

**AMENDMENT TO THE SENATE AMENDMENT TO
H.R. 2638**

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Consolidated Security,
3 Disaster Assistance, and Continuing Appropriations Act,
4 2009”.

5 SEC. 2. TABLE OF CONTENTS.

6 The table of contents for this Act is as follows:

DIVISION A—CONTINUING APPROPRIATIONS RESOLUTION, 2009
DIVISION B—DISASTER RELIEF AND RECOVERY SUPPLEMENTAL
 APPROPRIATIONS ACT, 2008
DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,
 2009
DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIA-
 TIONS ACT, 2009
DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS
 APPROPRIATIONS ACT, 2009

7 SEC. 3. REFERENCES.

8 Except as expressly provided otherwise, any reference
9 to “this Act” or “this joint resolution” contained in any
10 division of this Act shall be treated as referring only to
11 the provisions of that division.

12 SEC. 4. EXPLANATORY STATEMENT.

13 The explanatory statement regarding this legislation,
14 printed in the House of Representatives section of the

1 Congressional Record on or about September 24, 2008 by
2 the Chairman of the Committee on Appropriations of the
3 House, shall have the same effect with respect to the allo-
4 cation of funds and implementation of this Act as if it
5 were a joint explanatory statement of a committee of con-
6 ference.



1 DIVISION A—CONTINUING APPROPRIATIONS
2 RESOLUTION, 2009

3 The following sums are hereby appropriated, out of
4 any money in the Treasury not otherwise appropriated,
5 and out of applicable corporate or other revenues, receipts,
6 and funds, for the several departments, agencies, corpora-
7 tions, and other organizational units of Government for
8 fiscal year 2009, and for other purposes, namely:

9 SEC. 101. Such amounts as may be necessary, at a
10 rate for operations as provided in the applicable appro-
11 priations Acts for fiscal year 2008 and under the authority
12 and conditions provided in such Acts, for continuing
13 projects or activities (including the costs of direct loans
14 and loan guarantees) that are not otherwise specifically
15 provided for in this joint resolution, that were conducted
16 in fiscal year 2008, and for which appropriations, funds,
17 or other authority were made available in the following
18 appropriations Acts: divisions A, B, C, D, F, G, H, J,
19 and K of the Consolidated Appropriations Act, 2008 (Pub-
20 lic Law 110–161).

21 SEC. 102. Rates for operations shall be calculated
22 under section 101 without regard to any amount des-
23 ignated in the applicable appropriations Acts for fiscal
24 year 2008 as an emergency requirement or necessary to

1 meet emergency needs pursuant to any concurrent resolu-
2 tion on the budget, other than the following amounts:

3 (1) \$150,000,000 provided in Public Law 110-
4 252 for "Department of Health and Human Serv-
5 ices—Food and Drug Administration—Salaries and
6 Expenses".

7 (2) \$143,539,000 provided in division B of
8 Public Law 110-161 for "Department of Justice—
9 Federal Bureau of Investigation—Salaries and Ex-
10 penses".

11 (3) \$110,000,000 provided in Public Law 110-
12 252 for "Department of Labor—Employment and
13 Training Administration—State Unemployment In-
14 surance and Employment Service Operations", with-
15 out regard to the dates specified under such head-
16 ing.

17 (4) \$272,000,000 of the \$575,000,000 provided
18 in division J of Public Law 110-161 for "Depart-
19 ment of State—Administration of Foreign Affairs—
20 Diplomatic and Consular Programs" in the first
21 paragraph under such heading, and \$206,632,000
22 provided in the last paragraph under such heading.

23 (5) \$76,700,000 provided in subchapter A of
24 chapter 4 of title I of Public Law 110-252 for "De-
25 partment of State—Administration of Foreign Af-

1 fairs—Embassy Security, Construction, and Mainte-
2 nance”.

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

6 SEC. 104. No appropriation or funds made available
7 or authority granted pursuant to section 101 shall be used
8 to initiate or resume any project or activity for which ap-
9 propriations, funds, or other authority were not available
10 during fiscal year 2008.

11 SEC. 105. Appropriations made and authority grant-
12 ed pursuant to this joint resolution shall cover all obliga-
13 tions or expenditures incurred for any project or activity
14 during the period for which funds or authority for such
15 project or activity are available under this joint resolution.

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

1 SEC. 107. Expenditures made pursuant to this joint
2 resolution shall be charged to the applicable appropriation,
3 fund, or authorization whenever a bill in which such appli-
4 cable appropriation, fund, or authorization is contained is
5 enacted into law.

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

14 SEC. 109. Notwithstanding any other provision of
15 this joint resolution, except section 106, for those pro-
16 grams that would otherwise have high initial rates of oper-
17 ation or complete distribution of appropriations at the be-
18 ginning of fiscal year 2009 because of distributions of
19 funding to States, foreign countries, grantees, or others,
20 such high initial rates of operation or complete distribu-
21 tion shall not be made, and no grants shall be awarded
22 for such programs funded by this joint resolution that
23 would impinge on final funding prerogatives.

24 SEC. 110. This joint resolution shall be implemented
25 so that only the most limited funding action of that per-

1 mitted in the joint resolution shall be taken in order to
2 provide for continuation of projects and activities.

3 SEC. 111. (a) For entitlements and other mandatory
4 payments whose budget authority was provided in appro-
5 priations Acts for fiscal year 2008, and for activities under
6 the Food and Nutrition Act of 2008, activities shall be
7 continued at the rate to maintain program levels under
8 current law, under the authority and conditions provided
9 in the applicable appropriations Act for fiscal year 2008,
10 to be continued through the date specified in section
11 106(3).

12 (b) Notwithstanding section 106, obligations for man-
13 datory payments due on or about the first day of any
14 month that begins after October 2008 but not later than
15 30 days after the date specified in section 106(3) may con-
16 tinue to be made, and funds shall be available for such
17 payments.

18 SEC. 112. Amounts made available under section 101
19 for civilian personnel compensation and benefits in each
20 department and agency may be apportioned up to the rate
21 for operations necessary to avoid furloughs within such de-
22 partment or agency, consistent with the applicable appro-
23 priations Act for fiscal year 2008, except that such author-
24 ity provided under this section shall not be used until after
25 the department or agency has taken all necessary actions

1 to reduce or defer non-personnel-related administrative ex-
2 penses.

3 SEC. 113. Funds appropriated by this joint resolution
4 may be obligated and expended notwithstanding section 10
5 of Public Law 91-672 (22 U.S.C. 2412), section 15 of
6 the State Department Basic Authorities Act of 1956 (22
7 U.S.C. 2680), section 313 of the Foreign Relations Au-
8 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
9 6212), and section 504(a)(1) of the National Security Act
10 of 1947 (50 U.S.C. 414(a)(1)).

11 SEC. 114. Notwithstanding section 101, amounts are
12 provided for “Department of Agriculture—Food and Nu-
13 trition Service—Special Supplemental Nutrition Program
14 for Women, Infants, and Children (WIC)” at a rate for
15 operations of \$6,658,000,000.

16 SEC. 115. Notwithstanding section 101, amounts are
17 provided for “Department of Agriculture—Rural Housing
18 Service—Rental Assistance Program” at a rate for oper-
19 ations of \$997,000,000.

20 SEC. 116. Section 14222(b)(1) of the Food, Con-
21 servation, and Energy Act of 2008 (Public Law 110-246)
22 shall not apply through the date specified in section
23 106(3) of this joint resolution.

24 SEC. 117. Notwithstanding section 101, amounts are
25 provided for “Department of Agriculture—Rural Housing

1 Service—Rural Housing Insurance Fund Program Ac-
2 count”, for the cost of unsubsidized guaranteed loans for
3 section 502 borrowers, at the rate necessary to maintain
4 the same principal amount of loan guarantee commit-
5 ments as made in fiscal year 2008.

6 SEC. 118. With respect to amounts provided by sec-
7 tion 101 for the Department of Agriculture, sections 101
8 and 104 may not be construed to prohibit the use of such
9 amounts for necessary administrative expenses for pro-
10 grams for which direct spending authority (as defined in
11 section 250(c)(8)(A) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 (2 U.S.C.
13 900(c)(8)(A))) is provided by the Food, Conservation, and
14 Energy Act of 2008 (Public Law 110–246).

15 SEC. 119. Notwithstanding section 101, amounts are
16 provided for “Department of Agriculture—Food and Nutri-
17 tion Service—Commodity Assistance Program” at a rate
18 for operations of \$233,791,000, of which \$163,218,000
19 shall be for carrying out the Commodity Supplemental
20 Food Program.

21 SEC. 120. Notwithstanding section 101, amounts are
22 provided for “Department of Commerce—Bureau of the
23 Census—Periodic Censuses and Programs” at a rate for
24 operations of \$2,906,262,000. From such amounts, funds

1 may be used for additional promotion, outreach, and mar-
2 keting activities.

3 SEC. 121. Notwithstanding the limitations on admin-
4 istrative expenses in subsections (c)(2) and (c)(3)(A) of
5 section 3005 of the Digital Television Transition and Pub-
6 lic Safety Act of 2005 (Public Law 109–171; 120 Stat.
7 21), the Assistant Secretary (as such term is defined in
8 section 3001(b) of such Act) may expend funds made
9 available under sections 3006, 3008, and 3009 of such Act
10 for additional administrative expenses of the digital-to-
11 analog converter box program established by such section
12 3005 at a rate not to exceed \$180,000,000 through the
13 date specified in section 106(3) of this joint resolution.

14 SEC. 122. Notwithstanding section 101, amounts are
15 provided for “Department of Justice—Federal Prison
16 System—Salaries and Expenses” at a rate for operations
17 of \$5,396,615,000.

18 SEC. 123. Notwithstanding section 101, amounts are
19 provided for “Department of Justice—General Adminis-
20 tration—Detention Trustee” at a rate for operations of
21 \$1,245,920,000.

22 SEC. 124. Amounts provided by section 101 for the
23 National Aeronautics and Space Administration may be
24 obligated in the account and budget structure set forth
25 in S. 3182 (110th Congress), the Commerce, Justice,

1 Science, and Related Agencies Appropriations Act, 2009,
2 as reported by the Committee on Appropriations of the
3 Senate.

4 SEC. 125. Section 7(1)(B) of Public Law 106-178
5 (50 U.S.C. 1701 note) is amended by striking “January
6 1, 2012” and inserting “July 1, 2016”.

7 SEC. 126. In addition to amounts otherwise provided
8 by section 101, an additional amount is provided for “De-
9 partment of Justice—Legal Activities—Salaries and Ex-
10 penses, General Legal Activities” to reimburse the Office
11 of Personnel Management for salaries and expenses asso-
12 ciated with the Federal observer program under section
13 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f),
14 at a rate for operations of \$3,390,000, of which
15 \$1,090,000 shall be derived by transfer from amounts pro-
16 vided by section 101 for “Office of Personnel Manage-
17 ment—Salaries and Expenses”.

18 SEC. 127. Section 14704 of title 40, United States
19 Code, shall be applied by substituting the date specified
20 in section 106(3) of this joint resolution for “October 1,
21 2007”.

22 SEC. 128. Amounts provided by section 101 for “De-
23 partment of the Army—Corps of Engineers-Civil—Con-
24 struction” for inland waterway major rehabilitation

1 projects shall not be derived from the Inland Waterways
2 Trust Fund.

3 SEC. 129. (a) Notwithstanding any other provision
4 of this joint resolution, there is appropriated
5 \$7,510,000,000 for fiscal year 2009 for "Department of
6 Energy—Energy Programs—Advanced Technology Vehi-
7 cles Manufacturing Loan Program Account" for the cost
8 of direct loans as authorized by section 136(d) of the En-
9 ergy Independence and Security Act of 2007 (Public Law
10 110–140; 42 U.S.C. 17013(d)), to remain available until
11 expended. Of such amount, \$10,000,000 shall be used for
12 administrative expenses in carrying out the direct loan
13 program. Commitments for direct loans using such
14 amount shall not exceed \$25,000,000,000 in total loan
15 principal. The cost of such direct loans, including the cost
16 of modifying such loans, shall be as defined in section 502
17 of the Congressional Budget Act of 1974.

18 (b) The amount provided by this section is designated
19 as an emergency requirement and necessary to meet emer-
20 gency needs pursuant to section 204(a) of S. Con. Res.
21 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
22 70 (110th Congress), the concurrent resolutions on the
23 budget for fiscal years 2008 and 2009.

1 (c) Section 136 of the Energy Independence and Se-
2 curity Act of 2007 (Public Law 110-140; 42 U.S.C.
3 17013) is amended as follows:

4 (1) In subsection (d)(1), by adding at the end
5 the following: “The loans shall be made through the
6 Federal Financing Bank, with the full faith and
7 credit of the United States Government on the prin-
8 cipal and interest. The full credit subsidy shall be
9 paid by the Secretary using appropriated funds.”.

10 (2) In subsection (e), by striking “The Sec-
11 retary shall issue regulations that require that,” and
12 inserting the following: “Not later than 60 days
13 after the enactment of the Continuing Appropria-
14 tions Resolution, 2009, the Secretary shall promul-
15 gate an interim final rule establishing regulations
16 that the Secretary deems necessary to administer
17 this section and any loans made by the Secretary
18 pursuant to this section. Such interim final rule
19 shall require that,”.

20 (3) By adding at the end the following new sub-
21 section:

22 “(j) APPOINTMENT AND PAY OF PERSONNEL.—(1)
23 The Secretary may use direct hiring authority pursuant
24 to section 3304(a)(3) of title 5, United States Code, to
25 appoint such professional and administrative personnel as

1 the Secretary deems necessary to the discharge of the Sec-
2 retary's functions under this section.

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

7 “(3) The Secretary may retain such consultants as
8 the Secretary deems necessary to the discharge of the
9 functions required by this section, pursuant to section 31
10 of the Office of Federal Procurement Policy Act (41
11 U.S.C. 427).”.

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

20 (b) The amount provided by this section is designated
21 as an emergency requirement and necessary to meet emer-
22 gency needs pursuant to section 204(a) of S. Con. Res.
23 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
24 70 (110th Congress), the concurrent resolutions on the
25 budget for fiscal years 2008 and 2009.

1 SEC. 131. In addition to the amounts otherwise pro-
2 vided by section 101, an additional amount is provided for
3 “Department of the Treasury—Internal Revenue Serv-
4 ice—Taxpayer Services” to meet the requirements of the
5 Economic Stimulus Act of 2008 (Public Law 110–185),
6 at a rate for operations of \$67,900,000.

7 SEC. 132. In addition to the amounts otherwise pro-
8 vided by section 101, an additional amount is provided for
9 “Executive Office of the President—Office of Administra-
10 tion—Salaries and Expenses” for e-mail restoration activi-
11 ties, at a rate for operations of \$5,700,000.

12 SEC. 133. Notwithstanding section 101, amounts are
13 provided for “Executive Office of the President—Office of
14 Administration—Presidential Transition Administrative
15 Support” to carry out the Presidential Transition Act of
16 1963 (3 U.S.C. 102 note) at a rate for operations of
17 \$8,000,000. Such funds may be transferred to other ac-
18 counts that provide funding for offices within the Execu-
19 tive Office of the President and the Office of the Vice
20 President in this joint resolution or any other Act, to carry
21 out such purposes.

22 SEC. 134. Notwithstanding any other provision of
23 this joint resolution, except section 106, the District of
24 Columbia may expend local funds for programs and activi-
25 ties under the heading “District of Columbia Funds” for

1 such programs and activities under title IV of S. 3260
2 (110th Congress), as reported by the Committee on Ap-
3 propriations of the Senate, at the rate set forth under
4 “District of Columbia Funds” as included in the Fiscal
5 Year 2009 Proposed Budget and Financial Plan sub-
6 mitted to the Congress by the District of Columbia on
7 June 9, 2008.

8 SEC. 135. Notwithstanding section 101, amounts are
9 provided for “Federal Payment for Emergency Planning
10 and Security Costs in the District of Columbia” for a di-
11 rect Federal payment to the District of Columbia, at a
12 rate for operations of \$15,000,000.

13 SEC. 136. In addition to the amounts otherwise pro-
14 vided by section 101, an additional amount is provided for
15 “Federal Communications Commission—Salaries and Ex-
16 penses” for consumer education associated with the tran-
17 sition to digital television occurring on February 17, 2009,
18 at a rate for operations of \$20,000,000.

19 SEC. 137. Notwithstanding section 101, amounts are
20 provided for “General Services Administration—Ex-
21 penses, Presidential Transition” to carry out the Presi-
22 dential Transition Act of 1963 (3 U.S.C. 102 note) at a
23 rate for operations of \$8,520,000, of which not to exceed
24 \$1,000,000 is for activities authorized by paragraphs (8)
25 and (9) of section 3(a) of such Act.

1 SEC. 138. Notwithstanding section 101, amounts are
2 provided for “General Services Administration—Allow-
3 ances and Office Staff for Former Presidents” to carry
4 out the provisions of the Act of August 25, 1958 (3 U.S.C.
5 102 note) at a rate for operations of \$2,682,000.

6 SEC. 139. Notwithstanding section 101, the limita-
7 tion on gross obligations applicable under the heading
8 “National Credit Union Administration—Central Liquid-
9 ity Facility” in division D of Public Law 110–161 shall
10 be the amount authorized by section 307(a)(4)(A) of the
11 Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)).

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

18 SEC. 141. Notwithstanding section 101, amounts are
19 provided to carry out section 8G(f)(6) of the Inspector
20 General Act of 1978 (5 U.S.C. App.), as added by section
21 603(b)(3) of the Postal Accountability and Enhancement
22 Act (Public Law 109–435), at a rate for operations of
23 \$233,440,000, to be derived by transfer from the Postal
24 Service Fund.

1 SEC. 142. (a) The adjustment in rates of basic pay
2 for employees under the statutory pay systems that takes
3 effect in fiscal year 2009 under sections 5303 and 5304
4 of title 5, United States Code, shall be an increase of 3.9
5 percent, and this adjustment shall apply to civilian em-
6 ployees in the Department of Homeland Security. Such
7 adjustment shall be effective as of the first day of the first
8 applicable pay period beginning on or after January 1,
9 2009.

10 (b) The adjustment in rates of basic pay for the stat-
11 utory pay systems that take place in fiscal year 2009
12 under sections 5344 and 5348 of title 5, United States
13 Code, shall be no less than the percentage in subsection
14 (a) as employees in the same location whose rates of basic
15 pay are adjusted pursuant to the statutory pay systems
16 under section 5303 and 5304 of such title 5. Prevailing
17 rate employees at locations where there are no employees
18 whose pay is increased pursuant to sections 5303 and
19 5304 of such title 5 and prevailing rate employees de-
20 scribed in section 5343(a)(5) of such title 5 shall be con-
21 sidered to be located in the pay locality designated as
22 "Rest of US" pursuant to section 5304 of such title 5
23 for purposes of this subsection.

24 (c) Funds used to carry out this section shall be paid
25 from appropriations which are made to each applicable de-

1 partment or agency for salaries and expenses for fiscal
2 year 2009.

3 (d) The provisions of this section shall apply notwith-
4 standing any other provision of this joint resolution.

5 SEC. 143. Section 401(b) of the Illegal Immigration
6 Reform and Immigrant Responsibility Act of 1996 (8
7 U.S.C. 1324a note) shall be applied by substituting the
8 date specified in section 106(3) of this joint resolution for
9 “the 11-year period beginning on the first day the pilot
10 program is in effect”.

11 SEC. 144. The requirement set forth in section
12 610(b) of the Departments of Commerce, Justice, and
13 State, the Judiciary, and Related Agencies Appropriations
14 Act, 1993 (8 U.S.C. 1153 note) shall continue through
15 the date specified in section 106(3) of this joint resolution.

16 SEC. 145. Sections 1309(a) and 1319 of the National
17 Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and
18 4026) shall each be applied by substituting the date speci-
19 fied in section 106(3) of this joint resolution for “Sep-
20 tember 30, 2008”.

21 SEC. 146. Section 717(a) of the Defense Production
22 Act of 1950 (50 U.S.C. App. 2166(a)) shall be applied
23 by substituting the date specified in section 106(3) of this
24 joint resolution for “September 30, 2008”.

1 SEC. 147. The authority provided by section 330 of
2 Public Law 106-291 (43 U.S.C. 1701 note), as amended
3 by section 428 of Public Law 109-54, shall continue in
4 effect through the date specified in section 106(3) of this
5 joint resolution.

6 SEC. 148. Section 337(a) of division E of Public Law
7 108-447, as amended by section 420 of division F of Pub-
8 lic Law 110-161, shall be applied by substituting the date
9 specified in section 106(3) of this joint resolution for
10 "September 30, 2008".

11 SEC. 149. Section 503(f) of Public Law 109-54 (16
12 U.S.C. 580d note) shall be applied by substituting the date
13 specified in section 106(3) of this joint resolution for
14 "September 30, 2008".

15 SEC. 150. The authority provided by section 325 of
16 Public Law 108-108 (117 Stat. 1307) shall continue in
17 effect through the date specified in section 106(3) of this
18 joint resolution.

19 SEC. 151. In addition to the amounts otherwise pro-
20 vided by section 101, an additional amount is provided for
21 "Department of the Interior—National Park Service—
22 Operation of the National Park System" for security and
23 visitor safety activities related to the Presidential Inau-
24 gural Ceremonies, at a rate for operations of \$2,000,000.

1 SEC. 152. (a) Sections 104, 105, and 433 of division
2 F of Public Law 110–161 shall not apply to amounts pro-
3 vided by this joint resolution.

4 (b) Nothing in this section amends or shall be con-
5 strued as amending the Outer Continental Shelf Lands
6 Act (43 U.S.C. 1331 et seq.), including the public com-
7 ment periods mandated by section 18 of that Act (43
8 U.S.C. 1344), the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.), or any other law or regula-
10 tion.

11 SEC. 153. Amounts provided by section 101 for im-
12 plementation of the Modified Water Deliveries to Ever-
13 glades National Park shall be made available to the Army
14 Corps of Engineers, which shall immediately carry out Al-
15 ternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail)
16 as substantially described in the Limited Reevaluation Re-
17 port with Integrated Environmental Assessment and ad-
18 dendum, approved August 2008, which, for purposes of
19 this section, is determined to meet the requirements of
20 section 404 of the Federal Water Pollution Control Act
21 (33 U.S.C. 1344), including subsection (r), in order to
22 achieve the goals set forth in section 104 of the Everglades
23 National Park Protection and Expansion Act of 1989 (16
24 U.S.C. 410r-8).

1 SEC. 154. Activities authorized by chapters 2, 3, and
2 5 of title II of the Trade Act of 1974 (19 U.S.C. 2271
3 et seq.), including section 246 of such Act, shall continue
4 through the date specified in section 106(3) of this joint
5 resolution.

6 SEC. 155. (a) In lieu of the amount otherwise pro-
7 vided by section 101 for “Department of Health and
8 Human Services—Administration for Children and Fami-
9 lies—Low-Income Home Energy Assistance”, there is ap-
10 propriated for such account for making payments under
11 the Low-Income Home Energy Assistance Act of 1981,
12 \$5,100,000,000, which shall remain available through
13 September 30, 2009. Of such amount, \$4,509,672,000 is
14 for payments under subsections (b) and (d) of section
15 2602 of such Act and \$590,328,000 is for payments under
16 subsection (e) of such section. All but \$839,792,000 of
17 the amount provided by this section for such subsections
18 (b) and (d) shall be allocated as though the total appro-
19 priation for such payments for fiscal year 2009 was less
20 than \$1,975,000,000.

21 (b) Notwithstanding section 2605(b)(2)(B)(ii) of
22 such Act, a State may use any amount of an allotment
23 from prior appropriations Acts that is available to that
24 State for providing assistance in fiscal year 2009, and any
25 allotment from funds appropriated in this section or in

1 any other appropriations Act for fiscal year 2009, to pro-
2 vide assistance to households whose income does not ex-
3 ceed 75 percent of the State median income.

4 (c) The amount provided by this section shall be obli-
5 gated to States within 30 calender days from the date of
6 enactment of this joint resolution.

7 (d) Of the amount provided by this section,
8 \$2,779,672,000 is designated as an emergency require-
9 ment and necessary to meet emergency needs pursuant to
10 section 204(a) of S. Con. Res. 21 (110th Congress) and
11 section 301(b)(2) of S. Con. Res. 70 (110th Congress),
12 the concurrent resolutions on the budget for fiscal years
13 2008 and 2009.

14 (e) The provisions of this section shall apply notwith-
15 standing any other provision of this joint resolution.

16 SEC. 156. Notwithstanding section 101, amounts are
17 provided for "Corporation for National and Community
18 Service—Operating Expenses" to carry out subtitle E of
19 the National and Community Service Act of 1990 at a
20 rate for operations of \$23,782,000.

21 SEC. 157. (a) Amounts provided by section 101 for
22 "Department of Health and Human Services—Office of
23 the Secretary—General Departmental Management" are
24 also available for the purpose of funding the National
25 Commission on Children and Disasters authorized under

1 title VI of division G of Public Law 110-161 (the “title
2 VI Commission”).

3 (b) Effective on and after the date of enactment of
4 this joint resolution (1) the National Commission on Chil-
5 dren and Disasters established by the Secretary of Health
6 and Human Services under section 1114 of the Social Se-
7 curity Act (the “section 1114 Commission”), together with
8 its members, personnel, and other resources and obliga-
9 tions, shall be considered to be the title VI Commission
10 and shall no longer be subject to the provisions of such
11 section 1114; and (2) for purposes of any contract entered
12 into by any component of the Department of Health and
13 Human Services in fiscal year 2008 for support of the sec-
14 tion 1114 Commission, any reference to the section 1114
15 Commission shall be deemed to refer to the title VI Com-
16 mission.

17 SEC. 158. (a) Notwithstanding section 101, amounts
18 are provided for “Department of Education–Student Fi-
19 nancial Assistance” at a rate for operations of
20 \$18,627,136,000, of which \$16,761,000,000 shall be for
21 carrying out subpart 1 of part A of title IV of the Higher
22 Education Act of 1965.

23 (b) Subparagraph (E) of section 401(b)(8) of the
24 Higher Education Act of 1965 shall not apply to any
25 funds made available under subparagraph (A) of such sec-

1 tion through the date specified in section 106(3) of this
2 joint resolution.

3 SEC. 159. Notwithstanding any other provision of
4 this joint resolution, there is appropriated for payment to
5 the heirs-at-law of Stephanie Tubbs Jones, late a Rep-
6 resentative from the State of Ohio, \$169,300.

7 SEC. 160. (a) Notwithstanding any other provision
8 of this joint resolution, there is appropriated for “Depart-
9 ment of Veterans Affairs—Veterans Benefits Administra-
10 tion—Filipino Veterans Equity Compensation Fund” for
11 payments to eligible persons who served in the Philippines
12 during World War II as authorized, \$198,000,000, to re-
13 main available until expended.

14 (b) The amount provided by this section is designated
15 as an emergency requirement and necessary to meet emer-
16 gency needs pursuant to section 204(a) of S. Con. Res.
17 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
18 70 (110th Congress), the concurrent resolutions on the
19 budget for fiscal years 2008 and 2009.

20 SEC. 161. The authority provided by section 1603(a)
21 of Public Law 109–234 shall continue in effect through
22 the date specified in section 106(3) of this joint resolution.

23 SEC. 162. Notwithstanding section 235(a)(2) of the
24 Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)),
25 the authority of subsections (a) through (c) of section 234

1 of such Act shall remain in effect through the date speci-
2 fied in section 106(3) of this joint resolution.

3 SEC. 163. Notwithstanding any other provision of
4 this joint resolution, up to \$5,000,000 of the amounts ap-
5 propriated under the heading “Other Bilateral Economic
6 Assistance—Department of the Treasury—Debt Restruc-
7 turing” in Public Law 109–102, in such Act as made ap-
8 plicable to fiscal year 2007 by the Continuing Appropria-
9 tions Resolution, 2007 (as amended by Public Law 110–
10 5), and in title III of division J of Public Law 110–161,
11 may be used to assist Liberia in buying back its commer-
12 cial debt through the Debt Reduction Facility of the Inter-
13 national Development Association.

14 SEC. 164. The first proviso under the heading “De-
15 partment of State—Migration and Refugee Assistance” in
16 title III of division J of Public Law 110–161 shall not
17 apply to amounts provided by this joint resolution.

18 SEC. 165. Notwithstanding section 101 of this joint
19 resolution, the number in the third proviso under the
20 heading “Military Assistance—Funds Appropriated to the
21 President—Foreign Military Financing Program” in title
22 IV of division J of Public Law 110–161 shall be deemed
23 to be \$670,650,000 and shall apply to the \$2,550,000,000
24 made available for assistance for Israel in fiscal year 2009

1 under the heading “Foreign Military Financing Pro-
2 gram”.

3 SEC. 166. Notwithstanding section 101, amounts are
4 provided for “Department of Transportation—Federal
5 Aviation Administration—Operations” at a rate for oper-
6 ations of \$8,756,800,000, of which not less than
7 \$1,099,402,000 shall be available for aviation safety ac-
8 tivities.

9 SEC. 167. Amounts provided by section 101 for “De-
10 partment of Transportation—Maritime Administration—
11 Operations and Training” shall include amounts necessary
12 to satisfy the salaries and benefits of employees of the
13 United States Merchant Marine Academy, to be derived
14 solely from the total amount made available in this joint
15 resolution for the United States Merchant Marine Acad-
16 emy. The Secretary of Transportation shall inform the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate of salaries and expenses funding ob-
19 ligated for personnel that had heretofore not been com-
20 pensated from funds made available under this account.

21 SEC. 168. Notwithstanding any other provision of
22 this joint resolution, other than section 106, the Secretary
23 of Housing and Urban Development shall obligate funds
24 provided by section 101 at a rate the Secretary determines
25 is necessary to renew, in a timely manner, all section 8

1 project-based rental assistance contracts. In renewing
2 such contracts, the Secretary may provide for payments
3 to be made beyond the period covered by this joint resolu-
4 tion.

5 SEC. 169. Section 24(o) of the United States Hous-
6 ing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by
7 substituting the date specified in section 106(3) of this
8 joint resolution for "September 30, 2008".

9 SEC. 170. 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 the date specified in sec-
13 tion 106(3) of this joint resolution, insure and enter into
14 commitments to insure mortgages under section 255 of
15 such Act.

16 SEC. 171. During the period covered by this joint res-
17 olution, commitments to guarantee loans insured under
18 the Mutual Mortgage Insurance Fund, as authorized by
19 the National Housing Act (12 U.S.C. 1701 et seq.), shall
20 not exceed a loan principal of \$1,154,000,000 multiplied
21 by the number of days in such period.

22 SEC. 172. Notwithstanding any other provision of
23 this joint resolution, from funds made available for per-
24 sonnel compensation and benefits or salaries and expenses
25 under any account in title II of division K of Public Law

1 110–161 (except for “Office of Inspector General” and
2 “Office of Federal Housing Enterprise Oversight—Salaries and Expenses”), up to \$15,000,000 may be transferred to “Working Capital Fund” for information technology needs for the Federal Housing Administration.

6 SEC. 173. Amounts provided by section 101 for “National Transportation Safety Board—Salaries and Expenses” shall include amounts necessary to make lease payments due in fiscal year 2009 only, on an obligation incurred in 2001 under a capital lease.

11 SEC. 174. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106(3) of this joint resolution; or (2) the date of enactment of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

18 This division may be cited as the “Continuing Appropriations Resolution, 2009”.

TUESDAY, SEPT. 23, 2008

1 DIVISION B—DISASTER RELIEF AND RECOVERY

2 SUPPLEMENTAL APPROPRIATIONS ACT, 2008

3 The following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2008, and for other pur-
6 poses, namely:

7 TITLE I—RELIEF AND RECOVERY FROM

8 NATURAL DISASTERS

9 CHAPTER 1—AGRICULTURE AND RURAL

10 DEVELOPMENT

11 DEPARTMENT OF AGRICULTURE

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for “Office of Inspector
14 General”, \$5,000,000, to remain available until expended,
15 for oversight of disaster- and emergency-related funding
16 provided by this chapter.

17 AGRICULTURAL RESEARCH SERVICE

18 BUILDINGS AND FACILITIES

19 For an additional amount for “Buildings and Facili-
20 ties”, \$5,000,000, to remain available until expended, for
21 the repair and reconstruction of buildings damaged by
22 natural disasters occurring during 2008.

1 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", \$5,000,000, to remain available through Sep-
5 tember 30, 2010, for pathogen surveillance and eradi-
6 cation to address confirmed or suspected outbreaks.

7 NATURAL RESOURCES CONSERVATION SERVICE

8 EMERGENCY WATERSHED PROTECTION PROGRAM

9 For an additional amount for the "Emergency Wa-
10 tershed Protection Program", \$100,000,000, to remain
11 available until expended, for disaster recovery operations.

12 FARM SERVICE AGENCY

13 EMERGENCY CONSERVATION PROGRAM

14 For an additional amount for "Emergency Conserva-
15 tion Program", \$115,000,000, to remain available until
16 expended.

17 RURAL DEVELOPMENT PROGRAMS

18 RURAL DEVELOPMENT DISASTER ASSISTANCE FUND

19 For grants, and for the cost of direct and guaranteed
20 loans, for authorized activities of agencies of the Rural
21 Development Mission Area, \$150,000,000, to remain
22 available until expended, which shall be allocated as fol-
23 lows: \$59,000,000 for single and multi-family housing ac-
24 tivities; \$40,000,000 for community facilities activities;
25 \$26,000,000 for utilities activities; and \$25,000,000 for

1 business activities: *Provided*, That such funds shall be for
2 areas affected by hurricanes, floods, and other natural dis-
3 asters occurring during 2008 for which the President de-
4 clared a major disaster under title IV of the Robert T.
5 Stafford Disaster Relief and Emergency Assistance Act of
6 1974: *Provided further*, That the cost of such direct and
7 guaranteed loans, including the cost of modifying loans,
8 shall be as defined in section 502 of the Congressional
9 Budget Act of 1974: *Provided further*, That the Secretary
10 of Agriculture may reallocate funds made available in this
11 paragraph among the 4 specified activities, if the Sec-
12 retary notifies the Committees on Appropriations of the
13 House of Representatives and the Senate not less than
14 15 days prior to such reallocation.

15 In addition, for an additional amount for grants, and
16 for the cost of direct and guaranteed loans, for authorized
17 activities of the Rural Housing Service, \$38,000,000, to
18 remain available until expended, for single and multi-fam-
19 ily housing activities: *Provided*, That such funds shall be
20 for areas affected by Hurricanes Katrina and Rita: *Pro-*
21 *vided further*, That the cost of such direct and guaranteed
22 loans, including the cost of modifying loans, shall be as
23 defined in section 502 of the Congressional Budget Act
24 of 1974.

1 GENERAL PROVISIONS, THIS CHAPTER

2 (INCLUDING TRANSFERS OF FUNDS)

3 SEC. 10101. (a) RURAL DEVELOPMENT DISASTER
4 ASSISTANCE FUND.—Hereafter, there is established in
5 the Treasury a fund entitled the “Rural Development Dis-
6 aster Assistance Fund”.

7 (b) PURPOSE AND AVAILABILITY OF FUND.—Subject
8 to subsection (d), amounts in the Rural Development Dis-
9 aster Assistance Fund shall be available to the Secretary
10 of Agriculture, until expended, to provide additional
11 amounts for authorized activities of agencies of the Rural
12 Development Mission Area in areas affected by a disaster
13 declared by the President or the Secretary of Agriculture.
14 Amounts so provided shall be in addition to any other
15 amounts available to carry out the activity.

16 (c) WAIVER OF ACTIVITY OR PROJECT LIMITA-
17 TIONS.—The Secretary of Agriculture may waive any lim-
18 its on population, income, or cost-sharing otherwise appli-
19 cable to an activity or project for which amounts in the
20 Rural Development Disaster Assistance Fund will be obli-
21 gated under subsection (b), except that, if the amounts
22 proposed to be obligated in connection with the disaster
23 would exceed the amount specified in subsection (h), the
24 notification required by that subsection shall include infor-

1 mation and justification with regard to any waivers to be
2 granted under this subsection.

3 (d) TREATMENT OF CERTAIN AMOUNTS IN FUND.—

4 Amounts appropriated directly to the Rural Development
5 Disaster Assistance Fund by this Act or any subsequent
6 Act for a specific purpose shall be available only for that
7 purpose until such time as the transfer authority provided
8 by subsection (f) takes effect with regard to the amounts.
9 Only subsection (c), including the notification require-
10 ments of such subsection, and subsections (g) and (i)
11 apply to amounts described in this subsection.

12 (e) TRANSFER OF PRIOR APPROPRIATIONS TO

13 FUND.—The Secretary of Agriculture may transfer to the
14 Rural Development Disaster Assistance Fund, and merge
15 with other amounts generally appropriated to the Fund,
16 the available unobligated balance of any amounts that
17 were appropriated before the date of the enactment of this
18 Act for programs and activities of the Rural Development
19 Mission Area to respond to a disaster and were designated
20 by the Congress as an emergency requirement if, in ad-
21 vance of the transfer, the Secretary determines that the
22 unobligated amounts are no longer needed to respond to
23 the disaster for which the amounts were originally appro-
24 priated and the Secretary provides a certification of this

1 determination to the Committees on Appropriations of the
2 House of Representatives and the Senate.

3 (f) TRANSFER OF OTHER APPROPRIATIONS TO
4 FUND.—Unless otherwise specifically provided in an ap-
5 propriations Act, the Secretary of Agriculture may trans-
6 fer to or within the Rural Development Disaster Assist-
7 ance Fund, and merge with other amounts generally ap-
8 propriated to the Fund, the available unobligated balance
9 of any amounts that are appropriated for fiscal year 2009
10 or any subsequent fiscal year for programs and activities
11 of the Rural Development Mission Area to respond to a
12 disaster and are designated by the Congress as an emer-
13 gency requirement if, in advance of the transfer, the Sec-
14 retary determines that the unobligated amounts are no
15 longer needed to respond to the disaster for which the
16 amounts were originally appropriated and the Secretary
17 provides a certification of this determination to the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate. A transfer of unobligated amounts with
20 respect to a disaster may not be made under this sub-
21 section until after the end of the two-year period beginning
22 on the date on which the amounts were originally appro-
23 priated for that disaster.

24 (g) ADMINISTRATIVE EXPENSES.—In addition to any
25 other funds available to the Secretary of Agriculture to

1 cover administrative costs, the Secretary may use up to
2 3 percent of the amounts allocated from the Rural Devel-
3 opment Disaster Assistance Fund for a specific disaster
4 to cover administrative costs of Rural Development's State
5 and local offices in the areas affected by the disaster to
6 carry out disaster related activities.

7 (h) LIMITATION ON PER DISASTER OBLIGATIONS.—
8 Amounts in the Rural Development Disaster Assistance
9 Fund, except for amounts described in subsection (d) that
10 are appropriated to the Fund and obligated in accordance
11 with that subsection, may not be obligated in excess of
12 \$1,000,000 for a disaster until at least 15 days after the
13 date on which the Secretary of Agriculture notifies the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate of the Secretary's determination to
16 obligate additional amounts and the reasons for the deter-
17 mination. The Secretary may not obligate more than 50
18 percent of the funds contained in the Rural Development
19 Disaster Assistance Fund for any one disaster unless the
20 Secretary declares that there is a specific and extreme
21 need that additional funds must be provided in response
22 to such disaster at time of the obligation.

23 (i) QUARTERLY REPORTS.—The Secretary of Agri-
24 culture shall submit, on a quarterly basis, to the Commit-
25 tees on Appropriations of the House of Representatives

1 and the Senate a report describing the status of the Rural
2 Development Disaster Assistance Fund and any trans-
3 actions that have affected the Fund since the previous re-
4 port.

5 SEC. 10102. Section 1601 (e)(2) of the Food, Con-
6 servation and Energy Act of 2008 (Public Law 110-246)
7 shall apply in implementing section 12033 of such Act.

8 CHAPTER 2—COMMERCE AND SCIENCE

9 DEPARTMENT OF COMMERCE

10 ECONOMIC DEVELOPMENT ADMINISTRATION

11 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

12 Pursuant to section 703 of the Public Works and
13 Economic Development Act (42 U.S.C. 3233), for an addi-
14 tional amount for “Economic Development Assistance
15 Programs”, for necessary expenses related to disaster re-
16 lief, long-term recovery, and restoration of infrastructure
17 related to the consequences of hurricanes, floods and other
18 natural disasters occurring during 2008 for which the
19 President declared a major disaster under title IV of the
20 Robert T. Stafford Disaster Relief and Emergency Assist-
21 ance Act, \$400,000,000, to remain available until ex-
22 pended.

1 NATIONAL OCEANIC AND ATMOSPHERIC
2 ADMINISTRATION
3 OPERATIONS, RESEARCH, AND FACILITIES

4 For an additional amount for "Operations, Research,
5 and Facilities", to improve hurricane track and intensity
6 forecasts for the protection of life and property,
7 \$11,000,000, to remain available until September 30,
8 2009.

9 In addition, for an additional amount for "Oper-
10 ations, Research, and Facilities", for fishery disaster as-
11 sistance, \$75,000,000, to remain available until Sep-
12 tember 30, 2009: *Provided*, That the National Marine
13 Fisheries Service shall cause such amounts to be distrib-
14 uted among eligible recipients of assistance for fishery re-
15 source disasters and commercial fishery failures as de-
16 clared by the Secretary of Commerce under sections
17 308(b) and 308(d) of the Interjurisdictional Fisheries Act
18 (16 U.S.C. 4107) and sections 312(a) and 315 of the
19 Magnuson-Stevens Fishery Conservation and Manage-
20 ment Act (16 U.S.C. 1861a(a) and 1864).

21 PROCUREMENT, ACQUISITION, AND CONSTRUCTION

22 For an additional amount for "Procurement, Acquisi-
23 tion, and Construction", to improve hurricane track and
24 intensity forecasts for the protection of life and property,
25 \$6,000,000, to remain available until September 30, 2009.

1 NATIONAL AERONAUTICS AND SPACE

2 ADMINISTRATION

3 EXPLORATION CAPABILITIES

4 For an additional amount for “Exploration Capabili-
5 ties”, for necessary expenses for restoration and mitiga-
6 tion of National Aeronautics and Space Administration
7 owned infrastructure and facilities related to the con-
8 sequences of hurricanes, floods, and other natural disas-
9 ters occurring during 2008 for which the President de-
10 clared a major disaster under title IV of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance Act of
12 1974, \$30,000,000, to remain available until expended
13 with such sums as determined by the Administrator of the
14 National Aeronautics and Space Administration as avail-
15 able to reimburse costs incurred and for transfer to
16 “Science, Aeronautics and Exploration” in accordance
17 with section 505 of division B of Public Law 110-161.

18 CHAPTER 3—ENERGY AND WATER

19 DEVELOPMENT

20 DEPARTMENT OF DEFENSE—CIVIL

21 DEPARTMENT OF THE ARMY

22 CORPS OF ENGINEERS—CIVIL

23 CONSTRUCTION

24 For an additional amount for “Construction” for nec-
25 essary expenses related to the consequences of Hurricane

1 Katrina and other hurricanes, floods and other natural
2 disasters, \$1,538,800,000, to remain available until ex-
3 pended: *Provided*, That the Secretary of the Army is di-
4 rected to use \$38,800,000 of the funds appropriated under
5 this heading to address emergency situations at Corps of
6 Engineers projects and rehabilitate and repair damages to
7 Corps projects caused by recent natural disasters: *Pro-*
8 *vided further*, That the Secretary is directed to use
9 \$1,500,000,000 of the funds appropriated under this
10 heading to fund the estimated amount of the non-Federal
11 cash contribution for projects in southeast Louisiana that
12 will be financed in accordance with the provisions of sec-
13 tion 103(k) of Public Law 99-662 over a period of 30
14 years from the date of completion of the project or sepa-
15 rable element, with \$700,000,000 used for the Lake Pont-
16 chartrain and Vicinity project; \$350,000,000 used for the
17 West Bank and Vicinity project and \$450,000,000 used
18 for elements of the Southeast Louisiana Urban Drainage
19 project that are within the geographic perimeter of the
20 West Bank and Vicinity and Lake Pontchartrain and Vi-
21 cinity projects: *Provided further*, That the expenditure of
22 funds as provided above may be made without regard to
23 individual amounts or purposes and any reallocation of
24 funds that is necessary to accomplish the established goals
25 is authorized subject to the approval of the Committees

1 on Appropriations of the House of Representatives and the
2 Senate: *Provided further*, That the Assistant Secretary of
3 the Army for Civil Works shall provide a monthly report
4 to the Committees on Appropriations detailing the alloca-
5 tion and obligation of these funds, beginning not later
6 than 60 days after enactment of this Act.

7 MISSISSIPPI RIVER AND TRIBUTARIES

8 For an additional amount for “Mississippi River and
9 Tributaries” for recovery from natural disasters,
10 \$82,400,000, to remain available until expended, to
11 dredge eligible projects in response to and repair damages
12 to Federal projects caused by recent natural disasters:
13 *Provided*, That \$35,000,000 shall be used to reimburse
14 projects where funding was transferred to the Flood Con-
15 trol and Coastal Emergencies account under the provi-
16 sions of section 5 of the Act of August 18, 1941 (33
17 U.S.C. 701n): *Provided further*, That the Assistant Sec-
18 retary of the Army for Civil Works shall provide a monthly
19 report to the Committees on Appropriations of the House
20 of Representatives and the Senate detailing the allocation
21 and obligation of these funds, beginning not later than 60
22 days after enactment of this Act.

23 OPERATION AND MAINTENANCE

24 For an additional amount for “Operation and Main-
25 tenance” to dredge navigation channels and repair other

1 Corps projects related to natural disasters, \$740,000,000,
2 to remain available until expended: *Provided*, That the As-
3 sistant Secretary of the Army for Civil Works shall provide
4 a monthly report to the Committees on Appropriations of
5 the House of Representatives and the Senate detailing the
6 allocation and obligation of these funds, beginning not
7 later than 60 days after enactment of this Act.

8 FLOOD CONTROL AND COASTAL EMERGENCIES

9 For an additional amount for "Flood Control and
10 Coastal Emergencies", as authorized by section 5 of the
11 Act of August 18, 1941 (33 U.S.C. 701n), for necessary
12 expenses relating to the consequences of recent hurricanes
13 and other natural disasters as authorized by law,
14 \$415,600,000, to remain available until expended to sup-
15 port emergency operations, repair eligible projects nation-
16 wide, and for other activities in response to natural disas-
17 ters: *Provided*, That the Assistant Secretary of the Army
18 for Civil Works shall provide a monthly report to the Com-
19 mittees on Appropriations of the House of Representatives
20 and the Senate detailing the allocation and obligation of
21 these funds, beginning not later than 60 days after enact-
22 ment of this Act.

1 CHAPTER 4—FINANCIAL SERVICES AND
2 GENERAL GOVERNMENT
3 INDEPENDENT AGENCIES
4 GENERAL SERVICES ADMINISTRATION
5 REAL PROPERTY ACTIVITIES
6 FEDERAL BUILDINGS FUND
7 CONSTRUCTION AND ACQUISITION

8 For an additional amount to be deposited in the Fed-
9 eral Buildings Fund, \$182,000,000, exclusive of permitted
10 escalation, is authorized and available for the Adminis-
11 trator to proceed with necessary site acquisition, design,
12 and construction for the new courthouse project in Cedar
13 Rapids, Iowa: *Provided*, That the foregoing limits of costs
14 on new construction projects may be exceeded to the ex-
15 tent that savings are effected in other such projects, but
16 not to exceed 10 percent of the amounts provided unless
17 advance approval is obtained from the Committees on Ap-
18 propriations of a greater amount: *Provided further*, That
19 all funds for direct construction projects shall expire on
20 September 30, 2009 and remain in the Federal Buildings
21 Fund except for funds for projects to which funds for de-
22 sign or other funds have been obligated in whole or in part
23 prior to such date.

1 SMALL BUSINESS ADMINISTRATION

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", \$10,000,000, to remain available until September
5 30, 2009, for grants under section 21 of the Small Busi-
6 ness Act (15 U.S.C. 648) to small business development
7 centers to provide technical assistance to small business
8 concerns affected by recent hurricanes, flooding, and other
9 natural disasters in calendar year 2008: *Provided, That*
10 the Administrator of the Small Business Administration
11 shall waive the matching requirement under section
12 21(a)(4)(A) of such Act for any grant made using funds
13 made available under this heading.

14 OFFICE OF INSPECTOR GENERAL

15 For an additional amount for "Office of Inspector
16 General" for necessary expenses related to the con-
17 sequences of recent hurricanes and other natural disasters
18 in calendar year 2008, \$3,000,000, to remain available
19 until expended.

20 DISASTER LOANS PROGRAM ACCOUNT

21 For an additional amount for the "Disaster Loans
22 Program Account" for the cost of direct loans authorized
23 by section 7(b) of the Small Business Act, for necessary
24 expenses related to recent hurricanes and other natural
25 disasters, \$498,000,000, to remain available until ex-

1 pended: *Provided*, That such costs, including the cost of
 2 modifying such loans, shall be as defined in section 502
 3 of the Congressional Budget Act of 1974.

