

In the House of Representatives, U. S.,

September 24, 2008.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2638) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

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 AP-
PROPRIATIONS 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 AP-
PROPRIATIONS 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*

1 *division of this Act shall be treated as referring only to the*
2 *provisions of that division.*

3 **SEC. 4. EXPLANATORY STATEMENT.**

4 *The explanatory statement regarding this legislation,*
5 *printed in the House of Representatives section of the Con-*
6 *gressional Record on or about September 24, 2008 by the*
7 *Chairman of the Committee on Appropriations of the*
8 *House, shall have the same effect with respect to the alloca-*
9 *tion of funds and implementation of this Act as if it were*
10 *a joint explanatory statement of a committee of conference.*

11 **DIVISION A—CONTINUING AP-**
12 **PROPRIATIONS RESOLUTION,**
13 **2009**

14 *The following sums are hereby appropriated, out of*
15 *any money in the Treasury not otherwise appropriated,*
16 *and out of applicable corporate or other revenues, receipts,*
17 *and funds, for the several departments, agencies, corpora-*
18 *tions, and other organizational units of Government for fis-*
19 *cal year 2009, and for other purposes, namely:*

20 *SEC. 101. Such amounts as may be necessary, at a*
21 *rate for operations as provided in the applicable appropria-*
22 *tions Acts for fiscal year 2008 and under the authority and*
23 *conditions provided in such Acts, for continuing projects*
24 *or activities (including the costs of direct loans and loan*
25 *guarantees) that are not otherwise specifically provided for*

1 *in this joint resolution, that were conducted in fiscal year*
2 *2008, and for which appropriations, funds, or other author-*
3 *ity were made available in the following appropriations*
4 *Acts: divisions A, B, C, D, F, G, H, J, and K of the Consoli-*
5 *dated Appropriations Act, 2008 (Public Law 110–161).*

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

12 *(1) \$150,000,000 provided in Public Law 110–*
13 *252 for “Department of Health and Human Serv-*
14 *ices—Food and Drug Administration—Salaries and*
15 *Expenses”.*

16 *(2) \$143,539,000 provided in division B of Pub-*
17 *lic Law 110–161 for “Department of Justice—Fed-*
18 *eral Bureau of Investigation—Salaries and Ex-*
19 *penses”.*

20 *(3) \$110,000,000 provided in Public Law 110–*
21 *252 for “Department of Labor—Employment and*
22 *Training Administration—State Unemployment In-*
23 *surance and Employment Service Operations”, with-*
24 *out regard to the dates specified under such heading.*

1 (4) \$272,000,000 of the \$575,000,000 provided in
2 division *J* of Public Law 110–161 for “Department
3 of State—Administration of Foreign Affairs—Diplo-
4 matic and Consular Programs” in the first para-
5 graph under such heading, and \$206,632,000 pro-
6 vided in the last paragraph under such heading.

7 (5) \$76,700,000 provided in subchapter *A* of
8 chapter 4 of title *I* of Public Law 110–252 for “De-
9 partment of State—Administration of Foreign Af-
10 fairs—Embassy Security, Construction, and Mainte-
11 nance”.

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

15 *SEC. 104. No appropriation or funds made available*
16 *or authority granted pursuant to section 101 shall be used*
17 *to initiate or resume any project or activity for which ap-*
18 *propriations, funds, or other authority were not available*
19 *during fiscal year 2008.*

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

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

11 *SEC. 107. Expenditures made pursuant to this joint*
12 *resolution shall be charged to the applicable appropriation,*
13 *fund, or authorization whenever a bill in which such appli-*
14 *cable appropriation, fund, or authorization is contained is*
15 *enacted into law.*

16 *SEC. 108. Appropriations made and funds made avail-*
17 *able by or authority granted pursuant to this joint resolu-*
18 *tion may be used without regard to the time limitations*
19 *for submission and approval of apportionments set forth in*
20 *section 1513 of title 31, United States Code, but nothing*
21 *in this joint resolution may be construed to waive any other*
22 *provision of law governing the apportionment of funds.*

23 *SEC. 109. Notwithstanding any other provision of this*
24 *joint resolution, except section 106, for those programs that*
25 *would otherwise have high initial rates of operation or com-*

1 *plete distribution of appropriations at the beginning of fis-*
2 *cal year 2009 because of distributions of funding to States,*
3 *foreign countries, grantees, or others, such high initial rates*
4 *of operation or complete distribution shall not be made, and*
5 *no grants shall be awarded for such programs funded by*
6 *this joint resolution that would impinge on final funding*
7 *prerogatives.*

8 *SEC. 110. This joint resolution shall be implemented*
9 *so that only the most limited funding action of that per-*
10 *mitted in the joint resolution shall be taken in order to pro-*
11 *vide for continuation of projects and activities.*

12 *SEC. 111. (a) For entitlements and other mandatory*
13 *payments whose budget authority was provided in appro-*
14 *priations Acts for fiscal year 2008, and for activities under*
15 *the Food and Nutrition Act of 2008, activities shall be con-*
16 *tinued at the rate to maintain program levels under current*
17 *law, under the authority and conditions provided in the*
18 *applicable appropriations Act for fiscal year 2008, to be*
19 *continued through the date specified in section 106(3).*

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

1 *SEC. 112. Amounts made available under section 101*
2 *for civilian personnel compensation and benefits in each de-*
3 *partment and agency may be apportioned up to the rate*
4 *for operations necessary to avoid furloughs within such de-*
5 *partment or agency, consistent with the applicable appro-*
6 *priations Act for fiscal year 2008, except that such author-*
7 *ity provided under this section shall not be used until after*
8 *the department or agency has taken all necessary actions*
9 *to reduce or defer non-personnel-related administrative ex-*
10 *penses.*

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

19 *SEC. 114. Notwithstanding section 101, amounts are*
20 *provided for “Department of Agriculture—Food and Nutri-*
21 *tion Service—Special Supplemental Nutrition Program for*
22 *Women, Infants, and Children (WIC)” at a rate for oper-*
23 *ations of \$6,658,000,000.*

24 *SEC. 115. Notwithstanding section 101, amounts are*
25 *provided for “Department of Agriculture—Rural Housing*

1 *Service—Rental Assistance Program” at a rate for oper-*
2 *ations of \$997,000,000.*

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

7 *SEC. 117. Notwithstanding section 101, amounts are*
8 *provided for “Department of Agriculture—Rural Housing*
9 *Service—Rural Housing Insurance Fund Program Ac-*
10 *count”, for the cost of unsubsidized guaranteed loans for*
11 *section 502 borrowers, at the rate necessary to maintain*
12 *the same principal amount of loan guarantee commitments*
13 *as made in fiscal year 2008.*

14 *SEC. 118. With respect to amounts provided by section*
15 *101 for the Department of Agriculture, sections 101 and*
16 *104 may not be construed to prohibit the use of such*
17 *amounts for necessary administrative expenses for pro-*
18 *grams for which direct spending authority (as defined in*
19 *section 250(c)(8)(A) of the Balanced Budget and Emergency*
20 *Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)(A))) is pro-*
21 *vided by the Food, Conservation, and Energy Act of 2008*
22 *(Public Law 110–246).*

23 *SEC. 119. Notwithstanding section 101, amounts are*
24 *provided for “Department of Agriculture—Food and Nutri-*
25 *tion Service—Commodity Assistance Program” at a rate*

1 for operations of \$233,791,000, of which \$163,218,000 shall
2 be for carrying out the Commodity Supplemental Food Pro-
3 gram.

4 *SEC. 120. Notwithstanding section 101, amounts are*
5 *provided for “Department of Commerce—Bureau of the*
6 *Census—Periodic Censuses and Programs” at a rate for op-*
7 *erations of \$2,906,262,000. From such amounts, funds may*
8 *be used for additional promotion, outreach, and marketing*
9 *activities.*

10 *SEC. 121. Notwithstanding the limitations on admin-*
11 *istrative expenses in subsections (c)(2) and (c)(3)(A) of sec-*
12 *tion 3005 of the Digital Television Transition and Public*
13 *Safety Act of 2005 (Public Law 109–171; 120 Stat. 21),*
14 *the Assistant Secretary (as such term is defined in section*
15 *3001(b) of such Act) may expend funds made available*
16 *under sections 3006, 3008, and 3009 of such Act for addi-*
17 *tional administrative expenses of the digital-to-analog con-*
18 *verter box program established by such section 3005 at a*
19 *rate not to exceed \$180,000,000 through the date specified*
20 *in section 106(3) of this joint resolution.*

21 *SEC. 122. Notwithstanding section 101, amounts are*
22 *provided for “Department of Justice—Federal Prison Sys-*
23 *tem—Salaries and Expenses” at a rate for operations of*
24 *\$5,396,615,000.*

1 *SEC. 123. Notwithstanding section 101, amounts are*
2 *provided for “Department of Justice—General Administra-*
3 *tion—Detention Trustee” at a rate for operations of*
4 *\$1,245,920,000.*

5 *SEC. 124. Amounts provided by section 101 for the Na-*
6 *tional Aeronautics and Space Administration may be obli-*
7 *gated in the account and budget structure set forth in S.*
8 *3182 (110th Congress), the Commerce, Justice, Science, and*
9 *Related Agencies Appropriations Act, 2009, as reported by*
10 *the Committee on Appropriations of the Senate.*

11 *SEC. 125. Section 7(1)(B) of Public Law 106–178 (50*
12 *U.S.C. 1701 note) is amended by striking “January 1,*
13 *2012” and inserting “July 1, 2016”.*

14 *SEC. 126. In addition to amounts otherwise provided*
15 *by section 101, an additional amount is provided for “De-*
16 *partment of Justice—Legal Activities—Salaries and Ex-*
17 *penses, General Legal Activities” to reimburse the Office of*
18 *Personnel Management for salaries and expenses associated*
19 *with the Federal observer program under section 8 of the*
20 *Voting Rights Act of 1965 (42 U.S.C. 1973f), at a rate for*
21 *operations of \$3,390,000, of which \$1,090,000 shall be de-*
22 *rived by transfer from amounts provided by section 101 for*
23 *“Office of Personnel Management—Salaries and Ex-*
24 *penses”.*

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

4 *SEC. 128. Amounts provided by section 101 for “De-*
5 *partment of the Army—Corps of Engineers-Civil—Con-*
6 *struction” for inland waterway major rehabilitation*
7 *projects shall not be derived from the Inland Waterways*
8 *Trust Fund.*

9 *SEC. 129. (a) Notwithstanding any other provision of*
10 *this joint resolution, there is appropriated \$7,510,000,000*
11 *for fiscal year 2009 for “Department of Energy—Energy*
12 *Programs—Advanced Technology Vehicles Manufacturing*
13 *Loan Program Account” for the cost of direct loans as au-*
14 *thorized by section 136(d) of the Energy Independence and*
15 *Security Act of 2007 (Public Law 110–140; 42 U.S.C.*
16 *17013(d)), to remain available until expended. Of such*
17 *amount, \$10,000,000 shall be used for administrative ex-*
18 *penses in carrying out the direct loan program. Commit-*
19 *ments for direct loans using such amount shall not exceed*
20 *\$25,000,000,000 in total loan principal. The cost of such*
21 *direct loans, including the cost of modifying such loans,*
22 *shall be as defined in section 502 of the Congressional Budg-*
23 *et Act of 1974.*

24 *(b) The amount provided by this section is designated*
25 *as an emergency requirement and necessary to meet emer-*

1 *gency needs pursuant to section 204(a) of S. Con. Res. 21*
2 *(110th Congress) and section 301(b)(2) of S. Con. Res. 70*
3 *(110th Congress), the concurrent resolutions on the budget*
4 *for fiscal years 2008 and 2009.*

5 *(c) Section 136 of the Energy Independence and Secu-*
6 *rity Act of 2007 (Public Law 110–140; 42 U.S.C. 17013)*
7 *is amended as follows:*

8 *(1) In subsection (d)(1), by adding at the end the*
9 *following: “The loans shall be made through the Fed-*
10 *eral Financing Bank, with the full faith and credit*
11 *of the United States Government on the principal and*
12 *interest. The full credit subsidy shall be paid by the*
13 *Secretary using appropriated funds.”.*

14 *(2) In subsection (e), by striking “The Secretary*
15 *shall issue regulations that require that,” and insert-*
16 *ing the following: “Not later than 60 days after the*
17 *enactment of the Continuing Appropriations Resolu-*
18 *tion, 2009, the Secretary shall promulgate an interim*
19 *final rule establishing regulations that the Secretary*
20 *deems necessary to administer this section and any*
21 *loans made by the Secretary pursuant to this section.*
22 *Such interim final rule shall require that,”.*

23 *(3) By adding at the end the following new sub-*
24 *section:*

1 “(j) *APPOINTMENT AND PAY OF PERSONNEL.*—(1) *The*
2 *Secretary may use direct hiring authority pursuant to sec-*
3 *tion 3304(a)(3) of title 5, United States Code, to appoint*
4 *such professional and administrative personnel as the Sec-*
5 *retary deems necessary to the discharge of the Secretary’s*
6 *functions under this section.*

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

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

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

23 *(b) The amount provided by this section is designated*
24 *as an emergency requirement and necessary to meet emer-*
25 *gency needs pursuant to section 204(a) of S. Con. Res. 21*

1 *(110th Congress) and section 301(b)(2) of S. Con. Res. 70*
2 *(110th Congress), the concurrent resolutions on the budget*
3 *for fiscal years 2008 and 2009.*

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

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

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

1 *SEC. 134. Notwithstanding any other provision of this*
2 *joint resolution, except section 106, the District of Columbia*
3 *may expend local funds for programs and activities under*
4 *the heading “District of Columbia Funds” for such pro-*
5 *grams and activities under title IV of S. 3260 (110th Con-*
6 *gress), as reported by the Committee on Appropriations of*
7 *the Senate, at the rate set forth under “District of Columbia*
8 *Funds” as included in the Fiscal Year 2009 Proposed Budg-*
9 *et and Financial Plan submitted to the Congress by the Dis-*
10 *trict of Columbia on June 9, 2008.*

11 *SEC. 135. Notwithstanding section 101, amounts are*
12 *provided for “Federal Payment for Emergency Planning*
13 *and Security Costs in the District of Columbia” for a direct*
14 *Federal payment to the District of Columbia, at a rate for*
15 *operations of \$15,000,000.*

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

22 *SEC. 137. Notwithstanding section 101, amounts are*
23 *provided for “General Services Administration—Expenses,*
24 *Presidential Transition” to carry out the Presidential*
25 *Transition Act of 1963 (3 U.S.C. 102 note) at a rate for*

1 operations of \$8,520,000, of which not to exceed \$1,000,000
2 is for activities authorized by paragraphs (8) and (9) of
3 section 3(a) of such Act.

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

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

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

21 *SEC. 141. Notwithstanding section 101, amounts are*
22 *provided to carry out section 8G(f)(6) of the Inspector Gen-*
23 *eral Act of 1978 (5 U.S.C. App.), as added by section*
24 *603(b)(3) of the Postal Accountability and Enhancement*
25 *Act (Public Law 109–435), at a rate for operations of*

1 \$233,440,000, to be derived by transfer from the Postal
2 Service Fund.

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

11 (b) *The adjustment in rates of basic pay for the statu-*
12 *tory pay systems that take place in fiscal year 2009 under*
13 *sections 5344 and 5348 of title 5, United States Code, shall*
14 *be no less than the percentage in subsection (a) as employees*
15 *in the same location whose rates of basic pay are adjusted*
16 *pursuant to the statutory pay systems under section 5303*
17 *and 5304 of such title 5. Prevailing rate employees at loca-*
18 *tions where there are no employees whose pay is increased*
19 *pursuant to sections 5303 and 5304 of such title 5 and pre-*
20 *vailing rate employees described in section 5343(a)(5) of*
21 *such title 5 shall be considered to be located in the pay local-*
22 *ity designated as “Rest of US” pursuant to section 5304*
23 *of such title 5 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 year*
2 *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 date*
8 *specified in section 106(3) of this joint resolution for “the*
9 *11-year period beginning on the first day the pilot program*
10 *is in effect”.*

11 *SEC. 144. The requirement set forth in section 610(b)*
12 *of the Departments of Commerce, Justice, and State, the*
13 *Judiciary, and Related Agencies Appropriations Act, 1993*
14 *(8 U.S.C. 1153 note) shall continue through the date speci-*
15 *fied 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 4026)*
18 *shall each be applied by substituting the date specified in*
19 *section 106(3) of this joint resolution for “September 30,*
20 *2008”.*

21 *SEC. 146. Section 717(a) of the Defense Production Act*
22 *of 1950 (50 U.S.C. App. 2166(a)) shall be applied by sub-*
23 *stituting the date specified in section 106(3) of this joint*
24 *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 ef-*
4 *fect through the date specified in section 106(3) of this joint*
5 *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 Public*
8 *Law 110–161, shall be applied by substituting the date*
9 *specified in section 106(3) of this joint resolution for “Sep-*
10 *tember 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 “Sep-*
14 *tember 30, 2008”.*

15 *SEC. 150. The authority provided by section 325 of*
16 *Public Law 108–108 (117 Stat. 1307) shall continue in ef-*
17 *fect through the date specified in section 106(3) of this joint*
18 *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—Op-*
22 *eration of the National Park System” for security and vis-*
23 *itor safety activities related to the Presidential Inaugural*
24 *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 Act*
6 *(43 U.S.C. 1331 et seq.), including the public comment peri-*
7 *ods mandated by section 18 of that Act (43 U.S.C. 1344),*
8 *the National Environmental Policy Act of 1969 (42 U.S.C.*
9 *4321 et seq.), or any other law or regulation.*

10 *SEC. 153. Amounts provided by section 101 for imple-*
11 *mentation of the Modified Water Deliveries to Everglades*
12 *National Park shall be made available to the Army Corps*
13 *of Engineers, which shall immediately carry out Alternative*
14 *3.2.2.a to U.S. Highway 41 (the Tamiami Trail) as sub-*
15 *stantially described in the Limited Reevaluation Report*
16 *with Integrated Environmental Assessment and addendum,*
17 *approved August 2008, which, for purposes of this section,*
18 *is determined to meet the requirements of section 404 of*
19 *the Federal Water Pollution Control Act (33 U.S.C. 1344),*
20 *including subsection (r), in order to achieve the goals set*
21 *forth in section 104 of the Everglades National Park Protec-*
22 *tion and Expansion Act of 1989 (16 U.S.C. 410r-8).*

23 *SEC. 154. Activities authorized by chapters 2, 3, and*
24 *5 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et*
25 *seq.), including section 246 of such Act, shall continue*

1 *through the date specified in section 106(3) of this joint res-*
2 *olution.*

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

18 *(b) Notwithstanding section 2605(b)(2)(B)(ii) of such*
19 *Act, a State may use any amount of an allotment from*
20 *prior appropriations Acts that is available to that State*
21 *for providing assistance in fiscal year 2009, and any allot-*
22 *ment from funds appropriated in this section or in any*
23 *other appropriations Act for fiscal year 2009, to provide*
24 *assistance to households whose income does not exceed 75*
25 *percent of the State median income.*

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

4 (d) *Of the amount provided by this section,*
5 *\$2,779,672,000 is designated as an emergency requirement*
6 *and necessary to meet emergency needs pursuant to section*
7 *204(a) of S. Con. Res. 21 (110th Congress) and section*
8 *301(b)(2) of S. Con. Res. 70 (110th Congress), the concur-*
9 *rent resolutions on the budget for fiscal years 2008 and*
10 *2009.*

11 (e) *The provisions of this section shall apply notwith-*
12 *standing any other provision of this joint resolution.*

13 *SEC. 156. Notwithstanding section 101, amounts are*
14 *provided for “Corporation for National and Community*
15 *Service—Operating Expenses” to carry out subtitle E of the*
16 *National and Community Service Act of 1990 at a rate for*
17 *operations of \$23,782,000.*

18 *SEC. 157. (a) Amounts provided by section 101 for*
19 *“Department of Health and Human Services—Office of the*
20 *Secretary—General Departmental Management” are also*
21 *available for the purpose of funding the National Commis-*
22 *sion on Children and Disasters authorized under title VI*
23 *of division G of Public Law 110–161 (the “title VI Commis-*
24 *sion”).*

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

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

20 (b) *Subparagraph (E) of section 401(b)(8) of the High-*
21 *er Education Act of 1965 shall not apply to any funds made*
22 *available under subparagraph (A) of such section through*
23 *the date specified in section 106(3) of this joint resolution.*

24 *SEC. 159. Notwithstanding any other provision of this*
25 *joint resolution, there is appropriated for payment to the*

1 *heirs-at-law of Stephanie Tubbs Jones, late a Representa-*
2 *tive from the State of Ohio, \$169,300.*

3 *SEC. 160. (a) Notwithstanding any other provision of*
4 *this joint resolution, there is appropriated for “Department*
5 *of Veterans Affairs—Veterans Benefits Administration—*
6 *Filipino Veterans Equity Compensation Fund” for pay-*
7 *ments to eligible persons who served in the Philippines dur-*
8 *ing World War II as authorized, \$198,000,000, to remain*
9 *available until expended.*

10 *(b) The amount provided by this section is designated*
11 *as an emergency requirement and necessary to meet emer-*
12 *gency needs pursuant to section 204(a) of S. Con. Res. 21*
13 *(110th Congress) and section 301(b)(2) of S. Con. Res. 70*
14 *(110th Congress), the concurrent resolutions on the budget*
15 *for fiscal years 2008 and 2009.*

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

19 *SEC. 162. Notwithstanding section 235(a)(2) of the*
20 *Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the*
21 *authority of subsections (a) through (c) of section 234 of*
22 *such Act shall remain in effect through the date specified*
23 *in section 106(3) of this joint resolution.*

24 *SEC. 163. Notwithstanding any other provision of this*
25 *joint resolution, up to \$5,000,000 of the amounts appro-*

1 *priated under the heading “Other Bilateral Economic As-*
2 *sistance—Department of the Treasury—Debt Restruc-*
3 *turing” in Public Law 109–102, in such Act as made appli-*
4 *cable to fiscal year 2007 by the Continuing Appropriations*
5 *Resolution, 2007 (as amended by Public Law 110–5), and*
6 *in title III of division J of Public Law 110–161, may be*
7 *used to assist Liberia in buying back its commercial debt*
8 *through the Debt Reduction Facility of the International*
9 *Development Association.*

10 *SEC. 164. The first proviso under the heading “Depart-*
11 *ment of State—Migration and Refugee Assistance” in title*
12 *III of division J of Public Law 110–161 shall not apply*
13 *to amounts provided by this joint resolution.*

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

22 *SEC. 166. Notwithstanding section 101, amounts are*
23 *provided for “Department of Transportation—Federal*
24 *Aviation Administration—Operations” at a rate for oper-*
25 *ations of \$8,756,800,000, of which not less than*

1 \$1,099,402,000 shall be available for aviation safety activi-
2 ties.

3 *SEC. 167. Amounts provided by section 101 for “De-*
4 *partment of Transportation—Maritime Administration—*
5 *Operations and Training” shall include amounts necessary*
6 *to satisfy the salaries and benefits of employees of the*
7 *United States Merchant Marine Academy, to be derived*
8 *solely from the total amount made available in this joint*
9 *resolution for the United States Merchant Marine Academy.*
10 *The Secretary of Transportation shall inform the Commit-*
11 *tees on Appropriations of the House of Representatives and*
12 *the Senate of salaries and expenses funding obligated for*
13 *personnel that had heretofore not been compensated from*
14 *funds made available under this account.*

15 *SEC. 168. Notwithstanding any other provision of this*
16 *joint resolution, other than section 106, the Secretary of*
17 *Housing and Urban Development shall obligate funds pro-*
18 *vided by section 101 at a rate the Secretary determines is*
19 *necessary to renew, in a timely manner, all section 8*
20 *project-based rental assistance contracts. In renewing such*
21 *contracts, the Secretary may provide for payments to be*
22 *made beyond the period covered by this joint resolution.*

23 *SEC. 169. Section 24(o) of the United States Housing*
24 *Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by sub-*

1 *stituting the date specified in section 106(3) of this joint*
2 *resolution for “September 30, 2008”.*

3 *SEC. 170. Notwithstanding the limitation in the first*
4 *sentence of section 255(g) of the National Housing Act (12*
5 *U.S.C. 1715z-20(g)), the Secretary of Housing and Urban*
6 *Development may, until the date specified in section 106(3)*
7 *of this joint resolution, insure and enter into commitments*
8 *to insure mortgages under section 255 of such Act.*

9 *SEC. 171. During the period covered by this joint reso-*
10 *lution, commitments to guarantee loans insured under the*
11 *Mutual Mortgage Insurance Fund, as authorized by the Na-*
12 *tional Housing Act (12 U.S.C. 1701 et seq.), shall not exceed*
13 *a loan principal of \$1,154,000,000 multiplied by the num-*
14 *ber of days in such period.*

15 *SEC. 172. Notwithstanding any other provision of this*
16 *joint resolution, from funds made available for personnel*
17 *compensation and benefits or salaries and expenses under*
18 *any account in title II of division K of Public Law 110-*
19 *161 (except for “Office of Inspector General” and “Office*
20 *of Federal Housing Enterprise Oversight—Salaries and*
21 *Expenses”), up to \$15,000,000 may be transferred to*
22 *“Working Capital Fund” for information technology needs*
23 *for the Federal Housing Administration.*

24 *SEC. 173. Amounts provided by section 101 for “Na-*
25 *tional Transportation Safety Board—Salaries and Ex-*

1 *penses*” shall include amounts necessary to make lease pay-
2 *ments due in fiscal year 2009 only, on an obligation in-*
3 *curred in 2001 under a capital lease.*

4 *SEC. 174. The provisions of title II of the McKinney-*
5 *Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.)*
6 *shall continue in effect, notwithstanding section 209 of such*
7 *Act, through the earlier of (1) the date specified in section*
8 *106(3) of this joint resolution; or (2) the date of enactment*
9 *of an authorization Act relating to the McKinney-Vento*
10 *Homeless Assistance Act.*

11 *This division may be cited as the “Continuing Appro-*
12 *priations Resolution, 2009”.*

13 *DIVISION B—DISASTER RELIEF AND RECOVERY*
14 *SUPPLEMENTAL APPROPRIATIONS ACT, 2008*

15 *The following sums are appropriated, out of any*
16 *money in the Treasury not otherwise appropriated, for the*
17 *fiscal year ending September 30, 2008, and for other pur-*
18 *poses, namely:*

1 *TITLE I—RELIEF AND RECOVERY FROM*
2 *NATURAL DISASTERS*
3 *CHAPTER 1—AGRICULTURE AND RURAL*
4 *DEVELOPMENT*

5 *DEPARTMENT OF AGRICULTURE*
6 *OFFICE OF INSPECTOR GENERAL*

7 *For an additional amount for “Office of Inspector*
8 *General”, \$5,000,000, to remain available until expended,*
9 *for oversight of disaster- and emergency-related funding*
10 *provided by this chapter.*

11 *AGRICULTURAL RESEARCH SERVICE*

12 *BUILDINGS AND FACILITIES*

13 *For an additional amount for “Buildings and Facili-*
14 *ties”, \$5,000,000, to remain available until expended, for*
15 *the repair and reconstruction of buildings damaged by nat-*
16 *ural disasters occurring during 2008.*

17 *ANIMAL AND PLANT HEALTH INSPECTION SERVICE*

18 *SALARIES AND EXPENSES*

19 *For an additional amount for “Salaries and Ex-*
20 *penses”, \$5,000,000, to remain available through September*
21 *30, 2010, for pathogen surveillance and eradication to ad-*
22 *dress confirmed or suspected outbreaks.*

1 *NATURAL RESOURCES CONSERVATION SERVICE*

2 *EMERGENCY WATERSHED PROTECTION PROGRAM*

3 *For an additional amount for the “Emergency Water-*
4 *shed Protection Program”, \$100,000,000, to remain avail-*
5 *able until expended, for disaster recovery operations.*

6 *FARM SERVICE AGENCY*

7 *EMERGENCY CONSERVATION PROGRAM*

8 *For an additional amount for “Emergency Conserva-*
9 *tion Program”, \$115,000,000, to remain available until ex-*
10 *pendent.*

11 *RURAL DEVELOPMENT PROGRAMS*

12 *RURAL DEVELOPMENT DISASTER ASSISTANCE FUND*

13 *For grants, and for the cost of direct and guaranteed*
14 *loans, for authorized activities of agencies of the Rural De-*
15 *velopment Mission Area, \$150,000,000, to remain available*
16 *until expended, which shall be allocated as follows:*
17 *\$59,000,000 for single and multi-family housing activities;*
18 *\$40,000,000 for community facilities activities; \$26,000,000*
19 *for utilities activities; and \$25,000,000 for business activi-*
20 *ties: Provided, That such funds shall be for areas affected*
21 *by hurricanes, floods, and other natural disasters occurring*
22 *during 2008 for which the President declared a major dis-*
23 *aster under title IV of the Robert T. Stafford Disaster Relief*
24 *and Emergency Assistance Act of 1974: Provided further,*
25 *That the cost of such direct and guaranteed loans, including*

1 *the cost of modifying loans, shall be as defined in section*
 2 *502 of the Congressional Budget Act of 1974: Provided fur-*
 3 *ther, That the Secretary of Agriculture may reallocate funds*
 4 *made available in this paragraph among the 4 specified ac-*
 5 *tivities, if the Secretary notifies the Committees on Appro-*
 6 *priations of the House of Representatives and the Senate*
 7 *not less than 15 days prior to such reallocation.*

8 *In addition, for an additional amount for grants, and*
 9 *for the cost of direct and guaranteed loans, for authorized*
 10 *activities of the Rural Housing Service, \$38,000,000, to re-*
 11 *main available until expended, for single and multi-family*
 12 *housing activities: Provided, That such funds shall be for*
 13 *areas affected by Hurricanes Katrina and Rita: Provided*
 14 *further, That the cost of such direct and guaranteed loans,*
 15 *including the cost of modifying loans, shall be as defined*
 16 *in section 502 of the Congressional Budget Act of 1974.*

17 **GENERAL PROVISIONS, THIS CHAPTER**

18 **(INCLUDING TRANSFERS OF FUNDS)**

19 **SEC. 10101. (a) RURAL DEVELOPMENT DISASTER AS-**
 20 **SISTANCE FUND.**—*Hereafter, there is established in the*
 21 *Treasury a fund entitled the “Rural Development Disaster*
 22 *Assistance Fund”.*

23 **(b) PURPOSE AND AVAILABILITY OF FUND.**—*Subject to*
 24 *subsection (d), amounts in the Rural Development Disaster*
 25 *Assistance Fund shall be available to the Secretary of Agri-*

1 *culture, until expended, to provide additional amounts for*
2 *authorized activities of agencies of the Rural Development*
3 *Mission Area in areas affected by a disaster declared by*
4 *the President or the Secretary of Agriculture. Amounts so*
5 *provided shall be in addition to any other amounts avail-*
6 *able to carry out the activity.*

7 *(c) WAIVER OF ACTIVITY OR PROJECT LIMITATIONS.—*
8 *The Secretary of Agriculture may waive any limits on pop-*
9 *ulation, income, or cost-sharing otherwise applicable to an*
10 *activity or project for which amounts in the Rural Develop-*
11 *ment Disaster Assistance Fund will be obligated under sub-*
12 *section (b), except that, if the amounts proposed to be obli-*
13 *gated in connection with the disaster would exceed the*
14 *amount specified in subsection (h), the notification required*
15 *by that subsection shall include information and justifica-*
16 *tion with regard to any waivers to be granted under this*
17 *subsection.*

18 *(d) TREATMENT OF CERTAIN AMOUNTS IN FUND.—*
19 *Amounts appropriated directly to the Rural Development*
20 *Disaster Assistance Fund by this Act or any subsequent Act*
21 *for a specific purpose shall be available only for that pur-*
22 *pose until such time as the transfer authority provided by*
23 *subsection (f) takes effect with regard to the amounts. Only*
24 *subsection (c), including the notification requirements of*

1 *such subsection, and subsections (g) and (i) apply to*
2 *amounts described in this subsection.*

3 (e) *TRANSFER OF PRIOR APPROPRIATIONS TO*
4 *FUND.—The Secretary of Agriculture may transfer to the*
5 *Rural Development Disaster Assistance Fund, and merge*
6 *with other amounts generally appropriated to the Fund, the*
7 *available unobligated balance of any amounts that were ap-*
8 *propriated before the date of the enactment of this Act for*
9 *programs and activities of the Rural Development Mission*
10 *Area to respond to a disaster and were designated by the*
11 *Congress as an emergency requirement if, in advance of the*
12 *transfer, the Secretary determines that the unobligated*
13 *amounts are no longer needed to respond to the disaster for*
14 *which the amounts were originally appropriated and the*
15 *Secretary provides a certification of this determination to*
16 *the Committees on Appropriations of the House of Rep-*
17 *resentatives and the Senate.*

18 (f) *TRANSFER OF OTHER APPROPRIATIONS TO*
19 *FUND.—Unless otherwise specifically provided in an appro-*
20 *priations Act, the Secretary of Agriculture may transfer to*
21 *or within the Rural Development Disaster Assistance Fund,*
22 *and merge with other amounts generally appropriated to*
23 *the Fund, the available unobligated balance of any amounts*
24 *that are appropriated for fiscal year 2009 or any subse-*
25 *quent fiscal year for programs and activities of the Rural*

1 *Development Mission Area to respond to a disaster and are*
2 *designated by the Congress as an emergency requirement*
3 *if, in advance of the transfer, the Secretary determines that*
4 *the unobligated amounts are no longer needed to respond*
5 *to the disaster for which the amounts were originally appro-*
6 *priated and the Secretary provides a certification of this*
7 *determination to the Committees on Appropriations of the*
8 *House of Representatives and the Senate. A transfer of un-*
9 *obligated amounts with respect to a disaster may not be*
10 *made under this subsection until after the end of the two-*
11 *year period beginning on the date on which the amounts*
12 *were originally appropriated for that disaster.*

13 *(g) ADMINISTRATIVE EXPENSES.—In addition to any*
14 *other funds available to the Secretary of Agriculture to cover*
15 *administrative costs, the Secretary may use up to 3 percent*
16 *of the amounts allocated from the Rural Development Dis-*
17 *aster Assistance Fund for a specific disaster to cover admin-*
18 *istrative costs of Rural Development’s State and local offices*
19 *in the areas affected by the disaster to carry out disaster*
20 *related activities.*

21 *(h) LIMITATION ON PER DISASTER OBLIGATIONS.—*
22 *Amounts in the Rural Development Disaster Assistance*
23 *Fund, except for amounts described in subsection (d) that*
24 *are appropriated to the Fund and obligated in accordance*
25 *with that subsection, may not be obligated in excess of*

1 \$1,000,000 for a disaster until at least 15 days after the
2 date on which the Secretary of Agriculture notifies the Com-
3 mittees on Appropriations of the House of Representatives
4 and the Senate of the Secretary's determination to obligate
5 additional amounts and the reasons for the determination.
6 The Secretary may not obligate more than 50 percent of
7 the funds contained in the Rural Development Disaster As-
8 sistance Fund for any one disaster unless the Secretary de-
9 clares that there is a specific and extreme need that addi-
10 tional funds must be provided in response to such disaster
11 at time of the obligation.

12 (i) QUARTERLY REPORTS.—The Secretary of Agri-
13 culture shall submit, on a quarterly basis, to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate a report describing the status of the Rural Develop-
16 ment Disaster Assistance Fund and any transactions that
17 have affected the Fund since the previous report.

18 SEC. 10102. Section 1601 (c)(2) of the Food, Conserva-
19 tion and Energy Act of 2008 (Public Law 110-246) shall
20 apply in implementing section 12033 of such Act.

1 *CHAPTER 2—COMMERCE AND SCIENCE*2 *DEPARTMENT OF COMMERCE*3 *ECONOMIC DEVELOPMENT ADMINISTRATION*4 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

5 *Pursuant to section 703 of the Public Works and Eco-*
6 *nomie Development Act (42 U.S.C. 3233), for an additional*
7 *amount for “Economic Development Assistance Programs”,*
8 *for necessary expenses related to disaster relief, long-term*
9 *recovery, and restoration of infrastructure related to the*
10 *consequences of hurricanes, floods and other natural disas-*
11 *ters occurring during 2008 for which the President declared*
12 *a major disaster under title IV of the Robert T. Stafford*
13 *Disaster Relief and Emergency Assistance Act,*
14 *\$400,000,000, to remain available until expended.*

15 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*16 *OPERATIONS, RESEARCH, AND FACILITIES*

17 *For an additional amount for “Operations, Research,*
18 *and Facilities”, to improve hurricane track and intensity*
19 *forecasts for the protection of life and property,*
20 *\$11,000,000, to remain available until September 30, 2009.*

21 *In addition, for an additional amount for “Oper-*
22 *ations, Research, and Facilities”, for fishery disaster assist-*
23 *ance, \$75,000,000, to remain available until September 30,*
24 *2009: Provided, That the National Marine Fisheries Service*
25 *shall cause such amounts to be distributed among eligible*

1 recipients of assistance for fishery resource disasters and
2 commercial fishery failures as declared by the Secretary of
3 Commerce under sections 308(b) and 308(d) of the
4 *Interjurisdictional Fisheries Act* (16 U.S.C. 4107) and sec-
5 tions 312(a) and 315 of the *Magnuson-Stevens Fishery Con-*
6 *servation and Management Act* (16 U.S.C. 1861a(a) and
7 1864).

8 *PROCUREMENT, ACQUISITION, AND CONSTRUCTION*

9 *For an additional amount for “Procurement, Acquisi-*
10 *tion, and Construction”, to improve hurricane track and*
11 *intensity forecasts for the protection of life and property,*
12 *\$6,000,000, to remain available until September 30, 2009.*

13 *NATIONAL AERONAUTICS AND SPACE*

14 *ADMINISTRATION*

15 *EXPLORATION CAPABILITIES*

16 *For an additional amount for “Exploration Capabili-*
17 *ties”, for necessary expenses for restoration and mitigation*
18 *of National Aeronautics and Space Administration owned*
19 *infrastructure and facilities related to the consequences of*
20 *hurricanes, floods, and other natural disasters occurring*
21 *during 2008 for which the President declared a major dis-*
22 *aster under title IV of the Robert T. Stafford Disaster Relief*
23 *and Emergency Assistance Act of 1974, \$30,000,000, to re-*
24 *main available until expended with such sums as deter-*
25 *mined by the Administrator of the National Aeronautics*

1 *and Space Administration as available to reimburse costs*
 2 *incurred and for transfer to “Science, Aeronautics and Ex-*
 3 *ploration” in accordance with section 505 of division B of*
 4 *Public Law 110-161.*

5 *CHAPTER 3—ENERGY AND WATER*
 6 *DEVELOPMENT*
 7 *DEPARTMENT OF DEFENSE—CIVIL*
 8 *DEPARTMENT OF THE ARMY*
 9 *CORPS OF ENGINEERS—CIVIL*
 10 *CONSTRUCTION*

11 *For an additional amount for “Construction” for nec-*
 12 *essary expenses related to the consequences of Hurricane*
 13 *Katrina and other hurricanes, floods and other natural dis-*
 14 *asters, \$1,538,800,000, to remain available until expended:*
 15 *Provided, That the Secretary of the Army is directed to use*
 16 *\$38,800,000 of the funds appropriated under this heading*
 17 *to address emergency situations at Corps of Engineers*
 18 *projects and rehabilitate and repair damages to Corps*
 19 *projects caused by recent natural disasters: Provided fur-*
 20 *ther, That the Secretary is directed to use \$1,500,000,000*
 21 *of the funds appropriated under this heading to fund the*
 22 *estimated amount of the non-Federal cash contribution for*
 23 *projects in southeast Louisiana that will be financed in ac-*
 24 *cordance with the provisions of section 103(k) of Public*
 25 *Law 99-662 over a period of 30 years from the date of com-*

1 *pletion of the project or separable element, with*
2 *\$700,000,000 used for the Lake Pontchartrain and Vicinity*
3 *project; \$350,000,000 used for the West Bank and Vicinity*
4 *project and \$450,000,000 used for elements of the Southeast*
5 *Louisiana Urban Drainage project that are within the geo-*
6 *graphic perimeter of the West Bank and Vicinity and Lake*
7 *Pontchartrain and Vicinity projects: Provided further, That*
8 *the expenditure of funds as provided above may be made*
9 *without regard to individual amounts or purposes and any*
10 *reallocation of funds that is necessary to accomplish the es-*
11 *tablished goals is authorized subject to the approval of the*
12 *Committees on Appropriations of the House of Representa-*
13 *tives and the Senate: Provided further, That the Assistant*
14 *Secretary of the Army for Civil Works shall provide a*
15 *monthly report to the Committees on Appropriations detail-*
16 *ing the allocation and obligation of these funds, beginning*
17 *not later than 60 days after enactment of this Act.*

18 *MISSISSIPPI RIVER AND TRIBUTARIES*

19 *For an additional amount for “Mississippi River and*
20 *Tributaries” for recovery from natural disasters,*
21 *\$82,400,000, to remain available until expended, to dredge*
22 *eligible projects in response to and repair damages to Fed-*
23 *eral projects caused by recent natural disasters: Provided,*
24 *That \$35,000,000 shall be used to reimburse projects where*
25 *funding was transferred to the Flood Control and Coastal*

1 *Emergencies account under the provisions of section 5 of*
2 *the Act of August 18, 1941 (33 U.S.C. 701n): Provided fur-*
3 *ther, That the Assistant Secretary of the Army for Civil*
4 *Works shall provide a monthly report to the Committees on*
5 *Appropriations of the House of Representatives and the*
6 *Senate detailing the allocation and obligation of these*
7 *funds, beginning not later than 60 days after enactment*
8 *of this Act.*

9 *OPERATION AND MAINTENANCE*

10 *For an additional amount for “Operation and Mainte-*
11 *nance” to dredge navigation channels and repair other*
12 *Corps projects related to natural disasters, \$740,000,000,*
13 *to remain available until expended: Provided, That the As-*
14 *stant Secretary of the Army for Civil Works shall provide*
15 *a monthly report to the Committees on Appropriations of*
16 *the House of Representatives and the Senate detailing the*
17 *allocation and obligation of these funds, beginning not later*
18 *than 60 days after enactment of this Act.*

19 *FLOOD CONTROL AND COASTAL EMERGENCIES*

20 *For an additional amount for “Flood Control and*
21 *Coastal Emergencies”, as authorized by section 5 of the Act*
22 *of August 18, 1941 (33 U.S.C. 701n), for necessary expenses*
23 *relating to the consequences of recent hurricanes and other*
24 *natural disasters as authorized by law, \$415,600,000, to re-*
25 *main available until expended to support emergency oper-*

1 *ations, repair eligible projects nationwide, and for other ac-*
2 *tivities in response to natural disasters: Provided, That the*
3 *Assistant Secretary of the Army for Civil Works shall pro-*
4 *vide a monthly report to the Committees on Appropriations*
5 *of the House of Representatives and the Senate detailing*
6 *the allocation and obligation of these funds, beginning not*
7 *later than 60 days after enactment of this Act.*

8 *CHAPTER 4—FINANCIAL SERVICES AND*

9 *GENERAL GOVERNMENT*

10 *INDEPENDENT AGENCIES*

11 *GENERAL SERVICES ADMINISTRATION*

12 *REAL PROPERTY ACTIVITIES*

13 *FEDERAL BUILDINGS FUND*

14 *CONSTRUCTION AND ACQUISITION*

15 *For an additional amount to be deposited in the Fed-*
16 *eral Buildings Fund, \$182,000,000, exclusive of permitted*
17 *escalation, is authorized and available for the Adminis-*
18 *trator to proceed with necessary site acquisition, design,*
19 *and construction for the new courthouse project in Cedar*
20 *Rapids, Iowa: Provided, That the foregoing limits of costs*
21 *on new construction projects may be exceeded to the extent*
22 *that savings are effected in other such projects, but not to*
23 *exceed 10 percent of the amounts provided unless advance*
24 *approval is obtained from the Committees on Appropria-*
25 *tions of a greater amount: Provided further, That all funds*

1 *for direct construction projects shall expire on September*
2 *30, 2009 and remain in the Federal Buildings Fund except*
3 *for funds for projects to which funds for design or other*
4 *funds have been obligated in whole or in part prior to such*
5 *date.*

6 *SMALL BUSINESS ADMINISTRATION*

7 *SALARIES AND EXPENSES*

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

19 *OFFICE OF INSPECTOR GENERAL*

20 *For an additional amount for “Office of Inspector*
21 *General” for necessary expenses related to the consequences*
22 *of recent hurricanes and other natural disasters in calendar*
23 *year 2008, \$3,000,000, to remain available until expended.*

1 *DISASTER LOANS PROGRAM ACCOUNT*

2 *For an additional amount for the “Disaster Loans*
3 *Program Account” for the cost of direct loans authorized*
4 *by section 7(b) of the Small Business Act, for necessary ex-*
5 *penses related to recent hurricanes and other natural disas-*
6 *ters, \$498,000,000, to remain available until expended: Pro-*
7 *vided, That such costs, including the cost of modifying such*
8 *loans, shall be as defined in section 502 of the Congressional*
9 *Budget Act of 1974.*

10 *In addition, for administrative expenses to carry out*
11 *the direct loan program authorized by section 7(b) in re-*
12 *sponse to recent hurricanes and other natural disasters, in-*
13 *cluding onsite assistance to disaster victims, increased staff*
14 *at call centers, processing centers, and field inspections*
15 *teams, and attorneys to assist in loan closings,*
16 *\$288,000,000 to remain available until expended; of which*
17 *\$279,000,000 is for direct administrative expenses of loan*
18 *making and servicing to carry out the direct loan program,*
19 *which may be paid to appropriations for Salaries and Ex-*
20 *penses; and of which \$9,000,000 is for indirect administra-*
21 *tive expenses, which may be paid to appropriations for Sal-*
22 *aries and Expenses.*

1 *CHAPTER 5—HOMELAND SECURITY*
2 *DEPARTMENT OF HOMELAND SECURITY*
3 *COAST GUARD*
4 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Acquisition, Construc-*
7 *tion, and Improvements” for necessary expenses related to*
8 *the consequences of 2008 natural disasters and flooding,*
9 *\$300,000,000, to remain available until expended: Pro-*
10 *vided, That notwithstanding the transfer limitation con-*
11 *tained in section 503 of division E of Public Law 110–*
12 *161, such funding may be transferred to other Coast Guard*
13 *appropriations after notification as required in accordance*
14 *with such section: Provided further, That a plan listing all*
15 *facilities to be reconstructed and restored, with associated*
16 *costs, shall be submitted to the Committees on Appropria-*
17 *tions of the Senate and the House of Representatives.*

18 *FEDERAL EMERGENCY MANAGEMENT AGENCY*
19 *DISASTER RELIEF*
20 *(INCLUDING TRANSFERS OF FUNDS)*

21 *For an additional amount for “Disaster Relief”,*
22 *\$7,960,000,000, to remain available until expended: Pro-*
23 *vided, That of the amount provided, up to \$98,150,000 may*
24 *be transferred to the “Disaster Assistance Direct Loan Pro-*
25 *gram Account” for the cost of direct loans as authorized*

1 *under section 417 of the Robert T. Stafford Disaster Relief*
2 *and Emergency Assistance Act (42 U.S.C. 5184), of which*
3 *up to \$4,200,000 is for administrative expenses to carry*
4 *out the direct loan program: Provided further, That such*
5 *transfer may be made to subsidize gross obligations for the*
6 *principal amount of direct loans not to exceed \$100,000,000*
7 *under section 417 of such Act: Provided further, That the*
8 *cost of modifying such loans shall be as defined in section*
9 *502 of the Congressional Budget Act of 1974 (2 U.S.C.*
10 *661a): Provided further, That of the amount provided, up*
11 *to \$8,000,000 shall be transferred to the “Department of*
12 *Homeland Security Office of Inspector General” for audits*
13 *and investigations related to disasters.*

14 **GENERAL PROVISIONS, THIS CHAPTER**

15 **(INCLUDING RESCISSION OF FUNDS)**

16 **SEC. 10501. (a) RESCISSION.**—*Of amounts previously*
17 *made available from “Federal Emergency Management*
18 *Agency—Disaster Relief” to the State of Mississippi pursu-*
19 *ant to section 404 of the Robert T. Stafford Disaster Relief*
20 *and Emergency Assistance Act of 1974 (42 U.S.C. 5170c)*
21 *for Hurricane Katrina, an additional \$20,000,000 is re-*
22 *scinded.*

23 **(b) APPROPRIATION.**—*For “Federal Emergency Man-*
24 *agement Agency—State and Local Programs”, there is ap-*
25 *propriated an additional \$20,000,000, to remain available*

1 *until expended, for a grant to the State of Mississippi for*
2 *an interoperable communications system required in the*
3 *aftermath of Hurricane Katrina.*

4 *SEC. 10502. There is hereby appropriated to the Sec-*
5 *retary of the Department of Homeland Security not to ex-*
6 *ceed \$100,000,000, to remain available until September 30,*
7 *2009, for payments to the American Red Cross for reim-*
8 *bursement of disaster relief and recovery expenditures and*
9 *emergency services provided in the United States associated*
10 *with hurricanes, floods, and other natural disasters occur-*
11 *ring in 2008 for which the President declared a major dis-*
12 *aster under title IV of the Robert T. Stafford Disaster Relief*
13 *and Emergency Assistance Act of 1974, and only to the ex-*
14 *tent funds are not made available for those activities by*
15 *other Federal sources: Provided, That these funds may be*
16 *administered by any authorized federal government agency*
17 *to meet the purposes of this provision and that total admin-*
18 *istrative costs shall not exceed 3 percent of the total appro-*
19 *priation: Provided further, That the Comptroller General*
20 *shall audit the use of these funds by the American Red*
21 *Cross.*

22 *SEC. 10503. Until such time as preliminary flood in-*
23 *surance rate maps initiated prior to October 1, 2008 are*
24 *completed and released for public review, preliminary base*
25 *flood elevations are published in the Federal Register, and*

1 *the second required local newspaper publication of such base*
 2 *flood elevations is made for the City of St. Louis, St.*
 3 *Charles and St. Louis counties in Missouri, and Madison,*
 4 *Monroe, and St. Clair counties in Illinois, the Administra-*
 5 *tion shall not begin the statutory appeals process in such*
 6 *areas required under section 1363 of the National Flood In-*
 7 *surance Act of 1968.*

8 *CHAPTER 6—INTERIOR AND ENVIRONMENT*

9 *DEPARTMENT OF THE INTERIOR*

10 *BUREAU OF LAND MANAGEMENT*

11 *WILDLAND FIRE MANAGEMENT*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For an additional amount for “Wildland Fire Man-*
 14 *agement”, \$135,000,000, to remain available until ex-*
 15 *pended, of which (1) \$110,000,000 is for urgent wildland*
 16 *fire suppression activities, including repayments to other*
 17 *accounts from which funds were transferred in fiscal year*
 18 *2008 for wildfire suppression so that all such transfers for*
 19 *fiscal year 2008 are fully repaid; and (2) \$25,000,000 is*
 20 *for burned area rehabilitation.*

21 *UNITED STATES FISH AND WILDLIFE SERVICE*

22 *CONSTRUCTION*

23 *For an additional amount for “Construction”,*
 24 *\$75,000,000, to remain available until expended, for nec-*

1 *essary expenses related to the consequences of hurricanes*
2 *and natural disasters.*

3 *DEPARTMENT OF AGRICULTURE*

4 *FOREST SERVICE*

5 *CAPITAL IMPROVEMENT AND MAINTENANCE*

6 *(INCLUDING TRANSFERS OF FUNDS)*

7 *For an additional amount for “Capital Improvement*
8 *and Maintenance”, \$30,000,000, to remain available until*
9 *expended, for necessary expenses, including cleanup, related*
10 *to the consequences of hurricanes, floods and other natural*
11 *disasters.*

12 *WILDLAND FIRE MANAGEMENT*

13 *(INCLUDING TRANSFERS OF FUNDS)*

14 *For an additional amount for “Wildland Fire Man-*
15 *agement”, \$775,000,000, to remain available until ex-*
16 *pended, of which (1) \$500,000,000 shall be available for*
17 *emergency wildfire suppression and related activities, of*
18 *which no less than \$300,000,000 shall be transferred to For-*
19 *est Service accounts within 15 days of enactment of this*
20 *Act so that all such transfers for wildfire suppression in*
21 *fiscal year 2008 are fully repaid, including \$30,000,000 re-*
22 *allocated between programs in the Wildland Fire Manage-*
23 *ment Account; and of which \$100,000,000 shall be trans-*
24 *ferred within 15 days of enactment of this Act to the fund*
25 *established by section 3 of Public Law 71–319 (16 U.S.C.*

1 576 et seq.) to repay transfers made for previous emergency
2 wildfire suppression activities; (2) \$175,000,000 shall be
3 available for hazardous fuels reduction and hazard mitiga-
4 tion activities in areas at high risk of catastrophic wildfire
5 due to population density and fuel loads, of which
6 \$125,000,000 is available for work on State and private
7 lands using all the authorities available to the Forest Serv-
8 ice; (3) \$75,000,000 is for rehabilitation and restoration of
9 Federal lands and may be transferred to other Forest Serv-
10 ice accounts as necessary; and (4) \$25,000,000 is for pre-
11 paredness for retention initiatives in areas at high risk of
12 catastrophic wildfire that face recurrent staffing shortages.

