

1<sup>st</sup> FY 2009 Continuing Resolution HR 2638 - P.L. 110-329  
Conference Report...

[House Appropriations Committee Print]

Consolidated Security, Disaster Assistance, and Continuing  
Appropriations Act, 2009

(H.R. 2638; P.L. 110-329)

DIVISION A--CONTINUING APPROPRIATIONS RESOLUTION, 2009

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[Clerk's note: Four sections which precede division A in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act apply to all divisions of the Act, including this one. The text of these sections is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009''.

SEC. 2. TABLE OF CONTENTS.

[Text omitted for purposes of this note]

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ``this Act'' or ``this joint resolution'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this legislation, printed in the House of Representatives section of the Congressional Record on or about September 24, 2008 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

Reproduced below is the text of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (H.R. 2638; P.L. 110-329) as presented to the President for signature.]

Legislative Text, Division A

DIVISION A--CONTINUING APPROPRIATIONS RESOLUTION, 2009

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

Sec. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2008 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2008, and for which appropriations, funds, or other authority were made available in the following appropriations Acts: divisions A, B, C, D, F, G, H, J, and K of the Consolidated Appropriations Act, 2008 (Public Law 110-161).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 114. Notwithstanding section 101, amounts are provided for ``Department of Agriculture--Food and Nutrition Service--Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' at a rate for operations of \$6,658,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 129. (a) Notwithstanding any other provision of this joint resolution, there is appropriated \$7,510,000,000 for fiscal year 2009 for ``Department of Energy--Energy Programs--Advanced Technology Vehicles Manufacturing Loan Program Account'' for the cost of direct loans as authorized by section 136(d) of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17013(d)), to remain available until expended. Of such amount, \$10,000,000 shall be used for administrative expenses in carrying out the direct loan program. Commitments for direct loans using such amount shall not exceed \$25,000,000,000 in total loan principal. The cost of such direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

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

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

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

(2) In subsection (e), by striking ``The Secretary shall issue regulations that require that,' and

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

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

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

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

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

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

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

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

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

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

Sec. 134. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the

heading ``District of Columbia Funds'' for such programs and activities under title IV of S. 3260 (110th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ``District of Columbia Funds'' as included in the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 9, 2008.

Sec. 135. Notwithstanding section 101, amounts are provided for ``Federal Payment for Emergency Planning and Security Costs in the District of Columbia'' for a direct Federal payment to the District of Columbia, at a rate for operations of \$15,000,000.

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

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

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

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

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

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

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

(b) The adjustment in rates of basic pay for the statutory

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

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

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

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

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

Sec. 145. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for ``September 30, 2008''.

Sec. 146. Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ``September 30, 2008''.

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

Sec. 148. Section 337(a) of division E of Public Law 108-447, as amended by section 420 of division F of Public Law 110-161, shall be applied by substituting the date specified in section 106(3) of this joint resolution for ``September 30, 2008''.

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

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

Sec. 151. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ``Department of the Interior--National Park Service--Operation of the National Park System'' for security and visitor safety activities related to the Presidential Inaugural Ceremonies, at a rate for operations of \$2,000,000.

Sec. 152. (a) Sections 104, 105, and 433 of division F of



Public Law 110-161 shall not apply to amounts provided by this joint resolution.

(b) Nothing in this section amends or shall be construed as amending the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the public comment periods mandated by section 18 of that Act (43 U.S.C. 1344), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or any other law or regulation.

Sec. 153. Amounts provided by section 101 for implementation of the Modified Water Deliveries to Everglades National Park shall be made available to the Army Corps of Engineers, which shall immediately carry out Alternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail) as substantially described in the Limited Reevaluation Report with Integrated Environmental Assessment and addendum, approved August 2008, which, for purposes of this section, is determined to meet the requirements of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), including subsection (r), in order to achieve the goals set forth in section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8).

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

Sec. 155. (a) In lieu of the amount otherwise provided by section 101 for ``Department of Health and Human Services--Administration for Children and Families--Low-Income Home Energy Assistance'', there is appropriated for such account for making payments under the Low-Income Home Energy Assistance Act of 1981, \$5,100,000,000, which shall remain available through September 30, 2009. Of such amount, \$4,509,672,000 is for payments under subsections (b) and (d) of section 2602 of such Act and \$590,328,000 is for payments under subsection (e) of such section. All but \$839,792,000 of the amount provided by this section for such subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2009 was less than \$1,975,000,000.

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

(c) The amount provided by this section shall be obligated to States within 30 calendar days from the date of enactment of this joint resolution.

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

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

Sec. 156. Notwithstanding section 101, amounts are provided for ``Corporation for National and Community Service--Operating Expenses'' to carry out subtitle E of the National and Community Service Act of 1990 at a rate for operations of \$23,782,000.

Sec. 157. (a) Amounts provided by section 101 for ``Department of Health and Human Services--Office of the Secretary--General Departmental Management'' are also available for the purpose of funding the National Commission on Children and Disasters authorized under title VI of division G of Public Law 110-161 (the ``title VI Commission'').