4 In addition, for administrative expenses to carry out
 5 the direct loan program authorized by section 7(b) in re-
 6 sponse to recent hurricanes and other natural disasters,
 7 including onsite assistance to disaster victims, increased
 8 staff at call centers, processing centers, and field inspec-
 9 tions teams, and attorneys to assist in loan closings,
 10 \$288,000,000 to remain available until expended; of which
 11 \$279,000,000 is for direct administrative expenses of loan
 12 making and servicing to carry out the direct loan program,
 13 which may be paid to appropriations for Salaries and Ex-
 14 penses; and of which \$9,000,000 is for indirect adminis-
 15 trative expenses, which may be paid to appropriations for
 16 Salaries and Expenses.

17 CHAPTER 5—HOMELAND SECURITY

18 DEPARTMENT OF HOMELAND SECURITY

19 COAST GUARD

20 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Acquisition, Construc-
 23 tion, and Improvements” for necessary expenses related
 24 to the consequences of 2008 natural disasters and flood-
 25 ing, \$300,000,000, to remain available until expended:

1 *Provided*, That notwithstanding the transfer limitation
2 contained in section 503 of division E of Public Law 110-
3 161, such funding may be transferred to other Coast
4 Guard appropriations after notification as required in ac-
5 cordance with such section: *Provided further*, That a plan
6 listing all facilities to be reconstructed and restored, with
7 associated costs, shall be submitted to the Committees on
8 Appropriations of the Senate and the House of Represent-
9 atives.

10 FEDERAL EMERGENCY MANAGEMENT AGENCY

11 DISASTER RELIEF

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for "Disaster Relief",
14 \$7,960,000,000, to remain available until expended: *Pro-*
15 *vided*, That of the amount provided, up to \$98,150,000
16 may be transferred to the "Disaster Assistance Direct
17 Loan Program Account" for the cost of direct loans as
18 authorized under section 417 of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
20 5184), of which up to \$4,200,000 is for administrative ex-
21 penses to carry out the direct loan program: *Provided fur-*
22 *ther*, That such transfer may be made to subsidize gross
23 obligations for the principal amount of direct loans not
24 to exceed \$100,000,000 under section 417 of such Act:
25 *Provided further*, That the cost of modifying such loans

1 shall be as defined in section 502 of the Congressional
2 Budget Act of 1974 (2 U.S.C. 661a): *Provided further*,
3 That of the amount provided, up to \$8,000,000 shall be
4 transferred to the “Department of Homeland Security Of-
5 fice of Inspector General” for audits and investigations re-
6 lated to disasters.

7 GENERAL PROVISIONS, THIS CHAPTER

8 (INCLUDING RESCISSION OF FUNDS)

9 SEC. 10501. (a) RESCISSION.—Of amounts pre-
10 viously made available from “Federal Emergency Manage-
11 ment Agency—Disaster Relief” to the State of Mississippi
12 pursuant to section 404 of the Robert T. Stafford Disaster
13 Relief and Emergency Assistance Act of 1974 (42 U.S.C.
14 5170c) for Hurricane Katrina, an additional \$20,000,000
15 is rescinded.

16 (b) APPROPRIATION.—For “Federal Emergency
17 Management Agency—State and Local Programs”, there
18 is appropriated an additional \$20,000,000, to remain
19 available until expended, for a grant to the State of Mis-
20 sissippi for an interoperable communications system re-
21 quired in the aftermath of Hurricane Katrina.

22 SEC. 10502. There is hereby appropriated to the Sec-
23 retary of the Department of Homeland Security not to ex-
24 ceed \$100,000,000, to remain available until September
25 30, 2009, for payments to the American Red Cross for

1 reimbursement of disaster relief and recovery expenditures
2 and emergency services provided in the United States as-
3 sociated with hurricanes, floods, and other natural disas-
4 ters occurring in 2008 for which the President declared
5 a major disaster under title IV of the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act of 1974,
7 and only to the extent funds are not made available for
8 those activities by other Federal sources: *Provided*, That
9 these funds may be administered by any authorized federal
10 government agency to meet the purposes of this provision
11 and that total administrative costs shall not exceed 3 per-
12 cent of the total appropriation: *Provided further*, That the
13 Comptroller General shall audit the use of these funds by
14 the American Red Cross.

15 SEC. 10503. Until such time as preliminary flood in-
16 surance rate maps initiated prior to October 1, 2008 are
17 completed and released for public review, preliminary base
18 flood elevations are published in the Federal Register, and
19 the second required local newspaper publication of such
20 base flood elevations is made for the City of St. Louis,
21 St. Charles and St. Louis counties in Missouri, and Madi-
22 son, Monroe, and St. Clair counties in Illinois, the Admin-
23 istration shall not begin the statutory appeals process in
24 such areas required under section 1363 of the National
25 Flood Insurance Act of 1968.

1 CHAPTER 6—INTERIOR AND ENVIRONMENT

2 DEPARTMENT OF THE INTERIOR

3 BUREAU OF LAND MANAGEMENT

4 WILDLAND FIRE MANAGEMENT

5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for “Wildland Fire Man-
7 agement”, \$135,000,000, to remain available until ex-
8 pended, of which (1) \$110,000,000 is for urgent wildland
9 fire suppression activities, including repayments to other
10 accounts from which funds were transferred in fiscal year
11 2008 for wildfire suppression so that all such transfers
12 for fiscal year 2008 are fully repaid; and (2) \$25,000,000
13 is for burned area rehabilitation.

14 UNITED STATES FISH AND WILDLIFE SERVICE

15 CONSTRUCTION

16 For an additional amount for “Construction”,
17 \$75,000,000, to remain available until expended, for nec-
18 essary expenses related to the consequences of hurricanes
19 and natural disasters.

20 DEPARTMENT OF AGRICULTURE

21 FOREST SERVICE

22 CAPITAL IMPROVEMENT AND MAINTENANCE

23 (INCLUDING TRANSFERS OF FUNDS)

24 For an additional amount for “Capital Improvement
25 and Maintenance”, \$30,000,000, to remain available until

1 expended, for necessary expenses, including cleanup, re-
2 lated to the consequences of hurricanes, floods and other
3 natural disasters.

4 WILDLAND FIRE MANAGEMENT

5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for "Wildland Fire Man-
7 agement", \$775,000,000, to remain available until ex-
8 pended, of which (1) \$500,000,000 shall be available for
9 emergency wildfire suppression and related activities, of
10 which no less than \$300,000,000 shall be transferred to
11 Forest Service accounts within 15 days of enactment of
12 this Act so that all such transfers for wildfire suppression
13 in fiscal year 2008 are fully repaid, including \$30,000,000
14 reallocated between programs in the Wildland Fire Man-
15 agement Account; and of which \$100,000,000 shall be
16 transferred within 15 days of enactment of this Act to the
17 fund established by section 3 of Public Law 71-319 (16
18 U.S.C. 576 et seq.) to repay transfers made for previous
19 emergency wildfire suppression activities; (2)
20 \$175,000,000 shall be available for hazardous fuels reduc-
21 tion and hazard mitigation activities in areas at high risk
22 of catastrophic wildfire due to population density and fuel
23 loads, of which \$125,000,000 is available for work on
24 State and private lands using all the authorities available
25 to the Forest Service; (3) \$75,000,000 is for rehabilitation

1 and restoration of Federal lands and may be transferred
2 to other Forest Service accounts as necessary; and (4)
3 \$25,000,000 is for preparedness for retention initiatives
4 in areas at high risk of catastrophic wildfire that face re-
5 current staffing shortages.

6 CHAPTER 7—HEALTH AND HUMAN SERVICES
7 AND EDUCATION
8 DEPARTMENT OF HEALTH AND HUMAN
9 SERVICES

10 ADMINISTRATION FOR CHILDREN AND FAMILIES
11 SOCIAL SERVICES BLOCK GRANT

12 For an additional amount for “Social Services Block
13 Grant”, \$600,000,000, which shall remain available
14 through September 30, 2009, for necessary expenses re-
15 sulting from hurricanes, floods, and other natural disas-
16 ters occurring during 2008 for which the President de-
17 clared a major disaster under title IV of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act of
19 1974, and from Hurricanes Katrina and Rita, notwith-
20 standing section 2003 and paragraphs (1) and (4) of sec-
21 tion 2005(a) of the Social Security Act: *Provided*, That
22 notwithstanding section 2002 of the Social Security Act,
23 the distribution of such amount shall be limited to States
24 directly affected by these events: *Provided further*, That
25 the Secretary of Health and Human Services shall dis-

1 tribute such amount to eligible States based on dem-
2 onstrated need in accordance with objective criteria that
3 are made available to the public: *Provided further*, That
4 in addition to other uses permitted by title XX of the So-
5 cial Security Act, funds appropriated under this heading
6 may be used for health services (including mental health
7 services), and for repair, renovation, and construction of
8 health care facilities (including mental health facilities),
9 child care centers, and other social services facilities.

10 DEPARTMENT OF EDUCATION

11 SCHOOL IMPROVEMENT PROGRAMS

12 For an additional amount for “School Improvement
13 Programs” for education for homeless children and youths
14 (as defined in section 725 of the McKinney-Vento Home-
15 less Assistance Act (42 U.S.C. 11434a)), \$15,000,000, to
16 remain available through September 30, 2009: *Provided*,
17 That such funds shall be made available, based on dem-
18 onstrated need, only to local educational agencies whose
19 enrollment of homeless students has increased as a result
20 of hurricanes, floods, and other natural disasters occur-
21 ring during 2008 for which the President declared a major
22 disaster under title IV of the Robert T. Stafford Disaster
23 Relief and Emergency Assistance Act of 1974: *Provided*
24 *further*, That such funds shall be used for the activities
25 described in section 723(d) of such Act (42 U.S.C.

1 11433(d)) and services provided using such funds shall
2 comply with paragraphs (2) and (3) of section 723(a) of
3 such Act (42 U.S.C. 11433(a)): *Provided further*, That the
4 local educational agency requirements described in para-
5 graphs (3) through (7) of section 722(g) of such Act (42
6 U.S.C. 11432(g)) shall apply: *Provided further*, That the
7 Secretary of Education shall distribute these funds to such
8 local educational agencies not later than 120 days after
9 the date of the enactment of this Act.

10 HIGHER EDUCATION DISASTER RELIEF

11 For an additional amount under part B of title VII
12 of the Higher Education Act of 1965 (“HEA”) for institu-
13 tions of higher education (as defined in section 101 or sec-
14 tion 102(c) of that Act) that are located in an area af-
15 fected by hurricanes, floods, and other natural disasters
16 occurring during 2008 for which the President declared
17 a major disaster under title IV of the Robert T. Stafford
18 Disaster Relief and Emergency Assistance Act of 1974,
19 \$15,000,000, to remain available through September 30,
20 2009: *Provided*, That such funds shall be available to the
21 Secretary of Education only for payments to help defray
22 the expenses (which may include lost revenue, reimburse-
23 ment for expenses already incurred, and construction) in-
24 curred by such institutions of higher education that were
25 forced to close, relocate, or whose operations were im-

1 paired as a result of damage directly caused by such hurri-
2 canes, floods, and other natural disasters occurring during
3 2008, and for payments to enable such institutions to pro-
4 vide grants to students who attend such institutions for
5 academic years beginning on or after July 1, 2008: *Pro-*
6 *vided further*, That such payments shall be made in ac-
7 cordance with criteria established by the Secretary and
8 made publicly available without regard to section 437 of
9 the General Education Provisions Act, section 553 of title
10 5, United States Code, or part B of title VII of the HEA:
11 *Provided further*, That the Secretary shall award funds
12 available under this paragraph not later than 60 days
13 after the date of the enactment of this Act.

14 GENERAL PROVISIONS, THIS CHAPTER

15 SEC. 10701. (a) EXTENSION OF WAIVER AUTHOR-
16 ITY.—Section 105 of subtitle A of title IV of division B
17 of Public Law 109–148 (119 Stat. 2797) is amended—

18 (1) in subsection (b)—

19 (A) in the first sentence, by striking “for
20 fiscal year 2007.” and inserting “for any of fis-
21 cal years 2007 through 2009.”; and

22 (B) by striking the second sentence; and

23 (2) in subsection (c)(2), by striking “for fiscal
24 year 2006 or 2007” and inserting “for any fiscal
25 year”.

1 (b) APPLICATION OF WAIVER AUTHORITY TO AREAS
2 AFFECTED IN 2008.—The authority of the Secretary of
3 Education under section 105 of subtitle A of title IV of
4 division B of Public Law 109–148 (119 Stat. 2797), as
5 amended by subsection (a), may be exercised with respect
6 to an entity in an area affected by hurricanes, floods, and
7 other natural disasters occurring during 2008 for which
8 the President declared a major disaster under title IV of
9 the Robert T. Stafford Disaster Relief and Emergency As-
10 sistance Act of 1974.

11 SEC. 10702. (a) ALLOCATION AND USE OF CAMPUS-
12 BASED HIGHER EDUCATION ASSISTANCE.—

13 (1) WAIVER OF MATCHING REQUIREMENTS.—
14 Notwithstanding sections 413C(a)(2) and 443(b)(5)
15 of the Higher Education Act of 1965 (20 U.S.C.
16 1070b-2(a)(2); 42 U.S.C. 2753(b)(5)), with respect
17 to funds made available for academic year 2009-
18 2010 to an institution of higher education located in
19 an area affected by a 2008 natural disaster, the Sec-
20 retary shall waive the requirement that a partici-
21 pating institution of higher education provide a non-
22 Federal share or a capital contribution, as the case
23 may be, to match Federal funds provided to the in-
24 stitution for the programs authorized pursuant to

1 subpart 3 of part A and part C of title IV of such
2 Act.

3 (2) WAIVER OF REALLOCATION RULES.—

4 (A) AUTHORITY TO REALLOCATE.—Not-
5 withstanding sections 413D(d) and 442(d) of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1070b-3(d); 42 U.S.C. 2752(d)), the Secretary
8 shall—

9 (i) reallocate any funds returned
10 under any of those sections that were allo-
11 cated to institutions of higher education
12 for award year 2008–2009 to an institu-
13 tion of higher education that is eligible
14 under this paragraph; and

15 (ii) waive the allocation reduction for
16 award year 2009-2010 for an institution
17 returning more than 10 percent of its allo-
18 cation under any of those sections.

19 (B) ELIGIBLE INSTITUTIONS FOR RE-
20 ALLOCATION.—An institution of higher edu-
21 cation may receive a reallocation of excess allo-
22 cations under this paragraph if the institu-
23 tion—

1 (i) participates in the program for
2 which excess allocations are being reallo-
3 cated; and

4 (ii) is located in an area affected by a
5 2008 natural disaster.

6 (C) BASIS OF REALLOCATION.—The Sec-
7 retary shall determine the manner in which ex-
8 cess allocations shall be reallocated to institu-
9 tions under subparagraph (A), and shall give
10 additional consideration to the needs of institu-
11 tions located in an area affected by a 2008 nat-
12 ural disaster.

13 (D) ADDITIONAL WAIVER AUTHORITY.—
14 Notwithstanding any other provision of law, in
15 order to carry out this paragraph, the Secretary
16 may waive or modify any statutory or regu-
17 latory provision relating to the reallocation of
18 excess allocations under subpart 3 of part A or
19 part C of title IV of the Higher Education Act
20 of 1965 in order to ensure that assistance is re-
21 ceived by institutions described in subsection
22 (a)(2)(B).

23 (b) DEFINITIONS.—In this section:

24 (1) 2008 NATURAL DISASTER.—The term
25 “2008 natural disaster” means a major disaster that

1 the President declared to exist, in accordance with
2 section 401 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170)
4 that was caused by hurricanes, floods, and other
5 natural disasters during calendar year 2008.

6 (2) AREA AFFECTED BY A 2008 NATURAL DIS-
7 ASTER.—The term “area affected by a 2008 natural
8 disaster” means a county or parish that has been
9 designated by the Federal Emergency Management
10 Agency for disaster assistance for individuals and
11 households as a result of a 2008 natural disaster.

12 (3) INSTITUTION OF HIGHER EDUCATION.—The
13 term “institution of higher education” has the
14 meaning given that term in section 102 of the High-
15 er Education Act of 1965 (20 U.S.C. 1002).

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Education.

18 CHAPTER 8—MILITARY CONSTRUCTION

19 DEPARTMENT OF DEFENSE

20 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

21 For an additional amount for “Military Construction,
22 Army National Guard”, \$25,000,000, to remain available
23 until September 30, 2013, for construction due to dam-
24 ages as a result of natural disasters: *Provided*, That not-
25 withstanding any other provision of law, such funds may

1 be obligated and expended to carry out planning and de-
2 sign and military construction projects not otherwise au-
3 thorized by law: *Provided further*, That within 30 days of
4 enactment of this Act, the Army National Guard shall sub-
5 mit to the Committees on Appropriations of both Houses
6 of Congress an expenditure plan for funds provided under
7 this heading.

8 CHAPTER 9—DEPARTMENT OF STATE AND
9 FOREIGN OPERATIONS

10 INTERNATIONAL COMMISSIONS

11 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

12 UNITED STATES AND MEXICO

13 CONSTRUCTION

14 For an additional amount for “Construction”, for the
15 water quantity program to meet immediate and emergency
16 repair and rehabilitation requirements, \$37,500,000, to
17 remain available until expended: *Provided*, That up to
18 \$3,000,000 may be transferred to, and merged with, funds
19 available under the heading “International Boundary and
20 Water Commission—Salaries and Expenses”: *Provided*
21 *further*, That not later than 60 days after enactment of
22 this Act, the Commission shall submit to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate a detailed spending plan for funds appropriated
25 under this heading.

1 CHAPTER 10—TRANSPORTATION AND HOUSING
2 AND URBAN DEVELOPMENT
3 DEPARTMENT OF TRANSPORTATION
4 FEDERAL HIGHWAY ADMINISTRATION
5 FEDERAL-AID HIGHWAYS
6 EMERGENCY RELIEF PROGRAM

7 For an additional amount for the Emergency Relief
8 Program as authorized under section 125 of title 23,
9 United States Code, \$850,000,000, to remain available
10 until expended: *Provided*, That notwithstanding section
11 125(d)(1) of such title, the Secretary of Transportation
12 may obligate more than \$100,000,000 for eligible expenses
13 in a State in a fiscal year to respond to damage caused
14 by Hurricanes Gustav and Ike.

15 FEDERAL RAILROAD ADMINISTRATION
16 RAILROAD REHABILITATION AND REPAIR

17 For necessary expenses for the Secretary of Trans-
18 portation to make grants to repair and rehabilitate Class
19 II and Class III railroad infrastructure damaged by hurri-
20 canes, floods, and other natural disasters in areas for
21 which the President declared a major disaster under title
22 IV of the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act of 1974, \$20,000,000, to remain
24 available until expended, and to be awarded to States on
25 a competitive case-by-case basis based on need: *Provided*,

1 That funds available under this heading shall be available
2 for repair and rehabilitation of railroad rights-of-way,
3 bridges, signals, and other infrastructure which is part of
4 the general railroad system of transportation and pri-
5 marily used by railroads to move freight traffic: *Provided*
6 *further*, That the maximum Federal share for carrying out
7 a project under this heading shall be 80 percent of the
8 project cost with the non-Federal share provided only in
9 cash, equipment or supplies: *Provided further*, That the
10 Secretary may retain up to one-half of 1 percent of the
11 funds under this heading to fund the oversight by the Ad-
12 ministrator of the Federal Railroad Administration of the
13 design and implementation of projects funded by grants
14 made under this heading: *Provided further*, That the provi-
15 sions of section 24312 of title 49, United States Code,
16 shall apply to grantees assisted under this heading: *Pro-*
17 *vided further*, That grantees must exhaust all other Fed-
18 eral and State resources prior to seeking assistance under
19 this heading.

20 DEPARTMENT OF HOUSING AND URBAN

21 DEVELOPMENT

22 PUBLIC AND INDIAN HOUSING

23 TENANT-BASED RENTAL ASSISTANCE

24 For an additional amount for “Tenant-Based Rental
25 Assistance”, as authorized under the United States Hous-

1 ing Act of 1937 (42 U.S.C. 1437 et seq.), not otherwise
2 provided for, \$85,000,000, to remain available until ex-
3 pended, for incremental housing assistance, including re-
4 lated administrative expenses, for persons assisted under
5 the Disaster Housing Assistance Program whose assist-
6 ance would otherwise end on March 1, 2009.

7 PROJECT-BASED RENTAL ASSISTANCE

8 For an additional amount to areas impacted by Hur-
9 ricanes Katrina and Rita for project-based vouchers under
10 section 8(o)(13) of the United States Housing Act of 1937
11 (42 U.S.C. 1437f(o)(13)), \$50,000,000, to remain avail-
12 able until expended.

13 PUBLIC HOUSING CAPITAL FUND

14 For an additional amount to be made available to the
15 Secretary of Housing and Urban Development,
16 \$15,000,000, notwithstanding any other provision of law,
17 to be used solely for the redevelopment of public housing
18 impacted by Hurricanes Katrina and Rita.

19 COMMUNITY PLANNING AND DEVELOPMENT

20 COMMUNITY DEVELOPMENT FUND

21 For an additional amount for the "Community Devel-
22 opment Fund", for necessary expenses related to disaster
23 relief, long-term recovery, and restoration of infrastruc-
24 ture, housing, and economic revitalization in areas af-
25 fected by hurricanes, floods, and other natural disasters

1 occurring during 2008 for which the President declared a
2 major disaster under title IV of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act of 1974,
4 \$6,500,000,000, to remain available until expended, for
5 activities authorized under title I of the Housing and Com-
6 munity Development Act of 1974 (Public Law 93-383):
7 *Provided*, That funds provided under this heading shall
8 be administered through an entity or entities designated
9 by the Governor of each State: *Provided further*, That such
10 funds may not be used for activities reimbursable by, or
11 for which funds are made available by, the Federal Emer-
12 gency Management Agency or the Army Corps of Engi-
13 neers: *Provided further*, That funds allocated under this
14 heading shall not adversely affect the amount of any for-
15 mula assistance received by a State under the Community
16 Development Fund: *Provided further*, That each State
17 may use up to 5 percent of its allocation for administrative
18 costs: *Provided further*, That \$6,500,000 shall be available
19 for use by the Assistant Secretary of Community Planning
20 and Development for the administrative costs, including
21 information technology costs, with respect to amounts
22 made available under this section and under section
23 2301(a) of the Housing and Economic Recovery Act of
24 2008. *Provided further*, That not less than \$650,000,000
25 from funds made available on a pro-rata basis according

1 to the allocation made to each State under this heading
2 shall be used for repair, rehabilitation, and reconstruction
3 (including demolition, site clearance and remediation) of
4 the affordable rental housing stock (including public and
5 other HUD-assisted housing) in the impacted areas where
6 there is a demonstrated need as determined by the Sec-
7 retary: *Provided further*, That in administering the funds
8 under this heading, the Secretary of Housing and Urban
9 Development may waive, or specify alternative require-
10 ments for, any provision of any statute or regulation that
11 the Secretary administers in connection with the obliga-
12 tion by the Secretary or the use by the recipient of these
13 funds or guarantees (except for requirements related to
14 fair housing, nondiscrimination, labor standards, and the
15 environment), upon a request by a State explaining why
16 such waiver is required to facilitate the use of such funds
17 or guarantees, if the Secretary finds that such waiver
18 would not be inconsistent with the overall purpose of title
19 I of the Housing and Community Development Act of
20 1974: *Provided further*, That a waiver granted by the Sec-
21 retary under the preceding proviso may not reduce the
22 percentage of funds which must be used for activities that
23 benefit persons of low and moderate income to less than
24 50 percent, unless the Secretary specifically finds that
25 there is compelling need to further reduce or eliminate the

1 percentage requirement: *Provided further*, That the Sec-
2 retary shall publish in the Federal Register any waiver of
3 any statute or regulation that the Secretary administers
4 pursuant to title I of the Housing and Community Devel-
5 opment Act of 1974 no later than 5 days before the effec-
6 tive date of such waiver: *Provided further*, That every
7 waiver made by the Secretary must be reconsidered ac-
8 cording to the three previous provisos on the 2-year anni-
9 versary of the day the Secretary published the waiver in
10 the Federal Register: *Provided further*, That the Secretary
11 shall allocate to the states not less than 33 percent of the
12 funding provided under this heading within 60 days after
13 the enactment of this Act based on the best estimates
14 available of relative damage and anticipated assistance
15 from other Federal sources: *Provided further*, That prior
16 to the obligation of funds each State shall submit a plan
17 to the Secretary detailing the proposed use of all funds,
18 including criteria for eligibility and how the use of these
19 funds will address long-term recovery and restoration of
20 infrastructure: *Provided further*, That each State will re-
21 port quarterly to the Committees on Appropriations on all
22 awards and uses of funds made available under this head-
23 ing, including specifically identifying all awards of sole-
24 source contracts and the rationale for making the award
25 on a sole-source basis: *Provided further*, That the Sec-

1 retary shall notify the Committees on Appropriations of
2 any proposed allocation of any funds and any related waiv-
3 ers made pursuant to the provisions under this heading
4 no later than 5 days before such allocation or waiver is
5 made: *Provided further*; That the Secretary shall establish
6 procedures to prevent recipients from receiving any dupli-
7 cation of benefits and report quarterly to the Committees
8 on Appropriations with regard to all steps taken to prevent
9 fraud and abuse of funds made available under this head-
10 ing including duplication of benefits: *Provided further*,
11 That none of the funds provided under this heading may
12 be used by a State or locality as a matching requirement,
13 share, or contribution for any other Federal program.

14 GENERAL PROVISIONS, THIS CHAPTER

15 SEC. 11001. Section 7025 of Public Law 109-234
16 is amended by inserting “and nine months” after “two
17 years”.

18 SEC. 11002. The Secretary of Housing and Urban
19 Development (“Secretary”) is authorized to transfer, at
20 the request of the project owner, any project-based assist-
21 ance contract in its entirety entered into pursuant to sec-
22 tion 8 of the United States Housing Act of 1937 (42
23 U.S.C. 1437f) (and any use restriction on the project)
24 from one project to another project. The Secretary shall
25 make a determination of approval or disapproval within

1 60 days of receipt of the proper documentation required
2 for such transfer, as determined by the Secretary, if—

3 (1) the project from which the contract is
4 transferred is destroyed, damaged by Hurricanes
5 Katrina or Rita, or is considered beyond repair,
6 physically obsolete, or economically infeasible; and

7 (2) the number of individuals that can be
8 served in the project to which the contract is trans-
9 ferred is approximately at least equal to the number
10 of individuals that could be served in the project
11 from which the contract is transferred, and any dif-
12 ference in the unit count and bedroom configuration
13 between the two projects shall be immaterial to the
14 Secretary's authority to transfer the contract.

15 SEC. 11003. Section 901 of Public Law 109-148 is
16 amended by deleting "calendar years 2006 and 2007" and
17 inserting "calendar years 2006, 2007, 2008, and 2009".

1 TITLE II—OTHER SUPPLEMENTAL
2 APPROPRIATIONS
3 CHAPTER 1—STATE AND FOREIGN
4 OPERATIONS
5 DEPARTMENT OF STATE
6 OFFICE OF INSPECTOR GENERAL
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Office of Inspector
9 General”, \$9,000,000, which shall be transferred to the
10 Special Inspector General for Afghanistan Reconstruction
11 for reconstruction oversight, to remain available until Sep-
12 tember 30, 2010.

13 BILATERAL ECONOMIC ASSISTANCE
14 OTHER BILATERAL ECONOMIC ASSISTANCE
15 ECONOMIC SUPPORT FUND
16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Economic Support
18 Fund”, \$465,000,000, to remain available until Sep-
19 tember 30, 2010, of which up to \$5,000,000 may be made
20 available for administrative expenses of the United States
21 Agency for International Development, in addition to
22 amounts otherwise made available for such purposes: *Pro-*
23 *vided*, That of the funds appropriated under this heading,
24 \$365,000,000 shall be made available for assistance for
25 Georgia and the region for humanitarian and economic re-

1 lief, reconstruction, energy-related programs and democ-
2 racy activities, and may be transferred to, and merged
3 with, funds appropriated under the headings "Assistance
4 for the Independent States of the Former Soviet Union"
5 and "International Disaster Assistance", of which up to
6 \$8,000,000 may be transferred to, and merged with, funds
7 made available for "International Broadcasting Oper-
8 ations" for broadcasting activities to Georgia, Russia and
9 the region: *Provided further*, That none of the funds made
10 available in prior Acts making appropriations for foreign
11 operations, export financing, and related programs under
12 the headings "Assistance for the Independent States of
13 the Former Soviet Union" and "Assistance for Eastern
14 Europe and the Baltic States", or funds appropriated for
15 Iraq for the Community Stabilization Program under the
16 heading "Economic Support Fund" in Public Law 110-
17 252, may be reprogrammed for assistance for Georgia:
18 *Provided further*, That of the funds appropriated under
19 this heading, not less than \$100,000,000 shall be made
20 available for hurricane relief and reconstruction assistance
21 for Haiti and other Caribbean countries: *Provided further*,
22 That funds appropriated under this heading shall be sub-
23 ject to prior consultation with, and the regular notification
24 procedures of, the Committees on Appropriations.

1 CHAPTER 2—AGRICULTURE

2 BILL EMERSON HUMANITARIAN TRUST

3 SEC. 20201. There is hereby appropriated to the Sec-
4 retary of Agriculture \$100,000,000, to remain available
5 until expended, to carry out the Bill Emerson Humani-
6 tarian Trust, as authorized by the Bill Emerson Humani-
7 tarian Trust Act (7 U.S.C. 1736f-1).

8 TITLE III—GENERAL PROVISIONS

9 SHORT TITLE

10 SEC. 30001. This division may be cited as the “Dis-
11 aster Relief and Recovery Supplemental Appropriations
12 Act, 2008”.

13 EMERGENCY DESIGNATION

14 SEC. 30002. Each amount in this Act is designated
15 as an emergency requirement and necessary to meet emer-
16 gency needs pursuant to section 204(a) of S. Con. Res.
17 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
18 70 (110th Congress), the concurrent resolutions on the
19 budget for fiscal years 2008 and 2009.

20 COORDINATION OF PROVISIONS

21 SEC. 30003. Unless otherwise expressly provided,
22 each amount in this Act is a supplemental appropriation
23 for fiscal year 2008 or, if enacted after September 30,
24 2008, for fiscal year 2009.

1 DIVISION C—DEPARTMENT OF DEFENSE
2 APPROPRIATIONS ACT, 2009

3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, for military func-
6 tions administered by the Department of Defense and for
7 other purposes, namely:

8 TITLE I
9 MILITARY PERSONNEL
10 MILITARY PERSONNEL, ARMY

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the
16 Army on active duty, (except members of reserve compo-
17 nents provided for elsewhere), cadets, and aviation cadets;
18 for members of the Reserve Officers' Training Corps; and
19 for payments pursuant to section 156 of Public Law 97-
20 377, as amended (42 U.S.C. 402 note), and to the Depart-
21 ment of Defense Military Retirement Fund,
22 \$36,382,736,000.

23 MILITARY PERSONNEL, NAVY

24 For pay, allowances, individual clothing, subsistence,
25 interest on deposits, gratuities, permanent change of sta-

1 tion travel (including all expenses thereof for organiza-
2 tional movements), and expenses of temporary duty travel
3 between permanent duty stations, for members of the
4 Navy on active duty (except members of the Reserve pro-
5 vided for elsewhere), midshipmen, and aviation cadets; for
6 members of the Reserve Officers' Training Corps; and for
7 payments pursuant to section 156 of Public Law 97-377,
8 as amended (42 U.S.C. 402 note), and to the Department
9 of Defense Military Retirement Fund, \$24,037,553,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the Ma-
16 rine Corps on active duty (except members of the Reserve
17 provided for elsewhere); and for payments pursuant to sec-
18 tion 156 of Public Law 97-377, as amended (42 U.S.C.
19 402 note), and to the Department of Defense Military Re-
20 tirement Fund, \$11,792,974,000.

21 MILITARY PERSONNEL, AIR FORCE

22 For pay, allowances, individual clothing, subsistence,
23 interest on deposits, gratuities, permanent change of sta-
24 tion travel (including all expenses thereof for organiza-
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the Air
2 Force on active duty (except members of reserve compo-
3 nents provided for elsewhere), cadets, and aviation cadets;
4 for members of the Reserve Officers' Training Corps; and
5 for payments pursuant to section 156 of Public Law 97-
6 377, as amended (42 U.S.C. 402 note), and to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$25,103,789,000.

9 RESERVE PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Re-
12 serve on active duty under sections 10211, 10302, and
13 3038 of title 10, United States Code, or while serving on
14 active duty under section 12301(d) of title 10, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing reserve training, or while performing
18 drills or equivalent duty or other duty, and expenses au-
19 thorized by section 16131 of title 10, United States Code;
20 and for payments to the Department of Defense Military
21 Retirement Fund, \$3,904,296,000.

22 RESERVE PERSONNEL, NAVY

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Navy Re-
25 serve on active duty under section 10211 of title 10,

1 -United States Code, or while serving on active duty under
2 section 12301(d) of title 10, United States Code, in con-
3 nection with performing duty specified in section 12310(a)
4 of title 10, United States Code, or while undergoing re-
5 serve training, or while performing drills or equivalent
6 duty, and expenses authorized by section 16131 of title
7 10, United States Code; and for payments to the Depart-
8 ment of Defense Military Retirement Fund,
9 \$1,855,968,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Marine
13 Corps Reserve on active duty under section 10211 of title
14 10, United States Code, or while serving on active duty
15 under section 12301(d) of title 10, United States Code,
16 in connection with performing duty specified in section
17 12310(a) of title 10, United States Code, or while under-
18 going reserve training, or while performing drills or equiv-
19 alent duty, and for members of the Marine Corps platoon
20 leaders class, and expenses authorized by section 16131
21 of title 10, United States Code; and for payments to the
22 Department of Defense Military Retirement Fund,
23 \$584,910,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 8038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and expenses au-
11 thorized by section 16131 of title 10, United States Code;
12 and for payments to the Department of Defense Military
13 Retirement Fund, \$1,423,676,000.

14 NATIONAL GUARD PERSONNEL, ARMY

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Na-
17 tional Guard while on duty under section 10211, 10302,
18 or 12402 of title 10 or section 708 of title 32, United
19 States Code, or while serving on duty under section
20 12301(d) of title 10 or section 502(f) of title 32, United
21 States Code, in connection with performing duty specified
22 in section 12310(a) of title 10, United States Code, or
23 while undergoing training, or while performing drills or
24 equivalent duty or other duty, and expenses authorized by
25 section 16131 of title 10, United States Code; and for pay-

1 ments to the Department of Defense Military Retirement
2 Fund, \$6,616,220,000.

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Air Na-
6 tional Guard on duty under section 10211, 10305, or
7 12402 of title 10 or section 708 of title 32, United States
8 Code, or while serving on duty under section 12301(d) of
9 title 10 or section 502(f) of title 32, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going training, or while performing drills or equivalent
13 duty or other duty, and expenses authorized by section
14 16131 of title 10, United States Code; and for payments
15 to the Department of Defense Military Retirement Fund,
16 \$2,741,768,000.

17 TITLE II

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance of the Army, as author-
23 ized by law; and not to exceed \$11,478,000 can be used
24 for emergencies and extraordinary expenses, to be ex-
25 pended on the approval or authority of the Secretary of

1 the Army, and payments may be made on his certificate
2 of necessity for confidential military purposes,
3 \$31,207,243,000: *Provided*, That of the funds made avail-
4 able under this heading, \$2,500,000 shall be available for
5 Fort Baker, in accordance with terms and conditions as
6 provided under the heading "Operation and Maintenance,
7 Army", in Public Law 107-117.

8 OPERATION AND MAINTENANCE, NAVY

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Navy and the
11 Marine Corps, as authorized by law; and not to exceed
12 \$14,657,000 can be used for emergencies and extraor-
13 dinary expenses, to be expended on the approval or author-
14 ity of the Secretary of the Navy, and payments may be
15 made on his certificate of necessity for confidential mili-
16 tary purposes, \$34,410,773,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For expenses, not otherwise provided for, necessary
19 for the operation and maintenance of the Marine Corps,
20 as authorized by law, \$5,519,232,000.

21 OPERATION AND MAINTENANCE, AIR FORCE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Air Force, as
24 authorized by law; and not to exceed \$7,699,000 can be
25 used for emergencies and extraordinary expenses, to be ex-

~~1~~ pended on the approval or authority of the Secretary of
2 the Air Force, and payments may be made on his certifi-
3 cate of necessity for confidential military purposes,
4 \$34,865,964,000.

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 (INCLUDING TRANSFER OF FUNDS)

7 For expenses, not otherwise provided for, necessary
8 for the operation and maintenance of activities and agen-
9 cies of the Department of Defense (other than the military
10 departments), as authorized by law, \$25,939,466,000:
11 *Provided*, That not more than \$50,000,000 may be used
12 for the Combatant Commander Initiative Fund authorized
13 under section 166a of title 10, United States Code: *Pro-*
14 *vided further*, That not to exceed \$36,000,000 can be used
~~15 for emergencies and extraordinary expenses, to be ex-~~
16 pended on the approval or authority of the Secretary of
17 Defense, and payments may be made on his certificate of
18 necessity for confidential military purposes: *Provided fur-*
19 *ther*, That of the funds provided under this heading, not
20 less than \$29,900,000 shall be made available for the Pro-
21 curement Technical Assistance Cooperative Agreement
22 Program, of which not less than \$3,600,000 shall be avail-
23 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
24 *vided further*, That none of the funds appropriated or oth-
25 erwise made available by this Act may be used to plan

1 or implement the consolidation of a budget or appropria-
2 tions liaison office of the Office of the Secretary of De-
3 fense, the office of the Secretary of a military department,
4 or the service headquarters of one of the Armed Forces
5 into a legislative affairs or legislative liaison office: *Pro-*
6 *vided further*, That, notwithstanding section 130(a) of title
7 10, United States Code, not less than \$46,970,000 shall
8 be available for the Office of the Undersecretary of De-
9 fense, Comptroller and Chief Financial Officer: *Provided*
10 *further*, That \$4,000,000, to remain available until ex-
11 pended, is available only for expenses relating to certain
12 classified activities, and may be transferred as necessary
13 by the Secretary to operation and maintenance appropria-
14 tions or research, development, test and evaluation appro-
15 priations, to be merged with and to be available for the
16 same time period as the appropriations to which trans-
17 ferred: *Provided further*, That any ceiling on the invest-
18 ment item unit cost of items that may be purchased with
19 operation and maintenance funds shall not apply to the
20 funds described in the preceding proviso: *Provided further*,
21 That the transfer authority provided under this heading
22 is in addition to any other transfer authority provided else-
23 where in this Act.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$2,628,896,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,308,141,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$212,487,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,018,151,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$5,858,303,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For expenses of training, organizing, and admin-

3 istering the Air National Guard, including medical and

4 hospital treatment and related expenses in non-Federal

5 hospitals; maintenance, operation, and repairs to struc-

6 tures and facilities; transportation of things, hire of pas-

7 senger motor vehicles; supplying and equipping the Air

8 National Guard, as authorized by law; expenses for repair,

9 modification, maintenance, and issue of supplies and

10 equipment, including those furnished from stocks under

11 the control of agencies of the Department of Defense;

12 travel expenses (other than mileage) on the same basis as

13 authorized by law for Air National Guard personnel on

14 active Federal duty, for Air National Guard commanders

15 while inspecting units in compliance with National Guard

16 Bureau regulations when specifically authorized by the

17 Chief, National Guard Bureau, \$5,901,044,000.

18 UNITED STATES COURT OF APPEALS FOR THE ARMED

19 FORCES

20 For salaries and expenses necessary for the United

21 States Court of Appeals for the Armed Forces,

22 \$13,254,000, of which not to exceed \$5,000 may be used

23 for official representation purposes.

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$457,776,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That the transfer authority provided
19 under this heading is in addition to any other transfer au-
20 thority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, NAVY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$290,819,000, to
24 remain available until transferred: *Provided*, That the Sec-
25 retary of the Navy shall, upon determining that such

1 funds are required for environmental restoration, reduc-
2 tion and recycling of hazardous waste, removal of unsafe
3 buildings and debris of the Department of the Navy, or
4 for similar purposes, transfer the funds made available by
5 this appropriation to other appropriations made available
6 to the Department of the Navy, to be merged with and
7 to be available for the same purposes and for the same
8 time period as the appropriations to which transferred:
9 *Provided further*, That upon a determination that all or
10 part of the funds transferred from this appropriation are
11 not necessary for the purposes provided herein, such
12 amounts may be transferred back to this appropriation:
13 *Provided further*, That the transfer authority provided
14 under this heading is in addition to any other transfer au-
15 thority provided elsewhere in this Act.

16 ENVIRONMENTAL RESTORATION, AIR FORCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Air Force, \$496,277,000,
19 to remain available until transferred: *Provided*, That the
20 Secretary of the Air Force shall, upon determining that
21 such funds are required for environmental restoration, re-
22 duction and recycling of hazardous waste, removal of un-
23 safe buildings and debris of the Department of the Air
24 Force, or for similar purposes, transfer the funds made
25 available by this appropriation to other appropriations

1 made available to the Department of the Air Force, to be
2 merged with and to be available for the same purposes
3 and for the same time period as the appropriations to
4 which transferred: *Provided further*, That upon a deter-
5 mination that all or part of the funds transferred from
6 this appropriation are not necessary for the purposes pro-
7 vided herein, such amounts may be transferred back to
8 this appropriation: *Provided further*, That the transfer au-
9 thority provided under this heading is in addition to any
10 other transfer authority provided elsewhere in this Act.

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$13,175,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

~~1~~ ~~essary~~ for the purposes provided herein, such amounts
2 may be transferred back to this appropriation: *Provided*
3 *further*, That the transfer authority provided under this
4 heading is in addition to any other transfer authority pro-
5 vided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, FORMERLY USED

7 DEFENSE SITES

8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$291,296,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris at sites formerly used by the Depart-
15 ~~ment of Defense~~, transfer the funds made available by this
16 appropriation to other appropriations made available to
17 the Department of the Army, to be merged with and to
18 be available for the same purposes and for the same time
19 period as the appropriations to which transferred: *Pro-*
20 *vided further*, That upon a determination that all or part
21 of the funds transferred from this appropriation are not
22 necessary for the purposes provided herein, such amounts
23 may be transferred back to this appropriation: *Provided*
24 *further*, That the transfer authority provided under this

~~1 heading is in addition to any other transfer authority pro-~~
~~2 vided elsewhere in this Act.~~

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For expenses relating to the Overseas Humanitarian,
5 Disaster, and Civic Aid programs of the Department of
6 Defense (consisting of the programs provided under sec-
7 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
8 United States Code), \$83,273,000, to remain available
9 until September 30, 2010.

10 COOPERATIVE THREAT REDUCTION ACCOUNT

11 For assistance to the republics of the former Soviet
12 Union, including assistance provided by contract or by
13 grants, for facilitating the elimination and the safe and
14 secure transportation and storage of nuclear, chemical and
~~15 other weapons; for establishing programs to prevent the~~
16 proliferation of weapons, weapons components, and weap-
17 on-related technology and expertise; for programs relating
18 to the training and support of defense and military per-
19 sonnel for demilitarization and protection of weapons,
20 weapons components and weapons technology and exper-
21 tise, and for defense and military contacts, \$434,135,000,
22 to remain available until September 30, 2011: *Provided,*
23 That of the amounts provided under this heading,
24 \$12,000,000 shall be available only to support the disman-
25 tling and disposal of nuclear submarines, submarine reac-

1 tor components, and security enhancements for transport
2 and storage of nuclear warheads in the Russian Far East.

3 TITLE III

4 PROCUREMENT

5 AIRCRAFT PROCUREMENT, ARMY

6 For construction, procurement, production, modifica-
7 tion, and modernization of aircraft, equipment, including
8 ordnance, ground handling equipment, spare parts, and
9 accessories therefor; specialized equipment and training
10 devices; expansion of public and private plants, including
11 the land necessary therefor, for the foregoing purposes,
12 and such lands and interests therein, may be acquired,
13 and construction prosecuted thereon prior to approval of
14 title; and procurement and installation of equipment, ap-
15 pliances, and machine tools in public and private plants;
16 reserve plant and Government and contractor-owned
17 equipment layaway; and other expenses necessary for the
18 foregoing purposes, \$4,900,835,000, to remain available
19 for obligation until September 30, 2011.

20 MISSILE PROCUREMENT, ARMY

21 For construction, procurement, production, modifica-
22 tion, and modernization of missiles, equipment, including
23 ordnance, ground handling equipment, spare parts, and
24 accessories therefor; specialized equipment and training
25 devices; expansion of public and private plants, including

1 the land necessary therefor, for the foregoing purposes,
2 and such lands and interests therein, may be acquired,
3 and construction prosecuted thereon prior to approval of
4 title; and procurement and installation of equipment, ap-
5 pliances, and machine tools in public and private plants;
6 reserve plant and Government and contractor-owned
7 equipment layaway; and other expenses necessary for the
8 foregoing purposes, \$2,185,060,000, to remain available
9 for obligation until September 30, 2011.

10 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
11 VEHICLES, ARMY

12 For construction, procurement, production, and
13 modification of weapons and tracked combat vehicles,
14 equipment, including ordnance, spare parts, and acces-
15 sories therefor; specialized equipment and training devices;
16 expansion of public and private plants, including the land
17 necessary therefor, for the foregoing purposes, and such
18 lands and interests therein, may be acquired, and con-
19 struction prosecuted thereon prior to approval of title; and
20 procurement and installation of equipment, appliances,
21 and machine tools in public and private plants; reserve
22 plant and Government and contractor-owned equipment
23 layaway; and other expenses necessary for the foregoing
24 purposes, \$3,169,128,000, to remain available for obliga-
25 tion until September 30, 2011.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$2,287,398,000, to remain
15 available for obligation until September 30, 2011.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; and the purchase of
21 3 vehicles required for physical security of personnel, not-
22 withstanding price limitations applicable to passenger ve-
23 hicles but not to exceed \$262,000 per vehicle; communica-
24 tions and electronic equipment; other support equipment;
25 spare parts, ordnance, and accessories therefor; specialized

1 equipment and training devices; expansion of public and
2 private plants, including the land necessary therefor, for
3 the foregoing purposes, and such lands and interests
4 therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway; and other
9 expenses necessary for the foregoing purposes,
10 \$10,684,014,000, to remain available for obligation until
11 September 30, 2011.

12 AIRCRAFT PROCUREMENT, NAVY

13 For construction, procurement, production, modifica-
14 tion, and modernization of aircraft, equipment, including
15 ordnance, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, includ-
17 ing the land necessary therefor, and such lands and inter-
18 ests therein, may be acquired, and construction prosecuted
19 thereon prior to approval of title; and procurement and
20 installation of equipment, appliances, and machine tools
21 in public and private plants; reserve plant and Govern-
22 ment and contractor-owned equipment layaway,
23 \$14,141,318,000, to remain available for obligation until
24 September 30, 2011.

1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, torpedoes, other weap-
4 ons, and related support equipment including spare parts,
5 and accessories therefor; expansion of public and private
6 plants, including the land necessary therefor, and such
7 lands and interests therein, may be acquired, and con-
8 struction prosecuted thereon prior to approval of title; and
9 procurement and installation of equipment, appliances,
10 and machine tools in public and private plants; reserve
11 plant and Government and contractor-owned equipment
12 layaway, \$3,292,972,000, to remain available for obliga-
13 tion until September 30, 2011.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
15 CORPS

16 For construction, procurement, production, and
17 modification of ammunition, and accessories therefor; spe-
18 cialized equipment and training devices; expansion of pub-
19 lic and private plants, including ammunition facilities, au-
20 thorized by section 2854 of title 10, United States Code,
21 and the land necessary therefor, for the foregoing pur-
22 poses, and such lands and interests therein, may be ac-
23 quired, and construction prosecuted thereon prior to ap-
24 proval of title; and procurement and installation of equip-
25 ment, appliances, and machine tools in public and private

1 plants; reserve plant and Government and contractor-
2 owned equipment layaway; and other expenses necessary
3 for the foregoing purposes, \$1,085,158,000, to remain
4 available for obligation until September 30, 2011.

5 SHIPBUILDING AND CONVERSION, NAVY

6 For expenses necessary for the construction, acquisi-
7 tion, or conversion of vessels as authorized by law, includ-
8 ing armor and armament thereof, plant equipment, appli-
9 ances, and machine tools and installation thereof in public
10 and private plants; reserve plant and Government and con-
11 tractor-owned equipment layaway; procurement of critical,
12 long leadtime components and designs for vessels to be
13 constructed or converted in the future; and expansion of
14 public and private plants, including land necessary there-
15 for, and such lands and interests therein, may be acquired,
16 and construction prosecuted thereon prior to approval of
17 title, as follows:

18 Carrier Replacement Program, \$2,692,607,000;

19 Carrier Replacement Program (AP),

20 \$1,214,188,000;

21 NSSN, \$2,107,040,000;

22 NSSN (AP), \$1,395,548,000;

23 CVN Refueling, \$593,534,000;

24 CVN Refuelings (AP), \$21,389,000;

25 SSBN Submarine Refuelings, \$221,823,000;

1 SSBN Submarine Refuelings (AP),
2 \$39,363,000;
3 DDG-1000 Program, \$1,508,803,000;
4 DDG-51 Destroyer (AP), \$200,000,000;
5 Littoral Combat Ship, \$1,020,000,000;
6 LPD-17, \$933,216,000;
7 LHA-R (AP), \$178,300,000;
8 Intratheater Connector, \$174,782,000;
9 LCAC Service Life Extension Program,
10 \$110,918,000;
11 Prior year shipbuilding costs, \$165,152,000;
12 Service Craft, \$48,117,000; and
13 For outfitting, post delivery, conversions, and
14 first destination transportation, \$429,587,000.
15 In all: \$13,054,367,000, to remain available for obli-
16 gation until September 30, 2013: *Provided*, That addi-
17 tional obligations may be incurred after September 30,
18 2013, for engineering services, tests, evaluations, and
19 other such budgeted work that must be performed in the
20 final stage of ship construction: *Provided further*, That
21 none of the funds provided under this heading for the con-
22 struction or conversion of any naval vessel to be con-
23 structed in shipyards in the United States shall be ex-
24 pended in foreign facilities for the construction of major
25 components of such vessel: *Provided further*, That none

1 of the funds provided under this heading shall be used
2 for the construction of any naval vessel in foreign ship-
3 yards.