13 *CHAPTER 7—HEALTH AND HUMAN SERVICES*

14 *AND EDUCATION*

15 *DEPARTMENT OF HEALTH AND HUMAN*

16 *SERVICES*

17 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

18 *SOCIAL SERVICES BLOCK GRANT*

19 *For an additional amount for “Social Services Block*
20 *Grant”, \$600,000,000, which shall remain available*
21 *through September 30, 2009, for necessary expenses result-*
22 *ing from hurricanes, floods, and other natural disasters oc-*
23 *curing during 2008 for which the President declared a*
24 *major disaster under title IV of the Robert T. Stafford Dis-*
25 *aster Relief and Emergency Assistance Act of 1974, and*

1 *from Hurricanes Katrina and Rita, notwithstanding sec-*
2 *tion 2003 and paragraphs (1) and (4) of section 2005(a)*
3 *of the Social Security Act: Provided, That notwithstanding*
4 *section 2002 of the Social Security Act, the distribution of*
5 *such amount shall be limited to States directly affected by*
6 *these events: Provided further, That the Secretary of Health*
7 *and Human Services shall distribute such amount to eligi-*
8 *ble States based on demonstrated need in accordance with*
9 *objective criteria that are made available to the public: Pro-*
10 *vided further, That in addition to other uses permitted by*
11 *title XX of the Social Security Act, funds appropriated*
12 *under this heading may be used for health services (includ-*
13 *ing mental health services), and for repair, renovation, and*
14 *construction of health care facilities (including mental*
15 *health facilities), child care centers, and other social services*
16 *facilities.*

17 *DEPARTMENT OF EDUCATION*

18 *SCHOOL IMPROVEMENT PROGRAMS*

19 *For an additional amount for “School Improvement*
20 *Programs” for education for homeless children and youths*
21 *(as defined in section 725 of the McKinney-Vento Homeless*
22 *Assistance Act (42 U.S.C. 11434a)), \$15,000,000, to remain*
23 *available through September 30, 2009: Provided, That such*
24 *funds shall be made available, based on demonstrated need,*
25 *only to local educational agencies whose enrollment of*

1 *homeless students has increased as a result of hurricanes,*
2 *floods, and other natural disasters occurring during 2008*
3 *for which the President declared a major disaster under title*
4 *IV of the Robert T. Stafford Disaster Relief and Emergency*
5 *Assistance Act of 1974: Provided further, That such funds*
6 *shall be used for the activities described in section 723(d)*
7 *of such Act (42 U.S.C. 11433(d)) and services provided*
8 *using such funds shall comply with paragraphs (2) and (3)*
9 *of section 723(a) of such Act (42 U.S.C. 11433(a)): Provided*
10 *further, That the local educational agency requirements de-*
11 *scribed in paragraphs (3) through (7) of section 722(g) of*
12 *such Act (42 U.S.C. 11432(g)) shall apply: Provided fur-*
13 *ther, That the Secretary of Education shall distribute these*
14 *funds to such local educational agencies not later than 120*
15 *days after the date of the enactment of this Act.*

16 *HIGHER EDUCATION DISASTER RELIEF*

17 *For an additional amount under part B of title VII*
18 *of the Higher Education Act of 1965 (“HEA”) for institu-*
19 *tions of higher education (as defined in section 101 or sec-*
20 *tion 102(c) of that Act) that are located in an area affected*
21 *by hurricanes, floods, and other natural disasters occurring*
22 *during 2008 for which the President declared a major dis-*
23 *aster under title IV of the Robert T. Stafford Disaster Relief*
24 *and Emergency Assistance Act of 1974, \$15,000,000, to re-*
25 *main available through September 30, 2009: Provided, That*

1 *such funds shall be available to the Secretary of Education*
2 *only for payments to help defray the expenses (which may*
3 *include lost revenue, reimbursement for expenses already in-*
4 *curred, and construction) incurred by such institutions of*
5 *higher education that were forced to close, relocate, or whose*
6 *operations were impaired as a result of damage directly*
7 *caused by such hurricanes, floods, and other natural disas-*
8 *ters occurring during 2008, and for payments to enable*
9 *such institutions to provide grants to students who attend*
10 *such institutions for academic years beginning on or after*
11 *July 1, 2008: Provided further, That such payments shall*
12 *be made in accordance with criteria established by the Sec-*
13 *retary and made publicly available without regard to sec-*
14 *tion 437 of the General Education Provisions Act, section*
15 *553 of title 5, United States Code, or part B of title VII*
16 *of the HEA: Provided further, That the Secretary shall*
17 *award funds available under this paragraph not later than*
18 *60 days after the date of the enactment of this Act.*

19 *GENERAL PROVISIONS, THIS CHAPTER*

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

23 *(1) in subsection (b)—*

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

4 (B) *by striking the second sentence; and*

5 (2) *in subsection (c)(2), by striking “for fiscal*
 6 *year 2006 or 2007” and inserting “for any fiscal*
 7 *year”.*

8 (b) *APPLICATION OF WAIVER AUTHORITY TO AREAS*
 9 *AFFECTED IN 2008.—The authority of the Secretary of*
 10 *Education under section 105 of subtitle A of title IV of divi-*
 11 *sion B of Public Law 109–148 (119 Stat. 2797), as amend-*
 12 *ed by subsection (a), may be exercised with respect to an*
 13 *entity in an area affected by hurricanes, floods, and other*
 14 *natural disasters occurring during 2008 for which the*
 15 *President declared a major disaster under title IV of the*
 16 *Robert T. Stafford Disaster Relief and Emergency Assist-*
 17 *ance Act of 1974.*

18 SEC. 10702. (a) *ALLOCATION AND USE OF CAMPUS-*
 19 *BASED HIGHER EDUCATION ASSISTANCE.—*

20 (1) *WAIVER OF MATCHING REQUIREMENTS.—*

21 *Notwithstanding sections 413C(a)(2) and 443(b)(5) of*
 22 *the Higher Education Act of 1965 (20 U.S.C. 1070b-*
 23 *2(a)(2); 42 U.S.C. 2753(b)(5)), with respect to funds*
 24 *made available for academic year 2009-2010 to an*
 25 *institution of higher education located in an area af-*

1 *ected by a 2008 natural disaster, the Secretary shall*
2 *waive the requirement that a participating institu-*
3 *tion of higher education provide a non-Federal share*
4 *or a capital contribution, as the case may be, to*
5 *match Federal funds provided to the institution for*
6 *the programs authorized pursuant to subpart 3 of*
7 *part A and part C of title IV of such Act.*

8 (2) *WAIVER OF REALLOCATION RULES.—*

9 (A) *AUTHORITY TO REALLOCATE.—Notwith-*
10 *standing sections 413D(d) and 442(d) of the*
11 *Higher Education Act of 1965 (20 U.S.C. 1070b-*
12 *3(d); 42 U.S.C. 2752(d)), the Secretary shall—*

13 (i) *reallocate any funds returned under*
14 *any of those sections that were allocated to*
15 *institutions of higher education for award*
16 *year 2008–2009 to an institution of higher*
17 *education that is eligible under this para-*
18 *graph; and*

19 (ii) *waive the allocation reduction for*
20 *award year 2009–2010 for an institution re-*
21 *turning more than 10 percent of its alloca-*
22 *tion under any of those sections.*

23 (B) *ELIGIBLE INSTITUTIONS FOR RE-*
24 *ALLOCATION.—An institution of higher education*

1 *may receive a reallocation of excess allocations*
2 *under this paragraph if the institution—*

3 *(i) participates in the program for*
4 *which excess allocations are being reallo-*
5 *cated; and*

6 *(ii) is located in an area affected by a*
7 *2008 natural disaster.*

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

15 *(D) ADDITIONAL WAIVER AUTHORITY.—Not-*
16 *withstanding any other provision of law, in*
17 *order to carry out this paragraph, the Secretary*
18 *may waive or modify any statutory or regu-*
19 *latory provision relating to the reallocation of*
20 *excess allocations under subpart 3 of part A or*
21 *part C of title IV of the Higher Education Act*
22 *of 1965 in order to ensure that assistance is re-*
23 *ceived by institutions described in subsection*
24 *(a)(2)(B).*

25 *(b) DEFINITIONS.—In this section:*

1 (1) *2008 NATURAL DISASTER.*—*The term “2008*
2 *natural disaster” means a major disaster that the*
3 *President declared to exist, in accordance with section*
4 *401 of the Robert T. Stafford Disaster Relief and*
5 *Emergency Assistance Act (42 U.S.C. 5170) that was*
6 *caused by hurricanes, floods, and other natural disas-*
7 *ters during calendar year 2008.*

8 (2) *AREA AFFECTED BY A 2008 NATURAL DIS-*
9 *ASTER.*—*The term “area affected by a 2008 natural*
10 *disaster” means a county or parish that has been des-*
11 *ignated by the Federal Emergency Management Agen-*
12 *cy for disaster assistance for individuals and house-*
13 *holds as a result of a 2008 natural disaster.*

14 (3) *INSTITUTION OF HIGHER EDUCATION.*—*The*
15 *term “institution of higher education” has the mean-*
16 *ing given that term in section 102 of the Higher Edu-*
17 *cation Act of 1965 (20 U.S.C. 1002).*

18 (4) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of Education.*

20 *CHAPTER 8—MILITARY CONSTRUCTION*

21 *DEPARTMENT OF DEFENSE*

22 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

23 *For an additional amount for “Military Construction,*
24 *Army National Guard”, \$25,000,000, to remain available*
25 *until September 30, 2013, for construction due to damages*

1 *as a result of natural disasters: Provided, That notwith-*
2 *standing any other provision of law, such funds may be*
3 *obligated and expended to carry out planning and design*
4 *and military construction projects not otherwise authorized*
5 *by law: Provided further, That within 30 days of enactment*
6 *of this Act, the Army National Guard shall submit to the*
7 *Committees on Appropriations of both Houses of Congress*
8 *an expenditure plan for funds provided under this heading.*

9 *CHAPTER 9—DEPARTMENT OF STATE AND*

10 *FOREIGN OPERATIONS*

11 *INTERNATIONAL COMMISSIONS*

12 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*

13 *UNITED STATES AND MEXICO*

14 *CONSTRUCTION*

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

1 *a detailed spending plan for funds appropriated under this*
2 *heading.*

3 *CHAPTER 10—TRANSPORTATION AND HOUSING*

4 *AND URBAN DEVELOPMENT*

5 *DEPARTMENT OF TRANSPORTATION*

6 *FEDERAL HIGHWAY ADMINISTRATION*

7 *FEDERAL-AID HIGHWAYS*

8 *EMERGENCY RELIEF PROGRAM*

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

17 *FEDERAL RAILROAD ADMINISTRATION*

18 *RAILROAD REHABILITATION AND REPAIR*

19 *For necessary expenses for the Secretary of Transpor-*
20 *tation to make grants to repair and rehabilitate Class II*
21 *and Class III railroad infrastructure damaged by hurri-*
22 *canes, floods, and other natural disasters in areas for which*
23 *the President declared a major disaster under title IV of*
24 *the Robert T. Stafford Disaster Relief and Emergency As-*
25 *sistance Act of 1974, \$20,000,000, to remain available until*

1 expended, and to be awarded to States on a competitive
2 case-by-case basis based on need: Provided, That funds
3 available under this heading shall be available for repair
4 and rehabilitation of railroad rights-of-way, bridges, sig-
5 nals, and other infrastructure which is part of the general
6 railroad system of transportation and primarily used by
7 railroads to move freight traffic: Provided further, That the
8 maximum Federal share for carrying out a project under
9 this heading shall be 80 percent of the project cost with the
10 non-Federal share provided only in cash, equipment or sup-
11 plies: Provided further, That the Secretary may retain up
12 to one-half of 1 percent of the funds under this heading to
13 fund the oversight by the Administrator of the Federal Rail-
14 road Administration of the design and implementation of
15 projects funded by grants made under this heading: Pro-
16 vided further, That the provisions of section 24312 of title
17 49, United States Code, shall apply to grantees assisted
18 under this heading: Provided further, That grantees must
19 exhaust all other Federal and State resources prior to seek-
20 ing assistance under this heading.

1 *DEPARTMENT OF HOUSING AND URBAN*
2 *DEVELOPMENT*

3 *PUBLIC AND INDIAN HOUSING*

4 *TENANT-BASED RENTAL ASSISTANCE*

5 *For an additional amount for “Tenant-Based Rental*
6 *Assistance”, as authorized under the United States Housing*
7 *Act of 1937 (42 U.S.C. 1437 et seq.), not otherwise provided*
8 *for, \$85,000,000, to remain available until expended, for*
9 *incremental housing assistance, including related adminis-*
10 *trative expenses, for persons assisted under the Disaster*
11 *Housing Assistance Program whose assistance would other-*
12 *wise end on March 1, 2009.*

13 *PROJECT-BASED RENTAL ASSISTANCE*

14 *For an additional amount to areas impacted by Hur-*
15 *ricanes Katrina and Rita for project-based vouchers under*
16 *section 8(o)(13) of the United States Housing Act of 1937*
17 *(42 U.S.C. 1437f(o)(13)), \$50,000,000, to remain available*
18 *until expended.*

19 *PUBLIC HOUSING CAPITAL FUND*

20 *For an additional amount to be made available to the*
21 *Secretary of Housing and Urban Development,*
22 *\$15,000,000, notwithstanding any other provision of law,*
23 *to be used solely for the redevelopment of public housing*
24 *impacted by Hurricanes Katrina and Rita.*

1 *COMMUNITY PLANNING AND DEVELOPMENT*2 *COMMUNITY DEVELOPMENT FUND*

3 *For an additional amount for the “Community Devel-*
4 *opment Fund”, for necessary expenses related to disaster*
5 *relief, long-term recovery, and restoration of infrastructure,*
6 *housing, and economic revitalization in areas affected by*
7 *hurricanes, floods, and other natural disasters occurring*
8 *during 2008 for which the President declared a major dis-*
9 *aster under title IV of the Robert T. Stafford Disaster Relief*
10 *and Emergency Assistance Act of 1974, \$6,500,000,000, to*
11 *remain available until expended, for activities authorized*
12 *under title I of the Housing and Community Development*
13 *Act of 1974 (Public Law 93–383): Provided, That funds*
14 *provided under this heading shall be administered through*
15 *an entity or entities designated by the Governor of each*
16 *State: Provided further, That such funds may not be used*
17 *for activities reimbursable by, or for which funds are made*
18 *available by, the Federal Emergency Management Agency*
19 *or the Army Corps of Engineers: Provided further, That*
20 *funds allocated under this heading shall not adversely affect*
21 *the amount of any formula assistance received by a State*
22 *under the Community Development Fund: Provided fur-*
23 *ther, That each State may use up to 5 percent of its alloca-*
24 *tion for administrative costs: Provided further, That*
25 *\$6,500,000 shall be available for use by the Assistant Sec-*

1 *retary of Community Planning and Development for the*
2 *administrative costs, including information technology*
3 *costs, with respect to amounts made available under this*
4 *section and under section 2301(a) of the Housing and Eco-*
5 *nomi Recovery Act of 2008. Provided further, That not less*
6 *than \$650,000,000 from funds made available on a pro-rata*
7 *basis according to the allocation made to each State under*
8 *this heading shall be used for repair, rehabilitation, and*
9 *reconstruction (including demolition, site clearance and re-*
10 *mediation) of the affordable rental housing stock (including*
11 *public and other HUD-assisted housing) in the impacted*
12 *areas where there is a demonstrated need as determined by*
13 *the Secretary: Provided further, That in administering the*
14 *funds under this heading, the Secretary of Housing and*
15 *Urban Development may waive, or specify alternative re-*
16 *quirements for, any provision of any statute or regulation*
17 *that the Secretary administers in connection with the obli-*
18 *gation by the Secretary or the use by the recipient of these*
19 *funds or guarantees (except for requirements related to fair*
20 *housing, nondiscrimination, labor standards, and the envi-*
21 *ronment), upon a request by a State explaining why such*
22 *waiver is required to facilitate the use of such funds or*
23 *guarantees, if the Secretary finds that such waiver would*
24 *not be inconsistent with the overall purpose of title I of the*
25 *Housing and Community Development Act of 1974: Pro-*

1 *vided further, That a waiver granted by the Secretary under*
2 *the preceding proviso may not reduce the percentage of*
3 *funds which must be used for activities that benefit persons*
4 *of low and moderate income to less than 50 percent, unless*
5 *the Secretary specifically finds that there is compelling need*
6 *to further reduce or eliminate the percentage requirement:*
7 *Provided further, That the Secretary shall publish in the*
8 *Federal Register any waiver of any statute or regulation*
9 *that the Secretary administers pursuant to title I of the*
10 *Housing and Community Development Act of 1974 no later*
11 *than 5 days before the effective date of such waiver: Pro-*
12 *vided further, That every waiver made by the Secretary*
13 *must be reconsidered according to the three previous pro-*
14 *visos on the 2-year anniversary of the day the Secretary*
15 *published the waiver in the Federal Register: Provided fur-*
16 *ther, That the Secretary shall allocate to the states not less*
17 *than 33 percent of the funding provided under this heading*
18 *within 60 days after the enactment of this Act based on*
19 *the best estimates available of relative damage and antici-*
20 *pated assistance from other Federal sources: Provided fur-*
21 *ther, That prior to the obligation of funds each State shall*
22 *submit a plan to the Secretary detailing the proposed use*
23 *of all funds, including criteria for eligibility and how the*
24 *use of these funds will address long-term recovery and res-*
25 *toration of infrastructure: Provided further, That each*

1 *State will report quarterly to the Committees on Appro-*
2 *priations on all awards and uses of funds made available*
3 *under this heading, including specifically identifying all*
4 *awards of sole-source contracts and the rationale for making*
5 *the award on a sole-source basis: Provided further, That the*
6 *Secretary shall notify the Committees on Appropriations of*
7 *any proposed allocation of any funds and any related waiv-*
8 *ers made pursuant to the provisions under this heading no*
9 *later than 5 days before such allocation or waiver is made:*
10 *Provided further, That the Secretary shall establish proce-*
11 *dures to prevent recipients from receiving any duplication*
12 *of benefits and report quarterly to the Committees on Ap-*
13 *propriations with regard to all steps taken to prevent fraud*
14 *and abuse of funds made available under this heading in-*
15 *cluding duplication of benefits: Provided further, That none*
16 *of the funds provided under this heading may be used by*
17 *a State or locality as a matching requirement, share, or*
18 *contribution for any other Federal program.*

19 *GENERAL PROVISIONS, THIS CHAPTER*

20 *SEC. 11001. Section 7025 of Public Law 109–234 is*
21 *amended by inserting “and nine months” after “two years”.*

22 *SEC. 11002. The Secretary of Housing and Urban De-*
23 *velopment (“Secretary”) is authorized to transfer, at the re-*
24 *quest of the project owner, any project-based assistance con-*
25 *tract in its entirety entered into pursuant to section 8 of*

1 *the United States Housing Act of 1937 (42 U.S.C. 1437f)*
2 *(and any use restriction on the project) from one project*
3 *to another project. The Secretary shall make a determina-*
4 *tion of approval or disapproval within 60 days of receipt*
5 *of the proper documentation required for such transfer, as*
6 *determined by the Secretary, if—*

7 (1) *the project from which the contract is trans-*
8 *ferred is destroyed, damaged by Hurricanes Katrina*
9 *or Rita, or is considered beyond repair, physically ob-*
10 *solete, or economically infeasible; and*

11 (2) *the number of individuals that can be served*
12 *in the project to which the contract is transferred is*
13 *approximately at least equal to the number of indi-*
14 *viduals that could be served in the project from which*
15 *the contract is transferred, and any difference in the*
16 *unit count and bedroom configuration between the*
17 *two projects shall be immaterial to the Secretary's au-*
18 *thority to transfer the contract.*

19 *SEC. 11003. Section 901 of Public Law 109–148 is*
20 *amended by deleting “calendar years 2006 and 2007” and*
21 *inserting “calendar years 2006, 2007, 2008, and 2009”.*

1 *TITLE II—OTHER SUPPLEMENTAL*
2 *APPROPRIATIONS*

3 *CHAPTER 1—STATE AND FOREIGN OPERATIONS*

4 *DEPARTMENT OF STATE*

5 *OFFICE OF INSPECTOR GENERAL*

6 *(INCLUDING TRANSFER OF FUNDS)*

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

12 *BILATERAL ECONOMIC ASSISTANCE*

13 *OTHER BILATERAL ECONOMIC ASSISTANCE*

14 *ECONOMIC SUPPORT FUND*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For an additional amount for “Economic Support*
17 *Fund”, \$465,000,000, to remain available until September*
18 *30, 2010, of which up to \$5,000,000 may be made available*
19 *for administrative expenses of the United States Agency for*
20 *International Development, in addition to amounts other-*
21 *wise made available for such purposes: Provided, That of*
22 *the funds appropriated under this heading, \$365,000,000*
23 *shall be made available for assistance for Georgia and the*
24 *region for humanitarian and economic relief, reconstruc-*
25 *tion, energy-related programs and democracy activities,*

1 *and may be transferred to, and merged with, funds appro-*
2 *priated under the headings “Assistance for the Independent*
3 *States of the Former Soviet Union” and “International*
4 *Disaster Assistance”, of which up to \$8,000,000 may be*
5 *transferred to, and merged with, funds made available for*
6 *“International Broadcasting Operations” for broadcasting*
7 *activities to Georgia, Russia and the region: Provided fur-*
8 *ther, That none of the funds made available in prior Acts*
9 *making appropriations for foreign operations, export fi-*
10 *nancing, and related programs under the headings “Assist-*
11 *ance for the Independent States of the Former Soviet*
12 *Union” and “Assistance for Eastern Europe and the Baltic*
13 *States”, or funds appropriated for Iraq for the Community*
14 *Stabilization Program under the heading “Economic Sup-*
15 *port Fund” in Public Law 110-252, may be reprogrammed*
16 *for assistance for Georgia: Provided further, That of the*
17 *funds appropriated under this heading, not less than*
18 *\$100,000,000 shall be made available for hurricane relief*
19 *and reconstruction assistance for Haiti and other Carib-*
20 *bean countries: Provided further, That funds appropriated*
21 *under this heading shall be subject to prior consultation*
22 *with, and the regular notification procedures of, the Com-*
23 *mittees 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. 21*
17 *(110th Congress) and section 301(b)(2) of S. Con. Res. 70*
18 *(110th Congress), the concurrent resolutions on the budget*
19 *for fiscal years 2008 and 2009.*

20 *COORDINATION OF PROVISIONS*

21 *SEC. 30003. Unless otherwise expressly provided, each*
22 *amount in this Act is a supplemental appropriation for fis-*
23 *cal year 2008 or, if enacted after September 30, 2008, for*
24 *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 station*
13 *travel (including all expenses thereof for organizational*
14 *movements), and expenses of temporary duty travel between*
15 *permanent duty stations, for members of the Army on active*
16 *duty, (except members of reserve components provided for*
17 *elsewhere), cadets, and aviation cadets; for members of the*
18 *Reserve Officers' Training Corps; and for payments pursu-*
19 *ant to section 156 of Public Law 97–377, as amended (42*
20 *U.S.C. 402 note), and to the Department of Defense Mili-*
21 *tary Retirement Fund, \$36,382,736,000.*

22 *MILITARY PERSONNEL, NAVY*

23 *For pay, allowances, individual clothing, subsistence,*
24 *interest on deposits, gratuities, permanent change of station*
25 *travel (including all expenses thereof for organizational*

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

9 *MILITARY PERSONNEL, MARINE CORPS*

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

20 *MILITARY PERSONNEL, AIR FORCE*

21 *For pay, allowances, individual clothing, subsistence,*
22 *interest on deposits, gratuities, permanent change of station*
23 *travel (including all expenses thereof for organizational*
24 *movements), and expenses of temporary duty travel between*
25 *permanent duty stations, for members of the Air Force on*

1 *active duty (except members of reserve components provided*
2 *for elsewhere), cadets, and aviation cadets; for members of*
3 *the Reserve Officers' Training Corps; and for payments*
4 *pursuant to section 156 of Public Law 97-377, as amended*
5 *(42 U.S.C. 402 note), and to the Department of Defense*
6 *Military Retirement Fund, \$25,103,789,000.*

7 *RESERVE PERSONNEL, ARMY*

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

20 *RESERVE PERSONNEL, NAVY*

21 *For pay, allowances, clothing, subsistence, gratuities,*
22 *travel, and related expenses for personnel of the Navy Re-*
23 *serve on active duty under section 10211 of title 10, United*
24 *States Code, or while serving on active duty under section*
25 *12301(d) of title 10, United States Code, in connection with*

1 *performing duty specified in section 12310(a) of title 10,*
2 *United States Code, or while undergoing reserve training,*
3 *or while performing drills or equivalent duty, and expenses*
4 *authorized by section 16131 of title 10, United States Code;*
5 *and for payments to the Department of Defense Military*
6 *Retirement Fund, \$1,855,968,000.*

7 *RESERVE PERSONNEL, MARINE CORPS*

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

21 *RESERVE PERSONNEL, AIR FORCE*

22 *For pay, allowances, clothing, subsistence, gratuities,*
23 *travel, and related expenses for personnel of the Air Force*
24 *Reserve on active duty under sections 10211, 10305, and*
25 *8038 of title 10, United States Code, or while serving on*

1 *active duty under section 12301(d) of title 10, United States*
2 *Code, in connection with performing duty specified in sec-*
3 *tion 12310(a) of title 10, United States Code, or while un-*
4 *dergoing reserve training, or while performing drills or*
5 *equivalent duty or other duty, and expenses authorized by*
6 *section 16131 of title 10, United States Code; and for pay-*
7 *ments to the Department of Defense Military Retirement*
8 *Fund, \$1,423,676,000.*

9 *NATIONAL GUARD PERSONNEL, ARMY*

10 *For pay, allowances, clothing, subsistence, gratuities,*
11 *travel, and related expenses for personnel of the Army Na-*
12 *tional Guard while on duty under section 10211, 10302,*
13 *or 12402 of title 10 or section 708 of title 32, United States*
14 *Code, or while serving on duty under section 12301(d) of*
15 *title 10 or section 502(f) of title 32, 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 training, or while performing drills or equivalent*
19 *duty or other duty, and expenses authorized by section*
20 *16131 of title 10, United States Code; and for payments*
21 *to the Department of Defense Military Retirement Fund,*
22 *\$6,616,220,000.*

23 *NATIONAL GUARD PERSONNEL, AIR FORCE*

24 *For pay, allowances, clothing, subsistence, gratuities,*
25 *travel, and related expenses for personnel of the Air Na-*

1 *tional Guard on duty under section 10211, 10305, or 12402*
2 *of title 10 or section 708 of title 32, United States Code,*
3 *or while serving on duty under section 12301(d) of title 10*
4 *or section 502(f) of title 32, United States Code, in connec-*
5 *tion with performing duty specified in section 12310(a) of*
6 *title 10, United States Code, or while undergoing training,*
7 *or while performing drills or equivalent duty or other duty,*
8 *and expenses authorized by section 16131 of title 10, United*
9 *States Code; and for payments to the Department of Defense*
10 *Military Retirement Fund, \$2,741,768,000.*

11 *TITLE II*

12 *OPERATION AND MAINTENANCE*

13 *OPERATION AND MAINTENANCE, ARMY*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For expenses, not otherwise provided for, necessary for*
16 *the operation and maintenance of the Army, as authorized*
17 *by law; and not to exceed \$11,478,000 can be used for emer-*
18 *gencies and extraordinary expenses, to be expended on the*
19 *approval or authority of the Secretary of the Army, and*
20 *payments may be made on his certificate of necessity for*
21 *confidential military purposes, \$31,207,243,000: Provided,*
22 *That of the funds made available under this heading,*
23 *\$2,500,000 shall be available for Fort Baker, in accordance*
24 *with terms and conditions as provided under the heading*

1 “Operation and Maintenance, Army”, in Public Law 107–
2 117.

3 *OPERATION AND MAINTENANCE, NAVY*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance of the Navy and the Marine*
6 *Corps, as authorized by law; and not to exceed \$14,657,000*
7 *can be used for emergencies and extraordinary expenses, to*
8 *be expended on the approval or authority of the Secretary*
9 *of the Navy, and payments may be made on his certificate*
10 *of necessity for confidential military purposes,*
11 *\$34,410,773,000.*

12 *OPERATION AND MAINTENANCE, MARINE CORPS*

13 *For expenses, not otherwise provided for, necessary for*
14 *the operation and maintenance of the Marine Corps, as au-*
15 *thorized by law, \$5,519,232,000.*

16 *OPERATION AND MAINTENANCE, AIR FORCE*

17 *For expenses, not otherwise provided for, necessary for*
18 *the operation and maintenance of the Air Force, as author-*
19 *ized by law; and not to exceed \$7,699,000 can be used for*
20 *emergencies and extraordinary expenses, to be expended on*
21 *the approval or authority of the Secretary of the Air Force,*
22 *and payments may be made on his certificate of necessity*
23 *for confidential military purposes, \$34,865,964,000.*

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For expenses, not otherwise provided for, necessary for*
4 *the operation and maintenance of activities and agencies*
5 *of the Department of Defense (other than the military de-*
6 *partments), as authorized by law, \$25,939,466,000: Pro-*
7 *vided, That not more than \$50,000,000 may be used for*
8 *the Combatant Commander Initiative Fund authorized*
9 *under section 166a of title 10, United States Code: Provided*
10 *further, That not to exceed \$36,000,000 can be used for*
11 *emergencies and extraordinary expenses, to be expended on*
12 *the approval or authority of the Secretary of Defense, and*
13 *payments may be made on his certificate of necessity for*
14 *confidential military purposes: Provided further, That of*
15 *the funds provided under this heading, not less than*
16 *\$29,900,000 shall be made available for the Procurement*
17 *Technical Assistance Cooperative Agreement Program, of*
18 *which not less than \$3,600,000 shall be available for centers*
19 *defined in 10 U.S.C. 2411(1)(D): Provided further, That*
20 *none of the funds appropriated or otherwise made available*
21 *by this Act may be used to plan or implement the consolida-*
22 *tion of a budget or appropriations liaison office of the Office*
23 *of the Secretary of Defense, the office of the Secretary of*
24 *a military department, or the service headquarters of one*
25 *of the Armed Forces into a legislative affairs or legislative*

1 *liaison office: Provided further, That, notwithstanding sec-*
2 *tion 130(a) of title 10, United States Code, not less than*
3 *\$46,970,000 shall be available for the Office of the Undersec-*
4 *retary of Defense, Comptroller and Chief Financial Officer:*
5 *Provided further, That \$4,000,000, to remain available*
6 *until expended, is available only for expenses relating to*
7 *certain classified activities, and may be transferred as nec-*
8 *essary by the Secretary to operation and maintenance ap-*
9 *propriations or research, development, test and evaluation*
10 *appropriations, to be merged with and to be available for*
11 *the same time period as the appropriations to which trans-*
12 *ferred: Provided further, That any ceiling on the investment*
13 *item unit cost of items that may be purchased with oper-*
14 *ation and maintenance funds shall not apply to the funds*
15 *described in the preceding proviso: Provided further, That*
16 *the transfer authority provided under this heading is in ad-*
17 *dition to any other transfer authority provided elsewhere*
18 *in this Act.*

19 *OPERATION AND MAINTENANCE, ARMY RESERVE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the operation and maintenance, including training, organi-*
22 *zation, and administration, of the Army Reserve; repair of*
23 *facilities and equipment; hire of passenger motor vehicles;*
24 *travel and transportation; care of the dead; recruiting; pro-*

1 *curement of services, supplies, and equipment; and commu-*
2 *nications, \$2,628,896,000.*

3 *OPERATION AND MAINTENANCE, NAVY RESERVE*

4 *For expenses, not otherwise provided for, necessary for*
5 *the operation and maintenance, including training, organi-*
6 *zation, and administration, of the Navy Reserve; repair of*
7 *facilities and equipment; hire of passenger motor vehicles;*
8 *travel and transportation; care of the dead; recruiting; pro-*
9 *curement of services, supplies, and equipment; and commu-*
10 *nications, \$1,308,141,000.*

11 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

12 *For expenses, not otherwise provided for, necessary for*
13 *the operation and maintenance, including training, organi-*
14 *zation, and administration, of the Marine Corps Reserve;*
15 *repair of facilities and equipment; hire of passenger motor*
16 *vehicles; travel and transportation; care of the dead; recruit-*
17 *ing; procurement of services, supplies, and equipment; and*
18 *communications, \$212,487,000.*

19 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the operation and maintenance, including training, organi-*
22 *zation, and administration, of the Air Force Reserve; repair*
23 *of facilities and equipment; hire of passenger motor vehicles;*
24 *travel and transportation; care of the dead; recruiting; pro-*

1 *curement of services, supplies, and equipment; and commu-*
2 *nications, \$3,018,151,000.*

3 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

4 *For expenses of training, organizing, and admin-*
5 *istering the Army National Guard, including medical and*
6 *hospital treatment and related expenses in non-Federal hos-*
7 *pitals; maintenance, operation, and repairs to structures*
8 *and facilities; hire of passenger motor vehicles; personnel*
9 *services in the National Guard Bureau; travel expenses*
10 *(other than mileage), as authorized by law for Army per-*
11 *sonnel on active duty, for Army National Guard division,*
12 *regimental, and battalion commanders while inspecting*
13 *units in compliance with National Guard Bureau regula-*
14 *tions when specifically authorized by the Chief, National*
15 *Guard Bureau; supplying and equipping the Army Na-*
16 *tional Guard as authorized by law; and expenses of repair,*
17 *modification, maintenance, and issue of supplies and*
18 *equipment (including aircraft), \$5,858,303,000.*

19 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

20 *For expenses of training, organizing, and admin-*
21 *istering the Air National Guard, including medical and*
22 *hospital treatment and related expenses in non-Federal hos-*
23 *pitals; maintenance, operation, and repairs to structures*
24 *and facilities; transportation of things, hire of passenger*
25 *motor vehicles; supplying and equipping the Air National*

1 *Guard, as authorized by law; expenses for repair, modifica-*
2 *tion, maintenance, and issue of supplies and equipment,*
3 *including those furnished from stocks under the control of*
4 *agencies of the Department of Defense; travel expenses (other*
5 *than mileage) on the same basis as authorized by law for*
6 *Air National Guard personnel on active Federal duty, for*
7 *Air National Guard commanders while inspecting units in*
8 *compliance with National Guard Bureau regulations when*
9 *specifically authorized by the Chief, National Guard Bu-*
10 *reau, \$5,901,044,000.*

11 *UNITED STATES COURT OF APPEALS FOR THE ARMED*
12 *FORCES*

13 *For salaries and expenses necessary for the United*
14 *States Court of Appeals for the Armed Forces, \$13,254,000,*
15 *of which not to exceed \$5,000 may be used for official rep-*
16 *resentation purposes.*

17 *ENVIRONMENTAL RESTORATION, ARMY*
18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For the Department of the Army, \$457,776,000, to re-*
20 *main available until transferred: Provided, That the Sec-*
21 *retary of the Army shall, upon determining that such funds*
22 *are required for environmental restoration, reduction and*
23 *recycling of hazardous waste, removal of unsafe buildings*
24 *and debris of the Department of the Army, or for similar*
25 *purposes, transfer the funds made available by this appro-*

1 *priation to other appropriations made available to the De-*
2 *partment of the Army, to be merged with and to be available*
3 *for the same purposes and for the same time period as the*
4 *appropriations to which transferred: Provided further, That*
5 *upon a determination that all or part of the funds trans-*
6 *ferred from this appropriation are not necessary for the*
7 *purposes provided herein, such amounts may be transferred*
8 *back to this appropriation: Provided further, That the*
9 *transfer authority provided under this heading is in addi-*
10 *tion to any other transfer authority provided elsewhere in*
11 *this Act.*

12 *ENVIRONMENTAL RESTORATION, NAVY*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For the Department of the Navy, \$290,819,000, to re-*
15 *main available until transferred: Provided, That the Sec-*
16 *retary of the Navy shall, upon determining that such funds*
17 *are required for environmental restoration, reduction and*
18 *recycling of hazardous waste, removal of unsafe buildings*
19 *and debris of the Department of the Navy, or for similar*
20 *purposes, transfer the funds made available by this appro-*
21 *priation to other appropriations made available to the De-*
22 *partment of the Navy, to be merged with and to be available*
23 *for the same purposes and for the same time period as the*
24 *appropriations to which transferred: Provided further, That*
25 *upon a determination that all or part of the funds trans-*

1 *ferred from this appropriation are not necessary for the*
2 *purposes provided herein, such amounts may be transferred*
3 *back to this appropriation: Provided further, That the*
4 *transfer authority provided under this heading is in addi-*
5 *tion to any other transfer authority provided elsewhere in*
6 *this Act.*

7 *ENVIRONMENTAL RESTORATION, AIR FORCE*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the Department of the Air Force, \$496,277,000,*
10 *to remain available until transferred: Provided, That the*
11 *Secretary of the Air Force shall, upon determining that*
12 *such funds are required for environmental restoration, re-*
13 *duction and recycling of hazardous waste, removal of unsafe*
14 *buildings and debris of the Department of the Air Force,*
15 *or for similar purposes, transfer the funds made available*
16 *by this appropriation to other appropriations made avail-*
17 *able to the Department of the Air Force, to be merged with*
18 *and to be available for the same purposes and for the same*
19 *time period as the appropriations to which transferred:*
20 *Provided further, That upon a determination that all or*
21 *part of the funds transferred from this appropriation are*
22 *not necessary for the purposes provided herein, such*
23 *amounts may be transferred back to this appropriation:*
24 *Provided further, That the transfer authority provided*

1 *under this heading is in addition to any other transfer au-*
2 *thority provided elsewhere in this Act.*

3 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of Defense, \$13,175,000, to remain*
6 *available until transferred: Provided, That the Secretary of*
7 *Defense shall, upon determining that such funds are re-*
8 *quired for environmental restoration, reduction and recy-*
9 *cling of hazardous waste, removal of unsafe buildings and*
10 *debris of the Department of Defense, or for similar purposes,*
11 *transfer the funds made available by this appropriation to*
12 *other appropriations made available to the Department of*
13 *Defense, to be merged with and to be available for the same*
14 *purposes and for the same time period as the appropria-*
15 *tions to which transferred: Provided further, That upon a*
16 *determination that all or part of the funds transferred from*
17 *this appropriation are not necessary for the purposes pro-*
18 *vided herein, such amounts may be transferred back to this*
19 *appropriation: Provided further, That the transfer author-*
20 *ity provided under this heading is in addition to any other*
21 *transfer authority provided elsewhere in this Act.*

1 401, 402, 404, 407, 2557, and 2561 of title 10, United
2 States Code), \$83,273,000, to remain available until Sep-
3 tember 30, 2010.

