 U.S.C. 801 note) is repealed.

7 (e) INSPECTOR GENERAL AUDIT AND GAO REPORT
8 ON ENROLLEES ELIGIBLE FOR MEDICAID.—Section
9 2108(d) of the Social Security Act (42 U.S.C. 1397hh(d))
10 is amended—

11 (1) in the heading by striking “AND GAO RE-
12 PORT”; and

13 (2) by striking paragraph (3).

14 (f) GAO REPORT ON MA REGIONAL PLAN STA-
15 BILIZATION FUND.—Section 1858(e)(7) of the Social Se-
16 curity Act (42 U.S.C. 1395w–27a(e)(7)) is repealed.

17 (g) BREAST IMPLANTS; STUDY BY COMPTROLLER
18 GENERAL.—Section 214 of the Medical Device User Fee
19 and Modernization Act of 2002 (Public Law 107–250; 42
20 U.S.C. 289g–3 note) is repealed.

21 (h) DISPOSITION OF RIGHTS.—Section 202(b) of title
22 35, United States Code is amended—

23 (1) by striking paragraph (3); and

24 (2) by redesignating paragraph (4) as para-
25 graph (3).

1 SEC. 202. FISCAL YEAR LIMITATION. No part of the
2 funds appropriated in this Act shall remain available for
3 obligation beyond fiscal year 2009 unless expressly so pro-
4 vided in this Act.

5 SEC. 203. RATES OF COMPENSATION AND DESIGNA-
6 TION. Whenever in this Act any office or position not spe-
7 cifically established by the Legislative Pay Act of 1929
8 (46 Stat. 32 et seq.) is appropriated for or the rate of
9 compensation or designation of any office or position ap-
10 propriated for is different from that specifically estab-
11 lished by such Act, the rate of compensation and the des-
12 ignation in this Act shall be the permanent law with re-
13 spect thereto: *Provided*, That the provisions in this Act
14 for the various items of official expenses of Members, offi-
15 cers, and committees of the Senate and House of Rep-
16 resentatives, and clerk hire for Senators and Members of
17 the House of Representatives shall be the permanent law
18 with respect thereto.

19 SEC. 204. CONSULTING SERVICES. The expenditure
20 of any appropriation under this Act for any consulting
21 service through procurement contract, under section 3109
22 of title 5, United States Code, shall be limited to those
23 contracts where such expenditures are a matter of public
24 record and available for public inspection, except where

1 otherwise provided under existing law, or under existing
2 Executive order issued under existing law.

3 SEC. 205. AWARDS AND SETTLEMENTS. Such sums
4 as may be necessary are appropriated to the account de-
5 scribed in subsection (a) of section 415 of the Congres-
6 sional Accountability Act of 1995 (2 U.S.C. 1415(a)) to
7 pay awards and settlements as authorized under such sub-
8 section.

9 SEC. 206. COSTS OF LBFMC. Amounts available for
10 administrative expenses of any legislative branch entity
11 which participates in the Legislative Branch Financial
12 Managers Council (LBFMC) established by charter on
13 March 26, 1996, shall be available to finance an appro-
14 priate share of LBFMC costs as determined by the
15 LBFMC, except that the total LBFMC costs to be shared
16 among all participating legislative branch entities (in such
17 allocations among the entities as the entities may deter-
18 mine) may not exceed \$2,000.

19 SEC. 207. LANDSCAPE MAINTENANCE. The Architect
20 of the Capitol, in consultation with the District of Colum-
21 bia, is authorized to maintain and improve the landscape
22 features, excluding streets in the irregular shaped grassy
23 areas bounded by Washington Avenue SW on the north-
24 east, Second Street SW on the west, Square 582 on the

1 south, and the beginning of the I-395 tunnel on the south-
2 east.

3 SEC. 208. LIMITATION ON TRANSFERS. None of the
4 funds made available in this Act may be transferred to
5 any department, agency, or instrumentality of the United
6 States Government, except pursuant to a transfer made
7 by, or transfer authority provided in, this Act or any other
8 appropriation Act.

9 SEC. 209. GUIDED TOURS OF THE CAPITOL. (a) Ex-
10 cept as provided in subsection (b), none of the funds made
11 available to the Architect of the Capitol in this Act may
12 be used to eliminate guided tours of the United States
13 Capitol which are led by employees and interns of offices
14 of Members of Congress and other offices of the House
15 of Representatives and Senate.

16 (b) At the direction of the Capitol Police Board, or
17 at the direction of the Architect of the Capitol with the
18 approval of the Capitol Police Board, guided tours of the
19 United States Capitol which are led by employees and in-
20 terns described in subsection (a) may be suspended tempo-
21 rarily or otherwise subject to restriction for security or re-
22 lated reasons to the same extent as guided tours of the
23 United States Capitol which are led by the Architect of
24 the Capitol.

1 to civil service and classification laws of persons on
2 a temporary basis (not to exceed \$700,000), as au-
3 thorized by section 801 of the United States Infor-
4 mation and Educational Exchange Act of 1948,
5 \$2,118,598,000 to remain available until September
6 30, 2010, of which not less than \$130,637,000 shall
7 be available only for public diplomacy American sal-
8 aries.

9 (2) OVERSEAS PROGRAMS.—For necessary ex-
10 penses for the regional bureaus of the Department
11 of State and overseas activities as authorized by law,
12 \$1,548,617,000, to remain available until September
13 30, 2010, of which not less than \$264,169,000 shall
14 be available only for public diplomacy international
15 information programs.

16 (3) DIPLOMATIC POLICY AND SUPPORT.—For
17 necessary expenses for the functional bureaus of the
18 Department of State including representation to cer-
19 tain international organizations in which the United
20 States participates pursuant to treaties ratified pur-
21 suant to the advice and consent of the Senate or
22 specific Acts of Congress, general administration,
23 and arms control, nonproliferation and disarmament
24 activities as authorized, \$585,078,000, to remain
25 available until September 30, 2010.

1 (4) SECURITY PROGRAMS.—For necessary ex-
2 penses for security activities, \$1,108,025,000, to re-
3 main available until September 30, 2010.

4 (5) FEES AND PAYMENTS COLLECTED.—In ad-
5 dition to amounts otherwise made available under
6 this heading—

7 (A) not to exceed \$1,605,150 shall be de-
8 rived from fees collected from other executive
9 agencies for lease or use of facilities located at
10 the International Center in accordance with sec-
11 tion 4 of the International Center Act, and, in
12 addition, as authorized by section 5 of such
13 Act, \$490,000, to be derived from the reserve
14 authorized by that section, to be used for the
15 purposes set out in that section;

16 (B) as authorized by section 810 of the
17 United States Information and Educational Ex-
18 change Act, not to exceed \$6,000,000, to re-
19 main available until expended, may be credited
20 to this appropriation from fees or other pay-
21 ments received from English teaching, library,
22 motion pictures, and publication programs and
23 from fees from educational advising and coun-
24 seling and exchange visitor programs; and

1 (C) not to exceed \$15,000, which shall be
2 derived from reimbursements, surcharges and
3 fees for use of Blair House facilities.

4 (6) TRANSFER AND REPROGRAMMING.—

5 (A) Notwithstanding any provision of this
6 Act, funds may be reprogrammed within and
7 between subsections under this heading subject
8 to section 7015 of this Act.

9 (B) Of the amount made available under
10 this heading, not to exceed \$10,000,000 may be
11 transferred to, and merged with, funds made
12 available by this Act under the heading “Emer-
13 gencies in the Diplomatic and Consular Serv-
14 ice”, to be available only for emergency evacu-
15 ations and rewards, as authorized.

16 (C) Funds appropriated under this heading
17 are available for acquisition by exchange or pur-
18 chase of passenger motor vehicles as authorized
19 by law and, pursuant to 31 U.S.C. 1108(g), for
20 the field examination of programs and activities
21 in the United States funded from any account
22 contained in this title.

23 CIVILIAN STABILIZATION INITIATIVE

24 For necessary expenses to establish, support, main-
25 tain, mobilize, and deploy a civilian response corps in co-
26 ordination with the United States Agency for Inter-

1 national Development, and for related reconstruction and
2 stabilization assistance to prevent or respond to conflict
3 or civil strife in foreign countries or regions, or to enable
4 transition from such strife, \$45,000,000, to remain avail-
5 able until expended: *Provided*, That up to \$23,014,000
6 may be made available in fiscal year 2009 to provide ad-
7 ministrative expenses for the Office of the Coordinator for
8 Reconstruction and Stabilization: *Provided further*, That
9 notwithstanding any other provision of law and following
10 consultation with the Committees on Appropriations, the
11 President may exercise transfer authorities contained in
12 the Foreign Assistance Act of 1961 for reconstruction and
13 stabilization assistance managed by the Office of the Coor-
14 dinator for Reconstruction and Stabilization, United
15 States Department of State, only to support an actively
16 deployed civilian response corps, subject to the regular no-
17 tification procedures of the Committees on Appropria-
18 tions: *Provided further*, That not later than 60 days after
19 enactment of this Act, the Secretary of State and the Ad-
20 ministrator of the United States Agency for International
21 Development shall submit a coordinated joint spending
22 plan for funds made available under this heading and
23 under the heading “Civilian Stabilization Initiative” in
24 title II of this Act.

1 CAPITAL INVESTMENT FUND

2 For necessary expenses of the Capital Investment
3 Fund, \$71,000,000, to remain available until expended,
4 as authorized: *Provided*, That section 135(e) of Public
5 Law 103–236 shall not apply to funds available under this
6 heading.

7 OFFICE OF INSPECTOR GENERAL

8 For necessary expenses of the Office of Inspector
9 General, \$37,000,000, notwithstanding section 209(a)(1)
10 of the Foreign Service Act of 1980 (Public Law 96–465),
11 as it relates to post inspections.

12 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

13 For expenses of educational and cultural exchange
14 programs, as authorized, \$538,000,000, to remain avail-
15 able until expended: *Provided*, That not to exceed
16 \$5,000,000, to remain available until expended, may be
17 credited to this appropriation from fees or other payments
18 received from or in connection with English teaching, edu-
19 cational advising and counseling programs, and exchange
20 visitor programs as authorized.

21 REPRESENTATION ALLOWANCES

22 For representation allowances as authorized,
23 \$8,175,000.

24 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

25 For expenses, not otherwise provided, to enable the
26 Secretary of State to provide for extraordinary protective

1 services, as authorized, \$22,814,000, to remain available
2 until September 30, 2010.

3 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

4 For necessary expenses for carrying out the Foreign
5 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
6 serving, maintaining, repairing, and planning for buildings
7 that are owned or directly leased by the Department of
8 State, renovating, in addition to funds otherwise available,
9 the Harry S Truman Building, and carrying out the Dip-
10 lomatic Security Construction Program as authorized,
11 \$801,344,000, to remain available until expended as au-
12 thorized, of which not to exceed \$25,000 may be used for
13 domestic and overseas representation as authorized: *Pro-*
14 *vided*, That none of the funds appropriated in this para-
15 graph shall be available for acquisition of furniture, fur-
16 nishings, or generators for other departments and agen-
17 cies.

18 In addition, for the costs of worldwide security up-
19 grades, acquisition, and construction as authorized,
20 \$770,000,000, to remain available until expended: *Pro-*
21 *vided*, That funds made available by this paragraph may
22 not be obligated until a plan is submitted to the Commit-
23 tees on Appropriations with the proposed allocation of
24 funds made available by this Act and by proceeds of sales
25 for all projects in fiscal year 2009: *Provided further*, That
26 the Under Secretary for Management, United States De-

1 partment of State, shall consult with the Committees on
2 Appropriations on a regular and ongoing basis on the de-
3 sign of any proposed self-financed New Embassy Com-
4 pound.

5 In addition, for necessary expenses for overseas facil-
6 ity construction and related costs for the United States
7 Agency for International Development, pursuant to sec-
8 tion 667 of the Foreign Assistance Act of 1961,
9 \$135,225,000, to remain available until expended.

10 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

11 SERVICE

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses to enable the Secretary of
14 State to meet unforeseen emergencies arising in the Diplo-
15 matic and Consular Service, \$9,000,000, to remain avail-
16 able until expended as authorized, of which not to exceed
17 \$1,000,000 may be transferred to, and merged with, funds
18 appropriated by this Act under the heading “Repatriation
19 Loans Program Account”, subject to the same terms and
20 conditions.

21 BUYING POWER MAINTENANCE ACCOUNT

22 To offset adverse fluctuations in foreign currency ex-
23 change rates and/or overseas wage and price changes, as
24 authorized by section 24(b) of the State Department Basic
25 Authorities Act of 1956 (22 U.S.C. 2696(b)), \$5,000,000,
26 to remain available until expended.

1 REPATRIATION LOANS PROGRAM ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans, \$678,000, as authorized:
4 *Provided*, That such costs, including the cost of modifying
5 such loans, shall be as defined in section 502 of the Con-
6 gressional Budget Act of 1974.

7 In addition, for administrative expenses necessary to
8 carry out the direct loan program, \$675,000, which may
9 be transferred to, and merged with, funds made available
10 under the heading “Diplomatic and Consular Programs”.

11 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

12 For necessary expenses to carry out the Taiwan Rela-
13 tions Act (Public Law 96–8), \$16,840,000.

14 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
15 DISABILITY FUND

16 For payment to the Foreign Service Retirement and
17 Disability Fund, as authorized by law, \$157,100,000.

18 INTERNATIONAL ORGANIZATIONS

19 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

20 For necessary expenses, not otherwise provided for,
21 to meet annual obligations of membership in international
22 multilateral organizations, pursuant to treaties ratified
23 pursuant to the advice and consent of the Senate, conven-
24 tions or specific Acts of Congress, \$1,529,400,000: *Pro-*
25 *vided*, That the Secretary of State shall, at the time of
26 the submission of the President’s budget to Congress

1 under section 1105(a) of title 31, United States Code,
2 transmit to the Committees on Appropriations the most
3 recent biennial budget prepared by the United Nations for
4 the operations of the United Nations: *Provided further*,
5 That the Secretary of State shall notify the Committees
6 on Appropriations at least 15 days in advance (or in an
7 emergency, as far in advance as is practicable) of any
8 United Nations action to increase funding for any United
9 Nations program without identifying an offsetting de-
10 crease elsewhere in the United Nations budget: *Provided*
11 *further*, That any payment of arrearages under this title
12 shall be directed toward activities that are mutually agreed
13 upon by the United States and the respective international
14 organization: *Provided further*, That none of the funds ap-
15 propriated in this paragraph shall be available for a
16 United States contribution to an international organiza-
17 tion for the United States share of interest costs made
18 known to the United States Government by such organiza-
19 tion for loans incurred on or after October 1, 1984,
20 through external borrowings.

21 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

22 ACTIVITIES

23 For necessary expenses to pay assessed and other ex-
24 penses of international peacekeeping activities directed to
25 the maintenance or restoration of international peace and
26 security, \$1,517,000,000, of which 15 percent shall re-

1 main available until September 30, 2010: *Provided*, That
2 none of the funds made available by this Act shall be obli-
3 gated or expended for any new or expanded United Na-
4 tions peacekeeping mission unless, at least 15 days in ad-
5 vance of voting for the new or expanded mission in the
6 United Nations Security Council (or in an emergency as
7 far in advance as is practicable): (1) the Committees on
8 Appropriations are notified of the estimated cost and
9 length of the mission, the national interest that will be
10 served, and the planned exit strategy; (2) the Committees
11 on Appropriations are notified that the United Nations
12 has taken appropriate measures to prevent United Nations
13 employees, contractor personnel, and peacekeeping forces
14 serving in any United Nations peacekeeping mission from
15 trafficking in persons, exploiting victims of trafficking, or
16 committing acts of illegal sexual exploitation, and to hold
17 accountable individuals who engage in such acts while par-
18 ticipating in the peacekeeping mission, including the pros-
19 ecution in their home countries of such individuals in con-
20 nection with such acts; and (3) notification pursuant to
21 section 7015 of this Act is submitted, and the procedures
22 therein followed, setting forth the source of funds that will
23 be used to pay for the cost of the new or expanded mission:
24 *Provided further*, That funds shall be available for peace-
25 keeping expenses only upon a certification by the Sec-

1 retary of State to the Committees on Appropriations that
2 American manufacturers and suppliers are being given op-
3 portunities to provide equipment, services, and material
4 for United Nations peacekeeping activities equal to those
5 being given to foreign manufacturers and suppliers.

6 INTERNATIONAL COMMISSIONS

7 For necessary expenses, not otherwise provided for,
8 to meet obligations of the United States arising under
9 treaties, or specific Acts of Congress, as follows:

10 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

11 UNITED STATES AND MEXICO

12 For necessary expenses for the United States Section
13 of the International Boundary and Water Commission,
14 United States and Mexico, and to comply with laws appli-
15 cable to the United States Section, including not to exceed
16 \$6,000 for representation; as follows:

17 SALARIES AND EXPENSES

18 For salaries and expenses, not otherwise provided for,
19 \$32,256,000.

20 CONSTRUCTION

21 For detailed plan preparation and construction of au-
22 thorized projects, \$43,250,000, to remain available until
23 expended, as authorized.

24 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

25 For necessary expenses, not otherwise provided,
26 \$11,649,000, of which \$7,559,000 is for the International

1 Joint Commission and \$1,970,000 is for the International
2 Boundary Commission, United States and Canada, as au-
3 thorized by treaties between the United States and Can-
4 ada or Great Britain, and \$2,120,000 is for the Border
5 Environment Cooperation Commission as authorized by
6 Public Law 103–182: *Provided*, That of the amount pro-
7 vided under this heading for the International Joint Com-
8 mission, \$9,000 may be made available for representation
9 expenses 45 days after submission to the Committees on
10 Appropriations of a report detailing obligations, expendi-
11 tures, and associated activities for fiscal years 2006, 2007,
12 and 2008, including any unobligated funds which expired
13 at the end of each fiscal year and the justification for why
14 such funds were not obligated.

15 INTERNATIONAL FISHERIES COMMISSIONS

16 For necessary expenses for international fisheries
17 commissions, not otherwise provided for, as authorized by
18 law, \$29,925,000: *Provided*, That the United States share
19 of such expenses may be advanced to the respective com-
20 missions pursuant to 31 U.S.C. 3324.

21 RELATED AGENCY

22 BROADCASTING BOARD OF GOVERNORS

23 INTERNATIONAL BROADCASTING OPERATIONS

24 For necessary expenses to enable the Broadcasting
25 Board of Governors, as authorized, to carry out inter-

1 national communication activities, including the purchase,
2 rent, construction, and improvement of facilities for radio
3 and television transmission and reception and purchase,
4 lease, and installation of necessary equipment for radio
5 and television transmission and reception to Cuba, and to
6 make and supervise grants for radio and television broad-
7 casting to the Middle East, \$698,187,000: *Provided*, That
8 of the total amount in this heading, not to exceed \$16,000
9 may be used for official receptions within the United
10 States as authorized, not to exceed \$35,000 may be used
11 for representation abroad as authorized, and not to exceed
12 \$39,000 may be used for official reception and representa-
13 tion expenses of Radio Free Europe/Radio Liberty; and
14 in addition, notwithstanding any other provision of law,
15 not to exceed \$2,000,000 in receipts from advertising and
16 revenue from business ventures, not to exceed \$500,000
17 in receipts from cooperating international organizations,
18 and not to exceed \$1,000,000 in receipts from privatiza-
19 tion efforts of the Voice of America and the International
20 Broadcasting Bureau, to remain available until expended
21 for carrying out authorized purposes.

22 BROADCASTING CAPITAL IMPROVEMENTS

23 For the purchase, rent, construction, and improve-
24 ment of facilities for radio and television transmission and
25 reception, and purchase and installation of necessary
26 equipment for radio and television transmission and recep-

1 tion as authorized, \$11,296,000, to remain available until
2 expended, as authorized.

3 RELATED PROGRAMS

4 THE ASIA FOUNDATION

5 For a grant to the Asia Foundation, as authorized
6 by the Asia Foundation Act (22 U.S.C. 4402),
7 \$16,000,000, to remain available until expended, as au-
8 thorized.

9 UNITED STATES INSTITUTE OF PEACE

10 For necessary expenses of the United States Institute
11 of Peace as authorized in the United States Institute of
12 Peace Act, \$31,000,000, to remain available until Sep-
13 tember 30, 2010.

14 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

15 TRUST FUND

16 For necessary expenses of the Center for Middle
17 Eastern-Western Dialogue Trust Fund, the total amount
18 of the interest and earnings accruing to such Fund on or
19 before September 30, 2009, to remain available until ex-
20 pended.

21 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

22 For necessary expenses of Eisenhower Exchange Fel-
23 lowships, Incorporated, as authorized by sections 4 and
24 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
25 U.S.C. 5204–5205), all interest and earnings accruing to

1 the Eisenhower Exchange Fellowship Program Trust
2 Fund on or before September 30, 2009, to remain avail-
3 able until expended: *Provided*, That none of the funds ap-
4 propriated herein shall be used to pay any salary or other
5 compensation, or to enter into any contract providing for
6 the payment thereof, in excess of the rate authorized by
7 5 U.S.C. 5376; or for purposes which are not in accord-
8 ance with OMB Circulars A-110 (Uniform Administrative
9 Requirements) and A-122 (Cost Principles for Non-profit
10 Organizations), including the restrictions on compensation
11 for personal services.

12 ISRAELI ARAB SCHOLARSHIP PROGRAM

13 For necessary expenses of the Israeli Arab Scholar-
14 ship Program as authorized by section 214 of the Foreign
15 Relations Authorization Act, Fiscal Years 1992 and 1993
16 (22 U.S.C. 2452), all interest and earnings accruing to
17 the Israeli Arab Scholarship Fund on or before September
18 30, 2009, to remain available until expended.

19 EAST-WEST CENTER

20 To enable the Secretary of State to provide for car-
21 rying out the provisions of the Center for Cultural and
22 Technical Interchange Between East and West Act of
23 1960, by grant to the Center for Cultural and Technical
24 Interchange Between East and West in the State of Ha-
25 waii, \$21,000,000: *Provided*, That none of the funds ap-

1 appropriated herein shall be used to pay any salary, or enter
2 into any contract providing for the payment thereof, in
3 excess of the rate authorized by 5 U.S.C. 5376.

4 NATIONAL ENDOWMENT FOR DEMOCRACY

5 For grants made by the Department of State to the
6 National Endowment for Democracy, as authorized by the
7 National Endowment for Democracy Act, \$115,000,000,
8 to remain available until expended, of which \$100,000,000
9 shall be allocated in the traditional and customary manner
10 among the core institutes and \$15,000,000 shall be for
11 democracy, human rights, and rule of law programs, of
12 which \$250,000 shall be for programs and activities in
13 Tibet: *Provided*, That the President of the National En-
14 dowment for Democracy shall provide to the Committees
15 on Appropriations not later than 45 days after the date
16 of enactment of this Act a report on the proposed uses
17 of funds under this heading on a regional and country
18 basis: *Provided further*, That funds made available by this
19 Act for the promotion of democracy may be made available
20 for the National Endowment for Democracy notwith-
21 standing any other provision of law or regulation.

1 OTHER COMMISSIONS

2 COMMISSION FOR THE PRESERVATION OF AMERICA'S

3 HERITAGE ABROAD

4 SALARIES AND EXPENSES

5 For necessary expenses for the Commission for the
6 Preservation of America's Heritage Abroad, \$599,000, as
7 authorized by section 1303 of Public Law 99-83.

8 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

9 SALARIES AND EXPENSES

10 For necessary expenses for the United States Com-
11 mission on International Religious Freedom, as authorized
12 by title II of the International Religious Freedom Act of
13 1998 (Public Law 105-292), \$4,000,000, to remain avail-
14 able until September 30, 2010.

15 COMMISSION ON SECURITY AND COOPERATION IN

16 EUROPE

17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission on Secu-
19 rity and Cooperation in Europe, as authorized by Public
20 Law 94-304, \$2,610,000, to remain available until Sep-
21 tember 30, 2010.

1 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
2 PEOPLE'S REPUBLIC OF CHINA
3 SALARIES AND EXPENSES

4 For necessary expenses of the Congressional-Execu-
5 tive Commission on the People's Republic of China, as au-
6 thorized, \$2,000,000, including not more than \$3,000 for
7 the purpose of official representation, to remain available
8 until September 30, 2010.

9 UNITED STATES-CHINA ECONOMIC AND SECURITY
10 REVIEW COMMISSION
11 SALARIES AND EXPENSES

12 For necessary expenses of the United States-China
13 Economic and Security Review Commission, \$4,000,000,
14 including not more than \$4,000 for the purpose of official
15 representation, to remain available until September 30,
16 2010: *Provided*, That the Commission shall provide to the
17 Committees on Appropriations a quarterly accounting of
18 the cumulative balances of any unobligated funds that
19 were received by the Commission during any previous fis-
20 cal year: *Provided further*, That section 308(e) of the
21 United States-China Relations Act of 2000 (22 U.S.C.
22 6918(e)) (relating to the treatment of employees as Con-
23 gressional employees), and section 309 of such Act (22
24 U.S.C. 6919) (relating to printing and binding costs),
25 shall apply to the Commission in the same manner as such

1 section applies to the Congressional-Executive Commis-
2 sion on the People's Republic of China: *Provided further*,
3 That the Commission shall comply with chapter 43 of title
4 5, United States Code, regarding the establishment and
5 regular review of employee performance appraisals: *Pro-*
6 *vided further*, That the Commission shall comply with sec-
7 tion 4505a of title 5, United States Code, with respect
8 to limitations on payment of performance-based cash
9 awards: *Provided further*, That compensation for the exec-
10 utive director of the Commission may not exceed the rate
11 payable for level II of the Executive Schedule under sec-
12 tion 5313 of title 5, United States Code: *Provided further*,
13 That travel by members of the Commission and its staff
14 shall be arranged and conducted under the rules and pro-
15 cedures applying to travel by members of the House of
16 Representatives and its staff.

17 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY
18 GROUP

19 SALARIES AND EXPENSES

20 For necessary expenses of the United States Senate-
21 China Interparliamentary Group, as authorized under sec-
22 tion 153 of the Consolidated Appropriations Act, 2004 (22
23 U.S.C. 276n; Public Law 108-99; 118 Stat. 448),
24 \$150,000, to remain available until September 30, 2010.

1 TITLE II
2 UNITED STATES AGENCY FOR INTERNATIONAL
3 DEVELOPMENT
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 OPERATING EXPENSES
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out the provisions
8 of section 667 of the Foreign Assistance Act of 1961,
9 \$808,584,000, of which up to \$85,000,000 may remain
10 available until September 30, 2010: *Provided*, That none
11 of the funds appropriated under this heading and under
12 the heading “Capital Investment Fund” in this Act may
13 be made available to finance the construction (including
14 architect and engineering services), purchase, or long-term
15 lease of offices for use by the United States Agency for
16 International Development (USAID), unless the USAID
17 Administrator has identified such proposed construction
18 (including architect and engineering services), purchase,
19 or long-term lease of offices in a report submitted to the
20 Committees on Appropriations at least 15 days prior to
21 the obligation of funds for such purposes: *Provided fur-*
22 *ther*, That the previous proviso shall not apply when the
23 total cost of construction (including architect and engi-
24 neering services), purchase, or long-term lease of offices
25 does not exceed \$1,000,000: *Provided further*, That con-
26 tracts or agreements entered into with funds appropriated

1 under this heading may entail commitments for the ex-
2 penditure of such funds through fiscal year 2010: *Pro-*
3 *vided further*, That any decision to open a new USAID
4 overseas mission or office or, except where there is a sub-
5 stantial security risk to mission personnel, to close or sig-
6 nificantly reduce the number of personnel of any such mis-
7 sion or office, shall be subject to the regular notification
8 procedures of the Committees on Appropriations: *Provided*
9 *further*, That the authority of sections 610 and 109 of the
10 Foreign Assistance Act of 1961 may be exercised by the
11 Secretary of State to transfer funds appropriated to carry
12 out chapter 1 of part I of such Act to “Operating Ex-
13 penses” in accordance with the provisions of those sec-
14 tions: *Provided further*, That of the funds appropriated or
15 made available under this heading, not to exceed \$250,000
16 shall be available for representation and entertainment al-
17 lowances, of which not to exceed \$5,000 shall be available
18 for entertainment allowances, for USAID during the cur-
19 rent fiscal year: *Provided further*, That no such entertain-
20 ment funds may be used for the purposes listed in section
21 7020 of this Act: *Provided further*, That appropriate steps
22 shall be taken to assure that, to the maximum extent pos-
23 sible, United States-owned foreign currencies are utilized
24 in lieu of dollars.

1 CIVILIAN STABILIZATION INITIATIVE

2 For necessary expenses to carry out section 667 of
3 the Foreign Assistance Act of 1961 for the United States
4 Agency for International Development (USAID) to estab-
5 lish, support, maintain, mobilize, and deploy a civilian re-
6 sponse corps in coordination with the Department of
7 State, and for related reconstruction and stabilization as-
8 sistance to prevent or respond to conflict or civil strife in
9 foreign countries or regions, or to enable transition from
10 such strife, \$30,000,000, to remain available until ex-
11 pended: *Provided*, That not later than 60 days after enact-
12 ment of this Act, the Secretary of State and the USAID
13 Administrator shall submit a coordinated joint spending
14 plan for funds made available under this heading and
15 under the heading “Civilian Stabilization Initiative” in
16 title I of this Act.

17 CAPITAL INVESTMENT FUND

18 For necessary expenses for overseas construction and
19 related costs, and for the procurement and enhancement
20 of information technology and related capital investments,
21 pursuant to section 667 of the Foreign Assistance Act of
22 1961, \$35,775,000, to remain available until expended:
23 *Provided*, That this amount is in addition to funds other-
24 wise available for such purposes: *Provided further*, That
25 funds appropriated under this heading shall be available

1 for obligation only pursuant to the regular notification
2 procedures of the Committees on Appropriations.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses to carry out the provisions
5 of section 667 of the Foreign Assistance Act of 1961,
6 \$42,000,000, to remain available until September 30,
7 2010, which sum shall be available for the Office of the
8 Inspector General of the United States Agency for Inter-
9 national Development.

10 TITLE III

11 BILATERAL ECONOMIC ASSISTANCE

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 For necessary expenses to enable the President to
14 carry out the provisions of the Foreign Assistance Act of
15 1961, and for other purposes, to remain available until
16 September 30, 2009, unless otherwise specified herein, as
17 follows:

18 GLOBAL HEALTH AND CHILD SURVIVAL

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses to carry out the provisions
21 of chapters 1 and 10 of part I of the Foreign Assistance
22 Act of 1961, for global health activities, in addition to
23 funds otherwise available for such purposes,
24 \$1,955,000,000, to remain available until September 30,
25 2010, and which shall be apportioned directly to the
26 United States Agency for International Development: *Pro-*

1 *vided*, That this amount shall be made available for such
2 activities as: (1) child survival and maternal health pro-
3 grams; (2) immunization and oral rehydration programs;
4 (3) other health, nutrition, water and sanitation programs
5 which directly address the needs of mothers and children,
6 and related education programs; (4) assistance for chil-
7 dren displaced or orphaned by causes other than AIDS;
8 (5) programs for the prevention, treatment, control of, and
9 research on HIV/AIDS, tuberculosis, polio, malaria, and
10 other infectious diseases, and for assistance to commu-
11 nities severely affected by HIV/AIDS, including children
12 infected or affected by AIDS; and (6) family planning/re-
13 productive health: *Provided further*, That none of the
14 funds appropriated under this paragraph may be made
15 available for nonproject assistance, except that funds may
16 be made available for such assistance for ongoing health
17 activities: *Provided further*, That of the funds appropriated
18 under this paragraph, not to exceed \$400,000, in addition
19 to funds otherwise available for such purposes, may be
20 used to monitor and provide oversight of child survival,
21 maternal and family planning/reproductive health, and in-
22 fectious disease programs: *Provided further*, That of the
23 funds appropriated under this paragraph, \$75,000,000
24 should be made available for a United States contribution
25 to The GAVI Fund, and up to \$5,000,000 may be trans-

1 ferred to, and merged with, funds appropriated by this Act
2 under the heading “Operating Expenses” in title II for
3 costs directly related to global health, but funds made
4 available for such costs may not be derived from amounts
5 made available for contributions under this and preceding
6 provisos: *Provided further*, That none of the funds made
7 available in this Act nor any unobligated balances from
8 prior appropriations Acts may be made available to any
9 organization or program which, as determined by the
10 President of the United States, supports or participates
11 in the management of a program of coercive abortion or
12 involuntary sterilization: *Provided further*, That any deter-
13 mination made under the previous proviso must be made
14 no later than 6 months after the date of enactment of this
15 Act, and must be accompanied by the evidence and criteria
16 utilized to make the determination: *Provided further*, That
17 none of the funds made available under this Act may be
18 used to pay for the performance of abortion as a method
19 of family planning or to motivate or coerce any person
20 to practice abortions: *Provided further*, That nothing in
21 this paragraph shall be construed to alter any existing
22 statutory prohibitions against abortion under section 104
23 of the Foreign Assistance Act of 1961: *Provided further*,
24 That none of the funds made available under this Act may
25 be used to lobby for or against abortion: *Provided further*,

1 That in order to reduce reliance on abortion in developing
2 nations, funds shall be available only to voluntary family
3 planning projects which offer, either directly or through
4 referral to, or information about access to, a broad range
5 of family planning methods and services, and that any
6 such voluntary family planning project shall meet the fol-
7 lowing requirements: (1) service providers or referral
8 agents in the project shall not implement or be subject
9 to quotas, or other numerical targets, of total number of
10 births, number of family planning acceptors, or acceptors
11 of a particular method of family planning (this provision
12 shall not be construed to include the use of quantitative
13 estimates or indicators for budgeting and planning pur-
14 poses); (2) the project shall not include payment of incen-
15 tives, bribes, gratuities, or financial reward to: (A) an indi-
16 vidual in exchange for becoming a family planning accep-
17 tor; or (B) program personnel for achieving a numerical
18 target or quota of total number of births, number of fam-
19 ily planning acceptors, or acceptors of a particular method
20 of family planning; (3) the project shall not deny any right
21 or benefit, including the right of access to participate in
22 any program of general welfare or the right of access to
23 health care, as a consequence of any individual's decision
24 not to accept family planning services; (4) the project shall
25 provide family planning acceptors comprehensible infor-

1 mation on the health benefits and risks of the method cho-
2 sen, including those conditions that might render the use
3 of the method inadvisable and those adverse side effects
4 known to be consequent to the use of the method; and
5 (5) the project shall ensure that experimental contracep-
6 tive drugs and devices and medical procedures are pro-
7 vided only in the context of a scientific study in which
8 participants are advised of potential risks and benefits;
9 and, not less than 60 days after the date on which the
10 Administrator of the United States Agency for Inter-
11 national Development determines that there has been a
12 violation of the requirements contained in paragraph (1),
13 (2), (3), or (5) of this proviso, or a pattern or practice
14 of violations of the requirements contained in paragraph
15 (4) of this proviso, the Administrator shall submit to the
16 Committees on Appropriations a report containing a de-
17 scription of such violation and the corrective action taken
18 by the Agency: *Provided further*, That in awarding grants
19 for natural family planning under section 104 of the For-
20 eign Assistance Act of 1961 no applicant shall be discrimi-
21 nated against because of such applicant's religious or con-
22 scientious commitment to offer only natural family plan-
23 ning; and, additionally, all such applicants shall comply
24 with the requirements of the previous proviso: *Provided*
25 *further*, That for purposes of this or any other Act author-

1 izing or appropriating funds for the Department of State,
2 foreign operations, and related programs, the term “moti-
3 vate”, as it relates to family planning assistance, shall not
4 be construed to prohibit the provision, consistent with
5 local law, of information or counseling about all pregnancy
6 options: *Provided further*, That information provided
7 about the use of condoms as part of projects or activities
8 that are funded from amounts appropriated by this Act
9 shall be medically accurate and shall include the public
10 health benefits and failure rates of such use.

11 In addition, for necessary expenses to carry out the
12 provisions of the Foreign Assistance Act of 1961 for the
13 prevention, treatment, and control of, and research on,
14 HIV/AIDS, \$5,159,000,000, to remain available until ex-
15 pended, and which shall be apportioned directly to the De-
16 partment of State: *Provided*, That of the funds appro-
17 priated under this paragraph, not less than \$600,000,000
18 shall be made available, notwithstanding any other provi-
19 sion of law, except for the United States Leadership
20 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
21 (Public Law 108–25), as amended, for a United States
22 contribution to the Global Fund to Fight AIDS, Tuber-
23 culosis and Malaria, and shall be expended at the min-
24 imum rate necessary to make timely payment for projects
25 and activities: *Provided further*, That up to 5 percent of

1 the aggregate amount of funds made available to the Glob-
2 al Fund in fiscal year 2009 may be made available to the
3 United States Agency for International Development for
4 technical assistance related to the activities of the Global
5 Fund: *Provided further*, That of the funds appropriated
6 under this paragraph, up to \$14,000,000 may be made
7 available, in addition to amounts otherwise available for
8 such purposes, for administrative expenses of the Office
9 of the Global AIDS Coordinator.

10 DEVELOPMENT ASSISTANCE

11 For necessary expenses to carry out the provisions
12 of sections 103, 105, 106, and sections 251 through 255,
13 and chapter 10 of part I of the Foreign Assistance Act
14 of 1961, \$1,800,000,000, to remain available until Sep-
15 tember 30, 2010: *Provided*, That of the funds appro-
16 priated under this heading that are made available for as-
17 sistance programs for displaced and orphaned children
18 and victims of war, not to exceed \$44,000, in addition to
19 funds otherwise available for such purposes, may be used
20 to monitor and provide oversight of such programs: *Pro-*
21 *vided further*, That of the funds appropriated by this Act
22 and prior Acts for fiscal year 2009, not less than
23 \$245,000,000 shall be made available for microenterprise
24 and microfinance development programs for the poor, es-
25 pecially women: *Provided further*, That of the funds appro-

1 priated under this heading, not less than \$22,500,000
2 shall be made available for the American Schools and Hos-
3 pitals Abroad program: *Provided further*, That of the
4 funds appropriated under this heading, \$10,000,000 shall
5 be made available for cooperative development programs
6 within the Office of Private and Voluntary Cooperation:
7 *Provided further*, That of the funds appropriated by this
8 Act and prior Acts for fiscal year 2009, not less than
9 \$300,000,000 shall be made available for water and sani-
10 tation supply projects pursuant to the Senator Paul Simon
11 Water for the Poor Act of 2005 (Public Law 109–121),
12 of which not less than \$125,000,000 should be made avail-
13 able for such projects in Africa: *Provided further*, That of
14 the funds appropriated by title III of this Act, not less
15 than \$375,000,000 shall be made available for agricultural
16 development programs, of which not less than
17 \$29,000,000 shall be made available for Collaborative Re-
18 search Support Programs: *Provided further*, That of the
19 funds appropriated under this heading, \$75,000,000 shall
20 be made available to enhance global food security, includ-
21 ing for local or regional purchase and distribution of food,
22 in addition to funds otherwise made available for such pur-
23 poses, and notwithstanding any other provision of law:
24 *Provided further*, That prior to the obligation of funds pur-
25 suant to the previous proviso and after consultation with

1 other relevant Federal departments and agencies, the
2 Committees on Appropriations, and relevant nongovern-
3 mental organizations, the Administrator of the United
4 States Agency for International Development shall submit
5 to the Committees on Appropriations a strategy for
6 achieving the goals of funding for global food security pro-
7 grams, specifying the intended country beneficiaries,
8 amounts of funding, types of activities to be funded, and
9 expected quantifiable results: *Provided further*, That of the
10 funds appropriated under this heading for agricultural de-
11 velopment programs, not less than \$7,000,000 shall be
12 made available for a United States contribution to the en-
13 dowment of the Global Crop Diversity Trust pursuant to
14 section 3202 of Public Law 110–246: *Provided further*,
15 That of the funds appropriated under this heading, not
16 less than \$15,000,000 shall be made available for pro-
17 grams to improve women’s leadership capacity in recipient
18 countries.

19 INTERNATIONAL DISASTER ASSISTANCE

20 For necessary expenses to carry out the provisions
21 of section 491 of the Foreign Assistance Act of 1961 for
22 international disaster relief, rehabilitation, and recon-
23 struction assistance, \$350,000,000, to remain available
24 until expended.

TRANSITION INITIATIVES

1
2 For necessary expenses for international disaster re-
3 habilitation and reconstruction assistance pursuant to sec-
4 tion 491 of the Foreign Assistance Act of 1961,
5 \$50,000,000, to remain available until expended, to sup-
6 port transition to democracy and to long-term develop-
7 ment of countries in crisis: *Provided*, That such support
8 may include assistance to develop, strengthen, or preserve
9 democratic institutions and processes, revitalize basic in-
10 frastructure, and foster the peaceful resolution of conflict:
11 *Provided further*, That the United States Agency for Inter-
12 national Development shall submit a report to the Com-
13 mittees on Appropriations at least 5 days prior to begin-
14 ning a new program of assistance: *Provided further*, That
15 if the President determines that it is important to the na-
16 tional interests of the United States to provide transition
17 assistance in excess of the amount appropriated under this
18 heading, up to \$15,000,000 of the funds appropriated by
19 this Act to carry out the provisions of part I of the For-
20 eign Assistance Act of 1961 may be used for purposes of
21 this heading and under the authorities applicable to funds
22 appropriated under this heading: *Provided further*, That
23 funds made available pursuant to the previous proviso
24 shall be made available subject to prior consultation with
25 the Committees on Appropriations.

1 DEVELOPMENT CREDIT AUTHORITY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-
4 vided by the United States Agency for International De-
5 velopment, as authorized by sections 256 and 635 of the
6 Foreign Assistance Act of 1961, up to \$25,000,000 may
7 be derived by transfer from funds appropriated by this Act
8 to carry out part I of such Act and under the heading
9 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
10 *vided*, That funds provided under this paragraph and
11 funds provided as a gift pursuant to section 635(d) of the
12 Foreign Assistance Act of 1961 shall be made available
13 only for micro and small enterprise programs, urban pro-
14 grams, and other programs which further the purposes of
15 part I of such Act: *Provided further*, That such costs, in-
16 cluding the cost of modifying such direct and guaranteed
17 loans, shall be as defined in section 502 of the Congres-
18 sional Budget Act of 1974, as amended: *Provided further*,
19 That funds made available by this paragraph may be used
20 for the cost of modifying any such guaranteed loans under
21 this Act or prior Acts, and funds used for such costs shall
22 be subject to the regular notification procedures of the
23 Committees on Appropriations: *Provided further*, That the
24 provisions of section 107A(d) (relating to general provi-
25 sions applicable to the Development Credit Authority) of
26 the Foreign Assistance Act of 1961, as contained in sec-

1 tion 306 of H.R. 1486 as reported by the House Com-
2 mittee on International Relations on May 9, 1997, shall
3 be applicable to direct loans and loan guarantees provided
4 under this heading: *Provided further*, That these funds are
5 available to subsidize total loan principal, any portion of
6 which is to be guaranteed, of up to \$700,000,000.

7 In addition, for administrative expenses to carry out
8 credit programs administered by the United States Agency
9 for International Development, \$8,000,000, which may be
10 transferred to, and merged with, funds made available
11 under the heading “Operating Expenses” in title II of this
12 Act: *Provided*, That funds made available under this head-
13 ing shall remain available until September 30, 2011.

14 ECONOMIC SUPPORT FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out the provisions
17 of chapter 4 of part II of the Foreign Assistance Act of
18 1961, \$3,007,000,000, to remain available until Sep-
19 tember 30, 2010: *Provided*, That of the funds appro-
20 priated under this heading, \$200,000,000 shall be avail-
21 able only for Egypt, which sum shall be provided on a
22 grant basis, and of which sum cash transfer assistance
23 shall be provided with the understanding that Egypt will
24 undertake significant economic and democratic reforms
25 which are additional to those which were undertaken in

1 previous fiscal years: *Provided further*, That of the funds
2 appropriated under this heading for assistance for Egypt,
3 up to \$20,000,000 shall be made available for democracy,
4 human rights and governance programs, and not less than
5 \$35,000,000 shall be made available for education pro-
6 grams, of which not less than \$10,000,000 is for scholar-
7 ships for Egyptian students with high financial need: *Pro-*
8 *vided further*, That \$11,000,000 of the funds appropriated
9 under this heading should be made available for Cyprus
10 to be used only for scholarships, administrative support
11 of the scholarship program, bicommunal projects, and
12 measures aimed at reunification of the island and designed
13 to reduce tensions and promote peace and cooperation be-
14 tween the two communities on Cyprus: *Provided further*,
15 That of the funds appropriated under this heading, not
16 less than \$263,547,000 shall be made available for assist-
17 ance for Jordan: *Provided further*, That of the funds ap-
18 propriated under this heading not more than \$75,000,000
19 may be made available for assistance for the West Bank
20 and Gaza, of which not to exceed \$2,000,000 may be used
21 for administrative expenses of the United States Agency
22 for International Development (USAID), in addition to
23 funds otherwise available for such purposes, to carry out
24 programs in the West Bank and Gaza: *Provided further*,
25 That \$67,500,000 of the funds appropriated under this

1 heading shall be made available for assistance for Leb-
2 anon, of which not less than \$10,000,000 shall be made
3 available for educational scholarships for students in Leb-
4 anon with high financial need: *Provided further*, That
5 \$200,000,000 of the funds made available for assistance
6 for Afghanistan under this heading may be obligated for
7 such assistance only after the Secretary of State certifies
8 to the Committees on Appropriations that the Government
9 of Afghanistan at both the national and provincial level
10 is cooperating fully with United States-funded poppy
11 eradication and interdiction efforts in Afghanistan: *Pro-*
12 *vided further*, That the President may waive the previous
13 proviso if the President determines and reports to the
14 Committees on Appropriations that to do so is in the na-
15 tional security interests of the United States: *Provided fur-*
16 *ther*, That of the funds appropriated under this heading,
17 \$200,000,000 shall be apportioned directly to USAID for
18 alternative development/institution building programs in
19 Colombia: *Provided further*, That of the funds appro-
20 priated under this heading that are available for Colombia,
21 not less than \$3,500,000 shall be transferred to, and
22 merged with, funds appropriated under the heading “Mi-
23 gration and Refugee Assistance” and shall be made avail-
24 able only for assistance to nongovernmental organizations

1 that provide emergency relief aid to Colombian refugees
2 in neighboring countries.

3 DEMOCRACY FUND

4 (a) For necessary expenses to carry out the provisions
5 of the Foreign Assistance Act of 1961 for the promotion
6 of democracy globally, \$116,000,000, to remain available
7 until September 30, 2011, of which not less than
8 \$74,000,000 shall be made available for the Human
9 Rights and Democracy Fund of the Bureau of Democracy,
10 Human Rights and Labor, Department of State, and not
11 less than \$37,000,000 shall be made available for the Of-
12 fice of Democracy and Governance of the Bureau for De-
13 mocracy, Conflict, and Humanitarian Assistance, United
14 States Agency for International Development.

15 (b) Of the funds appropriated under this heading that
16 are made available to the Bureau of Democracy, Human
17 Rights and Labor, not less than \$17,000,000 shall be
18 made available for the promotion of democracy in the Peo-
19 ple's Republic of China, Hong Kong, and Taiwan, and not
20 less than \$6,500,000 shall be made available for the pro-
21 motion of democracy in countries located outside the Mid-
22 dle East region with a significant Muslim population, and
23 where such programs and activities would be important
24 to respond to, deter, or prevent extremism: *Provided*, That
25 assistance for Taiwan should be matched from sources
26 other than the United States Government.

1 (c) Of the funds appropriated under this heading that
2 are made available to the Bureau for Democracy, Conflict,
3 and Humanitarian Assistance, not less than \$19,500,000
4 shall be made available for the Elections and Political
5 Process Fund, \$7,500,000 shall be made available for
6 international labor programs, and not less than
7 \$10,000,000 shall be made available to provide institu-
8 tional and core support for organizations that promote
9 human rights, independent media and the rule of law.

10 (d) Funds appropriated by this Act that are made
11 available for the promotion of democracy may be made
12 available notwithstanding any other provision of law.
13 Funds appropriated under this heading are in addition to
14 funds otherwise made available for such purposes.

15 (e) For the purposes of funds appropriated by this
16 Act, the term “promotion of democracy” means programs
17 that support good governance, human rights, independent
18 media, and the rule of law, and otherwise strengthen the
19 capacity of democratic political parties, governments, non-
20 governmental organizations and institutions, and citizens
21 to support the development of democratic states, institu-
22 tions, and practices that are responsive and accountable
23 to citizens.

24 (f) Any contract, grant, or cooperative agreement (or
25 any amendment to any contract, grant, or cooperative

1 agreement) in excess of \$1,000,000 of funds under this
2 heading, and in excess of \$2,500,000 under other headings
3 in this Act, for the promotion of democracy, with the ex-
4 ception of programs and activities of the National Endow-
5 ment for Democracy, shall be subject to the regular notifi-
6 cation procedures of the Committees on Appropriations.

7 INTERNATIONAL FUND FOR IRELAND

8 For necessary expenses to carry out the provisions
9 of chapter 4 of part II of the Foreign Assistance Act of
10 1961, \$15,000,000, which shall be available for the United
11 States contribution to the International Fund for Ireland
12 and shall be made available in accordance with the provi-
13 sions of the Anglo-Irish Agreement Support Act of 1986
14 (Public Law 99–415): *Provided*, That such amount shall
15 be expended at the minimum rate necessary to make time-
16 ly payment for projects and activities: *Provided further*,
17 That funds made available under this heading shall re-
18 main available until September 30, 2010.

19 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

20 For necessary expenses to carry out the provisions
21 of the Foreign Assistance Act of 1961, the FREEDOM
22 Support Act, and the Support for East European Democ-
23 racy (SEED) Act of 1989, \$650,000,000, to remain avail-
24 able until September 30, 2010, which shall be available,
25 notwithstanding any other provision of law, for assistance
26 and for related programs for countries identified in section

1 3 of the FREEDOM Support Act and section 3(c) of the
2 SEED Act: *Provided*, That funds appropriated under this
3 heading shall be considered to be economic assistance
4 under the Foreign Assistance Act of 1961 for purposes
5 of making available the administrative authorities con-
6 tained in that Act for the use of economic assistance: *Pro-*
7 *vided further*, That notwithstanding any provision of this
8 or any other Act, funds appropriated in prior years under
9 the headings “Independent States of the Former Soviet
10 Union” and similar headings and “Assistance for Eastern
11 Europe and the Baltic States” and similar headings, and
12 currencies generated by or converted from such funds,
13 shall be available for use in any country for which funds
14 are made available under this heading without regard to
15 the geographic limitations of the heading under which
16 such funds were originally appropriated: *Provided further*,
17 That funds made available for the Southern Caucasus re-
18 gion may be used for confidence-building measures and
19 other activities in furtherance of the peaceful resolution
20 of conflicts, including in Nagorno-Karabagh.

21 DEPARTMENT OF STATE

22 INTERNATIONAL NARCOTICS CONTROL AND LAW

23 ENFORCEMENT

24 For necessary expenses to carry out section 481 of
25 the Foreign Assistance Act of 1961, \$875,000,000, to re-

1 main available until September 30, 2010: *Provided*, That
2 during fiscal year 2009, the Department of State may also
3 use the authority of section 608 of the Foreign Assistance
4 Act of 1961, without regard to its restrictions, to receive
5 excess property from an agency of the United States Gov-
6 ernment for the purpose of providing it to a foreign coun-
7 try or international organization under chapter 8 of part
8 I of that Act subject to the regular notification procedures
9 of the Committees on Appropriations: *Provided further*,
10 That the Secretary of State shall provide to the Commit-
11 tees on Appropriations not later than 45 days after the
12 date of the enactment of this Act and prior to the initial
13 obligation of funds appropriated under this heading, a re-
14 port on the proposed uses of all funds under this heading
15 on a country-by-country basis for each proposed program,
16 project, or activity: *Provided further*, That none of the
17 funds appropriated under this heading for assistance for
18 Afghanistan may be made available for eradication pro-
19 grams through the aerial spraying of herbicides unless the
20 Secretary of State determines and reports to the Commit-
21 tees on Appropriations that the President of Afghanistan
22 has requested assistance for such aerial spraying pro-
23 grams for counternarcotics or counterterrorism purposes:
24 *Provided further*, That in the event the Secretary of State
25 makes a determination pursuant to the previous proviso,

1 the Secretary shall consult with the Committees on Appro-
2 priations prior to the obligation of funds for such eradi-
3 cation programs: *Provided further*, That of the funds ap-
4 propriated under this heading, \$5,000,000 should be made
5 available to combat piracy of United States copyrighted
6 materials, consistent with the requirements of section
7 688(a) and (b) of the Department of State, Foreign Oper-
8 ations, and Related Programs Appropriations Act, 2008
9 (division J of Public Law 110–161): *Provided further*,
10 That none of the funds appropriated under this heading
11 for assistance for Colombia shall be made available for
12 budget support or as cash payments: *Provided further*,
13 That of the funds appropriated under this heading for ad-
14 ministrative expenses, ten percent shall be withheld from
15 obligation until the Secretary of State submits a report
16 to the Committees on Appropriations detailing all salaries
17 funded under this heading in fiscal years 2007 and 2008,
18 and such salaries proposed in fiscal year 2009.