4 OTHER PROCUREMENT, NAVY

5 For procurement, production, and modernization of
6 support equipment and materials not otherwise provided
7 for, Navy ordnance (except ordnance for new aircraft, new
8 ships, and ships authorized for conversion); the purchase
9 of passenger motor vehicles for replacement only, and the
10 purchase of seven vehicles required for physical security
11 of personnel, notwithstanding price limitations applicable
12 to passenger vehicles but not to exceed \$262,000 per vehi-
13 cle; expansion of public and private plants, including the
14 land necessary therefor, and such lands and interests
15 therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$5,250,627,000, to remain available for obligation until
21 September 30, 2011.

22 PROCUREMENT, MARINE CORPS

23 For expenses necessary for the procurement, manu-
24 facture, and modification of missiles, armament, military
25 equipment, spare parts, and accessories therefor; plant

1 equipment, appliances, and machine tools, and installation
2 thereof in public and private plants; reserve plant and
3 Government and contractor-owned equipment layaway; ve-
4 hicles for the Marine Corps, including the purchase of pas-
5 senger motor vehicles for replacement only; and expansion
6 of public and private plants, including land necessary
7 therefor, and such lands and interests therein, may be ac-
8 quired, and construction prosecuted thereon prior to ap-
9 proval of title, \$1,376,917,000, to remain available for ob-
10 ligation until September 30, 2011.

11 AIRCRAFT PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of
13 aircraft and equipment, including armor and armament,
14 specialized ground handling equipment, and training de-
15 vices, spare parts, and accessories therefor; specialized
16 equipment; expansion of public and private plants, Gov-
17 ernment-owned equipment and installation thereof in such
18 plants, erection of structures, and acquisition of land, for
19 the foregoing purposes, and such lands and interests
20 therein, may be acquired, and construction prosecuted
21 thereon prior to approval of title; reserve plant and Gov-
22 ernment and contractor-owned equipment layaway; and
23 other expenses necessary for the foregoing purposes in-
24 cluding rents and transportation of things,

1 \$13,112,617,000, to remain available for obligation until
2 September 30, 2011.

3 MISSILE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 missiles, spacecraft, rockets, and related equipment, in-
6 cluding spare parts and accessories therefor, ground han-
7 dling equipment, and training devices; expansion of public
8 and private plants, Government-owned equipment and in-
9 stallation thereof in such plants, erection of structures,
10 and acquisition of land, for the foregoing purposes, and
11 such lands and interests therein, may be acquired, and
12 construction prosecuted thereon prior to approval of title;
13 reserve plant and Government and contractor-owned
14 equipment layaway; and other expenses necessary for the
15 foregoing purposes including rents and transportation of
16 things, \$5,442,428,000, to remain available for obligation
17 until September 30, 2011.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

19 For construction, procurement, production, and
20 modification of ammunition, and accessories therefor; spe-
21 cialized equipment and training devices; expansion of pub-
22 lic and private plants, including ammunition facilities, au-
23 thorized by section 2854 of title 10, United States Code,
24 and the land necessary therefor, for the foregoing pur-
25 poses, and such lands and interests therein, may be ac-

1- quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$859,466,000, to remain avail-
7 able for obligation until September 30, 2011.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only, and the purchase of two vehicles
15 required for physical security of personnel, notwith-
16 standing price limitations applicable to passenger vehicles
17 but not to exceed \$262,000 per vehicle; lease of passenger
18 motor vehicles; and expansion of public and private plants,
19 Government-owned equipment and installation thereof in
20 such plants, erection of structures, and acquisition of land,
21 for the foregoing purposes, and such lands and interests
22 therein, may be acquired, and construction prosecuted
23 thereon, prior to approval of title; reserve plant and Gov-
24 ernment and contractor-owned equipment layaway,

1 \$16,052,569,000, to remain available for obligation until
2 September 30, 2011.

3 PROCUREMENT, DEFENSE-WIDE

4 For expenses of activities and agencies of the Depart-
5 ment of Defense (other than the military departments)
6 necessary for procurement, production, and modification
7 of equipment, supplies, materials, and spare parts there-
8 for, not otherwise provided for; the purchase of passenger
9 motor vehicles for replacement only; expansion of public
10 and private plants, equipment, and installation thereof in
11 such plants, erection of structures, and acquisition of land
12 for the foregoing purposes, and such lands and interests
13 therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; reserve plant and Gov-
15-ernment and contractor-owned equipment layaway,
16 \$3,306,269,000, to remain available for obligation until
17 September 30, 2011.

18 NATIONAL GUARD AND RESERVE EQUIPMENT

19 For procurement of aircraft, missiles, tracked combat
20 vehicles, ammunition, other weapons, and other procure-
21 ment for the reserve components of the Armed Forces,
22 \$750,000,000, to remain available for obligation until Sep-
23 tember 30, 2011, of which \$480,000,000 shall be available
24 only for the Army National Guard: *Provided*, That the
25 Chiefs of the Reserve and National Guard components

1 shall, not later than 30 days after the enactment of this
2 Act, individually submit to the congressional defense com-
3 mittees the modernization priority assessment for their re-
4 spective Reserve or National Guard component.

5 DEFENSE PRODUCTION ACT PURCHASES

6 For activities by the Department of Defense pursuant
7 to sections 108, 301, 302, and 303 of the Defense Produc-
8 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
9 2093), \$100,565,000, to remain available until expended.

10 TITLE IV

11 RESEARCH, DEVELOPMENT, TEST AND

12 EVALUATION

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

14 ARMY

15 For expenses necessary for basic and applied sci-
16 entific research, development, test and evaluation, includ-
17 ing maintenance, rehabilitation, lease, and operation of fa-
18 cilities and equipment, \$12,060,111,000, to remain avail-
19 able for obligation until September 30, 2010.

20 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

21 NAVY

22 For expenses necessary for basic and applied sci-
23 entific research, development, test and evaluation, includ-
24 ing maintenance, rehabilitation, lease, and operation of fa-
25 cilities and equipment, \$19,764,276,000, to remain avail-

1 able for obligation until September 30, 2010: *Provided*,
2 That funds appropriated in this paragraph which are
3 available for the V-22 may be used to meet unique oper-
4 ational requirements of the Special Operations Forces:
5 *Provided further*, That funds appropriated in this para-
6 graph shall be available for the Cobra Judy program.

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
8 AIR FORCE

9 For expenses necessary for basic and applied sci-
10 entific research, development, test and evaluation, includ-
11 ing maintenance, rehabilitation, lease, and operation of fa-
12 cilities and equipment, \$27,084,340,000, to remain avail-
13 able for obligation until September 30, 2010.

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
15 ~~DEFENSE-WIDE~~

16 For expenses of activities and agencies of the Depart-
17 ment of Defense (other than the military departments),
18 necessary for basic and applied scientific research, devel-
19 opment, test and evaluation; advanced research projects
20 as may be designated and determined by the Secretary
21 of Defense, pursuant to law; maintenance, rehabilitation,
22 lease, and operation of facilities and equipment,
23 \$21,423,338,000, to remain available for obligation until
24 September 30, 2010: *Provided*, That of the amount avail-
25 able under this heading for the Prompt Global Strike Ca-

1 pability Development program, not less than one-fourth
2 shall be available for the Army Advanced Hypersonic
3 Weapon initiative.

4 OPERATIONAL TEST AND EVALUATION, DEFENSE

5 For expenses, not otherwise provided for, necessary
6 for the independent activities of the Director, Operational
7 Test and Evaluation, in the direction and supervision of
8 operational test and evaluation, including initial oper-
9 ational test and evaluation which is conducted prior to,
10 and in support of, production decisions; joint operational
11 testing and evaluation; and administrative expenses in
12 connection therewith, \$188,772,000, to remain available
13 for obligation until September 30, 2010.

14 TITLE V

15 ~~REVOLVING AND MANAGEMENT FUNDS~~

16 DEFENSE WORKING CAPITAL FUNDS

17 For the Defense Working Capital Funds,
18 \$1,489,234,000.

19 NATIONAL DEFENSE SEALIFT FUND

20 For National Defense Sealift Fund programs,
21 projects, and activities, and for expenses of the National
22 Defense Reserve Fleet, as established by section 11 of the
23 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
24 and for the necessary expenses to maintain and preserve
25 a U.S.-flag merchant fleet to serve the national security

1--needs of the United States, \$1,666,572,000, to remain
2 available until expended: *Provided*, That none of the funds
3 provided in this paragraph shall be used to award a new
4 contract that provides for the acquisition of any of the
5 following major components unless such components are
6 manufactured in the United States: auxiliary equipment,
7 including pumps, for all shipboard services; propulsion
8 system components (that is; engines, reduction gears, and
9 propellers); shipboard cranes; and spreaders for shipboard
10 cranes: *Provided further*, That the exercise of an option
11 in a contract awarded through the obligation of previously
12 appropriated funds shall not be considered to be the award
13 of a new contract: *Provided further*, That the Secretary
14 of the military department responsible for such procure-
15 ment may waive the restrictions in the first proviso on
16 a case-by-case basis by certifying in writing to the Com-
17 mittees on Appropriations of the House of Representatives
18 and the Senate that adequate domestic supplies are not
19 available to meet Department of Defense requirements on
20 a timely basis and that such an acquisition must be made
21 in order to acquire capability for national security pur-
22 poses.

1. --- TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, for medical
6 and health care programs of the Department of Defense
7 as authorized by law, \$25,825,832,000, of which
8 \$1,300,000,000 shall be derived by transfer from the Na-
9 tional Defense Stockpile Transaction Fund; of which
10 \$24,611,369,000 shall be for operation and maintenance,
11 of which not to exceed one percent shall remain available
12 until September 30, 2010, and of which up to
13 \$13,217,751,000 may be available for contracts entered
14 into under the TRICARE program; of which
15 \$311,905,000, to remain available for obligation until Sep-
16 tember 30, 2011, shall be for procurement; and of which
17 \$902,558,000, to remain available for obligation until Sep-
18 tember 30, 2010, shall be for research, development, test
19 and evaluation: *Provided*, That, notwithstanding any other
20 provision of law, of the amount made available under this
21 heading for research, development, test and evaluation,
22 not less than \$8,000,000 shall be available for HIV pre-
23 vention educational activities undertaken in connection
24 with U.S. military training, exercises, and humanitarian

~~1~~ assistance activities conducted primarily in African na-
~~2~~ tions.

~~3~~ CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
~~4~~ DEFENSE

~~5~~ For expenses, not otherwise provided for, necessary
~~6~~ for the destruction of the United States stockpile of lethal
~~7~~ chemical agents and munitions, to include construction of
~~8~~ facilities, in accordance with the provisions of section 1412
~~9~~ of the Department of Defense Authorization Act, 1986
~~10~~ (50 U.S.C. 1521), and for the destruction of other chem-
~~11~~ ical warfare materials that are not in the chemical weapon
~~12~~ stockpile, \$1,505,634,000, of which \$1,152,668,000 shall
~~13~~ be for operation and maintenance, of which no less than
~~14~~ \$103,198,000, shall be for the Chemical Stockpile Emer-
~~15~~ gency Preparedness Program, consisting of \$33,411,000
~~16~~ for activities on military installations and \$69,787,000, to
~~17~~ remain available until September 30, 2010, to assist State,
~~18~~ and local governments; \$64,085,000 shall be for procure-
~~19~~ ment, to remain available until September 30, 2011, of
~~20~~ which no less than \$26,428,000 shall be for the Chemical
~~21~~ Stockpile Emergency Preparedness Program to assist
~~22~~ State and local governments; and \$288,881,000, to re-
~~23~~ main available until September 30, 2010, shall be for re-
~~24~~ search, development, test and evaluation, of which

36

1 \$283,219,000 shall only be for the Assembled Chemical
2 Weapons Alternatives (ACWA) program.

3 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

4 DEFENSE

5 (INCLUDING TRANSFER OF FUNDS)

6 For drug interdiction and counter-drug activities of
7 the Department of Defense, for transfer to appropriations
8 available to the Department of Defense for military per-
9 sonnel of the reserve components serving under the provi-
10 sions of title 10 and title 32, United States Code; for oper-
11 ation and maintenance; for procurement; and for research,
12 development, test and evaluation, \$1,096,743,000: *Pro-*
13 *vided*, That the funds appropriated under this heading
14 shall be available for obligation for the same time period
15 and for the same purpose as the appropriation to which
16 transferred: *Provided further*, That upon a determination
17 that all or part of the funds transferred from this appro-
18 priation are not necessary for the purposes provided here-
19 in, such amounts may be transferred back to this appro-
20 priation: *Provided further*, That the transfer authority pro-
21 vided under this heading is in addition to any other trans-
22 fer authority contained elsewhere in this Act.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-
25 spector General in carrying out the provisions of the In-

1 Inspector-General Act of 1978, as amended, \$271,845,000,
2 of which \$270,445,000 shall be for operation and mainte-
3 nance, of which not to exceed \$700,000 is available for
4 emergencies and extraordinary expenses to be expended on
5 the approval or authority of the Inspector General, and
6 payments may be made on the Inspector General's certifi-
7 cate of necessity for confidential military purposes; and
8 of which \$1,400,000, to remain available until September
9 30, 2011, shall be for procurement.

10

TITLE VII

11

RELATED AGENCIES

12

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

13

DISABILITY SYSTEM FUND

14

15 For payment to the Central Intelligence Agency Re-
16 tirement and Disability System Fund, to maintain the
17 proper funding level for continuing the operation of the
18 Central Intelligence Agency Retirement and Disability
19 System, \$279,200,000.

19

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

20

(INCLUDING TRANSFER OF FUNDS)

21

22 For necessary expenses of the Intelligence Commu-
23 nity Management Account, \$710,042,000: *Provided*, That
24 of the funds appropriated under this heading,
25 \$44,000,000 shall be transferred to the Department of
Justice, of which \$2,000,000 shall be for reimbursement

1 of Air Force personnel for the National Drug Intelligence
2 Center to support the Department of Defense's counter-
3 drug intelligence responsibilities: *Provided further*, That
4 the National Drug Intelligence Center shall maintain the
5 personnel and technical resources to provide timely sup-
6 port to law enforcement authorities and the intelligence
7 community by conducting document and computer exploi-
8 tation of materials collected in Federal, State, and local
9 law enforcement activity associated with counter-drug,
10 counter-terrorism, and national security investigations and
11 operations.

12 TITLE VIII

13 GENERAL PROVISIONS

14 SEC. 8001. No part of any appropriation contained
15 in this Act shall be used for publicity or propaganda pur-
16 poses not authorized by the Congress.

17 SEC. 8002. During the current fiscal year, provisions
18 of law prohibiting the payment of compensation to, or em-
19 ployment of, any person not a citizen of the United States
20 shall not apply to personnel of the Department of Defense:
21 *Provided*, That salary increases granted to direct and indi-
22 rect hire foreign national employees of the Department of
23 Defense funded by this Act shall not be at a rate in excess-
24 of the percentage increase authorized by law for civilian-
25 employees of the Department of Defense whose pay is

1 computed under the provisions of section 5332 of title 5,
2 United States Code, or at a rate in excess of the percent-
3 age increase provided by the appropriate host nation to
4 its own employees, whichever is higher: *Provided further*,
5 That this section shall not apply to Department of De-
6 fense foreign service national employees serving at United
7 States diplomatic missions whose pay is set by the Depart-
8 ment of State under the Foreign Service Act of 1980: *Pro-*
9 *vided further*, That the limitations of this provision shall
10 not apply to foreign national employees of the Department
11 of Defense in the Republic of Turkey.

12 SEC. 8003. No part of any appropriation contained
13 in this Act shall remain available for obligation beyond
14 the current fiscal year, unless expressly so provided herein.

15 ~~SEC. 8004.~~ No more than 20 percent of the appro-
16 priations in this Act which are limited for obligation dur-
17 ing the current fiscal year shall be obligated during the
18 last 2 months of the fiscal year: *Provided*, That this sec-
19 tion shall not apply to obligations for support of active
20 duty training of reserve components or summer camp
21 training of the Reserve Officers' Training Corps.

22 (TRANSFER OF FUNDS)

23 SEC. 8005. Upon determination by the Secretary of
24 Defense that such action is necessary in the national inter-
25 est, he may, with the approval of the Office of Manage-
26 ment and Budget, transfer not to exceed \$4,100,000,000

1 of working capital funds of the Department of Defense
2 or funds made available in this Act to the Department
3 of Defense for military functions (except military con-
4 struction) between such appropriations or funds or any
5 subdivision thereof, to be merged with and to be available
6 for the same purposes, and for the same time period, as
7 the appropriation or fund to which transferred: *Provided*,
8 That such authority to transfer may not be used unless
9 for higher priority items, based on unforeseen military re-
10 quirements, than those for which originally appropriated
11 and in no case where the item for which funds are re-
12 quested has been denied by the Congress: *Provided further*,
13 That the Secretary of Defense shall notify the Congress
14 promptly of all transfers made pursuant to this authority
15 or any other authority in this Act: *Provided further*, That
16 no part of the funds in this Act shall be available to pre-
17 pare or present a request to the Committees on Appropria-
18 tions for reprogramming of funds, unless for higher pri-
19 ority items, based on unforeseen military requirements,
20 than those for which originally appropriated and in no
21 case where the item for which reprogramming is requested
22 has been denied by the Congress: *Provided further*, That
23 a request for multiple reprogrammings of funds using au-
24 thority provided in this section must be made prior to
25 June 30, 2009: *Provided further*, That transfers among

1 military personnel appropriations shall not be taken into
2 account for purposes of the limitation on the amount of
3 funds that may be transferred under this section: *Provided*
4 *further*, That no obligation of funds may be made pursu-
5 ant to section 1206 of Public Law 109-163 (or any suc-
6 cessor provision) unless the Secretary of Defense has noti-
7 fied the congressional defense committees prior to any
8 such obligation.

9 SEC. 8006. (a) With regard to the list of specific pro-
10 grams, projects, and activities (and the dollar amounts
11 and adjustments to budget activities corresponding to
12 such programs, projects, and activities) contained in the
13 tables titled "Explanation of Project Level Adjustments"
14 in the explanatory statement described in section 4 (in the
15 matter preceding division A of this consolidated Act), the
16 obligation and expenditure of amounts appropriated or
17 otherwise made available in this Act for those programs,
18 projects, and activities for which the amounts appro-
19 priated exceed the amounts requested are hereby required
20 by law to be carried out in the manner provided by such
21 tables to the same extent as if the tables were included
22 in the text of this Act.

23 (b) Amounts specified in the referenced tables de-
24 scribed in subsection (a) shall not be treated as subdivi-
25 sions of appropriations for purposes of section 8005 of this

1 Act: *Provided*, That section 8005 shall apply when trans-
2 fers of the amounts described in subsection (a) occur be-
3 tween appropriation accounts.

4 SEC. 8007. (a) Not later than 60 days after enact-
5 ment of this Act, the Department of Defense shall submit
6 a report to the congressional defense committees to estab-
7 lish the baseline for application of reprogramming and
8 transfer authorities for fiscal year 2009: *Provided*, That
9 the report shall include—

10 (1) a table for each appropriation with a sepa-
11 rate column to display the President's budget re-
12 quest, adjustments made by Congress, adjustments
13 due to enacted rescissions, if appropriate, and the
14 fiscal year enacted level;

15 ~~(2) a delineation in the table for each appro-~~
16 ~~priation both by budget activity and program,~~
17 ~~project, and activity as detailed in the Budget Ap-~~
18 ~~pendix; and~~

19 (3) an identification of items of special congress-
20 sional interest.

21 (b) Notwithstanding section 8005 of this Act, none
22 of the funds provided in this Act shall be available for
23 reprogramming or transfer until the report identified in
24 subsection (a) is submitted to the congressional defense
25 committees, unless the Secretary of Defense certifies in

1 ~~writing to the~~ congressional defense committees that such
2 reprogramming or transfer is necessary as an emergency
3 requirement.

4 SEC. 8008. The Secretaries of the Air Force and the
5 Army are authorized, using funds available under the
6 headings "Operation and Maintenance, Air Force" and
7 "Operation and Maintenance, Army", to complete facility
8 conversions and phased repair projects which may include
9 upgrades and additions to Alaskan range infrastructure
10 and training areas, and improved access to these ranges.

11 (TRANSFER OF FUNDS)

12 SEC. 8009. During the current fiscal year, cash bal-
13 ances in working capital funds of the Department of De-
14 fense established pursuant to section 2208 of title 10,
15 ~~United States Code,~~ may be maintained in only such
16 amounts as are necessary at any time for cash disburse-
17 ments to be made from such funds: *Provided*, That trans-
18 fers may be made between such funds: *Provided further*,
19 That transfers may be made between working capital
20 funds and the "Foreign Currency Fluctuations, Defense"
21 appropriation and the "Operation and Maintenance" ap-
22 propriation accounts in such amounts as may be deter-
23 mined by the Secretary of Defense, with the approval of
24 the Office of Management and Budget, except that such
25 transfers may not be made unless the Secretary of Defense
26 has notified the Congress of the proposed transfer. Except

1 in amounts equal to the amounts appropriated to working
2 capital funds in this Act, no obligations may be made
3 against a working capital fund to procure or increase the
4 value of war reserve material inventory, unless the Sec-
5 retary of Defense has notified the Congress prior to any
6 such obligation.

7 SEC. 8010. Funds appropriated by this Act may not
8 be used to initiate a special access program without prior
9 notification 30 calendar days in advance to the congres-
10 sional defense committees.

11 SEC. 8011. None of the funds provided in this Act
12 shall be available to initiate: (1) a multiyear contract that
13 employs economic order quantity procurement in excess of
14 \$20,000,000 in any one year of the contract or that in-
15 cludes an unfunded contingent liability in excess of
16 \$20,000,000; or (2) a contract for advance procurement
17 leading to a multiyear contract that employs economic
18 order quantity procurement in excess of \$20,000,000 in
19 any one year, unless the congressional defense committees
20 have been notified at least 30 days in advance of the pro-
21 posed contract award: *Provided*, That no part of any ap-
22 propriation contained in this Act shall be available to ini-
23 tiate a multiyear contract for which the economic order
24 quantity advance procurement is not funded at least to
25 the limits of the Government's liability: *Provided further*,

1 That no part of any appropriation contained in this Act
2 shall be available to initiate multiyear procurement con-
3 tracts for any systems or component thereof if the value
4 of the multiyear contract would exceed \$500,000,000 un-
5 less specifically provided in this Act: *Provided further,*
6 That no multiyear procurement contract can be termi-
7 nated without 10-day prior notification to the congres-
8 sional defense committees: *Provided further,* That the exe-
9 cution of multiyear authority shall require the use of a
10 present value analysis to determine lowest cost compared
11 to an annual procurement: *Provided further,* That none of
12 the funds provided in this Act may be used for a multiyear
13 contract executed after the date of the enactment of this
14 Act unless in the case of any such contract—

15 ~~(1) the Secretary of Defense has submitted to~~
16 Congress a budget request for full funding of units
17 to be procured through the contract and, in the case
18 of a contract for procurement of aircraft, that in-
19 cludes, for any aircraft unit to be procured through
20 the contract for which procurement funds are re-
21 quested in that budget request for production be-
22 yond advance procurement activities in the fiscal
23 year covered by the budget, full funding of procure-
24 ment of such unit in that fiscal year;

1 ~~-----~~ (2) ~~cancellation provisions~~ in the contract do
2 not include consideration of recurring manufacturing
3 costs of the contractor associated with the produc-
4 tion of unfunded units to be delivered under the con-
5 tract;

6 (3) the contract provides that payments to the
7 contractor under the contract shall not be made in
8 advance of incurred costs on funded units; and

9 (4) the contract does not provide for a price ad-
10 justment based on a failure to award a follow-on
11 contract.

12 Funds appropriated in title III of this Act may be
13 used for a multiyear procurement contract as follows:

14 SSN Virginia class submarine.

~~15 -----~~ SEC. 8012. Within the funds appropriated for the op-
16 eration and maintenance of the Armed Forces, funds are
17 hereby appropriated pursuant to section 401 of title 10,
18 United States Code, for humanitarian and civic assistance
19 costs under chapter 20 of title 10, United States Code.
20 Such funds may also be obligated for humanitarian and
21 civic assistance costs incidental to authorized operations
22 and pursuant to authority granted in section 401 of chap-
23 ter 20 of title 10, United States Code, and these obliga-
24 tions shall be reported as required by section 401(d) of
25 title 10, United States Code: *Provided*, That funds avail-

1 able for operation and maintenance shall be available for
2 providing humanitarian and similar assistance by using
3 Civic Action Teams in the Trust Territories of the Pacific
4 Islands and freely associated states of Micronesia, pursu-
5 ant to the Compact of Free Association as authorized by
6 Public Law 99-239: *Provided further*, That upon a deter-
7 mination by the Secretary of the Army that such action
8 is beneficial for graduate medical education programs con-
9 ducted at Army medical facilities located in Hawaii, the
10 Secretary of the Army may authorize the provision of med-
11 ical services at such facilities and transportation to such
12 facilities, on a nonreimbursable basis, for civilian patients
13 from American Samoa, the Commonwealth of the North-
14 ern Mariana Islands, the Marshall Islands, the Federated
15 States of Micronesia, Palau, and Guam.

16 SEC. 8013. (a) During fiscal year 2009, the civilian
17 personnel of the Department of Defense may not be man-
18 aged on the basis of any end-strength, and the manage-
19 ment of such personnel during that fiscal year shall not
20 be subject to any constraint or limitation (known as an
21 end-strength) on the number of such personnel who may
22 be employed on the last day of such fiscal year.

23 (b) The fiscal year 2010 budget request for the De-
24 partment of Defense as well as all justification material
25 and other documentation supporting the fiscal year 2010

1 Department of Defense budget request shall be prepared
2 and submitted to the Congress as if subsections (a) and
3 (b) of this provision were effective with regard to fiscal
4 year 2010.

5 (c) Nothing in this section shall be construed to apply
6 to military (civilian) technicians.

7 SEC. 8014. None of the funds made available by this
8 Act shall be used in any way, directly or indirectly, to in-
9 fluence congressional action on any legislation or appro-
10 priation matters pending before the Congress.

11 SEC. 8015. None of the funds appropriated by this
12 Act shall be available for the basic pay and allowances of
13 any member of the Army participating as a full-time stu-
14 dent and receiving benefits paid by the Secretary of Vet-
15 erans Affairs from the Department of Defense Education
16 Benefits Fund when time spent as a full-time student is
17 credited toward completion of a service commitment: *Pro-*
18 *vided*, That this section shall not apply to those members
19 who have reenlisted with this option prior to October 1,
20 1987: *Provided further*, That this section applies only to
21 active components of the Army.

22 SEC. 8016. (a) None of the funds appropriated by
23 this Act shall be available to convert to contractor per-
24 formance an activity or function of the Department of De-
25 fense that, on or after the date of the enactment of this

1 Act, is performed by more than 10 Department of Defense
2 civilian employees unless—

3 (1) the conversion is based on the result of a
4 public-private competition that includes a most effi-
5 cient and cost effective organization plan developed
6 by such activity or function;

7 (2) the Competitive Sourcing Official deter-
8 mines that, over all performance periods stated in
9 the solicitation of offers for performance of the ac-
10 tivity or function, the cost of performance of the ac-
11 tivity or function by a contractor would be less costly
12 to the Department of Defense by an amount that
13 equals or exceeds the lesser of—

14 (A) 10 percent of the most efficient organi-
15 zation's personnel-related costs for performance
16 of that activity or function by Federal employ-
17 ees; or

18 (B) \$10,000,000; and

19 (3) the contractor does not receive an advan-
20 tage for a proposal that would reduce costs for the
21 Department of Defense by—

22 (A) not making an employer-sponsored
23 health insurance plan available to the workers
24 who are to be employed in the performance of
25 that activity or function under the contract; or

1 (B) offering to such workers an employer-
2 sponsored health benefits plan that requires the
3 employer to contribute less towards the pre-
4 mium or subscription share than the amount
5 that is paid by the Department of Defense for
6 health benefits for civilian employees under
7 chapter 89 of title 5, United States Code.

8 (b)(1) The Department of Defense, without regard
9 to subsection (a) of this section or subsection (a), (b), or
10 (c) of section 2461 of title 10, United States Code, and
11 notwithstanding any administrative regulation, require-
12 ment, or policy to the contrary shall have full authority
13 to enter into a contract for the performance of any com-
14 mercial or industrial type function of the Department of
15 Defense that—

16 (A) is included on the procurement list estab-
17 lished pursuant to section 2 of the Javits-Wagner-
18 O'Day Act (41 U.S.C. 47);

19 (B) is planned to be converted to performance
20 by a qualified nonprofit agency for the blind or by
21 a qualified nonprofit agency for other severely handi-
22 capped individuals in accordance with that Act; or

23 (C) is planned to be converted to performance
24 by a qualified firm under at least 51 percent owner-
25 ship by an Indian tribe, as defined in section 4(e)

1 of the Indian Self-Determination and Education As-
2 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
3 waiian Organization, as defined in section 8(a)(15)
4 of the Small Business Act (15 U.S.C. 637(a)(15)).

5 (2) This section shall not apply to depot contracts
6 or contracts for depot maintenance as provided in sections
7 2469 and 2474 of title 10, United States Code.

8 (c) The conversion of any activity or function of the
9 Department of Defense under the authority provided by
10 this section shall be credited toward any competitive or
11 outsourcing goal, target, or measurement that may be es-
12 tablished by statute, regulation, or policy and is deemed
13 to be awarded under the authority of, and in compliance
14 with, subsection (h) of section 2304 of title 10, United
15 States Code, for the competition or outsourcing of com-
16 mercial activities.

17 (TRANSFER OF FUNDS)

18 SEC. 8017. Funds appropriated in title III of this Act
19 for the Department of Defense Pilot Mentor-Protege Pro-
20 gram may be transferred to any other appropriation con-
21 tained in this Act solely for the purpose of implementing
22 a Mentor-Protege Program developmental assistance
23 agreement pursuant to section 831 of the National De-
24 fense Authorization Act for Fiscal Year 1991 (Public Law
25 101-510; 10 U.S.C. 2302 note), as amended, under the

1 authority of this provision or any other transfer authority
2 contained in this Act.

3 SEC. 8018. None of the funds in this Act may be
4 available for the purchase by the Department of Defense
5 (and its departments and agencies) of welded shipboard
6 anchor and mooring chain 4 inches in diameter and under
7 unless the anchor and mooring chain are manufactured
8 in the United States from components which are substan-
9 tially manufactured in the United States: *Provided*, That
10 for the purpose of this section manufactured will include
11 cutting, heat treating, quality control, testing of chain and
12 welding (including the forging and shot blasting process):
13 *Provided further*, That for the purpose of this section sub-
14 stantially all of the components of anchor and mooring
15 chain shall be considered to be produced or manufactured
16 in the United States if the aggregate cost of the compo-
17 nents produced or manufactured in the United States ex-
18 ceeds the aggregate cost of the components produced or
19 manufactured outside the United States: *Provided further*,
20 That when adequate domestic supplies are not available
21 to meet Department of Defense requirements on a timely
22 basis, the Secretary of the service responsible for the pro-
23 curement may waive this restriction on a case-by-case
24 basis by certifying in writing to the Committees on Appro-

1 priations that such an acquisition must be made in order
2 to acquire capability for national security purposes.

3 SEC. 8019. None of the funds available to the De-
4 partment of Defense may be used to demilitarize or dis-
5 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
6 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

7 SEC. 8020. No more than \$500,000 of the funds ap-
8 propriated or made available in this Act shall be used dur-
9 ing a single fiscal year for any single relocation of an orga-
10 nization, unit, activity or function of the Department of
11 Defense into or within the National Capital Region: *Pro-*
12 *vided*, That the Secretary of Defense may waive this re-
13 striction on a case-by-case basis by certifying in writing
14 to the congressional defense committees that such a relo-
15 cation is required in the best interest of the Government.

16 SEC. 8021. In addition to the funds provided else-
17 where in this Act, \$15,000,000 is appropriated only for
18 incentive payments authorized by section 504 of the In-
19 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
20 That a prime contractor or a subcontractor at any tier
21 that makes a subcontract award to any subcontractor or
22 supplier as defined in section 1544 of title 25, United
23 States Code, or a small business owned and controlled by
24 an individual or individuals defined under section 4221(9)
25 of title 25, United States Code, shall be considered a con-

1 tractor for the purposes of being allowed additional com-
2 pensation under section 504 of the Indian Financing Act
3 of 1974 (25 U.S.C. 1544) whenever the prime contract
4 or subcontract amount is over \$500,000 and involves the
5 expenditure of funds appropriated by an Act making Ap-
6 propriations for the Department of Defense with respect
7 to any fiscal year: *Provided further*, That notwithstanding
8 section 430 of title 41, United States Code, this section
9 shall be applicable to any Department of Defense acquisi-
10 tion of supplies or services, including any contract and any
11 subcontract at any tier for acquisition of commercial items
12 produced or manufactured, in whole or in part by any sub-
13 contractor or supplier defined in section 1544 of title 25,
14 United States Code, or a small business owned and con-
15 trolled by an individual or individuals defined under sec-
16 tion 4221(9) of title 25, United States Code.

17 SEC. 8022. Funds appropriated by this Act for the
18 Defense Media Activity shall not be used for any national
19 or international political or psychological activities.

20 SEC. 8023. None of the funds appropriated by this
21 Act shall be available to perform any cost study pursuant
22 to the provisions of OMB Circular A-76 if the study being
23 performed exceeds a period of 24 months after initiation
24 of such study with respect to a single function activity or

1 30 months after initiation of such study for a multi-func-
2 tion activity.

3 SEC. 8024. During the current fiscal year, the De-
4 partment of Defense is authorized to incur obligations of
5 not to exceed \$350,000,000 for purposes specified in sec-
6 tion 2350j(c) of title 10, United States Code, in anticipa-
7 tion of receipt of contributions, only from the Government
8 of Kuwait, under that section: *Provided*, That upon re-
9 ceipt, such contributions from the Government of Kuwait
10 shall be credited to the appropriations or fund which in-
11 curred such obligations.

12 SEC. 8025. (a) Of the funds made available in this
13 Act, not less than \$34,929,000 shall be available for the
14 Civil Air Patrol Corporation, of which—

15 ~~(1)~~ \$26,605,000 shall be available from “Oper-
16 ation and Maintenance, Air Force” to support Civil
17 Air Patrol Corporation operation and maintenance,
18 readiness, counterdrug activities, and drug demand
19 reduction activities involving youth programs;

20 (2) \$7,435,000 shall be available from “Aircraft
21 Procurement, Air Force”; and

22 (3) \$889,000 shall be available from “Other
23 Procurement, Air Force” for vehicle procurement.

24 (b) The Secretary of the Air Force should waive reim-
25 bursement for any funds used by the Civil Air Patrol for

1 counter-drug activities in support of Federal, State, and
2 local government agencies.

3 SEC. 8026. (a) None of the funds appropriated in this
4 Act are available to establish a new Department of De-
5 fense (department) federally funded research and develop-
6 ment center (FFRDC), either as a new entity, or as a
7 separate entity administrated by an organization man-
8 aging another FFRDC, or as a nonprofit membership cor-
9 poration consisting of a consortium of other FFRDCs and
10 other non-profit entities.

11 (b) No member of a Board of Directors, Trustees,
12 Overseers, Advisory Group, Special Issues Panel, Visiting
13 Committee, or any similar entity of a defense FFRDC,
14 and no paid consultant to any defense FFRDC, except
15 when acting in a technical advisory capacity, may be com-
16 pensated for his or her services as a member of such enti-
17 ty, or as a paid consultant by more than one FFRDC in
18 a fiscal year: *Provided*, That a member of any such entity
19 referred to previously in this subsection shall be allowed
20 travel expenses and per diem as authorized under the Fed-
21 eral Joint Travel Regulations, when engaged in the per-
22 formance of membership duties.

23 (c) Notwithstanding any other provision of law, none
24 of the funds available to the department from any source
25 during fiscal year 2009 may be used by a defense FFRDC,

1 through a fee or other payment mechanism, for construc-
2 tion of new buildings, for payment of cost sharing for
3 projects funded by Government grants, for absorption of
4 contract overruns, or for certain charitable contributions,
5 not to include employee participation in community service
6 and/or development.

7 (d) Notwithstanding any other provision of law, of
8 the funds available to the department during fiscal year
9 2009, not more than 5,600 staff years of technical effort
10 (staff years) may be funded for defense FFRDCs: *Pro-*
11 *vided*, That of the specific amount referred to previously
12 in this subsection, not more than 1,100 staff years may
13 be funded for the defense studies and analysis FFRDCs:
14 *Provided further*, That this subsection shall not apply to
15 staff years funded in the National Intelligence Program
16 (NIP) and the Military Intelligence Program (MIP).

17 (e) The Secretary of Defense shall, with the submis-
18 sion of the department's fiscal year 2010 budget request,
19 submit a report presenting the specific amounts of staff
20 years of technical effort to be allocated for each defense
21 FFRDC during that fiscal year and the associated budget
22 estimates.

23 (f) Notwithstanding any other provision of this Act,
24 the total amount appropriated in this Act for FFRDCs
25 is hereby reduced by \$84,000,000.

1 SEC. 8027. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8028. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 ~~committee on Defense of the Committee on Appropriations~~
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8029. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 ~~direct costs for both public and private bids: *Provided fur-*~~
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8030. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary's blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2009. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

19 (c) For purposes of this section, the term "Buy
20 American Act" means title III of the Act entitled "An Act
21 making appropriations for the Treasury and Post Office
22 Departments for the fiscal year ending June 30, 1934,
23 and for other purposes", approved March 3, 1933 (41
24 U.S.C. 10a et seq.).

1 ~~SEC. 8031.~~ During the current fiscal year, amounts
2 contained in the Department of Defense Overseas Military
3 Facility Investment Recovery Account established by sec-
4 tion 2921(c)(1) of the National Defense Authorization Act
5 of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall
6 be available until expended for the payments specified by
7 section 2921(c)(2) of that Act.

8 SEC. 8032. (a) Notwithstanding any other provision
9 of law, the Secretary of the Air Force may convey at no
10 cost to the Air Force, without consideration, to Indian
11 tribes located in the States of North Dakota, South Da-
12 kota, Montana, and Minnesota relocatable military hous-
13 ing units located at Grand Forks Air Force Base and
14 Minot Air Force Base that are excess to the needs of the
15 Air Force.

16 (b) The Secretary of the Air Force shall convey, at
17 no cost to the Air Force, military housing units under sub-
18 section (a) in accordance with the request for such units
19 that are submitted to the Secretary by the Operation
20 Walking Shield Program on behalf of Indian tribes located
21 in the States of North Dakota, South Dakota, Montana,
22 and Minnesota.

23 (c) The Operation Walking Shield Program shall re-
24 solve any conflicts among requests of Indian tribes for
25 housing units under subsection (a) before submitting re-

1 requests to the Secretary of the Air Force under subsection
2 (b).

3 (d) In this section, the term "Indian tribe" means
4 any recognized Indian tribe included on the current list
5 published by the Secretary of the Interior under section
6 104 of the Federally Recognized Indian Tribe Act of 1994
7 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-
8 1).

9 SEC. 8033. During the current fiscal year, appropria-
10 tions which are available to the Department of Defense
11 for operation and maintenance may be used to purchase
12 items having an investment item unit cost of not more
13 than \$250,000.

14 SEC. 8034. (a) During the current fiscal year, none
15 of the appropriations or funds available to the Department
16 of Defense Working Capital Funds shall be used for the
17 purchase of an investment item for the purpose of acquir-
18 ing a new inventory item for sale or anticipated sale dur-
19 ing the current fiscal year or a subsequent fiscal year to
20 customers of the Department of Defense Working Capital
21 Funds if such an item would not have been chargeable
22 to the Department of Defense Business Operations Fund
23 during fiscal year 1994 and if the purchase of such an
24 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2010 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2010
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2010 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8035. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2010: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for advanced research and development ac-

1-quisition, for agent operations, and for covert action pro-
2-grams authorized by the President under section 503 of
3-the National Security Act of 1947, as amended, shall re-
4-main available until September 30, 2010.

5 SEC. 8036. Notwithstanding any other provision of
6-law, funds made available in this Act for the Defense In-
7-telligence Agency may be used for the design, develop-
8-ment, and deployment of General Defense Intelligence
9-Program intelligence communications and intelligence in-
10-formation systems for the Services, the Unified and Speci-
11-fied Commands, and the component commands.

12 SEC. 8037. Of the funds appropriated to the Depart-
13-ment of Defense under the heading "Operation and Main-
14-tenance, Defense-Wide", not less than \$12,000,000 shall
15-be made available only for the mitigation of environmental
16-impacts, including training and technical assistance to
17-tribes, related administrative support, the gathering of in-
18-formation, documenting of environmental damage, and de-
19-veloping a system for prioritization of mitigation and cost
20-to complete estimates for mitigation, on Indian lands re-
21-sulting from Department of Defense activities.

22 SEC. 8038. (a) None of the funds appropriated in this
23-Act may be expended by an entity of the Department of
24-Defense unless the entity, in expending the funds, com-
25-plies with the Buy American Act. For purposes of this

1 subsection, the term "Buy American Act" means title III
2 of the Act entitled "An Act making appropriations for the
3 Treasury and Post Office Departments for the fiscal year
4 ending June 30, 1934, and for other purposes", approved
5 March 3, 1933 (41 U.S.C. 10a et seq.).

6 (b) If the Secretary of Defense determines that a per-
7 son has been convicted of intentionally affixing a label
8 bearing a "Made in America" inscription to any product
9 sold in or shipped to the United States that is not made
10 in America, the Secretary shall determine, in accordance
11 with section 2410f of title 10, United States Code, wheth-
12 er the person should be debarred from contracting with
13 the Department of Defense.

14 (c) In the case of any equipment or products pur-
15 chased with appropriations provided under this Act, it is
16 the sense of the Congress that any entity of the Depart-
17 ment of Defense, in expending the appropriation, purchase
18 only American-made equipment and products, provided
19 that American-made equipment and products are cost-
20 competitive, quality-competitive, and available in a timely
21 fashion.

22 SEC. 8039. None of the funds appropriated by this
23 Act shall be available for a contract for studies, analysis,
24 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the
2 activity responsible for the procurement determines—

3 (1) as a result of thorough technical evaluation,
4 only one source is found fully qualified to perform
5 the proposed work;

6 (2) the purpose of the contract is to explore an
7 unsolicited proposal which offers significant sci-
8 entific or technological promise, represents the prod-
9 uct of original thinking, and was submitted in con-
10 fidence by one source; or

11 (3) the purpose of the contract is to take ad-
12 vantage of unique and significant industrial accom-
13 plishment by a specific concern, or to insure that a
14 new product or idea of a specific concern is given fi-
15 nancial support: *Provided*, That this limitation shall
16 not apply to contracts in an amount of less than
17 \$25,000, contracts related to improvements of equip-
18 ment that is in development or production, or con-
19 tracts as to which a civilian official of the Depart-
20 ment of Defense, who has been confirmed by the
21 Senate, determines that the award of such contract
22 is in the interest of the national defense.

23 SEC. 8040. (a) Except as provided in subsections (b)
24 and (c), none of the funds made available by this Act may
25 be used—

1 ----- (1) to establish a field operating agency; or

2 (2) to pay the basic pay of a member of the
3 Armed Forces or civilian employee of the depart-
4 ment who is transferred or reassigned from a head-
5 quarters activity if the member or employee's place
6 of duty remains at the location of that headquarters.

7 (b) The Secretary of Defense or Secretary of a mili-
8 tary department may waive the limitations in subsection
9 (a), on a case-by-case basis, if the Secretary determines,
10 and certifies to the Committees on Appropriations of the
11 House of Representatives and Senate that the granting
12 of the waiver will reduce the personnel requirements or
13 the financial requirements of the department.

14 (c) This section does not apply to—

15 ----- ~~(1) field operating agencies funded within the~~
16 National Intelligence Program; or

17 (2) an Army field operating agency established
18 to eliminate, mitigate, or counter the effects of im-
19 proved explosive devices, and, as determined by the
20 Secretary of the Army, other similar threats.

21 SEC. 8041. The Secretary of Defense, notwith-
22 standing any other provision of law, acting through the
23 Office of Economic Adjustment of the Department of De-
24 fense, may use funds made available in this Act under the
25 heading "Operation and Maintenance, Defense-Wide" to

1 ~~make grants and supplement~~ other Federal funds in ac-
2 cordance with the guidance provided in the explanatory
3 statement described in section 4 (in the matter preceding
4 division A of this consolidated Act).

5 (RESCISSIONS)

6 SEC. 8042. Of the funds appropriated in Department
7 of Defense Appropriations Acts, the following funds are
8 hereby rescinded from the following accounts and pro-
9 grams in the specified amounts:

10 "Aircraft Procurement, Army", 2008/2010,
11 \$174,600,000;

12 "Procurement of Ammunition, Army", 2008/
13 2010, \$69,200,000;

14 "Shipbuilding and Conversion, Navy", 2008/
15 ~~2012, \$337,000,000;~~

16 "Research, Development, Test and Evaluation,
17 Army", 2008/2009, \$49,800,000;

18 "Research, Development, Test and Evaluation,
19 Air Force", 2008/2009, \$300,073,000;

20 "Research, Development, Test and Evaluation,
21 Defense-Wide", 2008/2009, \$150,000,000; and

22 "Tanker Replacement Transfer Fund ~~Air~~
23 ~~Force~~", \$239,800,000.

24 SEC. 8043. None of the funds available in this Act
25 may be used to reduce the authorized positions for mili-
26 tary (civilian) technicians of the Army National Guard,

1 Air National Guard, Army Reserve and Air Force Reserve
2 for the purpose of applying any administratively imposed
3 civilian personnel ceiling, freeze, or reduction on military
4 (civilian) technicians, unless such reductions are a direct
5 result of a reduction in military force structure.

6 SEC. 8044. None of the funds appropriated or other-
7 wise made available in this Act may be obligated or ex-
8 pended for assistance to the Democratic People's Republic
9 of Korea unless specifically appropriated for that purpose.

10 SEC. 8045. Funds appropriated in this Act for oper-
11 ation and maintenance of the Military Departments, Com-
12 batant Commands and Defense Agencies shall be available
13 for reimbursement of pay, allowances and other expenses
14 which would otherwise be incurred against appropriations
15 for the National Guard and Reserve when members of the
16 National Guard and Reserve provide intelligence or coun-
17 terintelligence support to Combatant Commands, Defense
18 Agencies and Joint Intelligence Activities, including the
19 activities and programs included within the National Intel-
20 ligence Program and the Military Intelligence Program:
21 *Provided*, That nothing in this section authorizes deviation
22 from established Reserve and National Guard personnel
23 and training procedures.

24 SEC. 8046. During the current fiscal year, none of
25 the funds appropriated in this Act may be used to reduce

1 the civilian medical and medical support personnel as-
2 signed to military treatment facilities below the September
3 30, 2003, level: *Provided*, That the Service Surgeons Gen-
4 eral may waive this section by certifying to the congres-
5 sional defense committees that the beneficiary population
6 is declining in some catchment areas and civilian strength
7 reductions may be consistent with responsible resource
8 stewardship and capitation-based budgeting.

9 SEC. 8047. (a) None of the funds available to the
10 Department of Defense for any fiscal year for drug inter-
11 diction or counter-drug activities may be transferred to
12 any other department or agency of the United States ex-
13 cept as specifically provided in an appropriations law.

14 (b) None of the funds available to the Central Intel-
15 ligence Agency for any fiscal year for drug interdiction
16 and counter-drug activities may be transferred to any
17 other department or agency of the United States except
18 as specifically provided in an appropriations law.

19 SEC. 8048. None of the funds appropriated by this
20 Act may be used for the procurement of ball and roller
21 bearings other than those produced by a domestic source
22 and of domestic origin: *Provided*, That the Secretary of
23 the military department responsible for such procurement
24 may waive this restriction on a case-by-case basis by certi-
25 fying in writing to the Committees on Appropriations of

1 the House of Representatives and the Senate, that ade-
2 quate domestic supplies are not available to meet Depart-
3 ment of Defense requirements on a timely basis and that
4 such an acquisition must be made in order to acquire ca-
5 pability for national security purposes: *Provided further,*
6 That this restriction shall not apply to the purchase of
7 “commercial items”, as defined by section 4(12) of the
8 Office of Federal Procurement Policy Act, except that the
9 restriction shall apply to ball or roller bearings purchased
10 as end items.