4 *COOPERATIVE THREAT REDUCTION ACCOUNT*

5 *For assistance to the republics of the former Soviet*
6 *Union, including assistance provided by contract or by*
7 *grants, for facilitating the elimination and the safe and se-*
8 *cure transportation and storage of nuclear, chemical and*
9 *other weapons; for establishing programs to prevent the pro-*
10 *liferation of weapons, weapons components, and weapon-*
11 *related technology and expertise; for programs relating to*
12 *the training and support of defense and military personnel*
13 *for demilitarization and protection of weapons, weapons*
14 *components and weapons technology and expertise, and for*
15 *defense and military contacts, \$434,135,000, to remain*
16 *available until September 30, 2011: Provided, That of the*
17 *amounts provided under this heading, \$12,000,000 shall be*
18 *available only to support the dismantling and disposal of*
19 *nuclear submarines, submarine reactor components, and se-*
20 *curity enhancements for transport and storage of nuclear*
21 *warheads in the Russian Far East.*

1 *TITLE III*
2 *PROCUREMENT*

3 *AIRCRAFT PROCUREMENT, ARMY*

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

18 *MISSILE PROCUREMENT, ARMY*

19 *For construction, procurement, production, modifica-*
20 *tion, and modernization of missiles, equipment, including*
21 *ordnance, ground handling equipment, spare parts, and ac-*
22 *cessories therefor; specialized equipment and training de-*
23 *vices; expansion of public and private plants, including the*
24 *land necessary therefor, for the foregoing purposes, and such*
25 *lands and interests therein, may be acquired, and construc-*

1 *PROCUREMENT OF AMMUNITION, ARMY*

2 *For construction, procurement, production, and modi-*
3 *fication of ammunition, and accessories therefor; specialized*
4 *equipment and training devices; expansion of public and*
5 *private plants, including ammunition facilities, authorized*
6 *by section 2854 of title 10, United States Code, and the*
7 *land necessary therefor, for the foregoing purposes, and such*
8 *lands and interests therein, may be acquired, and construc-*
9 *tion prosecuted thereon prior to approval of title; and pro-*
10 *curement and installation of equipment, appliances, and*
11 *machine tools in public and private plants; reserve plant*
12 *and Government and contractor-owned equipment layaway;*
13 *and other expenses necessary for the foregoing purposes,*
14 *\$2,287,398,000, to remain available for obligation until*
15 *September 30, 2011.*

16 *OTHER PROCUREMENT, ARMY*

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

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

11 *AIRCRAFT PROCUREMENT, NAVY*

12 *For construction, procurement, production, modifica-*
13 *tion, and modernization of aircraft, equipment, including*
14 *ordnance, spare parts, and accessories therefor; specialized*
15 *equipment; expansion of public and private plants, includ-*
16 *ing the land necessary therefor, and such lands and inter-*
17 *ests therein, may be acquired, and construction prosecuted*
18 *thereon prior to approval of title; and procurement and in-*
19 *stallation of equipment, appliances, and machine tools in*
20 *public and private plants; reserve plant and Government*
21 *and contractor-owned equipment layaway,*
22 *\$14,141,318,000, to remain available for obligation until*
23 *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 construc-*
8 *tion prosecuted thereon prior to approval of title; and pro-*
9 *curement and installation of equipment, appliances, and*
10 *machine tools in public and private plants; reserve plant*
11 *and Government and contractor-owned equipment layaway,*
12 *\$3,292,972,000, to remain available for obligation until*
13 *September 30, 2011.*

14 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*15 *CORPS*

16 *For construction, procurement, production, and modi-*
17 *fication of ammunition, and accessories therefor; specialized*
18 *equipment and training devices; expansion of public and*
19 *private plants, including ammunition facilities, authorized*
20 *by section 2854 of title 10, United States Code, and the*
21 *land necessary therefor, for the foregoing purposes, and such*
22 *lands and interests therein, may be acquired, and construc-*
23 *tion prosecuted thereon prior to approval of title; and pro-*
24 *curement and installation of equipment, appliances, and*
25 *machine tools in public and private plants; reserve plant*

1 *and Government and contractor-owned equipment layaway;*
2 *and other expenses necessary for the foregoing purposes,*
3 *\$1,085,158,000, to remain available for obligation until*
4 *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 con-*
13 *structed or converted in the future; and expansion of public*
14 *and private plants, including land necessary therefor, and*
15 *such lands and interests therein, may be acquired, and con-*
16 *struction prosecuted thereon prior to approval of title, as*
17 *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), \$39,363,000;*
2 *DDG-1000 Program, \$1,508,803,000;*
3 *DDG-51 Destroyer (AP), \$200,000,000;*
4 *Littoral Combat Ship, \$1,020,000,000;*
5 *LPD-17, \$933,216,000;*
6 *LHA-R (AP), \$178,300,000;*
7 *Intratheater Connector, \$174,782,000;*
8 *LCAC Service Life Extension Program,*
9 *\$110,918,000;*
10 *Prior year shipbuilding costs, \$165,152,000;*
11 *Service Craft, \$48,117,000; and*
12 *For outfitting, post delivery, conversions, and*
13 *first destination transportation, \$429,587,000.*
14 *In all: \$13,054,367,000, to remain available for obliga-*
15 *tion until September 30, 2013: Provided, That additional*
16 *obligations may be incurred after September 30, 2013, for*
17 *engineering services, tests, evaluations, and other such budg-*
18 *eted work that must be performed in the final stage of ship*
19 *construction: Provided further, That none of the funds pro-*
20 *vided under this heading for the construction or conversion*
21 *of any naval vessel to be constructed in shipyards in the*
22 *United States shall be expended in foreign facilities for the*
23 *construction of major components of such vessel: Provided*
24 *further, That none of the funds provided under this heading*

1 *shall be used for the construction of any naval vessel in*
2 *foreign shipyards.*

3 *OTHER PROCUREMENT, NAVY*

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

20 *PROCUREMENT, MARINE CORPS*

21 *For expenses necessary for the procurement, manufac-*
22 *ture, and modification of missiles, armament, military*
23 *equipment, spare parts, and accessories therefor; plant*
24 *equipment, appliances, and machine tools, and installation*
25 *thereof in public and private plants; reserve plant and Gov-*

1 *ernment and contractor-owned equipment layaway; vehicles*
2 *for the Marine Corps, including the purchase of passenger*
3 *motor vehicles for replacement only; and expansion of pub-*
4 *lic and private plants, including land necessary therefor,*
5 *and such lands and interests therein, may be acquired, and*
6 *construction prosecuted thereon prior to approval of title,*
7 *\$1,376,917,000, to remain available for obligation until*
8 *September 30, 2011.*

9 *AIRCRAFT PROCUREMENT, AIR FORCE*

10 *For construction, procurement, and modification of*
11 *aircraft and equipment, including armor and armament,*
12 *specialized ground handling equipment, and training de-*
13 *vices, spare parts, and accessories therefor; specialized*
14 *equipment; expansion of public and private plants, Govern-*
15 *ment-owned equipment and installation thereof in such*
16 *plants, erection of structures, and acquisition of land, for*
17 *the foregoing purposes, and such lands and interests therein,*
18 *may be acquired, and construction prosecuted thereon prior*
19 *to approval of title; reserve plant and Government and con-*
20 *tractor-owned equipment layaway; and other expenses nec-*
21 *essary for the foregoing purposes including rents and trans-*
22 *portation of things, \$13,112,617,000, to remain available*
23 *for obligation until September 30, 2011.*

1 *MISSILE PROCUREMENT, AIR FORCE*

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

16 *PROCUREMENT OF AMMUNITION, AIR FORCE*

17 *For construction, procurement, production, and modi-*
18 *fication of ammunition, and accessories therefor; specialized*
19 *equipment and training devices; expansion of public and*
20 *private plants, including ammunition facilities, authorized*
21 *by section 2854 of title 10, United States Code, and the*
22 *land necessary therefor, for the foregoing purposes, and such*
23 *lands and interests therein, may be acquired, and construc-*
24 *tion prosecuted thereon prior to approval of title; and pro-*
25 *curement and installation of equipment, appliances, and*

1 *machine tools in public and private plants; reserve plant*
2 *and Government and contractor-owned equipment layaway;*
3 *and other expenses necessary for the foregoing purposes,*
4 *\$859,466,000, to remain available for obligation until Sep-*
5 *tember 30, 2011.*

6 *OTHER PROCUREMENT, AIR FORCE*

7 *For procurement and modification of equipment (in-*
8 *cluding ground guidance and electronic control equipment,*
9 *and ground electronic and communication equipment), and*
10 *supplies, materials, and spare parts therefor, not otherwise*
11 *provided for; the purchase of passenger motor vehicles for*
12 *replacement only, and the purchase of two vehicles required*
13 *for physical security of personnel, notwithstanding price*
14 *limitations applicable to passenger vehicles but not to ex-*
15 *ceed \$262,000 per vehicle; lease of passenger motor vehicles;*
16 *and expansion of public and private plants, Government-*
17 *owned equipment and installation thereof in such plants,*
18 *erection of structures, and acquisition of land, for the fore-*
19 *going purposes, and such lands and interests therein, may*
20 *be acquired, and construction prosecuted thereon, prior to*
21 *approval of title; reserve plant and Government and con-*
22 *tractor-owned equipment layaway, \$16,052,569,000, to re-*
23 *main available for obligation until September 30, 2011.*

1 *PROCUREMENT, DEFENSE-WIDE*

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

15 *NATIONAL GUARD AND RESERVE EQUIPMENT*

16 *For procurement of aircraft, missiles, tracked combat*
17 *vehicles, ammunition, other weapons, and other procure-*
18 *ment for the reserve components of the Armed Forces,*
19 *\$750,000,000, to remain available for obligation until Sep-*
20 *tember 30, 2011, of which \$480,000,000 shall be available*
21 *only for the Army National Guard: Provided, That the*
22 *Chiefs of the Reserve and National Guard components shall,*
23 *not later than 30 days after the enactment of this Act, indi-*
24 *vidually submit to the congressional defense committees the*

1 *modernization priority assessment for their respective Re-*
2 *serve or National Guard component.*

3 *DEFENSE PRODUCTION ACT PURCHASES*

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

8 *TITLE IV*

9 *RESEARCH, DEVELOPMENT, TEST AND*
10 *EVALUATION*

11 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

12 *For expenses necessary for basic and applied scientific*
13 *research, development, test and evaluation, including main-*
14 *tenance, rehabilitation, lease, and operation of facilities*
15 *and equipment, \$12,060,111,000, to remain available for*
16 *obligation until September 30, 2010.*

17 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

18 *For expenses necessary for basic and applied scientific*
19 *research, development, test and evaluation, including main-*
20 *tenance, rehabilitation, lease, and operation of facilities*
21 *and equipment, \$19,764,276,000, to remain available for*
22 *obligation until September 30, 2010: Provided, That funds*
23 *appropriated in this paragraph which are available for the*
24 *V-22 may be used to meet unique operational requirements*
25 *of the Special Operations Forces: Provided further, That*

1 *funds appropriated in this paragraph shall be available for*
2 *the Cobra Judy program.*

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
4 *FORCE*

5 *For expenses necessary for basic and applied scientific*
6 *research, development, test and evaluation, including main-*
7 *tenance, rehabilitation, lease, and operation of facilities*
8 *and equipment, \$27,084,340,000, to remain available for*
9 *obligation until September 30, 2010.*

10 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
11 *DEFENSE-WIDE*

12 *For expenses of activities and agencies of the Depart-*
13 *ment of Defense (other than the military departments), nec-*
14 *essary for basic and applied scientific research, develop-*
15 *ment, test and evaluation; advanced research projects as*
16 *may be designated and determined by the Secretary of De-*
17 *fense, pursuant to law; maintenance, rehabilitation, lease,*
18 *and operation of facilities and equipment, \$21,423,338,000,*
19 *to remain available for obligation until September 30,*
20 *2010: Provided, That of the amount available under this*
21 *heading for the Prompt Global Strike Capability Develop-*
22 *ment program, not less than one-fourth shall be available*
23 *for the Army Advanced Hypersonic Weapon initiative.*

1 *vides for the acquisition of any of the following major com-*
2 *ponents unless such components are manufactured in the*
3 *United States: auxiliary equipment, including pumps, for*
4 *all shipboard services; propulsion system components (that*
5 *is; engines, reduction gears, and propellers); shipboard*
6 *cranes; and spreaders for shipboard cranes: Provided fur-*
7 *ther, That the exercise of an option in a contract awarded*
8 *through the obligation of previously appropriated funds*
9 *shall not be considered to be the award of a new contract:*
10 *Provided further, That the Secretary of the military depart-*
11 *ment responsible for such procurement may waive the re-*
12 *strictions in the first proviso on a case-by-case basis by cer-*
13 *tifying in writing to the Committees on Appropriations of*
14 *the House of Representatives and the Senate that adequate*
15 *domestic supplies are not available to meet Department of*
16 *Defense requirements on a timely basis and that such an*
17 *acquisition must be made in order to acquire capability for*
18 *national security purposes.*

19 *TITLE VI*

20 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

21 *DEFENSE HEALTH PROGRAM*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For expenses, not otherwise provided for, for medical*
24 *and health care programs of the Department of Defense as*
25 *authorized by law, \$25,825,832,000, of which*

1 \$1,300,000,000 shall be derived by transfer from the Na-
2 tional Defense Stockpile Transaction Fund; of which
3 \$24,611,369,000 shall be for operation and maintenance, of
4 which not to exceed one percent shall remain available until
5 September 30, 2010, and of which up to \$13,217,751,000
6 may be available for contracts entered into under the
7 TRICARE program; of which \$311,905,000, to remain
8 available for obligation until September 30, 2011, shall be
9 for procurement; and of which \$902,558,000, to remain
10 available for obligation until September 30, 2010, shall be
11 for research, development, test and evaluation: Provided,
12 That, notwithstanding any other provision of law, of the
13 amount made available under this heading for research, de-
14 velopment, test and evaluation, not less than \$8,000,000
15 shall be available for HIV prevention educational activities
16 undertaken in connection with U.S. military training, exer-
17 cises, and humanitarian assistance activities conducted pri-
18 marily in African nations.

19 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,*

20 *DEFENSE*

21 *For expenses, not otherwise provided for, necessary for*
22 *the destruction of the United States stockpile of lethal chem-*
23 *ical agents and munitions, to include construction of facili-*
24 *ties, in accordance with the provisions of section 1412 of*
25 *the Department of Defense Authorization Act, 1986 (50*

1 *U.S.C. 1521), and for the destruction of other chemical war-*
2 *fare materials that are not in the chemical weapon stock-*
3 *pile, \$1,505,634,000, of which \$1,152,668,000 shall be for*
4 *operation and maintenance, of which no less than*
5 *\$103,198,000, shall be for the Chemical Stockpile Emer-*
6 *gency Preparedness Program, consisting of \$33,411,000 for*
7 *activities on military installations and \$69,787,000, to re-*
8 *main available until September 30, 2010, to assist State*
9 *and local governments; \$64,085,000 shall be for procure-*
10 *ment, to remain available until September 30, 2011, of*
11 *which no less than \$26,428,000 shall be for the Chemical*
12 *Stockpile Emergency Preparedness Program to assist State*
13 *and local governments; and \$288,881,000, to remain avail-*
14 *able until September 30, 2010, shall be for research, develop-*
15 *ment, test and evaluation, of which \$283,219,000 shall only*
16 *be for the Assembled Chemical Weapons Alternatives*
17 *(ACWA) program.*

18 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

19 *DEFENSE*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For drug interdiction and counter-drug activities of*
22 *the Department of Defense, for transfer to appropriations*
23 *available to the Department of Defense for military per-*
24 *sonnel of the reserve components serving under the provi-*
25 *sions of title 10 and title 32, United States Code; for oper-*

1 *ation and maintenance; for procurement; and for research,*
2 *development, test and evaluation, \$1,096,743,000: Provided,*
3 *That the funds appropriated under this heading shall be*
4 *available for obligation for the same time period and for*
5 *the same purpose as the appropriation to which transferred:*
6 *Provided further, That upon a determination that all or*
7 *part of the funds transferred from this appropriation are*
8 *not necessary for the purposes provided herein, such*
9 *amounts may be transferred back to this appropriation:*
10 *Provided further, That the transfer authority provided*
11 *under this heading is in addition to any other transfer au-*
12 *thority contained elsewhere in this Act.*

13 *OFFICE OF THE INSPECTOR GENERAL*

14 *For expenses and activities of the Office of the Inspec-*
15 *tor General in carrying out the provisions of the Inspector*
16 *General Act of 1978, as amended, \$271,845,000, of which*
17 *\$270,445,000 shall be for operation and maintenance, of*
18 *which not to exceed \$700,000 is available for emergencies*
19 *and extraordinary expenses to be expended on the approval*
20 *or authority of the Inspector General, and payments may*
21 *be made on the Inspector General's certificate of necessity*
22 *for confidential military purposes; and of which \$1,400,000,*
23 *to remain available until September 30, 2011, shall be for*
24 *procurement.*

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TITLE VII

RELATED AGENCIES

*CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM FUND*

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$279,200,000.

*INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
(INCLUDING TRANSFER OF FUNDS)*

For necessary expenses of the Intelligence Community Management Account, \$710,042,000: Provided, That of the funds appropriated under this heading, \$44,000,000 shall be transferred to the Department of Justice, of which \$2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associ-

1 *ated with counter-drug, counter-terrorism, and national se-*
2 *curity investigations and operations.*

3 *TITLE VIII*

4 *GENERAL PROVISIONS*

5 *SEC. 8001. No part of any appropriation contained*
6 *in this Act shall be used for publicity or propaganda pur-*
7 *poses not authorized by the Congress.*

8 *SEC. 8002. During the current fiscal year, provisions*
9 *of law prohibiting the payment of compensation to, or em-*
10 *ployment of, any person not a citizen of the United States*
11 *shall not apply to personnel of the Department of Defense:*
12 *Provided, That salary increases granted to direct and indi-*
13 *rect hire foreign national employees of the Department of*
14 *Defense funded by this Act shall not be at a rate in excess*
15 *of the percentage increase authorized by law for civilian*
16 *employees of the Department of Defense whose pay is com-*
17 *puted under the provisions of section 5332 of title 5, United*
18 *States Code, or at a rate in excess of the percentage increase*
19 *provided by the appropriate host nation to its own employ-*
20 *ees, whichever is higher: Provided further, That this section*
21 *shall not apply to Department of Defense foreign service*
22 *national employees serving at United States diplomatic*
23 *missions whose pay is set by the Department of State under*
24 *the Foreign Service Act of 1980: Provided further, That the*
25 *limitations of this provision shall not apply to foreign na-*

1 *than those for which originally appropriated and in no case*
2 *where the item for which funds are requested has been de-*
3 *ned by the Congress: Provided further, That the Secretary*
4 *of Defense shall notify the Congress promptly of all transfers*
5 *made pursuant to this authority or any other authority in*
6 *this Act: Provided further, That no part of the funds in*
7 *this Act shall be available to prepare or present a request*
8 *to the Committees on Appropriations for reprogramming*
9 *of funds, unless for higher priority items, based on unfore-*
10 *seen military requirements, than those for which originally*
11 *appropriated and in no case where the item for which re-*
12 *programming is requested has been denied by the Congress:*
13 *Provided further, That a request for multiple*
14 *reprogrammings of funds using authority provided in this*
15 *section must be made prior to June 30, 2009: Provided fur-*
16 *ther, That transfers among military personnel appropria-*
17 *tions shall not be taken into account for purposes of the*
18 *limitation on the amount of funds that may be transferred*
19 *under this section: Provided further, That no obligation of*
20 *funds may be made pursuant to section 1206 of Public Law*
21 *109–163 (or any successor provision) unless the Secretary*
22 *of Defense has notified the congressional defense committees*
23 *prior to any such obligation.*

24 *SEC. 8006. (a) With regard to the list of specific pro-*
25 *grams, projects, and activities (and the dollar amounts and*

1 *adjustments to budget activities corresponding to such pro-*
2 *grams, projects, and activities) contained in the tables titled*
3 *“Explanation of Project Level Adjustments” in the explana-*
4 *tory statement described in section 4 (in the matter pre-*
5 *ceding division A of this consolidated Act), the obligation*
6 *and expenditure of amounts appropriated or otherwise*
7 *made available in this Act for those programs, projects, and*
8 *activities for which the amounts appropriated exceed the*
9 *amounts requested are hereby required by law to be carried*
10 *out in the manner provided by such tables to the same ex-*
11 *tent as if the tables were included in the text of this Act.*

12 *(b) Amounts specified in the referenced tables described*
13 *in subsection (a) shall not be treated as subdivisions of ap-*
14 *propriations for purposes of section 8005 of this Act: Pro-*
15 *vided, That section 8005 shall apply when transfers of the*
16 *amounts described in subsection (a) occur between appro-*
17 *priation accounts.*

18 *SEC. 8007. (a) Not later than 60 days after enactment*
19 *of this Act, the Department of Defense shall submit a report*
20 *to the congressional defense committees to establish the base-*
21 *line for application of reprogramming and transfer au-*
22 *thorities for fiscal year 2009: Provided, That the report*
23 *shall include—*

24 *(1) a table for each appropriation with a sepa-*
25 *rate column to display the President’s budget request,*

1 *States Code, may be maintained in only such amounts as*
2 *are necessary at any time for cash disbursements to be made*
3 *from such funds: Provided, That transfers may be made be-*
4 *tween such funds: Provided further, That transfers may be*
5 *made between working capital funds and the “Foreign Cur-*
6 *rency Fluctuations, Defense” appropriation and the “Oper-*
7 *ation and Maintenance” appropriation accounts in such*
8 *amounts as may be determined by the Secretary of Defense,*
9 *with the approval of the Office of Management and Budget,*
10 *except that such transfers may not be made unless the Sec-*
11 *retary of Defense has notified the Congress of the proposed*
12 *transfer. Except in amounts equal to the amounts appro-*
13 *priated to working capital funds in this Act, no obligations*
14 *may be made against a working capital fund to procure*
15 *or increase the value of war reserve material inventory, un-*
16 *less the Secretary of Defense has notified the Congress prior*
17 *to any such obligation.*

18 *SEC. 8010. Funds appropriated by this Act may not*
19 *be used to initiate a special access program without prior*
20 *notification 30 calendar days in advance to the congres-*
21 *sional defense committees.*

22 *SEC. 8011. None of the funds provided in this Act shall*
23 *be available to initiate: (1) a multiyear contract that em-*
24 *ploys economic order quantity procurement in excess of*
25 *\$20,000,000 in any one year of the contract or that includes*

1 *an unfunded contingent liability in excess of \$20,000,000;*
2 *or (2) a contract for advance procurement leading to a*
3 *multiyear contract that employs economic order quantity*
4 *procurement in excess of \$20,000,000 in any one year, un-*
5 *less the congressional defense committees have been notified*
6 *at least 30 days in advance of the proposed contract award:*
7 *Provided, That no part of any appropriation contained in*
8 *this Act shall be available to initiate a multiyear contract*
9 *for which the economic order quantity advance procurement*
10 *is not funded at least to the limits of the Government's li-*
11 *ability: Provided further, That no part of any appropria-*
12 *tion contained in this Act shall be available to initiate*
13 *multiyear procurement contracts for any systems or compo-*
14 *nent thereof if the value of the multiyear contract would*
15 *exceed \$500,000,000 unless specifically provided in this Act:*
16 *Provided further, That no multiyear procurement contract*
17 *can be terminated without 10-day prior notification to the*
18 *congressional defense committees: Provided further, That the*
19 *execution of multiyear authority shall require the use of a*
20 *present value analysis to determine lowest cost compared*
21 *to an annual procurement: Provided further, That none of*
22 *the funds provided in this Act may be used for a multiyear*
23 *contract executed after the date of the enactment of this Act*
24 *unless in the case of any such contract—*

1 (1) *the Secretary of Defense has submitted to*
2 *Congress a budget request for full funding of units to*
3 *be procured through the contract and, in the case of*
4 *a contract for procurement of aircraft, that includes,*
5 *for any aircraft unit to be procured through the con-*
6 *tract for which procurement funds are requested in*
7 *that budget request for production beyond advance*
8 *procurement activities in the fiscal year covered by*
9 *the budget, full funding of procurement of such unit*
10 *in that fiscal year;*

11 (2) *cancellation provisions in the contract do not*
12 *include consideration of recurring manufacturing*
13 *costs of the contractor associated with the production*
14 *of unfunded units to be delivered under the contract;*

15 (3) *the contract provides that payments to the*
16 *contractor under the contract shall not be made in*
17 *advance of incurred costs on funded units; and*

18 (4) *the contract does not provide for a price ad-*
19 *justment based on a failure to award a follow-on con-*
20 *tract.*

21 *Funds appropriated in title III of this Act may be*
22 *used for a multiyear procurement contract as follows:*

23 *SSN Virginia class submarine.*

24 *SEC. 8012. Within the funds appropriated for the oper-*
25 *ation and maintenance of the Armed Forces, funds are here-*

1 *by appropriated pursuant to section 401 of title 10, United*
2 *States Code, for humanitarian and civic assistance costs*
3 *under chapter 20 of title 10, United States Code. Such funds*
4 *may also be obligated for humanitarian and civic assist-*
5 *ance costs incidental to authorized operations and pursuant*
6 *to authority granted in section 401 of chapter 20 of title*
7 *10, United States Code, and these obligations shall be re-*
8 *ported as required by section 401(d) of title 10, United*
9 *States Code: Provided, That funds available for operation*
10 *and maintenance shall be available for providing humani-*
11 *tarian and similar assistance by using Civic Action Teams*
12 *in the Trust Territories of the Pacific Islands and freely*
13 *associated states of Micronesia, pursuant to the Compact*
14 *of Free Association as authorized by Public Law 99-239:*
15 *Provided further, That upon a determination by the Sec-*
16 *retary of the Army that such action is beneficial for grad-*
17 *uate medical education programs conducted at Army med-*
18 *ical facilities located in Hawaii, the Secretary of the Army*
19 *may authorize the provision of medical services at such fa-*
20 *cilities and transportation to such facilities, on a non-*
21 *reimbursable basis, for civilian patients from American*
22 *Samoa, the Commonwealth of the Northern Mariana Is-*
23 *lands, the Marshall Islands, the Federated States of Micro-*
24 *nesia, Palau, and Guam.*

1 *SEC. 8013. (a) During fiscal year 2009, the civilian*
2 *personnel of the Department of Defense may not be man-*
3 *aged on the basis of any end-strength, and the management*
4 *of such personnel during that fiscal year shall not be subject*
5 *to any constraint or limitation (known as an end-strength)*
6 *on the number of such personnel who may be employed on*
7 *the last day of such fiscal year.*

8 *(b) The fiscal year 2010 budget request for the Depart-*
9 *ment of Defense as well as all justification material and*
10 *other documentation supporting the fiscal year 2010 De-*
11 *partment of Defense budget request shall be prepared and*
12 *submitted to the Congress as if subsections (a) and (b) of*
13 *this provision were effective with regard to fiscal year 2010.*

14 *(c) Nothing in this section shall be construed to apply*
15 *to military (civilian) technicians.*

16 *SEC. 8014. None of the funds made available by this*
17 *Act shall be used in any way, directly or indirectly, to in-*
18 *fluence congressional action on any legislation or appro-*
19 *priation matters pending before the Congress.*

20 *SEC. 8015. None of the funds appropriated by this Act*
21 *shall be available for the basic pay and allowances of any*
22 *member of the Army participating as a full-time student*
23 *and receiving benefits paid by the Secretary of Veterans Af-*
24 *airs from the Department of Defense Education Benefits*
25 *Fund when time spent as a full-time student is credited*

1 *toward completion of a service commitment: Provided, That*
2 *this section shall not apply to those members who have reen-*
3 *listed with this option prior to October 1, 1987: Provided*
4 *further, That this section applies only to active components*
5 *of the Army.*

6 *SEC. 8016. (a) None of the funds appropriated by this*
7 *Act shall be available to convert to contractor performance*
8 *an activity or function of the Department of Defense that,*
9 *on or after the date of the enactment of this Act, is per-*
10 *formed by more than 10 Department of Defense civilian em-*
11 *ployees unless—*

12 *(1) the conversion is based on the result of a pub-*
13 *lic-private competition that includes a most efficient*
14 *and cost effective organization plan developed by such*
15 *activity or function;*

16 *(2) the Competitive Sourcing Official determines*
17 *that, over all performance periods stated in the solici-*
18 *tation of offers for performance of the activity or*
19 *function, the cost of performance of the activity or*
20 *function by a contractor would be less costly to the*
21 *Department of Defense by an amount that equals or*
22 *exceeds the lesser of—*

23 *(A) 10 percent of the most efficient organi-*
24 *zation's personnel-related costs for performance*

1 *of that activity or function by Federal employ-*
2 *ees; or*

3 *(B) \$10,000,000; and*

4 *(3) the contractor does not receive an advantage*
5 *for a proposal that would reduce costs for the Depart-*
6 *ment of Defense by—*

7 *(A) not making an employer-sponsored*
8 *health insurance plan available to the workers*
9 *who are to be employed in the performance of*
10 *that activity or function under the contract; or*

11 *(B) offering to such workers an employer-*
12 *sponsored health benefits plan that requires the*
13 *employer to contribute less towards the premium*
14 *or subscription share than the amount that is*
15 *paid by the Department of Defense for health*
16 *benefits for civilian employees under chapter 89*
17 *of title 5, United States Code.*

18 *(b)(1) The Department of Defense, without regard to*
19 *subsection (a) of this section or subsection (a), (b), or (c)*
20 *of section 2461 of title 10, United States Code, and notwith-*
21 *standing any administrative regulation, requirement, or*
22 *policy to the contrary shall have full authority to enter into*
23 *a contract for the performance of any commercial or indus-*
24 *trial type function of the Department of Defense that—*

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

4 (B) is planned to be converted to performance by
5 a qualified nonprofit agency for the blind or by a
6 qualified nonprofit agency for other severely handi-
7 capped individuals in accordance with that Act; or

8 (C) is planned to be converted to performance by
9 a qualified firm under at least 51 percent ownership
10 by an Indian tribe, as defined in section 4(e) of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 450b(e)), or a Native Hawaiian Orga-
13 nization, as defined in section 8(a)(15) of the Small
14 Business Act (15 U.S.C. 637(a)(15)).

15 (2) This section shall not apply to depot contracts or
16 contracts for depot maintenance as provided in sections
17 2469 and 2474 of title 10, United States Code.

18 (c) The conversion of any activity or function of the
19 Department of Defense under the authority provided by this
20 section shall be credited toward any competitive or
21 outsourcing goal, target, or measurement that may be estab-
22 lished by statute, regulation, or policy and is deemed to
23 be awarded under the authority of, and in compliance with,
24 subsection (h) of section 2304 of title 10, United States

1 *Code, for the competition or outsourcing of commercial ac-*
2 *tivities.*

3 (TRANSFER OF FUNDS)

4 SEC. 8017. *Funds appropriated in title III of this Act*
5 *for the Department of Defense Pilot Mentor-Protege Pro-*
6 *gram may be transferred to any other appropriation con-*
7 *tained in this Act solely for the purpose of implementing*
8 *a Mentor-Protege Program developmental assistance agree-*
9 *ment pursuant to section 831 of the National Defense Au-*
10 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*
11 *10 U.S.C. 2302 note), as amended, under the authority of*
12 *this provision or any other transfer authority contained in*
13 *this Act.*

14 SEC. 8018. *None of the funds in this Act may be avail-*
15 *able for the purchase by the Department of Defense (and*
16 *its departments and agencies) of welded shipboard anchor*
17 *and mooring chain 4 inches in diameter and under unless*
18 *the anchor and mooring chain are manufactured in the*
19 *United States from components which are substantially*
20 *manufactured in the United States: Provided, That for the*
21 *purpose of this section manufactured will include cutting,*
22 *heat treating, quality control, testing of chain and welding*
23 *(including the forging and shot blasting process): Provided*
24 *further, That for the purpose of this section substantially*
25 *all of the components of anchor and mooring chain shall*
26 *be considered to be produced or manufactured in the United*

1 *States if the aggregate cost of the components produced or*
2 *manufactured in the United States exceeds the aggregate*
3 *cost of the components produced or manufactured outside*
4 *the United States: Provided further, That when adequate*
5 *domestic supplies are not available to meet Department of*
6 *Defense requirements on a timely basis, the Secretary of the*
7 *service responsible for the procurement may waive this re-*
8 *striction on a case-by-case basis by certifying in writing*
9 *to the Committees on Appropriations that such an acquisi-*
10 *tion must be made in order to acquire capability for na-*
11 *tional security purposes.*

12 *SEC. 8019. None of the funds available to the Depart-*
13 *ment of Defense may be used to demilitarize or dispose of*
14 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
15 *rifles, .30 caliber rifles, or M-1911 pistols.*

16 *SEC. 8020. No more than \$500,000 of the funds appro-*
17 *priated or made available in this Act shall be used during*
18 *a single fiscal year for any single relocation of an organiza-*
19 *tion, unit, activity or function of the Department of Defense*
20 *into or within the National Capital Region: Provided, That*
21 *the Secretary of Defense may waive this restriction on a*
22 *case-by-case basis by certifying in writing to the congres-*
23 *sional defense committees that such a relocation is required*
24 *in the best interest of the Government.*

1 *SEC. 8021. In addition to the funds provided elsewhere*
2 *in this Act, \$15,000,000 is appropriated only for incentive*
3 *payments authorized by section 504 of the Indian Financ-*
4 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
5 *contractor or a subcontractor at any tier that makes a sub-*
6 *contract award to any subcontractor or supplier as defined*
7 *in section 1544 of title 25, United States Code, or a small*
8 *business owned and controlled by an individual or individ-*
9 *uals defined under section 4221(9) of title 25, United States*
10 *Code, shall be considered a contractor for the purposes of*
11 *being allowed additional compensation under section 504*
12 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*
13 *whenever the prime contract or subcontract amount is over*
14 *\$500,000 and involves the expenditure of funds appro-*
15 *priated by an Act making Appropriations for the Depart-*
16 *ment of Defense with respect to any fiscal year: Provided*
17 *further, That notwithstanding section 430 of title 41,*
18 *United States Code, this section shall be applicable to any*
19 *Department of Defense acquisition of supplies or services,*
20 *including any contract and any subcontract at any tier for*
21 *acquisition of commercial items produced or manufactured,*
22 *in whole or in part by any subcontractor or supplier de-*
23 *fin ed in section 1544 of title 25, United States Code, or*
24 *a small business owned and controlled by an individual or*

1 *individuals defined under section 4221(9) of title 25,*
2 *United States Code.*

3 *SEC. 8022. Funds appropriated by this Act for the De-*
4 *fense Media Activity shall not be used for any national or*
5 *international political or psychological activities.*

6 *SEC. 8023. None of the funds appropriated by this Act*
7 *shall be available to perform any cost study pursuant to*
8 *the provisions of OMB Circular A-76 if the study being*
9 *performed exceeds a period of 24 months after initiation*
10 *of such study with respect to a single function activity or*
11 *30 months after initiation of such study for a multi-func-*
12 *tion activity.*

13 *SEC. 8024. During the current fiscal year, the Depart-*
14 *ment of Defense is authorized to incur obligations of not*
15 *to exceed \$350,000,000 for purposes specified in section*
16 *2350j(c) of title 10, United States Code, in anticipation of*
17 *receipt of contributions, only from the Government of Ku-*
18 *wait, under that section: Provided, That upon receipt, such*
19 *contributions from the Government of Kuwait shall be cred-*
20 *ited to the appropriations or fund which incurred such obli-*
21 *gations.*

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

1 (1) \$26,605,000 shall be available from “Oper-
2 ation and Maintenance, Air Force” to support Civil
3 Air Patrol Corporation operation and maintenance,
4 readiness, counterdrug activities, and drug demand
5 reduction activities involving youth programs;

6 (2) \$7,435,000 shall be available from “Aircraft
7 Procurement, Air Force”; and

8 (3) \$889,000 shall be available from “Other Pro-
9 curement, Air Force” for vehicle procurement.

10 (b) The Secretary of the Air Force should waive reim-
11 bursement for any funds used by the Civil Air Patrol for
12 counter-drug activities in support of Federal, State, and
13 local government agencies.

14 SEC. 8026. (a) None of the funds appropriated in this
15 Act are available to establish a new Department of Defense
16 (department) federally funded research and development
17 center (FFRDC), either as a new entity, or as a separate
18 entity administrated by an organization managing another
19 FFRDC, or as a nonprofit membership corporation con-
20 sisting of a consortium of other FFRDCs and other non-
21 profit entities.

22 (b) No member of a Board of Directors, Trustees, Over-
23 seers, Advisory Group, Special Issues Panel, Visiting Com-
24 mittee, or any similar entity of a defense FFRDC, and no
25 paid consultant to any defense FFRDC, except when acting

1 *in a technical advisory capacity, may be compensated for*
2 *his or her services as a member of such entity, or as a paid*
3 *consultant by more than one FFRDC in a fiscal year: Pro-*
4 *vided, That a member of any such entity referred to pre-*
5 *viously in this subsection shall be allowed travel expenses*
6 *and per diem as authorized under the Federal Joint Travel*
7 *Regulations, when engaged in the performance of member-*
8 *ship duties.*

9 *(c) Notwithstanding any other provision of law, none*
10 *of the funds available to the department from any source*
11 *during fiscal year 2009 may be used by a defense FFRDC,*
12 *through a fee or other payment mechanism, for construction*
13 *of new buildings, for payment of cost sharing for projects*
14 *funded by Government grants, for absorption of contract*
15 *overruns, or for certain charitable contributions, not to in-*
16 *clude employee participation in community service and/or*
17 *development.*

18 *(d) Notwithstanding any other provision of law, of the*
19 *funds available to the department during fiscal year 2009,*
20 *not more than 5,600 staff years of technical effort (staff*
21 *years) may be funded for defense FFRDCs: Provided, That*
22 *of the specific amount referred to previously in this sub-*
23 *section, not more than 1,100 staff years may be funded for*
24 *the defense studies and analysis FFRDCs: Provided further,*
25 *That this subsection shall not apply to staff years funded*

1 *in the National Intelligence Program (NIP) and the Mili-*
2 *tary Intelligence Program (MIP).*

3 *(e) The Secretary of Defense shall, with the submission*
4 *of the department's fiscal year 2010 budget request, submit*
5 *a report presenting the specific amounts of staff years of*
6 *technical effort to be allocated for each defense FFRDC dur-*
7 *ing that fiscal year and the associated budget estimates.*

8 *(f) Notwithstanding any other provision of this Act,*
9 *the total amount appropriated in this Act for FFRDCs is*
10 *hereby reduced by \$84,000,000.*

11 *SEC. 8027. None of the funds appropriated or made*
12 *available in this Act shall be used to procure carbon, alloy*
13 *or armor steel plate for use in any Government-owned facil-*
14 *ity or property under the control of the Department of De-*
15 *fense which were not melted and rolled in the United States*
16 *or Canada: Provided, That these procurement restrictions*
17 *shall apply to any and all Federal Supply Class 9515,*
18 *American Society of Testing and Materials (ASTM) or*
19 *American Iron and Steel Institute (AISI) specifications of*
20 *carbon, alloy or armor steel plate: Provided further, That*
21 *the Secretary of the military department responsible for the*
22 *procurement may waive this restriction on a case-by-case*
23 *basis by certifying in writing to the Committees on Appro-*
24 *priations of the House of Representatives and the Senate*
25 *that adequate domestic supplies are not available to meet*

1 *Department of Defense requirements on a timely basis and*
2 *that such an acquisition must be made in order to acquire*
3 *capability for national security purposes: Provided further,*
4 *That these restrictions shall not apply to contracts which*
5 *are in being as of the date of the enactment of this Act.*

6 *SEC. 8028. For the purposes of this Act, the term “con-*
7 *gressional defense committees” means the Armed Services*
8 *Committee of the House of Representatives, the Armed Serv-*
9 *ices Committee of the Senate, the Subcommittee on Defense*
10 *of the Committee on Appropriations of the Senate, and the*
11 *Subcommittee on Defense of the Committee on Appropria-*
12 *tions of the House of Representatives.*

13 *SEC. 8029. During the current fiscal year, the Depart-*
14 *ment of Defense may acquire the modification, depot main-*
15 *tenance and repair of aircraft, vehicles and vessels as well*
16 *as the production of components and other Defense-related*
17 *articles, through competition between Department of De-*
18 *fense depot maintenance activities and private firms: Pro-*
19 *vided, That the Senior Acquisition Executive of the military*
20 *department or Defense Agency concerned, with power of del-*
21 *egation, shall certify that successful bids include comparable*
22 *estimates of all direct and indirect costs for both public and*
23 *private bids: Provided further, That Office of Management*
24 *and Budget Circular A-76 shall not apply to competitions*
25 *conducted under this section.*

1 *SEC. 8030. (a)(1) If the Secretary of Defense, after con-*
2 *sultation with the United States Trade Representative, de-*
3 *termines that a foreign country which is party to an agree-*
4 *ment described in paragraph (2) has violated the terms of*
5 *the agreement by discriminating against certain types of*
6 *products produced in the United States that are covered by*
7 *the agreement, the Secretary of Defense shall rescind the*
8 *Secretary's blanket waiver of the Buy American Act with*
9 *respect to such types of products produced in that foreign*
10 *country.*

11 *(2) An agreement referred to in paragraph (1) is any*
12 *reciprocal defense procurement memorandum of under-*
13 *standing, between the United States and a foreign country*
14 *pursuant to which the Secretary of Defense has prospec-*
15 *tively waived the Buy American Act for certain products*
16 *in that country.*

17 *(b) The Secretary of Defense shall submit to the Con-*
18 *gress a report on the amount of Department of Defense pur-*
19 *chases from foreign entities in fiscal year 2009. Such report*
20 *shall separately indicate the dollar value of items for which*
21 *the Buy American Act was waived pursuant to any agree-*
22 *ment described in subsection (a)(2), the Trade Agreement*
23 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
24 *agreement to which the United States is a party.*

1 (c) For purposes of this section, the term “Buy Amer-
2 ican Act” means title III of the Act entitled “An Act mak-
3 ing appropriations for the Treasury and Post Office De-
4 partments for the fiscal year ending June 30, 1934, and
5 for other purposes”, approved March 3, 1933 (41 U.S.C.
6 10a et seq.).

7 SEC. 8031. During the current fiscal year, amounts
8 contained in the Department of Defense Overseas Military
9 Facility Investment Recovery Account established by section
10 2921(c)(1) of the National Defense Authorization Act of
11 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be
12 available until expended for the payments specified by sec-
13 tion 2921(c)(2) of that Act.

14 SEC. 8032. (a) Notwithstanding any other provision
15 of law, the Secretary of the Air Force may convey at no
16 cost to the Air Force, without consideration, to Indian
17 tribes located in the States of North Dakota, South Dakota,
18 Montana, and Minnesota relocatable military housing units
19 located at Grand Forks Air Force Base and Minot Air
20 Force Base that are excess to the needs of the Air Force.

21 (b) The Secretary of the Air Force shall convey, at no
22 cost to the Air Force, military housing units under sub-
23 section (a) in accordance with the request for such units
24 that are submitted to the Secretary by the Operation Walk-
25 ing Shield Program on behalf of Indian tribes located in

1 *the States of North Dakota, South Dakota, Montana, and*
2 *Minnesota.*

3 *(c) The Operation Walking Shield Program shall re-*
4 *solve any conflicts among requests of Indian tribes for hous-*
5 *ing units under subsection (a) before submitting requests*
6 *to the Secretary of the Air Force under subsection (b).*

7 *(d) In this section, the term “Indian tribe” means any*
8 *recognized Indian tribe included on the current list pub-*
9 *lished by the Secretary of the Interior under section 104*
10 *of the Federally Recognized Indian Tribe Act of 1994 (Pub-*
11 *lic Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).*

12 *SEC. 8033. During the current fiscal year, appropria-*
13 *tions which are available to the Department of Defense for*
14 *operation and maintenance may be used to purchase items*
15 *having an investment item unit cost of not more than*
16 *\$250,000.*

17 *SEC. 8034. (a) During the current fiscal year, none*
18 *of the appropriations or funds available to the Department*
19 *of Defense Working Capital Funds shall be used for the pur-*
20 *chase of an investment item for the purpose of acquiring*
21 *a new inventory item for sale or anticipated sale during*
22 *the current fiscal year or a subsequent fiscal year to cus-*
23 *tomers of the Department of Defense Working Capital*
24 *Funds if such an item would not have been chargeable to*
25 *the Department of Defense Business Operations Fund dur-*

1 *ing fiscal year 1994 and if the purchase of such an invest-*
2 *ment item would be chargeable during the current fiscal*
3 *year to appropriations made to the Department of Defense*
4 *for procurement.*

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

16 *SEC. 8035. None of the funds appropriated by this Act*
17 *for programs of the Central Intelligence Agency shall re-*
18 *main available for obligation beyond the current fiscal year,*
19 *except for funds appropriated for the Reserve for Contin-*
20 *gencies, which shall remain available until September 30,*
21 *2010: Provided, That funds appropriated, transferred, or*
22 *otherwise credited to the Central Intelligence Agency Cen-*
23 *tral Services Working Capital Fund during this or any*
24 *prior or subsequent fiscal year shall remain available until*
25 *expended: Provided further, That any funds appropriated*

1 or transferred to the Central Intelligence Agency for ad-
2 vanced research and development acquisition, for agent op-
3 erations, and for covert action programs authorized by the
4 President under section 503 of the National Security Act
5 of 1947, as amended, shall remain available until Sep-
6 tember 30, 2010.

