

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

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

**1 SECTION 1. SHORT TITLE.**

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

**5 SEC. 2. TABLE OF CONTENTS.**

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

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

**7 SEC. 3. REFERENCES.**

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

**12 SEC. 4. EXPLANATORY STATEMENT.**

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

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



1     DIVISION A—CONTINUING APPROPRIATIONS  
2                     RESOLUTION, 2009

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 SEC. 170. Notwithstanding the limitation in the first  
10 sentence of section 255(g) of the National Housing Act  
11 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and  
12 Urban Development may, until the date specified in sec-  
13 tion 106(3) of this joint resolution, insure and enter into  
14 commitments to insure mortgages under section 255 of  
15 such Act.

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

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

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

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

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

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