19 ANDEAN COUNTERDRUG PROGRAMS

20 For necessary expenses to carry out section 481 of
21 the Foreign Assistance Act of 1961 to support
22 counterdrug activities in the Andean region of South
23 America, \$315,000,000, to remain available until Sep-
24 tember 30, 2010: *Provided*, That the Secretary of State,
25 in consultation with the Administrator of the United
26 States Agency for International Development (USAID),

1 shall provide to the Committees on Appropriations not
2 later than 45 days after the date of the enactment of this
3 Act and prior to the initial obligation of funds appro-
4 priated under this heading, a report on the proposed uses
5 of all funds under this heading on a country-by-country
6 basis for each proposed program, project, or activity: *Pro-*
7 *vided further*, That section 482(b) of the Foreign Assist-
8 ance Act of 1961 shall not apply to funds appropriated
9 under this heading: *Provided further*, That assistance pro-
10 vided with funds appropriated under this heading that is
11 made available notwithstanding section 482(b) of the For-
12 eign Assistance Act of 1961 shall be made available sub-
13 ject to the regular notification procedures of the Commit-
14 tees on Appropriations: *Provided further*, That funds ap-
15 propriated under this heading that are made available for
16 assistance for the Bolivian military and police may be
17 made available for such purposes only if the Secretary of
18 State certifies to the Committees on Appropriations that
19 the Bolivian military and police are respecting internation-
20 ally recognized human rights and cooperating fully with
21 investigations and prosecutions by civilian judicial authori-
22 ties of military and police personnel who have been
23 credibly alleged to have violated such rights: *Provided fur-*
24 *ther*, That of the funds appropriated under this heading,
25 not more than \$16,730,000 may be available for adminis-

1 trative expenses of the Department of State, and not more
2 than \$8,000,000 of the funds made available for alter-
3 native development/institution building programs under
4 the heading “Economic Support Fund” in this Act may
5 be available, in addition to amounts otherwise available for
6 such purposes, for administrative expenses of USAID.

7 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
8 RELATED PROGRAMS

9 For necessary expenses for nonproliferation, anti-ter-
10 rorism, demining and related programs and activities,
11 \$525,000,000, to carry out the provisions of chapter 8 of
12 part II of the Foreign Assistance Act of 1961 for anti-
13 terrorism assistance, chapter 9 of part II of the Foreign
14 Assistance Act of 1961, section 504 of the FREEDOM
15 Support Act, section 23 of the Arms Export Control Act
16 or the Foreign Assistance Act of 1961 for demining activi-
17 ties, the clearance of unexploded ordnance, the destruction
18 of small arms, and related activities, notwithstanding any
19 other provision of law, including activities implemented
20 through nongovernmental and international organizations,
21 and section 301 of the Foreign Assistance Act of 1961
22 for a voluntary contribution to the International Atomic
23 Energy Agency (IAEA), and for a United States contribu-
24 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
25 paratory Commission: *Provided*, That of this amount not
26 to exceed \$41,000,000, to remain available until expended,

1 may be made available for the Nonproliferation and Disar-
2 mament Fund, notwithstanding any other provision of
3 law, to promote bilateral and multilateral activities relat-
4 ing to nonproliferation and disarmament: *Provided further,*
5 That such funds may also be used for such countries other
6 than the Independent States of the former Soviet Union
7 and international organizations when it is in the national
8 security interest of the United States to do so: *Provided*
9 *further,* That funds appropriated under this heading may
10 be made available for IAEA only if the Secretary of State
11 determines (and so reports to the Congress) that Israel
12 is not being denied its right to participate in the activities
13 of that Agency: *Provided further,* That of the funds appro-
14 priated under this heading, not more than \$750,000 may
15 be made available for public-private partnerships for con-
16 ventional weapons and mine action by grant, cooperative
17 agreement or contract: *Provided further,* That of the funds
18 made available for demining and related activities, not to
19 exceed \$700,000, in addition to funds otherwise available
20 for such purposes, may be used for administrative ex-
21 penses related to the operation and management of the
22 demining program: *Provided further,* That funds appro-
23 priated under this heading that are available for “Anti-
24 terrorism Assistance” and “Export Control and Border

1 Security” shall remain available until September 30,
2 2010.

3 MIGRATION AND REFUGEE ASSISTANCE

4 For necessary expenses, not otherwise provided for,
5 to enable the Secretary of State to provide, as authorized
6 by law, a contribution to the International Committee of
7 the Red Cross, assistance to refugees, including contribu-
8 tions to the International Organization for Migration and
9 the United Nations High Commissioner for Refugees, and
10 other activities to meet refugee and migration needs; sala-
11 ries and expenses of personnel and dependents as author-
12 ized by the Foreign Service Act of 1980; allowances as
13 authorized by sections 5921 through 5925 of title 5,
14 United States Code; purchase and hire of passenger motor
15 vehicles; and services as authorized by section 3109 of title
16 5, United States Code, \$931,000,000, to remain available
17 until expended, of which not less than \$30,000,000 shall
18 be made available for refugees resettling in Israel.

19 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
20 ASSISTANCE FUND

21 For necessary expenses to carry out the provisions
22 of section 2(c) of the Migration and Refugee Assistance
23 Act of 1962, as amended (22 U.S.C. 2601(c)),
24 \$40,000,000, to remain available until expended.

1 INDEPENDENT AGENCIES

2 PEACE CORPS

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out the provisions
5 of the Peace Corps Act (75 Stat. 612), including the pur-
6 chase of not to exceed five passenger motor vehicles for
7 administrative purposes for use outside of the United
8 States, \$340,000,000 to remain available until September
9 30, 2010: *Provided*, That none of the funds appropriated
10 under this heading shall be used to pay for abortions: *Pro-*
11 *vided further*, That the Director of the Peace Corps may
12 transfer to the Foreign Currency Fluctuations Account,
13 as authorized by 22 U.S.C. 2515, an amount not to exceed
14 \$4,000,000: *Provided further*, That funds transferred pur-
15 suant to the previous proviso may not be derived from
16 amounts made available for Peace Corps overseas oper-
17 ations: *Provided further*, That of the funds appropriated
18 under this heading, not to exceed \$4,000 shall be made
19 available for entertainment expenses: *Provided further*,
20 That any decision to open a new domestic office or to
21 close, or significantly reduce the number of personnel of,
22 any office, shall be subject to the regular notification pro-
23 cedures of the Committees on Appropriations.

1 MILLENNIUM CHALLENGE CORPORATION
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the provisions
4 of the Millennium Challenge Act of 2003, \$875,000,000
5 to remain available until expended: *Provided*, That of the
6 funds appropriated under this heading, up to \$95,000,000
7 may be available for administrative expenses of the Millen-
8 nium Challenge Corporation (the Corporation): *Provided*
9 *further*, That up to 10 percent of the funds appropriated
10 under this heading may be made available to carry out
11 the purposes of section 616 of the Millennium Challenge
12 Act of 2003 for candidate countries for fiscal year 2009:
13 *Provided further*, That none of the funds available to carry
14 out section 616 of such Act may be made available until
15 the Chief Executive Officer of the Corporation provides
16 a report to the Committees on Appropriations listing the
17 candidate countries that will be receiving assistance under
18 section 616 of such Act, the level of assistance proposed
19 for each such country, a description of the proposed pro-
20 grams, projects and activities, and the implementing agen-
21 cy or agencies of the United States Government: *Provided*
22 *further*, That section 605(e)(4) of the Millennium Chal-
23 lenge Act of 2003 shall apply to funds appropriated under
24 this heading: *Provided further*, That funds appropriated
25 under this heading may be made available for a Millen-
26 nium Challenge Compact entered into pursuant to section

1 609 of the Millennium Challenge Act of 2003 only if such
2 Compact obligates, or contains a commitment to obligate
3 subject to the availability of funds and the mutual agree-
4 ment of the parties to the Compact to proceed, the entire
5 amount of the United States Government funding antici-
6 pated for the duration of the Compact: *Provided further,*
7 That the Corporation should reimburse the United States
8 Agency for International Development (USAID) for all ex-
9 penses incurred by USAID with funds appropriated under
10 this heading in assisting the Corporation in carrying out
11 the Millennium Challenge Act of 2003 (22 U.S.C. 7701
12 et seq.), including administrative costs for compact devel-
13 opment, negotiation, and implementation: *Provided fur-*
14 *ther,* That of the funds appropriated under this heading,
15 not to exceed \$100,000 shall be available for representa-
16 tion and entertainment allowances, of which not to exceed
17 \$5,000 shall be available for entertainment allowances.

18 INTER-AMERICAN FOUNDATION

19 For necessary expenses to carry out the functions of
20 the Inter-American Foundation in accordance with the
21 provisions of section 401 of the Foreign Assistance Act
22 of 1969, \$22,500,000, to remain available until September
23 30, 2010: *Provided,* That of the funds appropriated under
24 this heading, not to exceed \$3,000 shall be available for
25 entertainment and representation allowances.

1 AFRICAN DEVELOPMENT FOUNDATION

2 For necessary expenses to carry out title V of the
3 International Security and Development Cooperation Act
4 of 1980 (Public Law 96–533), \$32,500,000, to remain
5 available until September 30, 2010: *Provided*, That funds
6 made available to grantees may be invested pending ex-
7 penditure for project purposes when authorized by the
8 Board of Directors of the Foundation: *Provided further*,
9 That interest earned shall be used only for the purposes
10 for which the grant was made: *Provided further*, That not-
11 withstanding section 505(a)(2) of the African Develop-
12 ment Foundation Act, in exceptional circumstances the
13 Board of Directors of the Foundation may waive the
14 \$250,000 limitation contained in that section with respect
15 to a project and a project may exceed the limitation by
16 up to \$10,000 if the increase is due solely to foreign cur-
17 rency fluctuation: *Provided further*, That the Foundation
18 shall provide a report to the Committees on Appropria-
19 tions after each time such waiver authority is exercised.

20 DEPARTMENT OF THE TREASURY

21 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

22 For necessary expenses to carry out the provisions
23 of section 129 of the Foreign Assistance Act of 1961,
24 \$25,000,000, to remain available until September 30,

1 2011, which shall be available notwithstanding any other
2 provision of law.

3 DEBT RESTRUCTURING

4 For the cost, as defined in section 502 of the Con-
5 gressional Budget Act of 1974, of modifying loans and
6 loan guarantees, as the President may determine, for
7 which funds have been appropriated or otherwise made
8 available for programs within the International Affairs
9 Budget Function 150, including the cost of selling, reduc-
10 ing, or canceling amounts owed to the United States as
11 a result of concessional loans made to eligible countries,
12 pursuant to parts IV and V of the Foreign Assistance Act
13 of 1961, of modifying concessional credit agreements with
14 least developed countries, as authorized under section 411
15 of the Agricultural Trade Development and Assistance Act
16 of 1954, as amended, of concessional loans, guarantees
17 and credit agreements, as authorized under section 572
18 of the Foreign Operations, Export Financing, and Related
19 Programs Appropriations Act, 1989 (Public Law 100–
20 461), and of canceling amounts owed, as a result of loans
21 or guarantees made pursuant to the Export-Import Bank
22 Act of 1945, by countries that are eligible for debt reduc-
23 tion pursuant to title V of H.R. 3425 as enacted into law
24 by section 1000(a)(5) of Public Law 106–113,
25 \$60,000,000, to remain available until September 30,
26 2011: *Provided*, That not less than \$20,000,000 of the

1 funds appropriated under this heading shall be made avail-
2 able to carry out the provisions of part V of the Foreign
3 Assistance Act of 1961: *Provided further*, That amounts
4 paid to the HIPC Trust Fund may be used only to fund
5 debt reduction under the enhanced HIPC initiative by—

- 6 (1) the Inter-American Development Bank;
- 7 (2) the African Development Fund;
- 8 (3) the African Development Bank; and
- 9 (4) the Central American Bank for Economic
10 Integration:

11 *Provided further*, That funds may not be paid to the HIPC
12 Trust Fund for the benefit of any country if the Secretary
13 of State has credible evidence that the government of such
14 country is engaged in a consistent pattern of gross viola-
15 tions of internationally recognized human rights or in mili-
16 tary or civil conflict that undermines its ability to develop
17 and implement measures to alleviate poverty and to devote
18 adequate human and financial resources to that end: *Pro-*
19 *vided further*, That on the basis of final appropriations,
20 the Secretary of the Treasury shall consult with the Com-
21 mittees on Appropriations concerning which countries and
22 international financial institutions are expected to benefit
23 from a United States contribution to the HIPC Trust
24 Fund during the fiscal year: *Provided further*, That the
25 Secretary of the Treasury shall notify the Committees on

1 Appropriations not less than 15 days in advance of the
2 signature of an agreement by the United States to make
3 payments to the HIPC Trust Fund of amounts for such
4 countries and institutions: *Provided further*, That the Sec-
5 retary of the Treasury may disburse funds designated for
6 debt reduction through the HIPC Trust Fund only for the
7 benefit of countries that—

8 (1) have committed, for a period of 24 months,
9 not to accept new market-rate loans from the inter-
10 national financial institution receiving debt repay-
11 ment as a result of such disbursement, other than
12 loans made by such institutions to export-oriented
13 commercial projects that generate foreign exchange
14 which are generally referred to as “enclave” loans;
15 and

16 (2) have documented and demonstrated their
17 commitment to redirect their budgetary resources
18 from international debt repayments to programs to
19 alleviate poverty and promote economic growth that
20 are additional to or expand upon those previously
21 available for such purposes:

22 *Provided further*, That any limitation of subsection (e) of
23 section 411 of the Agricultural Trade Development and
24 Assistance Act of 1954 shall not apply to funds appro-
25 priated under this heading: *Provided further*, That none

1 of the funds made available under this heading in this or
2 any other appropriations Act shall be made available for
3 Sudan or Burma unless the Secretary of the Treasury de-
4 termines and notifies the Committees on Appropriations
5 that a democratically elected government has taken office.

6

TITLE IV

7

INTERNATIONAL SECURITY ASSISTANCE

8

FUNDS APPROPRIATED TO THE PRESIDENT

9

PEACEKEEPING OPERATIONS

10 For necessary expenses to carry out the provisions
11 of section 551 of the Foreign Assistance Act of 1961,
12 \$250,200,000: *Provided*, That of the funds made available
13 under this heading, not less than \$25,000,000 shall be
14 made available for a United States contribution to the
15 Multinational Force and Observers mission in the Sinai:
16 *Provided further*, That none of the funds appropriated
17 under this heading shall be obligated or expended except
18 as provided through the regular notification procedures of
19 the Committees on Appropriations.

20

INTERNATIONAL MILITARY EDUCATION AND TRAINING

21

For necessary expenses to carry out the provisions
22 of section 541 of the Foreign Assistance Act of 1961,
23 \$91,000,000, of which up to \$4,000,000 may remain
24 available until expended and may only be provided through
25 the regular notification procedures of the Committees on
26 Appropriations: *Provided*, That the civilian personnel for

1 whom military education and training may be provided
2 under this heading may include civilians who are not mem-
3 bers of a government whose participation would contribute
4 to improved civil-military relations, civilian control of the
5 military, or respect for human rights: *Provided further,*
6 That funds made available under this heading for assist-
7 ance for Haiti, Guatemala, the Democratic Republic of the
8 Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh,
9 Libya, and Angola may only be provided through the reg-
10 ular notification procedures of the Committees on Appro-
11 priations and any such notification shall include a detailed
12 description of proposed activities: *Provided further,* That
13 of the funds appropriated under this heading, not to ex-
14 ceed \$55,000 shall be available for entertainment allow-
15 ances.

16 FOREIGN MILITARY FINANCING PROGRAM

17 For necessary expenses for grants to enable the
18 President to carry out the provisions of section 23 of the
19 Arms Export Control Act, \$4,635,000,000: *Provided,*
20 That of the funds appropriated under this heading, not
21 less than \$2,380,000,000 shall be available for grants only
22 for Israel, and not less than \$1,300,000,000 shall be made
23 available for grants only for Egypt, including for border
24 security programs and activities in the Sinai: *Provided fur-*
25 *ther,* That the funds appropriated by this paragraph for

1 Israel shall be disbursed within 30 days of the enactment
2 of this Act: *Provided further*, That to the extent that the
3 Government of Israel requests that funds be used for such
4 purposes, grants made available for Israel by this para-
5 graph shall, as agreed by the United States and Israel,
6 be available for advanced weapons systems, of which not
7 less than \$670,650,000 shall be available for the procure-
8 ment in Israel of defense articles and defense services, in-
9 cluding research and development: *Provided further*, That
10 of the funds appropriated by this paragraph,
11 \$235,000,000 shall be made available for assistance for
12 Jordan: *Provided further*, That of the funds appropriated
13 under this heading, not more than \$53,000,000 shall be
14 available for Colombia, of which \$12,500,000 is available
15 to support maritime interdiction: *Provided further*, That
16 funds appropriated under this heading for assistance for
17 Pakistan may be made available only for border security,
18 counter-terrorism and law enforcement activities directed
19 against Al Qaeda, the Taliban and associated terrorist
20 groups: *Provided further*, That none of the funds made
21 available under this heading shall be made available to
22 support or continue any program initially funded under
23 the authority of section 1206 of the National Defense Au-
24 thorization Act for Fiscal Year 2006 (Public Law 109-
25 163; 119 Stat. 3456) unless the Secretary of State has

1 previously justified such program to the Committees on
2 Appropriations: *Provided further*, That funds appropriated
3 or otherwise made available by this paragraph shall be
4 nonrepayable notwithstanding any requirement in section
5 23 of the Arms Export Control Act: *Provided further*, That
6 funds made available under this paragraph shall be obli-
7 gated upon apportionment in accordance with paragraph
8 (5)(C) of title 31, United States Code, section 1501(a).

9 None of the funds made available under this heading
10 shall be available to finance the procurement of defense
11 articles, defense services, or design and construction serv-
12 ices that are not sold by the United States Government
13 under the Arms Export Control Act unless the foreign
14 country proposing to make such procurements has first
15 signed an agreement with the United States Government
16 specifying the conditions under which such procurements
17 may be financed with such funds: *Provided*, That all coun-
18 try and funding level increases in allocations shall be sub-
19 mitted through the regular notification procedures of sec-
20 tion 7015 of this Act: *Provided further*, That none of the
21 funds appropriated under this heading may be made avail-
22 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-
23 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
24 Haiti, Guatemala, Ethiopia, and the Democratic Republic
25 of the Congo except pursuant to the regular notification

1 procedures of the Committees on Appropriations: *Provided*
2 *further*, That funds made available under this heading
3 may be used, notwithstanding any other provision of law,
4 for demining, the clearance of unexploded ordnance, and
5 related activities, and may include activities implemented
6 through nongovernmental and international organizations:
7 *Provided further*, That only those countries for which as-
8 sistance was justified for the “Foreign Military Sales Fi-
9 nancing Program” in the fiscal year 1989 congressional
10 presentation for security assistance programs may utilize
11 funds made available under this heading for procurement
12 of defense articles, defense services or design and con-
13 struction services that are not sold by the United States
14 Government under the Arms Export Control Act: *Provided*
15 *further*, That funds appropriated under this heading shall
16 be expended at the minimum rate necessary to make time-
17 ly payment for defense articles and services: *Provided fur-*
18 *ther*, That not more than \$51,420,000 of the funds appro-
19 priated under this heading may be obligated for necessary
20 expenses, including the purchase of passenger motor vehi-
21 cles for replacement only for use outside of the United
22 States, for the general costs of administering military as-
23 sistance and sales, except that this limitation may be ex-
24 ceeded only through the regular notification procedures of
25 the Committees on Appropriations: *Provided further*, That

1 of the funds appropriated under this heading for general
2 costs of administering military assistance and sales, not
3 to exceed \$4,000 shall be available for entertainment ex-
4 penses and not to exceed \$130,000 shall be available for
5 representation allowances: *Provided further*, That not
6 more than \$470,000,000 of funds realized pursuant to
7 section 21(e)(1)(A) of the Arms Export Control Act may
8 be obligated for expenses incurred by the Department of
9 Defense during fiscal year 2009 pursuant to section 43(b)
10 of the Arms Export Control Act, except that this limita-
11 tion may be exceeded only through the regular notification
12 procedures of the Committees on Appropriations: *Provided*
13 *further*, That funds appropriated under this heading esti-
14 mated to be outlayed for Egypt during fiscal year 2009
15 shall be transferred to an interest bearing account for
16 Egypt in the Federal Reserve Bank of New York within
17 30 days of enactment of this Act.

18 TITLE V

19 MULTILATERAL ASSISTANCE

20 FUNDS APPROPRIATED TO THE PRESIDENT

21 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 For necessary expenses to carry out the provisions
23 of section 301 of the Foreign Assistance Act of 1961, and
24 of section 2 of the United Nations Environment Program
25 Participation Act of 1973, \$352,500,000: *Provided*, That

1 section 307(a) of the Foreign Assistance Act of 1961 shall
2 not apply to contributions to the United Nations Democ-
3 racy Fund.

4 INTERNATIONAL FINANCIAL INSTITUTIONS

5 GLOBAL ENVIRONMENT FACILITY

6 For the United States contribution for the Global En-
7 vironment Facility, \$80,000,000, to the International
8 Bank for Reconstruction and Development as trustee for
9 the Global Environment Facility, by the Secretary of the
10 Treasury, to remain available until expended.

11 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT

12 ASSOCIATION

13 For payment to the International Development Asso-
14 ciation by the Secretary of the Treasury, \$1,115,000,000,
15 to remain available until expended.

16 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS

17 MULTILATERAL INVESTMENT FUND

18 For payment to the Enterprise for the Americas Mul-
19 tilateral Investment Fund by the Secretary of the Treas-
20 ury, for the United States contribution to the fund,
21 \$25,000,000, to remain available until expended.

22 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

23 For the United States contribution by the Secretary
24 of the Treasury to the increase in resources of the Asian
25 Development Fund, as authorized by the Asian Develop-

1 ment Bank Act, as amended, \$105,000,000, to remain
2 available until expended.

3 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

4 For the United States contribution by the Secretary
5 of the Treasury to the increase in resources of the African
6 Development Fund, \$150,000,000, to remain available
7 until expended.

8 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

9 AGRICULTURAL DEVELOPMENT

10 For the United States contribution by the Secretary
11 of the Treasury to increase the resources of the Inter-
12 national Fund for Agricultural Development,
13 \$18,000,000, to remain available until expended.

14 TITLE VI

15 EXPORT AND INVESTMENT ASSISTANCE

16 EXPORT-IMPORT BANK OF THE UNITED STATES

17 INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$2,500,000, to remain
21 available until September 30, 2010.

22 PROGRAM ACCOUNT

23 The Export-Import Bank of the United States is au-
24 thorized to make such expenditures within the limits of
25 funds and borrowing authority available to such corpora-
26 tion, and in accordance with law, and to make such con-

1 to exceed \$41,000,000: *Provided*, That such costs, includ-
2 ing the cost of modifying such loans, shall be as defined
3 in section 502 of the Congressional Budget Act of 1974:
4 *Provided further*, That such funds shall remain available
5 until September 30, 2024, for the disbursement of direct
6 loans, loan guarantees, insurance and tied-aid grants obli-
7 gated in fiscal years 2009, 2010, 2011, and 2012: *Pro-*
8 *vided further*, That none of the funds appropriated by this
9 Act or any prior Acts appropriating funds for the Depart-
10 ment of State, foreign operations, and related programs
11 for tied-aid credits or grants may be used for any other
12 purpose except through the regular notification procedures
13 of the Committees on Appropriations: *Provided further*,
14 That funds appropriated by this paragraph are made
15 available notwithstanding section 2(b)(2) of the Export-
16 Import Bank Act of 1945, in connection with the purchase
17 or lease of any product by any Eastern European country,
18 any Baltic State or any agency or national thereof.

19 ADMINISTRATIVE EXPENSES

20 For administrative expenses to carry out the direct
21 and guaranteed loan and insurance programs, including
22 hire of passenger motor vehicles and services as authorized
23 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
24 reception and representation expenses for members of the
25 Board of Directors, not to exceed \$81,500,000: *Provided*,
26 That the Export-Import Bank may accept, and use, pay-

1 ment or services provided by transaction participants for
2 legal, financial, or technical services in connection with
3 any transaction for which an application for a loan, guar-
4 antee or insurance commitment has been made: *Provided*
5 *further*, That notwithstanding subsection (b) of section
6 117 of the Export Enhancement Act of 1992, subsection
7 (a) thereof shall remain in effect until October 1, 2009.

8 RECEIPTS COLLECTED

9 Receipts collected pursuant to the Export-Import
10 Bank Act of 1945, as amended, and the Federal Credit
11 Reform Act of 1990, as amended, in an amount not to
12 exceed the amount appropriated herein, shall be credited
13 as offsetting collections to this account: *Provided*, That the
14 sums herein appropriated from the General Fund shall be
15 reduced on a dollar-for-dollar basis by such offsetting col-
16 lections so as to result in a final fiscal year appropriation
17 from the General Fund estimated at \$0: *Provided further*,
18 That of amounts collected in fiscal year 2009 in excess
19 of obligations, up to \$75,000,000, shall become available
20 on September 1, 2009 and shall remain available until
21 September 30, 2012.

22 OVERSEAS PRIVATE INVESTMENT CORPORATION

23 NONCREDIT ACCOUNT

24 The Overseas Private Investment Corporation is au-
25 thorized to make, without regard to fiscal year limitations,

1 as provided by 31 U.S.C. 9104, such expenditures and
2 commitments within the limits of funds available to it and
3 in accordance with law as may be necessary: *Provided*,
4 That the amount available for administrative expenses to
5 carry out the credit and insurance programs (including an
6 amount for official reception and representation expenses
7 which shall not exceed \$35,000) shall not exceed
8 \$50,600,000: *Provided further*, That project-specific trans-
9 action costs, including direct and indirect costs incurred
10 in claims settlements, and other direct costs associated
11 with services provided to specific investors or potential in-
12 vestors pursuant to section 234 of the Foreign Assistance
13 Act of 1961, shall not be considered administrative ex-
14 penses for the purposes of this heading.

15 PROGRAM ACCOUNT

16 For the cost of direct and guaranteed loans,
17 \$29,000,000, as authorized by section 234 of the Foreign
18 Assistance Act of 1961, to be derived by transfer from
19 the Overseas Private Investment Corporation Noncredit
20 Account: *Provided*, That such costs, including the cost of
21 modifying such loans, shall be as defined in section 502
22 of the Congressional Budget Act of 1974: *Provided fur-*
23 *ther*, That such sums shall be available for direct loan obli-
24 gations and loan guaranty commitments incurred or made
25 during fiscal years 2009, 2010, and 2011: *Provided fur-*
26 *ther*, That funds so obligated in fiscal year 2009 remain

1 available for disbursement through 2017; funds obligated
2 in fiscal year 2010 remain available for disbursement
3 through 2018; and funds obligated in fiscal year 2011 re-
4 main available for disbursement through 2019: *Provided*
5 *further*, That notwithstanding any other provision of law,
6 the Overseas Private Investment Corporation is authorized
7 to undertake any program authorized by title IV of the
8 Foreign Assistance Act of 1961 in Iraq: *Provided further*,
9 That funds made available pursuant to the authority of
10 the previous proviso shall be subject to the regular notifi-
11 cation procedures of the Committees on Appropriations.

12 In addition, such sums as may be necessary for ad-
13 ministrative expenses to carry out the credit program may
14 be derived from amounts available for administrative ex-
15 penses to carry out the credit and insurance programs in
16 the Overseas Private Investment Corporation Noncredit
17 Account and merged with said account.

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 TRADE AND DEVELOPMENT AGENCY

20 For necessary expenses to carry out the provisions
21 of section 661 of the Foreign Assistance Act of 1961,
22 \$50,800,000, to remain available until September 30,
23 2010.

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TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

1
2 SEC. 7004. (a) Of funds provided under title I of this
3 Act, except as provided in subsection (b), a project to con-
4 struct a diplomatic facility of the United States may not
5 include office space or other accommodations for an em-
6 ployee of a Federal agency or department if the Secretary
7 of State determines that such department or agency has
8 not provided to the Department of State the full amount
9 of funding required by subsection (e) of section 604 of
10 the Secure Embassy Construction and Counterterrorism
11 Act of 1999 (as enacted into law by section 1000(a)(7)
12 of Public Law 106-113 and contained in appendix G of
13 that Act; 113 Stat. 1501A-453), as amended by section
14 629 of the Departments of Commerce, Justice, and State,
15 the Judiciary, and Related Agencies Appropriations Act,
16 2005.

17 (b) Notwithstanding the prohibition in subsection (a),
18 a project to construct a diplomatic facility of the United
19 States may include office space or other accommodations
20 for members of the United States Marine Corps.

PERSONNEL ACTIONS

22 SEC. 7005. Any costs incurred by a department or
23 agency funded under title I of this Act resulting from per-
24 sonnel actions taken in response to funding reductions in-
25 cluded in this Act shall be absorbed within the total budg-
26 etary resources available under title I to such department

1 or agency: *Provided*, That the authority to transfer funds
2 between appropriations accounts as may be necessary to
3 carry out this section is provided in addition to authorities
4 included elsewhere in this Act: *Provided further*, That use
5 of funds to carry out this section shall be treated as a
6 reprogramming of funds under section 7015 of this Act
7 and shall not be available for obligation or expenditure ex-
8 cept in compliance with the procedures set forth in that
9 section.

10 CONSULAR AFFAIRS REFORM

11 SEC. 7006. Not later than 60 days after the enact-
12 ment of this Act the Secretary of State shall certify and
13 report to the Committees on Appropriations that the De-
14 partment of State is implementing recommendations con-
15 tained in the Office of Inspector General audit “Review
16 of Controls and Notification for Access to Passport
17 Records in the Department of State’s Passport Informa-
18 tion Electronic Records System (PIERS)” (AUD/IP–08–
19 29), July 2008.

20 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
21 COUNTRIES

22 SEC. 7007. None of the funds appropriated or other-
23 wise made available pursuant to titles III through VI of
24 this Act shall be obligated or expended to finance directly
25 any assistance or reparations for the governments of
26 Cuba, North Korea, Iran, or Syria: *Provided*, That for

1 purposes of this section, the prohibition on obligations or
2 expenditures shall include direct loans, credits, insurance
3 and guarantees of the Export-Import Bank or its agents.

4
MILITARY COUPS

5 SEC. 7008. None of the funds appropriated or other-
6 wise made available pursuant to titles III through VI of
7 this Act shall be obligated or expended to finance directly
8 any assistance to the government of any country whose
9 duly elected head of government is deposed by military
10 coup or decree: *Provided*, That assistance may be resumed
11 to such government if the President determines and cer-
12 tifies to the Committees on Appropriations that subse-
13 quent to the termination of assistance a democratically
14 elected government has taken office: *Provided further*,
15 That the provisions of this section shall not apply to as-
16 sistance to promote democratic elections or public partici-
17 pation in democratic processes: *Provided further*, That
18 funds made available pursuant to the previous provisos
19 shall be subject to the regular notification procedures of
20 the Committees on Appropriations.

21
TRANSFER AUTHORITY

22 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
23 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-
24 cent of any appropriation made available for the current
25 fiscal year for the Department of State under title I of
26 this Act may be transferred between such appropriations,

1 but no such appropriation, except as otherwise specifically
2 provided, shall be increased by more than 10 percent by
3 any such transfers: *Provided*, That not to exceed 5 percent
4 of any appropriation made available for the current fiscal
5 year for the Broadcasting Board of Governors under title
6 I of this Act may be transferred between such appropria-
7 tions, but no such appropriation, except as otherwise spe-
8 cifically provided, shall be increased by more than 10 per-
9 cent by any such transfers: *Provided further*, That any
10 transfer pursuant to this section shall be treated as a re-
11 programming of funds under section 7015(a) and (b) of
12 this Act and shall not be available for obligation or ex-
13 penditure except in compliance with the procedures set
14 forth in that section.

15 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
16 Not to exceed 5 percent of any appropriation other than
17 for administrative expenses made available for fiscal year
18 2009, for programs under title VI of this Act may be
19 transferred between such appropriations for use for any
20 of the purposes, programs, and activities for which the
21 funds in such receiving account may be used, but no such
22 appropriation, except as otherwise specifically provided,
23 shall be increased by more than 25 percent by any such
24 transfer: *Provided*, That the exercise of such authority

1 shall be subject to the regular notification procedures of
2 the Committees on Appropriations.

3 (c)(1) LIMITATION ON TRANSFERS BETWEEN AGEN-
4 CIES.—None of the funds made available under titles II
5 through V of this Act may be transferred to any depart-
6 ment, agency, or instrumentality of the United States
7 Government, except pursuant to a transfer made by, or
8 transfer authority provided in, this Act or any other ap-
9 propriation Act.

10 (2) Notwithstanding paragraph (1), in addition to
11 transfers made by, or authorized elsewhere in, this Act,
12 funds appropriated by this Act to carry out the purposes
13 of the Foreign Assistance Act of 1961 may be allocated
14 or transferred to agencies of the United States Govern-
15 ment pursuant to the provisions of sections 109, 610, and
16 632 of the Foreign Assistance Act of 1961.

17 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
18 funds made available under titles II through V of this Act
19 may be obligated under an appropriation account to which
20 they were not appropriated, except for transfers specifi-
21 cally provided for in this Act, unless the President pro-
22 vides notification in accordance with the regular notifica-
23 tion procedures of the Committees on Appropriations.

24 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
25 agreement for the transfer or allocation of funds appro-

1 priated by this Act, or prior Acts, entered into between
2 the United States Agency for International Development
3 and another agency of the United States Government
4 under the authority of section 632(a) of the Foreign As-
5 sistance Act of 1961 or any comparable provision of law,
6 shall expressly provide that the Office of the Inspector
7 General for the agency receiving the transfer or allocation
8 of such funds shall perform periodic program and financial
9 audits of the use of such funds: *Provided*, That funds
10 transferred under such authority may be made available
11 for the cost of such audits.

12 REPORTING REQUIREMENT

13 SEC. 7010. The Secretary of State shall provide the
14 Committees on Appropriations, not later than April 1,
15 2009, and for each fiscal quarter, a report in writing on
16 the uses of funds made available under the headings “For-
17 eign Military Financing Program”, “International Mili-
18 tary Education and Training”, and “Peacekeeping Oper-
19 ations”: *Provided*, That such report shall include a de-
20 scription of the obligation and expenditure of funds, and
21 the specific country in receipt of, and the use or purpose
22 of the assistance provided by such funds.

23 AVAILABILITY OF FUNDS

24 SEC. 7011. No part of any appropriation contained
25 in this Act shall remain available for obligation after the
26 expiration of the current fiscal year unless expressly so

1 provided in this Act: *Provided*, That funds appropriated
2 for the purposes of chapters 1, 8, 11, and 12 of part I,
3 section 661, section 667, chapters 4, 5, 6, 8, and 9 of
4 part II of the Foreign Assistance Act of 1961, section 23
5 of the Arms Export Control Act, and funds provided under
6 the headings “Assistance for Europe, Eurasia and Central
7 Asia” and “Development Credit Authority”, shall remain
8 available for an additional 4 years from the date on which
9 the availability of such funds would otherwise have ex-
10 pired, if such funds are initially obligated before the expi-
11 ration of their respective periods of availability contained
12 in this Act: *Provided further*, That, notwithstanding any
13 other provision of this Act, any funds made available for
14 the purposes of chapter 1 of part I and chapter 4 of part
15 II of the Foreign Assistance Act of 1961 which are allo-
16 cated or obligated for cash disbursements in order to ad-
17 dress balance of payments or economic policy reform ob-
18 jectives, shall remain available until expended.

19 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

20 SEC. 7012. No part of any appropriation provided
21 under titles III through VI in this Act shall be used to
22 furnish assistance to the government of any country which
23 is in default during a period in excess of one calendar year
24 in payment to the United States of principal or interest
25 on any loan made to the government of such country by
26 the United States pursuant to a program for which funds

1 are appropriated under this Act unless the President de-
2 termines, following consultations with the Committees on
3 Appropriations, that assistance to such country is in the
4 national interest of the United States.

5 PROHIBITION ON TAXATION OF UNITED STATES

6 ASSISTANCE

7 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
8 of the funds appropriated under titles III through VI of
9 this Act may be made available to provide assistance for
10 a foreign country under a new bilateral agreement gov-
11 erning the terms and conditions under which such assist-
12 ance is to be provided unless such agreement includes a
13 provision stating that assistance provided by the United
14 States shall be exempt from taxation, or reimbursed, by
15 the foreign government, and the Secretary of State shall
16 expeditiously seek to negotiate amendments to existing bi-
17 lateral agreements, as necessary, to conform with this re-
18 quirement.

19 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
20 amount equivalent to 200 percent of the total taxes as-
21 sessed during fiscal year 2009 on funds appropriated by
22 this Act by a foreign government or entity against com-
23 modities financed under United States assistance pro-
24 grams for which funds are appropriated by this Act, either
25 directly or through grantees, contractors and subcontrac-
26 tors shall be withheld from obligation from funds appro-

1 priated for assistance for fiscal year 2010 and allocated
2 for the central government of such country and for the
3 West Bank and Gaza program to the extent that the Sec-
4 retary of State certifies and reports in writing to the Com-
5 mittees on Appropriations that such taxes have not been
6 reimbursed to the Government of the United States.

7 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
8 minimis nature shall not be subject to the provisions of
9 subsection (b).

10 (d) REPROGRAMMING OF FUNDS.—Funds withheld
11 from obligation for each country or entity pursuant to sub-
12 section (b) shall be reprogrammed for assistance to coun-
13 tries which do not assess taxes on United States assistance
14 or which have an effective arrangement that is providing
15 substantial reimbursement of such taxes.

16 (e) DETERMINATIONS.—

17 (1) The provisions of this section shall not
18 apply to any country or entity the Secretary of State
19 determines—

20 (A) does not assess taxes on United States
21 assistance or which has an effective arrange-
22 ment that is providing substantial reimburse-
23 ment of such taxes; or

24 (B) the foreign policy interests of the
25 United States outweigh the purpose of this sec-

1 tion to ensure that United States assistance is
2 not subject to taxation.

3 (2) The Secretary of State shall consult with
4 the Committees on Appropriations at least 15 days
5 prior to exercising the authority of this subsection
6 with regard to any country or entity.

7 (f) IMPLEMENTATION.—The Secretary of State shall
8 issue rules, regulations, or policy guidance, as appropriate,
9 to implement the prohibition against the taxation of assist-
10 ance contained in this section.

11 (g) DEFINITIONS.—As used in this section—

12 (1) the terms “taxes” and “taxation” refer to
13 value added taxes and customs duties imposed on
14 commodities financed with United States assistance
15 for programs for which funds are appropriated by
16 this Act; and

17 (2) the term “bilateral agreement” refers to a
18 framework bilateral agreement between the Govern-
19 ment of the United States and the government of
20 the country receiving assistance that describes the
21 privileges and immunities applicable to United
22 States foreign assistance for such country generally,
23 or an individual agreement between the Government
24 of the United States and such government that de-
25 scribes, among other things, the treatment for tax

1 purposes that will be accorded the United States as-
2 sistance provided under that agreement.

3 RESERVATIONS OF FUNDS

4 SEC. 7014. (a) Funds appropriated under titles II
5 through VI of this Act which are specifically designated
6 may be reprogrammed for other programs within the same
7 account notwithstanding the designation if compliance
8 with the designation is made impossible by operation of
9 any provision of this or any other Act: *Provided*, That any
10 such reprogramming shall be subject to the regular notifi-
11 cation procedures of the Committees on Appropriations:
12 *Provided further*, That assistance that is reprogrammed
13 pursuant to this subsection shall be made available under
14 the same terms and conditions as originally provided.

15 (b) In addition to the authority contained in sub-
16 section (a), the original period of availability of funds ap-
17 propriated by this Act and administered by the United
18 States Agency for International Development that are spe-
19 cifically designated for particular programs or activities by
20 this or any other Act shall be extended for an additional
21 fiscal year if the Administrator of such agency determines
22 and reports promptly to the Committees on Appropria-
23 tions that the termination of assistance to a country or
24 a significant change in circumstances makes it unlikely
25 that such designated funds can be obligated during the

1 original period of availability: *Provided*, That such des-
2 ignated funds that continue to be available for an addi-
3 tional fiscal year shall be obligated only for the purpose
4 of such designation.

5 (c) Ceilings and specifically designated funding levels
6 contained in this Act shall not be applicable to funds or
7 authorities appropriated or otherwise made available by
8 any subsequent Act unless such Act specifically so directs:
9 *Provided*, That specifically designated funding levels or
10 minimum funding requirements contained in any other
11 Act shall not be applicable to funds appropriated by this
12 Act.

13 REPROGRAMMING NOTIFICATION REQUIREMENTS

14 SEC. 7015. (a) None of the funds made available in
15 title I of this Act, or in prior appropriations Acts to the
16 agencies and departments funded by this Act that remain
17 available for obligation or expenditure in fiscal year 2009,
18 or provided from any accounts in the Treasury of the
19 United States derived by the collection of fees or of cur-
20 rency reflows or other offsetting collections, or made avail-
21 able by transfer, to the agencies and departments funded
22 by this Act, shall be available for obligation or expenditure
23 through a reprogramming of funds that: (1) creates new
24 programs; (2) eliminates a program, project, or activity;
25 (3) increases funds or personnel by any means for any
26 project or activity for which funds have been denied or

1 restricted; (4) relocates an office or employees; (5) closes
2 or opens a mission or post; (6) reorganizes or renames
3 offices; (7) reorganizes programs or activities; or (8) con-
4 tracts out or privatizes any functions or activities pres-
5 ently performed by Federal employees; unless the Commit-
6 tees on Appropriations are notified 15 days in advance of
7 such reprogramming of funds.

8 (b) For the purposes of providing the executive
9 branch with the necessary administrative flexibility, none
10 of the funds provided under title I of this Act, or provided
11 under previous appropriations Acts to the agency or de-
12 partment funded under title I of this Act that remain
13 available for obligation or expenditure in fiscal year 2009,
14 or provided from any accounts in the Treasury of the
15 United States derived by the collection of fees available
16 to the agency or department funded by title I of this Act,
17 shall be available for obligation or expenditure for activi-
18 ties, programs, or projects through a reprogramming of
19 funds in excess of \$750,000 or 10 percent, whichever is
20 less, that: (1) augments existing programs, projects, or ac-
21 tivities; (2) reduces by 10 percent funding for any existing
22 program, project, or activity, or numbers of personnel by
23 10 percent as approved by Congress; or (3) results from
24 any general savings, including savings from a reduction
25 in personnel, which would result in a change in existing

1 programs, activities, or projects as approved by Congress;
2 unless the Committees on Appropriations are notified 15
3 days in advance of such reprogramming of funds.

4 (c) For the purposes of providing the executive
5 branch with the necessary administrative flexibility, none
6 of the funds made available under titles II through V in
7 this Act under the headings “Global Health and Child
8 Survival”, “Development Assistance”, “International Or-
9 ganizations and Programs”, “Trade and Development
10 Agency”, “International Narcotics Control and Law En-
11 forcement”, “Andean Counterdrug Programs”, “Assist-
12 ance for Europe, Eurasia and Central Asia”, “Economic
13 Support Fund”, “Democracy Fund”, “Peacekeeping Op-
14 erations”, “Capital Investment Fund”, “Operating Ex-
15 penses”, “Office of Inspector General”, “Nonproliferation,
16 Anti-terrorism, Demining and Related Programs”, “Mil-
17 lennium Challenge Corporation”, “Foreign Military Fi-
18 nancing Program”, “International Military Education and
19 Training”, “Peace Corps”, and “Migration and Refugee
20 Assistance”, shall be available for obligation for activities,
21 programs, projects, type of materiel assistance, countries,
22 or other operations not justified or in excess of the amount
23 justified to the Committees on Appropriations for obliga-
24 tion under any of these specific headings unless the Com-
25 mittees on Appropriations are previously notified 15 days

1 in advance: *Provided*, That the President shall not enter
2 into any commitment of funds appropriated for the pur-
3 poses of section 23 of the Arms Export Control Act for
4 the provision of major defense equipment, other than con-
5 ventional ammunition, or other major defense items de-
6 fined to be aircraft, ships, missiles, or combat vehicles, not
7 previously justified to Congress or 20 percent in excess
8 of the quantities justified to Congress unless the Commit-
9 tees on Appropriations are notified 15 days in advance of
10 such commitment: *Provided further*, That this subsection
11 shall not apply to any reprogramming for an activity, pro-
12 gram, or project for which funds are appropriated under
13 titles II through IV of this Act of less than 10 percent
14 of the amount previously justified to the Congress for obli-
15 gation for such activity, program, or project for the cur-
16 rent fiscal year.

17 (d) Notwithstanding any other provision of law, funds
18 transferred by the Department of Defense to the Depart-
19 ment of State and the United States Agency for Inter-
20 national Development, and funds made available for pro-
21 grams authorized by section 1206 of the National Defense
22 Authorization Act for Fiscal Year 2006 (Public Law 109–
23 163), shall be subject to the regular notification proce-
24 dures of the Committees on Appropriations, and the agen-
25 cy receiving the transfer or allocation shall perform peri-

1 odic program financial audits of the use of such funds and
2 such funds may be made available for the cost of such
3 audits.

4 (e) The requirements of this section or any similar
5 provision of this Act or any other Act, including any prior
6 Act requiring notification in accordance with the regular
7 notification procedures of the Committees on Appropria-
8 tions, may be waived if failure to do so would pose a sub-
9 stantial risk to human health or welfare: *Provided*, That
10 in case of any such waiver, notification to the Congress,
11 or the appropriate congressional committees, shall be pro-
12 vided as early as practicable, but in no event later than
13 3 days after taking the action to which such notification
14 requirement was applicable, in the context of the cir-
15 cumstances necessitating such waiver: *Provided further*,
16 That any notification provided pursuant to such a waiver
17 shall contain an explanation of the emergency cir-
18 cumstances.

19 (f) None of the funds appropriated under titles III
20 through VI of this Act shall be obligated or expended for
21 assistance for Serbia, Sudan, Zimbabwe, Pakistan, Do-
22 minican Republic, Cuba, Iran, Haiti, Libya, Ethiopia,
23 Nepal, Mexico, or Cambodia and countries listed in section
24 7045(f)(4) of this Act except as provided through the reg-

1 ular notification procedures of the Committees on Appro-
2 priations.

3 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

4 SEC. 7016. Prior to providing excess Department of
5 Defense articles in accordance with section 516(a) of the
6 Foreign Assistance Act of 1961, the Department of De-
7 fense shall notify the Committees on Appropriations to the
8 same extent and under the same conditions as other com-
9 mittees pursuant to subsection (f) of that section: *Pro-*
10 *vided*, That before issuing a letter of offer to sell excess
11 defense articles under the Arms Export Control Act, the
12 Department of Defense shall notify the Committees on
13 Appropriations in accordance with the regular notification
14 procedures of such Committees if such defense articles are
15 significant military equipment (as defined in section 47(9)
16 of the Arms Export Control Act) or are valued (in terms
17 of original acquisition cost) at \$7,000,000 or more, or if
18 notification is required elsewhere in this Act for the use
19 of appropriated funds for specific countries that would re-
20 ceive such excess defense articles: *Provided further*, That
21 such Committees shall also be informed of the original ac-
22 quisition cost of such defense articles.

23 LIMITATION ON AVAILABILITY OF FUNDS FOR
24 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

25 SEC. 7017. Subject to the regular notification proce-
26 dures of the Committees on Appropriations, funds appro-

1 priated under titles III through VI of this Act or any pre-
2 viously enacted Act making appropriations for the Depart-
3 ment of State, foreign operations, and related programs,
4 which are returned or not made available for organizations
5 and programs because of the implementation of section
6 307(a) of the Foreign Assistance Act of 1961, shall re-
7 main available for obligation until September 30, 2010.

8 PROHIBITION ON FUNDING FOR ABORTIONS AND
9 INVOLUNTARY STERILIZATION

10 SEC. 7018. None of the funds made available to carry
11 out part I of the Foreign Assistance Act of 1961, as
12 amended, may be used to pay for the performance of abor-
13 tions as a method of family planning or to motivate or
14 coerce any person to practice abortions. None of the funds
15 made available to carry out part I of the Foreign Assist-
16 ance Act of 1961, as amended, may be used to pay for
17 the performance of involuntary sterilization as a method
18 of family planning or to coerce or provide any financial
19 incentive to any person to undergo sterilizations. None of
20 the funds made available to carry out part I of the Foreign
21 Assistance Act of 1961, as amended, may be used to pay
22 for any biomedical research which relates in whole or in
23 part, to methods of, or the performance of, abortions or
24 involuntary sterilization as a means of family planning.
25 None of the funds made available to carry out part I of

1 the Foreign Assistance Act of 1961, as amended, may be
2 obligated or expended for any country or organization if
3 the President certifies that the use of these funds by any
4 such country or organization would violate any of the
5 above provisions related to abortions and involuntary steri-
6 lizations.

7
8 ALLOCATIONS

9 SEC. 7019. (a) Funds provided in this Act for the
10 following accounts shall be made available for programs
11 and countries in the amounts contained in the respective
12 tables included in the explanatory statement described in
13 section 4 (in the matter preceding division A of this con-
solidated Act):

14 “Educational and Cultural Exchange Pro-
15 grams”.

16 “International Fisheries Commissions”.

17 “International Broadcasting Operations”.

18 “Global Health and Child Survival”.

19 “Development Assistance”.

20 “Economic Support Fund”.

21 “Assistance for Europe, Eurasia and Central
22 Asia”.

23 “Andean Counterdrug Programs”.

24 “Nonproliferation, Anti-terrorism, Demining
25 and Related Programs”.

26 “Foreign Military Financing Program”.

1 “International Organizations and Programs”.

2 (b) For the purposes of implementing this section and
3 only with respect to the tables included in the explanatory
4 statement described in section 4 (in the matter preceding
5 division A of this consolidated Act), the Secretary of State,
6 Administrator of the United States Agency for Inter-
7 national Development and the Broadcasting Board of Gov-
8 ernors, as appropriate, may propose deviations to the
9 amounts referenced in subsection (a), subject to the reg-
10 ular notification procedures of the Committees on Appro-
11 priations and section 634A of the Foreign Assistance Act
12 of 1961.

13 (c) The requirements contained in subsection (a)
14 shall apply to the table under the headings “Bilateral Eco-
15 nomic Assistance” and “General Provisions” in such ex-
16 planatory statement.

17 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

18 SEC. 7020. None of the funds appropriated or other-
19 wise made available by this Act under the headings “Inter-
20 national Military Education and Training” or “Foreign
21 Military Financing Program” for Informational Program
22 activities or under the headings “Global Health and Child
23 Survival”, “Development Assistance”, and “Economic
24 Support Fund” may be obligated or expended to pay for—

25 (1) alcoholic beverages; or

1 (2) entertainment expenses for activities that
2 are substantially of a recreational character, includ-
3 ing but not limited to entrance fees at sporting
4 events, theatrical and musical productions, and
5 amusement parks.

6 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
7 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
8 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
9 TERRORISM

10 SEC. 7021. (a) None of the funds appropriated or
11 otherwise made available by titles III through VI of this
12 Act may be available to any foreign government which pro-
13 vides lethal military equipment to a country the govern-
14 ment of which the Secretary of State has determined is
15 a government that supports international terrorism for
16 purposes of section 6(j) of the Export Administration Act
17 of 1979. The prohibition under this section with respect
18 to a foreign government shall terminate 12 months after
19 that government ceases to provide such military equip-
20 ment. This section applies with respect to lethal military
21 equipment provided under a contract entered into after
22 October 1, 1997.

23 (b) Assistance restricted by subsection (a) or any
24 other similar provision of law, may be furnished if the

1 President determines that furnishing such assistance is
2 important to the national interests of the United States.

3 (c) Whenever the President makes a determination
4 pursuant to subsection (b), the President shall submit to
5 the appropriate congressional committees a report with re-
6 spect to the furnishing of such assistance. Any such report
7 shall include a detailed explanation of the assistance to
8 be provided, including the estimated dollar amount of such
9 assistance, and an explanation of how the assistance fur-
10 thers United States national interests.

11 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
12 COUNTRIES

13 SEC. 7022. (a) Funds appropriated for bilateral as-
14 sistance under any heading in titles III through VI of this
15 Act and funds appropriated under any such heading in
16 a provision of law enacted prior to the enactment of this
17 Act, shall not be made available to any country which the
18 President determines—

19 (1) grants sanctuary from prosecution to any
20 individual or group which has committed an act of
21 international terrorism; or

22 (2) otherwise supports international terrorism.

23 (b) The President may waive the application of sub-
24 section (a) to a country if the President determines that
25 national security or humanitarian reasons justify such
26 waiver. The President shall publish each waiver in the

1 Federal Register and, at least 15 days before the waiver
2 takes effect, shall notify the Committees on Appropria-
3 tions of the waiver (including the justification for the waiv-
4 er) in accordance with the regular notification procedures
5 of the Committees on Appropriations.

6 AUTHORIZATION REQUIREMENTS

7 SEC. 7023. Funds appropriated by this Act, except
8 funds appropriated under the heading “Trade and Devel-
9 opment Agency”, may be obligated and expended notwith-
10 standing section 10 of Public Law 91-672, section 15 of
11 the State Department Basic Authorities Act of 1956, sec-
12 tion 313 of the Foreign Relations Authorization Act, Fis-
13 cal Years 1994 and 1995 (Public Law 103-236), and sec-
14 tion 504(a)(1) of the National Security Act of 1947 (50
15 U.S.C. 414(a)(1)).

16 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

17 SEC. 7024. For the purpose of titles II through VI
18 of this Act “program, project, and activity” shall be de-
19 fined at the appropriations Act account level and shall in-
20 clude all appropriations and authorizations Acts funding
21 directives, ceilings, and limitations with the exception that
22 for the following accounts: “Economic Support Fund” and
23 “Foreign Military Financing Program”, “program,
24 project, and activity” shall also be considered to include
25 country, regional, and central program level funding with-
26 in each such account; for the development assistance ac-

1 counts of the United States Agency for International De-
2 velopment “program, project, and activity” shall also be
3 considered to include central, country, regional, and pro-
4 gram level funding, either as: (1) justified to the Congress;
5 or (2) allocated by the executive branch in accordance with
6 a report, to be provided to the Committees on Appropria-
7 tions within 30 days of the enactment of this Act, as re-
8 quired by section 653(a) of the Foreign Assistance Act
9 of 1961.