11 SEC. 8049. None of the funds in this Act may be
12 used to purchase any supercomputer which is not manu-
13 factured in the United States, unless the Secretary of De-
14 fense certifies to the congressional defense committees
15 that such an acquisition must be made in order to acquire
16 capability for national security purposes that is not avail-
17 able from United States manufacturers.

18 SEC. 8050. None of the funds made available in this
19 or any other Act may be used to pay the salary of any
20 officer or employee of the Department of Defense who ap-
21 proves or implements the transfer of administrative re-
22 sponsibilities or budgetary resources of any program,
23 project, or activity financed by this Act to the jurisdiction
24 of another Federal agency not financed by this Act with-
25 out the express authorization of Congress: *Provided, That*

1 this limitation shall not apply to transfers of funds ex-
2 pressly provided for in Defense Appropriations Acts, or
3 provisions of Acts providing supplemental appropriations
4 for the Department of Defense.

5 SEC. 8051. (a) Notwithstanding any other provision
6 of law, none of the funds available to the Department of
7 Defense for the current fiscal year may be obligated or
8 expended to transfer to another nation or an international
9 organization any defense articles or services (other than
10 intelligence services) for use in the activities described in
11 subsection (b) unless the congressional defense commit-
12 tees, the Committee on International Relations of the
13 House of Representatives, and the Committee on Foreign
14 Relations of the Senate are notified 15 days in advance
15 of such transfer.

16 (b) This section applies to—

17 (1) any international peacekeeping or peace-en-
18 forcement operation under the authority of chapter
19 VI or chapter VII of the United Nations Charter
20 under the authority of a United Nations Security
21 Council resolution; and

22 (2) any other international peacekeeping, peace-
23 enforcement, or humanitarian assistance operation.

24 (c) A notice under subsection (a) shall include the
25 following—

1 (1) A description of the equipment, supplies, or
2 services to be transferred.

3 (2) A statement of the value of the equipment,
4 supplies, or services to be transferred.

5 (3) In the case of a proposed transfer of equip-
6 ment or supplies—

7 (A) a statement of whether the inventory
8 requirements of all elements of the Armed
9 Forces (including the reserve components) for
10 the type of equipment or supplies to be trans-
11 ferred have been met; and

12 (B) a statement of whether the items pro-
13 posed to be transferred will have to be replaced
14 and, if so, how the President proposes to pro-
15 vide funds for such replacement.

16 SEC. 8052. None of the funds available to the De-
17 partment of Defense under this Act shall be obligated or
18 expended to pay a contractor under a contract with the
19 Department of Defense for costs of any amount paid by
20 the contractor to an employee when—

21 (1) such costs are for a bonus or otherwise in
22 excess of the normal salary paid by the contractor
23 to the employee; and

24 (2) such bonus is part of restructuring costs as-
25 sociated with a business combination.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8053. During the current fiscal year, no more
3 than \$30,000,000 of appropriations made in this Act
4 under the heading "Operation and Maintenance, Defense-
5 Wide" may be transferred to appropriations available for
6 the pay of military personnel, to be merged with, and to
7 be available for the same time period as the appropriations
8 to which transferred, to be used in support of such per-
9 sonnel in connection with support and services for eligible
10 organizations and activities outside the Department of De-
11 fense pursuant to section 2012 of title 10, United States
12 Code.

13 SEC. 8054. During the current fiscal year, in the case
14 of an appropriation account of the Department of Defense
15 for which the period of availability for obligation has ex-
16 pired or which has closed under the provisions of section
17 1552 of title 31, United States Code, and which has a
18 negative unliquidated or unexpended balance, an obliga-
19 tion or an adjustment of an obligation may be charged
20 to any current appropriation account for the same purpose
21 as the expired or closed account if—

22 (1) the obligation would have been properly
23 chargeable (except as to amount) to the expired or
24 closed account before the end of the period of avail-
25 ability or closing of that account;

1 (2) the obligation is not otherwise properly
2 chargeable to any current appropriation account of
3 the Department of Defense; and

4 (3) in the case of an expired account, the obli-
5 gation is not chargeable to a current appropriation
6 of the Department of Defense under the provisions
7 of section 1405(b)(8) of the National Defense Au-
8 thorization Act for Fiscal Year 1991, Public Law
9 101-510, as amended (31 U.S.C. 1551 note): *Pro-*
10 *vided*, That in the case of an expired account, if sub-
11 sequent review or investigation discloses that there
12 was not in fact a negative unliquidated or unex-
13 pended balance in the account, any charge to a cur-
14 rent account under the authority of this section shall
15 be reversed and recorded against the expired ac-
16 count: *Provided further*, That the total amount
17 charged to a current appropriation under this sec-
18 tion may not exceed an amount equal to 1 percent
19 of the total appropriation for that account.

20 SEC. 8055. (a) Notwithstanding any other provision
21 of law, the Chief of the National Guard Bureau may per-
22 mit the use of equipment of the National Guard Distance
23 Learning Project by any person or entity on a space-avail-
24 able, reimbursable basis. The Chief of the National Guard

1 Bureau shall establish the amount of reimbursement for
2 such use on a case-by-case basis.

3 (b) Amounts collected under subsection (a) shall be
4 credited to funds available for the National Guard Dis-
5 tance Learning Project and be available to defray the costs
6 associated with the use of equipment of the project under
7 that subsection. Such funds shall be available for such
8 purposes without fiscal year limitation.

9 SEC. 8056. Using funds available by this Act or any
10 other Act, the Secretary of the Air Force, pursuant to a
11 determination under section 2690 of title 10, United
12 States Code, may implement cost-effective agreements for
13 required heating facility modernization in the
14 Kaiserslautern Military Community in the Federal Repub-
15 lic of Germany: *Provided*, That in the City of
16 Kaiserslautern such agreements will include the use of
17 United States anthracite as the base load energy for mu-
18 nicipal district heat to the United States Defense installa-
19 tions: *Provided further*, That at Landstuhl Army Regional
20 Medical Center and Ramstein Air Base, furnished heat
21 may be obtained from private, regional or municipal serv-
22 ices, if provisions are included for the consideration of
23 United States coal as an energy source.

24 SEC. 8057. None of the funds appropriated in title
25 IV of this Act may be used to procure end-items for deliv-

1 ery to military forces for operational training, operational
2 use or inventory requirements: *Provided*, That this restric-
3 tion does not apply to end-items used in development,
4 prototyping, and test activities preceding and leading to
5 acceptance for operational use: *Provided further*, That this
6 restriction does not apply to programs funded within the
7 National Intelligence Program: *Provided further*, That the
8 Secretary of Defense may waive this restriction on a case-
9 by-case basis by certifying in writing to the Committees
10 on Appropriations of the House of Representatives and the
11 Senate that it is in the national security interest to do
12 so.

13 SEC. 8058. Notwithstanding any other provision of
14 law, funds available to the Department of Defense in this
15 Act, and hereafter, shall be made available to provide
16 transportation of medical supplies and equipment, on a
17 nonreimbursable basis, to American Samoa, and funds
18 available to the Department of Defense shall be made
19 available to provide transportation of medical supplies and
20 equipment, on a nonreimbursable basis, to the Indian
21 Health Service when it is in conjunction with a civil-mili-
22 tary project.

23 SEC. 8059. None of the funds made available in this
24 Act may be used to approve or license the sale of the F-
25 22A advanced tactical fighter to any foreign government.

1 SEC. 8060. (a) The Secretary of Defense may, on a
2 case-by-case basis, waive with respect to a foreign country
3 each limitation on the procurement of defense items from
4 foreign sources provided in law if the Secretary determines
5 that the application of the limitation with respect to that
6 country would invalidate cooperative programs entered
7 into between the Department of Defense and the foreign
8 country, or would invalidate reciprocal trade agreements
9 for the procurement of defense items entered into under
10 section 2531 of title 10, United States Code, and the
11 country does not discriminate against the same or similar
12 defense items produced in the United States for that coun-
13 try.

14 (b) Subsection (a) applies with respect to—

15 (1) contracts and subcontracts entered into on
16 or after the date of the enactment of this Act; and

17 (2) options for the procurement of items that
18 are exercised after such date under contracts that
19 are entered into before such date if the option prices
20 are adjusted for any reason other than the applica-
21 tion of a waiver granted under subsection (a).

22 (c) Subsection (a) does not apply to a limitation re-
23 garding construction of public vessels, ball and roller bear-
24 ings, food, and clothing or textile materials as defined by
25 section 11 (chapters 50–65) of the Harmonized Tariff

1 Schedule and products classified under headings 4010,
2 4202, 4203, 6401 through 6406, 6505, 7019, 7218
3 through 7229, 7304.41 through 7304.49, 7306.40, 7502
4 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

5 SEC. 8061. (a) None of the funds made available by
6 this Act may be used to support any training program in-
7 volving a unit of the security forces of a foreign country
8 if the Secretary of Defense has received credible informa-
9 tion from the Department of State that the unit has com-
10 mitted a gross violation of human rights, unless all nec-
11 essary corrective steps have been taken.

12 (b) The Secretary of Defense, in consultation with the
13 Secretary of State, shall ensure that prior to a decision
14 to conduct any training program referred to in subsection
15 (a), full consideration is given to all credible information
16 available to the Department of State relating to human
17 rights violations by foreign security forces.

18 (c) The Secretary of Defense, after consultation with
19 the Secretary of State, may waive the prohibition in sub-
20 section (a) if he determines that such waiver is required
21 by extraordinary circumstances.

22 (d) Not more than 15 days after the exercise of any
23 waiver under subsection (c), the Secretary of Defense shall
24 submit a report to the congressional defense committees
25 describing the extraordinary circumstances, the purpose

1 and duration of the training program, the United States
2 forces and the foreign security forces involved in the train-
3 ing program, and the information relating to human rights
4 violations that necessitates the waiver.

5 SEC. 8062. None of the funds appropriated or made
6 available in this Act to the Department of the Navy shall
7 be used to develop, lease or procure the T-AKE class of
8 ships unless the main propulsion diesel engines and
9 propulsors are manufactured in the United States by a
10 domestically operated entity: *Provided*, That the Secretary
11 of Defense may waive this restriction on a case-by-case
12 basis by certifying in writing to the Committees on Appro-
13 priations of the House of Representatives and the Senate
14 that adequate domestic supplies are not available to meet
15 Department of Defense requirements on a timely basis
16 and that such an acquisition must be made in order to
17 acquire capability for national security purposes or there
18 exists a significant cost or quality difference.

19 SEC. 8063. None of the funds appropriated or other-
20 wise made available by this or other Department of De-
21 fense Appropriations Acts may be obligated or expended
22 for the purpose of performing repairs or maintenance to
23 military family housing units of the Department of De-
24 fense, including areas in such military family housing

1 units that may be used for the purpose of conducting offi-
2 cial Department of Defense business.

3 SEC. 8064. Notwithstanding any other provision of
4 law, funds appropriated in this Act under the heading
5 "Research, Development, Test and Evaluation, Defense-
6 Wide" for any new start advanced concept technology
7 demonstration project or joint capability demonstration
8 project may only be obligated 30 days after a report, in-
9 cluding a description of the project, the planned acquisi-
10 tion and transition strategy and its estimated annual and
11 total cost, has been provided in writing to the congress-
12 sional defense committees: *Provided*, That the Secretary
13 of Defense may waive this restriction on a case-by-case
14 basis by certifying to the congressional defense committees
15 that it is in the national interest to do so.

16 SEC. 8065. The Secretary of Defense shall provide
17 a classified quarterly report beginning 30 days after enact-
18 ment of this Act, to the House and Senate Appropriations
19 Committees, Subcommittees on Defense on certain mat-
20 ters as directed in the classified annex accompanying this
21 Act.

22 SEC. 8066. During the current fiscal year, none of
23 the funds available to the Department of Defense may be
24 used to provide support to another department or agency
25 of the United States if such department or agency is more

1 ~~than 90 days in arrears in making payment to the Depart-~~
2 ment of Defense for goods or services previously provided
3 to such department or agency on a reimbursable basis:
4 *Provided*, That this restriction shall not apply if the de-
5 partment is authorized by law to provide support to such
6 department or agency on a nonreimbursable basis, and is
7 providing the requested support pursuant to such author-
8 ity: *Provided further*, That the Secretary of Defense may
9 waive this restriction on a case-by-case basis by certifying
10 in writing to the Committees on Appropriations of the
11 House of Representatives and the Senate that it is in the
12 national security interest to do so.

13 SEC. 8067. Notwithstanding section 12310(b) of title
14 10, United States Code, a Reserve who is a member of
15 ~~the National Guard serving on full-time National Guard~~
16 duty under section 502(f) of title 32, United States Code,
17 may perform duties in support of the ground-based ele-
18 ments of the National Ballistic Missile Defense System.

19 SEC. 8068. None of the funds provided in this Act
20 may be used to transfer to any nongovernmental entity
21 ammunition held by the Department of Defense that has
22 a center-fire cartridge and a United States military no-
23 menclature designation of “armor penetrator”, “armor
24 piercing (AP)”, “armor piercing incendiary (API)”, or
25 “armor-piercing incendiary-tracer (API-T)”, except to an

1 entity performing demilitarization services for the Depart-
2 ment of Defense under a contract that requires the entity
3 to demonstrate to the satisfaction of the Department of
4 Defense that armor piercing projectiles are either: (1) ren-
5 dered incapable of reuse by the demilitarization process;
6 or (2) used to manufacture ammunition pursuant to a con-
7 tract with the Department of Defense or the manufacture
8 of ammunition for export pursuant to a License for Per-
9 manent Export of Unclassified Military Articles issued by
10 the Department of State.

11 SEC. 8069. Notwithstanding any other provision of
12 law, the Chief of the National Guard Bureau, or his des-
13 ignee, may waive payment of all or part of the consider-
14 ation that otherwise would be required under section 2667
15 of title 10, United States Code, in the case of a lease of
16 personal property for a period not in excess of 1 year to
17 any organization specified in section 508(d) of title 32,
18 United States Code, or any other youth, social, or fra-
19 ternal nonprofit organization as may be approved by the
20 Chief of the National Guard Bureau, or his designee, on
21 a case-by-case basis.

22 SEC. 8070. None of the funds appropriated by this
23 Act shall be used for the support of any nonappropriated
24 funds activity of the Department of Defense that procures
25 malt beverages and wine with nonappropriated funds for

1 resale (including such alcoholic beverages sold by the
2 drink) on a military installation located in the United
3 States unless such malt beverages and wine are procured
4 within that State, or in the case of the District of Colum-
5 bia, within the District of Columbia, in which the military
6 installation is located: *Provided*, That in a case in which
7 the military installation is located in more than one State,
8 purchases may be made in any State in which the installa-
9 tion is located: *Provided further*, That such local procure-
10 ment requirements for malt beverages and wine shall
11 apply to all alcoholic beverages only for military installa-
12 tions in States which are not contiguous with another
13 State: *Provided further*, That alcoholic beverages other
14 than wine and malt beverages, in contiguous States and
15 the District of Columbia shall be procured from the most
16 competitive source, price and other factors considered.

17 SEC. 8071. Funds available to the Department of De-
18 fense for the Global Positioning System during the current
19 fiscal year may be used to fund civil requirements associ-
20 ated with the satellite and ground control segments of
21 such system's modernization program.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8072. Of the amounts appropriated in this Act
24 under the heading "Operation and Maintenance, Army",
25 \$47,700,000 shall remain available until expended: *Pro-*
26 *vided*, That notwithstanding any other provision of law,

1 the Secretary of Defense is authorized to transfer such
2 funds to other activities of the Federal Government: *Pro-*
3 *vided further*, That the Secretary of Defense is authorized
4 to enter into and carry out contracts for the acquisition
5 of real property, construction, personal services, and oper-
6 ations related to projects carrying out the purposes of this
7 section: *Provided further*, That contracts entered into
8 under the authority of this section may provide for such
9 indemnification as the Secretary determines to be nec-
10 essary: *Provided further*, That projects authorized by this
11 section shall comply with applicable Federal, State, and
12 local law to the maximum extent consistent with the na-
13 tional security, as determined by the Secretary of Defense.

14 SEC. 8073. Section 8106 of the Department of De-
15 fense Appropriations Act, 1997 (titles I through VIII of
16 the matter under subsection 101(b) of Public Law 104-
17 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
18 tinue in effect to apply to disbursements that are made
19 by the Department of Defense in fiscal year 2009.

20 SEC. 8074. In addition to amounts provided else-
21 where in this Act, \$8,000,000 is hereby appropriated to
22 the Department of Defense, to remain available for obliga-
23 tion until expended: *Provided*, That notwithstanding any
24 other provision of law, these funds shall be available only
25 for a grant to the Fisher House Foundation, Inc., only

~~1 for the construction and furnishing of additional Fisher~~
2 Houses to meet the needs of military family members
3 when confronted with the illness or hospitalization of an
4 eligible military beneficiary.

5 SEC. 8075. (a) During the current fiscal year and
6 hereafter, the Secretary of Defense, in coordination with
7 the Secretary of Health and Human Services, may carry
8 out a program to distribute surplus dental and medical
9 equipment of the Department of Defense, at no cost to
10 the Department of Defense, to Indian Health Service fa-
11 cilities and to federally-qualified health centers (within the
12 meaning of section 1905(l)(2)(B) of the Social Security
13 Act (42 U.S.C. 1396d(l)(2)(B))).

14 (b) In carrying out this provision, the Secretary of
~~15 Defense shall give the Indian Health Service a property~~
16 disposal priority equal to the priority given to the Depart-
17 ment of Defense and its twelve special screening programs
18 in distribution of surplus dental and medical supplies and
19 equipment.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8076. Of the amounts appropriated in this Act
22 under the heading "Research, Development, Test and
23 Evaluation, Defense-Wide", \$177,237,000 shall be for the
24 Israeli Cooperative Programs: *Provided*, That of this
25 amount, \$72,895,000 shall be for the Short Range Bal-
26 listic Missile Defense (SRBMD) program, \$30,000,000

1 shall be available for an upper-tier component to the
2 Israeli Missile Defense Architecture, and \$74,342,000
3 shall be for the Arrow Missile Defense Program, of which
4 \$13,076,000 shall be for producing Arrow missile compo-
5 nents in the United States and Arrow missile components
6 in Israel to meet Israel's defense requirements, consistent
7 with each nation's laws, regulations and procedures: *Pro-*
8 *vided further*, That funds made available under this provi-
9 sion for production of missiles and missile components
10 may be transferred to appropriations available for the pro-
11 curement of weapons and equipment, to be merged with
12 and to be available for the same time period and the same
13 purposes as the appropriation to which transferred: *Pro-*
14 *vided further*, That the transfer authority provided under
15 this provision is in addition to any other transfer authority
16 contained in this Act.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8077. Of the amounts appropriated in this Act
19 under the heading "Shipbuilding and Conversion, Navy",
20 \$165,152,000 shall be available until September 30, 2009,
21 to fund prior year shipbuilding cost increases: *Provided*,
22 That upon enactment of this Act, the Secretary of the
23 Navy shall transfer such funds to the following appropria-
24 tions in the amounts specified: *Provided further*, That the
25 amounts transferred shall be merged with and be available

1 ~~for the same purposes as the appropriations to which~~
2 transferred:

3 To:

4 Under the heading "Shipbuilding and Conversion,
5 Navy, 2001/2009":

6 Carrier Replacement Program, \$20,516,000;

7 Under the heading "Shipbuilding and Conversion,
8 Navy, 2002/2009":

9 New SSN, \$21,000,000;

10 Under the heading "Shipbuilding and Conversion,
11 Navy, 2003/2009":

12 LPD-17 Amphibious Transport Dock Program,
13 \$33,082,000;

14 Under the heading "Shipbuilding and Conversion,
15 Navy, 2004/2009":

16 New SSN, \$60,000,000;

17 Under the heading "Shipbuilding and Conversion,
18 Navy, 2007/2011":

19 LHA Replacement Program, \$14,310,000; and

20 Under the heading "Shipbuilding and Conversion,
21 Navy, 2008/2012":

22 SSBN Submarine Refuelings, \$16,244,000.

23 SEC. 8078. None of the funds available to the De-
24 partment of Defense may be obligated to modify command
25 and control relationships to give Fleet Forces Command

1 administrative and operational control of U.S. Navy forces
2 assigned to the Pacific fleet: *Provided*, That the command
3 and control relationships which existed on October 1,
4 2004, shall remain in force unless changes are specifically
5 authorized in a subsequent Act.

6 SEC. 8079. Notwithstanding any other provision of
7 law or regulation, the Secretary of Defense may exercise
8 the provisions of section 7403(g) of title 38, United States
9 Code, for occupations listed in section 7403(a)(2) of title
10 38, United States Code, as well as the following:

11 Pharmacists, Audiologists, Psychologists, Social
12 Workers, Othotists/Prosthetists, Occupational
13 Therapists, Physical Therapists, Rehabilitation
14 Therapists, Respiratory Therapists, Speech Patholo-
15 gists, Dietitian/Nutritionists, Industrial Hygienists,
16 Psychology Technicians, Social Service Assistants,
17 Practical Nurses, Nursing Assistants, and Dental
18 Hygienists:

19 (A) The requirements of section
20 7403(g)(1)(A) of title 38, United States Code,
21 shall apply.

22 (B) The limitations of section
23 7403(g)(1)(B) of title 38, United States Code,
24 shall not apply.

1 SEC. 8080.—Funds appropriated by this Act, or made
2 available by the transfer of funds in this Act, for intel-
3 ligence activities are deemed to be specifically authorized
4 by the Congress for purposes of section 504 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
6 year 2009 until the enactment of the Intelligence Author-
7 ization Act for Fiscal Year 2009.

8 SEC. 8081. None of the funds provided in this Act
9 shall be available for obligation or expenditure through a
10 reprogramming of funds that creates or initiates a new
11 program, project, or activity unless such program, project,
12 or activity must be undertaken immediately in the interest
13 of national security and only after written prior notifica-
14 tion to the congressional defense committees.

15 SEC. 8082. (a) In addition to the amounts provided
16 elsewhere in this Act, \$3,000,000 is hereby appropriated
17 to the Department of Defense for “Operation and Mainte-
18 nance, Army National Guard”. Such amount shall be
19 made available to the Secretary of the Army only to make
20 a grant in the amount of \$3,000,000 to the entity speci-
21 fied in subsection (b) to facilitate access by veterans to
22 opportunities for skilled employment in the construction
23 industry.

24 (b) The entity referred to in subsection (a) is the
25 Center for Military Recruitment, Assessment and Vet-

1 ~~erans~~ Employment, a nonprofit labor-management co-
2 operation committee provided for by section 302(c)(9) of
3 the Labor-Management Relations Act, 1947 (29 U.S.C.
4 186(c)(9)), for the purposes set forth in section 6(b) of
5 the Labor Management Cooperation Act of 1978 (29
6 U.S.C. 175a note).

7 SEC. 8083. In addition to funds made available else-
8 where in this Act, \$5,500,000 is hereby appropriated and
9 shall remain available until expended to provide assist-
10 ance, by grant or otherwise (such as, but not limited to,
11 the provision of funds for repairs, maintenance, construc-
12 tion, and/or for the purchase of information technology,
13 text books, teaching resources), to public schools that have
14 unusually high concentrations of special needs military de-
15 ~~pendents enrolled:~~ *Provided*, That in selecting school sys-
16 tems to receive such assistance, special consideration shall
17 be given to school systems in States that are considered
18 overseas assignments, and all schools within these school
19 systems shall be eligible for assistance: *Provided further*,
20 That up to 2 percent of the total appropriated funds under
21 this section shall be available to support the administra-
22 tion and execution of the funds or program and/or events
23 that promote the purpose of this appropriation (e.g. pay-
24 ment of travel and per diem of school teachers attending
25 conferences or a meeting that promotes the purpose of this

1 appropriation and/or consultant fees for on-site training
2 of teachers, staff, or Joint Venture Education Forum
3 (JVEF) Committee members): *Provided further*, That up
4 to \$300,000 shall be available to examine human capital,
5 family and quality of life issues relating to military pres-
6 ence in Hawaii: *Provided further*, That up to \$2,000,000
7 shall be available for the Department of Defense to estab-
8 lish a nonprofit trust fund to assist in the public-private
9 funding of public school repair and maintenance projects,
10 or provide directly to nonprofit organizations who in re-
11 turn will use these monies to provide assistance in the
12 form of repair, maintenance, or renovation to public school
13 systems that have high concentrations of special needs
14 military dependents and are located in States that are con-
15 sidered overseas assignments: *Provided further*, That to
16 the extent a Federal agency provides this assistance, by
17 contract, grant, or otherwise, it may accept and expend
18 non-Federal funds in combination with these Federal
19 funds to provide assistance for the authorized purpose, if
20 the non-Federal entity requests such assistance and the
21 non-Federal funds are provided on a reimbursable basis.

22 SEC. 8084. In addition to the amounts appropriated
23 or otherwise made available elsewhere in this Act,
24 \$112,400,000 is hereby appropriated to the Department
25 of Defense: *Provided*, That the Secretary of Defense shall

~~1 make grants in the amounts specified as follows:~~
2 \$20,000,000 to the United Service Organizations;
3 \$30,000,000 to the Red Cross; \$15,000,000 for the Wa-
4 terbury Industrial Commons Redevelopment Project;
5 \$4,750,000 for the SOAR Virtual School District;
6 \$1,750,000 to The Presidio Trust; \$5,000,000 to the
7 STEM Education Research Center; \$10,000,000 to the
8 Intrepid Museum Foundation; \$4,000,000 to the Go For
9 Broke National Education Center; \$9,900,000 to the
10 U.S.S. Missouri Memorial Association; \$4,000,000 to the
11 Nimitz Center; \$3,000,000 to Special Olympics Inter-
12 national; and \$5,000,000 to the Paralympics Military Pro-
13 gram.

14 SEC. 8085. The Department of Defense and the De-
~~15 partment of the Army shall make future budgetary and~~
16 programming plans to fully finance the Non-Line of Sight
17 Future Force cannon (NLOS-C) and a compatible large
18 caliber ammunition resupply capability for this system
19 supported by the Future Combat Systems (FCS) Brigade
20 Combat Team (BCT) in order to field this system in fiscal
21 year 2010: *Provided*, That the Army shall develop the
22 NLOS-C independent of the broader FCS development
23 timeline to achieve fielding by fiscal year 2010. In addi-
24 tion, the Army will deliver five pre-production NLOS-C
25 systems by the end of calendar year 2008 and three pre-

1 production NLOS-C systems by the end of calendar year
2 2009. These systems shall be in addition to those systems
3 necessary for developmental and operational testing.

4 SEC. 8086. The budget of the President for fiscal
5 year 2010 submitted to the Congress pursuant to section
6 1105 of title 31, United States Code, shall include separate
7 budget justification documents for costs of United
8 States Armed Forces' participation in contingency operations
9 for the Military Personnel accounts, the Operation
10 and Maintenance accounts, and the Procurement accounts:
11 *Provided*, That these documents shall include a description
12 of the funding requested for each contingency operation,
13 for each military service, to include all Active and
14 Reserve components, and for each appropriations account:
15 ~~*Provided further*, That these documents shall include estimated~~
16 ~~costs for each element of expense or object class,~~
17 ~~a reconciliation of increases and decreases for each contingency~~
18 ~~operation, and programmatic data including, but~~
19 ~~not limited to, troop strength for each Active and Reserve~~
20 ~~component, and estimates of the major weapons systems~~
21 ~~deployed in support of each contingency: *Provided further*,~~
22 ~~That these documents shall include budget exhibits OP-~~
23 ~~5 and OP-32 (as defined in the Department of Defense~~
24 ~~Financial Management Regulation) for all contingency op-~~

1 erations for the budget year and the two preceding fiscal
2 years.

3 SEC. 8087. None of the funds in this Act may be
4 used for research, development, test, evaluation, procure-
5 ment or deployment of nuclear armed interceptors of a
6 missile defense system.

7 SEC. 8088. Up to \$2,500,000 of the funds appro-
8 priated under the heading "Operation and Maintenance,
9 Navy" in this Act for the Pacific Missile Range Facility
10 may be made available to contract for the repair, mainte-
11 nance, and operation of adjacent off-base water, drainage,
12 and flood control systems, electrical upgrade to support
13 additional missions critical to base operations, and support
14 for a range footprint expansion to further guard against
15 encroachment.

16 SEC. 8089. None of the funds appropriated or made
17 available in this Act shall be used to reduce or disestablish
18 the operation of the 53rd Weather Reconnaissance Squad-
19 ron of the Air Force Reserve, if such action would reduce
20 the WC-130 Weather Reconnaissance mission below the
21 levels funded in this Act: *Provided*, That the Air Force
22 shall allow the 53rd Weather Reconnaissance Squadron to
23 perform other missions in support of national defense re-
24 quirements during the non-hurricane season.

1 ~~SEC. 8090.~~ None of the funds provided in this Act
2 shall be available for integration of foreign intelligence in-
3 formation unless the information has been lawfully col-
4 lected and processed during the conduct of authorized for-
5 eign intelligence activities: *Provided*, That information
6 pertaining to United States persons shall only be handled
7 in accordance with protections provided in the Fourth
8 Amendment of the United States Constitution as imple-
9 mented through Executive Order No. 12333.

10 SEC. 8091. (a) At the time members of reserve com-
11 ponents of the Armed Forces are called or ordered to ac-
12 tive duty under section 12302(a) of title 10, United States
13 Code, each member shall be notified in writing of the ex-
14 pected period during which the member will be mobilized.

15 (b) ~~The Secretary of Defense may waive the require-~~
16 ~~ments of subsection (a) in any case in which the Secretary~~
17 ~~determines that it is necessary to do so to respond to a~~
18 ~~national security emergency or to meet dire operational~~
19 ~~requirements of the Armed Forces.~~

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8092. The Secretary of Defense may transfer
22 funds from any available Department of the Navy appro-
23 priation to any available Navy ship construction appro-
24 priation for the purpose of liquidating necessary changes
25 resulting from inflation, market fluctuations, or rate ad-
26 justments for any ship construction program appropriated

1 in law: *Provided*, That the Secretary may transfer not to
2 exceed \$100,000,000 under the authority provided by this
3 section: *Provided further*, That the Secretary may not
4 transfer any funds until 30 days after the proposed trans-
5 fer has been reported to the Committees on Appropria-
6 tions of the House of Representatives and the Senate, un-
7 less a response from the Committees is received sooner:
8 *Provided further*, That the transfer authority provided by
9 this section is in addition to any other transfer authority
10 contained elsewhere in this Act.

11 SEC. 8093. For purposes of section 612 of title 41,
12 United States Code, any subdivision of appropriations
13 made under the heading "Shipbuilding and Conversion,
14 Navy" that is not closed at the time reimbursement is
15 made shall be available to reimburse the Judgment Fund
16 and shall be considered for the same purposes as any sub-
17 division under the heading "Shipbuilding and Conversion,
18 Navy" appropriations in the current fiscal year or any
19 prior fiscal year.

20 SEC. 8094. (a) None of the funds appropriated by
21 this Act may be used to transfer research and develop-
22 ment, acquisition, or other program authority relating to
23 current tactical unmanned aerial vehicles (TUAVs) from
24 the Army.

1 (b) The Army shall retain responsibility for and oper-
2 ational control of the MQ-1C Sky Warrior Unmanned
3 Aerial Vehicle (UAV) in order to support the Secretary
4 of Defense in matters relating to the employment of un-
5 manned aerial vehicles.

6 (c) None of the funds appropriated by this Act may
7 be used to institute an inter-Service common contract for
8 acquisition of MQ-1 or MQ-1C UAVs until 30 days after
9 the Secretary of Defense certifies to the congressional de-
10 fense committees that a common contract would achieve
11 cost savings, be interoperable with, and not create undue
12 sustainment costs compared to the current fleet.

13 SEC. 8095. None of the funds appropriated by this
14 Act, and hereafter, available for the Civilian Health and
15 Medical Program of the Uniformed Services (CHAMPUS)
16 or TRICARE shall be available for the reimbursement of
17 any health care provider for inpatient mental health serv-
18 ice for care received when a patient is referred to a pro-
19 vider of inpatient mental health care or residential treat-
20 ment care by a medical or health care professional having
21 an economic interest in the facility to which the patient
22 is referred: *Provided*, That this limitation does not apply
23 in the case of inpatient mental health services provided
24 under the program for persons with disabilities under sub-
25 section (d) of section 1079 of title 10, United States Code,

1 provided as partial hospital care, or provided pursuant to
2 a waiver authorized by the Secretary of Defense because
3 of medical or psychological circumstances of the patient
4 that are confirmed by a health professional who is not a
5 Federal employee after a review, pursuant to rules pre-
6 scribed by the Secretary, which takes into account the ap-
7 propriate level of care for the patient, the intensity of serv-
8 ices required by the patient, and the availability of that
9 care.

10 SEC. 8096. Of the funds provided in this Act,
11 \$10,000,000 shall be available for the operations and de-
12 velopment of training and technology for the Joint Inter-
13 agency Training and Education Center and the affiliated
14 Center for National Response at the Memorial Tunnel and
15 ~~for providing homeland defense/security and traditional~~
16 warfighting training to the Department of Defense, other
17 Federal agencies, and State and local first responder per-
18 sonnel at the Joint Interagency Training and Education
19 Center.

20 SEC. 8097. Notwithstanding any other provision of
21 law or regulation, the Secretary of Defense may adjust
22 wage rates for civilian employees hired for certain health
23 care occupations as authorized for the Secretary of Vet-
24 erans Affairs by section 7455 of title 38, United States
25 Code.

1 SEC. 8098. The authority to conduct a continuing co-
2 operative program in the proviso in title II of Public Law
3 102-368 under the heading "Research, Development, Test
4 and Evaluation, Defense Agencies" (106 Stat. 1121) shall
5 be extended through September 30, 2009 and hereafter,
6 in cooperation with NELHA.

7 SEC. 8099. Up to \$15,000,000 of the funds appro-
8 priated under the heading, "Operation and Maintenance,
9 Navy" may be made available for the Asia Pacific Re-
10 gional Initiative Program for the purpose of enabling the
11 Pacific Command to execute Theater Security Cooperation
12 activities such as humanitarian assistance, and payment
13 of incremental and personnel costs of training and exer-
14 cising with foreign security forces: *Provided*, That funds
15 made available for this purpose may be used, notwith-
16 standing any other funding authorities for humanitarian
17 assistance, security assistance or combined exercise ex-
18 penses: *Provided further*, That funds may not be obligated
19 to provide assistance to any foreign country that is other-
20 wise prohibited from receiving such type of assistance
21 under any other provision of law.

22 SEC. 8100. None of the funds appropriated by this
23 Act for programs of the Office of the Director of National
24 Intelligence shall remain available for obligation beyond
25 the current fiscal year, except for funds appropriated for

1 research and technology, which shall remain available until
2 September 30, 2010.

3 SEC. 8101. Notwithstanding any other provision of
4 this Act, to reflect savings from revised economic assump-
5 tions, the total amount appropriated in title II of this Act
6 is hereby reduced by \$313,780,000, the total amount ap-
7 propriated in title III of this Act is hereby reduced by
8 \$298,000,000, and the total amount appropriated in title
9 IV of this Act is hereby reduced by \$218,000,000: *Pro-*
10 *vided*, That the Secretary of Defense shall allocate this
11 reduction proportionally to each budget activity, activity
12 group, subactivity group, and each program, project, and
13 activity, within each appropriation account.

14 SEC. 8102. For purposes of section 1553(b) of title
15 31, United States Code, any subdivision of appropriations
16 made in this Act under the heading "Shipbuilding and
17 Conversion, Navy" shall be considered to be for the same
18 purpose as any subdivision under the heading "Ship-
19 building and Conversion, Navy" appropriations in any
20 prior fiscal year, and the 1 percent limitation shall apply
21 to the total amount of the appropriation.

22 SEC. 8103. Notwithstanding any other provision of
23 law, that not more than 35 percent of funds provided in
24 this Act for environmental remediation may be obligated

1 under indefinite delivery/indefinite quantity contracts with
2 a total contract value of \$130,000,000 or higher.

3 SEC. 8104. The Secretary of Defense shall create a
4 major force program category for space for the Future
5 Years Defense Program of the Department of Defense.
6 The Secretary of Defense shall designate an official in the
7 Office of the Secretary of Defense to provide overall super-
8 vision of the preparation and justification of program rec-
9 ommendations and budget proposals to be included in such
10 major force program category.

11 SEC. 8105. During the current fiscal year and here-
12 after, none of the funds appropriated or otherwise avail-
13 able to the Department of Defense may be obligated or
14 expended to provide award fees to any defense contractor
15 contrary to the provisions of section 814 of the National
16 Defense Authorization Act, Fiscal Year 2007 (Public Law
17 109-364).

18 SEC. 8106. None of the funds appropriated or other-
19 wise made available by this or any other Act shall be obli-
20 gated or expended by the United States Government for
21 a purpose as follows:

22 (1) To establish any military installation or
23 base for the purpose of providing for the permanent
24 stationing of United States Armed Forces in Iraq.

1 ~~-----~~ (2) ~~To exercise United States control over any~~
2 oil resource of Iraq.

3 SEC. 8107. Beginning with the fiscal year 2010 budg-
4 et request, the Director of National Intelligence shall in-
5 clude the budget exhibits identified in paragraphs (1) and
6 (2) as described in the Department of Defense Financial
7 Management Regulation with the congressional budget
8 justification books.

9 (1) For procurement programs requesting more
10 than \$20,000,000 in any fiscal year, the P-1, Pro-
11 curement Program; P-5, Cost Analysis; P-5a, Pro-
12 curement History and Planning; P-21, Production
13 Schedule; and P-40 Budget Item Justification.

14 (2) For research, development, test and evalua-
15 ~~-----~~tion projects requesting more than \$10,000,000 in
16 any fiscal year, the R-1, RDT&E Program; R-2,
17 RDT&E Budget Item Justification; R-3, RDT&E
18 Project Cost Analysis; and R-4, RDT&E Program
19 Schedule Profile.

20 SEC. 8108. None of the funds made available in this
21 Act may be used in contravention of the following laws
22 enacted or regulations promulgated to implement the
23 United Nations Convention Against Torture and Other
24 Cruel, Inhuman or Degrading Treatment or Punishment
25 (done at New York on December 10, 1984):

1 (1) Section 2340A of title 18, United States
2 Code.

3 (2) Section 2242 of the Foreign Affairs Reform
4 and Restructuring Act of 1998 (division G of Public
5 Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231
6 note) and regulations prescribed thereto, including
7 regulations under part 208 of title 8, Code of Fed-
8 eral Regulations, and part 95 of title 22, Code of
9 Federal Regulations.

10 (3) Sections 1002 and 1003 of the Department
11 of Defense, Emergency Supplemental Appropriations
12 to Address Hurricanes in the Gulf of Mexico, and
13 Pandemic Influenza Act, 2006 (Public Law 109-
14 148).

15 SEC. 8109. Notwithstanding any other provision of
16 law, none of the funds made available in this Act may be
17 used to pay negotiated indirect cost rates on a contract,
18 grant, or cooperative agreement (or similar arrangement)
19 entered into by the Department of Defense and an entity
20 in excess of 35 percent of the total cost of the contract,
21 grant, or agreement (or similar arrangement): *Provided,*
22 That this limitation shall apply only to contracts, grants,
23 or cooperative agreements entered into after the date of
24 the enactment of this Act using funds made available in
25 this Act for basic research.

1 SEC. 8110. The Secretary of Defense shall maintain
2 on the homepage of the Internet website of the Depart-
3 ment of Defense a direct link to the Internet website of
4 the Office of Inspector General of the Department of De-
5 fense.

6 SEC. 8111. (a) Not later than 60 days after enact-
7 ment of this Act, the Office of the Director of National
8 Intelligence shall submit a report to the congressional in-
9 telligence committees to establish the baseline for applica-
10 tion of reprogramming and transfer authorities for fiscal
11 year 2009: *Provided*, That the report shall include—

12 (1) a table for each appropriation with a sepa-
13 rate column to display the President's budget re-
14 quest, adjustments made by Congress, adjustments
15 ~~due to enacted rescissions, if appropriate, and the~~
16 fiscal year enacted level;

17 (2) a delineation in the table for each appro-
18 priation by Expenditure Center and project; and

19 (3) an identification of items of special congres-
20 sional interest.

21 (b) None of the funds provided^{for the National Intelligence PROGRAM} in this Act shall be
22 available for reprogramming or transfer until the report
23 identified in subsection (a) is submitted to the congres-
24 sional intelligence committees, unless the Director of Na-
25 tional Intelligence certifies in writing to the congressional

1 intelligence committees that such reprogramming or trans-
2 fer is necessary as an emergency requirement.

3 SEC. 8112. The Director of National Intelligence
4 shall submit to Congress each year, at or about the time
5 that the President's budget is submitted to Congress that
6 year under section 1105(a) of title 31, United States
7 Code, a future-years intelligence program (including asso-
8 ciated annexes) reflecting the estimated expenditures and
9 proposed appropriations included in that budget. Any such
10 future-years intelligence program shall cover the fiscal
11 year with respect to which the budget is submitted and
12 at least the four succeeding fiscal years.

13 SEC. 8113. For the purposes of this Act, the term
14 "congressional intelligence committees" means the Perma-
15 ~~nent Select Committee on Intelligence of the House of~~
16 Representatives, the Select Committee on Intelligence of
17 the Senate, the Subcommittee on Defense of the Com-
18 mittee on Appropriations of the House of Representatives,
19 and the Subcommittee on Defense of the Committee on
20 Appropriations of the Senate.

21 SEC. 8114. The Department of Defense shall con-
22 tinue to report incremental contingency operations costs
23 for Operation Iraqi Freedom and Operation Enduring
24 Freedom on a monthly basis in the Cost of War Execution
25 Report as prescribed in the Department of Defense Finan-

1 cial Management Regulation—Department of Defense In-
2 struction 7000.14, Volume 12, Chapter 23 “Contingency
3 Operations”, Annex 1, dated September 2005.

4 SEC. 8115. HORSHAM JOINT INTERAGENCY INSTAL-
5 LATION.—

6 (a) ESTABLISHMENT OF INSTALLATION.—The
7 Horsham Joint Interagency Installation located in
8 Horsham Township, Montgomery County, Pennsylvania is
9 hereby established. Pursuant to Section 3703 of the U.S.
10 Troop Readiness, Veterans’ Care, Katrina Recovery, and
11 Iraq Accountability Appropriations Act (121 Stat. 145),
12 at a time determined by the Secretary of the Navy, or
13 upon completion of the associated Defense Base Closure
14 and Realignment Commission recommendations, the Sec-
15 retary of the Navy shall, notwithstanding any other provi-
16 sion of law, transfer to the Secretary of the Air Force,
17 at no cost, all designated lands, easements, Air Installa-
18 tion Compatible Use Zones, and facilities at NASJRB
19 Willow Grove. The airfield at the Horsham Joint Inter-
20 agency Installation shall be known as “Pitcairn-Willow
21 Grove field”.

22 (b) TRANSFER TO COMMONWEALTH OF PENNSYL-
23 VANIA.—Notwithstanding any other provision of law, the
24 Secretary of the Air Force shall convey all of the Navy
25 property transferred to the Air Force, as well as excess

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~~1 Air Force property at the Willow Grove Air Reserve Sta-~~
~~2 tion, to the Commonwealth of Pennsylvania, at no cost,~~
~~3 for operation of the Horsham Joint Interagency Installa-~~
~~4 tion so long as it is used continuously as the Horsham~~
~~5 Joint Interagency Installation. In the event the property~~
~~6 is no longer used for the Horsham Joint Interagency In-~~
~~7 stallation, it shall revert to the Department of Defense.~~
~~8 Installation property conveyed to the Commonwealth of~~
~~9 Pennsylvania may not be reconveyed, but may be leased,~~
~~10 subleased, or licensed by the Commonwealth, for any~~
~~11 agreed upon term, for use by the United States, its agen-~~
~~12 cies or instrumentalities, at terms agreeable to the United~~
~~13 States, or to State or local government agencies, or other~~
~~14 associated users.~~

~~15 ----- (INCLUDING TRANSFER OF FUNDS) -----~~

16 SEC. 8116. (a) STOP-LOSS SPECIAL PAY.—In addi-
17 tion to the amounts appropriated or otherwise made avail-
18 able elsewhere in this Act, \$72,000,000 is hereby appro-
19 priated to the Secretary of Defense to carry out this sec-
20 tion. Such amount shall be made available to the Secre-
21 taries of the military departments only to provide special
22 pay during fiscal year 2009 to members of the Army,
23 Navy, Air Force, and Marine Corps, including members
24 of their reserve components who at any time during fiscal
25 year 2009, serve on active duty while the members' enlist-
26 ment or period of obligated service is extended, or whose

1 -eligibility for retirement is suspended, pursuant to section
2 123 or 12305 of title 10, United States Code, or any other
3 provision of law (commonly referred to as a “stop-loss au-
4 thority”) authorizing the President to extend an enlist-
5 ment or period of obligated service, or suspend an eligi-
6 bility for retirement, of a member of the uniformed serv-
7 ices in time of war or of national emergency declared by
8 Congress or the President.

9 (b) SPECIAL PAY AMOUNT.—The amount of the spe-
10 cial pay paid under subsection (a) to or on behalf of an
11 eligible member may not exceed \$500 per month for each
12 month or portion of a month during fiscal year 2009 that
13 the member is retained on active duty as a result of appli-
14 cation of the stop-loss authority.

15 ~~(c) IMPLEMENTATION PLAN.—~~Before obligating or
16 expending any of the funds made available under sub-
17 section (a), the Secretary of Defense shall submit to the
18 Committees on Appropriations of the House of Represent-
19 atives and the Senate a report containing a plan for the
20 provision of the special pay authorized by this section.

21 SEC. 8117. Section 3287 of title 18, United States
22 Code, is amended—

23 (1) by inserting “or Congress has enacted a
24 specific authorization for the use of the Armed
25 Forces, as described in section 5(b) of the War Pow-

1 ~~ers Resolution (50 U.S.C. 1544(b)),~~ after “is at
2 war”;

3 (2) by inserting “or directly connected with or
4 related to the authorized use of the Armed Forces”
5 after “prosecution of the war”;

6 (3) by striking “three years” and inserting “5
7 years”;

8 (4) by striking “proclaimed by the President”
9 and inserting “proclaimed by a Presidential procla-
10 mation, with notice to Congress,”; and

11 (5) by adding at the end the following: “For
12 purposes of applying such definitions in this section,
13 the term ‘war’ includes a specific authorization for
14 the use of the Armed Forces, as described in section
15 5(b) of the War Powers Resolution (50 U.S.C.
16 1544(b)).”.

17 SEC. 8118. INCENTIVES FOR ADDITIONAL
18 DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY
19 THE RUSSIAN FEDERATION. The USEC Privatization Act
20 (42 U.S.C. 2297h et seq.) is amended—

21 (1) in section 3102, by striking “For purposes”
22 and inserting “Except as provided in section 3112A,
23 for purposes”; and

24 (2) by inserting after section 3112 the fol-
25 lowing:

1 **“SEC. 3112A. INCENTIVES FOR ADDITIONAL**

2 **DOWNBLENDING OF HIGHLY ENRICHED URA-**

3 **NIUM BY THE RUSSIAN FEDERATION.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) COMPLETION OF THE RUSSIAN HEU
6 AGREEMENT.—The term ‘completion of the Russian
7 HEU Agreement’ means the importation into the
8 United States from the Russian Federation pursu-
9 ant to the Russian HEU Agreement of uranium de-
10 rived from the downblending of not less than 500
11 metric tons of highly enriched uranium of weapons
12 origin.

13 “(2) DOWNBLENDING.—The term
14 ‘downblending’ means processing highly enriched
15 uranium into a uranium product in any form in
16 which the uranium contains less than 20 percent
17 uranium-235.

18 “(3) HIGHLY ENRICHED URANIUM.—The term
19 ‘highly enriched uranium’ has the meaning given
20 that term in section 3102(4).

21 “(4) HIGHLY ENRICHED URANIUM OF WEAPONS
22 ORIGIN.—The term ‘highly enriched uranium of
23 weapons origin’ means highly enriched uranium
24 that—

25 “(A) contains 90 percent or more uranium-
26 235; and

1 ~~“(B) is verified by the Secretary of Energy~~
2 to be of weapons origin.

3 “(5) LOW-ENRICHED URANIUM.—The term
4 ‘low-enriched uranium’ means a uranium product in
5 any form, including uranium hexafluoride (UF₆) and
6 uranium oxide (UO₂), in which the uranium contains
7 less than 20 percent uranium-235, including natural
8 uranium, without regard to whether the uranium is
9 incorporated into fuel rods or complete fuel assem-
10 blies.

11 “(6) RUSSIAN HEU AGREEMENT.—The term
12 ‘Russian HEU Agreement’ has the meaning given
13 that term in section 3102(11).

14 “(7) URANIUM-235.—The term ‘uranium-235’
15 means the isotope ²³⁵U.

16 “(b) STATEMENT OF POLICY.—It is the policy of the
17 United States to support the continued downblending of
18 highly enriched uranium of weapons origin in the Russian
19 Federation in order to protect the essential security inter-
20 ests of the United States with respect to the nonprolifera-
21 tion of nuclear weapons.

