FOOD AND DRUG AMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-3 13 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107-188; ~~$2,247,961,000~~ **$2,332,425,000: Provided**, That of the amount provided under this heading, ~~$459,412,000~~ **$511,108,000** shall be derived from prescription drug user fees authorized by 2 1 U.S.C. 37911 **and 379h-1** shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year ~~2009~~ **2010** but collected in fiscal year ~~2008~~ **2009**; ~~$48,431,000~~ **$52,547,000** shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended ~~; and $13,696,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended~~ : Provided further, That fees derived from prescription drug, and medical device ~~and animal drug~~ assessments for fiscal year 2009 received during fiscal year ~~2008~~ **2009**, including-any such fees assessed prior to ~~the current~~ fiscal year 2009 but credited ~~during the current~~ **for fiscal year-2009,** shall be subject to the fiscal year ~~2008 limitation~~ **2009 limitations.** ~~Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $513,461,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $682,759,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $41,900,000 shall be available for the Office of Generic Drugs; (3) $236,985,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $109,244,000 shall be for the Center for Veterinary Medicine and for related field~~

~~activities in the Office of Regulatory Affairs; (5) $267,284,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; *(6)* $43 16,000 shall be for the National Center for Toxicological Research; (7) not to exceed $99,922,000 shall be for Rent and Related activities, of which $38,808,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed $160,094,000 shall be for payments to the General Services Administration for rent; and (9) $133,896,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That of the amounts made available under this heading, $28,000,000 for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs shall be available from July 1, 2008, to September 30, 2009, for implementation of a comprehensive food safety performance plan: *Provided further*, That none of the funds made available under this heading shall be used to transfer h d s under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.~~

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

Buildings and Facilities

For plans, construction, repair**,** improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, ~~$2,450,000~~ **$2,433,000**, to remain available until expended.

SALARIES AND EXPENSES

(Legislative proposal, not subject to PAYGO)

Contingent upon the enactment of authorizing legislation, the Secretary shall charge a fee for animal drug review activities: Provided, That such fees, in an amount not to exceed $13,698,000, shall be credited as an offsetting collection to this account and remain available until expended for the purpose of animal drug review activities: Provided further, That fees derived from animal drug review assessments for FY 2009 received during fiscal year 2009, including fees assessed prior to fiscal year 2009 but credited for fiscal year 2009, shall be subject to fiscal year 2009 limitations.

In addition, contingent upon the enactment of authorizing legislation, the Secretary shall charge a fee for animal generic drug review activities: Provided, That such fees, in an amount not to exceed $4,831,000, shall be credited as an offsetting collection to this account, to remain available until expended for animal generic drug review activities. In addition, contingent upon the enactment of authorizing legislation, the Secretary shall charge a fee for generic drug review activities: Provided, that such fees, in an amount not to exceed $16,628,000, shall be credited as an offsetting collection to this account, to remain available until expended for generic drug review activities.