7 *SEC. 8036. Notwithstanding any other provision of*
8 *law, funds made available in this Act for the Defense Intel-*
9 *ligence Agency may be used for the design, development, and*
10 *deployment of General Defense Intelligence Program intel-*
11 *ligence communications and intelligence information sys-*
12 *tems for the Services, the Unified and Specified Commands,*
13 *and the component commands.*

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

24 *SEC. 8038. (a) None of the funds appropriated in this*
25 *Act may be expended by an entity of the Department of*

1 *Defense unless the entity, in expending the funds, complies*
2 *with the Buy American Act. For purposes of this subsection,*
3 *the term “Buy American Act” means title III of the Act*
4 *entitled “An Act making appropriations for the Treasury*
5 *and Post Office Departments for the fiscal year ending June*
6 *30, 1934, and for other purposes”, approved March 3, 1933*
7 *(41 U.S.C. 10a et seq.).*

8 *(b) If the Secretary of Defense determines that a person*
9 *has been convicted of intentionally affixing a label bearing*
10 *a “Made in America” inscription to any product sold in*
11 *or shipped to the United States that is not made in Amer-*
12 *ica, the Secretary shall determine, in accordance with sec-*
13 *tion 2410f of title 10, United States Code, whether the per-*
14 *son should be debarred from contracting with the Depart-*
15 *ment of Defense.*

16 *(c) In the case of any equipment or products purchased*
17 *with appropriations provided under this Act, it is the sense*
18 *of the Congress that any entity of the Department of De-*
19 *fense, in expending the appropriation, purchase only Amer-*
20 *ican-made equipment and products, provided that Amer-*
21 *ican-made equipment and products are cost-competitive,*
22 *quality-competitive, and available in a timely fashion.*

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

1 *basis of an unsolicited proposal unless the head of the activ-*
2 *ity responsible for the procurement determines—*

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

6 (2) *the purpose of the contract is to explore an*
7 *unsolicited proposal which offers significant scientific*
8 *or technological promise, represents the product of*
9 *original thinking, and was submitted in confidence*
10 *by one source; or*

11 (3) *the purpose of the contract is to take advan-*
12 *tage of unique and significant industrial accomplish-*
13 *ment by a specific concern, or to insure that a new*
14 *product or idea of a specific concern is given finan-*
15 *cial support: Provided, That this limitation shall not*
16 *apply to contracts in an amount of less than \$25,000,*
17 *contracts related to improvements of equipment that*
18 *is in development or production, or contracts as to*
19 *which a civilian official of the Department of Defense,*
20 *who has been confirmed by the Senate, determines*
21 *that the award of such contract is in the interest of*
22 *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 department*
4 *who is transferred or reassigned from a headquarters*
5 *activity if the member or employee’s place of duty re-*
6 *mains at the location of that headquarters.*

7 (b) *The Secretary of Defense or Secretary of a military*
8 *department may waive the limitations in subsection (a),*
9 *on a case-by-case basis, if the Secretary determines, and cer-*
10 *tifies to the Committees on Appropriations of the House of*
11 *Representatives and Senate that the granting of the waiver*
12 *will reduce the personnel requirements or the financial re-*
13 *quirements 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 impro-*
19 *vised explosive devices, and, as determined by the Sec-*
20 *retary of the Army, other similar threats.*

21 SEC. 8041. *The Secretary of Defense, notwithstanding*
22 *any other provision of law, acting through the Office of Eco-*
23 *nomics Adjustment of the Department of Defense, may use*
24 *funds made available in this Act under the heading “Oper-*
25 *ation and Maintenance, Defense-Wide” to make grants and*

1 *supplement other Federal funds in accordance with the*
2 *guidance provided in the explanatory statement described*
3 *in section 4 (in the matter preceding division A of this con-*
4 *solidated 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 programs*
9 *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”,*
23 *\$239,800,000.*

24 *SEC. 8043. None of the funds available in this Act may*
25 *be used to reduce the authorized positions for military (ci-*
26 *vilian) technicians of the Army National Guard, Air Na-*

1 *tional Guard, Army Reserve and Air Force Reserve for the*
2 *purpose of applying any administratively imposed civilian*
3 *personnel ceiling, freeze, or reduction on military (civilian)*
4 *technicians, unless such reductions are a direct result of a*
5 *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 ac-*
19 *tivities 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 and*
23 *training procedures.*

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

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

9 *SEC. 8047. (a) None of the funds available to the De-*
10 *partment of Defense for any fiscal year for drug interdic-*
11 *tion or counter-drug activities may be transferred to any*
12 *other department or agency of the United States except as*
13 *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 and*
16 *counter-drug activities may be transferred to any other de-*
17 *partment or agency of the United States except as specifi-*
18 *cally provided in an appropriations law.*

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

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

10 *SEC. 8049. None of the funds in this Act may be used*
11 *to purchase any supercomputer which is not manufactured*
12 *in the United States, unless the Secretary of Defense cer-*
13 *tifies to the congressional defense committees that such an*
14 *acquisition must be made in order to acquire capability for*
15 *national security purposes that is not available from*
16 *United States manufacturers.*

17 *SEC. 8050. None of the funds made available in this*
18 *or any other Act may be used to pay the salary of any*
19 *officer or employee of the Department of Defense who ap-*
20 *proves or implements the transfer of administrative respon-*
21 *sibilities or budgetary resources of any program, project,*
22 *or activity financed by this Act to the jurisdiction of an-*
23 *other Federal agency not financed by this Act without the*
24 *express authorization of Congress: Provided, That this limi-*
25 *tation shall not apply to transfers of funds expressly pro-*

1 *vided for in Defense Appropriations Acts, or provisions of*
2 *Acts providing supplemental appropriations for the De-*
3 *partment of Defense.*

4 *SEC. 8051. (a) Notwithstanding any other provision*
5 *of law, none of the funds available to the Department of*
6 *Defense for the current fiscal year may be obligated or ex-*
7 *pende**d to transfer to another nation or an international*
8 *organization any defense articles or services (other than in-*
9 *telligence services) for use in the activities described in sub-*
10 *section (b) unless the congressional defense committees, the*
11 *Committee on International Relations of the House of Rep-*
12 *resentatives, and the Committee on Foreign Relations of the*
13 *Senate are notified 15 days in advance of such transfer.*

14 *(b) This section applies to—*

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

20 *(2) any other international peacekeeping, peace-*
21 *enforcement, or humanitarian assistance operation.*

22 *(c) A notice under subsection (a) shall include the fol-*
23 *lowing—*

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

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

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

5 (A) *a statement of whether the inventory re-*
6 *quirements of all elements of the Armed Forces*
7 *(including the reserve components) for the type*
8 *of equipment or supplies to be transferred have*
9 *been met; and*

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

14 *SEC. 8052. None of the funds available to the Depart-*
15 *ment of Defense under this Act shall be obligated or ex-*
16 *pended to pay a contractor under a contract with the De-*
17 *partment of Defense for costs of any amount paid by the*
18 *contractor to an employee when—*

19 (1) *such costs are for a bonus or otherwise in ex-*
20 *cess of the normal salary paid by the contractor to the*
21 *employee; and*

22 (2) *such bonus is part of restructuring costs asso-*
23 *ciated with a business combination.*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *SEC. 8053. During the current fiscal year, no more*
26 *than \$30,000,000 of appropriations made in this Act under*

1 *the heading “Operation and Maintenance, Defense-Wide”*
2 *may be transferred to appropriations available for the pay*
3 *of military personnel, to be merged with, and to be available*
4 *for the same time period as the appropriations to which*
5 *transferred, to be used in support of such personnel in con-*
6 *nection with support and services for eligible organizations*
7 *and activities outside the Department of Defense pursuant*
8 *to section 2012 of title 10, United States Code.*

9 *SEC. 8054. During the current fiscal year, in the case*
10 *of an appropriation account of the Department of Defense*
11 *for which the period of availability for obligation has ex-*
12 *pired or which has closed under the provisions of section*
13 *1552 of title 31, United States Code, and which has a nega-*
14 *tive unliquidated or unexpended balance, an obligation or*
15 *an adjustment of an obligation may be charged to any cur-*
16 *rent appropriation account for the same purpose as the ex-*
17 *pired or closed account if—*

18 *(1) the obligation would have been properly*
19 *chargeable (except as to amount) to the expired or*
20 *closed account before the end of the period of avail-*
21 *ability or closing of that account;*

22 *(2) the obligation is not otherwise properly*
23 *chargeable to any current appropriation account of*
24 *the Department of Defense; and*

1 (3) *in the case of an expired account, the obliga-*
2 *tion is not chargeable to a current appropriation of*
3 *the Department of Defense under the provisions of sec-*
4 *tion 1405(b)(8) of the National Defense Authorization*
5 *Act for Fiscal Year 1991, Public Law 101–510, as*
6 *amended (31 U.S.C. 1551 note): Provided, That in*
7 *the case of an expired account, if subsequent review*
8 *or investigation discloses that there was not in fact a*
9 *negative unliquidated or unexpended balance in the*
10 *account, any charge to a current account under the*
11 *authority of this section shall be reversed and re-*
12 *corded against the expired account: Provided further,*
13 *That the total amount charged to a current appro-*
14 *priation under this section may not exceed an*
15 *amount equal to 1 percent of the total appropriation*
16 *for that account.*

17 *SEC. 8055. (a) Notwithstanding any other provision*
18 *of law, the Chief of the National Guard Bureau may permit*
19 *the use of equipment of the National Guard Distance Learn-*
20 *ing Project by any person or entity on a space-available,*
21 *reimbursable basis. The Chief of the National Guard Bu-*
22 *reau shall establish the amount of reimbursement for such*
23 *use on a case-by-case basis.*

24 *(b) Amounts collected under subsection (a) shall be*
25 *credited to funds available for the National Guard Distance*

1 *Learning Project and be available to defray the costs associ-*
2 *ated with the use of equipment of the project under that*
3 *subsection. Such funds shall be available for such purposes*
4 *without fiscal year limitation.*

5 *SEC. 8056. Using funds available by this Act or any*
6 *other Act, the Secretary of the Air Force, pursuant to a*
7 *determination under section 2690 of title 10, United States*
8 *Code, may implement cost-effective agreements for required*
9 *heating facility modernization in the Kaiserslautern Mili-*
10 *tary Community in the Federal Republic of Germany: Pro-*
11 *vided, That in the City of Kaiserslautern such agreements*
12 *will include the use of United States anthracite as the base*
13 *load energy for municipal district heat to the United States*
14 *Defense installations: Provided further, That at Landstuhl*
15 *Army Regional Medical Center and Ramstein Air Base,*
16 *furnished heat may be obtained from private, regional or*
17 *municipal services, if provisions are included for the con-*
18 *sideration of United States coal as an energy source.*

19 *SEC. 8057. None of the funds appropriated in title IV*
20 *of this Act may be used to procure end-items for delivery*
21 *to military forces for operational training, operational use*
22 *or inventory requirements: Provided, That this restriction*
23 *does not apply to end-items used in development, proto-*
24 *typing, and test activities preceding and leading to accept-*
25 *ance for operational use: Provided further, That this restric-*

1 *tion does not apply to programs funded within the National*
2 *Intelligence Program: Provided further, That the Secretary*
3 *of Defense may waive this restriction on a case-by-case basis*
4 *by certifying in writing to the Committees on Appropria-*
5 *tions of the House of Representatives and the Senate that*
6 *it is in the national security interest to do so.*

7 *SEC. 8058. Notwithstanding any other provision of*
8 *law, funds available to the Department of Defense in this*
9 *Act, and hereafter, shall be made available to provide trans-*
10 *portation of medical supplies and equipment, on a non-*
11 *reimbursable basis, to American Samoa, and funds avail-*
12 *able to the Department of Defense shall be made available*
13 *to provide transportation of medical supplies and equip-*
14 *ment, on a nonreimbursable basis, to the Indian Health*
15 *Service when it is in conjunction with a civil-military*
16 *project.*

17 *SEC. 8059. None of the funds made available in this*
18 *Act may be used to approve or license the sale of the F-*
19 *22A advanced tactical fighter to any foreign government.*

20 *SEC. 8060. (a) The Secretary of Defense may, on a*
21 *case-by-case basis, waive with respect to a foreign country*
22 *each limitation on the procurement of defense items from*
23 *foreign sources provided in law if the Secretary determines*
24 *that the application of the limitation with respect to that*
25 *country would invalidate cooperative programs entered into*

1 *between the Department of Defense and the foreign country,*
2 *or would invalidate reciprocal trade agreements for the pro-*
3 *curement of defense items entered into under section 2531*
4 *of title 10, United States Code, and the country does not*
5 *discriminate against the same or similar defense items pro-*
6 *duced in the United States for that country.*

7 *(b) Subsection (a) applies with respect to—*

8 *(1) contracts and subcontracts entered into on or*
9 *after the date of the enactment of this Act; and*

10 *(2) options for the procurement of items that are*
11 *exercised after such date under contracts that are en-*
12 *tered into before such date if the option prices are ad-*
13 *justed for any reason other than the application of a*
14 *waiver granted under subsection (a).*

15 *(c) Subsection (a) does not apply to a limitation re-*
16 *garding construction of public vessels, ball and roller bear-*
17 *ings, food, and clothing or textile materials as defined by*
18 *section 11 (chapters 50–65) of the Harmonized Tariff*
19 *Schedule and products classified under headings 4010,*
20 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*
21 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*
22 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

23 *SEC. 8061. (a) None of the funds made available by*
24 *this Act may be used to support any training program in-*
25 *volving a unit of the security forces of a foreign country*

1 *if the Secretary of Defense has received credible information*
2 *from the Department of State that the unit has committed*
3 *a gross violation of human rights, unless all necessary cor-*
4 *rective steps have been taken.*

5 *(b) The Secretary of Defense, in consultation with the*
6 *Secretary of State, shall ensure that prior to a decision to*
7 *conduct any training program referred to in subsection (a),*
8 *full consideration is given to all credible information avail-*
9 *able to the Department of State relating to human rights*
10 *violations by foreign security forces.*

11 *(c) The Secretary of Defense, after consultation with*
12 *the Secretary of State, may waive the prohibition in sub-*
13 *section (a) if he determines that such waiver is required*
14 *by extraordinary circumstances.*

15 *(d) Not more than 15 days after the exercise of any*
16 *waiver under subsection (c), the Secretary of Defense shall*
17 *submit a report to the congressional defense committees de-*
18 *scribing the extraordinary circumstances, the purpose and*
19 *duration of the training program, the United States forces*
20 *and the foreign security forces involved in the training pro-*
21 *gram, and the information relating to human rights viola-*
22 *tions that necessitates the waiver.*

23 *SEC. 8062. None of the funds appropriated or made*
24 *available in this Act to the Department of the Navy shall*
25 *be used to develop, lease or procure the T-AKE class of ships*

1 *unless the main propulsion diesel engines and propulsors*
2 *are manufactured in the United States by a domestically*
3 *operated entity: Provided, That the Secretary of Defense*
4 *may waive this restriction on a case-by-case basis by certi-*
5 *fying in writing to the Committees on Appropriations of*
6 *the House of Representatives and the Senate that adequate*
7 *domestic supplies are not available to meet Department of*
8 *Defense requirements on a timely basis and that such an*
9 *acquisition must be made in order to acquire capability for*
10 *national security purposes or there exists a significant cost*
11 *or quality difference.*

12 *SEC. 8063. None of the funds appropriated or other-*
13 *wise made available by this or other Department of Defense*
14 *Appropriations Acts may be obligated or expended for the*
15 *purpose of performing repairs or maintenance to military*
16 *family housing units of the Department of Defense, includ-*
17 *ing areas in such military family housing units that may*
18 *be used for the purpose of conducting official Department*
19 *of Defense business.*

20 *SEC. 8064. Notwithstanding any other provision of*
21 *law, funds appropriated in this Act under the heading “Re-*
22 *search, Development, Test and Evaluation, Defense-Wide”*
23 *for any new start advanced concept technology demonstra-*
24 *tion project or joint capability demonstration project may*
25 *only be obligated 30 days after a report, including a de-*

1 *scription of the project, the planned acquisition and transi-*
2 *tion strategy and its estimated annual and total cost, has*
3 *been provided in writing to the congressional defense com-*
4 *mittees: Provided, That the Secretary of Defense may waive*
5 *this restriction on a case-by-case basis by certifying to the*
6 *congressional defense committees that it is in the national*
7 *interest to do so.*

8 *SEC. 8065. The Secretary of Defense shall provide a*
9 *classified quarterly report beginning 30 days after enact-*
10 *ment of this Act, to the House and Senate Appropriations*
11 *Committees, Subcommittees on Defense on certain matters*
12 *as directed in the classified annex accompanying this Act.*

13 *SEC. 8066. During the current fiscal year, none of the*
14 *funds available to the Department of Defense may be used*
15 *to provide support to another department or agency of the*
16 *United States if such department or agency is more than*
17 *90 days in arrears in making payment to the Department*
18 *of Defense for goods or services previously provided to such*
19 *department or agency on a reimbursable basis: Provided,*
20 *That this restriction shall not apply if the department is*
21 *authorized by law to provide support to such department*
22 *or agency on a nonreimbursable basis, and is providing the*
23 *requested support pursuant to such authority: Provided fur-*
24 *ther, That the Secretary of Defense may waive this restric-*
25 *tion on a case-by-case basis by certifying in writing to the*

1 *Committees on Appropriations of the House of Representa-*
2 *tives and the Senate that it is in the national security inter-*
3 *est to do so.*

4 *SEC. 8067. Notwithstanding section 12310(b) of title*
5 *10, United States Code, a Reserve who is a member of the*
6 *National Guard serving on full-time National Guard duty*
7 *under section 502(f) of title 32, United States Code, may*
8 *perform duties in support of the ground-based elements of*
9 *the National Ballistic Missile Defense System.*

10 *SEC. 8068. None of the funds provided in this Act may*
11 *be used to transfer to any nongovernmental entity ammuni-*
12 *tion held by the Department of Defense that has a center-*
13 *fire cartridge and a United States military nomenclature*
14 *designation of “armor penetrator”, “armor piercing (AP)”,*
15 *“armor piercing incendiary (API)”, or “armor-piercing in-*
16 *cendiary-tracer (API-T)”, except to an entity performing*
17 *demilitarization services for the Department of Defense*
18 *under a contract that requires the entity to demonstrate to*
19 *the satisfaction of the Department of Defense that armor*
20 *piercing projectiles are either: (1) rendered incapable of*
21 *reuse by the demilitarization process; or (2) used to manu-*
22 *facture ammunition pursuant to a contract with the De-*
23 *partment of Defense or the manufacture of ammunition for*
24 *export pursuant to a License for Permanent Export of Un-*

1 *classified Military Articles issued by the Department of*
2 *State.*

3 *SEC. 8069. Notwithstanding any other provision of*
4 *law, the Chief of the National Guard Bureau, or his des-*
5 *ignee, may waive payment of all or part of the consider-*
6 *ation that otherwise would be required under section 2667*
7 *of title 10, United States Code, in the case of a lease of*
8 *personal property for a period not in excess of 1 year to*
9 *any organization specified in section 508(d) of title 32,*
10 *United States Code, or any other youth, social, or fraternal*
11 *nonprofit organization as may be approved by the Chief*
12 *of the National Guard Bureau, or his designee, on a case-*
13 *by-case basis.*

14 *SEC. 8070. None of the funds appropriated by this Act*
15 *shall be used for the support of any nonappropriated funds*
16 *activity of the Department of Defense that procures malt*
17 *beverages and wine with nonappropriated funds for resale*
18 *(including such alcoholic beverages sold by the drink) on*
19 *a military installation located in the United States unless*
20 *such malt beverages and wine are procured within that*
21 *State, or in the case of the District of Columbia, within*
22 *the District of Columbia, in which the military installation*
23 *is located: Provided, That in a case in which the military*
24 *installation is located in more than one State, purchases*
25 *may be made in any State in which the installation is lo-*

1 cated: *Provided further, That such local procurement re-*
2 *quirements for malt beverages and wine shall apply to all*
3 *alcoholic beverages only for military installations in States*
4 *which are not contiguous with another State: Provided fur-*
5 *ther, That alcoholic beverages other than wine and malt bev-*
6 *erages, in contiguous States and the District of Columbia*
7 *shall be procured from the most competitive source, price*
8 *and other factors considered.*

9 *SEC. 8071. Funds available to the Department of De-*
10 *fense for the Global Positioning System during the current*
11 *fiscal year may be used to fund civil requirements associ-*
12 *ated with the satellite and ground control segments of such*
13 *system's modernization program.*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *SEC. 8072. Of the amounts appropriated in this Act*
16 *under the heading "Operation and Maintenance, Army",*
17 *\$47,700,000 shall remain available until expended: Pro-*
18 *vided, That notwithstanding any other provision of law, the*
19 *Secretary of Defense is authorized to transfer such funds*
20 *to other activities of the Federal Government: Provided fur-*
21 *ther, That the Secretary of Defense is authorized to enter*
22 *into and carry out contracts for the acquisition of real*
23 *property, construction, personal services, and operations re-*
24 *lated to projects carrying out the purposes of this section:*
25 *Provided further, That contracts entered into under the au-*
26 *thority of this section may provide for such indemnification*

1 *as the Secretary determines to be necessary: Provided fur-*
2 *ther, That projects authorized by this section shall comply*
3 *with applicable Federal, State, and local law to the max-*
4 *imum extent consistent with the national security, as deter-*
5 *mined by the Secretary of Defense.*

6 *SEC. 8073. Section 8106 of the Department of Defense*
7 *Appropriations Act, 1997 (titles I through VIII of the mat-*
8 *ter under subsection 101(b) of Public Law 104–208; 110*
9 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
10 *to apply to disbursements that are made by the Department*
11 *of Defense in fiscal year 2009.*

12 *SEC. 8074. In addition to amounts provided elsewhere*
13 *in this Act, \$8,000,000 is hereby appropriated to the De-*
14 *partment of Defense, to remain available for obligation*
15 *until expended: Provided, That notwithstanding any other*
16 *provision of law, these funds shall be available only for a*
17 *grant to the Fisher House Foundation, Inc., only for the*
18 *construction and furnishing of additional Fisher Houses to*
19 *meet the needs of military family members when confronted*
20 *with the illness or hospitalization of an eligible military*
21 *beneficiary.*

22 *SEC. 8075. (a) During the current fiscal year and*
23 *hereafter, the Secretary of Defense, in coordination with the*
24 *Secretary of Health and Human Services, may carry out*
25 *a program to distribute surplus dental and medical equip-*

1 *ment of the Department of Defense, at no cost to the Depart-*
2 *ment of Defense, to Indian Health Service facilities and to*
3 *federally-qualified health centers (within the meaning of*
4 *section 1905(l)(2)(B) of the Social Security Act (42 U.S.C.*
5 *1396d(l)(2)(B))).*

6 *(b) In carrying out this provision, the Secretary of De-*
7 *fense shall give the Indian Health Service a property dis-*
8 *posal priority equal to the priority given to the Department*
9 *of Defense and its twelve special screening programs in dis-*
10 *tribution of surplus dental and medical supplies and equip-*
11 *ment.*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 8076. Of the amounts appropriated in this Act*
14 *under the heading “Research, Development, Test and Eval-*
15 *uation, Defense-Wide”, \$177,237,000 shall be for the Israeli*
16 *Cooperative Programs: Provided, That of this amount,*
17 *\$72,895,000 shall be for the Short Range Ballistic Missile*
18 *Defense (SRBMD) program, \$30,000,000 shall be available*
19 *for an upper-tier component to the Israeli Missile Defense*
20 *Architecture, and \$74,342,000 shall be for the Arrow Missile*
21 *Defense Program, of which \$13,076,000 shall be for pro-*
22 *ducing Arrow missile components in the United States and*
23 *Arrow missile components in Israel to meet Israel’s defense*
24 *requirements, consistent with each nation’s laws, regula-*
25 *tions and procedures: Provided further, That funds made*
26 *available under this provision for production of missiles*

1 *and missile components may be transferred to appropria-*
2 *tions available for the procurement of weapons and equip-*
3 *ment, to be merged with and to be available for the same*
4 *time period and the same purposes as the appropriation*
5 *to which transferred: Provided further, That the transfer*
6 *authority provided under this provision is in addition to*
7 *any other transfer authority contained in this Act.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 8077. Of the amounts appropriated in this Act*
10 *under the heading “Shipbuilding and Conversion, Navy”,*
11 *\$165,152,000 shall be available until September 30, 2009,*
12 *to fund prior year shipbuilding cost increases: Provided,*
13 *That upon enactment of this Act, the Secretary of the Navy*
14 *shall transfer such funds to the following appropriations in*
15 *the amounts specified: Provided further, That the amounts*
16 *transferred shall be merged with and be available for the*
17 *same purposes as the appropriations to which transferred:*

18 *To:*

19 *Under the heading “Shipbuilding and Conversion,*
20 *Navy, 2001/2009”:*

21 *Carrier Replacement Program, \$20,516,000;*

22 *Under the heading “Shipbuilding and Conversion,*
23 *Navy, 2002/2009”:*

24 *New SSN, \$21,000,000;*

25 *Under the heading “Shipbuilding and Conversion,*
26 *Navy, 2003/2009”:*

1 *LPD-17 Amphibious Transport Dock Program,*
2 *\$33,082,000;*

3 *Under the heading “Shipbuilding and Conversion,*
4 *Navy, 2004/2009”:*

5 *New SSN, \$60,000,000;*

6 *Under the heading “Shipbuilding and Conversion,*
7 *Navy, 2007/2011”:*

8 *LHA Replacement Program, \$14,310,000; and*

9 *Under the heading “Shipbuilding and Conversion,*
10 *Navy, 2008/2012”:*

11 *SSBN Submarine Refuelings, \$16,244,000.*

12 *SEC. 8078. None of the funds available to the Depart-*
13 *ment of Defense may be obligated to modify command and*
14 *control relationships to give Fleet Forces Command admin-*
15 *istrative and operational control of U.S. Navy forces as-*
16 *signed to the Pacific fleet: Provided, That the command and*
17 *control relationships which existed on October 1, 2004, shall*
18 *remain in force unless changes are specifically authorized*
19 *in a subsequent Act.*

20 *SEC. 8079. Notwithstanding any other provision of*
21 *law or regulation, the Secretary of Defense may exercise the*
22 *provisions of section 7403(g) of title 38, United States Code,*
23 *for occupations listed in section 7403(a)(2) of title 38,*
24 *United States Code, as well as the following:*

1 *Pharmacists, Audiologists, Psychologists, Social*
2 *Workers, Othotists/Prosthetists, Occupational Thera-*
3 *pists, Physical Therapists, Rehabilitation Therapists,*
4 *Respiratory Therapists, Speech Pathologists, Dieti-*
5 *tian/Nutritionists, Industrial Hygienists, Psychology*
6 *Technicians, Social Service Assistants, Practical*
7 *Nurses, Nursing Assistants, and Dental Hygienists:*

8 (A) *The requirements of section*
9 7403(g)(1)(A) *of title 38, United States Code,*
10 *shall apply.*

11 (B) *The limitations of section 7403(g)(1)(B)*
12 *of title 38, United States Code, shall not apply.*

13 *SEC. 8080. Funds appropriated by this Act, or made*
14 *available by the transfer of funds in this Act, for intelligence*
15 *activities are deemed to be specifically authorized by the*
16 *Congress for purposes of section 504 of the National Secu-*
17 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2009*
18 *until the enactment of the Intelligence Authorization Act*
19 *for Fiscal Year 2009.*

20 *SEC. 8081. None of the funds provided in this Act shall*
21 *be available for obligation or expenditure through a re-*
22 *programming of funds that creates or initiates a new pro-*
23 *gram, project, or activity unless such program, project, or*
24 *activity must be undertaken immediately in the interest of*

1 *national security and only after written prior notification*
2 *to the congressional defense committees.*

3 *SEC. 8082. (a) In addition to the amounts provided*
4 *elsewhere in this Act, \$3,000,000 is hereby appropriated to*
5 *the Department of Defense for “Operation and Mainte-*
6 *nance, Army National Guard”. Such amount shall be made*
7 *available to the Secretary of the Army only to make a grant*
8 *in the amount of \$3,000,000 to the entity specified in sub-*
9 *section (b) to facilitate access by veterans to opportunities*
10 *for skilled employment in the construction industry.*

11 *(b) The entity referred to in subsection (a) is the Cen-*
12 *ter for Military Recruitment, Assessment and Veterans Em-*
13 *ployment, a nonprofit labor-management cooperation com-*
14 *mittee provided for by section 302(c)(9) of the Labor-Man-*
15 *agement Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the*
16 *purposes set forth in section 6(b) of the Labor Management*
17 *Cooperation Act of 1978 (29 U.S.C. 175a note).*

18 *SEC. 8083. In addition to funds made available else-*
19 *where in this Act, \$5,500,000 is hereby appropriated and*
20 *shall remain available until expended to provide assistance,*
21 *by grant or otherwise (such as, but not limited to, the provi-*
22 *sion of funds for repairs, maintenance, construction, and/*
23 *or for the purchase of information technology, text books,*
24 *teaching resources), to public schools that have unusually*
25 *high concentrations of special needs military dependents en-*

1 rolled: *Provided, That in selecting school systems to receive*
2 *such assistance, special consideration shall be given to*
3 *school systems in States that are considered overseas assign-*
4 *ments, and all schools within these school systems shall be*
5 *eligible for assistance: Provided further, That up to 2 per-*
6 *cent of the total appropriated funds under this section shall*
7 *be available to support the administration and execution*
8 *of the funds or program and/or events that promote the pur-*
9 *pose of this appropriation (e.g. payment of travel and per*
10 *diem of school teachers attending conferences or a meeting*
11 *that promotes the purpose of this appropriation and/or con-*
12 *sultant fees for on-site training of teachers, staff, or Joint*
13 *Venture Education Forum (JVEF) Committee members):*
14 *Provided further, That up to \$300,000 shall be available*
15 *to examine human capital, family and quality of life issues*
16 *relating to military presence in Hawaii: Provided further,*
17 *That up to \$2,000,000 shall be available for the Department*
18 *of Defense to establish a nonprofit trust fund to assist in*
19 *the public-private funding of public school repair and*
20 *maintenance projects, or provide directly to nonprofit orga-*
21 *nizations who in return will use these monies to provide*
22 *assistance in the form of repair, maintenance, or renovation*
23 *to public school systems that have high concentrations of*
24 *special needs military dependents and are located in States*
25 *that are considered overseas assignments: Provided further,*

1 *That to the extent a Federal agency provides this assistance,*
2 *by contract, grant, or otherwise, it may accept and expend*
3 *non-Federal funds in combination with these Federal funds*
4 *to provide assistance for the authorized purpose, if the non-*
5 *Federal entity requests such assistance and the non-Federal*
6 *funds are provided on a reimbursable basis.*

7 *SEC. 8084. In addition to the amounts appropriated*
8 *or otherwise made available elsewhere in this Act,*
9 *\$112,400,000 is hereby appropriated to the Department of*
10 *Defense: Provided, That the Secretary of Defense shall make*
11 *grants in the amounts specified as follows: \$20,000,000 to*
12 *the United Service Organizations; \$30,000,000 to the Red*
13 *Cross; \$15,000,000 for the Waterbury Industrial Commons*
14 *Redevelopment Project; \$4,750,000 for the SOAR Virtual*
15 *School District; \$1,750,000 to The Presidio Trust;*
16 *\$5,000,000 to the STEM Education Research Center;*
17 *\$10,000,000 to the Intrepid Museum Foundation;*
18 *\$4,000,000 to the Go For Broke National Education Center;*
19 *\$9,900,000 to the U.S.S. Missouri Memorial Association;*
20 *\$4,000,000 to the Nimitz Center; \$3,000,000 to Special*
21 *Olympics International; and \$5,000,000 to the Paralympics*
22 *Military Program.*

23 *SEC. 8085. The Department of Defense and the Depart-*
24 *ment of the Army shall make future budgetary and pro-*
25 *gramming plans to fully finance the Non-Line of Sight Fu-*

1 *ture Force cannon (NLOS-C) and a compatible large cal-*
2 *iber ammunition resupply capability for this system sup-*
3 *ported by the Future Combat Systems (FCS) Brigade Com-*
4 *bat Team (BCT) in order to field this system in fiscal year*
5 *2010: Provided, That the Army shall develop the NLOS-*
6 *C independent of the broader FCS development timeline to*
7 *achieve fielding by fiscal year 2010. In addition, the Army*
8 *will deliver five pre-production NLOS-C systems by the end*
9 *of calendar year 2008 and three pre-production NLOS-C*
10 *systems by the end of calendar year 2009. These systems*
11 *shall be in addition to those systems necessary for develop-*
12 *mental and operational testing.*

13 *SEC. 8086. The budget of the President for fiscal year*
14 *2010 submitted to the Congress pursuant to section 1105*
15 *of title 31, United States Code, shall include separate budget*
16 *justification documents for costs of United States Armed*
17 *Forces' participation in contingency operations for the*
18 *Military Personnel accounts, the Operation and Mainte-*
19 *nance accounts, and the Procurement accounts: Provided,*
20 *That these documents shall include a description of the*
21 *funding requested for each contingency operation, for each*
22 *military service, to include all Active and Reserve compo-*
23 *nents, and for each appropriations account: Provided fur-*
24 *ther, That these documents shall include estimated costs for*
25 *each element of expense or object class, a reconciliation of*

1 *increases and decreases for each contingency operation, and*
2 *programmatic data including, but not limited to, troop*
3 *strength for each Active and Reserve component, and esti-*
4 *mates of the major weapons systems deployed in support*
5 *of each contingency: Provided further, That these documents*
6 *shall include budget exhibits OP-5 and OP-32 (as defined*
7 *in the Department of Defense Financial Management Regu-*
8 *lation) for all contingency operations for the budget year*
9 *and the two preceding fiscal years.*

10 *SEC. 8087. None of the funds in this Act may be used*
11 *for research, development, test, evaluation, procurement or*
12 *deployment of nuclear armed interceptors of a missile de-*
13 *fense system.*

14 *SEC. 8088. Up to \$2,500,000 of the funds appropriated*
15 *under the heading “Operation and Maintenance, Navy” in*
16 *this Act for the Pacific Missile Range Facility may be made*
17 *available to contract for the repair, maintenance, and oper-*
18 *ation of adjacent off-base water, drainage, and flood control*
19 *systems, electrical upgrade to support additional missions*
20 *critical to base operations, and support for a range foot-*
21 *print expansion to further guard against encroachment.*

22 *SEC. 8089. None of the funds appropriated or made*
23 *available in this Act shall be used to reduce or disestablish*
24 *the operation of the 53rd Weather Reconnaissance Squad-*
25 *ron of the Air Force Reserve, if such action would reduce*

1 *the WC-130 Weather Reconnaissance mission below the lev-*
2 *els funded in this Act: Provided, That the Air Force shall*
3 *allow the 53rd Weather Reconnaissance Squadron to per-*
4 *form other missions in support of national defense require-*
5 *ments during the non-hurricane season.*

6 *SEC. 8090. None of the funds provided in this Act shall*
7 *be available for integration of foreign intelligence informa-*
8 *tion unless the information has been lawfully collected and*
9 *processed during the conduct of authorized foreign intel-*
10 *ligence activities: Provided, That information pertaining to*
11 *United States persons shall only be handled in accordance*
12 *with protections provided in the Fourth Amendment of the*
13 *United States Constitution as implemented through Execu-*
14 *tive Order No. 12333.*

15 *SEC. 8091. (a) At the time members of reserve compo-*
16 *nents of the Armed Forces are called or ordered to active*
17 *duty under section 12302(a) of title 10, United States Code,*
18 *each member shall be notified in writing of the expected*
19 *period during which the member will be mobilized.*

20 *(b) The Secretary of Defense may waive the require-*
21 *ments of subsection (a) in any case in which the Secretary*
22 *determines that it is necessary to do so to respond to a na-*
23 *tional security emergency or to meet dire operational re-*
24 *quirements of the Armed Forces.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8092. *The Secretary of Defense may transfer*
3 *funds from any available Department of the Navy appro-*
4 *priation to any available Navy ship construction appro-*
5 *priation for the purpose of liquidating necessary changes*
6 *resulting from inflation, market fluctuations, or rate adjust-*
7 *ments for any ship construction program appropriated in*
8 *law: Provided, That the Secretary may transfer not to ex-*
9 *ceed \$100,000,000 under the authority provided by this sec-*
10 *tion: Provided further, That the Secretary may not transfer*
11 *any funds until 30 days after the proposed transfer has been*
12 *reported to the Committees on Appropriations of the House*
13 *of Representatives and the Senate, unless a response from*
14 *the Committees is received sooner: Provided further, That*
15 *the transfer authority provided by this section is in addi-*
16 *tion to any other transfer authority contained elsewhere in*
17 *this Act.*

18 SEC. 8093. *For purposes of section 612 of title 41,*
19 *United States Code, any subdivision of appropriations*
20 *made under the heading “Shipbuilding and Conversion,*
21 *Navy” that is not closed at the time reimbursement is made*
22 *shall be available to reimburse the Judgment Fund and*
23 *shall be considered for the same purposes as any subdivision*
24 *under the heading “Shipbuilding and Conversion, Navy”*

1 appropriations in the current fiscal year or any prior fiscal
2 year.

3 *SEC. 8094. (a) None of the funds appropriated by this*
4 *Act may be used to transfer research and development, ac-*
5 *quisition, or other program authority relating to current*
6 *tactical unmanned aerial vehicles (TUAVs) from the Army.*

7 *(b) The Army shall retain responsibility for and oper-*
8 *ational control of the MQ-1C Sky Warrior Unmanned Aer-*
9 *ial Vehicle (UAV) in order to support the Secretary of De-*
10 *fense in matters relating to the employment of unmanned*
11 *aerial vehicles.*

12 *(c) None of the funds appropriated by this Act may*
13 *be used to institute an inter-Service common contract for*
14 *acquisition of MQ-1 or MQ-1C UAVs until 30 days after*
15 *the Secretary of Defense certifies to the congressional defense*
16 *committees that a common contract would achieve cost sav-*
17 *ings, be interoperable with, and not create undue*
18 *sustainment costs compared to the current fleet.*

19 *SEC. 8095. None of the funds appropriated by this Act,*
20 *and hereafter, available for the Civilian Health and Med-*
21 *ical Program of the Uniformed Services (CHAMPUS) or*
22 *TRICARE shall be available for the reimbursement of any*
23 *health care provider for inpatient mental health service for*
24 *care received when a patient is referred to a provider of*
25 *inpatient mental health care or residential treatment care*

1 *by a medical or health care professional having an economic*
2 *interest in the facility to which the patient is referred: Pro-*
3 *vided, That this limitation does not apply in the case of*
4 *inpatient mental health services provided under the pro-*
5 *gram for persons with disabilities under subsection (d) of*
6 *section 1079 of title 10, United States Code, provided as*
7 *partial hospital care, or provided pursuant to a waiver au-*
8 *thorized by the Secretary of Defense because of medical or*
9 *psychological circumstances of the patient that are con-*
10 *firmed by a health professional who is not a Federal em-*
11 *ployee after a review, pursuant to rules prescribed by the*
12 *Secretary, which takes into account the appropriate level*
13 *of care for the patient, the intensity of services required by*
14 *the patient, and the availability of that care.*

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

1 *SEC. 8097. Notwithstanding any other provision of*
2 *law or regulation, the Secretary of Defense may adjust wage*
3 *rates for civilian employees hired for certain health care*
4 *occupations as authorized for the Secretary of Veterans Af-*
5 *fairs by section 7455 of title 38, United States Code.*

6 *SEC. 8098. The authority to conduct a continuing co-*
7 *operative program in the proviso in title II of Public Law*
8 *102–368 under the heading “Research, Development, Test*
9 *and Evaluation, Defense Agencies” (106 Stat. 1121) shall*
10 *be extended through September 30, 2009 and hereafter, in*
11 *cooperation with NELHA.*

12 *SEC. 8099. Up to \$15,000,000 of the funds appro-*
13 *priated under the heading, “Operation and Maintenance,*
14 *Navy” may be made available for the Asia Pacific Regional*
15 *Initiative Program for the purpose of enabling the Pacific*
16 *Command to execute Theater Security Cooperation activi-*
17 *ties such as humanitarian assistance, and payment of in-*
18 *cremental and personnel costs of training and exercising*
19 *with foreign security forces: Provided, That funds made*
20 *available for this purpose may be used, notwithstanding*
21 *any other funding authorities for humanitarian assistance,*
22 *security assistance or combined exercise expenses: Provided*
23 *further, That funds may not be obligated to provide assist-*
24 *ance to any foreign country that is otherwise prohibited*

1 *from receiving such type of assistance under any other pro-*
2 *vision of law.*

3 *SEC. 8100. None of the funds appropriated by this Act*
4 *for programs of the Office of the Director of National Intel-*
5 *ligence shall remain available for obligation beyond the cur-*
6 *rent fiscal year, except for funds appropriated for research*
7 *and technology, which shall remain available until Sep-*
8 *tember 30, 2010.*

9 *SEC. 8101. Notwithstanding any other provision of*
10 *this Act, to reflect savings from revised economic assump-*
11 *tions, the total amount appropriated in title II of this Act*
12 *is hereby reduced by \$313,780,000, the total amount appro-*
13 *priated in title III of this Act is hereby reduced by*
14 *\$298,000,000, and the total amount appropriated in title*
15 *IV of this Act is hereby reduced by \$218,000,000: Provided,*
16 *That the Secretary of Defense shall allocate this reduction*
17 *proportionally to each budget activity, activity group, sub-*
18 *activity group, and each program, project, and activity,*
19 *within each appropriation account.*

20 *SEC. 8102. For purposes of section 1553(b) of title 31,*
21 *United States Code, any subdivision of appropriations*
22 *made in this Act under the heading “Shipbuilding and*
23 *Conversion, Navy” shall be considered to be for the same*
24 *purpose as any subdivision under the heading “Ship-*
25 *building and Conversion, Navy” appropriations in any*

1 *prior fiscal year, and the 1 percent limitation shall apply*
2 *to the total amount of the appropriation.*

3 *SEC. 8103. Notwithstanding any other provision of*
4 *law, that not more than 35 percent of funds provided in*
5 *this Act for environmental remediation may be obligated*
6 *under indefinite delivery/indefinite quantity contracts with*
7 *a total contract value of \$130,000,000 or higher.*

8 *SEC. 8104. The Secretary of Defense shall create a*
9 *major force program category for space for the Future Years*
10 *Defense Program of the Department of Defense. The Sec-*
11 *retary of Defense shall designate an official in the Office*
12 *of the Secretary of Defense to provide overall supervision*
13 *of the preparation and justification of program rec-*
14 *ommendations and budget proposals to be included in such*
15 *major force program category.*

16 *SEC. 8105. During the current fiscal year and here-*
17 *after, none of the funds appropriated or otherwise available*
18 *to the Department of Defense may be obligated or expended*
19 *to provide award fees to any defense contractor contrary*
20 *to the provisions of section 814 of the National Defense Au-*
21 *thorization Act, Fiscal Year 2007 (Public Law 109-364).*

22 *SEC. 8106. None of the funds appropriated or other-*
23 *wise made available by this or any other Act shall be obli-*
24 *gated or expended by the United States Government for a*
25 *purpose as follows:*

1 (1) *To establish any military installation or base*
2 *for the purpose of providing for the permanent sta-*
3 *tioning of United States Armed Forces in Iraq.*

4 (2) *To exercise United States control over any*
5 *oil resource of Iraq.*

6 *SEC. 8107. Beginning with the fiscal year 2010 budget*
7 *request, the Director of National Intelligence shall include*
8 *the budget exhibits identified in paragraphs (1) and (2) as*
9 *described in the Department of Defense Financial Manage-*
10 *ment Regulation with the congressional budget justification*
11 *books.*

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

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

23 *SEC. 8108. None of the funds made available in this*
24 *Act may be used in contravention of the following laws en-*
25 *acted or regulations promulgated to implement the United*

1 *Nations Convention Against Torture and Other Cruel, In-*
2 *human or Degrading Treatment or Punishment (done at*
3 *New York on December 10, 1984):*

4 (1) *Section 2340A of title 18, United States*
5 *Code.*

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

13 (3) *Sections 1002 and 1003 of the Department of*
14 *Defense, Emergency Supplemental Appropriations to*
15 *Address Hurricanes in the Gulf of Mexico, and Pan-*
16 *demic Influenza Act, 2006 (Public Law 109–148).*

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

1 *of this Act using funds made available in this Act for basic*
2 *research.*

3 *SEC. 8110. The Secretary of Defense shall maintain*
4 *on the homepage of the Internet website of the Department*
5 *of Defense a direct link to the Internet website of the Office*
6 *of Inspector General of the Department of Defense.*

7 *SEC. 8111. (a) Not later than 60 days after enactment*
8 *of this Act, the Office of the Director of National Intelligence*
9 *shall submit a report to the congressional intelligence com-*
10 *mittees to establish the baseline for application of re-*
11 *programming and transfer authorities for fiscal year 2009:*
12 *Provided, That the report shall include—*

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

18 *(2) a delineation in the table for each appropri-*
19 *ation by Expenditure Center and project; and*

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

22 *(b) None of the funds provided for the National Intel-*
23 *ligence Program in this Act shall be available for re-*
24 *programming or transfer until the report identified in sub-*
25 *section (a) is submitted to the congressional intelligence*

1 committees, unless the Director of National Intelligence cer-
2 tifies in writing to the congressional intelligence committees
3 that such reprogramming or transfer is necessary as an
4 emergency requirement.

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

15 *SEC. 8113. For the purposes of this Act, the term "con-*
16 *gressional intelligence committees" means the Permanent*
17 *Select Committee on Intelligence of the House of Represent-*
18 *atives, the Select Committee on Intelligence of the Senate,*
19 *the Subcommittee on Defense of the Committee on Appro-*
20 *priations of the House of Representatives, and the Sub-*
21 *committee on Defense of the Committee on Appropriations*
22 *of the Senate.*

23 *SEC. 8114. The Department of Defense shall continue*
24 *to report incremental contingency operations costs for Oper-*
25 *ation Iraqi Freedom and Operation Enduring Freedom on*

1 *a monthly basis in the Cost of War Execution Report as*
2 *prescribed in the Department of Defense Financial Manage-*
3 *ment Regulation Department of Defense Instruction*
4 *7000.14, Volume 12, Chapter 23 “Contingency Operations”,*
5 *Annex 1, dated September 2005.*

6 *SEC. 8115. HORSHAM JOINT INTERAGENCY INSTALLA-*
7 *TION.—*

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

23 *(b) TRANSFER TO COMMONWEALTH OF PENNSYL-*
24 *VANIA.—Notwithstanding any other provision of law, the*
25 *Secretary of the Air Force shall convey all of the Navy prop-*

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

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *SEC. 8116. (a) STOP-LOSS SPECIAL PAY.—In addition*
17 *to the amounts appropriated or otherwise made available*
18 *elsewhere in this Act, \$72,000,000 is hereby appropriated*
19 *to the Secretary of Defense to carry out this section. Such*
20 *amount shall be made available to the Secretaries of the*
21 *military departments only to provide special pay during*
22 *fiscal year 2009 to members of the Army, Navy, Air Force,*
23 *and Marine Corps, including members of their reserve com-*
24 *ponents who at any time during fiscal year 2009, serve on*
25 *active duty while the members' enlistment or period of obli-*
26 *gated service is extended, or whose eligibility for retirement*

1 *is suspended, pursuant to section 123 or 12305 of title 10,*
2 *United States Code, or any other provision of law (com-*
3 *monly referred to as a “stop-loss authority”) authorizing*
4 *the President to extend an enlistment or period of obligated*
5 *service, or suspend an eligibility for retirement, of a mem-*
6 *ber of the uniformed services in time of war or of national*
7 *emergency declared by Congress or the President.*

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

14 *(c) IMPLEMENTATION PLAN.—Before obligating or ex-*
15 *pending any of the funds made available under subsection*
16 *(a), the Secretary of Defense shall submit to the Committees*
17 *on Appropriations of the House of Representatives and the*
18 *Senate a report containing a plan for the provision of the*
19 *special pay authorized by this section.*

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

22 *(1) by inserting “or Congress has enacted a spe-*
23 *cific authorization for the use of the Armed Forces, as*
24 *described in section 5(b) of the War Powers Resolu-*
25 *tion (50 U.S.C. 1544(b)),” after “is at war”;*

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

4 (3) *by striking “three years” and inserting “5*
 5 *years”;*

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

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

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

18 (1) *in section 3102, by striking “For purposes”*
 19 *and inserting “Except as provided in section 3112A,*
 20 *for purposes”;* *and*

21 (2) *by inserting after section 3112 the following:*

22 **“SEC. 3112A. INCENTIVES FOR ADDITIONAL**
 23 **DOWNBLENDING OF HIGHLY ENRICHED URA-**
 24 **NIUM BY THE RUSSIAN FEDERATION.**

25 **“(a) DEFINITIONS.—In this section:**

1 “(1) *COMPLETION OF THE RUSSIAN HEU AGREE-*
2 *MENT.—The term ‘completion of the Russian HEU*
3 *Agreement’ means the importation into the United*
4 *States from the Russian Federation pursuant to the*
5 *Russian HEU Agreement of uranium derived from*
6 *the downblending of not less than 500 metric tons of*
7 *highly enriched uranium of weapons origin.*

8 “(2) *DOWNBLENDING.—The term ‘downblending’*
9 *means processing highly enriched uranium into a*
10 *uranium product in any form in which the uranium*
11 *contains less than 20 percent uranium-235.*

12 “(3) *HIGHLY ENRICHED URANIUM.—The term*
13 *‘highly enriched uranium’ has the meaning given that*
14 *term in section 3102(4).*

15 “(4) *HIGHLY ENRICHED URANIUM OF WEAPONS*
16 *ORIGIN.—The term ‘highly enriched uranium of*
17 *weapons origin’ means highly enriched uranium*
18 *that—*

19 “(A) *contains 90 percent or more uranium-*
20 *235; and*

21 “(B) *is verified by the Secretary of Energy*
22 *to be of weapons origin.*

23 “(5) *LOW-ENRICHED URANIUM.—The term ‘low-*
24 *enriched uranium’ means a uranium product in any*
25 *form, including uranium hexafluoride (UF₆) and*

1 *uranium oxide (UO₂), in which the uranium contains*
2 *less than 20 percent uranium-235, including natural*
3 *uranium, without regard to whether the uranium is*
4 *incorporated into fuel rods or complete fuel assem-*
5 *blies.*

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

9 “(7) *URANIUM-235.*—*The term ‘uranium-235’*
10 *means the isotope ²³⁵U.*

11 “(b) *STATEMENT OF POLICY.*—*It is the policy of the*
12 *United States to support the continued downblending of*
13 *highly enriched uranium of weapons origin in the Russian*
14 *Federation in order to protect the essential security interests*
15 *of the United States with respect to the nonproliferation*
16 *of nuclear weapons.*

17 “(c) *PROMOTION OF DOWNBLENDING OF RUSSIAN*
18 *HIGHLY ENRICHED URANIUM.*—

19 “(1) *COMPLETION OF THE RUSSIAN HEU AGREE-*
20 *MENT.*—*Prior to the completion of the Russian HEU*
21 *Agreement, the importation into the United States of*
22 *low-enriched uranium, including low-enriched ura-*
23 *nium obtained under contracts for separative work*
24 *units, that is produced in the Russian Federation and*

1 *is not imported pursuant to the Russian HEU Agree-*
2 *ment, may not exceed the following amounts:*

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

5 *“(B) In calendar year 2012, 24,839 kilo-*
6 *grams.*

7 *“(C) In calendar year 2013 and each cal-*
8 *endar year thereafter through the calendar year*
9 *of the completion of the Russian HEU Agree-*
10 *ment, 41,398 kilograms.*

11 *“(2) INCENTIVES TO CONTINUE DOWNBLENDING*
12 *RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE*
13 *COMPLETION OF THE RUSSIAN HEU AGREEMENT.—*

14 *“(A) IN GENERAL.—After the completion of*
15 *the Russian HEU Agreement, the importation*
16 *into the United States of low-enriched uranium,*
17 *including low-enriched uranium obtained under*
18 *contracts for separative work units, that is pro-*
19 *duced in the Russian Federation, whether or not*
20 *such low-enriched uranium is derived from high-*
21 *ly enriched uranium of weapons origin, may not*
22 *exceed—*

23 *“(i) in calendar year 2014, 485,279*
24 *kilograms;*

1 “(ii) in calendar year 2015, 455,142
2 kilograms;

3 “(iii) in calendar year 2016, 480,146
4 kilograms;

5 “(iv) in calendar year 2017, 490,710
6 kilograms;

7 “(v) in calendar year 2018, 492,731
8 kilograms;

9 “(vi) in calendar year 2019, 509,058
10 kilograms; and

11 “(vii) in calendar year 2020, 514,754
12 kilograms.

13 “(B) *ADDITIONAL IMPORTS IN EXCHANGE*
14 *FOR A COMMITMENT TO DOWNBLEND AN ADDI-*
15 *TIONAL 300 METRIC TONS OF HIGHLY ENRICHED*
16 *URANIUM.—*

17 “(i) *IN GENERAL.—In addition to the*
18 *amount authorized to be imported under*
19 *subparagraph (A) and except as provided in*
20 *clause (ii), if the Russian Federation enters*
21 *into a bilateral agreement with the United*
22 *States under which the Russian Federation*
23 *agrees to downblend an additional 300 met-*
24 *ric tons of highly enriched uranium after*
25 *the completion of the Russian HEU Agree-*

1 *ment, 4 kilograms of low-enriched uranium,*
2 *whether or not such low-enriched uranium*
3 *is derived from highly enriched uranium of*
4 *weapons origin and including low-enriched*
5 *uranium obtained under contracts for sepa-*
6 *rative work units, may be imported in a*
7 *calendar year for every 1 kilogram of Rus-*
8 *sian highly enriched uranium of weapons*
9 *origin that was downblended in the pre-*
10 *ceding calendar year, subject to the*
11 *verification of the Secretary of Energy*
12 *under paragraph (10).*

13 “(i) *MAXIMUM ANNUAL IMPORTS.—*
14 *Not more than 120,000 kilograms of low-en-*
15 *riched uranium may be imported in a cal-*
16 *endar year under clause (i).*

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

21 “(A) *for use in the initial core of a new nu-*
22 *clear reactor;*

23 “(B) *for processing and to be certified for*
24 *reexportation and not for consumption in the*
25 *United States; or*

1 “(C) to be added to the inventory of the De-
2 partment of Energy.