10 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
11 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

12 SEC. 7025. Unless expressly provided to the contrary,
13 provisions of this or any other Act, including provisions
14 contained in prior Acts authorizing or making appropria-
15 tions for the Department of State, foreign operations, and
16 related programs, shall not be construed to prohibit activi-
17 ties authorized by or conducted under the Peace Corps
18 Act, the Inter-American Foundation Act or the African
19 Development Foundation Act. The agency shall promptly
20 report to the Committees on Appropriations whenever it
21 is conducting activities or is proposing to conduct activi-
22 ties in a country for which assistance is prohibited.

23 COMMERCE, TRADE AND SURPLUS COMMODITIES

24 SEC. 7026. (a) None of the funds appropriated or
25 made available pursuant to titles III through VI of this
26 Act for direct assistance and none of the funds otherwise

1 made available to the Export-Import Bank and the Over-
2 seas Private Investment Corporation shall be obligated or
3 expended to finance any loan, any assistance or any other
4 financial commitments for establishing or expanding pro-
5 duction of any commodity for export by any country other
6 than the United States, if the commodity is likely to be
7 in surplus on world markets at the time the resulting pro-
8 ductive capacity is expected to become operative and if the
9 assistance will cause substantial injury to United States
10 producers of the same, similar, or competing commodity:
11 *Provided*, That such prohibition shall not apply to the Ex-
12 port-Import Bank if in the judgment of its Board of Direc-
13 tors the benefits to industry and employment in the
14 United States are likely to outweigh the injury to United
15 States producers of the same, similar, or competing com-
16 modity, and the Chairman of the Board so notifies the
17 Committees on Appropriations.

18 (b) None of the funds appropriated by this or any
19 other Act to carry out chapter 1 of part I of the Foreign
20 Assistance Act of 1961 shall be available for any testing
21 or breeding feasibility study, variety improvement or intro-
22 duction, consultancy, publication, conference, or training
23 in connection with the growth or production in a foreign
24 country of an agricultural commodity for export which
25 would compete with a similar commodity grown or pro-

1 duced in the United States: *Provided*, That this subsection
2 shall not prohibit—

3 (1) activities designed to increase food security
4 in developing countries where such activities will not
5 have a significant impact on the export of agricul-
6 tural commodities of the United States; or

7 (2) research activities intended primarily to
8 benefit American producers.

9 (c) The Secretary of the Treasury shall instruct the
10 United States Executive Directors of the International
11 Bank for Reconstruction and Development, the Inter-
12 national Development Association, the International Fi-
13 nance Corporation, the Inter-American Development
14 Bank, the International Monetary Fund, the Asian Devel-
15 opment Bank, the Inter-American Investment Corpora-
16 tion, the North American Development Bank, the Euro-
17 pean Bank for Reconstruction and Development, the Afri-
18 can Development Bank, and the African Development
19 Fund to use the voice and vote of the United States to
20 oppose any assistance by these institutions, using funds
21 appropriated or made available pursuant to titles III
22 through VI of this Act, for the production or extraction
23 of any commodity or mineral for export, if it is in surplus
24 on world markets and if the assistance will cause substan-

1 tial injury to United States producers of the same, similar,
2 or competing commodity.

3 SEPARATE ACCOUNTS

4 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
5 CURRENCIES.—

6 (1) If assistance is furnished to the government
7 of a foreign country under chapters 1 and 10 of part
8 I or chapter 4 of part II of the Foreign Assistance
9 Act of 1961 under agreements which result in the
10 generation of local currencies of that country, the
11 Administrator of the United States Agency for
12 International Development shall—

13 (A) require that local currencies be depos-
14 ited in a separate account established by that
15 government;

16 (B) enter into an agreement with that gov-
17 ernment which sets forth—

18 (i) the amount of the local currencies
19 to be generated; and

20 (ii) the terms and conditions under
21 which the currencies so deposited may be
22 utilized, consistent with this section; and

23 (C) establish by agreement with that gov-
24 ernment the responsibilities of the United
25 States Agency for International Development
26 and that government to monitor and account

1 for deposits into and disbursements from the
2 separate account.

3 (2) USES OF LOCAL CURRENCIES.—As may be
4 agreed upon with the foreign government, local cur-
5 rencies deposited in a separate account pursuant to
6 subsection (a), or an equivalent amount of local cur-
7 rencies, shall be used only—

8 (A) to carry out chapter 1 or 10 of part
9 I or chapter 4 of part II (as the case may be),
10 for such purposes as—

11 (i) project and sector assistance activi-
12 ties; or

13 (ii) debt and deficit financing; or

14 (B) for the administrative requirements of
15 the United States Government.

16 (3) PROGRAMMING ACCOUNTABILITY.—The
17 United States Agency for International Development
18 shall take all necessary steps to ensure that the
19 equivalent of the local currencies disbursed pursuant
20 to subsection (a)(2)(A) from the separate account
21 established pursuant to subsection (a)(1) are used
22 for the purposes agreed upon pursuant to subsection
23 (a)(2).

24 (4) TERMINATION OF ASSISTANCE PRO-
25 GRAMS.—Upon termination of assistance to a coun-

1 try under chapter 1 or 10 of part I or chapter 4 of
2 part II (as the case may be), any unencumbered bal-
3 ances of funds which remain in a separate account
4 established pursuant to subsection (a) shall be dis-
5 posed of for such purposes as may be agreed to by
6 the government of that country and the United
7 States Government.

8 (5) REPORTING REQUIREMENT.—The Adminis-
9 trator of the United States Agency for International
10 Development shall report on an annual basis as part
11 of the justification documents submitted to the Com-
12 mittees on Appropriations on the use of local cur-
13 rencies for the administrative requirements of the
14 United States Government as authorized in sub-
15 section (a)(2)(B), and such report shall include the
16 amount of local currency (and United States dollar
17 equivalent) used and/or to be used for such purpose
18 in each applicable country.

19 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

20 (1) If assistance is made available to the gov-
21 ernment of a foreign country, under chapter 1 or 10
22 of part I or chapter 4 of part II of the Foreign As-
23 sistance Act of 1961, as cash transfer assistance or
24 as nonproject sector assistance, that country shall be
25 required to maintain such funds in a separate ac-

1 count and not commingle them with any other
2 funds.

3 (2) APPLICABILITY OF OTHER PROVISIONS OF
4 LAW.—Such funds may be obligated and expended
5 notwithstanding provisions of law which are incon-
6 sistent with the nature of this assistance including
7 provisions which are referenced in the Joint Explan-
8 atory Statement of the Committee of Conference ac-
9 companying House Joint Resolution 648 (House Re-
10 port No. 98–1159).

11 (3) NOTIFICATION.—At least 15 days prior to
12 obligating any such cash transfer or nonproject sec-
13 tor assistance, the President shall submit a notifica-
14 tion through the regular notification procedures of
15 the Committees on Appropriations, which shall in-
16 clude a detailed description of how the funds pro-
17 posed to be made available will be used, with a dis-
18 cussion of the United States interests that will be
19 served by the assistance (including, as appropriate,
20 a description of the economic policy reforms that will
21 be promoted by such assistance).

22 (4) EXEMPTION.—Nonproject sector assistance
23 funds may be exempt from the requirements of sub-
24 section (b)(1) only through the notification proce-
25 dures of the Committees on Appropriations.

1 ELIGIBILITY FOR ASSISTANCE

2 SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERN-
3 MENTAL ORGANIZATIONS.—Restrictions contained in this
4 or any other Act with respect to assistance for a country
5 shall not be construed to restrict assistance in support of
6 programs of nongovernmental organizations from funds
7 appropriated by this Act to carry out the provisions of
8 chapters 1, 10, 11, and 12 of part I and chapter 4 of
9 part II of the Foreign Assistance Act of 1961, and from
10 funds appropriated under the heading “Assistance for Eu-
11 rope, Eurasia and Central Asia”: *Provided*, That before
12 using the authority of this subsection to furnish assistance
13 in support of programs of nongovernmental organizations,
14 the President shall notify the Committees on Appropria-
15 tions under the regular notification procedures of those
16 committees, including a description of the program to be
17 assisted, the assistance to be provided, and the reasons
18 for furnishing such assistance: *Provided further*, That
19 nothing in this subsection shall be construed to alter any
20 existing statutory prohibitions against abortion or involun-
21 tary sterilizations contained in this or any other Act.

22 (b) PUBLIC LAW 480.—During fiscal year 2009, re-
23 strictions contained in this or any other Act with respect
24 to assistance for a country shall not be construed to re-
25 strict assistance under the Agricultural Trade Develop-

1 ment and Assistance Act of 1954: *Provided*, That none
2 of the funds appropriated to carry out title I of such Act
3 and made available pursuant to this subsection may be
4 obligated or expended except as provided through the reg-
5 ular notification procedures of the Committees on Appro-
6 priations.

7 (c) EXCEPTION.—This section shall not apply—

8 (1) with respect to section 620A of the Foreign
9 Assistance Act of 1961 or any comparable provision
10 of law prohibiting assistance to countries that sup-
11 port international terrorism; or

12 (2) with respect to section 116 of the Foreign
13 Assistance Act of 1961 or any comparable provision
14 of law prohibiting assistance to the government of a
15 country that violates internationally recognized
16 human rights.

17 IMPACT ON JOBS IN THE UNITED STATES

18 SEC. 7029. None of the funds appropriated under ti-
19 tles III through VI of this Act may be obligated or ex-
20 pended to provide—

21 (1) any financial incentive to a business enter-
22 prise currently located in the United States for the
23 purpose of inducing such an enterprise to relocate
24 outside the United States if such incentive or in-
25 ducement is likely to reduce the number of employ-

1 ees of such business enterprise in the United States
2 because United States production is being replaced
3 by such enterprise outside the United States; or

4 (2) assistance for any program, project, or ac-
5 tivity that contributes to the violation of internation-
6 ally recognized workers rights, as defined in section
7 507(4) of the Trade Act of 1974, of workers in the
8 recipient country, including any designated zone or
9 area in that country: *Provided*, That the application
10 of section 507(4)(D) and (E) of such Act should be
11 commensurate with the level of development of the
12 recipient country and sector, and shall not preclude
13 assistance for the informal sector in such country,
14 micro and small-scale enterprise, and smallholder
15 agriculture.

16 INTERNATIONAL FINANCIAL INSTITUTIONS

17 SEC. 7030. (a) None of the funds appropriated in
18 title V of this Act may be made as payment to any inter-
19 national financial institution while the United States Ex-
20 ecutive Director to such institution is compensated by the
21 institution at a rate which, together with whatever com-
22 pensation such Director receives from the United States,
23 is in excess of the rate provided for an individual occu-
24 pying a position at level IV of the Executive Schedule
25 under section 5315 of title 5, United States Code, or while

1 any alternate United States Director to such institution
2 is compensated by the institution at a rate in excess of
3 the rate provided for an individual occupying a position
4 at level V of the Executive Schedule under section 5316
5 of title 5, United States Code.

6 (b) The Secretary of the Treasury shall instruct the
7 United States Executive Director at each international fi-
8 nancial institution to oppose any loan, grant, strategy or
9 policy of these institutions that would require user fees
10 or service charges on poor people for primary education
11 or primary healthcare, including prevention, care and
12 treatment for HIV/AIDS, malaria, tuberculosis, and in-
13 fant, child, and maternal well-being, in connection with the
14 institutions' financing programs.

15 (c) The Secretary of the Treasury shall instruct the
16 United States Executive Director at the International
17 Monetary Fund to use the voice and vote of the United
18 States to oppose any loan, project, agreement, memo-
19 randum, instrument, or other program of the Inter-
20 national Monetary Fund that would not exempt increased
21 government spending on health care or education from na-
22 tional budget caps or restraints, hiring or wage bill ceilings
23 or other limits imposed by the International Monetary
24 Fund in Heavily Indebted Poor Countries.

1 (d) For purposes of this section “international finan-
2 cial institutions” are the International Bank for Recon-
3 struction and Development, the Inter-American Develop-
4 ment Bank, the Asian Development Bank, the Asian De-
5 velopment Fund, the African Development Bank, the Afri-
6 can Development Fund, the International Monetary Fund,
7 the North American Development Bank, and the Euro-
8 pean Bank for Reconstruction and Development.

9 DEBT-FOR-DEVELOPMENT

10 SEC. 7031. In order to enhance the continued partici-
11 pation of nongovernmental organizations in debt-for-devel-
12 opment and debt-for-nature exchanges, a nongovern-
13 mental organization which is a grantee or contractor of
14 the United States Agency for International Development
15 may place in interest bearing accounts local currencies
16 which accrue to that organization as a result of economic
17 assistance provided under title III of this Act and, subject
18 to the regular notification procedures of the Committees
19 on Appropriations, any interest earned on such investment
20 shall be used for the purpose for which the assistance was
21 provided to that organization.

22 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

23 SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUC-
24 TION, OR CANCELLATION.—

25 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
26 CERTAIN LOANS.—Notwithstanding any other provi-

1 sion of law, the President may, in accordance with
2 this section, sell to any eligible purchaser any
3 concessional loan or portion thereof made before
4 January 1, 1995, pursuant to the Foreign Assist-
5 ance Act of 1961, to the government of any eligible
6 country as defined in section 702(6) of that Act or
7 on receipt of payment from an eligible purchaser, re-
8 duce or cancel such loan or portion thereof, only for
9 the purpose of facilitating—

10 (A) debt-for-equity swaps, debt-for-develop-
11 ment swaps, or debt-for-nature swaps; or

12 (B) a debt buyback by an eligible country
13 of its own qualified debt, only if the eligible
14 country uses an additional amount of the local
15 currency of the eligible country, equal to not
16 less than 40 percent of the price paid for such
17 debt by such eligible country, or the difference
18 between the price paid for such debt and the
19 face value of such debt, to support activities
20 that link conservation and sustainable use of
21 natural resources with local community develop-
22 ment, and child survival and other child devel-
23 opment, in a manner consistent with sections
24 707 through 710 of the Foreign Assistance Act
25 of 1961, if the sale, reduction, or cancellation

1 would not contravene any term or condition of
2 any prior agreement relating to such loan.

3 (2) TERMS AND CONDITIONS.—Notwithstanding
4 any other provision of law, the President shall, in ac-
5 cordance with this section, establish the terms and
6 conditions under which loans may be sold, reduced,
7 or canceled pursuant to this section.

8 (3) ADMINISTRATION.—The Facility, as defined
9 in section 702(8) of the Foreign Assistance Act of
10 1961, shall notify the administrator of the agency
11 primarily responsible for administering part I of the
12 Foreign Assistance Act of 1961 of purchasers that
13 the President has determined to be eligible, and
14 shall direct such agency to carry out the sale, reduc-
15 tion, or cancellation of a loan pursuant to this sec-
16 tion. Such agency shall make adjustment in its ac-
17 counts to reflect the sale, reduction, or cancellation.

18 (4) LIMITATION.—The authorities of this sub-
19 section shall be available only to the extent that ap-
20 propriations for the cost of the modification, as de-
21 fined in section 502 of the Congressional Budget Act
22 of 1974, are made in advance.

23 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
24 sale, reduction, or cancellation of any loan sold, reduced,
25 or canceled pursuant to this section shall be deposited in

1 the United States Government account or accounts estab-
2 lished for the repayment of such loan.

3 (c) ELIGIBLE PURCHASERS.—A loan may be sold
4 pursuant to subsection (a)(1)(A) only to a purchaser who
5 presents plans satisfactory to the President for using the
6 loan for the purpose of engaging in debt-for-equity swaps,
7 debt-for-development swaps, or debt-for-nature swaps.

8 (d) DEBTOR CONSULTATIONS.—Before the sale to
9 any eligible purchaser, or any reduction or cancellation
10 pursuant to this section, of any loan made to an eligible
11 country, the President should consult with the country
12 concerning the amount of loans to be sold, reduced, or
13 canceled and their uses for debt-for-equity swaps, debt-
14 for-development swaps, or debt-for-nature swaps.

15 (e) AVAILABILITY OF FUNDS.—The authority pro-
16 vided by subsection (a) may be used only with regard to
17 funds appropriated by this Act under the heading “Debt
18 Restructuring”.

19 SPECIAL DEBT RELIEF FOR THE POOREST

20 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The
21 President may reduce amounts owed to the United States
22 (or any agency of the United States) by an eligible country
23 as a result of—

24 (1) guarantees issued under sections 221 and
25 222 of the Foreign Assistance Act of 1961;

1 (2) credits extended or guarantees issued under
2 the Arms Export Control Act; or

3 (3) any obligation or portion of such obligation,
4 to pay for purchases of United States agricultural
5 commodities guaranteed by the Commodity Credit
6 Corporation under export credit guarantee programs
7 authorized pursuant to section 5(f) of the Com-
8 modity Credit Corporation Charter Act of June 29,
9 1948, as amended, section 4(b) of the Food for
10 Peace Act of 1966, as amended (Public Law 89-
11 808), or section 202 of the Agricultural Trade Act
12 of 1978, as amended (Public Law 95-501).

13 (b) LIMITATIONS.—

14 (1) The authority provided by subsection (a)
15 may be exercised only to implement multilateral offi-
16 cial debt relief and referendum agreements, com-
17 monly referred to as “Paris Club Agreed Minutes”.

18 (2) The authority provided by subsection (a)
19 may be exercised only in such amounts or to such
20 extent as is provided in advance by appropriations
21 Acts.

22 (3) The authority provided by subsection (a)
23 may be exercised only with respect to countries with
24 heavy debt burdens that are eligible to borrow from
25 the International Development Association, but not

1 from the International Bank for Reconstruction and
2 Development, commonly referred to as “IDA-only”
3 countries.

4 (c) CONDITIONS.—The authority provided by sub-
5 section (a) may be exercised only with respect to a country
6 whose government—

7 (1) does not have an excessive level of military
8 expenditures;

9 (2) has not repeatedly provided support for acts
10 of international terrorism;

11 (3) is not failing to cooperate on international
12 narcotics control matters;

13 (4) (including its military or other security
14 forces) does not engage in a consistent pattern of
15 gross violations of internationally recognized human
16 rights; and

17 (5) is not ineligible for assistance because of the
18 application of section 527 of the Foreign Relations
19 Authorization Act, Fiscal Years 1994 and 1995.

20 (d) AVAILABILITY OF FUNDS.—The authority pro-
21 vided by subsection (a) may be used only with regard to
22 the funds appropriated by this Act under the heading
23 “Debt Restructuring”.

24 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
25 duction of debt pursuant to subsection (a) shall not be

1 considered assistance for the purposes of any provision of
2 law limiting assistance to a country. The authority pro-
3 vided by subsection (a) may be exercised notwithstanding
4 section 620(r) of the Foreign Assistance Act of 1961 or
5 section 321 of the International Development and Food
6 Assistance Act of 1975.

7 SPECIAL AUTHORITIES

8 SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN,
9 LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED
10 CHILDREN, AND DISPLACED BURMESE.—Funds appro-
11 priated under titles III through VI of this Act that are
12 made available for assistance for Afghanistan may be
13 made available notwithstanding section 7012 of this Act
14 or any similar provision of law and section 660 of the For-
15 eign Assistance Act of 1961, and funds appropriated in
16 titles III and VI of this Act that are made available for
17 Iraq, Lebanon, Montenegro, Pakistan, and for victims of
18 war, displaced children, and displaced Burmese, and to as-
19 sist victims of trafficking in persons and, subject to the
20 regular notification procedures of the Committees on Ap-
21 propriations, to combat such trafficking, may be made
22 available notwithstanding any other provision of law.

23 (b)(1) WAIVER.—The President may waive the provi-
24 sions of section 1003 of Public Law 100–204 if the Presi-
25 dent determines and certifies in writing to the Speaker
26 of the House of Representatives and the President pro

1 tempore of the Senate that it is important to the national
2 security interests of the United States.

3 (2) PERIOD OF APPLICATION OF WAIVER.—Any
4 waiver pursuant to paragraph (1) shall be effective for no
5 more than a period of 6 months at a time and shall not
6 apply beyond 12 months after the enactment of this Act.

7 (c) SMALL BUSINESS.—In entering into multiple
8 award indefinite-quantity contracts with funds appro-
9 priated by this Act, the United States Agency for Inter-
10 national Development may provide an exception to the fair
11 opportunity process for placing task orders under such
12 contracts when the order is placed with any category of
13 small or small disadvantaged business.

14 (d) VIETNAMESE REFUGEES.—Section 594(a) of the
15 Foreign Operations, Export Financing, and Related Pro-
16 grams Appropriations Act, 2005 (enacted as division D
17 of Public Law 108–447; 118 Stat. 3038) is amended by
18 striking “2009” and inserting “2010”.

19 (e) RECONSTITUTING CIVILIAN POLICE AUTHOR-
20 ITY.—In providing assistance with funds appropriated by
21 this Act under section 660(b)(6) of the Foreign Assistance
22 Act of 1961, support for a nation emerging from insta-
23 bility may be deemed to mean support for regional, dis-
24 trict, municipal, or other sub-national entity emerging

1 from instability, as well as a nation emerging from insta-
2 bility.

3 (f) INTERNATIONAL PRISON CONDITIONS.—Funds
4 appropriated by this Act to carry out the provisions of
5 chapters 1 and 11 of part I and chapter 4 of part II of
6 the Foreign Assistance Act of 1961, and the Support for
7 East European Democracy (SEED) Act of 1989, shall be
8 made available for assistance to address inhumane condi-
9 tions in prisons and other detention facilities administered
10 by foreign governments that the Secretary of State deter-
11 mines are making efforts to address, among other things,
12 prisoners' health, sanitation, nutrition and other basic
13 needs: *Provided*, That the Secretary of State shall des-
14 ignate a Deputy Assistant Secretary of State in the Bu-
15 reau of Democracy, Human Rights and Labor to have pri-
16 mary responsibility for diplomatic efforts related to inter-
17 national prison conditions.

18 (g) EXTENSION OF AUTHORITY.—The Foreign Oper-
19 ations, Export Financing, and Related Programs Appro-
20 priations Act, 1990 (Public Law 101–167) is amended—

21 (1) in section 599D (8 U.S.C. 1157 note)—

22 (A) in subsection (b)(3), by striking “and
23 2008” and inserting “2008, and 2009”; and

24 (B) in subsection (e), by striking “2008”
25 each place it appears and inserting “2009”; and

1 (2) in section 599E (8 U.S.C. 1255 note) in
2 subsection (b)(2), by striking “2008” and inserting
3 “2009”.

4 (h) WORLD FOOD PROGRAM.—Of the funds managed
5 by the Bureau for Democracy, Conflict, and Humanitarian
6 Assistance of the United States Agency for International
7 Development, from this or any other Act, not less than
8 \$10,000,000 shall be made available as a general contribu-
9 tion to the World Food Program, notwithstanding any
10 other provision of law.

11 (i) LIBRARY OF CONGRESS.—Notwithstanding any
12 other provision of law, of the funds appropriated under
13 the heading “Embassy Security, Construction, and Main-
14 tenance”, not less than \$2,000,000 shall be made available
15 for the Capital Security Cost-Sharing fees of the Library
16 of Congress.

17 (j) DISARMAMENT, DEMOBILIZATION AND RE-
18 INTEGRATION.—Notwithstanding any other provision of
19 law, regulation or Executive order, funds appropriated by
20 this Act and prior Acts making appropriations for the De-
21 partment of State, foreign operations, and related pro-
22 grams under the headings “Economic Support Fund”,
23 “Peacekeeping Operations”, “International Disaster As-
24 sistance”, and “Transition Initiatives” should be made
25 available to support programs to disarm, demobilize, and

1 reintegrate into civilian society former members of foreign
2 terrorist organizations: *Provided*, That the Secretary of
3 State shall consult with the Committees on Appropriations
4 prior to the obligation of funds pursuant to this sub-
5 section: *Provided further*, That for the purposes of this
6 subsection the term “foreign terrorist organization”
7 means an organization designated as a terrorist organiza-
8 tion under section 219 of the Immigration and Nationality
9 Act.

10 (k) NONGOVERNMENTAL ORGANIZATIONS.—With re-
11 spect to the provision of assistance for democracy, human
12 rights and governance activities, the organizations imple-
13 menting such assistance and the specific nature of that
14 assistance shall not be subject to the prior approval by
15 the government of any foreign country.

16 (l) PROGRAM FOR RESEARCH AND TRAINING ON
17 EASTERN EUROPE AND THE INDEPENDENT STATES OF
18 THE FORMER SOVIET UNION.—Of the funds appropriated
19 by this Act under the heading, “Economic Support Fund”,
20 not less than \$5,000,000 shall be made available to carry
21 out the Program for Research and Training on Eastern
22 Europe and the Independent States of the Former Soviet
23 Union (title VIII) as authorized by the Soviet-Eastern Eu-
24 ropean Research and Training Act of 1983 (22 U.S.C.
25 4501-4508, as amended).

1 (m) AUTHORITY.—Funds appropriated or otherwise
2 made available by title III of the Department of State,
3 Foreign Operations, and Related Programs Appropria-
4 tions Act, 2008 (division J of Public Law 110–161) under
5 the heading “Economic Support Fund” that are available
6 for a competitively awarded grant for nuclear security ini-
7 tiatives relating to North Korea shall be made available
8 notwithstanding any other provision of law.

9 (n) MIDDLE EAST FOUNDATION.—Funds appro-
10 priated by this Act and prior Acts for a Middle East Foun-
11 dation shall be subject to the regular notification proce-
12 dures of the Committees on Appropriations.

13 (o) GLOBAL FOOD SECURITY.—Notwithstanding any
14 other provision of law, to include minimum funding re-
15 quirements or funding directives, funds made available
16 under the headings “Development Assistance” and “Eco-
17 nomic Support Fund” in this Act and prior Acts making
18 appropriations for the Department of State, foreign oper-
19 ations, and related programs may be made available to
20 address critical food shortages, subject to prior consulta-
21 tion with, and the regular notification procedures of, the
22 Committees on Appropriations.

23 ARAB LEAGUE BOYCOTT OF ISRAEL

24 SEC. 7035. It is the sense of the Congress that—

1 (1) the Arab League boycott of Israel, and the
2 secondary boycott of American firms that have com-
3 mercial ties with Israel, is an impediment to peace
4 in the region and to United States investment and
5 trade in the Middle East and North Africa;

6 (2) the Arab League boycott, which was regret-
7 tably reinstated in 1997, should be immediately and
8 publicly terminated, and the Central Office for the
9 Boycott of Israel immediately disbanded;

10 (3) all Arab League states should normalize re-
11 lations with their neighbor Israel;

12 (4) the President and the Secretary of State
13 should continue to vigorously oppose the Arab
14 League boycott of Israel and find concrete steps to
15 demonstrate that opposition by, for example, taking
16 into consideration the participation of any recipient
17 country in the boycott when determining to sell
18 weapons to said country; and

19 (5) the President should report to Congress an-
20 nually on specific steps being taken by the United
21 States to encourage Arab League states to normalize
22 their relations with Israel to bring about the termi-
23 nation of the Arab League boycott of Israel, includ-
24 ing those to encourage allies and trading partners of
25 the United States to enact laws prohibiting busi-

1 nesses from complying with the boycott and penal-
2 izing businesses that do comply.

3 PALESTINIAN STATEHOOD

4 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
5 of the funds appropriated under titles III through VI of
6 this Act may be provided to support a Palestinian state
7 unless the Secretary of State determines and certifies to
8 the appropriate congressional committees that—

9 (1) the governing entity of a new Palestinian
10 state—

11 (A) has demonstrated a firm commitment
12 to peaceful co-existence with the State of Israel;

13 (B) is taking appropriate measures to
14 counter terrorism and terrorist financing in the
15 West Bank and Gaza, including the dismantling
16 of terrorist infrastructures, and is cooperating
17 with appropriate Israeli and other appropriate
18 security organizations; and

19 (2) the Palestinian Authority (or the governing
20 entity of a new Palestinian state) is working with
21 other countries in the region to vigorously pursue ef-
22 forts to establish a just, lasting, and comprehensive
23 peace in the Middle East that will enable Israel and
24 an independent Palestinian state to exist within the

1 context of full and normal relationships, which
2 should include—

3 (A) termination of all claims or states of
4 belligerency;

5 (B) respect for and acknowledgement of
6 the sovereignty, territorial integrity, and polit-
7 ical independence of every state in the area
8 through measures including the establishment
9 of demilitarized zones;

10 (C) their right to live in peace within se-
11 cure and recognized boundaries free from
12 threats or acts of force;

13 (D) freedom of navigation through inter-
14 national waterways in the area; and

15 (E) a framework for achieving a just set-
16 tlement of the refugee problem.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the governing entity should enact a constitution
19 assuring the rule of law, an independent judiciary, and
20 respect for human rights for its citizens, and should enact
21 other laws and regulations assuring transparent and ac-
22 countable governance.

23 (c) WAIVER.—The President may waive subsection
24 (a) if he determines that it is important to the national
25 security interests of the United States to do so.

1 (d) EXEMPTION.—The restriction in subsection (a)
2 shall not apply to assistance intended to help reform the
3 Palestinian Authority and affiliated institutions, or the
4 governing entity, in order to help meet the requirements
5 of subsection (a), consistent with the provisions of section
6 7040 of this Act (“Limitation on Assistance to the Pales-
7 tinian Authority”).

8 RESTRICTIONS CONCERNING THE PALESTINIAN
9 AUTHORITY

10 SEC. 7037. None of the funds appropriated under ti-
11 tles II through VI of this Act may be obligated or ex-
12 pended to create in any part of Jerusalem a new office
13 of any department or agency of the United States Govern-
14 ment for the purpose of conducting official United States
15 Government business with the Palestinian Authority over
16 Gaza and Jericho or any successor Palestinian governing
17 entity provided for in the Israel-PLO Declaration of Prin-
18 ciples: *Provided*, That this restriction shall not apply to
19 the acquisition of additional space for the existing Con-
20 sulate General in Jerusalem: *Provided further*, That meet-
21 ings between officers and employees of the United States
22 and officials of the Palestinian Authority, or any successor
23 Palestinian governing entity provided for in the Israel-
24 PLO Declaration of Principles, for the purpose of con-
25 ducting official United States Government business with
26 such authority should continue to take place in locations

1 other than Jerusalem. As has been true in the past, offi-
2 cers and employees of the United States Government may
3 continue to meet in Jerusalem on other subjects with Pal-
4 estinians (including those who now occupy positions in the
5 Palestinian Authority), have social contacts, and have inci-
6 dental discussions.

7 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
8 BROADCASTING CORPORATION

9 SEC. 7038. None of the funds appropriated or other-
10 wise made available by this Act may be used to provide
11 equipment, technical support, consulting services, or any
12 other form of assistance to the Palestinian Broadcasting
13 Corporation.

14 ASSISTANCE FOR THE WEST BANK AND GAZA

15 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2009,
16 30 days prior to the initial obligation of funds for the bi-
17 lateral West Bank and Gaza Program, the Secretary of
18 State shall certify to the Committees on Appropriations
19 that procedures have been established to assure the Comp-
20 troller General of the United States will have access to
21 appropriate United States financial information in order
22 to review the uses of United States assistance for the Pro-
23 gram funded under the heading “Economic Support
24 Fund” for the West Bank and Gaza.

25 (b) VETTING.—Prior to the obligation of funds ap-
26 propriated by this Act under the heading “Economic Sup-

1 port Fund” for assistance for the West Bank and Gaza,
2 the Secretary of State shall take all appropriate steps to
3 ensure that such assistance is not provided to or through
4 any individual, private or government entity, or edu-
5 cational institution that the Secretary knows or has reason
6 to believe advocates, plans, sponsors, engages in, or has
7 engaged in, terrorist activity nor, with respect to private
8 entities or educational institutions, those that have as a
9 principal officer of the entity’s governing board or gov-
10 erning board of trustees any individual that has been de-
11 termined to be involved in, or advocating terrorist activity
12 or determined to be a member of a designated foreign ter-
13 rorist organization. The Secretary of State shall, as appro-
14 priate, establish procedures specifying the steps to be
15 taken in carrying out this subsection and shall terminate
16 assistance to any individual, entity, or educational institu-
17 tion which she has determined to be involved in or advo-
18 cating terrorist activity.

19 (c) PROHIBITION.—

20 (1) None of the funds appropriated under titles
21 III through VI of this Act for assistance under the
22 West Bank and Gaza Program may be made avail-
23 able for the purpose of recognizing or otherwise hon-
24 oring individuals who commit, or have committed
25 acts of terrorism.

1 (2) Notwithstanding any other provision of law,
2 none of the funds made available by this or prior ap-
3 propriations act, including funds made available by
4 transfer, may be made available for obligation for se-
5 curity assistance for the West Bank and Gaza until
6 the Secretary of State reports to the Committees on
7 Appropriations on the benchmarks that have been
8 established for security assistance for the West
9 Bank and Gaza and reports on the extent of Pales-
10 tinian compliance with such benchmarks.

11 (d) AUDITS.—

12 (1) The Administrator of the United States
13 Agency for International Development shall ensure
14 that Federal or non-Federal audits of all contractors
15 and grantees, and significant subcontractors and
16 sub-grantees, under the West Bank and Gaza Pro-
17 gram, are conducted at least on an annual basis to
18 ensure, among other things, compliance with this
19 section.

20 (2) Of the funds appropriated by this Act up to
21 \$500,000 may be used by the Office of the Inspector
22 General of the United States Agency for Inter-
23 national Development for audits, inspections, and
24 other activities in furtherance of the requirements of

1 this subsection. Such funds are in addition to funds
2 otherwise available for such purposes.

3 (e) Subsequent to the certification specified in sub-
4 section (a), the Comptroller General of the United States
5 shall conduct an audit and an investigation of the treat-
6 ment, handling, and uses of all funds for the bilateral
7 West Bank and Gaza Program, including all funds pro-
8 vided as cash transfer assistance, in fiscal year 2009
9 under the heading “Economic Support Fund”. The audit
10 shall address—

11 (1) the extent to which such Program complies
12 with the requirements of subsections (b) and (c),
13 and

14 (2) an examination of all programs, projects,
15 and activities carried out under such Program, in-
16 cluding both obligations and expenditures.

17 (f) Funds made available in this Act for West Bank
18 and Gaza shall be subject to the regular notification proce-
19 dures of the Committees on Appropriations.

20 (g) Not later than 180 days after enactment of this
21 Act, the Secretary of State shall submit a report to the
22 Committees on Appropriations updating the report con-
23 tained in section 2106 of chapter 2 of title II of Public
24 Law 109-13.

1 has taken to arrest terrorists, confiscate weapons and dis-
2 mantle the terrorist infrastructure.

3 (e) CERTIFICATION.—If the President exercises the
4 waiver authority under subsection (b), the Secretary of
5 State must certify and report to the Committees on Ap-
6 propriations prior to the obligation of funds that the Pal-
7 estinian Authority has established a single treasury ac-
8 count for all Palestinian Authority financing and all fi-
9 nancing mechanisms flow through this account, no parallel
10 financing mechanisms exist outside of the Palestinian Au-
11 thority treasury account, and there is a single comprehen-
12 sive civil service roster and payroll.

13 (f) PROHIBITION.—

14 (1) None of the funds appropriated in titles III
15 through VI of this Act may be obligated for salaries
16 of personnel of the Palestinian Authority located in
17 Gaza or may be obligated or expended for assistance
18 to Hamas or any entity effectively controlled by
19 Hamas or any power-sharing government of which
20 Hamas is a member unless the President certifies in
21 writing and reports to the Committees on Appropria-
22 tions that Hamas has accepted and is complying
23 with the principles contained in section
24 620K(b)(1)(A) and (B) of the Foreign Assistance
25 Act of 1961, as amended.

1 (2) None of the funds appropriated under titles
2 III through VI of this Act may be obligated for as-
3 sistance for the Palestine Liberation Organization.

4 BROADCASTING TRANSPARENCY

5 SEC. 7041. (a) Of the funds appropriated in this Act
6 under the heading “International Broadcasting Oper-
7 ations” for Middle East Broadcasting Networks, 10 per-
8 cent of the funds shall not be available for obligation until
9 the Broadcasting Board of Governors reports to the Com-
10 mittee on Appropriations on—

11 (1) The results of the independent outside eval-
12 uation of Alhurra programming to examine its jour-
13 nalistic integrity and adherence to standards and
14 principles of the United States International Broad-
15 casting Act; and

16 (2) Whether the directives in the explanatory
17 statement accompanying the Department of State,
18 Foreign Operations, and Related Programs Appro-
19 priations Act, 2008 (division J of Public Law 110–
20 161) regarding Alhurra have been implemented and
21 are operational.

22 (b) The Office of the Inspector General of the De-
23 partment of State and the Broadcasting Board of Gov-
24 ernors shall monitor adherence to the standards of the
25 Journalistic Code of Ethics of the Middle East Broad-
26 casting Networks, as updated in May 2007.

IRAQ

1

2 SEC. 7042. (a) ASSISTANCE.—None of the funds ap-
3 propriated or otherwise made available by this Act may
4 be made available for assistance for Iraq, except funds ap-
5 propriated by this Act under the heading “Nonprolifera-
6 tion, Anti-terrorism, Demining and Related Programs”
7 for the removal and disposal of landmines and other
8 unexploded ordnance, small arms and light weapons in
9 Iraq.

10 (b) MATCHING REQUIREMENT.—The terms and con-
11 ditions of section 1402(e)(1), (2), (3) and (4) of Public
12 Law 110–252 shall apply to assistance for Iraq in fiscal
13 year 2009.

14 (c) TRANSITION PLAN.—Not later than 180 days
15 after enactment of this Act, the Secretary of State, in con-
16 sultation with relevant United States Government agen-
17 cies, shall submit to the Committees on Appropriations a
18 report, in classified form if necessary, that details the
19 plans, costs and timelines associated with the transition
20 of programs and activities funded under titles III through
21 VI of this Act and prior Acts making appropriations for
22 the Department of State, foreign operations, and related
23 programs to the Government of Iraq.

24 (d) BASE RIGHTS.—None of the funds made avail-
25 able in this Act may be used by the Government of the

1 United States to enter into a permanent basing rights
2 agreement between the United States and Iraq.

3 REPORT ON IRAN SANCTIONS

4 SEC. 7043. Not later than 180 days after enactment
5 of this Act, the Secretary of State shall submit a report
6 to the Committees on Appropriations on the status of mul-
7 tilateral and bilateral United States sanctions against Iran
8 and actions taken by the United States and the inter-
9 national community to enforce sanctions against Iran. The
10 report, which may be submitted in classified form if nec-
11 essary, shall include the following:

12 (1) A list of all current United States bilateral
13 and multilateral sanctions against Iran;

14 (2) A list of all United States and foreign reg-
15 istered entities which the Secretary of State has rea-
16 son to believe may be in violation of existing United
17 States bilateral and multilateral sanctions;

18 (3) A detailed description of United States ef-
19 forts to enforce sanctions, including a list of all in-
20 vestigations initiated in the 12 months preceeding
21 the enactment of this Act that have resulted in a de-
22 termination that a sanctions violation has occurred
23 and United States government actions taken pursu-
24 ant to the determination;

1 sionalizing the Lebanese Armed Forces, strengthening
2 border security and combating terrorism in Lebanon.

3 WESTERN HEMISPHERE

4 SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the
5 funds appropriated by this Act not less than \$10,000,000
6 from “Development Assistance” and not less than
7 \$10,000,000 from “Economic Support Fund” shall be
8 made available for labor and environmental capacity build-
9 ing activities relating to the free trade agreements with
10 countries of Central America, Peru and the Dominican
11 Republic.

12 (b) HAITI.—

13 (1) The Government of Haiti shall be eligible to
14 purchase defense articles and services under the
15 Arms Export Control Act (22 U.S.C. 2751 et seq.),
16 for the Coast Guard.

17 (2) Of the funds appropriated by this Act under
18 titles III and IV, not less than \$251,126,000 shall
19 be made available for assistance for Haiti.

20 (3) None of the funds made available by this
21 Act under the heading “International Narcotics Con-
22 trol and Law Enforcement” may be used to transfer
23 excess weapons, ammunition or other lethal property
24 of an agency of the United States Government to
25 the Government of Haiti for use by the Haitian Na-
26 tional Police until the Secretary of State reports to

1 the Committees on Appropriations that any mem-
2 bers of the Haitian National Police who have been
3 credibly alleged to have committed serious crimes,
4 including drug trafficking and violations of inter-
5 nationally recognized human rights, have been sus-
6 pended.

7 (c) DOMINICAN REPUBLIC.—Of the funds appro-
8 priated by this Act that are available for assistance for
9 the Dominican Republic, not less than \$5,000,000 shall
10 be made available for basic health care, nutrition, sanita-
11 tion, education, and shelter for migrant workers and other
12 residents of batey communities.

13 (d) ASSISTANCE FOR GUATEMALA.—

14 (1) Funds appropriated by this Act under the
15 heading “International Military Education and
16 Training” (IMET) that are available for assistance
17 for Guatemala, other than for expanded IMET, may
18 be made available only for the Guatemalan Air
19 Force, Navy and Army Corps of Engineers: *Pro-*
20 *vided*, That assistance for the Army Corps of Engi-
21 neers shall only be available for training to improve
22 disaster response capabilities and to participate in
23 international peacekeeping operations: *Provided fur-*
24 *ther*, That such funds may be made available only if
25 the Secretary of State certifies that the Air Force,

1 Navy and Army Corps of Engineers are respecting
2 internationally recognized human rights and cooper-
3 ating with civilian judicial investigations and pros-
4 ecutions of current and retired military personnel
5 who have been credibly alleged to have committed
6 violations of such rights, and with the International
7 Commission Against Impunity in Guatemala
8 (CICIG) by granting access to CICIG personnel,
9 providing evidence to CICIG, and allowing witness
10 testimony.

11 (2) Of the funds appropriated by this Act under
12 the heading “Foreign Military Financing Program”,
13 not more than \$500,000 may be made available for
14 the Guatemalan Air Force, Navy and Army Corps of
15 Engineers: *Provided*, That assistance for the Army
16 Corps of Engineers shall only be available for train-
17 ing to improve disaster response capabilities and to
18 participate in international peacekeeping operations:
19 *Provided further*, That such funds may be made
20 available only if the Secretary of State certifies that
21 the Air Force, Navy and Army Corps of Engineers
22 are respecting internationally recognized human
23 rights and cooperating with civilian judicial inves-
24 tigations and prosecutions of current and retired
25 military personnel who have been credibly alleged to

1 have committed violations of such rights, including
2 protecting and providing to the Attorney General's
3 office all military archives pertaining to the internal
4 armed conflict, and cooperating with the CICIG by
5 granting access to CICIG personnel, providing evi-
6 dence to CICIG, and allowing witness testimony.

7 (e) ASSISTANCE FOR MEXICO.—Of the funds appro-
8 priated under the headings “International Narcotics Con-
9 trol and Law Enforcement”, “Foreign Military Financing
10 Program”, and “Economic Support Fund” in this Act, not
11 more than \$300,000,000 may be made available for assist-
12 ance for Mexico, only to combat drug trafficking and re-
13 lated violence and organized crime, and for judicial re-
14 form, institution building, anti-corruption, and rule of law
15 activities, of which not less than \$75,000,000 shall be used
16 for judicial reform, institution building, anti-corruption,
17 and rule of law activities: *Provided*, That none of the funds
18 made available under this section shall be made available
19 for budget support or as cash payments.

20 (1) ALLOCATION OF FUNDS.—Fifteen percent
21 of the funds made available under this section in
22 this Act, for assistance for Mexico, not including as-
23 sistance for judicial reform, institution building,
24 anti-corruption, and rule of law activities, may not
25 be obligated until the Secretary of State reports in

1 writing to the Committees on Appropriations that
2 the Government of Mexico is continuing to—

3 (A) improve the transparency and account-
4 ability of Federal police forces and to work with
5 State and municipal authorities to improve the
6 transparency and accountability of State and
7 municipal police forces through mechanisms in-
8 cluding police complaints commissions with au-
9 thority and independence to receive complaints
10 and carry out effective investigations;

11 (B) conduct regular consultations with
12 Mexican human rights organizations and other
13 relevant Mexican civil society organizations on
14 recommendations for the implementation of the
15 Merida Initiative in accordance with Mexican
16 and international law;

17 (C) ensure that civilian prosecutors and ju-
18 dicial authorities are investigating and pros-
19 ecuting, in accordance with Mexican and inter-
20 national law, members of the Federal police and
21 military forces who have been credibly alleged
22 to have violated internationally recognized
23 human rights, and the Federal police and mili-
24 tary forces are fully cooperating with the inves-
25 tigations; and

1 (D) enforce the prohibition, in accordance
2 with Mexican and international law, on the use
3 of testimony obtained through torture or other
4 ill-treatment.

5 (2) REPORT.—The report required in para-
6 graph (1) shall include a description of actions taken
7 with respect to each requirement.

8 (3) SPENDING PLAN.—Not later than 45 days
9 after the date of enactment of this Act, the Sec-
10 retary of State shall submit to the Committees on
11 Appropriations a detailed spending plan, developed
12 after consulting with relevant Mexican Government
13 authorities, for funds made available for Mexico
14 under this section, with concrete goals, programs
15 and activities to be funded, and anticipated results.

16 (4) ANALYSIS OF ALTERNATIVES.—Prior to the
17 obligation of funds for the procurement or lease of
18 aircraft, the Director of the Defense Security Co-
19 operation Agency, in consultation with the Secretary
20 of State, shall submit to the Committees on Appro-
21 priations an Analysis of Alternatives for the acquisi-
22 tion of all aircraft for the Merida Initiative.

23 (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
24 AMERICA.—Of the funds appropriated under the headings
25 “International Narcotics Control and Law Enforcement”,

1 “Foreign Military Financing Program”, and “Economic
2 Support Fund”, \$105,000,000 may be made available for
3 assistance for the countries of Central America only to
4 combat drug trafficking and related violence and orga-
5 nized crime, and for judicial reform, institution building,
6 anti-corruption, rule of law activities, and maritime secu-
7 rity, of which not less than \$35,000,000 shall be made
8 available for judicial reform, institution building, anti-cor-
9 ruption, and rule of law activities: *Provided*, That of the
10 funds appropriated under the heading “Economic Support
11 Fund”, \$12,000,000 shall be made available through the
12 United States Agency for International Development for
13 an Economic and Social Development Fund for Central
14 America: *Provided further*, That none of the funds shall
15 be made available for budget support or as cash payments.

16 (1) ALLOCATION OF FUNDS.—Fifteen percent
17 of the funds made available by this Act for assist-
18 ance for the countries of Central America under the
19 headings “International Narcotics Control and Law
20 Enforcement” and “Foreign Military Financing Pro-
21 gram” may not be obligated until the Secretary of
22 State reports in writing to the Committees on Ap-
23 propriations that the government of such country is
24 continuing to—

1 (A) support police complaints commissions
2 with authority and independence to receive com-
3 plaints and carry out effective investigations;

4 (B) implement reforms to improve the ca-
5 pacity and ensure the independence of the judi-
6 ciary; and

7 (C) investigate and prosecute members of
8 the Federal police and military forces who have
9 been credibly alleged to have committed viola-
10 tions of internationally recognized human
11 rights.

12 (2) REPORT.—The report required in para-
13 graph (1) shall include a description of actions taken
14 with respect to each requirement.

15 (3) SPENDING PLAN.—Not later than 45 days
16 after the date of the enactment of this Act, the Sec-
17 retary of State shall submit to the Committees on
18 Appropriations a detailed spending plan for funds
19 appropriated or otherwise made available for the
20 countries of Central America by this Act, with con-
21 crete goals, actions to be taken, budget proposals,
22 and anticipated results.

23 (4) DEFINITION.—For the purposes of this sec-
24 tion, the term “countries of Central America” means

1 Belize, Costa Rica, El Salvador, Guatemala, Hon-
2 duras, Nicaragua, and Panama.

3 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—

4 To the maximum extent practicable, the costs of oper-
5 ations and maintenance, including fuel, of aircraft funded
6 by this Act should be borne by the recipient country.

7 COLOMBIA

8 SEC. 7046. (a) FUNDING.—Of the funds appro-
9 priated in titles III and IV of this Act, not more than
10 \$545,050,000 shall be available for assistance for Colom-
11 bia.

12 Funds appropriated by this Act and made available
13 to the Department of State for assistance to the Govern-
14 ment of Colombia may be used to support a unified cam-
15 paign against narcotics trafficking and organizations des-
16 igned as Foreign Terrorist Organizations and successor
17 organizations, and to take actions to protect human health
18 and welfare in emergency circumstances, including under-
19 taking rescue operations: *Provided*, That assistance made
20 available in prior Acts for the Government of Colombia
21 to protect the Cano-Limon pipeline may also be used for
22 purposes for which funds are made available under the
23 heading “Andean Counterdrug Programs”: *Provided fur-*
24 *ther*, That no United States Armed Forces personnel or
25 United States civilian contractor employed by the United

1 States will participate in any combat operation in connec-
2 tion with assistance made available by this Act for Colom-
3 bia: *Provided further*, That rotary and fixed wing aircraft
4 supported with funds appropriated under the heading
5 “Andean Counterdrug Programs” for assistance for Co-
6 lombia may be used for aerial or manual drug eradication
7 and interdiction including to transport personnel and sup-
8 plies and to provide security for such operations, and to
9 provide transport in support of alternative development
10 programs and investigations of cases under the jurisdic-
11 tion of the Attorney General, the Procuraduria General
12 de la Nacion, and the Defensoria del Pueblo: *Provided fur-*
13 *ther*, That the President shall ensure that if any helicopter
14 procured with funds in this Act or prior Acts making ap-
15 propriations for the Department of State, foreign oper-
16 ations, and related programs, is used to aid or abet the
17 operations of any illegal self-defense group, paramilitary
18 organization, illegal security cooperative or successor orga-
19 nizations in Colombia, such helicopter shall be imme-
20 diately returned to the United States.

21 Of the funds available under the heading “Andean
22 Counterdrug Programs” in this Act for the Colombian na-
23 tional police for the procurement of chemicals for aerial
24 coca and poppy eradication programs, not more than 20
25 percent of such funds may be made available for such

1 eradication programs unless the Secretary of State cer-
2 tifies to the Committees on Appropriations that: (1) the
3 herbicide is being used in accordance with EPA label re-
4 quirements for comparable use in the United States and
5 with Colombian laws; and (2) the herbicide, in the manner
6 it is being used, does not pose unreasonable risks or ad-
7 verse effects to humans or the environment, including en-
8 demic species: *Provided*, That such funds may not be made
9 available unless the Secretary of State certifies to the
10 Committees on Appropriations that complaints of harm to
11 health or licit crops caused by such aerial eradication are
12 thoroughly evaluated and fair compensation is being paid
13 in a timely manner for meritorious claims: *Provided fur-*
14 *ther*, That such funds may not be made available for such
15 purposes unless programs are being implemented by the
16 United States Agency for International Development, the
17 Government of Colombia, or other organizations, in con-
18 sultation and coordination with local communities, to pro-
19 vide alternative sources of income in areas where security
20 permits for small-acreage growers and communities whose
21 illicit crops are targeted for aerial eradication: *Provided*
22 *further*, That none of the funds appropriated by this Act
23 for assistance for Colombia shall be made available for the
24 cultivation or processing of African oil palm, if doing so
25 would contribute to significant loss of native species, dis-

1 rupt or contaminate natural water sources, reduce local
2 food security, or cause the forced displacement of local
3 people: *Provided further*, That funds appropriated by this
4 Act may be used for aerial eradication in Colombia's na-
5 tional parks or reserves only if the Secretary of State cer-
6 tifies to the Committees on Appropriations on a case-by-
7 case basis that there are no effective alternatives and the
8 eradication is conducted in accordance with Colombian
9 laws.

10 (b) ASSISTANCE FOR THE ARMED FORCES.—

11 (1) FUNDING.—Funds appropriated by this Act
12 that are available for assistance for the Colombian
13 Armed Forces, may be made available as follows:

14 (A) Up to 70 percent of such funds may
15 be obligated prior to the certification and report
16 by the Secretary of State pursuant to subpara-
17 graph (B).

18 (B) Up to 15 percent of such funds may
19 be obligated only after the Secretary of State
20 consults with, and subsequently certifies and
21 submits a written report to, the Committees on
22 Appropriations that—

23 (i) The Government of Colombia is
24 suspending, and investigating and pros-
25 ecuting in the civilian justice system, those

1 members of the Colombian Armed Forces,
2 of whatever rank, who have been credibly
3 alleged to have committed violations of
4 internationally recognized human rights,
5 including extra-judicial killings, or to have
6 aided, abetted or benefitted from para-
7 military organizations or successor armed
8 groups, and the Colombian Armed Forces
9 are cooperating fully with civilian prosecu-
10 tors and judicial authorities in such cases.

11 (ii) The Government of Colombia has
12 taken all necessary steps to sever links
13 with paramilitary organizations or suc-
14 cessor armed groups.

15 (iii) The Government of Colombia is
16 dismantling paramilitary networks, includ-
17 ing by arresting and prosecuting under ci-
18 vilian criminal law individuals who have
19 provided financial, planning, or logistical
20 support, or have otherwise aided, abetted
21 or benefitted from paramilitary organiza-
22 tions or successor armed groups, and by
23 returning land and other assets illegally
24 acquired by such organizations or their as-

1 sociates to their rightful occupants or own-
2 ers.

3 (iv) The Government of Colombia is
4 respecting the rights of Colombia's indige-
5 nous and Afro-Colombian communities,
6 and the Colombian Armed Forces are im-
7 plementing procedures to distinguish be-
8 tween civilians, including displaced per-
9 sons, and combatants in their operations.

10 (2) The balance of such funds may be obligated
11 after July 31, 2009, if, prior to such obligation, the
12 Secretary of State consults with, and submits a writ-
13 ten certification to, the Committees on Appropria-
14 tions that the Government of Colombia is continuing
15 to meet the requirements described in paragraph (1)
16 and is conducting vigorous operations to strengthen
17 civilian institutions and respect for internationally
18 recognized human rights in areas under the influ-
19 ence of paramilitary organizations or successor
20 armed groups and guerrilla organizations.