(b) Effective on and after the date of enactment of this joint resolution (1) the National Commission on Children and Disasters established by the Secretary of Health and Human Services under section 1114 of the Social Security Act (the ``section 1114 Commission''), together with its members, personnel, and other resources and obligations, shall be considered to be the title VI Commission and shall no longer be subject to the provisions of such section 1114; and (2) for purposes of any contract entered into by any component of the Department of Health and Human Services in fiscal year 2008 for support of the section 1114 Commission, any reference to the section 1114 Commission shall be deemed to refer to the title VI Commission.

Sec. 158. (a) Notwithstanding section 101, amounts are provided for ``Department of Education--Student Financial Assistance'' at a rate for operations of \$18,627,136,000, of which \$16,761,000,000 shall be for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965.

(b) Subparagraph (E) of section 401(b)(8) of the Higher Education Act of 1965 shall not apply to any funds made available under subparagraph (A) of such section through the date specified in section 106(3) of this joint resolution.

Sec. 159. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to the heirs-at-law of Stephanie Tubbs Jones, late a Representative from the State of Ohio, \$169,300.

Sec. 160. (a) Notwithstanding any other provision of this joint resolution, there is appropriated for ``Department of Veterans Affairs--Veterans Benefits Administration--Filipino Veterans Equity Compensation Fund'' for payments to eligible persons who served in the Philippines during World War II as authorized, \$198,000,000, to remain available until expended.

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

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

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

Sec. 163. Notwithstanding any other provision of this joint resolution, up to \$5,000,000 of the amounts appropriated under the heading ``Other Bilateral Economic Assistance--Department of the Treasury--Debt Restructuring'' in Public Law 109-102, in such Act as made applicable to fiscal year 2007 by the Continuing Appropriations Resolution, 2007 (as amended by Public Law 110-5), and in title III of division J of Public Law 110-161, may be used to assist Liberia in buying back its commercial debt through the Debt Reduction Facility of the International Development Association.

Sec. 164. The first proviso under the heading ``Department of State--Migration and Refugee Assistance'' in title III of division J of Public Law 110-161 shall not apply to amounts provided by this joint resolution.

Sec. 165. Notwithstanding section 101 of this joint resolution, the number in the third proviso under the heading ``Military Assistance--Funds Appropriated to the President--Foreign Military Financing Program'' in title IV of division J of Public Law 110-161 shall be deemed to be \$670,650,000 and shall apply to the \$2,550,000,000 made available for assistance for Israel in fiscal year 2009 under the heading ``Foreign Military Financing Program''.

Sec. 166. Notwithstanding section 101, amounts are provided for ``Department of Transportation--Federal Aviation Administration--Operations'' at a rate for operations of \$8,756,800,000, of which not less than \$1,099,402,000 shall be available for aviation safety activities.

Sec. 167. Amounts provided by section 101 for ``Department of Transportation--Maritime Administration--Operations and Training'' shall include amounts necessary to satisfy the salaries and benefits of employees of the United States Merchant Marine Academy, to be derived solely from the total amount made available in this joint resolution for the United States Merchant Marine Academy. The Secretary of Transportation shall inform the Committees on Appropriations of the House of Representatives and the Senate of salaries and expenses funding obligated for personnel that had heretofore not been compensated from funds made available under this account.

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

Sec. 169. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for ``September 30, 2008''.

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

Sec. 171. During the period covered by this joint resolution,

commitments to guarantee loans insured under the Mutual Mortgage Insurance Fund, as authorized by the National Housing Act (12 U.S.C. 1701 et seq.), shall not exceed a loan principal of \$1,154,000,000 multiplied by the number of days in such period.

Sec. 172. Notwithstanding any other provision of this joint resolution, from funds made available for personnel compensation and benefits or salaries and expenses under any account in title II of division K of Public Law 110-161 (except for ``Office of Inspector General'' and ``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.

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.

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.

This division may be cited as the ``Continuing Appropriations Resolution, 2009''.

[Clerk's note: Reproduced below is the material relating to division A contained in the ``Explanatory Statement Submitted by Mr. Obey, Chairman of the House Committee on Appropriations, Regarding the Amendment of the House of Representatives to the Senate Amendment to H.R. 2638''.\1\]

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\1\ This Explanatory Statement was submitted for printing in the Congressional Record on September 24, 2008, prior to House consideration of the amendment and as directed by the House of Representatives in section 3 of H. Res. 1488. The Statement appears in Book II of the September 24 Congressional Record.  
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#### Explanatory Statement, Division A

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

Division A provides continuing appropriations for all agencies and activities that would be covered by the regular fiscal year 2009 appropriations bills, until enactment of the applicable regular appropriations bill or until March 6, 2009, whichever occurs first.

##### DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Neither the legislative text of division A nor the accompanying explanatory statement contains any congressional earmarks, congressionally directed spending items, limited tax benefits or limited tariff benefits (as defined in clause 9 of

rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively).

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