22 “(c) PROMOTION OF DOWNBLENDING OF RUSSIAN
23 HIGHLY ENRICHED URANIUM.—

24 “(1) COMPLETION OF THE RUSSIAN HEU
25 AGREEMENT.—Prior to the completion of the Rus-

1 - sian HEU Agreement, the importation into the
2 United States of low-enriched uranium, including
3 low-enriched uranium obtained under contracts for
4 separative work units, that is produced in the Rus-
5 sian Federation and is not imported pursuant to the
6 Russian HEU Agreement, may not exceed the fol-
7 lowing amounts:

8 “(A) In the 4-year period beginning with
9 calendar year 2008, 16,559 kilograms.

10 “(B) In calendar year 2012, 24,839 kilo-
11 grams.

12 “(C) In calendar year 2013 and each cal-
13 endar year thereafter through the calendar year
14 of the completion of the Russian HEU Agree-
15 ment, 41,398 kilograms.

16 “(2) INCENTIVES TO CONTINUE
17 DOWNBLENDING RUSSIAN HIGHLY ENRICHED URA-
18 NIUM AFTER THE COMPLETION OF THE RUSSIAN
19 HEU AGREEMENT.—

20 “(A) IN GENERAL.—After the completion
21 of the Russian HEU Agreement, the importa-
22 tion into the United States of low-enriched ura-
23 nium, including low-enriched uranium obtained
24 under contracts for separative work units, that
25 is produced in the Russian Federation, whether

1 or not such low-enriched uranium is derived
2 from highly enriched uranium of weapons ori-
3 gin, may not exceed—

4 “(i) in calendar year 2014, 485,279
5 kilograms;

6 “(ii) in calendar year 2015, 455,142
7 kilograms;

8 “(iii) in calendar year 2016, 480,146
9 kilograms;

10 “(iv) in calendar year 2017, 490,710
11 kilograms;

12 “(v) in calendar year 2018, 492,731
13 kilograms;

14 “(vi) in calendar year 2019, 509,058
15 kilograms; and

16 “(vii) in calendar year 2020, 514,754
17 kilograms.

18 “(B) ADDITIONAL IMPORTS IN EXCHANGE
19 FOR A COMMITMENT TO DOWNBLEND AN ADDI-
20 TIONAL 300 METRIC TONS OF HIGHLY EN-
21 RICHED URANIUM.—

22 “(i) IN GENERAL.—In addition to the
23 amount authorized to be imported under
24 subparagraph (A) and except as provided
25 in clause (ii), if the Russian Federation en-

1 ters into a bilateral agreement with the
2 United States under which the Russian
3 Federation agrees to downblend an addi-
4 tional 300 metric tons of highly enriched
5 uranium after the completion of the Rus-
6 sian HEU Agreement, 4 kilograms of low-
7 enriched uranium, whether or not such
8 low-enriched uranium is derived from high-
9 ly enriched uranium of weapons origin and
10 including low-enriched uranium obtained
11 under contracts for separative work units,
12 may be imported in a calendar year for
13 every 1 kilogram of Russian highly en-
14 riched uranium of weapons origin that was
15 downblended in the preceding calendar
16 year, subject to the verification of the Sec-
17 retary of Energy under paragraph (10).

18 “(ii) MAXIMUM ANNUAL IMPORTS.—
19 Not more than 120,000 kilograms of low-
20 enriched uranium may be imported in a
21 calendar year under clause (i).

22 “(3) EXCEPTIONS.—The import limitations de-
23 scribed in paragraphs (1) and (2) shall not apply to
24 low-enriched uranium produced in the Russian Fed-
25 eration that is imported into the United States—

1 “(A) for use in the initial core of a new
2 nuclear reactor;

3 “(B) for processing and to be certified for
4 reexportation and not for consumption in the
5 United States; or

6 “(C) to be added to the inventory of the
7 Department of Energy.

8 “(4) LIMITED WAIVER AUTHORITY.—

9 “(A) IN GENERAL.—Notwithstanding para-
10 graph (1)(C), if the completion of the Russian
11 HEU Agreement does not occur before Decem-
12 ber 31, 2013, the import limitations under
13 paragraph (1)(C) shall be waived, and low-en-
14 riched uranium may be imported into the
15 United States in the quantities specified in
16 paragraph (2) in a calendar year after 2013,
17 if—

18 “(i) the Secretary of Energy and the
19 Secretary of State jointly determine that—

20 “(I) the failure of the completion
21 of the Russian HEU Agreement
22 arises from causes beyond the control
23 and without the fault or negligence of
24 the Government of the Russian Fed-
25 eration; and

1 “(II) the Government of the Rus-
2 sian Federation has made reasonable
3 efforts to avoid and mitigate the ef-
4 fects of the failure of the completion
5 of the Russian HEU Agreement; and
6 “(ii) the Secretary of Energy and the
7 Secretary of State jointly notify Congress
8 of, and publish in the Federal Register, the
9 determination under clause (i) and the rea-
10 sons for the determination.

11 “(B) NOTICE AND WAIT.—A waiver under
12 subparagraph (A) may not take effect until the
13 date that is 180 days after the date on which
14 Secretary of Energy and the Secretary of State
15 notify Congress under subparagraph (A)(ii).

16 “(C) TERMINATION.—A waiver under sub-
17 paragraph (A) shall terminate on December 31
18 of the calendar year with respect to which the
19 Secretary makes the determination under sub-
20 paragraph (A)(i).

21 “(5) ADJUSTMENTS TO IMPORT LIMITATIONS.—

22 “(A) IN GENERAL.—The import limita-
23 tions described in paragraph (2)(A) are based
24 on the reference data in the 2005 Market Re-
25 port on the Global Nuclear Fuel Market Supply

1 and Demand 2005–2030 of the World Nuclear
2 Association. In each of calendar years 2016 and
3 2019, the Secretary of Commerce shall review
4 the projected demand for uranium for nuclear
5 reactors in the United States and adjust the
6 import limitations described in paragraph
7 (2)(A) to account for changes in such demand
8 in years after the year in which that report or
9 a subsequent report is published.

10 “(B) INCENTIVE ADJUSTMENT.—Begin-
11 ning in the second calendar year after the cal-
12 endar year of the completion of the Russian
13 HEU Agreement, the Secretary of Energy shall
14 increase or decrease the amount of low-enriched
15 uranium that may be imported in a calendar
16 year under paragraph (2)(B) (including the
17 amount of low-enriched uranium that may be
18 imported for each kilogram of highly enriched
19 uranium downblended under paragraph
20 (2)(B)(i)) by a percentage equal to the percent-
21 age increase or decrease, as the case may be, in
22 the average amount of uranium loaded into nu-
23 clear power reactors in the United States in the
24 most recent 3-calendar-year period for which
25 data are available, as reported by the Energy

1 Information Administration of the Department
2 of Energy, compared to the average amount of
3 uranium loaded into such reactors during the 3-
4 calendar-year period beginning on January 1,
5 2011, as reported by the Energy Information
6 Administration.

7 “(C) PUBLICATION OF ADJUSTMENTS.—As
8 soon as practicable, but not later than July 31
9 of each calendar year, the Secretary of Energy
10 shall publish in the Federal Register the
11 amount of low-enriched uranium that may be
12 imported in the current calendar year after the
13 adjustments under subparagraph (B).

14 “(6) AUTHORITY FOR ADDITIONAL ADJUST-
15 ~~MENT.—In addition to the adjustment under para-~~
16 ~~graph (5)(A), the Secretary of Commerce may ad-~~
17 ~~just the import limitations under paragraph (2)(A)~~
18 ~~for a calendar year if the Secretary—~~

19 “(A) in consultation with the Secretary of
20 Energy, determines that the available supply of
21 low-enriched uranium and the available stock-
22 piles of uranium of the Department of Energy
23 are insufficient to meet demand in the United
24 States in the following calendar year; and

1 “(B) notifies Congress of the adjustment
2 not less than 45 days before making the adjust-
3 ment.

4 “(7) EQUIVALENT QUANTITIES OF LOW-EN-
5 RICHED URANIUM IMPORTS.—

6 “(A) IN GENERAL.—The import limita-
7 tions described in paragraphs (1) and (2) are
8 expressed in terms of uranium containing 4.4
9 percent uranium-235 and a tails assay of 0.3
10 percent.

11 “(B) ADJUSTMENT FOR OTHER URA-
12 NIUM.—Imports of low-enriched uranium under
13 paragraphs (1) and (2), including low-enriched
14 uranium obtained under contracts for separa-
15 tive work units, shall count against the import
16 limitations described in such paragraphs in
17 amounts calculated as the quantity of low-en-
18 riched uranium containing 4.4 percent ura-
19 nium-235 necessary to equal the total amount
20 of uranium-235 contained in such imports.

21 “(8) DOWNBLENDING OF OTHER HIGHLY EN-
22 RICHED URANIUM.—

23 “(A) IN GENERAL.—The downblending of
24 highly enriched uranium not of weapons origin
25 may be counted for purposes of paragraph

1 (2)(B), subject to verification under paragraph
2 (10), if the Secretary of Energy determines that
3 the highly enriched uranium to be downblended
4 poses a risk to the national security of the
5 United States.

6 “(B) EQUIVALENT QUANTITIES OF HIGHLY
7 ENRICHED URANIUM.—For purposes of deter-
8 mining the additional low-enriched uranium im-
9 ports allowed under paragraph (2)(B), highly
10 enriched uranium not of weapons origin
11 downblended pursuant to subparagraph (A)
12 shall count as downblended highly enriched ura-
13 nium of weapons origin in amounts calculated
14 as the quantity of highly enriched uranium con-
15 taining 90 percent uranium-235 necessary to
16 equal the total amount of uranium-235 con-
17 tained in the highly enriched uranium not of
18 weapons origin downblended pursuant to sub-
19 paragraph (A).

20 “(9) TERMINATION OF IMPORT RESTRIC-
21 TIONS.—The provisions of this subsection shall ter-
22 minate on December 31, 2020.

23 “(10) TECHNICAL VERIFICATIONS BY SEC-
24 RETARY OF ENERGY.—

1 “(A) IN GENERAL.—The Secretary of En-
2 ergy shall verify the origin, quantity, and ura-
3 nium-235 content of the highly enriched ura-
4 nium downblended for purposes of paragraphs
5 (2)(B) and (8).

6 “(B) METHODS OF VERIFICATION.—In
7 conducting the verification required under sub-
8 paragraph (A), the Secretary of Energy shall
9 employ the transparency measures and access
10 provisions agreed to under the Russian HEU
11 Agreement for monitoring the downblending of
12 Russian highly enriched uranium of weapons
13 origin and such other methods as the Secretary
14 determines appropriate.

15 ~~“(11) ENFORCEMENT OF IMPORT LIMITA-~~
16 ~~TIONS.—The Secretary of Commerce shall be re-~~
17 ~~sponsible for enforcing the import limitations im-~~
18 ~~posed under this subsection and shall enforce such~~
19 ~~import limitations in a manner that imposes a mini-~~
20 ~~mal burden on the commercial nuclear industry.~~

21 “(12) EFFECT ON OTHER AGREEMENTS.—

22 “(A) RUSSIAN HEU AGREEMENT.—Noth-
23 ing in this section shall be construed to modify
24 the terms of the Russian HEU Agreement, in-
25 cluding the provisions of the Agreement relating

1 to the amount of low-enriched uranium that
2 may be imported into the United States.

3 “(B) OTHER AGREEMENTS.—If a provision
4 of any agreement between the United States
5 and the Russian Federation, other than the
6 Russian HEU Agreement, relating to the im-
7 portation of low-enriched uranium, including
8 low-enriched uranium obtained under contracts
9 for separative work units, into the United
10 States conflicts with a provision of this section,
11 the provision of this section shall supersede the
12 provision of the agreement to the extent of the
13 conflict.”.

14 SEC. 8119. The amounts appropriated in title II of
15 this Act are hereby reduced by \$859,000,000 to reflect
16 excess cash balances in Department of Defense Working
17 Capital Funds, as follows:

18 (1) From “Operation and Maintenance, Army”,
19 \$823,000,000; and

20 (2) From “Operation and Maintenance, Air
21 Force”, \$36,000,000.

22 This division may be cited as the “Department of De-
23 fense Appropriations Act, 2009”.

1 DIVISION D—DEPARTMENT OF HOMELAND
2 SECURITY APPROPRIATIONS ACT, 2009

3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of Homeland Security for the fiscal year end-
6 ing September 30, 2009, and for other purposes, namely:

7 TITLE I

8 ~~DEPARTMENT OF HOMELAND SECURITY~~ e

9 DEPARTMENTAL MANAGEMENT AND

10 OPERATIONS

11 OFFICE OF THE SECRETARY AND EXECUTIVE

12 MANAGEMENT

13 For necessary expenses of the Office of the Secretary
14 of Homeland Security, as authorized by section 102 of the
15 Homeland Security Act of 2002 (6 U.S.C. 112), and execu-
16 tive management of the Department of Homeland Secu-
17 rity, as authorized by law, \$123,456,000: *Provided*, That
18 not to exceed \$60,000 shall be for official reception and
19 representation expenses, of which \$20,000 shall be made
20 available to the Office of Policy solely to host Visa Waiver
21 Program negotiations in Washington, DC: *Provided fur-*
22 *ther*, That within 15 days after the end of each quarter
23 of the fiscal year, the Secretary shall submit to the Com-
24 mittees on Appropriations of the Senate and House of
25 Representatives and to the Government Accountability Of-

1 fice a report of each instance where a request by the Gov-
2 ernment Accountability Office for access to Department
3 of Homeland Security records was not granted within 20
4 calendar days and Government Accountability Office re-
5 quests for interviews with Department of Homeland Secu-
6 rity employees were not granted within seven calendar
7 days: *Provided further*, That \$15,000,000 shall not be
8 available for obligation until the second quarterly report
9 detailed in the previous proviso is submitted to the Com-
10 mittees on Appropriations of the Senate and House of
11 Representatives: *Provided further*, That \$10,000,000 shall
12 not be available for obligation until the Secretary of
13 Homeland Security, in coordination with the Adminis-
14 trator of the Federal Emergency Management Agency,
15 certifies to the Committees on Appropriations of the Sen-
16 ate and the House of Representatives that processes to
17 incorporate stakeholder input for grant guidance develop-
18 ment and award distribution have been: (1) developed to
19 ensure transparency and increased consultation about se-
20 curity needs for all-hazards; (2) formalized and made clear
21 to stakeholders; and (3) formalized to ensure future use
22 for each fiscal year.

23 OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

24 For necessary expenses of the Office of the Under
25 Secretary for Management, as authorized by sections 701

1 through 705 of the Homeland Security Act of 2002 (6
2 U.S.C. 341 through 345), \$191,793,000, of which not to
3 exceed \$3,000 shall be for official reception and represen-
4 tation expenses: *Provided*, That of the total amount,
5 \$6,000,000 shall remain available until expended solely for
6 the alteration and improvement of facilities, tenant im-
7 provements, and relocation costs to consolidate Depart-
8 ment headquarters operations at the Nebraska Avenue
9 Complex; and \$17,131,000 shall remain available until ex-
10 pended for the Human Resources Information Technology
11 program.

12 OFFICE OF THE CHIEF FINANCIAL OFFICER

13 For necessary expenses of the Office of the Chief Fi-
14 nancial Officer, as authorized by section 103 of the Home-
15 land Security Act of 2002 (6 U.S.C. 113), \$55,235,000,
16 of which \$11,000,000 shall remain available until ex-
17 pended for financial systems consolidation efforts.

18 OFFICE OF THE CHIEF INFORMATION OFFICER

19 For necessary expenses of the Office of the Chief In-
20 formation Officer, as authorized by section 103 of the
21 Homeland Security Act of 2002 (6 U.S.C. 113), and De-
22 partment-wide technology investments, \$272,169,000; of
23 which \$86,928,000 shall be available for salaries and ex-
24 penses; and of which \$185,241,000, to remain available
25 until expended, shall be available for development and ac-

1 quisition of information technology equipment, software,
2 services, and related activities for the Department of
3 Homeland Security, of which not less than \$23,830,000
4 shall be available for data center development and an addi-
5 tional \$22,300,000 shall be available to support costs of
6 transition to the National Center for Critical Information
7 Processing and Storage: *Provided*, That \$100,000,000 of
8 the total amount appropriated under this heading shall
9 not be available for obligation until the Committees on Ap-
10 propriations of the Senate and the House of Representa-
11 tives receive the report on data center transition: *Provided*
12 *further*, That none of the funds appropriated shall be used
13 to support or supplement the appropriations provided for
14 the United States Visitor and Immigrant Status Indicator
15 Technology project or the Automated Commercial Envi-
16 ronment: *Provided further*, That the Chief Information Of-
17 ficer shall submit to the Committees on Appropriations of
18 the Senate and the House of Representatives, not more
19 than 60 days after the date of enactment of this Act, an
20 expenditure plan for all information technology acquisition
21 projects that: (1) are funded under this heading; or (2)
22 are funded by multiple components of the Department of
23 Homeland Security through reimbursable agreements:
24 *Provided further*, That such expenditure plan shall include
25 each specific project funded, key milestones, all funding

1 sources for each project, details of annual and lifecycle
2 costs, and projected cost savings or cost avoidance to be
3 achieved by the project.

4 ANALYSIS AND OPERATIONS

5 For necessary expenses for information analysis and
6 operations coordination activities, as authorized by title II
7 of the Homeland Security Act of 2002 (6 U.S.C. 121 et
8 seq.), \$327,373,000, of which not to exceed \$5,000 shall
9 be for official reception and representation expenses; and
10 of which \$215,745,000 shall remain available until Sep-
11 tember 30, 2010.

12 OFFICE OF THE FEDERAL COORDINATOR FOR GULF
13 COAST REBUILDING

14 For necessary expenses of the Office of the Federal
15 Coordinator for Gulf Coast Rebuilding, \$1,900,000.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978 (5 U.S.C. App.), \$98,513,000, of
20 which not to exceed \$150,000 may be used for certain con-
21 fidential operational expenses, including the payment of
22 informants, to be expended at the direction of the Inspec-
23 tor General.

1 TITLE II
2 SECURITY, ENFORCEMENT, AND
3 INVESTIGATIONS
4 U.S. CUSTOMS AND BORDER PROTECTION
5 SALARIES AND EXPENSES

6 For necessary expenses for enforcement of laws relat-
7 ing to border security, immigration, customs, agricultural
8 inspections and regulatory activities related to plant and
9 animal imports, and transportation of unaccompanied
10 minor aliens; purchase and lease of up to 6,300 (3,300
11 for replacement only) police-type vehicles; and contracting
12 with individuals for personal services abroad;
13 \$7,603,206,000, of which \$3,154,000 shall be derived
14 from the Harbor Maintenance Trust Fund for administra-
15 tive expenses related to the collection of the Harbor Main-
16 tenance Fee pursuant to section 9505(c)(3) of the Internal
17 Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and not-
18 withstanding section 1511(e)(1) of the Homeland Security
19 Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed
20 \$45,000 shall be for official reception and representation
21 expenses; of which not less than \$271,679,000 shall be
22 for Air and Marine Operations; of which \$4,500,000 shall
23 be for the 2010 Olympics Coordination Center, of which
24 not to exceed \$2,000,000 shall be available until Sep-
25 tember 30, 2010; of which \$2,000,000 shall be for Project

1 SeaHawk; of which such sums as become available in the
2 Customs User Fee Account, except sums subject to section
3 13031(f)(3) of the Consolidated Omnibus Budget Rec-
4 onciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be de-
5 rived from that account; of which not to exceed \$150,000
6 shall be available for payment for rental space in connec-
7 tion with preclearance operations; and of which not to ex-
8 ceed \$1,000,000 shall be for awards of compensation to
9 informants, to be accounted for solely under the certificate
10 of the Secretary of Homeland Security: *Provided*, That for
11 fiscal year 2009, the overtime limitation prescribed in sec-
12 tion 5(c)(1) of the Act of February 13, 1911 (19 U.S.C.
13 267(c)(1)) shall be \$35,000; and notwithstanding any
14 other provision of law, none of the funds appropriated by
15 this Act may be available to compensate any employee of
16 U.S. Customs and Border Protection for overtime, from
17 whatever source, in an amount that exceeds such limita-
18 tion, except in individual cases determined by the Sec-
19 retary of Homeland Security, or the designee of the Sec-
20 retary, to be necessary for national security purposes, to
21 prevent excessive costs, or in cases of immigration emer-
22 gencies: *Provided further*, That no funding available under
23 this heading may be obligated for the operation of the An-
24 alytical Framework for Intelligence Officers until the
25 Commissioner of U.S. Customs and Border Protection cer-

1 tifies that this Framework complies with all applicable
 2 laws, including section 552a of title 5, United States Code,
 3 and other laws protecting privacy, and such certification
 4 is reviewed by the Inspector General of the Department
 5 of Homeland Security: *Provided further*, That the Com-
 6 missioner shall submit to the Committees on Appropria-
 7 tions of the Senate and the House of Representatives the
 8 results of operational field testing of cargo container secu-
 9 rity devices in high risk trade lanes no later than 120 days
 10 after enactment of this Act.

THE DATE
OF

11 AUTOMATION MODERNIZATION

12 For expenses for U.S. Customs and Border Protec-
 13 tion automated systems, \$511,334,000, to remain avail-
 14 able until expended, of which not less than \$316,851,000
 15 shall be for the development of the Automated Commercial
 16 Environment: *Provided*, That of the total amount made
 17 available under this heading, \$216,851,000 may not be ob-
 18 ligated for the Automated Commercial Environment pro-
 19 gram until 30 days after the Committees on Appropria-
 20 tions of the Senate and the House of Representatives re-
 21 ceive a report on the results to date and plans for the
 22 program from the Department of Homeland Security.

1 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
2 TECHNOLOGY

3 For expenses for customs and border protection fenc-
4 ing, infrastructure, and technology, \$775,000,000, to re-
5 main available until expended: *Provided*, That of the
6 amount provided under this heading, \$400,000,000 shall
7 not be obligated until the Committees on Appropriations
8 of the Senate and the House of Representatives receive
9 and approve a plan for expenditure, prepared by the Sec-
10 retary of Homeland Security and submitted not later than
11 90 days after the date of the enactment of this Act, for
12 a program to establish and maintain a security barrier
13 along the borders of the United States of fencing and vehi-
14 cle barriers, where practicable, and other forms of tactical
15 infrastructure and technology, that includes the fol-
16 lowing—

17 (1) a detailed accounting of the program's im-
18 plementation to date for all investments, including
19 technology and tactical infrastructure, for funding
20 already expended relative to system capabilities or
21 services, system performance levels, mission benefits
22 and outcomes, milestones, cost targets, program
23 management capabilities, identification of the max-
24 imum investment, including lifecycle costs, related to
25 the Secure Border Initiative program or any suc-

space

1 cessor program, and description of the methodology
2 used to obtain these cost figures;

3 (2) a description of how specific projects will
4 further the objectives of the Secure Border Initia-
5 tive, as defined in the Department of Homeland Se-
6 curity Secure Border Plan, and how the expenditure
7 plan allocates funding to the highest priority border
8 security needs;

9 (3) an explicit plan of action defining how all
10 funds are to be obligated to meet future program
11 commitments, with the planned expenditure of funds
12 linked to the milestone-based delivery of specific ca-
13 pabilities, services, performance levels, mission bene-
14 fits and outcomes, and program management capa-
15 bilities;

16 (4) an identification of staffing, including full-
17 time equivalents, contractors, and detailees, by pro-
18 gram office;

19 (5) a description of how the plan addresses se-
20 curity needs at the Northern border and ports of
21 entry, including infrastructure, technology, design
22 and operations requirements, specific locations where
23 funding would be used, and priorities for Northern
24 border activities;

1 (6) a report on budget, obligations and expendi-
2 tures, the activities completed, and the progress
3 made by the program in terms of obtaining oper-
4 ational control of the entire border of the United
5 States;

6 (7) a listing of all open Government Account-
7 ability Office and the Office of Inspector General
8 recommendations related to the program and the
9 status of Department of Homeland Security actions
10 to address the recommendations, including mile-
11 stones to fully address such recommendations;

12 (8) a certification by the Chief Procurement Of-
13 ficer of the Department that the program: (a) has
14 been reviewed and approved in accordance with the
15 investment management process of the Department,
16 and that the process fulfills all capital planning and
17 investment control requirements and reviews estab-
18 lished by the Office of Management and Budget, in-
19 cluding as provided in Circular A-11, part 7; (b)
20 that the plans for the program comply with the Fed-
21 eral acquisition rules, requirements, guidelines, and
22 practices, and a description of the actions being
23 taken to address areas of non-compliance, the risks
24 associated with such actions, together with any plans
25 for addressing these risks, and the status of the im-

1 plementation of such actions; (c) that procedures to
2 prevent conflicts of interest between the prime inte-
3 grator and major subcontractors are established and
4 that the Secure Border Initiative Program Office
5 has adequate staff and resources to effectively man-
6 age the Secure Border Initiative program, all con-
7 tracts, including the exercise of technical oversight;
8 and (d) the certifications required under this para-
9 graph should be accompanied by all documents or
10 memoranda, as well as documentation and a descrip-
11 tion of the investment review processes used to ob-
12 tain such certifications;

13 (9) a certification by the Chief Information Of-
14 ficer of the Department that: (a) the system archi-
15 tecture of the program is sufficiently aligned with
16 the information systems enterprise architecture of
17 the Department to minimize future rework, includ-
18 ing a description of all aspects of the architectures
19 that were or were not assessed in making the align-
20 ment determination, the date of the alignment deter-
21 mination, and any known areas of misalignment to-
22 gether with the associated risks and corrective ac-
23 tions to address any such areas; (b) the program has
24 a risk management process that regularly and
25 proactively identifies, evaluates, mitigates, and mon-

1 itors risks throughout the system life cycle and com-
2 municates high-risk conditions to U.S. Customs and
3 Border Protection and Department of Homeland Se-
4 curity investment decision-makers, as well as a list-
5 ing of all the program's high risks and the status of
6 efforts to address such risks; (c) an independent
7 verification and validation agent is currently under
8 contract for the projects funded under this heading;
9 √(d) and the certification required under this para-
10 graph should be accompanied by all documents or
11 memoranda, as well as documentation and a descrip-
12 tion of the investment review processes used to ob-
13 tain such certification;

14 (10) a certification by the Chief Human Capital
15 Officer of the Department that the human capital
16 needs of the Secure Border Initiative program are
17 being addressed so as to ensure adequate staff and
18 resources to effectively manage the Secure Border
19 Initiative, together with a description of SBI staffing
20 priorities;

21 (11) an analysis by the Secretary for each seg-
22 ment, defined as not more than 15 miles, of fencing
23 or tactical infrastructure, of the selected approach
24 compared to other, alternative means of achieving
25 operational control, and such analysis should include

1 cost, level of operational control, possible unintended
2 effects on communities, and other factors critical to
3 the decision making process; and

4 (12) is reviewed by the Government Account-
5 ability Office:

6 *Provided further*, That the Secretary shall report to the
7 Committees on Appropriations of the Senate and the
8 House of Representatives on program progress, and obli-
9 gations and expenditures for all outstanding task orders
10 as well as specific objectives to be achieved through the
11 award of current and remaining task orders planned for
12 the balance of available appropriations at least 15 days
13 before the award of any task order requiring an obligation
14 of funds in an amount greater than \$25,000,000 and be-
15 fore the award of a task order that would cause cumulative
16 obligations of funds to exceed 50 percent of the total
17 amount appropriated: *Provided further*, That none of the
18 funds provided under this heading may be obligated unless
19 the Department has complied with section 102(b)(1)(C)(i)
20 of the Illegal Immigration Reform and Immigrant Respon-
21 sibility Act of 1996 (8 U.S.C. 1103 note), and the Sec-
22 ~~retary of Homeland Security~~ certifies such to the Commit-
23 tees on Appropriations of the Senate and the House of
24 Representatives: *Provided further*, That none of the funds
25 under this heading may be obligated for any project or

1 activity for which the Secretary has exercised waiver au-
2 thority pursuant to section 102(c) of the Illegal Immigra-
3 tion Reform and Immigrant Responsibility Act of 1996
4 (8 U.S.C. 1103 note) until 15 days have elapsed from the
5 date of the publication of the decision in the Federal Reg-
6 ister: *Provided further*, That notwithstanding the previous
7 provisos, \$100,000,000 of the amount provided under this
8 heading shall be made available for obligation upon enact-
9 ment of this Act without restriction.

10 AIR AND MARINE INTERDICTION, OPERATIONS,

11 MAINTENANCE, AND PROCUREMENT

12 For necessary expenses for the operations, mainte-
13 nance, and procurement of marine vessels, aircraft, un-
14 manned aircraft systems, and other related equipment of
15 the air and marine program, including operational train-
16 ing and mission-related travel, and rental payments for
17 facilities occupied by the air or marine interdiction and
18 demand reduction programs, the operations of which in-
19 clude the following: the interdiction of narcotics and other
20 goods; the provision of support to Federal, State, and local
21 agencies in the enforcement or administration of laws en-
22 forced by the Department of Homeland Security; and at
23 the discretion of the Secretary of Homeland Security, the
24 provision of assistance to Federal, State, and local agen-
25 cies in other law enforcement and emergency humani-
26 tarian efforts, \$528,000,000, to remain available until ex-

1 pended, of which \$5,000,000 shall be to address private
2 aircraft enforcement system noncompliance as specified in
3 House Report 110-862: *Provided*, That no aircraft or
4 other related equipment, with the exception of aircraft
5 that are one of a kind and have been identified as excess
6 to U.S. Customs and Border Protection requirements and
7 aircraft that have been damaged beyond repair, shall be
8 transferred to any other Federal agency, department, or
9 office outside of the Department of Homeland Security
10 during fiscal year 2009 without the prior approval of the
11 Committees on Appropriations of the Senate and the
12 House of Representatives: *Provided further*, That of the
13 total amount made available under this heading,
14 \$18,000,000 shall not be obligated until the Secretary no-
15 tifies the Committees on Appropriations of the Senate and
16 House of Representatives that the Department of Home-
17 land Security has implemented the concept of operations
18 described in section 544 of this Act.

19 CONSTRUCTION

20 For necessary expenses to plan, construct, renovate,
21 equip, and maintain buildings and facilities necessary for
22 the administration and enforcement of the laws relating
23 to customs and immigration, \$403,201,000, to remain
24 available until expended, of which \$39,700,000 shall be
25 for the Advanced Training Center: *Provided*, That for fis-
26 cal year 2010 and thereafter, the annual budget submis-

1 sion of U.S. Customs and Border Protection for “Con-
2 struction” shall, in consultation with the General Services
3 Administration, include a detailed 5-year plan for all Fed-
4 eral land border port of entry projects with a yearly up-
5 date of total projected future funding needs.

6 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

7 SALARIES AND EXPENSES

8 For necessary expenses for enforcement of immigra-
9 tion and customs laws, detention and removals, and inves-
10 tigation; and purchase and lease of up to 3,790 (2,350
11 for replacement only) police-type vehicles; \$4,927,210,000,
12 of which not to exceed \$7,500,000 shall be available until
13 expended for conducting special operations under section
14 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
15 2081); of which not to exceed \$15,000 shall be for official
16 reception and representation expenses; of which not to ex-
17 ceed \$1,000,000 shall be for awards of compensation to
18 informants, to be accounted for solely under the certificate
19 of the Secretary of Homeland Security; of which not less
20 than \$305,000 shall be for promotion of public awareness
21 of the child pornography tipline and anti-child exploitation
22 activities; of which not less than \$5,400,000 shall be used
23 to facilitate agreements consistent with section 287(g) of
24 the Immigration and Nationality Act (8 U.S.C. 1357(g));
25 and of which not to exceed \$11,216,000 shall be available

1 to fund or reimburse other Federal agencies for the costs
2 associated with the care, maintenance, and repatriation of
3 smuggled aliens unlawfully present in the United States:
4 *Provided*, That none of the funds made available under
5 this heading shall be available to compensate any employee
6 for overtime in an annual amount in excess of \$35,000,
7 except that the Secretary ~~of Homeland Security~~,^e or the
8 designee of the Secretary, may waive that amount as nec-
9 essary for national security purposes and in cases of immi-
10 gration emergencies: *Provided further*, That of the total
11 amount provided, \$15,770,000 shall be for activities in fis-
12 cal year 2009 to enforce laws against forced child labor,
13 of which not to exceed \$6,000,000 shall remain available
14 until expended: *Provided further*, That of the total amount
15 available, not less than \$1,000,000,000, of which
16 \$150,000,000 shall remain available until September 30,
17 2010, shall be available to identify aliens convicted of a
18 crime, and who may be deportable, and to remove them
19 from the United States once they are judged deportable:
20 *Provided further*, That the Secretary ~~of Homeland Secu~~^e
21 ~~ity~~ or ~~a~~ designee of the Secretary, shall report to the Com-^{the}
22 mittees on Appropriations of the Senate and the House
23 of Representatives, at least quarterly, on progress imple-
24 menting the preceding proviso, and the funds obligated
25 during that quarter to make that progress: *Provided fur-*

1 *ther*, That the Secretary ~~of Homeland Security~~ shall ^e
2 prioritize the identification and removal of aliens convicted
3 of a crime by the severity of that crime: *Provided further*,
4 That of the total amount provided, not less than
5 \$2,481,213,000 is for detention and removal operations,
6 including transportation of unaccompanied minor aliens:
7 *Provided further*, That of the total amount provided,
8 \$6,800,000 shall remain available until September 30,
9 2010, for the Visa Security Program: *Provided further*,
10 That none of the funds provided under this heading may
11 be used to continue a delegation of law enforcement au-
12 thority authorized under section 287(g) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1357(g)) if the Depart-
14 ment of Homeland Security Inspector General determines
15 that the terms of the agreement governing the delegation
16 of authority have been violated: *Provided further*, That ef-
17 fective April 15, 2009, none of the funds provided under
18 this heading may be used to continue any contract for the
19 provision of detention services if the two most recent over-
20 all performance evaluations received by the contracted fa-
21 cility are less than "adequate" or the equivalent median
22 score in any subsequent performance evaluation system:
23 *Provided further*, That the Secretary ~~of Homeland Secu-~~ ^e
24 ~~ity~~ shall submit to the Committees on Appropriations of ^e
25 the Senate and the House of Representatives, not later

1 than January 5, 2009, a plan for nationwide implementa-
2 tion of the Alternatives to Detention program that identi-
3 fies: (1) the funds required for nationwide program imple-
4 mentation; (2) the timeframe for achieving nationwide
5 program implementation; and (3) an estimate of the num-
6 ber of individuals who could be enrolled in a nationwide
7 program: *Provided further*, That nothing under this head-
8 ing shall prevent U.S. Immigration and Customs Enforce-
9 ment from exercising those authorities provided under im-
10 migration laws (as defined in section 101(a)(17) of the
11 Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))
12 during priority operations pertaining to aliens convicted
13 of a crime.

14 FEDERAL PROTECTIVE SERVICE

15 The revenues and collections of security fees credited
16 to this account shall be available until expended for nec-
17 essary expenses related to the protection of federally-
18 owned and leased buildings and for the operations of the
19 Federal Protective Service: *Provided*, That the Secretary
20 of Homeland Security and the Director of the Office of
21 Management and Budget shall certify in writing to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives no later than December 31,
24 2008, that the operations of the Federal Protective Service
25 will be fully funded in fiscal year 2009 through revenues
26 and collection of security fees, and shall adjust the fees

1 to ensure fee collections are sufficient to ensure that the
2 Federal Protective Service maintains not fewer than 1,200
3 full-time equivalent staff and 900 full-time equivalent Po-
4 lice Officers, Inspectors, Area Commanders, and Special
5 Agents who, while working, are directly engaged on a daily
6 basis protecting and enforcing laws at Federal buildings
7 (referred to as “in-service field staff”).

8 AUTOMATION MODERNIZATION

9 For expenses of immigration and customs enforce-
10 ment automated systems, \$57,000,000, to remain avail-
11 able until expended: *Provided*, That of the funds made
12 available under this heading, \$5,000,000 shall not be obli-
13 gated until the Committees on Appropriations of the Sen-
14 ate and the House of Representatives receive an expendi-
15 ture plan prepared by the Secretary of Homeland Secu-
16 rity.

17 CONSTRUCTION

18 For necessary expenses to plan, construct, renovate,
19 equip, and maintain buildings and facilities necessary for
20 the administration and enforcement of the laws relating
21 to customs and immigration, \$5,000,000, to remain avail-
22 able until expended: *Provided*, That none of the funds
23 made available under this heading may be used to solicit
24 or consider any request to privatize facilities currently
25 owned by the United States Government and used to de-
26 tain aliens unlawfully present in the United States until

1 the Committees on Appropriations of the Senate and the
2 House of Representatives receive a plan for carrying out
3 that privatization.

4 TRANSPORTATION SECURITY ADMINISTRATION
5 AVIATION SECURITY
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Transportation Secu-
8 rity Administration related to providing civil aviation secu-
9 rity services pursuant to the Aviation and Transportation
10 Security Act (Public Law 107-71; 115 Stat. 597; 49
11 U.S.C. 40101 note), \$4,754,518,000, to remain available
12 until September 30, 2010, of which not to exceed \$10,000
13 shall be for official reception and representation expenses:
14 *Provided*, That of the total amount made available under
15 this heading, not to exceed \$3,935,710,000 shall be for
16 screening operations, of which \$621,106,000 shall be
17 available for explosives detection systems; and not to ex-
18 ceed \$798,808,000 shall be for aviation security direction
19 and enforcement: *Provided further*, That of the amount
20 made available in the preceding proviso for explosives de-
21 tection systems, \$294,000,000 shall be available for the
22 purchase and installation of these systems, of which not
23 less than \$84,500,000 shall be available for the purchase
24 and installation of certified explosives detection systems
25 at medium- and small-sized airports: *Provided further*,
26 That the purchase of screening equipment for medium-

1 and small-sized airports must be competitively awarded:
2 *Provided further*, That any award to deploy explosives de-
3 tection systems shall be based on risk, the airports current
4 reliance on other screening solutions, lobby congestion re-
5 sulting in increased security concerns, high injury rates,
6 airport readiness, and increased cost effectiveness: *Pro-*
7 *vided further*, That security service fees authorized under
8 section 44940 of title 49, United States Code, shall be
9 credited to this appropriation as offsetting collections and
10 shall be available only for aviation security: *Provided fur-*
11 *ther*, That any funds collected and made available from
12 aviation security fees pursuant to section 44940(i) of title
13 49, United States Code, may, notwithstanding paragraph
14 (4) of such section 44940(i), be expended for the purpose
15 of improving screening at airport screening checkpoints,
16 which may include the purchase and utilization of emerg-
17 ing technology equipment; the refurbishment and replace-
18 ment of current equipment; the installation of surveillance
19 systems to monitor checkpoint activities; the modification
20 of checkpoint infrastructure to support checkpoint re-
21 configurations; and the creation of additional checkpoints
22 to screen aviation passengers and airport personnel: *Pro-*
23 *vided further*, That of the amounts provided under this
24 heading, \$20,000,000 may be transferred to the “Surface
25 Transportation Security”, “Transportation Threat As-

1 sessment and Credentialing”, and “Transportation Secu-
2 rity Support” appropriations in this Act for the purpose
3 of implementing regulations and activities authorized in
4 the Implementing Recommendations of the 9/11 Commis-
5 sion Act of 2007 (Public Law 110–53): *Provided further*,
6 That the sum appropriated under this heading from the
7 general fund shall be reduced on a dollar-for-dollar basis
8 as such offsetting collections are received during fiscal
9 year 2009, so as to result in a final fiscal year appropria-
10 tion from the general fund estimated at not more than
11 \$2,434,518,000: *Provided further*, That any security serv-
12 ice fees collected in excess of the amount made available
13 under this heading shall become available during fiscal
14 year 2010: *Provided further*, That Members of the United
15 States House of Representatives and United States Sen-
16 ate, including the leadership; the heads of Federal agen-
17 cies and commissions, including the Secretary, Under Sec-
18 retaries, and Assistant Secretaries of the Department of
19 Homeland Security; the United States Attorney General
20 and Assistant Attorneys General and the United States
21 attorneys; and senior members of the Executive Office of
22 the President, including the Director of the Office of Man-
23 agement and Budget; shall not be exempt from Federal
24 passenger and baggage screening.

1 SURFACE TRANSPORTATION SECURITY

2 For necessary expenses of the Transportation Secu-
3 rity Administration related to providing surface transpor-
4 tation security activities, \$49,606,000, to remain available
5 until September 30, 2010.

6 TRANSPORTATION THREAT ASSESSMENT AND
7 CREDENTIALING

8 For necessary expenses for the development and im-
9 plementation of screening programs of the Office of
10 Transportation Threat Assessment and Credentialing,
11 \$116,018,000, to remain available until September 30,
12 2010: *Provided*, That if the Assistant Secretary of Home-
13 land Security (Transportation Security Administration)
14 determines that the Secure Flight program does not need
15 to check airline passenger names against the full terrorist
16 watch list, the Assistant Secretary shall certify to the
17 Committees on Appropriations of the Senate and the
18 House of Representatives that no significant security risks
19 are raised by screening airline passenger names only
20 against a subset of the full terrorist watch list.

21 TRANSPORTATION SECURITY SUPPORT

22 For necessary expenses of the Transportation Secu-
23 rity Administration related to providing transportation se-
24 curity support and intelligence pursuant to the Aviation
25 and Transportation Security Act (Public Law 107-71;
26 115 Stat. 597; 49 U.S.C. 40101 note), \$947,735,000, to

1 remain available until September 30, 2010: *Provided,*
2 That of the funds appropriated under this heading,
3 \$20,000,000 may not be obligated for headquarters ad-
4 ministration until the Secretary of Homeland Security
5 submits to the Committees on Appropriations of the Sen-
6 ate and the House of Representatives detailed expenditure
7 plans for checkpoint support and explosives detection sys-
8 tems refurbishment, procurement, and installations on an
9 airport-by-airport basis for fiscal year 2009: *Provided fur-*
10 *ther,* That these plans shall be submitted no later than
11 60 days after enactment of this Act. THE DATE OF

12 FEDERAL AIR MARSHALS

13 For necessary expenses of the Federal Air Marshals,
14 \$819,481,000.

15 COAST GUARD

16 OPERATING EXPENSES

17 For necessary expenses for the operation and mainte-
18 nance of the Coast Guard, not otherwise provided for; pur-
19 chase or lease of not to exceed 25 passenger motor vehi-
20 cles, which shall be for replacement only; for purchase or
21 lease of small boats for contingent and emergent require-
22 ments (at a unit cost of no more than \$700,000) and for
23 repairs and service-life replacements, not to exceed a total
24 of \$26,000,000; minor shore construction projects not ex-
25 ceeding \$1,000,000 in total cost at any location; payments
26 pursuant to section 156 of Public Law 97-377 (42 U.S.C.

1 402 note; 96 Stat. 1920); and recreation and welfare;
2 \$6,194,925,000, of which \$340,000,000 shall be for de-
3 fense-related activities; of which \$24,500,000 shall be de-
4 rived from the Oil Spill Liability Trust Fund to carry out
5 the purposes of section 1012(a)(5) of the Oil Pollution Act
6 of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed
7 \$20,000 shall be for official reception and representation
8 expenses; and of which \$3,600,000 shall be available until
9 expended for the cost of repairing, rehabilitating, altering,
10 modifying, and making improvements, including cus-
11 tomized tenant improvements, to any replacement or ex-
12 panded Operations Systems Center facility: *Provided*,
13 That none of the funds made available by this or any other
14 Act shall be available for administrative expenses in con-
15 nection with shipping commissioners in the United States:
16 *Provided further*, That none of the funds made available
17 by this Act shall be for expenses incurred for recreational
18 vessels under section 12114 of title 46, United States
19 Code, except to the extent fees are collected from yacht
20 owners and credited to this appropriation: *Provided fur-*
21 *ther*, That the Commandant shall submit a financial man-
22 agement improvement plan that has been reviewed by the
23 Inspector General of the Department of Homeland Secu-
24 rity containing yearly, measurable milestones, to the Com-
25 mittees on Appropriations of the Senate and the House

1 of Representatives by December 1, 2008: *Provided further,*
2 That the Coast Guard shall comply with the requirements
3 of section 527 of Public Law 108-136 with respect to the
4 Coast Guard Academy: *Provided further,* That notwith-
5 standing section 503 of this Act, amounts not to exceed
6 5 percent of the total amount appropriated under this
7 heading may be transferred to the “Acquisition, Construc-
8 tion, and Improvements” appropriation, to be available
9 under the terms and conditions applicable to that appro-
10 priation, and to be available for personnel compensation
11 and benefits and related costs to adjust personnel assign-
12 ment to accelerate management and oversight of new or
13 existing projects without detrimentally affecting the man-
14 agement and oversight of other projects: *Provided further,*
15 That the amount made available for “Personnel, Com-
16 pensation, and Benefits” in the “Acquisition, Construc-
17 tion, and Improvements” appropriation shall not be in-
18 creased by more than 10 percent by such transfers: *Pro-*
19 *vided further,* That the Committees on Appropriations of
20 the Senate and the House of Representatives shall be noti-
21 fied of each transfer within 10 days after it is executed.

22 ENVIRONMENTAL COMPLIANCE AND RESTORATION

23 For necessary expenses to carry out the environ-
24 mental compliance and restoration functions of the Coast

1 Guard under chapter 19 of title 14, United States Code,
2 \$13,000,000, to remain available until expended.

3 RESERVE TRAINING

4 For necessary expenses of the Coast Guard Reserve,
5 as authorized by law; operations and maintenance of the
6 reserve program; personnel and training costs; and equip-
7 ment and services; \$130,501,000.

8 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

9 For necessary expenses of acquisition, construction,
10 renovation, and improvement of aids to navigation, shore
11 facilities, vessels, and aircraft, including equipment related
12 thereto; and maintenance, rehabilitation, lease and oper-
13 ation of facilities and equipment, as authorized by law;
14 \$1,494,576,000, of which \$20,000,000 shall be derived
15 from the Oil Spill Liability Trust Fund to carry out the
16 purposes of section 1012(a)(5) of the Oil Pollution Act
17 of 1990 (33 U.S.C. 2712(a)(5)); of which \$113,000,000
18 shall be available until September 30, 2013, to acquire,
19 repair, renovate, or improve vessels, small boats, and re-
20 lated equipment; of which \$89,174,000 shall be available
21 until September 30, 2011, for other equipment; of which
22 \$68,000,000 shall be available until September 30, 2011,
23 for shore facilities and aids to navigation facilities, includ-
24 ing \$3,000,000 for Sector Buffalo and \$15,000,000 for
25 the Rescue Swimmer Training Facility; of which
26 \$92,830,000 shall be available for personnel compensation

1 and benefits and related costs; of which \$97,578,000 shall
2 be available until expended for a new Coast Guard and
3 Department of Homeland Security headquarters; and of
4 which \$1,033,994,000 shall be available until September
5 30, 2013, for the Integrated Deepwater Systems program:
6 *Provided*, That of the funds made available for the Inte-
7 grated Deepwater Systems program, \$244,550,000 is for
8 aircraft and \$571,003,000 is for surface ships: *Provided*
9 *further*, That \$350,000,000 of the funds provided for the
10 Integrated Deepwater Systems program may not be obli-
11 gated until the Committees on Appropriations of the Sen-
12 ate and the House of Representatives receive directly from
13 the Coast Guard and approve a plan for expenditure
14 that—

15 (1) defines activities, milestones, yearly costs,
16 and lifecycle costs for each new procurement of a SPACE
17 major asset, including an independent cost estimate
18 for each;

19 (2) identifies lifecycle staffing and training SPACE
20 needs of Coast Guard project managers and procure-
21 ment and contract staff;

22 (3) identifies competition to be conducted in,
23 and summarizes the approved acquisition strategy
24 for, each procurement;

1 (4) includes a certification by the Chief Human
2 Capital Officer of the Department of Homeland Se-
3 curity that current human capital capabilities are
4 sufficient to execute the expenditure plan;

5 (5) includes an explanation of each procurement
6 that involves an indefinite delivery/indefinite quan-
7 tity contract and explains the need for such con-
8 tract;

9 (6) identifies individual project balances by fis-
10 cal year, including planned carryover into fiscal year
11 2010 by project;

12 (7) identifies operational gaps by asset and ex-
13 plains how funds provided in this Act address the
14 shortfalls between current operational capabilities
15 and requirements;

16 (8) includes a listing of all open Government
17 Accountability Office and Office of Inspector Gen-
18 eral recommendations related to the program and
19 the status of Coast Guard actions to address the
20 recommendations, including milestones for fully ad-
21 dressing them;

22 (9) includes a certification by the Chief Pro-
23 curement Officer of the Department that the pro-
24 gram has been reviewed and approved in accordance
25 with the investment management process of the De-

1 partment, and that the process fulfills all capital
2 planning and investment control requirements and
3 reviews established by the Office of Management and
4 Budget, including Circular A-11, part 7;

5 (10) identifies use of the Defense Contract
6 Audit Agency;

7 (11) includes a certification by the head of con-
8 tracting activity for the Coast Guard and the Chief
9 Procurement Officer of the Department that the
10 plans for the program comply with the Federal ac-
11 quisition rules, requirements, guidelines, and prac-
12 tices, and a description of the actions being taken to
13 address areas of non-compliance, the risks associated
14 with them along with plans for addressing these
15 risks, and the status of their implementation;

16 (12) identifies the use of independent validation
17 and verification; and

18 (13) is reviewed by the Government Account-
19 ability Office:

20 *Provided further,* That no funding may be obligated for
21 low rate initial production or initial production of any In-
22 tegrated Deepwater Systems program asset until Coast
23 Guard revises its Major Systems Acquisition Manual pro-
24 cedures to require a formal design review prior to the au-
25 thorization of low rate initial production or initial produc-

1 tion: *Provided further*, That the Secretary of Homeland
2 Security shall submit to the Committees on Appropria-
3 tions of the Senate and the House of Representatives, in
4 conjunction with the President's fiscal year 2010 budget,
5 a review of the Revised Deepwater Implementation Plan
6 that identifies any changes to the plan for the fiscal year;
7 an annual performance comparison of Integrated Deep-
8 water Systems program assets to pre-Deepwater legacy as-
9 sets; a status report of legacy assets; a detailed expla-
10 nation of how the costs of legacy assets are being ac-
11 counted for within the Integrated Deepwater Systems pro-
12 gram; and the earned value management system gold card
13 data for each Integrated Deepwater Systems program
14 asset: *Provided further*, That the Secretary shall submit
15 to the Committees on Appropriations of the Senate and
16 the House of Representatives a comprehensive review of
17 the Revised Deepwater Implementation Plan every ~~five~~⁵
18 years, beginning in fiscal year 2011, that includes a com-
19 plete projection of the acquisition costs and schedule for
20 the duration of the plan through fiscal year 2027: *Pro-*
21 *vided further*, That the Secretary shall annually submit to
22 the Committees on Appropriations of the Senate and the
23 House of Representatives, at the time that the President's
24 budget is submitted under section 1105(a) of title 31,
25 United States Code, a future-years capital investment plan

1 for the Coast Guard that identifies for each capital budget
2 line item—

3 (1) the proposed appropriation included in that
4 budget;

5 (2) the total estimated cost of completion;

6 (3) projected funding levels for each fiscal year 5
7 for the next ~~five~~ fiscal years or until project comple-
8 tion, whichever is earlier;

9 (4) an estimated completion date at the pro-
10 jected funding levels; and

11 (5) changes, if any, in the total estimated cost
12 of completion or estimated completion date from
13 previous future-years capital investment plans sub-
14 mitted to the Committees on Appropriations of the
15 Senate and the House of Representatives:

16 *Provided further*, That the Secretary shall ensure that
17 amounts specified in the future-years capital investment
18 plan are consistent to the maximum extent practicable
19 with proposed appropriations necessary to support the
20 programs, projects, and activities of the Coast Guard in
21 the President's budget as submitted under section 1105(a)
22 of title 31, United States Code, for that fiscal year: *Pro-*
23 *vided further*, That any inconsistencies between the capital
24 investment plan and proposed appropriations shall be
25 identified and justified: *Provided further*, That subsections

1 (a), and (b) of section 6402 of the U.S. Troop Readiness,
2 Veterans' Care, Katrina Recovery, and Iraq Accountability
3 Appropriations Act, 2007 (Public Law 110-28) shall
4 apply to fiscal year 2009: *Provided further*, That notwith-
5 standing section 503 of this Act, amounts transferred
6 from the "Operating Expenses" appropriation for per-
7 sonnel compensation and benefits and related costs to ad-
8 just personnel assignment to accelerate management and
9 oversight of new or existing projects may be transferred
10 to the "Operating Expenses" appropriation to be merged
11 with that appropriation, to be available under the same
12 terms and conditions for which that appropriation is avail-
13 able, when no longer required for project acceleration or
14 oversight, or to otherwise adjust personnel assignment:
15 *Provided further*, That the Committees on Appropriations
16 of the Senate and the House of Representatives shall be
17 notified of each transfer within 30 days after it is exe-
18 cuted.