21 (3) CERTAIN FUNDS EXEMPTED.—The require-
22 ment to withhold funds from obligation shall not
23 apply with respect to funds made available under the
24 heading “Andean Counterdrug Programs” in this
25 Act for continued support for the Critical Flight

1 Safety Program or for any alternative development
2 programs in Colombia administered by the Bureau
3 of International Narcotics and Law Enforcement Af-
4 fairs of the Department of State.

5 (4) REPORT.—At the time the Secretary of
6 State submits certifications pursuant to paragraphs
7 (1)(B) and (2) of this subsection, the Secretary shall
8 also submit to the Committees on Appropriations a
9 report that contains, with respect to each such para-
10 graph, a detailed description of the specific actions
11 taken by the Government and Armed Forces of Co-
12 lombia which support each requirement of the cer-
13 tification, and the cases or issues brought to the at-
14 tention of the Secretary, including through the De-
15 partment of State’s annual Country Reports on
16 Human Rights Practices, for which the actions
17 taken by the Colombian Government or Armed
18 Forces have been determined by the Secretary of
19 State to be inadequate.

20 (c) CONSULTATIVE PROCESS.—Not later than 60
21 days after the date of enactment of this Act, and every
22 180 days thereafter until September 30, 2009, the Sec-
23 retary of State shall consult with Colombian and inter-
24 nationally recognized human rights organizations regard-

1 ing progress in meeting the requirements contained in
2 subsection (b)(1).

3 (d) ASSISTANCE FOR REINTEGRATION OF FORMER
4 COMBATANTS.—

5 (1) AVAILABILITY OF FUNDS.—Of the funds
6 appropriated in this Act under the heading “Eco-
7 nomic Support Fund”, up to \$16,769,000 may be
8 made available in fiscal year 2009 for assistance for
9 the reintegration of former members of foreign ter-
10 rorist organizations (FTOs) or other illegal armed
11 groups in Colombia, if the Secretary of State
12 consults with and makes a certification described in
13 paragraph (2) to the Committees on Appropriations
14 prior to the initial obligation of amounts for such as-
15 sistance for the fiscal year involved.

16 (2) CERTIFICATION.—A certification described
17 in this subsection is a certification that—

18 (A) assistance for the fiscal year will be
19 provided only for individuals who have: (i)
20 verifiably renounced and terminated any affili-
21 ation or involvement with FTOs or other illegal
22 armed groups; (ii) are meeting all the require-
23 ments of the Colombia demobilization program,
24 including having disclosed their involvement in
25 past crimes and their knowledge of the FTO’s

1 structure, financing sources, illegal assets, and
2 the location of kidnapping victims and bodies of
3 the disappeared; and (iii) are not involved in
4 criminal activity;

5 (B) the Government of Colombia is pro-
6 viding full cooperation to the Government of the
7 United States to prosecute the extradited lead-
8 ers and members of FTOs who have been in-
9 dicted in the United States for murder, torture,
10 kidnapping, narcotics trafficking, or other viola-
11 tions of United States law;

12 (C) the Government of Colombia is not
13 knowingly taking any steps to legalize the titles
14 of land or other assets illegally obtained and
15 held by FTOs, their associates, or successors,
16 has established effective procedures to identify
17 such land and other assets, and is seizing and
18 returning such land and other assets to their
19 rightful occupants or owners;

20 (D) the Government of Colombia is dis-
21 mantling the organizational structures of FTOs
22 and successor armed groups; and

23 (E) funds shall not be made available as
24 cash payments to individuals and are available
25 only for activities under the following cat-

1 egories: verification, reintegration (including
2 training and education), vetting, recovery of as-
3 sets for reparations for victims, and investiga-
4 tions and prosecutions.

5 (e) ILLEGAL ARMED GROUPS.—

6 (1) DENIAL OF VISAS.—Subject to paragraph
7 (2), the Secretary of State shall not issue a visa to
8 any alien who the Secretary determines, based on
9 credible evidence—

10 (A) has willfully provided any support to
11 or benefitted from the Revolutionary Armed
12 Forces of Colombia (FARC), the National Lib-
13 eration Army (ELN), the United Self-Defense
14 Forces of Colombia (AUC), or successor armed
15 groups, including taking actions or failing to
16 take actions which allow, facilitate, or otherwise
17 foster the activities of such groups; or

18 (B) has committed, ordered, incited, as-
19 sisted, or otherwise participated in the commis-
20 sion of a violation of internationally recognized
21 human rights, including extra-judicial killings,
22 in Colombia.

23 (2) WAIVER.—Paragraph (1) shall not apply if
24 the Secretary of State certifies to the Committees on
25 Appropriations, on a case-by-case basis, that the

1 issuance of a visa to the alien is necessary to sup-
2 port the peace process in Colombia or for urgent hu-
3 manitarian reasons.

4 (f) DEFINITIONS.—In this section:

5 (1) AIDED OR ABETTED.—The term “aided or
6 abetted” means to provide any support to para-
7 military or successor armed groups, including taking
8 actions which allow, facilitate, or otherwise foster
9 the activities of such groups.

10 (2) PARAMILITARY GROUPS.—The term “para-
11 military groups” means illegal self-defense groups
12 and illegal security cooperatives, including those
13 groups and cooperatives that have formerly demobi-
14 lized but continue illegal operations, as well as parts
15 thereof.

16 (3) FOREIGN TERRORIST ORGANIZATION.—The
17 term “foreign terrorist organization” means an or-
18 ganization designated as a terrorist organization
19 under section 219 of the Immigration and Nation-
20 ality Act.

21 COMMUNITY-BASED POLICE ASSISTANCE

22 SEC. 7047. (a) AUTHORITY.—Funds made available
23 by titles III and IV of this Act to carry out the provisions
24 of chapter 1 of part I and chapters 4 and 6 of part II
25 of the Foreign Assistance Act of 1961, may be used, not-
26 withstanding section 660 of that Act, to enhance the effec-

1 tiveness and accountability of civilian police authority
2 through training and technical assistance in human rights,
3 the rule of law, anti-corruption, strategic planning, and
4 through assistance to foster civilian police roles that sup-
5 port democratic governance including assistance for pro-
6 grams to prevent conflict, respond to disasters, address
7 gender-based violence, and foster improved police relations
8 with the communities they serve.

9 (b) NOTIFICATION.—Assistance provided under sub-
10 section (a) shall be subject to prior consultation with, and
11 the regular notification procedures of, the Committees on
12 Appropriations.

13 PROHIBITION OF PAYMENTS TO UNITED NATIONS
14 MEMBERS

15 SEC. 7048. None of the funds appropriated or made
16 available pursuant to titles III through VI of this Act for
17 carrying out the Foreign Assistance Act of 1961, may be
18 used to pay in whole or in part any assessments, arrear-
19 ages, or dues of any member of the United Nations or,
20 from funds appropriated by this Act to carry out chapter
21 1 of part I of the Foreign Assistance Act of 1961, the
22 costs for participation of another country's delegation at
23 international conferences held under the auspices of multi-
24 lateral or international organizations.

1 WAR CRIMES TRIBUNALS DRAWDOWN

2 SEC. 7049. If the President determines that doing so
3 will contribute to a just resolution of charges regarding
4 genocide or other violations of international humanitarian
5 law, the President may direct a drawdown pursuant to sec-
6 tion 552(c) of the Foreign Assistance Act of 1961 of up
7 to \$30,000,000 of commodities and services for the United
8 Nations War Crimes Tribunal established with regard to
9 the former Yugoslavia by the United Nations Security
10 Council or such other tribunals or commissions as the
11 Council may establish or authorize to deal with such viola-
12 tions, without regard to the ceiling limitation contained
13 in paragraph (2) thereof: *Provided*, That the determina-
14 tion required under this section shall be in lieu of any de-
15 terminations otherwise required under section 552(c): *Pro-*
16 *vided further*, That funds made available for tribunals
17 other than the International Criminal Tribunal for the
18 former Yugoslavia, the International Criminal Tribunal
19 for Rwanda, or the Special Court for Sierra Leone shall
20 be made available subject to the regular notification proce-
21 dures of the Committees on Appropriations.

22 PEACEKEEPING MISSIONS

23 SEC. 7050. None of the funds made available under
24 title I of this Act may be used for any United Nations
25 undertaking when it is made known to the Federal official
26 having authority to obligate or expend such funds that:

1 (1) the United Nations undertaking is a peacekeeping mis-
2 sion; (2) such undertaking will involve United States
3 Armed Forces under the command or operational control
4 of a foreign national; and (3) the President's military advi-
5 sors have not submitted to the President a recommenda-
6 tion that such involvement is in the national interests of
7 the United States and the President has not submitted
8 to the Congress such a recommendation.

9 PEACEKEEPING ASSESSMENT

10 SEC. 7051. Section 404(b)(2)(B) of the Foreign Re-
11 lations Authorization Act, Fiscal Years 1994 and 1995,
12 (22 U.S.C. 287e note) is amended by deleting subsection
13 (v) and inserting in lieu thereof:

14 “(v) For assessments made during each of the cal-
15 endar years 2005, 2006, 2007, 2008, and 2009, 27.1 per-
16 cent.”.

17 UNITED NATIONS HUMAN RIGHTS COUNCIL

18 SEC. 7052. (a) None of the funds appropriated by
19 this Act may be made available for a United States con-
20 tribution to the United Nations Human Rights Council.

21 (b) The prohibition under subsection (a) shall not
22 apply if—

23 (1) the Secretary of State certifies to the Com-
24 mittees on Appropriations that the provision of
25 funds to support the United Nations Human Rights

1 Council is in the national interest of the United
2 States; or

3 (2) the United States is a member of the
4 Human Rights Council.

5 ATTENDANCE AT INTERNATIONAL CONFERENCES

6 SEC. 7053. None of the funds made available in this
7 Act may be used to send or otherwise pay for the attend-
8 ance of more than 50 employees of agencies or depart-
9 ments of the United States Government who are stationed
10 in the United States, at any single international con-
11 ference occurring outside the United States, unless the
12 Secretary of State reports to the Committees on Appro-
13 priations that such attendance is in the national interest:
14 *Provided*, That for purposes of this section the term
15 “international conference” shall mean a conference at-
16 tended by representatives of the United States Govern-
17 ment and of foreign governments, international organiza-
18 tions, or nongovernmental organizations.

19 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

20 SEC. 7054. None of the funds made available under
21 title I of this Act may be used to pay expenses for any
22 United States delegation to any specialized agency, body,
23 or commission of the United Nations if such commission
24 is chaired or presided over by a country, the government
25 of which the Secretary of State has determined, for pur-
26 poses of section 6(j)(1) of the Export Administration Act

1 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
2 national terrorism.

3 PARKING FINES AND REAL PROPERTY TAXES OWED BY
4 FOREIGN GOVERNMENTS

5 SEC. 7055. (a) Subject to subsection (e), of the funds
6 appropriated under titles III through VI by this Act that
7 are made available for assistance for a foreign country,
8 an amount equal to 110 percent of the total amount of
9 the unpaid fully adjudicated parking fines and penalties
10 and unpaid property taxes owed by the central government
11 of such country shall be withheld from obligation for as-
12 sistance for the central government of such country until
13 the Secretary of State submits a certification to the Com-
14 mittees on Appropriations stating that such parking fines
15 and penalties and unpaid property taxes are fully paid.

16 (b) Funds withheld from obligation pursuant to sub-
17 section (a) may be made available for other programs or
18 activities funded by this Act, after consultation with and
19 subject to the regular notification procedures of the Com-
20 mittees on Appropriations, provided that no such funds
21 shall be made available for assistance for the central gov-
22 ernment of a foreign country that has not paid the total
23 amount of the fully adjudicated parking fines and pen-
24 alties and unpaid property taxes owed by such country.

25 (c) Subsection (a) shall not include amounts that
26 have been withheld under any other provision of law.

1 (d)(1) The Secretary of State may waive the require-
2 ments set forth in subsection (a) with respect to parking
3 fines and penalties no sooner than 60 days from the date
4 of enactment of this Act, or at any time with respect to
5 a particular country, if the Secretary determines that it
6 is in the national interests of the United States to do so.

7 (2) The Secretary of State may waive the require-
8 ments set forth in subsection (a) with respect to the un-
9 paid property taxes if the Secretary of State determines
10 that it is in the national interests of the United States
11 to do so.

12 (e) Not later than 6 months after the initial exercise
13 of the waiver authority in subsection (d), the Secretary
14 of State, after consultations with the City of New York,
15 shall submit a report to the Committees on Appropriations
16 describing a strategy, including a timetable and steps cur-
17 rently being taken, to collect the parking fines and pen-
18 alties and unpaid property taxes and interest owed by na-
19 tions receiving foreign assistance under this Act.

20 (f) In this section:

21 (1) The term “fully adjudicated” includes cir-
22 cumstances in which the person to whom the vehicle
23 is registered—

24 (A)(i) has not responded to the parking
25 violation summons; or

1 (ii) has not followed the appropriate adju-
2 dication procedure to challenge the summons;
3 and

4 (B) the period of time for payment of or
5 challenge to the summons has lapsed.

6 (2) The term “parking fines and penalties”
7 means parking fines and penalties—

8 (A) owed to—

9 (i) the District of Columbia; or

10 (ii) New York, New York; and

11 (B) incurred during the period April 1,
12 1997, through September 30, 2008.

13 (3) The term “unpaid property taxes” means
14 the amount of unpaid taxes and interest determined
15 to be owed by a foreign country on real property in
16 the District of Columbia or New York, New York in
17 a court order or judgment entered against such
18 country by a court of the United States or any State
19 or subdivision thereof.

20 LANDMINES AND CLUSTER MUNITIONS

21 SEC. 7056. (a) LANDMINES.—Notwithstanding any
22 other provision of law, demining equipment available to
23 the United States Agency for International Development
24 and the Department of State and used in support of the
25 clearance of landmines and unexploded ordnance for hu-
26 manitarian purposes may be disposed of on a grant basis

1 in foreign countries, subject to such terms and conditions
2 as the President may prescribe.

3 (b) CLUSTER MUNITIONS.—No military assistance
4 shall be furnished for cluster munitions, no defense export
5 license for cluster munitions may be issued, and no cluster
6 munitions or cluster munitions technology shall be sold or
7 transferred, unless—

8 (1) the submunitions of the cluster munitions
9 have a 99 percent or higher functioning rate; and

10 (2) the agreement applicable to the assistance,
11 transfer, or sale of the cluster munitions or cluster
12 munitions technology specifies that the cluster muni-
13 tions will only be used against clearly defined mili-
14 tary targets and will not be used where civilians are
15 known to be present.

16 MILLENNIUM CHALLENGE CORPORATION

17 SEC. 7057. (a) The Chief Executive Officer of the
18 Millennium Challenge Corporation shall, not later than 45
19 days after enactment of this Act, submit to the Committee
20 on Appropriations a report on the proposed uses, on a
21 country-by-country basis, of all funds appropriated under
22 the heading “Millennium Challenge Corporation” in this
23 Act or prior Acts making appropriations for the Depart-
24 ment of State, foreign operations, and related programs

1 projected to be obligated and expended in fiscal year 2009
2 and subsequent fiscal years.

3 (b) The report required in paragraph (a) shall be up-
4 dated on a semi-annual basis and shall include, at a min-
5 imum, a description of—

6 (1) compacts in development, including the sta-
7 tus of negotiations and the approximate range of
8 value of the proposed compact;

9 (2) compacts in implementation, including the
10 projected expenditure and disbursement of compact
11 funds during fiscal year 2009 and subsequent fiscal
12 years as determined by the country compact;

13 (3) threshold country programs in development,
14 including the approximate range of value of the
15 threshold country agreement;

16 (4) major programmatic changes to existing
17 compacts funded by this Act or prior Acts making
18 appropriations for the Department of State, foreign
19 operations, and related programs;

20 (5) threshold country programs in implementa-
21 tion; and

22 (6) use of administrative funds.

23 (c) The Chief Executive Officer of the Millennium
24 Challenge Corporation shall notify the Committees on Ap-
25 propriations not later than 15 days prior to signing any

1 new country compact or new threshold country program;
2 terminating or suspending any country compact or thresh-
3 old country program; or commencing negotiations for any
4 new compact or threshold country program.

5 LIMITATION ON RESIDENCE EXPENSES

6 SEC. 7058. Of the funds appropriated or made avail-
7 able pursuant to title II of this Act, not to exceed
8 \$100,500 shall be for official residence expenses of the
9 United States Agency for International Development dur-
10 ing the current fiscal year: *Provided*, That appropriate
11 steps shall be taken to assure that, to the maximum extent
12 possible, United States-owned foreign currencies are uti-
13 lized in lieu of dollars.

14 UNITED STATES AGENCY FOR INTERNATIONAL

15 DEVELOPMENT MANAGEMENT

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 7059. (a) AUTHORITY.—Up to \$81,000,000 of
18 the funds made available in title III of this Act to carry
19 out the provisions of part I of the Foreign Assistance Act
20 of 1961, including funds appropriated under the heading
21 “Assistance for Europe, Eurasia and Central Asia”, may
22 be used by the United States Agency for International De-
23 velopment (USAID) to hire and employ individuals in the
24 United States and overseas on a limited appointment basis

1 pursuant to the authority of sections 308 and 309 of the
2 Foreign Service Act of 1980.

3 (b) RESTRICTIONS.—

4 (1) The number of individuals hired in any fis-
5 cal year pursuant to the authority contained in sub-
6 section (a) may not exceed 175.

7 (2) The authority to hire individuals contained
8 in subsection (a) shall expire on September 30,
9 2010.

10 (c) CONDITIONS.—The authority of subsection (a)
11 may only be used to the extent that an equivalent number
12 of positions that are filled by personal services contractors
13 or other non-direct hire employees of USAID, who are
14 compensated with funds appropriated to carry out part I
15 of the Foreign Assistance Act of 1961, including funds
16 appropriated under the heading “Assistance for Europe,
17 Eurasia and Central Asia”, are eliminated.

18 (d) PRIORITY SECTORS.—In exercising the authority
19 of this section, primary emphasis shall be placed on ena-
20 bling USAID to meet personnel positions in technical skill
21 areas currently encumbered by contractor or other non-
22 direct hire personnel.

23 (e) CONSULTATIONS.—The USAID Administrator
24 shall consult with the Committees on Appropriations at

1 least on a quarterly basis concerning the implementation
2 of this section.

3 (f) PROGRAM ACCOUNT CHARGED.—The account
4 charged for the cost of an individual hired and employed
5 under the authority of this section shall be the account
6 to which such individual’s responsibilities primarily relate.
7 Funds made available to carry out this section may be
8 transferred to, and merged with, funds appropriated by
9 this Act in title II under the heading “Operating Ex-
10 penses”.

11 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
12 viduals hired and employed by USAID, with funds made
13 available in this Act or prior Acts making appropriations
14 for the Department of State, foreign operations, and re-
15 lated programs, pursuant to the authority of section 309
16 of the Foreign Service Act of 1980, may be extended for
17 a period of up to 4 years notwithstanding the limitation
18 set forth in such section.

19 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of
20 the funds made available in subsection (a), USAID may
21 use, in addition to funds otherwise available for such pur-
22 poses, up to \$15,000,000 to fund overseas support costs
23 of members of the Foreign Service with a Foreign Service
24 rank of four or below: *Provided*, That such authority is
25 only used to reduce USAID’s reliance on overseas personal

1 services contractors or other non-direct hire employees
2 compensated with funds appropriated to carry out part I
3 of the Foreign Assistance Act of 1961, including funds
4 appropriated under the heading “Assistance for Europe,
5 Eurasia and Central Asia”.

6 (i) DISASTER SURGE CAPACITY.—Funds appro-
7 priated under title III of this Act to carry out part I of
8 the Foreign Assistance Act of 1961, including funds ap-
9 propriated under the heading “Assistance for Europe,
10 Eurasia and Central Asia”, may be used, in addition to
11 funds otherwise available for such purposes, for the cost
12 (including the support costs) of individuals detailed to or
13 employed by USAID whose primary responsibility is to
14 carry out programs in response to natural disasters.

15 (j) TECHNICAL ADVISORS.—Up to \$13,500,000 of
16 the funds made available by this Act in title III for assist-
17 ance under the heading “Global Health and Child Sur-
18 vival”, may be used to reimburse United States Govern-
19 ment agencies, agencies of State governments, institutions
20 of higher learning, and private and voluntary organiza-
21 tions for the full cost of individuals (including for the per-
22 sonal services of such individuals) detailed or assigned to,
23 or contracted by, as the case may be, USAID for the pur-
24 pose of carrying out activities under that heading: *Pro-*
25 *vided*, That up to \$3,500,000 of the funds made available

1 by this Act for assistance under the heading “Develop-
2 ment Assistance” may be used to reimburse such agencies,
3 institutions, and organizations for such costs of such indi-
4 viduals carrying out other development assistance activi-
5 ties.

6 (k) PERSONAL SERVICES CONTRACTORS.—Funds ap-
7 propriated by this Act to carry out chapter 1 of part I,
8 chapter 4 of part II, and section 667 of the Foreign As-
9 sistance Act of 1961, and title II of the Agricultural Trade
10 Development and Assistance Act of 1954, may be used
11 by USAID to employ up to 25 personal services contrac-
12 tors in the United States, notwithstanding any other pro-
13 vision of law, for the purpose of providing direct, interim
14 support for new or expanded overseas programs and ac-
15 tivities managed by the agency until permanent direct hire
16 personnel are hired and trained: *Provided*, That not more
17 than 10 of such contractors shall be assigned to any bu-
18 reau or office: *Provided further*, That such funds appro-
19 priated to carry out title II of the Agricultural Trade De-
20 velopment and Assistance Act of 1954, may be made avail-
21 able only for personal services contractors assigned to the
22 Office of Food for Peace.

23 (l) RECRUITMENT STRATEGY.—Not later than De-
24 cember 31, 2009, the USAID Administrator, after con-
25 sulting with the Secretaries of Defense, Treasury, Agri-

1 culture, Interior, Energy, and Health and Human Serv-
2 ices, the Director of the Centers for Disease Control and
3 Prevention, the Administrator of the Environmental Pro-
4 tection Agency, and the heads of other relevant Federal
5 departments and agencies, shall submit to the Committees
6 on Appropriations a recruitment strategy for current and
7 former employees from such departments and agencies
8 who possess skills and/or overseas experience which would
9 enhance USAID's capacity to carry out its mission: *Pro-*
10 *vided*, That funds made available under the heading "Op-
11 erating Expenses" in title II of this Act may be made
12 available to implement the strategy described in the pre-
13 vious proviso, subject to the regular notification proce-
14 dures of the Committees on Appropriations.

15 (m) HIRING AUTHORITY.—Notwithstanding section
16 307 of the Foreign Service Act of 1980, the USAID Ad-
17 ministrator may hire up to 30 individuals under the Devel-
18 opment Leadership Initiative: *Provided*, That the author-
19 ity contained in this subsection shall expire on September
20 30, 2010.

21 GLOBAL HEALTH ACTIVITIES

22 SEC. 7060. (a) Funds appropriated by titles III and
23 IV of this Act that are made available for bilateral assist-
24 ance for child survival activities or disease programs in-
25 cluding activities relating to research on, and the preven-

1 tion, treatment and control of, HIV/AIDS may be made
2 available notwithstanding any other provision of law ex-
3 cept for the provisions under the heading “Global Health
4 and Child Survival” and the United States Leadership
5 Against HIV/AIDS, Tuberculosis, and Malaria Act of
6 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
7 ed: *Provided*, That of the funds appropriated under title
8 III of this Act, not less than \$545,000,000 should be made
9 available for family planning/reproductive health.

10 (b) Notwithstanding any other provision of this Act,
11 10 percent of the funds that are appropriated by this Act
12 for a contribution to support the Global Fund to Fight
13 AIDS, Tuberculosis and Malaria (the “Global Fund”)
14 shall be withheld from obligation to the Global Fund until
15 the Secretary of State reports to the Committees on Ap-
16 propriations that the Global Fund—

17 (1) is releasing incremental disbursements only
18 if grantees demonstrate progress against clearly de-
19 fined performance indicators; and

20 (2) is implementing a reporting system that
21 breaks down grantee budget allocations by pro-
22 grammatic activity.

23 DEVELOPMENT GRANTS PROGRAM

24 SEC. 7061. Of the funds appropriated by this Act
25 under the heading “Development Assistance”, not less
26 than \$40,000,000 shall be made available for the Develop-

1 (b) Programs and activities funded under titles III
2 and IV of this Act that provide training for foreign police,
3 judicial, and military officials shall address, where appro-
4 priate, gender-based violence.

5 EDUCATION

6 SEC. 7064. (a) BASIC EDUCATION.—

7 (1) Of the funds appropriated by title III of
8 this Act and by prior Acts for fiscal year 2009, not
9 less than \$700,000,000 should be made available for
10 assistance for basic education, of which not less than
11 \$400,000,000 shall be made available under the
12 heading “Development Assistance”.

13 (2) There shall continue to be a Coordinator of
14 United States government actions to provide basic
15 education assistance in developing countries as es-
16 tablished in section 664 of division J of Public Law
17 110–161.

18 (3) Funds appropriated for basic education in
19 this Act shall be made available for a pilot program
20 in three countries to develop and evaluate the effec-
21 tiveness and implementation of a 5-year basic edu-
22 cation strategic plan.

23 (b) HIGHER EDUCATION.—Of the funds appropriated
24 by title III of this Act and by prior Acts for fiscal year

1 2009, not less than \$133,000,000 shall be made available
2 for assistance for higher education.

3 RECONCILIATION PROGRAMS

4 SEC. 7065. Of the funds appropriated under the
5 headings “Development Assistance” and “Economic Sup-
6 port Fund” in this Act, \$25,000,000 shall be made avail-
7 able for reconciliation programs which bring together and
8 facilitate interaction between individuals of different eth-
9 nic, religious and political backgrounds from areas of civil
10 conflict and war, of which \$9,000,000 shall be made avail-
11 able for such programs in the Middle East: *Provided*, That
12 the Administrator of the United States Agency for Inter-
13 national Development shall consult with the Committees
14 on Appropriations, prior to the initial obligation of funds,
15 on the most effective uses of such funds.

16 COMPREHENSIVE EXPENDITURES REPORT

17 SEC. 7066. Not later than 180 days after the date
18 of enactment of this Act, the Secretary of State shall sub-
19 mit a report to the Committees on Appropriations detail-
20 ing the total amount of United States Government ex-
21 penditures in fiscal years 2007 and 2008, by Federal
22 agency, for assistance programs and activities in each for-
23 eign country, identifying the line item as presented in the
24 President’s Budget Appendix and the purpose for which
25 the funds were provided: *Provided*, That if required, infor-
26 mation may be submitted in classified form.

1 PROHIBITION ON USE OF TORTURE

2 SEC. 7069. None of the funds made available in this
3 Act shall be used in any way whatsoever to support or
4 justify the use of torture, cruel or inhumane treatment
5 by any official or contract employee of the United States
6 Government.

7 AFRICA

8 SEC. 7070. (a) EXPANDED INTERNATIONAL MILI-
9 TARY EDUCATION AND TRAINING.—

10 (1) Funds appropriated under the heading
11 “International Military Education and Training” in
12 this Act that are made available for assistance for
13 Angola, Cameroon, Central African Republic, Chad,
14 Cote D’Ivoire, and Guinea may be made available
15 only for expanded international military education
16 and training.

17 (2) None of the funds appropriated under the
18 heading “International Military Education and
19 Training” in this Act may be made available for as-
20 sistance for Equatorial Guinea.

21 (b)(1) SUDAN LIMITATION ON ASSISTANCE.—Subject
22 to subsection (2):

23 (A) Notwithstanding any other provision of law,
24 none of the funds appropriated by this Act may be

1 made available for assistance for the Government of
2 Sudan.

3 (B) None of the funds appropriated by this Act
4 may be made available for the cost, as defined in
5 section 502, of the Congressional Budget Act of
6 1974, of modifying loans and loan guarantees held
7 by the Government of Sudan, including the cost of
8 selling, reducing, or canceling amounts owed to the
9 United States, and modifying concessional loans,
10 guarantees, and credit agreements.

11 (2) Subsection (b)(1) shall not apply if the Secretary
12 of State determines and certifies to the Committees on Ap-
13 propriations that:

14 (A) The Government of Sudan honors its
15 pledges to cease attacks upon civilians and disarms
16 and demobilizes the Janjaweed and other govern-
17 ment-supported militias.

18 (B) The Government of Sudan and all govern-
19 ment-supported militia groups are honoring their
20 commitments made in all previous cease-fire agree-
21 ments.

22 (C) The Government of Sudan is allowing
23 unimpeded access to Darfur to humanitarian aid or-
24 ganizations, the human rights investigation and hu-
25 manitarian teams of the United Nations, including

1 protection officers, and an international monitoring
2 team that is based in Darfur and has the support
3 of the United States.

4 (3) EXCEPTIONS.—The provisions of subsection
5 (b)(1) shall not apply to—

6 (A) humanitarian assistance;

7 (B) assistance for the Darfur region, Southern
8 Sudan, Southern Kordofan/Nuba Mountains State,
9 Blue Nile State, and Abyei; and

10 (C) assistance to support implementation of the
11 Comprehensive Peace Agreement and the Darfur
12 Peace Agreement or any other internationally-recog-
13 nized viable peace agreement in Sudan.

14 (4) DEFINITIONS.—For the purposes of this Act, the
15 term “Government of Sudan” shall not include the Gov-
16 ernment of Southern Sudan.

17 (5) Notwithstanding any other law, assistance in this
18 Act may be made available to the Government of Southern
19 Sudan to provide non-lethal military assistance, military
20 education and training, and defense services controlled
21 under the International Traffic in Arms Regulations (22
22 CRF 120.1 et seq.) if the Secretary of State—

23 (A) determines that the provision of such items
24 is in the national interest of the United States; and

1 (B) not later than 15 days before the provision
2 of any such assistance, notifies the Committees on
3 Appropriations of such determination.

4 (c) HORN OF AFRICA AND PAN SAHEL PROGRAM.—
5 Funds appropriated under the heading “Economic Sup-
6 port Fund” in this Act that are made available for pro-
7 grams and activities to counter extremism in the Horn of
8 Africa and the Pan Sahel region of Africa, shall be admin-
9 istered by the United States Agency for International De-
10 velopment, and are in addition to funds otherwise made
11 available for such purposes.

12 (d) WAR CRIMES IN AFRICA.—

13 (1) The Congress reaffirms its support for the
14 efforts of the International Criminal Tribunal for
15 Rwanda (ICTR) and the Special Court for Sierra
16 Leone (SCSL) to bring to justice individuals respon-
17 sible for war crimes and crimes against humanity in
18 a timely manner.

19 (2) Funds appropriated by this Act, including
20 funds for debt restructuring, may be made available
21 for assistance for the central government of a coun-
22 try in which individuals indicted by ICTR and SCSL
23 are credibly alleged to be living, if the Secretary of
24 State determines and reports to the Committees on
25 Appropriations that such government is cooperating

1 with ICTR and SCSL, including the surrender and
2 transfer of indictees in a timely manner: *Provided*,
3 That this subsection shall not apply to assistance
4 provided under section 551 of the Foreign Assist-
5 ance Act of 1961 or to project assistance under title
6 VI of this Act: *Provided further*, That the United
7 States shall use its voice and vote in the United Na-
8 tions Security Council to fully support efforts by
9 ICTR and SCSL to bring to justice individuals in-
10 dicted by such tribunals in a timely manner.

11 (3) The prohibition in subsection (2) may be
12 waived on a country-by-country basis if the Presi-
13 dent determines that doing so is in the national se-
14 curity interest of the United States: *Provided*, That
15 prior to exercising such waiver authority, the Presi-
16 dent shall submit a report to the Committees on Ap-
17 propriations, in classified form if necessary, on—

18 (A) the steps being taken to obtain the co-
19 operation of the government in surrendering the
20 indictee in question to the court of jurisdiction;

21 (B) a strategy, including a timeline, for
22 bringing the indictee before such court; and

23 (C) the justification for exercising the
24 waiver authority.

25 (e) ZIMBABWE.—

1 the migration and settlement of non-Tibetans into
2 Tibet or facilitate the transfer of ownership of Ti-
3 betan land and natural resources to non-Tibetans;
4 are based on a thorough needs-assessment; foster
5 self-sufficiency of the Tibetan people and respect Ti-
6 betan culture and traditions; and are subject to ef-
7 fective monitoring.

8 (2) Notwithstanding any other provision of law,
9 not less than \$7,300,000 of the funds appropriated
10 by this Act under the heading “Economic Support
11 Fund” should be made available to nongovernmental
12 organizations to support activities which preserve
13 cultural traditions and promote sustainable develop-
14 ment and environmental conservation in Tibetan
15 communities in the Tibetan Autonomous Region and
16 in other Tibetan communities in China.

17 (b) BURMA.—

18 (1) The Secretary of the Treasury shall instruct
19 the United States executive director to each appro-
20 priate international financial institution in which the
21 United States participates, to oppose and vote
22 against the extension by such institution any loan or
23 financial or technical assistance or any other utiliza-
24 tion of funds of the respective bank to and for
25 Burma.

1 (2) Of the funds appropriated by this Act under
2 the heading “Economic Support Fund”, not less
3 than \$15,000,000 shall be made available to support
4 democracy activities in Burma, along the Burma-
5 Thailand border, for activities of Burmese student
6 groups and other organizations located outside
7 Burma, and for the purpose of supporting the provi-
8 sion of humanitarian assistance to displaced Bur-
9 mese along Burma’s borders: *Provided*, That such
10 funds may be made available notwithstanding any
11 other provision of law: *Provided further*, That in ad-
12 dition to assistance for Burmese refugees provided
13 under the heading “Migration and Refugee Assist-
14 ance” in this Act, not less than \$4,000,000 shall be
15 made available for community-based organizations
16 operating in Thailand to provide food, medical and
17 other humanitarian assistance to internally displaced
18 persons in eastern Burma: *Provided further*, That
19 funds made available under this paragraph shall be
20 subject to the regular notification procedures of the
21 Committees on Appropriations.

22 (c) INDONESIA.—

23 (1) Of the funds appropriated by this Act under
24 the heading “Foreign Military Financing Program”,
25 not to exceed \$15,700,000 shall be made available

1 for assistance for Indonesia, of which \$2,000,000
2 shall be made available only after the Secretary of
3 State submits to the Committees on Appropriations
4 the report on Indonesia detailed in the explanatory
5 statement described in section 4 (in the matter pre-
6 ceding division A of this consolidated Act) under
7 such heading.

8 (2) Of the funds appropriated by this Act under
9 the heading “Economic Support Fund” that are
10 available for assistance for Indonesia, not less than
11 \$300,000 should be made available for grants for ca-
12 pacity building of Indonesian human rights organi-
13 zations, including in Papua.

14 (d) CAMBODIA.—Funds appropriated under the head-
15 ing “Economic Support Fund” in this Act for assistance
16 for Cambodia may be used for an endowment, and shall
17 be made available to strengthen the capacity of the Gov-
18 ernment of Cambodia to combat human trafficking, not-
19 withstanding any other provision of law.

20 (e) NORTH KOREA.—

21 (1) Funds made available under the heading
22 “Migration and Refugee Assistance” in this Act
23 shall be made available for assistance for refugees
24 from North Korea.

1 (2) Of the funds made available under the
2 heading “International Broadcasting Operations” in
3 title I of this Act, not less than \$8,000,000 shall be
4 made available for broadcasts into North Korea.

5 (3) None of the funds made available under the
6 heading “Economic Support Fund” in fiscal year
7 2009 may be made available for obligation for en-
8 ergy-related assistance for North Korea unless the
9 Secretary of State determines and reports to the
10 Committees on Appropriations that North Korea is
11 continuing to fulfill its commitments under the Six
12 Party Talks agreements.

13 (f) PEOPLE’S REPUBLIC OF CHINA.—

14 (1) Notwithstanding any other provision of law
15 and subject to the regular notification procedures of
16 the Committees on Appropriations, of the funds ap-
17 propriated under the heading “Development Assist-
18 ance” in this Act, not less than \$11,000,000 shall
19 be made available to United States educational insti-
20 tutions and nongovernmental organizations for pro-
21 grams and activities in the People’s Republic of
22 China relating to the environment, governance and
23 the rule of law.

24 (2) None of the funds appropriated under the
25 heading “Diplomatic and Consular Programs” in

1 this Act may be obligated or expended for processing
2 licenses for the export of satellites of United States
3 origin (including commercial satellites and satellite
4 components) to the People’s Republic of China un-
5 less, at least 15 days in advance, the Committees on
6 Appropriations are notified of such proposed action.

7 (3) Not later than 180 days after enactment of
8 this Act, the Secretary of State shall submit a report
9 to the Committees on Appropriations detailing, to
10 the extent practicable, the amount of assistance pro-
11 vided by the People’s Republic of China to govern-
12 ments and entities in Latin America and Africa dur-
13 ing the previous calendar year, and shall make such
14 report publicly available in a timely manner on the
15 website of the Department of State and the United
16 States Agency for International Development in
17 English and Mandarin.

18 (4) Of the funds appropriated under the head-
19 ing “Diplomatic and Consular Programs” in this
20 Act, \$1,000,000 shall be made available to the Bu-
21 reau of International Information Programs to dis-
22 seminate information, in Mandarin, in the People’s
23 Republic of China: *Provided*, That such information
24 shall include issues of governance, transparency, cor-
25 ruption, rule of law, and the environment, and the

1 findings of the report required by paragraph (3) of
2 this subsection, and shall be disseminated through
3 the Internet, text messaging or other means, and di-
4 rected to economically depressed areas of the Peo-
5 ple’s Republic of China: *Provided further*, That such
6 funds are in addition to funds otherwise made avail-
7 able for such purposes: *Provided further*, That the
8 Department of State shall consult with the Commit-
9 tees on Appropriations prior to the initial obligation
10 of funds made available by this subsection.

11 (5) The terms and requirements of section
12 620(h) of the Foreign Assistance Act of 1961 shall
13 apply to foreign assistance projects or activities of
14 the People’s Liberation Army (PLA) of the People’s
15 Republic of China, to include such projects or activi-
16 ties by any entity that is owned or controlled by, or
17 an affiliate of, the PLA: *Provided*, That none of the
18 funds appropriated or otherwise made available pur-
19 suant to this Act may be used to finance any grant,
20 contract, or cooperative agreement with the PLA, or
21 any entity that the Secretary of State has reason to
22 believe is owned or controlled by, or an affiliate of,
23 the PLA.

24 (g) PHILIPPINES.—Of the funds appropriated by this
25 Act under the heading “Foreign Military Financing Pro-

1 gram”, not to exceed \$30,000,000 may be made available
2 for assistance for the Philippines, of which \$2,000,000
3 may not be obligated until the Secretary of State reports
4 in writing to the Committees on Appropriations that—

5 (1) the Government of the Philippines is taking
6 effective steps to implement the recommendations of
7 the United Nations Special Rapporteur on Extra-ju-
8 dicial, Summary or Arbitrary Executions, to include
9 prosecutions and convictions for extrajudicial execu-
10 tions; sustaining the decline in the number of extra-
11 judicial executions; addressing allegations of a death
12 squad in Davao City; and strengthening government
13 institutions working to eliminate extra-judicial exe-
14 cutions;

15 (2) the Government of the Philippines is imple-
16 menting a policy of promoting military personnel
17 who demonstrate professionalism and respect for
18 internationally recognized human rights, and is in-
19 vestigating and prosecuting military personnel and
20 others who have been credibly alleged to have vio-
21 lated such rights; and

22 (3) the Philippine Armed Forces do not have a
23 policy of, and are not engaging in, acts of intima-
24 tion or violence against members of legal organiza-
25 tions who advocate for human rights.

1 (h) VIETNAM.—Notwithstanding any other provision
2 of law, funds appropriated under the heading “Develop-
3 ment Assistance” in this Act may be made available for
4 programs and activities in the central highlands of Viet-
5 nam, and shall be made available for environmental reme-
6 diation and related health activities in Vietnam.

7 SERBIA

8 SEC. 7072. (a) Funds appropriated by this Act may
9 be made available for assistance for the central Govern-
10 ment of Serbia after May 31, 2009, if the President has
11 made the determination and certification contained in sub-
12 section (c).

13 (b) After May 31, 2009, the Secretary of the Treas-
14 ury should instruct the United States executive directors
15 to the international financial institutions to support loans
16 and assistance to the Government of Serbia subject to the
17 conditions in subsection (c).

18 (c) The determination and certification referred to in
19 subsection (a) is a determination and a certification by
20 the President to the Committees on Appropriations that
21 the Government of Serbia is—

22 (1) cooperating with the International Criminal
23 Tribunal for the former Yugoslavia including access
24 for investigators, the provision of documents, timely
25 information on the location, movement, and sources
26 of financial support of indictees, and the surrender

1 and transfer of indictees or assistance in their ap-
2 prehension, including Ratko Mladic;

3 (2) taking steps that are consistent with the
4 Dayton Accords to end Serbian financial, political,
5 security and other support which has served to
6 maintain separate Republika Srpska institutions;
7 and

8 (3) taking steps to implement policies which re-
9 flect a respect for minority rights and the rule of
10 law.

11 (d) This section shall not apply humanitarian assist-
12 ance or assistance to promote democracy.

13 INDEPENDENT STATES OF THE FORMER SOVIET UNION

14 SEC. 7073. (a) None of the funds appropriated under
15 the heading “Assistance for Europe, Eurasia and Central
16 Asia” shall be made available for assistance for a govern-
17 ment of an Independent State of the former Soviet Union
18 if that government directs any action in violation of the
19 territorial integrity or national sovereignty of any other
20 Independent State of the former Soviet Union, such as
21 those violations included in the Helsinki Final Act: *Pro-*
22 *vided*, That such funds may be made available without re-
23 gard to the restriction in this subsection if the President
24 determines that to do so is in the national security interest
25 of the United States.

1 (b) Funds appropriated under the heading “Assist-
2 ance for Europe, Eurasia and Central Asia” for the Rus-
3 sian Federation, Armenia, Kazakhstan, and Uzbekistan
4 shall be subject to the regular notification procedures of
5 the Committees on Appropriations.

6 (c)(1) Of the funds appropriated under the heading
7 “Assistance for Europe, Eurasia and Central Asia” that
8 are allocated for assistance for the Government of the
9 Russian Federation, 60 percent shall be withheld from ob-
10 ligation until the President determines and certifies in
11 writing to the Committees on Appropriations that the Gov-
12 ernment of the Russian Federation—

13 (A) has terminated implementation of arrange-
14 ments to provide Iran with technical expertise, train-
15 ing, technology, or equipment necessary to develop a
16 nuclear reactor, related nuclear research facilities or
17 programs, or ballistic missile capability; and

18 (B) is providing full access to international non-
19 government organizations providing humanitarian
20 relief to refugees and internally displaced persons in
21 Chechnya.

22 (2) Paragraph (1) shall not apply to—

23 (A) assistance to combat infectious diseases,
24 child survival activities, or assistance for victims of
25 trafficking in persons; and

1 (B) activities authorized under title V (Non-
2 proliferation and Disarmament Programs and Ac-
3 tivities) of the FREEDOM Support Act.

4 (d) Section 907 of the FREEDOM Support Act shall
5 not apply to—

6 (1) activities to support democracy or assist-
7 ance under title V of the FREEDOM Support Act
8 and section 1424 of Public Law 104–201 or non-
9 proliferation assistance;

10 (2) any assistance provided by the Trade and
11 Development Agency under section 661 of the For-
12 eign Assistance Act of 1961 (22 U.S.C. 2421);

13 (3) any activity carried out by a member of the
14 United States and Foreign Commercial Service while
15 acting within his or her official capacity;

16 (4) any insurance, reinsurance, guarantee or
17 other assistance provided by the Overseas Private
18 Investment Corporation under title IV of chapter 2
19 of part I of the Foreign Assistance Act of 1961 (22
20 U.S.C. 2191 et seq.);

21 (5) any financing provided under the Export-
22 Import Bank Act of 1945; or

23 (6) humanitarian assistance.

1 REPRESSION IN THE RUSSIAN FEDERATION

2 SEC. 7074. (a) None of the funds appropriated under
3 the heading “Assistance for Europe, Eurasia and Central
4 Asia” in this Act may be made available for the Govern-
5 ment of the Russian Federation, after 180 days from the
6 date of the enactment of this Act, unless the President
7 determines and certifies in writing to the Committees on
8 Appropriations that the Government of the Russian Fed-
9 eration: (1) has implemented no statute, Executive order,
10 regulation or similar government action that would dis-
11 criminate, or which has as its principal effect discrimina-
12 tion, against religious groups or religious communities in
13 the Russian Federation in violation of accepted inter-
14 national agreements on human rights and religious free-
15 doms to which the Russian Federation is a party; and (2)
16 is (A) honoring its international obligations regarding
17 freedom of expression, assembly, and press, as well as due
18 process; (B) investigating and prosecuting law enforce-
19 ment personnel credibly alleged to have committed human
20 rights abuses against political leaders, activists and jour-
21 nalists; and (C) immediately releasing political leaders, ac-
22 tivists and journalists who remain in detention.

23 (b) The Secretary of State may waive the require-
24 ments of subsection (a) if the Secretary determines that

1 to do so is important to the national interests of the
2 United States.

3 CENTRAL ASIA

4 SEC. 7075. (a) Funds appropriated by this Act may
5 be made available for assistance for the Government of
6 Kazakhstan only if the Secretary of State determines and
7 reports to the Committees on Appropriations that the Gov-
8 ernment of Kazakhstan has made significant improve-
9 ments in the protection of human rights and civil liberties
10 during the preceding 6 month period, including by ful-
11 filling obligations recommended by the Organization for
12 Security and Cooperation in Europe (OSCE) in the areas
13 of election procedures, media freedom, freedom of religion,
14 free assembly and minority rights, and by meeting the
15 commitments it made in connection with its assumption
16 of the Chairmanship of the OSCE in 2010.

17 (b) The Secretary of State may waive subsection (a)
18 if the Secretary determines and reports to the Committees
19 on Appropriations that such a waiver is important to the
20 national security of the United States.

21 (c) Not later than October 1, 2009, the Secretary of
22 State shall submit a report to the Committees on Appro-
23 priations describing the following:

24 (1) The defense articles, defense services, and
25 financial assistance provided by the United States to

1 the countries of Central Asia during the 12-month
2 period ending 30 days prior to submission of such
3 report.

4 (2) The use during such period of defense arti-
5 cles, defense services, and financial assistance pro-
6 vided by the United States by units of the armed
7 forces, border guards, or other security forces of
8 such countries.

9 (d) For purposes of this section, the term “countries
10 of Central Asia” means Uzbekistan, Kazakhstan, Kyrgyz
11 Republic, Tajikistan, and Turkmenistan.

12 UZBEKISTAN

13 SEC. 7076. (a) Funds appropriated by this Act may
14 be made available for assistance for the central Govern-
15 ment of Uzbekistan only if the Secretary of State deter-
16 mines and reports to the Committees on Appropriations
17 that the Government of Uzbekistan is making substantial
18 and continuing progress—

19 (1) in meeting its commitments under the
20 “Declaration on the Strategic Partnership and Co-
21 operation Framework Between the Republic of
22 Uzbekistan and the United States of America”, in-
23 cluding respect for internationally recognized human
24 rights, establishing a genuine multi-party system,

1 and ensuring free and fair elections, freedom of ex-
2 pression, and the independence of the media; and

3 (2) in investigating and prosecuting the individ-
4 uals responsible for the deliberate killings of civilians
5 in Andijan in May 2005.

6 (b) If the Secretary of State has credible evidence
7 that any current or former official of the Government of
8 Uzbekistan was responsible for the deliberate killings of
9 civilians in Andijan in May 2005, or for other violations
10 of internationally recognized human rights in Uzbekistan,
11 not later than 6 months after enactment of this Act any
12 person identified by the Secretary pursuant to this sub-
13 section shall be ineligible for admission to the United
14 States.

15 (c) The restriction in subsection (b) shall cease to
16 apply if the Secretary determines and reports to the Com-
17 mittees on Appropriations that the Government of
18 Uzbekistan has taken concrete and measurable steps to
19 improve respect for internationally recognized human
20 rights, including allowing peaceful political and religious
21 expression, releasing imprisoned human rights defenders,
22 and implementing recommendations made by the United
23 Nations on torture.

24 (d) The Secretary may waive the application of sub-
25 section (b) if the Secretary determines that admission to

1 the United States is necessary to attend the United Na-
2 tions or to further United States law enforcement objec-
3 tives.

4 (e) For the purpose of this section “assistance” shall
5 include excess defense articles.

6 AFGHANISTAN

7 SEC. 7077. Of the funds appropriated under titles III
8 and IV of this Act, not less than \$1,041,950,000 should
9 be made available for assistance for Afghanistan, of which
10 not less than \$100,000,000 shall be made available to sup-
11 port programs that directly address the needs of Afghan
12 women and girls, including for the Afghan Independent
13 Human Rights Commission, the Afghan Ministry of Wom-
14 en’s Affairs, and for women-led nonprofit organizations in
15 Afghanistan.

16 ENTERPRISE FUNDS

17 SEC. 7078. (a) Prior to the distribution of any assets
18 resulting from any liquidation, dissolution, or winding up
19 of an Enterprise Fund, in whole or in part, the President
20 shall submit to the Committees on Appropriations, in ac-
21 cordance with the regular notification procedures of the
22 Committees on Appropriations, a plan for the distribution
23 of the assets of the Enterprise Fund.

24 (b) Funds made available under titles III through VI
25 of this Act for Enterprise Funds shall be expended at the

1 minimum rate necessary to make timely payment for
2 projects and activities and shall be subject to the regular
3 notification procedures of the Committees on Appropria-
4 tions.

5 UNITED NATIONS POPULATION FUND

6 SEC. 7079. (a) CONTRIBUTION.—Of the funds made
7 available under the headings “International Organizations
8 and Programs” and “Global Health and Child Survival”
9 in this Act for fiscal year 2009, \$50,000,000 shall be
10 made available for the United Nations Population Fund
11 (UNFPA), of which not more than \$30,000,000 shall be
12 derived from funds appropriated under the heading
13 “International Organizations and Programs”.

14 (b) AVAILABILITY OF FUNDS.—Funds appropriated
15 by this Act for UNFPA, that are not made available be-
16 cause of the operation of any provision of law, shall be
17 made available to UNFPA notwithstanding any such pro-
18 vision of law, subject to the regular notification procedures
19 of the Committees on Appropriations, only for the fol-
20 lowing purposes and subject to the provisions of this sec-
21 tion—

22 (1) provide and distribute equipment, medicine,
23 and supplies, including safe delivery kits and hygiene
24 kits, to ensure safe childbirth and emergency obstet-
25 ric care;

1 (2) make available supplies of contraceptives for
2 the prevention of unintended pregnancies and the
3 spread of sexually transmitted infections, including
4 HIV/AIDS;

5 (3) prevent and treat cases of obstetric fistula;

6 (4) reestablish maternal health services in areas
7 where medical infrastructure and such services have
8 been destroyed or limited by natural disasters,
9 armed conflict, or other factors;

10 (5) promote abandonment of female genital mu-
11 tilation and cutting and child marriage; and

12 (6) promote access to basic services, including
13 clean water, sanitation facilities, food, and health
14 care, for poor women and girls.

15 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
16 None of the funds made available by this Act may be used
17 by UNFPA for a country program in the People’s Repub-
18 lic of China.

19 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
20 Funds made available by this Act for UNFPA may be
21 made available if—

22 (1) UNFPA maintains funds made available by
23 this Act in an account separate from other accounts
24 of UNFPA and does not commingle such funds with
25 other sums; and

1 (2) UNFPA does not fund abortions.

2 (e) REPORT TO CONGRESS AND WITHOLDING OF
3 FUNDS.—

4 (1) Not later than 60 days after the date of en-
5 actment of this Act, the Secretary of State shall sub-
6 mit a report to the Committees on Appropriations
7 indicating the amount of funds that the UNFPA is
8 budgeting for the year in which the report is sub-
9 mitted for a country program in the People's Repub-
10 lic of China.

11 (2) If the report under this subparagraph indi-
12 cates that the UNFPA plans to spend funds for a
13 country program in the People's Republic of China
14 in the year covered by the report, then the amount
15 of such funds the UNFPA plans to spend in the
16 People's Republic of China shall be deducted from
17 the funds made available to the UNFPA after
18 March 1 for obligation for the remainder of the fis-
19 cal year in which the report is submitted.

20 PROHIBITION ON PUBLICITY OR PROPAGANDA

21 SEC. 7080. No part of any appropriation contained
22 in this Act shall be used for publicity or propaganda pur-
23 poses within the United States not authorized before the
24 date of the enactment of this Act by the Congress: *Pro-*
25 *vided*, That not to exceed \$25,000 may be made available

1 to carry out the provisions of section 316 of Public Law
2 96–533.

3 OPIC

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 7081. (a) AUTHORITY.—Notwithstanding sec-
6 tion 235(a)(2) of the Foreign Assistance Act of 1961 (22
7 U.S.C. 2195(a)(2)), the authority of subsections (a)
8 through (c) of section 234 of such Act shall remain in
9 effect through September 30, 2009.

10 (b) FUNDING.—Whenever the President determines
11 that it is in furtherance of the purposes of the Foreign
12 Assistance Act of 1961, up to a total of \$20,000,000 of
13 the funds appropriated under title III of this Act may be
14 transferred to, and merged with, funds appropriated by
15 this Act for the Overseas Private Investment Corporation
16 Program Account, to be subject to the terms and condi-
17 tions of that account: *Provided*, That such funds shall not
18 be available for administrative expenses of the Overseas
19 Private Investment Corporation: *Provided further*, That
20 designated funding levels in this Act shall not be trans-
21 ferred pursuant to this section: *Provided further*, That the
22 exercise of such authority shall be subject to the regular
23 notification procedures of the Committees on Appropria-
24 tions.

