

**Taken from P.L. 110-329 ...**

**(originally H.R.2638)**

**Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Enrolled as Agreed to or Passed by Both House and Senate)**

**DIVISION A--CONTINUING APPROPRIATIONS RESOLUTION, 2009**

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2009, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for

fiscal year 2008 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2008, and for which appropriations, funds, or other authority were made available in the following appropriations Acts: divisions A, B, C, D, F, G, H, J, and K of the Consolidated Appropriations Act, 2008 (Public Law 110-161).

SEC. 102. Rates for operations shall be calculated under section 101 without regard to any amount designated in the applicable appropriations Acts for fiscal year 2008 as an emergency requirement or necessary to meet emergency needs pursuant to any concurrent resolution on the budget, other than the following amounts:

(1) \$150,000,000 provided in Public Law 110-252 for `Department of Health and Human Services--Food and Drug Administration--Salaries and Expenses'.

(2) \$143,539,000 provided in division B of Public Law 110-161 for `Department of Justice--Federal Bureau of Investigation--Salaries and Expenses'.

(3) \$110,000,000 provided in Public Law 110-252 for `Department of Labor--Employment and Training Administration--State Unemployment Insurance and Employment Service Operations', without regard to the dates specified under such heading.

(4) \$272,000,000 of the \$575,000,000 provided in division J of Public Law 110-161 for `Department of State--Administration of Foreign Affairs--Diplomatic and Consular Programs' in the first paragraph under such heading, and \$206,632,000 provided in the last paragraph under such heading.

(5) \$76,700,000 provided in subchapter A of chapter 4 of title I of Public Law 110-252 for `Department of State--Administration of Foreign Affairs--Embassy Security, Construction, and Maintenance'.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2008.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2009, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2009 without any provision for such project or activity; or (3) March 6, 2009.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2009 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2008, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2008, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2008 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2008, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Notwithstanding section 101, amounts are provided for  
` Department of Agriculture--Food and Nutrition Service--Special

Supplemental Nutrition Program for Women, Infants, and Children (WIC)' at a rate for operations of \$6,658,000,000.

SEC. 115. Notwithstanding section 101, amounts are provided for `Department of Agriculture--Rural Housing Service--Rental Assistance Program' at a rate for operations of \$997,000,000.

SEC. 116. Section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246) shall not apply through the date specified in section 106(3) of this joint resolution.

SEC. 117. Notwithstanding section 101, amounts are provided for `Department of Agriculture--Rural Housing Service--Rural Housing Insurance Fund Program Account', for the cost of unsubsidized guaranteed loans for section 502 borrowers, at the rate necessary to maintain the same principal amount of loan guarantee commitments as made in fiscal year 2008.

SEC. 118. With respect to amounts provided by section 101 for the Department of Agriculture, sections 101 and 104 may not be construed to prohibit the use of such amounts for necessary administrative expenses for programs for which direct spending authority (as defined in section 250(c)(8)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)(A))) is provided by the Food, Conservation, and Energy Act of 2008 (Public Law 110-246).

SEC. 119. Notwithstanding section 101, amounts are provided for `Department of Agriculture-Food and Nutrition Service--Commodity Assistance Program' at a rate for operations of \$233,791,000, of which \$163,218,000 shall be for carrying out the Commodity Supplemental Food Program.

SEC. 120. Notwithstanding section 101, amounts are provided for `Department of Commerce--Bureau of the Census--Periodic Censuses and Programs' at a rate for operations of \$2,906,262,000. From such amounts, funds may be used for additional promotion, outreach, and marketing activities.

SEC. 121. Notwithstanding the limitations on administrative expenses in subsections (c)(2) and (c)(3)(A) of section 3005 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109-171; 120 Stat. 21), the Assistant Secretary (as such term is defined in section 3001(b) of such Act) may expend funds made available under sections 3006, 3008, and 3009 of such Act for additional administrative expenses of the digital-to-analog converter box program established by such section 3005 at a rate not to

exceed \$180,000,000 through the date specified in section 106(3) of this joint resolution.

SEC. 122. Notwithstanding section 101, amounts are provided for `Department of Justice--Federal Prison System--Salaries and Expenses' at a rate for operations of \$5,396,615,000.

SEC. 123. Notwithstanding section 101, amounts are provided for `Department of Justice--General Administration--Detention Trustee' at a rate for operations of \$1,245,920,000.

SEC. 124. Amounts provided by section 101 for the National Aeronautics and Space Administration may be obligated in the account and budget structure set forth in S. 3182 (110th Congress), the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009, as reported by the Committee on Appropriations of the Senate.

SEC. 125. Section 7(1)(B) of Public Law 106-178 (50 U.S.C. 1701 note) is amended by striking `January 1, 2012' and inserting `July 1, 2016'.

SEC. 126. In addition to amounts otherwise provided by section 101, an additional amount is provided for `Department of Justice--Legal Activities--Salaries and Expenses, General Legal Activities' to reimburse the Office of Personnel Management for salaries and expenses associated with the Federal observer program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f), at a rate for operations of \$3,390,000, of which \$1,090,000 shall be derived by transfer from amounts provided by section 101 for `Office of Personnel Management--Salaries and Expenses'.

SEC. 127. Section 14704 of title 40, United States Code, shall be applied by substituting the date specified in section 106(3) of this joint resolution for `October 1, 2007'.