3 “(4) LIMITED WAIVER AUTHORITY.—

4 “(A) IN GENERAL.—Notwithstanding para-
5 graph (1)(C), if the completion of the Russian
6 HEU Agreement does not occur before December
7 31, 2013, the import limitations under para-
8 graph (1)(C) shall be waived, and low-enriched
9 uranium may be imported into the United
10 States in the quantities specified in paragraph
11 (2) in a calendar year after 2013, if—

12 “(i) the Secretary of Energy and the
13 Secretary of State jointly determine that—

14 “(I) the failure of the completion
15 of the Russian HEU Agreement arises
16 from causes beyond the control and
17 without the fault or negligence of the
18 Government of the Russian Federation;
19 and

20 “(II) the Government of the Rus-
21 sian Federation has made reasonable
22 efforts to avoid and mitigate the effects
23 of the failure of the completion of the
24 Russian HEU Agreement; and

1 “(i) the Secretary of Energy and the
2 Secretary of State jointly notify Congress
3 of, and publish in the *Federal Register*, the
4 determination under clause (i) and the rea-
5 sons for the determination.

6 “(B) NOTICE AND WAIT.—A waiver under
7 subparagraph (A) may not take effect until the
8 date that is 180 days after the date on which
9 Secretary of Energy and the Secretary of State
10 notify Congress under subparagraph (A)(ii).

11 “(C) TERMINATION.—A waiver under sub-
12 paragraph (A) shall terminate on December 31
13 of the calendar year with respect to which the
14 Secretary makes the determination under sub-
15 paragraph (A)(i).

16 “(5) ADJUSTMENTS TO IMPORT LIMITATIONS.—

17 “(A) IN GENERAL.—The import limitations
18 described in paragraph (2)(A) are based on the
19 reference data in the 2005 Market Report on the
20 Global Nuclear Fuel Market Supply and De-
21 mand 2005–2030 of the World Nuclear Associa-
22 tion. In each of calendar years 2016 and 2019,
23 the Secretary of Commerce shall review the pro-
24 jected demand for uranium for nuclear reactors
25 in the United States and adjust the import limi-

1 *tations described in paragraph (2)(A) to account*
2 *for changes in such demand in years after the*
3 *year in which that report or a subsequent report*
4 *is published.*

5 *“(B) INCENTIVE ADJUSTMENT.—Beginning*
6 *in the second calendar year after the calendar*
7 *year of the completion of the Russian HEU*
8 *Agreement, the Secretary of Energy shall in-*
9 *crease or decrease the amount of low-enriched*
10 *uranium that may be imported in a calendar*
11 *year under paragraph (2)(B) (including the*
12 *amount of low-enriched uranium that may be*
13 *imported for each kilogram of highly enriched*
14 *uranium downblended under paragraph*
15 *(2)(B)(i)) by a percentage equal to the percent-*
16 *age increase or decrease, as the case may be, in*
17 *the average amount of uranium loaded into nu-*
18 *clear power reactors in the United States in the*
19 *most recent 3-calendar-year period for which*
20 *data are available, as reported by the Energy In-*
21 *formation Administration of the Department of*
22 *Energy, compared to the average amount of ura-*
23 *anium loaded into such reactors during the 3-cal-*
24 *endar-year period beginning on January 1,*

1 2011, as reported by the Energy Information Ad-
2 ministration.

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

10 “(6) *AUTHORITY FOR ADDITIONAL ADJUST-*
11 *MENT.*—In addition to the adjustment under para-
12 graph (5)(A), the Secretary of Commerce may adjust
13 the import limitations under paragraph (2)(A) for a
14 calendar year if the Secretary—

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

21 “(B) notifies Congress of the adjustment not
22 less than 45 days before making the adjustment.

23 “(7) *EQUIVALENT QUANTITIES OF LOW-EN-*
24 *RICHEd URANIUM IMPORTS.*—

1 “(A) *IN GENERAL.*—*The import limitations*
2 *described in paragraphs (1) and (2) are ex-*
3 *pressed in terms of uranium containing 4.4 per-*
4 *cent uranium-235 and a tails assay of 0.3 per-*
5 *cent.*

6 “(B) *ADJUSTMENT FOR OTHER URANIUM.*—
7 *Imports of low-enriched uranium under para-*
8 *graphs (1) and (2), including low-enriched ura-*
9 *anium obtained under contracts for separative*
10 *work units, shall count against the import limi-*
11 *tations described in such paragraphs in amounts*
12 *calculated as the quantity of low-enriched ura-*
13 *anium containing 4.4 percent uranium-235 nec-*
14 *essary to equal the total amount of uranium-235*
15 *contained in such imports.*

16 “(8) *DOWNBLENDING OF OTHER HIGHLY EN-*
17 *RICED URANIUM.*—

18 “(A) *IN GENERAL.*—*The downblending of*
19 *highly enriched uranium not of weapons origin*
20 *may be counted for purposes of paragraph*
21 *(2)(B), subject to verification under paragraph*
22 *(10), if the Secretary of Energy determines that*
23 *the highly enriched uranium to be downblended*
24 *poses a risk to the national security of the*
25 *United States.*

1 “(B) *EQUIVALENT QUANTITIES OF HIGHLY*
2 *ENRICHED URANIUM.*—For purposes of deter-
3 mining the additional low-enriched uranium im-
4 ports allowed under paragraph (2)(B), highly
5 enriched uranium not of weapons origin
6 downblended pursuant to subparagraph (A) shall
7 count as downblended highly enriched uranium
8 of weapons origin in amounts calculated as the
9 quantity of highly enriched uranium containing
10 90 percent uranium-235 necessary to equal the
11 total amount of uranium-235 contained in the
12 highly enriched uranium not of weapons origin
13 downblended pursuant to subparagraph (A).

14 “(9) *TERMINATION OF IMPORT RESTRICTIONS.*—
15 The provisions of this subsection shall terminate on
16 December 31, 2020.

17 “(10) *TECHNICAL VERIFICATIONS BY SECRETARY*
18 *OF ENERGY.*—

19 “(A) *IN GENERAL.*—The Secretary of En-
20 ergy shall verify the origin, quantity, and ura-
21 nium-235 content of the highly enriched ura-
22 nium downblended for purposes of paragraphs
23 (2)(B) and (8).

24 “(B) *METHODS OF VERIFICATION.*—In con-
25 ducting the verification required under subpara-

1 *graph (A), the Secretary of Energy shall employ*
2 *the transparency measures and access provisions*
3 *agreed to under the Russian HEU Agreement for*
4 *monitoring the downblending of Russian highly*
5 *enriched uranium of weapons origin and such*
6 *other methods as the Secretary determines appro-*
7 *priate.*

8 “(11) *ENFORCEMENT OF IMPORT LIMITATIONS.—*

9 *The Secretary of Commerce shall be responsible for*
10 *enforcing the import limitations imposed under this*
11 *subsection and shall enforce such import limitations*
12 *in a manner that imposes a minimal burden on the*
13 *commercial nuclear industry.*

14 “(12) *EFFECT ON OTHER AGREEMENTS.—*

15 “(A) *RUSSIAN HEU AGREEMENT.—Nothing*
16 *in this section shall be construed to modify the*
17 *terms of the Russian HEU Agreement, including*
18 *the provisions of the Agreement relating to the*
19 *amount of low-enriched uranium that may be*
20 *imported into the United States.*

21 “(B) *OTHER AGREEMENTS.—If a provision*
22 *of any agreement between the United States and*
23 *the Russian Federation, other than the Russian*
24 *HEU Agreement, relating to the importation of*
25 *low-enriched uranium, including low-enriched*

1 *uranium obtained under contracts for separative*
2 *work units, into the United States conflicts with*
3 *a provision of this section, the provision of this*
4 *section shall supersede the provision of the agree-*
5 *ment to the extent of the conflict.”.*

6 *SEC. 8119. The amounts appropriated in title II of*
7 *this Act are hereby reduced by \$859,000,000 to reflect excess*
8 *cash balances in Department of Defense Working Capital*
9 *Funds, as follows:*

10 *(1) From “Operation and Maintenance, Army”,*
11 *\$823,000,000; and*

12 *(2) From “Operation and Maintenance, Air*
13 *Force”, \$36,000,000.*

14 *This division may be cited as the “Department of De-*
15 *fense Appropriations Act, 2009”.*

16 *DIVISION D—DEPARTMENT OF HOMELAND*
17 *SECURITY APPROPRIATIONS ACT, 2009*

18 *That the following sums are appropriated, out of any*
19 *money in the Treasury not otherwise appropriated, for the*
20 *Department of Homeland Security for the fiscal year end-*
21 *ing September 30, 2009, and for other purposes, namely:*

1 *TITLE I*
2 *DEPARTMENTAL MANAGEMENT AND*
3 *OPERATIONS*
4 *OFFICE OF THE SECRETARY AND EXECUTIVE*
5 *MANAGEMENT*

6 *For necessary expenses of the Office of the Secretary*
7 *of Homeland Security, as authorized by section 102 of the*
8 *Homeland Security Act of 2002 (6 U.S.C. 112), and execu-*
9 *tive management of the Department of Homeland Security,*
10 *as authorized by law, \$123,456,000: Provided, That not to*
11 *exceed \$60,000 shall be for official reception and representa-*
12 *tion expenses, of which \$20,000 shall be made available to*
13 *the Office of Policy solely to host Visa Waiver Program ne-*
14 *gotiations in Washington, DC: Provided further, That with-*
15 *in 15 days after the end of each quarter of the fiscal year,*
16 *the Secretary shall submit to the Committees on Appropria-*
17 *tions of the Senate and House of Representatives and to*
18 *the Government Accountability Office a report of each in-*
19 *stance where a request by the Government Accountability*
20 *Office for access to Department of Homeland Security*
21 *records was not granted within 20 calendar days and Gov-*
22 *ernment Accountability Office requests for interviews with*
23 *Department of Homeland Security employees were not*
24 *granted within seven calendar days: Provided further, That*
25 *\$15,000,000 shall not be available for obligation until the*

1 *second quarterly report detailed in the previous proviso is*
2 *submitted to the Committees on Appropriations of the Sen-*
3 *ate and House of Representatives: Provided further, That*
4 *\$10,000,000 shall not be available for obligation until the*
5 *Secretary of Homeland Security, in coordination with the*
6 *Administrator of the Federal Emergency Management*
7 *Agency, certifies to the Committees on Appropriations of*
8 *the Senate and the House of Representatives that processes*
9 *to incorporate stakeholder input for grant guidance develop-*
10 *ment and award distribution have been: (1) developed to*
11 *ensure transparency and increased consultation about secu-*
12 *rity needs for all-hazards; (2) formalized and made clear*
13 *to stakeholders; and (3) formalized to ensure future use for*
14 *each fiscal year.*

15 *OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT*

16 *For necessary expenses of the Office of the Under Sec-*
17 *retary for Management, as authorized by sections 701*
18 *through 705 of the Homeland Security Act of 2002 (6*
19 *U.S.C. 341 through 345), \$191,793,000, of which not to ex-*
20 *ceed \$3,000 shall be for official reception and representation*
21 *expenses: Provided, That of the total amount, \$6,000,000*
22 *shall remain available until expended solely for the alter-*
23 *ation and improvement of facilities, tenant improvements,*
24 *and relocation costs to consolidate Department head-*
25 *quarters operations at the Nebraska Avenue Complex; and*

1 \$17,131,000 shall remain available until expended for the
2 Human Resources Information Technology program.

3 OFFICE OF THE CHIEF FINANCIAL OFFICER

4 For necessary expenses of the Office of the Chief Finan-
5 cial Officer, as authorized by section 103 of the Homeland
6 Security Act of 2002 (6 U.S.C. 113), \$55,235,000, of which
7 \$11,000,000 shall remain available until expended for fi-
8 nancial systems consolidation efforts.

9 OFFICE OF THE CHIEF INFORMATION OFFICER

10 For necessary expenses of the Office of the Chief Infor-
11 mation Officer, as authorized by section 103 of the Home-
12 land Security Act of 2002 (6 U.S.C. 113), and Department-
13 wide technology investments, \$272,169,000; of which
14 \$86,928,000 shall be available for salaries and expenses;
15 and of which \$185,241,000, to remain available until ex-
16 pended, shall be available for development and acquisition
17 of information technology equipment, software, services,
18 and related activities for the Department of Homeland Se-
19 curity, of which not less than \$23,830,000 shall be available
20 for data center development and an additional \$22,300,000
21 shall be available to support costs of transition to the Na-
22 tional Center for Critical Information Processing and Stor-
23 age: Provided, That \$100,000,000 of the total amount ap-
24 propriated under this heading shall not be available for ob-
25 ligation until the Committees on Appropriations of the Sen-

1 ate and the House of Representatives receive the report on
2 data center transition: Provided further, That none of the
3 funds appropriated shall be used to support or supplement
4 the appropriations provided for the United States Visitor
5 and Immigrant Status Indicator Technology project or the
6 Automated Commercial Environment: Provided further,
7 That the Chief Information Officer shall submit to the Com-
8 mittees on Appropriations of the Senate and the House of
9 Representatives, not more than 60 days after the date of
10 enactment of this Act, an expenditure plan for all informa-
11 tion technology acquisition projects that: (1) are funded
12 under this heading; or (2) are funded by multiple compo-
13 nents of the Department of Homeland Security through re-
14 imburseable agreements: Provided further, That such expend-
15 iture plan shall include each specific project funded, key
16 milestones, all funding sources for each project, details of
17 annual and lifecycle costs, and projected cost savings or cost
18 avoidance to be achieved by the project.

19 ANALYSIS AND OPERATIONS

20 For necessary expenses for information analysis and
21 operations coordination activities, as authorized by title II
22 of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.),
23 \$327,373,000, of which not to exceed \$5,000 shall be for offi-
24 cial reception and representation expenses; and of which

1 \$215,745,000 shall remain available until September 30,
2 2010.

3 *OFFICE OF THE FEDERAL COORDINATOR FOR GULF*
4 *COAST REBUILDING*

5 *For necessary expenses of the Office of the Federal Co-*
6 *ordinator for Gulf Coast Rebuilding, \$1,900,000.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *For necessary expenses of the Office of Inspector Gen-*
9 *eral in carrying out the provisions of the Inspector General*
10 *Act of 1978 (5 U.S.C. App.), \$98,513,000, of which not to*
11 *exceed \$150,000 may be used for certain confidential oper-*
12 *ational expenses, including the payment of informants, to*
13 *be expended at the direction of the Inspector General.*

14 *TITLE II*
15 *SECURITY, ENFORCEMENT, AND INVESTIGATIONS*

16 *U.S. CUSTOMS AND BORDER PROTECTION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for enforcement of laws relating*
19 *to border security, immigration, customs, agricultural in-*
20 *spections and regulatory activities related to plant and ani-*
21 *mal imports, and transportation of unaccompanied minor*
22 *aliens; purchase and lease of up to 6,300 (3,300 for replace-*
23 *ment only) police-type vehicles; and contracting with indi-*
24 *viduals for personal services abroad; \$7,603,206,000, of*
25 *which \$3,154,000 shall be derived from the Harbor Mainte-*

1 nance Trust Fund for administrative expenses related to the
2 collection of the Harbor Maintenance Fee pursuant to sec-
3 tion 9505(c)(3) of the Internal Revenue Code of 1986 (26
4 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1)
5 of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1));
6 of which not to exceed \$45,000 shall be for official reception
7 and representation expenses; of which not less than
8 \$271,679,000 shall be for Air and Marine Operations; of
9 which \$4,500,000 shall be for the 2010 Olympics Coordina-
10 tion Center, of which not to exceed \$2,000,000 shall be
11 available until September 30, 2010; of which \$2,000,000
12 shall be for Project SeaHawk; of which such sums as become
13 available in the Customs User Fee Account, except sums
14 subject to section 13031(f)(3) of the Consolidated Omnibus
15 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)),
16 shall be derived from that account; of which not to exceed
17 \$150,000 shall be available for payment for rental space
18 in connection with preclearance operations; and of which
19 not to exceed \$1,000,000 shall be for awards of compensa-
20 tion to informants, to be accounted for solely under the cer-
21 tificate of the Secretary of Homeland Security: Provided,
22 That for fiscal year 2009, the overtime limitation prescribed
23 in section 5(c)(1) of the Act of February 13, 1911 (19
24 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding
25 any other provision of law, none of the funds appropriated

1 *by this Act may be available to compensate any employee*
2 *of U.S. Customs and Border Protection for overtime, from*
3 *whatever source, in an amount that exceeds such limitation,*
4 *except in individual cases determined by the Secretary of*
5 *Homeland Security, or the designee of the Secretary, to be*
6 *necessary for national security purposes, to prevent exces-*
7 *sive costs, or in cases of immigration emergencies: Provided*
8 *further, That no funding available under this heading may*
9 *be obligated for the operation of the Analytical Framework*
10 *for Intelligence Officers until the Commissioner of U.S. Cus-*
11 *toms and Border Protection certifies that this Framework*
12 *complies with all applicable laws, including section 552a*
13 *of title 5, United States Code, and other laws protecting*
14 *privacy, and such certification is reviewed by the Inspector*
15 *General of the Department of Homeland Security: Provided*
16 *further, That the Commissioner shall submit to the Commit-*
17 *tees on Appropriations of the Senate and the House of Rep-*
18 *resentatives the results of operational field testing of cargo*
19 *container security devices in high risk trade lanes no later*
20 *than 120 days after the date of enactment of this Act.*

21 *AUTOMATION MODERNIZATION*

22 *For expenses for U.S. Customs and Border Protection*
23 *automated systems, \$511,334,000, to remain available until*
24 *expended, of which not less than \$316,851,000 shall be for*
25 *the development of the Automated Commercial Environ-*

1 *ment: Provided, That of the total amount made available*
2 *under this heading, \$216,851,000 may not be obligated for*
3 *the Automated Commercial Environment program until 30*
4 *days after the Committees on Appropriations of the Senate*
5 *and the House of Representatives receive a report on the*
6 *results to date and plans for the program from the Depart-*
7 *ment of Homeland Security.*

8 *BORDER SECURITY FENCING, INFRASTRUCTURE, AND*
9 *TECHNOLOGY*

10 *For expenses for customs and border protection fenc-*
11 *ing, infrastructure, and technology, \$775,000,000, to re-*
12 *main available until expended: Provided, That of the*
13 *amount provided under this heading, \$400,000,000 shall*
14 *not be obligated until the Committees on Appropriations*
15 *of the Senate and the House of Representatives receive and*
16 *approve a plan for expenditure, prepared by the Secretary*
17 *of Homeland Security and submitted not later than 90 days*
18 *after the date of the enactment of this Act, for a program*
19 *to establish and maintain a security barrier along the bor-*
20 *ders of the United States of fencing and vehicle barriers,*
21 *where practicable, and other forms of tactical infrastructure*
22 *and technology, that includes the following—*

23 *(1) a detailed accounting of the program's imple-*
24 *mentation to date for all investments, including tech-*
25 *nology and tactical infrastructure, for funding al-*

1 *ready expended relative to system capabilities or serv-*
2 *ices, system performance levels, mission benefits and*
3 *outcomes, milestones, cost targets, program manage-*
4 *ment capabilities, identification of the maximum in-*
5 *vestment, including life cycle costs, related to the Se-*
6 *ecure Border Initiative program or any successor pro-*
7 *gram, and description of the methodology used to ob-*
8 *tain these cost figures;*

9 (2) *a description of how specific projects will*
10 *further the objectives of the Secure Border Initiative,*
11 *as defined in the Department of Homeland Security*
12 *Secure Border Plan, and how the expenditure plan*
13 *allocates funding to the highest priority border secu-*
14 *rity needs;*

15 (3) *an explicit plan of action defining how all*
16 *funds are to be obligated to meet future program com-*
17 *mitments, with the planned expenditure of funds*
18 *linked to the milestone-based delivery of specific capa-*
19 *bilities, services, performance levels, mission benefits*
20 *and outcomes, and program management capabilities;*

21 (4) *an identification of staffing, including full-*
22 *time equivalents, contractors, and detailees, by pro-*
23 *gram office;*

24 (5) *a description of how the plan addresses secu-*
25 *rity needs at the Northern border and ports of entry,*

1 *including infrastructure, technology, design and oper-*
2 *ations requirements, specific locations where funding*
3 *would be used, and priorities for Northern border ac-*
4 *tivities;*

5 *(6) a report on budget, obligations and expendi-*
6 *tures, the activities completed, and the progress made*
7 *by the program in terms of obtaining operational*
8 *control of the entire border of the United States;*

9 *(7) a listing of all open Government Account-*
10 *ability Office and the Office of Inspector General rec-*
11 *ommendations related to the program and the status*
12 *of Department of Homeland Security actions to ad-*
13 *dress the recommendations, including milestones to*
14 *fully address such recommendations;*

15 *(8) a certification by the Chief Procurement Offi-*
16 *cer of the Department that the program: (a) has been*
17 *reviewed and approved in accordance with the invest-*
18 *ment management process of the Department, and*
19 *that the process fulfills all capital planning and in-*
20 *vestment control requirements and reviews established*
21 *by the Office of Management and Budget, including*
22 *as provided in Circular A-11, part 7; (b) that the*
23 *plans for the program comply with the Federal acqui-*
24 *sition rules, requirements, guidelines, and practices,*
25 *and a description of the actions being taken to ad-*

1 *dress areas of non-compliance, the risks associated*
2 *with such actions, together with any plans for ad-*
3 *ressing these risks, and the status of the implementa-*
4 *tion of such actions; (c) that procedures to prevent*
5 *conflicts of interest between the prime integrator and*
6 *major subcontractors are established and that the Se-*
7 *cure Border Initiative Program Office has adequate*
8 *staff and resources to effectively manage the Secure*
9 *Border Initiative program, all contracts, including*
10 *the exercise of technical oversight; and (d) the certifi-*
11 *cations required under this paragraph should be ac-*
12 *companied by all documents or memoranda, as well*
13 *as documentation and a description of the investment*
14 *review processes used to obtain such certifications;*

15 *(9) a certification by the Chief Information Offi-*
16 *cer of the Department that: (a) the system architec-*
17 *ture of the program is sufficiently aligned with the*
18 *information systems enterprise architecture of the De-*
19 *partment to minimize future rework, including a de-*
20 *scription of all aspects of the architectures that were*
21 *or were not assessed in making the alignment deter-*
22 *mination, the date of the alignment determination,*
23 *and any known areas of misalignment together with*
24 *the associated risks and corrective actions to address*
25 *any such areas; (b) the program has a risk manage-*

1 *ment process that regularly and proactively identifies,*
2 *evaluates, mitigates, and monitors risks throughout*
3 *the system life cycle and communicates high-risk con-*
4 *ditions to U.S. Customs and Border Protection and*
5 *Department of Homeland Security investment deci-*
6 *sion-makers, as well as a listing of all the program's*
7 *high risks and the status of efforts to address such*
8 *risks; (c) an independent verification and validation*
9 *agent is currently under contract for the projects*
10 *funded under this heading; and (d) the certification*
11 *required under this paragraph should be accompanied*
12 *by all documents or memoranda, as well as docu-*
13 *mentation and a description of the investment review*
14 *processes used to obtain such certification;*

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

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

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

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

7 *Provided further, That the Secretary shall report to the*
8 *Committees on Appropriations of the Senate and the House*
9 *of Representatives on program progress, and obligations*
10 *and expenditures for all outstanding task orders as well as*
11 *specific objectives to be achieved through the award of cur-*
12 *rent and remaining task orders planned for the balance of*
13 *available appropriations at least 15 days before the award*
14 *of any task order requiring an obligation of funds in an*
15 *amount greater than \$25,000,000 and before the award of*
16 *a task order that would cause cumulative obligations of*
17 *funds to exceed 50 percent of the total amount appropriated:*

18 *Provided further, That none of the funds provided under*
19 *this heading may be obligated unless the Department has*
20 *complied with section 102(b)(1)(C)(i) of the Illegal Immi-*
21 *gration Reform and Immigrant Responsibility Act of 1996*
22 *(8 U.S.C. 1103 note), and the Secretary certifies such to*
23 *the Committees on Appropriations of the Senate and the*
24 *House of Representatives: Provided further, That none of*
25 *the funds under this heading may be obligated for any*

1 *project or activity for which the Secretary has exercised*
2 *waiver authority pursuant to section 102(c) of the Illegal*
3 *Immigration Reform and Immigrant Responsibility Act of*
4 *1996 (8 U.S.C. 1103 note) until 15 days have elapsed from*
5 *the date of the publication of the decision in the Federal*
6 *Register: Provided further, That notwithstanding the pre-*
7 *vious provisos, \$100,000,000 of the amount provided under*
8 *this heading shall be made available for obligation upon*
9 *enactment 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 fa-*
17 *cilities occupied by the air or marine interdiction and de-*
18 *mand reduction programs, the operations of which include*
19 *the following: the interdiction of narcotics and other goods;*
20 *the provision of support to Federal, State, and local agen-*
21 *cies in the enforcement or administration of laws enforced*
22 *by the Department of Homeland Security; and at the dis-*
23 *cretion of the Secretary of Homeland Security, the provi-*
24 *sion of assistance to Federal, State, and local agencies in*
25 *other law enforcement and emergency humanitarian efforts,*
26 *\$528,000,000, to remain available until expended, of which*

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

18 *CONSTRUCTION*

19 *For necessary expenses to plan, construct, renovate,*
20 *equip, and maintain buildings and facilities necessary for*
21 *the administration and enforcement of the laws relating to*
22 *customs and immigration, \$403,201,000, to remain avail-*
23 *able until expended, of which \$39,700,000 shall be for the*
24 *Advanced Training Center: Provided, That for fiscal year*
25 *2010 and thereafter, the annual budget submission of U.S.*
26 *Customs and Border Protection for “Construction” shall,*

1 *in consultation with the General Services Administration,*
2 *include a detailed 5-year plan for all Federal land border*
3 *port of entry projects with a yearly update of total projected*
4 *future funding needs.*

5 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

6 *SALARIES AND EXPENSES*

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

1 *with the care, maintenance, and repatriation of smuggled*
2 *aliens unlawfully present in the United States: Provided,*
3 *That none of the funds made available under this heading*
4 *shall be available to compensate any employee for overtime*
5 *in an annual amount in excess of \$35,000, except that the*
6 *Secretary, or the designee of the Secretary, may waive that*
7 *amount as necessary for national security purposes and in*
8 *cases of immigration emergencies: Provided further, That*
9 *of the total amount provided, \$15,770,000 shall be for ac-*
10 *tivities in fiscal year 2009 to enforce laws against forced*
11 *child labor, of which not to exceed \$6,000,000 shall remain*
12 *available until expended: Provided further, That of the total*
13 *amount available, not less than \$1,000,000,000, of which*
14 *\$150,000,000 shall remain available until September 30,*
15 *2010, shall be available to identify aliens convicted of a*
16 *crime, and who may be deportable, and to remove them*
17 *from the United States once they are judged deportable:*
18 *Provided further, That the Secretary, or the designee of the*
19 *Secretary, shall report to the Committees on Appropriations*
20 *of the Senate and the House of Representatives, at least*
21 *quarterly, on progress implementing the preceding proviso,*
22 *and the funds obligated during that quarter to make that*
23 *progress: Provided further, That the Secretary shall*
24 *prioritize the identification and removal of aliens convicted*
25 *of a crime by the severity of that crime: Provided further,*

1 *That of the total amount provided, not less than*
2 *\$2,481,213,000 is for detention and removal operations, in-*
3 *cluding transportation of unaccompanied minor aliens:*
4 *Provided further, That of the total amount provided,*
5 *\$6,800,000 shall remain available until September 30,*
6 *2010, for the Visa Security Program: Provided further,*
7 *That none of the funds provided under this heading may*
8 *be used to continue a delegation of law enforcement author-*
9 *ity authorized under section 287(g) of the Immigration and*
10 *Nationality Act (8 U.S.C. 1357(g)) if the Department of*
11 *Homeland Security Inspector General determines that the*
12 *terms of the agreement governing the delegation of authority*
13 *have been violated: Provided further, That effective April*
14 *15, 2009, none of the funds provided under this heading*
15 *may be used to continue any contract for the provision of*
16 *detention services if the two most recent overall performance*
17 *evaluations received by the contracted facility are less than*
18 *“adequate” or the equivalent median score in any subse-*
19 *quent performance evaluation system: Provided further,*
20 *That the Secretary shall submit to the Committees on Ap-*
21 *propriations of the Senate and the House of Representa-*
22 *tives, not later than January 5, 2009, a plan for nation-*
23 *wide implementation of the Alternatives to Detention pro-*
24 *gram that identifies: (1) the funds required for nationwide*
25 *program implementation; (2) the timeframe for achieving*

1 nationwide program implementation; and (3) an estimate
2 of the number of individuals who could be enrolled in a
3 nationwide program: Provided further, That nothing under
4 this heading shall prevent U.S. Immigration and Customs
5 Enforcement from exercising those authorities provided
6 under immigration laws (as defined in section 101(a)(17)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1101(a)(17))) during priority operations pertaining to
9 aliens convicted of a crime.

10 *FEDERAL PROTECTIVE SERVICE*

11 *The revenues and collections of security fees credited*
12 *to this account shall be available until expended for nec-*
13 *essary expenses related to the protection of federally-owned*
14 *and leased buildings and for the operations of the Federal*
15 *Protective Service: Provided, That the Secretary of Home-*
16 *land Security and the Director of the Office of Management*
17 *and Budget shall certify in writing to the Committees on*
18 *Appropriations of the Senate and the House of Representa-*
19 *tives no later than December 31, 2008, that the operations*
20 *of the Federal Protective Service will be fully funded in fis-*
21 *cal year 2009 through revenues and collection of security*
22 *fees, and shall adjust the fees to ensure fee collections are*
23 *sufficient to ensure that the Federal Protective Service*
24 *maintains not fewer than 1,200 full-time equivalent staff*
25 *and 900 full-time equivalent Police Officers, Inspectors,*
26 *Area Commanders, and Special Agents who, while working,*

1 *are directly engaged on a daily basis protecting and enforce-*
2 *ing laws at Federal buildings (referred to as “in-service*
3 *field staff”).*

4 *AUTOMATION MODERNIZATION*

5 *For expenses of immigration and customs enforcement*
6 *automated systems, \$57,000,000, to remain available until*
7 *expended: Provided, That of the funds made available under*
8 *this heading, \$5,000,000 shall not be obligated until the*
9 *Committees on Appropriations of the Senate and the House*
10 *of Representatives receive an expenditure plan prepared by*
11 *the Secretary of Homeland Security.*

12 *CONSTRUCTION*

13 *For necessary expenses to plan, construct, renovate,*
14 *equip, and maintain buildings and facilities necessary for*
15 *the administration and enforcement of the laws relating to*
16 *customs and immigration, \$5,000,000, to remain available*
17 *until expended: Provided, That none of the funds made*
18 *available under this heading may be used to solicit or con-*
19 *sider any request to privatize facilities currently owned by*
20 *the United States Government and used to detain aliens*
21 *unlawfully present in the United States until the Commit-*
22 *tees on Appropriations of the Senate and the House of Rep-*
23 *resentatives receive a plan for carrying out that privatiza-*
24 *tion.*

1 *TRANSPORTATION SECURITY ADMINISTRATION*
2 *AVIATION SECURITY*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For necessary expenses of the Transportation Security*
5 *Administration related to providing civil aviation security*
6 *services pursuant to the Aviation and Transportation Secu-*
7 *rity Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C.*
8 *40101 note), \$4,754,518,000, to remain available until Sep-*
9 *tember 30, 2010, of which not to exceed \$10,000 shall be*
10 *for official reception and representation expenses: Provided,*
11 *That of the total amount made available under this head-*
12 *ing, not to exceed \$3,935,710,000 shall be for screening oper-*
13 *ations, of which \$621,106,000 shall be available for explo-*
14 *sives detection systems; and not to exceed \$798,808,000 shall*
15 *be for aviation security direction and enforcement: Provided*
16 *further, That of the amount made available in the preceding*
17 *proviso for explosives detection systems, \$294,000,000 shall*
18 *be available for the purchase and installation of these sys-*
19 *tems, of which not less than \$84,500,000 shall be available*
20 *for the purchase and installation of certified explosives de-*
21 *tection systems at medium- and small-sized airports: Pro-*
22 *vided further, That the purchase of screening equipment for*
23 *medium- and small-sized airports must be competitively*
24 *awarded: Provided further, That any award to deploy ex-*
25 *plosives detection systems shall be based on risk, the airports*
26 *current reliance on other screening solutions, lobby conges-*

1 *tion resulting in increased security concerns, high injury*
2 *rates, airport readiness, and increased cost effectiveness:*
3 *Provided further, That security service fees authorized*
4 *under section 44940 of title 49, United States Code, shall*
5 *be credited to this appropriation as offsetting collections*
6 *and shall be available only for aviation security: Provided*
7 *further, That any funds collected and made available from*
8 *aviation security fees pursuant to section 44940(i) of title*
9 *49, United States Code, may, notwithstanding paragraph*
10 *(4) of such section 44940(i), be expended for the purpose*
11 *of improving screening at airport screening checkpoints,*
12 *which may include the purchase and utilization of emerging*
13 *technology equipment; the refurbishment and replacement*
14 *of current equipment; the installation of surveillance sys-*
15 *tems to monitor checkpoint activities; the modification of*
16 *checkpoint infrastructure to support checkpoint reconfigu-*
17 *rations; and the creation of additional checkpoints to screen*
18 *aviation passengers and airport personnel: Provided fur-*
19 *ther, That of the amounts provided under this heading,*
20 *\$20,000,000 may be transferred to the “Surface Transpor-*
21 *tation Security”, “Transportation Threat Assessment and*
22 *Credentialing”, and “Transportation Security Support”*
23 *appropriations in this Act for the purpose of implementing*
24 *regulations and activities authorized in the Implementing*
25 *Recommendations of the 9/11 Commission Act of 2007*

1 *(Public Law 110–53): Provided further, That the sum ap-*
2 *propriated under this heading from the general fund shall*
3 *be reduced on a dollar-for-dollar basis as such offsetting col-*
4 *lections are received during fiscal year 2009, so as to result*
5 *in a final fiscal year appropriation from the general fund*
6 *estimated at not more than \$2,434,518,000: Provided fur-*
7 *ther, That any security service fees collected in excess of the*
8 *amount made available under this heading shall become*
9 *available during fiscal year 2010: Provided further, That*
10 *Members of the United States House of Representatives and*
11 *United States Senate, including the leadership; the heads*
12 *of Federal agencies and commissions, including the Sec-*
13 *retary, Under Secretaries, and Assistant Secretaries of the*
14 *Department of Homeland Security; the United States Attor-*
15 *ney General and Assistant Attorneys General and the*
16 *United States attorneys; and senior members of the Execu-*
17 *tive Office of the President, including the Director of the*
18 *Office of Management and Budget; shall not be exempt from*
19 *Federal passenger and baggage screening.*

20 *SURFACE TRANSPORTATION SECURITY*

21 *For necessary expenses of the Transportation Security*
22 *Administration related to providing surface transportation*
23 *security activities, \$49,606,000, to remain available until*
24 *September 30, 2010.*

1 *representatives detailed expenditure plans for checkpoint sup-*
2 *port and explosives detection systems refurbishment, pro-*
3 *curement, and installations on an airport-by-airport basis*
4 *for fiscal year 2009: Provided further, That these plans shall*
5 *be submitted no later than 60 days after the date of enact-*
6 *ment of this Act.*

7 *FEDERAL AIR MARSHALS*

8 *For necessary expenses of the Federal Air Marshals,*
9 *\$819,481,000.*

10 *COAST GUARD*

11 *OPERATING EXPENSES*

12 *For necessary expenses for the operation and mainte-*
13 *nance of the Coast Guard, not otherwise provided for; pur-*
14 *chase or lease of not to exceed 25 passenger motor vehicles,*
15 *which shall be for replacement only; for purchase or lease*
16 *of small boats for contingent and emergent requirements (at*
17 *a unit cost of no more than \$700,000) and for repairs and*
18 *service-life replacements, not to exceed a total of*
19 *\$26,000,000; minor shore construction projects not exceed-*
20 *ing \$1,000,000 in total cost at any location; payments pur-*
21 *suant to section 156 of Public Law 97-377 (42 U.S.C. 402*
22 *note; 96 Stat. 1920); and recreation and welfare;*
23 *\$6,194,925,000, of which \$340,000,000 shall be for defense-*
24 *related activities; of which \$24,500,000 shall be derived*
25 *from the Oil Spill Liability Trust Fund to carry out the*
26 *purposes of section 1012(a)(5) of the Oil Pollution Act of*

1 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000
2 shall be for official reception and representation expenses;
3 and of which \$3,600,000 shall be available until expended
4 for the cost of repairing, rehabilitating, altering, modifying,
5 and making improvements, including customized tenant
6 improvements, to any replacement or expanded Operations
7 Systems Center facility: Provided, That none of the funds
8 made available by this or any other Act shall be available
9 for administrative expenses in connection with shipping
10 commissioners in the United States: Provided further, That
11 none of the funds made available by this Act shall be for
12 expenses incurred for recreational vessels under section
13 12114 of title 46, United States Code, except to the extent
14 fees are collected from yacht owners and credited to this
15 appropriation: Provided further, That the Commandant
16 shall submit a financial management improvement plan
17 that has been reviewed by the Inspector General of the De-
18 partment of Homeland Security containing yearly, measur-
19 able milestones, to the Committees on Appropriations of the
20 Senate and the House of Representatives by December 1,
21 2008: Provided further, That the Coast Guard shall comply
22 with the requirements of section 527 of Public Law 108-
23 136 with respect to the Coast Guard Academy: Provided
24 further, That notwithstanding section 503 of this Act,
25 amounts not to exceed 5 percent of the total amount appro-

1 *priated under this heading may be transferred to the “Ac-*
2 *quisition, Construction, and Improvements” appropriation,*
3 *to be available under the terms and conditions applicable*
4 *to that appropriation, and to be available for personnel*
5 *compensation and benefits and related costs to adjust per-*
6 *sonnel assignment to accelerate management and oversight*
7 *of new or existing projects without detrimentally affecting*
8 *the management and oversight of other projects: Provided*
9 *further, That the amount made available for “Personnel,*
10 *Compensation, and Benefits” in the “Acquisition, Construc-*
11 *tion, and Improvements” appropriation shall not be in-*
12 *creased by more than 10 percent by such transfers: Provided*
13 *further, That the Committees on Appropriations of the Sen-*
14 *ate and the House of Representatives shall be notified of*
15 *each transfer within 10 days after it is executed.*

16 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

17 *For necessary expenses to carry out the environmental*
18 *compliance and restoration functions of the Coast Guard*
19 *under chapter 19 of title 14, United States Code,*
20 *\$13,000,000, to remain available until expended.*

21 *RESERVE TRAINING*

22 *For necessary expenses of the Coast Guard Reserve, as*
23 *authorized by law; operations and maintenance of the re-*
24 *serve program; personnel and training costs; and equipment*
25 *and services; \$130,501,000.*

1 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

2 *For necessary expenses of acquisition, construction,*
3 *renovation, and improvement of aids to navigation, shore*
4 *facilities, vessels, and aircraft, including equipment related*
5 *thereto; and maintenance, rehabilitation, lease and oper-*
6 *ation of facilities and equipment, as authorized by law;*
7 *\$1,494,576,000, of which \$20,000,000 shall be derived from*
8 *the Oil Spill Liability Trust Fund to carry out the purposes*
9 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
10 *U.S.C. 2712(a)(5)); of which \$113,000,000 shall be avail-*
11 *able until September 30, 2013, to acquire, repair, renovate,*
12 *or improve vessels, small boats, and related equipment; of*
13 *which \$89,174,000 shall be available until September 30,*
14 *2011, for other equipment; of which \$68,000,000 shall be*
15 *available until September 30, 2011, for shore facilities and*
16 *aids to navigation facilities, including \$3,000,000 for Sec-*
17 *tor Buffalo and \$15,000,000 for the Rescue Swimmer*
18 *Training Facility; of which \$92,830,000 shall be available*
19 *for personnel compensation and benefits and related costs;*
20 *of which \$97,578,000 shall be available until expended for*
21 *a new Coast Guard and Department of Homeland Security*
22 *headquarters; and of which \$1,033,994,000 shall be avail-*
23 *able until September 30, 2013, for the Integrated Deepwater*
24 *Systems program: Provided, That of the funds made avail-*
25 *able for the Integrated Deepwater Systems program,*

1 \$244,550,000 is for aircraft and \$571,003,000 is for surface
2 ships: Provided further, That \$350,000,000 of the funds pro-
3 vided for the Integrated Deepwater Systems program may
4 not be obligated until the Committees on Appropriations
5 of the Senate and the House of Representatives receive di-
6 rectly from the Coast Guard and approve a plan for expend-
7 iture that—

8 (1) defines activities, milestones, yearly costs,
9 and life cycle costs for each new procurement of a
10 major asset, including an independent cost estimate
11 for each;

12 (2) identifies life cycle staffing and training
13 needs of Coast Guard project managers and procure-
14 ment and contract staff;

15 (3) identifies competition to be conducted in, and
16 summarizes the approved acquisition strategy for,
17 each procurement;

18 (4) includes a certification by the Chief Human
19 Capital Officer of the Department of Homeland Secu-
20 rity that current human capital capabilities are suffi-
21 cient to execute the expenditure plan;

22 (5) includes an explanation of each procurement
23 that involves an indefinite delivery/indefinite quan-
24 tity contract and explains the need for such contract;

1 (6) *identifies individual project balances by fis-*
2 *cal year, including planned carryover into fiscal year*
3 *2010 by project;*

4 (7) *identifies operational gaps by asset and ex-*
5 *plains how funds provided in this Act address the*
6 *shortfalls between current operational capabilities and*
7 *requirements;*

8 (8) *includes a listing of all open Government Ac-*
9 *countability Office and Office of Inspector General*
10 *recommendations related to the program and the sta-*
11 *tus of Coast Guard actions to address the rec-*
12 *ommendations, including milestones for fully address-*
13 *ing them;*

14 (9) *includes a certification by the Chief Procure-*
15 *ment Officer of the Department that the program has*
16 *been reviewed and approved in accordance with the*
17 *investment management process of the Department,*
18 *and that the process fulfills all capital planning and*
19 *investment control requirements and reviews estab-*
20 *lished by the Office of Management and Budget, in-*
21 *cluding Circular A-11, part 7;*

22 (10) *identifies use of the Defense Contract Audit*
23 *Agency;*

24 (11) *includes a certification by the head of con-*
25 *tracting activity for the Coast Guard and the Chief*

1 *Procurement Officer of the Department that the plans*
2 *for the program comply with the Federal acquisition*
3 *rules, requirements, guidelines, and practices, and a*
4 *description of the actions being taken to address areas*
5 *of non-compliance, the risks associated with them*
6 *along with plans for addressing these risks, and the*
7 *status of their implementation;*

8 *(12) identifies the use of independent validation*
9 *and verification; and*

10 *(13) is reviewed by the Government Account-*
11 *ability Office:*

12 *Provided further, That no funding may be obligated for low*
13 *rate initial production or initial production of any Inte-*
14 *grated Deepwater Systems program asset until Coast Guard*
15 *revises its Major Systems Acquisition Manual procedures*
16 *to require a formal design review prior to the authorization*
17 *of low rate initial production or initial production: Pro-*
18 *vided further, That the Secretary of Homeland Security*
19 *shall submit to the Committees on Appropriations of the*
20 *Senate and the House of Representatives, in conjunction*
21 *with the President's fiscal year 2010 budget, a review of*
22 *the Revised Deepwater Implementation Plan that identifies*
23 *any changes to the plan for the fiscal year; an annual per-*
24 *formance comparison of Integrated Deepwater Systems pro-*
25 *gram assets to pre-Deepwater legacy assets; a status report*

1 of legacy assets; a detailed explanation of how the costs of
2 legacy assets are being accounted for within the Integrated
3 Deepwater Systems program; and the earned value manage-
4 ment system gold card data for each Integrated Deepwater
5 Systems program asset: Provided further, That the Sec-
6 retary shall submit to the Committees on Appropriations
7 of the Senate and the House of Representatives a com-
8 prehensive review of the Revised Deepwater Implementation
9 Plan every 5 years, beginning in fiscal year 2011, that in-
10 cludes a complete projection of the acquisition costs and
11 schedule for the duration of the plan through fiscal year
12 2027: Provided further, That the Secretary shall annually
13 submit to the Committees on Appropriations of the Senate
14 and the House of Representatives, at the time that the Presi-
15 dent's budget is submitted under section 1105(a) of title 31,
16 United States Code, a future-years capital investment plan
17 for the Coast Guard that identifies for each capital budget
18 line item—

19 (1) the proposed appropriation included in that
20 budget;

21 (2) the total estimated cost of completion;

22 (3) projected funding levels for each fiscal year
23 for the next 5 fiscal years or until project completion,
24 whichever is earlier;

1 (4) an estimated completion date at the projected
2 funding levels; and

3 (5) changes, if any, in the total estimated cost of
4 completion or estimated completion date from pre-
5 vious future-years capital investment plans submitted
6 to the Committees on Appropriations of the Senate
7 and the House of Representatives:

8 *Provided further, That the Secretary shall ensure that*
9 *amounts specified in the future-years capital investment*
10 *plan are consistent to the maximum extent practicable with*
11 *proposed appropriations necessary to support the programs,*
12 *projects, and activities of the Coast Guard in the President's*
13 *budget as submitted under section 1105(a) of title 31,*
14 *United States Code, for that fiscal year: Provided further,*
15 *That any inconsistencies between the capital investment*
16 *plan and proposed appropriations shall be identified and*
17 *justified: Provided further, That subsections (a), and (b) of*
18 *section 6402 of the U.S. Troop Readiness, Veterans' Care,*
19 *Katrina Recovery, and Iraq Accountability Appropriations*
20 *Act, 2007 (Public Law 110–28) shall apply to fiscal year*
21 *2009: Provided further, That notwithstanding section 503*
22 *of this Act, amounts transferred from the "Operating Ex-*
23 *penses" appropriation for personnel compensation and ben-*
24 *efits and related costs to adjust personnel assignment to ac-*
25 *celerate management and oversight of new or existing*

1 *projects may be transferred to the “Operating Expenses”*
2 *appropriation to be merged with that appropriation, to be*
3 *available under the same terms and conditions for which*
4 *that appropriation is available, when no longer required*
5 *for project acceleration or oversight, or to otherwise adjust*
6 *personnel assignment: Provided further, That the Commit-*
7 *tees on Appropriations of the Senate and the House of Rep-*
8 *resentatives shall be notified of each transfer within 30 days*
9 *after it is executed.*

10 *ALTERATION OF BRIDGES*

11 *For necessary expenses for alteration or removal of ob-*
12 *structive bridges, as authorized by section 6 of the Truman-*
13 *Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain avail-*
14 *able until expended: Provided, That of the amounts made*
15 *available under this heading, \$2,000,000 shall be for the*
16 *Burlington Northern Railroad Bridge in Burlington, Iowa;*
17 *\$2,000,000 shall be for the Canadian Pacific Railway*
18 *Bridge in La Crosse, Wisconsin; \$2,000,000 shall be for the*
19 *Chelsea Street Bridge in Chelsea, Massachusetts; \$2,000,000*
20 *shall be for the Elgin, Joliet, and Eastern Railway Com-*
21 *pany Bridge in Morris, Illinois; \$4,000,000 shall be for the*
22 *Fourteen Mile Bridge in Mobile, Alabama; and \$4,000,000*
23 *shall be for the Galveston Causeway Bridge in Galveston,*
24 *Texas.*

1 *UNITED STATES SECRET SERVICE*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the United States Secret*
4 *Service, including purchase of not to exceed 675 vehicles*
5 *for police-type use, of which 645 shall be for replacement*
6 *only, and hire of passenger motor vehicles; purchase of mo-*
7 *torcycles made in the United States; hire of aircraft; serv-*
8 *ices of expert witnesses at such rates as may be determined*
9 *by the Director of the Secret Service; rental of buildings*
10 *in the District of Columbia, and fencing, lighting, guard*
11 *booths, and other facilities on private or other property not*
12 *in Government ownership or control, as may be necessary*
13 *to perform protective functions; payment of per diem or*
14 *subsistence allowances to employees where a protective as-*
15 *signment during the actual day or days of the visit of a*
16 *protectee requires an employee to work 16 hours per day*
17 *or to remain overnight at a post of duty; conduct of and*
18 *participation in firearms matches; presentation of awards;*
19 *travel of United States Secret Service employees on protec-*
20 *tive missions without regard to the limitations on such ex-*
21 *penditures in this or any other Act if approval is obtained*
22 *in advance from the Committees on Appropriations of the*
23 *Senate and the House of Representatives; research and de-*
24 *velopment; grants to conduct behavioral research in support*
25 *of protective research and operations; and payment in ad-*

1 vance for commercial accommodations as may be necessary
2 to perform protective functions; \$1,408,729,000; of which
3 not to exceed \$25,000 shall be for official reception and rep-
4 resentation expenses; of which not to exceed \$100,000 shall
5 be to provide technical assistance and equipment to foreign
6 law enforcement organizations in counterfeit investigations;
7 of which \$2,366,000 shall be for forensic and related support
8 of investigations of missing and exploited children; and of
9 which \$6,000,000 shall be for a grant for activities related
10 to the investigations of missing and exploited children and
11 shall remain available until expended: Provided, That up
12 to \$18,000,000 provided for protective travel shall remain
13 available until September 30, 2010: Provided further, That
14 up to \$1,000,000 for National Special Security Events shall
15 remain available until expended: Provided further, That the
16 United States Secret Service is authorized to obligate funds
17 in anticipation of reimbursements from Federal agencies
18 and entities, as defined in section 105 of title 5, United
19 States Code, receiving training sponsored by the James J.
20 Rowley Training Center, except that total obligations at the
21 end of the fiscal year shall not exceed total budgetary re-
22 sources available under this heading at the end of the fiscal
23 year: Provided further, That none of the funds made avail-
24 able under this heading shall be available to compensate
25 any employee for overtime in an annual amount in excess

1 of \$35,000, except that the Secretary of Homeland Security,
2 or the designee of the Secretary, may waive that amount
3 as necessary for national security purposes: Provided fur-
4 ther, That the limitation in the preceding proviso shall not
5 take effect until the Director of the Office of Management
6 and Budget submits to the Committees on Appropriations
7 of the Senate and the House of Representatives a report cer-
8 tifying that such a limitation on compensation will not
9 have a significant effect on operations of the United States
10 Secret Service: Provided further, That none of the funds ap-
11 propriated to the United States Secret Service by this Act
12 or by previous appropriations Acts may be made available
13 for the protection of the head of a Federal agency other than
14 the Secretary of Homeland Security: Provided further, That
15 the Director of the United States Secret Service may enter
16 into an agreement to perform such service on a fully reim-
17 bursable basis.