EXTRADITION

1
2 SEC. 7082. (a) None of the funds appropriated in this
3 Act may be used to provide assistance (other than funds
4 provided under the headings “International Narcotics
5 Control and Law Enforcement”, “Migration and Refugee
6 Assistance”, “Emergency Migration and Refugee Assist-
7 ance”, and “Nonproliferation, Anti-terrorism, Demining
8 and Related Assistance”) for the central government of
9 a country which has notified the Department of State of
10 its refusal to extradite to the United States any individual
11 indicted for a criminal offense for which the maximum
12 penalty is life imprisonment without the possibility of pa-
13 role or for killing a law enforcement officer, as specified
14 in a United States extradition request.

15 (b) Subsection (a) shall only apply to the central gov-
16 ernment of a country with which the United States main-
17 tains diplomatic relations and with which the United
18 States has an extradition treaty and the government of
19 that country is in violation of the terms and conditions
20 of the treaty.

21 (c) The Secretary of State may waive the restriction
22 in subsection (a) on a case-by-case basis if the Secretary
23 certifies to the Committees on Appropriations that such
24 waiver is important to the national interests of the United
25 States.

ENERGY AND ENVIRONMENT

1
2 SEC. 7083. (a) CLEAN ENERGY.—Of the funds ap-
3 propriated by title III of this Act, not less than
4 \$100,000,000 shall be made available to the United States
5 Agency for International Development (USAID), in addi-
6 tion to funds otherwise made available for such purposes,
7 for programs and activities that reduce global warming by
8 promoting the sustainable use of renewable energy tech-
9 nologies and energy efficient end-use technologies, carbon
10 sequestration, and carbon accounting.

11 (b) CLIMATE CHANGE ADAPTATION.—Of the funds
12 appropriated by this Act, up to \$10,000,000 shall be made
13 available for a United States contribution to the Least De-
14 veloped Countries Fund to support grants for climate
15 change adaptation programs and activities, if the Global
16 Environment Facility makes publicly available on its
17 website an annual report detailing the criteria used to de-
18 termine which programs and activities receive funds, the
19 manner in which such programs and activities meet such
20 criteria, the extent of local involvement in such programs
21 and activities, the amount of funds provided, and the re-
22 sults achieved.

23 (c) BIODIVERSITY.—Of the funds appropriated by
24 title III of this Act and by prior Acts for fiscal year 2009,
25 not less than \$195,000,000 shall be made available for

1 programs and activities which directly protect biodiversity,
2 including tropical forests and wildlife, in developing coun-
3 tries, of which not less than \$25,000,000 shall be made
4 available for USAID’s conservation programs in the Ama-
5 zon Basin: *Provided*, That of the funds made available
6 under this paragraph, not less than \$17,500,000 shall be
7 made available for the Congo Basin Forest Partnership
8 of which not less than \$2,500,000 shall be made available
9 to the United States Fish and Wildlife Service for con-
10 servation programs in Africa: *Provided further*, That funds
11 appropriated by this Act to carry out the provisions of sec-
12 tions 103 through 106, and chapter 4 of part II, of the
13 Foreign Assistance Act of 1961 may be used, notwith-
14 standing any other provision of law, for the purpose of
15 supporting tropical forestry and biodiversity conservation
16 activities and energy programs aimed at reducing green-
17 house gas emissions: *Provided further*, That funds appro-
18 priated under the heading “Development Assistance” may
19 be made available as a contribution to the Galapagos
20 Invasive Species Fund.

21 (d)(1) EXTRACTION OF NATURAL RESOURCES.—The
22 Secretary of the Treasury shall inform the managements
23 of the international financial institutions and the public
24 that it is the policy of the United States to oppose any
25 assistance by such institutions (including but not limited

1 to any loan, credit, grant, or guarantee) for the extraction
2 and export of oil, gas, coal, timber, or other natural re-
3 source unless the government of the country has in place
4 functioning systems for: (i) accurately accounting for pay-
5 ments for companies involved in the extraction and export
6 of natural resources; (ii) the independent auditing of ac-
7 counts receiving such payments and the widespread public
8 dissemination of the findings of such audits; and (iii)
9 verifying government receipts against company payments
10 including widespread dissemination of such payment infor-
11 mation, and disclosing such documents as Host Govern-
12 ment Agreements, Concession Agreements, and bidding
13 documents, allowing in any such dissemination or disclo-
14 sure for the redaction of, or exceptions for, information
15 that is commercially proprietary or that would create com-
16 petitive disadvantage.

17 (2) Not later than 180 days after the enactment of
18 this Act, the Secretary of the Treasury shall submit a re-
19 port to the Committees on Appropriations describing, for
20 each international financial institution, the amount and
21 type of assistance provided, by country, for the extraction
22 and export of oil, gas, coal, timber, or other natural re-
23 sources in the preceeding 12 months, and whether each
24 institution considered, in its proposal for such assistance,

1 the extent to which the country has functioning systems
2 described in paragraph (1).

3 PROHIBITION ON PROMOTION OF TOBACCO

4 SEC. 7084. None of the funds provided by this Act
5 shall be available to promote the sale or export of tobacco
6 or tobacco products, or to seek the reduction or removal
7 by any foreign country of restrictions on the marketing
8 of tobacco or tobacco products, except for restrictions
9 which are not applied equally to all tobacco or tobacco
10 products of the same type.

11 COMMERCIAL LEASING OF DEFENSE ARTICLES

12 SEC. 7085. Notwithstanding any other provision of
13 law, and subject to the regular notification procedures of
14 the Committees on Appropriations, the authority of sec-
15 tion 23(a) of the Arms Export Control Act may be used
16 to provide financing to Israel, Egypt and NATO and
17 major non-NATO allies for the procurement by leasing
18 (including leasing with an option to purchase) of defense
19 articles from United States commercial suppliers, not in-
20 cluding Major Defense Equipment (other than helicopters
21 and other types of aircraft having possible civilian applica-
22 tion), if the President determines that there are compel-
23 ling foreign policy or national security reasons for those
24 defense articles being provided by commercial lease rather
25 than by government-to-government sale under such Act.

ANTI-KLEPTOCRACY

1

2 SEC. 7086. (a) In furtherance of the National Strat-
3 egy to Internationalize Efforts Against Kleptocracy and
4 Presidential Proclamation 7750, the Secretary of State
5 shall compile and maintain a list of officials of foreign gov-
6 ernments and their immediate family members who the
7 Secretary has credible evidence have been involved in cor-
8 ruption relating to the extraction of natural resources in
9 their countries.

10 (b) Any individual on the list compiled under sub-
11 section (a) shall be ineligible for admission to the United
12 States.

13 (c) The Secretary may waive the application of sub-
14 section (b) if the Secretary determines that admission to
15 the United States is necessary to attend the United Na-
16 tions or to further United States law enforcement objec-
17 tives, or that the circumstances which caused the indi-
18 vidual to be included on the list have changed sufficiently
19 to justify the removal of the individual from the list.

20 (d) Not later than 90 days after enactment of this
21 Act and 180 days thereafter, the Secretary of State shall
22 report in writing, in classified form if necessary, to the
23 Committees on Appropriations describing the evidence of
24 corruption concerning individuals listed pursuant to sub-
25 section (a).

1 TRAINING AND EQUIPMENT REPORTS

2 SEC. 7087. (a) The annual foreign military training
3 report required by section 656 of the Foreign Assistance
4 Act of 1961 shall be submitted by the Secretary of De-
5 fense and the Secretary of State to the Committees on
6 Appropriations by the date specified in that section.

7 (b) Not later than 90 days after enactment of this
8 Act, the Secretary of State, in consultation with other rel-
9 evant United States Government agencies, shall submit to
10 the Committees on Appropriations a report detailing the
11 equipment to be purchased with funds appropriated or
12 otherwise made available under the headings “Andean
13 Counterdrug Programs”, “International Narcotics Control
14 and Law Enforcement”, and “Foreign Military Financing
15 Program” in this Act: *Provided*, That such report shall
16 include a description of the anticipated costs associated
17 with the operation and maintenance of such equipment in
18 subsequent fiscal years: *Provided further*, That for the
19 purposes of this subsection, “equipment” shall be defined
20 as any aircraft, vessel, boat or vehicle.

21 TRANSPARENCY AND ACCOUNTABILITY

22 SEC. 7088. (a) UNITED NATIONS.—Funds made
23 available by this Act shall be made available to continue
24 reform efforts at the United Nations: *Provided*, That not
25 later than September 30, 2009, the Secretary of State
26 shall submit a report to the Committees on Appropriations

1 detailing actions taken by United Nations organizations
2 under the headings “Contributions to International Orga-
3 nizations” and “International Organizations and Pro-
4 grams” to continue reform of United Nations financial
5 management systems and program oversight.

6 (b) WORLD BANK.—Section 668(c)(1) of the Consoli-
7 dated Appropriations Act, 2008 (Public Law 110–161) is
8 amended by striking “that” and inserting “on the extent
9 to which”.

10 (c) NATIONAL BUDGET TRANSPARENCY.—

11 (1) None of the funds appropriated by this Act
12 may be made available for assistance for the central
13 government of any country that fails to make pub-
14 licly available on an annual basis its national budget,
15 to include income and expenditures.

16 (2) The Secretary of State may waive the re-
17 quirements of paragraph (1) on a country-by-coun-
18 try basis if the Secretary reports to the Committees
19 on Appropriations that to do so is important to the
20 national interest of the United States.

21 DISABILITY PROGRAMS

22 SEC. 7089. (a) Of the funds appropriated by this Act
23 under the heading “Economic Support Fund”, not less
24 than \$4,000,000 shall be made available for programs and
25 activities administered by the United States Agency for
26 International Development (USAID) to address the needs

1 and protect the rights of people with disabilities in devel-
2 oping countries, and for programs to make publicly avail-
3 able information on independent living, advocacy, edu-
4 cation, and transportation for people with disabilities and
5 disability advocacy organizations in developing countries,
6 including for the cost of translation.

7 (b) Funds appropriated under the heading “Oper-
8 ating Expenses” in title II of this Act shall be made avail-
9 able to develop and implement training for staff in over-
10 seas USAID missions to promote the full inclusion and
11 equal participation of people with disabilities in developing
12 countries.

13 (c) The Secretary of State, the Secretary of the
14 Treasury, and the USAID Administrator shall seek to en-
15 sure that, where appropriate, construction projects funded
16 by this Act are accessible to people with disabilities and
17 in compliance with the USAID Policy on Standards for
18 Accessibility for the Disabled, or other similar accessibility
19 standards.

20 (d) Of the funds made available pursuant to sub-
21 section (a), not more than 7 percent may be for manage-
22 ment, oversight and technical support.

23 ORPHANS, DISPLACED AND ABANDONED CHILDREN

24 SEC. 7090. Of the funds appropriated under title III
25 of this Act, \$3,000,000 should be made available for ac-
26 tivities to improve the capacity of foreign government

1 military equipment or technology shall be sold or trans-
2 ferred to Sri Lanka pursuant to the authorities contained
3 in this Act or any other Act, until the Secretary of State
4 certifies to the Committee on Appropriations that—

5 (1) the Sri Lankan military is suspending and
6 the Government of Sri Lanka is bringing to justice
7 members of the military who have been credibly al-
8 leged to have violated internationally recognized
9 human rights or international humanitarian law, in-
10 cluding complicity in the recruitment of child sol-
11 diers;

12 (2) the Government of Sri Lanka is providing
13 access to humanitarian organizations and journalists
14 throughout the country consistent with international
15 humanitarian law; and

16 (3) the Government of Sri Lanka has agreed to
17 the establishment of a field presence of the Office of
18 the United Nations High Commissioner for Human
19 Rights in Sri Lanka with sufficient staff and man-
20 date to conduct full and unfettered monitoring
21 throughout the country and to publicize its findings.

22 (b) Subsection (a) shall not apply to technology or
23 equipment made available for the limited purposes of mar-
24 itime and air surveillance, including communications

1 equipment previously committed or approved for the lim-
2 ited purposes of air and maritime surveillance.

3 EXPORT-IMPORT BANK RESCISSION

4 (INCLUDING RESCISSIONS)

5 SEC. 7092. (a) Of the funds appropriated under the
6 heading “Subsidy Appropriation” for the Export-Import
7 Bank of the United States that are available for tied-aid
8 grants in prior Acts making appropriations for foreign op-
9 erations, export financing, and related programs,
10 \$17,000,000 are rescinded.

11 (b) Of the unobligated balances available under the
12 heading “Subsidy Appropriation” for the Export-Import
13 Bank of the United States in Public Law 109–102,
14 \$27,000,000 are rescinded.

15 This division may be cited as the “Department of
16 State, Foreign Operations, and Related Programs Appro-
17 priations Act, 2009”.

1 DIVISION I—TRANSPORTATION, HOUSING AND
2 URBAN DEVELOPMENT, AND RELATED
3 AGENCIES APPROPRIATIONS ACT, 2009

4 TITLE I

5 DEPARTMENT OF TRANSPORTATION

6 OFFICE OF THE SECRETARY

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Secretary,
9 \$98,248,000, of which not to exceed \$2,400,000 shall be
10 available for the immediate Office of the Secretary; not
11 to exceed \$759,000 shall be available for the immediate
12 Office of the Deputy Secretary; not to exceed \$19,838,000
13 shall be available for the Office of the General Counsel;
14 not to exceed \$10,107,000 shall be available for the Office
15 of the Under Secretary of Transportation for Policy; not
16 to exceed \$10,200,000 shall be available for the Office of
17 the Assistant Secretary for Budget and Programs; not to
18 exceed \$2,400,000 shall be available for the Office of the
19 Assistant Secretary for Governmental Affairs; not to ex-
20 ceed \$26,000,000 shall be available for the Office of the
21 Assistant Secretary for Administration; not to exceed
22 \$2,020,000 shall be available for the Office of Public Af-
23 fairs; not to exceed \$1,595,000 shall be available for the
24 Office of the Executive Secretariat; not to exceed
25 \$1,369,000 shall be available for the Office of Small and

1 Disadvantaged Business Utilization; not to exceed
2 \$8,675,000 for the Office of Intelligence, Security, and
3 Emergency Response; and not to exceed \$12,885,000 shall
4 be available for the Office of the Chief Information Offi-
5 cer: *Provided*, That the Secretary of Transportation is au-
6 thorized to transfer funds appropriated for any office of
7 the Office of the Secretary to any other office of the Office
8 of the Secretary: *Provided further*, That no appropriation
9 for any office shall be increased or decreased by more than
10 5 percent by all such transfers: *Provided further*, That no-
11 tice of any change in funding greater than 5 percent shall
12 be submitted for approval to the House and Senate Com-
13 mittees on Appropriations: *Provided further*, That not to
14 exceed \$60,000 shall be for allocation within the Depart-
15 ment for official reception and representation expenses as
16 the Secretary may determine: *Provided further*, That not-
17 withstanding any other provision of law, excluding fees au-
18 thorized in Public Law 107–71, there may be credited to
19 this appropriation up to \$2,500,000 in funds received in
20 user fees: *Provided further*, That none of the funds pro-
21 vided in this Act shall be available for the position of As-
22 sistant Secretary for Public Affairs: *Provided further*, That
23 of the funds provided under this heading, \$100,000 shall
24 be provided through reimbursement to the Department of

1 Transportation's Office of Inspector General to audit the
2 Working Capital Fund's financial statements.

3 FINANCIAL MANAGEMENT CAPITAL

4 For necessary expenses for upgrading and enhancing
5 the Department of Transportation's financial systems,
6 and reengineering business processes, \$5,000,000, to re-
7 main available until expended.

8 OFFICE OF CIVIL RIGHTS

9 For necessary expenses of the Office of Civil Rights,
10 \$9,384,000.

11 TRANSPORTATION PLANNING, RESEARCH, AND

12 DEVELOPMENT

13 For necessary expenses for conducting transportation
14 planning, research, systems development, development ac-
15 tivities, and making grants, to remain available until ex-
16 pended, \$18,300,000.

17 WORKING CAPITAL FUND

18 Necessary expenses for operating costs and capital
19 outlays of the Working Capital Fund, not to exceed
20 \$128,094,000, shall be paid from appropriations made
21 available to the Department of Transportation: *Provided,*
22 That such services shall be provided on a competitive basis
23 to entities within the Department of Transportation: *Pro-*
24 *vided further,* That the above limitation on operating ex-
25 penses shall not apply to non-DOT entities: *Provided fur-*
26 *ther,* That no funds appropriated in this Act to an agency

1 of the Department shall be transferred to the Working
2 Capital Fund without the approval of the agency modal
3 administrator: *Provided further*, That no assessments may
4 be levied against any program, budget activity, subactivity
5 or project funded by this Act unless notice of such assess-
6 ments and the basis therefor are presented to the House
7 and Senate Committees on Appropriations and are ap-
8 proved by such Committees.

9 MINORITY BUSINESS RESOURCE CENTER PROGRAM

10 For the cost of guaranteed loans, \$353,000, as au-
11 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
12 cluding the cost of modifying such loans, shall be as de-
13 fined in section 502 of the Congressional Budget Act of
14 1974: *Provided further*, That these funds are available to
15 subsidize total loan principal, any part of which is to be
16 guaranteed, not to exceed \$18,367,000. In addition, for
17 administrative expenses to carry out the guaranteed loan
18 program, \$559,000.

19 MINORITY BUSINESS OUTREACH

20 For necessary expenses of Minority Business Re-
21 source Center outreach activities, \$3,056,000, to remain
22 available until September 30, 2010: *Provided*, That not-
23 withstanding 49 U.S.C. 332, these funds may be used for
24 business opportunities related to any mode of transpor-
25 tation.

1 PAYMENTS TO AIR CARRIERS
2 (AIRPORT AND AIRWAY TRUST FUND)
3 (INCLUDING TRANSFER OF FUNDS)

4 In addition to funds made available from any other
5 source to carry out the essential air service program under
6 49 U.S.C. 41731 through 41742, \$73,013,000, to be de-
7 rived from the Airport and Airway Trust Fund, to remain
8 available until expended: *Provided*, That, in determining
9 between or among carriers competing to provide service
10 to a community, the Secretary may consider the relative
11 subsidy requirements of the carriers: *Provided further*,
12 That, if the funds under this heading are insufficient to
13 meet the costs of the essential air service program in the
14 current fiscal year, the Secretary shall transfer such sums
15 as may be necessary to carry out the essential air service
16 program from any available amounts appropriated to or
17 directly administered by the Office of the Secretary for
18 such fiscal year.

19 COMPENSATION FOR AIR CARRIERS
20 (RESCISSION)

21 Of the amounts made available under this heading,
22 all unobligated balances as of the date of enactment of
23 this Act are hereby permanently rescinded.

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

3 SEC. 101. The Secretary of Transportation is author-
4 ized to transfer the unexpended balances available for the
5 bonding assistance program from “Office of the Secretary,
6 Salaries and expenses” to “Minority Business Outreach”.

7 SEC. 102. None of the funds made available in this
8 Act to the Department of Transportation may be obligated
9 for the Office of the Secretary of Transportation to ap-
10 prove assessments or reimbursable agreements pertaining
11 to funds appropriated to the modal administrations in this
12 Act, except for activities underway on the date of enact-
13 ment of this Act, unless such assessments or agreements
14 have completed the normal reprogramming process for
15 Congressional notification.

16 SEC. 103. None of the funds made available under
17 this Act may be obligated or expended to establish or im-
18 plement a program under which essential air service com-
19 munities are required to assume subsidy costs commonly
20 referred to as the EAS local participation program.

21 SEC. 104. The Secretary or his or her designee may
22 engage in activities with States and State legislators to
23 consider proposals related to the reduction of motorcycle
24 fatalities.

1 FEDERAL AVIATION ADMINISTRATION
2 OPERATIONS
3 (AIRPORT AND AIRWAY TRUST FUND)

4 For necessary expenses of the Federal Aviation Ad-
5 ministration, not otherwise provided for, including oper-
6 ations and research activities related to commercial space
7 transportation, administrative expenses for research and
8 development, establishment of air navigation facilities, the
9 operation (including leasing) and maintenance of aircraft,
10 subsidizing the cost of aeronautical charts and maps sold
11 to the public, lease or purchase of passenger motor vehi-
12 cles for replacement only, in addition to amounts made
13 available by Public Law 108–176, \$9,042,467,000, of
14 which \$5,238,005,000 shall be derived from the Airport
15 and Airway Trust Fund, of which not to exceed
16 \$7,099,019,000 shall be available for air traffic organiza-
17 tion activities; not to exceed \$1,164,597,000 shall be avail-
18 able for aviation safety activities; not to exceed
19 \$14,094,000 shall be available for commercial space trans-
20 portation activities; not to exceed \$111,004,000 shall be
21 available for financial services activities; not to exceed
22 \$96,091,000 shall be available for human resources pro-
23 gram activities; not to exceed \$331,000,000 shall be avail-
24 able for region and center operations and regional coordi-
25 nation activities; not to exceed \$180,859,000 shall be
26 available for staff offices; and not to exceed \$46,500,000

1 shall be available for information services: *Provided*, That
2 not to exceed 2 percent of any budget activity, except for
3 aviation safety budget activity, may be transferred to any
4 budget activity under this heading: *Provided further*, That
5 no transfer may increase or decrease any appropriation
6 by more than 2 percent: *Provided further*, That any trans-
7 fer in excess of 2 percent shall be treated as a reprogram-
8 ming of funds under section 405 of this Act and shall not
9 be available for obligation or expenditure except in compli-
10 ance with the procedures set forth in that section: *Pro-*
11 *vided further*, That the Secretary utilize not less than
12 \$10,000,000 of the funds provided for aviation safety ac-
13 tivities to pay for staff increases in the Office of Aviation
14 Flight Standards and the Office of Aircraft Certification:
15 *Provided further*, That not later than March 31 of each
16 fiscal year hereafter, the Administrator of the Federal
17 Aviation Administration shall transmit to Congress an an-
18 nual update to the report submitted to Congress in De-
19 cember 2004 pursuant to section 221 of Public Law 108-
20 176: *Provided further*, That the amount herein appro-
21 priated shall be reduced by \$100,000 for each day after
22 March 31 that such report has not been submitted to the
23 Congress: *Provided further*, That funds may be used to
24 enter into a grant agreement with a nonprofit standard-
25 setting organization to assist in the development of avia-

1 tion safety standards: *Provided further*, That none of the
2 funds in this Act shall be available for new applicants for
3 the second career training program: *Provided further*,
4 That none of the funds in this Act shall be available for
5 the Federal Aviation Administration to finalize or imple-
6 ment any regulation that would promulgate new aviation
7 user fees not specifically authorized by law after the date
8 of the enactment of this Act: *Provided further*, That there
9 may be credited to this appropriation funds received from
10 States, counties, municipalities, foreign authorities, other
11 public authorities, and private sources, for expenses in-
12 curred in the provision of agency services, including re-
13 ceipts for the maintenance and operation of air navigation
14 facilities, and for issuance, renewal or modification of cer-
15 tificates, including airman, aircraft, and repair station cer-
16 tificates, or for tests related thereto, or for processing
17 major repair or alteration forms: *Provided further*, That
18 of the funds appropriated under this heading, not less
19 than \$9,000,000 shall be for the contract tower cost-shar-
20 ing program: *Provided further*, That none of the funds in
21 this Act shall be available for paying premium pay under
22 5 U.S.C. 5546(a) to any Federal Aviation Administration
23 employee unless such employee actually performed work
24 during the time corresponding to such premium pay: *Pro-*
25 *vided further*, That none of the funds in this Act for aero-

1 nautical charting and cartography are available for activi-
2 ties conducted by, or coordinated through, the Working
3 Capital Fund: *Provided further*, That none of the funds
4 in this Act may be obligated or expended for an employee
5 of the Federal Aviation Administration to purchase a store
6 gift card or gift certificate through use of a Government-
7 issued credit card.

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, technical support services,
12 improvement by contract or purchase, and hire of air navi-
13 gation and experimental facilities and equipment, as au-
14 thorized under part A of subtitle VII of title 49, United
15 States Code, including initial acquisition of necessary sites
16 by lease or grant; engineering and service testing, includ-
17 ing construction of test facilities and acquisition of nec-
18 essary sites by lease or grant; construction and furnishing
19 of quarters and related accommodations for officers and
20 employees of the Federal Aviation Administration sta-
21 tioned at remote localities where such accommodations are
22 not available; and the purchase, lease, or transfer of air-
23 craft from funds available under this heading, including
24 aircraft for aviation regulation and certification; to be de-
25 rived from the Airport and Airway Trust Fund,
26 \$2,742,095,000, of which \$2,281,595,000 shall remain

1 available until September 30, 2011, and of which
2 \$460,500,000 shall remain available until September 30,
3 2009: *Provided*, That there may be credited to this appro-
4 priation funds received from States, counties, municipali-
5 ties, other public authorities, and private sources, for ex-
6 penses incurred in the establishment and modernization
7 of air navigation facilities: *Provided further*, That upon ini-
8 tial submission to the Congress of the fiscal year 2010
9 President’s budget, the Secretary of Transportation shall
10 transmit to the Congress a comprehensive capital invest-
11 ment plan for the Federal Aviation Administration which
12 includes funding for each budget line item for fiscal years
13 2010 through 2014, with total funding for each year of
14 the plan constrained to the funding targets for those years
15 as estimated and approved by the Office of Management
16 and Budget: *Provided further*, That the Secretary of
17 Transportation shall conduct an analysis that compares
18 the current status of air traffic management and the na-
19 tional airspace system to the planned architecture of the
20 “next generation” air transportation system: *Provided fur-*
21 *ther*, That upon initial submission to the Congress of the
22 fiscal year 2010 President’s budget, the Secretary of
23 Transportation shall transmit to the Congress an interim
24 architecture for the “next generation” air transportation
25 system that establishes a list of priority capabilities to be

1 achieved by 2017 and provides an estimated cost for each
2 of those priorities.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for research, engineering, and development, as authorized
7 under part A of subtitle VII of title 49, United States
8 Code, including construction of experimental facilities and
9 acquisition of necessary sites by lease or grant,
10 \$171,000,000, to be derived from the Airport and Airway
11 Trust Fund and to remain available until September 30,
12 2011: *Provided*, That there may be credited to this appro-
13 priation as offsetting collections, funds received from
14 States, counties, municipalities, other public authorities,
15 and private sources, which shall be available for expenses
16 incurred for research, engineering, and development.

17 GRANTS-IN-AID FOR AIRPORTS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (AIRPORT AND AIRWAY TRUST FUND)

21 For liquidation of obligations incurred for grants-in-
22 aid for airport planning and development, and noise com-
23 patibility planning and programs as authorized under sub-
24 chapter I of chapter 471 and subchapter I of chapter 475
25 of title 49, United States Code, and under other law au-
26 thorizing such obligations; for procurement, installation,

1 and commissioning of runway incursion prevention devices
2 and systems at airports of such title; for grants authorized
3 under section 41743 of title 49, United States Code; and
4 for inspection activities and administration of airport safe-
5 ty programs, including those related to airport operating
6 certificates under section 44706 of title 49, United States
7 Code, \$3,600,000,000 to be derived from the Airport and
8 Airway Trust Fund and to remain available until ex-
9 pended: *Provided*, That none of the funds under this head-
10 ing shall be available for the planning or execution of pro-
11 grams the obligations for which are in excess of
12 \$3,514,500,000 in fiscal year 2009, notwithstanding sec-
13 tion 47117(g) of title 49, United States Code: *Provided*
14 *further*, That none of the funds under this heading shall
15 be available for the replacement of baggage conveyor sys-
16 tems, reconfiguration of terminal baggage areas, or other
17 airport improvements that are necessary to install bulk ex-
18 plosive detection systems: *Provided further*, That notwith-
19 standing any other provision of law, of funds limited under
20 this heading, not more than \$87,454,000 shall be obli-
21 gated for administration, not less than \$15,000,000 shall
22 be available for the airport cooperative research program,
23 not less than \$19,348,000 shall be for Airport Technology
24 Research, and \$8,000,000, to remain available until ex-
25 pended, shall be available and transferred to “Office of

1 the Secretary, Salaries and Expenses” to carry out the
2 Small Community Air Service Development Program.

3 (RESCISSION)

4 Of the amounts authorized under sections 48103 and
5 48112 of title 49, United States Code, \$80,000,000 are
6 permanently rescinded from amounts authorized for the
7 fiscal year ending September 30, 2009.

8 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

9 ADMINISTRATION

10 SEC. 110. None of the funds in this Act may be used
11 to compensate in excess of 600 technical staff-years under
12 the federally funded research and development center con-
13 tract between the Federal Aviation Administration and the
14 Center for Advanced Aviation Systems Development dur-
15 ing fiscal year 2009.

16 SEC. 111. None of the funds in this Act shall be used
17 to pursue or adopt guidelines or regulations requiring air-
18 port sponsors to provide to the Federal Aviation Adminis-
19 tration without cost building construction, maintenance,
20 utilities and expenses, or space in airport sponsor-owned
21 buildings for services relating to air traffic control, air
22 navigation, or weather reporting: *Provided*, That the pro-
23 hibition of funds in this section does not apply to negotia-
24 tions between the agency and airport sponsors to achieve
25 agreement on “below-market” rates for these items or to
26 grant assurances that require airport sponsors to provide

1 land without cost to the FAA for air traffic control facili-
2 ties.

3 SEC. 112. The Administrator of the Federal Aviation
4 Administration may reimburse amounts made available to
5 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
6 49 U.S.C. 45303: *Provided*, That during fiscal year 2009,
7 49 U.S.C. 41742(b) shall not apply, and any amount re-
8 maining in such account at the close of that fiscal year
9 may be made available to satisfy section 41742(a)(1) for
10 the subsequent fiscal year.

11 SEC. 113. Amounts collected under section 40113(e)
12 of title 49, United States Code, shall be credited to the
13 appropriation current at the time of collection, to be
14 merged with and available for the same purposes of such
15 appropriation.

16 SEC. 114. None of the funds appropriated or limited
17 by this Act may be used to change weight restrictions or
18 prior permission rules at Teterboro airport in Teterboro,
19 New Jersey.

20 SEC. 115. (a) No funds provided in this Act may be
21 used by the Secretary of Transportation to promulgate
22 regulations or take any action regarding the scheduling
23 of airline operations at any commercial airport in the
24 United States if such regulation or action involves:

1 (1) the auctioning by the Secretary or the FAA
2 Administrator of rights or permission to conduct air-
3 line operations at such an airport,

4 (2) the implementation by said Secretary or Ad-
5 ministrator of peak-period or other forms of conges-
6 tion pricing at such an airport,

7 (3) either:

8 (A) withdrawal by the Secretary or Admin-
9 istrator of a right or permission to conduct op-
10 erations at such an airport (except when the
11 withdrawal is for operational reasons or pursu-
12 ant to the terms or conditions of such operating
13 right or permission), or

14 (B) requiring a carrier to transfer involun-
15 tarily any such right or permission to another
16 person,

17 (4) the charging by the Secretary or Adminis-
18 trator of a fee for the right or permission to use
19 navigable airspace at such an airport, or

20 (5) requiring or providing incentives or dis-
21 incentives to airport proprietors to take such actions
22 themselves.

23 (b) Nothing in this section shall be construed to:

24 (1) prohibit the Secretary or the Administrator
25 from imposing per-operation limitations on airports

1 for the purpose of alleviating congestion at such air-
2 ports,

3 (2) prohibit individual airports from imple-
4 menting peak-period or other congestion pricing at
5 such airports, consistent with regulations pertaining
6 to airport rates and charges, or

7 (3) limit the ability of a State, political subdivi-
8 sion of a State, or political authority of at least two
9 States that owns or operates a commercial airport
10 from carrying out its proprietary powers and rights.

11 SEC. 116. None of the funds limited by this Act for
12 grants under the Airport Improvement Program shall be
13 made available to the sponsor of a commercial service air-
14 port if such sponsor fails to agree to a request from the
15 Secretary of Transportation for cost-free space in a non-
16 revenue producing, public use area of the airport terminal
17 or other airport facilities for the purpose of carrying out
18 a public service air passenger rights and consumer out-
19 reach campaign.

20 SEC. 117. Within 60 days of the publication date of
21 any Government Accountability Office report reviewing
22 the Federal Aviation Administration's project to redesign
23 the airspace over the New York, New Jersey, and Phila-
24 delphia region, the Administrator of the Federal Aviation
25 Administration shall report in writing to the Committee

1 on Appropriations and the Committee on Commerce,
2 Science, and Transportation, on actions the agency in-
3 tends to take in order to address any concerns and rec-
4 ommendations identified in the Government Account-
5 ability Office report.

6 SEC. 118. The Secretary shall apportion to the spon-
7 sor of an airport that received scheduled or unscheduled
8 air service from a large certified air carrier (as defined
9 in part 241 of title 14 Code of Federal Regulations, or
10 such other regulations as may be issued by the Secretary
11 under the authority of section 41709) an amount equal
12 to the minimum apportionment specified in 49 U.S.C.
13 47114(c), if the Secretary determines that airport had
14 more than 10,000 passenger boardings in the preceding
15 calendar year, based on data submitted to the Secretary
16 under part 241 of title 14, Code of Federal Regulations.

17 FEDERAL HIGHWAY ADMINISTRATION

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 Not to exceed \$390,000,000, together with advances
21 and reimbursements received by the Federal Highway Ad-
22 ministration, shall be paid in accordance with law from
23 appropriations made available by this Act to the Federal
24 Highway Administration for necessary expenses for ad-
25 ministration and operation. In addition, not to exceed
26 \$3,524,000 shall be paid from appropriations made avail-

1 able by this Act and transferred to the Department of
2 Transportation's Office of Inspector General for costs as-
3 sociated with audits and investigations of projects and
4 programs of the Federal Highway Administration, and not
5 to exceed \$300,000 shall be paid from appropriations
6 made available by this Act and provided to that office
7 through reimbursement to conduct the annual audits of
8 financial statements in accordance with section 3521 of
9 title 31, United States Code. In addition, not to exceed
10 \$3,124,000 shall be paid from appropriations made avail-
11 able by this Act and transferred to the Appalachian Re-
12 gional Commission in accordance with section 104 of title
13 23, United States Code.

14 FEDERAL-AID HIGHWAYS

15 (LIMITATION ON OBLIGATIONS)

16 (HIGHWAY TRUST FUND)

17 None of the funds in this Act shall be available for
18 the implementation or execution of programs, the obliga-
19 tions for which are in excess of \$40,700,000,000 for Fed-
20 eral-aid highways and highway safety construction pro-
21 grams for fiscal year 2009: *Provided*, That within the
22 \$40,700,000,000 obligation limitation on Federal-aid
23 highways and highway safety construction programs, not
24 more than \$429,800,000 shall be available for the imple-
25 mentation or execution of programs for transportation re-
26 search (chapter 5 of title 23, United States Code; sections

1 111, 5505, and 5506 of title 49, United States Code; and
2 title 5 of Public Law 109–59) for fiscal year 2009: *Pro-*
3 *vided further*, That this limitation on transportation re-
4 search programs shall not apply to any authority pre-
5 viously made available for obligation: *Provided further*,
6 That the Secretary may, as authorized by section 605(b)
7 of title 23, United States Code, collect and spend fees to
8 cover the costs of services of expert firms, including coun-
9 sel, in the field of municipal and project finance to assist
10 in the underwriting and servicing of Federal credit instru-
11 ments and all or a portion of the costs to the Federal Gov-
12 ernment of servicing such credit instruments: *Provided*
13 *further*, That such fees are available until expended to pay
14 for such costs: *Provided further*, That such amounts are
15 in addition to administrative expenses that are also avail-
16 able for such purpose, and are not subject to any obliga-
17 tion limitation or the limitation on administrative expenses
18 under section 608 of title 23, United States Code.

19 (LIQUIDATION OF CONTRACT AUTHORIZATION)

20 (HIGHWAY TRUST FUND)

21 For carrying out the provisions of title 23, United
22 States Code, that are attributable to Federal-aid high-
23 ways, not otherwise provided, including reimbursement for
24 sums expended pursuant to the provisions of 23 U.S.C.
25 308, \$41,439,000,000 or so much thereof as may be avail-
26 able in and derived from the Highway Trust Fund (other

1 than the Mass Transit Account), to remain available until
2 expended.

3 (RESCISSION)

4 (HIGHWAY TRUST FUND)

5 Of the unobligated balances of funds apportioned to
6 each State under chapter 1 of title 23, United States
7 Code, \$3,150,000,000 are permanently rescinded: *Pro-*
8 *vided*, That such rescission shall not apply to the funds
9 distributed in accordance with sections 130(f) and
10 104(b)(5) of title 23, United States Code; sections
11 133(d)(1) and 163 of such title, as in effect on the day
12 before the date of enactment of Public Law 109–59; and
13 the first sentence of section 133(d)(3)(A) of such title:
14 *Provided further*, That notwithstanding section 1132 of
15 Public Law 110–140, in administering the rescission re-
16 quired under this heading, the Secretary of Transpor-
17 tation shall allow each State to determine the amount of
18 the required rescission to be drawn from the programs to
19 which the rescission applies.

20 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

21 For necessary expenses for West Virginia corridor H
22 of the Appalachian Development Highway System as au-
23 thorized under section 1069(y) of Public Law 102–240,
24 as amended, \$9,500,000, to remain available until ex-
25 pended.

1 DENALI ACCESS SYSTEM PROGRAM

2 For necessary expenses for the Denali Access System
3 Program as authorized under section 1960 of Public Law
4 109–59, \$5,700,000, to remain available until expended.

5 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

6 ADMINISTRATION

7 (INCLUDING RESCISSIONS)

8 SEC. 120. (a) For fiscal year 2009, the Secretary of
9 Transportation shall—

10 (1) not distribute from the obligation limitation
11 for Federal-aid highways amounts authorized for ad-
12 ministrative expenses and programs by section
13 104(a) of title 23, United States Code; programs
14 funded from the administrative takedown authorized
15 by section 104(a)(1) of title 23, United States Code
16 (as in effect on the date before the date of enact-
17 ment of the Safe, Accountable, Flexible, Efficient
18 Transportation Equity Act: A Legacy for Users); the
19 highway use tax evasion program; and the Bureau of
20 Transportation Statistics;

21 (2) not distribute an amount from the obliga-
22 tion limitation for Federal-aid highways that is equal
23 to the unobligated balance of amounts made avail-
24 able from the Highway Trust Fund (other than the
25 Mass Transit Account) for Federal-aid highways and

1 highway safety programs for previous fiscal years
2 the funds for which are allocated by the Secretary;

3 (3) determine the ratio that—

4 (A) the obligation limitation for Federal-
5 aid highways, less the aggregate of amounts not
6 distributed under paragraphs (1) and (2), bears
7 to

8 (B) the total of the sums authorized to be
9 appropriated for Federal-aid highways and
10 highway safety construction programs (other
11 than sums authorized to be appropriated for
12 provisions of law described in paragraphs (1)
13 through (9) of subsection (b) and sums author-
14 ized to be appropriated for section 105 of title
15 23, United States Code, equal to the amount
16 referred to in subsection (b)(10) for such fiscal
17 year), less the aggregate of the amounts not
18 distributed under paragraphs (1) and (2) of
19 this subsection;

20 (4)(A) distribute the obligation limitation for
21 Federal-aid highways, less the aggregate amounts
22 not distributed under paragraphs (1) and (2), for
23 sections 1301, 1302, and 1934 of the Safe, Account-
24 able, Flexible, Efficient Transportation Equity Act:
25 A Legacy for Users; sections 117 (but individually

1 for each project numbered 1 through 3676 listed in
2 the table contained in section 1702 of the Safe, Ac-
3 countable, Flexible, Efficient Transportation Equity
4 Act: A Legacy for Users) and section 144(g) of title
5 23, United States Code; and section 14501 of title
6 40, United States Code, so that the amount of obli-
7 gation authority available for each of such sections
8 is equal to the amount determined by multiplying
9 the ratio determined under paragraph (3) by the
10 sums authorized to be appropriated for that section
11 for the fiscal year; and

12 (B) distribute \$2,000,000,000 for section 105
13 of title 23, United States Code;

14 (5) distribute the obligation limitation provided
15 for Federal-aid highways, less the aggregate
16 amounts not distributed under paragraphs (1) and
17 (2) and amounts distributed under paragraph (4),
18 for each of the programs that are allocated by the
19 Secretary under the Safe, Accountable, Flexible, Ef-
20 ficient Transportation Equity Act: A Legacy for
21 Users and title 23, United States Code (other than
22 to programs to which paragraphs (1) and (4) apply),
23 by multiplying the ratio determined under paragraph
24 (3) by the amounts authorized to be appropriated
25 for each such program for such fiscal year; and

1 (6) distribute the obligation limitation provided
2 for Federal-aid highways, less the aggregate
3 amounts not distributed under paragraphs (1) and
4 (2) and amounts distributed under paragraphs (4)
5 and (5), for Federal-aid highways and highway safe-
6 ty construction programs (other than the amounts
7 apportioned for the equity bonus program, but only
8 to the extent that the amounts apportioned for the
9 equity bonus program for the fiscal year are greater
10 than \$2,639,000,000, and the Appalachian develop-
11 ment highway system program) that are apportioned
12 by the Secretary under the Safe, Accountable, Flexi-
13 ble, Efficient Transportation Equity Act: A Legacy
14 for Users and title 23, United States Code, in the
15 ratio that—

16 (A) amounts authorized to be appropriated
17 for such programs that are apportioned to each
18 State for such fiscal year, bear to

19 (B) the total of the amounts authorized to
20 be appropriated for such programs that are ap-
21 portioned to all States for such fiscal year.

22 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
23 The obligation limitation for Federal-aid highways shall
24 not apply to obligations: (1) under section 125 of title 23,
25 United States Code; (2) under section 147 of the Surface

1 Transportation Assistance Act of 1978; (3) under section
2 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
3 sections (b) and (j) of section 131 of the Surface Trans-
4 portation Assistance Act of 1982; (5) under subsections
5 (b) and (c) of section 149 of the Surface Transportation
6 and Uniform Relocation Assistance Act of 1987; (6) under
7 sections 1103 through 1108 of the Intermodal Surface
8 Transportation Efficiency Act of 1991; (7) under section
9 157 of title 23, United States Code, as in effect on the
10 day before the date of the enactment of the Transpor-
11 tation Equity Act for the 21st Century; (8) under section
12 105 of title 23, United States Code, as in effect for fiscal
13 years 1998 through 2004, but only in an amount equal
14 to \$639,000,000 for each of those fiscal years; (9) for
15 Federal-aid highway programs for which obligation au-
16 thority was made available under the Transportation Eq-
17 uity Act for the 21st Century or subsequent public laws
18 for multiple years or to remain available until used, but
19 only to the extent that the obligation authority has not
20 lapsed or been used; (10) under section 105 of title 23,
21 United States Code, but only in an amount equal to
22 \$639,000,000 for each of fiscal years 2005 through 2009;
23 and (11) under section 1603 of the Safe, Accountable,
24 Flexible, Efficient Transportation Equity Act: A Legacy
25 for Users, to the extent that funds obligated in accordance

1 with that section were not subject to a limitation on obli-
2 gations at the time at which the funds were initially made
3 available for obligation.

4 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
5 THORITY.—Notwithstanding subsection (a), the Secretary
6 shall, after August 1 of such fiscal year, revise a distribu-
7 tion of the obligation limitation made available under sub-
8 section (a) if the amount distributed cannot be obligated
9 during that fiscal year and redistribute sufficient amounts
10 to those States able to obligate amounts in addition to
11 those previously distributed during that fiscal year, giving
12 priority to those States having large unobligated balances
13 of funds apportioned under sections 104 and 144 of title
14 23, United States Code.

15 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
16 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
17 tion limitation shall apply to transportation research pro-
18 grams carried out under chapter 5 of title 23, United
19 States Code, and title V (research title) of the Safe, Ac-
20 countable, Flexible, Efficient Transportation Equity Act:
21 A Legacy for Users, except that obligation authority made
22 available for such programs under such limitation shall re-
23 main available for a period of 3 fiscal years and shall be
24 in addition to the amount of any limitation imposed on

1 obligations for Federal-aid highway and highway safety
2 construction programs for future fiscal years.

3 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
4 FUNDS.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of the distribution of obligation limitation
7 under subsection (a), the Secretary shall distribute
8 to the States any funds that—

9 (A) are authorized to be appropriated for
10 such fiscal year for Federal-aid highways pro-
11 grams; and

12 (B) the Secretary determines will not be
13 allocated to the States, and will not be available
14 for obligation, in such fiscal year due to the im-
15 position of any obligation limitation for such
16 fiscal year.

17 (2) RATIO.—Funds shall be distributed under
18 paragraph (1) in the same ratio as the distribution
19 of obligation authority under subsection (a)(6).

20 (3) AVAILABILITY.—Funds distributed under
21 paragraph (1) shall be available for any purposes de-
22 scribed in section 133(b) of title 23, United States
23 Code.

24 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
25 gation limitation distributed for a fiscal year under sub-

1 section (a)(4) for the provision specified in subsection
2 (a)(4) shall—

3 (1) remain available until used for obligation of
4 funds for that provision; and

5 (2) be in addition to the amount of any limita-
6 tion imposed on obligations for Federal-aid highway
7 and highway safety construction programs for future
8 fiscal years.

9 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 obligation authority distributed for such fiscal year
12 under subsection (a)(4) for each project numbered 1
13 through 3676 listed in the table contained in section
14 1702 of the Safe, Accountable, Flexible, Efficient
15 Transportation Equity Act: A Legacy for Users may
16 be obligated for any other project in such section in
17 the same State.

18 (2) RESTORATION.—Obligation authority used
19 as described in paragraph (1) shall be restored to
20 the original purpose on the date on which obligation
21 authority is distributed under this section for the
22 next fiscal year following obligation under paragraph
23 (1).

24 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
25 Nothing in this section shall be construed to limit the dis-

1 tribution of obligation authority under subsection
2 (a)(4)(A) for each of the individual projects numbered
3 greater than 3676 listed in the table contained in section
4 1702 of the Safe, Accountable, Flexible, Efficient Trans-
5 portation Equity Act: A Legacy for Users.

6 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
7 ceived by the Bureau of Transportation Statistics from the
8 sale of data products, for necessary expenses incurred pur-
9 suant to 49 U.S.C. 111 may be credited to the Federal-
10 aid highways account for the purpose of reimbursing the
11 Bureau for such expenses: *Provided*, That such funds shall
12 be subject to the obligation limitation for Federal-aid
13 highways and highway safety construction.

14 SEC. 122. In addition to amounts provided in this
15 or any other Act for fiscal year 2009, \$143,031,303, to
16 be derived from the Highway Trust Fund (other than the
17 Mass Transit Account), shall be available for the Trans-
18 portation, Community, and System Preservation Program
19 under section 1117 of the Safe, Accountable, Flexible, Ef-
20 ficient Transportation Equity Act: A Legacy for Users
21 (Pub. L. 109–59; 119 Stat. 1144, 1177–1179): *Provided*,
22 That all funds made available under this section shall be
23 subject to any limitation on obligations for Federal-aid
24 highways and highway safety construction programs set
25 forth in this Act or any other Act: *Provided further*, That

1 such funds shall be administered in accordance with sec-
2 tion 1117(g)(2) of the Safe, Accountable, Flexible, Effi-
3 cient Transportation Equity Act: A Legacy for Users.

4 SEC. 123. Of the amounts made available under sec-
5 tion 104(a) of title 23, United States Code, \$33,401,492
6 are permanently rescinded.

7 SEC. 124. Of the unobligated balances of funds made
8 available in fiscal year 2005 and prior fiscal years for the
9 implementation or execution of programs for transpor-
10 tation research, training and education, and technology
11 deployment including intelligent transportation systems,
12 \$11,756,527 are permanently rescinded.

13 SEC. 125. There is hereby appropriated to the Sec-
14 retary of Transportation \$161,326,625 for surface trans-
15 portation priorities: *Provided*, That the amount provided
16 by this section shall be made available for the programs,
17 projects and activities identified under this section in the
18 explanatory statement accompanying this Act: *Provided*
19 *further*, That funds provided by this section, at the request
20 of a State, shall be transferred by the Secretary to another
21 Federal agency: *Provided further*, That the Federal share
22 payable on account of any program, project, or activity
23 carried out with funds set aside by this section shall be
24 100 percent: *Provided further*, That the sums set aside by
25 this section shall remain available until expended: *Pro-*

1 *vided further*, That none of the funds set aside by this
2 section shall be subject to any limitation on obligations
3 for Federal-aid highways and highway safety construction
4 programs set forth in this Act or any other Act.

5 SEC. 126. Not less than 15 days prior to waiving,
6 under his or her statutory authority, any Buy America re-
7 quirement for Federal-aid highway projects, the Secretary
8 of Transportation shall make an informal public notice
9 and comment opportunity on the intent to issue such waiv-
10 er and the reasons therefor: *Provided*, That the Secretary
11 shall provide an annual report to the Appropriations Com-
12 mittees of the Congress on any waivers granted under the
13 Buy America requirements.

14 SEC. 127. Notwithstanding any other provision of
15 law, funds made available in Public Law 110–161 for
16 “Bridge over Broadway, Missoula to Rattlesnake National
17 Recreation Area, MT” shall be available for a new pedes-
18 trian and bicycle-friendly at-grade crossing of East Broad-
19 way Street in Missoula, Montana.

20 SEC. 128. (a) IN GENERAL.—Except as provided in
21 subsection (b), none of the funds made available, limited,
22 or otherwise affected by this Act shall be used to approve
23 or otherwise authorize the imposition of any toll on any
24 segment of highway located on the Federal-aid system in
25 the State of Texas that—

1 (1) as of the date of enactment of this Act, is
2 not tolled;

3 (2) is constructed with Federal assistance pro-
4 vided under title 23, United States Code; and

5 (3) is in actual operation as of the date of en-
6 actment of this Act.

7 (b) EXCEPTIONS.—

8 (1) NUMBER OF TOLL LANES.—Subsection (a)
9 shall not apply to any segment of highway on the
10 Federal-aid system described in that subsection that,
11 as of the date on which a toll is imposed on the seg-
12 ment, will have the same number of non-toll lanes as
13 were in existence prior to that date.

14 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
15 high-occupancy vehicle lane that is converted to a
16 toll lane shall not be subject to this section, and
17 shall not be considered to be a non-toll lane for pur-
18 poses of determining whether a highway will have
19 fewer non-toll lanes than prior to the date of imposi-
20 tion of the toll, if—

21 (A) high-occupancy vehicles occupied by
22 the number of passengers specified by the enti-
23 ty operating the toll lane may use the toll lane
24 without paying a toll, unless otherwise specified
25 by the appropriate county, town, municipal or

1 other local government entity, or public toll
2 road or transit authority; or

3 (B) each high-occupancy vehicle lane that
4 was converted to a toll lane was constructed as
5 a temporary lane to be replaced by a toll lane
6 under a plan approved by the appropriate coun-
7 ty, town, municipal or other local government
8 entity, or public toll road or transit authority.

9 SEC. 129. (a) In the explanatory statement ref-
10 erenced in section 129 of division K of Public Law 110-
11 161 (121 Stat. 2388), the item relating to “Route 116
12 and Bay Road Intersection and Road Improvements, Am-
13 herst, MA” in the table of projects for such section 129
14 is deemed to be amended by inserting “, including Bike,
15 Pedestrian, or Other Off Road Paths” after “Improve-
16 ments”.

17 (b) In the explanatory statement referenced in section
18 129 of division K of Public Law 110-161 (121 Stat.
19 2388), the item relating to “Highway 77 Rail Grade Sepa-
20 ration, Marion, AR”, in the table of projects for such sec-
21 tion 129 is deemed to be amended by striking “Highway
22 77 Rail Grade Separation, Marion, AR” and inserting
23 “BNSF main line overpass within the Marion, Arkansas,
24 planning jurisdiction”.

1 (c) In the explanatory statement referenced in section
2 186 of division K of Public Law 110–161 (121 Stat.
3 2406), in the table of projects under the heading “Federal
4 Highway Administration—Federal-Aid Highways (Limitation on Obligations)—Federal Lands” in division K of
5 such explanatory statement, the item relating to “U.S.
6 Forest Highway 4, Winston County, Alabama” is deemed
7 to be amended by striking “Highway 4” and inserting
8 “Highway 9”.

10 (d) In the explanatory statement referenced in section
11 186 of division K of Public Law 110–161 (121 Stat.
12 2406), the item relating to “Street Improvements in
13 Burnham, IL” in the table of projects under the heading
14 “Transportation, Community and System Preservation
15 Program” is deemed to be amended by striking “Street
16 Improvements in Burnham, IL” and inserting “Repair of
17 Side Streets and Relocation of Water Mains resulting
18 from rerouting of traffic and reconstruction of 159th
19 Street in Harvey, IL”.

20 (e) In the explanatory statement referenced in section
21 186 of division K of Public Law 110–161 (121 Stat.
22 2406), the item relating to “Street Improvements in
23 Thornton, IL” in the table of projects under the heading
24 “Transportation, Community and System Preservation
25 Program” is deemed to be amended by striking “Street

1 Improvements in Thornton, IL” and inserting “Engineer-
2 ing, Right-of-Way, and Construction of Joe Orr Road Ex-
3 tension and Main Street Project in Lynwood, IL”.

4 (f) Funds made available from the amount appro-
5 priated under the heading “Federal Highway Administra-
6 tion—Highway Demonstration Projects” of title I of the
7 Department of Transportation and Related Agencies Ap-
8 propriations Act, 1992 (Public Law 102–143) for the Mil-
9 ler Highway from 59th Street to 72nd Street, west side
10 of Manhattan, New York, and from the amount appro-
11 priated under the heading “Federal Highway Administra-
12 tion—Highway Projects” of title I of the Department of
13 Transportation and Related Agencies Appropriations Act,
14 1993 (Public Law 102–388) for design improvements on
15 Miller Highway, New York City, New York, shall be made
16 available for the project specified in item 4599 of section
17 1702 of SAFETEA–LU (Public Law 109–59), as amend-
18 ed by the SAFETEA–LU Technical Corrections Act of
19 2008 (Public Law 110–244).