19

ALTERATION OF BRIDGES

20 For necessary expenses for alteration or removal of
21 obstructive bridges, as authorized by section 6 of the Tru-
22 man-Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain
23 available until expended: *Provided*, That of the amounts
24 made available under this heading, \$2,000,000 shall be
25 for the Burlington Northern Railroad Bridge in Bur-
26 lington, Iowa; \$2,000,000 shall be for the Canadian Pa-

1 cific Railway Bridge in La Crosse, Wisconsin; \$2,000,000
2 shall be for the Chelsea Street Bridge in Chelsea, Massa-
3 chusetts; \$2,000,000 shall be for the Elgin, Joliet, and
4 Eastern Railway Company Bridge in Morris, Illinois;
5 \$4,000,000 shall be for the Fourteen Mile Bridge in Mo-
6 bile, Alabama; and \$4,000,000 shall be for the Galveston
7 Causeway Bridge in Galveston, Texas.

8 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

9 For necessary expenses for applied scientific re-
10 search, development, test, and evaluation; and for mainte-
11 nance, rehabilitation, lease, and operation of facilities and
12 equipment; as authorized by law; \$18,000,000, to remain
13 available until expended, of which \$500,000 shall be de-
14 rived from the Oil Spill Liability Trust Fund to carry out
15 the purposes of section 1012(a)(5) of the Oil Pollution Act
16 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
17 be credited to and used for the purposes of this appropria-
18 tion funds received from State and local governments,
19 other public authorities, private sources, and foreign coun-
20 tries for expenses incurred for research, development, test-
21 ing, and evaluation.

22 RETIRED PAY

23 For retired pay, including the payment of obligations
24 otherwise chargeable to lapsed appropriations for this pur-
25 pose, payments under the Retired Serviceman's Family
26 Protection and Survivor Benefits Plans, payment for ca-

1 reer status bonuses, concurrent receipts and combat-re-
2 lated special compensation under the National Defense
3 Authorization Act, and payments for medical care of re-
4 tired personnel and their dependents under chapter 55 of
5 title 10, United States Code, \$1,236,745,000, to remain
6 available until expended.

7 UNITED STATES SECRET SERVICE

8 SALARIES AND EXPENSES

9 For necessary expenses of the United States Secret
10 Service, including purchase of not to exceed 675 vehicles
11 for police-type use, of which 645 shall be for replacement
12 only, and hire of passenger motor vehicles; purchase of
13 motorcycles made in the United States; hire of aircraft;
14 services of expert witnesses at such rates as may be deter-
15 mined by the Director of the Secret Service; rental of
16 buildings in the District of Columbia, and fencing, light-
17 ing, guard booths, and other facilities on private or other
18 property not in Government ownership or control, as may
19 be necessary to perform protective functions; payment of
20 per diem or subsistence allowances to employees where a
21 protective assignment during the actual day or days of the
22 visit of a protectee requires an employee to work 16 hours
23 per day or to remain overnight at a post of duty; conduct
24 of and participation in firearms matches; presentation of
25 awards; travel of United States Secret Service employees

1 on protective missions without regard to the limitations
2 on such expenditures in this or any other Act if approval
3 is obtained in advance from the Committees on Appropria-
4 tions of the Senate and the House of Representatives; re-
5 search and development; grants to conduct behavioral re-
6 search in support of protective research and operations;
7 and payment in advance for commercial accommodations
8 as may be necessary to perform protective functions;
9 \$1,408,729,000; of which not to exceed \$25,000 shall be
10 for official reception and representation expenses; of which
11 not to exceed \$100,000 shall be to provide technical assist-
12 ance and equipment to foreign law enforcement organiza-
13 tions in counterfeit investigations; of which \$2,366,000
14 shall be for forensic and related support of investigations
15 of missing and exploited children; and of which
16 \$6,000,000 shall be for a grant for activities related to
17 the investigations of missing and exploited children and
18 shall remain available until expended: *Provided*, That up
19 to \$18,000,000 provided for protective travel shall remain
20 available until September 30, 2010: *Provided further*, That
21 up to \$1,000,000 for National Special Security Events
22 shall remain available until expended: *Provided further*,
23 That the United States Secret Service is authorized to ob-
24 ligate funds in anticipation of reimbursements from Fed-
25 eral agencies and entities, as defined in section 105 of title

1 5, United States Code, receiving training sponsored by the
2 James J. Rowley Training Center, except that total obliga-
3 tions at the end of the fiscal year shall not exceed total
4 budgetary resources available under this heading at the
5 end of the fiscal year: *Provided further*, That none of the
6 funds made available under this heading shall be available
7 to compensate any employee for overtime in an annual
8 amount in excess of \$35,000, except that the Secretary
9 of Homeland Security, or the designee of the Secretary,
10 may waive that amount as necessary for national security
11 purposes: *Provided further*, That the limitation in the pre-
12 ceding proviso shall not take effect until the Director of
13 the Office of Management and Budget submits to the
14 Committees on Appropriations of the Senate and the
15 House of Representatives a report certifying that such a
16 limitation on compensation will not have a significant ef-
17 fect on operations of the United States Secret Service:
18 *Provided further*, That none of the funds appropriated to
19 the United States Secret Service by this Act or by previous
20 appropriations Acts may be made available for the protec-
21 tion of the head of a Federal agency other than the Sec-
22 retary of Homeland Security: *Provided further*, That the
23 Director of the United States Secret Service may enter
24 into an agreement to perform such service on a fully reim-
25 bursable basis.

1 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
2 RELATED EXPENSES

3 For necessary expenses for acquisition, construction,
4 repair, alteration, and improvement of facilities,
5 \$4,225,000, to remain available until expended: *Provided*,
6 That of the total amount provided, \$250,000 is for a pe-
7 rimeter security and noise abatement study at the James
8 J. Rowley Training Center.

9 TITLE III
10 PROTECTION, PREPAREDNESS, RESPONSE, AND
11 RECOVERY

12 NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
13 MANAGEMENT AND ADMINISTRATION

14 For salaries and expenses of the Office of the Under
15 Secretary for the National Protection and Programs Di-
16 rectorate, support for operations, information technology,
17 and the Office of Risk Management and Analysis,
18 \$51,350,000: *Provided*, That not to exceed \$5,000 shall
19 be for official reception and representation expenses.

20 INFRASTRUCTURE PROTECTION AND INFORMATION
21 SECURITY

22 For necessary expenses for infrastructure protection
23 and information security programs and activities, as au-
24 thorized by title II of the Homeland Security Act of 2002
25 (6 U.S.C. 121 et seq.), \$806,913,000, of which
26 \$720,116,000 shall remain available until September 30,

1 2010: *Provided*, That of the total amount provided,
 2 \$20,000,000 is for necessary expenses of the National In-
 3 frastructure Simulation and Analysis Center: *Provided*
 4 *further*, That of the amount made available under this
 5 heading, \$127,462,000 may not be obligated for the Na-
 6 tional Cyber Security Initiative program and \$25,125,000
 7 may not be obligated for the Next Generation Networks
 8 program until the Committees on Appropriations of the
 9 Senate and the House of Representatives receive and ap-
 10 prove a plan for expenditure for that program that de-
 11 scribes the strategic context of the program; the specific
 12 goals and milestones set for the program; and the funds
 13 allocated to achieving each of those goals: *Provided fur-*
 14 *ther*, That of the total amount provided, \$2,000,000 is for
 15 Philadelphia infrastructure monitoring; ~~\$3,000,000 is for~~)
 16 protection of critical underground infrastructure in major
 17 urban areas; ~~\$1,000,000 is for improved improvised explo-~~)
 18 sive device mapping and modeling tools; ~~\$3,500,000 is for~~)
 19 State and local cyber security training; ~~and \$4,000,000~~)
 20 is for the Power and Cyber Systems Protection, Analysis)
 21 and Training Program. ~~at the Idaho National Laboratory~~ Testing

UNITED STATES VISITOR AND IMMIGRANT STATUS

INDICATOR TECHNOLOGY

24 For necessary expenses for the development of the
 25 United States Visitor and Immigrant Status Indicator

1 Technology project, as authorized by section 110 of the
2 Illegal Immigration Reform and Immigrant Responsibility
3 Act of 1996 (8 U.S.C. 1365a), \$300,000,000, to remain
4 available until expended: *Provided*, That of the total
5 amount made available under this heading, \$75,000,000
6 may not be obligated for the United States Visitor and
7 Immigrant Status Indicator Technology project until the
8 Committees on Appropriations of the Senate and the
9 House of Representatives receive a plan for expenditure
10 prepared by the Secretary of Homeland Security that in-
11 cludes—

12 (1) a detailed accounting of the program's
13 progress to date relative to system capabilities or
14 services, system performance levels, mission benefits
15 and outcomes, milestones, cost targets, and program
16 management capabilities;

17 (2) an explicit plan of action defining how all
18 funds are to be obligated to meet future program
19 commitments, with the planned expenditure of funds
20 linked to the milestone-based delivery of specific ca-
21 pabilities, services, performance levels, mission bene-
22 fits and outcomes, and program management capa-
23 bilities;

24 (3) a listing of all open Government Account-
25 ability Office and Office of Inspector General rec-

1 ommendations related to the program and the status
2 of Department of Homeland Security actions to ad-
3 dress the recommendations, including milestones for
4 fully addressing such recommendations;

5 (4)(a) a certification by the Chief Procurement
6 Officer of the Department that (1) the program has
7 been reviewed and approved in accordance with the
8 investment management process of the Department;
9 (2) the process fulfills all capital planning and in-
10 vestment control requirements and reviews estab-
11 lished by the Office of Management and Budget, in-
12 cluding as provided in Circular A-11, part 7; and
13 (3) the plans for the program comply with the Fed-
14 eral acquisition rules, requirements, guidelines, and
15 practices; and (b) a description by the Chief Pro-
16 curement Officer of the actions being taken to ad-
17 dress areas of non-compliance, the risks associated
18 with such areas as well as any plans for addressing
19 such risks, and the status of the implementation of
20 such actions;

21 (5)(a) a certification by the Chief Information
22 Officer of the Department that (1) an independent
23 verification and validation agent is currently under
24 contract for the project; (2) the system architecture
25 of the program is sufficiently aligned with the infor-

1 mation systems enterprise architecture of the De-
2 partment to minimize future rework, including a de-
3 scription of all aspects of the architecture that were
4 or were not assessed in making the alignment deter-
5 mination, the date of the alignment determination,
6 and any known areas of misalignment along with the
7 associated risks and corrective actions to address
8 any such areas; and (3) the program has a risk
9 management process that regularly identifies, evalu-
10 ates, mitigates, and monitors risks throughout the
11 system life cycle, and communicates high-risk condi-
12 tions to agency and Department investment decision
13 makers; and (b) a listing by the Chief Information
14 Officer of all the program's high risks and the status
15 of efforts to address them;

16 (6) a certification by the Chief Human Capital
17 Officer of the Department that the human capital
18 needs of the program are being strategically and
19 proactively managed, and that current human cap-
20 ital capabilities are sufficient to execute the plans
21 discussed in the report;

22 (7) a complete schedule for the full implementa-
23 tion of a biometric exit program or a certification
24 that such program is not possible within ~~five~~ ⁵ years;
25 and

1 (8) a detailed accounting of operation and
2 maintenance, contractor services, and program costs
3 associated with the management of identity services:
4 *Provided further*, That no funding under this heading shall
5 be obligated for implementation of a final air exit solution
6 pursuant to the notice of proposed rulemaking (DHS-
7 2008-0039) published on April 24, 2008, until the Com-
8 mittees on Appropriations of the Senate and the House
9 of Representatives receive a report on pilot tests of the
10 air exit solution, which shall be reviewed by the Govern-
11 ment Accountability Office, and which shall test at least
12 two scenarios: (a) where the airlines collect and transmit
13 biometric exit data as proposed in the notice of proposed
14 rulemaking and (b) where U.S. Customs and Border Pro-
15 tection collects such information at the departure gates.

16 OFFICE OF HEALTH AFFAIRS

17 For necessary expenses of the Office of Health Af-
18 fairs, \$157,191,000, of which \$29,210,000 is for salaries
19 and expenses; and of which \$127,981,000 is to remain
20 available until September 30, 2010, for biosurveillance,
21 BioWatch, medical readiness planning, chemical response,
22 and other activities: *Provided*, That not to exceed \$3,000
23 shall be for official reception and representation expenses.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 MANAGEMENT AND ADMINISTRATION

3 For necessary expenses for management and admin-
4 istration of the Federal Emergency Management Agency,
5 \$837,437,000, including activities authorized by the Na-
6 tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et
7 seq.), the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5121 et seq.), the Earth-
9 quake Hazards Reduction Act of 1977 (42 U.S.C. 7701
10 et seq.), the Defense Production Act of 1950 (50 U.S.C.
11 App. 2061 et seq.), sections 107 and 303 of the National
12 Security Act of 1947 (50 U.S.C. 404, 405), Reorganiza-
13 tion Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland
14 Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-
15 Katrina Emergency Management Reform Act of 2006
16 (Public Law 109-295; 120 Stat. 1394): *Provided*, That
17 not to exceed \$3,000 shall be for official reception and
18 representation expenses: *Provided further*, That the Presi-
19 dent's budget submitted under section 1105(a) of title 31,
20 United States Code, shall be detailed by office for the Fed-
21 eral Emergency Management Agency: *Provided further*,
22 That \$10,000,000 shall not be available for obligation
23 until the Secretary of Homeland Security, in coordination
24 with the Administrator of the Federal Emergency Man-
25 agement Agency, certifies and reports to the Committees

1 on Appropriations of the Senate and the House of Rep-
2 resentatives that processes to incorporate stakeholder
3 input for grant guidance development and award distribu-
4 tion have been: (1) developed to ensure transparency and
5 increased consultation about security needs for all-haz-
6 ards; (2) formalized and made clear to stakeholders; and
7 (3) formalized to ensure future use for each fiscal year:
8 *Provided further*, That of the total amount made available
9 under this heading, \$5,000,000 shall be for the develop-
10 ment of tools and systems to measure the achievement and
11 effectiveness of first responder grant programs: *Provided*
12 *further*, That of the total amount made available under
13 this heading, \$32,500,000 shall be for the Urban Search
14 and Rescue Response System, of which not to exceed
15 \$1,600,000 may be made available for administrative
16 costs; \$2,200,000 shall be for the Pacific Region Home-
17 land Security Center, Honolulu, Hawaii, ~~and~~ ^e \$5,000,000
18 shall be for the State of North Carolina, and \$2,425,000
19 shall be for the ~~State~~ ^{Commonwealth} of Kentucky, as detailed in the state-
20 ment accompanying this Act; and \$6,342,000 shall be for
21 the Office of National Capital Region Coordination: *Pro-*
22 *vided further*, That for purposes of planning, coordination,
23 execution, and decision-making related to mass evacuation
24 during a disaster, the Governors of the State of West Vir-
25 ginia and the Commonwealth of Pennsylvania, or their

1 designees, shall be incorporated into efforts to integrate
2 the activities of Federal, State, and local governments in
3 the National Capital Region, as defined in section 882 of
4 Public Law 107-296, the Homeland Security Act of 2002.

5 STATE AND LOCAL PROGRAMS

6 (INCLUDING TRANSFER OF FUNDS)

7 For grants, contracts, cooperative agreements, and
8 other activities, \$3,105,700,000 shall be allocated as fol-
9 lows:

10 (1) \$950,000,000 shall be for the State Home-
11 land Security Grant Program under section 2004 of
12 the Homeland Security Act of 2002 (6 U.S.C. 605):
13 *Provided*, That of the amount provided by this para-
14 graph, \$60,000,000 shall be for Operation
15 Stonegarden: *Provided further*, That notwithstanding
16 subsection (c)(4) of such section 2004, for fiscal
17 year 2009, the Commonwealth of Puerto Rico shall
18 make available to local and tribal governments
19 amounts provided to the Commonwealth of Puerto
20 Rico under this paragraph in accordance with sub-
21 section (c)(1) of such section 2004.

22 (2) \$837,500,000 shall be for the Urban Area
23 Security Initiative under section 2003 of the Home-
24 land Security Act of 2002 (6 U.S.C. 604), of which,
25 notwithstanding subsection (c)(1) of such section,
26 \$15,000,000 shall be for grants to organizations (as

1 described under section 501(c)(3) of the Internal
2 Revenue Code of 1986 and exempt from tax section
3 501(a) of such code) determined by the Secretary to
4 be at high risk of a terrorist attack.

(of Homeland
Security)

5 (3) \$35,000,000 shall be for Regional Cata-
6 strophic Preparedness Grants.

7 (4) \$41,000,000 shall be for the Metropolitan
8 Medical Response System under section 635 of the
9 Post-Katrina Emergency Management Reform Act
10 of 2006 (6 U.S.C. 723).

11 (5) \$15,000,000 shall be for the Citizens Corps
12 Program.

13 (6) \$400,000,000 shall be for Public Transpor-
14 tation Security Assistance and Railroad Security As-
15 sistance under sections 1406 and 1513 of the Imple-
16 menting Recommendations of the 9/11 Commission
17 Act of 2007 (Public Law 110-53; 6 U.S.C. 1135
18 and 1163), of which not less than \$25,000,000 shall
19 be for Amtrak security: *Provided*, That there shall
20 be no cost share requirement for funds made avail-
21 able under this paragraph and made available for
22 these same purposes in Public Law 110-161: *Pro-*
23 *vided further*, That such public transportation secu-
24 rity assistance shall be provided directly to public
25 transportation agencies.

1 (7) \$400,000,000 shall be for Port Security
2 Grants in accordance with 46 U.S.C. 70107.

3 (8) \$12,000,000 shall be for Over-the-Road Bus
4 Security Assistance under section 1532 of the Imple-
5 menting Recommendations of the 9/11 Commission
6 Act of 2007 (Public Law 110-53; 6 U.S.C. 1182).

7 (9) \$8,000,000 shall be for Trucking Industry
8 Security Grants.

9 (10) \$50,000,000 shall be for Buffer Zone Pro-
10 tection Program Grants.

11 (11) \$8,000,000 shall be for the Commercial
12 Equipment Direct Assistance Program.

13 (12) \$50,000,000 shall be for the Interoperable
14 Emergency Communications Grant Program under
15 section 1809 of the Homeland Security Act of 2002
16 (6 U.S.C. 579).

17 (13) \$35,000,000 shall remain available until
18 expended, for grants for Emergency Operations Cen-
19 ters under section 614 of the Robert T. Stafford
20 Disaster Relief and Emergency Assistance Act (42
21 U.S.C. 5196c), as detailed in the statement accom-
22 panying this Act.

23 (14) \$264,200,000 shall be for training, exer-
24 cises, technical assistance, and other programs, of
25 which—

1 (A) \$164,500,000 is for purposes of train-
2 ing in accordance with section 1204 of the Im-
3 plementing Recommendations of the 9/11 Com-
4 mission Act of 2007 (6 U.S.C. 1102), of which
5 \$62,500,000 shall be for the Center for Domes-
6 tic Preparedness; \$23,000,000 shall be for the
7 National Energetic Materials Research and
8 Testing Center, New Mexico Institute of Mining
9 and Technology; \$23,000,000 shall be for the
10 National Center for Biomedical Research and
11 Training, Louisiana State University;
12 \$23,000,000 shall be for the National Emer-
13 gency Response and Rescue Training Center,
14 Texas A&M University; \$23,000,000 shall be
15 for the National Exercise, Test, and Training
16 Center, Nevada Test Site; \$5,000,000 shall be
17 for the Transportation Technology Center, In-
18 corporated, in Pueblo, Colorado; and
19 \$5,000,000 shall be for the National Disaster
20 Preparedness Training Center, University of
21 Hawaii, Honolulu, Hawaii; and

22 (B) \$1,700,000 for the Center for
23 Counterterrorism and Cyber Crime, Norwich
24 University, Northfield, Vermont:

1 *Provided*, That not to exceed 3 percent of the amounts
2 provided under this heading may be transferred to the
3 Federal Emergency Management Agency “Management
4 and Administration” account for program administration,
5 and an expenditure plan for program administration shall
6 be provided to the Committees on Appropriation^f of the
7 Senate and the House of Representatives within 60 days
8 of the date of enactment of this Act: *Provided further*,
9 That for grants under paragraphs (1) through (5), the
10 applications for grants shall be made available to eligible
11 applicants not later than 25 days after the date of enact-
12 ment of this Act, that eligible applicants shall submit ap-
13 plications not later than 90 days after the grant announce-
14 ment, and that the Administrator of the Federal Emer-
15 gency Management Agency shall act within 90 days after
16 receipt of an application: *Provided further*, That for grants
17 under paragraphs (6) through (10) and (12), the applica-
18 tions for grants shall be made available to eligible appli-
19 cants not later than 30 days after the date of enactment
20 of this Act, that eligible applicants shall submit applica-
21 tions within 45 days after the grant announcement, and
22 that the Federal Emergency Management Agency shall act
23 not later than 60 days after receipt of an application: *Pro-*
24 *vided further*, That for grants under paragraphs (1) and
25 (2), the installation of communications towers is not con-

1 sidered construction of a building or other physical facil-
2 ity: *Provided further*, That grantees shall provide reports
3 on their use of funds, as determined necessary by the Sec-
4 retary of ~~Homeland Security~~: *Provided further*, That (a) e
5 the Center for Domestic Preparedness may provide train-
6 ing to emergency response providers from the Federal
7 Government, foreign governments, or private entities, if
8 the Center for Domestic Preparedness is reimbursed for
9 the cost of such training, and any reimbursement under
10 this subsection shall be credited to the account from which
11 the expenditure being reimbursed was made and shall be
12 available, without fiscal year limitation, for the purposes
13 for which amounts in the account may be expended, (b)
14 the head of the Center for Domestic Preparedness shall
15 ensure that any training provided under (a) does not inter-
16 fere with the primary mission of the Center to train State
17 and local emergency response providers: *Provided further*,
18 That the Government Accountability Office shall report to
19 the Committees on Appropriations of the Senate and the
20 House of Representatives regarding the data, assump-
21 tions, and methodology that the Department of Homeland
22 Security uses to assess risk and allocate grants under the
23 Urban Area Security Initiative and State Homeland Secu-
24 rity Grant Program not later than 45 days after the date
25 of enactment of this Act: *Provided further*, That the report

1 shall include an assessment of the reliability and validity
2 of the data used, the basis for the assumptions used, how
3 the methodology is applied to determine the risk scores
4 for individual locations, an analysis of the usefulness of
5 placing States and cities into tier groups, and the alloca-
6 tion of grants to eligible locations: *Provided further*, That
7 the Department provide the Government Accountability
8 Office with the actual data that the Department used for
9 its risk assessment and grant allocation: *Provided further*,
10 That the Department provide the Government Account-
11 ability Office with access to all data needed for its analysis
12 and report, including specifics on all changes for the fiscal
13 year 2009 process, including, but not limited to, all
14 changes in data, assumptions, and weights used in meth-
15 odology within 7 days after the date of enactment of this
16 Act: *Provided further*, That any subsequent changes made
17 regarding the risk methodology after the initial informa-
18 tion is provided to the Government Accountability Office
19 shall be provided within 7 days after the change is made.

20

FIREFIGHTER ASSISTANCE GRANTS

21 For necessary expenses for programs authorized by
22 the Federal Fire Prevention and Control Act of 1974 (15
23 U.S.C. 2201 et seq.), \$775,000,000, of which
24 \$565,000,000 shall be available to carry out section 33
25 of that Act (15 U.S.C. 2229) and \$210,000,000 shall be
26 available to carry out section 34 of that Act (15 U.S.C.

1 2229a), to remain available until September 30, 2010:
2 *Provided*, That not to exceed 5 percent of the amount
3 available under this heading shall be available for program
4 administration, and an expenditure plan for program ad-
5 ministration shall be provided to the Committees on Ap-
6 propriation ~~of the Senate and the House of Representa-~~ (S
7 tives within 60 days of the date of enactment of this Act.

8 EMERGENCY MANAGEMENT PERFORMANCE GRANTS

9 For necessary expenses for emergency management
10 performance grants, as authorized by the National Flood
11 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Rob-
12 ert T. Stafford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards
14 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Re-
15 organization Plan No. 3 of 1978 (5 U.S.C. App.),
16 \$315,000,000: *Provided*, That total administrative costs
17 shall not exceed 3 percent of the total amount appro-
18 priated under this heading.

19 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

20 The aggregate charges assessed during fiscal year
21 2009, as authorized in title III of the Departments of Vet-
22 erans Affairs and Housing and Urban Development, and
23 Independent Agencies Appropriations Act, 1999 (42
24 U.S.C. 5196e), shall not be less than 100 percent of the
25 amounts anticipated by the Department of Homeland Se-
26 curity necessary for its radiological emergency prepared-

1 ness program for the next fiscal year: *Provided*, That the
 2 methodology for assessment and collection of fees shall be
 3 fair and equitable and shall reflect costs of providing such
 4 services, including administrative costs of collecting such
 5 fees: *Provided further*, That fees received under this head-
 6 ing shall be deposited in this account as offsetting collec-
 7 tions and will become available for authorized purposes on
 8 October 1, 2009, and remain available until expended.

9 UNITED STATES FIRE ADMINISTRATION

10 For necessary expenses of the United States Fire Ad-
 11 ministration and for other purposes, as authorized by the
 12 Federal Fire Prevention and Control Act of 1974 (15
 13 U.S.C. 2201 et seq.) and the Homeland Security Act of
 14 2002 (6 U.S.C. 101 et seq.), \$44,979,000.

15 DISASTER RELIEF

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses in carrying out the Robert
 18 T. Stafford Disaster Relief and Emergency Assistance Act
 19 (42 U.S.C. 5121 et seq.), \$1,400,000,000, to remain avail-
 20 able until expended: *Provided*, That the Federal Emer-
 21 gency Management Agency shall submit an expenditure
 22 plan to the Committees on Appropriations detailing the
 23 use of the funds for disaster readiness and support within
 24 60 days after enactment of this Act: *Provided further*,
 25 That the Federal Emergency Management Agency shall

OF THE SENATE
 AND THE HOUSE
 OF REPRESENTATIVES

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1 provide a quarterly report detailing obligations against the
2 expenditure plan and a justification for any changes in
3 spending: *Provided further*, That of the total amount pro-
4 vided, \$16,000,000 shall be transferred to the Department
5 of Homeland Security Office of Inspector General for au-
6 dits and investigations related to disasters, subject to sec-
7 tion 503 of this Act: *Provided further*, That up to
8 \$105,600,000 may be transferred to "Management and
9 Administration" Federal Emergency Management Agen-
10 cy for management and administration functions: *Pro-*
11 *vided further*, That the amount provided in the previous
12 proviso shall not be available for transfer to "Management
13 and Administration" until the Federal Emergency Man-
14 agement Agency submits an implementation plan to the
15 Committees on Appropriations of the Senate and the
16 House of Representatives: *Provided further*, That the Fed-
17 eral Emergency Management Agency shall submit the
18 monthly "Disaster Relief" report, as specified in Public
19 Law 110-161, to the Committees on Appropriations of the
20 Senate and the House of Representatives, and include the
21 amounts provided to each Federal Agency for mission as-
22 signments: *Provided further*, That for any request for re-
23 imbursement from a Federal agency to the Department
24 of Homeland Security to cover expenditures under the
25 Robert T. Stafford Disaster Relief and Emergency Assist-

LOWER CASE A

1 ance Act (42 U.S.C. 5121 et seq.), or any mission assign-
2 ment orders issued by the Department for such purposes,
3 the Secretary of Homeland Security shall take appropriate
4 steps to ensure that each agency is periodically reminded
5 of Department policies on—

6 (1) the detailed information required in sup-
7 porting documentation for reimbursements; and

8 (2) the necessity for timeliness of agency bil-
9 lings.

10 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

11 For activities under section 319 of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5162), \$295,000 is for the cost of direct loans:
14 *Provided*, That gross obligations for the principal amount
15 of direct loans shall not exceed \$25,000,000: *Provided fur-*
16 *ther*, That the cost of modifying such loans shall be as
17 defined in section 502 of the Congressional Budget Act
18 of 1974 (2 U.S.C. 661a).

19 FLOOD MAP MODERNIZATION FUND

20 For necessary expenses under section 1360 of the
21 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
22 \$220,000,000, and such additional sums as may be pro-
23 vided by State and local governments or other political
24 subdivisions for cost-shared mapping activities under sec-
25 tion 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to re-
26 main available until expended: *Provided*, That total admin-

1 istrative costs shall not exceed 3 percent of the total
2 amount appropriated under this heading.

3 NATIONAL FLOOD INSURANCE FUND

4 For activities under the National Flood Insurance
5 Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-
6 aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
7 \$156,599,000, which shall be derived from offsetting col-
8 lections assessed and collected under section 1308(d) of
9 the National Flood Insurance Act of 1968 (42 U.S.C.
10 4015(d)), which is available as follows: (1) not to exceed
11 \$49,418,000 for salaries and expenses associated with
12 flood mitigation and flood insurance operations; and (2)
13 no less than \$107,181,000 for flood plain management
14 and flood mapping, which shall remain available until Sep-
15 tember 30, 2010: *Provided*, That any additional fees col-
16 lected pursuant to section 1308(d) of the National Flood
17 Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be cred-
18 ited as an offsetting collection to this account, to be avail-
19 able for flood plain management and flood mapping: *Pro-*
20 *vided further*, That in fiscal year 2009, no funds shall be
21 available from the National Flood Insurance Fund under
22 section 1310 of that Act (42 U.S.C. 4017) in excess of:
23 (1) \$85,000,000 for operating expenses; (2) \$869,905,000
24 for commissions and taxes of agents; (3) such sums as
25 are necessary for interest on Treasury borrowings; and (4)
26 \$125,700,000, which shall remain available until expended

1 for flood mitigation actions, of which \$80,000,000 is for
2 severe repetitive loss properties under section 1361A of
3 the National Flood Insurance Act of 1968 (42 U.S.C.
4 4102a), of which \$10,000,000 is for repetitive insurance
5 claims properties under section 1323 of the National
6 Flood Insurance Act of 1968 (42 U.S.C. 4030), and of
7 which \$35,700,000 is for flood mitigation assistance under
8 section 1366 of the National Flood Insurance Act of 1968
9 (42 U.S.C. 4104e) notwithstanding subparagraphs (B)
10 and (C) of subsection (b)(3) and subsection (f) of section
11 1366 of the National Flood Insurance Act of 1968 (42
12 U.S.C. 4104e) and notwithstanding subsection (a)(7) of
13 section 1310 of the National Flood Insurance Act of 1968
14 (42 U.S.C. 4017): *Provided further*, That amounts col-
15 lected under section 102 of the Flood Disaster Protection
16 Act of 1973 and section 1366(i) of the National Flood
17 Insurance Act of 1968 shall be deposited in the National
18 Flood Insurance Fund to supplement other amounts speci-
19 fied as available for section 1366 of the National Flood
20 Insurance Act of 1968, notwithstanding 42 U.S.C.
21 4012a(f)(8), 4104e(i), and 4104d(b)(2)-(3): *Provided fur-*
22 *ther*, That total administrative costs shall not exceed 4
23 percent of the total appropriation.

1 NATIONAL PREDISASTER MITIGATION FUND

2 For the predisaster mitigation grant program under
3 section 203 of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5133),
5 \$90,000,000, to remain available until expended and as
6 detailed in the statement accompanying this Act: *Pro-*
7 *vided*, That the total administrative costs associated with
8 such grants shall not exceed 3 percent of the total amount
9 made available under this heading.

10 EMERGENCY FOOD AND SHELTER

11 To carry out the emergency food and shelter program
12 pursuant to title III of the McKinney-Vento Homeless As-
13 sistance Act (42 U.S.C. 11331 et seq.), \$200,000,000, to
14 remain available until expended: *Provided*, That total ad-
15 ministrative costs shall not exceed 3.5 percent of the total
16 amount made available under this heading.

17 CERRO GRANDE FIRE CLAIMS *e*

18 ~~(INCLUDING~~ RESCISSION OF FUNDS)

19 Of the funds made available under this heading for
20 obligation in prior years, \$9,000,000 are rescinded.

1 TITLE IV
2 RESEARCH AND DEVELOPMENT, TRAINING,
3 AND SERVICES
4 UNITED STATES CITIZENSHIP AND IMMIGRATION
5 SERVICES

6 For necessary expenses for citizenship and immigra-
7 tion services, \$101,740,000, of which \$100,000,000 is for
8 the E-Verify program to assist United States employers
9 with maintaining a legal workforce: *Provided*, That not-
10 withstanding any other provision of law, funds available
11 to United States Citizenship and Immigration Services
12 may be used to acquire, operate, equip, dispose of and re-
13 place up to five vehicles, of which two are for replacement
14 only, for areas where the Administrator of General Serv-
15 ices does not provide vehicles for lease: *Provided further*,
16 That the Director of United States Citizenship and Immi-
17 gration Services may authorize employees who are as-
18 signed to those areas to use such vehicles between the em-
19 ployees' residences and places of employment.

20 FEDERAL LAW ENFORCEMENT TRAINING CENTER
21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Law Enforce-
23 ment Training Center, including materials and support
24 costs of Federal law enforcement basic training; the pur-
25 chase of not to exceed 117 vehicles for police-type use and

1 hire of passenger motor vehicles; expenses for student ath-
2 letic and related activities; the conduct of and participa-
3 tion in firearms matches and presentation of awards; pub-
4 lic awareness and enhancement of community support of
5 law enforcement training; room and board for student in-
6 terns; a flat monthly reimbursement to employees author-
7 ized to use personal mobile phones for official duties; and
8 services as authorized by section 3109 of title 5, United
9 States Code; \$246,530,000, of which up to \$48,611,000
10 shall remain available until September 30, 2010, for mate-
11 rials and support costs of Federal law enforcement basic
12 training; of which \$300,000 shall remain available until
13 expended for Federal law enforcement agencies partici-
14 pating in training accreditation, to be distributed as deter-
15 mined by the Federal Law Enforcement Training Center
16 for the needs of participating agencies; and of which not
17 to exceed \$12,000 shall be for official reception and rep-
18 resentation expenses: *Provided*, That the Center is author-
19 ized to obligate funds in anticipation of reimbursements
20 from agencies receiving training sponsored by the Center,
21 except that total obligations at the end of the fiscal year
22 shall not exceed total budgetary resources available at the
23 end of the fiscal year: *Provided further*, That section
24 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note),
25 as amended by Public Law 110-161 (121 Stat. 2068), is

1 further amended by striking "December 31, 2010" and
2 inserting "December 31, 2011"; *Provided further, That* (:
3 the Federal Law Enforcement Training Accreditation
4 Board, including representatives from the Federal law en-
5 forcement community and non-Federal accreditation ex-
6 perts involved in law enforcement training, shall lead the
7 Federal law enforcement training accreditation process to
8 continue the implementation of measuring and assessing
9 the quality and effectiveness of Federal law enforcement
10 training programs, facilities, and instructors: *Provided*
11 *further*, That the Director of the Federal Law Enforce-
12 ment Training Center shall schedule basic or advanced law
13 enforcement training, or both, at all four training facilities
14 under the control of the Federal Law Enforcement Train-
15 ing Center to ensure that such training facilities are oper-
16 ated at the highest capacity throughout the fiscal year.

17 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND

18 RELATED EXPENSES

19 For acquisition of necessary additional real property
20 and facilities, construction, and ongoing maintenance, fa-
21 cility improvements, and related expenses of the Federal
22 Law Enforcement Training Center, \$86,456,000, to re-
23 main available until expended: *Provided*, That the Center
24 is authorized to accept reimbursement to this appropria-
25 tion from government agencies requesting the construction
26 of special use facilities: *Provided further*, That \$3,000,000

1 is for construction of training and related facilities at
2 Artesia, New Mexico.

3 SCIENCE AND TECHNOLOGY

4 MANAGEMENT AND ADMINISTRATION

5 For salaries and expenses of the Office of the Under
6 Secretary for Science and Technology and for manage-
7 ment and administration of programs and activities, as
8 authorized by title III of the Homeland Security Act of
9 2002 (6 U.S.C. 181 et seq.), \$132,100,000: *Provided*,
10 That not to exceed \$10,000 shall be for official reception
11 and representation expenses.

12 RESEARCH, DEVELOPMENT, ACQUISITION, AND

13 OPERATIONS

14 For necessary expenses for science and technology re-
15 search, including advanced research projects; development;
16 test and evaluation; acquisition; and operations; as author-
17 ized by title III of the Homeland Security Act of 2002
18 (6 U.S.C. 181 et seq.); \$800,487,000, to remain available
19 until expended: *Provided*, That not less than \$27,000,000
20 shall be available for the Southeast Region Research Ini-
21 tiative at the Oak Ridge National Laboratory: *Provided*
22 *further*, That not less than \$3,000,000 shall be available
23 for Distributed Environment for Critical Infrastructure
24 Decisionmaking Exercises: *Provided further*, That of the
25 amount provided, \$25,000,000 is for construction ex-

1 penses of the Pacific Northwest National Laboratory: *Pro-*
2 *vided further*, That not less than \$11,000,000 shall be
3 available for the National Institute for Hometown Secu-
4 rity: *Provided further*, That not less than \$2,000,000 shall
5 be available for the Naval Postgraduate School: *Provided*
6 *further*, That not less than \$2,000,000 shall be available
7 to establish a homeland security research, development,
8 and manufacturing pilot project: *Provided further*, That
9 none of the funds made available under this heading shall
10 be obligated for a follow-on program to the Analysis, Dis-
11 semination, Visualization, Insight, and Semantic En-
12 hancement program: *Provided further*, That none of the
13 funds available under this heading shall be obligated for
14 construction of a National Bio and Agro-defense Facility
15 located on the United States mainland until the Secretary
16 of Homeland Security completes a risk assessment of
17 whether foot-and-mouth disease work can be done safely
18 on the United States mainland and this assessment is re-
19 viewed by the Government Accountability Office: *Provided*
20 *further*, That the Government Accountability Office shall
21 complete its review within 6 months after the Department
22 concludes the risk assessment.

1 DOMESTIC NUCLEAR DETECTION OFFICE

2 MANAGEMENT AND ADMINISTRATION

3 For salaries and expenses of the Domestic Nuclear
4 Detection Office as authorized by title XIX of the Home-
5 land Security Act of 2002 (6 U.S.C. 591 et seq.) for man-
6 agement and administration of programs and activities,
7 \$37,500,000: *Provided*, That not to exceed \$3,000 shall
8 be for official reception and representation expenses.

9 RESEARCH, DEVELOPMENT, AND OPERATIONS

10 For necessary expenses for radiological and nuclear
11 research, development, testing, evaluation, and operations,
12 \$323,200,000, to remain available until expended.

13 SYSTEMS ACQUISITION

14 For expenses for the Domestic Nuclear Detection Of-
15 fice acquisition and deployment of radiological detection
16 systems in accordance with the global nuclear detection
17 architecture, \$153,491,000, to remain available until Sep-
18 tember 30, 2011: *Provided*, That none of the funds appro-
19 priated under this heading shall be obligated for full-scale
20 procurement of Advanced Spectroscopic Portal monitors
21 until the Secretary of Homeland Security submits to the
22 Committees on Appropriations of the Senate and the
23 House of Representatives a report certifying that a signifi-
24 cant increase in operational effectiveness will be achieved:
25 *Provided further*, That the Secretary shall submit separate
26 and distinct certifications prior to the procurement of Ad-

1 vanced Spectroscopic Portal monitors for primary and sec-
2 ondary deployment that address the unique requirements
3 for operational effectiveness of each type of deployment:

4 *Provided further*, That the Secretary of ~~Homeland Secu-~~

5 ~~ity~~ shall consult with the National Academy of Sciences

6 before making such certification: *Provided further*, That /s

7 none of the funds appropriated under this heading shall

8 be used for high-risk concurrent development and produc-

9 tion of mutually dependent software and hardware.

10

TITLE V

11

GENERAL PROVISIONS

12

(INCLUDING RESCISSIONS OF FUNDS)

13

SEC. 501. No part of any appropriation contained in

14 this Act shall remain available for obligation beyond the

15 current fiscal year unless expressly so provided herein.

16

SEC. 502. Subject to the requirements of section 503

17 of this Act, the unexpended balances of prior appropria-

18 tions provided for activities in this Act may be transferred

19 to appropriation accounts for such activities established

20 pursuant to this Act, may be merged with funds in the

21 applicable established accounts, and thereafter may be ac-

22 counted for as one fund for the same time period as origi-

23 nally enacted.

24

SEC. 503. (a) None of the funds provided by this Act,

25 provided by previous appropriations Acts to the agencies

1 in or transferred to the Department of Homeland Security
2 that remain available for obligation or expenditure in fiscal
3 year 2009, or provided from any accounts in the Treasury
4 of the United States derived by the collection of fees avail-
5 able to the agencies funded by this Act, shall be available
6 for obligation or expenditure through a reprogramming of
7 funds that: (1) creates a new program, project, or activity;
8 (2) eliminates a program, project, office, or activity; (3)
9 increases funds for any program, project, or activity for
10 which funds have been denied or restricted by the Con-
11 gress; (4) proposes to use funds directed for a specific ac-
12 tivity by either of the Committees on Appropriations of
13 the Senate or the House of Representatives for a different
14 purpose; or (5) contracts out any function or activity for
15 which funding levels were requested for Federal full-time
16 equivalents in the object classification tables contained in
17 the fiscal year 2009 Budget Appendix for the Department
18 of Homeland Security, as modified by the explanatory
19 statement accompanying this Act, unless the Committees
20 on Appropriations of the Senate and the House of Rep-
21 resentatives are notified 15 days in advance of such re-
22 programming of funds.

23 (b) None of the funds provided by this Act, provided
24 by previous appropriations Acts to the agencies in or
25 transferred to the Department of Homeland Security that

1 remain available for obligation or expenditure in fiscal
2 year 2009, or provided from any accounts in the Treasury
3 of the United States derived by the collection of fees or
4 proceeds available to the agencies funded by this Act, shall
5 be available for obligation or expenditure for programs,
6 projects, or activities through a reprogramming of funds
7 in excess of \$5,000,000 or 10 percent, whichever is less,
8 that: (1) augments existing programs, projects, or activi-
9 ties; (2) reduces by 10 percent funding for any existing
10 program, project, or activity, or numbers of personnel by
11 10 percent as approved by the Congress; or (3) results
12 from any general savings from a reduction in personnel
13 that would result in a change in existing programs,
14 projects, or activities as approved by the Congress, unless
15 the Committees on Appropriations of the Senate and the
16 House of Representatives are notified 15 days in advance
17 of such reprogramming of funds.

18 (c) Not to exceed 5 percent of any appropriation
19 made available for the current fiscal year for the Depart-
20 ment of Homeland Security by this Act or provided by
21 previous appropriations Acts may be transferred between
22 such appropriations, but no such appropriations, ~~except~~^e
23 as otherwise specifically provided, shall be increased by
24 more than 10 percent by such transfers: *Provided*, That
25 any transfer under this section shall be treated as a re-

1 programming of funds under subsection (b) and shall not
2 be available for obligation unless the Committees on Ap-
3 propriations of the Senate and the House of Representa-
4 tives are notified 15 days in advance of such transfer.

5 (d) Notwithstanding subsections (a), (b), and (c) of
6 this section, no funds shall be reprogrammed within or
7 transferred between appropriations after June 30, except
8 in extraordinary circumstances that imminently threaten
9 the safety of human life or the protection of property.

10 (e) Within 90 days after the date of enactment of
11 this Act, the Secretary of Homeland Security shall submit
12 to the Committees on Appropriations of the Senate and
13 the House of Representatives a report listing all dollar
14 amounts specified in this Act and accompanying explana-
15 tory statement that are identified in the detailed funding
16 table at the end of the explanatory statement accom-
17 panying this Act or any other amounts specified in this
18 Act or accompanying explanatory statement: *Provided*,
19 That such dollar amounts specified in this Act and accom-
20 panying explanatory statement shall be subject to the con-
21 ditions and requirements of subsections (a), (b), and (c)
22 of this section.

23 SEC. 504. The Department of Homeland Security
24 Working Capital Fund, established pursuant to section
25 403 of Public Law 103-356 (31 U.S.C. 501 note), shall

1 continue operations as a permanent working capital fund
2 for fiscal year 2009: *Provided*, That none of the funds ap-
3 propriated or otherwise made available to the Department
4 of Homeland Security may be used to make payments to
5 the Working Capital Fund, except for the activities and
6 amounts allowed in the President's fiscal year 2009 budg-
7 et: *Provided further*, That funds provided to the Working
8 Capital Fund shall be available for obligation until ex-
9 pended to carry out the purposes of the Working Capital
10 Fund: *Provided further*, That all departmental components
11 shall be charged only for direct usage of each Working
12 Capital Fund service: *Provided further*, That funds pro-
13 vided to the Working Capital Fund shall be used only for
14 purposes consistent with the contributing component: *Pro-*
15 *vided further*, That such fund shall be paid in advance or
16 reimbursed at rates which will return the full cost of each
17 service: *Provided further*, That the Working Capital Fund
18 shall be subject to the requirements of section 503 of this
19 Act.

20 SEC. 505. Except as otherwise specifically provided
21 by law, not to exceed 50 percent of unobligated balances
22 remaining available at the end of fiscal year 2009 from
23 appropriations for salaries and expenses for fiscal year
24 2009 in this Act shall remain available through September
25 30, 2010, in the account and for the purposes for which

1 the appropriations were provided: *Provided*, That prior to
2 the obligation of such funds, a request shall be submitted
3 to the Committees on Appropriations of the Senate and
4 the House of Representatives for approval in accordance
5 with section 503 of this Act.

6 SEC. 506. Funds made available by this Act for intel-
7 ligence activities are deemed to be specifically authorized
8 by the Congress for purposes of section 504 of the Na-
9 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
10 year 2009 until the enactment of an Act authorizing intel-
11 ligence activities for fiscal year 2009.