18 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

19 RELATED EXPENSES

20 For necessary expenses for acquisition, construction,
21 repair, alteration, and improvement of facilities,
22 \$4,225,000, to remain available until expended: Provided,
23 That of the total amount provided, \$250,000 is for a perim-
24 eter security and noise abatement study at the James J.
25 Rowley Training Center.

1 *TITLE III*
2 *PROTECTION, PREPAREDNESS, RESPONSE, AND*
3 *RECOVERY*

4 *NATIONAL PROTECTION AND PROGRAMS DIRECTORATE*
5 *MANAGEMENT AND ADMINISTRATION*

6 *For salaries and expenses of the Office of the Under*
7 *Secretary for the National Protection and Programs Direc-*
8 *torate, support for operations, information technology, and*
9 *the Office of Risk Management and Analysis, \$51,350,000:*
10 *Provided, That not to exceed \$5,000 shall be for official re-*
11 *ception and representation expenses.*

12 *INFRASTRUCTURE PROTECTION AND INFORMATION*
13 *SECURITY*

14 *For necessary expenses for infrastructure protection*
15 *and information security programs and activities, as au-*
16 *thorized by title II of the Homeland Security Act of 2002*
17 *(6 U.S.C. 121 et seq.), \$806,913,000, of which \$720,116,000*
18 *shall remain available until September 30, 2010: Provided,*
19 *That of the total amount provided, \$20,000,000 is for nec-*
20 *essary expenses of the National Infrastructure Simulation*
21 *and Analysis Center: Provided further, That of the amount*
22 *made available under this heading, \$127,462,000 may not*
23 *be obligated for the National Cyber Security Initiative pro-*
24 *gram and \$25,125,000 may not be obligated for the Next*
25 *Generation Networks program until the Committees on Ap-*
26 *propriations of the Senate and the House of Representatives*

1 receive and approve a plan for expenditure for that pro-
2 gram that describes the strategic context of the program;
3 the specific goals and milestones set for the program; and
4 the funds allocated to achieving each of those goals: Pro-
5 vided further, That of the total amount provided,
6 \$2,000,000 is for Philadelphia infrastructure monitoring;
7 \$3,000,000 is for protection of critical underground infra-
8 structure in major urban areas; \$1,000,000 is for improved
9 improvised explosive device mapping and modeling tools;
10 \$3,500,000 is for State and local cyber security training;
11 and \$4,000,000 is for the Power and Cyber Systems Protec-
12 tion, Analysis, and Testing Program at the Idaho National
13 Laboratory.

14 UNITED STATES VISITOR AND IMMIGRANT STATUS

15 INDICATOR TECHNOLOGY

16 For necessary expenses for the development of the
17 United States Visitor and Immigrant Status Indicator
18 Technology project, as authorized by section 110 of the Ille-
19 gal Immigration Reform and Immigrant Responsibility Act
20 of 1996 (8 U.S.C. 1365a), \$300,000,000, to remain avail-
21 able until expended: Provided, That of the total amount
22 made available under this heading, \$75,000,000 may not
23 be obligated for the United States Visitor and Immigrant
24 Status Indicator Technology project until the Committees
25 on Appropriations of the Senate and the House of Rep-

1 *representatives receive a plan for expenditure prepared by the*
2 *Secretary of Homeland Security that includes—*

3 *(1) a detailed accounting of the program’s*
4 *progress to date relative to system capabilities or serv-*
5 *ices, system performance levels, mission benefits and*
6 *outcomes, milestones, cost targets, and program man-*
7 *agement capabilities;*

8 *(2) an explicit plan of action defining how all*
9 *funds are to be obligated to meet future program com-*
10 *mitments, with the planned expenditure of funds*
11 *linked to the milestone-based delivery of specific capa-*
12 *bilities, services, performance levels, mission benefits*
13 *and outcomes, and program management capabilities;*

14 *(3) a listing of all open Government Account-*
15 *ability Office and Office of Inspector General rec-*
16 *ommendations related to the program and the status*
17 *of Department of Homeland Security actions to ad-*
18 *dress the recommendations, including milestones for*
19 *fully addressing such recommendations;*

20 *(4)(a) a certification by the Chief Procurement*
21 *Officer of the Department that (1) the program has*
22 *been reviewed and approved in accordance with the*
23 *investment management process of the Department;*
24 *(2) the process fulfills all capital planning and in-*
25 *vestment control requirements and reviews established*

1 *by the Office of Management and Budget, including*
2 *as provided in Circular A-11, part 7; and (3) the*
3 *plans for the program comply with the Federal acqui-*
4 *sition rules, requirements, guidelines, and practices;*
5 *and (b) a description by the Chief Procurement Offi-*
6 *cer of the actions being taken to address areas of non-*
7 *compliance, the risks associated with such areas as*
8 *well as any plans for addressing such risks, and the*
9 *status of the implementation of such actions;*

10 *(5)(a) a certification by the Chief Information*
11 *Officer of the Department that (1) an independent*
12 *verification and validation agent is currently under*
13 *contract for the project; (2) the system architecture of*
14 *the program is sufficiently aligned with the informa-*
15 *tion systems enterprise architecture of the Department*
16 *to minimize future rework, including a description of*
17 *all aspects of the architecture that were or were not*
18 *assessed in making the alignment determination, the*
19 *date of the alignment determination, and any known*
20 *areas of misalignment along with the associated risks*
21 *and corrective actions to address any such areas; and*
22 *(3) the program has a risk management process that*
23 *regularly identifies, evaluates, mitigates, and mon-*
24 *itors risks throughout the system life cycle, and com-*
25 *municates high-risk conditions to agency and Depart-*

1 *ment investment decision makers; and (b) a listing by*
2 *the Chief Information Officer of all the program's*
3 *high risks and the status of efforts to address them;*

4 *(6) a certification by the Chief Human Capital*
5 *Officer of the Department that the human capital*
6 *needs of the program are being strategically and*
7 *proactively managed, and that current human capital*
8 *capabilities are sufficient to execute the plans dis-*
9 *cussed in the report;*

10 *(7) a complete schedule for the full implementa-*
11 *tion of a biometric exit program or a certification*
12 *that such program is not possible within 5 years; and*

13 *(8) a detailed accounting of operation and main-*
14 *tenance, contractor services, and program costs associ-*
15 *ated with the management of identity services:*

16 *Provided further, That no funding under this heading shall*
17 *be obligated for implementation of a final air exit solution*
18 *pursuant to the notice of proposed rulemaking (DHS-2008-*
19 *0039) published on April 24, 2008, until the Committees*
20 *on Appropriations of the Senate and the House of Rep-*
21 *resentatives receive a report on pilot tests of the air exit*
22 *solution, which shall be reviewed by the Government Ac-*
23 *countability Office, and which shall test at least two sce-*
24 *narios: (a) where the airlines collect and transmit biometric*
25 *exit data as proposed in the notice of proposed rulemaking*

1 *and (b) where U.S. Customs and Border Protection collects*
2 *such information at the departure gates.*

3 *OFFICE OF HEALTH AFFAIRS*

4 *For necessary expenses of the Office of Health Affairs,*
5 *\$157,191,000, of which \$29,210,000 is for salaries and ex-*
6 *penses; and of which \$127,981,000 is to remain available*
7 *until September 30, 2010, for biosurveillance, BioWatch,*
8 *medical readiness planning, chemical response, and other*
9 *activities: Provided, That not to exceed \$3,000 shall be for*
10 *official reception and representation expenses.*

11 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

12 *MANAGEMENT AND ADMINISTRATION*

13 *For necessary expenses for management and adminis-*
14 *tration of the Federal Emergency Management Agency,*
15 *\$837,437,000, including activities authorized by the Na-*
16 *tional Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.),*
17 *the Robert T. Stafford Disaster Relief and Emergency As-*
18 *sistance Act (42 U.S.C. 5121 et seq.), the Earthquake Haz-*
19 *ards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the*
20 *Defense Production Act of 1950 (50 U.S.C. App. 2061 et*
21 *seq.), sections 107 and 303 of the National Security Act*
22 *of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3*
23 *of 1978 (5 U.S.C. App.), the Homeland Security Act of*
24 *2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emer-*
25 *gency Management Reform Act of 2006 (Public Law 109-*

1 295; 120 Stat. 1394): Provided, That not to exceed \$3,000
2 shall be for official reception and representation expenses:
3 Provided further, That the President's budget submitted
4 under section 1105(a) of title 31, United States Code, shall
5 be detailed by office for the Federal Emergency Management
6 Agency: Provided further, That \$10,000,000 shall not be
7 available for obligation until the Secretary of Homeland Se-
8 curity, in coordination with the Administrator of the Fed-
9 eral Emergency Management Agency, certifies and reports
10 to the Committees on Appropriations of the Senate and the
11 House of Representatives that processes to incorporate
12 stakeholder input for grant guidance development and
13 award distribution have been: (1) developed to ensure trans-
14 parency and increased consultation about security needs for
15 all-hazards; (2) formalized and made clear to stakeholders;
16 and (3) formalized to ensure future use for each fiscal year:
17 Provided further, That of the total amount made available
18 under this heading, \$5,000,000 shall be for the development
19 of tools and systems to measure the achievement and effec-
20 tiveness of first responder grant programs: Provided further,
21 That of the total amount made available under this head-
22 ing, \$32,500,000 shall be for the Urban Search and Rescue
23 Response System, of which not to exceed \$1,600,000 may
24 be made available for administrative costs; \$2,200,000 shall
25 be for the Pacific Region Homeland Security Center, Hono-

1 *lulu, Hawaii; and \$5,000,000 shall be for the State of North*
2 *Carolina, and \$2,425,000 shall be for the Commonwealth*
3 *of Kentucky, as detailed in the statement accompanying*
4 *this Act; and \$6,342,000 shall be for the Office of National*
5 *Capital Region Coordination: Provided further, That for*
6 *purposes of planning, coordination, execution, and deci-*
7 *sion-making related to mass evacuation during a disaster,*
8 *the Governors of the State of West Virginia and the Com-*
9 *monwealth of Pennsylvania, or their designees, shall be in-*
10 *corporated into efforts to integrate the activities of Federal,*
11 *State, and local governments in the National Capital Re-*
12 *gion, as defined in section 882 of Public Law 107–296, the*
13 *Homeland Security Act of 2002.*

14 *STATE AND LOCAL PROGRAMS*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For grants, contracts, cooperative agreements, and*
17 *other activities, \$3,105,700,000 shall be allocated as follows:*

18 *(1) \$950,000,000 shall be for the State Homeland*
19 *Security Grant Program under section 2004 of the*
20 *Homeland Security Act of 2002 (6 U.S.C. 605): Pro-*
21 *vided, That of the amount provided by this para-*
22 *graph, \$60,000,000 shall be for Operation*
23 *Stonegarden: Provided further, That notwithstanding*
24 *subsection (c)(4) of such section 2004, for fiscal year*
25 *2009, the Commonwealth of Puerto Rico shall make*
26 *available to local and tribal governments amounts*

1 *provided to the Commonwealth of Puerto Rico under*
2 *this paragraph in accordance with subsection (c)(1)*
3 *of such section 2004.*

4 (2) *\$837,500,000 shall be for the Urban Area Se-*
5 *curity Initiative under section 2003 of the Homeland*
6 *Security Act of 2002 (6 U.S.C. 604), of which, not-*
7 *withstanding subsection (c)(1) of such section,*
8 *\$15,000,000 shall be for grants to organizations (as*
9 *described under section 501(c)(3) of the Internal Rev-*
10 *enue Code of 1986 and exempt from tax section*
11 *501(a) of such code) determined by the Secretary of*
12 *Homeland Security to be at high risk of a terrorist*
13 *attack.*

14 (3) *\$35,000,000 shall be for Regional Cata-*
15 *strophic Preparedness Grants.*

16 (4) *\$41,000,000 shall be for the Metropolitan*
17 *Medical Response System under section 635 of the*
18 *Post-Katrina Emergency Management Reform Act of*
19 *2006 (6 U.S.C. 723).*

20 (5) *\$15,000,000 shall be for the Citizen Corp*
21 *Program.*

22 (6) *\$400,000,000 shall be for Public Transpor-*
23 *tation Security Assistance and Railroad Security As-*
24 *sistance under sections 1406 and 1513 of the Imple-*
25 *menting Recommendations of the 9/11 Commission*

1 *Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and*
2 *1163), of which not less than \$25,000,000 shall be for*
3 *Amtrak security: Provided, That there shall be no cost*
4 *share requirement for funds made available under*
5 *this paragraph and made available for these same*
6 *purposes in Public Law 110–161: Provided further,*
7 *That such public transportation security assistance*
8 *shall be provided directly to public transportation*
9 *agencies.*

10 (7) *\$400,000,000 shall be for Port Security*
11 *Grants in accordance with 46 U.S.C. 70107.*

12 (8) *\$12,000,000 shall be for Over-the-Road Bus*
13 *Security Assistance under section 1532 of the Imple-*
14 *menting Recommendations of the 9/11 Commission*
15 *Act of 2007 (Public Law 110–53; 6 U.S.C. 1182).*

16 (9) *\$8,000,000 shall be for Trucking Industry*
17 *Security Grants.*

18 (10) *\$50,000,000 shall be for Buffer Zone Protec-*
19 *tion Program Grants.*

20 (11) *\$8,000,000 shall be for the Commercial*
21 *Equipment Direct Assistance Program.*

22 (12) *\$50,000,000 shall be for the Interoperable*
23 *Emergency Communications Grant Program under*
24 *section 1809 of the Homeland Security Act of 2002 (6*
25 *U.S.C. 579).*

1 (13) \$35,000,000 shall remain available until ex-
2 pended, for grants for *Emergency Operations Centers*
3 under section 614 of the *Robert T. Stafford Disaster*
4 *Relief and Emergency Assistance Act* (42 U.S.C.
5 5196c), as detailed in the statement accompanying
6 this Act.

7 (14) \$264,200,000 shall be for training, exercises,
8 technical assistance, and other programs, of which—

9 (A) \$164,500,000 is for purposes of training
10 in accordance with section 1204 of the *Imple-*
11 *menting Recommendations of the 9/11 Commis-*
12 *sion Act of 2007* (6 U.S.C. 1102), of which
13 \$62,500,000 shall be for the *Center for Domestic*
14 *Preparedness*; \$23,000,000 shall be for the *Na-*
15 *tional Energetic Materials Research and Testing*
16 *Center, New Mexico Institute of Mining and*
17 *Technology*; \$23,000,000 shall be for the *National*
18 *Center for Biomedical Research and Training,*
19 *Louisiana State University*; \$23,000,000 shall be
20 for the *National Emergency Response and Res-*
21 *cue Training Center, Texas A&M University*;
22 \$23,000,000 shall be for the *National Exercise,*
23 *Test, and Training Center, Nevada Test Site*;
24 \$5,000,000 shall be for the *Transportation Tech-*
25 *nology Center, Incorporated, in Pueblo, Colo-*

1 *rado; and \$5,000,000 shall be for the National*
2 *Disaster Preparedness Training Center, Univer-*
3 *sity of Hawaii, Honolulu, Hawaii; and*

4 *(B) \$1,700,000 for the Center for*
5 *Counterterrorism and Cyber Crime, Norwich*
6 *University, Northfield, Vermont:*

7 *Provided, That not to exceed 3 percent of the amounts pro-*
8 *vided under this heading may be transferred to the Federal*
9 *Emergency Management Agency “Management and Admin-*
10 *istration” account for program administration, and an ex-*
11 *penditure plan for program administration shall be pro-*
12 *vided to the Committees on Appropriations of the Senate*
13 *and the House of Representatives within 60 days of the date*
14 *of enactment of this Act: Provided further, That for grants*
15 *under paragraphs (1) through (5), the applications for*
16 *grants shall be made available to eligible applicants not*
17 *later than 25 days after the date of enactment of this Act,*
18 *that eligible applicants shall submit applications not later*
19 *than 90 days after the grant announcement, and that the*
20 *Administrator of the Federal Emergency Management*
21 *Agency shall act within 90 days after receipt of an applica-*
22 *tion: Provided further, That for grants under paragraphs*
23 *(6) through (10) and (12), the applications for grants shall*
24 *be made available to eligible applicants not later than 30*
25 *days after the date of enactment of this Act, that eligible*

1 *applicants shall submit applications within 45 days after*
2 *the grant announcement, and that the Federal Emergency*
3 *Management Agency shall act not later than 60 days after*
4 *receipt of an application: Provided further, That for grants*
5 *under paragraphs (1) and (2), the installation of commu-*
6 *nications towers is not considered construction of a building*
7 *or other physical facility: Provided further, That grantees*
8 *shall provide reports on their use of funds, as determined*
9 *necessary by the Secretary: Provided further, That (a) the*
10 *Center for Domestic Preparedness may provide training to*
11 *emergency response providers from the Federal Government,*
12 *foreign governments, or private entities, if the Center for*
13 *Domestic Preparedness is reimbursed for the cost of such*
14 *training, and any reimbursement under this subsection*
15 *shall be credited to the account from which the expenditure*
16 *being reimbursed was made and shall be available, without*
17 *fiscal year limitation, for the purposes for which amounts*
18 *in the account may be expended, (b) the head of the Center*
19 *for Domestic Preparedness shall ensure that any training*
20 *provided under (a) does not interfere with the primary mis-*
21 *sion of the Center to train State and local emergency re-*
22 *sponse providers: Provided further, That the Government*
23 *Accountability Office shall report to the Committees on Ap-*
24 *propriations of the Senate and the House of Representatives*
25 *regarding the data, assumptions, and methodology that the*

1 *Department of Homeland Security uses to assess risk and*
2 *allocate grants under the Urban Area Security Initiative*
3 *and State Homeland Security Grant Program not later*
4 *than 45 days after the date of enactment of this Act: Pro-*
5 *vided further, That the report shall include an assessment*
6 *of the reliability and validity of the data used, the basis*
7 *for the assumptions used, how the methodology is applied*
8 *to determine the risk scores for individual locations, an*
9 *analysis of the usefulness of placing States and cities into*
10 *tier groups, and the allocation of grants to eligible locations:*
11 *Provided further, That the Department provide the Govern-*
12 *ment Accountability Office with the actual data that the*
13 *Department used for its risk assessment and grant alloca-*
14 *tion: Provided further, That the Department provide the*
15 *Government Accountability Office with access to all data*
16 *needed for its analysis and report, including specifics on*
17 *all changes for the fiscal year 2009 process, including, but*
18 *not limited to, all changes in data, assumptions, and*
19 *weights used in methodology within 7 days after the date*
20 *of enactment of this Act: Provided further, That any subse-*
21 *quent changes made regarding the risk methodology after*
22 *the initial information is provided to the Government Ac-*
23 *countability Office shall be provided within 7 days after*
24 *the change is made.*

1 *FIREFIGHTER ASSISTANCE GRANTS*

2 *For necessary expenses for programs authorized by the*
3 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
4 *2201 et seq.), \$775,000,000, of which \$565,000,000 shall be*
5 *available to carry out section 33 of that Act (15 U.S.C.*
6 *2229) and \$210,000,000 shall be available to carry out sec-*
7 *tion 34 of that Act (15 U.S.C. 2229a), to remain available*
8 *until September 30, 2010: Provided, That not to exceed 5*
9 *percent of the amount available under this heading shall*
10 *be available for program administration, and an expendi-*
11 *ture plan for program administration shall be provided to*
12 *the Committees on Appropriations of the Senate and the*
13 *House of Representatives within 60 days of the date of en-*
14 *actment of this Act.*

15 *EMERGENCY MANAGEMENT PERFORMANCE GRANTS*

16 *For necessary expenses for emergency management*
17 *performance grants, as authorized by the National Flood*
18 *Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert*
19 *T. Stafford Disaster Relief and Emergency Assistance Act*
20 *(42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduc-*
21 *tion Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganiza-*
22 *tion Plan No. 3 of 1978 (5 U.S.C. App.), \$315,000,000: Pro-*
23 *vided, That total administrative costs shall not exceed 3*
24 *percent of the total amount appropriated under this head-*
25 *ing.*

1 *RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM*

2 *The aggregate charges assessed during fiscal year 2009,*
3 *as authorized in title III of the Departments of Veterans*
4 *Affairs and Housing and Urban Development, and Inde-*
5 *pendent Agencies Appropriations Act, 1999 (42 U.S.C.*
6 *5196e), shall not be less than 100 percent of the amounts*
7 *anticipated by the Department of Homeland Security nec-*
8 *essary for its radiological emergency preparedness program*
9 *for the next fiscal year: Provided, That the methodology for*
10 *assessment and collection of fees shall be fair and equitable*
11 *and shall reflect costs of providing such services, including*
12 *administrative costs of collecting such fees: Provided fur-*
13 *ther, That fees received under this heading shall be deposited*
14 *in this account as offsetting collections and will become*
15 *available for authorized purposes on October 1, 2009, and*
16 *remain available until expended.*

17 *UNITED STATES FIRE ADMINISTRATION*

18 *For necessary expenses of the United States Fire Ad-*
19 *ministration and for other purposes, as authorized by the*
20 *Federal Fire Prevention and Control Act of 1974 (15 U.S.C.*
21 *2201 et seq.) and the Homeland Security Act of 2002 (6*
22 *U.S.C. 101 et seq.), \$44,979,000.*

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

1 *For necessary expenses in carrying out the Robert T.*
2 *Stafford Disaster Relief and Emergency Assistance Act (42*
3 *U.S.C. 5121 et seq.), \$1,400,000,000, to remain available*
4 *until expended: Provided, That the Federal Emergency*
5 *Management Agency shall submit an expenditure plan to*
6 *the Committees on Appropriations of the Senate and the*
7 *House of Representatives detailing the use of the funds for*
8 *disaster readiness and support within 60 days after the date*
9 *of enactment of this Act: Provided further, That the Federal*
10 *Emergency Management Agency shall provide a quarterly*
11 *report detailing obligations against the expenditure plan*
12 *and a justification for any changes in spending: Provided*
13 *further, That of the total amount provided, \$16,000,000*
14 *shall be transferred to the Department of Homeland Secu-*
15 *rity Office of Inspector General for audits and investiga-*
16 *tions related to disasters, subject to section 503 of this Act:*
17 *Provided further, That up to \$105,600,000 may be trans-*
18 *ferred to Federal Emergency Management Agency “Man-*
19 *agement and Administration” for management and admin-*
20 *istration functions: Provided further, That the amount pro-*
21 *vided in the previous proviso shall not be available for*
22 *transfer to “Management and Administration” until the*
23 *Federal Emergency Management Agency submits an imple-*
24 *ment plan for the transfer of funds to the Department of*
25 *Homeland Security for the purpose of carrying out the*

1 *mentation plan to the Committees on Appropriations of the*
2 *Senate and the House of Representatives: Provided further,*
3 *That the Federal Emergency Management Agency shall sub-*
4 *mit the monthly “Disaster Relief” report, as specified in*
5 *Public Law 110–161, to the Committees on Appropriations*
6 *of the Senate and the House of Representatives, and include*
7 *the amounts provided to each Federal agency for mission*
8 *assignments: Provided further, That for any request for re-*
9 *imbursement from a Federal agency to the Department of*
10 *Homeland Security to cover expenditures under the Robert*
11 *T. Stafford Disaster Relief and Emergency Assistance Act*
12 *(42 U.S.C. 5121 et seq.), or any mission assignment orders*
13 *issued by the Department for such purposes, the Secretary*
14 *of Homeland Security shall take appropriate steps to ensure*
15 *that each agency is periodically reminded of Department*
16 *policies on—*

17 (1) *the detailed information required in sup-*
18 *porting documentation for reimbursements; and*

19 (2) *the necessity for timeliness of agency billings.*

20 *DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT*

21 *For activities under section 319 of the Robert T. Staf-*
22 *ford Disaster Relief and Emergency Assistance Act (42*
23 *U.S.C. 5162), \$295,000 is for the cost of direct loans: Pro-*
24 *vided, That gross obligations for the principal amount of*
25 *direct loans shall not exceed \$25,000,000: Provided further,*
26 *That the cost of modifying such loans shall be as defined*

1 *in section 502 of the Congressional Budget Act of 1974 (2*
2 *U.S.C. 661a).*

3 *FLOOD MAP MODERNIZATION FUND*

4 *For necessary expenses under section 1360 of the Na-*
5 *tional Flood Insurance Act of 1968 (42 U.S.C. 4101),*
6 *\$220,000,000, and such additional sums as may be pro-*
7 *vided by State and local governments or other political sub-*
8 *divisions for cost-shared mapping activities under section*
9 *1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain*
10 *available until expended: Provided, That total administra-*
11 *tive costs shall not exceed 3 percent of the total amount ap-*
12 *propriated under this heading.*

13 *NATIONAL FLOOD INSURANCE FUND*

14 *For activities under the National Flood Insurance Act*
15 *of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster*
16 *Protection Act of 1973 (42 U.S.C. 4001 et seq.),*
17 *\$156,599,000, which shall be derived from offsetting collec-*
18 *tions assessed and collected under section 1308(d) of the Na-*
19 *tional Flood Insurance Act of 1968 (42 U.S.C. 4015(d)),*
20 *which is available as follows: (1) not to exceed \$49,418,000*
21 *for salaries and expenses associated with flood mitigation*
22 *and flood insurance operations; and (2) no less than*
23 *\$107,181,000 for flood plain management and flood map-*
24 *ping, which shall remain available until September 30,*
25 *2010: Provided, That any additional fees collected pursuant*
26 *to section 1308(d) of the National Flood Insurance Act of*

1 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting
2 collection to this account, to be available for flood plain
3 management and flood mapping: Provided further, That in
4 fiscal year 2009, no funds shall be available from the Na-
5 tional Flood Insurance Fund under section 1310 of that Act
6 (42 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating
7 expenses; (2) \$869,905,000 for commissions and taxes of
8 agents; (3) such sums as are necessary for interest on Treas-
9 ury borrowings; and (4) \$125,700,000, which shall remain
10 available until expended for flood mitigation actions, of
11 which \$80,000,000 is for severe repetitive loss properties
12 under section 1361A of the National Flood Insurance Act
13 of 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for re-
14 petitive insurance claims properties under section 1323 of
15 the National Flood Insurance Act of 1968 (42 U.S.C. 4030),
16 and of which \$35,700,000 is for flood mitigation assistance
17 under section 1366 of the National Flood Insurance Act of
18 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs
19 (B) and (C) of subsection (b)(3) and subsection (f) of section
20 1366 of the National Flood Insurance Act of 1968 (42
21 U.S.C. 4104c) and notwithstanding subsection (a)(7) of sec-
22 tion 1310 of the National Flood Insurance Act of 1968 (42
23 U.S.C. 4017): Provided further, That amounts collected
24 under section 102 of the Flood Disaster Protection Act of
25 1973 and section 1366(i) of the National Flood Insurance

1 *Act of 1968 shall be deposited in the National Flood Insur-*
2 *ance Fund to supplement other amounts specified as avail-*
3 *able for section 1366 of the National Flood Insurance Act*
4 *of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i),*
5 *and 4104d(b)(2)-(3): Provided further, That total adminis-*
6 *trative costs shall not exceed 4 percent of the total appro-*
7 *priation.*

8 *NATIONAL PREDISASTER MITIGATION FUND*

9 *For the predisaster mitigation grant program under*
10 *section 203 of the Robert T. Stafford Disaster Relief and*
11 *Emergency Assistance Act (42 U.S.C. 5133), \$90,000,000,*
12 *to remain available until expended and as detailed in the*
13 *statement accompanying this Act: Provided, That the total*
14 *administrative costs associated with such grants shall not*
15 *exceed 3 percent of the total amount made available under*
16 *this heading.*

17 *EMERGENCY FOOD AND SHELTER*

18 *To carry out the emergency food and shelter program*
19 *pursuant to title III of the McKinney-Vento Homeless As-*
20 *sistance Act (42 U.S.C. 11331 et seq.), \$200,000,000, to re-*
21 *main available until expended: Provided, That total admin-*
22 *istrative costs shall not exceed 3.5 percent of the total*
23 *amount made available under this heading.*

1 CERRO GRANDE FIRE CLAIMS

2 (RESCISSION OF FUNDS)

3 *Of the funds made available under this heading for*
4 *obligation in prior years, \$9,000,000 are rescinded.*

5 TITLE IV

6 RESEARCH AND DEVELOPMENT, TRAINING, AND

7 SERVICES

8 UNITED STATES CITIZENSHIP AND IMMIGRATION

9 SERVICES

10 *For necessary expenses for citizenship and immigra-*
11 *tion services, \$101,740,000, of which \$100,000,000 is for the*
12 *E-Verify program to assist United States employers with*
13 *maintaining a legal workforce: Provided, That notwith-*
14 *standing any other provision of law, funds available to*
15 *United States Citizenship and Immigration Services may*
16 *be used to acquire, operate, equip, dispose of and replace*
17 *up to five vehicles, of which two are for replacement only,*
18 *for areas where the Administrator of General Services does*
19 *not provide vehicles for lease: Provided further, That the*
20 *Director of United States Citizenship and Immigration*
21 *Services may authorize employees who are assigned to those*
22 *areas to use such vehicles between the employees' residences*
23 *and places of employment.*

1 *FEDERAL LAW ENFORCEMENT TRAINING CENTER*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Law Enforce-*
4 *ment Training Center, including materials and support*
5 *costs of Federal law enforcement basic training; the pur-*
6 *chase of not to exceed 117 vehicles for police-type use and*
7 *hire of passenger motor vehicles; expenses for student ath-*
8 *letic and related activities; the conduct of and participation*
9 *in firearms matches and presentation of awards; public*
10 *awareness and enhancement of community support of law*
11 *enforcement training; room and board for student interns;*
12 *a flat monthly reimbursement to employees authorized to*
13 *use personal mobile phones for official duties; and services*
14 *as authorized by section 3109 of title 5, United States Code;*
15 *\$246,530,000, of which up to \$48,611,000 shall remain*
16 *available until September 30, 2010, for materials and sup-*
17 *port costs of Federal law enforcement basic training; of*
18 *which \$300,000 shall remain available until expended for*
19 *Federal law enforcement agencies participating in training*
20 *accreditation, to be distributed as determined by the Fed-*
21 *eral Law Enforcement Training Center for the needs of par-*
22 *ticipating agencies; and of which not to exceed \$12,000 shall*
23 *be for official reception and representation expenses: Pro-*
24 *vided, That the Center is authorized to obligate funds in*
25 *anticipation of reimbursements from agencies receiving*

1 *training sponsored by the Center, except that total obliga-*
2 *tions at the end of the fiscal year shall not exceed total budg-*
3 *etary resources available at the end of the fiscal year: Pro-*
4 *vided further, That section 1202(a) of Public Law 107–206*
5 *(42 U.S.C. 3771 note), as amended by Public Law 110–*
6 *161 (121 Stat. 2068), is further amended by striking “De-*
7 *cember 31, 2010” and inserting “December 31, 2011”: Pro-*
8 *vided further, That the Federal Law Enforcement Training*
9 *Accreditation Board, including representatives from the*
10 *Federal law enforcement community and non-Federal ac-*
11 *creditation experts involved in law enforcement training,*
12 *shall lead the Federal law enforcement training accredita-*
13 *tion process to continue the implementation of measuring*
14 *and assessing the quality and effectiveness of Federal law*
15 *enforcement training programs, facilities, and instructors:*
16 *Provided further, That the Director of the Federal Law En-*
17 *forcement Training Center shall schedule basic or advanced*
18 *law enforcement training, or both, at all four training fa-*
19 *cilities under the control of the Federal Law Enforcement*
20 *Training Center to ensure that such training facilities are*
21 *operated at the highest capacity throughout the fiscal year.*

22 *ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND*

23 *RELATED EXPENSES*

24 *For acquisition of necessary additional real property*
25 *and facilities, construction, and ongoing maintenance, fa-*
26 *cility improvements, and related expenses of the Federal*

1 *Law Enforcement Training Center, \$86,456,000, to remain*
2 *available until expended: Provided, That the Center is au-*
3 *thorized to accept reimbursement to this appropriation*
4 *from government agencies requesting the construction of*
5 *special use facilities: Provided further, That \$3,000,000 is*
6 *for construction of training and related facilities at Artesia,*
7 *New Mexico.*

8 *SCIENCE AND TECHNOLOGY*

9 *MANAGEMENT AND ADMINISTRATION*

10 *For salaries and expenses of the Office of the Under*
11 *Secretary for Science and Technology and for management*
12 *and administration of programs and activities, as author-*
13 *ized by title III of the Homeland Security Act of 2002 (6*
14 *U.S.C. 181 et seq.), \$132,100,000: Provided, That not to*
15 *exceed \$10,000 shall be for official reception and representa-*
16 *tion expenses.*

17 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

18 *For necessary expenses for science and technology re-*
19 *search, including advanced research projects; development;*
20 *test and evaluation; acquisition; and operations; as author-*
21 *ized by title III of the Homeland Security Act of 2002 (6*
22 *U.S.C. 181 et seq.); \$800,487,000, to remain available until*
23 *expended: Provided, That not less than \$27,000,000 shall*
24 *be available for the Southeast Region Research Initiative*
25 *at the Oak Ridge National Laboratory: Provided further,*

1 *That not less than \$3,000,000 shall be available for Distrib-*
2 *uted Environment for Critical Infrastructure Decision-*
3 *making Exercises: Provided further, That of the amount*
4 *provided, \$25,000,000 is for construction expenses of the*
5 *Pacific Northwest National Laboratory: Provided further,*
6 *That not less than \$11,000,000 shall be available for the*
7 *National Institute for Hometown Security: Provided fur-*
8 *ther, That not less than \$2,000,000 shall be available for*
9 *the Naval Postgraduate School: Provided further, That not*
10 *less than \$2,000,000 shall be available to establish a home-*
11 *land security research, development, and manufacturing*
12 *pilot project: Provided further, That none of the funds made*
13 *available under this heading shall be obligated for a follow-*
14 *on program to the Analysis, Dissemination, Visualization,*
15 *Insight, and Semantic Enhancement program: Provided*
16 *further, That none of the funds available under this heading*
17 *shall be obligated for construction of a National Bio and*
18 *Agro-defense Facility located on the United States main-*
19 *land until the Secretary of Homeland Security completes*
20 *a risk assessment of whether foot-and-mouth disease work*
21 *can be done safely on the United States mainland and this*
22 *assessment is reviewed by the Government Accountability*
23 *Office: Provided further, That the Government Account-*
24 *ability Office shall complete its review within 6 months*
25 *after the Department concludes the risk assessment.*

1 *DOMESTIC NUCLEAR DETECTION OFFICE*
2 *MANAGEMENT AND ADMINISTRATION*

3 *For salaries and expenses of the Domestic Nuclear De-*
4 *tection Office as authorized by title XIX of the Homeland*
5 *Security Act of 2002 (6 U.S.C. 591 et seq.) for management*
6 *and administration of programs and activities,*
7 *\$37,500,000: Provided, That not to exceed \$3,000 shall be*
8 *for official reception and representation expenses.*

9 *RESEARCH, DEVELOPMENT, AND OPERATIONS*

10 *For necessary expenses for radiological and nuclear re-*
11 *search, 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 Office*
15 *acquisition and deployment of radiological detection sys-*
16 *tems in accordance with the global nuclear detection archi-*
17 *ture, \$153,491,000, to remain available until September*
18 *30, 2011: Provided, That none of the funds appropriated*
19 *under this heading shall be obligated for full-scale procure-*
20 *ment of Advanced Spectroscopic Portal monitors until the*
21 *Secretary of Homeland Security submits to the Committees*
22 *on Appropriations of the Senate and the House of Rep-*
23 *resentatives a report certifying that a significant increase*
24 *in operational effectiveness will be achieved: Provided fur-*
25 *ther, That the Secretary shall submit separate and distinct*
26 *certifications prior to the procurement of Advanced*

1 *Spectroscopic Portal monitors for primary and secondary*
2 *deployment that address the unique requirements for oper-*
3 *ational effectiveness of each type of deployment: Provided*
4 *further, That the Secretary shall consult with the National*
5 *Academy of Sciences before making such certifications: Pro-*
6 *vided further, That none of the funds appropriated under*
7 *this heading shall be used for high-risk concurrent develop-*
8 *ment and production of mutually dependent software and*
9 *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 appropriations*
18 *provided for activities in this Act may be transferred to*
19 *appropriation accounts for such activities established pur-*
20 *suant to this Act, may be merged with funds in the applica-*
21 *ble established accounts, and thereafter may be accounted*
22 *for as one fund for the same time period as originally en-*
23 *acted.*

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) in-*
9 *creases funds for any program, project, or activity for which*
10 *funds have been denied or restricted by the Congress; (4)*
11 *proposes to use funds directed for a specific activity by ei-*
12 *ther of the Committees on Appropriations of the Senate or*
13 *the House of Representatives for a different purpose; or (5)*
14 *contracts out any function or activity for which funding*
15 *levels were requested for Federal full-time equivalents in the*
16 *object classification tables contained in the fiscal year 2009*
17 *Budget Appendix for the Department of Homeland Secu-*
18 *rity, as modified by the explanatory statement accom-*
19 *panying this Act, unless the Committees on Appropriations*
20 *of the Senate and the House of Representatives are notified*
21 *15 days in advance of such reprogramming of funds.*

22 *(b) None of the funds provided by this Act, provided*
23 *by previous appropriations Acts to the agencies in or trans-*
24 *ferred to the Department of Homeland Security that remain*
25 *available for obligation or expenditure in fiscal year 2009,*

1 or provided from any accounts in the Treasury of the
2 United States derived by the collection of fees or proceeds
3 available to the agencies funded by this Act, shall be avail-
4 able for obligation or expenditure for programs, projects,
5 or activities through a reprogramming of funds in excess
6 of \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
7 ments existing programs, projects, or activities; (2) reduces
8 by 10 percent funding for any existing program, project,
9 or activity, or numbers of personnel by 10 percent as ap-
10 proved by the Congress; or (3) results from any general sav-
11 ings from a reduction in personnel that would result in a
12 change in existing programs, projects, or activities as ap-
13 proved by the Congress, unless the Committees on Appro-
14 priations of the Senate and the House of Representatives
15 are notified 15 days in advance of such reprogramming of
16 funds.