20 SEC. 130. Notwithstanding any other provision of
21 law, any unexpended amounts available for obligation for
22 item number 48 under section 1106(b) of Public Law
23 102–240 (105 Stat. 2046) for the Southern State Park-
24 way Improvement project shall be available for obligation
25 and expenditure on the I–90 connector, Rensselaer Coun-

1 ty, New York, including reimbursement for expenses in-
 2 curred on such connector prior to the date of enactment
 3 of this section.

4 SEC. 131. (a) The table contained in section 1702
 5 of the Safe, Accountable, Flexible, Efficient Transpor-
 6 tation Equity Act: A Legacy for Users (119 Stat. 1256)
 7 is amended by striking the project description for item
 8 number 189 and inserting the following: “Planning, de-
 9 sign, engineering, environmental analysis, acquisition of
 10 rights-of-way, and construction for the Long Valley By-
 11 pass”.

12 (b) The table contained in section 1702 of the Safe,
 13 Accountable, Flexible, Efficient Transportation Equity
 14 Act: A Legacy for Users (119 Stat. 1256) is amended by
 15 striking the project description for item number 3546 and
 16 inserting the following: “Port of Coos Bay to acquire and
 17 repair the Coos Bay Line”.

18 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

19 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 (INCLUDING RESCISSION)

24 For payment of obligations incurred for administra-
 25 tion of motor carrier safety operations and programs pur-
 26 suant to section 31104(i) of title 49, United States Code,

1 and sections 4127 and 4134 of Public Law 109–59,
2 \$234,000,000, to be derived from the Highway Trust
3 Fund (other than the Mass Transit Account), together
4 with advances and reimbursements received by the Fed-
5 eral Motor Carrier Safety Administration, the sum of
6 which shall remain available until expended: *Provided*,
7 That none of the funds derived from the Highway Trust
8 Fund in this Act shall be available for the implementation,
9 execution or administration of programs, the obligations
10 for which are in excess of \$234,000,000, for “Motor Car-
11 rier Safety Operations and Programs”, of which
12 \$8,500,000, to remain available for obligation until Sep-
13 tember 30, 2011, is for the research and technology pro-
14 gram and \$1,000,000 shall be available for commercial
15 motor vehicle operator’s grants to carry out section 4134
16 of Public Law 109–59: *Provided further*, That notwith-
17 standing any other provision of law, none of the funds
18 under this heading for outreach and education shall be
19 available for transfer: *Provided further*, That the Federal
20 Motor Carrier Safety Administration shall transmit to
21 Congress a report on March 30, 2009 and September 30,
22 2009 on the agency’s ability to meet its requirement to
23 conduct compliance reviews on high-risk carriers: *Provided*
24 *further*, That \$4,839,259 in unobligated balances are per-
25 manently rescinded.

1 MOTOR CARRIER SAFETY GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)
5 (INCLUDING RESCISSION)

6 For payment of obligations incurred in carrying out
7 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
8 31313 of title 49, United States Code, and sections 4126
9 and 4128 of Public Law 109–59, \$307,000,000, to be de-
10 rived from the Highway Trust Fund (other than the Mass
11 Transit Account) and to remain available until expended:
12 *Provided*, That none of the funds in this Act shall be avail-
13 able for the implementation or execution of programs, the
14 obligations for which are in excess of \$307,000,000, for
15 “Motor Carrier Safety Grants”; of which \$209,000,000
16 shall be available for the motor carrier safety assistance
17 program to carry out sections 31102 and 31104(a) of title
18 49, United States Code; \$25,000,000 shall be available for
19 the commercial driver’s license improvements program to
20 carry out section 31313 of title 49, United States Code;
21 \$32,000,000 shall be available for the border enforcement
22 grants program to carry out section 31107 of title 49,
23 United States Code; \$5,000,000 shall be available for the
24 performance and registration information system manage-
25 ment program to carry out sections 31106(b) and 31109
26 of title 49, United States Code; \$25,000,000 shall be

1 available for the commercial vehicle information systems
2 and networks deployment program to carry out section
3 4126 of Public Law 109–59; \$3,000,000 shall be available
4 for the safety data improvement program to carry out sec-
5 tion 4128 of Public Law 109–59; and \$8,000,000 shall
6 be available for the commercial driver’s license information
7 system modernization program to carry out section
8 31309(e) of title 49, United States Code: *Provided further*,
9 That of the funds made available for the motor carrier
10 safety assistance program, \$29,000,000 shall be available
11 for audits of new entrant motor carriers: *Provided further*,
12 That \$6,502,558 in unobligated balances are permanently
13 rescinded.

14 MOTOR CARRIER SAFETY

15 (HIGHWAY TRUST FUND)

16 (RESCISSION)

17 Of the amounts made available under this heading
18 in prior appropriations Acts, \$2,231,259 in unobligated
19 balances are permanently rescinded.

20 NATIONAL MOTOR CARRIER SAFETY PROGRAM

21 (HIGHWAY TRUST FUND)

22 (RESCISSION)

23 Of the amounts made available under this heading
24 in prior appropriations Acts, \$19,571,910 in unobligated
25 balances are permanently rescinded.

1 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
2 CARRIER SAFETY ADMINISTRATION

3 SEC. 135. Funds appropriated or limited in this Act
4 shall be subject to the terms and conditions stipulated in
5 section 350 of Public Law 107–87 and section 6901 of
6 Public Law 110–28, including that the Secretary submit
7 a report to the House and Senate Appropriations Commit-
8 tees annually on the safety and security of transportation
9 into the United States by Mexico-domiciled motor carriers.

10 SEC. 136. None of the funds appropriated or other-
11 wise made available under this Act may be used, directly
12 or indirectly, to establish, implement, continue, promote,
13 or in any way permit a cross-border motor carrier dem-
14 onstration program to allow Mexican-domiciled motor car-
15 riers to operate beyond the commercial zones along the
16 international border between the United States and Mex-
17 ico, including continuing, in whole or in part, any such
18 program that was initiated prior to the date of the enact-
19 ment of this Act.

20 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
21 OPERATIONS AND RESEARCH

22 For expenses necessary to discharge the functions of
23 the Secretary, with respect to traffic and highway safety
24 under subtitle C of title X of Public Law 109–59 and
25 chapter 301 and part C of subtitle VI of title 49, United

1 States Code, \$127,000,000, of which \$31,670,000 shall
2 remain available until September 30, 2010: *Provided*,
3 That none of the funds appropriated by this Act may be
4 obligated or expended to plan, finalize, or implement any
5 rulemaking to add to section 575.104 of title 49 of the
6 Code of Federal Regulations any requirement pertaining
7 to a grading standard that is different from the three
8 grading standards (treadwear, traction, and temperature
9 resistance) already in effect.

10 OPERATIONS AND RESEARCH

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in carrying out
15 the provisions of 23 U.S.C. 403, \$105,500,000 to be de-
16 rived from the Highway Trust Fund (other than the Mass
17 Transit Account) and to remain available until expended:
18 *Provided*, That none of the funds in this Act shall be avail-
19 able for the planning or execution of programs the total
20 obligations for which, in fiscal year 2009, are in excess
21 of \$105,500,000 for programs authorized under 23 U.S.C.
22 403: *Provided further*, That within the \$105,500,000 obli-
23 gation limitation for operations and research, \$26,908,000
24 shall remain available until September 30, 2010 and shall
25 be in addition to the amount of any limitation imposed
26 on obligations for future years.

1 NATIONAL DRIVER REGISTER
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 chapter 303 of title 49, United States Code, \$4,000,000,
7 to be derived from the Highway Trust Fund (other than
8 the Mass Transit Account) and to remain available until
9 expended: *Provided*, That none of the funds in this Act
10 shall be available for the implementation or execution of
11 programs the total obligations for which, in fiscal year
12 2009, are in excess of \$4,000,000 for the National Driver
13 Register authorized under such chapter.

14 HIGHWAY TRAFFIC SAFETY GRANTS
15 (LIQUIDATION OF CONTRACT AUTHORIZATION)
16 (LIMITATION ON OBLIGATIONS)
17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in carrying out
19 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
20 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
21 Law 109–59, to remain available until expended,
22 \$619,500,000 to be derived from the Highway Trust Fund
23 (other than the Mass Transit Account): *Provided*, That
24 none of the funds in this Act shall be available for the
25 planning or execution of programs the total obligations for
26 which, in fiscal year 2009, are in excess of \$619,500,000

1 for programs authorized under 23 U.S.C. 402, 405, 406,
2 408, and 410 and sections 2001(a)(11), 2009, 2010, and
3 2011 of Public Law 109–59, of which \$235,000,000 shall
4 be for “Highway Safety Programs” under 23 U.S.C. 402;
5 \$25,000,000 shall be for “Occupant Protection Incentive
6 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for
7 “Safety Belt Performance Grants” under 23 U.S.C. 406,
8 and such obligation limitation shall remain available until
9 September 30, 2010 in accordance with subsection (f) of
10 such section 406 and shall be in addition to the amount
11 of any limitation imposed on obligations for such grants
12 for future fiscal years; \$34,500,000 shall be for “State
13 Traffic Safety Information System Improvements” under
14 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Im-
15 paired Driving Countermeasures Incentive Grant Pro-
16 gram” under 23 U.S.C. 410; \$18,500,000 shall be for
17 “Administrative Expenses” under section 2001(a)(11) of
18 Public Law 109–59; \$29,000,000 shall be for “High Visi-
19 bility Enforcement Program” under section 2009 of Pub-
20 lic Law 109–59; \$7,000,000 shall be for “Motorcyclist
21 Safety” under section 2010 of Public Law 109–59; and
22 \$7,000,000 shall be for “Child Safety and Child Booster
23 Seat Safety Incentive Grants” under section 2011 of Pub-
24 lic Law 109–59: *Provided further*, That none of these
25 funds shall be used for construction, rehabilitation, or re-

1 modeling costs, or for office furnishings and fixtures for
2 State, local or private buildings or structures: *Provided*
3 *further*, That not to exceed \$500,000 of the funds made
4 available for section 410 “Alcohol-Impaired Driving Coun-
5 termeasures Grants” shall be available for technical assist-
6 ance to the States: *Provided further*, That not to exceed
7 \$750,000 of the funds made available for the “High Visi-
8 bility Enforcement Program” shall be available for the
9 evaluation required under section 2009(f) of Public Law
10 109–59.

11 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

12 TRAFFIC SAFETY ADMINISTRATION

13 (INCLUDING RESCISSIONS)

14 SEC. 140. Notwithstanding any other provision of law
15 or limitation on the use of funds made available under
16 section 403 of title 23, United States Code, an additional
17 \$130,000 shall be made available to the National Highway
18 Traffic Safety Administration, out of the amount limited
19 for section 402 of title 23, United States Code, to pay
20 for travel and related expenses for State management re-
21 views and to pay for core competency development train-
22 ing and related expenses for highway safety staff.

23 SEC. 141. Of the amounts made available under the
24 heading “Operations and Research (Liquidation of Con-
25 tract Authorization) (Limitation on Obligations) (High-
26 way Trust Fund)” in prior appropriations Acts,

1 \$10,900,000 in unobligated balances are permanently re-
2 scinded.

3 SEC. 142. Of the amounts made available under the
4 heading “National Driver Register (Liquidation of Con-
5 tract Authorization) (Limitation on Obligations) (High-
6 way Trust Fund)” in prior appropriations Acts, \$544,000
7 in unobligated balances are permanently rescinded.

8 SEC. 143. Of the amounts made available under the
9 heading “Highway Traffic Safety Grants (Liquidation of
10 Contract Authorization) (Limitation on Obligations)
11 (Highway Trust Fund)” in prior appropriations Acts,
12 \$60,200,000 in unobligated balances are permanently re-
13 scinded.

14 FEDERAL RAILROAD ADMINISTRATION

15 SAFETY AND OPERATIONS

16 For necessary expenses of the Federal Railroad Ad-
17 ministration, not otherwise provided for, \$159,445,000, of
18 which \$12,268,890 shall remain available until expended.

19 RAILROAD RESEARCH AND DEVELOPMENT

20 For necessary expenses for railroad research and de-
21 velopment, \$33,950,000, to remain available until ex-
22 pended.

23 CAPITAL ASSISTANCE TO STATES—INTERCITY

24 PASSENGER RAIL SERVICE

25 To enable the Federal Railroad Administrator to
26 make grants to States for the capital costs of improving

1 existing intercity passenger rail service and providing new
2 intercity passenger rail service, \$90,000,000, to remain
3 available until expended: *Provided*, That grants shall be
4 provided to a State only on a reimbursable basis: *Provided*
5 *further*, That grants cover no more than 50 percent of the
6 total capital cost of a project selected for funding: *Pro-*
7 *vided further*, That no more than 10 percent of funds
8 made available under this program may be used for plan-
9 ning activities that lead directly to the development of a
10 passenger rail corridor investment plan consistent with the
11 requirements established by the Administrator: *Provided*
12 *further*, That no later than eight months following enact-
13 ment of this Act, the Secretary shall establish and publish
14 criteria for project selection, set a deadline for grant appli-
15 cations, and provide a schedule for project selection: *Pro-*
16 *vided further*, That to be eligible for this assistance, States
17 must include intercity passenger rail service as an integral
18 part of statewide transportation planning as required
19 under section 135 of title 23, United States Code: *Pro-*
20 *vided further*, That to be eligible for capital assistance the
21 specific project must be on the Statewide Transportation
22 Improvement Plan at the time of the application to qual-
23 ify: *Provided further*, That the Secretary give priority to
24 capital and planning applications for projects that improve
25 the safety and reliability of intercity passenger trains, in-

1 involve a commitment by freight railroads to an enforceable
2 on-time performance of passenger trains of 80 percent or
3 greater, involve a commitment by freight railroads of fi-
4 nancial resources commensurate with the benefit expected
5 to their operations, improve or extend service on a route
6 that requires little or no Federal assistance for its oper-
7 ations, and involve a commitment by States or railroads
8 of financial resources to improve the safety of highway/
9 rail grade crossings over which the passenger service oper-
10 ates: *Provided further*, That the Administrator is directed
11 to report to the Committees on Appropriations not later
12 than 180 days upon enactment of this Act detailing the
13 recipients and outcomes of grants issued pursuant to Pub-
14 lic Law 110–116, under this heading, the Capital Assist-
15 ance to States Program, any and all usage and perform-
16 ance fees paid to a freight railroad for access to the right
17 of way: *Provided further*, That the Administrator may re-
18 tain up to one-quarter of 1 percent of the funds provided
19 under this heading to fund the award and oversight by
20 the Administrator of grants made under this heading.

21 RAILROAD REHABILITATION AND IMPROVEMENT

22 FINANCING PROGRAM

23 The Secretary of Transportation is authorized to
24 issue to the Secretary of the Treasury notes or other obli-
25 gations pursuant to section 512 of the Railroad Revitaliza-
26 tion and Regulatory Reform Act of 1976 (Public Law 94–

1 210), as amended, in such amounts and at such times as
2 may be necessary to pay any amounts required pursuant
3 to the guarantee of the principal amount of obligations
4 under sections 511 through 513 of such Act, such author-
5 ity to exist as long as any such guaranteed obligation is
6 outstanding: *Provided*, That pursuant to section 502 of
7 such Act, as amended, no new direct loans or loan guar-
8 antee commitments shall be made using Federal funds for
9 the credit risk premium during fiscal year 2009.

10 RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

11 For necessary expenses of carrying out section 20154
12 of title 49, United States Code, as authorized by section
13 9002 of Public Law 109–59, \$25,000,000, to remain
14 available until expended.

15 OPERATING GRANTS TO THE NATIONAL RAILROAD

16 PASSENGER CORPORATION

17 To enable the Secretary of Transportation to make
18 quarterly grants to the National Railroad Passenger Cor-
19 poration for operation of intercity passenger rail,
20 \$550,000,000, to remain available until expended: *Pro-*
21 *vided*, That the Secretary shall withhold such sums as
22 shall be necessary for the costs associated with the second
23 retroactive wage payment to Amtrak employees and shall
24 transmit such funding to the corporation for the sole and
25 exclusive purpose of making such payments only at such
26 time as said payments are due: *Provided further*, That

1 such remaining amounts available under this paragraph
2 shall be available for the Secretary to approve funding to
3 cover operating losses for the Corporation only after re-
4 ceiving and reviewing a grant request for each specific
5 train route: *Provided further*, That each such grant re-
6 quest shall be accompanied by a detailed financial anal-
7 ysis, revenue projection, and capital expenditure projection
8 justifying the Federal support to the Secretary's satisfac-
9 tion: *Provided further*, That the Corporation is directed
10 to achieve savings through operating efficiencies including,
11 but not limited to, modifications to food and beverage
12 service and first class service: *Provided further*, That the
13 Inspector General of the Department of Transportation
14 shall report to the House and Senate Committees on Ap-
15 propriations beginning 3 months after the date of the en-
16 actment of this Act and quarterly thereafter with esti-
17 mates of the savings accrued as a result of all operational
18 reforms instituted by the Corporation: *Provided further*,
19 That not later than 120 days after enactment of this Act,
20 the Corporation shall transmit to the House and Senate
21 Committees on Appropriations the status of its plan to
22 improve the financial performance of food and beverage
23 service and its plan to improve the financial performance
24 of first class service (including sleeping car service): *Pro-*
25 *vided further*, That the Corporation shall report quarterly

1 to the House and Senate Committees on Appropriations
2 on its progress against the milestones and target dates
3 contained in the plan provided in fiscal year 2008 and
4 quantify savings realized to date on a monthly basis com-
5 pared to those projected in the plan, identify any changes
6 in the plan or delays in implementing these plans, and
7 identify the causes of delay and proposed corrective meas-
8 ures: *Provided further*, That not later than 90 days after
9 enactment of this Act, the Corporation shall transmit, in
10 electronic format, to the Secretary, the House and Senate
11 Committees on Appropriations, the House Committee on
12 Transportation and Infrastructure and the Senate Com-
13 mittee on Commerce, Science, and Transportation a com-
14 prehensive business plan approved by the Board of Direc-
15 tors for fiscal year 2009 under section 24104(a) of title
16 49, United States Code: *Provided further*, That the busi-
17 ness plan shall include, as applicable, targets for ridership,
18 revenues, and capital and operating expenses: *Provided*
19 *further*, That the plan shall also include a separate ac-
20 counting of such targets for the Northeast Corridor; com-
21 muter service; long-distance Amtrak service; State-sup-
22 ported service; each intercity train route, including Auto-
23 train; and commercial activities including contract oper-
24 ations: *Provided further*, That the business plan shall in-
25 clude a description of the work to be funded, along with

1 cost estimates and an estimated timetable for completion
2 of the projects covered by this business plan: *Provided fur-*
3 *ther*, That the Corporation shall continue to provide
4 monthly reports in electronic format regarding the pend-
5 ing business plan, which shall describe the work completed
6 to date, any changes to the business plan, and the reasons
7 for such changes, and shall identify all sole source contract
8 awards which shall be accompanied by a justification as
9 to why said contract was awarded on a sole source basis:
10 *Provided further*, That the Corporation's business plan
11 and all subsequent supplemental plans shall be displayed
12 on the Corporation's website within a reasonable time-
13 frame following their submission to the appropriate enti-
14 ties: *Provided further*, That none of the funds under this
15 heading may be obligated or expended until the Corpora-
16 tion agrees to continue abiding by the provisions of para-
17 graphs 1, 2, 5, 9, and 11 of the summary of conditions
18 for the direct loan agreement of June 28, 2002, in the
19 same manner as in effect on the date of enactment of this
20 Act: *Provided further*, That none of the funds provided in
21 this Act may be used after March 1, 2006, to support any
22 route on which Amtrak offers a discounted fare of more
23 than 50 percent off the normal, peak fare: *Provided fur-*
24 *ther*, That the preceding proviso does not apply to routes
25 where the operating loss as a result of the discount is cov-

1 ered by a State and the State participates in the setting
2 of fares: *Provided further*, That of the amounts made
3 available under this heading not less than \$18,500,000
4 shall be available for the Amtrak Office of Inspector Gen-
5 eral.

6 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
7 RAILROAD PASSENGER CORPORATION

8 To enable the Secretary of Transportation to make
9 quarterly grants to the National Railroad Passenger Cor-
10 poration for the maintenance and repair of capital infra-
11 structure owned by the Corporation, including railroad
12 equipment, rolling stock, legal mandates and other serv-
13 ices, \$940,000,000, to remain available until expended, of
14 which not to exceed \$285,000,000 shall be for debt service
15 obligations: *Provided*, That the Secretary may retain up
16 to one-quarter of 1 percent of the funds under this head-
17 ing to fund the oversight by the Federal Railroad Adminis-
18 tration of the design and implementation of capital
19 projects funded by grants made under this heading: *Pro-*
20 *vided further*, That the Secretary shall approve funding
21 for capital expenditures, including advance purchase or-
22 ders of materials, for the Corporation only after receiving
23 and reviewing a grant request for each specific capital
24 grant justifying the Federal support to the Secretary's
25 satisfaction: *Provided further*, That none of the funds
26 under this heading may be used to subsidize operating

1 losses of the Corporation: *Provided further*, That none of
2 the funds under this heading may be used for capital
3 projects not approved by the Secretary of Transportation
4 or on the Corporation's fiscal year 2009 business plan:
5 *Provided further*, That, the business plan shall be accom-
6 panied by a comprehensive fleet plan for all Amtrak rolling
7 stock which shall address the Corporation's detailed plans
8 and timeframes for the maintenance, refurbishment, re-
9 placement and expansion of the Amtrak fleet: *Provided*
10 *further*, That said fleet plan shall establish year-specific
11 goals and milestones and discuss potential, current, and
12 preferred financing options for all such activities.

13 EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL
14 RAILROAD PASSENGER CORPORATION
15 (RESCISSION)

16 Of the amounts made available under this heading
17 in Public Laws 109–115 and 110–5, all unobligated bal-
18 ances as of the date of enactment of this provision are
19 hereby rescinded.

20 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
21 ADMINISTRATION

22 SEC. 151. The Secretary may purchase promotional
23 items of nominal value for use in public outreach activities
24 to accomplish the purposes of 49 U.S.C. 20134: *Provided*,
25 That the Secretary shall prescribe guidelines for the ad-
26 ministration of such purchases and use.

1 SEC. 152. Hereafter, notwithstanding any other pro-
2 vision of law, funds provided in this Act for the National
3 Railroad Passenger Corporation shall immediately cease
4 to be available to said Corporation in the event that the
5 Corporation contracts to have services provided at or from
6 any location outside the United States. For purposes of
7 this section, the word “services” shall mean any service
8 that was, as of July 1, 2006, performed by a full-time
9 or part-time Amtrak employee whose base of employment
10 is located within the United States.

11 SEC. 153. The Secretary of Transportation may re-
12 ceive and expend cash, or receive and utilize spare parts
13 and similar items, from non-United States Government
14 sources to repair damages to or replace United States
15 Government owned automated track inspection cars and
16 equipment as a result of third party liability for such dam-
17 ages, and any amounts collected under this section shall
18 be credited directly to the Safety and Operations account
19 of the Federal Railroad Administration, and shall remain
20 available until expended for the repair, operation and
21 maintenance of automated track inspection cars and
22 equipment in connection with the automated track inspec-
23 tion program.

24 SEC. 154. The Federal Railroad Administrator shall
25 submit a quarterly report on April 1, 2009, and quarterly

1 reports thereafter, to the House and Senate Committees
2 on Appropriations detailing the Administrator's efforts at
3 improving the on-time performance of Amtrak intercity
4 rail service operating on non-Amtrak owned property.
5 Such reports shall compare the most recent actual on-time
6 performance data to pre-established on-time performance
7 goals that the Administrator shall set for each rail service,
8 identified by route. Such reports shall also include what-
9 ever other information and data regarding the on-time
10 performance of Amtrak trains the Administrator deems to
11 be appropriate. The amounts made available in this title
12 under the heading "Office of the Secretary, Salaries and
13 Expenses" shall be reduced \$100,000 for each day after
14 the first day of each quarter that the quarterly reports
15 required by this section are not submitted to the Congress.

16 FEDERAL TRANSIT ADMINISTRATION

17 ADMINISTRATIVE EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary administrative expenses of the Federal
20 Transit Administration's programs authorized by chapter
21 53 of title 49, United States Code, \$94,413,000: *Provided*,
22 That of the funds available under this heading, not to ex-
23 ceed \$1,800,000 shall be available for travel and not to
24 exceed \$23,322,000 shall be available for the central ac-
25 count: *Provided further*, That any funding transferred
26 from the central account shall be submitted for approval

1 to the House and Senate Committees on Appropriations:
 2 *Provided further*, That none of the funds provided or lim-
 3 ited in this Act may be used to create a permanent office
 4 of transit security under this heading: *Provided further*,
 5 That of the funds in this Act available for the execution
 6 of contracts under section 5327(c) of title 49, United
 7 States Code, \$2,000,000 shall be transferred to the De-
 8 partment of Transportation's Office of Inspector General
 9 for costs associated with audits and investigations of tran-
 10 sit-related issues, including reviews of new fixed guideway
 11 systems: *Provided further*, That upon submission to the
 12 Congress of the fiscal year 2010 President's budget, the
 13 Secretary of Transportation shall transmit to Congress
 14 the annual report on new starts, including proposed alloca-
 15 tions of funds for fiscal year 2010.

16 FORMULA AND BUS GRANTS

17 (LIQUIDATION OF CONTRACT AUTHORITY)

18 (LIMITATION ON OBLIGATIONS)

19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
 21 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
 22 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
 23 section 3038 of Public Law 105-178, as amended,
 24 \$8,670,000,000 to be derived from the Mass Transit Ac-
 25 count of the Highway Trust Fund and to remain available
 26 until expended: *Provided*, That funds available for the im-

1 plementation or execution of programs authorized under
2 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
3 5317, 5320, 5335, 5339, and 5340 and section 3038 of
4 Public Law 105–178, as amended, shall not exceed total
5 obligations of \$8,260,565,000 in fiscal year 2009.

6 RESEARCH AND UNIVERSITY RESEARCH CENTERS

7 For necessary expenses to carry out 49 U.S.C. 5306,
8 5312–5315, 5322, and 5506, \$67,000,000, to remain
9 available until expended: *Provided*, That \$10,000,000 is
10 available to carry out the transit cooperative research pro-
11 gram under section 5313 of title 49, United States Code,
12 \$4,300,000 is available for the National Transit Institute
13 under section 5315 of title 49, United States Code, and
14 \$7,000,000 is available for university transportation cen-
15 ters program under section 5506 of title 49, United States
16 Code: *Provided further*, That \$45,700,000 is available to
17 carry out national research programs under sections 5312,
18 5313, 5314, and 5322 of title 49, United States Code.

19 CAPITAL INVESTMENT GRANTS

20 For necessary expenses to carry out section 5309 of
21 title 49, United States Code, \$1,809,250,000, to remain
22 available until expended, of which no less than
23 \$200,000,000 is for section 5309(e) of such title: *Pro-*
24 *vided*, That of the funds available under this heading,
25 amounts are to be made available as follows:

1 AC Transit BRT Corridor, California,
2 \$4,000,000.

3 Bellevue-Redmond BRT, King County, Wash-
4 ington, \$10,952,330.

5 BRT, Potomac Yard-Crystal City, City of Alex-
6 andria and Arlington County, Virginia, \$1,000,000.

7 BRT, State Avenue Corridor, Wyandotte Coun-
8 ty, Kansas, \$1,500,000.

9 Central Corridor Light Rail Transit Project,
10 Minnesota, \$20,000,000.

11 Central Florida Commuter Rail, Florida,
12 \$13,000,000.

13 Central Link Initial Segment, Seattle, Wash-
14 ington, \$25,962,062.

15 Central Phoenix/East Valley Light Rail, Ari-
16 zona, \$91,800,000.

17 Charlotte Rapid Transit Extension, North
18 Carolina, \$20,500,000.

19 Commuter Rail Improvements, Fitchburg, Mas-
20 sachusetts, \$30,000,000.

21 Commuter Rail Study—Phoenix to Tucson, Ari-
22 zona, \$3,500,000.

23 CTA Brown Line (Ravenswood), Illinois,
24 \$30,474,404.

25 CTA Circle Line, Illinois, \$6,000,000.

1 Dallas Area Rapid Transit Northwest/Southeast
2 Light Rail MOS, Texas, \$87,974,716.

3 Downtown Orlando East-West Circulator Sys-
4 tem, Florida, \$8,000,000.

5 Dulles Corridor Metrorail, Virginia,
6 \$29,100,000.

7 Honolulu High Capacity Transit Corridor
8 Project, Hawaii, \$20,000,000.

9 Houston Metropolitan Transit Authority Ad-
10 vanced Transit Program/METRO Solutions Phase 2,
11 Texas, \$15,000,000.

12 Hudson-Bergen MOS-2, Northern, New Jersey,
13 \$1,103,860.

14 I-69 HOV/BRT, Mississippi, \$7,650,000.

15 Improvements to the Rosslyn Metro Station,
16 Virginia, \$2,000,000.

17 JTA BRT System, Jacksonville, Florida,
18 \$1,280,000.

19 Largo Metrorail Extension, District of Colum-
20 bia/Maryland, \$34,700,000.

21 Livermore-Amador BRT, Livermore, California,
22 \$7,990,000.

23 Long Island Rail Road East Side Access, New
24 York, \$209,623,898.

- 1 Mason Corridor BRT, Fort Collins, Colorado,
2 \$11,182,000.
- 3 MARC Capacity Improvements, Maryland,
4 \$13,000,000.
- 5 Metra, Illinois, \$24,000,000.
- 6 Metro Gold Line Eastside Extension, Los Ange-
7 les, California, \$81,600,000.
- 8 Metrorail Orange Line Extension Project, Flor-
9 ida, \$20,000,000.
- 10 Metro Rapid Bus System Gap Closure, Los An-
11 geles, California, \$332,620.
- 12 Mid-City Rapid, San Diego, California,
13 \$19,485,000.
- 14 Mid Jordan Light Rail Extension, Utah,
15 \$20,000,000.
- 16 Mountain Links BRT, Flagstaff, Arizona,
17 \$5,614,200.
- 18 Norfolk LRT, Virginia, \$53,592,108.
- 19 North Shore LRT Connector, Pennsylvania,
20 \$670,885.
- 21 Northern Indiana Commuter Transit District,
22 Indiana, \$5,000,000.
- 23 Northstar Corridor Rail, Minnesota,
24 \$71,166,060.

- 1 Pacific Highway South BRT, King County,
2 Washington, \$281,520.
- 3 Perris Valley Line, Riverside, California,
4 \$45,000,000.
- 5 Pioneer Parkway EmX BRT, Springfield, Or-
6 egon, \$296,000.
- 7 San Francisco Muni Third Street Light Rail—
8 Central Subway Project, California, \$10,000,000.
- 9 Second Avenue Subway Phase 1, New York,
10 \$277,697,000.
- 11 South Corridor BRT, Kent County, Michigan,
12 \$600,000.
- 13 South Corridor I-205/Portland Mall LRT, Or-
14 egon, \$81,600,000.
- 15 South County Commuter Rail, Wickford Junc-
16 tion Station, Rhode Island, \$1,345,500.
- 17 South Sacramento Light Rail Extension, Cali-
18 fornia, \$7,000,000.
- 19 Southeast Corridor, LRT, Colorado,
20 \$1,031,210.
- 21 Stamford Urban Transitway, Connecticut,
22 \$3,650,000.
- 23 Streetcar Loop, Portland, Oregon, \$45,000,000.
- 24 Trans-Hudson Midtown Corridor, New Jersey,
25 \$48,000,000.

1 Troost Corridor BRT, Kansas City, Missouri,
2 \$125,200.

3 Tucson Modern Streetcar/Light Rail Transit
4 System, Tucson, Arizona, \$2,000,000.

5 University Link LRT Extension, Washington,
6 \$100,000,000.

7 Van Ness BRT Project, San Francisco, Cali-
8 fornia, \$400,000.

9 VRE Rolling Stock, Virginia, \$5,000,000.

10 Weber County to Salt Lake City Commuter
11 Rail, Utah, \$81,600,000.

12 West Corridor LRT, Colorado, \$60,000,000.

13 Wilshire Boulevard Bus-Only Lane, Los Ange-
14 les, California, \$9,857,097.

15 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

16 ADMINISTRATION

17 (INCLUDING RESCISSIONS)

18 SEC. 160. The limitations on obligations for the pro-
19 grams of the Federal Transit Administration shall not
20 apply to any authority under 49 U.S.C. 5338, previously
21 made available for obligation, or to any other authority
22 previously made available for obligation.

23 SEC. 161. Notwithstanding any other provision of
24 law, funds appropriated or limited by this Act under the
25 Federal Transit Administration, Capital Investment
26 Grants account and for bus and bus facilities under the

1 Federal Transit Administration, Formula and Bus Grants
2 account for projects specified in this Act or identified in
3 reports accompanying this Act not obligated by September
4 30, 2011, and other recoveries, shall be directed to
5 projects eligible to use the funds for the purposes for
6 which they were originally provided.

7 SEC. 162. Notwithstanding any other provision of
8 law, any funds appropriated before October 1, 2008, under
9 any section of chapter 53 of title 49, United States Code,
10 that remain available for expenditure, may be transferred
11 to and administered under the most recent appropriation
12 heading for any such section.

13 SEC. 163. Notwithstanding any other provision of
14 law, unobligated funds made available for new fixed guide-
15 way system projects under the heading “Federal Transit
16 Administration, Capital investment grants” in any appro-
17 priations Act prior to this Act may be used during this
18 fiscal year to satisfy expenses incurred for such projects.

19 SEC. 164. During fiscal year 2009, each Federal
20 Transit Administration grant for a project that involves
21 the acquisition or rehabilitation of a bus to be used in pub-
22 lic transportation shall be funded for 90 percent of the
23 net capital costs of a biodiesel bus or a factory-installed
24 or retrofitted hybrid electric propulsion system and any
25 equipment related to such a system: *Provided*, That the

1 Secretary shall have the discretion to determine, through
2 practicable administrative procedures, the costs attrib-
3 utable to the system and related-equipment.

4 SEC. 165. Notwithstanding any other provision of
5 law, in regard to the Central Link Initial Segment Project,
6 to the extent that Federal funds remain available within
7 the current budget for the project, the Secretary shall, im-
8 mediately upon the date of enactment of this Act, amend
9 the Full Funding Grant Agreement for said project to
10 allow remaining Federal funds to be used to support com-
11 pletion of the Airport Link extension of said project.

12 SEC. 166. Any unexpended funds in Federal Transit
13 Administration grant numbers KS-03-0018 and KS-03-
14 0032 shall be made available, at the request of the State,
15 for a bus rapid transit project and related capital pur-
16 chases and facility improvements, in Johnson County,
17 Kansas City, KS under the terms and conditions required
18 to carry out section 5309(b)(3) of title 49, United States
19 Code to the extent applicable.

20 SEC. 167. Of the balances available for this fiscal
21 year to carry out 49 U.S.C. 5309(b) left to the discretion
22 of the Secretary of Transportation, \$100,000,000 are per-
23 manently rescinded.

24 SEC. 168. None of the funds provided or limited
25 under this Act may be used to issue a final regulation

1 under section 5309 of title 49, United States Code, except
2 that the Federal Transit Administration may continue to
3 review comments received on the proposed rule (Docket
4 No. FTA–2006–25737).

5 SEC. 169. Funds made available for Alaska or Hawaii
6 ferry boats or ferry terminal facilities pursuant to 49
7 U.S.C. 5309(m)(2)(B) may be used to construct new ves-
8 sels and facilities, or to improve existing vessels and facili-
9 ties, including both the passenger and vehicle-related ele-
10 ments of such vessels and facilities, and for repair facili-
11 ties: *Provided*, That not more than \$4,000,000 of the
12 funds made available pursuant to 49 U.S.C.
13 5309(m)(2)(B) may be used by the City and County of
14 Honolulu to operate a passenger ferry boat service dem-
15 onstration project to test the viability of different intra-
16 island ferry boat routes and technologies.

17 SEC. 170. Notwithstanding any other provision of
18 law, unobligated funds or recoveries under section 5309
19 of title 49, United States Code, that are available to the
20 Secretary of Transportation for reallocation shall be di-
21 rected to projects eligible to use the funds for the purposes
22 for which they were originally provided.

23 SEC. 171. Notwithstanding any other provision of
24 law, the \$2,695,000 appropriated for the Charlotte Rapid
25 Transit Extension—Northeast Corridor Light Rail

1 Project, North Carolina under the Alternatives Analysis
2 Account in division K of the Consolidated Appropriations
3 Act, 2008 (Public Law 110–161) shall be used for the
4 Charlotte Rapid Transit Extension—Northeast Corridor
5 to carry out new fixed guideway or extension to existing
6 fixed guideway activities described in section 5309 of title
7 49, United States Code.

8 SAINT LAWRENCE SEAWAY DEVELOPMENT

9 CORPORATION

10 The Saint Lawrence Seaway Development Corpora-
11 tion is hereby authorized to make such expenditures, with-
12 in the limits of funds and borrowing authority available
13 to the Corporation, and in accord with law, and to make
14 such contracts and commitments without regard to fiscal
15 year limitations as provided by section 104 of the Govern-
16 ment Corporation Control Act, as amended, as may be
17 necessary in carrying out the programs set forth in the
18 Corporation’s budget for the current fiscal year.

19 OPERATIONS AND MAINTENANCE

20 (HARBOR MAINTENANCE TRUST FUND)

21 For necessary expenses for operations, maintenance,
22 and capital asset renewal of those portions of the Saint
23 Lawrence Seaway owned, operated, and maintained by the
24 Saint Lawrence Seaway Development Corporation,
25 \$31,842,000, to be derived from the Harbor Maintenance
26 Trust Fund, pursuant to Public Law 99–662.

1 MARITIME ADMINISTRATION

2 MARITIME SECURITY PROGRAM

3 For necessary expenses to maintain and preserve a
4 U.S.-flag merchant fleet to serve the national security
5 needs of the United States, \$174,000,000, to remain avail-
6 able until expended.

7 OPERATIONS AND TRAINING

8 For necessary expenses of operations and training ac-
9 tivities authorized by law, \$123,360,000, of which
10 \$10,500,000 shall remain available until expended for
11 maintenance and repair of Schoolships at State Maritime
12 Schools, of which \$8,150,000 shall remain available until
13 expended for capital improvements at the United States
14 Merchant Marine Academy, and of which \$53,208,000
15 shall be available for operations at the United States Mer-
16 chant Marine Academy: *Provided*, That amounts appor-
17 tioned for the United States Merchant Marine Academy
18 shall be available only upon allotments made personally
19 by the Secretary of Transportation and not a designee:
20 *Provided further*, That the Superintendent, Deputy Super-
21 intendent and the Director of the Office of Resource Man-
22 agement of the United States Merchant Marine Academy
23 may not be allotment holders for the United States Mer-
24 chant Marine Academy, and the Administrator of Mari-
25 time Administration shall hold all allotments made by the
26 Secretary of Transportation under the previous proviso:

1 *Provided further*, That 50 percent of the funding made
2 available for the United States Merchant Marine Academy
3 under this heading shall be available only after the Sec-
4 retary, in consultation with the Maritime Administration,
5 completes a plan detailing by program or activity and by
6 object class how such funding will be expended at the
7 Academy, and this plan is submitted to the House and
8 Senate Committees on Appropriations.

9 SHIP DISPOSAL

10 For necessary expenses related to the disposal of ob-
11 solete vessels in the National Defense Reserve Fleet of the
12 Maritime Administration, \$15,000,000, to remain avail-
13 able until expended.

14 ASSISTANCE TO SMALL SHIPYARDS

15 To make grants to qualified shipyards as authorized
16 under section 3506 of Public Law 109–163 or section
17 54101 of title 46, United States Code, \$17,500,000, to
18 remain available until expended: *Provided*, That to be con-
19 sidered for assistance, a qualified shipyard shall submit
20 an application for assistance no later than 60 days after
21 enactment of this Act: *Provided further*, That from appli-
22 cations submitted under the previous proviso, the Sec-
23 retary of Transportation shall make grants no later than
24 120 days after enactment of this Act in such amounts as
25 the Secretary determines: *Provided further*, That not to
26 exceed 2 percent of the funds appropriated under this

1 Materials Safety Administration, \$32,000,000, of which
2 \$3,302,000 shall remain available until September 30,
3 2011: *Provided*, That up to \$800,000 in fees collected
4 under 49 U.S.C. 5108(g) shall be deposited in the general
5 fund of the Treasury as offsetting receipts: *Provided fur-*
6 *ther*, That there may be credited to this appropriation, to
7 be available until expended, funds received from States,
8 counties, municipalities, other public authorities, and pri-
9 vate sources for expenses incurred for training, for reports
10 publication and dissemination, and for travel expenses in-
11 curred in performance of hazardous materials exemptions
12 and approvals functions.

13 PIPELINE SAFETY

14 (PIPELINE SAFETY FUND)

15 (OIL SPILL LIABILITY TRUST FUND)

16 For expenses necessary to conduct the functions of
17 the pipeline safety program, for grants-in-aid to carry out
18 a pipeline safety program, as authorized by 49 U.S.C.
19 60107, and to discharge the pipeline program responsibil-
20 ities of the Oil Pollution Act of 1990, \$93,291,000, of
21 which \$18,810,000 shall be derived from the Oil Spill Li-
22 ability Trust Fund and shall remain available until Sep-
23 tember 30, 2011; and of which \$74,481,000 shall be de-
24 rived from the Pipeline Safety Fund, of which
25 \$40,081,000 shall remain available until September 30,
26 2011: *Provided*, That not less than \$1,043,000 of the

1 funds provided under this heading shall be for the one-
2 call State grant program.

3 EMERGENCY PREPAREDNESS GRANTS

4 (EMERGENCY PREPAREDNESS FUND)

5 For necessary expenses to carry out 49 U.S.C.
6 5128(b), \$188,000, to be derived from the Emergency
7 Preparedness Fund, to remain available until September
8 30, 2010: *Provided*, That not more than \$28,318,000 shall
9 be made available for obligation in fiscal year 2009 from
10 amounts made available by 49 U.S.C. 5116(i) and
11 5128(b)–(c): *Provided further*, That none of the funds
12 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
13 shall be made available for obligation by individuals other
14 than the Secretary of Transportation, or his or her des-
15 ignee.

16 RESEARCH AND INNOVATIVE TECHNOLOGY

17 ADMINISTRATION

18 RESEARCH AND DEVELOPMENT

19 For necessary expenses of the Research and Innova-
20 tive Technology Administration, \$12,900,000, of which
21 \$6,936,000 shall remain available until September 30,
22 2011: *Provided*, That there may be credited to this appro-
23 priation, to be available until expended, funds received
24 from States, counties, municipalities, other public authori-
25 ties, and private sources for expenses incurred for train-
26 ing.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$71,400,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department: *Provided*
12 *further*, That the funds made available under this heading
13 shall be used to investigate, pursuant to section 41712 of
14 title 49, United States Code: (1) unfair or deceptive prac-
15 tices and unfair methods of competition by domestic and
16 foreign air carriers and ticket agents; and (2) the compli-
17 ance of domestic and foreign air carriers with respect to
18 item (1) of this proviso.

19 SURFACE TRANSPORTATION BOARD
20 SALARIES AND EXPENSES

21 For necessary expenses of the Surface Transpor-
22 tation Board, including services authorized by 5 U.S.C.
23 3109, \$26,847,000: *Provided*, That notwithstanding any
24 other provision of law, not to exceed \$1,250,000 from fees
25 established by the Chairman of the Surface Transpor-

1 tation Board shall be credited to this appropriation as off-
2 setting collections and used for necessary and authorized
3 expenses under this heading: *Provided further*, That the
4 sum herein appropriated from the general fund shall be
5 reduced on a dollar-for-dollar basis as such offsetting col-
6 lections are received during fiscal year 2009, to result in
7 a final appropriation from the general fund estimated at
8 no more than \$25,597,000.

9 GENERAL PROVISIONS—DEPARTMENT OF
10 TRANSPORTATION

11 SEC. 180. During the current fiscal year applicable
12 appropriations to the Department of Transportation shall
13 be available for maintenance and operation of aircraft;
14 hire of passenger motor vehicles and aircraft; purchase of
15 liability insurance for motor vehicles operating in foreign
16 countries on official department business; and uniforms or
17 allowances therefor, as authorized by law (5 U.S.C. 5901–
18 5902).

19 SEC. 181. Appropriations contained in this Act for
20 the Department of Transportation shall be available for
21 services as authorized by 5 U.S.C. 3109, but at rates for
22 individuals not to exceed the per diem rate equivalent to
23 the rate for an Executive Level IV.

24 SEC. 182. None of the funds in this Act shall be avail-
25 able for salaries and expenses of more than 110 political

1 and Presidential appointees in the Department of Trans-
2 portation: *Provided*, That none of the personnel covered
3 by this provision may be assigned on temporary detail out-
4 side the Department of Transportation.

5 SEC. 183. None of the funds in this Act shall be used
6 to implement section 404 of title 23, United States Code.

7 SEC. 184. (a) No recipient of funds made available
8 in this Act shall disseminate personal information (as de-
9 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
10 ment of motor vehicles in connection with a motor vehicle
11 record as defined in 18 U.S.C. 2725(1), except as provided
12 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
13 2721.

14 (b) Notwithstanding subsection (a), the Secretary
15 shall not withhold funds provided in this Act for any
16 grantee if a State is in noncompliance with this provision.

17 SEC. 185. Funds received by the Federal Highway
18 Administration, Federal Transit Administration, and Fed-
19 eral Railroad Administration from States, counties, mu-
20 nicipalities, other public authorities, and private sources
21 for expenses incurred for training may be credited respec-
22 tively to the Federal Highway Administration's "Federal-
23 Aid Highways" account, the Federal Transit Administra-
24 tion's "Research and University Research Centers" ac-
25 count, and to the Federal Railroad Administration's

1 “Safety and Operations” account, except for State rail
2 safety inspectors participating in training pursuant to 49
3 U.S.C. 20105.

4 SEC. 186. Funds provided or limited in this Act
5 under the appropriate accounts within the Federal High-
6 way Administration, the Federal Railroad Administration
7 and the Federal Transit Administration shall be for the
8 eligible programs, projects and activities in the cor-
9 responding amounts identified in the explanatory state-
10 ment accompanying this Act for “Ferry Boats and Ferry
11 Terminal Facilities”, “Federal Lands”, “Interstate Main-
12 tenance Discretionary”, “Transportation, Community and
13 System Preservation Program”, “Delta Region Transpor-
14 tation Development Program”, “Rail Line Relocation and
15 Improvement Program”, “Rail-highway crossing hazard
16 eliminations”, “Alternatives analysis”, and “Bus and bus
17 facilities”.

18 SEC. 187. Notwithstanding any other provisions of
19 law, rule or regulation, the Secretary of Transportation
20 is authorized to allow the issuer of any preferred stock
21 heretofore sold to the Department to redeem or repur-
22 chase such stock upon the payment to the Department of
23 an amount determined by the Secretary.

24 SEC. 188. None of the funds in this Act to the De-
25 partment of Transportation may be used to make a grant

1 unless the Secretary of Transportation notifies the House
2 and Senate Committees on Appropriations not less than
3 3 full business days before any discretionary grant award,
4 letter of intent, or full funding grant agreement totaling
5 \$500,000 or more is announced by the department or its
6 modal administrations from: (1) any discretionary grant
7 program of the Federal Highway Administration including
8 the emergency relief program; (2) the airport improvement
9 program of the Federal Aviation Administration; (3) any
10 grant from the Federal Railroad Administration; or (4)
11 any program of the Federal Transit Administration other
12 than the formula grants and fixed guideway modernization
13 programs: *Provided*, That the Secretary gives concurrent
14 notification to the House and Senate Committees on Ap-
15 propriations for any “quick release” of funds from the
16 emergency relief program: *Provided further*, That no noti-
17 fication shall involve funds that are not available for obli-
18 gation.

19 SEC. 189. Rebates, refunds, incentive payments,
20 minor fees and other funds received by the Department
21 of Transportation from travel management centers,
22 charge card programs, the subleasing of building space,
23 and miscellaneous sources are to be credited to appropria-
24 tions of the Department of Transportation and allocated
25 to elements of the Department of Transportation using

1 fair and equitable criteria and such funds shall be avail-
2 able until expended.

3 SEC. 190. Amounts made available in this or any
4 other Act that the Secretary determines represent im-
5 proper payments by the Department of Transportation to
6 a third party contractor under a financial assistance
7 award, which are recovered pursuant to law, shall be avail-
8 able—

9 (1) to reimburse the actual expenses incurred
10 by the Department of Transportation in recovering
11 improper payments; and

12 (2) to pay contractors for services provided in
13 recovering improper payments or contractor support
14 in the implementation of the Improper Payments In-
15 formation Act of 2002: *Provided*, That amounts in
16 excess of that required for paragraphs (1) and (2)—

17 (A) shall be credited to and merged with
18 the appropriation from which the improper pay-
19 ments were made, and shall be available for the
20 purposes and period for which such appropria-
21 tions are available; or

22 (B) if no such appropriation remains avail-
23 able, shall be deposited in the Treasury as mis-
24 cellaneous receipts: *Provided further*, That prior
25 to the transfer of any such recovery to an ap-

1 appropriations account, the Secretary shall notify
2 the House and Senate Committees on Appro-
3 priations of the amount and reasons for such
4 transfer: *Provided further*, That for purposes of
5 this section, the term “improper payments”,
6 has the same meaning as that provided in sec-
7 tion 2(d)(2) of Public Law 107–300.

8 SEC. 191. Notwithstanding any other provision of
9 law, if any funds provided in or limited by this Act are
10 subject to a reprogramming action that requires notice to
11 be provided to the House and Senate Committees on Ap-
12 propriations, said reprogramming action shall be approved
13 or denied solely by the Committees on Appropriations:
14 *Provided*, That the Secretary may provide notice to other
15 congressional committees of the action of the Committees
16 on Appropriations on such reprogramming but not sooner
17 than 30 days following the date on which the reprogram-
18 ming action has been approved or denied by the House
19 and Senate Committees on Appropriations.

20 SEC. 192. (a) None of the funds appropriated or oth-
21 erwise made available under this Act to the Surface Trans-
22 portation Board of the Department of Transportation may
23 be used to take any action to allow any activity described
24 in subsection (b) in a case, matter, or declaratory order
25 involving a railroad, or an entity claiming or seeking au-

1 thority to operate as a railroad, unless the Board receives
2 written assurance from the Governor, or the Governor's
3 designee, of the State in which such activity will occur that
4 such railroad or entity has agreed to comply with State
5 and local regulations that establish public health, safety,
6 and environmental standards for the activities described
7 in subsection (b), other than zoning laws or regulations.

8 (b) Activities referred to in subsection (a) are activi-
9 ties that occur at a solid waste rail transfer facility involv-
10 ing—

11 (1) the collection, storage, or transfer of solid
12 waste (as defined in section 1004 of the Solid Waste
13 Disposal Act (42 U.S.C. 6903)) outside of original
14 shipping containers; or

15 (2) the separation or processing of solid waste
16 (including baling, crushing, compacting, and shred-
17 ding).

18 SEC. 193. None of the funds appropriated or other-
19 wise made available under this Act may be used by the
20 Surface Transportation Board of the Department of
21 Transportation to charge or collect any filing fee for rate
22 complaints filed with the Board in an amount in excess
23 of the amount authorized for district court civil suit filing
24 fees under section 1914 of title 28, United States Code.

1 SEC. 194. Of the funds made available or limited by
2 this Act, which are not otherwise allocated under this Act
3 or under SAFETEA-LU (Public Law 109–59) or nec-
4 essary to fulfill existing agreements between the Depart-
5 ment of Transportation and metropolitan areas under the
6 “Urban Partnerships” and “Congestion-Reduction Dem-
7 onstration” programs, not more than 10 percent of such
8 funds for any program that is allocated at the discretion
9 of the Secretary may be expended in furtherance of the
10 Department of Transportation’s “National Strategy to
11 Reduce Congestion on America’s Transportation Net-
12 work” issued May 2006 by Secretary of Transportation,
13 the Honorable Norman Mineta; also known as the “Con-
14 gestion Initiative” or any other new congestion initiative.

15 SEC. 195. Of the funds available for Ferry Boats and
16 Ferry Terminal Facilities, \$950,000 shall be for Missouri
17 River, Route 240, Saline and Howard Counties for ex-
18 penses, including reimbursement of previously incurred ex-
19 penses, for alternative transportation (including ferryboat
20 service) during bridge replacement.

21 SEC. 196. Notwithstanding any other provision of
22 law, the State of New Mexico may use funds apportioned
23 to the State under section 104(b)(2) of title 23, United
24 States Code, for the congestion mitigation and air quality
25 improvement program under section 149 of title 23,

1 United States Code, to support the operation of commuter
2 rail service between Belen and Bernalillo, New Mexico.

3 SEC. 197. Notwithstanding any other provision of
4 law, funds made available in fiscal years 2006 through
5 2009 for item number 598 in section 3044(a) of Public
6 Law 109–59 that are unobligated or unexpended in a
7 grant shall be made available to OATS, Incorporated for
8 buses and bus-related facilities.

9 SEC. 198. Notwithstanding any other provision of
10 law, funds made available in fiscal years 2006 through
11 2009 for item number 1152 in section 1702 of Public Law
12 109–59 that are unobligated or unexpended shall be made
13 available for maintenance, repair and reconstruction of the
14 Tucker Bridge in the City of St. Louis, Missouri.

15 SEC. 199. Notwithstanding any other provision of
16 law, section 198 of division K of Public Law 110–161 shall
17 continue in effect during fiscal year 2009.