12 SEC. 507. None of the funds made available by this
13 Act may be used to make a grant allocation, discretionary
14 grant award, discretionary contract award, or to issue a
15 letter of intent totaling in excess of \$1,000,000, or to an-
16 nounce publicly the intention to make such an award, in-
17 cluding a contract covered by the Federal Acquisition Reg-
18 ulation, unless the Secretary of Homeland Security noti-
19 fies the Committees on Appropriations of the Senate and
20 the House of Representatives at least ~~three~~ ³ full business
21 days in advance of making such an award or issuing such
22 a letter: *Provided*, That if the Secretary of Homeland Se-
23 curity determines that compliance with this section would
24 pose a substantial risk to human life, health, or safety,
25 an award may be made without notification and the Com-

1 mittees on Appropriations of the Senate and the House
2 of Representatives shall be notified not later than five full ⁵
3 business days after such an award is made or letter issued:
4 *Provided further*, That no notification shall involve funds
5 that are not available for obligation: *Provided further*,
6 That the notification shall include the amount of the
7 award, the fiscal year in which the funds for the award
8 were appropriated, and the account from which the funds
9 are being drawn: *Provided further*, That the Federal
10 Emergency Management Agency shall brief the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives ~~five~~ full business days in advance of an- ⁵
13 nouncing publicly the intention of making an award under
14 the State Homeland Security Grant Program; Urban Area
15 Security Initiative; and the Regional Catastrophic Pre-
16 paredness Grant Program.

17 SEC. 508. Notwithstanding any other provision of
18 law, no agency shall purchase, construct, or lease any ad-
19 ditional facilities, except within or contiguous to existing
20 locations, to be used for the purpose of conducting Federal
21 law enforcement training without the advance approval of
22 the Committees on Appropriations of the Senate and the
23 House of Representatives, except that the Federal Law
24 Enforcement Training Center is authorized to obtain the
25 temporary use of additional facilities by lease, contract,

1 or other agreement for training which cannot be accommo-
2 dated in existing Center facilities.

3 SEC. 509. None of the funds appropriated or other-
4 wise made available by this Act may be used for expenses
5 for any construction, repair, alteration, or acquisition
6 project for which a prospectus otherwise required under
7 chapter 33 of title 40, United States Code, has not been
8 approved, except that necessary funds may be expended
9 for each project for required expenses for the development
10 of a proposed prospectus.

11 SEC. 510. Sections 519, 520, 522, 528, 530, and 531
12 of the Department of Homeland Security Appropriations
13 Act, 2008 (division E of Public Law 110-161; 121 Stat.
14 2072, 2073, 2074, 2082) shall apply with respect to funds
15 made available in this Act in the same manner as such
16 sections applied to funds made available in that Act.

17 SEC. 511. None of the funds in this Act may be used
18 in contravention of the applicable provisions of the Buy
19 American Act (41 U.S.C. 10a et seq.).

20 SEC. 512. (a) None of the funds provided by this or
21 previous appropriations Acts may be obligated for deploy-
22 ment or implementation, on other than a test basis, of the
23 Secure Flight program or any other follow-on or successor
24 passenger prescreening program, until the Secretary of
25 Homeland Security certifies, and the Government Ac-

1 countability Office reports, to the Committees on Appro-
2 priations of the Senate and the House of Representatives,
3 that all ten of the conditions contained in paragraphs (1)
4 through (10) of section 522(a) of Public Law 108-334
5 (118 Stat. 1319) have been successfully met.

6 (b) The report required by subsection (a) shall be
7 submitted within 90 days after the Secretary provides the
8 requisite certification, and periodically thereafter, if nec-
9 essary, until the Government Accountability Office con-
10 firms that all ten conditions have been successfully met.

11 (c) Within 90 days after the date of enactment of
12 this Act, the Secretary of Homeland Security shall submit
13 to the Committees on Appropriations of the Senate and
14 the House of Representatives a detailed plan that de-
15 scribes: (1) the dates for achieving key milestones, includ-
16 ing the date or timeframes that the Secretary will certify
17 the program under subsection (a); and (2) the method-
18 ology to be followed to support the Secretary's certifi-
19 cation, as required under subsection (a).

20 (d) During the testing phase permitted by subsection
21 (a), no information gathered from passengers, foreign or
22 domestic air carriers, or reservation systems may be used
23 to screen aviation passengers, or delay or deny boarding
24 to such passengers, except in instances where passenger
25 names are matched to a Government watch list.

1 (e) None of the funds provided in this or previous
2 appropriations Acts may be utilized to develop or test algo-
3 rithms assigning risk to passengers whose names are not
4 on Government watch lists.

5 (f) None of the funds provided in this or any other
6 Act may be used for data or a database that is obtained
7 from or remains under the control of a non-Federal entity:
8 *Provided*, That this restriction shall not apply to Pas-
9 senger Name Record data obtained from air carriers.

10 SEC. 513. None of the funds made available in this
11 Act may be used to amend the oath of allegiance required
12 by section 337 of the Immigration and Nationality Act
13 (8 U.S.C. 1448).

14 SEC. 514. None of the funds appropriated by this Act
15 may be used to process or approve a competition under
16 Office of Management and Budget Circular A-76 for serv-
17 ices provided as of June 1, 2004, by employees (including
18 employees serving on a temporary or term basis) of United
19 States Citizenship and Immigration Services of the De-
20 partment of Homeland Security who are known as of that
21 date as Immigration Information Officers, Contact Rep-
22 resentatives, or Investigative Assistants.

23 SEC. 515. (a) The Secretary of Homeland Security
24 shall research, develop, and procure new technologies to

1 inspect and screen air cargo carried on passenger aircraft
2 by the earliest date possible.

3 (b) Existing checked baggage explosive detection
4 equipment and screeners shall be utilized to screen air
5 cargo carried on passenger aircraft to the greatest extent
6 practicable at each airport until technologies developed
7 under subsection (a) are available.

8 (c) The Assistant Secretary of Homeland Security
9 (Transportation Security Administration) shall work with
10 air carriers and airports to ensure that the screening of
11 cargo carried on passenger aircraft, as defined in section
12 44901(g)(5) of title 49, United States Code, increases in-
13 crementally each quarter.

14 (d) Not later than 45 days after the end of each quar-
15 ter, the Assistant Secretary shall submit to the Commit-
16 tees on Appropriations of the Senate and the House of
17 Representatives a report on air cargo inspection statistics
18 by airport and air carrier detailing the incremental
19 progress being made to meet the requirements of section
20 44901(g)(2) of title 49, United States Code.

21 SEC. 516. Except as provided in section 44945 of title
22 49, United States Code, funds appropriated or transferred
23 to Transportation Security Administration "Aviation Se-
24 curity", "Administration" and "Transportation Security
25 Support" for fiscal years 2004, 2005, 2006, and 2007

1 that are recovered or deobligated shall be available only
2 for the procurement or installation of explosives detection
3 systems, for air cargo, baggage, and checkpoint screening
4 systems, subject to notification: *Provided*, That quarterly
5 reports shall be submitted to the Committees on Appro-
6 priations of the Senate and the House of Representatives
7 on any funds that are recovered or deobligated.

8 SEC. 517. Any funds appropriated to United States
9 Coast Guard, “Acquisition, Construction, and Improve-
10 ments” for fiscal years 2002, 2003, 2004, 2005, and 2006
11 for the 110–123 foot patrol boat conversion that are recov-
12 ered, collected, or otherwise received as the result of nego-
13 tiation, mediation, or litigation, shall be available until ex-
14 pended for the Replacement Patrol Boat (FRC-B) pro-
15 gram.

16 SEC. 518. (a)(1) Except as provided in paragraph
17 (2), none of the funds provided in this or any other Act
18 shall be available to commence or continue operations of
19 the National Applications Office until—

20 (A) the Secretary certifies in fiscal year 2009
21 that: (i) National Applications Office programs com-
22 ply with all existing laws, including all applicable
23 privacy and civil liberties standards; and, (ii) that
24 clear definitions of all proposed domains are estab-
25 lished and are auditable;

1 (B) the Comptroller General of the United
2 States notifies the Committees on Appropriations of
3 the Senate and the House of Representatives and
4 the Secretary that the Comptroller has reviewed
5 such certification; and

6 (C) the Secretary notifies the Committees of all
7 funds to be expended on the National Applications
8 Office pursuant to section 503 of this Act.

9 (2) Paragraph (1) shall not apply with respect to any
10 use of funds for activities substantially similar to such ac-
11 tivities conducted by the Department of the Interior as
12 set forth in the 1975 charter for the Civil Applications
13 Committee under the provisions of law codified at section
14 31 of title 43, United States Code.

15 (b) The Inspector General shall provide to the Com-
16 mittees on Appropriations of the Senate and the House
17 of Representatives, starting six months after the date of
18 enactment of this Act, and quarterly thereafter, a classi-
19 fied report containing a review of the data collected by
20 the National Applications Office, including a description
21 of the collection purposes and the legal authority under
22 which the collection activities were authorized: *Provided,*
23 That the report shall also include a listing of all data col-
24 lection activities carried out on behalf of the National Ap-
25 plications Office by any component of the National Guard.

1 (c) None of the funds provided in this or any other
 2 Act shall be available to commence operations of the Na-
 3 tional Immigration Information Sharing Operation until
 4 the Secretary certifies that such program complies with
 5 all existing laws, including all applicable privacy and civil
 6 liberties standards, the Comptroller General of the United
 7 States notifies the Committees and the Secretary that the
 8 Comptroller has reviewed such certification, and the Sec-
 9 retary notifies the Committees on Appropriations of the
 10 Senate and the House of Representatives of all funds to
 11 be expended on the National Immigration Information
 12 Sharing Operation pursuant to section 503.

*on Appropriations
 of the Senate
 and the House
 of Representatives*

13 SEC. 519. Within 45 days after the close of each
 14 month, the Chief Financial Officer of the Department of
 15 Homeland Security shall submit to the Committees on Ap-
 16 propriations of the Senate and the House of Representa-
 17 tives a monthly budget and staffing report that includes
 18 total obligations, on-board versus funded full-time equiva-
 19 lent staffing levels, and the number of contract employees
 20 by office.

21 SEC. 520. Section 532(a) of Public Law 109-295
 22 (120 Stat. 1384) is amended by striking "2008" and in-
 23 serting "2009".

24 SEC. 521. The functions of the Federal Law Enforce-
 25 ment Training Center instructor staff shall be classified

1 as inherently governmental for the purpose of the Federal
2 Activities Inventory Reform Act of 1998 (31 U.S.C. 501
3 note).

4 SEC. 522. (a) None of the funds provided by this or
5 any other Act may be obligated for the development, test-
6 ing, deployment, or operation of any portion of a human
7 resources management system authorized by 5 U.S.C.
8 9701(a), or by regulations prescribed pursuant to such
9 section, for an employee as defined in 5 U.S.C.
10 7103(a)(2).

11 (b) The Secretary of Homeland Security shall col-
12 laborate with employee representatives in the manner pre-
13 scribed in 5 U.S.C. 9701(e), in the planning, testing, and
14 development of any portion of a human resources manage-
15 ment system that is developed, tested, or deployed for per-
16 sons excluded from the definition of employee as that term
17 is defined in 5 U.S.C. 7103(a)(2).

18 SEC. 523. In fiscal year 2009, none of the funds
19 made available in this or any other Act may be used to
20 enforce section 4025(1) of Public Law 108-458 unless the
21 Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination
22 of July 19, 2007, that butane lighters are not a significant
23 threat to civil aviation security.
24

1 SEC. 524. Funds made available in this Act may be
2 used to alter operations within the Civil Engineering Pro-
3 gram of the Coast Guard nationwide, including civil engi-
4 neering units, facilities design and construction centers,
5 maintenance and logistics commands, and the Coast
6 Guard Academy, except that none of the funds provided
7 in this Act may be used to reduce operations within any
8 Civil Engineering Unit unless specifically authorized by a
9 statute enacted after the date of the enactment of this
10 Act.

11 SEC. 525. (a) Except as provided in subsection (b),
12 none of the funds appropriated in this or any other Act
13 to the Office of the Secretary and Executive Management,
14 the Office of the Under Secretary for Management, or the
15 Office of the Chief Financial Officer, may be obligated for
16 a grant or contract funded under such headings by a
17 means other than full and open competition.

18 (b) Subsection (a) does not apply to obligation of
19 funds for a contract awarded—

20 (1) by a means that is required by a Federal
21 statute, including obligation for a purchase made
22 under a mandated preferential program, such as the
23 AbilityOne Program, that is authorized under the
24 Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

1 (2) under the Small Business Act (15 U.S.C.
2 631 et seq.);

3 (3) in an amount less than the simplified acqui-
4 sition threshold described under section 302A(a) of
5 the Federal Property and Administrative Services
6 Act of 1949 (41 U.S.C. 252a(a)); or

7 (4) by another Federal agency using funds pro-
8 vided through an interagency agreement.

9 (c)(1) Subject to paragraph (2), the Secretary of
10 Homeland Security may waive the application of this sec-
11 tion for the award of a contract in the interest of national
12 security or if failure to do so would pose a substantial risk
13 to human health or welfare.

14 (2) Not later than 5 days after the date on which
15 the Secretary of Homeland Security issues a waiver under
16 this subsection, the Secretary shall submit notification of
17 that waiver to the Committees on Appropriations of the
18 Senate and the House of Representatives, including a de-
19 scription of the applicable contract and an explanation of
20 why the waiver authority was used. The Secretary may
21 not delegate the authority to grant such a waiver.

22 (d) In addition to the requirements established by
23 this section, the Inspector General for the Department of
24 Homeland Security shall review departmental contracts
25 awarded through other than full and open competition to

1 assess departmental compliance with applicable laws and
2 regulations: *Provided*, That the Inspector General shall re-
3 view selected contracts awarded in the previous fiscal year
4 through other than full and open competition: *Provided*
5 *further*, That in determining which contracts to review, the
6 Inspector General shall consider the cost and complexity
7 of the goods and services to be provided under the con-
8 tract, the criticality of the contract to fulfilling Depart-
9 ment missions, past performance problems on similar con-
10 tracts or by the selected vendor, complaints received about
11 the award process or contractor performance, and such
12 other factors as the Inspector General deems relevant:
13 *Provided further*, That the Inspector General shall report
14 the results of the reviews to the Committees on Appropria-
15 tions of the Senate and the House of Representatives.

16 SEC. 526. None of the funds provided by this or pre-
17 vious appropriations Acts shall be used to fund any posi-
18 tion designated as a Principal Federal Official for any
19 Robert T. Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5121 et seq.) declared disasters or
21 emergencies.

22 SEC. 527. None of the funds made available in this
23 Act may be used by United States Citizenship and Immi-
24 gration Services to grant an immigration benefit unless
25 the results of background checks required by law to be

1 completed prior to the granting of the benefit have been
2 received by United States Citizenship and Immigration
3 Services, and the results do not preclude the granting of
4 the benefit.

5 SEC. 528. None of the funds made available in this
6 Act may be used to destroy or put out to pasture any horse
7 or other equine belonging to the Federal Government that
8 has become unfit for service, unless the trainer or handler
9 is first given the option to take possession of the equine
10 through an adoption program that has safeguards against
11 slaughter and inhumane treatment.

12 SEC. 529. None of the funds provided in this Act
13 shall be available to carry out section 872 of Public Law
14 107-296.

15 SEC. 530. None of the funds provided in this Act
16 under the heading "Office of the Chief Information Offi-
17 cer" shall be used for data center development other than
18 for the National Center for Critical Information Proc-
19 essing and Storage until the Chief Information Officer cer-
20 tifies that the National Center for Critical Information
21 Processing and Storage is fully utilized as the Depart-
22 ment's primary data storage center at the highest capacity
23 throughout the fiscal year.

24 SEC. 531. None of the funds in this Act shall be used
25 to reduce the United States Coast Guard's Operations

1 Systems Center mission or its government-employed or
2 contract staff levels.

3 SEC. 532. None of the funds appropriated by this Act
4 may be used to conduct, or to implement the results of,
5 a competition under Office of Management and Budget
6 Circular A-76 for activities performed with respect to the
7 Coast Guard National Vessel Documentation Center.

8 SEC. 533. The Secretary of Homeland Security shall
9 require that all contracts of the Department of Homeland
10 Security that provide award fees link such fees to success-
11 ful acquisition outcomes (which outcomes shall be speci-
12 fied in terms of cost, schedule, and performance).

13 SEC. 534. None of the funds made available to the
14 Office of the Secretary and Executive Management under
15 this Act may be expended for any new hires by the Depart-
16 ment of Homeland Security that are not verified through
17 the basic pilot program under section 401 of the Illegal
18 Immigration Reform and Immigrant Responsibility Act of
19 1996 (8 U.S.C. 1324a note).

20 SEC. 535. None of the funds made available in this
21 Act for U.S. Customs and Border Protection may be used
22 to prevent an individual not in the business of importing
23 a prescription drug (within the meaning of section 801(g)
24 of the Federal Food, Drug, and Cosmetic Act) from im-
25 porting a prescription drug from Canada that complies

1 with the Federal Food, Drug, and Cosmetic Act: *Provided*,
2 That this section shall apply only to individuals trans-
3 porting on their person a personal-use quantity of the pre-
4 scription drug, not to exceed a 90-day supply: *Provided*
5 *further*, That the prescription drug may not be—

6 (1) a controlled substance, as defined in section
7 102 of the Controlled Substances Act (21 U.S.C.
8 802); or

9 (2) a biological product, as defined in section
10 351 of the Public Health Service Act (42 U.S.C.
11 262).

12 SEC. 536. None of the funds made available in this
13 Act may be used by the Secretary of Homeland Security
14 or any delegate of the Secretary to issue any rule or regu-
15 lation which implements the Notice of Proposed Rule-
16 making related to Petitions for Aliens To Perform Tem-
17 porary Nonagricultural Services or Labor (H-2B) set out
18 beginning on 70 Fed. Reg. 3984 (January 27, 2005).

19 SEC. 537. Section 831 of the Homeland Security Act
20 of 2002 (6 U.S.C. 391) is amended—

21 (1) in subsection (a), by striking “Until Sep-
22 tember 30, 2008,” and inserting “Until September
23 30, 2009 and subject to subsection (d),”;

24 (2) by redesignating subsection (d) as sub-
25 section (e); and

1 (3) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) ADDITIONAL REQUIREMENTS.—

4 “(1) IN GENERAL.—The authority of the Sec-
5 retary under this section shall terminate September
6 30, 2009, unless before that date the Secretary—

7 “(A) issues policy guidance detailing the
8 appropriate use of that authority; and

9 “(B) provides training to each employee
10 that is authorized to exercise that authority.

11 “(2) REPORT.—The Secretary shall provide an
12 annual report to the Committees on Appropriations
13 of the Senate and the House of Representatives, the
14 Committee on Homeland Security and Governmental
15 Affairs of the Senate, and the Committee on Home-
16 land Security of the House of Representatives detail-
17 ing the projects for which the authority granted by
18 subsection (a) was used, the rationale for its use, the
19 funds spent using that authority, the outcome of
20 each project for which that authority was used, and
21 the results of any audits of such projects.”.

22 SEC. 538. None of the funds made available in this
23 Act may be used for planning, testing, piloting, or devel-
24 oping a national identification card.

1 SEC. 539. (a) Notwithstanding any other provision
2 of this Act, except as provided in subsection (b), and 30
3 days after the date that the President determines whether
4 to declare a major disaster because of an event and any
5 appeal is completed, the Administrator shall submit to the
6 Committee on Homeland Security and Governmental Af-
7 fairs of the Senate, the Committee on Homeland Security
8 of the House of Representatives, the Committee on Trans-
9 portation and Infrastructure of the House of Representa-
10 tives, the Committees on Appropriations of the Senate and
11 the House of Representatives, and publish on the website
12 of the Federal Emergency Management Agency, a report
13 regarding that decision, which shall summarize damage
14 assessment information used to determine whether to de-
15 clare a major disaster.

16 (b) The Administrator may redact from a report
17 under subsection (a) any data that the Administrator de-
18 termines would compromise national security.

19 (c) In this section—

20 (1) the term “Administrator” means the Ad-
21 ministrator of the Federal Emergency Management
22 Agency; and

23 (2) the term “major disaster” has the meaning
24 given that term in section 102 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5122).
3 SEC. 540. Notwithstanding any other provision of
4 law, should the Secretary of Homeland Security determine
5 that the National Bio and Agro-defense Facility be located
6 at a site other than Plum Island, New York, the Secretary
7 shall liquidate the Plum Island asset by directing the Ad-
8 ministrator of General Services to sell through public sale
9 all real and related personal property and transportation
10 assets which support Plum Island operations, subject to
11 such terms and conditions as necessary to protect govern-
12 ment interests and meet program requirements: *Provided,*
13 That the gross proceeds of such sale shall be deposited
14 as offsetting collections into the Department of Homeland
15 Security Science and Technology “Research, Develop-
16 ment, Acquisition, and Operations” account and, subject
17 to appropriation, shall be available until expended, for site
18 acquisition, construction, and costs related to the con-
19 struction of the National Bio and Agro-defense Facility,
20 including the costs associated with the sale, including due
21 diligence requirements, necessary environmental remedi-
22 ation at Plum Island, and reimbursement of expenses in-
23 curred by the General Services Administration which shall
24 not exceed 1 percent of the sale price: *Provided further,*
25 That after the completion of construction and environ-

1 mental remediation, the unexpended balances of funds ap-
2 propriated for costs in the preceding proviso shall be avail-
3 able for transfer to the appropriate account for design and
4 construction of a consolidated Department of Homeland
5 Security Headquarters project, excluding daily operations
6 and maintenance costs, notwithstanding section 503 of
7 this Act, and the Committees on Appropriations of the
8 Senate and the House of Representatives shall be notified
9 15 days prior to such transfer.

10 SEC. 541. Any official that is required by this Act
11 to report or certify to the Committees on Appropriations
12 of the Senate and the House of Representatives may not
13 delegate such authority to perform that act unless specifi-
14 cally authorized herein.

15 SEC. 542. The Secretary of Homeland Security, in
16 consultation with the Secretary of the Treasury, shall no-
17 tify the Committees on Appropriations of the Senate and
18 the House of Representatives of any proposed transfers
19 of funds available under 31 U.S.C. 9703.2(g)(4)(B) from
20 the Department of the Treasury Forfeiture Fund to any
21 agency within the Department of Homeland Security: *Pro-*
22 *vided*, That none of the funds identified for such a transfer
23 may be obligated until the Committees on Appropriations
24 of the Senate and the House of Representatives approve
25 the proposed transfers.

1 SEC. 543. Section 520 of Public Law 108-90 (6
2 U.S.C. 469) is amended—

3 (1) by inserting “(a) FEES.—” before “For fis-
4 cal year 2004 and thereafter”; and

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

6 “(b) RECURRENT TRAINING OF ALIENS IN OPER-
7 ATION OF AIRCRAFT.—

8 “(1) PROCESS FOR REVIEWING THREAT AS-
9 SESSMENTS.—Notwithstanding section 44939(e) of
10 title 49, United States Code, the Secretary shall es-
11 tablish a process to ensure that an alien (as defined
12 in section 101(a)(3) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1101(a)(3)) applying for recur-
14 rent training in the operation of any aircraft is prop-
15 erly identified and has not, since the time of any
16 prior threat assessment conducted pursuant to sec-
17 tion 44939(a) of such title, become a risk to aviation
18 or national security.

19 “(2) INTERRUPTION OF TRAINING.—If the Sec-
20 retary determines, in carrying out the process estab-
21 lished under paragraph (1), that an alien is a
22 present risk to aviation or national security, the Sec-
23 retary shall immediately notify the person providing
24 the training of the determination and that person
25 shall not provide the training or if such training has

1 commenced that person shall immediately terminate
2 the training.

3 “(3) FEES.—The Secretary may charge reason-
4 able fees under subsection (a) for providing
5 credentialing and background investigations for
6 aliens in connection with the process for recurrent
7 training established under paragraph (1). Such fees
8 shall be promulgated by notice in the Federal Reg-
9 ister.”.

10 SEC. 544. (a) Not later than six months from the
11 date of enactment of this Act, the Secretary of Homeland
12 Security shall consult with the Secretaries of Defense and
13 Transportation and develop a concept of operations for
14 unmanned aerial systems in United States national air- ^{THE}
15 space system for the purposes of border and maritime se-
16 curity operations.

17 (b) The Secretary of Homeland Security shall report
18 to the Committees on Appropriations of the Senate and
19 the House of Representatives not later than 30 days after ^{— THE DATE}
20 enactment of this Act on any foreseeable challenges to ^{of}
21 complying with subsection (a).

22 SEC. 545. If the Assistant Secretary of Homeland Se-
23 curity (Transportation Security Administration) deter-
24 mines that an airport does not need to participate in the
25 basic pilot program, the Assistant Secretary shall certify

1 to the Committees on Appropriations of the Senate and
2 the House of Representatives that no security risks will
3 result by such non-participation.

4 SEC. 546. Notwithstanding any other provision of
5 law, and not later than 30 days after the date of submis-
6 sion of a request for a single payment, the President shall
7 provide a single payment for any eligible costs under sec-
8 tion 406 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5172) for any police
10 station, fire station, or criminal justice facility that was
11 damaged by Hurricane Katrina of 2005 or Hurricane Rita
12 of 2005: *Provided*, That the President shall not reduce the
13 amount of assistance provided under section 406(c)(1) of
14 the Robert T. Stafford Disaster Relief and Emergency As-
15 sistance Act (42 U.S.C. 5172(c)(1)) for such facilities:

16 *Provided further*, That nothing in the previous proviso may
17 be construed to alter the appeal or review process relating
18 to assistance provided under section 406 of the Stafford
19 Act (42 U.S.C. 5172): *Provided further*, That the Presi-
20 dent shall not reduce the amount of assistance provided
21 to a local government under section 406(d) of the Stafford
22 Act (42 U.S.C. 5172(d)) more than once for each such
23 type of facility for which that local government is receiving
24 assistance under section 406 of the Robert T. Stafford

ROBERT T. STAFFORD
DISASTER RELIEF
AND EMERGENCY
ASSISTANCE

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DISASTER RELIEF
AND EMERGENCY
ASSISTANCE

1 Disaster Relief and Emergency Assistance Act relating to
2 Hurricane Katrina of 2005 or Hurricane Rita of 2005.

3 SEC. 547. For grants to States pursuant to section
4 204(a) of the REAL ID Act of 2005 (division B of Public
5 Law 109-13), \$50,000,000, to remain available until ex-
6 pended. In addition, for developing an information sharing
7 and verification capability with States to support imple-
8 mentation of the REAL ID Act, \$50,000,000, to remain
9 available until expended: *Provided*, That none of the funds
10 provided in this section for development of the information

11 ~~technology system known as the "REAL ID hub"~~ shall ^{Sharing AND Verification.}
12 be available to create any new system of records from the
13 data accessible by such information technology system, or
14 to create any means of access by Federal agencies to such
15 information technology system other than to fulfill respon-
16 sibilities pursuant to the REAL ID Act of 2005.

17 SEC. 548. Notwithstanding any other provision of
18 law, the Federal Emergency Management Agency shall re-
19 imburse Jones County and Harrison County in the State
20 of Mississippi under section 407 of the Robert T. Stafford
21 Disaster Relief and Emergency Assistance Act (42 U.S.C.
22 5173) for unreimbursed costs relating to the removal of
23 debris that were incurred by such counties as a result of
24 Hurricane Katrina in 2005.

1 SEC. 549. From the unobligated balances of prior
2 year appropriations made available for Transportation Se-
3 curity Administration "~~Aviation Security~~", \$31,000,000^e
4 are rescinded: *Provided*, That the Transportation Security
5 Administration shall not rescind any unobligated balances
6 from the following programs: screener partnership pro-
7 gram; explosives detection systems; checkpoint support;
8 aviation regulation and other enforcement; air cargo; and
9 air cargo research and development.

10 SEC. 550. From the unobligated balances of prior
11 year appropriations made available for "Analysis and Op-
12 erations", \$21,373,000 are rescinded.

13 SEC. 551. From unobligated balances of prior year
14 appropriations made available for Coast Guard "Acquisi-
15 tion, Construction, and Improvements", \$20,000,000 are
16 rescinded: *Provided*, That no funds shall be rescinded from
17 prior year appropriations provided for the National Secu-
18 rity Cutter or the ~~Marine~~ Patrol Aircraft: *Provided fur-*^{MARITIME.}
19 *ther*, That the Coast Guard shall submit notification in
20 accordance with section 503 of this Act listing projects
21 for which funding will be rescinded.

22 SEC. 552. For fiscal year 2008, funds made available
23 for Federal Emergency Management Agency "National
24 Predisaster Mitigation Fund" shall be provided as detailed

1 in the explanatory statement accompanying Public Law
2 110-161.

3 SEC. 553. Section 203(m) of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act (42 U.S.C.
5 5133(m)) is amended by striking “September 30, 2008”
6 and inserting “September 30, 2009”.

7 This division may be cited as the “Department of
8 Homeland Security Appropriations Act, 2009”.

1 DIVISION E—MILITARY CONSTRUCTION AND
2 VETERANS AFFAIRS AND RELATED AGEN-
3 CIES APPROPRIATIONS ACT, 2009

4 That the following sums are appropriated, out of any
5 money in the Treasury not otherwise appropriated, for
6 military construction, the Department of Veterans Affairs,
7 and related agencies for the fiscal year ending September
8 30, 2009, and for other purposes, namely:

9 TITLE I

10 DEPARTMENT OF DEFENSE

11 MILITARY CONSTRUCTION, ARMY

12 (INCLUDING RESCISSIONS OF FUNDS)

13 For acquisition, construction, installation, and equip-
14 ment of temporary or permanent public works, military
15 installations, facilities, and real property for the Army as
16 currently authorized by law, including personnel in the
17 Army Corps of Engineers and other personal services nec-
18 essary for the purposes of this appropriation, and for con-
19 struction and operation of facilities in support of the func-
20 tions of the Commander in Chief, \$4,692,648,000, to re-
21 main available until September 30, 2013: *Provided*, That
22 of this amount, not to exceed \$178,685,000 shall be avail-
23 able for study, planning, design, architect and engineer
24 services, and host nation support, as authorized by law,
25 unless the Secretary of Defense determines that additional

1 obligations are necessary for such purposes and notifies
2 the Committees on Appropriations of both Houses of Con-
3 gress of the determination and the reasons therefor: *Pro-*
4 *vided further*, That the amount appropriated in this para-
5 graph shall be for the projects and activities, and in the
6 amounts, specified under the heading “Military Construc-
7 tion, Army”, and under the headings “Army” in the table
8 entitled “Military Construction”, in the explanatory state-
9 ment described in section 4 (in the matter preceding divi-
10 sion A of this consolidated Act): *Provided further*, That
11 of the funds appropriated for “Military Construction,
12 Army” under Public Law 110–5, \$34,720,000 are hereby
13 rescinded: *Provided further*, That of the funds appro-
14 priated for “Military Construction, Army” under Public
15 Law 110–161, \$16,600,000 are hereby rescinded.

16 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

17 For acquisition, construction, installation, and equip-
18 ment of temporary or permanent public works, naval in-
19 stallations, facilities, and real property for the Navy and
20 Marine Corps as currently authorized by law, including
21 personnel in the Naval Facilities Engineering Command
22 and other personal services necessary for the purposes of
23 this appropriation, \$3,333,369,000, to remain available
24 until September 30, 2013: *Provided*, That of this amount,
25 not to exceed \$246,528,000 shall be available for study,

1 planning, design, and architect and engineer services, as
2 authorized by law, unless the Secretary of Defense deter-
3 mines that additional obligations are necessary for such
4 purposes and notifies the Committees on Appropriations
5 of both Houses of Congress of the determination and the
6 reasons therefor: *Provided further*, That the amount ap-
7 propriated in this paragraph shall be for the projects and
8 activities, and in the amounts, specified under the heading
9 "Military Construction, Navy and Marine Corps", and
10 under the headings "Navy" in the table entitled "Military
11 Construction", in the explanatory statement described in
12 section 4 (in the matter preceding division A of this con-
13 solidated Act).

14 MILITARY CONSTRUCTION, AIR FORCE
15 (INCLUDING RESCISSION OF FUNDS)

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, military
18 installations, facilities, and real property for the Air Force
19 as currently authorized by law, \$1,117,746,000, to remain
20 available until September 30, 2013: *Provided*, That of this
21 amount, not to exceed \$93,436,000 shall be available for
22 study, planning, design, and architect and engineer serv-
23 ices, as authorized by law, unless the Secretary of Defense
24 determines that additional obligations are necessary for
25 such purposes and notifies the Committees on Appropria-

1 tions of both Houses of Congress of the determination and
2 the reasons therefor: *Provided further*, That the amount
3 appropriated in this paragraph shall be for the projects
4 and activities, and in the amounts, specified under the
5 heading "Military Construction, Air Force", and under
6 the headings "Air Force" in the table entitled "Military
7 Construction", in the explanatory statement described in
8 section 4 (in the matter preceding division A of this con-
9 solidated Act): *Provided further*, That of the funds appro-
10 priated for "Military Construction, Air Force" under Pub-
11 lic Law 110-161, \$20,821,000 are hereby rescinded.

12 MILITARY CONSTRUCTION, DEFENSE-WIDE

13 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

14 For acquisition, construction, installation, and equip-
15 ment of temporary or permanent public works, installa-
16 tions, facilities, and real property for activities and agen-
17 cies of the Department of Defense (other than the military
18 departments), as currently authorized by law,
19 \$1,695,204,000, to remain available until September 30,
20 2013: *Provided*, That such amounts of this appropriation
21 as may be determined by the Secretary of Defense may
22 be transferred to such appropriations of the Department
23 of Defense available for military construction or family
24 housing as the Secretary may designate, to be merged with
25 and to be available for the same purposes, and for the

1 same time period, as the appropriation or fund to which
2 transferred: *Provided further*, That of the amount appro-
3 priated, not to exceed \$186,060,000 shall be available for
4 study, planning, design, and architect and engineer serv-
5 ices, as authorized by law, unless the Secretary of Defense
6 determines that additional obligations are necessary for
7 such purposes and notifies the Committees on Appropria-
8 tions of both Houses of Congress of the determination and
9 the reasons therefor: *Provided further*, That the amount
10 appropriated in this paragraph shall be for the projects
11 and activities, and in the amounts, specified under the
12 heading "Military Construction, Defense-Wide", and
13 under the headings "Defense-Wide" in the table entitled
14 "Military Construction", in the explanatory statement de-
15 scribed in section 4 (in the matter preceding division A
16 of this consolidated Act): *Provided further*, That of the
17 funds appropriated for "Military Construction, Defense-
18 Wide" under Public Law 108-324, \$3,589,000 are hereby
19 rescinded: *Provided further*, That none of the funds appro-
20 priated under this heading may be obligated or expended
21 for site activation or construction of a long-range missile
22 defense system in a European country until the govern-
23 ment of the country in which such missile defense system
24 (including interceptors and associated radars) is proposed
25 to be deployed has given final approval (including par-

1 --liamentary ratification) to any missile defense agreements
2 negotiated between such government and the United
3 States Government concerning the proposed deployment
4 of such components in such country.

5 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

6 (INCLUDING RESCISSION OF FUNDS)

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Army National Guard, and contribu-
10 tions therefor, as authorized by chapter 1803 of title 10,
11 United States Code, and Military Construction Authoriza-
12 tion Acts, \$736,317,000, to remain available until Sep-

13 tember 30, 2013]. *Provided*, That of the amount appro-
14 priated, not to exceed \$50,563,000 shall be available for
15 study, planning, design, and architect and engineer serv-
16 ices, as authorized by law, unless the Secretary of Defense
17 determines that additional obligations are necessary for
18 such purposes and notifies the Committees on Appropria-
19 tions of both Houses of Congress of the determination and
20 the reasons therefor]. *Provided further*, That the amount

21 appropriated in this paragraph shall be for the projects
22 and activities, and in the amounts, specified under the
23 heading "Military Construction, Army National Guard",
24 and under the headings "Army National Guard" in the
25 table entitled "Military Construction", in the explanatory

1 statement described in section 4 (in the matter preceding
2 division A of this consolidated Act): *Provided further*, That
3 of the funds appropriated for "Military Construction,
4 Army National Guard" under Public Law 110-161,
5 \$1,400,000 are hereby rescinded.

6 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Air National Guard, and contributions
10 therefor, as authorized by chapter 1803 of title 10, United
11 States Code, and Military Construction Authorization
12 Acts, \$242,924,000, to remain available until September

13 30, 2013. *Provided*, That of the amount appropriated,
14 not to exceed \$10,209,000 shall be available for study,
15 planning, design, and architect and engineer services, as
16 authorized by law, unless the Secretary of Defense deter-
17 mines that additional obligations are necessary for such
18 purposes and notifies the Committees on Appropriations
19 of both Houses of Congress of the determination and the
20 reasons therefor. *Provided further*, That the amount ap-

21 propriated in this paragraph shall be for the projects and
22 activities, and in the amounts, specified under the heading
23 "Military Construction, Air National Guard", and under
24 the headings "Air National Guard" in the table entitled
25 "Military Construction", in the explanatory statement de-

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

3 MILITARY CONSTRUCTION, ARMY RESERVE

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Army Reserve as authorized by chapter
7 1803 of title 10, United States Code, and Military Con-
8 struction Authorization Acts, \$282,607,000, to remain
9 available until September 30, 2013

10 ~~the amount appropriated, not to exceed \$14,883,000 shall~~
11 ~~be available for study, planning, design, and architect and~~
12 ~~engineer services, as authorized by law, unless the Sec-~~
13 ~~retary of Defense determines that additional obligations~~
14 ~~are necessary for such purposes and notifies the Commit-~~
15 ~~tees on Appropriations of both Houses of Congress of the~~
16 ~~determination and the reasons therefor~~

17 *Provided further,*
18 That the amount appropriated in this paragraph shall be
19 for the projects and activities, and in the amounts, speci-
20 fied under the heading "Military Construction, Army Re-
21 serve", and under the headings "Army Reserve" in the
22 table entitled "Military Construction", in the explanatory
23 statement described in section 4 (in the matter preceding
division A of this consolidated Act).

1 MILITARY CONSTRUCTION, NAVY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$57,045,000, to remain available until Sep-
8 tember 30, 2013:

~~9 *Provided*, That of the amount appro-
10 priated, not to exceed \$2,045,000 shall be available for
11 study, planning, design, and architect and engineer serv-
12 ices, as authorized by law, unless the Secretary of Defense
13 determines that additional obligations are necessary for
14 such purposes and notifies the Committees on Appropria-
15 tions of both Houses of Congress of the determination and
16 the reasons therefor:~~

~~17 *Provided further*, That the amount
18 appropriated in this paragraph shall be for the projects
19 and activities, and in the amounts, specified under the
20 heading "Military Construction, Navy Reserve", and
21 under the headings "Navy Reserve" in the table entitled
22 "Military Construction", in the explanatory statement de-
23 scribed in section 4 (in the matter preceding division A
24 of this consolidated Act).~~

23 MILITARY CONSTRUCTION, AIR FORCE RESERVE

24 For construction, acquisition, expansion, rehabilita-
25 tion, and conversion of facilities for the training and ad-

1--ministration of the Air Force Reserve as authorized by
2 chapter 1803 of title 10, United States Code, and Military
3 Construction Authorization Acts, \$36,958,000, to remain
4 available until September 30, 2013. *Provided*, That of
5 the amount appropriated, not to exceed \$5,675,000 shall
6 be available for study, planning, design, and architect and
7 engineer services, as authorized by law, unless the Sec-
8 retary of Defense determines that additional obligations
9 are necessary for such purposes and notifies the Commit-
10 tees on Appropriations of both Houses of Congress of the
11 determination and the reasons therefor. *Provided further*,
12 That the amount appropriated in this paragraph shall be
13 for the projects and activities, and in the amounts, speci-
14 fied under the heading "Military Construction, Air Force
15 Reserve"; and under the headings "Air Force Reserve"
16 in the table entitled "Military Construction", in the ex-
17 planatory statement described in section 4 (in the matter
18 preceding division A of this consolidated Act).

19 NORTH ATLANTIC TREATY ORGANIZATION

20 SECURITY INVESTMENT PROGRAM

21 For the United States share of the cost of the North
22 Atlantic Treaty Organization Security Investment Pro-
23 gram for the acquisition and construction of military fa-
24 cilities and installations (including international military
25 headquarters) and for related expenses for the collective

1 defense of the North Atlantic Treaty Area as authorized
2 by section 2806 of title 10, United States Code, and Mili-
3 tary Construction Authorization Acts, \$230,867,000, to
4 remain available until expended.

5 FAMILY HOUSING CONSTRUCTION, ARMY

6 For expenses of family housing for the Army for con-
7 struction, including acquisition, replacement, addition, ex-
8 pansion, extension, and alteration, as authorized by law,
9 \$646,580,000, to remain available until September 30,
10 2013: *Provided*, That the amount appropriated in this
11 paragraph shall be for the projects and activities, and in
12 the amounts, specified under the heading “Family Hous-
13 ing Construction, Army”, and under the heading “Family
14 Housing Construction, Army” in the table entitled “Mili-
15 tary Construction”, in the explanatory statement de-
16 scribed in section 4 (in the matter preceding division A
17 of this consolidated Act).

18 FAMILY HOUSING OPERATION AND MAINTENANCE,

19 ARMY

20 For expenses of family housing for the Army for op-
21 eration and maintenance, including debt payment, leasing,
22 minor construction, principal and interest charges, and in-
23 surance premiums, as authorized by law, \$716,110,000.

1 ~~FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE~~
2 ~~CORPS~~

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$380,123,000, to remain available until
7 September 30, 2013: *Provided*, That the amount appro-
8 priated in this paragraph shall be for the projects and ac-
9 tivities, and in the amounts, specified under the heading
10 "Family Housing Construction, Navy and Marine Corps",
11 and under the heading "Family Housing Construction,
12 Navy and Marine Corps" in the table entitled "Military
13 Construction", in the explanatory statement described in
14 section 4 (in the matter preceding division A of this con-
15 solidated Act).

16 FAMILY HOUSING OPERATION AND MAINTENANCE,
17 NAVY AND MARINE CORPS

18 For expenses of family housing for the Navy and Ma-
19 rine Corps for operation and maintenance, including debt
20 payment, leasing, minor construction, principal and inter-
21 est charges, and insurance premiums, as authorized by
22 law, \$376,062,000.

23 - FAMILY HOUSING CONSTRUCTION, AIR FORCE

24 For expenses of family housing for the Air Force for
25 construction, including acquisition, replacement, addition,

1 expansion, extension, and alteration, as authorized by law,
2 \$395,879,000, to remain available until September 30,
3 2013: *Provided*, That the amount appropriated in this
4 paragraph shall be for the projects and activities, and in
5 the amounts, specified under the heading "Family Hous-
6 ing Construction, Air Force", and under the heading
7 "Family Construction, Air Force" in the table entitled (Housing
8 "Military Construction", in the explanatory statement de-
9 scribed in section 4 (in the matter preceding division A
10 of this consolidated Act).

11 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
12 FORCE

13 For expenses of family housing for the Air Force for
14 operation and maintenance, including debt payment, leas-
15 ing, minor construction, principal and interest charges,
16 and insurance premiums, as authorized by law,
17 \$594,465,000.

18 FAMILY HOUSING OPERATION AND MAINTENANCE,
19 DEFENSE-WIDE

20 For expenses of family housing for the activities and
21 agencies of the Department of Defense (other than the
22 military departments) for operation and maintenance,
23 leasing, and minor construction, as authorized by law,
24 \$49,231,000.

1 DEPARTMENT OF DEFENSE FAMILY HOUSING

2 IMPROVEMENT FUND

3 For the Department of Defense Family Housing Im-
4 provement Fund, \$850,000, to remain available until ex-
5 pended, for family housing initiatives undertaken pursu-
6 ant to section 2883 of title 10, United States Code, pro-
7 viding alternative means of acquiring and improving mili-
8 tary family housing and supporting facilities.

9 HOMEOWNERS ASSISTANCE FUND

10 For the Homeowners Assistance Fund established by
11 section 1013 of the Demonstration Cities and Metropoli-
12 tan Development Act of 1966, as amended (42 U.S.C.
13 3374), \$4,500,000, to remain available until expended.

14 CHEMICAL DEMILITARIZATION CONSTRUCTION,

15 DEFENSE-WIDE

16 For expenses of construction, not otherwise provided
17 for, necessary for the destruction of the United States
18 stockpile of lethal chemical agents and munitions in ac-
19 cordance with section 1412 of the Department of Defense
20 Authorization Act, 1986 (50 U.S.C. 1521), and for the
21 destruction of other chemical warfare materials that are
22 not in the chemical weapon stockpile, as currently author-
23 ized by law, \$144,278,000, to remain available until Sep-
24 tember 30, 2013, which shall be only for the Assembled
25 Chemical Weapons Alternatives program: *Provided, That*

1 the amount appropriated in this paragraph shall be for
2 the projects and activities, and in the amounts, specified
3 under the heading "Chemical Demilitarization Construc-
4 tion, Defense-Wide" in the table entitled "Military Con-
5 struction" in the explanatory statement described in sec-
6 tion 4 (in the matter preceding division A of this consoli-
7 dated Act).

8 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

9 1990

10 For deposit into the Department of Defense Base
11 Closure Account 1990, established by section 2906(a)(1)
12 of the Defense Base Closure and Realignment Act of 1990
13 (10 U.S.C. 2687 note), \$458,377,000, to remain available
14 until expended.

15 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

16 2005

17 For deposit into the Department of Defense Base
18 Closure Account 2005, established by section 2906A(a)(1)
19 of the Defense Base Closure and Realignment Act of 1990
20 (10 U.S.C. 2687 note), \$8,765,613,000, to remain avail-
21 able until expended: *Provided*, That the Department of
22 Defense shall notify the Committees on Appropriations of
23 both Houses of Congress 14 days prior to obligating an
24 amount for a construction project that exceeds or reduces
25 the amount identified for that project in the most recently

1 submitted budget request for this account by 20 percent
2 or \$2,000,000, whichever is less: *Provided further*, That
3 the previous proviso shall not apply to projects costing less
4 than \$5,000,000, except for those projects not previously
5 identified in any budget submission for this account and
6 exceeding the minor construction threshold under 10
7 U.S.C. 2805.

8 ADMINISTRATIVE PROVISIONS

9 SEC. 101. None of the funds made available in this
10 title shall be expended for payments under a cost-plus-a-
11 fixed-fee contract for construction, where cost estimates
12 exceed \$25,000, to be performed within the United States,
13 except Alaska, without the specific approval in writing of
14 the Secretary of Defense setting forth the reasons there-
15 for.

16 SEC. 102. Funds made available in this title for con-
17 struction shall be available for hire of passenger motor ve-
18 hicles.

19 SEC. 103. Funds made available in this title for con-
20 struction may be used for advances to the Federal High-
21 way Administration, Department of Transportation, for
22 the construction of access roads as authorized by section
23 210 of title 23, United States Code, when projects author-
24 ized therein are certified as important to the national de-
25 fense by the Secretary of Defense.

1 SEC. 104. None of the funds made available in this
2 title may be used to begin construction of new bases in
3 the United States for which specific appropriations have
4 not been made.

5 SEC. 105. None of the funds made available in this
6 title shall be used for purchase of land or land easements
7 in excess of 100 percent of the value as determined by
8 the Army Corps of Engineers or the Naval Facilities Engi-
9 neering Command, except: (1) where there is a determina-
10 tion of value by a Federal court; (2) purchases negotiated
11 by the Attorney General or the designee of the Attorney
12 General; (3) where the estimated value is less than
13 \$25,000; or (4) as otherwise determined by the Secretary
14 of Defense to be in the public interest.

~~15~~ SEC. 106. None of the funds made available in this
16 title shall be used to: (1) acquire land; (2) provide for site
17 preparation; or (3) install utilities for any family housing,
18 except housing for which funds have been made available
19 in annual Acts making appropriations for military con-
20 struction.

21 SEC. 107. None of the funds made available in this
22 title for minor construction may be used to transfer or
23 relocate any activity from one base or installation to an-
24 other, without prior notification to the Committees on Ap-
25 propriations of both Houses of Congress.

1 SEC. 108. None of the funds made available in this
2 title may be used for the procurement of steel for any con-
3 struction project or activity for which American steel pro-
4 ducers, fabricators, and manufacturers have been denied
5 the opportunity to compete for such steel procurement.

6 SEC. 109. None of the funds available to the Depart-
7 ment of Defense for military construction or family hous-
8 ing during the current fiscal year may be used to pay real
9 property taxes in any foreign nation.

10 SEC. 110. None of the funds made available in this
11 title may be used to initiate a new installation overseas
12 without prior notification to the Committees on Appro-
13 priations of both Houses of Congress.

14 SEC. 111. None of the funds made available in this
15 title may be obligated for architect and engineer contracts
16 estimated by the Government to exceed \$500,000 for
17 projects to be accomplished in Japan, in any North Atlan-
18 tic Treaty Organization member country, or in countries
19 bordering the Arabian Sea, unless such contracts are
20 awarded to United States firms or United States firms
21 in joint venture with host nation firms.