17 (c) Not to exceed 5 percent of any appropriation made
18 available for the current fiscal year for the Department of
19 Homeland Security by this Act or provided by previous ap-
20 propriations Acts may be transferred between such appro-
21 priations, but no such appropriation, except as otherwise
22 specifically provided, shall be increased by more than 10
23 percent by such transfers: Provided, That any transfer
24 under this section shall be treated as a reprogramming of
25 funds under subsection (b) and shall not be available for

1 *obligation unless the Committees on Appropriations of the*
2 *Senate and the House of Representatives are notified 15*
3 *days in advance of such transfer.*

4 *(d) Notwithstanding subsections (a), (b), and (c) of*
5 *this section, no funds shall be reprogrammed within or*
6 *transferred between appropriations after June 30, except in*
7 *extraordinary circumstances that imminently threaten the*
8 *safety of human life or the protection of property.*

9 *(e) Within 90 days after the date of enactment of this*
10 *Act, the Secretary of Homeland Security shall submit to*
11 *the Committees on Appropriations of the Senate and the*
12 *House of Representatives a report listing all dollar amounts*
13 *specified in this Act and accompanying explanatory state-*
14 *ment that are identified in the detailed funding table at*
15 *the end of the explanatory statement accompanying this Act*
16 *or any other amounts specified in this Act or accompanying*
17 *explanatory statement: Provided, That such dollar amounts*
18 *specified in this Act and accompanying explanatory state-*
19 *ment shall be subject to the conditions and requirements of*
20 *subsections (a), (b), and (c) of this section.*

21 *SEC. 504. The Department of Homeland Security*
22 *Working Capital Fund, established pursuant to section 403*
23 *of Public Law 103–356 (31 U.S.C. 501 note), shall continue*
24 *operations as a permanent working capital fund for fiscal*
25 *year 2009: Provided, That none of the funds appropriated*

1 *or otherwise made available to the Department of Home-*
2 *land Security may be used to make payments to the Work-*
3 *ing Capital Fund, except for the activities and amounts al-*
4 *lowed in the President's fiscal year 2009 budget: Provided*
5 *further, That funds provided to the Working Capital Fund*
6 *shall be available for obligation until expended to carry out*
7 *the purposes of the Working Capital Fund: Provided fur-*
8 *ther, That all departmental components shall be charged*
9 *only for direct usage of each Working Capital Fund service:*
10 *Provided further, That funds provided to the Working Cap-*
11 *ital Fund shall be used only for purposes consistent with*
12 *the contributing component: Provided further, That such*
13 *fund shall be paid in advance or reimbursed at rates which*
14 *will return the full cost of each service: Provided further,*
15 *That the Working Capital Fund shall be subject to the re-*
16 *quirements of section 503 of this Act.*

17 *SEC. 505. Except as otherwise specifically provided by*
18 *law, not to exceed 50 percent of unobligated balances re-*
19 *maining available at the end of fiscal year 2009 from ap-*
20 *propriations for salaries and expenses for fiscal year 2009*
21 *in this Act shall remain available through September 30,*
22 *2010, in the account and for the purposes for which the*
23 *appropriations were provided: Provided, That prior to the*
24 *obligation of such funds, a request shall be submitted to the*
25 *Committees on Appropriations of the Senate and the House*

1 *of Representatives for approval in accordance with section*
2 *503 of this Act.*

3 *SEC. 506. Funds made available by this Act for intel-*
4 *ligence activities are deemed to be specifically authorized*
5 *by the Congress for purposes of section 504 of the National*
6 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*
7 *2009 until the enactment of an Act authorizing intelligence*
8 *activities for fiscal year 2009.*

9 *SEC. 507. None of the funds made available by this*
10 *Act may be used to make a grant allocation, discretionary*
11 *grant award, discretionary contract award, or to issue a*
12 *letter of intent totaling in excess of \$1,000,000, or to an-*
13 *nounce publicly the intention to make such an award, in-*
14 *cluding a contract covered by the Federal Acquisition Regu-*
15 *lation, unless the Secretary of Homeland Security notifies*
16 *the Committees on Appropriations of the Senate and the*
17 *House of Representatives at least 3 full business days in*
18 *advance of making such an award or issuing such a letter:*
19 *Provided, That if the Secretary of Homeland Security de-*
20 *termines that compliance with this section would pose a*
21 *substantial risk to human life, health, or safety, an award*
22 *may be made without notification and the Committees on*
23 *Appropriations of the Senate and the House of Representa-*
24 *tives shall be notified not later than 5 full business days*
25 *after such an award is made or letter issued: Provided fur-*

1 *ther, That no notification shall involve funds that are not*
2 *available for obligation: Provided further, That the notifica-*
3 *tion shall include the amount of the award, the fiscal year*
4 *in which the funds for the award were appropriated, and*
5 *the account from which the funds are being drawn: Pro-*
6 *vided further, That the Federal Emergency Management*
7 *Agency shall brief the Committees on Appropriations of the*
8 *Senate and the House of Representatives 5 full business*
9 *days in advance of announcing publicly the intention of*
10 *making an award under the State Homeland Security*
11 *Grant Program; Urban Area Security Initiative; and the*
12 *Regional Catastrophic Preparedness Grant Program.*

13 *SEC. 508. Notwithstanding any other provision of law,*
14 *no agency shall purchase, construct, or lease any additional*
15 *facilities, except within or contiguous to existing locations,*
16 *to be used for the purpose of conducting Federal law enforce-*
17 *ment training without the advance approval of the Commit-*
18 *tees on Appropriations of the Senate and the House of Rep-*
19 *resentatives, except that the Federal Law Enforcement*
20 *Training Center is authorized to obtain the temporary use*
21 *of additional facilities by lease, contract, or other agreement*
22 *for training which cannot be accommodated in existing*
23 *Center facilities.*

24 *SEC. 509. None of the funds appropriated or otherwise*
25 *made available by this Act may be used for expenses for*

1 *any construction, repair, alteration, or acquisition project*
2 *for which a prospectus otherwise required under chapter 33*
3 *of title 40, United States Code, has not been approved, ex-*
4 *cept that necessary funds may be expended for each project*
5 *for required expenses for the development of a proposed pro-*
6 *spectus.*

7 *SEC. 510. Sections 519, 520, 522, 528, 530, and 531*
8 *of the Department of Homeland Security Appropriations*
9 *Act, 2008 (division E of Public Law 110–161; 121 Stat.*
10 *2072, 2073, 2074, 2082) shall apply with respect to funds*
11 *made available in this Act in the same manner as such*
12 *sections applied to funds made available in that Act.*

13 *SEC. 511. None of the funds in this Act may be used*
14 *in contravention of the applicable provisions of the Buy*
15 *American Act (41 U.S.C. 10a et seq.).*

16 *SEC. 512. (a) None of the funds provided by this or*
17 *previous appropriations Acts may be obligated for deploy-*
18 *ment or implementation, on other than a test basis, of the*
19 *Secure Flight program or any other follow-on or successor*
20 *passenger prescreening program, until the Secretary of*
21 *Homeland Security certifies, and the Government Account-*
22 *ability Office reports, to the Committees on Appropriations*
23 *of the Senate and the House of Representatives, that all ten*
24 *of the conditions contained in paragraphs (1) through (10)*

1 *of section 522(a) of Public Law 108–334 (118 Stat. 1319)*
2 *have been successfully met.*

3 *(b) The report required by subsection (a) shall be sub-*
4 *mitted within 90 days after the Secretary provides the req-*
5 *uisite certification, and periodically thereafter, if necessary,*
6 *until the Government Accountability Office confirms that*
7 *all ten conditions have been successfully met.*

8 *(c) Within 90 days after the date of enactment of this*
9 *Act, the Secretary of Homeland Security shall submit to*
10 *the Committees on Appropriations of the Senate and the*
11 *House of Representatives a detailed plan that describes: (1)*
12 *the dates for achieving key milestones, including the date*
13 *or timeframes that the Secretary will certify the program*
14 *under subsection (a); and (2) the methodology to be followed*
15 *to support the Secretary’s certification, as required under*
16 *subsection (a).*

17 *(d) During the testing phase permitted by subsection*
18 *(a), no information gathered from passengers, foreign or do-*
19 *mestic air carriers, or reservation systems may be used to*
20 *screen aviation passengers, or delay or deny boarding to*
21 *such passengers, except in instances where passenger names*
22 *are matched to a Government watch list.*

23 *(e) None of the funds provided in this or previous ap-*
24 *propriations Acts may be utilized to develop or test algo-*

1 *rithms assigning risk to passengers whose names are not*
2 *on Government watch lists.*

3 *(f) None of the funds provided in this or any other*
4 *Act may be used for data or a database that is obtained*
5 *from or remains under the control of a non-Federal entity:*
6 *Provided, That this restriction shall not apply to Passenger*
7 *Name Record data obtained from air carriers.*

8 *SEC. 513. None of the funds made available in this*
9 *Act may be used to amend the oath of allegiance required*
10 *by section 337 of the Immigration and Nationality Act (8*
11 *U.S.C. 1448).*

12 *SEC. 514. None of the funds appropriated by this Act*
13 *may be used to process or approve a competition under Of-*
14 *fice of Management and Budget Circular A-76 for services*
15 *provided as of June 1, 2004, by employees (including em-*
16 *ployees serving on a temporary or term basis) of United*
17 *States Citizenship and Immigration Services of the Depart-*
18 *ment of Homeland Security who are known as of that date*
19 *as Immigration Information Officers, Contact Representa-*
20 *tives, or Investigative Assistants.*

21 *SEC. 515. (a) The Secretary of Homeland Security*
22 *shall research, develop, and procure new technologies to in-*
23 *spect and screen air cargo carried on passenger aircraft by*
24 *the earliest date possible.*

1 **(b)** *Existing checked baggage explosive detection equip-*
2 *ment and screeners shall be utilized to screen air cargo car-*
3 *ried on passenger aircraft to the greatest extent practicable*
4 *at each airport until technologies developed under sub-*
5 *section (a) are available.*

6 **(c)** *The Assistant Secretary of Homeland Security*
7 *(Transportation Security Administration) shall work with*
8 *air carriers and airports to ensure that the screening of*
9 *cargo carried on passenger aircraft, as defined in section*
10 *44901(g)(5) of title 49, United States Code, increases incre-*
11 *mentally each quarter.*

12 **(d)** *Not later than 45 days after the end of each quar-*
13 *ter, the Assistant Secretary shall submit to the Committees*
14 *on Appropriations of the Senate and the House of Rep-*
15 *resentatives a report on air cargo inspection statistics by*
16 *airport and air carrier detailing the incremental progress*
17 *being made to meet the requirements of section 44901(g)(2)*
18 *of title 49, United States Code.*

19 **SEC. 516.** *Except as provided in section 44945 of title*
20 *49, United States Code, funds appropriated or transferred*
21 *to Transportation Security Administration “Aviation Se-*
22 *curity”, “Administration” and “Transportation Security*
23 *Support” for fiscal years 2004, 2005, 2006, and 2007 that*
24 *are recovered or deobligated shall be available only for the*
25 *procurement or installation of explosives detection systems,*

1 *for air cargo, baggage, and checkpoint screening systems,*
2 *subject to notification: Provided, That quarterly reports*
3 *shall be submitted to the Committees on Appropriations of*
4 *the Senate and the House of Representatives on any funds*
5 *that are recovered or deobligated.*

6 *SEC. 517. Any funds appropriated to United States*
7 *Coast Guard, “Acquisition, Construction, and Improve-*
8 *ments” for fiscal years 2002, 2003, 2004, 2005, and 2006*
9 *for the 110–123 foot patrol boat conversion that are recov-*
10 *ered, collected, or otherwise received as the result of negotia-*
11 *tion, mediation, or litigation, shall be available until ex-*
12 *pended for the Replacement Patrol Boat (FRC-B) program.*

13 *SEC. 518. (a)(1) Except as provided in paragraph (2),*
14 *none of the funds provided in this or any other Act shall*
15 *be available to commence or continue operations of the Na-*
16 *tional Applications Office until—*

17 *(A) the Secretary certifies in fiscal year 2009*
18 *that: (i) National Applications Office programs com-*
19 *ply with all existing laws, including all applicable*
20 *privacy and civil liberties standards; and, (ii) that*
21 *clear definitions of all proposed domains are estab-*
22 *lished and are auditable;*

23 *(B) the Comptroller General of the United States*
24 *notifies the Committees on Appropriations of the Sen-*
25 *ate and the House of Representatives and the Sec-*

1 *retary that the Comptroller has reviewed such certifi-*
2 *cation; and*

3 *(C) the Secretary notifies the Committees of all*
4 *funds to be expended on the National Applications*
5 *Office pursuant to section 503 of this Act.*

6 *(2) Paragraph (1) shall not apply with respect to any*
7 *use of funds for activities substantially similar to such ac-*
8 *tivities conducted by the Department of the Interior as set*
9 *forth in the 1975 charter for the Civil Applications Com-*
10 *mittee under the provisions of law codified at section 31*
11 *of title 43, United States Code.*

12 *(b) The Inspector General shall provide to the Commit-*
13 *tees on Appropriations of the Senate and the House of Rep-*
14 *resentatives, starting six months after the date of enactment*
15 *of this Act, and quarterly thereafter, a classified report con-*
16 *taining a review of the data collected by the National Appli-*
17 *cations Office, including a description of the collection pur-*
18 *poses and the legal authority under which the collection ac-*
19 *tivities were authorized: Provided, That the report shall also*
20 *include a listing of all data collection activities carried out*
21 *on behalf of the National Applications Office by any compo-*
22 *nent of the National Guard.*

23 *(c) None of the funds provided in this or any other*
24 *Act shall be available to commence operations of the Na-*
25 *tional Immigration Information Sharing Operation until*

1 *the Secretary certifies that such program complies with all*
2 *existing laws, including all applicable privacy and civil lib-*
3 *erties standards, the Comptroller General of the United*
4 *States notifies the Committees on Appropriations of the*
5 *Senate and House of Representatives and the Secretary that*
6 *the Comptroller has reviewed such certification, and the*
7 *Secretary notifies the Committees on Appropriations of the*
8 *Senate and the the House of Representatives of all funds*
9 *to be expended on the National Immigration Information*
10 *Sharing Operation pursuant to section 503.*

11 *SEC. 519. Within 45 days after the close of each month,*
12 *the Chief Financial Officer of the Department of Homeland*
13 *Security shall submit to the Committees on Appropriations*
14 *of the Senate and the House of Representatives a monthly*
15 *budget and staffing report that includes total obligations,*
16 *on-board versus funded full-time equivalent staffing levels,*
17 *and the number of contract employees by office.*

18 *SEC. 520. Section 532(a) of Public Law 109–295 (120*
19 *Stat. 1384) is amended by striking “2008” and inserting*
20 *“2009”.*

21 *SEC. 521. The functions of the Federal Law Enforce-*
22 *ment Training Center instructor staff shall be classified as*
23 *inherently governmental for the purpose of the Federal Ac-*
24 *tivities Inventory Reform Act of 1998 (31 U.S.C. 501 note).*

1 *SEC. 522. (a) None of the funds provided by this or*
2 *any other Act may be obligated for the development, testing,*
3 *deployment, or operation of any portion of a human re-*
4 *sources management system authorized by 5 U.S.C.*
5 *9701(a), or by regulations prescribed pursuant to such sec-*
6 *tion, for an employee as defined in 5 U.S.C. 7103(a)(2).*

7 *(b) The Secretary of Homeland Security shall collabo-*
8 *rate with employee representatives in the manner prescribed*
9 *in 5 U.S.C. 9701(e), in the planning, testing, and develop-*
10 *ment of any portion of a human resources management sys-*
11 *tem that is developed, tested, or deployed for persons ex-*
12 *cluded from the definition of employee as that term is de-*
13 *finied in 5 U.S.C. 7103(a)(2).*

14 *SEC. 523. In fiscal year 2009, none of the funds made*
15 *available in this or any other Act may be used to enforce*
16 *section 4025(1) of Public Law 108–458 unless the Assistant*
17 *Secretary of Homeland Security (Transportation Security*
18 *Administration) reverses the determination of July 19,*
19 *2007, that butane lighters are not a significant threat to*
20 *civil aviation security.*

21 *SEC. 524. Funds made available in this Act may be*
22 *used to alter operations within the Civil Engineering Pro-*
23 *gram of the Coast Guard nationwide, including civil engi-*
24 *neering units, facilities design and construction centers,*
25 *maintenance and logistics commands, and the Coast Guard*

1 *Academy, except that none of the funds provided in this*
2 *Act may be used to reduce operations within any Civil En-*
3 *gineering Unit unless specifically authorized by a statute*
4 *enacted after the date of the enactment of this Act.*

5 *SEC. 525. (a) Except as provided in subsection (b),*
6 *none of the funds appropriated in this or any other Act*
7 *to the Office of the Secretary and Executive Management,*
8 *the Office of the Under Secretary for Management, or the*
9 *Office of the Chief Financial Officer, may be obligated for*
10 *a grant or contract funded under such headings by a means*
11 *other than full and open competition.*

12 *(b) Subsection (a) does not apply to obligation of funds*
13 *for a contract awarded—*

14 *(1) by a means that is required by a Federal*
15 *statute, including obligation for a purchase made*
16 *under a mandated preferential program, such as the*
17 *AbilityOne Program, that is authorized under the*
18 *Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);*

19 *(2) under the Small Business Act (15 U.S.C. 631*
20 *et seq.);*

21 *(3) in an amount less than the simplified acqui-*
22 *sition threshold described under section 302A(a) of the*
23 *Federal Property and Administrative Services Act of*
24 *1949 (41 U.S.C. 252a(a)); or*

1 (4) *by another Federal agency using funds pro-*
2 *vided through an interagency agreement.*

3 (c)(1) *Subject to paragraph (2), the Secretary of*
4 *Homeland Security may waive the application of this sec-*
5 *tion for the award of a contract in the interest of national*
6 *security or if failure to do so would pose a substantial risk*
7 *to human health or welfare.*

8 (2) *Not later than 5 days after the date on which the*
9 *Secretary of Homeland Security issues a waiver under this*
10 *subsection, the Secretary shall submit notification of that*
11 *waiver to the Committees on Appropriations of the Senate*
12 *and the House of Representatives, including a description*
13 *of the applicable contract and an explanation of why the*
14 *waiver authority was used. The Secretary may not delegate*
15 *the authority to grant such a waiver.*

16 (d) *In addition to the requirements established by this*
17 *section, the Inspector General for the Department of Home-*
18 *land Security shall review departmental contracts awarded*
19 *through other than full and open competition to assess de-*
20 *partmental compliance with applicable laws and regula-*
21 *tions: Provided, That the Inspector General shall review se-*
22 *lected contracts awarded in the previous fiscal year through*
23 *other than full and open competition: Provided further,*
24 *That in determining which contracts to review, the Inspec-*
25 *tor General shall consider the cost and complexity of the*

1 goods and services to be provided under the contract, the
2 criticality of the contract to fulfilling Department missions,
3 past performance problems on similar contracts or by the
4 selected vendor, complaints received about the award process
5 or contractor performance, and such other factors as the In-
6 spector General deems relevant: Provided further, That the
7 Inspector General shall report the results of the reviews to
8 the Committees on Appropriations of the Senate and the
9 House of Representatives.

10 *SEC. 526. None of the funds provided by this or pre-*
11 *vious appropriations Acts shall be used to fund any posi-*
12 *tion designated as a Principal Federal Official for any Rob-*
13 *ert T. Stafford Disaster Relief and Emergency Assistance*
14 *Act (42 U.S.C. 5121 et seq.) declared disasters or emer-*
15 *gencies.*

16 *SEC. 527. None of the funds made available in this*
17 *Act may be used by United States Citizenship and Immi-*
18 *gration Services to grant an immigration benefit unless the*
19 *results of background checks required by law to be completed*
20 *prior to the granting of the benefit have been received by*
21 *United States Citizenship and Immigration Services, and*
22 *the results do not preclude the granting of the benefit.*

23 *SEC. 528. None of the funds made available in this*
24 *Act may be used to destroy or put out to pasture any horse*
25 *or other equine belonging to the Federal Government that*

1 *has become unfit for service, unless the trainer or handler*
2 *is first given the option to take possession of the equine*
3 *through an adoption program that has safeguards against*
4 *slaughter and inhumane treatment.*

5 *SEC. 529. None of the funds provided in this Act shall*
6 *be available to carry out section 872 of Public Law 107-*
7 *296.*

8 *SEC. 530. None of the funds provided in this Act under*
9 *the heading “Office of the Chief Information Officer” shall*
10 *be used for data center development other than for the Na-*
11 *tional Center for Critical Information Processing and Stor-*
12 *age until the Chief Information Officer certifies that the Na-*
13 *tional Center for Critical Information Processing and Stor-*
14 *age is fully utilized as the Department’s primary data stor-*
15 *age center at the highest capacity throughout the fiscal year.*

16 *SEC. 531. None of the funds in this Act shall be used*
17 *to reduce the United States Coast Guard’s Operations Sys-*
18 *tems Center mission or its government-employed or contract*
19 *staff levels.*

20 *SEC. 532. None of the funds appropriated by this Act*
21 *may be used to conduct, or to implement the results of, a*
22 *competition under Office of Management and Budget Cir-*
23 *cular A-76 for activities performed with respect to the Coast*
24 *Guard National Vessel Documentation Center.*

1 *SEC. 533. The Secretary of Homeland Security shall*
2 *require that all contracts of the Department of Homeland*
3 *Security that provide award fees link such fees to successful*
4 *acquisition outcomes (which outcomes shall be specified in*
5 *terms of cost, schedule, and performance).*

6 *SEC. 534. None of the funds made available to the Of-*
7 *fice of the Secretary and Executive Management under this*
8 *Act may be expended for any new hires by the Department*
9 *of Homeland Security that are not verified through the*
10 *basic pilot program under section 401 of the Illegal Immi-*
11 *gration Reform and Immigrant Responsibility Act of 1996*
12 *(8 U.S.C. 1324a note).*

13 *SEC. 535. None of the funds made available in this*
14 *Act for U.S. Customs and Border Protection may be used*
15 *to prevent an individual not in the business of importing*
16 *a prescription drug (within the meaning of section 801(g)*
17 *of the Federal Food, Drug, and Cosmetic Act) from import-*
18 *ing a prescription drug from Canada that complies with*
19 *the Federal Food, Drug, and Cosmetic Act: Provided, That*
20 *this section shall apply only to individuals transporting on*
21 *their person a personal-use quantity of the prescription*
22 *drug, not to exceed a 90-day supply: Provided further, That*
23 *the prescription drug may not be—*

1 (1) a controlled substance, as defined in section
2 102 of the Controlled Substances Act (21 U.S.C. 802);
3 or

4 (2) a biological product, as defined in section
5 351 of the Public Health Service Act (42 U.S.C. 262).

6 SEC. 536. None of the funds made available in this
7 Act may be used by the Secretary of Homeland Security
8 or any delegate of the Secretary to issue any rule or regula-
9 tion which implements the Notice of Proposed Rulemaking
10 related to Petitions for Aliens To Perform Temporary Non-
11 agricultural Services or Labor (H-2B) set out beginning
12 on 70 Fed. Reg. 3984 (January 27, 2005).

13 SEC. 537. Section 831 of the Homeland Security Act
14 of 2002 (6 U.S.C. 391) is amended—

15 (1) in subsection (a), by striking “Until Sep-
16 tember 30, 2008,” and inserting “Until September 30,
17 2009 and subject to subsection (d),”;

18 (2) by redesignating subsection (d) as subsection
19 (e); and

20 (3) by inserting after subsection (c) the fol-
21 lowing:

22 “(d) *ADDITIONAL REQUIREMENTS.*—

23 “(1) *IN GENERAL.*—The authority of the Sec-
24 retary under this section shall terminate September
25 30, 2009, unless before that date the Secretary—

1 “(A) issues policy guidance detailing the
2 appropriate use of that authority; and

3 “(B) provides training to each employee
4 that is authorized to exercise that authority.

5 “(2) *REPORT.*—*The Secretary shall provide an*
6 *annual report to the Committees on Appropriations of*
7 *the Senate and the House of Representatives, the*
8 *Committee on Homeland Security and Governmental*
9 *Affairs of the Senate, and the Committee on Home-*
10 *land Security of the House of Representatives detail-*
11 *ing the projects for which the authority granted by*
12 *subsection (a) was used, the rationale for its use, the*
13 *funds spent using that authority, the outcome of each*
14 *project for which that authority was used, and the re-*
15 *sults of any audits of such projects.”.*

16 *SEC. 538. None of the funds made available in this*
17 *Act may be used for planning, testing, piloting, or devel-*
18 *oping a national identification card.*

19 *SEC. 539. (a) Notwithstanding any other provision of*
20 *this Act, except as provided in subsection (b), and 30 days*
21 *after the date that the President determines whether to de-*
22 *clare a major disaster because of an event and any appeal*
23 *is completed, the Administrator shall submit to the Com-*
24 *mittee on Homeland Security and Governmental Affairs of*
25 *the Senate, the Committee on Homeland Security of the*

1 *House of Representatives, the Committee on Transportation*
2 *and Infrastructure of the House of Representatives, the*
3 *Committees on Appropriations of the Senate and the House*
4 *of Representatives, and publish on the website of the Federal*
5 *Emergency Management Agency, a report regarding that*
6 *decision, which shall summarize damage assessment infor-*
7 *mation used to determine whether to declare a major dis-*
8 *aster.*

9 *(b) The Administrator may redact from a report under*
10 *subsection (a) any data that the Administrator determines*
11 *would compromise national security.*

12 *(c) In this section—*

13 *(1) the term “Administrator” means the Admin-*
14 *istrator of the Federal Emergency Management Agen-*
15 *cy; and*

16 *(2) the term “major disaster” has the meaning*
17 *given that term in section 102 of the Robert T. Staf-*
18 *ford Disaster Relief and Emergency Assistance Act*
19 *(42 U.S.C. 5122).*

20 *SEC. 540. Notwithstanding any other provision of law,*
21 *should the Secretary of Homeland Security determine that*
22 *the National Bio and Agro-defense Facility be located at*
23 *a site other than Plum Island, New York, the Secretary*
24 *shall liquidate the Plum Island asset by directing the Ad-*
25 *ministrator of General Services to sell through public sale*

1 *all real and related personal property and transportation*
2 *assets which support Plum Island operations, subject to*
3 *such terms and conditions as necessary to protect govern-*
4 *ment interests and meet program requirements: Provided,*
5 *That the gross proceeds of such sale shall be deposited as*
6 *offsetting collections into the Department of Homeland Se-*
7 *curity Science and Technology “Research, Development, Ac-*
8 *quisition, and Operations” account and, subject to appro-*
9 *priation, shall be available until expended, for site acquisi-*
10 *tion, construction, and costs related to the construction of*
11 *the National Bio and Agro-defense Facility, including the*
12 *costs associated with the sale, including due diligence re-*
13 *quirements, necessary environmental remediation at Plum*
14 *Island, and reimbursement of expenses incurred by the Gen-*
15 *eral Services Administration which shall not exceed 1 per-*
16 *cent of the sale price: Provided further, That after the com-*
17 *pletion of construction and environmental remediation, the*
18 *unexpended balances of funds appropriated for costs in the*
19 *preceding proviso shall be available for transfer to the ap-*
20 *propriate account for design and construction of a consoli-*
21 *dated Department of Homeland Security Headquarters*
22 *project, excluding daily operations and maintenance costs,*
23 *notwithstanding section 503 of this Act, and the Committees*
24 *on Appropriations of the Senate and the House of Rep-*
25 *resentatives shall be notified 15 days prior to such transfer.*

1 *SEC. 541. Any official that is required by this Act to*
2 *report or certify to the Committees on Appropriations of*
3 *the Senate and the House of Representatives may not dele-*
4 *gate such authority to perform that act unless specifically*
5 *authorized herein.*

6 *SEC. 542. The Secretary of Homeland Security, in*
7 *consultation with the Secretary of the Treasury, shall notify*
8 *the Committees on Appropriations of the Senate and the*
9 *House of Representatives of any proposed transfers of funds*
10 *available under 31 U.S.C. 9703.2(g)(4)(B) from the Depart-*
11 *ment of the Treasury Forfeiture Fund to any agency within*
12 *the Department of Homeland Security: Provided, That none*
13 *of the funds identified for such a transfer may be obligated*
14 *until the Committees on Appropriations of the Senate and*
15 *the House of Representatives approve the proposed trans-*
16 *fers.*

17 *SEC. 543. Section 520 of Public Law 108–90 (6 U.S.C.*
18 *469) is amended—*

19 *(1) by inserting “(a) FEES.—” before “For fiscal*
20 *year 2004 and thereafter”; and*

21 *(2) by adding at the end the following:*

22 *“(b) RECURRENT TRAINING OF ALIENS IN OPERATION*
23 *OF AIRCRAFT.—*

24 *“(1) PROCESS FOR REVIEWING THREAT ASSESS-*
25 *MENTS.—Notwithstanding section 44939(e) of title 49,*

1 *United States Code, the Secretary shall establish a*
2 *process to ensure that an alien (as defined in section*
3 *101(a)(3) of the Immigration and Nationality Act (8*
4 *U.S.C. 1101(a)(3)) applying for recurrent training in*
5 *the operation of any aircraft is properly identified*
6 *and has not, since the time of any prior threat assess-*
7 *ment conducted pursuant to section 44939(a) of such*
8 *title, become a risk to aviation or national security.*

9 *“(2) INTERRUPTION OF TRAINING.—If the Sec-*
10 *retary determines, in carrying out the process estab-*
11 *lished under paragraph (1), that an alien is a present*
12 *risk to aviation or national security, the Secretary*
13 *shall immediately notify the person providing the*
14 *training of the determination and that person shall*
15 *not provide the training or if such training has com-*
16 *menced that person shall immediately terminate the*
17 *training.*

18 *“(3) FEES.—The Secretary may charge reason-*
19 *able fees under subsection (a) for providing*
20 *credentialing and background investigations for*
21 *aliens in connection with the process for recurrent*
22 *training established under paragraph (1). Such fees*
23 *shall be promulgated by notice in the Federal Reg-*
24 *ister.”.*

1 *SEC. 544. (a) Not later than six months from the date*
2 *of enactment of this Act, the Secretary of Homeland Secu-*
3 *rity shall consult with the Secretaries of Defense and Trans-*
4 *portation and develop a concept of operations for un-*
5 *manned aerial systems in the United States national air-*
6 *space system for the purposes of border and maritime secu-*
7 *rity operations.*

8 *(b) The Secretary of Homeland Security shall report*
9 *to the Committees on Appropriations of the Senate and the*
10 *House of Representatives not later than 30 days after the*
11 *date of enactment of this Act on any foreseeable challenges*
12 *to complying with subsection (a).*

13 *SEC. 545. If the Assistant Secretary of Homeland Se-*
14 *curity (Transportation Security Administration) deter-*
15 *mines that an airport does not need to participate in the*
16 *basic pilot program, the Assistant Secretary shall certify*
17 *to the Committees on Appropriations of the Senate and the*
18 *House of Representatives that no security risks will result*
19 *by such non-participation.*

20 *SEC. 546. Notwithstanding any other provision of law,*
21 *and not later than 30 days after the date of submission*
22 *of a request for a single payment, the President shall pro-*
23 *vide a single payment for any eligible costs under section*
24 *406 of the Robert T. Stafford Disaster Relief and Emer-*
25 *gency Assistance Act (42 U.S.C. 5172) for any police sta-*

1 tion, fire station, or criminal justice facility that was dam-
2 aged by Hurricane Katrina of 2005 or Hurricane Rita of
3 2005: Provided, That the President shall not reduce the
4 amount of assistance provided under section 406(c)(1) of
5 the Robert T. Stafford Disaster Relief and Emergency As-
6 sistance Act (42 U.S.C. 5172(c)(1)) for such facilities: Pro-
7 vided further, That nothing in the previous proviso may
8 be construed to alter the appeal or review process relating
9 to assistance provided under section 406 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5172): Provided further, That the President shall not
12 reduce the amount of assistance provided to a local govern-
13 ment under section 406(d) of the Robert T. Stafford Dis-
14 aster Relief and Emergency Assistance Act (42 U.S.C.
15 5172(d)) more than once for each such type of facility for
16 which that local government is receiving assistance under
17 section 406 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act relating to Hurricane Katrina
19 of 2005 or Hurricane Rita of 2005.

20 SEC. 547. For grants to States pursuant to section
21 204(a) of the REAL ID Act of 2005 (division B of Public
22 Law 109–13), \$50,000,000, to remain available until ex-
23 pended. In addition, for developing an information sharing
24 and verification capability with States to support imple-
25 mentation of the REAL ID Act, \$50,000,000, to remain

1 *available until expended: Provided, That none of the funds*
2 *provided in this section for development of the information*
3 *sharing and verification system shall be available to create*
4 *any new system of records from the data accessible by such*
5 *information technology system, or to create any means of*
6 *access by Federal agencies to such information technology*
7 *system other than to fulfill responsibilities pursuant to the*
8 *REAL ID Act of 2005.*

9 *SEC. 548. Notwithstanding any other provision of law,*
10 *the Federal Emergency Management Agency shall reim-*
11 *burse Jones County and Harrison County in the State of*
12 *Mississippi under section 407 of the Robert T. Stafford Dis-*
13 *aster Relief and Emergency Assistance Act (42 U.S.C.*
14 *5173) for unreimbursed costs relating to the removal of de-*
15 *bris that were incurred by such counties as a result of Hur-*
16 *ricane Katrina in 2005.*

17 *SEC. 549. From the unobligated balances of prior year*
18 *appropriations made available for Transportation Security*
19 *Administration, \$31,000,000 are rescinded: Provided, That*
20 *the Transportation Security Administration shall not re-*
21 *scind any unobligated balances from the following pro-*
22 *grams: screener partnership program; explosives detection*
23 *systems; checkpoint support; aviation regulation and other*
24 *enforcement; air cargo; and air cargo research and develop-*
25 *ment.*

1 *SEC. 550. From the unobligated balances of prior year*
2 *appropriations made available for “Analysis and Oper-*
3 *ations”, \$21,373,000 are rescinded.*

4 *SEC. 551. From unobligated balances of prior year ap-*
5 *propriations made available for Coast Guard “Acquisition,*
6 *Construction, and Improvements”, \$20,000,000 are re-*
7 *scinded: Provided, That no funds shall be rescinded from*
8 *prior year appropriations provided for the National Secu-*
9 *rity Cutter or the Maritime Patrol Aircraft: Provided fur-*
10 *ther, That the Coast Guard shall submit notification in ac-*
11 *cordance with section 503 of this Act listing projects for*
12 *which funding will be rescinded.*

13 *SEC. 552. For fiscal year 2008, funds made available*
14 *for Federal Emergency Management Agency “National*
15 *Predisaster Mitigation Fund” shall be provided as detailed*
16 *in the explanatory statement accompanying Public Law*
17 *110–161.*

18 *SEC. 553. Section 203(m) of the Robert T. Stafford*
19 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
20 *5133(m)) is amended by striking “September 30, 2008” and*
21 *inserting “September 30, 2009”.*

22 *This division may be cited as the “Department of*
23 *Homeland Security Appropriations Act, 2009”.*

1 *DIVISION E—MILITARY CONSTRUCTION AND VET-*
2 *ERANS AFFAIRS AND RELATED AGENCIES*
3 *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 in-*
15 *stallations, 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 remain*
21 *available until September 30, 2013: Provided, That of this*
22 *amount, not to exceed \$178,685,000 shall be available for*
23 *study, planning, design, architect and engineer services,*
24 *and host nation support, as authorized by law, unless the*
25 *Secretary of Defense determines that additional obligations*

1 *are necessary for such purposes and notifies the Committees*
2 *on Appropriations of both Houses of Congress of the deter-*
3 *mination and the reasons therefor: Provided further, That*
4 *the amount appropriated in this paragraph shall be for the*
5 *projects and activities, and in the amounts, specified under*
6 *the heading “Military Construction, Army”, and under the*
7 *headings “Army” in the table entitled “Military Construc-*
8 *tion”, in the explanatory statement described in section 4*
9 *(in the matter preceding division A of this consolidated*
10 *Act): Provided further, That of the funds appropriated for*
11 *“Military Construction, Army” under Public Law 110–5,*
12 *\$34,720,000 are hereby rescinded: Provided further, That*
13 *of the funds appropriated for “Military Construction,*
14 *Army” under Public Law 110–161, \$16,600,000 are hereby*
15 *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 this*
23 *appropriation, \$3,333,369,000, to remain available until*
24 *September 30, 2013: Provided, That of this amount, not to*
25 *exceed \$246,528,000 shall be available for study, planning,*

1 *design, and architect and engineer services, as authorized*
2 *by law, unless the Secretary of Defense determines that ad-*
3 *ditional obligations are necessary for such purposes and no-*
4 *tifies the Committees on Appropriations of both Houses of*
5 *Congress of the determination and the reasons therefor: Pro-*
6 *vided further, That the amount appropriated in this para-*
7 *graph shall be for the projects and activities, and in the*
8 *amounts, specified under the heading “Military Construc-*
9 *tion, Navy and Marine Corps”, and under the headings*
10 *“Navy” in the table entitled “Military Construction”, in*
11 *the explanatory statement described in section 4 (in the*
12 *matter preceding division A of this consolidated Act).*

13 *MILITARY CONSTRUCTION, AIR FORCE*

14 *(INCLUDING RESCISSION OF FUNDS)*

15 *For acquisition, construction, installation, and equip-*
16 *ment of temporary or permanent public works, military in-*
17 *stallations, facilities, and real property for the Air Force*
18 *as currently authorized by law, \$1,117,746,000, to remain*
19 *available until September 30, 2013: Provided, That of this*
20 *amount, not to exceed \$93,436,000 shall be available for*
21 *study, planning, design, and architect and engineer serv-*
22 *ices, as authorized by law, unless the Secretary of Defense*
23 *determines that additional obligations are necessary for*
24 *such purposes and notifies the Committees on Appropria-*
25 *tions of both Houses of Congress of the determination and*

1 *the reasons therefor: Provided further, That the amount ap-*
2 *propriated in this paragraph shall be for the projects and*
3 *activities, and in the amounts, specified under the heading*
4 *“Military Construction, Air Force”, and under the headings*
5 *“Air Force” in the table entitled “Military Construction”,*
6 *in the explanatory statement described in section 4 (in the*
7 *matter preceding division A of this consolidated Act): Pro-*
8 *vided further, That of the funds appropriated for “Military*
9 *Construction, Air Force” under Public Law 110–161,*
10 *\$20,821,000 are hereby rescinded.*

11 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

12 *(INCLUDING TRANSFER AND RESCISSION OF FUNDS)*

13 *For acquisition, construction, installation, and equip-*
14 *ment of temporary or permanent public works, installa-*
15 *tions, facilities, and real property for activities and agen-*
16 *cies of the Department of Defense (other than the military*
17 *departments), as currently authorized by law,*
18 *\$1,695,204,000, to remain available until September 30,*
19 *2013: Provided, That such amounts of this appropriation*
20 *as may be determined by the Secretary of Defense may be*
21 *transferred to such appropriations of the Department of De-*
22 *fense available for military construction or family housing*
23 *as the Secretary may designate, to be merged with and to*
24 *be available for the same purposes, and for the same time*
25 *period, as the appropriation or fund to which transferred:*

1 *Provided further, That of the amount appropriated, not to*
2 *exceed \$186,060,000 shall be available for study, planning,*
3 *design, and architect and engineer services, as authorized*
4 *by law, unless the Secretary of Defense determines that ad-*
5 *ditional obligations are necessary for such purposes and no-*
6 *tifies the Committees on Appropriations of both Houses of*
7 *Congress of the determination and the reasons therefor: Pro-*
8 *vided further, That the amount appropriated in this para-*
9 *graph shall be for the projects and activities, and in the*
10 *amounts, specified under the heading “Military Construc-*
11 *tion, Defense-Wide”, and under the headings “Defense-*
12 *Wide” in the table entitled “Military Construction”, in the*
13 *explanatory statement described in section 4 (in the matter*
14 *preceding division A of this consolidated Act): Provided fur-*
15 *ther, That of the funds appropriated for “Military Con-*
16 *struction, Defense-Wide” under Public Law 108–324,*
17 *\$3,589,000 are hereby rescinded: Provided further, That*
18 *none of the funds appropriated under this heading may be*
19 *obligated or expended for site activation or construction of*
20 *a long-range missile defense system in a European country*
21 *until the government of the country in which such missile*
22 *defense system (including interceptors and associated ra-*
23 *dars) is proposed to be deployed has given final approval*
24 *(including parliamentary ratification) to any missile de-*
25 *fense agreements negotiated between such government and*

1 *the United States Government concerning the proposed de-*
2 *ployment of such components in such country.*

3 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

4 *(INCLUDING RESCISSION OF FUNDS)*

5 *For construction, acquisition, expansion, rehabilita-*
6 *tion, and conversion of facilities for the training and ad-*
7 *ministration of the Army National Guard, and contribu-*
8 *tions therefor, as authorized by chapter 1803 of title 10,*
9 *United States Code, and Military Construction Authoriza-*
10 *tion Acts, \$736,317,000, to remain available until Sep-*
11 *tember 30, 2013: Provided, That the amount appropriated*
12 *in this paragraph shall be for the projects and activities,*
13 *and in the amounts, specified under the heading “Military*
14 *Construction, Army National Guard”, and under the head-*
15 *ings “Army National Guard” in the table entitled “Mili-*
16 *tary Construction”, in the explanatory statement described*
17 *in section 4 (in the matter preceding division A of this con-*
18 *solidated Act): Provided further, That of the funds appro-*
19 *priated for “Military Construction, Army National Guard”*
20 *under Public Law 110–161, \$1,400,000 are hereby re-*
21 *scinded.*

22 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

23 *For construction, acquisition, expansion, rehabilita-*
24 *tion, and conversion of facilities for the training and ad-*
25 *ministration of the Air National Guard, and contributions*

1 *therefor, as authorized by chapter 1803 of title 10, United*
2 *States Code, and Military Construction Authorization Acts,*
3 *\$242,924,000, to remain available until September 30,*
4 *2013: Provided, That the amount appropriated in this*
5 *paragraph shall be for the projects and activities, and in*
6 *the amounts, specified under the heading “Military Con-*
7 *struction, Air National Guard”, and under the headings*
8 *“Air National Guard” in the table entitled “Military Con-*
9 *struction”, in the explanatory statement described in sec-*
10 *tion 4 (in the matter preceding division A of this consoli-*
11 *dated Act).*

12 *MILITARY CONSTRUCTION, ARMY RESERVE*

13 *For construction, acquisition, expansion, rehabilita-*
14 *tion, and conversion of facilities for the training and ad-*
15 *ministration of the Army Reserve as authorized by chapter*
16 *1803 of title 10, United States Code, and Military Con-*
17 *struction Authorization Acts, \$282,607,000, to remain*
18 *available until September 30, 2013: Provided, That the*
19 *amount appropriated in this paragraph shall be for the*
20 *projects and activities, and in the amounts, specified under*
21 *the heading “Military Construction, Army Reserve”, and*
22 *under the headings “Army Reserve” in the table entitled*
23 *“Military Construction”, in the explanatory statement de-*
24 *scribed in section 4 (in the matter preceding division A of*
25 *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 Ma-*
5 *rine Corps as authorized by chapter 1803 of title 10, United*
6 *States Code, and Military Construction Authorization Acts,*
7 *\$57,045,000, to remain available until September 30, 2013:*
8 *Provided, That the amount appropriated in this paragraph*
9 *shall be for the projects and activities, and in the amounts,*
10 *specified under the heading “Military Construction, Navy*
11 *Reserve”, and under the headings “Navy Reserve” in the*
12 *table entitled “Military Construction”, in the explanatory*
13 *statement described in section 4 (in the matter preceding*
14 *division A of this consolidated Act).*

15 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

16 *For construction, acquisition, expansion, rehabilita-*
17 *tion, and conversion of facilities for the training and ad-*
18 *ministration of the Air Force Reserve as authorized by*
19 *chapter 1803 of title 10, United States Code, and Military*
20 *Construction Authorization Acts, \$36,958,000, to remain*
21 *available until September 30, 2013: Provided, That the*
22 *amount appropriated in this paragraph shall be for the*
23 *projects and activities, and in the amounts, specified under*
24 *the heading “Military Construction, Air Force Reserve”,*
25 *and under the headings “Air Force Reserve” in the table*

1 *entitled “Military Construction”, in the explanatory state-*
2 *ment described in section 4 (in the matter preceding divi-*
3 *sion A of this consolidated Act).*

4 *NORTH ATLANTIC TREATY ORGANIZATION*

5 *SECURITY INVESTMENT PROGRAM*

6 *For the United States share of the cost of the North*
7 *Atlantic Treaty Organization Security Investment Pro-*
8 *gram for the acquisition and construction of military facili-*
9 *ties and installations (including international military*
10 *headquarters) and for related expenses for the collective de-*
11 *fense of the North Atlantic Treaty Area as authorized by*
12 *section 2806 of title 10, United States Code, and Military*
13 *Construction Authorization Acts, \$230,867,000, to remain*
14 *available until expended.*

15 *FAMILY HOUSING CONSTRUCTION, ARMY*

16 *For expenses of family housing for the Army for con-*
17 *struction, including acquisition, replacement, addition, ex-*
18 *pansion, extension, and alteration, as authorized by law,*
19 *\$646,580,000, to remain available until September 30,*
20 *2013: Provided, That the amount appropriated in this*
21 *paragraph shall be for the projects and activities, and in*
22 *the amounts, specified under the heading “Family Housing*
23 *Construction, Army”, and under the heading “Family*
24 *Housing Construction, Army” in the table entitled “Mili-*
25 *tary Construction”, in the explanatory statement described*

1 *in section 4 (in the matter preceding division A of this con-*
2 *solidated Act).*

3 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

4 *For expenses of family housing for the Army for oper-*
5 *ation and maintenance, including debt payment, leasing,*
6 *minor construction, principal and interest charges, and in-*
7 *surance premiums, as authorized by law, \$716,110,000.*

8 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*
9 *CORPS*

10 *For expenses of family housing for the Navy and Ma-*
11 *rine Corps for construction, including acquisition, replace-*
12 *ment, addition, expansion, extension, and alteration, as au-*
13 *thorized by law, \$380,123,000, to remain available until*
14 *September 30, 2013: Provided, That the amount appro-*
15 *priated in this paragraph shall be for the projects and ac-*
16 *tivities, and in the amounts, specified under the heading*
17 *“Family Housing Construction, Navy and Marine Corps”,*
18 *and under the heading “Family Housing Construction,*
19 *Navy and Marine Corps” in the table entitled “Military*
20 *Construction”, in the explanatory statement described in*
21 *section 4 (in the matter preceding division A of this consoli-*
22 *dated Act).*

1 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*
2 *AND MARINE CORPS*

3 *For expenses of family housing for the Navy and Ma-*
4 *rine Corps for operation and maintenance, including debt*
5 *payment, leasing, minor construction, principal and inter-*
6 *est charges, and insurance premiums, as authorized by law,*
7 *\$376,062,000.*

8 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

9 *For expenses of family housing for the Air Force for*
10 *construction, including acquisition, replacement, addition,*
11 *expansion, extension, and alteration, as authorized by law,*
12 *\$395,879,000, to remain available until September 30,*
13 *2013: Provided, That the amount appropriated in this*
14 *paragraph shall be for the projects and activities, and in*
15 *the amounts, specified under the heading “Family Housing*
16 *Construction, Air Force”, and under the heading “Family*
17 *Housing Construction, Air Force” in the table entitled*
18 *“Military Construction”, in the explanatory statement de-*
19 *scribed in section 4 (in the matter preceding division A of*
20 *this consolidated Act).*

21 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*
22 *FORCE*

23 *For expenses of family housing for the Air Force for*
24 *operation and maintenance, including debt payment, leas-*
25 *ing, minor construction, principal and interest charges,*

1 *and insurance premiums, as authorized by law,*
2 *\$594,465,000.*

3 *FAMILY HOUSING OPERATION AND MAINTENANCE,*
4 *DEFENSE-WIDE*

5 *For expenses of family housing for the activities and*
6 *agencies of the Department of Defense (other than the mili-*
7 *tary departments) for operation and maintenance, leasing,*
8 *and minor construction, as authorized by law, \$49,231,000.*

9 *DEPARTMENT OF DEFENSE FAMILY HOUSING*
10 *IMPROVEMENT FUND*

11 *For the Department of Defense Family Housing Im-*
12 *provement Fund, \$850,000, to remain available until ex-*
13 *pended, for family housing initiatives undertaken pursuant*
14 *to section 2883 of title 10, United States Code, providing*
15 *alternative means of acquiring and improving military*
16 *family housing and supporting facilities.*

17 *HOMEOWNERS ASSISTANCE FUND*

18 *For the Homeowners Assistance Fund established by*
19 *section 1013 of the Demonstration Cities and Metropolitan*
20 *Development Act of 1966, as amended (42 U.S.C. 3374),*
21 *\$4,500,000, to remain available until expended.*

22 *CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-*
23 *WIDE*

24 *For expenses of construction, not otherwise provided*
25 *for, necessary for the destruction of the United States stock-*

1 *pile of lethal chemical agents and munitions in accordance*
2 *with section 1412 of the Department of Defense Authoriza-*
3 *tion Act, 1986 (50 U.S.C. 1521), and for the destruction*
4 *of other chemical warfare materials that are not in the*
5 *chemical weapon stockpile, as currently authorized by law,*
6 *\$144,278,000, to remain available until September 30,*
7 *2013, which shall be only for the Assembled Chemical Weap-*
8 *ons Alternatives program: Provided, That the amount ap-*
9 *propriated in this paragraph shall be for the projects and*
10 *activities, and in the amounts, specified under the heading*
11 *“Chemical Demilitarization Construction, Defense-Wide”*
12 *in the table entitled “Military Construction” in the explan-*
13 *atory statement described in section 4 (in the matter pre-*
14 *ceding division A of this consolidated Act).*

15 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990*

16 *For deposit into the Department of Defense Base Clo-*
17 *sure Account 1990, established by section 2906(a)(1) of the*
18 *Defense Base Closure and Realignment Act of 1990 (10*
19 *U.S.C. 2687 note), \$458,377,000, to remain available until*
20 *expended.*

21 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

22 *For deposit into the Department of Defense Base Clo-*
23 *sure Account 2005, established by section 2906A(a)(1) of the*
24 *Defense Base Closure and Realignment Act of 1990 (10*
25 *U.S.C. 2687 note), \$8,765,613,000, to remain available*

1 *until expended: Provided, That the Department of Defense*
2 *shall notify the Committees on Appropriations of both*
3 *Houses of Congress 14 days prior to obligating an amount*
4 *for a construction project that exceeds or reduces the amount*
5 *identified for that project in the most recently submitted*
6 *budget request for this account by 20 percent or \$2,000,000,*
7 *whichever is less: Provided further, That the previous pro-*
8 *viso shall not apply to projects costing less than \$5,000,000,*
9 *except for those projects not previously identified in any*
10 *budget submission for this account and exceeding the minor*
11 *construction threshold under 10 U.S.C. 2805.*

12 *ADMINISTRATIVE PROVISIONS*

13 *SEC. 101. None of the funds made available in this*
14 *title shall be expended for payments under a cost-plus-a-*
15 *fixed-fee contract for construction, where cost estimates ex-*
16 *ceed \$25,000, to be performed within the United States, ex-*
17 *cept Alaska, without the specific approval in writing of the*
18 *Secretary of Defense setting forth the reasons therefor.*

19 *SEC. 102. Funds made available in this title for con-*
20 *struction shall be available for hire of passenger motor vehi-*
21 *cles.*

22 *SEC. 103. Funds made available in this title for con-*
23 *struction may be used for advances to the Federal Highway*
24 *Administration, Department of Transportation, for the con-*
25 *struction of access roads as authorized by section 210 of*

1 *title 23, United States Code, when projects authorized there-*
2 *in are certified as important to the national defense by the*
3 *Secretary of Defense.*

4 *SEC. 104. None of the funds made available in this*
5 *title may be used to begin construction of new bases in the*
6 *United States for which specific appropriations have not*
7 *been made.*

8 *SEC. 105. None of the funds made available in this*
9 *title shall be used for purchase of land or land easements*
10 *in excess of 100 percent of the value as determined by the*
11 *Army Corps of Engineers or the Naval Facilities Engineer-*
12 *ing Command, except: (1) where there is a determination*
13 *of value by a Federal court; (2) purchases negotiated by*
14 *the Attorney General or the designee of the Attorney Gen-*
15 *eral; (3) where the estimated value is less than \$25,000; or*
16 *(4) as otherwise determined by the Secretary of Defense to*
17 *be in the public interest.*

18 *SEC. 106. None of the funds made available in this*
19 *title shall be used to: (1) acquire land; (2) provide for site*
20 *preparation; or (3) install utilities for any family housing,*
21 *except housing for which funds have been made available*
22 *in annual Acts making appropriations for military con-*
23 *struction.*

24 *SEC. 107. None of the funds made available in this*
25 *title for minor construction may be used to transfer or relo-*

1 *cate any activity from one base or installation to another,*
2 *without prior notification to the Committees on Appropria-*
3 *tions of both Houses of Congress.*

4 *SEC. 108. None of the funds made available in this*
5 *title may be used for the procurement of steel for any con-*
6 *struction project or activity for which American steel pro-*
7 *ducers, fabricators, and manufacturers have been denied the*
8 *opportunity to compete for such steel procurement.*

9 *SEC. 109. None of the funds available to the Depart-*
10 *ment of Defense for military construction or family housing*
11 *during the current fiscal year may be used to pay real prop-*
12 *erty taxes in any foreign nation.*

13 *SEC. 110. None of the funds made available in this*
14 *title may be used to initiate a new installation overseas*
15 *without prior notification to the Committees on Appropria-*
16 *tions of both Houses of Congress.*

17 *SEC. 111. None of the funds made available in this*
18 *title may be obligated for architect and engineer contracts*
19 *estimated by the Government to exceed \$500,000 for projects*
20 *to be accomplished in Japan, in any North Atlantic Treaty*
21 *Organization member country, or in countries bordering the*
22 *Arabian Sea, unless such contracts are awarded to United*
23 *States firms or United States firms in joint venture with*
24 *host nation firms.*

1 *SEC. 112. None of the funds made available in this*
2 *title for military construction in the United States terri-*
3 *ories and possessions in the Pacific and on Kwajalein*
4 *Atoll, or in countries bordering the Arabian Sea, may be*
5 *used to award any contract estimated by the Government*
6 *to exceed \$1,000,000 to a foreign contractor: Provided, That*
7 *this section shall not be applicable to contract awards for*
8 *which the lowest responsive and responsible bid of a United*
9 *States contractor exceeds the lowest responsive and respon-*
10 *sible bid of a foreign contractor by greater than 20 percent:*
11 *Provided further, That this section shall not apply to con-*
12 *tract awards for military construction on Kwajalein Atoll*
13 *for which the lowest responsive and responsible bid is sub-*
14 *mitted by a Marshallese contractor.*

15 *SEC. 113. The Secretary of Defense is to inform the*
16 *appropriate committees of both Houses of Congress, includ-*
17 *ing the Committees on Appropriations, of the plans and*
18 *scope of any proposed military exercise involving United*
19 *States personnel 30 days prior to its occurring, if amounts*
20 *expended for construction, either temporary or permanent,*
21 *are anticipated to exceed \$100,000.*

22 *SEC. 114. Not more than 20 percent of the funds made*
23 *available in this title which are limited for obligation dur-*
24 *ing the current fiscal year shall be obligated during the last*
25 *two months of the fiscal year.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 115. Funds appropriated to the Department of
3 Defense for construction in prior years shall be available
4 for construction authorized for each such military depart-
5 ment by the authorizations enacted into law during the cur-
6 rent session of Congress.