18 This title may be cited as the “Department of Trans-
19 portation Appropriations Act, 2009”.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE DIRECTION
6 For necessary salaries and expenses for Executive Di-
7 rection, \$23,799,456, of which not to exceed \$3,885,581
8 shall be available for the immediate Office of the Secretary
9 and Deputy Secretary; not to exceed \$1,613,898 shall be
10 available for the Office of Hearings and Appeals; not to
11 exceed \$544,552 shall be available for the Office of Small
12 and Disadvantaged Business Utilization; not to exceed
13 \$720,343 shall be available for the immediate Office of
14 the Chief Financial Officer; not to exceed \$1,516,800 shall
15 be available for the immediate Office of the General Coun-
16 sel; not to exceed \$2,715,488 shall be available to the Of-
17 fice of the Assistant Secretary for Congressional and
18 Intergovernmental Relations; not to exceed \$2,586,721
19 shall be available for the Office of the Assistant Secretary
20 for Public Affairs; not to exceed \$1,005,120 shall be avail-
21 able for the Office of the Assistant Secretary for Adminis-
22 tration; not to exceed \$1,602,655 shall be available to the
23 Office of the Assistant Secretary for Public and Indian
24 Housing; not to exceed \$1,707,499 shall be available to
25 the Office of the Assistant Secretary for Community Plan-

1 ning and Development; not to exceed \$3,778,560 shall be
2 available to the Office of the Assistant Secretary for Hous-
3 ing, Federal Housing Commissioner; not to exceed
4 \$1,431,212 shall be available to the Office of the Assistant
5 Secretary for Policy Development and Research; and not
6 to exceed \$691,027 shall be available to the Office of the
7 Assistant Secretary for Fair Housing and Equal Oppor-
8 tunity: *Provided*, That the Secretary of the Department
9 of Housing and Urban Development is authorized to
10 transfer funds appropriated for any office funded under
11 this heading to any other office funded under this heading
12 following the written notification to the House and Senate
13 Committees on Appropriations: *Provided further*, That no
14 appropriation for any office shall be increased or de-
15 creased by more than 5 percent by all such transfers: *Pro-*
16 *vided further*, That notice of any change in funding greater
17 than 5 percent shall be submitted for prior approval to
18 the House and Senate Committees on Appropriations:
19 *Provided further*, That the Secretary shall provide the
20 Committees on Appropriations quarterly written notifica-
21 tion regarding the status of pending congressional reports:
22 *Provided further*, That the Secretary shall provide all
23 signed reports required by Congress electronically: *Pro-*
24 *vided further*, That not to exceed \$25,000 of the amount
25 made available under this paragraph for the immediate

1 Office of the Secretary shall be available for official recep-
2 tion and representation expenses as the Secretary may de-
3 termine.

4 ADMINISTRATION, OPERATIONS AND MANAGEMENT

5 For necessary salaries and expenses for administra-
6 tion, operations and management for the Department of
7 Housing and Urban Development, \$527,433,640, of which
8 not to exceed \$75,510,000 shall be available for the per-
9 sonnel compensation and benefits of the Office of Adminis-
10 tration; not to exceed \$11,003,940 shall be available for
11 the personnel compensation and benefits of the Office of
12 Departmental Operations and Coordination; not to exceed
13 \$48,817,430 shall be available for the personnel com-
14 pensation and benefits of the Office of Field Policy and
15 Management; not to exceed \$13,438,200 shall be available
16 for the personnel compensation and benefits of the Office
17 of the Chief Procurement Officer; not to exceed
18 \$34,028,820 shall be available for the personnel com-
19 pensation and benefits of the remaining staff in the Office
20 of the Chief Financial Officer; not to exceed \$84,837,460
21 shall be available for the personnel compensation and ben-
22 efits of the remaining staff in the Office of the General
23 Counsel; not to exceed \$3,085,120 shall be available for
24 the personnel compensation and benefits of the Office of
25 Departmental Equal Employment Opportunity; not to ex-
26 ceed \$1,215,280 shall be available for the personnel com-

1 pensionation and benefits for the Center for Faith-Based and
2 Community Initiatives; and not to exceed \$255,497,390
3 shall be available for non-personnel expenses of the De-
4 partment of Housing and Urban Development: *Provided*,
5 That, funds provided under this heading may be used for
6 necessary administrative and non-administrative expenses
7 of the Department of Housing and Urban Development,
8 not otherwise provided for, including purchase of uni-
9 forms, or allowances therefor, as authorized by 5 U.S.C.
10 5901–5902; hire of passenger motor vehicles; services as
11 authorized by 5 U.S.C. 3109: *Provided further*, That not-
12 withstanding any other provision of law, funds appro-
13 priated under this heading may be used for advertising
14 and promotional activities that support the housing mis-
15 sion area: *Provided further*, That the Secretary of Housing
16 and Urban Development is authorized to transfer funds
17 appropriated for any office included in Administration,
18 Operations and Management to any other office included
19 in Administration, Operations and Management only after
20 such transfer has been submitted to, and received prior
21 written approval by, the House and Senate Committees
22 on Appropriations: *Provided further*, That no appropria-
23 tion for any office shall be increased or decreased by more
24 than 10 percent by all such transfers.

1 PERSONNEL COMPENSATION AND BENEFITS

2 PUBLIC AND INDIAN HOUSING

3 For necessary personnel compensation and benefits
4 expenses of the Office of Public and Indian Housing,
5 \$190,390,100.

6 COMMUNITY PLANNING AND DEVELOPMENT

7 For necessary personnel compensation and benefits
8 expenses of the Office of Community Planning and Devel-
9 opment mission area, \$94,233,700.

10 HOUSING

11 For necessary personnel compensation and benefits
12 expenses of the Office of Housing, \$363,198,000.

13 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

14 ASSOCIATION

15 For necessary personnel compensation and benefits
16 expenses of the Office of the Government National Mort-
17 gage Association, \$10,000,000, to be derived from the
18 GNMA guarantees of mortgage backed securities guaran-
19 teed loan receipt account.

20 POLICY DEVELOPMENT AND RESEARCH

21 For necessary personnel compensation and benefits
22 expenses of the Office of Policy Development and Re-
23 search, \$18,070,850.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 For necessary personnel compensation and benefits
3 expenses of the Office of Fair Housing and Equal Oppor-
4 tunity, \$69,020,990.

5 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
6 CONTROL

7 For necessary personnel compensation and benefits
8 expenses of the Office of Healthy Homes and Lead Haz-
9 ard Control, \$6,727,950.

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE
12 (INCLUDING TRANSFER OF FUNDS)

13 For activities and assistance for the provision of ten-
14 ant-based rental assistance authorized under the United
15 States Housing Act of 1937, as amended (42 U.S.C. 1437
16 et seq.) (“the Act” herein), not otherwise provided for,
17 \$16,817,000,000, to remain available until expended, of
18 which \$12,817,000,000 shall be available on October 1,
19 2008, and \$4,000,000,000 shall be available on October
20 1, 2009: *Provided*, That the amounts made available under
21 this heading are provided as follows:

22 (1) \$15,034,071,000 shall be available for re-
23 newals of expiring section 8 tenant-based annual
24 contributions contracts (including renewals of en-
25 hanced vouchers under any provision of law author-
26 izing such assistance under section 8(t) of the Act)

1 and including renewal of other designated housing
2 vouchers initially funded in fiscal year 2008 (such as
3 Family Unification, Veterans Affairs Supportive
4 Housing Vouchers and Non-elderly Disabled Vouch-
5 ers): *Provided*, That notwithstanding any other pro-
6 vision of law, from amounts provided under this
7 paragraph and any carryover, the Secretary for the
8 calendar year 2009 funding cycle shall provide re-
9 newal funding for each public housing agency based
10 on voucher management system (VMS) leasing and
11 cost data for the most recent Federal fiscal year and
12 by applying the 2009 Annual Adjustment Factor as
13 established by the Secretary, and by making any
14 necessary adjustments for the costs associated with
15 deposits to family self-sufficiency program escrow
16 accounts or first-time renewals including tenant pro-
17 tection or HOPE VI vouchers: *Provided further*,
18 That none of the funds provided under this para-
19 graph may be used to fund a total number of unit
20 months under lease which exceeds a public housing
21 agency's authorized level of units under contract:
22 *Provided further*, That the Secretary shall, to the ex-
23 tent necessary to stay within the amount specified
24 under this paragraph (except as otherwise modified
25 under this Act), pro rate each public housing agen-

1 cy's allocation otherwise established pursuant to this
2 paragraph: *Provided further*, That except as provided
3 in the last two provisos, the entire amount specified
4 under this paragraph (except as otherwise modified
5 under this Act) shall be obligated to the public hous-
6 ing agencies based on the allocation and pro rata
7 method described above and the Secretary shall no-
8 tify public housing agencies of their annual budget
9 not later than 60 days after enactment of this Act:
10 *Provided further*, That the Secretary may extend the
11 60-day notification period with the written approval
12 of the House and Senate Committees on Appropria-
13 tions: *Provided further*, That public housing agencies
14 participating in the Moving to Work demonstration
15 shall be funded pursuant to their Moving to Work
16 agreements and shall be subject to the same pro
17 rata adjustments under the previous provisos: *Pro-*
18 *vided further*, That up to \$100,000,000 shall be
19 available only: (1) to adjust the allocations for public
20 housing agencies, after application for an adjust-
21 ment by a public housing agency that experienced a
22 significant increase, as determined by the Secretary,
23 in renewal costs of tenant-based rental assistance re-
24 sulting from unforeseen circumstances or from port-
25 ability under section 8(r) of the Act; (2) for adjust-

1 ments for public housing agencies with voucher leas-
2 ing rates at the end of the calendar year that exceed
3 the average leasing for the 12-month period used to
4 establish the allocation; (3) for adjustments for the
5 costs associated with VASH vouchers; and (4) for
6 vouchers that were not in use during the 12-month
7 period in order to be available to meet a commit-
8 ment pursuant to section 8(o)(13) of the Act.

9 (2) \$150,000,000 for section 8 rental assistance
10 for relocation and replacement of housing units that
11 are demolished or disposed of pursuant to the Omni-
12 bus Consolidated Rescissions and Appropriations Act
13 of 1996 (Public Law 104–134), conversion of section
14 23 projects to assistance under section 8, the family
15 unification program under section 8(x) of the Act,
16 relocation of witnesses in connection with efforts to
17 combat crime in public and assisted housing pursu-
18 ant to a request from a law enforcement or prosecu-
19 tion agency, enhanced vouchers under any provision
20 of law authorizing such assistance under section 8(t)
21 of the Act, HOPE VI vouchers, mandatory and vol-
22 untary conversions, and tenant protection assistance
23 including replacement and relocation assistance or
24 for project based assistance to prevent the displace-
25 ment of unassisted elderly tenants currently residing

1 in section 202 properties financed between 1959 and
2 1974 that are refinanced pursuant to Public Law
3 106–569, as amended or under the authority as pro-
4 vided under this Act: *Provided*, That the Secretary
5 shall provide replacement vouchers for all units that
6 were occupied within the previous 24 months that
7 cease to be available as assisted housing, subject
8 only to the availability of funds.

9 (3) Not to exceed \$7,929,000 provided under
10 this heading may be transferred to the Working
11 Capital Fund: *Provided*, That funding made avail-
12 able under this section shall not be transferred to
13 the Working Capital Fund until the voucher man-
14 agement system leasing and cost data is made avail-
15 able to the public on the Department of Housing
16 and Urban Development website.

17 (4) \$1,500,000,000 for administrative and
18 other expenses of public housing agencies in admin-
19 istering the section 8 tenant-based rental assistance
20 program and which up to \$50,000,000 shall be
21 available to the Secretary to allocate to public hous-
22 ing agencies that need additional funds to admin-
23 ister their section 8 programs, including fees associ-
24 ated with section 8 tenant protection rental assist-
25 ance, the administration of disaster related vouchers,

1 Veterans Affairs Supportive Housing vouchers, and
2 other incremental vouchers: *Provided*, That no less
3 than \$1,400,000,000 of the amount provided in this
4 paragraph shall be allocated to public housing agen-
5 cies for the calendar year 2009 funding cycle based
6 on section 8(q) of the Act (and related Appropria-
7 tion Act provisions) as in effect immediately before
8 the enactment of the Quality Housing and Work Re-
9 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
10 *vided further*, That if the amounts made available
11 under this paragraph are insufficient to pay the
12 amounts determined under the previous proviso, the
13 Secretary may decrease the amounts allocated to
14 agencies by a uniform percentage applicable to all
15 agencies receiving funding under this paragraph or
16 may, to the extent necessary to provide full payment
17 of amounts determined under the previous proviso,
18 utilize unobligated balances, including recaptures
19 and carryovers, remaining from funds appropriated
20 to the Department of Housing and Urban Develop-
21 ment under this heading, for fiscal year 2008 and
22 prior fiscal years, notwithstanding the purposes for
23 which such amounts were appropriated: *Provided*
24 *further*, That amounts provided under this para-
25 graph shall be only for activities related to the provi-

1 sion of tenant-based rental assistance authorized
2 under section 8, including related development ac-
3 tivities: *Provided further*, That of the total amount
4 provided under this paragraph, \$50,000,000 shall be
5 made available for family self-sufficiency coordina-
6 tors under section 23 of the Act.

7 (5) \$20,000,000 for incremental voucher assist-
8 ance through the Family Unification Program: *Pro-*
9 *vided*, That the assistance made available under this
10 paragraph shall continue to remain available for
11 family unification upon turnover: *Provided further*,
12 That the Secretary of Housing and Urban Develop-
13 ment shall make such funding available, notwith-
14 standing section 204 (competition provision) of this
15 title, to entities with demonstrated experience and
16 resources for supportive services.

17 (6) \$75,000,000 for incremental rental voucher
18 assistance for use through a supported housing pro-
19 gram administered in conjunction with the Depart-
20 ment of Veterans Affairs as authorized under section
21 8(o)(19) of the United States Housing Act of 1937:
22 *Provided*, That the Secretary of Housing and Urban
23 Development shall make such funding available, not-
24 withstanding section 204 (competition provision) of
25 this title, to public housing agencies that partner

1 with eligible VA Medical Centers or other entities as
2 designated by the Secretary of the Department of
3 Veterans Affairs, based on geographical need for
4 such assistance as identified by the Secretary of the
5 Department of Veterans Affairs, public housing
6 agency administrative performance, and other fac-
7 tors as specified by the Secretary of Housing and
8 Urban Development in consultation with the Sec-
9 retary of the Department of Veterans Affairs: *Pro-*
10 *vided further*, That the Secretary of Housing and
11 Urban Development may waive, or specify alter-
12 native requirements for (in consultation with the
13 Secretary of the Department of Veterans Affairs),
14 any provision of any statute or regulation that the
15 Secretary of Housing and Urban Development ad-
16 ministers in connection with the use of funds made
17 available under this paragraph (except for require-
18 ments related to fair housing, nondiscrimination,
19 labor standards, and the environment), upon a find-
20 ing by the Secretary that any such waivers or alter-
21 native requirements are necessary for the effective
22 delivery and administration of such voucher assist-
23 ance: *Provided further*, That assistance made avail-
24 able under this paragraph shall continue to remain
25 available for homeless veterans upon turn-over.

1 PUBLIC HOUSING CAPITAL FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For the Public Housing Capital Fund Program to
4 carry out capital and management activities for public
5 housing agencies, as authorized under section 9 of the
6 United States Housing Act of 1937 (42 U.S.C. 1437g)
7 (the “Act”) \$2,450,000,000, to remain available until
8 September 30, 2012: *Provided*, That notwithstanding any
9 other provision of law or regulation, during fiscal year
10 2009 the Secretary of Housing and Urban Development
11 may not delegate to any Department official other than
12 the Deputy Secretary and the Assistant Secretary for
13 Public and Indian Housing any authority under paragraph
14 (2) of section 9(j) regarding the extension of the time peri-
15 ods under such section: *Provided further*, That for pur-
16 poses of such section 9(j), the term “obligate” means, with
17 respect to amounts, that the amounts are subject to a
18 binding agreement that will result in outlays, immediately
19 or in the future: *Provided further*, That of the total
20 amount provided under this heading, up to \$10,000,000
21 shall be for carrying out activities under section 9(h) of
22 such Act; not to exceed \$14,577,000 may be transferred
23 to the Working Capital Fund; and up to \$15,345,000 shall
24 be to support the ongoing Public Housing Financial and
25 Physical Assessment activities of the Real Estate Assess-

1 ment Center (REAC): *Provided further*, That no funds
2 may be used under this heading for the purposes specified
3 in section 9(k) of the Act: *Provided further*, That of the
4 total amount provided under this heading, not to exceed
5 \$20,000,000 shall be available for the Secretary to make
6 grants, notwithstanding section 204 of this Act, to public
7 housing agencies for emergency capital needs including
8 safety and security measures necessary to address crime
9 and drug-related activity as well as needs resulting from
10 unforeseen or unpreventable emergencies and natural dis-
11 asters excluding Presidentially declared disasters occur-
12 ring in fiscal year 2009: *Provided further*, That of the total
13 amount provided under this heading, \$40,000,000 shall be
14 for supportive services, service coordinators and con-
15 gregate services as authorized by section 34 of the Act
16 (42 U.S.C. 1437z-6) and the Native American Housing
17 Assistance and Self-Determination Act of 1996 (25 U.S.C.
18 4101 et seq.): *Provided further*, That of the total amount
19 provided under this heading up to \$8,820,000 is to sup-
20 port the costs of administrative and judicial receiverships:
21 *Provided further*, That from the funds made available
22 under this heading, the Secretary shall provide bonus
23 awards in fiscal year 2009 to public housing agencies that
24 are designated high performers.

1 PUBLIC HOUSING OPERATING FUND

2 For 2009 payments to public housing agencies for the
3 operation and management of public housing, as author-
4 ized by section 9(e) of the United States Housing Act of
5 1937 (42 U.S.C. 1437g(e)), \$4,455,000,000; of which
6 \$5,940,000 shall be for competitive grants and contracts
7 to third parties for the provision of technical assistance
8 to public housing agencies related to the transition and
9 implementation of asset-based management in public
10 housing: *Provided*, That, in fiscal year 2009 and all fiscal
11 years hereafter, no amounts under this heading in any ap-
12 propriations Act may be used for payments to public hous-
13 ing agencies for the costs of operation and management
14 of public housing for any year prior to the current year
15 of such Act: *Provided further*, That no funds may be used
16 under this heading for the purposes specified in section
17 9(k) of the United States Housing Act of 1937.

18 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
19 HOUSING (HOPE VI)

20 For grants to public housing agencies for demolition,
21 site revitalization, replacement housing, and tenant-based
22 assistance grants to projects as authorized by section 24
23 of the United States Housing Act of 1937 (42 U.S.C.
24 1437v), \$120,000,000, to remain available until Sep-
25 tember 30, 2010, of which the Secretary of Housing and
26 Urban Development shall use \$2,400,000 for technical as-

1 sistance and contract expertise, to be provided directly or
2 indirectly by grants, contracts or cooperative agreements,
3 including training and cost of necessary travel for partici-
4 pants in such training, by or to officials and employees
5 of the department and of public housing agencies and to
6 residents: *Provided*, That none of such funds shall be used
7 directly or indirectly by granting competitive advantage in
8 awards to settle litigation or pay judgments, unless ex-
9 pressly permitted herein.

10 NATIVE AMERICAN HOUSING BLOCK GRANTS

11 For the Native American Housing Block Grants pro-
12 gram, as authorized under title I of the Native American
13 Housing Assistance and Self-Determination Act of 1996
14 (NAHASDA) (25 U.S.C. 4111 et seq.), \$645,000,000, to
15 remain available until expended: *Provided*, That, notwith-
16 standing the Native American Housing Assistance and
17 Self-Determination Act of 1996, to determine the amount
18 of the allocation under title I of such Act for each Indian
19 tribe, the Secretary shall apply the formula under section
20 302 of such Act with the need component based on single-
21 race Census data and with the need component based on
22 multi-race Census data, and the amount of the allocation
23 for each Indian tribe shall be the greater of the two result-
24 ing allocation amounts: *Provided further*, That of the
25 amounts made available under this heading, \$3,500,000
26 shall be contracted for assistance for a national organiza-

1 tion representing Native American housing interests for
2 providing training and technical assistance to Indian hous-
3 ing authorities and tribally designated housing entities as
4 authorized under NAHASDA; and \$4,250,000 shall be to
5 support the inspection of Indian housing units, contract
6 expertise, training, and technical assistance in the train-
7 ing, oversight, and management of such Indian housing
8 and tenant-based assistance, including up to \$300,000 for
9 related travel: *Provided further*, That of the amount pro-
10 vided under this heading, \$2,000,000 shall be made avail-
11 able for the cost of guaranteed notes and other obligations,
12 as authorized by title VI of NAHASDA: *Provided further*,
13 That such costs, including the costs of modifying such
14 notes and other obligations, shall be as defined in section
15 502 of the Congressional Budget Act of 1974, as amend-
16 ed: *Provided further*, That these funds are available to sub-
17 sidize the total principal amount of any notes and other
18 obligations, any part of which is to be guaranteed, not to
19 exceed \$17,000,000.

20 NATIVE HAWAIIAN HOUSING BLOCK GRANT

21 For the Native Hawaiian Housing Block Grant pro-
22 gram, as authorized under title VIII of the Native Amer-
23 ican Housing Assistance and Self-Determination Act of
24 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain
25 available until expended: *Provided*, That of this amount,
26 \$299,211 shall be for training and technical assistance ac-

1 tivities, including up to \$100,000 for related travel by Ha-
2 waii-based HUD employees.

3 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

4 ACCOUNT

5 For the cost of guaranteed loans, as authorized by
6 section 184 of the Housing and Community Development
7 Act of 1992 (12 U.S.C. 1715z–13a), \$9,000,000, to re-
8 main available until expended: *Provided*, That such costs,
9 including the costs of modifying such loans, shall be as
10 defined in section 502 of the Congressional Budget Act
11 of 1974: *Provided further*, That these funds are available
12 to subsidize total loan principal, any part of which is to
13 be guaranteed, up to \$420,000,000: *Provided further*,
14 That up to \$750,000 shall be for administrative contract
15 expenses including management processes and systems to
16 carry out the loan guarantee program.

17 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

18 PROGRAM ACCOUNT

19 For the cost of guaranteed loans, as authorized by
20 section 184A of the Housing and Community Develop-
21 ment Act of 1992 (12 U.S.C. 1715z–13b), \$1,044,000, to
22 remain available until expended: *Provided*, That such
23 costs, including the costs of modifying such loans, shall
24 be as defined in section 502 of the Congressional Budget
25 Act of 1974: *Provided further*, That these funds are avail-

1 able to subsidize total loan principal, any part of which
2 is to be guaranteed, not to exceed \$41,504,255.

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 (INCLUDING TRANSFER OF FUNDS)

6 For carrying out the Housing Opportunities for Per-
7 sons with AIDS program, as authorized by the AIDS
8 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
9 \$310,000,000, to remain available until September 30,
10 2010, except that amounts allocated pursuant to section
11 854(c)(3) of such Act shall remain available until Sep-
12 tember 30, 2011: *Provided*, That the Secretary shall renew
13 all expiring contracts for permanent supportive housing
14 that were funded under section 854(c)(3) of such Act that
15 meet all program requirements before awarding funds for
16 new contracts and activities authorized under this section:
17 *Provided further*, That the Secretary may use not to ex-
18 ceed \$1,485,000 of the funds under this heading for train-
19 ing, oversight, and technical assistance activities; and not
20 to exceed \$1,750,000 may be transferred to the Working
21 Capital Fund.

22 RURAL HOUSING AND ECONOMIC DEVELOPMENT

23 For the Office of Rural Housing and Economic De-
24 velopment in the Department of Housing and Urban De-
25 velopment, \$26,000,000, to remain available until ex-
26 pended, which amount shall be competitively awarded by

1 September 1, 2009, to Indian tribes, State housing finance
2 agencies, State community and/or economic development
3 agencies, local rural nonprofits and community develop-
4 ment corporations to support innovative housing and eco-
5 nomic development activities in rural areas: *Provided*,
6 That of the total amount made available under this head-
7 ing, not less than \$5,000,000 shall be made available to
8 promote economic development and entrepreneurship for
9 federally recognized Indian Tribes, through activities in-
10 cluding the capitalization of revolving loan programs and
11 business planning and development, funding is also made
12 available for technical assistance to increase capacity
13 through training and outreach activities.

14 COMMUNITY DEVELOPMENT FUND
15 (INCLUDING TRANSFER OF FUNDS)

16 For assistance to units of State and local govern-
17 ment, and to other entities, for economic and community
18 development activities, and for other purposes,
19 \$3,900,000,000, to remain available until September 30,
20 2011, unless otherwise specified: *Provided*, That of the
21 total amount provided, \$3,641,966,875 is for carrying out
22 the community development block grant program under
23 title I of the Housing and Community Development Act
24 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
25 et seq.): *Provided further*, That unless explicitly provided
26 for under this heading (except for planning grants pro-

1 vided in the second paragraph and amounts made avail-
2 able under the third paragraph), not to exceed 20 percent
3 of any grant made with funds appropriated under this
4 heading shall be expended for planning and management
5 development and administration: *Provided further*, That of
6 the total amount made available under this heading, not
7 to exceed \$3,175,000 may be transferred to the Working
8 Capital Fund: *Provided further*, That \$5,000,000 is for
9 technical assistance as authorized by section 107(b)(4) of
10 such Act: *Provided further*, That \$65,000,000 shall be for
11 grants to Indian tribes notwithstanding section 106(a)(1)
12 of such Act, of which, notwithstanding any other provision
13 of law (including section 204 of this Act), up to
14 \$3,960,000 may be used for emergencies that constitute
15 imminent threats to health and safety.

16 Of the amount made available under this heading,
17 \$165,311,875 shall be available for grants for the Eco-
18 nomic Development Initiative (EDI) to finance a variety
19 of targeted economic investments in accordance with the
20 terms and conditions specified in the explanatory state-
21 ment accompanying this Act: *Provided*, That none of the
22 funds provided under this paragraph may be used for pro-
23 gram operations: *Provided further*, That, for fiscal years
24 2007, 2008 and 2009, no unobligated funds for EDI
25 grants may be used for any purpose except acquisition,

1 planning, design, purchase of equipment, revitalization, re-
2 development or construction.

3 Of the amount made available under this heading,
4 \$19,546,250 shall be available for neighborhood initiatives
5 that are utilized to improve the conditions of distressed
6 and blighted areas and neighborhoods, to stimulate invest-
7 ment, economic diversification, and community revitaliza-
8 tion in areas with population outmigration or a stagnating
9 or declining economic base, or to determine whether hous-
10 ing benefits can be integrated more effectively with welfare
11 reform initiatives: *Provided*, That amounts made available
12 under this paragraph shall be provided in accordance with
13 the terms and conditions specified in the explanatory
14 statement accompanying this Act.

15 The referenced statement of managers under this
16 heading in title III of division A of Public Law 109–115
17 is deemed to be amended with respect to item number 889
18 by striking “Perry County, Pennsylvania to develop an in-
19 dustrial park in New Bloomfield” and inserting “Perry
20 County, Pennsylvania to develop an industrial park in
21 Penn Township/Duncannon”.

22 The referenced statement of managers under the
23 heading “Community Planning and Development” in title
24 II of division K of Public Law 110–161 is deemed to be
25 amended by striking: “Golden Castings Foundry Demoli-

1 tion and Site Remediation Project to raze and remediate
2 the site of the former Golden Castings Foundry for the
3 demolition and environmental remediation costs of the
4 Golden Castings foundry site” and inserting “To reme-
5 diate the former site of the Columbus Wood Treating
6 Plant in Columbus, Indiana”.

7 The referenced explanatory statement under this
8 heading in Public Law 110–161 is deemed to be amended
9 with respect to the fourth item included in the table found
10 on page 2439 with respect to amounts made available for
11 the Springfield Boys and Girls Club by striking “Spring-
12 field Boys and Girls Club; Community Center; Springfield,
13 IL; Planning, development, land acquisition, and construc-
14 tion costs for a new community center in Springfield.” and
15 inserting “City of Springfield for capital costs associated
16 with the Edwin Watts Southwind Park”.

17 The referenced statement of managers under the
18 heading “Community Development Fund” in title II of di-
19 vision K of Public Law 110–161 is deemed to be amended
20 by striking: “City of Charlotte, NC for land acquisition
21 in the development of the Belvedere Business Park” and
22 inserting “City of Charlotte, NC for development of the
23 Belvedere Business Park”.

1 HOME INVESTMENT PARTNERSHIPS PROGRAM
2 (INCLUDING TRANSFER OF FUNDS)

3 For the HOME investment partnerships program, as
4 authorized under title II of the Cranston-Gonzalez Na-
5 tional Affordable Housing Act, as amended,
6 \$1,825,000,000, to remain available until September 30,
7 2011, of which not to exceed \$4,200,000 may be trans-
8 ferred to the Working Capital Fund: *Provided*, That up
9 to \$12,000,000 shall be available for technical assistance:
10 *Provided further*, That, in prior appropriations Acts for
11 Community Housing Development Organizations technical
12 assistance, and that still remain available, may be used
13 for HOME technical assistance notwithstanding the pur-
14 poses for which such amounts were appropriated.

15 SELF-HELP AND ASSISTED HOMEOWNERSHIP
16 OPPORTUNITY PROGRAM

17 For the Self-Help and Assisted Homeownership Op-
18 portunity Program, as authorized under section 11 of the
19 Housing Opportunity Program Extension Act of 1996, as
20 amended, \$64,000,000 to remain available until Sep-
21 tember 30, 2011: *Provided*, That of the total amount pro-
22 vided under this heading, \$26,500,000 shall be made
23 available to the Self-Help and Assisted Homeownership
24 Opportunity Program as authorized under section 11 of
25 the Housing Opportunity Program Extension Act of 1996,
26 as amended: *Provided further*, That \$34,000,000 shall be

1 made available for the second, third and fourth capacity
2 building activities authorized under section 4(a) of the
3 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
4 of which not less than \$5,000,000 may be made available
5 for rural capacity building activities: *Provided further*,
6 That \$3,500,000 shall be made available for capacity
7 building activities as authorized in sections 6301 through
8 6305 of Public Law 110–246.

9 HOMELESS ASSISTANCE GRANTS

10 (INCLUDING TRANSFER OF FUNDS)

11 For the emergency shelter grants program as author-
12 ized under subtitle B of title IV of the McKinney-Vento
13 Homeless Assistance Act, as amended; the supportive
14 housing program as authorized under subtitle C of title
15 IV of such Act; the section 8 moderate rehabilitation sin-
16 gle room occupancy program as authorized under the
17 United States Housing Act of 1937, as amended, to assist
18 homeless individuals pursuant to section 441 of the
19 McKinney-Vento Homeless Assistance Act; and the shelter
20 plus care program as authorized under subtitle F of title
21 IV of such Act, \$1,677,000,000, of which \$1,672,000,000
22 shall remain available until September 30, 2011, and of
23 which \$5,000,000 shall remain available until expended
24 for rehabilitation projects with 10-year grant terms: *Pro-*
25 *vided*, That of the amount provided, \$10,000,000 shall be
26 made available to conduct a demonstration program on the

1 prevention of homelessness among the Nation's veterans:
2 *Provided further*, That the Secretary shall work in coordi-
3 nation with the Department of Veterans Affairs and the
4 Department of Labor to select a limited number of urban
5 and rural sites in which to carry out this demonstration:
6 *Provided further*, That in selecting sites, the Secretary
7 shall evaluate the rate of homelessness among veterans in
8 the area, and the experience of the grantees in coordi-
9 nating with Department of Veterans Affairs and the De-
10 partment of Labor to enable veterans to access main-
11 stream programs: *Provided further*, That of the sites se-
12 lected, up to three shall have a high number of service
13 members separating from the military and transitioning
14 into civilian life: *Provided further*, That the Secretary shall
15 also select up to four sites located in rural areas to evalu-
16 ate how to effectively serve veterans in rural areas, many
17 of whom may have been part of the National Guard, may
18 have limited access to the Department of Veterans Affairs
19 medical centers, and may have dependent family members:
20 *Provided further*, That funding made available under this
21 demonstration shall be available for housing and appro-
22 priate services to prevent veterans and their families from
23 becoming homeless or reduce the length of time veterans
24 and their families are homeless: *Provided further*, That of
25 the amounts made available under this heading, not to ex-

1 ceed \$750,000 may be available for an evaluation of this
2 demonstration: *Provided further*, That not less than 30
3 percent of funds made available, excluding amounts pro-
4 vided for renewals under the shelter plus care program,
5 shall be used for permanent housing for individuals and
6 families: *Provided further*, That all funds awarded for
7 services shall be matched by not less than 25 percent in
8 funding by each grantee: *Provided further*, That for all
9 match requirements applicable to funds made available
10 under this heading for this fiscal year and prior years,
11 a grantee may use (or could have used) as a source of
12 match funds other funds administered by the Secretary
13 and other Federal agencies unless there is (or was) a spe-
14 cific statutory prohibition on any such use of any such
15 funds: *Provided further*, That the Secretary shall renew
16 on an annual basis expiring contracts or amendments to
17 contracts funded under the shelter plus care program if
18 the program is determined to be needed under the applica-
19 ble continuum of care and meets appropriate program re-
20 quirements and financial standards, as determined by the
21 Secretary: *Provided further*, That all awards of assistance
22 under this heading shall be required to coordinate and in-
23 tegrate homeless programs with other mainstream health,
24 social services, and employment programs for which home-
25 less populations may be eligible, including Medicaid, State

1 Children’s Health Insurance Program, Temporary Assist-
2 ance for Needy Families, Food Stamps, and services fund-
3 ing through the Mental Health and Substance Abuse
4 Block Grant, Workforce Investment Act, and the Welfare-
5 to-Work grant program: *Provided further*, That up to
6 \$8,000,000 of the funds appropriated under this heading
7 shall be available for the national homeless data analysis
8 project and technical assistance: *Provided further*, That of
9 the total amount made available under this heading, not
10 to exceed \$2,675,000 may be transferred to the Working
11 Capital Fund: *Provided further*, That \$3,000,000 of the
12 funds appropriated under this heading shall be used to
13 conduct research on homeless issues, including homeless
14 prevention and youth homelessness: *Provided further*, That
15 all balances for Shelter Plus Care renewals previously
16 funded from the Shelter Plus Care Renewal account and
17 transferred to this account shall be available, if recap-
18 tured, for Shelter Plus Care renewals in fiscal year 2009:
19 *Provided further*, That this heading in the Department of
20 Housing and Urban Development Appropriations Act,
21 2008 is amended by inserting the following new proviso
22 after the third proviso: “*Provided further*, That the Sec-
23 retary may renew grants made under this demonstration
24 program and may treat such original grants and any such

1 renewal grants as if these grants were made under the
2 supportive housing program.”.

3 HOUSING PROGRAMS

4 PROJECT-BASED RENTAL ASSISTANCE

5 (INCLUDING TRANSFER OF FUNDS)

6 For activities and assistance for the provision of
7 project-based subsidy contracts under the United States
8 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
9 Act”), not otherwise provided for, \$7,100,000,000, to re-
10 main available until expended, shall be available on Octo-
11 ber 1, 2008, and \$400,000,000, to remain available until
12 expended, shall be available on October 1, 2009: *Provided*,
13 That the amounts made available under this heading are
14 provided as follows:

15 (1) \$6,868,000,000 shall be available for expir-
16 ing or terminating section 8 project-based subsidy
17 contracts (including section 8 moderate rehabilita-
18 tion contracts), for amendments to section 8 project-
19 based subsidy contracts (including section 8 mod-
20 erate rehabilitation contracts), for contracts entered
21 into pursuant to section 441 of the McKinney-Vento
22 Homeless Assistance Act (42 U.S.C. 11401), for re-
23 newal of section 8 contracts for units in projects
24 that are subject to approved plans of action under
25 the Emergency Low Income Housing Preservation
26 Act of 1987 or the Low-Income Housing Preserva-

1 tion and Resident Homeownership Act of 1990, and
2 for administrative and other expenses associated
3 with project-based activities and assistance funded
4 under this paragraph.

5 (2) Up to \$232,000,000 shall be available for
6 performance-based contract administrators for sec-
7 tion 8 project-based assistance: *Provided*, That the
8 Secretary of Housing and Urban Development may
9 also use such amounts for performance-based con-
10 tract administrators for the administration of: inter-
11 est reduction payments pursuant to section 236(a)
12 of the National Housing Act (12 U.S.C. 1715z-
13 1(a)); rent supplement payments pursuant to section
14 101 of the Housing and Urban Development Act of
15 1965 (12 U.S.C. 1701s); section 236(f)(2) rental as-
16 sistance payments (12 U.S.C. 1715z-1(f)(2));
17 project rental assistance contracts for the elderly
18 under section 202(c)(2) of the Housing Act of 1959
19 (12 U.S.C. 1701q); project rental assistance con-
20 tracts for supportive housing for persons with dis-
21 abilities under section 811(d)(2) of the Cranston-
22 Gonzalez National Affordable Housing Act (42
23 U.S.C. 8013(d)(2)); project assistance contracts pur-
24 suant to section 202(h) of the Housing Act of 1959
25 (Public Law 86-372; 73 Stat. 667); and loans under

1 section 202 of the Housing Act of 1959 (Public Law
2 86–372; 73 Stat. 667).

3 (3) Not to exceed \$10,000,000 provided under
4 this heading may be transferred to the Working
5 Capital Fund.

6 (4) Amounts recaptured under this heading, the
7 heading “Annual Contributions for Assisted Hous-
8 ing”, or the heading “Housing Certificate Fund”
9 may be used for renewals of or amendments to sec-
10 tion 8 project-based contracts or for performance-
11 based contract administrators, notwithstanding the
12 purposes for which such amounts were appropriated.

13 HOUSING FOR THE ELDERLY

14 (INCLUDING TRANSFER OF FUNDS)

15 For capital advances, including amendments to cap-
16 ital advance contracts, for housing for the elderly, as au-
17 thorized by section 202 of the Housing Act of 1959, as
18 amended, and for project rental assistance for the elderly
19 under section 202(c)(2) of such Act, including amend-
20 ments to contracts for such assistance and renewal of ex-
21 piring contracts for such assistance for up to a 1-year
22 term, and for supportive services associated with the hous-
23 ing, \$765,000,000, to remain available until September
24 30, 2012, of which up to \$626,400,000 shall be for capital
25 advance and project-based rental assistance awards: *Pro-*
26 *vided*, That, of the amount provided under this heading,

1 up to \$90,000,000 shall be for service coordinators and
2 the continuation of existing congregate service grants for
3 residents of assisted housing projects, and of which up to
4 \$25,000,000 shall be for grants under section 202b of the
5 Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion
6 of eligible projects under such section to assisted living
7 or related use and for substantial and emergency capital
8 repairs as determined by the Secretary: *Provided further,*
9 That of the amount made available under this heading,
10 \$20,000,000 shall be available to the Secretary of Housing
11 and Urban Development only for making competitive
12 grants to private nonprofit organizations and consumer
13 cooperatives for covering costs of architectural and engi-
14 neering work, site control, and other planning relating to
15 the development of supportive housing for the elderly that
16 is eligible for assistance under section 202 of the Housing
17 Act of 1959 (12 U.S.C. 1701q): *Provided further,* That
18 amounts under this heading shall be available for Real Es-
19 tate Assessment Center inspections and inspection-related
20 activities associated with section 202 capital advance
21 projects: *Provided further,* That up to \$2,000,000 of the
22 total amount made available under this heading shall be
23 for technical assistance to improve grant applications and
24 to facilitate the development of housing for the elderly
25 under section 202 of the Housing Act of 1959, and sup-

1 portive housing for persons with disabilities under section
2 811 of the Cranston-Gonzales National Affordable Hous-
3 ing Act: *Provided further*, That of the total amount made
4 available under this heading, not to exceed \$1,600,000
5 may be transferred to the Working Capital Fund: *Pro-*
6 *vided further*, That the Secretary may waive the provisions
7 of section 202 governing the terms and conditions of
8 project rental assistance, except that the initial contract
9 term for such assistance shall not exceed 5 years in dura-
10 tion.

11 HOUSING FOR PERSONS WITH DISABILITIES

12 (INCLUDING TRANSFER OF FUNDS)

13 For capital advance contracts, including amendments
14 to capital advance contracts, for supportive housing for
15 persons with disabilities, as authorized by section 811 of
16 the Cranston-Gonzalez National Affordable Housing Act
17 (42 U.S.C. 8013), for project rental assistance for sup-
18 portive housing for persons with disabilities under section
19 811(d)(2) of such Act, including amendments to contracts
20 for such assistance and renewal of expiring contracts for
21 such assistance for up to a 1-year term, and for supportive
22 services associated with the housing for persons with dis-
23 abilities as authorized by section 811(b)(1) of such Act,
24 and for tenant-based rental assistance contracts entered
25 into pursuant to section 811 of such Act, \$250,000,000,
26 of which up to \$161,300,000 shall be for capital advances

1 and project-based rental assistance contracts, to remain
2 available until September 30, 2012: *Provided*, That of the
3 total amount made available under this heading, not to
4 exceed \$1,600,000 may be transferred to the Working
5 Capital Fund: *Provided further*, That, of the amount pro-
6 vided under this heading, \$87,100,000 shall be for amend-
7 ments or renewal of tenant-based assistance contracts en-
8 tered into prior to fiscal year 2005 (only one amendment
9 authorized for any such contract): *Provided further*, That
10 all tenant-based assistance made available under this
11 heading shall continue to remain available only to persons
12 with disabilities: *Provided further*, That the Secretary may
13 waive the provisions of section 811 governing the terms
14 and conditions of project rental assistance and tenant-
15 based assistance, except that the initial contract term for
16 such assistance shall not exceed 5 years in duration: *Pro-*
17 *vided further*, That amounts made available under this
18 heading shall be available for Real Estate Assessment
19 Center inspections and inspection-related activities associ-
20 ated with section 811 Capital Advance Projects.

21 HOUSING COUNSELING ASSISTANCE

22 For contracts, grants, and other assistance excluding
23 loans, as authorized under section 106 of the Housing and
24 Urban Development Act of 1968, as amended,
25 \$65,000,000, including up to \$2,000,000 for administra-
26 tive contract services, to remain available until September

1 30, 2010: *Provided*, That funds shall be used for providing
2 counseling and advice to tenants and homeowners, both
3 current and prospective, with respect to property mainte-
4 nance, financial management/literacy, and such other mat-
5 ters as may be appropriate to assist them in improving
6 their housing conditions, meeting their financial needs,
7 and fulfilling the responsibilities of tenancy or homeowner-
8 ship; for program administration; and for housing coun-
9 selor training.

10 OTHER ASSISTED HOUSING PROGRAMS

11 RENTAL HOUSING ASSISTANCE

12 For amendments to contracts under section 101 of
13 the Housing and Urban Development Act of 1965 (12
14 U.S.C. 1701s) and section 236(f)(2) of the National
15 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-
16 sured rental housing projects, \$27,600,000, to remain
17 available until expended.

18 RENT SUPPLEMENT

19 (RESCISSION)

20 Of the amounts recaptured from terminated con-
21 tracts under section 101 of the Housing and Urban Devel-
22 opment Act of 1965 (12 U.S.C. 1701s) and section 236
23 of the National Housing Act (12 U.S.C. 1715z-1)
24 \$37,600,000 are rescinded.

1 such collections, as well as fees collected under section
2 620, for necessary expenses of such Act: *Provided further*,
3 That notwithstanding the requirements of section 620 of
4 such Act, the Secretary may carry out responsibilities of
5 the Secretary under such Act through the use of approved
6 service providers that are paid directly by the recipients
7 of their services.

8 FEDERAL HOUSING ADMINISTRATION
9 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
10 (INCLUDING TRANSFERS OF FUNDS)

11 During fiscal year 2009, commitments to guarantee
12 single family loans insured under the Mutual Mortgage In-
13 surance Fund shall not exceed a loan principal of
14 \$315,000,000,000. During fiscal year 2009, obligations to
15 make direct loans to carry out the purposes of section
16 204(g) of the National Housing Act, as amended, shall
17 not exceed \$50,000,000: *Provided*, That the foregoing
18 amount shall be for loans to nonprofit and governmental
19 entities in connection with sales of single family real prop-
20 erties owned by the Secretary and formerly insured under
21 the Mutual Mortgage Insurance Fund. For administrative
22 contract expenses, \$116,000,000, of which at least
23 \$46,794,000 shall, and up to \$58,492,500 may, be trans-
24 ferred to the Working Capital Fund, and of which up to
25 \$7,500,000 shall be for education and outreach of FHA
26 single family loan products: *Provided further*, That to the

1 extent guaranteed loan commitments exceed
2 \$65,500,000,000 on or before April 1, 2009, an additional
3 \$1,400 for administrative contract expenses shall be avail-
4 able for each \$1,000,000 in additional guaranteed loan
5 commitments (including a pro rata amount for any
6 amount below \$1,000,000), but in no case shall funds
7 made available by this proviso exceed \$30,000,000.

8 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

9 For the cost of guaranteed loans, as authorized by
10 sections 238 and 519 of the National Housing Act (12
11 U.S.C. 1715z-3 and 1735c), including the cost of loan
12 guarantee modifications, as that term is defined in section
13 502 of the Congressional Budget Act of 1974, as amend-
14 ed, \$8,600,000, to remain available until expended: *Pro-*
15 *vided*, That commitments to guarantee loans shall not ex-
16 ceed \$45,000,000,000 in total loan principal, any part of
17 which is to be guaranteed. Gross obligations for the prin-
18 cipal amount of direct loans, as authorized by sections
19 204(g), 207(l), 238, and 519(a) of the National Housing
20 Act, shall not exceed \$50,000,000, of which not to exceed
21 \$30,000,000 shall be for bridge financing in connection
22 with the sale of multifamily real properties owned by the
23 Secretary and formerly insured under such Act; and of
24 which not to exceed \$20,000,000 shall be for loans to non-
25 profit and governmental entities in connection with the
26 sale of single-family real properties owned by the Sec-

1 retary and formerly insured under such Act. For adminis-
2 trative contract expenses necessary to carry out the guar-
3 anteed and direct loan programs, \$48,871,000, of which
4 at least \$47,871,000 shall be for administrative contracts
5 and up to \$1,000,000 shall be for consumer education and
6 outreach for FHA loan products.

7 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
8 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
9 GUARANTEE PROGRAM ACCOUNT

10 New commitments to issue guarantees to carry out
11 the purposes of section 306 of the National Housing Act,
12 as amended (12 U.S.C. 1721(g)), shall not exceed
13 \$300,000,000,000, to remain available until September
14 30, 2010: *Provided*, That to the extent new guarantees
15 of mortgage-backed securities exceed \$75,000,000,000 on
16 or before April 1, 2009, an additional \$1,000 for adminis-
17 trative contract expenses shall be available for each
18 \$1,000,000 in additional guaranteed loan commitments
19 (including a pro rata amount for any amount below
20 \$1,000,000) but in no case shall funds made available by
21 this proviso exceed \$14,000,000.

22 POLICY DEVELOPMENT AND RESEARCH
23 RESEARCH AND TECHNOLOGY

24 For contracts, grants, and necessary expenses of pro-
25 grams of research and studies relating to housing and

1 urban problems, not otherwise provided for, as authorized
2 by title V of the Housing and Urban Development Act
3 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
4 out the functions of the Secretary of Housing and Urban
5 Development under section 1(a)(1)(i) of Reorganization
6 Plan No. 2 of 1968, \$58,000,000, to remain available
7 until September 30, 2010: *Provided*, That of the funds
8 made available under this heading, \$23,000,000 is for
9 grants pursuant to section 107 of the Housing and Com-
10 munity Development Act of 1974 (42 U.S.C. 5307): *Pro-*
11 *vided further*, That at least \$1,000,000 shall be available
12 for the Secretary to conduct a comprehensive study to be
13 managed by the Office of Policy Development and Re-
14 search, to analyze the administrative costs necessary to
15 carry-out the tenant-based voucher program: *Provided fur-*
16 *ther*, That of the total amount made available, \$2,000,000
17 may be made available for technology directly related to
18 disaster prone areas.

19 FAIR HOUSING AND EQUAL OPPORTUNITY

20 FAIR HOUSING ACTIVITIES

21 For contracts, grants, and other assistance, not oth-
22 erwise provided for, as authorized by title VIII of the Civil
23 Rights Act of 1968, as amended by the Fair Housing
24 Amendments Act of 1988, and section 561 of the Housing
25 and Community Development Act of 1987, as amended,

1 \$53,500,000, to remain available until September 30,
2 2010, of which \$27,500,000 shall be to carry out activities
3 pursuant to such section 561 of which up to \$2,000,000
4 shall be made available to carryout authorized activities
5 to protect the public from mortgage rescue scams: *Pro-*
6 *vided*, That notwithstanding 31 U.S.C. 3302, the Sec-
7 retary may assess and collect fees to cover the costs of
8 the Fair Housing Training Academy, and may use such
9 funds to provide such training: *Provided further*, That no
10 funds made available under this heading shall be used to
11 lobby the executive or legislative branches of the Federal
12 Government in connection with a specific contract, grant
13 or loan: *Provided further*, That of the funds made available
14 under this heading, \$500,000 shall be available to the Sec-
15 retary of Housing and Urban Development for the cre-
16 ation and promotion of translated materials and other pro-
17 grams that support the assistance of persons with limited
18 English proficiency in utilizing the services provided by
19 the Department of Housing and Urban Development.

20 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

21 CONTROL

22 LEAD HAZARD REDUCTION

23 For the Lead Hazard Reduction Program, as author-
24 ized by section 1011 of the Residential Lead-Based Paint
25 Hazard Reduction Act of 1992, \$140,000,000, to remain

1 available until September 30, 2010, of which not less than
2 \$14,600,000 shall be for the Healthy Homes Initiative,
3 pursuant to sections 501 and 502 of the Housing and
4 Urban Development Act of 1970 that shall include re-
5 search, studies, testing, and demonstration efforts, includ-
6 ing education and outreach concerning lead-based paint
7 poisoning and other housing-related diseases and hazards:
8 *Provided*, That for purposes of environmental review, pur-
9 suant to the National Environmental Policy Act of 1969
10 (42 U.S.C. 4321 et seq.) and other provisions of law that
11 further the purposes of such Act, a grant under the
12 Healthy Homes Initiative, Operation Lead Elimination
13 Action Plan (LEAP), or the Lead Technical Studies pro-
14 gram under this heading or under prior appropriations
15 Acts for such purposes under this heading, shall be consid-
16 ered to be funds for a special project for purposes of sec-
17 tion 305(c) of the Multifamily Housing Property Disposi-
18 tion Reform Act of 1994: *Provided further*, That of the
19 total amount made available under this heading,
20 \$48,000,000 shall be made available on a competitive
21 basis for areas with the highest lead paint abatement
22 needs: *Provided further*, That each recipient of funds pro-
23 vided under the second proviso shall make a matching con-
24 tribution in an amount not less than 25 percent: *Provided*
25 *further*, That the Secretary may waive the matching re-

1 quirement cited in the preceding proviso on a case by case
2 basis if the Secretary determines that such a waiver is nec-
3 essary to advance the purposes of this program: *Provided*
4 *further*, That each applicant shall submit a detailed plan
5 and strategy that demonstrates adequate capacity that is
6 acceptable to the Secretary to carry out the proposed use
7 of funds pursuant to a notice of funding availability: *Pro-*
8 *vided further*, That amounts made available under this
9 heading in prior appropriations Acts, and that still remain
10 available, may be used for any purpose under this heading
11 notwithstanding the purpose for which such amounts were
12 appropriated: *Provided further*, That of the total amount
13 made available under this heading, \$250,000 shall be allo-
14 cated through the Office of Healthy Homes and Lead
15 Hazard Control to conduct communications and outreach
16 to potential applicants to the Lead Hazard Reduction
17 Demonstration Grant program.

18 MANAGEMENT AND ADMINISTRATION

19 WORKING CAPITAL FUND

20 For additional capital for the Working Capital Fund
21 (42 U.S.C. 3535) for the development of, modifications
22 to, and infrastructure for Department-wide information
23 technology systems, for the continuing operation and
24 maintenance of both Department-wide and program-spe-
25 cific information systems, and for program-related devel-

1 opment activities, \$224,000,000, to remain available until
2 September 30, 2010, of which not less than \$4,000,000
3 shall be used for planning for modernizing, improving and
4 maintaining information technology applications and in-
5 frastructure supporting the FHA: *Provided*, That any
6 amounts transferred to this Fund under this Act shall re-
7 main available until expended: *Provided further*, That any
8 amounts transferred to this Fund from amounts appro-
9 priated by previously enacted appropriations Acts or from
10 within this Act may be used only for the purposes specified
11 under this Fund, in addition to the purposes for which
12 such amounts were appropriated: *Provided further*, That
13 up to \$15,000,000 may be transferred to this account
14 from all other accounts in this title (except for the Office
15 of the Inspector General account) that make funds avail-
16 able for salaries and expenses.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary salaries and expenses of the Office of
19 Inspector General in carrying out the Inspector General
20 Act of 1978, as amended, \$120,000,000: *Provided*, That
21 the Inspector General shall have independent authority
22 over all personnel issues within this office.

1 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
2 URBAN DEVELOPMENT
3 (INCLUDING RESCISSION OF FUNDS)

4 SEC. 201. Fifty percent of the amounts of budget au-
5 thority, or in lieu thereof 50 percent of the cash amounts
6 associated with such budget authority, that are recaptured
7 from projects described in section 1012(a) of the Stewart
8 B. McKinney Homeless Assistance Amendments Act of
9 1988 (42 U.S.C. 1437 note) shall be rescinded or in the
10 case of cash, shall be remitted to the Treasury, and such
11 amounts of budget authority or cash recaptured and not
12 rescinded or remitted to the Treasury shall be used by
13 State housing finance agencies or local governments or
14 local housing agencies with projects approved by the Sec-
15 retary of Housing and Urban Development for which set-
16 tlement occurred after January 1, 1992, in accordance
17 with such section. Notwithstanding the previous sentence,
18 the Secretary may award up to 15 percent of the budget
19 authority or cash recaptured and not rescinded or remitted
20 to the Treasury to provide project owners with incentives
21 to refinance their project at a lower interest rate.