SEC. 128. Amounts provided by section 101 for `Department of the Army--Corps of Engineers-Civil--Construction' for inland waterway major rehabilitation projects shall not be derived from the Inland Waterways Trust Fund.

SEC. 129. (a) Notwithstanding any other provision of this joint resolution, there is appropriated \$7,510,000,000 for fiscal year 2009 for `Department of Energy--Energy Programs--Advanced Technology Vehicles Manufacturing Loan Program Account' for the cost of direct loans as authorized by section 136(d) of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17013(d)), to remain available until expended. Of such amount, \$10,000,000 shall be used for administrative expenses in carrying

out the direct loan program. Commitments for direct loans using such amount shall not exceed \$25,000,000,000 in total loan principal. The cost of such direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) The amount provided by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(c) Section 136 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17013) is amended as follows:

(1) In subsection (d)(1), by adding at the end the following: `The loans shall be made through the Federal Financing Bank, with the full faith and credit of the United States Government on the principal and interest. The full credit subsidy shall be paid by the Secretary using appropriated funds.'.

(2) In subsection (e), by striking `The Secretary shall issue regulations that require that,' and inserting the following: `Not later than 60 days after the enactment of the Continuing Appropriations Resolution, 2009, the Secretary shall promulgate an interim final rule establishing regulations that the Secretary deems necessary to administer this section and any loans made by the Secretary pursuant to this section. Such interim final rule shall require that,'.

(3) By adding at the end the following new subsection:

`(j) Appointment and Pay of Personnel- (1) The Secretary may use direct hiring authority pursuant to section 3304(a)(3) of title 5, United States Code, to appoint such professional and administrative personnel as the Secretary deems necessary to the discharge of the Secretary's functions under this section.

`(2) The rate of pay for a person appointed pursuant to paragraph (1) shall not exceed the maximum rate payable for GS-15 of the General Schedule under chapter 53 such title 5.

`(3) The Secretary may retain such consultants as the Secretary deems necessary to the discharge of the functions required by this section, pursuant to section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427).'

SEC. 130. (a) In addition to the amounts otherwise provided by section 101 for `Department of Energy--Energy Programs--Energy Efficiency and Renewable Energy' for weatherization assistance under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), there is appropriated \$250,000,000 for an additional amount for fiscal year 2009, to remain available until expended.

(b) The amount provided by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SEC. 131. In addition to the amounts otherwise provided by section 101, an additional amount is provided for `Department of the Treasury--Internal Revenue Service--Taxpayer Services' to meet the requirements of the Economic Stimulus Act of 2008 (Public Law 110-185), at a rate for operations of \$67,900,000.

SEC. 132. In addition to the amounts otherwise provided by section 101, an additional amount is provided for `Executive Office of the President--Office of Administration--Salaries and Expenses' for e-mail restoration activities, at a rate for operations of \$5,700,000.

SEC. 133. Notwithstanding section 101, amounts are provided for `Executive Office of the President--Office of Administration--Presidential Transition Administrative Support' to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note) at a rate for operations of \$8,000,000. Such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this joint resolution or any other Act, to carry out such purposes.

SEC. 134. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading `District of Columbia Funds' for such programs and activities under title IV of S. 3260 (110th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under `District of Columbia Funds' as included in the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 9, 2008.

SEC. 135. Notwithstanding section 101, amounts are provided for `Federal Payment for Emergency Planning and Security Costs in the District of

Columbia' for a direct Federal payment to the District of Columbia, at a rate for operations of \$15,000,000.

SEC. 136. In addition to the amounts otherwise provided by section 101, an additional amount is provided for `Federal Communications Commission--Salaries and Expenses' for consumer education associated with the transition to digital television occurring on February 17, 2009, at a rate for operations of \$20,000,000.

SEC. 137. Notwithstanding section 101, amounts are provided for `General Services Administration--Expenses, Presidential Transition' to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note) at a rate for operations of \$8,520,000, of which not to exceed \$1,000,000 is for activities authorized by paragraphs (8) and (9) of section 3(a) of such Act.

SEC. 138. Notwithstanding section 101, amounts are provided for `General Services Administration--Allowances and Office Staff for Former Presidents' to carry out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note) at a rate for operations of \$2,682,000.

SEC. 139. Notwithstanding section 101, the limitation on gross obligations applicable under the heading `National Credit Union Administration--Central Liquidity Facility' in division D of Public Law 110-161 shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)).

SEC. 140. Notwithstanding section 101, amounts are provided to carry out section 504(d) of title 39, United States Code, as amended by section 603(a) of the Postal Accountability and Enhancement Act (Public Law 109-435), at a rate for operations of \$14,043,000, to be derived by transfer from the Postal Service Fund.

SEC. 141. Notwithstanding section 101, amounts are provided to carry out section 8G(f)(6) of the Inspector General Act of 1978 (5 U.S.C. App.), as added by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435), at a rate for operations of \$233,440,000, to be derived by transfer from the Postal Service Fund.

SEC. 142. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2009 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.9 percent, and this adjustment shall apply to civilian employees in the Department of Homeland Security. Such adjustment shall be effective as of

the first day of the first applicable pay period beginning on or after January 1, 2009.

(b) The adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2009 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of such title 5. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as 'Rest of US' pursuant to section 5304 of such title 5 for purposes of this subsection.

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

(d) The provisions of this section shall apply notwithstanding any other provision of this joint resolution.