7 SEC. 116. For military construction or family housing
8 projects that are being completed with funds otherwise ex-
9 pired or lapsed for obligation, expired or lapsed funds may
10 be used to pay the cost of associated supervision, inspection,
11 overhead, engineering and design on those projects and on
12 subsequent claims, if any.

13 SEC. 117. Notwithstanding any other provision of law,
14 any funds made available to a military department or de-
15 fense agency for the construction of military projects may
16 be obligated for a military construction project or contract,
17 or for any portion of such a project or contract, at any
18 time before the end of the fourth fiscal year after the fiscal
19 year for which funds for such project were made available,
20 if the funds obligated for such project: (1) are obligated from
21 funds available for military construction projects; and (2)
22 do not exceed the amount appropriated for such project,
23 plus any amount by which the cost of such project is in-
24 creased pursuant to law.

1 *SEC. 118. (a) The Secretary of Defense, in consultation*
2 *with the Secretary of State, shall submit to the Committees*
3 *on Appropriations of both Houses of Congress, by February*
4 *15 of each year, an annual report in unclassified and, if*
5 *necessary, classified form, on actions taken by the Depart-*
6 *ment of Defense and the Department of State during the*
7 *previous fiscal year to encourage host countries to assume*
8 *a greater share of the common defense burden of such coun-*
9 *tries and the United States.*

10 *(b) The report under subsection (a) shall include a de-*
11 *scription of—*

12 *(1) attempts to secure cash and in-kind contribu-*
13 *tions from host countries for military construction*
14 *projects;*

15 *(2) attempts to achieve economic incentives of-*
16 *fered by host countries to encourage private invest-*
17 *ment for the benefit of the United States Armed*
18 *Forces;*

19 *(3) attempts to recover funds due to be paid to*
20 *the United States by host countries for assets deeded*
21 *or otherwise imparted to host countries upon the ces-*
22 *sation of United States operations at military instal-*
23 *lations;*

1 *pursuant to sections 480 and 2883, of title 10, United*
2 *States Code, to the Committees on Appropriations of both*
3 *Houses of Congress, such additional amounts as may be de-*
4 *termined by the Secretary of Defense may be transferred*
5 *to: (1) the Department of Defense Family Housing Im-*
6 *provement Fund from amounts appropriated for construc-*
7 *tion in “Family Housing” accounts, to be merged with and*
8 *to be available for the same purposes and for the same pe-*
9 *riod of time as amounts appropriated directly to the Fund;*
10 *or (2) the Department of Defense Military Unaccompanied*
11 *Housing Improvement Fund from amounts appropriated*
12 *for construction of military unaccompanied housing in*
13 *“Military Construction” accounts, to be merged with and*
14 *to be available for the same purposes and for the same pe-*
15 *riod of time as amounts appropriated directly to the Fund:*
16 *Provided, That appropriations made available to the Funds*
17 *shall be available to cover the costs, as defined in section*
18 *502(5) of the Congressional Budget Act of 1974, of direct*
19 *loans or loan guarantees issued by the Department of De-*
20 *fense pursuant to the provisions of subchapter IV of chapter*
21 *169 of title 10, United States Code, pertaining to alter-*
22 *native means of acquiring and improving military family*
23 *housing, military unaccompanied housing, and supporting*
24 *facilities.*

1 *SEC. 121. (a) Not later than 60 days before issuing*
2 *any solicitation for a contract with the private sector for*
3 *military family housing the Secretary of the military de-*
4 *partment concerned shall submit to the Committees on Ap-*
5 *propriations of both Houses of Congress the notice described*
6 *in subsection (b).*

7 *(b)(1) A notice referred to in subsection (a) is a notice*
8 *of any guarantee (including the making of mortgage or*
9 *rental payments) proposed to be made by the Secretary to*
10 *the private party under the contract involved in the event*
11 *of—*

12 *(A) the closure or realignment of the installation*
13 *for which housing is provided under the contract;*

14 *(B) a reduction in force of units stationed at*
15 *such installation; or*

16 *(C) the extended deployment overseas of units*
17 *stationed at such installation.*

18 *(2) Each notice under this subsection shall specify the*
19 *nature of the guarantee involved and assess the extent and*
20 *likelihood, if any, of the liability of the Federal Government*
21 *with respect to the guarantee.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 122. In addition to any other transfer authority*
24 *available to the Department of Defense, amounts may be*
25 *transferred from the accounts established by sections*
26 *2906(a)(1) and 2906A(a)(1) of the Defense Base Closure*

1 *and Realignment Act of 1990 (10 U.S.C. 2687 note), to the*
2 *fund established by section 1013(d) of the Demonstration*
3 *Cities and Metropolitan Development Act of 1966 (42*
4 *U.S.C. 3374) to pay for expenses associated with the Home-*
5 *owners Assistance Program. Any amounts transferred shall*
6 *be merged with and be available for the same purposes and*
7 *for the same time period as the fund to which transferred.*

8 *SEC. 123. Notwithstanding any other provision of law,*
9 *funds made available in this title for operation and mainte-*
10 *nance of family housing shall be the exclusive source of*
11 *funds for repair and maintenance of all family housing*
12 *units, including general or flag officer quarters: Provided,*
13 *That not more than \$35,000 per unit may be spent annu-*
14 *ally for the maintenance and repair of any general or flag*
15 *officer quarters without 30 days prior notification to the*
16 *Committees on Appropriations of both Houses of Congress,*
17 *except that an after-the-fact notification shall be submitted*
18 *if the limitation is exceeded solely due to costs associated*
19 *with environmental remediation that could not be reason-*
20 *ably anticipated at the time of the budget submission: Pro-*
21 *vided further, That the Under Secretary of Defense (Comp-*
22 *troller) is to report annually to the Committees on Appro-*
23 *priations of both Houses of Congress all operation and*
24 *maintenance expenditures for each individual general or*
25 *flag officer quarters for the prior fiscal year.*

1 *SEC. 124. Amounts contained in the Ford Island Im-*
2 *provement Account established by subsection (h) of section*
3 *2814 of title 10, United States Code, are appropriated and*
4 *shall be available until expended for the purposes specified*
5 *in subsection (i)(1) of such section or until transferred pur-*
6 *suant to subsection (i)(3) of such section.*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 125. None of the funds made available in this*
9 *title, or in any Act making appropriations for military*
10 *construction which remain available for obligation, may be*
11 *obligated or expended to carry out a military construction,*
12 *land acquisition, or family housing project at or for a mili-*
13 *tary installation approved for closure, or at a military in-*
14 *stallation for the purposes of supporting a function that has*
15 *been approved for realignment to another installation, in*
16 *2005 under the Defense Base Closure and Realignment Act*
17 *of 1990 (part A of title XXIX of Public Law 101–510; 10*
18 *U.S.C. 2687 note), unless such a project at a military in-*
19 *stallation approved for realignment will support a con-*
20 *tinuing mission or function at that installation or a new*
21 *mission or function that is planned for that installation,*
22 *or unless the Secretary of Defense certifies that the cost to*
23 *the United States of carrying out such project would be less*
24 *than the cost to the United States of cancelling such project,*
25 *or if the project is at an active component base that shall*
26 *be established as an enclave or in the case of projects having*

1 *multi-agency use, that another Government agency has in-*
2 *dicated it will assume ownership of the completed project.*
3 *The Secretary of Defense may not transfer funds made*
4 *available as a result of this limitation from any military*
5 *construction project, land acquisition, or family housing*
6 *project to another account or use such funds for another*
7 *purpose or project without the prior approval of the Com-*
8 *mittees on Appropriations of both Houses of Congress. This*
9 *section shall not apply to military construction projects,*
10 *land acquisition, or family housing projects for which the*
11 *project is vital to the national security or the protection*
12 *of health, safety, or environmental quality: Provided, That*
13 *the Secretary of Defense shall notify the congressional de-*
14 *fense committees within seven days of a decision to carry*
15 *out such a military construction project.*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *SEC. 126. During the 5-year period after appropria-*
18 *tions available in this Act to the Department of Defense*
19 *for military construction and family housing operation and*
20 *maintenance and construction have expired for obligation,*
21 *upon a determination that such appropriations will not be*
22 *necessary for the liquidation of obligations or for making*
23 *authorized adjustments to such appropriations for obliga-*
24 *tions incurred during the period of availability of such ap-*
25 *propriations, unobligated balances of such appropriations*
26 *may be transferred into the appropriation "Foreign Cur-*

1 *rency Fluctuations, Construction, Defense”, to be merged*
2 *with and to be available for the same time period and for*
3 *the same purposes as the appropriation to which trans-*
4 *ferred.*

5 *SEC. 127. None of the funds appropriated or otherwise*
6 *made available in this title may be used for any action*
7 *that is related to or promotes the expansion of the bound-*
8 *aries or size of the Pinon Canyon Maneuver Site, Colorado.*

9 *SEC. 128. Amounts appropriated or otherwise made*
10 *available in an account funded under the headings in this*
11 *title may be transferred among projects and activities with-*
12 *in that account in accordance with the reprogramming*
13 *guidelines for military construction and family housing*
14 *construction contained in the explanatory statement de-*
15 *scribed in section 4 (in the matter preceding division A of*
16 *this consolidated Act), and in the guidance for military*
17 *construction reprogrammings and notifications contained*
18 *in Department of Defense Financial Management Regula-*
19 *tion 7000.14–R, Volume 3, Chapter 7, of December 1996,*
20 *as in effect on the date of enactment of this Act.*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *SEC. 129. (a) Of the amount appropriated or otherwise*
23 *made available by this Act for the Department of Defense*
24 *under the heading “Military Construction, Air Force” and*
25 *available for planning and design, the Secretary of the Air*
26 *Force shall, in accordance with section 1535 of title 31,*

1 *United States Code, transfer \$500,000 to the American Bat-*
2 *tle Monuments Commission to conduct an engineering*
3 *study on the restoration of the Lafayette Escadrille Memo-*
4 *rial in Marnes-La-Coquette, France.*

5 *(b) The study conducted pursuant to subsection (a)*
6 *shall include:*

7 *(1) an estimate of costs to be incurred to restore*
8 *the structure, features, landscaped grounds and care-*
9 *taker's quarters of the Lafayette Escadrille Memorial*
10 *to standards similar to memorials and burial grounds*
11 *administered by the American Battle Monuments*
12 *Commission; and*

13 *(2) an estimate of annual costs for the long-term*
14 *preservation, maintenance, and operation of the me-*
15 *morial under those standards.*

16 *(c) The amount transferred under subsection (a) shall*
17 *remain available until expended.*

18 *SEC. 130. Of the funds provided for "Family Housing*
19 *Construction, Defense-Wide" under Public Law 110-5,*
20 *\$6,040,000 are hereby rescinded.*

21 *SEC. 131. In addition to amounts otherwise appro-*
22 *priated or made available under the heading "Military*
23 *Construction, Air National Guard", there is hereby appro-*
24 *priated an additional \$28,000,000, to remain available*
25 *until September 30, 2013, for the construction of Air Na-*

1 *tional Guard fire stations: Provided, That notwithstanding*
2 *any other provision of law, such funds may be obligated*
3 *and expended to carry out planning and design and con-*
4 *struction not otherwise authorized by law: Provided further,*
5 *That within 30 days of enactment of this Act, and prior*
6 *to obligation of funds, the Air National Guard shall submit*
7 *to the Committees on Appropriations of both Houses of Con-*
8 *gress an expenditure plan for funds provided under this sec-*
9 *tion.*

10 *SEC. 132. In addition to amounts otherwise appro-*
11 *priated or made available under the heading “Military*
12 *Construction, Army National Guard”, there is hereby ap-*
13 *propriated an additional \$147,000,000 to remain available*
14 *until September 30, 2013, for the construction of facilities*
15 *consistent with Army National Guard emerging require-*
16 *ments: Provided, That notwithstanding any other provision*
17 *of law, such funds may be obligated and expended to carry*
18 *out planning and design and construction not otherwise au-*
19 *thorized by law: Provided further, That within 30 days of*
20 *enactment of this Act, and prior to obligation of funds, the*
21 *Director of the Army National Guard shall submit to the*
22 *Committees on Appropriations of both Houses of Congress*
23 *an expenditure plan for funds provided under this section.*

1 *TITLE II*
2 *DEPARTMENT OF VETERANS AFFAIRS*
3 *VETERANS BENEFITS ADMINISTRATION*
4 *COMPENSATION AND PENSIONS*
5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the payment of compensation benefits to or on be-*
7 *half of veterans and a pilot program for disability examina-*
8 *tions as authorized by section 107 and chapters 11, 13, 18,*
9 *51, 53, 55, and 61 of title 38, United States Code; pension*
10 *benefits to or on behalf of veterans as authorized by chapters*
11 *15, 51, 53, 55, and 61 of title 38, United States Code; and*
12 *burial benefits, the Reinstated Entitlement Program for*
13 *Survivors, emergency and other officers' retirement pay, ad-*
14 *justed-service credits and certificates, payment of premiums*
15 *due on commercial life insurance policies guaranteed under*
16 *the provisions of title IV of the Servicemembers Civil Relief*
17 *Act (50 U.S.C. App. 541 et seq.) and for other benefits as*
18 *authorized by sections 107, 1312, 1977, and 2106, and*
19 *chapters 23, 51, 53, 55, and 61 of title 38, United States*
20 *Code, \$43,111,681,000, to remain available until expended:*
21 *Provided, That not to exceed \$26,798,000 of the amount ap-*
22 *propriated under this heading shall be reimbursed to "Gen-*
23 *eral operating expenses", "Medical support and compli-*
24 *ance", and "Information technology systems" for necessary*
25 *expenses in implementing the provisions of chapters 51, 53,*
26 *and 55 of title 38, United States Code, the funding source*

1 *for which is specifically provided as the “Compensation and*
2 *pensions” appropriation: Provided further, That such sums*
3 *as may be earned on an actual qualifying patient basis,*
4 *shall be reimbursed to “Medical care collections fund” to*
5 *augment the funding of individual medical facilities for*
6 *nursing home care provided to pensioners as authorized.*

7 *READJUSTMENT BENEFITS*

8 *For the payment of readjustment and rehabilitation*
9 *benefits to or on behalf of veterans as authorized by chapters*
10 *21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title*
11 *38, United States Code, \$3,832,944,000, to remain available*
12 *until expended: Provided, That expenses for rehabilitation*
13 *program services and assistance which the Secretary is au-*
14 *thorized to provide under subsection (a) of section 3104 of*
15 *title 38, United States Code, other than under paragraphs*
16 *(1), (2), (5), and (11) of that subsection, shall be charged*
17 *to this account.*

18 *VETERANS INSURANCE AND INDEMNITIES*

19 *For military and naval insurance, national service life*
20 *insurance, servicemen’s indemnities, service-disabled vet-*
21 *erans insurance, and veterans mortgage life insurance as*
22 *authorized by title 38, United States Code, chapters 19 and*
23 *21, \$42,300,000, to remain available until expended.*

24 *VETERANS HOUSING BENEFIT PROGRAM FUND*

25 *For the cost of direct and guaranteed loans, such sums*
26 *as may be necessary to carry out the program, as authorized*

1 *by subchapters I through III of chapter 37 of title 38,*
2 *United States Code: Provided, That such costs, including*
3 *the cost of modifying such loans, shall be as defined in sec-*
4 *tion 502 of the Congressional Budget Act of 1974: Provided*
5 *further, That during fiscal year 2009, within the resources*
6 *available, not to exceed \$500,000 in gross obligations for*
7 *direct loans are authorized for specially adapted housing*
8 *loans.*

9 *In addition, for administrative expenses to carry out*
10 *the direct and guaranteed loan programs, \$157,210,000.*

11 *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*
12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the cost of direct loans, \$61,000, as authorized by*
14 *chapter 31 of title 38, United States Code: Provided, That*
15 *such costs, including the cost of modifying such loans, shall*
16 *be as defined in section 502 of the Congressional Budget*
17 *Act of 1974: Provided further, That funds made available*
18 *under this heading are available to subsidize gross obliga-*
19 *tions for the principal amount of direct loans not to exceed*
20 *\$3,180,000.*

21 *In addition, for administrative expenses necessary to*
22 *carry out the direct loan program, \$320,000, which may*
23 *be paid to the appropriation for “General operating ex-*
24 *penses”.*

1 *plus reimbursements, of which not less than \$3,800,000,000*
2 *shall be expended for specialty mental health care and of*
3 *which \$250,000,000 shall be for establishment and imple-*
4 *mentation of a new rural health outreach and delivery ini-*
5 *tiative: Provided, That of the funds made available under*
6 *this heading, not to exceed \$1,600,000,000 shall be available*
7 *until September 30, 2010: Provided further, That, notwith-*
8 *standing any other provision of law, the Secretary of Vet-*
9 *erans Affairs shall establish a priority for the provision of*
10 *medical treatment for veterans who have service-connected*
11 *disabilities, lower income, or have special needs: Provided*
12 *further, That, notwithstanding any other provision of law,*
13 *the Secretary of Veterans Affairs shall give priority funding*
14 *for the provision of basic medical benefits to veterans in*
15 *enrollment priority groups 1 through 6: Provided further,*
16 *That, notwithstanding any other provision of law, the Sec-*
17 *retary of Veterans Affairs may authorize the dispensing of*
18 *prescription drugs from Veterans Health Administration*
19 *facilities to enrolled veterans with privately written pre-*
20 *scriptions based on requirements established by the Sec-*
21 *retary: Provided further, That the implementation of the*
22 *program described in the previous proviso shall incur no*
23 *additional cost to the Department of Veterans Affairs: Pro-*
24 *vided further, That for the Department of Defense/Depart-*
25 *ment of Veterans Affairs Health Care Sharing Incentive*

1 *Fund, as authorized by section 8111(d) of title 38, United*
2 *States Code, a minimum of \$15,000,000, to remain avail-*
3 *able until expended, for any purpose authorized by section*
4 *8111 of title 38, United States Code.*

5 *MEDICAL SUPPORT AND COMPLIANCE*

6 *For necessary expenses in the administration of the*
7 *medical, hospital, nursing home, domiciliary, construction,*
8 *supply, and research activities, as authorized by law; ad-*
9 *ministrative expenses in support of capital policy activities;*
10 *and administrative and legal expenses of the Department*
11 *for collecting and recovering amounts owed the Department*
12 *as authorized under chapter 17 of title 38, United States*
13 *Code, and the Federal Medical Care Recovery Act (42*
14 *U.S.C. 2651 et seq.): \$4,450,000,000, plus reimbursements,*
15 *of which \$250,000,000 shall be available until September*
16 *30, 2010.*

17 *MEDICAL FACILITIES*

18 *For necessary expenses for the maintenance and oper-*
19 *ation of hospitals, nursing homes, and domiciliary facilities*
20 *and other necessary facilities of the Veterans Health Admin-*
21 *istration; for administrative expenses in support of plan-*
22 *ning, design, project management, real property acquisition*
23 *and disposition, construction, and renovation of any facil-*
24 *ity under the jurisdiction or for the use of the Department;*
25 *for oversight, engineering, and architectural activities not*
26 *charged to project costs; for repairing, altering, improving,*

1 *or providing facilities in the several hospitals and homes*
2 *under the jurisdiction of the Department, not otherwise pro-*
3 *vided for, either by contract or by the hire of temporary*
4 *employees and purchase of materials; for leases of facilities;*
5 *and for laundry services, \$5,029,000,000, plus reimburse-*
6 *ments, of which \$350,000,000 shall be available until Sep-*
7 *tember 30, 2010: Provided, That \$300,000,000 for non-re-*
8 *curring maintenance provided under this heading shall be*
9 *allocated in a manner not subject to the Veterans Equitable*
10 *Resource Allocation.*

11 *MEDICAL AND PROSTHETIC RESEARCH*

12 *For necessary expenses in carrying out programs of*
13 *medical and prosthetic research and development as author-*
14 *ized by chapter 73 of title 38, United States Code,*
15 *\$510,000,000, plus reimbursements, to remain available*
16 *until September 30, 2010.*

17 *NATIONAL CEMETERY ADMINISTRATION*

18 *For necessary expenses of the National Cemetery Ad-*
19 *ministration for operations and maintenance, not otherwise*
20 *provided for, including uniforms or allowances therefor;*
21 *cemeterial expenses as authorized by law; purchase of one*
22 *passenger motor vehicle for use in cemeterial operations;*
23 *hire of passenger motor vehicles; and repair, alteration or*
24 *improvement of facilities under the jurisdiction of the Na-*
25 *tional Cemetery Administration, \$230,000,000, of which*

1 *not to exceed \$23,000,000 shall be available until September*
2 *30, 2010.*

3 *DEPARTMENTAL ADMINISTRATION*

4 *GENERAL OPERATING EXPENSES*

5 *For necessary operating expenses of the Department of*
6 *Veterans Affairs, not otherwise provided for, including ad-*
7 *ministrative expenses in support of Department-Wide cap-*
8 *ital planning, management and policy activities, uniforms,*
9 *or allowances therefor; not to exceed \$25,000 for official re-*
10 *ception and representation expenses; hire of passenger*
11 *motor vehicles; and reimbursement of the General Services*
12 *Administration for security guard services, and the Depart-*
13 *ment of Defense for the cost of overseas employee mail,*
14 *\$1,801,867,000: Provided, That expenses for services and as-*
15 *sistance authorized under paragraphs (1), (2), (5), and (11)*
16 *of section 3104(a) of title 38, United States Code, that the*
17 *Secretary of Veterans Affairs determines are necessary to*
18 *enable entitled veterans: (1) to the maximum extent feasible,*
19 *to become employable and to obtain and maintain suitable*
20 *employment; or (2) to achieve maximum independence in*
21 *daily living, shall be charged to this account: Provided fur-*
22 *ther, That the Veterans Benefits Administration shall be*
23 *funded at not less than \$1,466,095,000: Provided further,*
24 *That of the funds made available under this heading, not*
25 *to exceed \$83,000,000 shall be available for obligation until*

1 *September 30, 2010: Provided further, That from the funds*
2 *made available under this heading, the Veterans Benefits*
3 *Administration may purchase (on a one-for-one replace-*
4 *ment basis only) up to two passenger motor vehicles for use*
5 *in operations of that Administration in Manila, Phil-*
6 *ippines.*

7 *INFORMATION TECHNOLOGY SYSTEMS*

8 *For necessary expenses for information technology sys-*
9 *tems and telecommunications support, including develop-*
10 *mental information systems and operational information*
11 *systems; for pay and associated costs; and for the capital*
12 *asset acquisition of information technology systems, includ-*
13 *ing management and related contractual costs of said ac-*
14 *quisitions, including contractual costs associated with oper-*
15 *ations authorized by section 3109 of title 5, United States*
16 *Code, \$2,489,391,000, plus reimbursements, to be available*
17 *until September 30, 2010: Provided, That of the funds made*
18 *available under this heading, not less than \$48,000,000*
19 *shall be for the Financial and Logistics Integrated Tech-*
20 *nology Enterprise program: Provided further, That none of*
21 *these funds may be obligated until the Department of Vet-*
22 *erans Affairs submits to the Committees on Appropriations*
23 *of both Houses of Congress, and such Committees approve,*
24 *a plan for expenditure that: (1) meets the capital planning*
25 *and investment control review requirements established by*
26 *the Office of Management and Budget; (2) complies with*

1 *the Department of Veterans Affairs enterprise architecture;*
2 *(3) conforms with an established enterprise life cycle meth-*
3 *odology; and (4) complies with the acquisition rules, re-*
4 *quirements, guidelines, and systems acquisition manage-*
5 *ment practices of the Federal Government: Provided further,*
6 *That within 30 days of enactment of this Act, the Secretary*
7 *of Veterans Affairs shall submit to the Committees on Ap-*
8 *propriations of both Houses of Congress a reprogramming*
9 *base letter which provides, by project, the costs included in*
10 *this appropriation.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For necessary expenses of the Office of Inspector Gen-*
13 *eral, to include information technology, in carrying out the*
14 *provisions of the Inspector General Act of 1978 (5 U.S.C.*
15 *App.), \$87,818,000, of which \$5,000,000 shall be available*
16 *until September 30, 2010.*

17 *CONSTRUCTION, MAJOR PROJECTS*

18 *For constructing, altering, extending, and improving*
19 *any of the facilities, including parking projects, under the*
20 *jurisdiction or for the use of the Department of Veterans*
21 *Affairs, or for any of the purposes set forth in sections 316,*
22 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122*
23 *of title 38, United States Code, including planning, archi-*
24 *tectural and engineering services, construction management*
25 *services, maintenance or guarantee period services costs as-*
26 *sociated with equipment guarantees provided under the*

1 *project, services of claims analysts, offsite utility and storm*
2 *drainage system construction costs, and site acquisition,*
3 *where the estimated cost of a project is more than the*
4 *amount set forth in section 8104(a)(3)(A) of title 38, United*
5 *States Code, or where funds for a project were made avail-*
6 *able in a previous major project appropriation,*
7 *\$923,382,000, to remain available until expended, of which*
8 *\$10,000,000 shall be to make reimbursements as provided*
9 *in section 13 of the Contract Disputes Act of 1978 (41*
10 *U.S.C. 612) for claims paid for contract disputes: Provided,*
11 *That except for advance planning activities, including*
12 *needs assessments which may or may not lead to capital*
13 *investments, and other capital asset management related*
14 *activities, including portfolio development and management*
15 *activities, and investment strategy studies funded through*
16 *the advance planning fund and the planning and design*
17 *activities funded through the design fund, including needs*
18 *assessments which may or may not lead to capital invest-*
19 *ments, and funds provided for the purchase of land for the*
20 *National Cemetery Administration through the land acqui-*
21 *sition line item, none of the funds appropriated under this*
22 *heading shall be used for any project which has not been*
23 *approved by the Congress in the budgetary process: Pro-*
24 *vided further, That funds provided in this appropriation*
25 *for fiscal year 2009, for each approved project shall be obli-*

1 *gated: (1) by the awarding of a construction documents con-*
2 *tract by September 30, 2009; and (2) by the awarding of*
3 *a construction contract by September 30, 2010: Provided*
4 *further, That the Secretary of Veterans Affairs shall*
5 *promptly submit to the Committees on Appropriations of*
6 *both Houses of Congress a written report on any approved*
7 *major construction project for which obligations are not in-*
8 *curred within the time limitations established above: Pro-*
9 *vided further, That of the amount appropriated in this*
10 *paragraph, \$923,382,000 shall be for the projects and ac-*
11 *tivities, and in the amounts, specified under this heading*
12 *in the explanatory statement described in section 4 (in the*
13 *matter preceding division A of this consolidated Act).*

14 *CONSTRUCTION, MINOR PROJECTS*

15 *For constructing, altering, extending, and improving*
16 *any of the facilities, including parking projects, under the*
17 *jurisdiction or for the use of the Department of Veterans*
18 *Affairs, including planning and assessments of needs which*
19 *may lead to capital investments, architectural and engi-*
20 *neering services, maintenance or guarantee period services*
21 *costs associated with equipment guarantees provided under*
22 *the project, services of claims analysts, offsite utility and*
23 *storm drainage system construction costs, and site acqui-*
24 *sition, or for any of the purposes set forth in sections 316,*
25 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and*
26 *8162 of title 38, United States Code, where the estimated*

1 *cost of a project is equal to or less than the amount set*
2 *forth in section 8104(a)(3)(A) of title 38, United States*
3 *Code, \$741,534,000, to remain available until expended,*
4 *along with unobligated balances of previous “Construction,*
5 *minor projects” appropriations which are hereby made*
6 *available for any project where the estimated cost is equal*
7 *to or less than the amount set forth in such section: Pro-*
8 *vided, That funds in this account shall be available for: (1)*
9 *repairs to any of the nonmedical facilities under the juris-*
10 *isdiction or for the use of the Department which are necessary*
11 *because of loss or damage caused by any natural disaster*
12 *or catastrophe; and (2) temporary measures necessary to*
13 *prevent or to minimize further loss by such causes: Provided*
14 *further: That \$7,000,000 of the amount appropriated in this*
15 *paragraph shall be for the installation of alternative fueling*
16 *stations at 35 medical facility campuses.*

17 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*
18 *FACILITIES*

19 *For grants to assist States to acquire or construct*
20 *State nursing home and domiciliary facilities and to re-*
21 *model, modify, or alter existing hospital, nursing home, and*
22 *domiciliary facilities in State homes, for furnishing care*
23 *to veterans as authorized by sections 8131 through 8137 of*
24 *title 38, United States Code, \$175,000,000, to remain avail-*
25 *able until expended.*

1 the “Medical services” and “Medical support and compli-
2 ance” accounts of 1 percent or less of the total amount ap-
3 propriated to the account in this or any other Act may take
4 place subject to notification from the Secretary of Veterans
5 Affairs to the Committees on Appropriations of both Houses
6 of Congress of the amount and purpose of the transfer: Pro-
7 vided further, That any transfers between the “Medical serv-
8 ices” and “Medical support and compliance” accounts in
9 excess of 1 percent, or exceeding the cumulative 1 percent
10 for the fiscal year, may take place only after the Secretary
11 requests from the Committees on Appropriations of both
12 Houses of Congress the authority to make the transfer and
13 an approval is issued: Provided further, That any transfers
14 to or from the “Medical facilities” account may take place
15 only after the Secretary requests from the Committees on
16 Appropriations of both Houses of Congress the authority to
17 make the transfer and an approval is issued.

18 SEC. 203. Appropriations available in this title for sal-
19 aries and expenses shall be available for services authorized
20 by section 3109 of title 5, United States Code, hire of pas-
21 senger motor vehicles; lease of a facility or land or both;
22 and uniforms or allowances therefore, as authorized by sec-
23 tions 5901 through 5902 of title 5, United States Code.

24 SEC. 204. No appropriations in this title (except the
25 appropriations for “Construction, major projects”, and

1 “Construction, minor projects”) shall be available for the
2 purchase of any site for or toward the construction of any
3 new hospital or home.

4 *SEC. 205. No appropriations in this title shall be*
5 *available for hospitalization or examination of any persons*
6 *(except beneficiaries entitled to such hospitalization or ex-*
7 *amination under the laws providing such benefits to vet-*
8 *erans, and persons receiving such treatment under sections*
9 *7901 through 7904 of title 5, United States Code, or the*
10 *Robert T. Stafford Disaster Relief and Emergency Assist-*
11 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*
12 *of the cost of such hospitalization or examination is made*
13 *to the “Medical services” account at such rates as may be*
14 *fixed by the Secretary of Veterans Affairs.*

15 *SEC. 206. Appropriations available in this title for*
16 *“Compensation and pensions”, “Readjustment benefits”,*
17 *and “Veterans insurance and indemnities” shall be avail-*
18 *able for payment of prior year accrued obligations required*
19 *to be recorded by law against the corresponding prior year*
20 *accounts within the last quarter of fiscal year 2008.*

21 *SEC. 207. Appropriations available in this title shall*
22 *be available to pay prior year obligations of corresponding*
23 *prior year appropriations accounts resulting from sections*
24 *3328(a), 3334, and 3712(a) of title 31, United States Code,*
25 *except that if such obligations are from trust fund accounts*

1 *they shall be payable only from “Compensation and pen-*
2 *sions”.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 208. Notwithstanding any other provision of law,*
5 *during fiscal year 2009, the Secretary of Veterans Affairs*
6 *shall, from the National Service Life Insurance Fund (38*
7 *U.S.C. 1920), the Veterans’ Special Life Insurance Fund*
8 *(38 U.S.C. 1923), and the United States Government Life*
9 *Insurance Fund (38 U.S.C. 1955), reimburse the “General*
10 *operating expenses” and “Information technology systems”*
11 *accounts for the cost of administration of the insurance pro-*
12 *grams financed through those accounts: Provided, That re-*
13 *imbursement shall be made only from the surplus earnings*
14 *accumulated in such an insurance program during fiscal*
15 *year 2009 that are available for dividends in that program*
16 *after claims have been paid and actuarially determined re-*
17 *serves have been set aside: Provided further, That if the cost*
18 *of administration of such an insurance program exceeds the*
19 *amount of surplus earnings accumulated in that program,*
20 *reimbursement shall be made only to the extent of such sur-*
21 *plus earnings: Provided further, That the Secretary shall*
22 *determine the cost of administration for fiscal year 2009*
23 *which is properly allocable to the provision of each such*
24 *insurance program and to the provision of any total dis-*
25 *ability income insurance included in that insurance pro-*
26 *gram.*

1 *SEC. 209. Amounts deducted from enhanced-use lease*
2 *proceeds to reimburse an account for expenses incurred by*
3 *that account during a prior fiscal year for providing en-*
4 *hanced-use lease services, may be obligated during the fiscal*
5 *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 Management*
10 *of the Department of Veterans Affairs and the Office of Em-*
11 *ployment Discrimination Complaint Adjudication under*
12 *section 319 of title 38, United States Code, for all services*
13 *provided at rates which will recover actual costs but not*
14 *exceed \$34,158,000 for the Office of Resolution Management*
15 *and \$3,278,000 for the Office of Employment and Discrimi-*
16 *nation Complaint Adjudication: Provided, That payments*
17 *may be made in advance for services to be furnished based*
18 *on estimated costs: Provided further, That amounts received*
19 *shall be credited to the “General operating expenses” and*
20 *“Information technology systems” accounts for use by the*
21 *office that provided the service.*

22 *SEC. 211. No appropriations in this title shall be*
23 *available to enter into any new lease of real property if*
24 *the estimated annual rental is more than \$1,000,000 unless*
25 *the Secretary submits a report which the Committees on*

1 *Appropriations of both Houses of Congress approve within*
2 *30 days following the date on which the report is received.*

3 *SEC. 212. No funds of the Department of Veterans Af-*
4 *fairs shall be available for hospital care, nursing home care,*
5 *or medical services provided to any person under chapter*
6 *17 of title 38, United States Code, for a non-service-con-*
7 *nected disability described in section 1729(a)(2) of such*
8 *title, unless that person has disclosed to the Secretary of*
9 *Veterans Affairs, in such form as the Secretary may require,*
10 *current, accurate third-party reimbursement information*
11 *for purposes of section 1729 of such title: Provided, That*
12 *the Secretary may recover, in the same manner as any other*
13 *debt due the United States, the reasonable charges for such*
14 *care or services from any person who does not make such*
15 *disclosure as required: Provided further, That any amounts*
16 *so recovered for care or services provided in a prior fiscal*
17 *year may be obligated by the Secretary during the fiscal*
18 *year in which amounts are received.*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 213. Notwithstanding any other provision of law,*
21 *proceeds or revenues derived from enhanced-use leasing ac-*
22 *tivities (including disposal) may be deposited into the*
23 *“Construction, major projects” and “Construction, minor*
24 *projects” accounts and be used for construction (including*
25 *site acquisition and disposition), alterations, and improve-*
26 *ments of any medical facility under the jurisdiction or for*

1 *the use of the Department of Veterans Affairs. Such sums*
2 *as realized are in addition to the amount provided for in*
3 *“Construction, major projects” and “Construction, minor*
4 *projects”.*

5 *SEC. 214. Amounts made available under “Medical*
6 *services” are available—*

7 *(1) for furnishing recreational facilities, sup-*
8 *plies, and equipment; and*

9 *(2) for funeral expenses, burial expenses, and*
10 *other expenses incidental to funerals and burials for*
11 *beneficiaries receiving care in the Department.*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *SEC. 215. Such sums as may be deposited to the Med-*
14 *ical Care Collections Fund pursuant to section 1729A of*
15 *title 38, United States Code, may be transferred to “Medical*
16 *services”, to remain available until expended for the pur-*
17 *poses of that account.*

18 *SEC. 216. Notwithstanding any other provision of law,*
19 *the Secretary of Veterans Affairs shall allow veterans who*
20 *are eligible under existing Department of Veterans Affairs*
21 *medical care requirements and who reside in Alaska to ob-*
22 *tain medical care services from medical facilities supported*
23 *by the Indian Health Service or tribal organizations. The*
24 *Secretary shall: (1) limit the application of this provision*
25 *to rural Alaskan veterans in areas where an existing De-*
26 *partment of Veterans Affairs facility or Veterans Affairs-*

1 *contracted service is unavailable; (2) require participating*
2 *veterans and facilities to comply with all appropriate rules*
3 *and regulations, as established by the Secretary; (3) require*
4 *this provision to be consistent with Capital Asset Realign-*
5 *ment for Enhanced Services activities; and (4) result in no*
6 *additional cost to the Department of Veterans Affairs or*
7 *the Indian Health Service.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 217. Such sums as may be deposited to the De-*
10 *partment of Veterans Affairs Capital Asset Fund pursuant*
11 *to section 8118 of title 38, United States Code, may be*
12 *transferred to the “Construction, major projects” and “Con-*
13 *struction, minor projects” accounts, to remain available*
14 *until expended for the purposes of these accounts.*

15 *SEC. 218. None of the funds available to the Depart-*
16 *ment of Veterans Affairs, in this Act, or any other Act, may*
17 *be used to replace the current system by which the Veterans*
18 *Integrated Services Networks select and contract for diabetes*
19 *monitoring supplies and equipment.*

20 *SEC. 219. None of the funds made available in this*
21 *title may be used to implement any policy prohibiting the*
22 *Directors of the Veterans Integrated Services Networks from*
23 *conducting outreach or marketing to enroll new veterans*
24 *within their respective Networks.*

25 *SEC. 220. The Secretary of Veterans Affairs shall sub-*
26 *mit to the Committees on Appropriations of both Houses*

1 of Congress a quarterly report on the financial status of
2 the Veterans Health Administration.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 221. Amounts made available under the “Medical
5 services”, “Medical support and compliance”, “Medical fa-
6 cilities”, “General operating expenses”, and “National
7 Cemetery Administration” accounts for fiscal year 2009,
8 may be transferred to or from the “Information technology
9 systems” account: Provided, That before a transfer may take
10 place, the Secretary of Veterans Affairs shall request from
11 the Committees on Appropriations of both Houses of Con-
12 gress the authority to make the transfer and an approval
13 is issued.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 222. Amounts made available for the “Informa-
16 tion technology systems” account may be transferred be-
17 tween projects: Provided, That no project may be increased
18 or decreased by more than \$1,000,000 of cost prior to sub-
19 mitting a request to the Committees on Appropriations of
20 both Houses of Congress to make the transfer and an ap-
21 proval is issued, or absent a response, a period of 30 days
22 has elapsed.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 223. Any balances in prior year accounts estab-
25 lished for the payment of benefits under the Reinstated En-
26 titlement Program for Survivors shall be transferred to and

1 merged with amounts available under the “Compensation
2 and pensions” account, and receipts that would otherwise
3 be credited to the accounts established for the payment of
4 benefits under the Reinstated Entitlement Program for Sur-
5 vivors program shall be credited to amounts available under
6 the “Compensation and pensions” account.

7 *SEC. 224. Section 1710(f)(2)(B) of title 38, United*
8 *States Code, is amended by striking “September 30, 2008,”*
9 *and inserting “September 30, 2009,”.*

10 *SEC. 225. Section 1729(a)(2)(E) of title 38, United*
11 *States Code, is amended by striking “October 1, 2008,” and*
12 *inserting “October 1, 2009,”.*

13 *SEC. 226. The Department shall continue research into*
14 *Gulf War illness at levels not less than those made available*
15 *in fiscal year 2008, within available funds contained in*
16 *this Act.*

17 *SEC. 227. (a) Upon a determination by the Secretary*
18 *of Veterans Affairs that such action is in the national inter-*
19 *est, and will have a direct benefit for veterans through in-*
20 *creased access to treatment, the Secretary of Veterans Af-*
21 *fairs may transfer not more than \$5,000,000 to the Sec-*
22 *retary of Health and Human Services for the Graduate*
23 *Psychology Education Program, which includes treatment*
24 *of veterans, to support increased training of psychologists*

1 *skilled in the treatment of post-traumatic stress disorder,*
2 *traumatic brain injury, and related disorders.*

3 *(b) The Secretary of Health and Human Services may*
4 *only use funds transferred under this section for the pur-*
5 *poses described in subsection (a).*

6 *(c) The Secretary of Veterans Affairs shall notify Con-*
7 *gress of any such transfer of funds under this section.*

8 *SEC. 228. None of the funds appropriated or otherwise*
9 *made available by this Act or any other Act for the Depart-*
10 *ment of Veterans Affairs may be used in a manner that*
11 *is inconsistent with—*

12 *(1) section 842 of the Transportation, Treasury,*
13 *Housing and Urban Development, the Judiciary, and*
14 *Independent Agencies Appropriations Act, 2006 (Pub-*
15 *lic Law 109–115; 119 Stat. 2506); or*

16 *(2) section 8110(a)(5) of title 38, United States*
17 *Code.*

18 *SEC. 229. The Secretary of Veterans Affairs may carry*
19 *out a major medical facility lease in fiscal year 2009 in*
20 *an amount not to exceed \$12,000,000 to implement the rec-*
21 *ommendations outlined in the August 2007 Study of South*
22 *Texas Veterans' Inpatient and Specialty Outpatient Health*
23 *Care Needs.*

24 *SEC. 230. Of the amounts made available to the De-*
25 *partment of Veterans Affairs for fiscal year 2009, in this*

1 *Act or any other Act, under the “Medical Facilities” ac-*
2 *count for non-recurring maintenance, not more than 20*
3 *percent of the funds made available shall be obligated dur-*
4 *ing the last 2 months of the fiscal year: Provided, That the*
5 *Secretary may waive this requirement after providing writ-*
6 *ten notice to the Committees on Appropriations of both*
7 *Houses of Congress.*

8 *SEC. 231. Section 2703 of the Emergency Supple-*
9 *mental Appropriations Act for Defense, the Global War on*
10 *Terror, and Hurricane Recovery, 2006 (120 Stat. 469) is*
11 *amended—*

12 *(1) by inserting “(a)” before “Notwithstanding”;*

13 *and*

14 *(2) by adding at the end the following:*

15 *“(b) This land shall be owned by the City of Gulfport*
16 *for no less than 50 years from the date of enactment of this*
17 *Act.”.*

18 *SEC. 232. None of the funds made available in this*
19 *Act may be used to carry out section 111(c)(5) of title 38,*
20 *United States Code, during fiscal year 2009.*

21 *SEC. 233. Notwithstanding any other provision of law,*
22 *authority to carry out activities provided for under section*
23 *1703(d)(4) of title 38, United States Code, shall continue*
24 *in effect until January 31, 2009, unless prior to that date,*

1 *authorization is enacted into law otherwise extending this*
2 *authority.*

3 *SEC. 234. Notwithstanding any other provision of law,*
4 *authority to carry out activities provided for under section*
5 *5317(g) of title 38, United States Code, shall continue in*
6 *effect until January 31, 2009, unless prior to that date, au-*
7 *thorization is enacted into law otherwise extending this au-*
8 *thority.*

9 *TITLE III*

10 *RELATED AGENCIES*

11 *AMERICAN BATTLE MONUMENTS COMMISSION*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses, not otherwise provided for, of*
14 *the American Battle Monuments Commission, including the*
15 *acquisition of land or interest in land in foreign countries;*
16 *purchases and repair of uniforms for caretakers of national*
17 *cemeteries and monuments outside of the United States and*
18 *its territories and possessions; rent of office and garage*
19 *space in foreign countries; purchase (one-for-one replace-*
20 *ment basis only) and hire of passenger motor vehicles; not*
21 *to exceed \$7,500 for official reception and representation*
22 *expenses; and insurance of official motor vehicles in foreign*
23 *countries, when required by law of such countries,*
24 *\$59,470,000, to remain available until expended.*

1 \$1,000 for official reception and representation expenses,
2 \$36,730,000, to remain available until expended. In addi-
3 tion, such sums as may be necessary for parking mainte-
4 nance, repairs and replacement, to be derived from the
5 Lease of Department of Defense Real Property for Defense
6 Agencies account.

7 Funds appropriated under this Act may be provided
8 to Arlington County, Virginia, for the relocation of the fed-
9 erally owned water main at Arlington National Cemetery
10 making additional land available for ground burials.

11 *ARMED FORCES RETIREMENT HOME*

12 *TRUST FUND*

13 For expenses necessary for the Armed Forces Retire-
14 ment Home to operate and maintain the Armed Forces Re-
15 tirement Home—Washington, District of Columbia, and the
16 Armed Forces Retirement Home—Gulfport, Mississippi, to
17 be paid from funds available in the Armed Forces Retire-
18 ment Home Trust Fund, \$63,010,000, of which \$8,025,000
19 shall remain available until expended for construction and
20 renovation of the physical plants at the Armed Forces Re-
21 tirement Home—Washington, District of Columbia and the
22 Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

GENERAL PROVISIONS

1
2
3 *SEC. 401. No part of any appropriation contained in*
4 *this Act shall remain available for obligation beyond the*
5 *current fiscal year unless expressly so provided herein.*

6 *SEC. 402. Such sums as may be necessary for fiscal*
7 *year 2009 for pay raises for programs funded by this Act*
8 *shall be absorbed within the levels appropriated in this Act.*

9 *SEC. 403. None of the funds made available in this*
10 *Act may be used for any program, project, or activity, when*
11 *it is made known to the Federal entity or official to which*
12 *the funds are made available that the program, project, or*
13 *activity is not in compliance with any Federal law relating*
14 *to risk assessment, the protection of private property rights,*
15 *or unfunded mandates.*

16 *SEC. 404. No part of any funds appropriated in this*
17 *Act shall be used by an agency of the executive branch, other*
18 *than for normal and recognized executive-legislative rela-*
19 *tionships, for publicity or propaganda purposes, and for*
20 *the preparation, distribution, or use of any kit, pamphlet,*
21 *booklet, publication, radio, television, or film presentation*
22 *designed to support or defeat legislation pending before*
23 *Congress, except in presentation to Congress itself.*

24 *SEC. 405. All departments and agencies funded under*
25 *this Act are encouraged, within the limits of the existing*

1 *statutory authorities and funding, to expand their use of*
2 *“E-Commerce” technologies and procedures in the conduct*
3 *of their business practices and public service activities.*

4 *SEC. 406. None of the funds made available in this*
5 *Act may be transferred to any department, agency, or in-*
6 *strumentality of the United States Government except pur-*
7 *suant to a transfer made by, or transfer authority provided*
8 *in, this or any other appropriations Act.*

9 *SEC. 407. Unless stated otherwise, all reports and noti-*
10 *fications required by this Act shall be submitted to the Sub-*
11 *committee on Military Construction, Veterans Affairs, and*
12 *Related Agencies of the Committee on Appropriations of the*
13 *House of Representatives and the Subcommittee on Military*
14 *Construction, Veterans Affairs, and Related Agencies of the*
15 *Committee on Appropriations of the Senate.*

16 *SEC. 408. None of the funds made available in this*
17 *Act may be used to modify the standards applicable to the*
18 *determination of the entitlement of veterans to special*
19 *monthly pensions under sections 1513(a) and 1521(e) of*
20 *title 38, United States Code, as in effect pursuant to the*
21 *opinion of the United States Court of Appeals for Veterans*
22 *Claims in the case of Hartness v. Nicholson (No. 04–0888,*
23 *July 21, 2006).*

24 *SEC. 409. None of the funds made available in this*
25 *Act may be used for a project or program named for an*

1 *individual then serving as a Member, Delegate, or Resident*
2 *Commissioner of the United States Congress.*

3 *This division may be cited as the “Military Construc-*
4 *tion and Veterans Affairs and Related Agencies Appropria-*
5 *tions Act, 2009”.*

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

H.R. 2638

**HOUSE AMENDMENT
TO SENATE
AMENDMENT**