22 SEC. 202. None of the amounts made available under
23 this Act may be used during fiscal year 2009 to investigate
24 or prosecute under the Fair Housing Act any otherwise
25 lawful activity engaged in by one or more persons, includ-

1 ing the filing or maintaining of a non-frivolous legal ac-
2 tion, that is engaged in solely for the purpose of achieving
3 or preventing action by a Government official or entity,
4 or a court of competent jurisdiction.

5 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
6 of the AIDS Housing Opportunity Act (42 U.S.C.
7 12903(c)(1)(A)), from any amounts made available under
8 this title for fiscal year 2009 that are allocated under such
9 section, the Secretary of Housing and Urban Development
10 shall allocate and make a grant, in the amount determined
11 under subsection (b), for any State that—

12 (1) received an allocation in a prior fiscal year
13 under clause (ii) of such section; and

14 (2) is not otherwise eligible for an allocation for
15 fiscal year 2009 under such clause (ii) because the
16 areas in the State outside of the metropolitan statis-
17 tical areas that qualify under clause (i) in fiscal year
18 2009 do not have the number of cases of acquired
19 immunodeficiency syndrome (AIDS) required under
20 such clause.

21 (b) The amount of the allocation and grant for any
22 State described in subsection (a) shall be an amount based
23 on the cumulative number of AIDS cases in the areas of
24 that State that are outside of metropolitan statistical
25 areas that qualify under clause (i) of such section

1 854(c)(1)(A) in fiscal year 2009, in proportion to AIDS
2 cases among cities and States that qualify under clauses
3 (i) and (ii) of such section and States deemed eligible
4 under subsection (a).

5 (c) Notwithstanding any other provision of law, the
6 amount allocated for fiscal year 2009 under section 854(c)
7 of the AIDS Housing Opportunity Act (42 U.S.C.
8 12903(c)), to the City of New York, New York, on behalf
9 of the New York-Wayne-White Plains, New York-New
10 Jersey Metropolitan Division (hereafter “metropolitan di-
11 vision”) of the New York-Newark-Edison, NY-NJ-PA
12 Metropolitan Statistical Area, shall be adjusted by the
13 Secretary of Housing and Urban Development by: (1) allo-
14 cating to the City of Jersey City, New Jersey, the propor-
15 tion of the metropolitan area’s or division’s amount that
16 is based on the number of cases of AIDS reported in the
17 portion of the metropolitan area or division that is located
18 in Hudson County, New Jersey, and adjusting for the pro-
19 portion of the metropolitan division’s high incidence bonus
20 if this area in New Jersey also has a higher than average
21 per capita incidence of AIDS; and (2) allocating to the
22 City of Paterson, New Jersey, the proportion of the metro-
23 politan area’s or division’s amount that is based on the
24 number of cases of AIDS reported in the portion of the
25 metropolitan area or division that is located in Bergen

1 County and Passaic County, New Jersey, and adjusting
2 for the proportion of the metropolitan division's high inci-
3 dence bonus if this area in New Jersey also has a higher
4 than average per capita incidence of AIDS. The recipient
5 cities shall use amounts allocated under this subsection
6 to carry out eligible activities under section 855 of the
7 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
8 their respective portions of the metropolitan division that
9 is located in New Jersey.

10 (d) Notwithstanding any other provision of law, the
11 amount allocated for fiscal year 2009 under section 854(c)
12 of the AIDS Housing Opportunity Act (42 U.S.C.
13 12903(c)) to areas with a higher than average per capita
14 incidence of AIDS, shall be adjusted by the Secretary on
15 the basis of area incidence reported over a 3 year period.

16 SEC. 204. Except as explicitly provided in law, any
17 grant, cooperative agreement or other assistance made
18 pursuant to title II of this Act shall be made on a competi-
19 tive basis and in accordance with section 102 of the De-
20 partment of Housing and Urban Development Reform Act
21 of 1989 (42 U.S.C. 3545).

22 SEC. 205. Funds of the Department of Housing and
23 Urban Development subject to the Government Corpora-
24 tion Control Act or section 402 of the Housing Act of
25 1950 shall be available, without regard to the limitations

1 on administrative expenses, for legal services on a contract
2 or fee basis, and for utilizing and making payment for
3 services and facilities of the Federal National Mortgage
4 Association, Government National Mortgage Association,
5 Federal Home Loan Mortgage Corporation, Federal Fi-
6 nancing Bank, Federal Reserve banks or any member
7 thereof, Federal Home Loan banks, and any insured bank
8 within the meaning of the Federal Deposit Insurance Cor-
9 poration Act, as amended (12 U.S.C. 1811–1831).

10 SEC. 206. Unless otherwise provided for in this Act
11 or through a reprogramming of funds, no part of any ap-
12 propriation for the Department of Housing and Urban
13 Development shall be available for any program, project
14 or activity in excess of amounts set forth in the budget
15 estimates submitted to Congress.

16 SEC. 207. Corporations and agencies of the Depart-
17 ment of Housing and Urban Development which are sub-
18 ject to the Government Corporation Control Act, are here-
19 by authorized to make such expenditures, within the limits
20 of funds and borrowing authority available to each such
21 corporation or agency and in accordance with law, and to
22 make such contracts and commitments without regard to
23 fiscal year limitations as provided by section 104 of such
24 Act as may be necessary in carrying out the programs set
25 forth in the budget for 2009 for such corporation or agen-

1 cy except as hereinafter provided: *Provided*, That collec-
2 tions of these corporations and agencies may be used for
3 new loan or mortgage purchase commitments only to the
4 extent expressly provided for in this Act (unless such loans
5 are in support of other forms of assistance provided for
6 in this or prior appropriations Acts), except that this pro-
7 viso shall not apply to the mortgage insurance or guaranty
8 operations of these corporations, or where loans or mort-
9 gage purchases are necessary to protect the financial in-
10 terest of the United States Government.

11 SEC. 208. None of the funds provided in this title
12 for technical assistance, training, or management improve-
13 ments may be obligated or expended unless the Secretary
14 of Housing and Urban Development provides to the Com-
15 mittees on Appropriations a description of each proposed
16 activity and a detailed budget estimate of the costs associ-
17 ated with each program, project or activity as part of the
18 Budget Justifications. For fiscal year 2009, the Secretary
19 shall transmit this information to the Committees by
20 March 15, 2009 for 30 days of review.

21 SEC. 209. The Secretary of Housing and Urban De-
22 velopment shall provide quarterly reports to the House
23 and Senate Committees on Appropriations regarding all
24 uncommitted, unobligated, recaptured and excess funds in
25 each program and activity within the jurisdiction of the

1 Department and shall submit additional, updated budget
2 information to these Committees upon request.

3 SEC. 210. (a) Notwithstanding any other provision
4 of law, the amount allocated for fiscal year 2009 under
5 section 854(c) of the AIDS Housing Opportunity Act (42
6 U.S.C. 12903(c)), to the City of Wilmington, Delaware,
7 on behalf of the Wilmington, Delaware-Maryland-New
8 Jersey Metropolitan Division (hereafter “metropolitan di-
9 vision”), shall be adjusted by the Secretary of Housing
10 and Urban Development by allocating to the State of New
11 Jersey the proportion of the metropolitan division’s
12 amount that is based on the number of cases of AIDS
13 reported in the portion of the metropolitan division that
14 is located in New Jersey, and adjusting for the proportion
15 of the metropolitan division’s high incidence bonus if this
16 area in New Jersey also has a higher than average per
17 capita incidence of AIDS. The State of New Jersey shall
18 use amounts allocated to the State under this subsection
19 to carry out eligible activities under section 855 of the
20 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
21 portion of the metropolitan division that is located in New
22 Jersey.

23 (b) Notwithstanding any other provision of law, the
24 Secretary of Housing and Urban Development shall allo-
25 cate to Wake County, North Carolina, the amounts that

1 otherwise would be allocated for fiscal year 2009 under
2 section 854(c) of the AIDS Housing Opportunity Act (42
3 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
4 on behalf of the Raleigh-Cary, North Carolina Metropoli-
5 tan Statistical Area. Any amounts allocated to Wake
6 County shall be used to carry out eligible activities under
7 section 855 of such Act (42 U.S.C. 12904) within such
8 metropolitan statistical area.

9 (c) Notwithstanding section 854(c) of the AIDS
10 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
11 retary of Housing and Urban Development may adjust the
12 allocation of the amounts that otherwise would be allo-
13 cated for fiscal year 2009 under section 854(c) of such
14 Act, upon the written request of an applicant, in conjunc-
15 tion with the State(s), for a formula allocation on behalf
16 of a metropolitan statistical area, to designate the State
17 or States in which the metropolitan statistical area is lo-
18 cated as the eligible grantee(s) of the allocation. In the
19 case that a metropolitan statistical area involves more
20 than one State, such amounts allocated to each State shall
21 be in proportion to the number of cases of AIDS reported
22 in the portion of the metropolitan statistical area located
23 in that State. Any amounts allocated to a State under this
24 section shall be used to carry out eligible activities within

1 the portion of the metropolitan statistical area located in
2 that State.

3 SEC. 211. The President's formal budget request for
4 fiscal year 2010, as well as the Department of Housing
5 and Urban Development's congressional budget justifica-
6 tions to be submitted to the Committees on Appropriations
7 of the House of Representatives and the Senate, shall use
8 the identical account and sub-account structure provided
9 under this Act.

10 SEC. 212. A public housing agency or such other enti-
11 ty that administers Federal housing assistance for the
12 Housing Authority of the county of Los Angeles, Cali-
13 fornia, the States of Alaska, Iowa, and Mississippi shall
14 not be required to include a resident of public housing or
15 a recipient of assistance provided under section 8 of the
16 United States Housing Act of 1937 on the board of direc-
17 tors or a similar governing board of such agency or entity
18 as required under section (2)(b) of such Act. Each public
19 housing agency or other entity that administers Federal
20 housing assistance under section 8 for the Housing Au-
21 thority of the county of Los Angeles, California and the
22 States of Alaska, Iowa and Mississippi that chooses not
23 to include a resident of Public Housing or a recipient of
24 section 8 assistance on the board of directors or a similar
25 governing board shall establish an advisory board of not

1 less than six residents of public housing or recipients of
2 section 8 assistance to provide advice and comment to the
3 public housing agency or other administering entity on
4 issues related to public housing and section 8. Such advi-
5 sory board shall meet not less than quarterly.

6 SEC. 213. (a) Notwithstanding any other provision
7 of law, subject to the conditions listed in subsection (b),
8 for fiscal years 2008 and 2009, the Secretary of Housing
9 and Urban Development may authorize the transfer of
10 some or all project-based assistance, debt and statutorily
11 required low-income and very low-income use restrictions,
12 associated with one or more multifamily housing project
13 to another multifamily housing project or projects.

14 (b) The transfer authorized in subsection (a) is sub-
15 ject to the following conditions:

16 (1) The number of low-income and very low-in-
17 come units and the net dollar amount of Federal as-
18 sistance provided by the transferring project shall
19 remain the same in the receiving project or projects.

20 (2) The transferring project shall, as deter-
21 mined by the Secretary, be either physically obsolete
22 or economically non-viable.

23 (3) The receiving project or projects shall meet
24 or exceed applicable physical standards established
25 by the Secretary.

1 (4) The owner or mortgagor of the transferring
2 project shall notify and consult with the tenants re-
3 siding in the transferring project and provide a cer-
4 tification of approval by all appropriate local govern-
5 mental officials.

6 (5) The tenants of the transferring project who
7 remain eligible for assistance to be provided by the
8 receiving project or projects shall not be required to
9 vacate their units in the transferring project or
10 projects until new units in the receiving project are
11 available for occupancy.

12 (6) The Secretary determines that this transfer
13 is in the best interest of the tenants.

14 (7) If either the transferring project or the re-
15 ceiving project or projects meets the condition speci-
16 fied in subsection (c)(2)(A), any lien on the receiving
17 project resulting from additional financing obtained
18 by the owner shall be subordinate to any FHA-in-
19 sured mortgage lien transferred to, or placed on,
20 such project by the Secretary.

21 (8) If the transferring project meets the re-
22 quirements of subsection (c)(2)(E), the owner or
23 mortgagor of the receiving project or projects shall
24 execute and record either a continuation of the exist-
25 ing use agreement or a new use agreement for the

1 project where, in either case, any use restrictions in
2 such agreement are of no lesser duration than the
3 existing use restrictions.

4 (9) Any financial risk to the FHA General and
5 Special Risk Insurance Fund, as determined by the
6 Secretary, would be reduced as a result of a transfer
7 completed under this section.

8 (10) The Secretary determines that Federal li-
9 ability with regard to this project will not be in-
10 creased.

11 (c) For purposes of this section—

12 (1) the terms “low-income” and “very low-in-
13 come” shall have the meanings provided by the stat-
14 ute and/or regulations governing the program under
15 which the project is insured or assisted;

16 (2) the term “multifamily housing project”
17 means housing that meets one of the following con-
18 ditions—

19 (A) housing that is subject to a mortgage
20 insured under the National Housing Act;

21 (B) housing that has project-based assist-
22 ance attached to the structure including
23 projects undergoing mark to market debt re-
24 structuring under the Multifamily Assisted
25 Housing Reform and Affordability Housing Act;

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959 as amended by
3 section 801 of the Cranston-Gonzales National
4 Affordable Housing Act;

5 (D) housing that is assisted under section
6 202 of the Housing Act of 1959, as such sec-
7 tion existed before the enactment of the Cran-
8 ston-Gonzales National Affordable Housing Act;
9 or

10 (E) housing or vacant land that is subject
11 to a use agreement;

12 (3) the term “project-based assistance”
13 means—

14 (A) assistance provided under section 8(b)
15 of the United States Housing Act of 1937;

16 (B) assistance for housing constructed or
17 substantially rehabilitated pursuant to assist-
18 ance provided under section 8(b)(2) of such Act
19 (as such section existed immediately before Oc-
20 tober 1, 1983);

21 (C) rent supplement payments under sec-
22 tion 101 of the Housing and Urban Develop-
23 ment Act of 1965;

24 (D) interest reduction payments under sec-
25 tion 236 and/or additional assistance payments

1 under section 236(f)(2) of the National Hous-
2 ing Act; and

3 (E) assistance payments made under sec-
4 tion 202(c)(2) of the Housing Act of 1959;

5 (4) the term “receiving project or projects”
6 means the multifamily housing project or projects to
7 which some or all of the project-based assistance,
8 debt, and statutorily required use low-income and
9 very low-income restrictions are to be transferred;

10 (5) the term “transferring project” means the
11 multifamily housing project which is transferring
12 some or all of the project-based assistance, debt and
13 the statutorily required low-income and very low-in-
14 come use restrictions to the receiving project or
15 projects; and

16 (6) the term “Secretary” means the Secretary
17 of Housing and Urban Development.

18 SEC. 214. The funds made available for Native Alas-
19 kans under the heading “Native American Housing Block
20 Grants” in title III of this Act shall be allocated to the
21 same Native Alaskan housing block grant recipients that
22 received funds in fiscal year 2005.

23 SEC. 215. No funds provided under this title may be
24 used for an audit of the Government National Mortgage

1 Association that makes applicable requirements under the
2 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

3 SEC. 216. (a) No assistance shall be provided under
4 section 8 of the United States Housing Act of 1937 (42
5 U.S.C. 1437f) to any individual who—

6 (1) is enrolled as a student at an institution of
7 higher education (as defined under section 102 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1002));

10 (2) is under 24 years of age;

11 (3) is not a veteran;

12 (4) is unmarried;

13 (5) does not have a dependent child;

14 (6) is not a person with disabilities, as such
15 term is defined in section 3(b)(3)(E) of the United
16 States Housing Act of 1937 (42 U.S.C.
17 1437a(b)(3)(E)) and was not receiving assistance
18 under such section 8 as of November 30, 2005; and

19 (7) is not otherwise individually eligible, or has
20 parents who, individually or jointly, are not eligible,
21 to receive assistance under section 8 of the United
22 States Housing Act of 1937 (42 U.S.C. 1437f).

23 (b) For purposes of determining the eligibility of a
24 person to receive assistance under section 8 of the United
25 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-

1 cial assistance (in excess of amounts received for tuition)
2 that an individual receives under the Higher Education
3 Act of 1965 (20 U.S.C. 1001 et seq.), from private
4 sources, or an institution of higher education (as defined
5 under the Higher Education Act of 1965 (20 U.S.C.
6 1002)), shall be considered income to that individual, ex-
7 cept for a person over the age of 23 with dependent chil-
8 dren.

9 SEC. 217. Notwithstanding the limitation in the first
10 sentence of section 255(g) of the National Housing Act
11 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and
12 Urban Development may, until September 30, 2009, in-
13 sure and enter into commitments to insure mortgages
14 under section 255 of the National Housing Act (12 U.S.C.
15 1715z-20).

16 SEC. 218. Notwithstanding any other provision of
17 law, in fiscal year 2009, in managing and disposing of any
18 multifamily property that is owned or has a mortgage held
19 by the Secretary of Housing and Urban Development, the
20 Secretary shall maintain any rental assistance payments
21 under section 8 of the United States Housing Act of 1937
22 and other programs that are attached to any dwelling
23 units in the property. To the extent the Secretary deter-
24 mines, in consultation with the tenants and the local gov-
25 ernment, that such a multifamily property owned or held

1 by the Secretary is not feasible for continued rental assist-
2 ance payments under such section 8 or other programs,
3 based on consideration of (1) the costs of rehabilitating
4 and operating the property and all available Federal,
5 State, and local resources, including rent adjustments
6 under section 524 of the Multifamily Assisted Housing
7 Reform and Affordability Act of 1997 (“MAHRAA”) and
8 (2) environmental conditions that cannot be remedied in
9 a cost-effective fashion, the Secretary may, in consultation
10 with the tenants of that property, contract for project-
11 based rental assistance payments with an owner or owners
12 of other existing housing properties, or provide other rent-
13 al assistance. The Secretary shall also take appropriate
14 steps to ensure that project-based contracts remain in ef-
15 fect prior to foreclosure, subject to the exercise of contrac-
16 tual abatement remedies to assist relocation of tenants for
17 imminent major threats to health and safety. After dis-
18 position of any multifamily property described under this
19 section, the contract and allowable rent levels on such
20 properties shall be subject to the requirements under sec-
21 tion 524 of MAHRAA.

22 SEC. 219. During fiscal year 2009, in the provision
23 of rental assistance under section 8(o) of the United
24 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
25 nection with a program to demonstrate the economy and

1 effectiveness of providing such assistance for use in as-
2 sisted living facilities that is carried out in the counties
3 of the State of Michigan notwithstanding paragraphs (3)
4 and (18)(B)(iii) of such section 8(o), a family residing in
5 an assisted living facility in any such county, on behalf
6 of which a public housing agency provides assistance pur-
7 suant to section 8(o)(18) of such Act, may be required,
8 at the time the family initially receives such assistance,
9 to pay rent in an amount exceeding 40 percent of the
10 monthly adjusted income of the family by such a percent-
11 age or amount as the Secretary of Housing and Urban
12 Development determines to be appropriate.

13 SEC. 220. The Secretary of Housing and Urban De-
14 velopment shall report quarterly to the House of Rep-
15 resentatives and Senate Committees on Appropriations on
16 HUD's use of all sole source contracts, including terms
17 of the contracts, cost, and a substantive rationale for
18 using a sole source contract.

19 SEC. 221. Notwithstanding any other provision of
20 law, the recipient of a grant under section 202b of the
21 Housing Act of 1959 (12 U.S.C. 1701q-2) after Decem-
22 ber 26, 2000, in accordance with the unnumbered para-
23 graph at the end of section 202(b) of such Act, may, at
24 its option, establish a single-asset nonprofit entity to own
25 the project and may lend the grant funds to such entity,

1 which may be a private nonprofit organization described
2 in section 831 of the American Homeownership and Eco-
3 nomic Opportunity Act of 2000.

4 SEC. 222. (a) The amounts provided under the sub-
5 heading “Program Account” under the heading “Commu-
6 nity Development Loan Guarantees” may be used to guar-
7 antee, or make commitments to guarantee, notes, or other
8 obligations issued by any State on behalf of non-entitle-
9 ment communities in the State in accordance with the re-
10 quirements of section 108 of the Housing and Community
11 Development Act of 1974: *Provided*, That, any State re-
12 ceiving such a guarantee or commitment shall distribute
13 all funds subject to such guarantee to the units of general
14 local government in non-entitlement areas that received
15 the commitment.

16 (b) Not later than 60 days after the date of enact-
17 ment of this Act, the Secretary of Housing and Urban
18 Development shall promulgate regulations governing the
19 administration of the funds described under subsection
20 (a).

21 SEC. 223. Section 24 of the United States Housing
22 Act of 1937 (42 U.S.C. 1437v) is amended—

23 (1) in subsection (m)(1), by striking “2003”
24 and inserting “2009”; and

1 (2) in subsection (o), by striking “September
2 30, 2007” and inserting “September 30, 2009”.

3 SEC. 224. (a) REQUIRED SUBMISSIONS FOR FISCAL
4 YEARS 2008 AND 2009.—

5 (1) IN GENERAL.—Not later than 60 days after
6 the date of enactment of this Act, the Secretary of
7 Housing and Urban Development shall submit to the
8 relevant authorizing committees and to the Commit-
9 tees on Appropriations of the Senate and the House
10 of Representatives for fiscal years 2008 and 2009—

11 (A) a complete and accurate accounting of
12 the actual project-based renewal costs for
13 project-based assistance under section 8 of the
14 United States Housing Act of 1937 (42 U.S.C.
15 1437f);

16 (B) revised estimates of the funding need-
17 ed to fully fund all 12 months of all project-
18 based contracts under such section 8, including
19 project-based contracts that expire in fiscal year
20 2008 and fiscal year 2009; and

21 (C) all sources of funding that will be used
22 to fully fund all 12 months of the project-based
23 contracts for fiscal years 2008 and 2009.

24 (2) UPDATED INFORMATION.—At any time
25 after the expiration of the 60-day period described

1 in paragraph (1), the Secretary may submit correc-
2 tions or updates to the information required under
3 paragraph (1), if upon completion of an audit of the
4 project-based assistance program under section 8 of
5 the United States Housing Act of 1937 (42 U.S.C.
6 1437f), such audit reveals additional information
7 that may provide Congress a more complete under-
8 standing of the Secretary's implementation of the
9 project-based assistance program under such section
10 8.

11 (b) REQUIRED SUBMISSIONS FOR FISCAL YEAR
12 2010.—As part of the Department of Housing and Urban
13 Development's budget request for fiscal year 2010, the
14 Secretary of Housing and Urban Development shall sub-
15 mit to the relevant authorizing committees and to the
16 Committees on Appropriations of the Senate and the
17 House of Representatives complete and detailed informa-
18 tion, including a project-by-project analysis, that verifies
19 that such budget request will fully fund all project-based
20 contracts under section 8 of the United States Housing
21 Act of 1937 (42 U.S.C. 1437f) in fiscal year 2010, includ-
22 ing expiring project-based contracts.

23 SEC. 225. Public housing agencies that own and oper-
24 ate 400 or fewer public housing units may elect to be ex-
25 empt from any asset management requirement imposed by

1 the Secretary of Housing and Urban Development in con-
2 nection with the operating fund rule: *Provided*, That an
3 agency seeking a discontinuance of a reduction of subsidy
4 under the operating fund formula shall not be exempt
5 from asset management requirements.

6 SEC. 226. With respect to the use of amounts pro-
7 vided in this Act and in future Acts for the operation, cap-
8 ital improvement and management of public housing as
9 authorized by sections 9(d) and 9(e) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
11 Secretary shall not impose any requirement or guideline
12 relating to asset management that restricts or limits in
13 any way the use of capital funds for central office costs
14 pursuant to section 9(g)(1) or 9(g)(2) of the United States
15 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
16 *vided*, however, that a public housing agency may not use
17 capital funds authorized under section 9(d) for activities
18 that are eligible under section 9(e) for assistance with
19 amounts from the operating fund in excess of the amounts
20 permitted under section 9(g)(1) or 9(g)(2).

21 SEC. 227. The Secretary of Housing and Urban De-
22 velopment shall report quarterly to the House of Rep-
23 resentatives and Senate Committees on Appropriations on
24 the status of all section 8 project-based housing, including
25 the number of all project-based units by region as well

1 as an analysis of all federally subsidized housing being re-
2 financed under the Mark-to-Market program. The Sec-
3 retary shall in the report identify all existing units main-
4 tained by region as section 8 project-based units and all
5 project-based units that have opted out of section 8 or
6 have otherwise been eliminated as section 8 project-based
7 units. The Secretary shall identify in detail and by project
8 all the efforts made by the Department to preserve all sec-
9 tion 8 project-based housing units and all the reasons for
10 any units which opted out or otherwise were lost as section
11 8 project-based units. Such analysis shall include a review
12 of the impact of the loss of any subsidized units in that
13 housing marketplace, such as the impact of cost and the
14 loss of available subsidized, low-income housing in areas
15 with scarce housing resources for low-income families.

16 SEC. 228. Section 683(2) of the Housing and Com-
17 munity Development Act of 1992 (42 U.S.C. 13641(2))
18 is amended—

19 (1) in subparagraph (F), by striking “and”;

20 (2) in subparagraph (G) by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding a new subparagraph (H) as fol-
23 lows:

1 “(H) housing that is assisted under section
2 811 of the Cranston-Gonzalez Affording Hous-
3 ing Act (42 U.S.C. 8013).”.

4 SEC. 229. The Home Investment Partnerships Act
5 (42 U.S.C. 12721 et seq.) is amended—

6 (1) in section 233(d)(1) by striking “20” and
7 inserting “40”;

8 (2) in section 233(e) by striking “40” and in-
9 serting “25”;

10 (3) in section 243(b), in the second sentence, by
11 striking “20” and inserting “40”; and

12 (4) in section 271(i) by striking “Act after De-
13 cember 31, 2007” and inserting “section after De-
14 cember 31, 2011”.

15 SEC. 230. No official or employee of the Department
16 of Housing and Urban Development shall be designated
17 as an allotment holder unless the Office of the Chief Fi-
18 nancial Officer has determined that such allotment holder
19 has implemented an adequate system of funds control and
20 has received training in funds control procedures and di-
21 rectives. The Chief Financial Officer shall ensure that, not
22 later than 90 days after the date of enactment of this Act,
23 a trained allotment holder shall be designated for each
24 HUD subaccount under the headings “Executive Direc-
25 tion” and “Administration, Operations, and Management”

1 as well as each account receiving appropriations for “per-
2 sonnel compensation and benefits” within the Department
3 of Housing and Urban Development.

4 SEC. 231. Payment of attorney fees in program-re-
5 lated litigation must be paid from individual program of-
6 fice personnel benefits and compensation funding. The an-
7 nual budget submission for program office personnel ben-
8 efit and compensation funding must include program-re-
9 lated litigation costs for attorney fees as a separate line
10 item request.

11 SEC. 232. Of the unobligated balances remaining
12 from funds appropriated under the heading “Tenant-
13 Based Rental Assistance” under the Department of Hous-
14 ing and Urban Development Appropriations Act, 2008,
15 \$750,000,000 are rescinded from the \$4,158,000,000
16 which are available on October 1, 2008. Such amount shall
17 be derived from reductions to public housing agencies’ cal-
18 endar year 2009 allocations based on amounts in public
19 housing agencies’ net restricted assets accounts (in ac-
20 cordance with VMS data in calendar year 2008 that is
21 verifiable and complete), as determined by the Secretary.

22 SEC. 233. The Secretary of the Department of Hous-
23 ing and Urban Development shall for Fiscal Year 2009
24 and thereafter, notify the public through the Federal Reg-
25 ister and other means, as determined appropriate, of the

1 issuance of a notice of the availability of assistance or no-
2 tice of funding availability (NOFA) for any program or
3 discretionary fund administered by the Secretary that is
4 to be competitively awarded. Notwithstanding any other
5 provision of law, for Fiscal Year 2009 and thereafter, the
6 Secretary may make the NOFA available only on the
7 Internet at the appropriate government website or
8 websites or through other electronic media, as determined
9 by the Secretary.

10 SEC. 234. PREPAYMENT AND REFINANCING. (a) AP-
11 PROVAL OF PREPAYMENT OF DEBT.—Upon request of the
12 project sponsor of a project assisted with a loan under
13 section 202 of the Housing Act of 1959 (as in effect before
14 the enactment of the Cranston-Gonzalez National Afford-
15 able Housing Act), for which the Secretary’s consent to
16 prepayment is required, the Secretary shall approve the
17 prepayment of any indebtedness to the Secretary relating
18 to any remaining principal and interest under the loan as
19 part of a prepayment plan under which—

20 (1) the project sponsor agrees to operate the
21 project until the maturity date of the original loan
22 under terms at least as advantageous to existing and
23 future tenants as the terms required by the original
24 loan agreement or any project-based rental assist-
25 ance payments contract under section 8 of the

1 United States Housing Act of 1937 (or any other
2 project-based rental housing assistance programs of
3 the Department of Housing and Urban Develop-
4 ment, including the rent supplement program under
5 section 101 of the Housing and Urban Development
6 Act of 1965 (12 U.S.C. 1701s)) or any successor
7 project-based rental assistance program, except as
8 provided by subsection (a)(2)(B); and

9 (2) the prepayment may involve refinancing of
10 the loan if such refinancing results —

11 (A) in a lower interest rate on the prin-
12 cipal of the loan for the project and in reduc-
13 tions in debt service related to such loan; or

14 (B) in the case of a project that is assisted
15 with a loan under such section 202 carrying an
16 interest rate of 6 percent or lower, a trans-
17 action under which

18 (i) the project owner shall address the
19 physical needs of the project;

20 (ii) the prepayment plan for the trans-
21 action, including the refinancing, shall
22 meet a cost benefit analysis, as established
23 by the Secretary, that the benefit of the
24 transaction outweighs the cost of the

1 transaction including any increases in rent
2 charged to unassisted tenants;

3 (iii) the overall cost for providing
4 rental assistance under section 8 for the
5 project (if any) is not increased, except,
6 upon approval by the Secretary to—

7 (I) mark-up-to-market contracts
8 pursuant to section 524(a)(3) of the
9 Multifamily Assisted Housing Reform
10 and Affordability Act (42 U.S.C.
11 1437f note), as such section is carried
12 out by the Secretary for properties
13 owned by nonprofit organizations; or

14 (II) mark-up-to-budget contracts
15 pursuant to section 524(a)(4) of the
16 Multifamily Assisted Housing Reform
17 and Affordability Act (42 U.S.C.
18 1437f note), as such section is carried
19 out by the Secretary for properties
20 owned by eligible owners (as such
21 term is defined in section 202(k) of
22 the Housing Act of 1959 (12 U.S.C.
23 1701q(k));

24 (iv) the project owner may charge ten-
25 ants rent sufficient to meet debt service

1 payments and operating cost requirements,
2 as approved by the Secretary, if project-
3 based rental assistance is not available or
4 is insufficient for the debt service and op-
5 erating cost of the project after refi-
6 nancing. Such approval by the Secretary—

7 (I) shall be the basis for the
8 owner to agree to terminate the
9 project-based rental assistance con-
10 tract that is insufficient for the debt
11 service and operating cost of the
12 project after refinancing; and

13 (II) shall be an eligibility event
14 for the project for purposes of section
15 8(t) of the United States Housing Act
16 of 1937 (42 U.S.C. 1437f(t));

17 (v) units to be occupied by tenants as-
18 sisted under section 8(t) of the United
19 States Housing Act of 1937 (42 U.S.C.
20 1437f(t)) shall, upon termination of the oc-
21 cupancy of such tenants, become eligible
22 for project-based assistance under section
23 8(o)(13) of the United States Housing Act
24 of 1937 (42 U.S.C. 1437f(o)(13)) without

1 regard to the percentage limitations pro-
2 vided in such section; and

3 (vi) there shall be a use agreement of
4 20 years from the date of the maturity
5 date of the original 202 loan for all units,
6 including units to be occupied by tenants
7 assisted under section 8(t) of the United
8 States Housing Act of 1937 (42 U.S.C.
9 1437f(t)).

10 SEC. 235. USE OF SURPLUS FEDERAL PROPERTY
11 FOR THE HOMELESS. No property identified by the Sec-
12 retary of Housing and Urban Development as surplus
13 Federal property for use to assist the homeless shall be
14 made available to any homeless group unless the group
15 is a member in good standing under any of HUD's home-
16 less assistance programs or is in good standing with any
17 other program which receives funds from any other Fed-
18 eral or State agency or entity: *Provided*, That an exception
19 may be made for an entity not involved with Federal
20 homeless programs to use surplus Federal property for the
21 homeless only after the Secretary or another responsible
22 Federal agency has fully and comprehensively reviewed all
23 relevant finances of the entity, the track record of the enti-
24 ty in assisting the homeless, the ability of the entity to
25 manage the property, including all costs, the ability of the

1 entity to administer homeless programs in a manner that
2 is effective to meet the needs of the homeless population
3 that is expected to use the property and any other related
4 issues that demonstrate a commitment to assist the home-
5 less: *Provided further*, That the Secretary shall not require
6 the entity to have cash in hand in order to demonstrate
7 financial ability but may rely on the entity's prior dem-
8 onstrated fundraising ability or commitments for in-kind
9 donations of goods and services: *Provided further*, That the
10 Secretary shall make all such information and its decision
11 regarding the award of the surplus property available to
12 the committees of jurisdiction, including a full justification
13 of the appropriateness of the use of the property to assist
14 the homeless as well as the appropriateness of the group
15 seeking to obtain the property to use such property to as-
16 sist the homeless: *Provided further*, That, this section shall
17 apply to properties in fiscal year 2008 and 2009 made
18 available as surplus Federal property for use to assist the
19 homeless.

20 SEC. 236. The Secretary of Housing and Urban De-
21 velopment shall increase, pursuant to this section, the
22 number of Moving-to-Work agencies authorized under sec-
23 tion 204, title II, of the Departments of Veterans Affairs
24 and Housing and Urban Development and Independent
25 Agencies Appropriations Act, 1996 (Public Law 104-134;

1 110 Stat. 1321–281) by adding to the program three Pub-
2 lic Housing Agencies that meet the following require-
3 ments: is a High Performing Agency under the Public
4 Housing Assessment System (PHAS) and is a HOPE VI
5 agency. No PHA shall be granted this designation through
6 this section that administers in excess of 5,000 aggregate
7 housing vouchers and public housing units. No PHA
8 granted this designation through this section shall receive
9 more funding than they otherwise would have received ab-
10 sent this designation.

11 SEC. 237. Of the unobligated balances remaining
12 from funds appropriated to the Department of Housing
13 and Urban Development under the fourth paragraph
14 under the heading “General and Special Risk Program
15 Account” in the Department of Housing and Urban De-
16 velopment Appropriations Act, 2008, \$5,000,000 are re-
17 scinded: *Provided*, That with respect to such discount sales
18 referenced under such paragraph, notwithstanding any
19 other provision of law, in determining the market value
20 of any multifamily real property or multifamily loan for
21 any noncompetitive sale to a State or local government,
22 the Secretary shall in fiscal year 2009 consider, but not
23 be limited to, industry standard appraisal practices, in-
24 cluding the cost of repairs needed to bring the property
25 into such condition as to satisfy minimum State and local

1 code standards and the cost of maintaining the afford-
2 ability restrictions imposed by the Secretary on the multi-
3 family real property or multifamily loan.

4 SEC. 238. The Secretary of the Department of Hous-
5 ing and Urban Development is authorized to transfer up
6 to 5 percent of funds appropriated for any account under
7 this title under the heading “Personnel Compensation and
8 Benefits” to any other account under this title under the
9 heading “Personnel Compensation and Benefits” only
10 after such transfer has been submitted to, and received
11 prior written approval by, the House and Senate Commit-
12 tees on Appropriations: *Provided*, That, no appropriation
13 for any such account shall be increased or decreased by
14 more than 10 percent by all such transfers.

15 SEC. 239. The Disaster Housing Assistance Pro-
16 grams, administered by the Department of Housing and
17 Urban Development, shall be considered a “program of
18 the Department of Housing and Urban Development”
19 under section 904 of the McKinney Act for the purpose
20 of income verifications and matching.

21 This title may be cited as the “Department of Hous-
22 ing and Urban Development Appropriations Act, 2009”.

1 TITLE III
2 RELATED AGENCIES
3 ARCHITECTURAL AND TRANSPORTATION BARRIERS
4 COMPLIANCE BOARD
5 SALARIES AND EXPENSES

6 For expenses necessary for the Architectural and
7 Transportation Barriers Compliance Board, as authorized
8 by section 502 of the Rehabilitation Act of 1973, as
9 amended, \$6,550,000: *Provided*, That, notwithstanding
10 any other provision of law, there may be credited to this
11 appropriation funds received for publications and training
12 expenses.

13 FEDERAL MARITIME COMMISSION
14 SALARIES AND EXPENSES

15 For necessary expenses of the Federal Maritime
16 Commission as authorized by section 201(d) of the Mer-
17 chant Marine Act, 1936, as amended (46 U.S.C. App.
18 1111), including services as authorized by 5 U.S.C. 3109;
19 hire of passenger motor vehicles as authorized by 31
20 U.S.C. 1343(b); and uniforms or allowances therefor, as
21 authorized by 5 U.S.C. 5901–5902, \$22,800,000: *Pro-*
22 *vided*, That not to exceed \$2,000 shall be available for offi-
23 cial reception and representation expenses.

1 NATIONAL TRANSPORTATION SAFETY BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses of the National Transpor-
4 tation Safety Board, including hire of passenger motor ve-
5 hicles and aircraft; services as authorized by 5 U.S.C.
6 3109, but at rates for individuals not to exceed the per
7 diem rate equivalent to the rate for a GS-15; uniforms,
8 or allowances therefor, as authorized by law (5 U.S.C.
9 5901-5902) \$91,000,000, of which not to exceed \$2,000
10 may be used for official reception and representation ex-
11 penses. The amounts made available to the National
12 Transportation Safety Board in this Act include amounts
13 necessary to make lease payments due in fiscal year 2009
14 only, on an obligation incurred in fiscal year 2001 for a
15 capital lease. Of the funds provided, up to \$100,000 shall
16 be provided through reimbursement to the Department of
17 Transportation's Office of Inspector General to audit the
18 National Transportation Safety Board's financial state-
19 ments.

20 (RESCISSION)

21 Of the available unobligated balances made available
22 under this heading in Public Law 106-246, \$671,275 are
23 rescinded.

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$131,000,000, of which
8 \$5,000,000 shall be for a multi-family rental housing pro-
9 gram: *Provided*, That of the amounts made available
10 under this heading, \$6,000,000 shall be made available
11 to conduct a consumer mortgage public education cam-
12 paign: *Provided further*, That funding amounts provided
13 under the previous proviso shall be available for campaign
14 development, production, and outreach activities.

15 For an additional amount, \$50,000,000 shall be
16 made available until expended to the Neighborhood Rein-
17 vestment Corporation for mortgage foreclosure mitigation
18 activities, under the following terms and conditions:

19 (1) The Neighborhood Reinvestment Corpora-
20 tion (“NRC”), shall make grants to counseling inter-
21 mediaries approved by the Department of Housing
22 and Urban Development (HUD) (with match to be
23 determined by the NRC based on affordability and
24 the economic conditions of an area; a match also
25 may be waived by the NRC based on the aforemen-

1 tioned conditions) to provide mortgage foreclosure
2 mitigation assistance primarily to States and areas
3 with high rates of defaults and foreclosures pri-
4 marily in the subprime housing market to help elimi-
5 nate the default and foreclosure of mortgages of
6 owner-occupied single-family homes that are at risk
7 of such foreclosure. Other than areas with high rates
8 of defaults and foreclosures, grants may also be pro-
9 vided to approved counseling intermediaries based on
10 a geographic analysis of the Nation by the NRC
11 which determines where there is a prevalence of
12 subprime mortgages that are risky and likely to fail,
13 including any trends for mortgages that are likely to
14 default and face foreclosure. A State Housing Fi-
15 nance Agency may also be eligible where the State
16 Housing Finance Agency meets all the requirements
17 under this paragraph. A HUD-approved counseling
18 intermediary shall meet certain mortgage foreclosure
19 mitigation assistance counseling requirements, as de-
20 termined by the NRC, and shall be approved by
21 HUD or the NRC as meeting these requirements.

22 (2) Mortgage foreclosure mitigation assistance
23 shall only be made available to homeowners of
24 owner-occupied homes with mortgages in default or
25 in danger of default. These mortgages shall likely be

1 subject to a foreclosure action and homeowners will
2 be provided such assistance that shall consist of ac-
3 tivities that are likely to prevent foreclosures and re-
4 sult in the long-term affordability of the mortgage
5 retained pursuant to such activity or another posi-
6 tive outcome for the homeowner. No funds made
7 available under this paragraph may be provided di-
8 rectly to lenders or homeowners to discharge out-
9 standing mortgage balances or for any other direct
10 debt reduction payments.

11 (3) The use of Mortgage Foreclosure Mitigation
12 Assistance by approved counseling intermediaries
13 and State Housing Finance Agencies shall involve a
14 reasonable analysis of the borrower's financial situa-
15 tion, an evaluation of the current value of the prop-
16 erty that is subject to the mortgage, counseling re-
17 garding the assumption of the mortgage by another
18 non-Federal party, counseling regarding the possible
19 purchase of the mortgage by a non-Federal third
20 party, counseling and advice of all likely restruc-
21 turing and refinancing strategies or the approval of
22 a work-out strategy by all interested parties.

23 (4) NRC may provide up to 15 percent of the
24 total funds under this paragraph to its own charter
25 members with expertise in foreclosure prevention

1 counseling, subject to a certification by the NRC
2 that the procedures for selection do not consist of
3 any procedures or activities that could be construed
4 as an unacceptable conflict of interest or have the
5 appearance of impropriety.

6 (5) HUD-approved counseling entities and
7 State Housing Finance Agencies receiving funds
8 under this paragraph shall have demonstrated expe-
9 rience in successfully working with financial institu-
10 tions as well as borrowers facing default, delin-
11 quency and foreclosure as well as documented coun-
12 seling capacity, outreach capacity, past successful
13 performance and positive outcomes with documented
14 counseling plans (including post mortgage fore-
15 closure mitigation counseling), loan workout agree-
16 ments and loan modification agreements. NRC may
17 use other criteria to demonstrate capacity in under-
18 served areas.

19 (6) Of the total amount made available under
20 this paragraph, up to \$5,000,000 may be made
21 available to build the mortgage foreclosure and de-
22 fault mitigation counseling capacity of counseling
23 intermediaries through NRC training courses with
24 HUD-approved counseling intermediaries and their
25 partners, except that private financial institutions

1 that participate in NRC training shall pay market
2 rates for such training.

3 (7) Of the total amount made available under
4 this paragraph, up to 4 percent may be used for as-
5 sociated administrative expenses for the NRC to
6 carry out activities provided under this section.

7 (8) Mortgage foreclosure mitigation assistance
8 grants may include a budget for outreach and adver-
9 tising, and training, as determined by the NRC.

10 (9) The NRC shall report bi-annually to the
11 House and Senate Committees on Appropriations as
12 well as the Senate Banking Committee and House
13 Financial Services Committee on its efforts to miti-
14 gate mortgage default. Such reports shall identify
15 successful strategies and methods for preserving
16 homeownership and the long-term affordability of at-
17 risk mortgages and shall include recommended ef-
18 forts that will or likely can assist in the success of
19 this program as well as an analysis of any policy and
20 procedures that failed to result in successful mort-
21 gage foreclosure mitigation. The report shall include
22 an analysis of the details and use of any post mitiga-
23 tion counseling of assisted borrowers designed to en-
24 sure the continued long-term affordability of the

1 mortgages which were the subject of the mortgage
2 foreclosure mitigation assistance.

3 UNITED STATES INTERAGENCY COUNCIL ON
4 HOMELESSNESS
5 OPERATING EXPENSES

6 For necessary expenses (including payment of sala-
7 ries, authorized travel, hire of passenger motor vehicles,
8 the rental of conference rooms, and the employment of ex-
9 perts and consultants under section 3109 of title 5, United
10 States Code) of the United States Interagency Council on
11 Homelessness in carrying out the functions pursuant to
12 title II of the McKinney-Vento Homeless Assistance Act,
13 as amended, \$2,333,000: *Provided*, That no funds may be
14 used to pay the salaries and benefits of any employee of
15 the United States Interagency Council on Homelessness
16 that spends more than 10 days outside of the United
17 States while not on annual leave.

18 Title II of the McKinney-Vento Homeless Assistance
19 Act, as amended, is amended in section 209 by striking
20 “2008” and inserting “2010”.

21 TITLE IV
22 GENERAL PROVISIONS—THIS ACT

23 SEC. 401. Such sums as may be necessary for fiscal
24 year 2009 pay raises for programs funded in this Act shall

1 be absorbed within the levels appropriated in this Act or
2 previous appropriations Acts.

3 SEC. 402. None of the funds in this Act shall be used
4 for the planning or execution of any program to pay the
5 expenses of, or otherwise compensate, non-Federal parties
6 intervening in regulatory or adjudicatory proceedings
7 funded in this Act.

8 SEC. 403. None of the funds appropriated in this Act
9 shall remain available for obligation beyond the current
10 fiscal year, nor may any be transferred to other appropria-
11 tions, unless expressly so provided herein.

12 SEC. 404. The expenditure of any appropriation
13 under this Act for any consulting service through procure-
14 ment contract pursuant to section 3109 of title 5, United
15 States Code, shall be limited to those contracts where such
16 expenditures are a matter of public record and available
17 for public inspection, except where otherwise provided
18 under existing law, or under existing Executive order
19 issued pursuant to existing law.

20 SEC. 405. Except as otherwise provided in this Act,
21 none of the funds provided in this Act, provided by pre-
22 vious appropriations Acts to the agencies or entities fund-
23 ed in this Act that remain available for obligation or ex-
24 penditure in fiscal year 2009, or provided from any ac-
25 counts in the Treasury derived by the collection of fees

1 and available to the agencies funded by this Act, shall be
2 available for obligation or expenditure through a re-
3 programming of funds that: (1) creates a new program;
4 (2) eliminates a program, project, or activity; (3) increases
5 funds or personnel for any program, project, or activity
6 for which funds have been denied or restricted by the Con-
7 gress; (4) proposes to use funds directed for a specific ac-
8 tivity by either the House or Senate Committees on Ap-
9 propriations for a different purpose; (5) augments existing
10 programs, projects, or activities in excess of \$5,000,000
11 or 10 percent, whichever is less; (6) reduces existing pro-
12 grams, projects, or activities by \$5,000,000 or 10 percent,
13 whichever is less; or (7) creates, reorganizes, or restruc-
14 tures a branch, division, office, bureau, board, commis-
15 sion, agency, administration, or department different from
16 the budget justifications submitted to the Committees on
17 Appropriations or the table accompanying the explanatory
18 statement accompanying this Act, whichever is more de-
19 tailed, unless prior approval is received from the House
20 and Senate Committees on Appropriations: *Provided*, That
21 not later than 60 days after the date of enactment of this
22 Act, each agency funded by this Act shall submit a report
23 to the Committees on Appropriations of the Senate and
24 of the House of Representatives to establish the baseline
25 for application of reprogramming and transfer authorities

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

15 SEC. 406. Except as otherwise specifically provided
16 by law, not to exceed 50 percent of unobligated balances
17 remaining available at the end of fiscal year 2009 from
18 appropriations made available for salaries and expenses
19 for fiscal year 2009 in this Act, shall remain available
20 through September 30, 2010, for each such account for
21 the purposes authorized: *Provided*, That a request shall
22 be submitted to the House and Senate Committees on Ap-
23 propriations for approval prior to the expenditure of such
24 funds: *Provided further*, That these requests shall be made

1 in compliance with reprogramming guidelines under sec-
2 tion 405 of this Act.

3 SEC. 407. All Federal agencies and departments that
4 are funded under this Act shall issue a report to the House
5 and Senate Committees on Appropriations on all sole
6 source contracts by no later than July 31, 2009. Such re-
7 port shall include the contractor, the amount of the con-
8 tract and the rationale for using a sole source contract.

9 SEC. 408. (a) None of the funds made available in
10 this Act may be obligated or expended for any employee
11 training that—

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

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

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

21 (4) contains any methods or content associated
22 with religious or quasi-religious belief systems or
23 “new age” belief systems as defined in Equal Em-
24 ployment Opportunity Commission Notice N-
25 915.022, dated September 2, 1988; or

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

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

7 SEC. 409. No funds in this Act may be used to sup-
8 port any Federal, State, or local projects that seek to use
9 the power of eminent domain, unless eminent domain is
10 employed only for a public use: *Provided*, That for pur-
11 poses of this section, public use shall not be construed to
12 include economic development that primarily benefits pri-
13 vate entities: *Provided further*, That any use of funds for
14 mass transit, railroad, airport, seaport or highway projects
15 as well as utility projects which benefit or serve the gen-
16 eral public (including energy-related, communication-re-
17 lated, water-related and wastewater-related infrastruc-
18 ture), other structures designated for use by the general
19 public or which have other common-carrier or public-util-
20 ity functions that serve the general public and are subject
21 to regulation and oversight by the government, and
22 projects for the removal of an immediate threat to public
23 health and safety or brownsfield as defined in the Small
24 Business Liability Relief and Brownsfield Revitalization

1 Act (Public Law 107–118) shall be considered a public
2 use for purposes of eminent domain.

3 SEC. 410. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government, except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriations Act.

8 SEC. 411. No part of any appropriation contained in
9 this Act shall be available to pay the salary for any person
10 filling a position, other than a temporary position, for-
11 merly held by an employee who has left to enter the Armed
12 Forces of the United States and has satisfactorily com-
13 pleted his period of active military or naval service, and
14 has within 90 days after his release from such service or
15 from hospitalization continuing after discharge for a pe-
16 riod of not more than 1 year, made application for restora-
17 tion to his former position and has been certified by the
18 Office of Personnel Management as still qualified to per-
19 form the duties of his former position and has not been
20 restored thereto.

21 SEC. 412. No funds appropriated pursuant to this
22 Act may be expended by an entity unless the entity agrees
23 that in expending the assistance the entity will comply
24 with sections 2 through 4 of the Act of March 3, 1933

1 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
2 ican Act”).

3 SEC. 413. No funds appropriated or otherwise made
4 available under this Act shall be made available to any
5 person or entity that has been convicted of violating the
6 Buy American Act (41 U.S.C. 10a–10c).

7 This division may be cited as the “Transportation,
8 Housing and Urban Development, and Related Agencies
9 Appropriations Act, 2009”.

10 DIVISION J—FURTHER PROVISIONS RELATING

11 TO THE DEPARTMENT OF HOMELAND SE-

12 CURITY AND OTHER MATTERS

13 DEPARTMENT OF HOMELAND SECURITY

14 UNITED STATES SECRET SERVICE

15 SALARIES AND EXPENSES

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Salaries and Ex-
18 penses”, \$100,000,000, to remain available until ex-
19 pended, to address additional requirements related to the
20 protection mission: *Provided*, That of this amount, not to
21 exceed \$12,730,000 may be transferred to “Acquisition,
22 Construction, Improvements, and Related Expenses” to
23 address the deferred maintenance backlog: *Provided fur-*
24 *ther*, That the amount under this heading is designated
25 as an emergency requirement and necessary to meet emer-
26 gency needs pursuant to section 204(a) of S. Con. Res.

1 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
2 70 (110th Congress), the concurrent resolutions on the
3 budget for fiscal years 2008 and 2009.

4 GENERAL PROVISIONS—THIS DIVISION

5 SEC. 101. Sections 143, 144, and 145 of division A
6 of the Consolidated Security, Disaster Assistance, and
7 Continuing Appropriations Act, 2009 (Public Law 110–
8 329; 122 Stat. 3580 et seq.) are each amended by striking
9 “the date specified in section 106(3) of this joint resolu-
10 tion” and inserting “September 30, 2009”.

11 SEC. 102. (a) EXTENSION OF COMMISSION ON THE
12 PREVENTION OF WEAPONS OF MASS DESTRUCTION PRO-
13 LIFERATION AND TERRORISM.—Effective as of February
14 1, 2009, section 1858 of the Implementing Recommenda-
15 tions of the 9/11 Commission Act of 2007 (Public Law
16 110–53; 121 Stat. 504) is amended—

17 (1) in subsection (a), by striking “60 days
18 after” and all that follows through the end of the
19 subsection and inserting “on March 1, 2010.”; and

20 (2) in subsection (b), by striking “the 60-day
21 period referred to in subsection (a)” and inserting
22 “the period beginning on February 2, 2009, and
23 ending on February 28, 2010.”.

24 (b) FUNDING.—Of the funds provided under the
25 heading “Operation and Maintenance, Defense–Wide” in

1 the Department of Defense Appropriations Act, 2009 (di-
2 vision C of Public Law 110–329; 122 Stat. 3606),
3 \$1,100,000 shall be made available only for purposes of
4 the Commission on the Prevention of Weapons of Mass
5 Destruction Proliferation and Terrorism.

6 SEC. 103. Notwithstanding any provision of section
7 601(a)(2) of the Legislative Reorganization Act of 1946
8 (2 U.S.C. 31(2)), the percentage adjustment scheduled to
9 take effect under any such provision in calendar year 2010
10 shall not take effect.

Passed the House of Representatives February 25,
2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 26

11TH CONGRESS
1ST Session

H. R. 1105

AN ACT

Making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

FEBRUARY 26, 2009

Read the second time and placed on the calendar