22 SEC. 112. None of the funds made available in this
23 title for military construction in the United States terri-
24 tories and possessions in the Pacific and on Kwajalein
25 Atoll, or in countries bordering the Arabian Sea, may be

1 used to award any contract estimated by the Government
2 to exceed \$1,000,000 to a foreign contractor: *Provided*,
3 That this section shall not be applicable to contract
4 awards for which the lowest responsive and responsible bid
5 of a United States contractor exceeds the lowest respon-
6 sive and responsible bid of a foreign contractor by greater
7 than 20 percent: *Provided further*, That this section shall
8 not apply to contract awards for military construction on
9 Kwajalein Atoll for which the lowest responsive and re-
10 sponsible bid is submitted by a Marshallese contractor.

11 SEC. 113. The Secretary of Defense is to inform the
12 appropriate committees of both Houses of Congress, in-
13 cluding the Committees on Appropriations, of the plans
14 and scope of any proposed military exercise involving
15 United States personnel 30 days prior to its occurring,
16 if amounts expended for construction, either temporary or
17 permanent, are anticipated to exceed \$100,000.

18 SEC. 114. Not more than 20 percent of the funds
19 made available in this title which are limited for obligation
20 during the current fiscal year shall be obligated during
21 the last two months of the fiscal year.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 115. Funds appropriated to the Department of
24 Defense for construction in prior years shall be available
25 for construction authorized for each such military depart-

1 ment by the authorizations enacted into law during the
2 current session of Congress.

3 SEC. 116. For military construction or family housing
4 projects that are being completed with funds otherwise ex-
5 pired or lapsed for obligation, expired or lapsed funds may
6 be used to pay the cost of associated supervision, inspec-
7 tion, overhead, engineering and design on those projects
8 and on subsequent claims, if any.

9 SEC. 117. Notwithstanding any other provision of
10 law, any funds made available to a military department
11 or defense agency for the construction of military projects
12 may be obligated for a military construction project or
13 contract, or for any portion of such a project or contract,
14 at any time before the end of the fourth fiscal year after
15 the fiscal year for which funds for such project were made
16 available, if the funds obligated for such project: (1) are
17 obligated from funds available for military construction
18 projects; and (2) do not exceed the amount appropriated
19 for such project, plus any amount by which the cost of
20 such project is increased pursuant to law.

21 SEC. 118. (a) The Secretary of Defense, in consulta-
22 tion with the Secretary of State, shall submit to the Com-
23 mittees on Appropriations of both Houses of Congress, by
24 February 15 of each year, an annual report in unclassified
25 and, if necessary, classified form, on actions taken by the

1 Department of Defense and the Department of State dur-
2 ing the previous fiscal year to encourage host countries
3 to assume a greater share of the common defense burden
4 of such countries and the United States.

5 (b) The report under subsection (a) shall include a
6 description of—

7 (1) attempts to secure cash and in-kind con-
8 tributions from host countries for military construc-
9 tion projects;

10 (2) attempts to achieve economic incentives of-
11 fered by host countries to encourage private invest-
12 ment for the benefit of the United States Armed
13 Forces;

14 (3) attempts to recover funds due to be paid to
15 the United States by host countries for assets deed-
16 ed or otherwise imparted to host countries upon the
17 cessation of United States operations at military in-
18 stallations;

19 (4) the amount spent by host countries on de-
20 fense, in dollars and in terms of the percent of gross
21 domestic product (GDP) of the host country; and

22 (5) for host countries that are members of the
23 North Atlantic Treaty Organization (NATO), the
24 amount contributed to NATO by host countries, in

1 dollars and in terms of the percent of the total
2 NATO budget.

3 (c) In this section, the term "host country" means
4 other member countries of NATO, Japan, South Korea,
5 and United States allies bordering the Arabian Sea.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 119. In addition to any other transfer authority
8 available to the Department of Defense, proceeds depos-
9 ited to the Department of Defense Base Closure Account
10 established by section 207(a)(1) of the Defense Authoriza-
11 tion Amendments and Base Closure and Realignment Act
12 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
13 of such Act, may be transferred to the account established
14 by section 2906(a)(1) of the Defense Base Closure and
15 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
16 merged with, and to be available for the same purposes
17 and the same time period as that account.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 120. Subject to 30 days prior notification, or
20 14 days for a notification provided in an electronic me-
21 dium pursuant to sections 480 and 2883, of title 10,
22 United States Code, to the Committees on Appropriations
23 of both Houses of Congress, such additional amounts as
24 may be determined by the Secretary of Defense may be
25 transferred to: (1) the Department of Defense Family
26 Housing Improvement Fund from amounts appropriated

~~1 for construction~~ in “Family Housing” accounts, to be
2 merged with and to be available for the same purposes
3 and for the same period of time as amounts appropriated
4 directly to the Fund; or (2) the Department of Defense
5 Military Unaccompanied Housing Improvement Fund
6 from amounts appropriated for construction of military
7 unaccompanied housing in “Military Construction” ac-
8 counts, to be merged with and to be available for the same
9 purposes and for the same period of time as amounts ap-
10 propriated directly to the Fund: *Provided*, That appropria-
11 tions made available to the Funds shall be available to
12 cover the costs, as defined in section 502(5) of the Con-
13 gressional Budget Act of 1974, of direct loans or loan
14 guarantees issued by the Department of Defense pursuant
15 to the provisions of subchapter IV of chapter 169 of title
16 10, United States Code, pertaining to alternative means
17 of acquiring and improving military family housing, mili-
18 tary unaccompanied housing, and supporting facilities.

19 SEC. 121. (a) Not later than 60 days before issuing
20 any solicitation for a contract with the private sector for
21 military family housing the Secretary of the military de-
22 partment concerned shall submit to the Committees on
23 Appropriations of both Houses of Congress the notice de-
24 scribed in subsection (b).

1 (b)(1) A notice referred to in subsection (a) is a no-
2 tice of any guarantee (including the making of mortgage
3 or rental payments) proposed to be made by the Secretary
4 to the private party under the contract involved in the
5 event of—

6 (A) the closure or realignment of the installa-
7 tion for which housing is provided under the con-
8 tract;

9 (B) a reduction in force of units stationed at
10 such installation; or

11 (C) the extended deployment overseas of units
12 stationed at such installation.

13 (2) Each notice under this subsection shall specify
14 the nature of the guarantee involved and assess the extent
15 and likelihood, if any, of the liability of the Federal Gov-
16 ernment with respect to the guarantee.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 122. In addition to any other transfer authority
19 available to the Department of Defense, amounts may be
20 transferred from the accounts established by sections
21 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
22 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
23 the fund established by section 1013(d) of the Demonstra-
24 tion Cities and Metropolitan Development Act of 1966 (42
25 U.S.C. 3374) to pay for expenses associated with the
26 Homeowners Assistance Program. Any amounts trans-

1 ~~ferred shall be merged with and be available for the same~~
2 purposes and for the same time period as the fund to
3 which transferred.

4 SEC. 123. Notwithstanding any other provision of
5 law, funds made available in this title for operation and
6 maintenance of family housing shall be the exclusive
7 source of funds for repair and maintenance of all family
8 housing units, including general or flag officer quarters:
9 *Provided*, That not more than \$35,000 per unit may be
10 spent annually for the maintenance and repair of any gen-
11 eral or flag officer quarters without 30 days prior notifica-
12 tion to the Committees on Appropriations of both Houses
13 of Congress, except that an after-the-fact notification shall
14 be submitted if the limitation is exceeded solely due to
15 ~~costs associated with environmental remediation that~~
16 could not be reasonably anticipated at the time of the
17 budget submission: *Provided further*, That the Under Sec-
18 retary of Defense (Comptroller) is to report annually to
19 the Committees on Appropriations of both Houses of Con-
20 gress all operation and maintenance expenditures for each
21 individual general or flag officer quarters for the prior fis-
22 cal year.

23 SEC. 124. Amounts contained in the Ford Island Im-
24 provement Account established by subsection (h) of sec-
25 tion 2814 of title 10, United States Code, are appro-

1 ~~appropriated and shall be available until expended for the pur-~~
2 ~~poses specified in subsection (i)(1) of such section or until~~
3 ~~transferred pursuant to subsection (i)(3) of such section.~~

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 125. None of the funds made available in this
6 title, or in any Act making appropriations for military con-
7 struction which remain available for obligation, may be ob-
8 ligated or expended to carry out a military construction,
9 land acquisition, or family housing project at or for a mili-
10 tary installation approved for closure, or at a military in-
11 stallation for the purposes of supporting a function that
12 has been approved for realignment to another installation,
13 in 2005 under the Defense Base Closure and Realignment
14 Act of 1990 (part A of title XXIX of Public Law 101-
15 ~~510; 10 U.S.C. 2687 note), unless such a project at a mili-~~
16 ~~tary installation approved for realignment will support a~~
17 ~~continuing mission or function at that installation or a~~
18 ~~new mission or function that is planned for that installa-~~
19 ~~tion, or unless the Secretary of Defense certifies that the~~
20 ~~cost to the United States of carrying out such project~~
21 ~~would be less than the cost to the United States of cancel-~~
22 ~~ling such project, or if the project is at an active compo-~~
23 ~~nent base that shall be established as an enclave or in the~~
24 ~~case of projects having multi-agency use, that another~~
25 ~~Government agency has indicated it will assume ownership~~
26 ~~of the completed project. The Secretary of Defense may~~

1 not transfer funds made available as a result of this limi-
2 tation from any military construction project, land acquisi-
3 tion, or family housing project to another account or use
4 such funds for another purpose or project without the
5 prior approval of the Committees on Appropriations of
6 both Houses of Congress. This section shall not apply to
7 military construction projects, land acquisition, or family
8 housing projects for which the project is vital to the na-
9 tional security or the protection of health, safety, or envi-
10 ronmental quality: *Provided*, That the Secretary of De-
11 fense shall notify the congressional defense committees
12 within seven days of a decision to carry out such a military
13 construction project.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 126. During the 5-year period after appropria-
16 tions available in this Act to the Department of Defense
17 for military construction and family housing operation and
18 maintenance and construction have expired for obligation,
19 upon a determination that such appropriations will not be
20 necessary for the liquidation of obligations or for making
21 authorized adjustments to such appropriations for obliga-
22 tions incurred during the period of availability of such ap-
23 propriations, unobligated balances of such appropriations
24 may be transferred into the appropriation "Foreign Cur-
25 rency Fluctuations, Construction, Defense", to be merged
26 with and to be available for the same time period and for

1 the same purposes as the appropriation to which trans-
2 ferred.

3 SEC. 127. None of the funds appropriated or other-
4 wise made available in this title may be used for any action
5 that is related to or promotes the expansion of the bound-
6 aries or size of the Pinon Canyon Maneuver Site, Colo-
7 rado.

8 SEC. 128. Amounts appropriated or otherwise made
9 available in an account funded under the headings in this
10 title may be transferred among projects and activities
11 within that account in accordance with the reprogramming
12 guidelines for military construction and family housing
13 construction contained in the explanatory statement de-
14 scribed in section 4 (in the matter preceding division A
15 of this consolidated Act), and in the guidance for military
16 construction reprogrammings and notifications contained
17 in Department of Defense Financial Management Regula-
18 tion 7000.14-R, Volume 3, Chapter 7, of December 1996,
19 as in effect on the date of enactment of this Act.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 129. (a) Of the amount appropriated or other-
22 wise made available by this Act for the Department of De-
23 fense under the heading "Military Construction, Air
24 Force" and available for planning and design, the Sec-
25 retary of the Air Force shall, in accordance with section
26 1535 of title 31, United States Code, transfer \$500,000

1 to the American Battle Monuments Commission to con-
2 duct an engineering study on the restoration of the Lafay-
3 ette Escadrille Memorial in Marnes-La-Coquette, France.

4 (b) The study conducted pursuant to subsection (a)
5 shall include:

6 (1) an estimate of costs to be incurred to re-
7 store the structure, features, landscaped grounds
8 and caretaker's quarters of the Lafayette Escadrille
9 Memorial to standards similar to memorials and
10 burial grounds administered by the American Battle
11 Monuments Commission; and

12 (2) an estimate of annual costs for the long-
13 term preservation, maintenance, and operation of
14 the memorial under those standards.

15 (c) The amount transferred under subsection (a)
16 shall remain available until expended.

17 SEC. 130. Of the funds provided for "Family Hous-
18 ing Construction, Defense-Wide" under Public Law 110-
19 5, \$6,040,000 are hereby rescinded.

20 ~~SEC. 131. In addition to amounts otherwise appro-~~
21 ~~riated or made available under the heading "Military~~
22 ~~Construction, Air National Guard", there is hereby appro-~~
23 ~~riated an additional \$28,000,000, to remain available~~
24 ~~until September 30, 2013, for the construction of Air Na-~~
25 ~~tional Guard fire stations: *Provided*, That within 30 days~~

insert
29a

29A

Sec. 131. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Air National Guard", there is hereby appropriated an additional \$28,000,000, to remain available until September 30, 2013, for the construction of Air National Guard fire stations: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, and prior to obligation of funds, the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

1 ~~of enactment of this Act, and prior to obligation of funds,~~
 2 ~~the Air National Guard shall submit to the Committees~~
 3 ~~on Appropriations of both Houses of Congress an expendi-~~
 4 ~~ture plan for funds provided under this section.~~

5 ~~SEC. 132. In addition to amounts otherwise appro-~~
 6 ~~priated or made available under the heading "Military~~
 7 ~~Construction, Army National Guard", there is hereby ap-~~
 8 ~~propriated an additional \$147,000,000, to remain avail-~~
 9 ~~able until September 30, 2013, for the construction of~~
 10 ~~strategic training facilities and aviation maintenance fa-~~
 11 ~~cilities consistent with Army National Guard emerging/re-~~
 12 ~~quirements: *Provided*, That within 30 days of enactment~~
 13 ~~of this Act, and prior to obligation of funds, the Director~~
 14 ~~of the Army National Guard shall submit to the Commit-~~
 15 ~~tees on Appropriations of both Houses of Congress an ex-~~
 16 ~~penditure plan for funds provided under this section.~~

~~strategic~~

INSERT
30A

17 **SEC. 133. (a)** Funds appropriated or otherwise
 18 made available in this title under the heading "North At-
 19 lantic Treaty Organization Security Investment Program"
 20 may be obligated and expended notwithstanding section
 21 2806 of title 10, United States Code.

22 **(b)** The authority provided under subsection (a)
 23 shall expire upon enactment into law of the Military Con-
 24 **struction Authorization Act for Fiscal Year 2009.**

30A

~~Sec.132. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army National Guard, there is hereby appropriated an additional \$147,000,000, to remain available until September 30, 2013, for the construction of facilities consistent with Army National Guard emerging requirements: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act, and prior to obligation of funds, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.~~

1 ~~SEC. 134. Notwithstanding any other provision of~~
2 ~~law, all military construction projects and military family~~
3 ~~housing projects for which funds are appropriated in this~~
4 ~~Act, and architectural and engineering services and con-~~
5 ~~struction design obtained in connection with military con-~~
6 ~~struction projects and military family housing projects,~~
7 ~~are hereby authorized until the date of enactment of the~~
8 ~~Military Construction Authorization Act for Fiscal Year~~
9 ~~2009.~~

10

TITLE II

11

DEPARTMENT OF VETERANS AFFAIRS

12

VETERANS BENEFITS ADMINISTRATION

13

COMPENSATION AND PENSIONS

14

(INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation benefits to or on
16 behalf of veterans and a pilot program for disability ex-
17 aminations as authorized by section 107 and chapters 11,
18 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
19 pension benefits to or on behalf of veterans as authorized
20 by chapters 15, 51, 53, 55, and 61 of title 38, United
21 States Code; and burial benefits, the Reinstated Entitle-
22 ment Program for Survivors, emergency and other offi-
23 cers' retirement pay, adjusted-service credits and certifi-
24 cates, payment of premiums due on commercial life insur-
25 ance policies guaranteed under the provisions of title IV
26 of the Servicemembers Civil Relief Act (50 U.S.C. App.

1 541 et seq.) and for other benefits as authorized by sec-
2 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
3 53, 55, and 61 of title 38, United States Code,
4 \$43,111,681,000, to remain available until expended: *Pro-*
5 *vided*, That not to exceed \$26,798,000 of the amount ap-
6 propriated under this heading shall be reimbursed to
7 “General operating expenses”, “Medical support and com-
8 pliance”, and “Information technology systems” for nec-
9 essary expenses in implementing the provisions of chapters
10 51, 53, and 55 of title 38, United States Code, the funding
11 source for which is specifically provided as the “Com-
12 pensation and pensions” appropriation: *Provided further*,
13 That such sums as may be earned on an actual qualifying
14 patient basis, shall be reimbursed to “Medical care collec-
15 tions fund” to augment the funding of individual medical
16 facilities for nursing home care provided to pensioners as
17 authorized.

18 READJUSTMENT BENEFITS

19 For the payment of readjustment and rehabilitation
20 benefits to or on behalf of veterans as authorized by chap-
21 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
22 of title 38, United States Code, \$3,832,944,000, to remain
23 available until expended: *Provided*, That expenses for re-
24 habilitation program services and assistance which the
25 Secretary is authorized to provide under subsection (a) of
26 section 3104 of title 38, United States Code, other than

1 under paragraphs ~~(1)~~, ~~(2)~~, ~~(5)~~, and ~~(11)~~ of that sub-
2 section, shall be charged to this account.

3 VETERANS INSURANCE AND INDEMNITIES

4 For military and naval insurance, national service life
5 insurance, servicemen's indemnities, service-disabled vet-
6 erans insurance, and veterans mortgage life insurance as
7 authorized by title 38, United States Code, chapters 19
8 and 21, \$42,300,000, to remain available until expended.

9 VETERANS HOUSING BENEFIT PROGRAM FUND

10 For the cost of direct and guaranteed loans, such
11 sums as may be necessary to carry out the program, as
12 authorized by subchapters I through III of chapter 37 of
13 title 38, United States Code: *Provided*, That such costs,
14 including the cost of modifying such loans, shall be as de-
15 fined in section ~~502~~ of the Congressional Budget Act of
16 1974: *Provided further*, That during fiscal year 2009,
17 within the resources available, not to exceed \$500,000 in
18 gross obligations for direct loans are authorized for spe-
19 cially adapted housing loans.

20 In addition, for administrative expenses to carry out
21 the direct and guaranteed loan programs, \$157,210,000.

22 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For the cost of direct loans, \$61,000, as authorized
25 by chapter 31 of title 38, United States Code: *Provided*,
26 That such costs, including the cost of modifying such

1 loans, shall be as defined in section 502 of the Congres-
2 sional Budget Act of 1974: *Provided further*, That funds
3 made available under this heading are available to sub-
4 sidize gross obligations for the principal amount of direct
5 loans not to exceed \$3,180,000.

6 In addition, for administrative expenses necessary to
7 carry out the direct loan program, \$320,000, which may
8 be paid to the appropriation for "General operating ex-
9 penses".

10 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

11 ACCOUNT

12 For administrative expenses to carry out the direct
13 loan program authorized by subchapter V of chapter 37
14 of title 38, United States Code, \$646,000.

15 GUARANTEED TRANSITIONAL HOUSING LOANS FOR

16 HOMELESS VETERANS PROGRAM ACCOUNT

17 For the administrative expenses to carry out the
18 guaranteed transitional housing loan program authorized
19 by subchapter VI of chapter 20 of title 38, United States
20 Code, not to exceed \$750,000 of the amounts appropriated
21 by this Act for "General operating expenses" and "Med-
22 ical support and compliance" may be expended.

1 VETERANS HEALTH ADMINISTRATION
2 MEDICAL SERVICES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for furnishing, as authorized
5 by law, inpatient and outpatient care and treatment to
6 beneficiaries of the Department of Veterans Affairs and
7 veterans described in section 1705(a) of title 38, United
8 States Code, including care and treatment in facilities not
9 under the jurisdiction of the Department, and including
10 medical supplies and equipment, food services, and sala-
11 ries and expenses of health-care employees hired under
12 title 38, United States Code, and aid to State homes as
13 authorized by section 1741 of title 38, United States Code;
14 \$30,969,903,000, plus reimbursements, of which not less
15 than \$3,800,000,000 shall be expended for specialty men-
16 tal health care and of which \$250,000,000 shall be for
17 establishment and implementation of a new rural health
18 outreach and delivery initiative: *Provided*, That of the
19 funds made available under this heading, not to exceed
20 \$1,600,000,000 shall be available until September 30,
21 2010: *Provided further*, That, notwithstanding any other
22 provision of law, the Secretary of Veterans Affairs shall
23 establish a priority for the provision of medical treatment
24 for veterans who have service-connected disabilities, lower
25 income, or have special needs: *Provided further*, That, not-
26 withstanding any other provision of law, the Secretary of

1 Veterans Affairs shall give priority funding for the provi-
2 sion of basic medical benefits to veterans in enrollment
3 priority groups 1 through 6: *Provided further*, That, not-
4 withstanding any other provision of law, the Secretary of
5 Veterans Affairs may authorize the dispensing of prescrip-
6 tion drugs from Veterans Health Administration facilities
7 to enrolled veterans with privately written prescriptions
8 based on requirements established by the Secretary: *Pro-*
9 *vided further*, That the implementation of the program de-
10 scribed in the previous proviso shall incur no additional
11 cost to the Department of Veterans Affairs: *Provided fur-*
12 *ther*, That for the Department of Defense/Department of
13 Veterans Affairs Health Care Sharing Incentive Fund, as
14 authorized by section 8111(d) of title 38, United States
15 Code, a minimum of \$15,000,000, to remain available
16 until expended, for any purpose authorized by section
17 8111 of title 38, United States Code.

18 MEDICAL SUPPORT AND COMPLIANCE

19 For necessary expenses in the administration of the
20 medical, hospital, nursing home, domiciliary, construction,
21 supply, and research activities, as authorized by law; ad-
22 ministrative expenses in support of capital policy activi-
23 ties; and administrative and legal expenses of the Depart-
24 ment for collecting and recovering amounts owed the De-
25 partment as authorized under chapter 17 of title 38,
26 United States Code, and the Federal Medical Care Recov-

1 ery Act (42 U.S.C. 2651 et seq.):--\$4,450,000,000, plus
2 reimbursements, of which \$250,000,000 shall be available
3 until September 30, 2010.

4 MEDICAL FACILITIES

5 For necessary expenses for the maintenance and op-
6 eration of hospitals, nursing homes, and domiciliary facili-
7 ties and other necessary facilities of the Veterans Health
8 Administration; for administrative expenses in support of
9 planning, design, project management, real property ac-
10 quisition and disposition, construction, and renovation of
11 any facility under the jurisdiction or for the use of the
12 Department; for oversight, engineering, and architectural
13 activities not charged to project costs; for repairing, alter-
14 ing, improving, or providing facilities in the several hos-
15 pitals and homes under the jurisdiction of the Depart-
16 ment, not otherwise provided for, either by contract or by
17 the hire of temporary employees and purchase of mate-
18 rials; for leases of facilities; and for laundry services,
19 \$5,029,000,000, plus reimbursements, of which
20 \$350,000,000 shall be available until September 30, 2010:
21 *Provided*, That \$300,000,000 for non-recurring mainte-
22 nance provided under this heading shall be allocated in
23 a manner not subject to the Veterans Equitable Resource
24 Allocation.

1 MEDICAL AND PROSTHETIC RESEARCH

2 For necessary expenses in carrying out programs of
3 medical and prosthetic research and development as au-
4 thorized by chapter 73 of title 38, United States Code,
5 \$510,000,000, plus reimbursements, to remain available
6 until September 30, 2010.

7 NATIONAL CEMETERY ADMINISTRATION

8 For necessary expenses of the National Cemetery Ad-
9 ministration for operations and maintenance, not other-
10 wise provided for, including uniforms or allowances there-
11 for; cemeterial expenses as authorized by law; purchase
12 of one passenger motor vehicle for use in cemeterial oper-
13 ations; hire of passenger motor vehicles; and repair, alter-
14 ation or improvement of facilities under the jurisdiction
15 of the National Cemetery Administration, \$230,000,000,
16 of which not to exceed \$23,000,000 shall be available until
17 September 30, 2010.

18 DEPARTMENTAL ADMINISTRATION

19 GENERAL OPERATING EXPENSES

20 For necessary operating expenses of the Department
21 of Veterans Affairs, not otherwise provided for, including
22 administrative expenses in support of Department-Wide
23 capital planning, management and policy activities, uni-
24 forms, or allowances therefor; not to exceed \$25,000 for
25 official reception and representation expenses; hire of pas-

1- senger motor vehicles; and reimbursement of the General
2 Services Administration for security guard services, and
3 the Department of Defense for the cost of overseas em-
4 ployee mail, \$1,801,867,000: *Provided*, That expenses for
5 services and assistance authorized under paragraphs (1),
6 (2), (5), and (11) of section 3104(a) of title 38, United
7 States Code, that the Secretary of Veterans Affairs deter-
8 mines are necessary to enable entitled veterans: (1) to the
9 maximum extent feasible, to become employable and to ob-
10 tain and maintain suitable employment; or (2) to achieve
11 maximum independence in daily living, shall be charged
12 to this account: *Provided further*, That the Veterans Bene-
13 fits Administration shall be funded at not less than
14 \$1,466,095,000: *Provided further*, That of the funds made
15 available under this heading, not to exceed \$83,000,000
16 shall be available for obligation until September 30, 2010:
17 *Provided further*, That from the funds made available
18 under this heading, the Veterans Benefits Administration
19 may purchase (on a one-for-one replacement basis only)
20 up to two passenger motor vehicles for use in operations
21 of that Administration in Manila, Philippines.

22 INFORMATION TECHNOLOGY SYSTEMS

23 For necessary expenses for information technology
24 systems and telecommunications support, including devel-
25 opmental information systems and operational information
26 systems; for pay and associated costs; and for the capital

1 asset acquisition of information technology systems, in-
2 cluding management and related contractual costs of said
3 acquisitions, including contractual costs associated with
4 operations authorized by section 3109 of title 5, United
5 States Code, \$2,489,391,000, plus reimbursements, to be
6 available until September 30, 2010: *Provided*, That of the
7 funds made available under this heading, not less than
8 \$48,000,000 shall be for the Financial and Logistics Inte-
9 grated Technology Enterprise program: *Provided further*,
10 That none of these funds may be obligated until the De-
11 partment of Veterans Affairs submits to the Committees
12 on Appropriations of both Houses of Congress, and such
13 Committees approve, a plan for expenditure that: (1)
14 meets the capital planning and investment control review
15 requirements established by the Office of Management
16 and Budget; (2) complies with the Department of Vet-
17 erans Affairs enterprise architecture; (3) conforms with an
18 established enterprise life cycle methodology; and (4) com-
19 plies with the acquisition rules, requirements, guidelines,
20 and systems acquisition management practices of the Fed-
21 eral Government: *Provided further*, That within 30 days
22 of enactment of this Act, the Secretary of Veterans Affairs
23 shall submit to the Committees on Appropriations of both
24 Houses of Congress a reprogramming base letter which

1 provides, by project, the costs included in this appropria-
2 tion.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General, to include information technology, in carrying out
6 the provisions of the Inspector General Act of 1978 (5
7 U.S.C. App.), \$87,818,000, of which \$5,000,000 shall be
8 available until September 30, 2010.

9 CONSTRUCTION, MAJOR PROJECTS

10 For constructing, altering, extending, and improving
11 any of the facilities, including parking projects, under the
12 jurisdiction or for the use of the Department of Veterans
13 Affairs, or for any of the purposes set forth in sections
14 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
15 and 8122 of title 38, United States Code, including plan-
16 ning, architectural and engineering services, construction
17 management services, maintenance or guarantee period
18 services costs associated with equipment guarantees pro-
19 vided under the project, services of claims analysts, offsite
20 utility and storm drainage system construction costs, and
21 site acquisition, where the estimated cost of a project is
22 more than the amount set forth in section 8104(a)(3)(A)
23 of title 38, United States Code, or where funds for a
24 project were made available in a previous major project
25 appropriation, \$923,382,000, to remain available until ex-
26 pended, of which \$10,000,000 shall be to make reimburse-

ments as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2009, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2009; and (2) by the awarding of a construction contract by September 30, 2010: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the

1 time limitations established above: *Provided further*, That
2 of the amount appropriated in this paragraph,
3 \$923,382,000 shall be for the projects and activities, and
4 in the amounts, specified under this heading in the explan-
5 atory statement described in section 4 (in the matter pre-
6 ceding division A of this consolidated Act).

7 CONSTRUCTION, MINOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, including planning and assessments of needs
12 which may lead to capital investments, architectural and
13 engineering services, maintenance or guarantee period
14 services costs associated with equipment guarantees pro-
15 vided under the project, services of claims analysts, offsite
16 utility and storm drainage system construction costs, and
17 site acquisition, or for any of the purposes set forth in
18 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
19 8110, 8122, and 8162 of title 38, United States Code,
20 where the estimated cost of a project is equal to or less
21 than the amount set forth in section 8104(a)(3)(A) of title
22 38, United States Code, \$741,534,000, to remain avail-
23 able until expended, along with unobligated balances of
24 previous "Construction, minor projects" appropriations
25 which are hereby made available for any project where the
26 estimated cost is equal to or less than the amount set forth

1 in such section: *Provided*, That funds in this account shall
2 be available for: (1) repairs to any of the nonmedical facili-
3 ties under the jurisdiction or for the use of the Depart-
4 ment which are necessary because of loss or damage
5 caused by any natural disaster or catastrophe; and (2)
6 temporary measures necessary to prevent or to minimize
7 further loss by such causes: *Provided further*: That
8 \$7,000,000 of the amount appropriated in this paragraph
9 shall be for the installation of alternative fueling stations
10 at 35 medical facility campuses.

11 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
12 FACILITIES

13 For grants to assist States to acquire or construct
14 State nursing home and domiciliary facilities and to re-
15 model, modify, or alter existing hospital, nursing home,
16 and domiciliary facilities in State homes, for furnishing
17 care to veterans as authorized by sections 8131 through
18 8137 of title 38, United States Code, \$175,000,000, to
19 remain available until expended.

20 GRANTS FOR CONSTRUCTION OF STATE VETERANS
21 CEMETERIES

22 For grants to assist States in establishing, expand-
23 ing, or improving State veterans cemeteries as authorized
24 by section 2408 of title 38, United States Code,
25 \$42,000,000, to remain available until expended.

1 ADMINISTRATIVE PROVISIONS

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 201. Any appropriation for fiscal year 2009 for
4 “Compensation and pensions”, “Readjustment benefits”,
5 and “Veterans insurance and indemnities” may be trans-
6 ferred as necessary to any other of the mentioned appro-
7 priations: *Provided*, That before a transfer may take place,
8 the Secretary of Veterans Affairs shall request from the
9 Committees on Appropriations of both Houses of Congress
10 the authority to make the transfer and such Committees
11 issue an approval, or absent a response, a period of 30
12 days has elapsed.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 202. Amounts made available for the Depart-
15 ment of Veterans Affairs for fiscal year 2009, in this Act
16 or any other Act, under the “Medical services”, “Medical
17 support and compliance”, and “Medical facilities” ac-
18 counts may be transferred among the accounts to the ex-
19 tent necessary to implement the restructuring of the Vet-
20 erans Health Administration accounts: *Provided*, That any
21 transfers between the “Medical services” and “Medical
22 support and compliance” accounts of 1 percent or less of
23 the total amount appropriated to the account in this or
24 any other Act may take place subject to notification from
25 the Secretary of Veterans Affairs to the Committees on
26 Appropriations of both Houses of Congress of the amount

1 and purpose of the transfer: *Provided further*, That any
2 transfers between the “Medical services” and “Medical
3 support and compliance” accounts in excess of 1 percent,
4 or exceeding the cumulative 1 percent for the fiscal year,
5 may take place only after the Secretary requests from the
6 Committees on Appropriations of both Houses of Congress
7 the authority to make the transfer and an approval is
8 issued: *Provided further*, That any transfers to or from
9 the “Medical facilities” account may take place only after
10 the Secretary requests from the Committees on Appropria-
11 tions of both Houses of Congress the authority to make
12 the transfer and an approval is issued.

13 SEC. 203. Appropriations available in this title for
14 salaries and expenses shall be available for services au-
15 thorized by section 3109 of title 5, United States Code,
16 hire of passenger motor vehicles; lease of a facility or land
17 or both; and uniforms or allowances therefore, as author-
18 ized by sections 5901 through 5902 of title 5, United
19 States Code.

20 SEC. 204. No appropriations in this title (except the
21 appropriations for “Construction, major projects”, and
22 “Construction, minor projects”) shall be available for the
23 purchase of any site for or toward the construction of any
24 new hospital or home.

1 SEC. 205. No appropriations in this title shall be
2 available for hospitalization or examination of any persons
3 (except beneficiaries entitled to such hospitalization or ex-
4 amination under the laws providing such benefits to vet-
5 erans, and persons receiving such treatment under sec-
6 tions 7901 through 7904 of title 5, United States Code,
7 or the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
9 bursement of the cost of such hospitalization or examina-
10 tion is made to the "Medical services" account at such
11 rates as may be fixed by the Secretary of Veterans Affairs.

12 SEC. 206. Appropriations available in this title for
13 "Compensation and pensions", "Readjustment benefits",
14 and "Veterans insurance and indemnities" shall be avail-
15 able for payment of prior year accrued obligations re-
16 quired to be recorded by law against the corresponding
17 prior year accounts within the last quarter of fiscal year
18 2008.

19 SEC. 207. Appropriations available in this title shall
20 be available to pay prior year obligations of corresponding
21 prior year appropriations accounts resulting from sections
22 3328(a), 3334, and 3712(a) of title 31, United States
23 Code, except that if such obligations are from trust fund
24 accounts they shall be payable only from "Compensation
25 and pensions".

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 208. Notwithstanding any other provision of
3 law, during fiscal year 2009, the Secretary of Veterans
4 Affairs shall, from the National Service Life Insurance
5 Fund (38 U.S.C. 1920), the Veterans' Special Life Insur-
6 ance Fund (38 U.S.C. 1923), and the United States Gov-
7 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
8 burse the "General operating expenses" and "Information
9 technology systems" accounts for the cost of administra-
10 tion of the insurance programs financed through those ac-
11 counts: *Provided*, That reimbursement shall be made only
12 from the surplus earnings accumulated in such an insur-
13 ance program during fiscal year 2009 that are available
14 for dividends in that program after claims have been paid
15 and actuarially determined reserves have been set aside:
16 *Provided further*, That if the cost of administration of such
17 an insurance program exceeds the amount of surplus earn-
18 ings accumulated in that program, reimbursement shall be
19 made only to the extent of such surplus earnings: *Provided*
20 *further*, That the Secretary shall determine the cost of ad-
21 ministration for fiscal year 2009 which is properly allo-
22 cable to the provision of each such insurance program and
23 to the provision of any total disability income insurance
24 included in that insurance program.

1 ~~SEC. 209.~~ Amounts deducted from enhanced-use
2 lease proceeds to reimburse an account for expenses in-
3 curred by that account during a prior fiscal year for pro-
4 viding enhanced-use lease services, may be obligated dur-
5 ing the fiscal year in which the proceeds are received.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 210. Funds available in this title or funds for
8 salaries and other administrative expenses shall also be
9 available to reimburse the Office of Resolution Manage-
10 ment of the Department of Veterans Affairs and the Of-
11 fice of Employment Discrimination Complaint Adjudica-
12 tion under section 319 of title 38, United States Code,
13 for all services provided at rates which will recover actual
14 costs but not exceed \$34,158,000 for the Office of Resolu-
15 ~~tion Management and \$3,278,000 for the Office of Em-~~
16 ~~ployment and Discrimination Complaint Adjudication:~~
17 *Provided*, That payments may be made in advance for
18 services to be furnished based on estimated costs: *Provided*
19 *further*, That amounts received shall be credited to the
20 “General operating expenses” and “Information tech-
21 nology systems” accounts for use by the office that pro-
22 vided the service.

23 SEC. 211. No appropriations in this title shall be
24 available to enter into any new lease of real property if
25 the estimated annual rental is more than \$1,000,000 un-
26 less the Secretary submits a report which the Committees

1 on Appropriations of both Houses of Congress approve
2 within 30 days following the date on which the report is
3 received.

4 SEC. 212. No funds of the Department of Veterans
5 Affairs shall be available for hospital care, nursing home
6 care, or medical services provided to any person under
7 chapter 17 of title 38, United States Code, for a non-serv-
8 ice-connected disability described in section 1729(a)(2) of
9 such title, unless that person has disclosed to the Sec-
10 retary of Veterans Affairs, in such form as the Secretary
11 may require, current, accurate third-party reimbursement
12 information for purposes of section 1729 of such title: *Pro-*
13 *vided*, That the Secretary may recover, in the same man-
14 ner as any other debt due the United States, the reason-
15 able charges for such care or services from any person who
16 does not make such disclosure as required: *Provided fur-*
17 *ther*, That any amounts so recovered for care or services
18 provided in a prior fiscal year may be obligated by the
19 Secretary during the fiscal year in which amounts are re-
20 ceived.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 213. Notwithstanding any other provision of
23 law, proceeds or revenues derived from enhanced-use leas-
24 ing activities (including disposal) may be deposited into
25 the "Construction, major projects" and "Construction,
26 minor projects" accounts and be used for construction (in-

1-cluding site acquisition and disposition), alterations, and
2 improvements of any medical facility under the jurisdic-
3 tion or for the use of the Department of Veterans Affairs.
4 Such sums as realized are in addition to the amount pro-
5 vided for in "Construction, major projects" and "Con-
6 struction, minor projects".

7 SEC. 214. Amounts made available under "Medical
8 services" are available—

9 (1) for furnishing recreational facilities, sup-
10 plies, and equipment; and

11 (2) for funeral expenses, burial expenses, and
12 other expenses incidental to funerals and burials for
13 beneficiaries receiving care in the Department.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 215. Such sums as may be deposited to the
16 Medical Care Collections Fund pursuant to section 1729A
17 of title 38, United States Code, may be transferred to
18 "Medical services", to remain available until expended for
19 the purposes of that account.

20 SEC. 216. Notwithstanding any other provision of
21 law, the Secretary of Veterans Affairs shall allow veterans
22 who are eligible under existing Department of Veterans
23 Affairs medical care requirements and who reside in Alas-
24 ka to obtain medical care services from medical facilities
25 supported by the Indian Health Service or tribal organiza-
26 tions. The Secretary shall: (1) limit the application of this

1 provision to rural Alaskan veterans in areas where an ex-
2 isting Department of Veterans Affairs facility or Veterans
3 Affairs-contracted service is unavailable; (2) require par-
4 ticipating veterans and facilities to comply with all appro-
5 priate rules and regulations, as established by the Sec-
6 retary; (3) require this provision to be consistent with
7 Capital Asset Realignment for Enhanced Services activi-
8 ties; and (4) result in no additional cost to the Department
9 of Veterans Affairs or the Indian Health Service.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 217. Such sums as may be deposited to the De-
12 partment of Veterans Affairs Capital Asset Fund pursu-
13 ant to section 8118 of title 38, United States Code, may
14 be transferred to the "Construction, major projects" and
15 "Construction, minor projects" accounts, to remain avail-
16 able until expended for the purposes of these accounts.

17 SEC. 218. None of the funds available to the Depart-
18 ment of Veterans Affairs, in this Act, or any other Act,
19 may be used to replace the current system by which the
20 Veterans Integrated Services Networks select and contract
21 for diabetes monitoring supplies and equipment.

22 SEC. 219. None of the funds made available in this
23 title may be used to implement any policy prohibiting the
24 Directors of the Veterans Integrated Services Networks
25 from conducting outreach or marketing to enroll new vet-
26 erans within their respective Networks.

1 SEC. 220. The Secretary of Veterans Affairs shall
2 submit to the Committees on Appropriations of both
3 Houses of Congress a quarterly report on the financial
4 status of the Veterans Health Administration.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 221. Amounts made available under the “Med-
7 ical services”, “Medical support and compliance”, “Med-
8 ical facilities”, “General operating expenses”, and “Na-
9 tional Cemetery Administration” accounts for fiscal year
10 2009, may be transferred to or from the “Information
11 technology systems” account: *Provided*, That before a
12 transfer may take place, the Secretary of Veterans Affairs
13 shall request from the Committees on Appropriations of
14 both Houses of Congress the authority to make the trans-
15 fer and an approval is issued.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 222. Amounts made available for the “Informa-
18 tion technology systems” account may be transferred be-
19 tween projects: *Provided*, That no project may be in-
20 creased or decreased by more than \$1,000,000 of cost
21 prior to submitting a request to the Committees on Appro-
22 priations of both Houses of Congress to make the transfer
23 and an approval is issued, or absent a response, a period
24 of 30 days has elapsed.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 223. Any balances in prior year accounts estab-
3 lished for the payment of benefits under the Reinstated
4 Entitlement Program for Survivors shall be transferred to
5 and merged with amounts available under the "Compensa-
6 tion and pensions" account, and receipts that would other-
7 wise be credited to the accounts established for the pay-
8 ment of benefits under the Reinstated Entitlement Pro-
9 gram for Survivors program shall be credited to amounts
10 available under the "Compensation and pensions" ac-
11 count.

12 SEC. 224. Section 1710(f)(2)(B) of title 38, United
13 States Code, is amended by striking "September 30,
14 2008," and inserting "September 30, 2009,".

15 ~~SEC. 225.~~ Section 1729(a)(2)(E) of title 38, United
16 States Code, is amended by striking "October 1, 2008,"
17 and inserting "October 1, 2009,".

18 SEC. 226. The Department shall continue research
19 into Gulf War illness at levels not less than those made
20 available in fiscal year 2008, within available funds con-
21 tained in this Act.

22 SEC. 227. (a) Upon a determination by the Secretary
23 of Veterans Affairs that such action is in the national in-
24 terest, and will have a direct benefit for veterans through
25 increased access to treatment, the Secretary of Veterans

1. Affairs may transfer not more than \$5,000,000 to the Sec-
2 retary of Health and Human Services for the Graduate
3 Psychology Education Program, which includes treatment
4 of veterans, to support increased training of psychologists
5 skilled in the treatment of post-traumatic stress disorder,
6 traumatic brain injury, and related disorders.

7 (b) The Secretary of Health and Human Services
8 may only use funds transferred under this section for the
9 purposes described in subsection (a).

10 (c) The Secretary of Veterans Affairs shall notify
11 Congress of any such transfer of funds under this section.

12 SEC. 228. None of the funds appropriated or other-
13 wise made available by this Act or any other Act for the
14 Department of Veterans Affairs may be used in a manner
15 that is inconsistent with—

16 (1) section 842 of the Transportation, Treas-
17 ury, Housing and Urban Development, the Judici-
18 ary, and Independent Agencies Appropriations Act,
19 2006 (Public Law 109–115; 119 Stat. 2506); or

20 (2) section 8110(a)(5) of title 38, United States
21 Code.

22 SEC. 229. The Secretary of Veterans Affairs may
23 carry out a major medical facility lease in fiscal year 2009
24 in an amount not to exceed \$12,000,000 to implement the
25 recommendations outlined in the August 2007 Study of

1 South Texas Veterans' Inpatient and Specialty Outpatient
2 Health Care Needs.

3 SEC. 230. Of the amounts made available to the De-
4 partment of Veterans Affairs for fiscal year 2009, in this
5 Act or any other Act, under the "Medical Facilities" ac-
6 count for non-recurring maintenance, not more than 20
7 percent of the funds made available shall be obligated dur-
8 ing the last 2 months of the fiscal year: *Provided*, That
9 the Secretary may waive this requirement after providing
10 written notice to the Committees on Appropriations of
11 both Houses of Congress.

12 SEC. 231. Section 2703 of the Emergency Supple-
13 mental Appropriations Act for Defense, the Global War
14 on Terror, and Hurricane Recovery, 2006 (120 Stat. 469)
15 is amended—

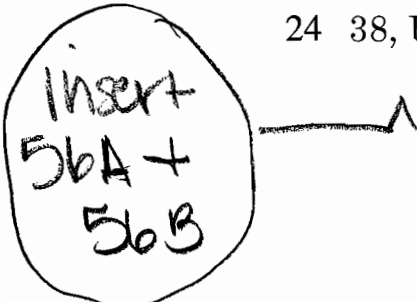
16 (1) by inserting "(a)" before "Notwith-
17 standing"; and

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

19 "(b) This land shall be owned by the City of Gulfport
20 for no less than 50 years from the date of enactment of
21 this Act."

22 SEC. 232. None of the funds made available in this
23 Act may be used to carry out section 111(c)(5) of title
24 38, United States Code, during fiscal year 2009.

Insert
56A +
56B



56A

HA Sec. 233. Notwithstanding any other provision of law, authority to carry out activities provided for under section 1703(d)(4) of title 38, United States Code, shall continue in effect until January 31, 2009, unless prior to that date, authorization is enacted into law otherwise extending this authority.

50B

Sec. 234. Notwithstanding any other provision of law, authority to carry out activities provided for under section 5317(g) of title 38, United States Code, shall continue in effect until January 31, 2009, unless prior to that date, authorization is enacted into law otherwise extending this authority.

1 TITLE III

2 RELATED AGENCIES

3 AMERICAN BATTLE MONUMENTS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$7,500 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$59,470,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1 -- UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$30,975,000, of which \$1,700,000
8 shall be available for the purpose of providing financial
9 assistance as described, and in accordance with the proc-
10 ess and reporting procedures set forth, under this heading
11 in Public Law 102-229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 --- For necessary expenses, as authorized by law, for
16 maintenance, operation, and improvement of Arlington
17 National Cemetery and Soldiers' and Airmen's Home Na-
18 tional Cemetery, including the purchase of two passenger
19 motor vehicles for replacement only, and not to exceed
20 \$1,000 for official reception and representation expenses,
21 \$36,730,000, to remain available until expended. In addi-
22 tion, such sums as may be necessary for parking mainte-
23 nance, repairs and replacement, to be derived from the
24 Lease of Department of Defense Real Property for De-
25 fense Agencies account.

1 Funds appropriated under this Act may be provided
2 to Arlington County, Virginia, for the relocation of the
3 federally owned water main at Arlington National Ceme-
4 tery making additional land available for ground burials.

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

7 For expenses necessary for the Armed Forces Retire-
8 ment Home to operate and maintain the Armed Forces
9 Retirement Home—Washington, District of Columbia,
10 and the Armed Forces Retirement Home—Gulfport, Mis-
11 sissippi, to be paid from funds available in the Armed
12 Forces Retirement Home Trust Fund, \$63,010,000, of
13 which \$8,025,000 shall remain available until expended
14 for construction and renovation of the physical plants at
15 the Armed Forces Retirement Home—Washington, Dis-
16 trict of Columbia and the Armed Forces Retirement
17 Home—Gulfport, Mississippi.

18 TITLE IV

19 GENERAL PROVISIONS

20 SEC. 401. No part of any appropriation contained in
21 this Act shall remain available for obligation beyond the
22 current fiscal year unless expressly so provided herein.

23 SEC. 402. Such sums as may be necessary for fiscal
24 year 2009 for pay raises for programs funded by this Act

1 shall be absorbed within the levels appropriated in this
2 Act.

3 SEC. 403. None of the funds made available in this
4 Act may be used for any program, project, or activity,
5 when it is made known to the Federal entity or official
6 to which the funds are made available that the program,
7 project, or activity is not in compliance with any Federal
8 law relating to risk assessment, the protection of private
9 property rights, or unfunded mandates.

10 SEC. 404. No part of any funds appropriated in this
11 Act shall be used by an agency of the executive branch,
12 other than for normal and recognized executive-legislative
13 relationships, for publicity or propaganda purposes, and
14 for the preparation, distribution, or use of any kit, pam-
15 phlet, booklet, publication, radio, television, or film presen-
16 tation designed to support or defeat legislation pending
17 before Congress, except in presentation to Congress itself.

18 SEC. 405. All departments and agencies funded under
19 this Act are encouraged, within the limits of the existing
20 statutory authorities and funding, to expand their use of
21 "E-Commerce" technologies and procedures in the con-
22 duct of their business practices and public service activi-
23 ties.

24 SEC. 406. None of the funds made available in this
25 Act may be transferred to any department, agency, or in-

1 strumentality of the United States Government except
2 pursuant to a transfer made by, or transfer authority pro-
3 vided in, this or any other appropriations Act.

4 SEC. 407. Unless stated otherwise, all reports and no-
5 tifications required by this Act shall be submitted to the
6 Subcommittee on Military Construction, Veterans Affairs,
7 and Related Agencies of the Committee on Appropriations
8 of the House of Representatives and the Subcommittee on
9 Military Construction, Veterans Affairs, and Related
10 Agencies of the Committee on Appropriations of the Sen-
11 ate.

12 ~~SEC. 408.~~ None of the funds made available in this
13 Act may be used to modify the standards applicable to
14 the determination of the entitlement of veterans to special
15 monthly pensions under sections 1513(a) and 1521(e) of
16 title 38, United States Code, as in effect pursuant to the
17 opinion of the United States Court of Appeals for Vet-
18 erans Claims in the case of Hartness v. Nicholson (No.
19 04-0888, July 21, 2006).

20 SEC. 408. None of the funds made available in this
21 Act may be used for a project or program named for an
22 individual then serving as a Member, Delegate, or Resi-
23 dent Commissioner of the United States Congress.

1 This division may be cited as the “Military Construc-
2 tion and Veterans Affairs and Related Agencies Appro-
3 priations Act, 2009”.